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CONGRESSIONAL RECORD:

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THE PROCEEDINGS AND DEBATES

OF THE

SIXTIETH CONGRESS, FIRST SESSION.

VOLUME XLII.

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VOLUME XLII, PART IV.

CONGRESSIONAL RECORD.

SIXTIETH CONGRESS, FIRST SESSION.

Since we are called upon so frequently to contemplate death and know that we shall before long explore the "uncharted seas" ourselves, let us contemplate it as a state less mysterious and even more natural than life. The only thing we need fear about it is that it may catch us using life unwisely—with empty hands and work all undone.

The brave man learns, as the soldier does, to put the fear of his own death behind him, and if he think of death at all it will be at such times when the scythe has cut down some loved one or some honored friend and colleague, as is the case with us this hour.

For himself there is no fear. No man can afford to waste his thoughts and time on death. The work we are put here to do demands our energies and powers. Just in proportion as we do this work faithfully will we be held in esteem by our fellows—our names recalled with pleasure and our memories revered by the generations that follow us.

In the death of CAMPBELL SLEMP, Lee County, Va., has lost an honored and useful citizen, and the Ninth Virginia District a Representative who was honored by an election for three successive terms in Congress.

He was a man of action and his life was one of achievement, as we may well infer from the period of his birth and the condition of southwest Virginia at that time. Lee County is that extreme southwest section of the Commonwealth of Virginia, running like a wedge for a number of miles between the State of Kentucky on the north and Tennessee on the south. In the youth of SLEMP no railroads penetrated the mountains of Lee County. Stock were driven through the Allegheny Mountains or up the Shenandoah Valley to Baltimore. Goods were hauled long distances to market over mountain roads. The people were poor, while great riches were hidden beneath the rugged mountains that look eternal.

These very conditions, however, helped to produce strong and practical men who developed self-reliance and determination. These characteristics were observed by those who were thrown with Colonel SLEMP. After attending the schools in Lee County he was sent to Emory and Henry College, one of the oldest institutions of learning in southwest Virginia. It is said that at Emory and Henry he was not only a diligent student, but one of the most popular. Then, no doubt, developed those traits that made him a favorite with his fellows in civil and military life and giving him at the age of 21 a captaincy in the Confederate States of America.

It is shown by the Confederate records that CAMPBELL SLEMP entered the Confederate service September 16, 1861, at Camp Lane, Lee County, Va., as captain Company A, Pound Gap Battalion, afterwards known as Company A, Twenty-first Battalion Virginia Cavalry, Confederate States army. He was promoted to be lieutenant-colonel, same battalion, date not stated, and he was reported present with the organization on April 30, 1862. On November 24, 1862, the regiment was consolidated with other Virginia troops to form the Sixty-fourth Virginia Infantry, Confederate States army, and he was appointed colonel of the new regiment, to rank from December 14, 1862.

The Union sentiment north of Lee County was strong—that in East Tennessee was still stronger—yet the people of Lee County, for the most part, were loyal to their State and the Confederacy, and furnished their full quota of men to the Southern army.

These men under SLEMP were engaged at Pound Gap and were there opposed by Colonel (afterwards General) Garfield. Later this command was sent over into Kentucky, where it took part in many skirmishes with the Union forces.

Returning to Virginia, Colonel SLEMP organized the Sixty-fourth Virginia Regiment, of which he became colonel, and with this regiment operated in Virginia, East Tennessee, and eastern Kentucky. The services of his regiment practically ended at Cumberland Gap in 1865, where General Frazier and his command was surrendered to the Union forces. The Union records of prisoners of war show that Colonel SLEMP was paroled May 2, 1865, at Cumberland Gap, Tenn.

In the death of Colonel SLEMP another of the ex-Confederates of this House has fallen on sleep. In the Fifty-fourth Congress there were thirty-two of these men here. To-day we number seven. In the Southland they are falling more rapidly than they fell in battle, and on the other side, those by whose deeds of valor we may well measure our chivalry and manhood are falling at the rate of 300 each month.

The conflict in which they engaged will soon be only a memory, while their sons will vie with each other in paying tribute to the heroism and valor of the men who wore the blue and the men who wore the gray. Monuments to each will be built on the battlefields where American valor won and lost. Faithful historians will record the facts free from the prejudices of the hour and can not fail to make mention that the one side was right under the strict construction of the Constitution and the other side right under the changed conditions of public sentiment in their respective communities. The philosophical historian of the future will not fail to record the achievements in civil life of the men who returned from the armies to their homes—often to desolate homes, where there was more than one vacant chair.

On the Southern side it required more moral courage and strength of character to meet the stern duties and pressing responsibilities of life than it did to face the mortal perils of the battlefield. Heroes they were called in war. Greater heroes were these men in peace. For their sacrifices and toils in building up their wasted fortunes; for their patience under the reconstruction laws; for their manly triumph over innumerable difficulties, due to burdensome taxation and constantly falling prices, the world will some day mete out to them full praise in story and song.

The company and regiment that Colonel SLEMP led in the engagements to which we have referred were among these men. They averaged perhaps 25 years of age when the curtain fell upon the tragic scene at Appomattox, and for the most of them at Cumberland Gap. Lee County had suffered greatly, though not so much as the counties that I have the honor to represent on this floor. These men, with their comrades, have made that county rich by their enterprise and their labors. Many of them, like Colonel SLEMP, were men of intelligence and force of character, and became, as he did, leading figures in the civil and business life of his section.

In 1878 they elected him to the house of delegates of Virginia over several competitors. In 1889 he was nominated on his ticket for lieutenant-governor and made a thorough canvass of the State. He was often selected as chairman of district and State conventions and was elector in the Harrison and McKinley campaigns.

The people of his district, who were better judges of his life and character than we, who were only thrown with him in the ordinary business of this House, bestowed on him their highest honors, and elected him over talented men like Wysor and Bruce and others.

Southwest Virginia is Republican for two reasons not well understood on this floor. The old-time Whigs inherited their opposition to Democracy. Even the most conservative of the Clay Whigs had to be graduated into the Democratic ranks through the name of "Conservative Democrats."

A great number refused to take the degree. In 1878 a third party, the Readjuster party, swept the State, producing bitterness of feeling and dividing the Democratic party. Its success was made possible through the negro vote. It soon ran its course, and when the flood subsided it left a few strong and many good men in the Republican party who had hitherto affiliated with the Democrats. Like many revolutions, it had its compensations. It taught some Democrats to conquer their prejudices, and it impressed nearly all with the stern necessity of holding to the "ancient landmarks."

The members of the grand old party of southwest Virginia can not be designated by their complexions altogether. A bright little girl of 7 years of age in my hotel from one of the Southern States, addressing a gentle and comely lady from New Jersey, said: "Are you a republic?" The lady replied: "Yes; I am what you call a republic." The child quickly replied: "Well, you are too good looking; you are the best looking republic I ever saw." Had the little child been raised within the shadow of the mountains of southwest Virginia or played along the banks of the limpid streams that flow on forever she would have met as many fair "republics" as ever watched from the Jersey coast the incoming tide from old ocean's wave.

Mr. Chairman, the laws of compensation come to most men as they journey through this bustling, active life that the pessimist describes as a "vale of tears."

Men like Colonel SLEMP, who had to be the architects of their own fortune and struggle heroically against adverse conditions, are often comforted, as he was, with children, who grew up around him with advantages and opportunities that were denied him. He looked upon these as beings of new hope and labored well to educate them. If from the spirit land we shall watch the scenes being enacted here, our deceased colleague beholds with delight and gratification his seat filled by his own son. Man lives again in those to whom he has given being. Our mistakes only furnish beacon lights to warn them of danger, while our little successes stimulate them to renewed efforts and serve as guideposts along life's journey.

In paying this tribute to the memory of my deceased colleague, I express the earnest hope that happiness and contentment may attend those who immediately bind his memory to earth.

Mr. HOLLIDAY. Mr. Speaker, during the last few years of his life I was well and intimately acquainted with CAMPBELL SLEMP. During the Fifty-eighth and Fifty-ninth Congresses we boarded at the same hotel. We were about the same age. He had worn the gray while I was wearing the blue, and, like a great many other old men, we liked to get together and exchange reminiscences. We lived to some extent in the past, as is characteristic of men of our age. In that way our friendship became intimate and, like everybody else who knew him, I liked him well. His laugh was so genial, his smile was so contagious, his hearty hand grasp was so wholesome that it was a delight and joy to meet him. We never talked politics. We would most of our time talk about old times when we were boys, and we got a lot of pleasure out of it, and to-day I take a great deal of pleasure in remembering those things and the pleasure I got and the pleasure I gave to him during those conversations. When the war broke out between the two sections of the country Mr. SLEMP threw in his fortune with his State as against the great body of the nation. He fought her battles well and gallantly. He led men, as gallant soldiers as followed Alexander the Great during his career, and when the fortune of war had gone against him, when the flag he loved went down in defeat, he did not repine; he did not go whining about, complaining of his ill luck. He went to work, like thousands of other brave men who were with him, to build up the country that had been destroyed, to replace the waste places, and restore the grand old Commonwealth which he loved so well to her ancient prosperity.

I am glad he did this, not only he but thousands of others, and from that time onward he had the interest of his State as well as the interest of the United States closely at heart. There are men who will say that CAMPBELL SLEMP was wrong when he cast his fortunes with the Confederacy; there are men who will say that he was wrong when he cast his political fortunes with the party to which he had been a long time opposed. We will not discuss that. That is not for us to say, but we who know him, know that his convictions were as strong as the eternal hills among which he dwelt, and either in peace or war, in the field of battle or in the field of politics, CAMPBELL SLEMP followed his convictions, and that is enough for us to know. He had a stormy career undoubtedly. He was situated so, and his environments were such that it must have been stormy; but after life's fitful fever he sleeps well, and his death admonishes those of us who are his contemporaries, if we need any admonition, that our time is coming within the near future. We have nothing to complain about; we have done our part; we have tried to do it. I may say in passing, in speaking of his legislative career, although I was intimate with him, we did not talk very much about legislative matters, and I am inclined to think, to be fair about it, that he, like myself and a few others, entered the political arena too late in life to acquire distinction in the halls of legislation, but he did his duty. He was honest, upright, fair, always ready. No amount of trouble and no amount of worry could dim his good humor or bring a frown to his face. He has gone and they are fast going.

Those men who played an important part during those troublous days are fast passing away. We think they have done their share well, and it seems to me there is nothing grander in history than the action of the two great armies after the civil war. I speak of this to-day because he was a splendid representative of one of those armies. The Northern army—flushed with victory, some people thought they would establish a military dictatorship over this country—melted away into the ranks of peaceful life without causing a ripple. The Southern army, while they told us, and I confess I had some fears, they would start a guerrilla warfare, did nothing of the kind, but went to peaceful pursuits in life, and the country in a few years was as strong and vigorous as ever.

Gentlemen, I regard that as really greater than the battles which these men fought, the battle of self-abnegation, the battle for better things and better conditions after the bloody conflict was over.

CAMPBELL SLEMP has passed away. We, his contemporaries, will not survive him very long, but we are glad to know that the world has grown since we have been in it. It is one of those things that gives pride to a man, who has climbed to the heights of life and is going down on the other side, to know that he will leave the world a little better than he found it. I feel that, and I am optimistic about it. The men who, like CAMPBELL SLEMP, have set an example of duty to a cause, whether right or wrong, consecrated themselves and their lives to what they believed to be right, and are among the country's noblest exemplars.

Mr. CHANEY. Mr. Speaker—

> We live in deeds, not years; in thoughts, not breaths;
> In feelings, not in figures on a dial.
> We should count time by heart-throbs. He most lives
> Who thinks most, feels the noblest, acts the best.

CAMPBELL SLEMP was a Virginian by birth and life. In 1839 his eyes first saw the light. He honored the State which gave him birth, and for almost fourscore years, boy and man, he served well the "Old Dominion." I served on no committee with him here.

I knew him only since he came to Congress; and I found him genial, sociable, and reliable. Endowed by nature with a happy turn of mind, he wore the cares of public office easily and agreeably. He was always at his best in answering a political question, deciding a post-office controversy or proving to a constituent why he failed to accomplish a task. Living only a limited distance from the National Capital, and being the only Republican Member from his State, everybody from Virginia came to him for everything; and every morning from 7 o'clock to noon, at the Ebbitt House, where we both lived, and in the lobby of the House when Congress was in session, and again at the hotel up to the hour of retirement at night, the hearty laugh of Mr. SLEMP was heard. Everyone liked him, for he was everyone's friend.

In the "great unpleasantness" he, with the ardor of a local pride and the inspiration of a controlling environment, served the Confederate cause. As captain, lieutenant-colonel, and colonel he chivalrously wore the "gray" and valiantly battled for the avowed sovereignty of the Southern States. On a Confederate tombstone in Georgia there is an inscription: "To the memory of those who died for a brave and simple faith." It was in this "brave and simple faith" he believed, and for this "brave and simple faith" he fought on to the end of that incomparable struggle. But when the swift, flashing blade had declared that there was no sovereignty but the Stars and Stripes, he doffed the habiliments of rebellion and held up his hand to the Lincoln interpretation of the Constitution, Southern Democrat though he was. After that the prejudices of reconstruction did not concern him quite so much as fidelity to the Union, and with patriotic devotion he labored to rebuild the temple of absolute liberty "without the hope of fee or reward." To that purpose he brought every energy and every faculty. Not finding a ready enough acceptance of the "malice toward none, and the charity for all" of the sainted President, and differing with his party on some important public questions, he left the Democratic party in 1880, along with that splendid Virginia American, William Mahone. He soon enrolled his name among those who believe that "one man's liberty ends where another's begins." He was not one of those to commit "the unpardonable sin," and there was no unpardonable sin, in his view, in anybody else.

I like the man who is too courteous and honorable to impugn the motives of his fellows, and I always believe in his good intentions, for he is generally too worthy to have any other kind. I would that every man could shake off the sad mistakes of his life, that there might be no weight to his progress, so that he could the better run the swift race of success. I would that men could easily discriminate between the essentials and the nonessentials of life, like unto the judge on the bench, between that which is evidence and that which is not evidence.

There is more lost to life and progress and civilization and humanity through brooding over fancied wrongs, unwarranted inferences, and unprovable assumptions, than there is by panics, and wars, and hurricanes, and accidents, and disasters. Fortunate is the man who can create within himself a liberal heart, a tolerant spirit, an equity of conscience, and thereon build a character which commands unstinted acceptance and liberal respect.

There are three eternities, "faith, hope, and love." "Faith is the substance of things hoped for, the evidence of things not seen," and is a substantial element of human life. Hope opens the eyes wide, clasps the hands of friendship and confidently goes forth to conquer and to satisfy. Love is the charity of the human heart which binds together families, and friends, and states, and principalities, and powers. CAMPBELL SLEMP was endowed with a liberal heart, a tolerant spirit, an equity of conscience, and these three eternities possessed him body and soul, mind and strength.

He was a typical American, born of her soil, baptized in her crystal waters, nurtured in her admonitions, inspired by her possibilities. He was a true citizen of the Republic, for he be-

lieved in doing unto others as he would that others should do unto him. Indeed, this was his religion. It is a scripture impossible of misinterpretation, and worthy of universal acknowledgment.

Mr. SLEMP was a man of earnest convictions, of uncompromising conscience, of honorable impulses. He was likewise affable, courteous, and generous hearted. He lived not to himself alone, but to contribute his share of the world's work and to assume his full portion of its responsibilities. His life was respectable, creditable, and successful. He died as he lived, in the open view and critical scrutiny of the best citizenship of Virginia, and with the approving conscience of his associates in Congress. He put off not until to-morrow what he could well do to-day. He spoke the words, he did the things, he cheered the hearts, and he kept the faith of family and friends, of State and nation. His life was guided by the poet:

We shall do so much in the years to come,
But what have we done to-day?
We shall give our gold in a princely sum,
But what did we give to-day?
We shall lift the heart and dry the tear;
We shall plant a hope in the place of fear;
We shall speak the words of love and cheer,
But what did we speak to-day?

We shall be so kind in the afterwhile,
But what was the kindness to-day?
We shall bring each lonely life a smile,
But what have we brought to-day?
We shall give to truth a grander birth,
And to steadfast faith a deeper worth;
We shall feed the hungering souls of earth,
But whom have we fed to-day?

We shall reap such joys in the by-and-by,
But what have we sown to-day?
We shall build us mansions in the sky,
But what have we built to-day?
'Tis sweet in idle dreams to bask,
But here and now do we do our task?
Yes, this is the thing our souls must ask:
What have we done to-day?

Mr. JONES of Virginia. Mr. Speaker, as some of those who had indicated a desire to speak on this occasion are unavoidably absent, I ask unanimous consent that they may be permitted to print their remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. JONES of Virginia. Mr. Speaker, as a further mark of respect to the memory of the deceased, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 3 o'clock and 12 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HACKNEY, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 3640) to amend sections 9 and 14, chapter 1495, Statutes of the United States of America, entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," reported the same with amendments, accompanied by a report (No. 1189), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of California, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 17421) to authorize the Secretary of the Interior to certify certain lands to the State of Kansas, reported the same with amendments, accompanied by a report (No. 1191), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House as follows:

Mr. DAWSON, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 14343) to correct the naval record of Randolph W. Campbell, reported the same with amendment, accompanied by a report (No. 1188), which said bill and report were referred to the Private Calendar.

Mr. ROBERTS, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 16927) for the relief of Lieut. Commander Kenneth McAlpine, reported the same without amendment, accompanied by a report (No. 1190), which said bill and report were referred to the Private Calendar.

Mr. BUTLER, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 10416) to correct the naval record of Lieut. Hilary Williams, United States Navy, reported the same with amendment, accompanied by a report (No. 1192), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills and joint resolution of the following titles, which were thereupon referred as follows:

A bill (H. R. 18142) granting a pension to Ellen A. Mealia—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18598) granting an increase of pension to George Camp—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A joint resolution (H. J. Res. 24) to restore status of the McLane's Erie Regiment Pennsylvania Volunteer Infantry, who served in the civil war—Committee on Military Affairs discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. FULTON: A bill (H. R. 18878) to provide for free homes to the settlers in the Comanche, Kiowa, and Apache country—to the Committee on Indian Affairs.

By Mr. CHANEY: A bill (H. R. 18879) to amend sections 4931, 4932, and 4934 of the Revised Statutes of the United States relating to design patents—to the Committee on Patents.

By Mr. SHEPPARD: A bill (H. R. 18880) prohibiting corporations organized outside of the District of Columbia to buy, sell, or deal in real estate, except real estate agency or brokerage corporations, from operating in the District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 18881) establishing fines and penalties for failure of corporations in the District of Columbia to file annual reports—to the Committee on the District of Columbia.

Also, a bill (H. R. 18882) establishing forfeitures and fines for false reports of corporations in the District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 18883) making regulations regarding annual reports of corporations in the District of Columbia equally applicable to corporations organized outside the District of Columbia and authorized to operate within the same—to the Committee on the District of Columbia.

Also, a bill (H. R. 18884) requiring corporations organized outside of the District of Columbia and desiring permits to operate within the same to show that 10 per cent of authorized capital has been paid in, and to file with the recorder of deeds certified copies of their charters before such permits shall be issued—to the Committee on the District of Columbia.

By Mr. COCKS of New York (by request): A bill (H. R. 18885) for the reorganization of the Army Medical Department—to the Committee on Military Affairs.

By Mr. WALLACE: A bill (H. R. 18886) to provide for a survey of the upper Ouachita River—to the Committee on Rivers and Harbors.

By Mr. PARKER of South Dakota: A bill (H. R. 18887) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863—to the Committee on Indian Affairs.

By Mr. RANSDELL of Louisiana: A bill (H. R. 18888) to create a new Executive Department of Transportation and Public Works—to the Committee on Interstate and Foreign Commerce.

By Mr. SHEPPARD: A bill (H. R. 18889) prescribing annual registration fees for corporations operating in the District of Columbia and providing for enforcing payment thereof—to the Committee on the District of Columbia.

By Mr. GREGG: A bill (H. R. 18890) to create a new division of the eastern judicial district of Texas, and to provide for terms of court at Palestine, Tex., and for other purposes—to the Committee on the Judiciary.

By Mr. MUDD: A bill (H. R. 18891) to amend an act authorizing the Washington, Spa Spring and Gretta Railroad

Company, of Maryland, to enter the District of Columbia, approved February 18, 1907—to the Committee on the District of Columbia.

By Mr. SABATH: Memorial creating a volunteer retired list of the officers of the late civil war—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BENNET of New York: A bill (H. R. 18892) granting a pension to Lewis Mundheim—to the Committee on Invalid Pensions.

By Mr. BRICK: A bill (H. R. 18893) granting an increase of pension to Peter G. Keely—to the Committee on Invalid Pensions.

By Mr. BROUSSARD: A bill (H. R. 18894) for the relief of the heirs of Frederick Huppenbauer, deceased—to the Committee on Claims.

By Mr. COLE: A bill (H. R. 18895) granting a pension to Sanford Shellenbarger—to the Committee on Invalid Pensions.

By Mr. COUSINS: A bill (H. R. 18896) granting an increase of pension to Edward Bedell—to the Committee on Invalid Pensions.

By Mr. CRAVENS: A bill (H. R. 18897) for the relief of the estate of Josiah Harrell—to the Committee on War Claims.

Also, a bill (H. R. 18898) for the relief of the estate of Nancy W. Estes—to the Committee on War Claims.

By Mr. FOSTER of Illinois: A bill (H. R. 18899) to remove the charge of desertion from the record of Frederick Feninger—to the Committee on Military Affairs.

By Mr. HAGGOTT: A bill (H. R. 18900) granting an increase of pension to John Coppee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18901) granting an increase of pension to Henry Hanke—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18902) granting an increase of pension to James W. Nelson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18903) for the relief of the heirs of Kit Carson, deceased—to the Committee on Claims.

Also, a bill (H. R. 18904) for the relief of Felipe de Jesus Cantee—to the Committee on Claims.

Also, a bill (H. R. 18905) for the relief of Ascencion Lucero, widow, and the heirs of Gabriel A. Lucero, deceased—to the Committee on Claims.

By Mr. GILLESPIE: A bill (H. R. 18906) for the relief of the estate of Allen J. Mann, deceased—to the Committee on Claims.

By Mr. HENRY of Texas: A bill (H. R. 18907) for the relief of Nancy Pierson, widow, and the heirs of John Hogue Pierson, deceased—to the Committee on Claims.

By Mr. HOWELL of New Jersey: A bill (H. R. 18908) granting an increase of pension to Charles W. Heiseley—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 18909) for the relief of James Clark Smith—to the Committee on Claims.

By Mr. KEIFER: A bill (H. R. 18910) granting a pension to Margaret Catherine Wood—to the Committee on Pensions.

Also, a bill (H. R. 18911) granting a pension to Ellen Bernard Lee—to the Committee on Pensions.

By Mr. LAW: A bill (H. R. 18912) granting an increase of pension to James H. Stevens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18913) granting an increase of pension to Henry C. Vedder—to the Committee on Invalid Pensions.

By Mr. McDERMOTT: A bill (H. R. 18914) for the relief of Thomas Hennessy—to the Committee on Claims.

By Mr. McHENRY: A bill (H. R. 18915) granting an increase of pension to James M. Gibson—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 18916) granting an increase of pension to William T. Jones—to the Committee on Invalid Pensions.

By Mr. NELSON: A bill (H. R. 18917) granting an increase of pension to Gilbert S. Main—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 18918) granting an increase of pension to Mary M. Brock—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 18919) granting a pension to Benjamin Brown—to the Committee on Pensions.

By Mr. SIMS: A bill (H. R. 18920) for the relief of Eaton Bond—to the Committee on War Claims.

By Mr. THOMAS of North Carolina: A bill (H. R. 18921) for the relief of R. W. Williamson, administrator de bonis non of the estate of William Ward, deceased—to the Committee on War Claims.

By Mr. WEISSE: A bill (H. R. 18922) granting an increase of pension to Robert Voigt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18923) granting an increase of pension to James Bowe—to the Committee on Invalid Pensions.

By Mr. GARDNER of Michigan: A bill (H. R. 18924) granting an increase of pension to George W. Bowker—to the Committee on Invalid Pensions.

By Mr. McGUIRE: A bill (H. R. 18925) granting an increase of pension to Mrs. Robert B. Houston—to the Committee on Pensions.

By Mr. MUDD: A bill (H. R. 18926) granting an increase of pension to William T. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18927) granting an increase of pension to Charles Copenski—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18928) granting an increase of pension to Jacob L. Riegel—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 18929) granting an increase of pension to Pleasant Umphrey—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of RULE XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER of Missouri: Paper to accompany bill for relief of Jacob Clute—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: Petition of Advertiser Club of Cincinnati, Ohio, favoring Coudrey bill (H. R. 14387), against misleading statements in advertisements—to the Committee on the District of Columbia.

Also, paper to accompany bill for relief of Joseph W. Lefever—to the Committee on Invalid Pensions.

By Mr. BENNET of New York: Paper to accompany bill for relief of William S. Walsh—to the Committee on Invalid Pensions.

By Mr. BIRDSALL: Petitions of Cigar Makers' Union; Journeymen Horseshoers' Union, No. 174; F. A. Wolfe; Julien Lodge, No. 322, Brotherhood of Locomotive Firemen and Conductors; Machinists' Helpers' Union, No. 9713; Julien Lodge, No. 379, International Association of Machinists; United Brotherhood of Carpenters and Joiners of America, all of Dubuque, Iowa, for battle-ship building in navy-yards—to the Committee on Naval Affairs.

Also, petition of merchants and commercial travelers, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. BRICK: Petition of sundry citizens of Indiana, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Typographical Union, No. 286, of Marion, Ind., against amendment to section 3893 of Revised Statutes—to the Committee on the Post-Office and Post-Roads.

By Mr. BURKE: Petition of Washington Chapter, American Institute of Architects, against removal of site of the Grant Memorial—to the Committee on the Library.

Also, petition of American Musical Copyright League, for Currier bill (H. R. 243) and Smoot bill (S. 2499)—to the Committee on Patents.

Also, petition of E. D. Mullen, of Schenectady, N. Y., for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. CALDER: Petition of American Musical Copyright League, favoring Currier bill (H. R. 243) and Smoot bill (S. 2499)—to the Committee on Patents.

Also, petition of United Mine Workers of America, for a sixteenth amendment to the Constitution, against disfranchisement of citizens of the United States on account of sex—to the Committee on the Judiciary.

Also, petition of William Verbeck, of St. John's School, Manlius, N. Y., favoring H. R. 11336, to promote military education in several educational institutions of the United States—to the Committee on Military Affairs.

Also, petitions of Washington and New York chapters, American Institute of Architects, against change of site of Grant Memorial—to the Committee on the Library.

By Mr. CRAVENS: Paper to accompany bill for relief of Nancy W. Estes—to the Committee on War Claims.

By Mr. CURRIER: Petition of Atlas Motor Car Company, of Springfield, Mass., for a national highway commission—to the Committee on Agriculture.

By Mr. DALZEZLL: Memorial of men's meeting in McKeesport, Pa., for the Tirrell bill (against liquor selling on Govvernment property)—to the Committee on Alcoholic Liquor Traffic.

Also, petition of sundry citizens of Thirtieth Congressional District of Pennsylvania, for legislation against liquor traffic—to the Committee on Alcoholic Liquor Traffic.

By Mr. DAWSON: Petition of United Mine Workers of America, against decision of Judge Dayton relative to injunction—to the Committee on the Judiciary.

By Mr. DIXON: Petition of Thomas Mead and 44 other citizens of Ripley County, Ind., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DRISCOLL: Petition of Typographical Union No. 55, of Syracuse, Ill., for removal of duty on white paper—to the Committee on Ways and Means.

By Mr. ESCH: Paper to accompany bill for relief of William Hemphill—to the Committee on Invalid Pensions.

Also, petitions of Brotherhood of Locomotive Engineers and Firemen of Oregon, and Fond du Lac, Wis., for S. 4260 (Clapp free-pass amendment)—to the Committee on Interstate and Foreign Commerce.

Also, petition of G. M. Breakey and others, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. FLOYD: Paper to accompany bill for relief of Paul Cariker—to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: Petition of Henry Longmeeker Post, No. 171, Grand Army of the Republic, of Robinson, Ill., against consolidation of pension agencies—to the Committee on Appropriations.

Also, petition of John A. McNerney and other citizens of Bell River, Ill., for the passage of the Dawes bill—to the Committee on Military Affairs.

By Mr. FULLER: Petition of nineteenth annual convention of United Mine Workers, against decision of Judge Dayton—to the Committee on the Judiciary.

Also, petition of Retail Dealers' Association of De Kalb, Ill., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Exchange Bank, of Geneva, Ill., against a parcels-post and postal savings bank—to the Committee on the Post-Office and Post-Roads.

By Mr. GRAHAM: Petition of Washington Chapter, American Institute of Architects, against removal of site of the Grant Memorial—to the Committee on the Library.

Also, petition of Pittsburg Railway Company, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of American Musical Copyright League, for the Currier bill (H. R. 243) and Smoot bill (S. 2499)—to the Committee on Patents.

Also, petition of E. D. Mullen, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. GRONNA: Petitions of citizens of North Dakota and Local Union No. 2798, American Society of Equity, of Portland, N. Dak., for the Federal grain-inspection bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HIGGINS: Petition of citizens of Norwich, Conn., against passage of the so-called "Penrose bill," amending section 3893 of the Revised Statutes (previously referred to the Committee on Revision of the Laws)—to the Committee on the Post-Office and Post-Roads.

By Mr. HOWELL of New Jersey: Paper to accompany bill for relief of Elizabeth Disterle—to the Committee on Invalid Pensions.

By Mr. HOUSTON: Paper to accompany bill for relief of Ann P. James—to the Committee on War Claims.

By Mr. HULL: Petition of Local Union No. 1047, United Mine Workers of America, for the Pearre bill—to the Committee on Invalid Pensions.

By Mr. KELIHER: Petition of Bay State Lodge, No. 73, Brotherhood of Locomotive Engineers and Firemen, for employers' liability bill, etc.—to the Committee on the Judiciary.

Also, petition of Massachusetts State Board of Trade, for a breakwater at Point Judith—to the Committee on Rivers and Harbors.

By Mr. LOUDENSLAGER: Petition of Charles H. Scott and others, for a national highway commission—to the Committee on Agriculture.

By Mr. MOORE of Pennsylvania: Petition of Allied Agricultural Organization of Pennsylvania, for H. R. 534 (agricultural instruction in high schools)—to the Committee on Agriculture.

Also, petition of board of directors of Philadelphia Credit Men's Association, of Philadelphia, Pa., for H. R. 13266 (support of the bankruptcy act amendments)—to the Committee on the Judiciary.

By Mr. NORRIS: Petition of Western Fruit Jobbers' Association, for determining minimum and maximum rates on railways by Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of G. A. Falden and other members of the Socialist Club, against S. 1518—to the Committee on the Post-Office and Post-Roads.

By Mr. NYE: Petition of citizens of Minneapolis, Minn., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Minneapolis, favoring prohibition of sale of intoxicants in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Minnesota State Dairymen's Association, for Davis bill for appropriation for agricultural schools—to the Committee on Agriculture.

By Mr. PETERS: Petition of certain clergymen of Indiana, against excessive increase of the Navy—to the Committee on Naval Affairs.

Also, petition of Thomas B. Fitzpatrick and other business men of Boston and vicinity, against building four new battle ships—to the Committee on Naval Affairs.

By Mr. RAINEY: Petition of Socialist party of White Hall, Ill., against S. 1518—to the Committee on the Post-Office and Post-Roads.

By Mr. RAUCH: Paper to accompany bill for relief of George Camp (previously referred to the Committee on Pensions)—to the Committee on Invalid Pensions.

By Mr. RYAN: Petition of board of managers of the Sons of the Revolution, for appropriation to publish and preserve certain records and documents of the Revolution—to the Committee on Military Affairs.

By Mr. SMITH of Texas: Petitions of St. Boniface Society, of Olfen, Tex., and Rowena Lodge, No. 216, Sons of Herman, of Rowena, Tex., against any kind of prohibitory legislation relative to intoxicants—to the Committee on the Judiciary.

By Mr. STEVENS of Minnesota: Petition of Electroplaters and Stereotypers' Union of St. Paul, Minn., for removal of duty on white paper—to the Committee on Ways and Means.

By Mr. WALLACE: Paper to accompany bill for relief of George W. Robinson—to the Committee on Invalid Pensions.

By Mr. WEISSE: Petition of American Association of Masters, Mates, and Pilots, against Littlefield pilotage bill (H. R. 4771)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of United Mine Workers of America, for sixteenth amendment to Constitution, for woman suffrage—to the Committee on the Judiciary.

By Mr. WANGER: Petition of Willard Grove Lodge, No. 434, Brotherhood of Locomotive Firemen and Engineers, of Mahoningtown, Pa., for S. 4260, to amend interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

Also, petition of Paint Manufacturers' Association of United States, against H. R. 17824, relating to paints, etc., in interstate commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of Philadelphia Association of Retail Druggists, representing 1,000 druggists in the city of Philadelphia, for S. 4700 and H. R. 14639, to classify certain grades in numbered post-office stations—to the Committee on the Post-Office and Post-Roads.

Also, petition of W. H. Oliver Division, No. 452, Brotherhood of Locomotive Trainmen, of Callery, Pa., for S. 4260, to amend interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

Also, petition of members of the Brotherhood of Locomotive Firemen and Engineers of the States of Oregon, California, Navada, Utah, Texas, and the Territories of Arizona and New Mexico, for S. 4260—to the Committee on Interstate and Foreign Commerce.

Also, petition of Brotherhood of Railway Trainmen on the Youghiogheny Division of the Pittsburg and Lake Erie Railway, for S. 4260 and 5307 and H. R. 17036 and 17137—to the Committee on Interstate and Foreign Commerce.

Also, petition of Mountain Echo Lodge, No. 507, Brotherhood of Locomotive Firemen and Engineers, of Hazelton, Pa., for S. 4260—to the Committee on Interstate and Foreign Commerce.

Also, petition of nineteenth annual convention of United Mine Workers of America, held in Indianapolis, Ind., for passage of a sixteenth amendment to the Constitution, for woman's suffrage—to the Committee on the Judiciary.

Also, petition of Clearfield Lodge, No. 638, Brotherhood of Locomotive Firemen and Engineers, of Clearfield, Pa., for S. 4260 and 5307 and H. R. 17036 and 17137—to the Committee on Interstate and Foreign Commerce.

Also, petition of Laughlin Lodge, No. 633, of the Brotherhood of Locomotive Firemen and Engineers, of Pittsburg, Pa., for S. 4260 and 5307 and H. R. 17036 and 17137—to the Committee on Interstate and Foreign Commerce.

Also, petition of Midnight Lodge, No. 490, of Brotherhood of Locomotive Firemen and Engineers, of Pittsburg, Pa., for S. 4260—to the Committee on Interstate and Foreign Commerce.

SENATE.

MONDAY, *March 9, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

ESTIMATES OF APPROPRIATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting additional estimates of appropriations for roads, wharves, and drainage, $184,750, and for waters and sewers at military posts, $160,000, which, with the accompanying papers, was referred to the Committee on Military Affairs and ordered to be printed.

MAIL MATTER RELATING TO NATURALIZATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, calling attention to the necessity for the enactment of a law providing for the transmittal by registered mail, without cost, of mail matter relating to naturalization to the Department of Commerce and Labor, which was referred to the Committee on Post-Offices and Post-Roads.

OPINIONS OF COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the Chief Clerk of the Court of Claims, transmitting opinions of the court, together with the statement by Judge Howry, that all the cases represent recent work except Sugar Estates Development Company, and that derives present importance from some recent opinions of the Supreme Court etc., which, with the accompanying papers, was referred to the Committee on Claims.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Harmon W. Hessen *v.* United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 1931) to grant certain land, part of the Fort Niobrara Military Reservation, Nebr., to the village of Valentine for a site for a reservoir or tank to hold water to supply the public of said village, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 2429) granting an increase of pension to Elizabeth H. Olcott.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 1815. An act for the relief of the estate of D. S. Phelan;

H. R. 3822. An act for the relief of James Behan;

H. R. 6664. An act for the relief of Roman Scholter;

H. R. 10671. An act to authorize the Secretary of the Interior to issue patent in fee simple for certain lands of the Santee Reservation, in Nebraska, to school district No. 36, in Knox County, Nebr.;

H. R. 12292. An act for the relief of A. E. Couch;

H. R. 12476. An act to place the name of William S. Shacklette on the retired list of the Navy as pharmacist;

H. R. 12499. An act for the relief of Clarence Frederick Chapman, United States Navy;

H. R. 14361. An act to reimburse the Eastern Salt Company, of Boston, Mass., for certain excess duty;

H. R. 16143. An act to provide for payment of the claims of the Roman Catholic Church in the Philippine Islands;

H. R. 16471. An act for the relief of George H. Penrose.

H. R. 17005. An act authorizing the Secretary of the Interior to issue patents in fee to the board of missions of the Protestant Episcopal Church for certain lands in the State of Idaho;

H. R. 17056. An act for the relief of Capt. Charles E. Morton, Sixteenth United States Infantry;

H. R. 17167. An act authorizing the Woodlawn Cemetery Association, of St. Maries, Idaho, to purchase not to exceed 40 acres of land in the Coeur d'Alene Indian Reservation in Idaho;

H. R. 17277. An act for the relief of George S. Patten, of Williams, Coconino County, Ariz.;

H. R. 17510. An act to authorize the county of Ashley, in the State of Arkansas, to construct a bridge across Bayou Bartholomew, Ashley County, Ark., at Portland;

H. R. 17512. An act to authorize the county of Ashley, in the State of Arkansas, to construct a bridge across Bayou Bartholomew, Ashley County, Ark., at Wilmot; and

H. J. Res. 134. Joint resolution for the relief of Archibald G. Stirling, recently midshipman, United States Navy.

The message also announced that the House had passed resolutions commemorative of the life and public services of Hon. CAMPBELL SLEMP, late a Representative from the State of Virginia.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 3409. An act to extend the time of payments on certain homestead entries in Oklahoma;

S. 4351. An act for the relief of the Alaska Pacific Railway and Terminal Company;

H. R. 598. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and to certain widows and dependent relatives of such soldiers and sailors; and

H. R. 13102. An act to authorize the county of Elmore, Ala., to construct a bridge across Coosa River, Alabama.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of Local Union No. 286, International Typographical Union, of Marion, Ind., remonstrating against the enactment of legislation to amend section 3893 of the Revised Statutes, relating to the freedom of the public press, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Auxiliary of the American Party of Salt Lake City, Utah, praying for the enactment of legislation making polygamy a crime punishable by fine and imprisonment, which was referred to the Committee on the Judiciary.

He also presented a petition of the Chamber of Commerce of New York City, N. Y., praying for the establishment of a special school for consuls and diplomats at the national capital by the enlargement of the college of political sciences connected with the George Washington University in Washington, D. C., which was referred to the Committee on Foreign Relations.

Mr. FRYE presented a petition of Joel A. Haycock Post, No. 34, Grand Army of the Republic, Department of Maine, of Calais, Me., praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

Mr. LODGE presented a memorial of the Chamber of Commerce of Boston, Mass., which was ordered to lie on the table and be printed in the RECORD, as follows:

BOSTON CHAMBER OF COMMERCE,
Boston, Mass., March 6, 1908.

Report of the committee on banking and resolutions unanimously adopted at a meeting of the Boston Chamber of Commerce held March 6, 1908.

Your committee on banking desires to present for consideration by the members of the chamber of commerce and to recommend the passage of the following resolutions:

"*Resolved*, That the Boston Chamber of Commerce is opposed to the passage of Senate bill 3023 for the amendment of the national banking laws, known as the 'Aldrich bill.'

"(1) It is makeshift legislation which tends to perpetuate another piece of makeshift legislation originally adopted as a war measure and which had chiefly for its object the creation of an artificial demand for Government bonds rather than a scientific, elastic currency.

"(2) It provides for the subtraction of $500,000,000 of mercantile balances from active trade.

"(3) It contemplates the investment of $500,000,000 of deposits payable on demand in long-time obligations instead of in short-time and constantly maturing obligations which constitute the proper and customary method of employing bank deposits.

"The acute strain on our national banks of the recent panic is now over, the country is not under the stress of war, and the Boston Chamber of Commerce believes that now is the proper time to set the house in order by a comprehensive, constructive, and scientific piece of currency legislation, and we have confidence that the intelligence and patriotism of Congress can give us a currency system which will equal in merit the best system in vogue in any other country."

The contemplated legislation should embody the following features:

"(1) An elastic currency which shall expand and contract not merely under the crux of a great commercial crisis, but shall be sensitive to the seasonable and other minor fluctuations of trade.

"(2) The currency should be guaranteed by the Government.

"(3) The Government should be amply protected in its guaranty by such tax as shall serve to fully cover any possible loss under the guaranty.

"(4) The currency should not be marked or labeled in any way as emergency circulation, but should consist of a fluctuation in amount of the currency normally in use.

"(5) If the currency is to be secured by this special pledge of collateral, the banks should be permitted to deposit with the Government clearing-house certificates, secured in turn by the deposit with the local clearing house of short-time mercantile paper."

Mr. GALLINGER presented a petition of the Woman's Christian Temperance Union of Epping, N. H., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union of Epping, N. H., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors in prohibition districts, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of South Acworth, Alton Bay, Franklin, and Greenville, all in the State of New Hampshire; of London, Ohio; Jacksonville, N. J.; Grand Rapids, Mich.; of Fowlerton, Angola, and Floyd Knobs, in the State of Indiana, and of Washington, D. C., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. PLATT presented memorials of the B. Payn's Sons Tobacco Company, of Albany; of R. Whalen & Co., of Rochester, and of L. Warnick Brown & Co., of Utica, all in the State of New York, remonstrating against the enactment of legislation permitting the sale of leaf tobacco, for consumption, without the payment of the revenue tax, which were referred to the Committee on Finance.

He also presented a petition of George H. Thomas Post, No. 4, Grand Army of the Republic, Department of New York, of Rochester, N. Y., praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

He also presented the memorial of Charles W. Lisle, of Brooklyn, N. Y., remonstrating against the enactment of legislation extending the right of naturalization, etc., which was referred to the Committee on Immigration.

He also presented a petition of the John K. Neal Republican Club, of Brooklyn, N. Y., praying for the enactment of legislation providing for the construction of the proposed new battle ships at Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented a memorial of sundry citizens of Staten Island, N. Y., remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented memorials of the National Association of Clothiers of the United States and of the Merchants and Manufacturers' Board of Trade of New York City, N. Y., remonstrating against the passage of the so-called "Aldrich emergency currency bill," which were ordered to lie on the table.

He also presented memorials of Harry Rogers and of Mrs. A. N. Danks-Builder, of New York City, N. Y., remonstrating against the adoption of certain amendments to the present copyright law relating to musical compositions, which were referred to the Committee on Patents.

He also presented the memorial of A. F. Bradley, of New York City, N. Y., remonstrating against the adoption of a certain amendment to the present copyright law relating to photographic reproductions, which was referred to the Committee on Patents.

Mr. SCOTT presented a petition of the Advertising Club of Huntington, W. Va., praying for the enactment of legislation regulating advertisements, etc., which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Hall of Greenbrier Division, No. 101, Brotherhood of Locomotive Engineers, of Hinton, W. Va., praying for the passage of the so-called "La Follette-Sterling employers' liability bill," which was referred to the Committee on the Judiciary.

Mr. NIXON presented a petition of the Chamber of Commerce, of Goldfield, Nev., praying for the establishment in the Interior Department of a Bureau of Mines, which was referred to the Committee on Mines and Mining.

Mr. ALLISON presented petitions of members of the Fifty-fifth Infantry, Iowa National Guard, of Des Moines, of the Fifty-fourth Regimental Band, Iowa National Guard, of Ottumwa, and of the Fifty-fourth Infantry, Iowa National Guard, of Washington, all in the State of Iowa, praying for the enactment of legislation to promote the efficiency of the militia, which were referred to the Committee on Military Affairs.

He also presented a petition of sundry volunteer officers of the civil war of Dubuque, Iowa, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

He also presented a petition of the Commercial Club, of Cedar Rapids, Iowa, praying that an appropriation be made for the improvement of the inland waterways of the country, which was referred to the Committee on Commerce.

He also presented a petition of the Farmers' Institute of Iowa County, Iowa, praying for the passage of the so-called "Culberson bill," to empower the Interstate Commerce Commission to regulate the speed of all stock trains, which was referred to the Committee on Interstate Commerce.

He also presented a petition of Harlan Post, No. 197, Department of Iowa, Grand Army of the Republic, of Harlan, Iowa, praying for the adoption of an amendment to the present pension laws, granting a pension of $12 per month to widows of deceased soldiers, sailors, or marines, without regard to cause of soldier's death, date of marriage, or financial condition, which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Cantril, Iowa, praying for enactment of legislation for the relief of Margaret E. Davis, claimant against the Government of Nicaragua, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Farmers and Grain Dealers' Association, of Gowrie, Iowa, praying for the enactment of legislation providing for the inspection of grain under Federal control, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry citizens of Buena Vista County, Iowa, remonstrating against the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a memorial of sundry citizens of Buena Vista County, Iowa, and a memorial of citizens of Keokuk, Iowa, remonstrating against the enactment of legislation to prevent Sunday banking in post-offices in the handling of money orders and registered letters, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of sundry citizens of Oskaloosa, Perry, Decatur City, and Indianola, all in the State of Iowa, remonstrating against the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Dubuque and Davenport, in the State of Iowa, and of Rock Island, Ill., praying for the enactment of legislation providing for the construction of the next proposed new battle ship at one of the Government navy-yards, which were referred to the Committee on Naval Affairs.

He also presented petitions of sundry citizens of Davenport, Ottumwa, and Des Moines, all in the State of Iowa, praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

He also presented petitions of sundry citizens of Centerville, Mason City, Clinton, and Sioux City, all in the State of Iowa, praying for the passage of the so-called "La Follette-Sterling employers' liability bill," which were referred to the Committee on the Judiciary.

He also presented a memorial of the German-American Citizens' League, of Sioux City, Iowa, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Grinnell, Iowa, and a petition of sundry citizens of Chariton, Iowa, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. CULLOM presented a petition of the National Business League of America, of Chicago, Ill., praying that an appropriation be made for the improvement of Pearl Harbor, near Honolulu, Hawaii, which was referred to the Committee on Commerce.

Mr. FLINT presented a petition of Local Union No. 394, International Typographical Union, of Santa Barbara, Cal., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

Mr. LONG presented memorials of sundry citizens of Coats, Osage, Kansas City, Brownell, Hutchinson, Rantoul, Natoma, White, Lost Springs, Princeton, Florence, Larned, Robinson, and Winfield, all in the State of Kansas, remonstrating against the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Chautauqua, De Soto, Fort Scott, Gardner, Mound City, Newton, Sterling, Taw, and Walton, all in the State of Kansas, praying for the enactment of legislation to regulate the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented petitions of Sunflower Lodge, No. 217, Order of Railway Trainmen, of Newton; of Local Divisions Nos. 364 and 344, Brotherhood of Locomotive Engineers, of Wichita and Wellington, and of Subdivision No. 179, Brotherhood of Locomotive Engineers, of Parsons, all in the State of Kansas, praying for the passage of the so-called "La Follette-Sterling employers' liability bill," which were referred to the Committee on the Judiciary.

He also presented a petition of the Creditmen's Association of Wichita, Kans., praying for the adoption of a certain amendment to the present bankruptcy law, which was referred to the Committee on the Judiciary.

He also presented the memorial of F. A. Loomis, of Emporia, Kans., remonstrating against the adoption of an amendment to the present copyright law relating to photographic reproductions, which was referred to the Committee on Patents.

He also presented a memorial of Local Union No. 210, United Mine Workers of America, of Weir, Kans., remonstrating against the enactment of legislation to amend section 3893 of the Revised Statutes granting excessive jurisdiction to the Postmaster-General in respect of publications entered at second-class rates, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. TAYLOR presented a petition of sundry citizens of Scotts Hills, Tenn., praying for the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. OVERMAN presented sundry memorials of citizens of Winston-Salem, N. C., remonstrating against the enactment of legislation permitting the sale of leaf tobacco for consumption without the payment of the internal-revenue tax, which were referred to the Committee on Finance.

Mr. BULKELEY presented a petition of sundry business firms of Bridgeport, Conn., praying for the enactment of legislation to establish a national forest reserve in the Appalachian and White mountains, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. WARREN presented resolutions adopted by members of Admiral David D. Porter Garrison, No. 6, Army and Navy Union, of Washington, D. C., expressing their appreciation of the passage by the Senate of the so-called "Army-pay bill," which were referred to the Committee on Military Affairs.

Mr. CRANE presented a petition of the National Board of Trade of Washington, D. C., praying for the enactment of legislation providing for a revision of the present postal rates, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Asiatic Exclusion League of North America, of Seattle, Wash., praying for the enactment of legislation to exclude Asiatics from the mainland and insular possessions of the United States, which was referred to the Committee on Immigration.

He also presented a petition of the National Board of Trade of Washington, D. C., praying for the appointment of a permanent tariff revision commission, which was referred to the Committee on Finance.

Mr. DEPEW presented a petition of Local Union No. 55, International Typographical Union, of Syracuse, N. Y., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a petition of the board of managers of the Sons of the Revolution, of New York City, N. Y., praying for the enactment of legislation providing for the printing and publishing of documents of the several Continental Congresses and documents relating to the war of the Revolution, which was referred to the Committee on Printing.

He also presented a petition of Local Lodge No. 187, Brotherhood of Railroad Trainmen, of Buffalo, N. Y., praying for the passage of the so-called "Rodenberg anti-injunction bill," which was referred to the Committee on the Judiciary.

He also presented a petition of Local Lodge No. 187, Brotherhood of Railroad Trainmen, of Buffalo, N. Y., praying for the passage of the so-called "La Follette-Sterling employers' liability bill," which was referred to the Committee on the Judiciary.

He also presented a petition of the Central Federation of Labor, of Albany, N. Y., praying for the enactment of legislation providing for the construction of all battle ships at Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented a petition of the Nineteenth Annual Convention of the United Mine Workers of America, of Indianapolis, Ind., praying for the passage of the so-called "McHenry bill," providing for the establishment of a Bureau of Mines and also for the imposition of a tax of 1 cent per ton on all coal produced in the United States and Territories, to be used for the relief of those who meet with accidents in mines, which was referred to the Committee on Mines and Mining.

Mr. BROWN presented a petition of Local Union No. 24, International Stereotypers and Electrotypers' Union, of Omaha, Nebr., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a petition of the Farmers' Institute of Diller, Nebr., praying for the appointment of a tariff-revision commission, which was referred to the Committee on Finance.

Mr. BURNHAM presented a petition of the Woman's Christian Temperance Union of Epping, N. H., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a petition of the Scott County Grange, Patrons of Husbandry, of Davenport, Iowa, praying for the passage of the so-called "Burnham bill" providing for a rural delivery parcels post, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the State Federation of Women's Clubs of the State of Massachusetts, praying for the enactment of legislation to establish a national forest reserve in the Southern Appalachian and White mountains, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Woman's Christian Temperance Union of Epping, N. H., praying for the enactment of legislation to prohibit the issuance of Federal tax receipts in prohibition districts, which was referred to the Committee on the Judiciary.

He also presented the petition of Ellsworth Brown, of Seabrook, N. H., praying for the adoption of certain amendments to the present copyright law relating to musical compositions, which was referred to the Committee on Patents.

Mr. DOLLIVER presented a petition of sundry citizens of Keota, Iowa, and a petition of sundry citizens of Guernsey, Iowa, praying for the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a petition of members of the Fifty-sixth Regiment Iowa National Guard, of Fort Dodge, Iowa, praying for the enactment of legislation to promote the efficiency of the militia, which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Keota, Iowa, and a petition of sundry citizens of Guernsey, Iowa, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Soldiers' Homes, public buildings, grounds, and ships, which were referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Guernsey, Iowa, praying for the enactment of legislation to prohibit the sale of intoxicating liquors to Indians in the Territory of Alaska, which was referred to the Committee on Territories.

He also presented a petition of the Mothers' Club, of Charles City, Iowa, praying for the enactment of legislation to establish a national children's bureau, which was referred to the Committee on Education and Labor.

He also presented a petition of Local Union No. 172, Cigarmakers' International Union of America, of Davenport, Iowa,

praying for the enactment of legislation providing for the construction of at least one of the proposed new battle ships at Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Guernsey, Iowa, praying for the enactment of legislation to prohibit the sale and traffic in opium in all territory under the jurisdiction of the United States, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Keota, Iowa, and a petition of sundry citizens of Guernsey, Iowa, praying for the enactment of legislation to prohibit the collection of internal revenue from "speak easies" in prohibition districts, which were referred to the Committee on Finance.

He also presented a petition of the Philadelphia Association of Retail Druggists, of Philadelphia, Pa., praying for the enactment of legislation to classify certain grades in numbered post-office stations, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Guernsey, Iowa, praying the enactment of legislation to prohibit the transmission of periodicals as second-class mail matter when once ruled out as immoral, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Guernsey, Iowa, praying for the enactment of legislation to prohibit the issuance of money orders or the registration of letters on Sunday, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Guernsey, Iowa, praying for the enactment of a national anticigarette law, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Keota, Iowa, praying for the enactment of legislation to prohibit the sale and traffic in opium in all territory under the jurisdaction of the United States, which was referred to the Committee on the Judiciary.

He also presented sundry petitions of citizens of Guernsey, Iowa, praying for the enactment of legislation to prohibit gambling in all territory under the jurisdiction of the United States, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Morning Sun, Guernsey, and Keota, all in the State of Iowa, praying for the enactment of legislation to prohibit interstate transportation of intoxicating liquors in prohibition districts, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Guernsey, Iowa, praying for the adoption of an amendment to the Constitution providing for uniform marriage and divorce, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Pottawattamie County, Iowa, remonstrating against the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Keota, Iowa, and a petition of sundry citizens of Guernsey, Iowa, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. MARTIN, from the Committee on Commerce, to whom was referred the bill (S. 5639) to amend an act entitled "An act to authorize the construction of a bridge across the Missouri River at a point to be selected within 5 miles north of the Kaw River, in Wyandotte County, State of Kansas, and Clay County, State of Missouri, and to make the same a post route," approved December 17, 1902, reported it without amendment and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 16073) to authorize the town of Edgecomb, Lincoln County, Me., to maintain a free bridge across tide waters; and

A bill (H. R. 16749) to amend an act entitled "An act to authorize the construction of a bridge across the Monongahela River in the State of Pennsylvania by the Liberty Bridge Company," approved March 2, 1907.

Mr. SMITH, from the Committee on Commerce, to whom was referred the bill (S. 5594) for the establishment of a lighthouse and fog signal at the easterly end of Michigan Island, Apostle Group, westerly end of Lake Superior, Wisconsin, reported it without amendment and submitted a report thereon.

Mr. BEVERIDGE, from the Committee on Territories, to whom was referred the bill (S. 4748) to amend an act entitled "An act to define and punish crimes in the district of Alaska and to provide a code of criminal procedure for said district," approved March 3, 1899, reported it with amendments and submitted a report thereon.

Mr. OVERMAN, from the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 9) authorizing the Secretary of War to furnish a condemned cannon to the board of regents of the University of South Dakota, at Vermilion, S. Dak., to be placed on the campus of said institution, reported it without amendment.

PORTSMOUTH, N. H., HARBOR.

Mr. GALLINGER, from the Committee on Commerce, to whom was referred the following concurrent resolution submitted by himself on the 2d instant, reported it without amendment, and it was considered by unanimous consent and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of Portsmouth Harbor, in the State of New Hampshire, with a view to obtaining slack-water navigation therein by the construction of a dam, and to submit estimates for the same.

MINNESOTA AND MANITOBA RAILROAD.

Mr. CLAPP. From the Committee on Indian Affairs, I report back favorably without amendment the bill (S. 4645) to authorize the Minnesota and Manitoba Railroad Company to convey certain lands granted to it by the act of Congress approved April 17, 1900, and I submit a report thereon. It is a very short bill and a local bill. I ask unanimous consent for its present consideration.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HEARINGS BEFORE COMMITTEE ON NAVAL AFFAIRS.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. HALE on the 6th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Naval Affairs be, and the same is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee, and to have the same printed for the use of the committee, and that such stenographer be paid out of the contingent fund of the Senate.

BILLS INTRODUCED.

Mr. PERKINS introduced a bill (S. 5983) authorizing certain life-saving apparatus to be placed at the Farallone Islands, off the coast of California, which was read twice by its title and referred to the Committee on Commerce.

Mr. GALLINGER introduced a bill (S. 5984) to acquire land in the vicinity of the Connecticut Avenue Bridge for the extension of certain streets, which was read twice by its title and, with the accompanying papers, referred to the Committee on the District of Columbia.

He also introduced a bill (S. 5985) authorizing the extension of Massachusetts avenue from Wisconsin avenue to the District line, and for other purposes, which was read twice by its title and referred to the Committee on the District of Columbia.

He also (by request) introduced a bill (S. 5986) to provide for the retirement of certain letter carriers and regulating the pay of the same, which was read twice by its title and referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5987) granting an increase of pension to Andrew J. Nighswonger; and

A bill (S. 5988) granting an increase of pension to Abner Moore.

Mr. BACON introduced a bill (S. 5989) authorizing the Department of State to deliver to Capt. C. De W. Wilcox decoration and diploma presented by Government of France, which was read twice by its title and referred to the Committee on Foreign Relations.

Mr. ALLISON introduced a bill (S. 5990) granting an increase of pension to Ann M. Corey, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 5991) to provide for the purchase of a site and the erection of a public building thereon at Ames, in the State of Iowa, which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. TAYLOR introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5992) granting a pension to John L. Johnson;

A bill (S. 5993) granting a pension to Alpha J. Linebarger;

A bill (S. 5994) granting a pension to Georgia B. Snapp; and

A bill (S. 5995) granting an increase of pension to John G. Burchfield.

Mr. CRANE introduced a bill (S. 5996) to authorize the sale to Percival Lowell of certain lands within the San Francisco Mountains Forest Reserve, in the Territory of Arizona, which was read twice by its title and, with the accompanying paper, referred to the Committee on Forest Reservations and the Protection of Game.

He also introduced a bill (S. 5997) for the relief of Paul Butler, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 5998) granting an increase of pension to Anna A. Foster, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 5999) to correct the military record of William Keyes, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. KEAN introduced a bill (S. 6000) to provide for the erection of a public building at Hoboken, N. J., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. DEPEW (by request) introduced a bill (S. 6001) to reorganize the Army Medical Department, which was read twice by its title and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6002) granting an increase of pension to Alfred O. Smith; and

A bill (S. 6003) granting an increase of pension to Elmina Ames.

Mr. DICK introduced a bill (S. 6004) granting an increase of pension to Erwin F. Mason, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 6005) prohibiting the wearing of the United States uniform by unauthorized persons, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. BULKELEY introduced a bill (S. 6006) to correct the military record of John M. Miller, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. McCREARY introduced a bill (S. 6007) for the relief of B. F. Bryant, which was read twice by its title and referred to the Committee on Claims.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6008) granting an increase of pension to David E. Redman (with accompanying papers);

A bill (S. 6009) granting an increase of pension to John H. Carter;

A bill (S. 6010) granting a pension to Grace F. Jacobs (with an accompanying paper); and

A bill (S. 6011) granting an increase of pension to Isaac N. Sheffield.

Mr. FRAZIER introduced a bill (S. 6012) to provide for the appointment of an additional district judge in and for the middle and eastern districts of Tennessee, which was read twice by its title and referred to the Committee on the Judiciary.

He also introduced a bill (S. 6013) to establish a national military park at the battlefield of Stones River, which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 6014) for the relief of H. M. Sullivan; and

A bill (S. 6015) for the relief of Margaret E. Watkins, administratrix of the estate of Patrick Henry Watkins, deceased.

Mr. OVERMAN introduced a bill (S. 6016) to provide for the erection of a public building at High Point, N. C., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 6017) granting a pension to Seymour B. Wacaster, which was read twice by its title and referred to the Committee on Pensions.

Mr. BORAH introduced a bill (S. 6018) providing for the disposition of town sites in connection with reclamation projects, and for other purposes, which was read twice by its title and referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. LONG introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6019) granting an increase of pension to Francis O'Leary; and

A bill (S. 6020) granting an increase of pension to Jasper Taylor.

Mr. CLAPP introduced a bill (S. 6021) to except and exclude certain lands in Minnesota from the operation of the acts of June 21, 1906, and March 1, 1907, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. BURKETT introduced a bill (S. 6022) granting an increase of pension to German L. Hunt, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DOLLIVER introduced a bill (S. 6023) granting an increase of pension to Francis M. Gard, which was read twice by its title and referred to the Committee on Pensions.

Mr. FORAKER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6024) granting an increase of pension to William Ruddicks;

A bill (S. 6025) granting an increase of pension to Abram W. McCoy; and

A bill (S. 6026) granting an increase of pension to Susan M. Darnell (with accompanying papers).

Mr. TALIAFERRO introduced a bill (S. 6027) for the relief of Joseph De V. Hazzard, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. FRYE introduced a bill (S. 6028) to provide for safety of life on navigable waters during regattas or marine parades, which was read twice by its title and referred to the Committee on Commerce.

Mr. CLAPP introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6029) granting an increase of penison to George Brookins; and

A bill (S. 6030) granting an increase of pension to Timothy J. Sheehan.

Mr. WARREN introduced a joint resolution (S. R. 66) providing for additional lands for Wyoming under the provisions of the Carey Act, which was read twice by its title and referred to the Committee on Public Lands.

Mr. OWEN introduced a joint resolution (S. R. 67) empowering the Court of Claims to ascertain the amount of the "civilization fund" paid by the Osages and applied to the benefit of other Indians, and for other purposes, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. HEYBURN introduced a joint resolution (S. R. 68) providing for additional lands for Idaho under the provisions of the Carey Act, which was read twice by its title and referred to the Committee on Public Lands.

AMENDMENTS TO OMNIBUS CLAIMS BILL.

Mr. CLARKE of Arkansas submitted two amendments, intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which were ordered to lie on the table and be printed.

SAFETY OF SCHOOL BUILDINGS IN THE DISTRICT OF COLUMBIA.

Mr. CULBERSON submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the District of Columbia be, and is hereby, directed to inquire, in such manner as in its judgment may be best, whether the public and private school buildings in the District of Columbia are safe against fire; and if not, to report by bill or otherwise what action should be taken for the protection of the school children of the District.

EXTENSION OF PARCELS POST.

On motion of Mr. BURNHAM, it was

Ordered, That there be printed for the use of the Post-Office Department 20,000 copies of Senate Document No. 366, Sixtieth Congress, first session, "Data Relative to the Proposed Extension of the Parcels Post."

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Claims:

H. R. 1815. An act for the relief of the estate of D. S. Phelan;

H. R. 6664. An act for the relief of Roman Scholter;

H. R. 12292. An act for the relief of A. E. Couch;
H. R. 16471. An act for the relief of George H. Penrose; and
H. R. 17056. An act for the relief of Capt. Charles E. Morton, Sixteenth United States Infantry.

The following bills and joint resolution were severally read twice by their titles and referred to the Committee on Naval Affairs:

H. R. 3822. An act for the relief of James Behan;
H. R. 12476. An act to place the name of William S. Shacklette on the retired list of the Navy as pharmacist;
H. R. 12499. An act for the relief of Clarence Frederick Chapman, United States Navy; and
H. J. Res. 134. Joint resolution for the relief of Archibald G. Stirling, recently midshipman, United States Navy.

The following bills were severally read twice by their titles and referred to the Committee on Indian Affairs:

H. R. 10671. An act to authorize the Secretary of the Interior to issue patent in fee simple for certain lands of the Santee Reservation, in Nebraska, to school district No. 36, in Knox County, Nebr.; and
H. R. 17167. An act authorizing the Woodlawn Cemetery Association, of St. Maries, Idaho, to purchase not to exceed 40 acres of land in the Coeur d'Alene Indian Reservation, in Idaho.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 17510. An act to authorize the county of Ashley, in the State of Arkansas, to construct a bridge across Bayou Bartholomew, Ashley County, Ark., at Portland; and
H. R. 17512. An act to authorize the county of Ashley, in the State of Arkansas, to construct a bridge across Bayou Bartholomew, Ashley County, Ark., at Wilmot.

The following bills were severally read twice by their titles and referred to the Committee on Public Lands:

H. R. 17005. An act authorizing the Secretary of the Interior to issue patents in fee to the board of missions of the Protestant Episcopal Church for certain lands in the State of Idaho; and
H. R. 17277. An act for the relief of George S. Patten, of Williams, Coconino County, Ariz.

H. R. 14361. An act to reimburse the Eastern Salt Company, of Boston, Mass., for certain excess duty, was read twice by its title and referred to the Committee on Finance.

H. R. 16143. An act to provide for payment of the claims of the Roman Catholic Church in the Philippine Islands, was read twice by its title and referred to the Committee on the Philippines.

MATERIAL FOR CONSTRUCTION OF PANAMA CANAL.

Mr. FRYE. Under the unanimous-consent agreement, I ask that the joint resolution (S. R. 40) to provide for the transportation by sea of material and equipment for use in the construction of the Panama Canal be now considered.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which had been reported from the Committee on Commerce with an amendment, on page 2, line 4, to strike out the words "passengers, mails, and for other purposes" and insert in lieu thereof "employees on, and mails for said canal," so as to make the additional proviso read:

And provided further, That the Isthmian Canal Commission is hereby authorized to purchase and operate vessels of the United States for the transportation of material and equipment for the use of the canal, employees on, and mails for said canal, whenever in the opinion of the President the public interests will be best so served.

The amendment was agreed to.

Mr. FRYE. On page 1, line 7, after the word "Company," I move to insert "or to vessels of the United States chartered by the United States or by the Panama Railroad Company," so as to read:

That in any contract hereafter made transportation by sea of material and equipment from the United States for use in the construction of the Panama Canal shall be restricted to vessels owned by the United States or by the Panama Railroad Company, or to vessels of the United States chartered by the United States or by the Panama Railroad Company, or to vessels of the United States tendered by the lowest responsible bidder, unless the President shall in any case deem the bids or tenders therefor to be extortionate or unreasonable.

Mr. FRYE. On page 1 I move to strike out in lines 11 and 12 the following words:

The British steamship Dunottar Castle until the expiration of its present charter to the Panama Railroad Company—

and to insert in lieu thereof the following:

Any foreign steamship chartered by the Panama Railroad Company to take the place of any of the present fleet destroyed or undergoing repairs after the President shall have been satisfied a suitable vessel of the United States could not have been chartered on reasonable terms for that purpose.

So as to make the proviso read:

Provided, That this resolution shall not apply to any foreign steamship chartered by the Panama Railroad Company to take the place of any of the present fleet destroyed or undergoing repairs after the President shall have been satisfied a suitable vessel of the United States could not have been chartered on reasonable terms for that purpose.

The amendment was agreed to.

Mr. FRYE. On page 2, line 2, after the word "purchase," I move to insert "charter," so as to read:

That the Isthmian Canal Commission is hereby authorized to purchase, charter, and operate vessels of the United States, etc.

The amendment was agreed to.

Mr. FRYE. The Senator from Louisiana [Mr. FOSTER], I understand, desires to offer an amendment.

Mr. FOSTER. At the end of the joint resolution I offer the following amendment in the shape of a proviso.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. At the end of the joint resolution add the following proviso:

Provided, That this resolution shall not apply to the Gulf ports, nor to any port of the United States from which such vessels of the United States can not be secured for the trade.

Mr. FRYE. I have no objection to the amendment.

The amendment was agreed to.

Mr. FOSTER. The Senator from Georgia [Mr. BACON] stated that he would like to amend the joint resolution so as to include South Atlantic ports, but he is not in the Chamber.

Mr. FRYE. This practically covers everything south. It practically does, because we have not a steamship down there.

Mr. FOSTER. I think so.

Mr. FRYE. And we shall not have one down there at all.

The VICE-PRESIDENT. The joint resolution is still as in Committee of the Whole and open to amendment.

Mr. FRYE. I ask that the report in this case may be printed in the RECORD.

There being no objection, the report, submitted by Mr. FRYE, February 6, 1908, was ordered to be printed in the RECORD, as follows:

The Committee on Commerce, to whom was referred the joint resolution (S. R. 40) to provide for the transportation by sea of material and equipment for use in the construction of the Panama Canal, having considered the same, report thereon with a recommendation that it pass with an amendment, as follows:

"Page 2, lines 2 and 3, strike out the words 'passengers, mails, and for other purposes' and insert in lieu thereof the following: 'employees on, and mails for said canal.'"

The Isthmian Canal Commission on January 28 issued proposals for furnishing 4,500,000 barrels, or about 1,000,000 tons, of cement, bids to be opened on March 12 next. The specification calls for proposals on the basis of transporting the cement in American or foreign bottoms. The cement may be delivered at seaports of the United States, or at Colon or La Boca, on the Isthmus.

This cement is to be delivered at about the rate of 30,000 tons a month, so that the contracts will cover the transportation of cement for the next three years. It is one of the most important canal contracts.

I. Under date of May 14, 1906 (H. Rept. 4878, 59th Cong., 1st sess.), the Secretary of War wrote to the President:

"The result of a consideration of general principles of law and the practice of the Government, in the absence of specific direction to the contrary, is that, in the construction of the Panama Canal in the Canal Zone on the Isthmus, which is outside the tariff wall surrounding the United States proper, and into which, by virtue of the Hay-Varilla treaty with the Republic of Panama, material, supplies, and machinery of all kinds for the construction of the canal are to be introduced free from tariff or imposts, it is your duty to buy where you can obtain the material, supplies, and machinery at the cheapest price, other conditions with respect to quality, prompt delivery, etc., being equal. This view, it seems to me, is confirmed by the failure of Congress to direct any different course on your part, although the matter was brought to its attention more than a year ago, and your view of your duty in the premises, if Congress took no further action, was clearly indicated.

"I ought to add that, while of course a very large proportion of all the purchases made for the construction of the canal have been from American merchants and manufacturers, some purchases have already been made abroad, and a saving effected in the purchase of comparatively small quantities of cement. In the construction of the canal an enormous quantity of cement will have to be purchased, and the question will soon recur again as to the acceptance of foreign bids for this material."

Congress thereupon passed the following joint resolution, approved June 25, 1906:

"Resolved, etc., That purchases of material and equipment for use in the construction of the Panama Canal shall be restricted to articles of domestic production and manufacture, from the lowest responsible bidder, unless the President shall, in any case, deem the bids or tenders therefor to be extortionate or unreasonable."

Under this joint resolution the Canal Commission is required to purchase American cement "unless the President shall, in any case, deem the bids or tenders therefor to be extortionate or unreasonable."

II. So far as the transportation is concerned the Secretary of War holds, as he did in the case of materials, that the Commission must accept the lowest responsible bidder in the failure of Congress to direct differently. Unquestionably the bids of foreign shipowners will be lower than the bids of American shipowners for well-understood reasons. If Congress shall take no action, the Canal Commission will in effect be compelled to employ foreign ships entirely in contracts covering the transportation of 1,000,000 tons of cement and lasting for three years, whatever may be the desire of the Administration, of Congress, and of the American people. The joint resolution does not require the use of American ships. It serves two purposes:

(*a*) It prevents the obligatory use of foreign ships in the completion of the canal at the expense of the American people—a canal which itself to a very great extent will be a benefit to foreign shipping.

(*b*) It gives American ships a chance to do some part of this work, provided American transportation bids are not "extortionate or unreasonable."

III. The failure of Congress to take any action will put a two-edged sword against American maritime interests into the hands of foreign shipowners. It will not only confirm them in the monopoly of carrying materials and supplies for the American Government to the Isthmus, but will also give them exceptional advantages in trade between the ports of the Caribbean, Gulf of Mexico, and American ports. Assured of American contracts for cargoes outward to the Isthmus for a period of three years, foreign shipowners will be in an exceptionally advantageous position to make contracts for return cargoes of ore, sugar, and other bulk products of the West Indies and of the countries of Central and South America adjacent to the Caribbean and Gulf of Mexico. The hold of American shipping on the Caribbean and Gulf trade has been greatly lessened of late years, and it may well despair for the future if the Government shall now still further lessen its opportunities for profitable employment in this branch of trade. It has been the hope of some that one result of the construction of the Panama Canal would be to make the Caribbean and Gulf an American lake and assure to the American merchant marine a return of its prominence in these waters. Yet the proposition which will be forced upon the United States by the failure of Congress to act at this time will at the outset stand in the way of the fulfillment of such a hope.

IV. (*a*) Some time ago the Panama Railroad Company felt itself obliged to charter a British passenger steamer, the *Dunottar Castle*, to supply the place of an American steamer, the *Alliança*, undergoing extensive repairs. The *Dunottar Castle* belongs to the Union Castle Mail Line, which for years has received a subsidy of $656,000 for transporting the British mails between England and Cape Colony. The *Dunottar Castle* was built in 1890, and stands tenth on the list of the ships of the Castle Line—no longer available to meet the requirements of the British mail service. She was last known to the world as the troop ship which carried Lord Roberts and his staff to the Boer war. Having drawn subsidies as a part of the imperial mail system for years, and having served as part of the British military system, now, when 17 years old, the *Dunottar Castle* turns for its dividends to the American Government.

These considerations are not submitted in criticism of the Canal Commission. It has no power to weigh them, when known to it. Its work is doubtless being done to the best of excellent ability generally conceded.

The question of transportation of cement is an imminent one—to be settled possibly within a few days. It is more than a question of "cheapness."

Mr. FRYE. Colonel Goethals in a letter addressed to the Secretary of War states that during the next year there will be freighted to Panama: Coal, 400,000 to 500,000 tons; cement, 300,000 to 400,000 tons; lumber, ties, and piles, 150,000 to 250,000 tons; mails, cars, miscellaneous cargo, 100,000 to 150,000 tons; total, 950,000 to 1,300,000 tons a year. One million tons of cement are to be transported to the Isthmus at the rate of 30,000 tons a month, and it will take three years for the transportation of the cement.

Under the law the Secretary of War holds that he must take the lowest bid for this transportation. That means that not one ounce of this freight will be carried by an American ship under the American flag, and that foreign ships, principally British, foreign officers and foreign sailors, will receive the entire freight money.

Colonel Goethals, a most admirable and efficient Army engineer, and the right man, in my judgment, in his present position, has but one purpose, and that is the earliest possible completion of the canal at the lowest possible cost. He has no sentiment as to how this freight shall be carried, no care whether it is under the American flag or a British flag, whether the enormous freight money is to be paid to foreigners or Americans.

In a letter to the Secretary of War he expressed a serious doubt as to whether there were American ships sufficient to do this freighting, and if there were not, that it would cause delay, to which he seriously objects.

I have a list of American ships ready to-day to make bids for this business. There are some forty of them, and they are sufficient in number and in tonnage to carry five times or ten times more freight than that which Colonel Goethals calls to the attention of the country.

The colonel knows not much about ships. In his letter he found that a 2,000-ton ship net would carry 2,000 tons of coal or cement and that a 5,000-ton ship would carry 5,000 tons of coal or cement. As a matter of fact, a 2,000-ton ship net will carry 4,000 tons of coal or cement and a 5,000-ton ship net will carry 10,000 tons of coal or cement.

The colonel further suggested that contractors could not be found who would bid to deliver at Panama this freight in American vessels. But, like the honorable gentleman he is, he wrote a letter to the Secretary of War in which he said he was entirely mistaken in that; that he has had communications from contractors stating that they will be ready to bid at any time to deliver at Panama. The colonel also in a letter sent a list of five or six more ships than were included in my list. I desire to have read this letter from the Atlantic Carriers Association.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

ATLANTIC CARRIERS' ASSOCIATION,
130 AND 132 PEARL STREET,
New York, February 15, 1908.

Hon. WILLIAM P. FRYE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: We are greatly interested in Senate resolution No. 40, introduced by you January 27, 1908, and write to express the earnest hope that it will receive prompt consideration.

At the present time there are more than 200 vessels in the port of New York, more than 100 of them are idle and waiting for a charter, from which the owners can pay their operating expenses. This is equally true of Norfolk, Baltimore, Philadelphia, Boston, and other Atlantic ports.

There has not been a time for the past twenty years when so much American tonnage was idle. At the present time I do not hesitate to say that there are at least 200 American sailing vessels that would be desirous of chartering on this business. Should your committee or Senate desire the names I will submit a list of them. All are available. To express the deplorable state of the freight market I have only to inform you that we are chartering vessels from Baltimore, Philadelphia, and Norfolk to Galveston, Tex., on coal at 88 cents net per gross ton, less than 4 cents per 100 pounds, and out of that we must pay excessive pilotage charges, together with all the operating expenses and fixed charges.

The streets of New York are thronged with American sailors looking for employment, and many are actually starving for want of a position.

We realize that you will have, as is always the case in this kind of legislation, the foreign steamship opposition, but it seems that Congress at least should grant the shipowner and American shipmaster and crews an opportunity to transport the materials that they in turn help pay for. We know of several reputable concerns that would be glad to carry this entire contract in American vessels.

I have the honor to remain, with best wishes for the success of the resolution,

Yours, respectfully,

ATLANTIC CARRIERS' ASSOCIATION,
By FIELDS S. PENDLETON, *President.*

Representing 400,000 tons of American-built and American-owned sailing vessels.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from South Carolina?

Mr. FRYE. Certainly.

Mr. TILLMAN. If I caught it rightly, this letter writer states that he is now transporting coal at 4 cents a hundred from New York to Galveston, or Boston to Galveston, somewhere around there. I should like to have the Senator tell us whether the Canal Commission have any bids for the transportation of cement? In other words, can we get it at the prices which the Government is now paying, or will be compelled to pay, if the joint resolution goes through?

Mr. FRYE. No; there are no bids, because there was not any chance whatever for an American ship to make a bid and have it accepted. When the foreign ship costs 33⅓ per cent less than the American, the officers and crew 33⅓ per cent less, it was no use for an American ship to undertake to compete with a British ship. But if the joint resolution becomes a law there will be bids, and they will be surprisingly low.

Mr. TILLMAN. As I understand it, then, the Senator desires to compel us to employ our own ships, regardless of expense?

Mr. FRYE. I do; and I say it is a shame, it is a disgrace to the United States of America, rich and powerful as it is, to have sailors starving in New York City when we are providing money for the support of British sailors.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Oregon?

Mr. FRYE. I do.

Mr. FULTON. I ask the Senator if he is asking present consideration of the joint resolution?

Mr. FRYE. It is before the Senate by unanimous consent.

Mr. FULTON. I did not understand the status of it. My attention was called to it only since the Senator took the floor.

If the Senator will permit me, I wish to state that while I am, I believe, as earnestly in favor of developing the building up of the American merchant marine as any advocate of that policy possibly can be, yet I must have also in mind the conditions in various sections of our country, and particularly that section from which I come. I call the attention of the Senator to the fact that very unfortunately we have no American vessels——

Mr. FRYE. Will the Senator allow me to interrupt him for a moment?

Mr. FULTON. Certainly.

Mr. FRYE. He did not hear an amendment which has been agreed to already by the Senate, which provides against just that.

Mr. FULTON. I would be glad to have it read.

Mr. FRYE. It is an amendment offered by the Senator from Louisiana [Mr. FOSTER] and accepted by me.

The VICE-PRESIDENT. The Secretary will read the amendment.

The SECRETARY. At the end of the joint resolution add the following proviso:

Provided, That this resolution shall not apply to Gulf ports nor to any port of the United States from which such vessels of the United States can not be secured for the trade.

Mr. FULTON. Without intruding on the Senator's time, I will suggest in response to that, it seems to me it should go a little further, and there should be some restriction on the power of the Commission or the President to reject foreign vessels. There should be some restriction in regard to the difference in price. It is possible of course that we could get an American vessel in New York harbor to agree to go around to the Columbia River and take a cargo of lumber down to Panama.

Mr. FRYE. There is no probability of it.

Mr. FULTON. If we would pay them enough probably they would do it, but there is no probability of it. I suggest to the Senator that there should be some provision in the joint resolution that would give the American ships the preference and yet would protect the shippers against unreasonable charges and unreasonable rulings. That which would be extortionate or unreasonable in the view of the Commission might not strike the bidders in the same way. Indeed, the shippers might feel that, in their judgment, from their standpoint, it was unreasonable and it might not be deemed unreasonable by the Commission. I think there ought to be more restrictions thrown around the power of the Commission to prefer an American vessel than there is.

Mr. FRYE. The Commission has no power about it. The President of the United States is to say whether it is reasonable or not.

Mr. FULTON. The President of the United States, but in the ultimate, final analysis it will be done by the Commission, because the President can not possibly give his individual attention to all these matters.

Mr. STONE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Missouri?

Mr. FULTON. Certainly.

Mr. STONE. Only for a question. What would be the form of provision that the Senator suggests?

Mr. FULTON. Speaking offhand, I would be willing to allow the American vessel a certain percentage of difference in charge. I am not prepared to say just now, because what the percentage of difference should be is a matter which the committee should inquire into carefully. I would always prefer the American vessel, but at the same time we must consider the American producers as well. I am very much afraid if the joint resolution, even with the amendment proposed by the Senator from Louisiana, shall be passed it will absolutely prevent the shipping of lumber supplies from the Northwest to Panama.

I do not wish to take up the time of the Senator from Maine, and I apologize for having done so to the extent I have, but I hope this matter will not be pushed at the present time, for I should like to inquire into it a little more.

Mr. FRYE. It must be pushed at the present time. These bids are to be opened in April.

Mr. FULTON. Very well then, Mr. President, I shall have to oppose the joint resolution.

Mr. TILLMAN. Mr. President, I desire to ask the Senator from Maine a question.

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from South Carolina?

Mr. FRYE. With pleasure.

Mr. TILLMAN. Has the Senator any information as to whether or not the Commission has ever considered the feasibility and cost of manufacturing its own cement on the ground?

Mr. LODGE. If the Senator will allow me——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Massachusetts?

Mr. FRYE. With pleasure.

Mr. LODGE. I have the papers in my room, but I think I can state from memory in regard to it. If the cement is taken down there in crude form and ground and manufactured on the spot, it will be necessary to build a mill for the purpose. Investigation has shown that the construction of the mill would cost in the neighborhood of $1,000,000, and it would take something like a year to build it and equip it with the machinery. I think there is no question in the minds of the engineers and those charged with the construction of the canal that it is altogether the cheapest and the best way to take the cement down in barrels.

Mr. TILLMAN. Is there any report to that effect?

Mr. LODGE. Why should there be a report?

Mr. TILLMAN. The Senator is making a statement. What does he base his assertion on?

Mr. LODGE. I base it on the statement of the engineer of the Commission.

Mr. TILLMAN. On a statement made to him personally?

Mr. LODGE. On a statement made to me.

Mr. TILLMAN. Given to you personally?

Mr. LODGE. Given to me personally.

Mr. TILLMAN. Then if the Senator vouches for it, that is a different proposition, but to get up and give us hearsay does not go here; at least nobody takes my hearsay.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from California?

Mr. FRYE. With pleasure.

Mr. FLINT. I simply want to state in answer to the question of the Senator from South Carolina, that there has been a full and complete investigation as to the manufacture of cement on the Isthmus. The report has been made by the officials of the Geological Survey, who have investigated not only as to the cost of the cement, but the possibility of making the quantity of cement and the time that would be necessary to build a plant. They have the material there in proper quantity, and with a plant they would make good material. The only question is as to whether or not the cement can be purchased in the United States and shipped to the canal cheaper than it can be manufactured at the Isthmus, including the cost of the plant, which would be useless after the canal had been constructed.

Mr. TILLMAN. Would we not have to keep the canal in repair?

Mr. FLINT. It would not require such an enormous plant as would be required if we made a large amount of cement during the construction of the canal.

Mr. TILLMAN. If the Senator will kindly furnish us the report to which he has referred, or tell us where we can get it, so that we may have it in print and read it, we shall have a better understanding of the situation.

Mr. FLINT. The Senator can obtain it very easily by applying to the Isthmian Canal Commission.

Mr. TILLMAN. The Senator from California can obtain it easier, because I do not know where it is.

Mr. FLINT. The Senator can obtain it by writing to the Isthmian Canal Commission and asking for a copy of the report. They have it there.

Mr. TILLMAN. I should like to have the Senator from California send me over a brief outline of it. If I am correct in my information, the construction of such a mill for grinding cement would take a long time and cost a very large amount of money.

Mr. FLINT. Yes, sir.

Mr. TILLMAN. It involves a great deal of machinery, and, I understand from those in charge of the work, to take the cement down in barrels is altogether the cheapest way.

Mr. FLINT. They want to be in a position, if an exorbitant price is charged, that they can make cement on the Isthmus. They are holding that merely as a precautionary matter, so that exorbitant charges can not be made in the United States.

Mr. TILLMAN. Possibly; but as to the cement now there which has been ordered by the War Department, I have not heard it suggested that the price of that was exorbitant.

Mr. TELLER. If the Senator from South Carolina will look at the last report of the Isthmian Canal Commission, he will find that the Commission report as to the cost of cement after they have built this plant. That does not enter into the cost. After the plant is built, the cost will be, as I recollect, about $1.34 a barrel. Cement ought to be delivered from the United States for less than that. I think it is hardly the proper thing for the United States to go into the cement business as a business. It seems to me the proper method is to buy cement in the United States where it can be bought the cheapest. There is another thing to be considered in buying cement. It would hardly pay to buy some kinds of cement for this class of work. The cement to be used there should be the best cement that can be made, and, even then, it will be very difficult to construct the locks on that canal so that they will not be liable to break and to become useless.

Mr. TILLMAN. Mr. President, if the Senator from Maine will permit me further——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from South Carolina?

Mr. FRYE. I do.

Mr. FLINT. I merely wish to call the attention of the Senator from South Carolina to the place in the annual report

of the Isthmian Canal Commission where he can find the information he desires. It is in the report of 1907, from page 125 to page 129.

Mr. TILLMAN. Turn the pages down, please, and I will get the volume later.

Mr. President, the Senator from Colorado [Mr. TELLER] told us that he thought this cement ought to be bought in the United States. My understanding is that the Canal Zone is a part of the United States. It is under our flag, and we are spending an immense amount of money there. Practically it is a part and parcel of the United States. But whether it be or not, the one, two, three, four, five, or any other number of hundreds of millions of dollars that the canal is to cost is to be paid for by the people of the United States, and in the present nebulous situation as to the probable cost of this great work I think it behooves us to look a little carefully into the sources of expenditure and the amount of money to be spent there. While I agree with the Senator from Maine [Mr. FRYE], and am in a way a believer in the doctrine of "America for Americans," and want to see to it that our own people get the benefit of our own taxes, as they are the people who pay the cost of the canal, I think we ought to balance things a little, and not just rush headlong pellmell into expenditures for a favored class, without considering those who are to pay for this great work.

My reason for inquiring as to the possibility of manufacturing cement at Panama is the certainty that he shall have to use an immense quantity of it there. I have not read the report and do not know how much, and perhaps some of those who are on the Interoceanic Canal Committee can enlighten me. I think we have some Democrats on that committee. I do not even know who they are. What do they know about this? What are they on the committee for?

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from California?

Mr. TILLMAN. With pleasure.

Mr. FLINT. I think if the Senator from South Carolina were on the committee, he would find that the Democratic members are very much interested in it.

Mr. TILLMAN. I am not charging anybody with not being interested in it. I am not accusing anyone; I am not criticising anyone; but I call attention to the fact that we should like to have some light.

Mr. STONE. I am not on that committee, Mr. President, but I can say now, as stated in the report accompanying the joint resolution that is now being considered, the statement is that the Isthmian Canal Commission on January 28 issued proposals for furnishing 4,500,000 barrels, or about 1,000,000 tons, of cement.

Mr. FLINT. Is that all we are going to need?

Mr. STONE. I do not know.

Mr. SCOTT. Mr. President, I should like the Chair to inform us who has the floor. We can not tell.

Mr. FRYE. In imagination the Senator from Maine has, but only in imagination.

The VICE-PRESIDENT. Answering the Senator from West Virginia [Mr. SCOTT], the Chair will say that the Senator from Maine [Mr. FRYE] yielded, as the Chair understood, to the Senator from South Carolina [Mr. TILLMAN], and the Senator from South Carolina has the floor by the courtesy of the Senator from Maine.

Mr. TILLMAN. Of course I yield to the Senator from Maine, who may come in whenever he sees fit to take me off the floor; but as he has always been courteous, I know he does not object to having the fullest possible light thrown on this or any other subject with which he is associated.

I want to call the attention of the Senate to this point——

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Texas?

Mr. FRYE. With pleasure.

Mr. CULBERSON. I simply desire to remind the Senator from South Carolina that this joint resolution comes from the Committee on Commerce.

Mr. TILLMAN. But incidentally it brings in the subject of the interoceanic canal and the transportation of cement for building it.

Mr. CULBERSON. The Senator from South Carolina [Mr. TILLMAN] brought that question in.

Mr. TILLMAN. No, indeed; the Senator from Maine [Mr. FRYE] brought it in.

Mr. CULBERSON. I understood the Senator from South Carolina to make an inquiry of the Senator from Maine as to the transportation of cement.

Mr. TILLMAN. The avowed purpose of this joint resolution, as I understand it, is to provide a means of transporting this cement to the Isthmus in American bottoms.

Mr. CULBERSON. But my only purpose in rising, Mr. President, was to state to the Senator from South Carolina, in view of what he has said, that he would like to know the opinion of Democrats on the Committee on Interoceanic Canals with reference to this——

Mr. TILLMAN. Well?

Mr. CULBERSON. The Senator from Mississippi [Mr. MCLAURIN] and the Senator from Louisiana [Mr. FOSTER], one of whom is on the Committee on Commerce, have prepared and presented a resolution——

Mr. TILLMAN. An amendment.

Mr. CULBERSON. An amendment, which is in a sense protective of the interests of the country——

Mr. TILLMAN. Of the South.

Mr. CULBERSON. Against a monopoly that is about to be created in other parts of the United States. Those are the gentlemen on this side of the Chamber who have been looking after this matter, and several others have incidentally given the matter some attention. We understand the Senator from Maine has accepted the amendment proposed by the Senator from Louisiana. In the meanwhile the Senator from Oregon [Mr. FULTON] presents what I agree is a strong point against the joint resolution, and which, if he had not presented it, would have been presented by some one on this side—that is, that the people of the United States are still not protected against the extortionate charges of the monopoly which may be thus created, because it is only left to the President to refuse these contracts when the rates are extortionate, but not when they are high or unreasonable.

Mr. FRYE. The language is, "when they are unreasonable."

Mr. FULTON. The language is "extortionate or unreasonable." The use of the word "extortionate" in connection with the word "unreasonable" I think qualifies "unreasonable" very much.

Mr. FRYE. I am willing to strike out "extortionate."

Mr. FULTON. If the Senator will pardon me, I will ask him in this connection if he will agree to an amendment, which I will state? If he will, so far as I am concerned it will prevent me from offering any opposition to the joint resolution. The Senator from Louisiana [Mr. FOSTER] has proposed this amendment, which has been accepted:

Provided, That this resolution shall not apply to the Gulf nor to any port of the United States in which such vessels of the United States can not be secured for the trade.

Will the Senator from Maine consent that after the word "Gulf" shall be inserted the words "nor to ports on the coast of the State of Oregon?"

Mr. BACON. I want to say, Mr. President, with the permission of the Senator——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Georgia?

Mr. FULTON. Certainly.

Mr. BACON. I desire to say that I had already stated to the Senator from Louisiana [Mr. FOSTER] that I proposed to offer an amendment after the word "Gulf," to insert the words "or South Atlantic;" so that it would read "Gulf or South Atlantic ports."

I am perfectly willing that no port shall be mentioned, and that the general term "ports" shall be included; but if any ports are to be mentioned, then, I presume, those of us who represent different parts of the coast in the East and West will desire that there shall be specific mention of those specific ports. I myself shall ask that the words "or South Atlantic" be inserted after the word "Gulf."

Mr. FULTON. I ask the Senator to withhold his request until I get mine in.

Mr. TILLMAN. If the Senator from Maine [Mr. FRYE] will permit, I should like to have the Senator from Oregon [Mr. FULTON] explain why Oregon should be favored to the exclusion of California or Florida or South Carolina?

Mr. FULTON. That is very easily answered. Oregon is a far better country. [Laughter.]

Mr. TILLMAN. That may be, but it depends on who says it is a better country. [Laughter.]

Mr. FULTON. However, Mr. President, in all seriousness, I will say the reason is because there are no American vessels there to accommodate the trade. Just a few days ago—I think not over ten days ago—I received a wire from people on the Columbia River who desired to bid to furnish lumber for Panama, asking whether or not they could employ a foreign vessel to ship it, and saying that if they could not, it would be im-

possible for them to bid. They were advised, of course, that they could, and no doubt they acted on that advice.

Mr. FRYE. The joint resolution provides now that where there are no American steamships its provisions shall not apply.

Mr. FULTON. That depends upon the construction placed upon the language.

Mr. FRYE. I do not see how it can be construed in any other way than that.

Mr. FULTON. The amendment of the Senator from Louisiana reads:

In which such vessels of the United States can not be secured for the trade.

What is the meaning of the language "can not be secured for the trade?" Perhaps if we could get vessels to come up there from some other port down the coast you would say that they could be secured for the trade.

Mr. FRYE. Does the Senator honestly think that a sailing ship would go around the Horn and up to the Columbia River to load with lumber to bring it down to Panama? Does he really think so?

Mr. FULTON. I hope that if the Senator thinks I think at all, he thinks I think honestly.

Mr. FRYE. Then do you think at all? [Laughter.]

Mr. FULTON. Of course in discussing this question I would hate to leave that proposition to the Senator from Maine.

Mr. FRYE. You would be perfectly safe.

Mr. FULTON. Well, I am not certain about that.

Mr. FRYE. Oh, the Senator would.

Mr. FULTON. I am very certain of this, Mr. President, that there might be a construction of this language different from that the Senator suggests. I take it some people—for instance, the Senator from Maine—might think if a merchant on the Columbia River could get American vessels in San Francisco to come up to the Columbia River and take a cargo, that he was in duty bound to do it, even though he had to pay an added freight charge to secure them. I am not certain what added freight charge would be deemed reasonable under this bill, but I do know that it would seriously handicap a section of the country where there are no American vessels as compared with a section where there are some, because the farther the vessel has to go to secure the trade the greater the charge is going to be. Therefore, Mr. President, as I view it at the present time, unless the Senator can accept the amendment I suggest I can not see my way clear to support this joint resolution.

Mr. TILLMAN. Now, if the Senator from Maine will permit me——

The VICE-PRESIDENT. Does the Senator from Maine yield further to the Senator from South Carolina?

Mr. FRYE. Certainly.

Mr. TILLMAN. I am told by the Senator from Colorado [Mr. TELLER], who has examined the report, that under the plans and specifications as now drawn by the engineers we will require for the Panama Canal 5,000,000 barrels of cement. Is it 5,000,000 barrels or 5,000,000 tons?

Mr. FLINT. It is estimated that there will be 5,000,000 barrels of cement required for this work.

Mr, TILLMAN. Mr. President, when I call attention to the fact——

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Colorado?

Mr. TILLMAN. The Senator from Maine has the floor.

Mr. FRYE. He thought he had, but he has not. [Laughter.]

Mr. TELLER. I think this discussion has demonstrated what I have complained of for some time, namely, that nobody has actually given any attention to this great enterprise down there that is going to cost so much money. No one seems to know how much cement will be required, and I do not believe anybody can tell from the report. It is said that they want 5,000,000 barrels. I do not know how much more they may want. I believe it is stated in the report of the Commission that they have the material for making cement. I have gone over that report very carefully, and I do not believe from an examination of the matter that anybody can say with any certainty that there is any real good cement material down there. So nobody can say whether it is in quantity sufficient to justify the Government of the United States in going to work on it.

I have not the slightest doubt, Mr. President, that when they get to work they will want twice the amount of cement they talk about using now, just as the construction of the canal will cost twice as much money as they are talking about using now.

As I understand this proposition, it is to buy a certain amount of cement now and have it on hand. I myself do not think there is any hurry about it. I want to say that I have gone over the report with as much care as I think a man who is not on the committee can, or ought to do, who is not charged with any special duty in connection with it, and I have not any hesitation in saying that it will be two years before they are ready to use a pound of cement. There is no reason to suppose they want to use any cement now at all, unless for some temporary purpose. They are certainly not in condition to commence the construction of any locks or any dams, and will not be for a long time to come. I do not think there is any special haste about this matter.

Mr. LODGE. Mr. President, if the Senator will allow me, the view of those charged with the work is that they will need this cement by December next, and that they ought to begin to ship it as soon as possible. They have called for bids for the whole amount, and I understand the bids have been sent to the Department. Those are the views of the people who do know about it.

Mr. STONE. If the Senator will permit me a moment, in the report filed by the Senator from Maine with this joint resolution I find this statement:

The Isthmian Canal Commission, on January 28, issued proposals for furnishing 4,500,000 barrels, or about 1,000,000 tons of cement, bids to be opened on March 12 next.

Mr. LODGE. I understand bids from various cement manufacturers and producers are now in the Department.

Mr. STONE. But there are other things to be carried.

Mr. LODGE. And the cement will be needed there by December.

Mr. STONE. But cement is not the only thing to be transported.

Mr. LODGE. Oh, no.

Mr. FRYE. The time for opening bids has been deferred, I think, to April 23, in order to learn what Congress proposes to do.

Mr. TELLER. That is, as I understand, bids for the cement, and not bids for transportation.

Mr. FRYE. Yes; for transportation.

Mr. TELLER. Both transportation and cement?

Mr. FRYE. Yes.

Mr. TELLER. Mr. President, of course what I have said about the time when they will begin to use the cement may be taken with some qualifications from the fact that I have never believed—and I think I am justified in that opinion—I have never believed that they would make the progress on the Isthmian Canal that it is claimed they will make. I am justified in doubting, Mr. President, because a careful examination will show that the Commission has never come up to the promises they have made.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield further to the Senator from South Carolina?

Mr. TILLMAN. I want to know whether the Senator from Maine occupies the floor or whether I do, because, although I have been trying to say something here for half an hour, I have been interrupted so often that just about the time I get ready to say it, somebody jumps in.

Mr. FRYE. The Senator from South Carolina seems to have occupied it a good deal more than the Senator from Maine has.

Mr. TILLMAN. Very well, let the Senator from Maine get through, and I will occupy the floor after he finishes.

Mr. FRYE. I desire to have printed the statement which I send to the desk concerning the number of ships that can be employed in this business.

The VICE-PRESIDENT. Without objection, permission is granted.

The statement referred to is as follows:

AMERICAN STEAMERS AVAILABLE.

4. Following is a partial list of American steamers available for this transportation:

(Each net register ton of 100 cubic feet will hold from 2 to 2¼ tons of cement, coal, or similar heavy bulk cargo.)

	Net register tons.
Boston Steamship Company.	
1. Shawmut	6,195
2. Tremont	6,195
Total	12,390
Brunswick (Ga.) Steamship Company.	
3. Altamaha	2,046
4. Ocmulgee	2,042
5. Ogeechee	2,039
6. Ossabaw	2,043
7. Satilla	2,044
Total	10,214
Boston Towboat Company.	
8. Lyra	3,516
9. Hyades	2,932
10. Pleiades	2,932
Total	9,380

	Net register tons.
Massachusetts Steamship Company.	
11. Everett	3,301
12. Malden	3,301
13. Melrose	3,301
Total	9,903
Luckenbachs.	
14. J. L. Luckenbach	3,192
15. Lewis Luckenbach	2,574
16. Brooklyn	2,276
17. Julia Luckenbach	1,977
18. Harry Luckenbach	1,799
Total	11,818

Name.	Net tons.	Name.	Net tons.
Shawmut	6,195	Everett	3,301
Tremont	6,195	Malden	3,301
Hyades	2,932	Melrose	3,301
Pleiades	2,932	Lyra	3,516

Following are freight steamers which, I think, would be available from time to time:

Name.	Net tons.	Name.	Net tons.
Brooklyn	2,276	Evelyn	1,185
Joseph W. Fordney	2,297	Wilhelmina	1,038
Lewis Luckenbach	2,574	Missouri	5,077
Julia Luckenbach	1,977	Massachusetts	5,131
J. L. Luckenbach	3,192	Harry Luckenbach	1,799
Lassele	1,225	West Point	1,168

Mae, 1,281 net (3,000 tons cargo); *Carolyn*, 1,414 net (3,350 tons cargo); *Dorothy*, 1,629 net (3,400 tons cargo).

The Luckenbach Company stated that their steamers, *Jacob Luckenbach*, 1,744 net registered tons, and *Marie*, 1,615 net registered tons, were also available, and from James W. Elwell & Co., of New York, that they had available the American steamers *Hector*, 1,851 net registered tons, and *Lassell*, 1,225 net registered tons. These four steamers, aggregating 6,435 net tons, can carry over 12,000 tons of cargo on one voyage each, or during a year, upward of 100,000 tons of cargo.

Mr. TILLMAN. Mr. President——

Mr. FRYE. Under this extraordinary method of discussion I will yield the floor.

The VICE-PRESIDENT. The Senator from Maine yields the floor.

Mr. FRYE. But before doing so I will simply say that I desire to have a vote on the joint resolution this morning, as the Senator from Texas [Mr. BAILEY] has notified the Senate that he desires to speak at 2 o'clock on the financial bill.

The VICE-PRESIDENT. The Senator from Maine yields to the Senator from South Carolina.

Mr. TILLMAN. Well, now, do I occupy the floor by sufferance of the Senator from Maine or do I occupy it in my own right? Will the President please tell me?

The VICE-PRESIDENT. The Senator from South Carolina is recognized in his own right.

Mr. TILLMAN. Now I can understand the status. [Laughter.]

Mr. President, when I called attention to the possibility and feasibility and probable cost of manufacturing cement on the Isthmus itself, I had no conception or dream that I would bring up any such confused and tangled debate as has caused the Senator from Maine to reprimand me in a way.

Mr. FRYE. Oh, Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Maine?

Mr. TILLMAN. Certainly.

Mr. FRYE. I beg the Senator's pardon. I would not reprimand him under any conditions. I have the greatest admiration for the Senator from South Carolina.

Mr. TILLMAN. But we very often reprimand even those we love. [Laughter.]

I had in mind, Mr. President, the fact that the ultimate cost of the transportation, as well as of the cement, would come out of the taxpayers of the United States, and I can not see any good reason why we should, in our anxiety to aid the shipowners, forget the men who are to pay the taxes. If the cement can be manufactured on the Isthmus at a less cost than it can be bought in the United States and transported there, the labor being paid for by this Government, and also the materials and machinery that may be required, I, for one, believe it ought to be done.

I have in mind, Mr. President, a case nearer home, where this Government has entered into the manufacture of cement for its own use. We have on foot in Arizona a great irrigation project, a reclamation project, and it was my good fortune as well as my pleasure last June to visit what is known as the "Roosevelt dam site," in the Salt River Valley, some 80 miles above Phoenix. It is proposed there to build the highest dam that has ever been constructed in the world and to create a storage reservoir covering, I think, some 13,000 acres, simply to hold in reserve the water which falls in the shape of snow or rain and has been running off, to be let out when needed to supply a sufficient volume to cover an irrigable area lower down the stream.

One of the first things which I saw when I reached Roosevelt was a very large and apparently magnificently equipped cement mill; and they were digging in the side of the mountain to get limestone and clay, both right on the spot, for material with which to make cement. I had passed in transit going from Phoenix to Roosevelt a good number of oil wagons, wagons with tanks on wheels, carrying petroleum for fuel in the manufacture of cement. I was told by the engineers in charge that in making the estimate for the cost of this dam the bids for cement were so enormously high, because the cement manufacturers of the country who might want to supply the Government would have to transport it by rail to Phoenix and then haul it by wagon this 80 miles, that the Government decided that it could manufacture its cement on the spot and carry the fuel to Roosevelt at a cheaper rate than it could buy it for. The result was, as I have said, that we have a very large cement plant there, and the price of cement manufactured by the Government in that way is very much less than what it would have to pay to have the cement supplied by contract at a place even 10 miles from Phoenix, where they are building an outlet dam, or a check dam, to let the water get out of the river bed onto the irrigable land. In fact, they are now hauling cement from the Roosevelt dam site, 70 miles back toward Phoenix, 10 miles from a railroad station, and are saving money by it.

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Nevada?

Mr. TILLMAN. With pleasure.

Mr. NEWLANDS. If the Senator will permit me, I will simply add that at the time it was projected that the Government should commence these cement works, there was a protest throughout the United States on the part of the cement manufacturers of the so-called "cement trust" against this as a perversion of governmental functions; but, notwithstanding that, the Government persevered and adhered to its purpose, and has thereby accomplished an enormous saving in these works.

Mr. TILLMAN. That is what I have said—that we will save several hundred thousand dollars, perhaps millions of dollars, in constructing the Isthmian Canal if we manufacture our own cement.

Mr. NEWLANDS. If the Senator will permit me, I will add that one of the reasons why the Reclamation Service has been so successful in inaugurating and pushing and putting through these twenty-three projects of enormous proportions in various States of the Union is that they have had a comparatively free hand in all business propositions relating to construction.

Mr. TILLMAN. I am very much obliged to the Senator for the additional light on this subject of governmental manufacture. We have had to go into the manufacture of powder to save ourselves from the powder trust. We have got what is called the "shipping trust." We have got a cement trust, and a trust on almost every other article of everyday consumption and use in this country. I was merely trying to get light from those who ought to know, or ought to find out, before we pass any bill like this, whether or not we could not build a cement mill on the Isthmus, manufacture our own cement there, and save several million dollars, rather than go into the high-faluting programme of transporting everything in American bottoms after making it here at a higher price than it can be made for there, and thus compelling the taxpayers throughout the country to contribute their hard-earned money to help a few of our favored shipowners.

If the facts are that we can manufacture cement on the Isthmus, we certainly can ship petroleum from Texas down there, or get coal from somewhere that we could use for fuel, and I for one can not see for the life of me why a cement mill sufficient in size to keep pace with the needs of the Commission in constructing the canal should not be built, instead of going into this programme of requiring the engineers to pay whatever prices the cement trust and the ship trust combined shall see fit to charge them. That is all I want to say about it.

Mr. BACON. Mr. President, one thought has come to my mind in connection with the joint resolution which I think it is important we should carefully consider. As I understand the joint resolution, the contracts which are contemplated are contracts where the material is to be delivered at Panama by the party who sells it. If I am in error in that, of course what

I am saying about it is not pertinent. I think there can be no doubt about that being the case; otherwise the language would not be as it is:

That in any contract hereafter made transportation by sea of material and equipment from the United States for use in the construction of the Panama Canal shall be restricted to vessels owned by the United States or by the Panama Railroad Company, or to vessels of the United States tendered by the lowest responsible bidder.

It evidently contemplates that bids will be asked for material to be delivered at Panama. Now, a bidder under those circumstances must take into consideration not simply the cost of material, but the cost of transportation, in order that he may bid advisedly. In order that he may make a bid intelligently he must be able to determine definitely what the transportation cost to him will be, because he himself will have to pay the transportation cost, and the transportation cost necessarily enters into the cost of the material to be delivered by him. It is therefore necessary that parties should be enabled to determine with accuracy what the cost of transportation will be. It will not be sufficient, to enable him to calculate with any degree of certainty, for him to know that he can under some circumstances ship by foreign ships and under other circumstances on American ships. In the one case the cost will be much greater than in the other, and so long as the uncertainty remains whether his cost will be the cost of transportation by foreign ships or by American ships it will be impossible for him to make an intelligent bid.

Mr. President, the pertinent fact, so far as concerns my section of the country, is this: We are one of the largest lumber-producing sections of the country; certainly among the largest, if not the largest, within convenient access to the Panama Canal. The port of Savannah and the port of Brunswick are two of the largest lumber-exporting ports of the United States. I am not sufficiently familiar with the subject to form an idea whether naval stores in any particular will enter into the material necessary for the construction of the canal. But, if so, it is a matter of additional importance to my section, for the reason that the port of Savannah is the largest naval stores port in the whole world and necessarily will be in a position to furnish a very large part of this material, if any of it does enter into the construction of the canal or into any of the works which are in any degree related to that construction.

Now, take the case of lumber, for instance, because we all know that lumber will enter into the construction of the canal, and that when bids are asked for the furnishing of lumber, a lumber dealer sits down and calculates whether or not he can make a bid on lumber to go to Panama. He knows the price at which he can furnish the lumber at a reasonable profit to himself; but he has to go further and calculate what it will cost him to deliver the lumber at Panama. Under the terms of the joint resolution he will not know until he comes to ship his lumber whether he will be able to ship it upon a foreign vessel or whether he will be required to ship it upon an American vessel, because at last it will depend upon the determination of the President in his discretion; and so long as that condition of uncertainty lasts it is an utter impossibility for a man who desires to make a bid for the furnishing of lumber to make a bid in which he may have a certainty that it will not result in great loss to him if it is accepted. His bid will be so much per thousand or per hundred thousand or per million, as the case may be, for lumber to be delivered on the Zone, at Colon, and he will make the bid knowing what the lumber will cost him and the price at which he can afford to furnish it, but in utter ignorance of what it will cost him to transport the lumber to the Isthmus.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Oregon?

Mr. BACON. I do.

Mr. FULTON. I wish to ask the Senator a question for information. From which port on the Gulf coast and the southern Atlantic coast is the greatest amount of lumber shipped? Which are the principal lumber ports?

Mr. BACON. I am not able to give the Senator any definite figures. There was, for a long time, a very much larger supply of lumber from the ports of Savannah and Brunswick than there was from the ports of the Gulf, and also the Florida ports on the Atlantic——

Mr. FULTON. On the Gulf, does the Senator know?

Mr. BACON. The Senator did not let me complete my answer. I do not wish to take him off the floor, but I hope he will permit me to answer the question he has asked.

In recent years there has been, to some extent, an exhaustion of the timber which formerly furnished lumber to those particular ports in Georgia which I have mentioned, and the industry has been in some degree transferred to Mississippi, and, I presume, also to Louisiana and Texas, though of that I am not so fully informed. What I say about the ports of Savannah and Brunswick, as lumber ports, is applicable, in a degree, to the ports of Fernandina and Jacksonville and Pensacola and Mobile and New Orleans and Galveston.

Mr. FULTON. All large lumber ports?

Mr. BACON. They are the principal lumber ports of the United States, and I do not suppose there will be a stick of lumber sent to the Panama Canal from the east coast north of Wilmington, N. C. It all has to go from south of Cape Charles; possibly, I may say, from south of Wilmington, N. C., on the Atlantic coast and around on the Gulf down to Galveston.

As is suggested to me by the Senator from Florida [Mr. TALIAFERRO], there is no yellow pine north of Wilmington, N. C., and I think we may safely say that all of the lumber on the east coast of the United States that will go into the construction of the Panama Canal will necessarily be lumber shipped between the ports of Wilmington, N. C., and Galveston, Tex., and there is not a single one of those ports——

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Oregon?

Mr. BACON. I do.

Mr. FULTON. The Senator certainly does not intend to be understood as saying that all the lumber practically to be employed in the construction of the Panama Canal will be shipped from the ports he has just mentioned.

Mr. BACON. I did not say so.

Mr. FULTON. I so understood him.

Mr. BACON. I said all the lumber shipped from the east coast of the United States would be shipped from those ports.

Mr. FULTON. The east coast!

Mr. BACON. I said the east coast. If the Senator will examine the Reporter's notes he will find that I did. I weighed my words when I used them.

Mr. FULTON. I am perfectly willing to accept the Senator's word on that.

Mr. BACON. Nobody will disparage the vast supply of timber on the Pacific coast. Anybody reasonably informed knows the tremendous amount of it and its value. Of course the Senator realizes, as suggested by the Senator from Maine, that it is more difficult to get lumber from Oregon to the canal than it is from the southern ports of the United States.

Mr. FULTON. If the Senator will allow me right here, I do not see that it would be any more difficult to get it from the Northwest than to get it from the Gulf ports. The distance, of course is a little less——

Mr. BACON. I will concede that, if the Senator desires it, and therefore I will ask the Senator——

Mr. FULTON. The Senator will permit me. But if the Gulf ports shall be given, as proposed by the amendment which has been accepted, the right to employ foreign vessels in shipping its products of lumber to Panama and the Northwest shall be restricted to American vessels, unless the difference in freights shall be unreasonable, the Senator will admit, of course, that the Northwest would have no possible show in competition with Gulf ports.

Mr. BACON. That would be true. I do not think, however, that that is the design of the present phraseology of the joint resolution.

Mr. FULTON. It does not make much difference to the shippers whether it is the design, so long as it is the result.

Mr. BACON. Yes. I am addressing myself to the question, What will be the condition if that alternative is made applicable to every port of the United States? I am speaking of what the result will be if the joint resolution is so framed that, as to every port in the United States whence a shipment of material of any character whatever is to be made to the Zone, it is left in a condition where it may be shipped by a foreign vessel or it may be required to be shipped by an American vessel—from any port, it matters not what. The bidder will be in doubt as to how he can bid, because he will not be informed whether he can ship it by a foreign vessel or whether he will be compelled to ship it by an American vessel, and in the one case the cost will be greater than in the other. How can he frame his bid intelligently?

Now, if the suggestion of the Senator from Oregon were carried out, that the joint resolution shall specify a certain rate of percentage which would be allowed to the American vessel, then a bidder might make his bid intelligently. He might make it upon the basis of the shipment by a foreign vessel with an alternative bid of a certain percentage added if by an American vessel; but as it now stands no man can tell when he makes

his bid whether the President of the United States is going to determine that the rate charged by the American vessel is reasonable or unreasonable, and therefore when he makes his bid it is impossible to know whether he is to pay a high rate of freight or whether he will be permitted to ship it at a low rate of freight. How is it possible for one to make a bid, with any possible security to himself, to deliver material upon the Canal Zone when he does not know whether he is going to be required to pay a high rate or a low rate?

Mr. FRYE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Maine?

Mr. BACON. With pleasure.

Mr. FRYE. General Goethals raised that point in his letter, and he said they could not make their bids. Later on he wrote to the Secretary of War a letter, which I have in my hand, and which I should like to have printed, in answer to the proposition the Senator makes. In it he says that Mr. Maxwell, the president of the company, says there is no difficulty at all and that responsible concerns are ready to make bids to deliver. Shall I have it printed?

Mr. BACON. The Senator offers something in reply to what I say. If he has any explanation to make of that proposition I shall be glad to have it from him. How, when it is uncertain——

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Maine?

Mr. BACON. Mr. President, I am replying to that. I am not making objection to his printing anything, but that is not sufficient for what I desire.

Mr. TILLMAN. Let it be read.

Mr. FRYE. Shall it be read?

Mr. TELLER. Let it be read.

Mr. BACON. I am willing.

Mr. FRYE. I believe it is a reply, to a certain extent, to what the Senator from Georgia is saying.

Mr. BACON. I will, with pleasure, pause long enough to have it read.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

ISTHMIAN CANAL COMMISSION,
Washington, February 20, 1908.

Hon. WILLIAM H. TAFT,
Secretary of War, Washington, D. C.

SIR: In my letter of February 7, reporting on the Senate resolution requiring the transportation of all supplies to the Isthmus to be made in vessels owned or chartered by the Panama Railroad, or in vessels of American registry, I stated that Mr. Maxwell, president of the Atlas Portland Cement Company, advised me that it would be impossible for his company to make a bid on cement delivered in American bottoms. I am in receipt this day of a letter signed by Mr. Maxwell, the president of the company, to the effect that he has proposals from several responsible concerns who are ready and willing to enter into an agreement for furnishing the necessary vessels of American registry for the transportation of the cement. I request that this information be given to the Senate committee having charge of the resolution; and in this same connection I beg to advise that Mr. Francis T. Bowles, president of the Fore River Shipbuilding Company, of Quincy, Mass., has furnished me with the following list of vessels and their net tonnage, which should be added to the list of vessels furnished by the Commissioner of Navigation:

Name.	Net tons.	Name.	Net tons.
Everett	3,301	Ocmulgee	2,042
Malden	3,301	Ogeechee	2,039
Melrose	3,301	Ossabaw	2,043
Satilla	2,044	Altamaha	2,046

Respectfully,

GEO. W. GOETHALS,
Chairman and Chief Engineer.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Massachusetts?

Mr. BACON. Certainly.

Mr. LODGE. There is not the slightest difficulty in their making bids. The proposals were offered in an alternative form by the Department—so much carried in foreign bottoms and so much carried in American bottoms, and the bids correspond to the proposals.

Mr. BACON. Does the Senator mean that is already being done?

Mr. LODGE. That is being done now in regard to supplies for the Panama Canal. For the cement the bids were issued in what is known as the "alternative form." It is one of the simplest business propositions to be imagined.

Mr. BACON. But there is now, as I understand, no such requirement as that proposed to be made?

Mr. LODGE. There is none; but that does not prevent the Department from asking for such bids. Does the Senator want to prevent the Department from using an American vessel if it can get it?

Mr. BACON. It does not prevent the Department, but it does not require it to do it.

Mr. LODGE. No.

Mr. BACON. I propose to require it to do it.

Mr. LODGE. But the Secretary of War ordered alternative bids—"how much will the cement cost brought in foreign bottoms; how much will you furnish the cement for if brought in American bottoms?" The Senator appears to object to even giving the American the poor chance to bid.

Mr. BACON. The Senator is not justified in saying that. Nothing I have said would warrant him saying it—not the slightest thing I have said. On the contrary, I myself suggested that if the joint resolution were so framed that the bids could be made in the alternative, then the end could be accomplished. Senators will certainly recollect my making that suggestion.

Mr. President, the Senator replies that that is the practice of the Department now. If so, it is a good practice.

Mr. LODGE. I did not say it was the practice. I said that is what they have done in the case under discussion. I hold the proposals in my hand.

Mr. BACON. That means practice. If they have done that, they have done what they ought to have done. They have done the exact thing which I suggested ought to be required to be done in the joint resolution. But I am not content with the fact that the Department can do it. I want it so fixed that they will be required to do it. I want the joint resolution so framed that they can not do otherwise, because if they can do otherwise there is an opportunity for great injustice to those who have a right to take part in bidding for the material for the canal.

I do not know whether the suggestion I make meets with the approbation of the Senator from Maine or not. I should think the fact, as stated by the Senator from Massachusetts, that it is now the recognized proper thing to do, would relieve the situation from any possible suggestion of any impropriety to incorporate it in the law and make it obligatory. Unless it is incorporated in the law it remains absolutely within the control of the Department officer, and while I have every confidence in the present Department officer, nobody knows how long he is to remain, and nobody knows when even the wisest man may change his mind and adopt a different policy.

Mr. President, in reply to the letter, which was read at the instance of the Senator from Maine, I will say the fact that the cement people may have found, after having originally objected to this plan, that they could make arrangements for the shipment of cement which would be satisfactory to them and which would enable them to bid intelligently, does not remove the difficulty as to other shippers. The cement people require an altogether different type of ship; the internal arrangements are not the same. It may be entirely true that arrangements can be made, and have been made, by these large producers of cement for the transportation of their product, having in view one great immense contract possibly, which enables them to put under their control a very large fleet of vessels and make an arrangement which will carry them through the entire contract. That is a very different thing from the lumber industry, which has a dozen ports on the Atlantic and Gulf coasts through which the shipments are made, each of them independent concerns, each of them having to make separate contracts, some of them making small contracts and some large contracts where it is not practicable that there should be an arrangement with some fleet of ships to carry all the lumber that is to be furnished during the time of the construction of the canal, as it is possible in the case of cement, where the largest part, if not the whole of it, is to be furnished by one party.

It is necessary that there should be some general rule, so that when any man who has a lumber plant wishes to sit down and calculate on making a bid to supply lumber for the construction of the canal, he may know that he can bid with certainty in the alternative, if you please, and without danger that he may make a bid upon which he will make a large loss when, in the discretion of an officer, he may be required to ship in an American bottom when he expected to be able to ship in foreign bottoms.

Mr. LODGE. May I ask the Senator a question?

Mr. BACON. Yes, sir; with pleasure.

Mr. LODGE. How does the Senator think it would do to apply to the material and equipment for the canal the same principle that he is applying to transportation—let them buy their lumber and cement wherever in the world they can get them the cheapest?

Mr. BACON. It is not necessary to go into that question now. We discussed that a year or two ago.

Mr. LODGE. Why do they not stand on the same footing? Why should transportation alone be discriminated against?

Mr. BACON. They do not stand on the same footing for this reason: There is material in this country——

Mr. LODGE. Yes; and there are ships here.

Mr. BACON. It does not seem a certainty that there are sufficient ships here.

Mr. LODGE. There are any number. A list of them has been put in the RECORD to-day.

Mr. BACON. Then, why have the alternative?

Mr. LODGE. Why have the alternative bids?

Mr. BACON. Yes.

Mr. LODGE. Because under the law foreign ships can underbid us, and under those circumstances the officers of the Department would have no right to give a contract to an American ship.

Mr. BACON. Mr. President——

Mr. LODGE. Wait a moment. And under the law as it now stands the Department must buy cement and lumber at a higher price than they can get it elsewhere. But we are not to apply that principle to the ships. We are not to apply it to the seamen. But all the other American industries must have that preference given to them.

Mr. BACON. The Senator again makes an assertion of my position which is unwarranted by anything I have said.

Mr. LODGE. I am not asserting the Senator's position. I am asserting the facts in the case.

Mr. BACON. The question which I ask the Senator is this: If there is a sufficiency of American ships, why is it that it should be provided in the joint resolution that in a certain case they may employ foreign ships? The Senator bases his contention upon the fact that there is a sufficiency of ships.

Mr. LODGE. I will answer that question.

Mr. BACON. If so, why put this other provision in at all?

Mr. LODGE. I will answer that question when the Senator answers mine; and that is, Why apply one rule to lumber and cement and other supplies and say they shall be bought only in the United States, and yet, as to transportation, provide that it must be open to the competition of the world? When the Senator answers that question I will answer his question, which is very easily answered.

Mr. BACON. I have never said it should be open to the competition of the world.

Mr. LODGE. That is the case to-day, and we are trying to give American ships a gentle preference, nothing more; not exclusion, but a mere preference.

Mr. BACON. I am discussing the particular effect of this joint resolution as it is written. The joint resolution as it is written leaves it open for the President to determine whether or not a bidder shall be required to ship the material which he offers to furnish in an American vessel or in a foreign vessel. That is the point I am after—that the bidder, when he sits down to make his calculation and his bid thereon, will not know whether he is to ship it in a foreign vessel or in an American vessel; and the suggestion which I will make now is that the phraseology of the joint resolution be so changed that what the Senator says the Department is now doing as a matter of volition it shall be required to do, and not be permitted to do otherwise. That is what I am contending for. In other words, that it shall be required——

Mr. FRYE. Mr. President——

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from Georgia yield to the Senator from Maine?

Mr. BACON. I do.

Mr. FRYE. If that was required in the joint resolution, what would become of the preference?

Mr. BACON. I do not know whether the Senator understood me or not.

Mr. FRYE. What would become of the preference which the joint resolution provides for American ships?

Mr. BACON. I am sure the Senator does not understand me, or he would not ask that question. My proposition is that it shall be required in the joint resolution that a bidder shall be allowed to make an alternative bid—so much if shipped in a foreign vessel, so much if shipped in an American vessel—dependent on when the President of the United States determines that he can not ship it in a foreign vessel, or when he determines that he may ship it in a foreign vessel. If the President determines that he may ship by foreign vessel, of course the bid which includes the shipment by the foreign vessel is the bid by which the contractor is bound. If, on the contrary, he holds that the offer of transportation by an American vessel is not unreasonable, then the bid which is made for shipment by American vessel is the one which is in force. It does not seem to me that that puts anybody at any disadvantage, and I am sure the Senator did not understand that or he would not have made the inquiry of me he did.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from South Carolina?

Mr. BACON. I do.

Mr. TILLMAN. I want to remind the Senator from Georgia that I have some recollection—my memory is getting very poor, but still I think I read something of the kind—that in the inception of our work on the Isthmus there was considerable racket in the newspapers because American shipowners put the freight rates so high that the President and Secretary of War gave notice that they would not be held up by the American shipping trust, and that they would employ vessels anywhere they saw fit. Have we not some foreign ships now chartered on the Isthmus by the Commission?

Mr. GALLINGER. One.

Mr. LODGE. We have the ships that belonged to the Panama Railway Company. They became the property of the United States.

Mr. TILLMAN. Are there no others?

Mr. GALLINGER. There is one foreign ship, which is excepted in the joint resolution.

Mr. LODGE. There is one foreign ship.

Mr. TILLMAN. Why did we get the foreign ship?

Mr. LODGE. I suppose because it did not have enough to do in the business of the railroad company.

Mr. TILLMAN. If they have not enough ships to do the business of the Panama Canal Commission, why not let them hire or charter some foreign ships?

Mr. LODGE. The Commission themselves want to control the ships. They should be ships of the United States. Foreigners would not do it cheap enough.

Mr. TILLMAN. If foreigners will not bid lower than the American shipowner, let the American take it. Why not let them compete in the markets of the world on this matter and save the money to the taxpayers?

Mr. LODGE. Very well, let us have competition in the markets of the world, and buy the lumber and buy the cement, and buy all the materials and equipment.

Mr. TILLMAN. As a taxpayer representing some farmers I should like powerfully well to have that done, and get the canal built at the very lowest dollar possible.

Mr. LODGE. The Senator voted with the rest of us for the law which excluded from competition the material and equipment of the rest of the world.

Mr. TILLMAN. How does the Senator know how I voted?

Mr. LODGE. I think it is a matter of record.

Mr. TILLMAN. I may have done so; because I slide along here with a great many things to which I am opposed; because I can not help myself. I am tied to the machine and have to go with it. Your party has a two-thirds majority in the Senate, and if the law to which the Senator now objects is on the statute books he and his party are responsible for this discrimination against American shipping. Why did you not put in the bill when the original law was passed a provision that supplies shall be carried in American bottoms? Why did you not put that in?

Mr. LODGE. Because there was a question then about the coastwise traffic, as I understand it. If we bring Panama under the coastwise laws there will not be any trouble.

Mr. TILLMAN. Of course not; but we have brought it under the flag. It is a part and parcel of the country now. We have got a governor there and we are spending hundreds of millions of dollars there. It is a great public work in which all of us are interested, and the taxpayers have got to pay for it.

Mr. LODGE. But that does not make it a part of the country. The Senator knows very well the law distinctly states that we simply take the control of it. The sovereignty of the territory would not pass to us.

Mr. TILLMAN. I think I have got possession of something in my pocket, and am using it to suit my own convenience. I think it is practically mine.

Mr. GALLINGER. Not if you borrowed it.

Mr. TILLMAN. Who borrowed the Panama Canal? We paid $40,000,000 to France, and we are going to pay I do not know how much more before we get it built. How do you call it borrowing?

Mr. BACON. Mr. President——

The PRESIDING OFFICER. The Senator from Georgia is entitled to the floor.

Mr. TILLMAN. I apologize to the Senator for having strayed off from the point I tried to make.

Mr. BACON. I excuse the Senator. I do not know how the Senator from South Carolina voted on that question, and I would not be willing——

Mr. TILLMAN. BACON comes before TILLMAN, and I followed you.

Mr. BACON. If the Senator would always do that, he would be right more frequently than he is.

As I was about to say, I would not be willing to say positively that I voted against it, but my recollection is that I voted against it and spoke against it.

Mr. LODGE. Against confining it to American ships?

Mr. BACON. Yes. I know the Senator desires to have that in order that it may be a little campaign capital, and I am willing to give it to him.

Mr. LODGE. No; that is not sufficient. As campaign capital it may be de minimis.

Mr. TILLMAN. If the Senator will permit me, there is likely to be need, in the near future, of some contributions for campaign uses, and that makes it very necessary that American ships should be used in carrying material and these supplies. Is that it?

Mr. BACON. If I recollect correctly, I took the position, when that question was before the Senate, that whatever might be said in regard to the general subject of protection, and however proper it might be as a national policy, I did not think that in this great national enterprise, where the cost of it must fall upon the entire people without distinction as to class or of occupation, it should be required to cost one dollar more than it must necessarily cost to complete it, and that those who were the recipients of the benefits of the protective tariff policy ought to be content with the great rewards which they have under the present tariff law, which our friends are so prolific in promises for the revision of, but which they never revise; that they ought to be content with that and not insist that it should levy another tribute upon the American people when they come to the great sacrifice, because sacrifice it is, in the construction of this work. I think that was the attitude which I occupied then. If I did not, I think so now.

Mr. FULTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Oregon?

Mr. BACON. I do.

Mr. FULTON. I wish to ask the Senator if he will not yield to me that I may make a suggestion right in connection with what the Senator from Massachusetts [Mr. LODGE] said. The Senator inquires if we are going to protect our materials and if we are going to require that the canal work shall be carried on and the canal constructed by materials supplied by the United States, why not extend it to the shipping?

I say to the Senator while I believe just as strongly in the doctrine of protection as he does and will go just as far along lines of principle for permanent results and effect as he will, yet he must remember that this is a work that will not extend over more than a few years and what we might do if we were going to employ a policy that would extend far into the future for the purpose of building up our shipping would be one thing, but to compel these supplies to be carried only in American ships when the proposition is practically one contract, extending only over a few years, the different sections of the country can not prepare for it, can not arrange to provide American ships so as to do the work. Before the ships can be provided the work will have been completed.

Mr. LODGE. I will say to the Senator——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Massachusetts?

Mr. BACON. I do.

Mr. LODGE. This bill is not exclusive. It only gives the Department the opportunity to take an American vessel, even if it has to pay it somewhat higher than it would pay a foreign tramp.

As to the lumber and cement and other material and equipment, it is exclusive; and I think that is right. They have to take it at higher rates if the rates asked here are higher. I am entirely willing and desirous, and I think it is right, that all this great expenditure for the canal shall be made as far as possible in the United States, and the money returned to the taxpayers in that way even if it costs a little more. But I do not think it is just to give the American ship and the American seaman no chance at all. This is merely to enable them when there is an opportunity to give it to an American ship to do it, even if it costs a little more.

I ask leave to have printed the form in the alternative bid, which I have marked.

Mr. BACON. I hope it may be read in order that I may make a suggestion as to an amendment in relation to it.

Mr. LODGE. It is the bid. The Senator can not amend the proposals of the Department.

Mr. BACON. I wanted the form of the alternative.

Mr. LODGE. I have marked it. It can be read.

The matter referred to is as follows:

A. Furnishing the entire supply at the prescribed rate of delivery—
1. On docks within reach of ship's tackle at seaports of the United States named by the bidder.
2. On docks, at the option of the bidder at Colon or La Boca (1) in steamships of American register; (2) in steamships of foreign register.
B. Furnishing any portion of the entire supply to be named by the bidder, deliveries at a uniform rate to extend over a period of three years. The period of deliveries, however, may be contracted or enlarged by decreasing or increasing the rate of delivery as provided for in paragraph 3—
1. On docks within reach of ship's tackle at seaports of the United States named by the bidder.
2. On docks, at the option of the bidder at Colon or La Boca (1) in steamships of American register; (2) in steamships of foreign register.
C. Furnishing one-third of the total amount, or a less portion to be named by the bidder, deliveries to be completed in one year at a uniform rate, subject to the provisions of paragraph 3—
1. On docks within reach of ship's tackle at seaports of the United States named by the bidder.
2. On docks, at the option of the bidder at Colon or La Boca (1) in steamships of American register; (2) in steamships of foreign register.

Mr. FRYE. Will the Senator from Georgia yield to me?

Mr. BACON. Certainly.

Mr. FRYE. It is evident that this measure is not going to be disposed of before 2 o'clock. The Senator from Texas [Mr. BAILEY] has given notice that he desires to speak at 2. It is important that the joint resolution shall receive early consideration at any rate on account of the bids to be made. I ask unanimous consent that its consideration may be resumed tomorrow morning immediately after——

Mr. GALLINGER. The shipping bill will come up to-morrow.

Mr. FRYE. That will not do. I had the shipping bill set down for to-morrow. I ask, then, that Wednesday——

Mr. CLARKE of Arkansas. I beg to say to the Senator that I intend to address the Senate immediately after the conclusion of the morning business on Wednesday. The Senator can take up the joint resolution at 2 o'clock or somewhat later. I shall occupy probably an hour.

Mr. FRYE. I ask that the joint resolution may be taken up Wednesday at 2 o'clock.

Mr. TALIAFERRO. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Florida?

Mr. TALIAFERRO. I wanted to propose an amendment.

Mr. FRYE. I hope the Senator will not do that now. I want to get an arrangement before it gets to be 2 o'clock, and leaves me high and dry, by which the joint resolution shall be considered.

Mr. TALIAFERRO. I thought perhaps the Senator could pass it if this amendment is accepted.

Mr. FRYE. No; there are only five minutes more.

Mr. TALIAFERRO. There are ten minutes more.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that the pending joint resolution be taken up for consideration immediately after the routine morning business on Wednesday, the 11th.

Mr. FRYE. That was objected to by the Senator from Arkansas [Mr. CLARKE].

Mr. GALLINGER. Perhaps the Senator from Arkansas would be willing to speak at 2.

Mr. CLARKE of Arkansas. No; I want to start just after the morning business.

Mr. FRYE. After the Senator from Arkansas has completed his speech on Wednesday.

Mr. MCLAURIN. I can not consent to that, because I desire to address the Senate on Senate bill 3023 the first time that I can get the floor after the Senator from Texas [Mr. BAILEY] shall have addressed the Senate. That may be to-morrow or Wednesday or Thursday, and I can not consent to that arrangement until after I shall feel free on that point.

Mr. FRYE. Then I will except from the unanimous-consent agreement the time to be occupied by the Senator from Mississippi.

Mr. MCLAURIN. I shall not object if that is the understanding.

Mr. NEWLANDS. Mr. President, I should like to offer an amendment.

Mr. FRYE. I want to get a unanimous-consent agreement now.

The VICE-PRESIDENT. The Senator from Maine will kindly restate his request as modified.

Mr. FRYE. It is that on Wednesday next, after the speeches of the Senator from Arkansas [Mr. CLARKE] and the Senator from Mississippi [Mr. MCLAURIN] have been completed, this joint resolution shall be taken up for consideration.

Mr. McLAURIN. I wish to say in this connection that I may get an opportunity to get the floor to-morrow, and if so, I will endeavor to address the Senate then.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that the joint resolution be taken up for consideration on Wednesday next after the speeches of the Senator from Arkansas and the Senator from Mississippi have been completed.

Mr. BACON. I should like to ask the Senator from Maine in case those two speeches should occupy the larger part of the day, whether he would wish to take up the joint resolution late in the afternoon.

Mr. FRYE. I would take it up at the time, and if it became necessary I would get further consent, if I could get it through the kindness of the Senate.

Mr. BACON. The Senator will not get it up too late in the afternoon?

Mr. FRYE. No, sir.

Mr. TELLER. It does not seem to me that there is such haste about this measure as to require us to depart from the usual custom. The Senator from Maine can make that motion when the time comes.

Mr. FRYE. I hope the Senator from Colorado will not object.

Mr. TELLER. I do not care about agreeing beforehand to take up and dispose of the bill.

Mr. FRYE. My request is not to dispose of it on Wednesday. I said to take it up for consideration on that day.

Mr. TELLER. I want to submit a few remarks on the joint resolution, and I shall probably occupy ten or fifteen minutes.

Mr. FRYE. These bids will have to be opened in April, and if the joint resolution is to be of any use, it ought to be passed early. I hope the Senator will not object to Wednesday next, after the speeches have been made.

Mr. TELLER. I will not if the Senator gives us to understand that he is not going to press it to a vote.

Mr. BACON. Does it make it the unfinished business?

Mr. FRYE. No.

Mr. BACON. It only relates to that day?

Mr. FRYE. It relates to that day only.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maine? The Chair hears none, and it is so ordered.

Mr. NEWLANDS. I offer an amendment to the pending joint resolution.

Mr. GALLINGER. Let it be read.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. On page 2, line 2, after the word "charter," to insert "or construct," so as to read:

That the Isthmian Canal Commission is hereby authorized to purchase or charter or construct.

The VICE-PRESIDENT. The amendment will lie on the table and be printed.

Mr. FRYE. I hope the Senator from Florida [Mr. TALIAFERRO] will offer his amendment now and have it read.

Mr. TALIAFERRO. I move to amend the amendment by inserting before the words "Gulf ports," the words "South Atlantic or."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. Before the words "Gulf ports" insert "South Atlantic or," so as to read:

Provided, That this resolution shall not apply to the South Atlantic or Gulf ports, etc.

The VICE-PRESIDENT. Does the Senator from Maine desire to have a reprint of the joint resolution with the amendments?

Mr. FRYE. I would be glad to have the joint resolution reprinted.

The VICE-PRESIDENT. The Senator from Maine asks that the joint resolution, with the pending amendments, be reprinted. Without objection, it is so ordered.

Mr. FRYE. Let the joint resolution as amended to-day be reprinted, with the additional proposed amendments in italics.

The VICE-PRESIDENT. It is so ordered, in the absence of objection.

OCEAN MAIL SERVICE.

Mr. SIMMONS. Mr. President, I desire to give notice that on Friday, immediately after the conclusion of the routine morning business, I will address the Senate upon the bill (S. 28) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce."

AMENDMENT OF NATIONAL BANKING LAWS.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 3023.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3023) to amend the national banking laws.

Mr. BAILEY. Mr. President—

There is no contract, public or private; no engagement, national or individual, which is unaffected by it. The enterprises of commerce, the profits of trade, the arrangements made in all the domestic relations of society, the wages of labor, pecuniary transactions of the highest amount and the lowest, the payment of the national debt, the provision for the national expenditure, the command which the coin of the lowest denomination has over the necessaries of life, are all affected by the decision to which we may come.

These are the words in which Sir Robert Peel began his great speech on the bill to recharter the Bank of England in 1844; and they do not exaggerate the importance of currency legislation. It is, however, a happy circumstance for mankind that the difficulty of the subject is not so great as the importance of it. Indeed, sir, it is, perhaps, the simplest of all the great problems which governments must solve; and unlike many other important questions there is an universal agreement upon what we may call, with a fair degree of accuracy, its first principles. (Every man believes that the currency ought to be sufficient in volume to meet the requirements of agriculture, commerce, manufacture, transportation, and all other legitimate pursuits; nor is there any dissent from the proposition that every note in circulation should be above any reasonable suspicion against its value.) It is true, sir, that men of the widest experience and of the ripest wisdom will disagree as to what constitutes a sufficient volume of currency, and even when they can reconcile their conflicting opinions on that point, they will still differ over the best means of assuring its value; but these are differences over matters of detail, and they can be reduced by mutual and safe concessions to an agreement among men who understand the general question and who sincerely desire to do what is best for our country.

A practical test will always demonstrate whether the currency is deficient or redundant, because either error will manifest itself in the most unmistakable way. On the one hand, if the volume is not sufficient, we will witness a general fall of prices, a curtailment of production, and a restriction of business in all lines. On the other hand, an excessive issue will be followed by artificially high prices, stimulating an unhealthy development, and culminating at last in an era of injurious speculation. But, sir, while it is thus easy to detect the over-issue or the under-issue of currency, it is not so easy to correct the mistake after it has been discovered. No matter how well the cause of the derangement may be understood, or how plain the proper remedy may be, it will not always happen that those who are charged with the duty of making our laws will have the wisdom and the courage to act promptly and with firmness. If there be a deficiency, and therefore an increase is demanded, creditors will resist that increase and denounce it as an effort to partially repudiate all debts. If there be a redundancy, and it is therefore necessary to withdraw a part, debtors will resist that withdrawal and denounce it as tantamount to a confiscation of their property. Both contentions are perfectly sound, and, looking at the matter purely from their personal point of view, each class is fully justified in its position. It is undoubtedly true that a considerable addition to the currency will raise prices and enable all debtors to discharge their obligations with less property; nor is there the slightest doubt that a considerable subtraction from the currency will lower prices and thus compel every debtor to part with more of his property in order to pay his debts.

THE GOVERNMENT'S DUTY.

I do not ignore this phase of the question, nor am I indifferent to the injustice which may be wrought; but I hold that it is the duty of the Government to provide, and to maintain, at all times and under all circumstances, an adequate volume of currency; and it must not fail in the performance of that duty, because it may do an injustice to one or to another class. We must not leave the country to endure the continuous fall of prices and the stagnation of business which inevitably result from an insufficient volume of money; nor must we wait until a speculative mania, which always follows an inflation, has debauched the conscience and prostrated the energies of the Republic. A resolute and a sensible Congress will not permit our people to suffer under either evil because its correction would be unjust to some men, or even to many men. Of course, this Government ought never to do anybody an injustice where it is possible to avoid it; but as between the injustice of a day and to a particular class, and the injustice of years and to many classes, no wise legislator can hesitate. It is infinitely better to inflict an injury upon a single class that will suffer and recover from it in due season than it is to perpetuate a wrong through all time and against all other classes.

I am not unmindful that prices will adjust themselves to any volume of money, and if the relation between the supply of

and the demand for money could remain the same, neither debtor nor creditor would be injuriously affected by any change in its volume; because the same amount of labor or commodities, other things being equal, would command precisely the same amount of money; and the same amount of money, other things being equal, would command precisely the same amount of labor or commodities. This rule, as stated with the qualification of "other things being equal," leaves the wages of labor to rise with an increase in labor's skill; and leaves all other commodities subject to those influences which relate only to them. This, Mr. President, would, in that aspect at least, be an ideal financial system. It would be one under which a man who borrows money to-day promising to repay it in twenty years would return to his creditor a dollar of precisely the same purchasing power as the one which he borrowed; but while it would be ideal, it is unattainable, and all that the wisest statesmen can hope is to approach it as nearly as possible.

AN EMERGENCY PROVISION NECESSARY.

But, Mr. President, under a financial system as perfect as I have just described, it will frequently happen in a new and rapidly developing country like ours that extraordinary situations will arise and extraordinary provision must be made to meet them. No matter how we may differ as to the causes of our panics, it is enough to know that they come upon us from time to time; and it is too much to hope that we will ever reach a period when we will be altogether free from such disturbances. Knowing that emergencies will come, we should equip ourselves to deal with them, for nothing could be plainer than that a volume of currency which is entirely adequate for normal times and under normal conditions is entirely inadequate for abnormal times and under abnormal conditions.

Not only is the necessity for an emergency provision in our financial system fully established by our own experience, but we also have the experience of other countries to instruct us to the same effect. I think it will be conceded by all that the greatest commercial nations of the Old World are Great Britain, Germany, and France; and a study of their financial history will lead us irresistibly to the conclusion that panics can be rendered less frequent and less severe by a wise anticipation of them. The financial systems of Germany and France provide for such emergencies as that through which we have recently passed, and have reduced the evil consequences of them to a minimum. The law of Great Britain distinctly forbids the relief which these extraordinary occasions demand; but their law in that respect has been repeatedly disregarded with the express sanction of the King's ministers. Within three years after the law of 1844 was enacted the English people were confronted with a serious financial condition, and a panic was only averted by the announcement that the Bank of England would issue notes and continue to discount acceptable paper without regard to the limitation which permitted it to issue additional notes only upon the deposit of an equal amount of gold. The law was explicit; and the author of it, when advocating it before the British Parliament, had avowed his intention to confine the issue of bank notes within the strictest limits; but when it became apparent to every sagacious business man and to the public authorities that the inability of the bank to accommodate its customers would involve the British people in great losses and in a widespread disaster, the chancellor of the exchequer advised the governor and the directors of the bank to disregard the limitation on their right to issue notes, and pledged himself to ask Parliament for an act indemnifying them for their violation of the law. Almost immediately after that announcement was made public the unrest disappeared, confidence was restored, and the danger of a panic passed without the bank having to issue a single note in excess of its legal right.

Again, in 1857, the hard-and-fast limitation on the volume of currency threatened a commercial and an industrial collapse; and again the chancellor of the exchequer advised the bank to pursue the same course to which it had resorted with such gratifying results ten years before. In this second instance the strain was so great that the bank was compelled to issue notes beyond what the act of 1844 allowed, but the overissue was not very great and continued for less than three weeks. The great failure of Overend & Co., in 1866, once more exemplified that a financial system admirably adapted to usual conditions could not be successfully applied to unusual conditions; and for a third time in twenty-two years those responsible for the administration of the Government were compelled to sanction a violation of their laws and to promise the bank indemnity for an overissue of its notes. It happened in 1866, as it had in 1847, that the determination of the bank to meet the extraordinary requirements by an overissue of its notes restored public confidence and prevented a panic without the issue of a dollar beyond the limit prescribed by the law. These several instances have become precedents in English finance; and the English people now proceed upon the theory that the limitation of the bank act will be suspended whenever the public good requires it. Thus it may well be said that while the bank act itself is rigid to the utmost degree, it is so administered as to provide for emergencies when they occur. I can not, however, approve a policy which requires bank officers to disregard the law, even under a promise of indemnity from public officials. I believe that the law ought to be administered by all executive officers exactly as it has been written by the legislative department, and I do not cite the example of England as one deserving our imitation, but only to show that, while the law itself in that country has not provided for emergencies, the officers of the Government have met each emergency outside of and contrary to the law.

What was authorized by the ministers in England has been permitted by the Treasury officials here in an effort to extricate ourselves from financial difficulties. The refusal of the banks to pay the checks of their depositors in cash, and the use of more than $250,000,000 of clearing-house certificates and other devices without the payment of the tax which the statute imposes, was in plain contravention of our law; and yet our most law-abiding citizens have tacitly approved those illegal measures as necessary to prevent a great catastrophe. These extra-legal or unlawful processes will not be tolerated in this country as they have been in England, and can not save us as they have saved the British people; but even if they could, it would still be infinitely better, Mr. President, for us to provide a lawful way in which these financial distresses can be prevented or mitigated than it is to continue a system which makes no provision for them, and then condone by our silence a palpable violation of the law. But, sir, I do not need to consume the time of the Senate in an argument to prove that we ought to erect barriers against which these financial storms must spend their greatest force. The Committee on Finance was practically unanimous in favor of some suitable provision on that behalf, and I take it for granted that an overwhelming majority of the Senate concur in their opinion.

Both the bill of the majority and the substitute of the minority provide for an issue of $500,000,000; and they have been assailed from opposite directions and with opposite arguments. Some critics denounce them as a dangerous inflation; and others declare that they will fail to give any relief, because they are too exacting in the security which they require. I might repeat those criticisms in detail, and thus make each answer the other; but I believe I can employ the time of the Senate better in exposing the fallacy of both.

OPPOSED TO INFLATION.

Mr. President, I am as much opposed to inflation as any living man; and I am opposed to it both as a matter of principle and as a matter of duty to my constituents. The intelligent and industrious men in Texas who are engaged in the cultivation of cotton would suffer much by an inflation of the currency, which would increase the price of almost every article which they buy; and they would not benefit by the general rise of prices thus produced, because the price of their cotton is fixed in the great markets of the world where the currency of the United States exerts no influence over prices. It is universally accepted as an axiom that the currency of a country can only affect the prices of those commodities whose prices are fixed in the local markets of that country; and no amount of currency issued in this country can affect the price of commodities in other countries, except so far, and only so far, as the use of that currency may diminish our demand for gold. This is only another way of stating the obvious economic truth that currency can only act upon prices when and where it is available for making purchases. Perhaps I can better explain and enforce my meaning by an illustration of the manner in which even the use of personal credit may affect prices.

If the magnificent building at the corner of Fourteenth and G streets should be offered at public auction to-morrow under an order of sale that called for the payment of the entire purchase price in cash, there would not be three men in Washington able to bid on that property, and it would be sold at a great sacrifice. If, however, the order of sale provided that one-fourth of the purchase price could be paid in cash, and a liberal credit extended on the other three-fourths, there would probably be ten men ready to bid on it; and under the competition of ten bidders the property would unquestionably fetch a higher price. But the fact that a credit was extended on that property would not directly affect the price of another property which was to be sold entirely for cash. There might be an indirect effect brought about in this way: The purchaser of the property at Fourteenth and G streets by using his credit on that purchase might be left with cash enough to buy the other prop-

erty. That effect, however, instead of militating against my argument, supports it by showing that the price of any given property can only be affected by something available for its purchase at the very place where the price is fixed.

I do not need, Mr. President, to tell the Senate or the country that the currency of the United States does not circulate in Liverpool, Hamburg, and the other great markets, where the price of cotton is determined. That being true, no addition to our currency, so long as it is kept at par with coin, can add anything to the value of our cotton crop; and the American cotton grower is compelled to accept for his cotton sold in a Texas town the price, minus certain charges, at which the purchaser can sell it in the great markets of the world. Not so, however, with the manufactured and other articles of local production and local consumption which he must buy. Almost every article with which the American farmer feeds and clothes his family, through the agency of the tariff or a combination of manufacturers or some other obstruction to the natural laws of trade, is reduced to a local commodity whose price is fixed in our own markets; and, of course, the volume of currency in circulation here exercises a powerful influence over the price of such commodities. Thus, Mr. President, it would happen that the American cotton planter would be the first and the greatest victim of inflation; and as one having the honor to represent so many of them, I would resist a policy which would sacrifice their interest to that speculative spirit which is never satisfied long with any volume of currency, but which, like the daugther of the horse-leech, is always crying for more.

It does not necessarily follow that because I am opposed to inflation my substitute might not produce it; for the best of us sometimes aim at one result and accomplish an entirely opposite one. But a careful consideration of the measure will show any sensible man that such a fear is wholly unfounded. Its terms and conditions will render it impossible for the $500,000,000, which it authorizes, to become a permanent part of our money supply. I have charged interest at the rate of 6 per cent per annum for the first six months, and at the rate of 9 per cent per annum thereafter. The lower rate of 6 per cent would deter any bank from using that money, except under a stress, and the higher rate of 9 per cent would certainly compel its retirement within a reasonable time. It could hardly happen that an emergency, such as is contemplated in this substitute, would exist for longer than six months, and it is practically certain that the banks would return the money to the Treasury before the higher rate of interest became operative.

The entire $500,000,000 which the Aldrich bill allows the banks to issue, and which my substitute requires the Government to deposit, is less than the several sums which the banks themselves improvised during our recent financial crisis. We know that as much as $190,000,000 in clearing-house certificates were used; we know that something like $75,000,000 in checks and notes were issued by the banks, clearing houses, and others; we know that something more than $90,000,000 of national-bank notes were taken out; we know that more than $100,000,000 of gold was imported, and we know that the Government of the United States scraped the bottom of its Treasury for the additional $70,000,000 which it deposited with the banks; and yet, sir, in spite of all this, all of the banks in New York City, as well as many of them in other parts of the country, refused to pay out money over their counters, and limited the right of their depositors to check for cash against the money which belonged to them, and which they had a perfect legal and moral right to demand.

So far from regarding this bill or the substitute as apt to produce an inflation of the currency, I feel that if any mistake has been made at all, that mistake has been made in limiting the amount to $500,000,000 instead of making it $1,000,000,000. No matter how much we might authorize, the rate of interest charged for it would prevent the use of any part of it except under a pressing necessity, and the amount used would be only such as would be absolutely necessary to relieve the money market. I am clearly of the opinion that the larger the amount which could be put in circulation the less apt we would be to need any of it; and that belief is born of and justified by the knowledge that in every impending financial crisis there are many men who deliberately seek to aggravate the trouble. In every community there are Shylocks who are always striving to drive hard bargains with some embarrassed debtor, and they rejoice in a condition which appalls better men. They traffic upon the misfortunes of their neighbors, and they realize their greatest profits out of the general distress. Whenever a monetary convulsion is imminent and other men are seeking to avert it, these Shylocks strive to bring it on. Instead of putting more money into circulation, they withdraw every dollar which they can lay their hands on, and put it aside for the double purpose of creating a panic and then taking advantage of it. They sit like personified greed upon their locked and guarded chests of gold waiting for their victims, and they pray for the hour of the sacrifice to come when they can buy three dollars' worth of their neighbors' property with one dollar of their hoarded money.

I think it perfectly safe to say that as much money was withdrawn from circulation by these men and for this purpose during the last autumn as was withdrawn through the fear of losing it. But, sir, if the American Congress will say to all such men that whenever they lock up their money for the purpose of producing a panic the Government of the United States stands ready to supply its place, we will remove the temptation which now controls them, because we will render impossible the profits which they anticipate under our present system. Of course there is no way of ascertaining how much money these Shylocks withdrew from circulation last year, but when we remember that in every community there are men of this kind, and that each of them can command from several hundred to several thousand dollars, the withdrawals reached a stupendous aggregate; and I doubt very much if the $500,000,000 proposed in this legislation is equal to the money withdrawn by those selfish men and for that sordid purpose.

THE SECURITIES REQUIRED.

The second objection to both the bill and the substitute is that neither will afford any substantial relief, because both exact a security which the banks do not now carry, and which they can not be fairly expected to procure. The banks themselves are particularly insistent upon this objection, and many of them are actuated by a purely selfish motive. They are not satisfied with the extremely profitable dividends which they have been able to pay to their stockholders, and they want the Government to establish a currency system under which they can expect to pay still larger ones. The truth is—and it might as well be stated here and now—that the national banks of this country favor a system of asset currency; and they will labor to defeat any measure which compels them to secure their circulation. They want the privilege of issuing their notes without interest and without security, and lending them to the people for interest and upon security. For my part, I will never support a bill which legalizes such an arrangement; and I shall always insist that the safety of our currency is of infinitely more importance to the country than the size of bank dividends. If the banks must be permitted to issue our currency, they ought to be compelled to secure it so absolutely that no business man, farmer, or wage-earner would ever think it necessary to inquire about the solvency of a bank in order to ascertain the value of its note. The wise men admonish us, Mr. President, that it is never safe to make a prediction which must be falsified or fulfilled within the time of those who hear it; but I will venture to disregard this admonition so far as to record it as my opinion that if my substitute is rejected, and this bill is defeated, Congress will either establish a great central bank of issue within the next ten years or authorize the national banks as now constituted to issue an asset currency; and the men who are now declaiming against a bond-secured currency are promoting, consciously or unconsciously, the scheme of a nonsecured currency.

I have been more than astonished by the attitude of some of my Republican friends on this question. I have heard them talk so much about sound money that I had come to suppose that soundness would always be the first consideration with them; and yet, sir, I now find them advocating a system of currency which, if adopted, would be certain to produce some confusion and doubt about the value of what is intended to be used as money. Senators now occupying seats on that side of the Chamber, and less conspicuous Republicans in every part of the country, have bitterly reproached the Democratic party because we advocated the free coinage of silver; but many of those who once shuddered at the free coinage of silver are now advocating the free issuance of paper. We required the bullion owner to expend some labor or to invest some capital in obtaining the metal into which we proposed to coin the silver dollar, but our opponents are now proposing to let the bankers take a cheap quality of paper and make it into money at their own sweet will. I do not mean to impeach the integrity or the intelligence of the men who support that proposition, but I warn the party in power that if they make it the law of this land they will bring upon our children the miseries which our fathers once suffered through the issuance of unsecured bank notes. It has been a long time, Mr. President, since we have seen any form of our money worth less than its face value; but we must not suppose that such a condition can not come again.

If you authorize banks to issue their notes upon such security only as their general assets will afford you will introduce an element of disquieting uncertainty; and in a time when banks are failing you will make it necessary for every citizen to examine a bank note before he receives it to see whether or not it has been issued by one of the insolvent banks. With bank currency made absolutely secure, no man looks to see what bank issued the note which is offered to him, and he accepts the note of one bank as readily as the note of any other bank; because he knows that all of them are safe beyond any reasonable doubt. But we are now advised by many gentlemen who have so loudly proclaimed themselves the especial friends and champions of a safe currency to adopt a system under which the failure of a single bank will taint every bank note in circulation.

Mr. ALDRICH. Mr. President, will the Senator permit me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Rhode Island?

Mr. BAILEY. Very cheerfully.

Mr. ALDRICH. I suppose the Senator from Texas is willing to admit that there has not yet been any advocacy in this Chamber of a system such as he is now criticising.

Mr. BAILEY. I know, Mr. President, that up to this time no Republican Senator has spoken in favor of an asset currency; but I also know, and I assume that the Senator from Rhode Island knows it, because he generally knows what is transpiring on that side of the Chamber, that there are Republican Senators who favor it, and I warn him now that he may be compelled to reckon with some of those who hold that view before he passes his bill.

I did not, however, have in my mind the situation in the Senate so much as the situation outside of this body. Of course, the rules of parliamentary decorum do not permit me to comment upon a measure pending in the other branch of Congress, and I have no inclination to do so; but I will be permitted to say to my political adversaries that if they finally yield to the solicitation of the bankers and give them the power to issue their notes with only their general assets as security, they will have forfeited before the world the right to appear hereafter as the friends and the defenders of a sound monetary system. If you tell me that you intend to make every bank's note secure by giving them a prior lien upon the assets of the bank, I answer that such an arrangement will still not make them absolutely secure, because it will sometimes happen that rascals or fools will so completely wreck a bank that its assets will not discharge its notes. A prior lien upon the assets of such a bank would not under all circumstances secure its note holders against loss; and an occasional failure of that kind will generate a feeling under which the notes of even the most solvent banks would circulate less freely.

But, Mr. President, if we admit that you can remove all doubt as to the value of the notes by giving their holders a prior lien upon the assets of the bank, you only avoid one danger by falling into another. Even if you could allay the distrust of the note holder by such a law you would inevitably intensify the distrust of the depositor, and in the end you would do an immeasurable harm. Let us consider for a moment what would happen under such a law when suspicion had once been aroused; when men began to look each other in the face and to ask what of the morrow; when depositors began to wonder if the bank which held their money was solvent, and the most timid of them began quietly to withdraw their deposits. Under such a condition the banks would begin to issue their notes to meet these demands upon them; but do you suppose, sir, that they could thus allay the fear of their depositors? Precisely the contrary would happen, because the depositors would understand that every note issued immediately became a lien superior to their claims against the bank, and they would protect themselves against being reduced to the position of second-lien holders by withdrawing their deposits. Put the case to your own common sense and conscience, and what would you do? If you were the guardian of an orphan, or the attorney for a widow, or an executor under a will, you would hesitate to leave such trust funds with a bank whose solvency was under a suspicion, even though you held, in common with all depositors, a first lien upon its assets; and how much more hastily would you withdraw them when you saw the bank issuing obligations which must be paid before you could recover a dollar, and which might absorb the very money you had deposited. Could you expect the daily wage-earner to leave the little he had been able to save above his living expenses with a bank that was creating a prior lien upon it? To give the bank notes a prior lien would not help us in a time of financial perturbation. Whatever tendency it might have to steady our confidence in bank notes would be more than offset by the lack of confidence which it would create as to the safety of deposits. The American people, whatever else may be said about them, are upon the whole blessed with an uncommon degree of common sense, and they believe, as I do, that the only way for a bank whose solvency is under suspicion to restore confidence in the minds of those who patronize it is to reduce its obligations; but this asset currency proceeds upon the opposite and the absurd theory that a bank can relieve itself from the distrust of those whom it already owes by multiplying the number and the amount of its debts.

Speaking only for myself, I would not vote for any bill that committed to the banks of this country the issuance of money; but as between a bill like that of the Senator from Rhode Island, which compels the banks to secure the notes which it permits them to issue, and another bill which would permit the banks to issue notes without securing them, I have no hesitation in declaring that the bill of the Senator from Rhode Island is incomparably the better. The worst that his bill can do—and God knows that is bad enough—is to let the banks control the volume of our currency in their own interest, but they will at least be compelled to pay every note which they have issued, while under the asset-currency system the banks are given a still larger control over our currency and a more unrestricted power to use it for their own advantage, and then may not be able to pay the notes which they have issued.

The majority bill and the minority substitute both reject the doctrine of an asset currency, the one requiring a special security for the notes to be issued by the banks and the other authorizing the issue of United States notes, but requiring bonds to secure those notes when deposited in the banks by the Government. There is, however, a very important difference between the two in respect to certain bonds which may be received for either purpose. Both accept the bonds of States, counties, municipalities, and districts under certain proper safeguards; but the substitute rejects the railroad bonds which the bill accepts. I am not willing to say that the railway bonds as described in the bill would not be an ample security for the notes issued against them, nor will I contend that there are not other bonds which would make the notes issued against them perfectly secure; but I have chosen the bonds specified in the substitute for two good and sufficient reasons.

In the first place, it has seemed to me peculiarly fit and proper that public money should be protected by a deposit of public securities; and in the second place, I desire to compel the banks of the South, at least, to invest a part of their capital and surplus in the bonds which our States, counties, districts, and municipalities issue and sell from time to time. As matters now stand, practically all of our bonds are sold to investors in the Northern and Eastern States, and large sums are every year sent from our section to pay the interest on those bonds. Under the operation of this law our southern banks will find it to their interest to buy those bonds, and hold them for emergencies, thus making it certain that much of the interest which would otherwise be paid to men in other sections will be kept at home. This will be a distinct gain to our people; and it will be no hardship on the banks. A prudent bank manager will be more than willing to invest a reasonable per cent of his capital and surplus in these bonds, even though they return a lower rate of interest than he could realize on commercial loans, because he will feel that the security which they provide against an evil day is worth more than the difference in the rate of interest; and he will tell his more grasping stockholders who complain that the bank is thus made to sacrifice a profit, that with bank stock paying better than almost any other permanent and legitimate investment they can well afford to abate a small part of their profits in order to make their principal more secure. The banks now keep large sums with their reserve agents upon a rate of interest which seldom exceeds 2 per cent; and they can keep less in that way and invest more in these excellent securities. These bonds will not only bring a higher rate of interest than reserve deposits, but they can be readily converted into cash when an emergency requires it, and the knowledge that the bank has a part of its capital invested in them will contribute much toward maintaining public confidence in its solvency. The most that can be said against it is that it will involve some reduction in the bank's profits; but that is more than compensated by the additional security which it furnishes to both stockholders and depositors.

Again, Mr. President, we can not ignore the fact that it will add something to the value of every bond which is accorded the privilege of this law; because they will at once become clothed with a new and a valuable faculty. I have therefore believed that it was our duty to limit this increase in value to such securities as represent the public credit, and thus insure the

benefit of this increase in value, as to future issues at least, to the great body of the people. If we only include public securities the people will reap the advantage either in the way of the higher price which they will receive for their bonds or else in the lower rate of interest which they must pay on them. This saving in the long flight of years will not be an inconsiderable one; but whether it may be great or small, it fairly belongs to the taxpayers, and it ought in justice to be reserved to them.

GOVERNMENT MONEY AGAINST BANK MONEY.

Mr. President, the divergence of views between the majority and the minority of the committee began with respect to railroad bonds. That, however, may be considered a matter of mere policy, not involving any governmental principle; and if it were the only difference between us, I might be willing to support their bill, notwithstanding I would seriously object to that particular provision of it. But, sir, there is another difference between the majority and the minority, which is incomparably more important than any question of security, and which, to my mind, involves a fundamental principle of this Republic. I allude, of course, to the question as to whether these emergency notes shall be issued by the banks or by the Government. The majority will not agree for the Government to issue them, and the minority can not agree for the banks to issue them. This is a question which has been debated many times in our history, but it has not always been correctly decided after each debate. We have amongst us a large number of very influential men who believe that the banks, and not the Government, should issue and control our currency. Indeed, sir, we sometimes hear them say in the Senate, and we frequently hear of them saying elsewhere, that the Government ought to go out of the banking business; and they mean by this that Congress ought to retire all United States notes and turn our entire paper circulation over to the banks. That the Government of the United States ought not to engage in the banking business I am more than ready to admit; but I utterly deny that the issuance of notes, impressed with the legal tender quality, made receivable for public dues, and intended to circulate as money, is any proper function of a bank. It is as much the duty of the Government to issue the notes which are to be received and treated as money as it is to coin the money which is made out of the precious metals; and even the men who favor a bank currency will not contend for a corporation-issued coin. They concede that it is the proper duty of the Government to own and to operate the mints at which our metallic money is coined; but they are under the strange delusion that a wholly different rule should apply to our paper money.

They seem to forget, Mr. President, that the right of the Government to issue currency is, according to some of the highest authorities, derived from the power conferred by the Constitution on Congress to coin money and regulate the value thereof. That was the opinion of Mr. Webster, as stated by him on the floor of the Senate in a speech which he delivered on the 25th of May, 1832. In discussing the right of banks chartered by a State to issue paper money Mr. Webster declared:

> The exclusive power of regulating the metallic currency of the country would seem necessarily to imply or more properly to include as a part of itself a power to decide how far that currency should be exclusive, how far any substitute should interfere with it, and what that substitute should be.

Again in his speech on May 28, still discussing the same question, Mr. Webster said:

> I observed, the other day, that, in my opinion, it was very difficult to maintain on the face of the Constitution itself, and independent of long-continued practice, the doctrine that the States could authorize the circulation of bank paper at all. They can not coin money; can they then coin that which becomes the actual and almost the universal substitute for money? Is not the right of issuing paper, intended for circulation, in the place and as the representative of metallic currency, derived merely from the power of coining and regulating that metallic currency? As bringing this matter to a just test, let me ask whether Congress, if it had not the power of coining money, and of regulating the value of foreign coins, could create a bank, with the power to circulate bills?

If it be true, as declared by Mr. Webster, that Congress derives its power to issue paper money from its power to coin metallic money, then the Senator from Massachusetts [Mr. LODGE] must doubt the correctness of his very emphatic declaration that the issuing of paper money is a banking and not a governmental function. If the Senator requires any more than Mr. Webster's opinion to convince him of his error, he will find that Mr. Justice Story, next to Webster the most distinguished lawyer Massachusetts has ever given to the bench and bar of this country, has quoted this last statement of Mr. Webster with approval in his Commentaries on the Constitution. Not only does Mr. Webster make the power to issue currency depend on the power to coin money, but he distinctly negatives the view that the issue of currency is a necessary function of a bank. In this same debate he declared:

> The power of issuing notes for circulation is not an indispensable ingredient in the constitution of a bank, merely as a bank. The earlier banks did not possess it, and many good ones have existed without it.

If Mr. Webster were speaking to-day he could add to what he then said the statement that more than one-half of our banks do not now issue notes, and are disabled from doing so by a law of Congress.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Rhode Island?

Mr. BAILEY. Certainly.

Mr. ALDRICH. I find myself in general agreement with the Senator from Texas on the power of Congress to regulate currency, and I have two citations from Mr. Webster which he has not read, which I should be glad to have read, because I think they cover the case a little more clearly than those he has cited.

Mr. BAILEY. They may cover it a little differently, but not more clearly. However, I shall be glad to hear them.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

> "In the next place, I hold that the regulation of the currency, whether metallic or paper—that a just and safe supervision over that which virtually performs the office of money, and constitutes the medium of exchange, whatever it may be—necessarily pertains to government; that it is one of the necessary and indispensable prerogatives of government." (Daniel Webster, speech in Wall street, September 28, 1840.)

Mr. BAILEY. It is a great pity that that doctrine is not popular in Wall street now.

The Secretary read as follows:

> "Hence it is true that, in the absence of all Government control and supervision, the wisdom and discretion regulating the amount of money afloat at any time in the community are but the aggregate of the wisdom and discretion of all the banks collectively considered; each individual bank acting from the promptings of its own interest, without concert with others, and not from any sense of public duty. In my judgment, such a regulator, or such a mode of regulating the currency, and of deciding what shall be the amount of money at any time existing in the community, is unsafe and untrustworthy, and is one to which we never can look to guard us against those excessive expansions and contractions which have produced such injurious consequences. Hence arises my view of the duty of the Government to take the care and control of the issues of these local institutions, and thereby to guard the community against the evils of an excessive circulation." (Daniel Webster, speech in Wall street, September 28, 1840.)

Mr. BAILEY. Much more can be found in Mr. Webster's speeches to the same effect, and instead of being at war with what I have been saying it really confirms my views; and I now see the purpose of the Senator from Rhode Island. He is making a side argument against an asset currency.

But, Mr. President, we are not left to political speeches in Congress, even though they have been approved by commentators on the Constitution, for light on this subject. It has been discussed by the Supreme Court of the United States on more than one occasion, and in almost every case the right to issue paper money has been referred, more or less directly, by that great tribunal to the power to coin money and regulate the value thereof. In the case of the Veazie Bank *v.* Fenno the court employs this language:

> It can not be doubted that under the Constitution the power to provide a circulation of coin is given to Congress. And it is settled by the uniform practice of the Government and by repeated decisions, that Congress may constitutionally authorize the emission of bills of credit. It is not important here to decide whether the quality of legal tender, in payment of debts, can be constitutionally imparted to these bills; it is enough to say, that there can be no question of the power of the Government to emit them; to make them receivable in payment of debts to itself; to fit them for use by those who see fit to use them in all the transactions of commerce; to provide for their redemption; to make them a currency, uniform in value and description, and convenient and useful for circulation.

It is, of course, not necessary to remind those who are familiar with our history that this case was decided before the constitutionality of the legal-tender act had been passed upon by the court.

In the case of Hepburn *v.* Griswold, which is the first of the legal-tender decisions, and which declared the legal-tender law unconstitutional and void, in so far as it authorized the payment in United States notes of debts previously contracted, the opinion pronouncing that judgment declared:

> It is not doubted that the power to establish a standard of value by which all other values may be measured, or, in other words, to determine what shall be lawful money and a legal tender, is in its nature, and of necessity, a governmental power. It is in all countries exercised by the government.

It is very true that the court then denied that Congress could make any note a legal tender in payment of previously contracted debts under its power to coin money and regulate its value. But their reasoning in that case sustains my argument in this debate. They said that the power to coin money and

regulate the value thereof confers only a power to make coin a legal tender, and that only what can be made a legal tender is embraced within the power conferred by the Constitution. I grant you this; but you must then grant me that when that court afterwards overruled its decision in the case of Hepburn *v.* Griswold and decided that Congress can make the notes of the United States a legal tender in the payment of debts, the reasoning of the court in the former case runs exactly parallel with my reasoning now. In other words, the court then said that the power to coin and issue money embraced only such as could be made a legal tender; and I now say that it having been decided that the United States notes can be made a legal tender, the power to issue them must be referred, under the reasoning in Hepburn *v.* Griswold, to the coinage clause of the Constitution.

Again, sir, in the legal-tender cases, which are reported in Twelfth Wallace, the court, speaking of this same power to coin money and regulate the value thereof, declares:

It was for this reason the power to coin money and regulate its value was conferred upon the Federal Government, while the same power, as well as the power to emit bills of credit, was withdrawn from the States. The States can no longer declare what shall be money, or regulate its value. Whatever power there is over the currency is vested in Congress.

It would be a curious and imperfect logic that would lead us to conclude that it is the function of a Government to declare what shall be money and then deny the right of the Government to issue it.

The most superficial knowledge of the nature and office of currency will make it plain that the issue of it is a function of the Government rather than the function of a bank. The whole reason and justification for the issue of any currency is that the supply of coin is not sufficient for the business of the country, and currency is issued to supplement it, thus in effect increasing the quantity of coin. If all of our currency were retired, and our people were compelled to conduct all transactions with coin as their only money, a most destructive revulsion would immediately ensue and a hopeless bankruptcy would overtake our most prosperous enterprises. Of course after a period of liquidation the volume of business would be readjusted to the volume of money; but our commercial, agricultural, and industrial progress would be painful and slow; and it is a knowledge of this fact which compels all men of all parties to favor the issuance of currency to supplement our supply of coin. In theory, of course, currency is not money, but is only a promise to pay money. In practice, however, it is money, and performs, when impressed with the legal-tender quality, every function of money within our own country. Not only is it spoken of as money, received as money, and treated as money in every respect by the people generally, but our law has long since adopted this common understanding, and our statutes now speak of it as money. We have gone so far as to distinguish between the currency which is "lawful money" and that which is not. We describe that which is a legal tender as "lawful money," thus asserting, at least by implication, that the present bank note, which is only a limited legal tender, is money, though not "lawful money." I am quite willing for individuals and corporations to issue their promissory notes, but I am not willing that either individuals or corporations shall issue "money," for only the Government ought to exercise that power; and gentlemen who talk so freely about taking the Government out of the banking business ought to be just as willing to take the banks out of the Government's business. I will cheerfully join them in doing the one, if they will join me in doing the other. My rule in this and in all other matters is that we shall not permit the Government to engage in the business of individuals or corporations nor permit individuals and corporations to engage in the business of the Government.

ISSUING CURRENCY NOT A BANK FUNCTION.

I can not account for the general but unfounded notion that the issue of currency is the function of a bank except upon the theory that so many governments have abdicated that sovereign power and have permitted banks to exercise it so long that men have come to believe that it is, and has always been, a banking privilege. Nothing, sir, could be further from the truth than this. The right to coin metallic and to issue paper money has been considered a sovereign right since the beginning of time, and the highest court in this Republic has sustained the constitutionality of the law under which our United States notes were issued, upon the ground that the right to issue them is a sovereign power. Perhaps, Mr. President, it would be well to recall to the Senate and to the country the language of the court in one of the Legal-Tender cases.

It appears to us to follow, as a logical and necessary consequence, that Congress has the power to issue the obligations of the United States in such form and to impress upon them such qualities as currency for the purchase of merchandise and the payment of debts as accord with the usage of sovereign governments. The power, as incident to the power of borrowing money and issuing bills or notes of the Government for money borrowed, of impressing upon those bills or notes the quality of being a legal tender for the payment of private debts *was a power universally understood to belong to sovereignty, in Europe and America, at the time of the framing and adoption of the Constitution of the United States.* The governments of Europe, acting through the monarch or the legislature, according to the distribution of powers under their respective constitutions, had and have as sovereign a power of issuing paper money as of stamping coin. This power has been distinctly recognized in an important modern case, ably argued and fully considered, in which the Emperor of Austria, as King of Hungary, obtained from the English court of chancery an injunction against the issue in England, without his license, of notes purporting to be public paper money of Hungary. (Austria *v.* Day, 2 Giff., 628, and 3 D. F. & J., 217.) The power of issuing bills of credit and making them, at the discretion of the legislature, a tender in payment of private debts had long been exercised in this country by the several colonies and States; and during the Revolutionary war the States, upon the recommendation of the Congress of the Confederation, had made the bills issued by Congress a legal tender. (See Craig *v.* Missouri, 4 Pet., 435, 453; Briscoe *v.* Bank of Kentucky, 11 Pet., 257, 313, 334–336; Legal Tender cases, 12 Wall., 557, 558, 622; Phillips on American Paper Currency, passim.) The exercise of this power not being prohibited to Congress by the Constitution, it is included in the power expressly granted to borrow money on the credit of the United States.

This position is fortified by the fact that Congress is vested with the exclusive exercise of the analogous power of coining money and regulating the value of domestic and foreign coin, and also with the paramount power of regulating foreign and interstate commerce. Under the power to borrow money on the credit of the United States, and to issue circulating notes for the money borrowed, *its power to define the quality and force of those notes as currency is as broad as the like power over a metallic currency under the power to coin money and to regulate the value thereof.* Under the two powers, taken together, Congress is authorized to establish a national currency, either *in coin or in paper*, and to make that currency lawful money for all purposes, as regards the National Government or private individual. (U. S. Rep., vol. 110, p. 447.)

The controverted question in that case was, as every Senator knows, whether the Government had the power to make its own notes a legal tender in the payment of debts; but there was absolutely no division in the court or throughout the country as to the power of the Government to issue its notes without imparting to them the legal-tender quality. Even the first question has disappeared from our political discussions, as well as from our judicial tribunals, and it is now universally accepted as the settled law of the land that Congress can make the notes of the United States a legal tender in the payment of all debts. But, sir, I have not read this extract for the purpose of raising or deciding that question, because it is not necessary to the purpose which I have in hand, and I have read it only to show that the right to issue notes intended to circulate as money has from time out of mind, both in this country and in the Old World, been recognized as a sovereign power.

If there ever was a time in our history when the issuance of currency might have been considered the proper function of a bank, it was when bank notes did not possess the legal-tender quality in any degree and when they were mere promises to pay, whose value depended upon the solvency of the promisor. We have, however, passed beyond that time, and under legislation enacted by the Republican party the bank notes of to-day are treated as money in almost every respect, and are made a legal tender in the payment of many debts. It is true that the law has not yet gone to the extent of making them a legal tender as between man and man, but it has made them a legal tender to the Government for all dues except import duties, and from the Government for every obligation "except interest on the public debt and in redemption of the national currency." The Government of the United States can to-day condemn the homestead of any citizen and discharge the judgment rendered in the condemnation suit with the notes of a national bank. I repudiate the doctrine that any man in this Republic should be compelled to accept the promissory note of any corporation in satisfaction of his personal or his property rights.

These gentlemen who talk so freely about the issuance of currency being a function of banks and not of the Government are afflicted with short memories. They have forgotten that Congress passed a law levying a tax of 10 per cent upon the notes of State banks, and no Senator of the majority would now vote to repeal that law. Its wisdom was questioned when it was passed, and its constitutionality was afterwards assailed in the courts; but in the case of the Veazie Bank *v.* Fenno, the Supreme Court of the United States sustained its validity and placed its decision expressly upon the ground that Congress had a constitutional right to supply the country with its currency. Surely, even the most liberal construction of the Constitution would not give to the Government of the United States the power to destroy the notes of State banks because they might interfere with or compete against the notes of national banks, if the issuance of notes is purely a function of the banks and not of the Government. If it is the right of these banks and not of the Government to issue currency, then, sir, the notes of State banks and the notes of national banks should have been left to their own struggle for supremacy, and

it was only because it was the right of the General Government itself to provide our currency that the 10 per cent tax on the issue of State banks was ever sustained by the courts. I grant you that the Federal Government, having the right to provide a currency and resting under a duty which corresponds to the right, may employ any instrumentality which seems to it an appropriate means to that end, and it may use the national banks for that purpose; but it still remains true that to provide our currency is the right and duty of the Government, and not the right or the duty of the banks. I do not doubt that Congress could lease our mints to mining corporations and authorize them to coin our metallic money, but such a law would confer upon those corporations a right which even the Senator from Massachusetts (Mr. LODGE) will not deny belongs to the Government, and ought to be exercised by it.

Not only, Mr. President, does the power to coin and issue money belong to the Government, but it is wise that such should be the case. Considering the tremendous consequences to all the people, and remembering that its effect reaches into every home and determines the profits of every business, the currency of a free country ought forever to be kept under the absolute control of the Government. Those who advocate bank money and those who advocate Government money both agree that the price of almost every product and the prosperity of all classes are sensibly affected by the currency; and it is, to my mind, an amazing proposition that this power, second only to the power of taxation, shall be committed to men whose private interest might be wholly at war with the public welfare. It will not do to tell me that the bankers are high-minded and patriotic men and that they will not abuse this mighty power. Even, sir, if I knew they would not abuse it, I would still contend that they ought not to possess it. The history of the country, however, clearly establishes that they have abused that power in the past, and I am, therefore, constrained to fear that they will abuse it in the future. Until the Senator from Georgia [Mr. CLAY] declared in his speech a few days ago that several national banks had bought and deposited bonds with the Comptroller of the Currency without having taken out a dollar of circulation I had supposed that the whole cause of complaint against national banks, with reference to their issue, was that they had not taken out the full circulation which the law permitted; and I was surprised to find that some of them were so much opposed to an increase in the currency that they had deposited their bonds, but had refused to take out the notes which under the law they were entitled to receive. Without intending to impute bad faith or malfeasance in office to the Comptroller of the Currency, I venture to say that under the law no national bank has a right to begin its business until it has first taken out a circulation equal at least to 25 per cent of its capital stock.

It may be true that in the beginning the object of the national-bank act was to enlarge the market for our bonds, and that the requirement on every association to invest a part of its capital in those bonds was prompted by a desire to sustain their price. It may be that the right to issue circulating notes at that time was looked upon more in the light of a privilege than of an obligation, but through all the subsequent amendments to that law it is absolutely certain that nobody has supposed it necessary to require the banks to purchase our bonds in order to enhance their value; and the present purpose is to require them to provide a circulation rather than to furnish the Government a market for its bonds. But, Mr. President, whether, as a matter of law, these banks are required to take out a circulation and thus add to the volume of our currency is not material for me to inquire in this connection and I cite their refusal to issue any circulation at all as a conclusive proof that we can not depend upon them to supply the country with an adequate currency. Banks deal in money, and bankers are subject to the same infirmities of human nature as other men. It is as natural as the law of gravitation that every man who deals in a commodity prefers to see that commodity scarce and therefore high. The bankers know that it is with money as it is with everything else in this world—the less of it there is, the demand remaining the same, the more it will be worth; and they but obey a natural impulse when they seek to increase the value of that in which they deal by limiting its supply.

If any evidence were needed to show us the danger of committing the control over our volume of currency to banks, recent events will furnish it. Last autumn, when the country was in the very throes of a money famine, the national banks did not come to the rescue with cheerful and patriotic alacrity, but on the contrary, sir, the Secretary of the Treasury was compelled to beg them, almost upon bended knees, to take out additional notes. If the newspaper reports can be credited, he made a most frantic appeal to the national banks to come to the country's relief by increasing their issue of notes. He did not wait the tedious course of the mails; he did not even trust the swift and electric current of the telegraph, but it is said that he called the bankers over the telephone and implored them to help him relieve the pressure by increasing their circulation. There was but a tardy and a grudging response to his entreaties, for the reports of the Secretary of the Treasury show that even under his persuasion and the threat of a great financial disaster bank notes were increased less than $100,000,000, while the banks themselves were illegally using more than $250,000,000 of currency substitutes. They preferred the clearing-house certificates, because it was less expensive to obtain them and easier to retire them. As an American citizen I suffered a sense of deep humiliation to see the officers of this great Government begging the officers of national banking corporations to perform a duty which the Government itself ought never to have surrendered—the duty of providing the people of this country with an adequate supply of currency.

I entertain no prejudice against banks, and I know their immense value to our people in every business relation. As places where men who have money which they do not want to use can deposit it so that men who want to use money which they do not have can borrow it, they are as essential to our progress and prosperity as stores and factories. If banks were abolished, and we were compelled again to borrow the money which we need from individuals, we would not only be subjected to a great inconvenience, but we would be forced to pay a much higher rate of interest. They furnish us our exchange at a very moderate charge, and they greatly facilitate every business transaction. But, Mr. President, allowing the banks the full credit to which they are entitled, it does not follow that because they have been our useful servants in some things we should make them our masters in the most important of all things. As places of discount and of deposit I would encourage them by just and equal laws; but I would not clothe them with the power which only the Government itself can be trusted to wisely exercise.

Occasionally we hear some man assert that the bankers alone understand and are competent to regulate the finances of the country. That our bankers are prudent and sagacious citizens is generally true, and their advice is sought and followed in the private affairs of nearly all men who patronize their banks; but if they can safely keep the money which their stockholders invest with them and which their customers deposit with them, they will have done their full duty and will have earned the respect of all fair-minded men. If they do these things well, they should be free from the labor and the anxiety of regulating our financial system; and they will fully acquit themselves if they take honest care of the money after Congress has issued it. If we should yield to this false claim that the issue of currency is not a function of the Government and commit to the banks the regulation of the whole subject, the smaller bankers, although they might possess the larger intellect, would have little or no voice in the matter. A few great bankers, more through the power of their capital than by virtue of their intellect or knowledge, would soon acquire such an ascendency as would make any system their system rather than the system of all the banks.

Mr. President, it is rather a singular fact in the history of the world that many of the men who have accomplished most for the finances of nations have accomplished nothing for themselves in a financial way. Alexander Hamilton was our first, and it is claimed by many our greatest, Secretary of the Treasury. His genius and his skill in argument established our first national bank, and yet he died insolvent. Webster said of him that "he smote the rock of the national resources, and abundant streams of revenue gushed forth. He touched the dead corpse of public credit, and it sprung upon its feet;" but he did not lay aside even a modest competence for his old age. Robert Morris, who, more than any other man, may be said to have financed the American Revolution, lost his fortune in reckless speculation, and died a bankrupt. The Scotchman who drew the plan according to which the Bank of England was established passed the latter part of his life in poverty, and died neglected alike by his country and by his countrymen. His career is one of the romances of financial history. Macaulay says he was "gifted by nature with fertile invention, an ardent temperament, and great powers of persuasion." He traveled much, and there is no little dispute as to the errands upon which he traveled. Some say that he went to the West Indies as a missionary, while others declare that he went there as a buccaneer. But whether we accept the charitable or the uncharitable view of his character, nobody denies that his brain evolved the plan upon which the Bank of England was founded; and yet, sir, his name disappeared from the directory of that institution at the close of its first

year's business. It will not do, Mr. President, to conclude that a good banker is necessarily a great financier; or that a great financier is necessarily a good banker. Accumulating money is one thing, and making laws under which all men shall have a fair and equal chance to accumulate money is quite a different thing. It would be just as wise for us to authorize our manufacturers to draw our tariff bills as it would be to authorize our bankers to formulate our banking laws. They may be honest, and in most cases they are men of the highest probity; but they see things from their point of view, and it is so natural for the most patriotic of us to think that whatever is best for us must be best for all the people.

UNITED STATES NOTES.

Mr. President, I must not leave this branch of the subject without some reply to those who have criticised my substitute as the recrudescence of greenbackism. If they mean by this to describe the notes which I have proposed to issue, then the criticism is just; but it is not important. I have made the notes to be issued under it uniform in all respects with the United States notes now outstanding, and they are commonly called greenbacks; but I can not comprehend the hostility which some men seem to cherish against those notes. If my mind were narrow enough to be influenced by an ungenerous sentiment, I might, as the son of a Confederate soldier, object to them because they were one of the instrumentalities with which the Union sustained itself during that unhappy war between the States. But, sir, I have no feeling of that kind left in my heart, and I do not consider it a valid objection to those notes now that they helped to preserve the Union in its most trying hour. If I can look upon them without disfavor, how much less should men of the North despise them? They equipped the mightiest army that any nation ever sent afield; and they served a purpose which ought to forever consecrate them in the eyes of those who fought and prayed for the success of the Union arms.

I desire to lay before the Senate a statement of the conditions which existed when those notes were issued and of the incalculable service which they rendered to the Government. This, sir, is not the wild declamation of some shallow demagogue seeking to win some public office by appealing to popular prejudice; nor is it the outburst of some impassioned orator whose imagination had been inflamed by a contemplation of the struggles, the sacrifices, and the triumphs of that time. It is the statement of a grave and learned justice, speaking for the highest judicial tribunal in the world; and this is what he said:

> We do not propose to dilate at length upon the circumstances in which the country was placed, when Congress attempted to make Treasury notes a legal tender. They are of too recent occurrence to justify enlarged description. Suffice it to say that a civil war was then raging which seriously threatened the overthrow of the Government and the destruction of the Constitution itself. It demanded the equipment and support of large armies and navies, and the employment of money to an extent beyond the capacity of all ordinary sources of supply. Meanwhile the Public Treasury was nearly empty, and the credit of the Government, if not stretched to its utmost tension, had become nearly exhausted. Moneyed institutions had advanced largely of their means, and more could not be expected of them. They had been compelled to suspend specie payments. Taxation was inadequate to pay even the interest on the debt already incurred, and it was impossible to await the income of additional taxes. The necessity was immediate and pressing. The Army was unpaid. There was then due to the soldiers in the field nearly a score of millions of dollars. The requisitions from the War and Navy Departments for supplies exceeded fifty millions, and the current expenditure was over one million per day. The entire amount of coin in the country, including that in private hands, as well as that in banking institutions, was insufficient to supply the needs of the Government three months, had it all been poured into the Treasury. Foreign credit we had none. We say nothing of the overhanging paralysis of trade, and of business generally, which threatened loss of confidence in the ability of the Government to maintain its continued existence, and therewith the complete destruction of all remaining national credit.
>
> It was at such a time and in such circumstances that Congress was called upon to devise means for maintaining the Army and Navy, for securing the large supplies of money needed, and, indeed, for the preservation of the Government created by the Constitution. It was at such a time and in such an emergency that the legal-tender acts were passed. Now, if it were certain that nothing else would have supplied the absolute necessities of the Treasury, that nothing else would have enabled the Government to maintain its armies and Navy, that nothing else would have saved the Government and the Constitution from destruction, while the legal-tender acts would, could anyone be bold enough to assert that Congress transgressed its powers? Or if the enactments did work these results, can it be maintained now that they were not for a legitimate end, or "appropriate and adapted to that end," in the language of Chief Justice Marshall? That they did work such results is not to be doubted. (12 Wallace, 540 and 541.)

But our friends who seek to retire and cancel these notes tell us that they depreciated at one time until they were worth less than 40 cents on the dollar. That is true; but it does not tend to prove they would depreciate now, or that they did depreciate then, except as any other evidence of the Government's indebtedness would have depreciated. In the first place, Mr. President, those notes were not receivable in payment of import duties, and many gentlemen contend that this fact was responsible for their depreciation. I can not subscribe entirely to that opinion, because they were receivable in payment of all other dues to the Government; and those other dues largely exceeded our import duties. I can not bring myself to believe that their nonreceivability for the smaller amount of custom dues would have reduced their current value to less than 40 per cent of their par value, while they were still receivable in the payment of other dues which were equal to more than twice the sum collected through customhouses. I do not mean to say that their exclusion from customs receipts did not reduce their value, because I am perfectly sure that it did; but I am equally sure that this single exception was not responsible for their entire depreciation. There was another and a better reason, and it is found in the fact that while they were promises to pay, there was no time when, or place where, or substance in which, the Government had bound itself specifically to redeem them. They were such indefinite promises that something was necessarily subtracted from their value.

It does not require any deep study to convince us that the value of a promise depends much upon the time, place, and manner of its redemption. We all recognize that fact in the case of an individual promise. If the Senator from Rhode Island, who has charge of this bill, were to execute his note promising that on demand he would pay to the bearer of it $1,000 in gold coin at the Riggs National Bank, of this city, it would be accepted by anybody who knows his financial standing at 100 cents on the dollar; but if he were to issue his note promising that whenever he pleased and wherever he pleased, and with any substance he might see fit to use he would pay to the bearer of that note $1,000, nobody would take it, even at the most liberal discount. While the note of the Government did not read upon its face as I have described the note of the Senator from Rhode Island, it was still true and within the knowledge of all men that no time or place had been fixed for its redemption, and as its legal-tender quality was a new departure in our governmental policy, many men were uncertain whether it would ever be redeemed in coin. But notwithstanding these disadvantages, Mr. President, this note of the United States, which is now so much decried, was received everywhere as equal in value to the Government's other promises.

How different is the note which we now propose to issue from the note which was issued during the war. The present note is one that will be received in payment of all dues to the Government; the present note is one that contains a definite promise that upon the presentation of it to the proper officers of the Government it will be redeemed in coin, and, of course, under the existing law that means gold coin, because gold is now our only money of ultimate redemption. Thus, Mr. President, this promise is definite as to time, place, and substance. Not only so, but the Government of the United States is not now struggling for its very existence. Its future is not shadowed by the lowering clouds of war, and its credit is high in every market of the world. Its noninterest-bearing promise is worth one hundred cents on the dollar in every community under our jurisdiction, and no intelligent citizen fears that it will soon be worth any less. It is, therefore, the sheerest nonsense for men to say that our promise issued under these circumstances will depreciate, because a promise issued under very different circumstances did depreciate. Do not, sir, understand me to mean that the Government can issue notes without limit and still maintain their value. I know better than that; and I know that with the Government, as with the citizen, its promises to pay can only be kept at par when issued with a due regard to its ability to redeem them. I do not, however, hesitate one moment to declare that this Government could easily carry a paper circulation at this time of $2,500,000,000 without the slightest strain upon its credit and without the slightest danger of its depreciation.

SUBSTITUTE NOT GREENBACKISM.

But, Mr. President, if the men who assail my substitute as an effort to revive greenbackism mean that it is drawn in accordance with the doctrine of the old Greenback party, they either have not read it or else they are grossly ignorant of the history and teaching of the Greenback leaders. The contention of those men was that the Government should stamp upon a piece of worthless paper the declaration that it was a dollar and that every man subject to our authority should be compelled to receive it as such. The best brain and courage of the Democratic party combated that pernicious fallacy until it was finally abandoned by many of its most earnest and intelligent advocates; but during that campaign thoughtful Democrats everywhere recognized the imperative need of a currency to supplement our coin, and we pledged ourselves to provide

that supplemental currency precisely as I have done in this substitute. We promised then, and we propose now, that every note issued by the Government shall contain its promise to pay, and that every promise shall be redeemed on demand and in the coin of the country. It is not greenbackism for the United States to issue its notes containing its solemn promise to pay. That, sir, is Democracy, and it is the Democracy of the elder and the better days.

The greatest of all Democrats was an advocate of a Government currency and opposed to bank notes. He demanded that bank paper should be suppressed and the circulation restored to the nation to which it belongs; and Mr. Jefferson was not more insistent upon this policy than his greatest disciples and successors have been. The struggle between Andrew Jackson and the old national bank is too well known to need any recital here, nor do I need to relate that another, and intellectually a greater Democrat than Jackson, was earnest in his advocacy of a Government currency, and in his opposition to bank notes. Without intending any invidious comparison I can safely say that no man of his generation—and I do not forget that he lived in the days of Daniel Webster and Henry Clay—ever studied and understood the currency question more thoroughly than John C. Calhoun. He devised the best system ever proposed up to his time, and some profound students think that a better one has never since then been suggested. He proposed a perfectly automatic arrangement, and it would have worked out in practical operation just as he calculated. Mr. Calhoun fully understood that currency could and might be overissued, and he therefore incorporated into his plan an absolutely certain corrective of that abuse. His proposition was for the Government to issue a paper not redeemable in coin, but receivable in public dues. He did not contemplate that such paper should be made a legal tender, and, indeed, it was not then supposed that the Government could make any note a legal tender in the payment of debts; but he believed that the United States could easily maintain such a circulation as he proposed equal to twice its annual revenue. He fully explained, however, that if such a currency was ever overissued it would immediately depreciate, and that when depreciated nobody would accept it from the Government; but everybody would use it in making their payments to the Government because they could purchase it at a discount. Under that condition this paper would flow back into the Treasury, and none of it would flow out until the entire excess was drawn from the channels of trade, and the equilibrium completely restored.

I could add to these names of Jefferson, Jackson, and Calhoun the names of many other illustrious Democrats, but it would be a waste of time to do so. The position of the Democratic party to-day is precisely the same as it has always been upon this question. It is standing now as it has stood so many times in our history, between two great and dangerous extremes. On the one side stands a party—the true successor of the old greenback organization—demanding an unlimited issue of irredeemable paper money; and on the other side stands the Republican party demanding that the banks shall issue our currency and that the Government shall guarantee its redemption. Between these two, the Democratic party stands, resolutely demanding that the Government shall exercise the sovereign right of issuing our currency, but solemnly promising that every note which is issued shall be redeemed in coin upon the demand of its holder.

The men who cry out so vociferously against the issue of notes by the Government are the very ones who are always advocating the issuance of notes by the banks. Independently of any question as to whether it is the duty of the Government to issue these notes directly or the right of the Government to devolve their issue upon the banks, the class of men to whom I am now referring seem to think that the Government notes are an unsafe currency, and that bank notes are the very perfection of a safe and a conservative circulation. I am not disposed to distrust the sincerity of my opponents, and I believe that men are generally honest with themselves and with their countrymen in forming and expressing their political opinions; but it taxes my charity to the utmost to believe in the sincerity of men who insist that a bank note is safer than the note of this Government. Do they not know that behind bank notes are merely the securities which they pledge and the assets which they may hold, while behind the note of the Government stands all which supports the credit of bank notes and also the other uncounted resources of the country? In other words, a Government note has behind it all that stands behind the bank notes with billions of property besides; and it is the merest drivel for men to talk about a bank circulation being safer than a Government currency.

The argument as to the safety of the two currencies is wholly apart from the other argument that a bank-note circulation can respond more readily to the public needs. I grant you that under the law as it now stands the banks can issue currency when the Goverment could not; but under the law as we are proposing to amend it the Government could put additional notes in circulation as rapidly, or even more rapidly, than the banks. Nor must it be forgotten, Mr. President, by those who prefer a bank circulation as more elastic that it is just as true that the banks can contract the currency more readily than the Government as it is that they can expand it more readily than the Government. There has been an infinite deal of nonsense spoken and written upon this currency question; but the worst of it all is this constant iteration in favor of an elastic currency. If by an elastic currency is meant some provision for these periodical disturbances, that is desirable and wise; but no greater curse could fall upon the land than the expansion and contraction of its currency with every season or every year. An elastic currency is one that expands to let the unwary in, and then contracts to squeeze them out. It is a currency under which speculation would flourish and industry would languish.

THE FEAR OF AN OVERISSUE.

The real objection on the part of all intelligent men to a Government currency grows out of their fear that under the pressure of political considerations it will be overissued. That was the argument which Hamilton employed with great effect in his famous report to Washington urging the establishment of a national bank. Addressing himself to this very proposition that the United States should issue its own notes, he said:

> The emitting of paper money by the authority of Government is wisely prohibited to the individual States by the national Constitution; and the spirit of that prohibition ought not to be disregarded by the Government of the United States. Though paper emissions, under a general authority, might have some advantages not applicable, and be free from some disadvantages which are applicable to the like emissions by the States separately, yet they are of a nature so liable to abuse, and, it may even be affirmed, so certain of being abused, that the wisdom of the Government will be shown in never trusting itself with the use of so seducing and dangerous an expedient.

It must be remembered that Alexander Hamilton had no confidence in the capacity of the people to govern themselves. He honestly believed that the further the Government could be removed from the people the more wisely and the more safely it would be administered; and it is not singular that a man who entertained such a view should distrust a Congress partly elected by a direct vote of the people. Hamilton not only believed that the banks should control the currency, but he also believed that the rich and powerful should control the Government. He seemed to think that the turbulence of the one would be more harmful than the selfishness of the other; but time and experience have shown his opinion upon both questions to be erroneous. None of his political descendants can now be found to repeat his argument in favor of a Senate for life or a government modeled after that of Great Britain; but they do not hestitate to repeat his argument upon this currency question, because it is not so generally understood. Whatever may have been the reason or the excuse for Mr. Hamilton's assertion that Congress would be certain to abuse the power of issuing notes, we now know that it was without any justification. Congress has always possessed the power to issue the notes of the Government and has exercised it on more than one occasion without ever abusing it. Currency disorders have heretofore resulted from an overissue by the banks, but never from an overissue by the Government. It will not do to say that those overissues were made by irresponsible State banks, because that does not meet the question. I am not discussing the merits of the bank notes of to-day as against the bank notes of another day. I am simply asserting what every well-informed man knows to be the truth—that notes have repeatedly been overissued by the banks but never by the Government. Not only had Congress authorized an issue of treasury notes prior to 1862, leaving them to circulate as mere promises to pay, but since 1862 it has assumed and exercised the power to impress upon the notes of the United States the quality of a legal tender, and since 1872, when that power was vindicated and sustained by a decision of the Supreme Court, it has been unchallenged. And yet, sir, in all this more than thirty-six years the legislation of Congress has been to unduly contract rather than to expand the currency.

With this history before us, he is indeed a rash man who says that Congress can not be trusted to exercise this great power. Moreover, sir, it is not now proposed that Congress shall be deprived of this power, because no act of ours could accomplish that. It is simply proposed that Congress shall abdicate the exercise of it while still retaining the full possession of it. If the fears of the Hamiltonian school of statesmanship are well founded, the country could not be saved from

Congressional inflation simply by authorizing the banks to exercise this function of the Government: because Congress could at any time resume that power and exercise it, leaving the banks to continue their circulation or retiring it, as it might choose. If, therefore, the power is a dangerous one, it would be all the more dangerous if left to sleep instead of being exercised, because its disuse would engender an ignorance of the subject and prevent that caution in the exercise of this power which a knowledge of the question would always cultivate. But, Mr. President, even if we concede that there is some danger of an overissue, I do not believe that we ought to surrender a sovereign power of the Government because of an apprehension that it might be abused. If Congress can be trusted with the power of taxation which reaches into every home and can take from the mouth of labor the bread which it has earned; if Congress can be trusted to levy taxes which collect from every man his share in the Govermnent's support; if Congress can be trusted to enact our coinage laws and to regulate the value of our metallic money; if Congress can be trusted to adopt a criminal code affecting the lives and the liberties of our people, surely, sir, there can be no good reason for fearing that it will not act wisely in regulating the currency of the country.

METHOD OF DISTRIBUTION.

Mr. President, no doubt exists in my mind as to the wisdom of providing for an emergency; nor do I doubt that such a provision ought to be made by the issuance of United States notes. That far there is, and there can be, no serious difference of opinion on this side of the Chamber; but it has not been so easy to agree upon a method of putting this currency into circulation. I am convinced, however, that upon a full consideration of the subject it will be found impossible to devise a better plan than the one proposed in our substitute. Some gentlemen think that the Government ought to issue this money and lend it to anybody who can offer the security required; but with the most respectful deference to those who entertain it, I venture to say that such a view originates in a misconception of the duty which the Government owes to the people in this matter. The demand that the Government shall give every individual or corporation who offers the specified security the same right to receive these notes as is given to the banks, proceeds upon the theory that the Government is under some obligation to provide individuals or banks with the money which their business may require. The Government rests under no such obligation. Its duty—and its whole duty—is to supply the country at large with a currency sufficient in volume to transact its business; and it is for each individual and corporation to get, in his or in its own way, so much of that currency as they need and can honestly obtain.

It has been urged with some vehemence that to confine the deposit of this money to banks is class legislation; and the men who say this seem to think that the only way to exempt ourselves from this imputation is to allow every person, natural or corporate, who offers the security to obtain the money. But those who press that argument overlook the fact that it subjects them equally to the charge of class legislation; because under their proposition only those who have bonds could borrow the money; and it is practically certain that the men with these bonds to offer as security would have a less urgent need for the money than the other men who have no bonds. Instead of incorporating such a provision in my substitute, I have, after great deliberation, confined the deposit of this money to the banks, and I believe that the reasons which have influenced me to that course will satisfy any thoughtful man. If we issue these notes to everybody who offers the security, we not only confine the privilege to a class, but we confine its benefits to the same class; while if we deposit them in the banks, then every citizen who has good security, though not such as this substitute requires the banks to give, or whose good standing entitles him to a credit without security, can obtain them from the banks. If you say that I am thus compelling the people to borrow the Government's money from the banks, I answer that I am requiring the Government to deposit its money in the banks so that it will be available for general use. When a citizen deposits his money with the bank he does so for his own convenience and not for the benefit of the bank. So in this case I would deposit the public money in the bank for the public's convenience, and not for the benefit of the bank. If the Government needed to use a horse and vehicle it would send its agent to a livery stable to hire one, and it would not consider that it had discriminated against its other citizens by going to the place established for the accommodation of travelers. Many men in that community might be willing to hire their horses and vehicles, but the Government would deal with the man who had equipped himself for the business of supplying conveyances to those who travel. So, Mr. President, it seems to me that when the Government is to deposit money it ought to use the same agencies and instrumentalities which are generally used in every community, and through which the business of every man is transacted and facilitated.

If anybody supposes that this substitute is drawn in the interest of the banks, they have only to consider that practically every banker in the country is opposed to it. In the first place, the rate of interest is so high as to preclude the possibility of much profit on it; and the method of securing the notes will absorb what might otherwise be made. The banks realize this, and they have bitterly complained that the rate of interest and the security required will offer them no sufficient inducement to use this money. They are right in their statement; but they are wrong in complaining about it. They ought to be willing to render a service to the country in a great emergency without demanding a profit; and as a matter appealing to their own selfish interest, they must not forget that they are the chief sufferers in every panic. In such a time many of them fail, and the long list of suicides committed by their officers bears ample witness to the tremendous strain under which they labor. If, therefore, it be true—and undoubtedly it is true—that the banks will make little money out of this transaction, it is still true that they will render a valuable public service, and save all of them from great anxiety and many of them from ruinous losses.

Some worthy people believe that the security for these deposits ought to be enlarged so as to include our great staple products, and insist that this money shall be loaned directly to the farmers on their cotton when once stored in a warehouse and insured in favor of the Government. I do not dispute that cotton is as good a security as a bond, nor do I agree with those who think it is not easily convertible into money. States, counties, and municipalities sometimes default in their interest, and even the Federal Government itself once found its credit so impaired that its promises sold for less than 50 cents on the dollar; but, sir, no folly of men and no misfortune of war can seriously abate the world's demand for cotton. Men and women must buy and wear the beautiful and useful fabrics woven from it; and when accepted at a fair margin, I do not question that cotton would make the Government perfectly secure for its loan.

But, sir, suppose we admit that cotton is an ample security, and that the planter shall have the right to obtain a loan from the Treasury by depositing it in a warehouse to be designated by the Government. Will not the farmer of the West then have a right to demand the same accommodation upon his wheat as the planter of the South has obtained upon his cotton? Can not the wheat farmer say that he feeds us, and is therefore as much entitled to our consideration as the cotton planter who clothes us? After you have extended your loans to the cotton planter of the South and the wheat farmer of the West what will you say to the tobacco grower when he applies for a loan? You may tell him that his article is not a necessity; but he will answer that it is one of almost universal use, and therefore a perfectly good security. If you still deny him, he will tell you that he is engaged in a hand-to-hand combat with the tobacco trust, and he will appeal for a loan that will enable him to carry the product of his land and labor until he can sell it at a living price. When you have yielded, as you would, to the appeal of the tobacco grower, his neighbor who is engaged in raising hemp will come next, and he will tell you that nothing can save him from the greed of the cordage trust unless the Government will allow him to store his hemp and make him an advance against it.

Then, Mr. President, when you have accommodated the cotton planter, the wheat farmer, the tobacco grower, and the hemp raiser, you will next encounter the landowner, who will tell you that without his land neither cotton, nor wheat, nor tobacco, nor hemp could be grown. He will tell you—and he will speak the truth—that it is as true in the economic as it is in the physical world that everything rests upon the earth. He will tell you that the security which he offers is not subject, as cotton, wheat, tobacco, and hemp are, to a deterioration in quality or to a fluctuation in price; and he will demand his right to share with his fellow-citizens in the loans which the Government is making. Then the stockman comes with his horses, and he will tell you that without his horses to cultivate it, the land itself would yield neither cotton, nor wheat, nor tobacco, nor hemp. He will tell you that his horses not only produce the wealth of the American farm but help to exchange it after it has been produced. He will tell you that except for their patient strength, which draws these products from the farm to the market place, our crops would aggregate

but a fraction of their present value and our commerce would relapse into a primitive system of barter between neighbors; and he will demand to know if this Government has a right, after extending these accommodations to the landowner and to those who cultivate the soil, to deny an equal privilege to the man who raises the animal with which the soil is made productive. After you have settled with the stockman who raises horses, you must next answer the stockman who raises cattle and hogs, and he will insist that the strength and health which his meat gives to those who toil in field, workshop, and factory entitles him to the same privilege which has been accorded to his brothers. Then comes the ironmaster, who will recite the development of his industry, and he will tell you how he and those whom he employs have taken from the bosom of the earth, where God's hand had planted it, this most marvelous agent of modern civilization. He will tell you how he has forged it into rails, so that every product of farm and factory may find a market in the remotest quarters of the globe. He will tell you how it has reduced all distances, tunneled the mountains, and spanned the rivers; and he will demand the same accommodation upon his iron ore that you have extended to other men upon their agricultural products and their live stock. Thus, Mr. President, man after man, and class after class will follow each other to Congress for a law, and afterwards to the Treasury for a loan until we have issued currency beyond all sensible proportion to our business, and have brought upon our beloved country a suffering infinitely worse than that which we are seeking to prevent.

OTHER PRACTICAL DIFFICULTIES.

There are other and very great practical difficulties in the way of such legislation. To begin with, this is an emergency currency, and consequently it ought to be put into circulation with as little delay as possible. The average citizen is only apprised of a stringency in the money market when he finds himself unable to obtain his usual accommodation at the bank; and it only becomes serious with him when he next finds himself unable to realize the money which he needs through a sale of his property. If the people were compelled to wait before dealing with the situation until men had tried to borrow at the bank, and having failed to sell their property, would apply to the Government for a loan, much of the mischief which this bill is intended to avoid would be done before it would be possible for the money to reach the channels of circulation. Even if you were to provide in this bill that anybody who applied and who offered the security should receive this money, it would still happen that those who knew first about the coming trouble would make the first application, and the supply of currency within a reasonable limit would be exhausted before the farmers and merchants could reach the Treasury.

But, Mr. President, even if the merchant and the farmer could reach the Treasury before the banker, and obtain this money, it would not help those who would stand in the greatest need of it. Nearly all merchants keep their entire capital actively employed in their mercantile business, and very few of them are able to invest any of their money in bonds bearing a low rate of interest. Therefore the only merchants who could avail themselves of such a provision in the law would be the richest and most prosperous ones, who would have the least need for it. Nor is the case different with the farmers. A large majority of our cotton planters, at least, require the full price of their crop to cover their expenses, and but few of them could afford to mortgage their cotton and lose the use of the difference between the price of it and the loan they could obtain on it. But even if that were not true, and if the farmers generally could afford to leave their equity for future use, it would be an exceedingly dangerous proceeding for them to pledge their cotton to the Government under any sensible law which could be framed; because if the price of cotton should fall, the Government would be compelled to call on them to either increase their security by bringing more cotton to the warehouse, or else make the margin good by paying a part of the debt. Only the more prosperous could comply with this demand; and the less prosperous ones would see their cotton sold to protect the Government on a declining market, and thus their equity would disappear. The Government could not indulge its debtors as the banks and local creditors do. If the note of a good man matures at the bank, and he is called on for its payment, he simply makes an explanation of his inability to pay at that time, and the greater his embarrassment, if he is honest and solvent, the more certain he is to secure an extension. It would not be so with the Government. When it calls for money due it, no excuses nor explanations will be accepted, and the amount must be paid without default or delay. Only institutions with ample security and with an ability to promptly meet every demand can afford to accept money from the Government under any law that a sane Congress could be induced to pass.

OTHER DIFFERENCES BETWEEN BILL AND SUBSTITUTE.

Mr. President, there are two other, and, as I believe, important differences between the bill and the substitute. One difference consists of a provision found in the bill and not in the substitute, while the other difference consists of a provision found in the substitute and not in the bill. A peculiar and, as I believe, a wholly indefensible provision of the bill is the section which repeals all limitation on the right of national banks to retire their ordinary circulation and leaves them free to work out a damaging contraction of the currency.

This bill, instead of repealing all limitation on the right of national banks to retire their ordinary circulation, ought to contain a provision still further limiting that right. The argument heretofore made in favor of permitting the banks to retire their notes was that they would thus be induced to provide a larger issue when the necessities of the country required more currency. It was contended—and there was much force in that contention—that if the banks were compelled to keep out, during an ordinary time, the currency which they had issued in an extraordinary time, they would be less inclined to take out additional notes when more currency was needed; and that argument prevailed upon Congress to permit the limited retirement of their notes. But, sir, if this bill becomes a law, national banks will not take out ordinary circulation to meet emergencies, and the argument which has heretofore been advanced in support of their right to retire their ordinary notes is irrelevant. In other words, the banks will hereafter meet emergencies by issuing notes under this bill and not under their general authority. Therefore their circulation under the general law not being an emergency circulation ought not to be retired at all; and certainly the banks ought not to be clothed with a power to retire them to an extent that might result in a sudden and disastrous contraction. Had the bill repealed the present law which permits the retirement of $0,000,000 per month and restored the old law, which only permitted the retirement of $3,000,000 per month, it would have been more in harmony with its general provisions.

The section which I have incorporated in the substitute, and which is not in the bill, amends the present law in relation to reserves. I am aware that some gentlemen with a thorough practical knowledge of the banking business do not think this a wise provision, and consider it entirely safe to let the law stand as it now exists. Upon the mere question of safety I would readily defer to their judgment, based, as it is, upon their personal experience; but looking at the question from a broader view I believe that the amendment which I have proposed is wise, and would be beneficial to the country. Many thoughtful men insist that the entire reserve ought to be held by the banks in their own vaults; but such a requirement would unnecessarily reduce the ability of the banks to accommodate their customers, because it would compel them to hold, in addition to their reserves, a further sum with their New York correspondents to serve the convenience of their patrons.

I recognize that the country banks must keep a certain amount of money in New York against which they can draw their bills of exchange; and I am perfectly willing that what is reasonably required for that purpose shall be counted as a part of their reserve. I think it will be found upon examination that no country bank has ever failed by reason of its inability to obtain the cash which it had with its New York correspondent, and I do not contend that under ordinary circumstances the solvency of our country banks is imperiled through their custom of depositing a large part of their reserves in the banks of New York. My objection to that practice goes beyond its effect upon particular banks, and comprehends its wider effect in stimulating the overuse of bank credits there. To prevent this, and still leave enough of the reserve to answer the purposes of exchange, my substitute requires that hereafter the banks shall keep two-thirds of their reserve in their own vaults, and can only keep one-third with their reserve agents. In my opinion this reduces, as far as possible, the accumulation of loanable funds in New York without depriving the interior banks of the right to use a part of their reserve to answer their exchange business.

THE ORIGIN OF THE RECENT STRINGENCY.

I have my own opinion, and it is a very definite one, as to what produced the recent financial stringency and brought us to the very verge of a disastrous panic; but I do not know that it would interest the Senate or the country for me to state the reasons upon which that opinion is based. I will, how-

ever, without entering upon an elaborate discussion of it, venture to say that it was due immediately, to the overuse of bank credits in the city of New York. It came when the country had the least reason to expect it. Our crops had been abundant, and the price of almost every farm product was more than satisfactory. A recent statement made by the Secretary of Agriculture shows that the products of American farms last year exceeded in value any previous year in our history. There had been neither war nor pestilence, the balance of trade was largely in our favor, and there was absolutely no question as to the value of our money. There had been no change of parties, threatening a revision of the tariff, which our Republican friends so often claim breeds distrust and produces industrial depression.

I do not, of course, overlook the fact that it has been charged in many quarters that the trouble was due to the persistent demand of the President of the United States for the enactment of new laws and the enforcement of old laws to regulate and control our railroads; but that charge has been made by men whose minds are heated with resentment, and it will not bear a close analysis. The President has demanded only that the railroads of this country should be required to deal justly with the people; and he has evinced no disposition to harass or to oppress them. I am no apologist for the President; and I have no patience with the adulation of him in which some Democrats indulge. It is true that upon this question of railroad regulation he has embraced the doctrine of our party, and for that I applaud him; but he has done more to change the character and the structure of this Government than all of his predecessors combined. He has frequently exhibited a supreme indifference to the Constitution of his country, and has pursued what has seemed to me a systematic and a deliberate purpose to impair the rights of the States, and to concentrate all power in the Federal Government. It was the boast of Augustus Cæsar that he found Rome of brick and left it of marble. President Roosevelt can hereafter say that he found this a union of sovereign States, and left it one vast nation. The good he has done in arousing public attention to certain evils of corporate management will give him an enviable place in the history of his time; but the harm he has done in dwarfing the States and exalting the General Government can not be measured, and unless the tendency which he has set in motion is arrested and reversed our splendid Federal system will ultimately be destroyed. We have never before witnessed such a mixture of good and evil in any public man. Before we have finished praising him for some wise recommendation he makes another so foolish that our praise must turn to censure. They tell me that he is brave, and I answer that he is just as rash as he is brave. They tell me that he is honest, and I answer that he is just as arbitrary as he is honest. He is—

> Too bad for a blessing,
> Too good for a curse,
> I wish in my heart
> He were better or worse.

If he were much better, he would be a Democrat; and if he were a little worse, he would not obscure and confuse the great issues between us and our adversaries.

But, sir, conceding that the President's attitude toward the corporations has affected the value of their securities, that would only embarrass the holders of those securities who had borrowed on them beyond a safe margin, and it would not disprove my assertion that the real cause of the trouble was the overuse of bank credits in the city of New York. I am not only confident that the trouble was attributable to the overuse of bank credits in New York; but I am equally confident that the overuse of bank credits there was largely due to the bad habit of the country banks in keeping so much money on deposit with New York banks. The inevitable effect of that practice is to create a plethora of loanable funds in that city, and this plethoric condition of the money market there invites improvident loans and leads to worse than improvident speculation. When money is sent to New York by the country banks, the New York banks pay interest on it at the rate of 2 per cent per annum, and they will not keep that money idle in their vaults, but will very naturally endeavor to make a profit on it by using it. They are thereby induced to lend it for what can not by any stretch of the imagination be called legitimate commercial purposes, thus increasing their loans until almost any kind of a financial shock produces a serious consequence to them and, through them, to the country at large.

Let me illustrate what I mean. Against every million dollars that the country banks have on deposit they must hold a reserve of $150,000. Of this $150,000 they must keep two-fifths, or $60,000, at home, and they may keep three-fifths, or $90,000, with their reserve agents. When this $90,000 is placed in New York the banks with which it is placed are only required to hold 25 per cent of it, or $22,500, as a reserve against it, and may lend the other $67,500. Thus three-fourths of that $90,000 is not kept as a reserve at all; but is loaned in the usual course of New York business. The sum of all this is that instead of having $150,000 as a reserve against every million dollars of their deposits the country banks really have 6 per cent at home and 2¼ per cent in New York, making an actual reserve of only 8¼ per cent. No man can believe that this is a safe or a conservative system of banking; and the practice of requiring a reserve of 15 per cent and then permitting three-fifths of that reserve to be loaned to other banks, which, in turn, lend three-fourths of it to their customers, is a patent and a dangerous subterfuge. It is plainly extending bank loans beyond the point of safety, and it is not surprising that a catastrophe overtakes this country whenever there is a demand for money which compels an extensive call of bank loans in New York.

In candor, Mr. President, it must be admitted that while the overuse of bank credits was greatest in New York, that was not the only place in which the same trouble existed. An examination of the incomplete bank statements will show that while New York was the chief it was not the only offender against conservative banking. In the speech which he delivered several days ago my colleague [Mr. CULBERSON] contended that the recent panic was not produced by depositors taking their money out of the banks, and he supported that contention by showing that the bank deposits in June, 1907, were $880,000,000 greater than in June, 1906. These figures abundantly prove what he intended them to prove; but they also prove much more than that, and their gravest import to me is the irrefragable evidence which they furnish of excessive bank loans. The money in the United States on the 30th day of June, 1906, amounted to $3,069,000,000, and on June 30, 1907, $3,114,000,000, or an increase of $45,000,000. The amount of money held by all banks which reported their holdings in June, 1906, amounted to $1,010,000,000, while in June, 1907, these same banks held $1,106,000,000, making an increase of $96,000,000. Thus, while the stock of money in the country had increased only $45,000,000, the cash held by the reporting banks had increased $96,000,000, or more than double as much as the total increase in the stock of money. This would indicate a healthy condition and tend to dissipate any apprehension as to the business situation. But, sir, when we prosecute our inquiry a little further we find ample cause for just alarm.

The reports of these same banks show that while their cash on hand had increased only $96,000,000, their deposits had increased $880,000,000, and this increase in deposits represented almost entirely an increase of bank credits rather than the deposit of cash. It was brought about in this way: A customer would ask for a loan of $10,000; the bank would take his note for that amount, pass it into the bills receivable account, and place $10,000 to his credit. That $10,000 would then become a deposit and would be so counted in that bank's reports; but the dullest man can easily perceive that the bank was really increasing the amount of its deposits without receiving a dollar in cash; and what appeared as an increase in the bank's deposits was really nothing more than an increase in its credits. Nothing is more dangerous to the commercial peace of a country than the overuse of credit; and nothing more clearly establishes the overuse of bank credits than the increase of bank deposits unless they represent at least a safe proportion of actual cash. While the increase of bank deposits undoubtedly shows that there was no excuse for the panic so far as the conduct of depositors was concerned, it also shows that there was no escape from it whenever a contraction of bank credits became necessary. It will be found, Mr. President, by anybody who will examine the distribution of this $880,000,000 increase in deposits that banks in every part of the country were swelling their deposits by extending credits rather than by receiving cash.

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Nevada?

Mr. BAILEY. Certainly.

Mr. NEWLANDS. I would like to make an inquiry of the Senator from Texas regarding that portion of his substitute which provides for an increase in the amount of bank reserves held by the banks in their vaults. I am absolutely in sympathy with the Senator's view upon that question; but I find myself met by this difficulty: The reports show that, outside of the savings banks and the trust companies, the bank loans of the country amounted to about $10,000,000,000 last year. Of that amount about

one-half, or a little over one-half, was made by the State banks and a little less than one-half by the national banks. As against those bank loans and the corresponding amount, of course, of bank deposits the national banks had an actual reserve, on an average, of about 18 per cent whilst the State banks had an average of less than 8 per cent. The difficulty I meet with there is that if we increase the restrictions upon the national banks and can not in any way affect the State banks, whose reserves on the average, are, of course, absolutely inadequate, we will simply increase the disposition of the national banks to abandon the national organization and take up the State organization.

I would like to ask the Senator whether he thinks it within the power of Congress, under the interstate-commerce clause of the Constitution and regarding State banks which are engaged in interstate commerce in the same light that we do State railroads engaged in interstate commerce—whether we would have the right, in the interest of the public safety, just as we apply safety appliances to the State railroads, to require of the State banks the maintenance of the same reserve that is required of the national banks as a condition of their engaging in interstate commerce, or whether there is any other legislation that we could enact, either persuasive or compulsory, that would bring about a harmonious system upon the part of all the banks of the country as to the question of reserves that are so essential to the public safety?

Mr. BAILEY. Mr. President, the State banks of discount and deposit are beyond the reach of Congressional legislation, and are no more subject to the jurisdiction of the General Government than are the farms or the factories in our States.

I will say further, Mr. President, that, as for my part, I am not one of those who cry out always for uniformity. God Himself did not make all things alike, and I do not think wise legislators should attempt what the All-Wise Being did not think it worth His while to do. There is sometimes strength in diversity, and there is sometimes weakness in uniformity. I would prefer that the States of this Union should have a bad system, if it were their system, than to have a good system imposed upon them by the people of another State. So long as what they do relates to them and to their people only, it is for them and for their legislatures to decide. When they engage in a business that affects other States and other people, as would the issuance of currency, then they subject themselves to the jurisdiction of Congress; but so long as they conduct merely the business of receiving deposits and making loans, we have, and we ought to have, no power over them.

It may be true that the best we can do will leave something still to be done until the States have each made theirs a perfect system; but if we do our duty here, we stand acquitted to our conscience and our country, and we will leave State legislatures to answer to their constituents.

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Nevada?

Mr. BAILEY. Certainly.

Mr. NEWLANDS. I should like to call the attention of the Senator from Texas to the fact that if it be true—and it is true—that over one-half of the business of the country, interstate as well as State, is done by the State banks, then, if their system is defective, it lies in their power to involve in ruin interstate commerce throughout the entire country and to involve in destruction the national-bank system itself, for the Senator well knows that the weakness of a bad bank and the consequent run upon it may create a panic that will involve the strong banks of the country, for panics are absolutely irrational.

I do not wish to debate the matter with the Senator now because I do not wish to interrupt his splendid argument, but I should like the Senator to consider the question as to whether there is not some persuasive process, such as that pointed out by the Senator from Georgia [Mr. BACON], by which, by giving the State banks the benefit of the use of this emergency currency, we can attach conditions that would bring them in uniformity regarding these reserves.

I quite agree with the Senator regarding the fact that uniformity is not essential in all things; but it is, it seems to me, essential in some things. The Senator requires uniformity as to every national bank in the country as to reserves. If that be true, why does he sanction a diversity as to the reserves of State banks? Five thousand national banks are to be brought under regulations absolutely uniform regarding their reserves. If that be a wise regulation, why could not it be extended to the 6,000 other State banks, if we have powers either of persuasion or of compulsion over the matter? For my part I have no doubt about our powers of compulsion in the exercise of the national power to regulate interstate commerce, for all banks are, of course, engaged in interstate commerce, but I would gladly yield to the suggestion as to the power of persuasion.

Mr. BAILEY. A good example is always persuasive, and if Congress will deal wisely with the national banks under its jurisdiction it will go a long way toward inducing the State legislatures to deal wisely with the banks under their jurisdiction.

The Senator from Nevada, however, overestimates the harm of this dissimilarity. He forgets that side by side with marvelous strides both this system of national and that system of State banks have been growing for forty years. They have had their shocks and their reverses, but where in all the world can you point to a prosperity matching the prosperity of either of them? As for my part, I would rather destroy all banks and go back to barter than to destroy this dual system of government, and I shall never agree to unify our finances when to do so involves the obliteration of State lines. There are greater misfortunes in this world than poverty, and the greatest of all would be the loss of that liberty which can only be perpetuated through the preservation of State rights.

But, Mr. President, if it be true, as I believe it is, that the immediate cause of our financial disturbance was the overuse of bank credits, this is not a full or a final explanation of our troubles. We must go deeper and satisfy ourselves as to the influences which induced conservative bankers to extend their loans beyond what they ought to have known was a safe limit. Gambling in stocks and bonds and in agricultural products on the New York Exchanges will account for much, but it will not account for all that we have suffered. High living and overtrading have done their part in this bitter business, and extravagance, joined with a mad desire to get rich quick, has deflected our people in every part of the country from their personal habit of economy and their business habit of prudence. Congress itself has led in this wild revel of lavish expenditure, and from $248,000,000 twenty-two years ago we have increased the cost of administering this Government until we are now spending more than $1,000,000,000 each year. We appropriate the public money as if it were a creation of the law instead of labor, and we tax the American people as if taxation were a blessing instead of a burden. The infection of the Government's bad example has communicated itself to all classes, and men who once thought themselves fortunate if they could build a brick mansion are not satisfied now unless they can build a marble palace. What we once considered great luxuries are now regarded as mere comforts, and men of moderate means live at a rate which only the rich can afford to indulge. Under such circumstances it will always happen that speculation will be employed to win what honest industry could never hope to earn.

We must retrace our steps, sir, and recognize again the duty we owe ourselves, our families, and our country to live within our incomes. Then, and not until then, can we hope, as a nation or as individuals, to escape the penalty of spending more than we have made. I do not intend, Mr. President, to suggest that Congress can by law eradicate or regulate the evil practice of overtrading or high living, and we must trust to the common sense, to the self-respect, and to the patriotism of our people to correct those vices. I am not one of those who would invoke the law to restrain the conduct of men upon a slight occasion. I have always believed that it were better to endure the ills which spring from the right of individual judgment than to invite the greater ills which come from an undue abridgment of the citizen's liberty of action. I do not mean by this to say that men shall be left to injure others or to publicly debase themselves and answer the State by saying that they have merely exercised their individual right. There is a vast difference, sir, between liberty and license. The one is a goddess fair, all wreathed in light and smiles and beauty, bestowing with a generous hand her countless blessings on the human race; the other is a sorceress vile, a woman to the waist and fair, but ending in a serpent, armed with mortal coil, seducing godlike men to gross excesses and infinite despair. I would no more embrace the one than I would drive the other from me, and I thank the God of nations that in this enlightened age we have learned to carefully distinguish between the two.

I would prohibit and I would punish the offenses which reckless bankers have committed against the law, and by which they have wrecked the great institutions which it was their duty to strengthen and conserve; but, sir, I would not deny all men the right to manage their own affairs within safe lines because some men have abused that freeman's privilege. I would make convicts out of the criminals; but I would not make children out

of honest bankers and deprive them of the right to conduct their business under a law which, if duly executed and enforced, is none too liberal now. I understand, of course, that we can prevent bad men from doing wrong by putting all men in strait-jackets; but I also know that we will thus prevent good men from doing what would be to their own and to their country's great advantage. If we permit ourselves to look only at the misdeeds of the few and forget the good deeds of the many, we may fall into a misanthropic frame of mind and make the mistake of legislating upon the theory that as some men abuse their freedom it shall be taken from us all. If this should come to pass, the men of this great Republic would lose the power of intellect and the self-control through which we fondly hope to complete a peaceful conquest of the world. Sir, I believe men are growing better instead of worse, and I would rather encourage that growth by giving greater freedom still than to discourage it by leaving them less to do according to their own untrammeled judgment and compelling them to do more according to the directions of a statute.

I am an optimist. I believe in the patriotism and the intelligence of my countrymen, and I believe they will vindicate before the world the experiment of self-government which our fathers inaugurated. I believe that they will teach the advocates of kingly government and the apostles of socialism as well that mankind can achieve its highest development and attain its greatest happiness under institutions which leave every man as free as is consistent with the peace and the good order of society. And even, Mr. President, when my countrymen disappoint my hope and when the spirit of faction seems stronger than a love of country, I do not despair. Through the darkness, as in the light, I cling to a persevering faith, and I remember that there is One above us who overrules kings and parliaments and who orders the destiny of republics better than presidents and congresses. I confide in Him, and I do not fear that He, under whose providence the sparrow falls and whose mercy stills the clamorous raven's nest, will permit this Government of the people and for the people and by the people to perish from the earth; but I believe that at His own good time and in His own good way He will inspire His children here with the wisdom to know and with the courage to do whatever may be for the best. From the iridescent dream of socialism and from the debasing avarice of monopoly which assail us in this day, I turn to the coming of that better day when our greatest intellects and our bravest hearts shall be called again to those high seats from which the mighty dead once governed us; and when that time comes, as come it shall, they will make our laws so just and equal and will administer them so firmly and so impartially that they will perpetuate forever and forever more this, the greatest, the freest, and therefore "the best Government that ever rose to animate the hopes or to bless the sacrifices of mankind." [Applause in the galleries.]

DEATH OF REPRESENTATIVE MEYER OF LOUISIANA.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, communicated to the Senate the intelligence of the death of Hon. ADOLPH MEYER, late a Representative from the State of Louisiana, and transmitted resolutions of the House thereon.

Mr. McENERY. Mr. President, I ask the Chair to lay before the Senate the resolutions of the House of Representatives announcing the death of Hon. ADOLPH MEYER.

The VICE-PRESIDENT. The Chair lays before the Senate the resolutions of the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

In the House of Representatives, March 9, 1908.

Resolved, That the House has heard with profound regret of the death of Hon. ADOLPH MEYER, a Representative from the State of Louisiana.

Resolved, That the Sergeant-at-Arms of the House be authorized and directed to pay the necessary expenses in connection with the funeral of said Representative.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect the House do now adjourn.

Mr. McENERY. Mr. President, at some other time I will ask the Senate to set apart a day to commemorate the life, services, and character of General MEYER. I now offer the resolutions I send to the desk.

The VICE-PRESIDENT. The Senator from Louisiana offers resolutions which will be read.

The resolutions were read and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Hon. ADOLPH MEYER, late a Representative from the State of Louisiana.

Resolved, That the Secretary communicate these resolutions to the House of Representatives, and transmit a copy thereof to the family of the deceased.

Mr. McENERY. Mr. President, I submit the additional resolution which I send to the desk.

The Secretary read the resolution, as follows:

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

The resolution was unanimously agreed to, and (at 4 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 10, 1908, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *March 9, 1908.*

The House met at 12 o'clock m.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

Our Father in heaven, once more under the dispensation of Thy providence we are brought face to face with that mystery of mysteries which we call death, in the removal of a Member of this legislative body who for many years served with distinction in his fidelity to duty as a statesman.

We mourn him, but not as dead, since we have been taught to believe that in the Father's house are many mansions; that death is not an extinction of being, but the passing from one room to another.

Be with his colleagues and friends, the bereaved wife and daughter to comfort and sustain them, that they may look forward with hope to a meeting under more favorable circumstances, where the love tie shall never again be broken. "For I am persuaded that neither death, nor life, nor angels, nor principalities, nor powers, nor things present, nor things to come, nor height, nor depth, nor any other creature shall be able to separate us from the love of God which is in Christ Jesus, our Lord." Amen.

The Journal of the proceedings of Saturday, March 7, 1908, was read and approved.

DISTRICT BUSINESS.

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent that Tuesday, the 24th day of this month, be set aside for consideration of District business.

The SPEAKER. The gentleman from Michigan asks unanimous consent that Tuesday, the 24th of March, be set aside for the consideration of District business. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, did I understand it to be Tuesday, the 24th of March?

Mr. SMITH of Michigan. The 23d, two weeks from to-day, is the regular day.

Mr. MANN. The gentleman has two weeks from to-day.

Mr. SMITH of Michigan. Yes; that is true, but there are eight or nine bills upon the Calendar now and there probably will be twenty by that time, and then we expect that one bill, I desire to say to the gentleman and the House, of itself ought to take all of one day, and we would not want to call it up any more than the trackage bill and have it considered partly on one day and then go over.

Mr. MANN. What bill is that?

Mr. SMITH of Michigan. The public-service bill.

Mr. MANN. There is nothing on the Calendar that ought to take two hours to dispose of.

Mr. SMITH of Michigan. That is true, but we have the right to look ahead and see what we may have at that time.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed joint resolution and bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. R. 28. Joint resolution authorizing and directing the Secretary of War to donate certain cannon, with their accessories, to the State of New Hampshire;

S. 4030. An act to fix the pay of the Army;

S. 2736. An act to provide for the purchase of a site and the erection of a public building in the city of Lagrange, Ga.; and

S. 2732. An act to provide for the purchase of a site and the erection of a public building in the city of Cordele, Ga.

THE LATE REPRESENTATIVE MEYER, OF LOUISIANA.

Mr. RANSDELL of Louisiana. Mr. Speaker, it is my painful duty to announce the death of my colleague, Gen. ADOLPH MEYER. At some future time I will ask the House to designate a day when suitable addresses to his memory may be made. I now ask that this resolution which I have prepared be presented.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the House has heard with profound regret of the death of Hon. ADOLPH MEYER, a Representative from the State of Louisiana.

Resolved, That the Sergeant-at-Arms of the House be authorized and directed to pay the necessary expenses in connection with the funeral of said Representative.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect the House do now adjourn.

The SPEAKER. The question is on agreeing to the resolutions.

The question was taken, and the resolutions were unanimously agreed to.

Accordingly (at 12 o'clock and 12 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Interior, transmitting a schedule of useless papers accumulated in his Department was taken from the Speaker's table, referred to the Joint Select Committee on Disposition of Useless Papers in the Executive Departments, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18930) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 1193), which said bill and report were referred to the Private Calendar.

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5254) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent children of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 1194), which said bill and report were referred to the Private Calendar.

Mr. HAWLEY, from the Committee on Claims, to which was referred the bill of the House (H. R. 13319) for the relief of the heirs of Thomas J. Miller, reported the same with amendment, accompanied by a report (No. 1195), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CHANEY, from the Committee on Invalid Pensions: A bill (H. R. 18930) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors—to the Private Calendar.

By Mr. BOOHER: A bill (H. R. 18931) to provide for the advancement of instruction in agriculture, manual training, and home economics in the State normal schools of the United States—to the Committee on Agriculture.

By Mr. SMITH of Michigan: A bill (H. R. 18932) to acquire land in the vicinity of the Connecticut Avenue Bridge for the extension of certain streets—to the Committee on the District of Columbia.

By Mr. CALE: A bill (H. R. 18933) providing for the leasing of islands in Alaska—to the Committee on Ways and Means.

By Mr. HACKNEY: A bill (H. R. 18934) to establish a Bureau of Mines in the Department of the Interior—to the Committee on Mines and Mining.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BOOHER: A bill (H. R. 18935) granting an increase of pension to Charles W. Brauson—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 18936) granting an increase of pension to Theodore F. Rogers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18937) granting an increase of pension to James W. Defore—to the Committee on Invalid Pensions.

By Mr. COOK of Colorado: A bill (H. R. 18938) for the relief of Andrew B. Baird and James S. Baird—to the Committee on the Public Lands.

By Mr. CRAWFORD: A bill (H. R. 18939) to complete the military record of Benjamin F. Buckner and Taylor Buckner—to the Committee on Military Affairs.

By Mr. EDWARDS of Kentucky: A bill (H. R. 18940) granting an increase of pension to George Nichols—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18941) granting an increase of pension to Charles W. Gilbert—to the Committee on Pensions.

Also, a bill (H. R. 18942) granting an increase of pension to Henry Pettyjohn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18943) granting an increase of pension to James M. Ard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18944) granting an increase of pension to Thomas P. McCracken—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18945) granting an increase of pension to Columbus C. Howell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18946) to correct the military record of Capt. John C. Wilson—to the Committee on Military Affairs.

Also, a bill (H. R. 18947) for the relief of the trustees of Tatesville Baptist Church, in Pulaski County, Ky.—to the Committee on War Claims.

Also, a bill (H. R. 18948) for the relief of W. E. Hancock, of Kane Valley, Adair County, Ky.—to the Committee on War Claims.

By Mr. HUGHES of West Virginia: A bill (H. R. 18949) for the relief of Mary A. Smith and others—to the Committee on War Claims.

By Mr. KEIFER: A bill (H. R. 18950) to enable the President to restore Second Lieut. Henry Ossian Flipper to duty, rank, and status in the United States Army—to the Committee on Military Affairs.

By Mr. LANGLEY: A bill (H. R. 18951) granting an increase of pension to Milton Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18952) granting an increase of pension to William W. Daniels—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18953) granting a pension to Bud Adkins—to the Committee on Pensions.

Also, a bill (H. R. 18954) granting a pension to Frances Turner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18955) granting a pension to Morgan J. Treadway—to the Committee on Pensions.

Also, a bill (H. R. 18956) for the relief of R. F. Wells—to the Committee on War Claims.

By Mr. MOON of Tennessee: A bill (H. R. 18957) for the relief of the estate of Alexander Smith, deceased—to the Committee on War Claims.

By Mr. MURDOCK: A bill (H. R. 18958) granting an increase of pension to Robert D. Adams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18959) granting pension to Rebecca Center—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18960) granting an increase of pension to Ira Madison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18961) granting an increase of pension to James H. Chesney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18962) granting pension to Sarah McKee—to the Committee on Pensions.

Also, a bill (H. R. 18963) for the relief of E. N. Smith—to the Committee on Claims.

By Mr. MURPHY: A bill (H. R. 18964) granting an increase of pension to Silas W. Traber—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 18965) granting an increase of pension to Samuel Harris—to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 18966) granting an increase of pension to Jesse Johnson—to the Committee on Pensions.

By Mr. WEBB: A bill (H. R. 18967) granting an increase of pension to J. B. Sprinkle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18968) granting an increase of pension to Lewis W. Ramsey—to the Committee on Invalid Pensions.

By Mr. WILEY: A bill (H. R. 18969) for the relief of the heirs of Dr. Willis Calhoun, of Noxubee County, Miss.—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN: Petition of Portland Shipbuilders Company and 60 other persons and friends, of Portland, Me., for dredging to 30 feet depth in the harbor near South Portland—to the Committee on Rivers and Harbors.

By Mr. ASHBROOK: Petition of H. A. Bishop, for Madden bill (H. R. 312) to compel railways to pay demurrage on delayed shipments—to the Committee on Interstate and Foreign Commerce.

Also, petition of Andrew Carnegie and other citizens of New York City, against extravagance in battle ships for Navy—to the Committee on Naval Affairs.

Also, petition of United Mine Workers of America, favoring woman suffrage—to the Committee on the Judiciary.

By Mr. CALDER: Petitions of E. T. Stohlman and Edgar G. Pfarre, of Brooklyn, N. Y., for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Harry Rogers, of New York City, against the Currier copyright bill—to the Committee on Patents.

Also, petition of Western Pine Manufacturers' Association, for H. R. 16096, relative to preservation of forests—to the Committee on Agriculture.

By Mr. CHANEY: Paper to accompany bill for relief of James W. Defore—to the Committee on Invalid Pensions.

By Mr. DAWSON: Petition of United Mine Workers of America, indorsing McHenry bill for Bureau of Mines—to the Committee on Mines and Mining.

By Mr. DRAPER: Petition of Pacific Coast Lumber Manufacturers' Association, for amendment of the interstate commerce act—to the Committee on Interstate and Foreign Commerce.

Also, petition of Edmund Wetmore, Sons of American Revolution, for appropriation to print and preserve certain documents of the Revolution—to the Committee on Printing.

Also, petition of American Musical Copyright League of New York, for the Currier copyright bill—to the Committee on Patents.

Also, petition of Andrew Carnegie and other citizens of New York City, against increase of the Navy by four new battle ships—to the Committee on Naval Affairs.

Also, petition of United Mine Workers of America, for enfranchisement of women by sixteenth amendment to Constitution—to the Committee on the Judiciary.

By Mr. DUNWELL: Petition of United Mine Workers of America, for Pearre bill—to the Committee on Labor.

Also, petition of United Mine Workers of America, of Indianapolis, Ind., calling attention of President of the United States and Congress to the action of Judge Dayton—to the Committee on Labor.

Also, petition of United Mine Workers of America, of Indianapolis, Ind., for sixteenth amendment to Federal Constitution—to the Committee on the Judiciary.

Also, petition of American Musical Copyright League, favoring the passage of Kittredge bill (S. 2499) and the Barchfeld bill (H. R. 11794)—to the Committee on Patents.

Also, petition of Allied Board of Trade and Tax Payers' Association, of Brooklyn, N. Y., favoring the building of battle ships in Government navy-yards—to the Committee on Naval Affairs.

Also, petition of United Mine Workers of America, indorsing McHenry bill, providing for Bureau of Mines—to the Committee on Mines and Mining.

By Mr. EDWARDS of Kentucky: Papers to accompany bills for relief of James M. Ard, Henry Pettyjohn, Charles W. Gilbert, George W. Nichols, John Dass, Henderson Smith, McKager Lawhorn, and William Perkins—to the Committee on Invalid Pensions.

Also, petition of Louisville Credit Men's Association for H. R. 13266, approving amendment to bankruptcy act—to the Committee on the Judiciary.

Also, petition of Judge H. F. Kennedy and 36 others, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of William Perkins Post, No. 99, Department of Kentucky, Grand Army of the Republic, of Albany, Ky., to accompany bill for relief of William Thrasher—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of trustees of Tateville Baptist Church—to the Committee on War Claims.

By Mr. ELLIS of Oregon: Petition of Local Union No. 87, International Union of Steam Engineers, of Portland, Oreg., for battle-ship building in navy-yards—to the Committee on Naval Affairs.

Also, petition of 39 citizens of Oregon, for Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. ESCH: Petitions of Brotherhood of Railway Trainmen, and Baraboo Division, No. 176, Brotherhood of Locomotive Engineers, for the Clapp free-pass amendment—to the Committee on Interstate and Foreign Commerce.

By Mr. FOCHT: Paper to accompany bill for relief of Samuel H. Hartman (H. R. 18763)—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of American Musical Copyright League, for Currier copyright bill—to the Committee on Patents.

Also, petition of D. A. Syme, of Syracuse, Ill., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Chicago Woman's Club, against noncompetitive clause in census bill—to the Committee on the Census.

By Mr. GAINES of Tennessee: Petition to correct lineal and relative rank of Granville Servier, captain, Coast Artillery Corps, United States Army—to the Committee on Military Affairs.

By Mr. GRANGER: Petition of Rocky Hill Grange, No. 27, Patrons of Husbandry, of Warwick, R. I., for a national highway commission—to the Committee on Agriculture.

By Mr. HAMLIN: Papers to accompany bills for relief of James J. Wallis and Andrew J. Sawyer—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: Paper to accompany bill for relief of Charles H. Heiseley—to the Committee on Invalid Pensions.

Also, petition of Sprague Electric Company, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Typographical Union, No. 94, of New Jersey, against Penrose bill to amend section 3983, Revised Statutes, relative to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HUBBARD: Petition of R. S. Eyres and others, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. LAFEAN: Petition of Manufacturers' Association of York, Pa., urging passage of the Fowler bill (H. R. 12677)—to the Committee on Banking and Currency.

Also, petition of Manufacturers' Association of York, Pa., in favor of passage of S. 3163, for the creation of a tariff commission—to the Committee on Ways and Means.

By Mr. LEE: Paper to accompany bill for relief of Martin Ball—to the Committee on War Claims.

By Mr. KELIHER: Petition of A. Altshuler, against educational test and other restrictive immigration amendments—to the Committee on Immigration and Naturalization.

Also, petition of Boston Chamber of Commerce, against Aldrich currency bill—to the Committee on Banking and Currency.

By Mr. McKINNEY: Petition of R. H. Graham Post, No. 312, Grand Army of the Republic, of Moline, Ill., and Warren Shedd Post, No. 262, Grand Army of the Republic, of Aledo, Ill., protesting against the proposed consolidation of pension agencies—to the Committee on Appropriations.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of heirs of Alexander Smith—to the Committee on War Claims.

By Mr. MURPHY: Paper to accompany bill for relief of Silas W. Traber—to the Committee on Invalid Pensions.

By Mr. PETERS: Petition of Boston Chamber of Commerce, against Aldrich currency bill—to the Committee on Banking and Currency.

By Mr. PRATT: Petition of National Lock Washer Company, against Gardner eight-hour bill—to the Committee on Labor.

Also, petition of Sprague Electric Company and Orange Political Study Club, of East Orange, N. J., for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Electrical Workers Union, No. 190, of Newark, N. J., against pension bill (S. 1518)—to the Committee on Invalid Pensions.

By Mr. SULZER: Petition of Italian Mutual Aid Society, of New York, for the Sulzer bill making October 12 a legal holiday, to be known as Columbus Day—to the Committee on the Judiciary.

Also, petition of Independent State Dental Association, for S. 4432—to the Committee on Military Affairs.

Also, petition of Mrs. Helen S. Brocket, for the Kittredge and Barchfeld copyright bills—to the Committee on Patents.

Also, petition of William Verlieck, favoring H. R. 11336, to promote military training in educational institutions of the United States—to the Committee on Military Affairs.

Also, petition of W. D. Hamilton, for a volunteer officers' retired list law—to the Committee on Military Affairs.

Also, petition of A. N. Danks, against the Currier copyright bill—to the Committee on Patents.

Also, petition of Harry Rogers, for the Kittredge copyright bill—to the Committee on Patents.

Also, petition of National Association of Clothiers, against the Aldrich bill and in favor of the Fowler bill—to the Committee on Banking and Currency.

Also, petition of Andrew Carnegie and other citizens of New York, against extravagance in battle-ship building—to the Committee on Naval Affairs.

Also, petition of A. H. De Haven, against the Hepburn bill—to the Committee on Interstate and Foreign Commerce.

By Mr. TOWNSEND: Petition of Scott Post, No. 43, of Blissfield, Mich., and civil war veterans of Belleville, Mich., for Sherwood bill—to the Committee on Invalid Pensions.

Also, petition of Grand Rapids (Mich.) Credit Men's Association, in behalf of H. R. 13266—to the Committee on the Judiciary.

Also, petition of civil war veterans of Romulus, Mich., for Sherwood bill—to the Committee on Invalid Pensions.

Also, petition of United Mine Workers of America, for woman suffrage—to the Committee on the Judiciary.

Also, petition of Military Order of Loyal Legion of the United States, Commandery of District, for a volunteer officers' retired list—to the Committee on Military Affairs.

SENATE.

TUESDAY, *March 10, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

CHOCTAW AND CHICKASAW CITIZENSHIP COURT.

The VICE-PRESIDENT laid before the Senate a communication from the Attorney-General, transmitting, by order of the President and in response to a resolution of the Senate of the 2d instant, a copy of the proceedings of the Choctaw and Chickasaw citizenship court in connection with the ascertainment of the compensation of the attorneys for these nations of Indians, etc., which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

USELESS PAPERS IN EXECUTIVE DEPARTMENTS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, schedules, documents, etc., on the files of the Department not needed in the transaction of public business, which was read.

The VICE-PRESIDENT. The communication will be referred to the Joint Committee on the Disposition of Useless Papers in the Executive Departments. The Chair appoints as the members of that committee on the part of the Senate, the Senator from Texas [Mr. BAILEY] and the Senator from New Hampshire [Mr. GALLINGER], and directs the Secretary to notify the House of Representatives of this action.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of the Trustees of the Methodist Episcopal Church of Paw Paw, W. Va., *v.* United States; and

In the cause of the Trustees of the Ewing Institute of Perryville, Ky., *v.* United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Chamber of Commerce of Honolulu, Territory of Hawaii, praying for the enactment of legislation providing for an increase in the pay of the officers and enlisted men of the Army and Navy, which was referred to the Committee on Military Affairs.

He also presented the petition of Robert D. Kinney, of Philadelphia, Pa., praying that a rehearing be granted by the circuit court of the United States for the eastern district of Pennsylvania in the case of Anthony Scott *v.* Alice B. Kinney, trading as R. D. Kinney & Co., which was referred to the Committee on the Judiciary.

He also presented the petition of Robert D. Kinney, of Philadelphia, Pa., praying that an investigation be made and redress granted for the course pursued in the name of the Supreme Court of the United States in the case of Robert D. Kinney *v.* James T. Mitchell, which was referred to the Committee on the Judiciary.

He also presented the petition of Robert D. Kinney, of Philadelphia, Pa., praying that an investigation be made and a rehearing be granted in the case of Alice B. Kinney, of Philadelphia, Pa., trading as R. D. Kinney & Co., *v.* Edwin Burhorn, of Hoboken, N. J., and Abbott D. Granger, of Brooklyn, N. Y., copartners, which was referred to the Committee on the Judiciary.

He also presented the petition of Robert D. Kinney, of Philadelphia, Pa., praying that the circuit court of the United States for the eastern district of Pennsylvania grant a rehearing in the case of Robert D. Kinney in right of Alice B., his wife, petitioner, *v.* Hon. John B. McPherson, United States judge, circuit court for the eastern district of Pennsylvania, which was referred to the Committee on the Judiciary.

Mr. BRIGGS presented a memorial of the Whitney Glass Works, of Glassboro, N. J., and a memorial of A. T. Schlichting Company, of Newark, N. J., remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented the petition of F. Schniewind, of Englewood, N. J., praying for the enactment of legislation to create a Bureau of Mines in the Department of the Interior, which was referred to the Committee on Mines and Mining.

He also presented a petition of Local Union No. 24, Musicians' Protective Union, of New Brunswick, N. J., and a petition of Local Union No. 248, American Federation of Musicians, of Paterson, N. J., praying for the enactment of legislation to prohibit Army and Navy bands from entering into competition with civilian bands, which were referred to the Committee on Military Affairs.

He also presented the petition of Merritt W. Griswold, of Highwood, N. J., praying for the adoption of an amendment to the bill granting pensions to retired officers of the civil war so as to include those who served three months, which was referred to the Committee on Military Affairs.

He also presented the petition of Martha Shepard Lippincott, of Moorestown, N. J., praying for the passage of the so-called "Kittredge copyright bill," which was referred to the Committee on Patents.

He also presented a memorial of the New York Board of Trade and Transportation, of New York City, N. Y., remonstrating against the adoption of certain amendments to the present pure food and drug law relating to the standards for foods and drugs, which was referred to the Committee on Manufactures.

He also presented petitions of sundry citizens of Montclair, Newark, Camden, and Harrison, all in the State of New Jersey, and of New York City, N. Y., praying for the enactment of legislation providing for the conservation of the national forests of the country, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of Pioneer Grange, No. 1, Patrons of Husbandry, of Cranbury, N. J., praying for the passage of the so-called "parcels-post bill," and also for the establishment of postal-savings banks, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Club of Orange, N. J., praying for the enactment of legislation to regulate the employment of child labor in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the congregation of the First Methodist Episcopal Church of Vineland, N. J., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of Local Grange No. 11, Patrons of Husbandry, of Vineland, N. J., and a petition of Pioneer Grange, No. 1, Patrons of Husbandry, of Cranbury, N. J., praying for the enactment of legislation providing for the appointment of a national highways commission, which were referred to the Committee on Agriculture and Forestry.

He also presented the petition of C. A. L. Massie, of Hacken-

sack, N. J., and the petition of D. G. Garabrant, of Bloomfield, N. J., praying for the passage of the so-called "Fowler currency bill," which were referred to the Committee on Finance.

He also presented a petition of the Woman's Club of Orange, N. J., praying for the enactment of legislation to regulate the employment of child labor, which was referred to the Committee on Education and Labor.

He also presented memorials of the Cumberland Glass Manufacturing Company, of Bridgeton; of the Esterbrook Steel Pen Manufacturing Company, of Camden; of the Baker Printing Company, of Newark, and of the Botany Worsted Mills, of Passaic, all in the State of New Jersey, remonstrating against the passage of the so-called "Gardner eight-hour bill," which were referred to the Committee on Education.

He also presented the petition of George Crocker, of Darlington, N. J., and the petition of F. H. Thompson, of Newark, N. J., praying for the enactment of legislation providing for the Federal registration of automobiles, which were referred to the Committee on the Judiciary.

Mr. PLATT presented a memorial of sundry citizens of Yonkers, N. Y., remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a petition of Otisville Grange, No. 1020, Patrons of Husbandry, of Otisville, N. Y., praying for the passage of the so-called "Burnham bill," providing for the establishment of a rural parcels post, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Union No. 11, Amalgamated Sheet Metal Workers' International Alliance, of New York City, N. Y., praying for the enactment of legislation providing for the construction of the proposed new battle ships at Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented a petition of Local Branch No. 44, Glass Bottle Blowers' Association, of Olean, N. Y., praying for the establishment of postal-savings banks, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. NELSON presented a memorial of sundry citizens of Belgrade and Brooten, in the State of Minnesota, remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Monticello, Minn., remonstrating against the passage of the bill (H. R. 13477) relating to post-offices and post-roads, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the State Dairymen's Association of Minnesota, remonstrating against the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. PILES presented petitions of the congregations of the Methodist Episcopal Church of Burlington, of the Free Methodist Church of Arlington, of the Zion Lutheran Free Church, of Everett, and of the Queen Anne Methodist Episcopal Church, of Seattle, all in the State of Washington, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings, which were referred to the Committee on Public Buildings and Grounds.

He also presented a memorial of sundry citizens of Carrollton, Wash., remonstrating against the enactment of legislation to prevent Sunday banking in post-offices in the handling of money orders and registered letters, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. McLAURIN presented a petition of the Board of Supervisors of Clarke County, Miss., praying that an appropriation of $40,000 be made to reimburse that county for the destruction of the court-house and records during the year 1864, which was referred to the Committee on Claims.

Mr. CULLOM presented a petition of Calumet Lodge, No. 715, Brotherhood of Railroad Trainmen, of South Chicago, Ill., praying for the passage of the so-called "La Follette-Sterling employers' liability bill," which was referred to the Committee on the Judiciary.

Mr. OVERMAN presented sundry petitions of the Independent Tobacco Manufacturers' Association of the United States, of Washington, D. C., remonstrating against the enactment of legislation permitting the sale of leaf tobacco, for consumption, without the payment of the internal-revenue tax, which were referred to the Committee on Finance.

Mr. FRYE presented a petition of Turner Grange, No. 28, Patrons of Husbandry, of Livermore, Me., and a petition of Topsham Grange, No. 37, Patrons of Husbandry, of Topsham, Me., praying for the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BURKETT presented a memorial of sundry citizens of College View, Nebr., remonstrating against the enactment of legislation to prevent Sunday banking in post-offices in the handling of money orders and registered letters, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Equal Suffrage Club, of Roca, Nebr., praying for the adoption of an amendment to the Constitution to prohibit the disfranchisement of citizens of the United States on account of sex, which was referred to the Select Committee on Woman Suffrage.

He also presented a petition of Local Union No. 24, Stereotypers and Electrotypers' Union, of Omaha, Nebr., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

Mr. LONG presented a petition of the Southwestern Lumbermen's Association of the United States, praying for the adoption of an amendment to the present interstate-commerce law granting a hearing before the Interstate Commerce Commission before any change in interstate freight rates becomes effective, which was referred to the Committee on Interstate Commerce.

He also presented memorials of sundry business firms and citizens of Axtell, Mulvane, Pratt, and Winfield, all in the State of Kansas, remonstrating against the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Local Union No. 1661, United Mine Workers of America, of Weir, Kans., and the memorial of C. B. Hoffman, of Kansas City, Kans., remonstrating against the passage of the so-called "Penrose bill" to amend the postal laws relating to the freedom of the press, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Southwestern Lumbermen's Association of the United States, remonstrating against the enactment of legislation providing for the compilation of directories by postmasters containing the names of persons receiving mail at their respective offices, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. RAYNER presented a petition of Cecil Grange, No. 3, Patrons of Husbandry, of Rising Sun, Md., praying for the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

STATUE OF JOHN WITHERSPOON.

Mr. BRIGGS. I ask for the consideration of the joint resolution (S. R. 6) directing the selection of a site for the erection of a bronze statue in Washington, D. C., in honor of John Witherspoon.

The VICE-PRESIDENT. The Secretary will read the joint resolution for the information of the Senate.

The joint resolution was read, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to create a commission to be composed of the chairman of the Committee on the Library of the Senate, the chairman of the Committee on the Library of the House of Representatives, the Secretary of War, and the chairman of the Witherspoon Memorial Association to select and prepare a site on property belonging to the United States in the city of Washington, other than the grounds of the Capitol or Library of Congress, and erect thereon a suitable pedestal for a statue in bronze of John Witherspoon, a signer of the Declaration of Independence, to be provided by the Witherspoon Memorial Association.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A joint resolution directing the selection of a site and the erection of a pedestal for a bronze statue in Washington, D. C., in honor of John Witherspoon."

REPORTS OF COMMITTEES.

Mr. SMOOT, from the Committee on Claims, to whom was referred the bill (H. R. 13875) for the relief of John V. Johnson, reported it without amendment.

Mr. DOLLIVER, from the Committee on Education and Labor, reported an amendment proposing to appropriate $40,000 to enable the Commissioner of Education to conduct from time to time special investigations respecting industrial education, rural schools, agricultural and mechanical colleges, etc., intended to be proposed to the legislative, etc., appropriation bill, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. CLAPP, from the Committee on Claims, to whom was

referred the bill (S. 5207) for the relief of William Radcliffe, reported it without amendment and submitted a report thereon.

Mr. FULTON, from the Committee on Claims, to whom was referred the bill (H. R. 6902) for the relief of Henry Rustan, reported it without amendment and submitted a report thereon.

Mr. MARTIN, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 17512) to authorize the county of Ashley, in the State of Arkansas, to construct a bridge across Bayou Bartholomew, Ashley County, Ark., at Wilmot; and

A bill (H. R. 17510) to authorize the county of Ashley, in the State of Arkansas, to construct a bridge across Bayou Bartholomew, Ashley County, Ark., at Portland.

BILLS INTRODUCED.

Mr. BANKHEAD introduced a bill (S. 6031) for the relief of John H. Van Pelt, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

He also (by request) introduced a bill (S. 6032) to provide for the construction of an air ship of a new and perfected design, which was read twice by its title and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. GUGGENHEIM introduced a bill (S. 6033) to provide for the resurvey of certain townships in Colorado, which was read twice by its title and referred to the Committee on Public Lands.

Mr. BOURNE introduced a bill (S. 6034) granting a pension to Sarah Horr, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GAMBLE introduced a bill (S. 6035) authorizing the purchase of additional lands for the Fort Meade Military Reservation, in the State of South Dakota, and making appropriation therefor, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. RICHARDSON introduced a bill (S. 6036) granting an increase of pension to William F. Willis, which was read twice by its title and referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 6037) for the retirement of employees in the classified civil service of the Government, which was read twice by its title and referred to the Committee on Civil Service and Retrenchment.

Mr. NIXON introduced a bill (S. 6038) to provide for the purchase of a site and the erection of a building thereon at Goldfield, Nev., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. HEYBURN introduced a bill (S. 6039) to provide for schools and school buildings in connection with projects under the reclamation act and for the construction of municipal improvements, and for other purposes, which was read twice by its title and referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. CLAY introduced a bill (S. 6040) for the relief of the estate of Ira W. McCutchen, deceased, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 6041) for the relief of the Georgia Railroad and Banking Company, which was read twice by its title and referred to the Committee on Post-Offices and Post-Roads.

Mr. TALIAFERRO introduced a bill (S. 6042) for the relief of A. F. Wood, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 6043) granting a pension to Zim C. Corbin, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McCUMBER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6044) granting a pension to Joseph Goose;

A bill (S. 6045) granting an increase of pension to Charles Lauder; and

A bill (S. 6046) granting an increase of pension to N. E. Nelson.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment authorizing the Auditor for the Navy Department to credit in the settlement of the accounts of Paymaster Herbert E. Stevens, United States Navy, with the sum of $2,760.88, being the value of clothing and small stores stolen from him, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. HEYBURN submitted an amendment authorizing Senators, Representatives, and Delegates in Congress to send by registered mail free of charge United States maps and other valuable Government publications, intended to be proposed by him to the post-office appropriation bill, which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

PENSIONS TO CERTAIN PERSONS.

Mr. SCOTT submitted an amendment intended to be proposed by him to the bill (H. R. 15653) to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late civil war, which was ordered to lie on the table and be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. SCOTT to the bill (H. R. 15653) to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late civil war:

On page 3, after line 9, insert as section 2:

"That all nurses now on the pension roll, or who may hereafter be placed on said roll under existing law, shall be entitled to receive pension as follows: In case such nurse has reached the age of 62 years, $12 per month; at the age of 70 years, $15 per month; and at the age of 75 years, $20 per month; and nothing herein contained shall prevent any nurse entitled to a pension from prosecuting her claim and receiving a pension under any other general or special act: *Provided*, That no nurse shall receive a pension under any other law at the same time or for the same period that she is receiving a pension under the provisions of this act."

REPORT ON OMNIBUS CLAIMS BILL.

Mr. FULTON. I ask for an order to print 300 additional copies of the report on House bill 15372.

Mr. CLAPP. I object to the printing of additional copies of that report.

The VICE-PRESIDENT. Objection is made.

Mr. FULTON. I wish only to state, Mr. President, that there has been a very great demand for copies of this report, and I am informed by the superintendent of the document room that they will not have enough copies to supply the demand.

Mr. CULBERSON. I ask the Senator what bill it is.

Mr. FULTON. It is the omnibus claims bill.

Mr. CLAPP. If there are not enough reports for Senators I am perfectly willing that there shall be more printed, but I am certainly opposed to flooding this section with those reports.

FUNERAL OF THE LATE SENATOR REDFIELD PROCTOR.

Mr. DILLINGHAM submitted the following resolution, which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, from the miscellaneous items of the contingent fund of the Senate, the actual and necessary expenses incurred by the committee appointed by the Vice-President in arranging for and attending the funeral of the late Senator from the State of Vermont, Hon. REDFIELD PROCTOR, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

PROPOSED INVESTIGATION BY COMMITTEE ON NAVAL AFFAIRS.

Mr. DILLINGHAM. I offer a resolution for reference to the Committee on Naval Affairs.

The resolution was read, as follows:

Resolved, That the Committee on Naval Affairs, or any subcommittee thereof, be authorized to send for persons and papers, and to administer oaths, and to employ a stenographer to report such hearings as may be held in connection with an investigation of the relative effects of outside and inside explosive shell, the consideration already accorded these subjects, and the effect of their use upon the design of war ships.

Resolved further, That the committee may sit during the sessions or recesses of the Senate, and that the expenses thereof be paid out of the contingent fund of the Senate, the results of such investigation to be reported to the Senate.

Mr. HALE. Let the resolution be referred to the Committee on Naval Affairs.

The VICE-PRESIDENT. It is so referred.

LAND DISTRICT IN NEW MEXICO.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (H. R. 16860) to establish a United States land district in the Territory of New Mexico to be known as the "Tucumcari land district."

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. M. C. LATTA, one of his secretaries, announced that the President had approved and signed the following acts and joint resolution:

On March 6, 1908:

S. 4064. An act to provide for a term of the United States circuit and district courts at Lander, Wyo.; and

S. R. 63. Joint resolution authorizing the invitation of gov-

ernments of other countries to send representatives to the International Congress on Tuberculosis.

On March 7, 1908:

S. 392. An act to confirm homestead entry made by guardian for the benefit of Dorothea Clendenin and Paul Dana Clendenin, minor orphan children of Paul Clendenin, late surgeon-major, United States Volunteers;

S. 406. An act granting a pension to Calesta Clark;

S. 712. An act granting a pension to Agnes Lange Smith;

S. 720. An act to conform an entry made by Gertrude Halverson Aaby, widow of Sigbjorn H. Aaby;

S. 1666. An act for the relief of Stene Engeberg;

S. 1746. An act granting a pension to Elmer Honnyman;

S. 1774. An act to permit Dollie A. Fountain, of Walworth County, S. Dak., to purchase certain lands; and

S. 4740. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows of such soldiers and sailors.

On March 9, 1908:

S. 2872. An act to amend an act to amend section 4 of an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901;

S. 4376. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows of such soldiers and sailors;

S. 5110. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent children of such soldiers and sailors; and

S. 5255. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

OCEAN MAIL SERVICE.

Mr. GALLINGER. Mr. President, I ask that the shipping bill, so called, may be laid before the Senate, according to the unanimous-consent agreement.

The VICE-PRESIDENT. The Chair lays the bill before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 28) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce."

Mr. GALLINGER. The Senator from Nevada [Mr. NEWLANDS] suggested to me that he desires to speak on this bill to-day. I do not see him in the Chamber. The Senator from North Carolina [Mr. SIMMONS] has given notice that he will address the Senate on the bill next Friday.

Mr. President, there is a good deal of business pending in the Senate, and I rise to ask unanimous consent that the bill and all amendments pending and to be offered be voted on upon Friday, the 20th instant, before adjournment on that day.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that the pending bill, together with amendments pending and to be offered, be voted on before the adjournment of the Senate on Friday, the 20th instant. Is there objection?

Mr. BACON. I am not going to object to the date, but I want to get a little information from the Senator. I suppose the Senator would arrange, in view of an agreement of that kind, so that there would be an opportunity on the last day or two to be heard by anyone who desires to speak on the bill.

Mr. GALLINGER. I feel sure there will be no difficulty about that.

Mr. BACON. The only suggestion in my mind was that possibly there might be some special order which would interfere. I thought possibly the Senator might desire to couple with his request for a vote on that day some provision looking to the occupation of the time of that day for the consideration of the bill.

Mr. GALLINGER. Then I will modify the request by asking that the bill be taken up on Friday the 20th, immediately after the morning business, and that it have consideration until it shall be voted upon on that day.

Mr. BACON. I understand that if unanimous consent were given in the form in which the Senator has asked it, nothing could intervene between the taking up of the bill in the morning and the vote on it, whereas it might suit the convenience of the Senate to lay it aside temporarily for some purpose and take it up again during the day.

Mr. GALLINGER. We can do that by unanimous consent, I suggest to the Senator, at any time during the day.

Mr. BACON. The agreement could be varied by unanimous consent, it is true, but would it not be better that the Senator should so shape his request as that it could be done informally on the request of a Senator?

Mr. GALLINGER. There will be no trouble about that.

Mr. BACON. I do not think there is any trouble to be apprehended. I only make the suggestion in view of having proper elasticity in the agreement.

Mr. GALLINGER. That will be understood, Mr. President.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that the pending bill be taken up for consideration immediately after the close of the routine morning business on Friday the 20th instant, and that the bill, together with pending amendments and amendments to be offered, be voted on before adjournment upon that day. Is there objection to the request? The Chair hears none and it is so ordered.

Mr. GALLINGER. In this connection, I will venture to suggest, that Senators having speeches to make on the bill will doubtless have abundant opportunity before that date. I will endeavor to see that that privilege shall be accorded.

Mr. BACON. I do not myself desire to make any speech, but several of us may wish to say a few words on various features of the bill.

SURVEY OF PUBLIC LANDS.

Mr. HEYBURN. I ask unanimous consent for the consideration of the bill (S. 138) to provide for the survey of the public lands of the State of Idaho.

The Secretary read the bill and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Lands with amendments, in line 3, after the word "lands," to insert "reserved and unreserved;" in line 4 to strike out the word "State" and insert "States;" and in the same line, after the word "Idaho," to insert "Oregon, Montana, and California," so as to make the bill read:

Be it enacted, etc., That all public lands, reserved and unreserved, of the United States now unsurveyed within the States of Idaho, Oregon, Montana, and California shall be surveyed without regard to settlement thereon, pursuant to the general system of surveys of the public lands of the United States, and that said surveys shall be completed as rapidly as possible.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the survey of the public lands of the States of Idaho, Oregon, Montana and California."

AMENDMENT OF NATIONAL BANKING LAWS.

Mr. McLAURIN. I ask that Senate bill 3023, to amend the national banking laws, be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3023) to amend the national banking laws.

Mr. LODGE. I ask the Senator from Mississippi to yield to me for a moment, merely to give a notice.

Mr. McLAURIN. With pleasure.

Mr. LODGE. I merely desire to give notice that on Thursday next at 2 o'clock, with the permission of the Senate, I shall address the Senate on the pending bill.

Mr. McLAURIN. Mr. President, I lay no claim to any special knowledge of or experience in financiering that would entitle me to pose as a financier. My financial operations have been confined to the support of a large family upon a small income. I shall not, therefore, expect or endeavor to shed any additional light upon the subject of financies, nor to contribute anything new to the fund of learning and information respecting the functions of money.

However, there are some thoughts in reference to the pending measure emanating from my conception of the proper office of human government and the true sense of justice which intuitively occur to me, and I beg the patient indulgence of the Senate while I present them for your consideration.

The bill under consideration—S. 3023—entitled "A bill to amend the national banking laws," grows out of the recent panic. The panic grows out of causes that are not all so recent. Every effect has a cause by which it is produced. Some effects are produced by a train of causes, and some by a conglomeration of causes. There is generally a first cause from which the train of conglomeration of causes flows to produce the effect. If I were called to name the first or fundamental cause that led to the present panic, I should say that it was the incompetent, inefficient, and misguided administration of the Government by the Republican party.

Let it not be said that I am making a political question of

this. It is not in my power nor in the power of any other individual to make this a political question. Its political aspect is given by the different views that are taken of it by different men, just as the tariff and the construction of the Constitution, whether liberal or strict, are made political questions. I do not propose nor desire to castigate the Republican party further than is necessary for the country's good. When a patient is sick a wise physician first ascertains the disease, then inquires of the cause, and if that is learned applies the remedy to remove the cause, and then, if necessary, tonics the patient. Sometimes in the treatment of the case it becomes necessary to administer drastic remedies, but in the end they serve the best purpose. It may be necessary to so deal with the Republican party. It is hoped that good to the country will thereby be accomplished.

Men do not plant a crop one day with the expectation of gathering it the next; nor do the evil effects of vicious or unwise legislation immediately manifest themselves. The panic of 1893 was the harvest of the Republican Administration from 1889 to 1893. The prosperity which immediately followed 1896 was the harvest of the Democratic Administration from 1893 to 1897, and the discovery of superlarge quantities of gold and adding it to the metal money of the country. When the panic of 1893 came, it was flippantly charged by the Republican orators to the Democratic Administration that had just been inducted into office, when they had not enacted a law nor performed any official act except to execute laws that had been enacted by the Republican Administration. Of course, under such circumstances it was impossible that the Democratic Administration could have produced the panic. Causes do not succeed but precede the effects they produce. In 1897, when prosperity dawned, it was heralded as a Republican achievement. Not a Republican law had been enacted nor a Republican policy put in operation since the last preceding Democratic Administration. The Republicans, seeing the firm foundation laid by a Democratic Administration for great prosperity, and knowing that such prosperity was bound to come, heralded the Republican President as the agent of that prosperity. If he were the agent, it was the agency of the Democratic Administration that had just preceded.

A great many people, not understanding the real causes of the prosperity at the time, and, therefore, not knowing its limitations, engaged in all kinds of speculation. Municipal corporations issued bonds and raised money on them for improvements. Some of the money was invested in such betterments, and some of it was absorbed in peculation. Vast numbers of private corporations, sometimes without capital or property, issued bonds and borrowed money on them; so that the bonded indebtedness of the United States exceeded many times the money in circulation in the entire country.

The Philippines were taken from Spain and $20,000,000 given for them. Hundreds of millions of dollars more were wasted on the islands and on that people who have never been worth anything to the world or to any government or country owning them, and who never will be worth anything so long as time lasts. They were a millstone hung about the neck of Spain, and they have been a curse to us.

Our standing Army was increased in time of peace without the slightest necessity and against the true principles of free government. A fleet of war ships is sent on a useless jaunt of thousands of miles, at great expense, "to fright the souls of fearful adversaries," and incidentally to engage in the Christian (?) pastime of witnessing bull fights, where only two or three men were gored by mad bulls.

I have neither the time nor the disposition to enumerate the delinquencies of the Republican party; indeed, no one memory can carry them all. The details of the Credit Mobilier; grants to railroad corporations of the public domain in extent sufficient to carve out States; the collection of billions of dollars from the people and giving these sums to a few of a favorite class under the guise of protection; the giving of bounties and subsidies; not only the disregard but the defiance of the laws would all be profitable in the investigation of the causes that led to the panic. But I must content myself with this mere reference to them; a mere glance at the domain of their investigation. When a trust had been prosecuted to judgment, there was no enforcement of the sentence, it being virtually said that these are academic questions, and that there was no disposition on the part of the Republican Administration to run amuck among the trusts. In effect it was to show, and no more, that it was in the power of the Administration to eliminate the trusts if it so desired; that the law was sufficient, but that the Administration was not willing to eradicate trusts with all their complicated banes.

The Republican party poses as the friend of the laboring man; especially is this so just on the eve of a Presidential election. The party claims that money collected by a protective tariff is for the benefit of the laboring man, and it is primarily the solicitude for the laboring man that provokes the imposition of the protective tariff. This is easily tested. If it were true, the money would be given to the laborer to employ the capitalist to work for him. Instead, however, it is given to the capitalist to employ the laborer to work for him. The money is given by the Republican party to the man who is already rich, but the man who is poor and earns his "bread in the sweat of his face" is compelled to labor for it. Thus billions of dollars that ought to be distributed among the people who produced it is given to a few who spend it in riotous living, in traveling abroad, and in the purchase of worthless counts and dukes and earls and barons.

You established a banking system whereby you loaned, practically without interest, to the national banks the money of the Government on which to operate, under such circumstances and conditions that it flowed in a steady stream into New York, and so filled the New York banks that they were tempted to, and did, loan it for all kinds of lawless speculation and stock gambling.

After a long carnival of crime, a saturnalia of graft, and a revelry of plunder the day of account came, and the bubble burst. We then had what the Senator from Rhode Island [Mr. ALDRICH] denominates the most "acute and destructive" panic in the country's history. Its acuteness and destructiveness may be estimated from the fact that the president of the New York, New Haven and Hartford Railroad Company said, if he was correctly reported by the press, that this company discharged from work 8,000 men in December. This system of railroads operates 2,672 miles of road. It is one of the forty-two systems operating in this country on an average of 4,511 miles each. If the dismissals by the New York, New Haven and Hartford can be taken as a proportional average, and if the report is correct, there were more than a half million—about 600,000—men who earn their living by their labor turned out of employment by the railroad companies alone. This does not take account of the myriads discharged from the employment of other industries. Mr. J. M. de Julien is reported by the press as saying that on a thousand miles of road between Ogden, Utah, and Montpelier, Idaho, 50,000 men are out of employment. When you draw the picture of the wrecked fortunes of the wealthy, draw beside it the picture of the hungry and scantily clothed families of these discharged laboring people. This is a part of the fruit of the panic. As I have said, the bubble burst and the panic came as should have been expected.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Idaho?

Mr. McLAURIN. Certainly.

Mr. HEYBURN. Would it bother the Senator if I were to make a statement as to unemployed men in Idaho?

Mr. McLAURIN. I have no objection to the Senator making that statement.

Mr. HEYBURN. Idaho during all this panic has kept employed more than 10,000 men on constructive railroad work, who were not affected in any way whatever by the panic; and the mines have continued their operation. If there is any State in the United States that has gone on regardless of this alleged panic, it is the State of Idaho. We are working 7,000 men on construction work in the county in which I live.

Mr. McLAURIN. This is the statement of Mr. De Julien——

Mr. HEYBURN. I do not know who he is at all.

Mr. McLAURIN. Who is a prominent business man of that section. He states that between Ogden, Utah, and Montpelier, Idaho, there are 50,000 men now idle. He is a business man there, and I give his statement for what it is worth. We know there are many thousands—I may say hundreds of thousands—who are looking for employment and can not find it.

Thereupon a bill is introduced "To amend the national banking laws." The question naturally presents itself: Were the national banking laws defective? If so, did the defectiveness of the banking laws produce the panic or contribute to it in any considerable degree? Or did the disregard of the laws—statutory, moral, and business laws—by the national banks produce, or materially contribute to, the panic? These are not idle questions; but they are questions that lie at the very foundation of this matter, and should be correctly solved at the threshold of its investigation.

Again, if the panic was superinduced by the national banks' disregard of the laws, was that disregard characterized by all

of the banks, or only a part of the banks? If by only a part, what part, and what banks? If the banks of the country outside of New York City were doing a legitimate business, on safe and sound banking principles, while the banks of New York City were "plunging," in utter contempt of law and the rights of others, and thereby precipitated a panic upon the legitimate, innocent banks, State and national, and upon the country, then we do not need any bill "To amend the national banking laws," but we need an Administration to enforce the laws by the punishment of the guilty criminals whose crimes precipitated the crisis and whose greed gorged upon the distress its cupidity had created. Such a Democratic Administration we hope to have after the 4th of March, 1909.

I am not opposed to banks. I am not unfriendly to them; I am friendly to them. They are useful institutions. They serve a great and beneficent purpose. They are, as a rule, conducted by honest and patriotic men; and should be protected and encouraged by friendly legislation, just as the farmer, merchant, mechanic, professional men, and all other law-abiding people should be protected and encouraged by friendly legislation. Nor is it any pleasure to me to arraign the New York City banks. Nor would I arraign them if I could believe that their delinquencies consisted only of misjudgment or misplaced confidence in legitimate transactions. But it seems to me impossible that they did not know the loans they were making were to be used in the most demoralizing species of gambling. Without doubt they knew their reserves were far below the limit.

The panic came when the banks of New York City failed to honor the checks of their customers who had deposits with them. This was no fault of the national banking laws. After the Secretary of the Treasury had almost emptied the Treasury into their vaults, and they had received large imports of gold, they still failed to transmit to their customers their customers' deposits. Do not misunderstand me to adversely criticise the Secretary for utilizing every dollar that could be spared from the Treasury to avert the catastrophe. The endeavor to check the panic was the fruit of a patriotic motive, however ill-advised the method adopted.

While the banks of New York City with this gold in their vaults were refusing country banks the money of these country banks on deposit with them, little ephemeral concerns around the corner were selling money to these country banks at a premium ranging from 3 per cent all the way up to grand larceny. Business men believed that these ephemeral concerns were adjuncts of the banks that held and declined to deliver their money, and this added to the acuteness of the panic.

I was told by a gentleman than whom no one in this or any other country stands higher in character that during the panic some bankers and business men of Louisiana sold cotton for gold in Europe, had the gold shipped to New York banks, and when they presented exchange to the New York banks for it were denied their own money, but were at the same time told by these banks where they could buy money.

I presume that it will not be denied that if the New York banks—and when I say New York I mean New York City—had promptly paid to their depositors all checks drawn against deposits in them there would not have been any fear as to monetary conditions, and consequently no panic, for a panic is nothing more than fear set in motion. I am equally sure that if the New York banks had kept the law and held all the reserves they were required to hold they would, with the assistance received from the Treasury and importations of gold, have been amply able to cash every lawful check drawn upon them as presented. Such course would have immediately dissipated any and all apprehension that could have arisen.

My judgment may be in error, but I do not agree with the proposition that the New York bank that holds three-fifths of the 15 per cent reserve of the country bank has a right to use that for anything except to honor the checks of the bank whose depository it is. If that had been done, then the New York banks would have had far more reserves than they did have, they would have been able to meet every check that was presented to them and to cash it as presented, and there never would have been any necessity for any fear or apprehension on the part of anybody, and without fear or apprehension there could have been no panic.

I do not arrogate to myself any superior ken in the interpretation of statutes, nor would I minify the opinions of those who differ from me; but it seems to me vain to hold that Congress intended that the reserves should never be utilized, but held as a bulk of dead capital—not dead money, for money is a medium of exchange, and if the banks were not permitted to use it, yet required to chloroform it and put it to bed, its character as money would, for the time, be lost. So many pieces of glass would do as much work in the operation of money during this time. The intention of the law is that the banks must not loan more than 75 per cent of their deposits; that they must keep 25 per cent to meet the checks of their depositors. It was not only the right of the New York banks to use the reserve to pay their depositors, but it was their duty.

So it was not the defect of the banking laws that produced the panic. It was the fault of the New York bankers in loaning more than 75 per cent of their deposits, and that for gambling in stocks and bonds and futures, and the dereliction of the Administration in not prosecuting the malefactors to conviction and punishment. Those malefactors are not deterred from the commission of such crimes, because they expect the penalty to be satisfied by the imposition of a fine upon the interests they represent, thus punishing the innocent shareholder, instead of putting the guilty criminals in prison. The Treasury has so often been emptied into the laps of the malefactors when their crimes have produced money stringency that they have come to look upon it as a right.

The banking laws have defects, but those defects did not cause or contribute to the panic, and this bill, so far from curing the defects, really offers to aggravate them.

The principal defect in the banking laws is the provision for the issuance of money by the Government in the name of the banks. Men inveigh against the law for abdicating to the banks the Government prerogative of issuing money. It is worse than that; the Government itself issues the money in the name of the bank instead of in the name of the United States, as all money should be issued by the Government. Whatever form may be given the transaction, the Government understands, the bank understands, and everyone who handles the notes understands that the Government is to pay the holder of the notes, and nobody looks to the banks for their payment or considers them in the matter.

Another defect is, the Government loans these notes, issued in the name of the banks, at 1 per cent interest, while it is paying a higher rate of interest to the banks on the bonds deposited as security. One of two things should be done, first, loan to the banks Treasury notes of the par value of United States bonds deposited and suspend interest on the bonds, or second, exchange Treasury notes with the bank of the par value of the bonds for the bonds and cancel the bonds.

We can not predicate our banking system upon that of any other government; for in other countries the people belong to the government, while in our country the Government belongs to the people—or, at least, this is the theory of our Government. Therefore, citations of the banking systems or banking laws of other countries are not always apropos. Let it always, in the consideration of this bill and of the panic that gave it birth, be borne in mind that a system of banking laws and a system of banking are not necessarily identical. The system of banking laws may be good while the system of banking is bad. So the system of banking laws may be good and the system of banking in criminal defiance of the laws, and this is what I am sure produced the panic. It is sometimes better to have an unwise law wisely administered than a wise law not administered at all.

There is no need for amendment of the banking laws in behalf of the banks. The chairman of the Committee on Finance, the Senator from Rhode Island [Mr. ALDRICH] says:

> The report of the Comptroller of the Currency shows that the dividends paid by the national banks for the sixteen months prior to June 30, 1907, were at the rate of 13 per cent per annum on their capital and surplus.

This would be a pretty good dividend on their capital; but on capital and surplus it seems to me to be a large dividend. When it is considered that banks do not usually declare a dividend of all their earnings, it would seem that it is not necessary to amend the banking laws to enable banks to subsist.

One bank with a capital of $300,000 had a surplus of over $7,000,000.

Mr. KEAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from New Jersey?

Mr. McLAURIN. Certainly.

Mr. KEAN. May I ask the Senator from Mississippi what bank it is which he states has a capital of $300,000 and a surplus of over $7,000,000?

Mr. McLAURIN. It is said to be the Chemical National Bank of New York.

Mr. KEAN. It used to be the case that that bank had a capital of $300,000 and a surplus of $7,000,000, but you will find that now it has a capital of $3,000,000 and a large surplus. That change was made after we passed the other law.

Mr. McLAURIN. It is the same thing. If they paid in

$300,000 and are able now to increase it ten times and still have a surplus of more than $4,000,000, they must be doing a pretty good business, and it is not necessary that the banking laws should be amended in order that they may subsist.

Mr. KEAN. I do not think the Chemical National Bank wants the banking laws amended so that they can exist.

Mr. McLAURIN. I should think not.

Mr. KEAN. I think they have been in existence longer than either the Senator from Mississippi or myself.

Mr. McLAURIN. But we are told that the interests of banks are not to be considered in this legislation; that the only consideration is the interest of the general public; that the business welfare of all the people alike is alone to be had in affectionate and sacred regard in the law to stifle panics. Then why not permit the expansion of the currency, when needed, upon the application of any person or persons presenting the required security, instead of the exclusive application of some of the national banks? Why not loan money to any person who presents the required security instead of loaning it exclusively to the national banks?

You say the banks are the fiscal agents of the Government. That is the merest and flimsiest fiction. When asked what agency they perform for the Government, you say they receive the Government's deposits and thereupon cash the Government's checks. They do the same for every depositor. They are no more the agents of the Government than is the merchant with whom the Government trades. They are simply borrowers and the Government a lender in the transaction. If one person puts his money into the possession of another with the mutual understanding that the other is to use it in his own business and account to him for it, the transaction is a loan.

The chairman of the Finance Committee [Mr. ALDRICH] says:

> The practical effect of the operation of note issue is that the Government loans a bank, taking a portion of its investment securities as collateral, a sum of money, for which it charges, in the form of taxes, one-half per cent per month until the loan is repaid.

"The operation" of which the able and astute Senator was speaking was "the operation" of the bill now under consideration. Then why not loan the money, on the same security, to the merchant, farmer, or any other business man?

The Secretary of the Treasury, speaking of the impending crisis, says:

> Rumors were current concerning many manufacturing establishments and others interested in large projects who were embarrassed by inability to raise ready cash to continue their operations.

I infer from reading the Secretary's paper that he regards this as the herald raindrop that foretold the approach of the mustering storm. Then, if these manufacturers "and others" could furnish the proper and appropriate security, why should not the law be such that the Government could loan the money direct to them instead of taking the circuitous route of the banks?

I hold that money should not be loaned by the Government to banks or any other class, but if it is to be loaned, that no bond except United States bonds should be accepted by the Government as a security for a loan of the Government's money; but if money is to be loaned on railroad bonds the manufacturers "and others," of whom the Secretary speaks, upon the hypothecation of these bonds should receive the money direct from the Treasury. It would be paid out immediately in the operation of the establishment, carried to the merchant by the laborer in the purchase of supplies for subsistence, used by the merchant in his business, thus getting into the arteries of commerce and performing the functions of money in a thousand ramifications before the panic could show its gorgon face.

The loaning of money by the Government is wrong in principle. But as the Government has embarked upon this kind of policy, I think it should be careful to not extend the system in accordance with the terms of this bill; it should not, from this time on, loan money to banks nor to anyone else to be again loaned. If the object of this bill is to meet and prevent panics, as I understand its friends to claim, it should go no further than to provide the banks with money in times of crises to pay depositors—not money to loan. Panics do not occur among banks because they do not have money to loan, but because they do not, or it is feared they do not, have money to pay depositors. To this extent alone should the Government, in any event, go to their relief.

Senators misconceive the situation when they figure that banks in distress in time of panic will not avail themselves of offered money because they do not see where they can invest it for an added return. The bank in Kansas City, that was in a solvent and prosperous condition, could well have afforded to pay interest that would have absorbed a year's profits.

But if the Government, seeing a bank struggling to keep its head above water until the tempest calms and the waves are pacified, throws it a line in the form of a well-secured loan, why should it not do the same thing for the farmer, merchant, manufacturer, railroad, mechanic, and all the other enterprises that combine to make this the greatest country of all the ages?

I have said that the principle of loaning money by the Government is wrong. It is no part of the office of government to loan money. A people who neither have the desire nor capacity for self-government, and therefore no aspiration for freedom and individuality, may yearn for the flesh pots of Egypt, but the patriot who is trying to get all he can out of himself for his country wants nothing of government except just laws for his protection impartially administered. The principle is not only wrong, but the policy of loaning it as proposed in this bill is bad. The bill not only confines the loans to the national banks, but to only a part of the national banks. If you do not take care of all the banks, State and national, you can not prevent nor check panics by taking care of some of them. If one bank fails, the business of the country immediately takes notice; if two or three fail, it is on tension; and if a half dozen or more fail, or are known to be pressed, fear takes form and panic is the result.

When Congress legislates against the recurrence of panics the legislation should give reasonable hope of its efficiency. There is no such hope if some of the national banks and all of the State banks are excluded from the relief that is provided, as is the case with this bill.

The suggestion sometimes made, though happily not in this bill, that the Government guarantee depositors of national banks is vicious in principle and equity and inadequate in policy. It still leaves the danger of panics almost as threatening as if the guaranty were not given to the national banks' deposits. To guarantee the depositors of banks is nothing more than becoming surety of the banks for all the obligations they may incur. This bill proposes to make the Government the principal, and, I may say, sole obligor in the notes to be issued, as a matter of form, in the name of the banks. True it proposes to take securities from the banks, in the way of indemnity. But some of these securities are liable to turn out an investment as hollow as "Shallow's funded debt on Falstaff," as Baldwin said of Bolus. When the Government becomes sponsor for the notes put in circulation in the name of the banks, it knows what it is doing. It knows the exact extent of its responsibility; so many millions of bank notes; and for every dollar it has a dollar of United States bonds for its indemnity. The amount is mathematically certain, and the indemnity is absolutely sure.

But the guaranty of deposits, which is nothing but becoming surety for the banks, is different and dangerous. The deposits are more than $13,000,000,000, a sum that staggers arithmetic. It is more than eight times the money in circulation in the United States. If the Government were made surety for the banks, its indebtedness were increased more than $13,000,000,000. You say that it is not expected that the Government will have to pay this large sum. True enough; neither does Jones expect to pay the debt of Joyce when he signs his note as surety, but his liabilities are increased the amount of the note. So the Government would become liable to pay $13,000,000,000 on demand.

But, you say, the law should be so framed that the Government would have time to pay, upon failure of the bank. Then your expedient would prove abortive; for it is the fact that the depositor can get his money immediately upon demand that averts fear, and it is the averting of fear that arrests panics.

The credit of the United States is equal if not superior to that of any other country. It is based upon the immutable principle of large resources and small liabilities. It does not answer to say that this country is able to pay thirteen billions of dollars without crippling its resources, even if it is true. You can call to mind men who can pay a hundred millions of dollars and still live in extravagant luxury, yet the assumption by them of a hundred millions of dollars liability as surety would cause investors to look askant.

Again, it is wrong and unjust in principle for the Government to become surety for the banks. The office of Government is to make and administer laws for the protection of life, liberty, and property. These laws should give equal rights to every citizen, and their administration should treat every citizen with impartial consideration. There should not be any class distinction in the enactment and administration of the laws. The laborer with the spade and shovel and pick in his hands should therein be treated on the same terms as the President of the United States. The banks should be treated as everybody else. If it is right for the Government to become

surety for the banks, it is right to become surety for the farmer and the merchant and the manufacturer and the prosecutors of all the other vocations.

I will not detain the Senate by animadverting upon the many advantages that would accrue to the prosecutors of these industries and professions and vocations by the suretyship of the Government extended to them. They will immediately occur to anyone upon reflection.

The banks of the country do not need the suretyship of the Government. The banks were never in a better condition in the history of this country than they are to-day. There never was a time in American history when the banks were conducted by more patriotic or better business men. While the late panic did a great deal of harm, and is now doing harm as the cause of so many unemployed men and women, its lesson is not without value. If those charged with the administration of the law will expiate their nonfeasance in this matter by the prosecution and adequate punishment of the generators of the panic, there will not be another panic as long as the gold metal can do the work of metal money in this country.

It ought to be obvious that State, municipal, and railroad bonds should not be made the basis of security for the issuance of money to the banks. As long as United States bonds were the security upon which money was loaned to the banks everybody knew that in the very nature of things the security was bound to be sufficient to pay the notes, and therefore depositors felt safe in depositing money in national banks. But listen to this from the chairman of the committee [Mr. ALDRICH], speaking of the means of indemnity held by the Government for its suretyship on the bank notes: "Third. We have a prior lien upon all the assets of the bank through which the notes are issued." That is to say, the deposits of depositors in national banks are liable to the Government for the payment of the bank notes, if the security taken by the Government when the loan to the bank was made by the Government is insufficient to indemnify the Government.

Nobody cared about that when the security consisted of United States bonds, because the bonds and the obligation of the banks on the bank notes offset each other. But State, municipal, and railroad bonds are not so. You may proclaim from the housetops that there has been great care in scrutinizing the securities, but men will be wary in depositing money in national banks if they know that that money immediately becomes liable to pay the loan of the Government to the bank if the security should fail. They know that the security can not fail if it consists of United States bonds, but they have no such faith in railroad bonds. I bid you be careful how you tamper with this matter. You are sporting above a volcano.

If no unwise legislation is enacted—indeed, if no legislation at all is enacted—the present convalescent condition of the country will continue to improve until normal conditions will obtain. If you do not tinker with the present banking laws, but enforce them, they are ample for the prevention of bank panics. The greater fear is that of bank-made panics. It were better if this change in the banking laws were made; that is, call in the bank notes and issue to the banks Treasury notes in their stead. In this way the loss or destruction of the notes would redound to the gain of the Government that gives them efficacy as money instead of to the gain of the banks that can give them no circulation without the Government's indorsement.

There was issued from August 21, 1862, to February 15, 1876, when its issuance ended, $368,724,079.45 in fractional paper currency. Of this issue $15,239,368.28 is now outstanding, of which the Treasurer estimates that $8,375,934 has been lost or destroyed. There is no doubt that none of it will ever be presented for redemption. In this there is a gain of more than $15,000,000. Who should gain it, the Government that gives it value or some private institution?

But it were possibly better not to make at present even the change that I have suggested, because any numismatic legislation that is at all complicated is calculated at this time to inflame rather than extinguish fear. There is not so much danger in it as in the bill under consideration, but possibly enough to make it questionable.

But if there are to be loans at all by the Government, there is potential legislation that could not excite the least apprehension, yet would give all the protection against panics that legislation can offer. I introduced a bill on the 9th of December last embracing this idea. It is probably not as elaborate in detail as it can be made, but it embodies the principle. Let anyone who has a United States bond present it to the Treasury or subtreasury and thereupon require the Treasurer or Assistant Treasurer to issue to him Treasury notes of the par value of the bond; suspend the interest of the bond for the time and in addition charge 3 per cent per annum interest on the notes, and if the notes are not repaid to the Government within a certain time cancel the bond and thus close the transaction. The Government would thereby save the interest on its bond and collect interest on the note if the borrower pays the note, and if he does not pay it, the bond is canceled and the interest-bearing debt of the Government is paid by agreement.

Of course I understand that the note must some day be paid by the Government, but the debt does not any longer carry interest, and its payment is made easy.

I believe it best, and I would so shape the law, that the Government should not loan money at all; neither to banks nor any other person, but that upon presentation of a United States bond of any denomination the Treasurer of the United States should issue to the holder its par value in Treasury notes and cancel the bond. You thereby increase the circulation when needed and stop interest on the Government bonds. You also give an equal opportunity to all State banks that you do to national banks to get money. It is the duty of the Government to not discriminate between its citizens, and the State banks are its citizens as well as the national banks.

This, to be sure, would expand the medium serving for the purpose of money to the extent of the United States bonds canceled and notes issued in their stead, but while that is so those notes would continue to remain out. It would keep an equilibrium of the circulating medium, and there are not United States bonds sufficient to make any danger from the small expansion of the currency that would be thereby created.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER (Mr. HEYBURN in the chair). Does the Senator from Mississippi yield to the Senator from Indiana?

Mr. McLAURIN. With pleasure.

Mr. BEVERIDGE. That would be the making of one debt by the Government to be secured by another debt of the Government, would it not?

Mr. McLAURIN. I think not.

Mr. BEVERIDGE. You say "a note secured by a bond." Both are obligations of the Government.

Mr. McLAURIN. You just exchange them. The bank owes the Government for the notes and the Government owes the bank for the bond. The two obligations offset each other.

Mr. BEVERIDGE. It would be changing the form of indebtedness, then?

Mr. McLAURIN. Every person, natural or artificial, could have an equal opportunity under this law. Is this equal opportunity for all what you desire? But, you say, we want some provision for an emergency. That provision is just what this would make. You see emergency is individual, just as yellow fever or whooping cough. Emergency comes to every man when he needs money and can not get it. If the generality of the people need money and can not get it the emergency becomes general, just as smallpox becomes epidemic. If you will provide a way whereby each man can supply his emergency, there can not be any general emergency, and of course no panic.

There are now millions of dollars in hiding that are neither doing the owners nor the business of the country any tangible good. What you want to do, both for the benefit of the owners and of commerce, is to tole or coax this money into circulation. The owner of hidden money takes a great risk in burying it or hiding it in a stocking. He may die without disclosing its hiding and it will be lost from his estate; it may be discovered and stolen; he may, himself, lose the place of its hiding; rats may eat it if it is paper, or fire burn it or floods sweep it away or thieves find and steal it if it is gold, and many other dangers he incurs in hoarding. He balances these dangers against the danger of depositing it in a bank, and the one he deems to be the less he adopts.

Anything that can be justly done to cause the man who has money to see that it is safer to deposit it in banks or invest or loan it should be done by Congress that it may be put into circulation. Every thinking man knows that there is some danger wherever he may place his money. But much can be done to convince men of that which I am sure is a fact, that if they are not going to invest or loan their money the safest place for it is in a reputable bank. Besides, if men knew that they could at will convert their bonds into money they would, instead of burying it, invest it in bonds, thus putting the money into circulation, and almost invariably the bulk of the money that is in circulation is deposited in banks and checks are drawn against it. This is argued by the fact that in New York City alone the clearing-house transactions are nearly $300,000,000 a day.

There is only one other security comparable to United States bonds as a predicate for the loan of Government money. Always bear in mind that the bill of the committee proposes to loan money to the banks, as I have shown and as the chairman

of the committee [Mr. ALDRICH] has said. The giving to the loan the name of deposits does not change the form or substance of the transaction. And I am contending that, it being a loan, if it is proper for the Government to loan money to one class it is equally proper to loan money to any other class on equally good security. Railroad bonds may be good and marketable in times of money plenty, and in such times the Government might be able to realize money on them, but in times of general emergency they balk, both at home and abroad. For the money at home has sought shelter and is not in circulation to buy them, and money abroad distrusts them when they are dishonored at home.

But money can always be realized on cotton. If money at home is in hiding, it will come forth from abroad for cotton. The emergency never gets so stringent that cotton can not be turned into money. There is no distrust of it in Europe, for in Europe it is a prime necessity. It is imperishable. No weevil nor insect can destroy it nor does age deteriorate its value.

After supplying the factories of this country about $500,000,000 worth of cotton is exported annually. At the first shudder of apprehension let it be known that this vast resource can be turned into Treasury notes until the cotton can be converted into gold from Europe to retire these Treasury notes and the chill of fear will be averted. It is said that this would give advantage to one product that other products do not have. The law would not give it; nature has already given the advantage. There is no other product that combines the advantages that pertain to cotton as a commodity.

It is said that this is legislation in favor of the farmer class. I do not believe in class legislation. But if legislation should favor one class, there is none more worthy of the favor than is the farmer class. Whatever may be said in regard to any other class, it is certain that without the farmer class no civilized people could survive.

I repeat, if this were class legislation, I would neither advocate nor support it. It could not be in the interest of the farmer class alone, for it would be of no benefit to the farmer except in times of general emergency, and then it would supply circulating money to relieve business paralysis and bless the whole country. In ordinary times he can get money from the banks on his cotton quicker and with less inconvenience to him. Of course, then he would not apply to the Government. But in times of general emergency, when the ordinary avenues of money are paralyzed for the want of circulation, this means could put money to flowing and the wheels of commerce in motion, and the paralysis would thereby be relieved.

You say this is populistic doctrine. I think not. I am surely not a Populist. I am a Democrat of Democrats. But if it were so, it should not therefore be rejected if it is good doctrine. No statesman should refuse wise legislation because it has the approval of his adversary.

The Senator from Texas [Mr. BAILEY] yesterday made an argument, not against the efficacy of cotton as security, for he said it is good security, but against the policy. That Senator always throws into his efforts his magnificent personality, his beautiful and forceful diction, and his eloquent delivery, as well as his splendid erudition and his profound ability. Add to these his thorough conscientiousness and his unswerving and loyal patriotism, and his devotion to the interests of all the country in general, and of his own State in particular, as is so well known and regarded by the Senate, and you can see how difficult it is for one so unskilled as I in polemics to answer any argument he may make, however unsound it may be. But I do not think the argument he made yesterday is sound.

It is said that the farmers who produce wheat will ask that wheat be made the predicate of the issuance of Treasury notes; that the tobacco and hemp growers, the landowners, the cattle raisers, the hog raisers, the horse breeders, and the miner of iron will ask that their property be taken as security for the issuance of Treasury notes if you resort to the issuance of Treasury notes upon cotton. This does not go to the argument of the efficiency or inefficiency of cotton as a security, because the Senator from Texas agrees with me that cotton is good security for the loan. I do not think if wheat, and tobacco, and hemp, and horses, and cattle, and hogs, and iron are not good securities for the issuance of Treasury notes, the farmers and miners who produce these commodities will object to the issuance of these notes in time of stringency upon cotton merely because they do not produce cotton. But whether they do or not, I do not think it good policy to refuse to advance on good security, because somebody who has no good security will ask for an advance on bad security.

Mr. BEVERIDGE. How about coal?

Mr. McLAURIN. I do not think it is a good security; but I do not think that the producer of coal would object to cotton being made a predicate for the issuance of money if coal is not a good security and if cotton is.

Mr. BEVERIDGE. Wherein is coal, particularly anthracite coal, not so good security as cotton?

Mr. McLAURIN. Because coal wastes in the handling of it; coal is destructible, and it is too cumbersome and in time of panic not convertible into money.

Wheat may have weevils in it. The stock may lie down and die. The iron may rust. The land can not be readily at all times converted into money, and the Government, when it issues notes, ought to issue them upon something that can be converted into money at once. That is my objection to the issuance of Treasury notes upon railroad bonds, because they can not always be converted into money.

Mr. BEVERIDGE. Then, let us take pig iron. Weevils do not affect pig iron.

Mr. McLAURIN. Rust does.

Mr. BEVERIDGE. It affects the exterior of the pig iron. But pig-iron stores would probably be about as durable as cotton.

Mr. McLAURIN. Not at all; but if it were as durable, any other commodity that would be as efficacious as cotton as a security for the protection of the Government ought to be accepted. But I do not believe that iron would. It will rust.

Mr. BEVERIDGE. Of course iron and steel are the most durable in price, and they are prime necessities in all civilized States, and in case of an emergency they would not have to be held long. Would the Senator think that rust would greatly depreciate the value of pig iron or steel during the time it had to be held for emergency currency, and that cotton would not depreciate?

Mr. McLAURIN. I think it would. I know it would not be nearly so good security as cotton, but if it were I would have no objection to making the loan upon iron. I am sure if it is as good as cotton it is far better than railroad bonds. Iron and steel would not be good to relieve a panic, because during such times you could not convert it into money at home nor abroad; whereas neither the calamity of war nor panics can stop the use of cotton or its sale, if it can be procured. The greater the stress of circumstances the greater the demand for cotton, and, of course, the better the price; and the better the price the better the security.

Mr. PERKINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from California?

Mr. McLAURIN. With pleasure.

Mr. PERKINS. I wish to ask my friend, the Senator from Mississippi, if he would be willing to class wool with cotton. I come from a State which produces a large quantity of wool, and the same arguments which make in favor of cotton would operate in favor of wool.

Mr. McLAURIN. They possibly would; and if wool is as good as cotton, then it would be a good thing upon which to predicate a loan—that is, if it is not liable to be corrupted by moths. I am sure that wool would not be as good security as cotton. This country does not produce wool sufficient for its own consumption; it raises enough cotton for the world.

Mr. BEVERIDGE. So we have, then, cotton, wool, and iron.

Mr. McLAURIN. I do not think iron would do; it would rust and otherwise be unfit for such use.

Mr. BEVERIDGE. Then I suggest to the Senator aluminum. It does not rust.

Mr. McLAURIN. Suppose we take gold.

Mr. ALDRICH. Why not silver?

Mr. McLAURIN. I think silver is the best money there is.

Mr. President, it is said that the money which would be issued upon all these commodities would be more than would be necessary for the emergency. So would the money that would be issued upon the United States, State, county, municipal, and railroad bonds be more than would be necessary for the emergency. The same objection would obtain to them. It is not proposed by the author of the bill, or of the substitute, that more money shall be issued than sufficient for the emergency, however superabundant the security.

Mr. President, whenever you assert or admit that the banks are the only medium of putting money into circulation you afford an argument for the issuance of bank notes, because if banks are the only medium of putting money into circulation you could not expect them to put any except their own money into circulation. But I deny the proposition that banks are the only medium of putting money into circulation. If the Government loans Jones a thousand dollars and he pays part of it on his debts, and buys clothing and other necessities and

conveniences with part of it, and improves his farm with part of it, if he be a farmer, or makes other improvements, if he has other vocation, this money gets at once into circulation without the intervention of a bank, though in all probability the greater portion of it will get into the banks and from there be again put into circulation, wherein the banks will be serving a useful and beneficent purpose.

The bonds of the States are, many of them, and possibly all of them, equal in value to the bonds of the United States, and are just as certain of redemption, just as certain of payment as the bonds of the United States. But they can not be offset against the obligations to the United States, whereas the bonds of the United States Government can be offset against the obligations to the United States. If a person borrows from the United States a thousand dollars and holds the bond of the United States for a thousand dollars, one obligation can be made to offset the other if the emergency arises.

Mr. BACON. Will the Senator pardon me for a moment?

Mr. McLAURIN. With pleasure.

Mr. BACON. I understand the contention of the Senator to be that bonds of the United States should furnish the only basis for an emergency currency. Am I correct? Is that the basis of the argument?

Mr. McLAURIN. Yes; I think when a United States bond is presented at the Treasury the Government ought to issue United States notes of its par value to the holder and cancel the bond.

Mr. BACON. The point I wish to call to the attention of the Senator in regard to that is that we have now within less than $200,000,000 of notes already issued as against the total amount of bonds against which they can be issued.

Mr. McLAURIN. I think it is $301,000,000.

Mr. BACON. No; the Senator is mistaken. I have in my desk the Treasury figures, which I got from the Comptroller of the Currency. These are the figures as they existed probably six weeks ago. I do not suppose there has been any material change since then. Some six weeks ago the circulation as given me by the Comptroller of the Currency was $694,336,586. That was the amount of the national-bank circulation. The total amount of bonds outstanding available under any circumstances for circulation was $898,210,000, making something like $204,000,000 excess only.

Now, if the Senator would limit the emergency issue to such as could be based upon national bonds, he would necessarily limit the increase to that amount of some two hundred and odd million dollars, which, I understand, is recognized by all as insufficient if anything is to be done.

I desire to say to the Senator that I very gravely doubt the policy of the so-called "emergency currency," having a pretty strong conviction that there is enough money in the country if it can be confined to legitimate uses. But I do not wish to enter into any side argument on that subject. I simply wish to call the attention of the Senator to the fact that if he recognizes that an emergency currency is needed, and that that emergency currency should be to the extent, possibly, of $500,000,000, if the security for that emergency currency were limited, as the Senator contends it should be, to United States bonds, the volume of that emergency currency must necessarily be limited to some $200,000,000.

Mr. McLAURIN. I do not agree with the Senator. I have not the figures before me, but my recollection is that they are $300,000,000. But upon the statement the Senator has made, that would leave something over $60,000,000 of the 10 per cent margin on the bonds that have already been predicated for the issuance of notes.

Mr. BACON. There is not any 10 per cent margin now. That law has been changed.

Mr. McLAURIN. When was it changed?

Mr. BACON. Two years ago. The banks are now authorized to receive currency up to the par value of the bonds.

Mr. McLAURIN. But they have not all done so.

Mr. BACON. That is another question. But they have all done this: What they have done is to issue notes to the extent of $694,336,586.

Mr. McLAURIN. And that was done only during the late panic.

Mr. BACON. That was the amount issued at the date of the communication I received from the Comptroller of the Currency.

Mr. McLAURIN. What is that date?

Mr. BACON. Since this bill has been introduced; this year.

Mr. McLAURIN. Very well. What was the issue on the 1st day of last October?

Mr. BACON. I have not that, but I simply state to the Senator that what I hold in my hand is authentic. I myself received it over the telephone from the Comptroller of the Currency, giving me the exact figures at that date, and whether the banks have issued up to the full amount or not, the amount which they issued at that date is the amount stated, $694,336,586, and the total amount they could have issued at that date was $898,210,050.

Mr. BAILEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Texas?

Mr. McLAURIN. Certainly.

Mr. BAILEY. Both Senators are accurate from their different points of view. The Senator from Mississippi took the figures before the additional $94,000,000 of national-bank notes were taken out to meet the demands of the panic. The figures of the Senator from Georgia are as of a date after those notes were taken out, and that is why the discrepancy appears. Of course the notes that were taken out to meet the requirements of the panic are now being retired at the rate of $9,000,000 a month.

Mr. McLAURIN. They will be retired until the amount will return to $300,000,000, as I have said.

As I have stated before, I do not believe there is any great danger of any recurring panic if the banks of the entire country, and especially of New York City, because I think their delinquency was the cause of the late panic, will observe the law in the future. If they do not do so and defy the law, there will be no necessity for legislation, because no amount of issuance can prevent panics under such circumstances.

Now, I have said that I would confine it to United States bonds, not because, as I have said, I doubt the solvency of State bonds, county bonds, and municipal bonds, or railroad bonds, but because the Government, having the notes issued and the loan made upon United States bonds, can offset these bonds against the loan and there will be no necessity for liquidation. There can be no question about the solvency of the banks, so far as the circulation of their own notes is concerned, that issue money, and to that extent confidence is reposed in the deposits that are in the banks.

Mr. BACON. I quite understand the attitude of the Senator in that regard. I simply desired to call his attention to a practical difficulty growing out of the limited issue of United States bonds outstanding.

Mr. McLAURIN. I do not see that that would be any difficulty, Mr. President. But in the event that State, county, municipal, and railroad bonds are to be made the predicate of loans, I would have that other security—cotton—that is better security than railroad bonds, as the predicate for these loans in time of panic. It would only be serviceable in time of panic, for in times of ordinary money circulation the cotton producer can get money on his cotton from anybody or bank who has money to loan, and there are plenty who have money to loan in such times.

Mr. BACON. I do not want to be misunderstood. I quite agree with the Senator, so far as railroad bonds are concerned. I would never agree to the issue of money upon the basis of railroad bonds as security or any other industrial bonds.

Mr. McLAURIN. When I say that in Government loans cotton is a better basis of security than all bonds except United States bonds, I do not mean to disparage the solvency of State, county, or municipal bonds, or railroad bonds for that matter, but I mean to say that in times of panic the cotton can be converted into money when no bond, not even a United States bond, can be converted into money; and the United States bond is better only because the obligation to the Government can be offset against the obligation of the Government. The Government being the obligor in one instance and the obligee in the other, the two can be offset, which can not be done with any other class of bonds on a Government loan.

It is said as an objection that none but a prosperous farmer could borrow money from the Government on cotton, because none but a prosperous farmer would have the cotton. I answer, neither could any banker but a prosperous one borrow from the Government, because none other would have the security. If the prosperous farmer borrows the money and puts it into circulation, it serves all who use money and stops the panic, and that is said to be the purpose of the bill.

However, the stage of the panic when it could have been advantageous to the public or profitable to the cotton producer to circulate money on cotton security is past. The discussion of the question is, for the present, mostly academic, and I have therefore touched it lightly. When I introduced the bill on the 9th day of December for the issuance of money upon United States bonds and upon cotton, I did not provide that cotton should be a permanent basis of credit for the issuance of notes, but for the purpose of relieving the then existing panic, and therefore I limited it to the 1st day of February, 1909. It can

not be denied that if such law had been in existence on the 1st day of October there could not have been any panic, because $500,000,000 could have been put into circulation in less than ten days.

We are assured by Senators that the committee bill is not to help the bankers, but to get money into circulation when panic is threatened. So I give assurance that the bill I offered was not, primarily, to benefit the farmer alone, but to put money into circulation and relieve the people of the then existing panic, and thereby serve all who handle or use money; if while benefiting the entire country it incidentally helps the farmer, I am sure no reasonable man should grudge him such help.

When I propose that if the Government is to loan money to some of the national banks it shall loan to every other bank and to everybody else on the same kind and quality of security, I am told that no merchant but the prosperous merchant will have the bonds on which to base the loan. I answer, none but the banks that have the bonds can secure the loans; so the same argument would apply with equal force against loaning to national banks. All I ask is that the law be made to treat all on the same terms, and then, of course, they who can not furnish the security will not expect to secure a loan.

Should the crisis ever recur it is hoped what I have said may be found to have merit. I am sure if the measure I offered—that is, the advance of money to all alike on United States bonds and cotton—had, in a less crude form, been the law last September, there should not have been any panic, and the hundreds of thousands now unemployed would be earning good wages.

I limited the act, so far as cotton is concerned, to the 1st of next February, because of my confidence that the remedy would have dissipated the panic long ere that date; indeed, I would have been willing to limit the date to May 1 of this year. Inasmuch as this was for the purpose of dissipating the then existing panic, in the interest of all who operate money or are benefited by its operation, and not alone nor primarily in the interest of the cotton planter, and in the present and prospective conditions can not serve the same good purpose, and as the bill I introduced has not had the favorable consideration of the Finance Committee, I intend to only offer as an amendment to the committee bill that part of my bill which proposes that the Government in loaning money shall not restrict it to one class, but shall treat every citizen alike. There is no more reason for the Government to restrict its loans to the banks because they deal in money than confine the protection of its laws to lawyers because they deal in law.

That provision of my bill that offers to punish gambling in cotton futures is predicated on the right of Congress to protect its securities, and without the other provisions would impinge the Constitution. Of course I would not prohibit factories or anyone else from buying cotton to be delivered in the future. No lawmaker desires to make such law. But gambling in cotton futures is a different thing. That is, where there is no intention or expectation that cotton shall be delivered. It is a bet on one side that cotton will be higher in price and on the other side lower than a certain amount at a certain date. This is gambling in the sweat of the cotton producer.

Mr. President, I will trespass but little further upon the patience of the Senate. The banks do not need this legislation; I am inclined to think they do not want it, outside of New York and Chicago. The banks are prosperous. Every bank is interested in the integrity and stability of the banks of the country. They are operated by able, alert, active, and astute men, and generally patriotic men. Strike out of this bill all reference to State, municipal, and railroad bonds. It was the talk of these bonds that influenced me to offer cotton as at least an equally safe security. It is a security that can be readily converted into money in times of panic. Strike these bonds out and I will not insist on cotton. The farmer does not want any special legislation for him that militates against anybody else. All he asks is for laws that treat him as well as they treat others.

Put in the bill a plain provision that anyone who has Government bonds can go to the Treasury or subtreasury and have them cashed at any time and you have the question solved, as far as legislation can solve it. Great benefit can thereby come to the Government in saving millions of dollars paid as interest, and great advantage to the business of all alike.

CERTAIN LAND IN ANACOSTIA.

Mr. CARTER. From the Committee on the District of Columbia I report an original bill and submit a report thereon. I ask that the bill be read the first time by its title and the second time at length.

The bill (S. 6047) repealing section 13 of the act approved March 2, 1907, entitled "An act amending an act entitled 'An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes,' and for other purposes," was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That section 13 of an act entitled "An act amending an act entitled 'An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes,' and for other purposes," approved March 2, 1907, be, and the same is hereby, repealed.

Mr. CARTER. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. CARTER. Mr. President, I desire the special attention of the Senate to this particular measure. In order that its character may be understood I ask that the accompanying report be read.

The VICE-PRESIDENT. The report will be read.

The Secretary read in part the report submitted this day by Mr. CARTER, the entire report being as follows:

[Report to accompany S. 6047.]

The Committee on the District of Columbia, having had under consideration section 13 of an act of Congress commonly known as the "public building bill," approved March 2, 1907, and believing that the immediate repeal of that section is demanded by the public interest and to prevent the consummation of a fraud on the Government, herewith presents a bill providing for such repeal and recommend that the same do pass.

A correct understanding of this extraordinary section requires a brief review of certain transactions and enactments generally relating to the same subject-matter.

By an act of Congress approved March 19, 1904 (33 Stats., 143), the Secretary of War was authorized and directed to convey to Sidney Bieber, his heirs and assigns, "all the right, title, and interest of the United States in and to all of a certain square of land in the city of Washington, in the District of Columbia," stated in the act to be "known upon the plat or plan of said city as square numbered eleven hundred and thirty-one."

On the 26th day of July following the approval of that act, the Acting Secretary of War conveyed the square of land in question to said Sidney Bieber by a deed dated the 26th day of July, 1904, in consideration of $1,000, though the land thus conveyed was the property of the United States, located on the tide-water flats of the Anacostia River, and said to extend to and embrace a part of the Congressional Cemetery.

Bieber based his shadowy claim to the land upon what was manifestly a fraudulent transaction, whereby a person without title or claim of right deeded the land to one Mary E. Sweetzer, who, in due course, caused the same to be listed for taxation. Thereafter the property was held subject to nominal assessment and repeatedly sold for taxes until ultimately all the alleged outstanding tax titles were acquired by Sidney Bieber, and that enterprising gentleman thereafter set about to remove the clouds from his title, existing because of the paramount title of the United States.

The square referred to did not appear on any official map of the city of Washington, and consisted mainly of accretions occurring through deposits and recession of the waters of Anacostia River, the Government being the owner of all the abutting property. The act of Congress treated the paramount title as a cloud on what appears to have been a purely fictitious title. As to late acquisitions in the same locality, Mr. Bieber did not deem it necessary to even have a fictitious title to proceed upon, for we find that by section 21 of the public building bill, which was approved as an act June 30, 1906 (34 Stats., 772), it was provided:

"That the Secretary of War be, and he is hereby, authorized and directed to grant and convey unto Sidney Bieber and his heirs and assigns all the right, title, and interest of the United States in and to all of certain land in the city of Washington, in the District of Columbia, lying south of squares Nos. 1123, 1148, and 1149, conforming with the metes and bounds of square No. 1131, and that part of square No. 1117 situated between the north lines of Water and I streets, the east line of Eighteenth street and the west line of Nineteenth street, when said streets are extended, upon the payment by the said Sidney Bieber into the Treasury of the United States of such sum of money as the said Secretary of War, upon consideration of all the circumstances, shall determine proper to be paid for the said squares; and the surveyor of the District of Columbia is hereby authorized and directed to mark out such areas, to record plats, and to designate the proper square numbers."

Under this last-named act the Acting Secretary of War did, on September 19, 1906, convey all the land described to Sidney Bieber for the sum of $3,903, which sum was held to be, upon consideration of all the circumstances, a proper sum to be paid to the United States for the land. By these two acts of Congress Mr. Bieber acquired blocks of land extending from the Congressional Cemetery to and including a portion of the elevated ground on the eastern shore of the Anacostia River. Under the last act there does not seem to have been any pretense of adverse title as against the United States, nor was there any doubt about the United States being the owner of the property conveyed.

As to all the property acquired by Mr. Bieber from the Government pursuant to the two acts of Congress referred to, the Government is without remedy, unless the conveyances to Bieber can be canceled through appropriate judicial proceedings. For reasons not stated, but apparently obvious, the name of Mr. Bieber does not appear in the section which the bill herewith reported proposes to repeal, but the language of the section leaves no doubt that he was the person intended to be immediately benefited by section 13 of the public building act approved March 2, 1907, which reads as follows:

"That the Secretary of War be, and he is hereby, authorized and directed to convey to the purchaser from the United States of square No. 1131, and the south part of square No. 1117, and the squares south of squares Nos. 1123, 1148, and 1149, in the city of Washington, all the interest of the United States in the land lying south of the squares so purchased and between them and the channel of the Anacostia River,

upon the payment by such purchaser into the Treasury of the United States of such sum of money as the said Secretary of War, upon consideration of all the circumstances, shall determine proper to be paid for the said land; and the surveyor of the District of Columbia is hereby authorized and directed to mark out such land and determine the areas, and to record a plat thereof."

By this extraordinary section the Secretary of War is directed to convey to Mr. Sidney Bieber, who was the purchaser of the land described in the section, all the interest of the United States in squares lying south of the squares to which Mr. Bieber had acquired title in pursuance of the two preceding enactments. Such conveyance would substantially deprive the United States and the city of Washington of all the water front on the Anacostia River south of the north line of the Congressional Cemetery extended, and indeed it is not clear that the conveyance would not embrace a considerable portion of the ground upon which the Government Hospital for the Insane is located.

Fortunately the Secretary of War has not executed the deed required by the terms of this last-mentioned enactment, and the bill herewith reported is intended to repeal section 13, which directs the Secretary of War to make such conveyance. In the judgment of the committee, Congress is bound by imperative duty to exercise its full power to prevent the consummation of the fraudulent scheme underlying the subtile land-grabbing operation very clearly disclosed by the successive acts herein recited. As to the lands conveyed, Congress seems to be powerless, but the committee is investigating the subject and hopes to be able to make some recommendations in the premises at a later date.

That Congress could not have realized the true intent and purpose of the acts of 1904, 1906, and 1907, in so far as they related to this subject, is made quite clear by reference to previous and contemporaneous action of Congress with reference to the Anacostia River front.

By its joint resolution of April 11, 1898 (30 Stats., 738), Congress directed the Secretary of War to prepare and submit—

"a project for the improvement of the Anacostia River and the reclamation of its flats from the line of the District of Columbia to the mouth of said river, with an estimate of the cost of the same and a report on the area and ownership of the land to be reclaimed."

In December following the Secretary of War submitted to Congress the report of Lieut. Col. Charles L. Allen, Corps of Engineers, dated December 1, 1898, in which report is set forth at length the necessity for the improvement of the Anacostia River to secure—

"1. Access to the navy-yard.
"2. Increased facilities for commerce and navigation.
"3. Removal of unsanitary conditions."

The project was divided into three sections, as follows:
Section I. From the mouth to the Navy-Yard Bridge.
Section II. From Navy-Yard Bridge to Benning Bridge.
Section III. From Benning Bridge to the District line.

The cost of executing the project was estimated in detail, and the aggregate cost for sections I and II amounted to about $2,000,000.

In 1902 Congress appropriated $150,000 in addition to the sum of $20,000 theretofore allotted to this river improvement. The project as to work in progress provides for the improvement of that portion of the Anacostia River below the Navy-Yard Bridge by dredging a canal 24 feet deep for a width of 400 feet and depositing the dredged material on the adjacent flats to an average elevation of 7 feet above low tide, the reclaimed area to be surrounded by an earth embankment to a heigth of 14 feet above low tide, protected by a masonry sea wall and provided with suitable drainage, at an estimated cost of $1,218,525.

In 1905 the Chief of Engineers reported that—

"The improvement already made has been of benefit to navigation and has resulted in the diversion of considerable traffic from the Washington channel, where conditions were rapidly becoming congested."

In the same report the recommendation is made—

"that such land as is required for the improvement be acquired, and that all matters as to riparian rights and ownership of the reclaimed lands be settled by the condemnation and purchase of a strip of land adjacent to the shore, or otherwise, before the flats at these localities are reclaimed."

On July 31, 1905, Lieut. Col. Smith S. Leach, Corps of Engineers, reported that—

"The trade and commerce of Washington are increasing, while the wharf facilities along the Potomac front are inadequate for the present traffic and afford no room for expansion. The improvement of the Anacostia will give the needed additional wharfage facilities and will afford abundant anchorage facilities, which do not now exist in this vicinity."

Additional expenditures were made in 1906, and Capt. Spencer Cosby, Corps of Engineers, reports that in addition to the benefit to navigation the total expenditure on the project to that date had resulted in reclaiming about 460 acres of desirable land in addition to providing a channel 20 feet deep at mean low tide and of at least 300 feet wide (except at Buzzards Point, where the width is about 240 feet) for a distance of over 9,100 feet upstream from the mouth of Anacostia River—that is, up to about to the center of the navy-yard. Until the completion of Section I, the designed improvement of Sections II and III will not be attempted, particularly as far as dredging is concerned.

Again, on February 27, 1906, the House of Representatives' concurrent resolution No. 21 requires the Commissioners of the District of Columbia "to submit to Congress a report upon the improvement of the so-called 'flats' of the Anacostia River from its mouth to the District line, with recommendations and estimates of cost," and on June 21, 1906, the Commissioners' report (H. Ex. Doc. 903, 59th Cong., 1st sess.) makes favorable reference to the general project proposed in 1898 and suggests that—

"the subject of the treatment of the Anacostia River and flats was taken up by a commission appointed March 1, 1901, by the United States Senate, to report on a park system for the District of Columbia."

In the recommendations of the commission referred to (see S. Rept. 166, 57th Cong., 1st sess.) occurs this language:

"To offset this cost there will be in the commercial section a filling in of 600 or more acres of land, which, if the riparian rights are obtained, will belong to the United States, and can be utilized either as a park or sold for commercial use. This will offset to a considerable extent the cost of the project, and if it is leased will doubtless give an adequate return on the money spent."

The commission further recommends—

"that counsel be employed to investigate and determine the ownership of the land and riparian rights along the Anacostia River, and if ownership and rights can not be thus ascertained, that the Attorney-General be directed to bring suit for the purpose."

The Acting Attorney-General, in an opinion dated September 6, 1905, advised the Secretary of War that the title to lands embraced in the so-called "Anacostia flats" was derived from the same source as its title to what is known as the "Potomac flats," which has been judicially established. (See Morris *v.* United States, 174 U. S., 196.) The title of the Government rests upon the cession made by the act of the State of Maryland of December 23, 1788.

It is title to this valuable property that Mr. Sidney Bieber has sought to acquire, first by piecemeal and finally by wholesale through section 13, of the act approved March 2, 1907, which section the bill herewith presented is intended to repeal. It is inconceivable that Congress, while thus making large appropriations for the improvement of Anacostia River and the adjacent tide flats, and exhibiting solicitude for the acquisition of all interfering titles, should have intentionally directed the Secretary of War to convey to Mr. Sidney Bieber or anyone else substantially all its title to such tidelands.

The record of the debates in both Houses of Congress shows that the subject of such proposed conveyance was not considered or understood, but on the contrary it appears that the act of 1907 was intended merely to correct a number of errors in the legislation had at the last session.

It was alleged on the floor of the House that the bill made no appropriation and that all changes provided for were within the limits of cost theretofore fixed. A Member having the bill in charge on the floor of the House, in reply to a question by Mr. TAWNEY, made this statement:

"There is not one dollar's worth of new construction, nor is there a foot of ground authorized, but in some cases it was necessary to transfer from the appropriation made for the building to the appropriation made for the site, because an additional small amount was necessary to procure the site which the people wanted."

Nowhere was any suggestion made that the bill contained a section directing the Secretary of War to convey to a stranger the title of the United States to valuable tidelands in the District of Columbia then being improved at large expense to the Government.

Before the reading was concluded—

Mr. CARTER. I ask that the remainder of the report be printed in the RECORD. In order to obviate the necessity of further reading, I will make a brief statement of the facts in this case.

To begin with, I regard the successive enactments as the most extraordinary that ever passed Congress within my knowledge. In 1904 a bill was passed apparently to cure a defect or remove a cloud upon a title to a block of land in the Congressional Cemetery and said to embrace a part of the cemetery itself. This alleged cloud really consisted of the paramount and undisputed title of the United States to the land, but it was called a cloud because, forsooth, many years before an individual who had no right, shadow, or claim of title deeded the property to a certain lady mentioned in the report, Mrs. Sweetzer. I think. Mrs. Sweetzer defaulted in payment of taxes after having listed the property for taxation. Strange to say, this property of the United States was sold by the District of Columbia for taxes, repeatedly thereafter sold, and finally became the property of Mr. Sidney Bieber. Mr. Sidney Bieber proceeded to remove the cloud on his tax title, and Congress passed an act providing that the Secretary of War should deed the block in question to Mr. Bieber for such consideration as, considering all the circumstances, seemed to be just.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from New Hampshire.

Mr. CARTER. Certainly.

Mr. GALLINGER. The subsequent transactions that the Senator from Montana will doubtless call attention to have no relation to the Committee on the District of Columbia, but as the original bill came from the House of Representatives to the Committee on the District of Columbia and was reported from that committee, with the Senator's permission, I should like to make a very brief statement concerning it.

Mr. CARTER. Certainly.

Mr. GALLINGER. The bill, as the Senator suggests, was ostensibly for the purpose of removing a cloud from the title.

Mr. TELLER. We can not hear the Senator on this side, and it is a matter of some importance, I think.

Mr. GALLINGER. I beg the Senator's pardon. I will speak a little louder. The bill, as the Senator from Montana suggests, was represented to be for the purpose of removing a cloud from the title to a block of land on the Anacostia Flats, almost entirely, as I recall it, under water.

It provided that the United States Government, which seemed to have some claim to the land (it was pretty difficult to ascertain the exact ownership of it), might for a consideration to be agreed upon execute a deed and place the property in the possession of Mr. Bieber, he, as I remember the matter, holding tax titles to it. The bill was referred, as I recall it, and I think I speak authoritatively, to the War Department, and a report came back saying that the Department saw no objection to the passage of the bill. Upon that assurance from the War Department the bill was reported from the committee and became a law.

Subsequently the Department conveyed the land to Mr. Bieber, receiving about $1,000 compensation for the property. So far as the passage of that bill is concerned the Committee on the District of Columbia is somewhat responsible for it, but

no member of that committee had the least conception at the time that there was anything irregular or improper in the transaction. I am not well advised now as to whether there was or not. There is a great deal of property in the District of Columbia concerning which the title is in controversy, and I think this particular square of ground would come under that head. It had been sold for taxes, and two or three different persons, as I recall it, had at various times tax title to it. The committee acted in entire good faith, as the Senator from Montana, of course, will readily understand, and the transaction became a fact, and the property was transferred to Mr. Bieber.

The subsequent transactions the Senator from Montana will doubtless recount, but they have no relation whatever to the Committee on the District of Columbia.

Mr. TELLER. I should like to ask some member of the committee if there is any charge of misconduct on the part of the man who got title under the first act?

Mr. GALLINGER. I have never heard it alleged.

Mr. TELLER. What was the necessity of the second measure?

Mr. GALLINGER. The second and the third transactions were consummated through a provision in a public buildings bill, coming from the other House, and concerning which the Committee on the District of Columbia knew nothing, and I apprehend the Senate knew very little, if anything at all, about it.

Mr. TELLER. It seems to me the difficulty we are met with here is that the Government has already by an act conveyed this property to a man.

Mr. GALLINGER. It conveyed, I will say to the Senator, one square and then subsequently one or two further squares, but by legislation on a public-buildings bill title was given to the same person for a much larger quantity of land, and that has been held up. It is to prevent the transfer of that property that this bill has been reported.

Mr. TELLER. On that he has not paid anything.

Mr. GALLINGER. He has not paid anything. The War Department has held it up. I think the Pennsylvania Railroad became a party to the controversy on the claim that the road had some interest in the property. The Senator from Montana knows more about that than I do.

Mr. TELLER. And this is only to repeal an act that has not been put in operation?

Mr. GALLINGER. That is the purpose.

Mr. TELLER. There can not be any harm done to this man who claims this ground? I would not like to say that we could legislate that title out of him.

Mr. GALLINGER. Oh, no; that is not intended.

Mr. CARTER. Mr. President, the first bill, that of 1904, passed, as the Senator from New Hampshire said, the report of the House committee being adopted merely in the Senate. The bill passed in a pro forma manner, under the general impression that a shadow or a cloud existed on the title, that the bill was intended to remove.

Somewhat encouraged by the success of that operation, Mr. Bieber proceeded, through a section of the public-building bill of 1906, to have the Secretary of War directed to convey to him, I think, four other squares, reaching across the Anacostia River to its eastern shore. In due course of time the Assistant Secretary of War executed the deed, so that Mr. Bieber thus became, as the grantee of the United States, the owner of a succession of blocks extending from the Congressional Cemetery, and said to include a part of it, over to and including some of the shore on the eastern side of the river. That deed is now of record and the jurisdiction of Congress over the subject-matter has ceased.

But Mr. Bieber, in 1907, returned and procured the insertion of section 13 in the public-building bill, which directs the Secretary of War to convey to the purchaser of these five blocks all of the land owned by the United States south of it, which would embrace all of the tide flats of the Anacostia River south of these blocks practically down to and including the landing at the navy-yard. According to the broad language of the section, Mr. Bieber could, I think, demand a conveyance of a strip of ground extending through the grounds of the National Hospital for the Insane.

The Government, contemporaneous with this line of proceeding, was arranging on a large scale a scheme for the improvement of this identical ground and for the deepening and widening of the channel of the Anacostia River from its entrance to the Potomac to the District line. A large sum of money was expended during these years upon that channel. It has been widened to 400 feet, or thereabouts, and a depth of 20 feet of water has been obtained up to and somewhat above the navy-yard. Over 400 acres of land of great value, with the riparian rights attached, have been reclaimed in the process of that improvement.

This conveyance, which the Secretary of War has not made, but is by law directed to make, would deprive the Government of a goodly portion of the property it has reclaimed, and transfer to an individual, who has neither shadow of claim nor right, this property, which, in due course of time, will become of very great value.

The VICE-PRESIDENT. The Senator from Montana will kindly suspend while the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3023) to amend the national banking laws.

Mr. ALDRICH. I ask that the unfinished business may be laid aside informally.

The VICE-PRESIDENT. The Senator from Rhode Island asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered. The Senator from Montana will proceed.

Mr. NELSON. I wish to ask the Senator from Montana a question. Do I understand the object of the bill to be simply to repeal the act authorizing the Secretary of War to make a conveyance which he has not yet made?

Mr. CARTER. That is the purpose of the bill.

Mr. NELSON. It does not cover more than that?

Mr. CARTER. No; I draw attention especially to the bill because it discloses a very great peril to public property in this District. It would be impossible to procure title to property 2,000 or 3,000 miles from here on the public domain in any such irregular manner. There would be special agents, and properly special agents, to protect the public domain; but this transaction indicates that any individual may convey to another the very ground on which this Capitol stands, and thereupon the District assessor will place the land on the assessment books subject to assessment, and if the taxes are not paid will sell the property for taxes. Any other square in the city may be encumbered and clouded as to title in precisely the same manner in which this operation was carried into effect.

One of the things connected with the transaction that is somewhat alarming rests in this: While this legislation inadvertently passed through Congress, an executive officer did not hesitate before carrying the act into effect a sufficient length of time to admonish Congress of the nature and effect of the law if carried out. Two former deeds were made very promptly, considering the manner in which departmental business is conducted, after the law was passed. I sincerely trust that this lesson may be of sufficient force to restrain the assessor of the District of Columbia or the Commissioners having its affairs in charge from permitting anyone to list the public property of the United States in the District of Columbia for assessment.

In the case of the section which it is proposed to repeal the Secretary of War has faltered. He appointed a commission to examine the ground and ascertain its value and then referred the bill to the Attorney-General for the purpose of ascertaining whether under all the conditions he was bound to convey the land as prescribed by the act of Congress. Because of these delays on the part of the Secretary of War the title of the United States to this valuable property has been preserved to the Government.

I can see no objection to the repeal of the law, and it appears quite manifest that duty requires that it should be repealed.

Mr. GALLINGER. Mr. President, I omitted to state when on my feet a moment ago that the second transaction to which the Senator from Montana has called attention was presented to the Committee on the District of Columbia. That committee did not agree to report the bill and it became a law through a provision on the public-buildings bill, which came from another body.

The VICE-PRESIDENT. If no amendment be proposed, as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CROW RESERVATION LANDS IN MONTANA.

Mr. DIXON. I ask for the present consideration of the bill (S. 4793) authorizing settlers on Crow Reservation lands in Montana to mortgage same for the construction of irrigation systems prior to final proof.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Indian Affairs with amendments, on page 1, line 3, after the word "That," to strike out "all settlers" and insert "any settler;" in line 9, after the word "who," to strike out "have" and insert "has;" and in line 10, after the word "who," to strike out "have" and insert "has;" so as to make the bill read:

Be it enacted, etc., That any settler under the homestead laws of the United States on the portion of the ceded lands of the Crow Indian Reservation in the State of Montana, which was opened to settlement under act of Congress of April 27, 1904, and President's proclamation dated May 24, 1906, who has entered said lands previous to January 1, 1908, and who has established or shall hereafter establish residence on said land, shall be entitled to patent for the land so entered upon the payment to the local land officers of the usual and customary fees and the balance remaining unpaid on the purchase price of said lands. It shall be lawful for any such entryman to make and enter into an agreement with any irrigating company or other person or corporation for the purpose of borrowing money for the payment of the purchase price of said lands and all fees due the Government and for the cost of an irrigating system for said lands or other improvements necessary for the use of said lands for farming purposes, or for all of these purposes. Said entryman may make and execute a mortgage upon the lands so entered for the amount of any such loan and file the same in the local land office and deposit with the receiver the amount due the Government, and the mortgagee shall have a lien upon the premises from the time and after which the mortgage is so filed. It is expressly intended hereby to authorize the execution of a mortgage on the land before the issuance of receiver's receipt or patent, but nothing herein shall operate to divest the Government of its claim and lien for all moneys due the Government under the entry.

Mr. TELLER. While I am familiar in a general way with the purpose of the bill, I do not suppose I know all the facts, and I should like to have the Senator from Montana state just what the bill proposes to accomplish.

Mr. DIXON. In answer to the inquiry of the Senator from Colorado, I will say that these lands were opened to settlement four years ago. They lie in the northern part of the present Crow Reservation. They were opened under the homestead law, but the settlers were to pay, under the terms of the act, $4.50 an acre to the Crow Indians, the Government merely acting as trustee in the disposal of the lands.

Mr. TELLER. They were Indian lands?

Mr. DIXON. They were Indian lands, which the Government held as a trustee. The settlers were to pay $4.50 an acre. The supposition was that a Government irrigation canal would cover the land thus occupied. A number of settlers went in there on arid lands, upon which they could not make a living unless the land was irrigated. They paid a dollar an acre as the first purchase money. The remaining $3.50 per acre was to be paid in five annual installments. They have negotiated with three or four ditch companies to construct a canal to irrigate the land, but the question has invariably arisen that they can not give any kind of a title so that the irrigation company will be secured.

They sent a committee here a few months ago and we talked with the Commissioner of Indian Affairs. The Commissioner of Indian Affairs suggested this proposed legislation, which, in effect, gives any irrigation company that will contract to dig the ditch the right to go in and make the payments in advance, which the Indians would not otherwise get before the lapse of from one to five years. The Indians will get a part of their money five years ahead of time, the irrigation company furnishing the money to commute the proof and taking a mortgage on the land. The homes of about 540 settlers, as has been represented to me, are involved in this measure.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SCHOOL LANDS IN NEW MEXICO.

Mr. FLINT. I ask unanimous consent for the present consideration of the bill (H. R. 9205) to make the provisions of an act of Congress approved February 28, 1891, (26 Stats., p. 796), applicable to the Territory of New Mexico.

The Secretary read the bill and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. SUTHERLAND. I understand the purpose of the bill is to permit the Territory of New Mexico to select lands in lieu of certain sections reserved to the Territory for school purposes. Is that the purpose of the bill?

Mr. FLINT. The purpose of the bill is to permit the Territory of New Mexico to select lands in lieu of the sixteenth and thirty-sixth sections that were selected or disposed of prior to the act granting them to the Territory.

Mr. SUTHERLAND. I wish to ask the Senator from California whether those lands were granted to the Territory of New Mexico or only reserved, as was the case, I think, with most of the Territories.

Mr. FLINT. I will say to the Senator that the lands were granted, and the bill simply places the Territory of New Mexico on the same plane as the other States of the Union.

Mr. SUTHERLAND. It was an absolute grant, and not a mere reservation?

Mr. FLINT. Yes, sir.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT OF PATENT LAWS.

Mr. SMOOT. I ask unanimous consent for the present consideration of the bill (S. 3970) to revise and amend the statutes relating to patents.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Patents with amendments.

Mr. TELLER. Mr. President, this bill seems to provide for a pretty general change of the statutes heretofore in existence relating to patents. It is utterly impossible for anybody who is even familiar with the patent business to determine from hearing it read whether this bill ought to become a law. I should like to know something more about it. I do not like to object to a bill which a Senator thinks ought to be passed, but I want to know something about the court of appeals for which the bill proposes to provide, what its jurisdiction is to be, and how we are to get rid of it if we find we made a mistake in creating it. These matters are not clearly defined in the bill, and I shall be compelled to object to it unless an explanation is made. I should like to hear the Senator explain the bill, and I reserve my objection until I hear what he has to say about it.

Mr. SMOOT. Mr. President, I will state that the bill itself is recommended by the Patent Office. In their recommendation they make the statement which I shall read in support of the bill as reported. The Committee on Patents have had the bill under consideration; they have gone over it very carefully, and it is the unanimous report of the committee that the bill should pass. The Commissioner of Patents says:

The proposed amendments to sections 482, 4894, 4904, 4909, 4910, 4914, 4915, and 4934 of the Revised Statutes, relating to patents, relate to appeals in this office. Under the present patent law appeal lies in ex parte cases from a primary examiner to the board of examiners in chief, thence to the Commissioner (or Assistant Commissioner), and from his decision to the court of appeals of the District of Columbia, and in interference cases the course of appeals from decisions of the examiner of interferences is the same, there being three appeals in each case.

The purpose of the proposed amendment to the statute is to shorten the course of prosecution by the elimination of one of the appeals within the Office. This is designed to be accomplished by combining the Commissioner, Assistant Commissioner, and examiners in chief into a single appellate tribunal, any three of whom shall constitute a quorum, to which all appeals shall lie, whether from a primary examiner or from the examiner of interferences, and from which appeals would lie to the court of appeals of the District of Columbia. The present course of appeals is not well adapted to the volume of business which the Office is now called upon to handle for the following reasons:

1. It imposes on applicants an unnecessary amount of delay and expense. The very purpose of the patent system is to place at the service of the public at as early a date as practicable inventions as they are made, and unnecessary delays affect not only applicants but all interested in the industries to which the invention relates. One appeal within the Office, together with the appeal to the court of appeals of the District of Columbia, would seem to be ample, especially in view of the fact that in a suit on a patent a single appeal takes the case from the trial court to the court of appeals. The elimination of one appeal would materially shorten the time required for the ultimate disposal of appealed cases, and effect a considerable saving of expense to applicants.

2. Section 4910 provides for an appeal to the Commissioner in person from the board of examiners in chief. The work of the Office and the consequent number of appeals have increased to such an extent that it has become difficult and will soon be impossible for the Commissioner to give to each case the amount of personal attention proper to its disposal.

3. The board of examiners in chief as at present constituted consists of three members, and no provision is made under the present law to supply a temporary vacancy caused by sickness or absence from other cause of any of the members. The absence of one member often results in an evenly divided board, with the consequent necessity for a rehearing, and the absence of two members causes an entire suspension of business. With the proposed membership of five, the presence of a quorum of three would be practically assured at all times, which has not been the case in numerous instances in the past, owing to frequent absences of a member of the board on account of periods of illness of greater or less duration, and also by reason of annual leave and other causes.

The Office charge for appeals from the examiners to the examiners in chief under the existing law is $10, and from the examiners in chief to the Commissioner is $20. The amendment to section 4934, which provides for fees in patent cases, cancels these two provisions and fixes the fee for appeals from the examiners to the proposed board of appeals at $15.

In other words, Mr. President, if the bill becomes a law it eliminates one court of appeals in the Patent Office. As stated by the Commissioner of Patents in his letter, there is one appeal from the examiner to the examiners in chief, and from the three examiners in chief there is an appeal to the Com-

missioner or the Assistant Commissioner, and then an appeal from the Commissioner or the Assistant Commissioner to the court of appeals in the District of Columbia.

Mr. TELLER. It leaves that just as it is now?

Mr. SMOOT. It leaves that just as it is now. It simply means the cutting out of one appeal in the Patent Office—that is, instead of having two appeals there will be one appeal to a court consisting of five instead of three members.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Montana?

Mr. SMOOT. I do.

Mr. CARTER. I observe that section 1 of the bill varies somewhat from any kind of legislation with which we are familiar. It provides:

That section 482 of the Revised Statutes be, and the same is hereby, amended by inserting in line 1, after the word "The," the words "Commissioner of Patents, the Assistant Commissioner of Patents, and the," etc.

Later on I notice that the language follows "so that the section so amended will read as follows"—

This preliminary section contains matter which I think would be better embodied in a report to accompany the bill. I can not understand the need of encumbering the statute with the suggestion that words be inserted here and there in a section which is afterwards given in full as it will appear when amended. I suggest to the Senator from Utah the propriety of striking out section 1 entirely. A very cursory reading of it will show how unusual that section will be to the person who undertakes to consult the statute.

Mr. SMOOT. Mr. President——

Mr. KEAN. That runs all the way through the bill.

Mr. SMOOT. If the Senator from Montana [Mr. CARTER] had the statute before him, he would notice that section 1 in this bill states just what words are to be changed in the statute and then recites that the section of the Revised Statutes, when changed as provided in section 1, will "read as follows."

Mr. CARTER. Mr. President, the suggestion of the point where these insertions are to be made and then reciting the statute as it will read when amended seems to be needlessly doubling up the work and tends to confusion rather than to elucidation. Why not say that "sections so-and-so shall be, and are hereby, amended so as to read as follows," leaving out the process by which you insert and strike out various words here and there in the course of the section? I think that a statement of the changes might properly be contained in the report, in order to show where the amendments were made, but ought not, I think, to be incorporated as a part of the bill.

Mr. SMOOT. Mr. President, as I have said, there is virtually nothing in section 1 but a recital of the changes made. I have no objection whatever to having section 1 amended as suggested by the Senator from Montana, so as to provide:

That section 482 of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

Mr. GALLINGER. I call the attention of the Senator from Utah to the fact that if section 1 is so amended, the other sections ought to be amended likewise. The same objection would lie to the other sections.

Mr. CARTER. I suggest to the Senator from Utah that he can avoid the recapitulation of this phrase providing for the amendment by simply saying that the sections, naming them all, "shall be amended so as to read as follows," and thus avoid stating in the bill the words inserted and stricken out in the sections of the Revised Statutes, which it is proposed to amend.

Mr. SMOOT. That question never was discussed in the committee. I will state, however, that in talking with the Commissioner of Patents he said that he thought the bill should pass as it is now, but I myself do not see why it should not be amended as suggested by the Senator from Montana, so that it will simply say that the sections referred to "shall read as follows."

Mr. CARTER. I think that would be a very great improvement on the form of the bill.

Mr. BRANDEGEE. Mr. President, if the suggestion of the Senator from Montana shall prevail, it seems to me that the word "respectively" ought to be inserted, so that it will read that the sections which are named shall be amended "so as to read as follows, respectively," thereby making it apparent that the certain section that is to be amended is in order as enumerated by the numerals in the first section of the bill as amended.

Mr. SMOOT. Very well. Before the amendments suggested by the Senator from Montana [Mr. CARTER] and the Senator from Connecticut [Mr. BRANDEGEE] are proposed, however, there are some committee amendments which I ask may be considered.

The VICE-PRESIDENT. The amendments reported by the Committee on Patents will be stated.

The SECRETARY. On page 5, after line 9, it is proposed to strike out:

Second. Appeals which are now vested in the court of appeals of the District of Columbia from the decisions of the Commissioners of Patents will hereafter be taken from the decisions of the board of appeals.

The amendment was agreed to.

The next amendment of the Committee on Patents was, on page 5, after line 13, to insert:

SEC. 6. That section 4913 of the Revised Statutes be, and the same hereby is, amended by substituting for the word "his" before the word "decision," in line 9 thereof, the word "the," so that the section as amended shall read as follows:

"SEC. 4913. The court shall, before hearing such appeal, give notice to the Commissioner of the time and place of the hearing, and on receiving such notice the Commissioner shall give notice of such time and place in such manner as the court may prescribe, to all parties who appear to be interested therein. The party appealing shall lay before the court certified copies of all the original papers and evidence in the case, and the Commissioner shall furnish the court with the grounds of the decision, fully set forth in writing, touching all the points involved by the reasons of appeal. And at the request of any party interested, or of the court, the Commissioner and the examiners may be examined under oath, in explanation of the principles of the thing for which a patent is demanded."

Mr. SMOOT. In view of the suggestion made by the Senator from Montana [Mr. CARTER] and the changes it will necessitate, I move to amend that amendment by striking out:

SEC. 6. That section 4913 of the Revised Statutes be, and the same hereby is, amended by substituting for the word "his" before the word "decision," in line 9 thereof, the word "the," so that the section as amended shall read as follows:

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SMOOT. Now, in conformity with the suggestion of the Senator from Montana [Mr. CARTER] and the Senator from Connecticut [Mr. BRANDEGEE], I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 1, section 1, line 3, after the word "That," it is proposed to strike out "section" and insert "sections;" in the same line, after the words "four hundred and eighty-two," to insert "4894, 4904, 4909, 4910, 4913, 4914, 4915, and 4934;" in line 4, after the word "same," to strike out "is" and insert "are;" in the same line, after the word "amended," to strike out:

By inserting in line 1, after the word "The," the words "Commissioner of Patents, the Assistant Commissioner of Patents, and the;" and in line 2, after the word "ability," by inserting the words "and they shall constitute a board of appeals, any three of whom, upon designation by the Commissioner, shall constitute a quorum;" and in line 7 by striking out the word "they" and inserting, after the word "Commissioner," the words "the board of appeals," and in the last line, after the word "them," by adding the words "In addition to the restrictions upon officers and employees of the Patent Office, provided in section 480 of the Revised Statutes, that they shall not acquire or take, directly or indirectly, any right or interest in any patent issued by the Office, the members of said board of appeals shall not be engaged in any other business, avocation, or employment, and may be removed from office at any time by the President for inefficiency, neglect of duty, or malfeasance in office."

On page 2, line 10, after the word "the," to strike out "section" and insert "sections;" in the same line, after the word "shall," to insert "respectively;" on page 3, after line 6, to strike out:

SEC. 2. That section 4894 of the Revised Statutes be, and the same hereby is, amended by substituting for the words "Commissioner of Patents," in the next to the last line thereof, the words "board of appeals," so that the section so amended will read as follows:

On the same page, after line 20, to strike out:

SEC. 3. That section 4904 of the Revised Statutes be, and the same hereby is, amended by striking out all after the word "examiner," in line 10, and substituting in lieu thereof the words "within such time, not less than twenty days, as the Commissioner shall prescribe, or from the decision of the board of appeals, as the case may be," so that the section so amended will read as follows:

On page 4, after line 14, to strike out:

SEC. 4. That section 4909 of the Revised Statutes be, and the same hereby is, amended by erasing therefrom the words "examiners in chief" and inserting in lieu thereof the word "appeals," so that the section so amended will read as follows:

At the top of page 5 to strike out:

SEC. 5. That section 4910 of the Revised Statutes be, and the same hereby is, amended by repealing the entire section and substituting therefor the following:

On page 6, after line 7, to strike out:

SEC. [6]7. That section 4914 of the Revised Statutes be, and the same hereby is, amended by substituting in line 4 the words "board of appeals" for the word "Commissioner," so that the section so amended will read as follows:

At the top of page 7 to strike out:

SEC. [7]8. That section 4915 of the Revised Statutes be, and the same hereby is, amended by canceling the words "either by the Commissioner of Patents or by the Supreme Court," in lines 2 and 3, and substituting

in lieu thereof the words "by the court of appeals;" and in line 4 canceling the word "Commissioner" and substituting the words "board of appeals," so that the section so amended will read as follows:

And at the top of page 8 to strike out:

SEC. [8] 9. That section 4934 of the Revised Statutes be, and the same hereby is, amended by canceling the following paragraphs:

"On an appeal for the first time from the primary examiners to the examiners in chief, $10.

"On every appeal from the examiners in chief to the Commissioner, $20."

And substituting in lieu thereof:

"On an appeal for the first time from the primary examiners to the board of appeals, $15," so that the section so amended shall read as follows.

So as to make the bill read:

That sections 482, 4894, 4904, 4909, 4910, 4913, 4914, 4915, and 4934 of the Revised Statutes be, and the same are hereby, amended so that the sections shall, respectively, read as follows:

"SEC. 482. The Commissioner of Patents, the Assistant Commissioner of Patents, and the examiners in chief shall be persons of competent legal knowledge and scientific ability, and they shall constitute a board of appeals, any three of whom, upon designation by the Commissioner, shall constitute a quorum, whose duty it shall be, on the written petition of the appellant, to revise and determine upon the validity of the adverse decisions of examiners upon applications for patents, and for reissue of patents, and in interference cases; and when required by the Commissioner the board of appeals shall hear and report upon claims for extensions and perform such other like duties as he may assign them. In addition to the restrictions upon officers and employees of the Patent Office, provided in section 480 of the Revised Statutes, that they shall not acquire or take, directly or indirectly, any right or interest in any patent issued by the Office, the members of said board of appeals shall not be engaged in any other business, avocation, or employment, and may be removed from office at any time by the President for inefficiency, neglect of duty, or malfeasance in office."

"SEC. 4894. All applications for patents shall be completed and prepared for examination within one year after the filing of the application, and in default thereof, or upon failure of the applicant to prosecute the same within one year after any action therein, of which notice shall have been given to the applicant, they shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the board of appeals that such delay was unavoidable.

"SEC. 4904. Whenever an application is made for a patent which, in the opinion of the Commissioner, would interfere with any pending application, or with any unexpired patent, he shall give notice thereof to the applicants, or applicant and patentee, as the case may be, and shall direct the primary examiner to proceed to determine the question of priority of invention. And the Commissioner may issue a patent to the party who is adjudged the prior inventor, unless the adverse party appeals from the decision of the primary examiner within such time, not less than twenty days, as the Commissioner shall prescribe, or from the decision of the board of appeals, as the case may be.

"SEC. 4909. Every applicant for a patent or for the reissue of a patent, any of the claims of which have been twice rejected, and every party to an interference, may appeal from the decision of the primary examiner or of the examiner in charge of interferences in such case, to the board of appeals, having once paid the fee for such appeal.

"SEC. 4910. If any such party is dissatisfied with the decision of the board of appeals he may appeal to the court of appeals of the District of Columbia, in the manner now provided by law for appeals to said court from the decisions of the Commissioner of Patents.

"SEC. 4913. The court shall, before hearing such appeal, give notice to the Commissioner of the time and place of the hearing, and on receiving such notice the Commissioner shall give notice of such time and place in such manner as the court may prescribe, to all parties who appear to be interested therein. The party appealing shall lay before the court certified copies of all the original papers and evidence in the case, and the Commissioner shall furnish the court with the grounds of the decision, fully set forth in writing, touching all the points involved by the reasons of appeal. And at the request of any party interested, or of the court, the Commissioner and the examiners may be examined under oath, in explanation of the principles of the thing for which a patent is demanded."

"SEC. 4914. The court, on petition, shall hear and determine such appeal, and revise the decision appealed from in a summary way, on the evidence produced before the board of appeals, at such early and convenient time as the court may appoint, and the revision shall be confined to the points set forth in the reasons of appeal. After hearing the case, the court shall return to the Commissioner a certificate of its proceedings and decision, which shall be entered of record in the Patent Office and shall govern the further proceedings in the case. But no opinion or decision of the court in any such case shall preclude any person interested from the right to contest the validity of such patent in any court wherein the same may be called in question.

"SEC. 4915. Whenever a patent on application is refused by the court of appeals of the District of Columbia upon appeal from the board of appeals, the applicant may have remedy by bill in equity, and the court having cognizance thereof, on notice to adverse parties and other due proceedings had, may adjudge that such applicant is entitled, according to law, to receive a patent for his invention, as specified in his claim, or for any part thereof, as the facts in the case may appear. And such adjudication, if it be in favor of the right of the applicant, shall authorize the Commissioner to issue such patent on the applicant filing in the Patent Office a copy of the adjudication, and otherwise complying with the requirements of law. In all cases where there is no opposing party a copy of the bill shall be served on the Commissioner; and all the expenses of the proceeding shall be paid by the applicant, whether the final decision is in his favor or not."

"SEC. 4934. The following shall be the rates for patent fees:

"On filing each original application for a patent, except in design cases, $15.

"On issuing each original patent, except in design cases, $20.

"In design cases: For three years and six months, $10; for seven years, $15; for fourteen years, $30.

"On filing each caveat, $10.

"On every application for the reissue of a patent, $30.

"On filing each disclaimer, $10.

"On every application for the extension of a patent, $50.

"On the granting of every extension of a patent, $50.

"On an appeal for the first time from the primary examiners to the board of appeals, $15.

"For certified copies of patents and other papers, including certified printed copies, 10 cents per hundred words.

"For recording every assignment, agreement, power of attorney, or other paper of 300 words or under, $1; of over 300 and under 1,000 words, $2; of over 1,000 words, $3.

"For copies of drawings, the reasonable cost of making them."

SEC. 2. That this act shall take effect July 1, 1908, but shall not apply to any case in which the appeal to the examiners in chief was taken prior to that date. In such case the appeal shall be taken to, and determined by, the board of examiners in chief, the Commissioner of Patents, and the court of appeals of the District of Columbia, as the case may be, as provided by law prior to July 1, 1908.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SMOOT. Mr. President, perhaps I would be asking too much at the present time if I should ask to have the other bills concerning the Patent Office now considered. They all relate to the same subject-matter as the bills just passed.

Mr. KEAN. There are four or more bills on the Calendar relating to the Patent Office.

Mr. SMOOT. There are four.

Mr. KEAN. If they are as well drawn as the last one, I think we had better let them go over.

Mr. SMOOT. They are not so long. They simply make provision for the changes in the law which have been made by the bill which has just passed, so as to make them all correspond.

Mr. CULLOM. Mr. President, I desire to move that the Senate proceed to the consideration of executive business pretty early this afternoon, and if the other bills are to be pressed for action I think I will make the motion now.

Mr. SMOOT. I withdraw my request for the consideration at this time of the bills to which I referred.

CONDEMNED CANNON FOR UNIVERSITY OF SOUTH DAKOTA.

Mr. GAMBLE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from South Dakota?

Mr. CULLOM. If the Senator does not intend to take up much time, I will yield.

Mr. GAMBLE. I ask unanimous consent for the present consideration of the joint resolution (S. R. 9) authorizing the Secretary of War to furnish a condemned cannon to the board of regents of the University of South Dakota, at Vermillion, S. Dak., to be placed on the campus of said institution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After forty minutes spent in executive session the doors were reopened, and (at 3 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, March 11, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate, March 10, 1908.

UNITED STATES ATTORNEY.

John McCourt, of Oregon, to be United States attorney for the district of Oregon, vice William C. Bristol, whose nomination has been withdrawn and who is serving under a recess appointment.

PROMOTIONS IN THE ARMY.

Infantry Arm.

Lieut. Col. William Paulding, Eighteenth Infantry, to be colonel from March 8, 1908, vice Brush, Twenty-fourth Infantry, appointed brigadier-general.

Maj. William A. Nichols, First Infantry, to be lieutenant-colonel from March 8, 1908, vice Paulding, Eighteenth Infantry, promoted.

Capt. Tredwell W. Moore, Twenty-first Infantry, to be major from March 8, 1908, vice Nichols, First Infantry, promoted.

First Lieut. Reuben Smith, Eighteenth Infantry, to be captain from March 5, 1908, vice French, Sixteenth Infantry, retired from active service.

First Lieut. Chase Doster, Twenty-first Infantry, to be captain from March 8, 1908, vice Moore, Twenty-first Infantry, promoted.

POSTMASTERS.

CALIFORNIA.

Minnie E. Chalmers to be postmaster at Niles, Alameda County, Cal. Office became Presidential January 1, 1908.

COLORADO.

James L. Moorhead to be postmaster at Boulder, Boulder County, Colo., in place of James L. Moorhead. Incumbent's commission expires April 12, 1908.

FLORIDA.

Rix M. Robinson to be postmaster at Pensacola, Escambia County, Fla., in place of William H. Northrup. Incumbent's commission expired February 19, 1907.

ILLINOIS.

William T. Thorp to be postmaster at Litchfield, Montgomery County, Ill., in place of William T. Thorp. Incumbent's commission expired February 22, 1908.

MAINE.

Melville J. Allen to be postmaster at Cherryfield, Washington County, Me., in place of George M. Allen, deceased.

John Harkness to be postmaster at Rockport, Knox County, Me. Office became Presidential October 1, 1907.

MICHIGAN.

Fred Slocum to be postmaster at Caro, Tuscola County, Mich., in place of Fred Slocum. Incumbent's commission expired January 26, 1908.

MINNESOTA.

Amy R. Walker to be postmaster at Alden, Freeborn County, Minn. Office became Presidential October 1, 1907.

Fred E. Wheeler to be postmaster at Appleton, Swift County, Minn., in place of Fred E. Wheeler. Incumbent's commission expired December 14, 1907.

NEW YORK.

William H. De Mott to be postmaster at Woodmere, Nassau County, N. Y. Office became Presidential July 1, 1907.

Edward Reed to be postmaster at Glens Falls, Warren County, N. Y., in place of Edward Reed. Incumbent's commission expired December 15, 1906.

PENNSYLVANIA.

Daniel M. Bennett to be postmaster at Bridgeville, Allegheny County, Pa., in place of Daniel M. Bennett. Incumbent's commission expires March 30, 1908.

Joseph A. Buchanan to be postmaster at Ambler, Montgomery County, Pa., in place of Joseph A. Buchanan. Incumbent's commission expires March 30, 1908.

UTAH.

Lorenzo Anderson to be postmaster at Brigham, Boxelder County, Utah, in place of Benjamin F. Boothe. Incumbent's commission expired March 3, 1907.

VIRGINIA.

Albert L. Taylor to be postmaster at Parksley, Accomac County, Va. Office became Presidential October 1, 1907.

James M. Updike to be postmaster at Buena Vista, Rockbridge County, Va., in place of Samuel W. Tardy. Incumbent's commission expired December 17, 1907.

WITHDRAWAL.

Executive nomination withdrawn from the Senate March 10, 1908.

Christian Schuebel, of Oregon, to be United States attorney for the district of Oregon.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 10, 1908.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

William Heimké, of Kansas, to be envoy extraordinary and minister plenipotentiary of the United States to Guatemala.

CONSULS-GENERAL.

Frank D. Hill, of Minnesota, to be consul-general of the United States of class 4 at Barcelona, Spain.

James W. Ragsdale, of California, to be consul-general of the United States of class 4 at St. Petersburg, Russia.

Edward T. Williams, of Ohio, to be consul-general of the United States of class 4 at Tientsin, China.

CONSULS.

Paul Nash, of New York, now consul of class 6 at Vladivostok, to be consul of the United States of class 8 at Rheims, France.

Pierre Paul Demers, of New Hampshire, to be consul of the United States of class 5 at Bahia, Brazil.

MEMBER OF MISSISSIPPI RIVER COMMISSION.

Col. William H. Bixby, Corps of Engineers, United States Army, as member of the Mississippi River Commission provided for by the act of Congress approved June 28, 1879, entitled "An act to provide for the appointment of a 'Mississippi River Commission' for the improvement of said river from the Head of Passes near its mouth to its headwaters."

PROMOTIONS IN THE ARMY.

Infantry Arm.

Capt. Abraham P. Buffington, unassigned, to be major from January 27, 1908.

Capt. Charles L. Beckurts, Sixteenth Infantry, to be major from February 13, 1908.

First Lieut. Ralph McCoy, Twenty-seventh Infantry, to be captain from December 23, 1907.

First Lieut. Grosvenor L. Townsend, Twenty-third Infantry, to be captain from December 28, 1907.

First Lieut. Thomas L. Brewer, Twenty-first Infantry, to be captain from January 1, 1908.

First Lieut. James K. Parsons, Twentieth Infantry, to be captain from January 27, 1908.

First Lieut. George E. Ball, Twenty-first Infantry, to be captain from February 13, 1908.

Second Lieut. Harry S. Adams, Twenty-third Infantry, to be first lieutenant from November 8, 1907.

Cavalry Arm.

First Lieut. James Longstreet, Thirteenth Cavalry, to be captain from February 18, 1908.

Second Lieut. Kenyon A. Joyce, Sixth Cavalry, to be first lieutenant from February 18, 1908.

Second Lieut. Howard C. Tatum, Seventh Cavalry, to be first lieutenant from February 25, 1908.

Quartermaster's Department.

Lieut. Col. George Ruhlen, deputy quartermaster-general, to be assistant quartermaster-general with the rank of colonel, from February 25, 1908.

Maj. John T. French, jr., quartermaster, to be deputy quartermaster-general with the rank of lieutenant-colonel, from February 25, 1908.

Capt. William E. Horton, quartermaster, to be quartermaster with the rank of major, from February 25, 1908.

Corps of Engineers.

Lieut. Col. William T. Rossell, Corps of Engineers, to be colonel from February 28, 1908.

Maj. Lansing H. Beach, Corps of Engineers, to be lieutenant-colonel from February 28, 1908.

Capt. James P. Jervey, Corps of Engineers, to be major from February 28, 1908.

First Lieut. John H. Poole, Corps of Engineers, to be captain from February 28, 1908.

Second Lieut. Robert S. Thomas, Corps of Engineers, to be first lieutenant from February 28, 1908.

Ordnance Department.

Lieut. Col. Ira MacNutt, Ordnance Department, to be colonel from February 29, 1908.

Maj. Ormond M. Lissak, Ordnance Department, to be lieutenant-colonel from February 29, 1908.

Capt. David M. King, Ordnance Department, to be major from February 29, 1908.

Field Artillery.

Lieut. Col. Edward T. Brown, First Field Artillery, to be colonel from February 25, 1908.

Maj. David J. Rumbough, Third Field Artillery, to be lieutenant-colonel from February 25, 1908.

Capt. William Lassiter, Sixth Field Artillery, to be major from February 25, 1908.

POSTMASTERS.

GEORGIA.

James B. Aaron to be postmaster at Lyons, Toombs County, Ga.

Albert S. Anderson to be postmaster at Millen, Jenkins County, Ga.

Charles B. Beacham to be postmaster at Lumber City, Telfair County, Ga.

John W. English to be postmaster at Helena, in the county of Telfair and State of Georgia.

Benjamin R. Leggett to be postmaster at Broxton, Coffee County, Ga.

Cebrom D. Williams to be postmaster at Greenville, Meriwether County, Ga.

ILLINOIS.

Hugh P. Faught to be postmaster at Tower Hill, Shelby County, Ill.

Lizzie P. McKnight to be postmaster at Alexis, Warren County, Ill.

IOWA.

A. G. Roberts to be postmaster at Bonaparte, Van Buren County, Iowa.

KENTUCKY.

George M. Dickey to be postmaster at Cynthiana, Harrison County, Ky.

George P. Thomas to be postmaster at Cadiz, Trigg County, Ky.

MICHIGAN.

E. C. Corbett to be postmaster at Reading, Hillsdale County, Mich.

W. E. Wilson to be postmaster at Grand Ledge, Eaton County, Mich.

MISSOURI.

Alfred K. Bailey to be postmaster at Meadville, Linn County, Mo.

Henry J. Bernhard to be postmaster at Palmyra, Marion County, Mo.

Dwight L. Bishop to be postmaster at Garden City, Cass County, Mo.

Stephen D. Bryan to be postmaster at Bismarck, St. Francois County, Mo.

Samuel B. Craver to be postmaster at Madison, Monroe County, Mo.

Edward W. Flentge to be postmaster at Cape Girardeau, Cape Girardeau County, Mo.

Charles L. Gray to be postmaster at Carterville, Jasper County, Mo.

Frank A. Hardin to be postmaster at Cabool, Texas County, Mo.

William G. Hughes to be postmaster at Bucklin, Linn County, Mo.

Benjamin C. Klusmeier to be postmaster at La Grange, Lewis County, Mo.

William E. Osterwald to be postmaster at Festus, Jefferson County, Mo.

John P. Rankin to be postmaster at Higbee, Randolph County, Mo.

William F. Walkenhorst to be postmaster at Concordia, Lafayette County, Mo.

Clarence M. Zeigle to be postmaster at Bunceton, Cooper County, Mo.

MONTANA.

Lorn D. Bates to be postmaster at Columbia Falls, Flathead County, Mont.

Louis V. Bogy to be postmaster at Chinook, Chouteau County, Mont.

William R. Crockett to be postmaster at Red Lodge, Carbon County, Mont.

NEBRASKA.

James S. Francis to be postmaster at Merna, Custer County, Nebr.

NEW JERSEY.

William Mall to be postmaster at Egg Harbor City, Atlantic County, N. J.

NEW YORK.

Fred F. Hawley to be postmaster at Lake George, Warren County, N. Y.

OKLAHOMA.

Lyman F. Beard to be postmaster at Madill, in the county of Marshall and State of Oklahoma.

PENNSYLVANIA.

Gilbert B. Brindle to be postmaster at Belleville, Mifflin County, Pa.

William H. Longwell to be postmaster at Oil City, Venango County, Pa.

Nathaniel B. Miller to be postmaster at Clarendon (late North Clarendon), Warren County, Pa.

Dallas J. Smith to be postmaster at Parsons, Luzerne County, Pa.

TENNESSEE.

Edwin C. Alexander to be postmaster at Elizabethton, Carter County, Tenn.

UTAH.

J. A. Harrison to be postmaster at Helper, Carbon County, Utah.

Dennis Wood to be postmaster at Nephi, Juab County, Utah.

VIRGINIA.

Beverly A. Davis to be postmaster at Rockymount, Franklin County, Va.

WASHINGTON.

Edwin R. Bissell to be postmaster at Auburn, King County, Wash.

Hugh Eldridge to be postmaster at Bellingham, Whatcom County, Wash.

Henry A. Rathvon to be postmaster at Marysville, Snohomish County, Wash.

RIGHTS AND DUTIES OF NEUTRAL POWERS.

The injunction of secrecy was removed March 10, 1908, from a convention signed by the delegates of the United States to the second international peace conference held at The Hague from June 15 to October 18, 1907, respecting the rights and duties of neutral powers and persons in case of war on land.

NAVAL WAR AND THE GENEVA CONVENTION.

The injunction of secrecy was removed March 10, 1908, from a convention signed by the delegates of the United States to the second international peace conference held at The Hague from June 15 to October 18, 1907, for the adaptation to naval war of the principles of the Geneva convention.

BOMBARDMENT BY NAVAL FORCES.

The injunction of secrecy was removed March 10, 1908, from a convention signed by the delegates of the United States to the second international peace conference held at The Hague from June 15 to October 18, 1907, respecting bombardment by naval forces in time of war.

SUBMARINE CONTACT MINES.

The injunction of secrecy was removed March 10, 1908, from a convention signed by the delegates of the United States to the second international peace conference held at The Hague from June 15 to October 18, 1907, relative to the laying of automatic submarine contact mines.

OPENING OF HOSTILITIES.

The injunction of secrecy was removed March 10, 1908, from a convention signed by the delegates of the United States to the second international peace conference held at The Hague from June 15 to October 18, 1907, relative to the opening of hostilities.

LAWS AND CUSTOMS OF WAR ON LAND.

The injunction of secrecy was removed March 10, 1908, from a convention signed by the delegates of the United States to the second international peace conference held at The Hague from June 15 to October 18, 1907, respecting the laws and customs of war on land.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March 10, 1908.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

PEARL HARBOR, HAWAII.

Mr. BATES. Mr. Speaker, I ask a reprint of the bill (H. R. 18120) to establish a naval station at Pearl Harbor, Hawaii, and accompanying report No. 1132.

There was no objection, and it was so ordered.

CHANGE OF REFERENCE.

By unanimous consent, reference of the bill (S. 558) to authorize a patent to be issued to Annie Ward, formerly Annie Brown, for certain lands therein described, was changed from the Committee on Private Land Claims to the Committee on the Public Lands.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4645. An act to authorize the Minnesota and Manitoba Railroad Company to convey certain lands granted to it by the act of Congress approved April 17, 1900.

The message also announced that the Senate had passed the

following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 43.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of Portsmouth Harbor, in the State of New Hampshire, with a view to obtaining slack-water navigation therein by the construction of a dam, and to submit estimates for the same.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Hon. ADOLPH MEYER, late a Representative from the State of Louisiana.

Resolved, That the Secretary communicate these resolutions to the House of Representatives, and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2, Rule XXIV, Senate bills and resolutions were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2736. An act to provide for the purchase of a site and the erection of a public building in the city of Lagrange, Ga.—to the Committee on Public Buildings and Grounds.

S. 4030. An act to fix the pay of the Army—to the Committee on Military Affairs.

S. 2732. An act to provide for the purchase of a site and the erection of a public building in the city of Cordele, Ga.—to the Committee on Public Buildings and Grounds.

S. 4645. An act to authorize the Minnesota and Manitoba Railroad Company to convey certain lands granted to it by the act of Congress approved April 17, 1900—to the Committee on the Public Lands.

S. R. 28. Joint resolution authorizing and directing the Secretary of War to donate certain cannon, with their accessories, to the State of New Hampshire—to the Committee on Military Affairs.

Senate concurrent resolution 43.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of Portsmouth Harbor, in the State of New Hampshire, with a view to obtaining slack-water navigation therein by the construction of a dam, and to submit estimates for the same—

to the Committee on Rivers and Harbors.

ENROLLED BILL SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 2429. An act granting pensions and increase of pensions to certain soldiers and sailors of the war with Spain and other wars, and to the widows of such soldiers and sailors.

POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 18347, the post-office appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. OLMSTED in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18347, the post-office appropriation bill.

Mr. OVERSTREET. Mr. Chairman, I yield one hour to the gentleman from Michigan [Mr. HAMILTON]. [Loud applause on the Republican side.]

Mr. HAMILTON of Michigan. As bearing upon the President's last message, I venture with some diffidence to submit some observations upon the reasons, principles, and limitations involved in the governmental regulation of persons in their occupations.

Sir, the last quarter of the eighteenth century was an age not only of political but of industrial revolution, in which France broke down the walls of feudalism, the thirteen colonies became the United States, and Watt's discovery of steam revolutionized the industrial world and introduced the new rule of mechanical force.

Since that time, from Watt's discovery of steam down to the latest discovery in electricity, there has been a continuous evolution of mechanical achievement, as a result of which small trades have given place to gigantic factories, located at commercial centers, connected by railroads, steamboats, telegraphs, and telephones, and the single brain of James Watt has become "the biggest wage fund that has risen in the world." [Applause.]

The world has moved on from sails to steam and from steam to electricity; from the stage coach to the transcontinental railroad; from the sickle to the harvester; from spinning wheels to power looms; from tallow dips to electric lights; from carrier pigeons to wireless telegraphy; from the anvil and the forge to the chimney retort and crucible of the most progressive age since time began. [Applause.]

The ocean cable and land telegraph systems of the world, supplemented by the telephone, have strung cities, towns, farms, factories, and mines like ganglia upon an international nerve system, and in some inscrutable way ethereal energy has lately been translated into human speech by wireless telegraphy.

A man may travel around the world now in less time than it would have taken Herodotus to travel the length of the Mediterranean, and I can send a message from this Capitol around the world within an hour, across lands redeemed from barbarism, through cities equipped with every luxury and convenience, and yet the ideal land of human happines is still an undiscovered country.

MACHINERY AND CORPORATIONS.

Sir, upon the dial plate of nations the centuries are the hours, and in the century hour of our national existence, since Robert Fulton launched the *Clermont* on the Hudson, we have increased from a population of about seven millions to a population of eighty-seven millions.

Of these eighty-seven millions, twenty-nine millions are engaged in so-called "gainful occupations," and of these twenty-nine millions engaged in so-called "gainful occupations" ten millions are engaged in agriculture, seven millions in manufacturing and mechanical pursuits, five millions in trade and transportation, and seven millions in professional and domestic service, and all are interdependent.

The prosperity or adversity of one of these divisions of people engaged in "gainful occupations" involves the prosperity not only of all the other divisions, but of all the people.

Sir, things once fundamental, elementary, or entirely nonexistent have become complex, powerful, dominant.

When Blackstone wrote his Commentaries and defined corporations, some ten years before the American Revolution, he could have had no more idea of the possibilities of corporate evolution than Watt could have had of the possibilities of the steam that lifted the lid of the teakettle, or than Franklin could have had of the possibilities of the electricity that flashed down his kite string.

The United States, the States within the United States, and the municipalities and corporations within the States and the United States have become one tremendous aggregation of independent human activity, whose powers and possibilities no statistician can possibly estimate.

Partnerships have become limited partnerships, corporations, and combinations of corporations, engaged in all kinds of business and running all kinds of factories.

And these factories have developed an aggregate of 15,000,000 horsepower, equivalent to the power of 90,000,000 men; and these 90,000,000 iron men, who do not appear in any census list, but have to be reckoned with in our political economy, managed, supervised, and vitalized by 7,000,000 men of flesh and blood, have forged, shaped, and spun the dreams of inventors into shapes fit for use and luxury.

They have built their own workshops, mined their own coal, and generated their own electricity.

They have framed tall buildings with tops in the clouds, spun spider webs of steel across rivers and gorges, and forged and hammered into shape 235,000 miles of railroad running everywhere, over which 47,000 locomotives are hauling 2,000,000 cars, loaded with the products of the industry of 87,000,000 people, the value of whose products is increased or diminished accordingly as men are employed or unemployed or partly employed. [Applause.]

This factory system, whose fires were lighted in the world a little more than a hundred years ago, and this transportation system, whose wheels were set in motion some fourscore years ago, have reorganized society, reshaped civilization, and now control political policies.

CORPORATE EVOLUTION IN AMERICA.

Here in America down to the close of our civil war we were largely an agricultural nation, but since that time nearly every kind of property, except land, has passed under the control of corporations.

These corporations, organized under the laws of various States, have grown with the nation's growth and the increase of commerce, until they have outgrown the States of their organization, and have become national and international in their scope, and the question whether they shall control the Government or the Government shall control them and itself has lately become acute. [Applause.]

This condition has come about not so much by design, as by the swift evolution of forces which have swept men on either with or without their volition until the time has come when the "rights of persons" and the "rights of things" must be restated, and the rights of the States and the rights of the nation in relation to commerce must be defined.

A man has a right to choose his business and to have it protected under the law, so long as he follows it lawfully, whether it be an incorporated business or otherwise, and "a calling, when chosen, is a man's property and right."

The difficulty is, not that men have availed themselves of statutory invitations to organize themselves into corporations, but that some corporations have become monopolies whose operations are inconsistent with the liberty of the rest of us.

It was never intended that the rights of some should be the wrongs of others.

"The object and end of all government is to promote the happiness and prosperity of the community by which it is established," not of some, but of all.

Therefore when the people, through their legislatures by statutes framed for that purpose, confer upon those of their number desiring to avail themselves thereof the right to be incorporated, they do so not for the purpose of making them the beneficiaries of special privileges and endowing them with power to dictate terms to the people who made them, but that the people themselves may be benefited in lower prices, larger output, and cheaper means of transportation. [Applause.]

Corporations are as necessary to modern business enterprises as are steam and electricity, and the law sanctions and upholds their formation, but it was never intended that corporations should combine among themselves to fix the price of commodities and the price of the transportation of commodities for the rest of mankind, and the controversy now going on between "equal rights" and "special privileges" is broader and deeper than any mere controversy between the President and any coterie of financiers.

It would not stop if the President should stop. It is older than this Administration—older than the nation itself.

It is founded upon the primeval human instinct of fair play, to obtain which in a governmental way this nation was founded and "consecrated to liberty and dedicated to the proposition that all men are created equal." [Applause.]

PUBLIC EMPLOYMENTS.

In the discussion of the question of governmental regulation of corporations some gentlemen talk as if some great new legal principle had been revealed to them personally by special dispensation as the specially ordained "friends of the people," and they have actually run for office on that theory; but most of the legal principles involved have come down to us as part of our jurisprudence established by the judicial interpretation of men who were expounding the law and not running for office.

Around these fundamental principles the changing facts of changing time adjust themselves.

At the outset of any investigation of the legal principles involved in the regulation of natural and artificial persons in their occupations, a fundamental distinction must be observed between public and private occupations.

When private property becomes "affected with a public interest," it ceases to be private property; and private property becomes "affected with a public interest," "when it is used in a manner to make it of public consequence and affect the community at large."

When a man "devotes his property to a use in which the public has an interest, he, in effect, grants to the public an interest in that use and must submit to and be controlled by the public for the common good to the extent of the interest he has thus created." (Munn *v.* People of Illinois, 94 U. S., 113.)

Now, sir, this has been the law "so long that the memory of man runneth not to the contrary." Is there any reason why when the President invokes this principle and supplements it with another principle which is older than the Ten Commandments, viz, that it is not right to do wrong, he should be charged with being "the man on the barrel head haranguing the mob?"

Sir, if he is the man on the barrel head he is the most valuable man on the barrel head this country has had in its history and he has glorified the barrel head. [Applause.]

To borrow an illustration, first used by Lord Hale some two hundred and fifty years ago, and quoted in the Munn case, a man may have a ferry for his private use and run it as he pleases, but when he opens it to public use and charges public toll it becomes a thing of public interest, subject to public regulation, and he must keep his boat in order, run it regularly, and charge a reasonable toll.

And when the ferryman dedicates his lands at either end of his ferry to public use, as a public way they must be used "upon such terms as and conditions as the body politic may from time to time impose; and this because the common good requires that all public ways shall be under the control of the public authorities."

This principle has been extended along all the thousands of miles of public transportation which have been created since that time.

By this principle, from very early times, toll roads, toll bridges, wharfingers, innkeepers, and common carriers have been controlled, and in modern times it has been extended over railroads, telegraphs, telephones, pipe lines, gas, water, electric, and other public works; and the rule now is that "once the occupation is classed a public calling or is engaged in serving the public by reason of some power or franchise granted to it by the State, the legislature has the right to fix the price that may be charged." (Hendrick on "The power to regulate corporations and commerce," 325, citing People *v.* Budd, 117 N. Y., 1; affirmed 143 U. S., 517.)

The origin of this legislative power was said by Mr. Justice Taney, in 1847 in the license cases (5 Howard, 583) to be "inherent in every sovereignty—the power to govern men and things," and though subject to the limitation that it should not be used despotically and unreasonably, "at the whim or caprice of the legislative body," "within its legitimate domain, the power is original, absolute, and indefeasible."

From this fundamental sovereign power is derived the power of the Federal Government, expressed in the Constitution, to regulate commerce "among the several States," and the power of the several States to regulate commerce beginning and ending within themselves.

Sir, the commerce clauses of the Federal Constitution were adopted in the presence of a commercial conflict among the thirteen States which threatened the dissolution of their confederation, in which each separate State was levying duties to suit itself, while the Federal Treasury was bankrupt, and foreign nations, when asked for loans, were inquiring whether we were thirteen governments or one.

Then there was not a railroad, steamboat, telegraph, telephone, gas light, electric light, corporate combination, or labor union in the world.

Our center of population was 23 miles east of Baltimore. Ohio was the far west; the Mississippi River was a "mental horizon;" two stages and twelve horses were sufficient to carry all goods and passengers between New York and Boston, and it took six days to make the journey.

PRIVATE EMPLOYMENTS.

But while the body politic has power at common law to regulate occupations "affected with a public interest," the power to regulate occupations not "affected with a public interest" rests upon an entirely different principle, and is confined to the limitation of "contracts in restraint of trade," the prohibition of "contracts in restriction of competition," and to the exercise of the police power.

At common law contracts in partial restraint of trade, limited as to time and territory and founded upon a reasonable consideration, were valid—that is, contracts of sale whereby the vendor of a business bound himself for a valuable consideration not to go into business again within a certain time, within a certain area, were valid—but "no man could contract not to use his trade at all," and the rule, as stated by Mr. Justice Story, was that "an agreement in general or total restraint of trade is void, although it may be founded upon a legal and valuable consideration."

The reasons for the rule were that the public ought not to be deprived of the advantages of commerce and the services of men in useful occupations or to be subjected to the evils of monopoly by such contracts.

In practice, however, this rule did not accomplish its purposes—that is, it did not prevent monopoly and it did not prevent the public from being deprived of the advantages of commerce and the services of men engaged in useful occupations, because contracts which were technically in conformity with the law were constantly made in evasion of its spirit.

Neither was the rule sufficient to prevent monopolies and to prevent the public from being deprived of the services of men in useful occupations, even when strictly observed. For illustration, suppose there are ten trade competitors in a given territory and one trade competitor, for a valuable consideration, enters into a contract with another trade competitor to go out of business, absolutely without limit as to time and territory, such a contract would be void as in restraint of trade, although nine competitors would remain.

But if nine trade competitors should separately, in good faith and without collusion, agree with the tenth to go out of business with formal limitations as to the time and place, these nine contracts of sale would be lawful, although trade would be restricted nine times as much as in the first instance.

Therefore the courts began to hold contracts "in restriction of competition" void, even though they might not be void as "in restraint of trade."

This doctrine against "restriction of competition" is recent, the earlier tendency being to condemn unrestricted competition. For illustration, in Kellogg *v.* Larkin (3 Pinney, 123, 56 Am. Dec., 164), decided in 1851, a contract to stifle competition in the wheat market was held good, the court saying:

> I admit that it does not tend to stifle the competition of these obligors, and I assert that the right to stifle competition by contract, so far as it is injurious to the parties contracting, has not before been denied or questioned for two hundred years, unless two cases (4 Denio, 349, and 5 Denio, 434) are to be considered as denying the right.

However, "American jurisprudence has firmly settled the doctrine that all contracts which have a palpable tendency to stifle competition, either in the market value of commodities or the carriage or transportation of such commodities, are contrary to public policy, and therefore incapable of conferring upon the parties thereto any rights which a court of justice can recognize or enforce."

(Texas, etc., Ry. Co. *v.* Southern Pacific Ry. Co., 41 La. Ann., 970; 17 Am. State Reps., 445.)

How far American jurisprudence has reasoned itself away from the old doctrine, allowing the right of competitors to stifle competition among themselves by contract, is shown in the case of Richards *v.* Buhl (77 Mich., 622), which involved the validity of a combination known as the Diamond Match Company, in which the court said:

> Monopoly in trade or in any kind of business in this country is odious to our form of government. * * * Its tendency is destructive of free institutions and repugnant to the instincts of a free people, and contrary to the whole scope and spirit of the Federal Constitution, and is not allowed to exist under express provision in several of our State constitutions. Indeed, it is doubtful if free government can long exist in a country where such enormous amounts of money are allowed to be accumulated in the vaults of corporations, to be used at discretion in controlling the property and business of the country against the interest of the public and that of the people for the personal gain and aggrandizement of a few individuals. It is always destructive of individual rights and of that free competition which is the life of business, and it revives and perpetuates one of the great evils which it was the object of the framers of our form of government to eradicate and prevent.
>
> It is alike destructive to both individual enterprise and individual prosperity, whether conferred upon corporations or individuals, and therefore public policy is or ought to be, as well as public sentiment, against it. All combinations among persons or corporations for the purpose of raising or controlling the prices of merchandise or any of the necessaries of life are monopolies and intolerable and ought to receive the condemnation of all courts.

DEFENSES.

In answer to the charge of unlawful combination it is no defense to say that the public has not been injured. "It may be true that it," the Standard Oil Company, "has improved the quality and cheapened the cost of petroleum and its products to the consumer. But such is not one of the usual or general results of a monopoly; and it is the policy of the law to regard not what may, but what usually happens. Experience shows that it is not wise to trust human cupidity where it has the opportunity to aggrandize itself at the expense of others. The claim of having cheapened the price to the consumer is the usual pretext on which monopolies of this kind are defended." (State *v.* Standard Oil Co., 49 Ohio State, 137.)

Nor that a monopoly has resulted in lower prices. "That policy may have been necessary to crush competition," and it rests in the discretion of the "company to raise the price to an exorbitant degree." (Richards *v.* Buhl, 77 Mich., 632.)

Nor that a complete monopoly has not been established. "It is sufficient if it" (the combination) "really tends to that end, and to deprive the public of the advantages which flow from free competition." (U. S. *v.* Knight, 156 U. S., 1; Addystone Pipe, etc., Co. *v.* U. S., 175 U. S., 211.)

Nor is it now apparently necessary that the commodity handled shall be "a necessity of life," although this has been a matter of some conflict. But while "the weight of authority and the growing tendency of the courts is to disregard the question as to whether the article is a necessity of life or not" (74 Am. State Reports, 270), even if it should be held that a combination "in restriction of competition" must deal in "a necessity of life" in order to bring it within the legal definition of an unlawful combination, the courts have covered enough commodities into the catalogue of necessities to make it difficult for any combination to escape the force of precedent in this respect.

Among these commodities are coal, gas, matches, lumber, cotton bagging, butter, grain, salt, alcohol, beer, candles, milk, preserves, cloth, grain bags, harrows, brick; gas, sewer, and other pipe; rules, powder, pressed metal parts, gelatin capsules, wooden ware, sugar, oil, meat, news, wire cloth, envelopes, fire-alarm telegraph instruments, bluestone, cigarettes, insurance, carriage, and labor.

COMMON-LAW RESTRICTIONS OF COMBINATIONS.

Not only are contracts in restriction of competition void at common law, but the common law is vigilant to prevent combinations.

For illustration, at common law (1) a corporation can not enter into a partnership (Hendrick, citing 10 Gray, 582); (2) corporations can not enter into partnership with other corporations through delegation of powers to committees of the respective corporations (Hendrick, citing 86 Tenn., 598); (3) corporations can not enter into agreements to pay into a pool a certain sum of each item of business (Hendrick, citing 47 Ohio State, 320); (4) corporations can not become members of an unincorporated association for the restraint of trade (Hendrick, citing 161 Pa. State, 473); (5) corporations can not transfer their stock to a holding board in exchange for certificates in proportion to the amount of their stock (Hendrick, citing People *v.* North River Sugar Refining Company, 121 N. Y., 582, and State *v.* Standard Oil Co., 49 Ohio State, 137); (6) a corporation can not in the absence of express statutory authority become an incorporator by subscribing for shares in a new corporation, either directly or by their agents (Central Railroad Co. *v.* Pa. R. R. Co., 31 N. J. Eq., 475); (7) corporations can not own shares in other corporations for the purpose of controlling them or for speculative purposes (Morawetz Priv. Corp., sec. 432); (8) at common law stockholders could not vote by proxy (Hendrick, citing 14 N. J. Law, 222); (9) an agreement by stockholders to surrender their voting power to trustees is illegal (Hendrick, citing 6 Pa. Court Reps., 193); and (10) the conveyance of the stock of several corporations to a holding corporation, the constituent companies remaining in existence, is illegal and will be set aside (Hendrick, citing Northern Securities Co. *v.* U. S., 193 U. S., 197). See Hendricks on The Power to Regulate Corporations and Commerce, 292–296.

THE ORGANIZATION OF TRUSTS.

Notwithstanding this, however, and notwithstanding Federal and State statutes against contracts and combinations in restraint of trade, within recent times there has been an irresistible movement toward great combinations, representing enormous capitalization, which has led some political economists to assert that competition is dead and the means of its resurrection unknown to science.

Down to May 31, 1900, Census Bulletin No. 122, which considered only combinations consisting of "a number of formerly independent mills which had been brought together into one company under a charter obtained for that purpose," enumerated 183 corporations with 2,029 active and 174 idle plants, having an actual invested capital of a billion and a half dollars, and an authorized capitalization of over three and a half billion dollars, then employing an average of 433,777 people and paying out in wages and salaries $227,188,343 a year.

Of these corporations, only 63 had been organized before 1897, and more than half of them had been organized within the eighteen months before June 30, 1900.

Within the first six months of 1901 combinations capitalized at more than two billion dollars were organized, and the movement swept on until it reached a climax about three years ago, carrying with it nearly every kind of industrial, commercial, and transportation business.

In the final report of the Census of Manufactures for 1905 it is said:

> One of the most effective methods of forming a large manufacturing enterprise is to consolidate existing independent establishments. Such a method eliminates all of the uncertainties attending the inauguration of new establishments. The business relations are formed, the sale of products, and consequently the profits, are in a measure assured, and the uncertainty attending the investment reduced to a minimum. Either independent plants may be purchased or erected to meet the increase of business or a new company may be formed for the sole purpose of bringing together under one management formerly independent mills.

The word "trust" was originally used to define an arrangement among stockholders of various corporations whereby shares of stock were deposited in the hands of trustees, who issued trust certificates in lieu of stock certificates and apportioned dividends and losses thereon.

But trusts so organized were driven from their trust formation by statutes and court decisions and forced to take refuge under the laws of various States like New Jersey, Delaware, and West Virginia, which passed laws especially framed to facilitate their formation, and the word "trust" is now "used to designate any combination of producers for the purpose of controlling prices and suppressing competition." (2 Cook on Corporations, sec. 503a.)

Corporations organized under the laws of one State may have their offices and factories where they please and trade all over

the country, subject to the regulation of the various States, which are in turn restrained by the fourteenth amendment.

Their formation, regulation, and control, so far as the States are concerned, is miscellaneous and depends upon the various views of various legislatures, and to some extent upon the tendency of some gentlemen temporarily intrusted with legislative power to exploit themselves for political purposes.

The old idea of a market was a place where producers and consumers met and discovered their mutual needs, but the modern corporate combination, each in its separate field, itself becomes the market of supply and demand. It buys or produces its raw material in shiploads, train loads, and whole crops, and converts it into finished product with the regularity and precision of a law of nature.

It conducts its business with minute and scientific precision and economy, and seeks to make each unit of production the perfect illustration of the highest skill and best machinery.

Its smaller neighbor copies its price list and lives by sufferance, subject to the power of the trust to absorb it or remove it by reducing prices and restoring them after the funeral.

As illustrating the gigantic strength of these aggregations, it is said that the United States Steel Corporation manufactures more than half of the steel output of the country, employs an average of 158,000 people, and pays out in wages more than $100,000,000 a year.

GENTLEMEN WHO CAN NOT BE EXPECTED TO BE HOSTILE TO THEIR MUTUAL INTERESTS.

Sir, it is said that there are ten men living in the United States who could, if they chose to cooperate, control all the railroads, telegraphs, and telephones in the country, the steamship traffic on the Great Lakes, and at the same time direct the policy of the coal, copper, steel, sugar, and oil industries.

In transportation it is said that six great systems control the railroad mileage of the country, and that these six systems are practically controlled by about six men.

These statements are probably exaggerated, but a discount of 50 per cent leaves them strong enough.

Business in this way becomes reduced to a few large units, run by a few large units, who can easily get together and confer.

There is a law in the physical world that bodies attract one another in proportion to their mass.

In the commercial world, coal, oil, copper, sugar, steel, and railroads have affinity for one another, and all of them have more or less morganatic relations with other industries. [Laughter and applause.]

The same names appear in the directorates of many corporations, and if a man happens to be a director of several different corporations, it is asking too much of human nature to expect him to be hostile to himself in his several capacities.

In this way little groups of gentleman who can not be expected to be hostile to themselves in their several capacities, sitting around green tables, easily tend to become commercial oligarchies, who benevolently control the prices of commodities and the price of carrying commodities of a large number of mere people. [Laughter and applause.]

Through the paper shares of corporate assets, which become a species of money based on assets and on faith, and through the distribution of their funds in banks and otherwise, these gentlemen who can not be expected to be hostile to themselves in their several capacities further extend their influence through the commercial world and turn the wheel of fortune forward or backward for millions of people.

These shares of stock become not only the property of prudent investors seeking a source of steady income, but they become counters in the financial game of chance, where windblown fortunes are made and demolished in a single day, as lately happened when shares of stock, floating in the rosy atmosphere of public confidence above a solid groundwork of phenomenal prosperity, were carried down with the sudden ebb of public confidence.

RECENT DEVELOPMENT OF MANUFACTURING AND TRANSPORTATION.

Sir, this problem of corporate combinations has come upon us quickly. It is not our problem alone; it is the problem of modern, civilized society. It is not local, but international.

Trusts exist alike in empires and republics under free trade and protective policies, and the more advanced nations are commercially the more their industries have combined.

Not only have the industries of Europe organized themselves into corporate combinations, but corporate combinations have organized themselves into international trade combinations for the purpose of apportioning output and controlling prices.

Within a generation the system of huge investments supported by small profits on many sales has spread throughout the industrial world.

Manufacturers have become trusts, and mercantile establishments have become department stores.

The relations between labor and capital have become less and less personal, although industrial leadership has been constantly recruited from the ranks of labor, and the words "master" and "servant," although still preserved as legal terms, have become misnomers of a relation more accurately described by the words "corporate combination" and "labor union."

Here in America more than half of our 235,000 miles of railroad have been laid within the last twenty-five years.

For some time railroads were local. Several bills of lading were frequently required for a shipment of freight within the limits of a single State, and in 1866, to encourage interstate extensions, Congress passed a law among other things providing:

That every railroad in the United States whose road is operated by steam be, and is hereby, authorized * * * to connect with roads of other States so as to form continuous lines.

Freight cars of 10 tons capacity were then coming east full and going back empty over 50-pound iron rails, wooden bridges, sharp curves, and steep grades.

Now freight cars of 50 tons capacity are going both ways full over 100-pound steel rails, steel bridges, straightened curves, and lowered grades, and connect with ships capable of carrying train loads.

REGULATION.

For a long time the power of Congress to regulate commerce among the States and the power of the States to regulate commerce beginning and ending within themselves was little used, because commerce needed encouragement rather than regulation.

Besides, the people were busy with their own affairs; and the country is big, and it took some time for business interests to get big enough to crowd one another and the lesser man between.

When the people finally became nationally conscious, they found that we had passed from individualism to centralization; that railroads had, by the very momentum of their own development, acquired the power of life and death over industrial enterprises by their power to discriminate for or against persons and places; that corporate combinations had taken possession of the industrial field; that colossal carrying corporations and colossal industrial corporations were combining among themselves to control prices; that forty-five sovereign States—now forty-six—were creating industrial corporations doing interstate business without much inclination or ability to control them; and they began slowly, unsystematically, and sporadically to try to make head against a condition of which they themselves were a part.

The Federal Government began to repair its armory of disused statutes, to make new ones to reenforce and extend the common law, and to move in the direction of a settled policy.

EPITOME OF HEPBURN LAW.

In 1887 Congress passed "An act to regulate commerce," known as the "interstate-commerce act," which it amended from time to time, and finally overhauled completely in 1906. The following is an epitome of its provisions:

Section 1:

a. Defines commerce to which act is applicable, and includes pipe lines, sleeping-car companies, and express companies as common carriers.

b. Defines railroads and includes within the term, bridges, ferries, tracks, depots, yards, grounds, spurs, switches, and terminal facilities.

c. Defines transportation and includes within the term "all instrumentalities and facilities of shipment or carriage," including delivery, elevation, transfer, ventilation, refrigeration, storage, and handling.

d. Requires carriers to furnish transportation on reasonable request and establish through routes and joint rates.

e. Requires just and reasonable and prohibits unjust and unreasonable rates.

f. Prohibits giving of free passes, except in certain specified cases, and fixes penalty for violation.

g. Prohibits, after May 1, 1908, transportation by carrier of any article, except of timber, produced by it, except such as may be necessary in the conduct of its business as a common carrier.

h. Requires carriers to furnish cars and make reasonable switch connections with branch and private tracks, and gives Commission power to compel compliance.

Section 2:

a. Requires carriers to publish and to file with Commission schedules of their rates and of joint rates.

b. Prohibits change of published rates, except on thirty days' notice, unless permitted by Commission.

c. Requires each party to joint tariff, other than carrier filing same, to file evidence of concurrence therein.

d. Requires carriers to file all joint traffic agreements.

e. Authorizes Commission to prescribe form of published schedules.

f. Prohibits carrier from engaging in interstate commerce until schedule of rates filed and published.

g. Prohibits departure from schedule of rates filed and published.

h. Prohibits rebates and special privileges and prescribes penalties.

i. Gives preference to military traffic in time of war.

j. Makes offense committed by officer or agent of corporation carrier an offense by corporation and prescribes penalties.

k. Prescribes penalty for failure to publish and observe rates.

l. Makes it misdemeanor to "offer, grant, or give or to solicit, accept, or receive any rebate, concession, or discrimination" outside of filed and published rates, prescribes penalty and fixes venue.

m. Makes violation by agent misdemeanor and also makes such violation misdemeanor of carrier.

n. Provides that in prosecutions of carrier filed and published rate shall be "conclusively deemed to be legal rate" as against such carrier.

o. Prohibits shippers from accepting money or other valuable consideration as a rebate or offset, and prescribes forfeiture of three times the value of consideration received, in addition to penalty hereinbefore provided.

Section 3:

a. Requires Commission to make and enter of record reports of investigations, decisions, awards, and of findings of fact in case damages awarded, and to furnish copies thereof to parties.

b. Makes authorized publications of reports and decisions of Commission competent evidence in United States and State courts.

Section 4:

a. Provides that when Commission, upon complaint, after hearing, is of opinion that rates, regulations, or practices of carrier are "unjust, unreasonable, unjustly discriminatory, unduly preferential, or prejudicial," it shall determine and prescribe "just, fair, and reasonable" rates, as maximum rates to be charged, prescribe regulations and practices, and make order directing carrier to cease violation, and such carrier shall not thereafter publish, demand, or collect any rate in excess of such maximum rate.

b. Provides that orders of Commission shall be effective within not less than thirty days of issue and shall continue in force for not more than two years, unless suspended or modified by Commission, or set aside by court of competent jurisdiction.

c. Commission may fix proportion of joint rates to be borne by joint carriers, where carriers can not agree.

d. Commission may, on complaint and after hearing, fix through routes and maximum joint rates, by land or water, where carriers refuse to fix such routes and rates.

e. Commission may fix maximum reasonable allowance for service or instrumentality furnished by shipper in transportation.

Section 5:

a. Provides that Commission shall fix damages to complainant for violation of act and issue order directing payment by carrier.

b. Provides legal procedure for recovery of damages if payment refused.

c. Provides that where single order of Commission awarding damages is in favor of several parties complainant as against several carriers, parties complainant may be joined as plaintiffs and carriers joined as defendants, fixes venue, provides for service of process and for judgment.

d. Provides for service by registered mail of orders of Commission, makes registry receipt prima facie evidence of service, provides for modifications of orders, and requires compliance therewith.

e. Imposes forfeiture of $5,000 for violation of order of Commission, making each distinct violation a separate offense, and, in case of continuing violation, each day shall be a separate offense.

f. Provides procedure for recovery of forfeiture.

g. Provides procedure for enforcement of orders of Commission by writ of injunction or other proper process, mandatory or otherwise, upon petition to circuit court, and for appeal by either party.

h. Fixes venue of suits to enjoin, set aside, annul, or suspend orders of Commission; provides for expediting of suits under act of February 11, 1903, and for appeals.

i. Provides that schedules of rates, contracts, agreements, or arrangements between carriers, filed with Commission, shall be public records, and when certified by secretary of Commission shall be received as prima facie evidence of "what they purport to be" in investigations by Commission or in judicial proceedings.

Section 6:

a. Provides that Commission may require filing of annual, monthly, and special reports by carriers, prescribes what annual reports shall contain, and requires carriers to furnish such specific information as Commission may from time to time require, and provides penalty for failure to comply.

b. Authorizes Commission to prescribe forms of accounts and records to be kept by carriers, gives Commission access thereto, provides for submission thereof to Commission or its agents or examiners, and provides penalty for refusal of carrier.

c. Makes false entry in, and mutilation, destruction, falsification, or alteration of accounts or records a misdemeanor and fixes penalty.

d. Provides penalty for unauthorized divulging of information by examiner.

e. Gives circuit and district courts jurisdiction to issue writs of mandamus to compel compliance with provisions of act.

f. Provides that where property shipped over several lines carrier receiving property shall be liable to shipper for loss or damage by other carriers and may in turn recover from such other carriers.

Section 8:

a. Provides for membership, salary, and organization of Commission.

Section 9:

a. Extends provisions relating to attendance of witnesses, producing of evidence, and compelling of testimony under original and amended interstate-commerce act to this act.

Section 10:

a. Repeals conflicting laws, but exempts pending causes from operation of amendments made by this act.

Section 11:

a. Provides that act shall be in force from and after passage.

I submit this epitome in refutation, so far as Federal legislation is concerned, of the claim of certain railroads that recent "drastic and inimical Federal and State legislation" will compel them to reduce the wages of their employees, and I assert that there is nothing in this law that furnishes the slightest pretext for such action.

THE SHERMAN ANTITRUST LAW AND THE BUREAU OF CORPORATIONS.

In 1890 Congress also passed the "Act to protect trade and commerce against unlawful restraints and monopolies," known as the Sherman antitrust law, which makes "every contract combination in the form of trust or otherwise, or conspiracy in restraint of commerce among the several States or with foreign nations," illegal and punishable by fine and imprisonment.

In the construction of this statute the courts have been obliged to hold that it aims at all restraints of trade, whether reasonable or otherwise and whether they tend to form monopolies or not.

(U. S. *v.* Trans.-Mo. Ft. Assn., 166 U. S., 290; U. S. *v.* Coal Dealers' Assn., 85 Fed. Rep., 252; U. S. *v.* Hopkins, 82 Fed. Rep. 529.)

In commenting upon this law in his last annual message the President refers to his repeated statements that "experience has definitely shown not merely the unwisdom but the futility of endeavoring to put a stop to all business combinations," and says:

> Modern industrial conditions are such that combination is not only necessary but inevitable. It is so in the world of business just as it is in the world of labor, and it is as idle to desire to put an end to all corporations, to all big combinations of capital, as to desire to put an end to all combinations of labor.
>
> Corporation and labor union alike have come to stay. Each, if properly managed, is a source of good and not evil.
>
> Whenever in either there is evil it should be promptly held to account; but it should receive hearty encouragement so long as it is properly managed.
>
> It is profoundly immoral to put or keep on the statute books a law nominally in the interest of public morality that really puts a premium upon public immorality by undertaking to forbid honest men from doing what must be done under modern business conditions, so that the law itself provides that its own infraction must be a condition precedent upon business success.

In 1903 a Bureau of Corporations in the Department of Commerce and Labor was created to compel publicity, and, indirectly, to prevent stock watering, and directed to investigate the operation of corporations other than railroads.

These laws were framed and passed by Republican Congresses, and under the Administrations of William McKinley and Theodore Roosevelt this Government has gone steadily on with the business of resuming control over itself by making corporate combinations subservient to law and order.

NATIONAL AND STATE RIGHTS IN THE REGULATION OF COMMERCE.

Incited by Federal activity, the States have been aroused from an attitude of indifference into crusades of active emulation, as a result of which a good deal of ill-digested legislation has been proposed, some of which has become law, and as a further result an important legal question has arisen as to the adjustment of the rights of the States and the rights of the nation in the regulation of commerce.

Few railroads are now local. The same train carries both through and local freight; a State line has no logical relation to running expenses, and in the regulation of rates a State is not permitted to consider a road as a whole as to whether it is prosperous or otherwise, but it must fix rates according to the business done within its boundaries, although it is said to be impossible for a State or a railroad to apportion running expenses between through and local freight.

However, it has been judicially determined that States have the right to fix intrastate rates, and the courts have now the task of harmonizing the power of the several States to regulate commerce, beginning and ending within their several boundaries, and therefore severally and disjointedly to regulate commerce among themselves, with the power of Congress to regulate commerce "among the several States."

And the courts have also the further task of reconciling the power of the several States to initiate rival and retaliatory legislation with the fact that this is one of the things that the commerce clause in the Constitution was framed to prevent.

The conflict between State and interstate regulations is illustrated by a case which arose in Kentucky and was determinated by the Federal Supreme Court in 1901. Section 218 of the constitution of Kentucky prohibited any common carrier in that State from charging or receiving more in the aggregate for a shorter haul than for a longer haul, where the shorter distance was included in the longer distance; and, in the case of the Louisville and Nashville Railroad Company *v.* Eubank (184 U. S., 27), in which it appears that the company charged the plaintiff 25 cents per hundred pounds for transporting tobacco from Franklin, Ky., to Louisville, Ky., while at the same time it was transporting tobacco from Nashville, Tenn., to Louisville, Ky., over the same road at 12 cents per hundred pounds, the Supreme Court of the United States held that the provision was such "a hindrance to, interference with, and regulation of commerce" as to render it unconstitutional.

The effect of State rates upon interstate rates, under this decision, is discussed in a very able paper read by Hon. Charles F. Amidon, United States district judge for North Dakota, before the American Bar Association last September, in which he refers to recent legislation of the State of Minnesota in these words:

> As the result of the schedule of rates prescribed by the State of Minnesota during the past winter, the rates on the western side of an invisible line were from 25 to 50 per cent higher than those on the eastern side. The railways could not maintain both these rates without discriminating against North Dakota points in a manner which would constitute a gross violation of that portion of the interstate-commerce act which forbids discrimination against any locality. The necessary result of the enforcement of the local rates was to compel a reduction of all through rates. This the Supreme Court has decided is such a direct interference with interstate commerce as to render the action of the State void.

In the power of the courts to determine whether the rates fixed by a Federal or State commission are reasonable or unreasonable resides the ultimate authority under our scheme of Government to equalize rates as between a national commission and State commissions, because neither the legislative body nor the commission acting under the authority of the legislative body has power to establish a tariff of rates so low as to deprive a carrier of its profits without just compensation, on the one hand, nor so high as to deprive the public of transportation at reasonable rates upon the other hand; and in the exercise of this high and important duty nothing is more important than that the courts should hold the scales of justice between the States and the nation, between shippers and carriers, with absolute impartiality, free from all influence except the influence of legal principles, so that no taint of sensationalism or of favoritism shall ever attach to them.

If conditions in 1787 indicated the necessity of giving power to the Federal Government to regulate interstate commerce, conditions now require the exercise of that power, not only to protect consumers, independent producers, and shippers from the combined power of cooperating combinations, but to protect the railroads themselves from the demands of powerful shippers; and no other question to-day equals in importance the question of how the relation between the United States and the States, and the corporations within the United States and the States, shall be adjusted.

REDUCING PRINCIPLES TO PRACTICE.

Sir, in this work of making corporate combinations subservient to law and order, Theodore Roosevelt has been and is the strongest single element of civic virtue in the United States.

He has been and is the fearless herald of reform, the courageous advocate of the rights, welfare, and dignity of the people of the United States of America. [Applause.]

He has not only met every emergency, but he has towered above every emergency, and he has the backing and support of every man who believes that the best way to get pure water is not to paint the pump, but to clean out the well. [Applause.]

He has helped to keep the standard of Republicanism what it is and what it ought to be—the standard of the highest citizenship—to the intense dissatisfaction of some of our citizens, the measure of whose patriotism has had to be taken by the Bertillon system. [Laughter and applause.]

Not only has he helped to maintain the standard of Republican principles, but gentlemen on the other side are now claiming that he has adopted their principles with great enthusiasm and success, so that they have not got a principle left to stand on, which, however, it is not anticipated will make the slightest difference in the character of their next campaign. [Laughter.]

Under his leadership the Republican party has gone steadily on with the business of reducing principles to practical results.

This has been done not in any spirit of hostility to corporations as such, but "with malice toward none; with charity to all."

In the language of the President, in his first message to this Congress, "the aim of the National Government is quite as much to favor and protect honest corporations, honest business men of wealth, as to bring to justice those individuals and corporations representing dishonest methods."

It is said that the President's reiterated statements of his policy of the prosecution of dishonest methods brought on a panic already prepared by a declining public confidence, manifested by the withdrawal of stock investments and a depression of securities.

But what hurt public confidence more—the lawlessness of certain financiers who began to believe themselves above the law or their correction.

What hurt public confidence more—the insurance scandals or their investigation?

What hurt public confidence more—the custom of rebates and unjust discriminations or the enforcement of the law against them?

Sir, "it is a light thing for the shadow to go down 10 degrees. Nay, but let the shadow return backward 10 degrees;" and if the shadow on the dial which measures the hours by which we rule our lives had marked some decadence of commercial ideals, Theodore Roosevelt has been the strongest single element in America during his Administration for the restoration of those ideals. [Applause.]

There may not be quite so much of a rush among sycophants and timeservers to take a walk with him on a rainy day, now that he has declared that he will not be a candidate for reelection, but history will record him as among those who have faithfully administered heavy responsibility with no other fear than the fear of God. [Applause.]

Sir, am I mistaken when I say the people of this country want these principles to be continued and that they want the banner of these principles to be carried forward by a man who is in sympathy with these principles?

THE EXERCISE OF VARYING FACULTIES.

The stipulation in Magna Charta, which has been reproduced in various forms in various constitutions, that "no man shall be deprived of his free customs and privileges," embraces the right of men to exercise their faculties in lawful avocations, jointly or severally, individually or in corporations, to fix prices and to raise and lower them.

Liberty in this country means not only freedom from imprisonment and servitude, but it means the right of men to live and to work in lawful occupations where they will and how they will.

But the regulation of men by law in their commercial relations, which is intended to broaden the opportunity of all by preventing, so far as law can prevent it, the monopoly of opportunity by a few, only deals with the surface manifestations of the profounder problems of the social relations of the people, by whom and for whom this Government was founded and is maintained.

Sir, the movement now going on to promote honesty in commercial and political methods by laws framed to restrain dis-

honest aggression by some upon the rights of others is not only an ethical movement, but it involves the perpetuity of our Republic.

Our civilization is and must be, if we shall continue to be a republic, something more than "a dead, iron machine, the god of it gravitation and selfish hunger," grinding out class distinctions.

If we are to continue to be a republic, there must not be any such thing as organized class proprietorship of the resources of this country.

If we are to continue to be a republic, there must not be any such thing as class control of the avenues upward in this country.

The fact that has distinguished and does distinguish this nation above all the other nations on earth is that here in America the boy, no matter how poor, "slumbering at the gate of dreams," may dream of a future and realize it some time—here under the Stars and Stripes, and every immigrant who crosses the gang plank at Ellis Island knows when he sees that flag that it means widened opportunity—the breath of a new life.

This democracy of opportunity is the birthright of every American citizen, which no dishonest methods ought to be permitted to curtail. [Applause.]

But, sir, the very right of men to dream of a future and to live and to work and to exercise their faculties in lawful avocations presupposes the exercise of varying faculties in varying occupations with varying ambitions and varying results in wealth and power and social distinction, and by the exercise of these varying faculties, spurred on by ambition, the world has been subdued and civilized.

Some people have an idea that they are poor because others are well off, but in the school of experience each man has to pass an examination every day, and he is marked up or marked down inexorably.

UNEQUAL DIVISION.

This struggle for what men call success begins early and ends late—ends only in the cemetery, and even there the monument of success towers in marble pride above the humbler graves.

It has been going on ever since pasture grew scarce for the joint flocks of Abraham and Lot.

It is the animal tooth-and-claw struggle for mere existence translated into the struggle for wealth and power and social distinction, and its aggregate results inventory large in our national census.

Some one has figured that our national wealth amounts to more than $130,000,000,000, and Mulhall estimated a few years ago that every day the sun rises it sees two and a half million dollars added to the wealth of this Republic, and this wealth is divided in varying shifting shares among a population ranging all the way from mendicant to millionaire.

To the tramp on the track looking for a dry culvert to sleep in this is all a remote abstraction, having no relation to the next meal.

To the capitalist it means the conquest of the forces of nature by science and machinery, developed by capital.

To the Socialist it means the piled-up accumulation of labor, which ought to be "expropriated" by the state and divided among the members of society "according to their reasonable needs" upon a universal obligation of labor.

To the Republican it means prosperity, aided by Republican policies.

To the Democrat it means he says prosperity in spite of Republican policies, which he secretly fears would be dissipated if he were permitted to gain control. [Laughter]

To the demagogue it means a chance to tell the people that the whole thing means terrapin, champagne, coupons, yachts, automobiles, and private cars of which they are unlawfully deprived by political and financial jugglery, and how much better it would all be if he were given a political job. [Laughter.]

And this wealth is not divided equally among us, but if it were divided equally among us, it would immediately begin to distribute itself again into debts and dividends, overdrafts and balances, and some would gamble theirs away before morning.

The money-getting faculty ranges all the way from the mere money-getting instinct, with its prehensile grasp, to the capacity for great affairs, and it works in devious ways and forms.

One man gets control of some patent medicine, advertises it and induces foolish people to tell their symptoms to the public; another gets control of some machine that the genius of a Watt or a Galvani has potentially set in motion; another buys pelts of the Indians as Astor did; another sets a mouse trap in Wall street as Gould did, and the next generation immediately begins to look for a coat of arms, intermarries with so-called "foreign nobility," advertises its wardrobe, and gains international notoriety in the divorce courts. [Laughter.]

This money that men are struggling for is a symbol and equivalent, convertible into almost anything, from the price of a meal to the price of an empire, except happiness.

It brings power to gross, paunchy, unillumined hoggishness, crowding at the financial trough, and it is the medium of exchange whereby the noblest traits of human nature are translated into deeds, and in its pursuit men have strained every energy and broken every Commandment.

But a world with no rival enterprises and ambitions struggling upward; a world of eternal contentment in statu quo, would be a lotus eater's dream of changeless rest and nothingness.

It is not possible that all should be equally rich or that all should be equally poor, any more than it is possible that all should be equally intelligent and all equally honest. But if you were going to make all the world equal, whom would you make all the world equal to? What would be your standard?

RENDERING RETURN TO SOCIETY.

Sir, notwithstanding the fate of Dives and the possible effect of a bank account as "contributory negligence," there are worse things than being rich, and one of these things is being a liar and a hypocrite, and pretending you would not like to do it yourself. [Laughter and applause.]

The Scriptures enjoin diligence in business, and the man who returned 100 per cent on the talent left with him for investment was made "ruler over many things," and he still continues to rule over many things.

The wealth of some of these rulers over many things is a splendid benefaction to all who come in contact with them, and the wealth of others is of no benefit either to themselves or to anyone else.

A world without business is an impossible world, and in a world of business men have a right to their reward.

The average business man gives something back to society for what he takes and the higher his talent the more he gives, and this element of reciprocity—barring gamblers, swindlers, social parasites, and fungous growths—runs through human activities all the way from mediocrity to genius—from the man who manufactures toothpicks to the man who discovers a new world.

An occasional Thoreau is an interesting exception in the midst of enterprise, but a community of Thoreaus would contribute nothing to progress or to taxes.

The doctor or the surgeon who saves a life, the scientist who discovers an anæsthetic which saves humanity an inferno of pain, the statesman or the diplomat who averts a costly war, the inventor who makes the luxuries of yesterday the things of common use to-day, the captain of industry who organizes an enterprise which gives employment to thousands—these men render service to society and for what they take they render valuable return.

Take, for illustration, the building of railroads. The railroad builders and managers of this country have, as a whole, by their faith, skill, courage, and energy, contributed to the public welfare.

Judged by the rule that makes a man a public benefactor who makes two blades of grass to grow where one or none grew before, they have probably grown about as many tons to the acre as the average politician. [Laughter.]

It is true they have had gigantic power beyond the mere hauling of freight and passengers, which they have used with gigantic effect, not only for their own benefit, but for the benefit of the country.

They have built for profit. Who builds otherwise? But they have strained invention to reduce distance, and there never was a time when a man could travel so far or ship so much so far for so little money as now.

They have built for profit, but they, more than any other industrial agency, have bound together a homogeneous America.

They have built for profit, but their work with pick and ax and team and construction train has opened, peopled, and transformed desert wastes into fertile fields and strung statehouses, towns, churches, schools, colleges, and factories along their rights of way.

To say that these men shall not have their fair reward would be as unfair as to say a section man should not have fair pay for an honest day's work.

Sir, I have great respect for the man who does things, but at the same time I do not want him to reduce the rest of mankind to mere material to be worked like the rank and file in Homer's Iliad, whose chief function was to furnish heads for his heroes to break. [Laughter.]

Railroad managers have run their business too much like an

independent sovereignty to which the country was tributary and have treated transportation too much like a commodity to be taken at their price or let alone, except when dealing with their corporate peers.

For this the people themselves have been in part to blame, but the situation is evolving its own correction and incidentally it has presented a splendid opportunity for a certain kind of statesmen who, after reading one or two pamphlets on transportation, have felt themselves thoroughly competent to take command of the whole situation, and at the same time they have not neglected to have themselves photographed as in mortal combat with octopuses. [Laughter.]

Sir, when I see the success of some men in politics, I know that the saying that you can not get something for nothing when applied to politics is a lie. [Laughter.]

OLD PROBLEMS IN A NEW SETTING.

That part of our press, sir, which analyzes the events which it chronicles has called attention to two opposite tendencies in our growth, viz, that while we have been growing more democratic in politics, religion, and education, we have been growing more autocratic industrially, but the statement of problem suggests its own solution.

Two inconsistent movements can not long continue side by side; one or the other must in the long run prevail; either democracy will abolish autocracy or increasing autocracy will continue to encroach upon a diminishing democracy to the point of its extinction.

But, sir, it is not likely that democracy will yield, because the great democratic movement which is constantly going on in the world is the most ancient, uniform, and permanent tendency in history, and here in America it has reached its highest manifestation.

But this does not mean that all men will be made equal. We have no evidence that this is likely.

God made men different here, and hereafter, we are told, the difference will be still more marked—that is, we are told that some of us will be subjected to a higher temperature than others. [Laughter.]

Sir, these aggregations of capital, these combinations of labor, these differences between labor and capital, these lines of social cleavage are but the present manifesations of ancient differences which have seethed and fermented under all forms of government since governments were instituted among men.

If we have acquired great natural resources here in America, we have also acquired a condition of liberty in which the natural traits, talents, and differences of humanity flourish and fructify.

After centuries of warfare with caste, privilege, prerogative, kings, and dynasties humanity has realized here its ultimate ideal of popular government, and the people are supreme, but that does not make them all equally supreme.

Liberty is universal, education is common, and everybody is the equal of everybody before the law, except that, as a rule, the poor man has the advantage over the rich man before the jury. [Laughter.]

If, sir, we have inherited the accumulated endowment of centuries of genius and of labor, we have also inherited the unsolved problems of all the past.

If we are more and more conquerors of matter, the fundamental problems of human existence puzzle the minds of men now as they did two thousand years ago.

"THE THING THAT HAS BEEN, IT IS THAT WHICH SHALL BE."

Civilization still presents the paradox of want in the midst of plenty, hunger in the midst of feasting, and the abolition of poverty is still the dream of visionaries.

The meek may eventually inherit the earth, but the laws of descent are not framed that way now. [Laughter.]

We have no titles of nobility, but we have men who command markets to rise and they rise, to fall and they fall, and we have constant illustrations of the involuntary deference that one million pays to two millions, just as it always did. [Laughter.]

There are men of great wealth and great men of wealth, just as there always were, but in practice the public comment makes but little distinction between the two-talent man and the five-talent man, except that the five-talent man is more frequently singled out for denunciation, just as he always was.

There are a good many people who regard wealth as incompatible with honesty anyway unless they themselves are well off, just as there always were. [Laughter.]

If a rich man gives to charity and public benefactions he is likely to be regarded as a contrite pirate contributing to a conscience fund, just as he always was. [Laughter.]

The logic of dishonest premises and prosperous conclusions; of the triumph of craft and brute force; of visiting the sins of the fathers upon the children; of being pushed by the dead hands of heredity still awaits post-mortem explanation, just as it always did.

The mammoth pumpkin, the charlatan, the juggler, the clever swindler, the adept in high finance still attract and hold the crowd and still collect toll from their credulity, just as they always did; and the demagogue who loves the people for what he can get out of them is still talking with unction, just as he always did.

It is a good deal easier to see the mote in our neighbor's eye than it is to see the beam in our own eye, just as it always was.

During the coal strike the Standard Oil Company was denounced for raising the price of oil the fractional part of a cent, and the most vigorous and vociferous denouncer among my acquaintances was a man who owned a wood yard and doubled the price of his wood without making any discrimination in favor of the poor, and there was not the slightest analogy in his mind between his conduct and that of the Standard Oil Company. He had the supply and was letting the law of supply and demand do its work, just as the man with the supply has always done.

We talk about peace, and we establish an international foundry for the beating of swords into plowshares and spears into pruning hooks, but the world's greatest gun maker died a year or so ago the richest man in Europe and the Nobel prize goes to the man whose peace policy is to be prepared for war [laughter], and we demonstrate our Navy in proof of our preparedness, and a nation is respectable in the international world when it has armies and navies enough to protect itself, just as it always was.

We talk about the "simple life," but the appurtenances of civilization contribute to its complexity; and in the social world of clothes and conversation we are doing the oldest sort of things in the newest sort of way.

In the mummy room of the British Museum, among the relics of a dead empire, is the skeleton hand and wrist—the catalogue says—of "a society lady of about the reign of Thotmes III," the nails dyed with henna and the wrist bones encircled by a bracelet. With some changes of scene and costume, more or less, the play goes on now as then, and the fundamental passions that make the play a comedy or a tragedy are the same now as then.

And life is still a lottery, as Voltaire said it was, "where the lucky tickets are rare and the grand prize of continual happiness was never won by anybody," just as it always was.

SOCIALISM.

Schemes for remodeling society on a socialistic basis by the confiscation of property by tax or otherwise and the abolition of the laws of inheritance run back to the days of old Lycurgus and "the Republic of Plato."

The communistic idea found expression in the Hebrew hierarchy with its Sabbatical seventh year and its fiftieth year of jubilee; in the communistic life of monasteries, where prince and peasant were equal in their cells; in the uprising of 1381, led by Watt Tyler, and inspired by John Ball, of Kent, the Lollard follower of Wyckliff, who urged that "things will never go well in England so long as goods be not common and so long as there be villeins and gentlemen," and put the everlasting question, "By what right are they whom we call lords greater folk than we? On what grounds have they deserved it? Why do they hold us in serfage?" "When Adam delved and Eve span, who was then the gentleman?" [Applause.]

It spoke again sixty-nine years later in the "Complaint of the Commons of Kent," presented by 20,000 Kentish men, headed by Jack Cade, who promised his followers that all lands should be held in common; that wealth should be degraded and poverty abolished; that seven half-penny loaves should be sold for a penny; that the three-hooped pot should have ten hoops, and that it should be felony to drink small beer.

It expressed itself in the so-called "modern scientific socialism," generated out of the ferment of ideas about property and the State and the origin and objects of civil society in France, which characterized the last half of the eighteenth century, and culminated in the work of a group of French philosophers known as the "Encyclopedists," who represented the reaction of mind against the rotten barriers of old conditions.

It expressed itself in the writings of Rousseau, who defended barbarism against the civil state so well that Voltaire wrote him: "One feels disposed to walk on all fours when one reads your work;" in the writings of Mably and Morelly, who taught that "good legislation should be continually decomposing and dividing the fortunes which avarice and ambition are continually laboring to accumulate;" in the teachings of Babeuf, who

taught that "the aim of society is happiness and happiness consists in equality;" in the social experiments of Robert Owen and the speculative philosophy of St. Simon and Fourier; in the French revolution of 1848, when the dream of the social millennium with which men had deluded themselves turned to a nightmare of blood and horror.

It expressed itself in the plans for the subversion of society promulgated by Karl Marx and Ferdinand Lassalle, approved by many socialistic congresses, but of late modified by socialistic success in Germany to a programme of progressive social reform, which has divorced anarchy and proposes the transformation of society as it goes along toward the ultimate appropriation of lands and property, the repudiation of all debts, public and private, and the substitution of State for private ownership.

This is the last phase of socialism, unless we include the scheme of Mr. Bryan, which is in harmony with it, to smother the vital principles of the Republic by supplementing the present city and State control of public utilities by Government ownership of railroads, and the creation thereby of a political machine, having railroad and office-holding affiliations, which could control the course of legislation and hold the balance of power in any election.

Men have been groping for centuries for some solution of the unequal distribution of talents, wealth, and power, but the wisdom of the ages comes back again and again to the explanation that each is held accountable for what he makes of what is given to him—that talent, wealth, and power demand their usury in human conduct; that thrift and idleness, sagacity and stupidity, sobriety and drunkenness, genius and mediocrity, honesty and dishonesty are paid in their own coin; but, assuming a Supreme Intelligence which cares, and not an unchanging law that does not care, the ancient question of *why* men are born weak, unfortunate, and criminal still remains unanswered.

INEQUALITY BUT BROTHERHOOD.

Sir, nothing will ever be able to reduce the fundamental and organic differences of mankind to any dead level of equality.

Freedom is still "broadening slowly down from precedent to precedent," but this very freedom gives greater rein to natural differences.

And these same differences have forced men on from barbarism to the intellect that weighs the stars and studies the forces that flash through space. [Applause.]

From the time when force gave way to intellect in the world every addition to science and every new idea has contributed to the advancement of mankind, not of some, but of all; not of the rich and the fortunate alone, but of the poor and the unfortunate.

But it has not advanced all equally.

"Business interests" are selfish interests necessarily, but there never was a time when business interests realized and responded to their obligations to society more generously than now.

In the year 1907 the gifts to religion, education, and charity in the United States amounted to $150,000,000.

Sensitive scientific instruments 7,000 miles away recorded the earthquake shocks at San Francisco, but human sympathy the world over was still more sensitive, and the evil elements in San Francisco stand out in sharper contrast and blacker infamy against the background of universal generosity.

Recent criminal instances do not characterize or even qualify the true standard of our civic virtue, and the sun in its daily journey never shone upon a more generous and philanthropic people than our own or a people of higher national morality.

Mankind has not ceased to make war, but patriotism has widened into altruism, and our relations with Cuba, China, and the Philippine Islands has been characterized by a spirit of brotherhood which the world has never witnessed heretofore.

The nineteenth century began with cruelty and intolerance and the occasional individual temporary relief of mendicancy and ended with organized benevolence and humanitarianism.

Philanthropy is now a part of the complex unity of our social life. It has reformed the prison systems of the world. It visits the sick and the unfortunate. It builds homes, hospitals, and refuges for the old, the sick, the infirm, the deaf, the dumb, the blind, the insane, and all those with whom fate or chance or destiny has dealt unkindly.

But it needs to be remembered that it is not organized benevolence dispensed by proxy—not the founding of charitable institutions alone—not the giving of money flung from the lavish hand of plenty that helps on the brotherhood of man, but it is the spirit of sympathy with which all these things are done and bestowed.

THE WEB OF LIFE.

So long as the work of the world is done by average men—and "there is not a purpose or project or plan but depends on the strength of the average man"—and so long as the products of the work of the average man are multiplied by the talents of exceptional men, all are indispensable, and all are entitled to the reward.

There are some qualities the world can never get too much of and is always willing to pay for, and these qualities are intelligence, courage, and honesty.

The affair of capital is the affair of mankind, and the affair of labor is the affair of mankind, and it is not an impossible dream that the time may come when labor and capital, no longer on guard against mutual aggression, shall work together for their good and the common good, recognizing that when a business is prosperous, everybody connected with that business is prosperous, and when a business is not prosperous, nobody connected with that business is prosperous.

But so long as combinations of capital and labor exist, it ought to be clearly understood that they are the servants of the people, and not their masters, and must be subject to wise regulation and control.

And it can not be possible that all our work under the sun counts for nothing when we are done. I prefer to believe that—

"Whatever thy task, thou art even as one who twists the thread and throws the shuttle, weaving the web of life. Ye are the weavers, and Allah, the merciful, does He not watch beside the loom?" [Prolonged applause.]

Mr. MOON of Tennessee. Mr. Chairman, I yield to the gentleman from South Carolina [Mr. FINLEY].

Mr. FINLEY. Mr. Chairman, I yield to the gentleman from New York [Mr. HARRISON].

Mr. HARRISON. Mr. Chairman, in the last few months the newspapers of our country and of Europe have frequently contained descriptions of alleged atrocities in the Kongo Free State. Since the entrance of the United States upon the arena of world powers our people have an interest in subjects of this nature measured by our weight and influence in international affairs. There are those who believe that these newspaper articles are inspired by powers not wholly disinterested in the premises. On three continents within this decade we have seen instances where alleged atrocities or wrongdoings in the internal affairs of weak nations have been used as an excuse for active or armed intervention by their more powerful neighbors, resulting sometimes in large increase of territory for the latter at the expense of the former. Bearing this in mind, it is interesting to read the account of the Belgian administration of the Kongo Free State written by a most recent visitor to that country. The book From the Niger to the Nile contains a narrative by Lieut. Boyd Alexander, of the British army, of his three years just passed in and about the territories of the Kongo. Lieutenant Alexander did not go down there at the behest of a yellow newspaper nor of a "muck raking" magazine, but was the leader of a most notable scientific and exploring expedition for his Government. He pays the highest compliments to the Belgian officials, and completely disposes of any sinister suggestions of atrocities upon the natives by the Belgians or with their connivance. His picture of the true state of affairs in this great empire, in "Darkest Africa," shows the Belgians to be among the foremost colonizers and administrators of the civilized world and most humane and righteous in their dealings with the negro races. To quote his own language (Vol. II, p. 338):

Before leaving the Kongo I will take the opportunity of saying a few words on the Belgian administration, which my prolonged stay in the country gave me many chances of studying. My observations, of course, only apply to the country through which I passed, which was the Welle region and the Lado Enclave, where the Belgian posts are numerous.

As a traveler it was always my object to get away from the influence of the posts as much as possible, and most of my time was spent in distant villages in the forest, where I went to make collections. After a short time I invariably gained the confidence of the natives, and I had many talks with the chiefs. I will cite one as an example. I asked a Mobatti chief whether his people liked the coming of the white man to his country, and he replied: "Since the white man has come we have no longer any fear for our women or property. Before his coming the chief next to me, who is stronger than I am, used to raid my villages continually. No man could travel from one village to another without going in fear of being waylaid and killed; but now we work for the white man and he is strong for all."

For the protection thus afforded them the Kongo government, like other administrations in Africa, imposes obligations upon the natives. These take the form of each chief supplying to the post of the district a certain amount of labor and produce, the latter varying according to the things his country yields, but it is generally plantains, rubber, or palm oil. The work for which his men are employed also varies; it may be rubber collecting, or canoe work, or carrying, but in every

case the men are paid. Canoe men and carriers get 25 centimes a day, the value of which is taken out by the men in cloth from the magazine of the post.

In the Welle region the circulation of the Kongo State money is hardly known, and all pay is given in kind. The wonderful system of waterways by lightening the labor of carrying has enabled the Belgians to use trade goods to the utmost advantage. The natives are ignorant of cloth making, and so cloth to them is a valuable article, and for payment goes a much longer way than in many of our own colonies.

The Belgian system of labor organization is a sound one. The post is seldom if ever more than five days' distant from the next, which is an advantage for transport purposes, for five days' carrying is the limit that any one man should be called upon to do at a time. The commandant of each station keeps a roster of the chiefs in his district and the amount of labor that each has to supply; so when a transport is required from his station to the next, a chief is called upon in his turn for the men, who know exactly what is required of them.

It is admirable what a hold the Belgians have over the natives by always ruling them through their chiefs. I have seen as many as 500 men in a post ready for work at a few hours' notice, and I have also seen cases in our West African colonies where an official traveling through the country has had to wait a day or two before a resident could get him twenty-six carriers.

The Belgian native soldiers have their two parades a day in the station when they are not on escort duty, and they are never allowed to go into the villages unless under the charge of a white officer. They are recruited from the tribes of the district, and are generally sent down to Boma for their training. Each man has to serve for seven years, after which he may reengage if he likes. His pay is 25 centimes a day. At the end of the month he goes to the store of the post where he is allowed to choose whatever he likes in the way of cloth to the value of his pay. For his food he is given 5 "mitakos" per week, or 25 centimes, and he is also housed. For each month of good conduct he receives 1.25 francs toward pension, but this is forfeited should he incur a flogging of twenty-five lashes.

Each soldier is allowed one wife, who must do a certain amount of work in the post, such as sweeping, carrying water, or cutting up rubber. For this work she receives 1 franc per month, or its equivalent in cloth, etc.

Every Saturday it is a usual sight to see strings of women from the neighboring villages coming into the post, carrying bunches of plantains or small baskets of sweet potatoes, to be sold to the soldiers and other permanent hands.

Then when Sunday comes there are often large gatherings of chiefs, all dressed in their best clothes, who have come in to pay their respects and to talk with the chef de poste. It is certainly an interesting sight to watch the chiefs and their headmen sitting in front of the official's house, talking and laughing with the white man to their heart's content, sometimes, perhaps, airing a little grievance, which is soon satisfactorily settled; at others telling him the reason, maybe, of some custom existing in their tribe. Then a glass of claret is given to every chief, after which they take their departure.

The Bangala language, which is spoken by all the chiefs, and in many cases by the natives, too, has to be spoken by every white man who enters the service of the Kongo State. The effect of this has been far-reaching in establishing a better understanding between the native and the European, besides giving to the officials an intimate knowledge of what is going on in the country, and making the oppression of natives at the hands of their chiefs a much more difficult thing than it was formerly. It is, in the first place, to this system of knowing the language that the Belgians owe the strides they have made within the last ten years in opening up the country.

The obstacles that have had to be overcome were very great. The extraordinary number of tribes in the Kongo, many of which are fierce and intractable, like the Bangalas and Ababuas; others of low civilization, like the Momvu and Mombuttu; made the first step of civilization extremely difficult. Soldiers had to be recruited from the West Coast, among them Hausas and natives from Sierra Leone, who, not being of the country, committed acts of cruelty and pillage whenever they got the opportunity. Another source of trouble has been the employment in official capacities of men of different nationalities, with the result that there has been friction with at least one other nation.

The system of labor imposed upon the natives can have none but a good effect. It brings them into closer contact with the white man and civilization, and imbues them with a sense of responsibility. As long as the native is left to himself, so long will he sit outside his hut and occupy his time in staring into vacancy. In the forest regions the soil is so rich, and the chances of loss by plague or storm so few, that little husbandry is required of the native to grow his crops. But since the white man levies so much food from him it means he must increase his plantations, and so the country becomes richer in cultivation year by year. In so fertile a region it naturally follows that living is extremely cheap, and this must be borne in mind when we deal with the question of the payment of the natives. But, in spite of this consideration, it is my opinion that the rates are much too low, and should be readjusted. This applies also to the pay of the white official. On the other hand, in our own and the German West African colonies things have been carried to the other extreme. One shilling a day for a native soldier and 9 pence to a shilling for a carrier are, I consider, ridiculously high.

To sum up the result of my observations on the administration of the State, having regard to their knowledge of the country, their control of the natives and the condition of the tribes that come under it, the discipline of their soldiers, the finely built stations, and excellent transport arrangements, it is my opinion that the opening up of the Kongo places the Belgians in the front rank of colonizers.

I can not pass from the Kongo without saying a few words on the "atrocity" question. Were I to consult my own convenience I would rather leave the matter on one side as being one that has nothing to do with the objects of the expedition, for it is not a pleasant thing to have to stand, as my convictions force me to do, in opposition to many of my fellow-countrymen, who, in their crusade against the Kongo Free State, I know are actuated by their humane principles. I have read Mr. Morel's book, and as I read I was appalled by the horrors it describes. If such things be true, it is a terrible thing to think of that one could for a moment try to check the avenging hand. When Mr. Morel buckles on his armor and goes for the dragon that is oppressing the weak, it is with a force and fire that would be worthy of the patron saint of Englishmen, and one can not help admire and feel sorry to find oneself on the side of the dragon. But having seen what I have seen, it would not be right for me to refrain from speaking; besides my silence might be misconstrued.

We had exceptional opportunities for studying the effects of the Belgian rule on the natives. I myself and José Lopez spent a year in the rubber region, and for the greater part of that time were in out-of-the-way districts, living side by side with the natives; but though we spoke with the chief of every village we came to, we could not hear of a single case of "atrocities;" and Gosling, who spent the last six months of his life under similar conditions found his experience agree with ours. And this did not merely go to prove the absence of oppression, but also to show that the Kongo tribes as a whole are happier since the Belgian occupation. I say "as a whole" advisedly, for I must, in all fairness, admit that there are some tribes that feel the oppression of being made to work, and the military restraint that keeps them from eating up other tribes. But in the eyes of the interested humanitarian this misfortune should be outweighed by the advantages conferred on the more gentle natives who now have peace and prosper.

There is no smoke without fire, and I do not doubt for one moment that in the first days of the colony there were many terrible abuses. These things, alas! happen in the early history of most colonies where black troops are employed. How much more certain is it to have been the case in the Kongo Free State, where at first the soldiers and laborers were recruited from outside the colony, and the officials were and still are drawn from all nations, and so not imbued with the spirit of patriotism? When it is known that many of the tribes among themselves inflict barbarous punishments of mutilations, of which I personally have seen several instances, it is easy to see how wrong impressions can be formed. And the fact that many photographs of these things find their way to Europe labeled, and rightly so, "Kongo atrocities," shows how dangerous it is to accept this sort of evidence.

A case in our own experience may serve to show the reader what animus exists against the Belgians. In spite of the fact that nothing could have exceeded the kindness of Commandant Sarolea and the officers at Niangara in the sad circumstances of poor Gosling's illness and death, a report reached Khartoum that he had died of starvation in Belgian territory, with the natural result that the Anglo-Egyptian government sent a request to the commandant superieur of the Welle district to know if it was true. I was in Faraggi at the time the message came through, being very kindly entertained by the Belgians, although they themselves were suffering from a shortage of food, owing to their supplies having been stopped from Khartoum in consequence of the Bahr-el-Ghazel affair. When the Belgians showed me the message I blushed for shame.

No, the Kongo dragon is dead and it is unseemly to go on gibbeting the carcass.

Mr. FINLEY. Mr. Chairman, I now yield fifteen minutes to the gentleman from North Carolina [Mr. SMALL].

Mr. SMALL. Mr. Chairman, I desire to discuss what is ordinarily termed the "ocean mail subsidy." In the brief time allotted to me I can not discuss this proposed legislation in all its aspects, but only one or two phases of same. It would be best to inquire at the threshold the character of this legislation. It is proposed to amend the act of March 3, 1891, which provided for our ocean mail service. In that act ocean steamers were divided into four classes, and the rate of compensation for carrying the mails was graduated for each separate class. It is only necessary now to refer to the first and second classes. It was provided that the first class should be of iron or steel screw steamships capable of maintaining a speed of 20 knots an hour at sea in ordinary weather and of a gross registered tonnage of 8,000 tons. The second class it was provided should be iron or steel steamships capable of maintaining a speed of 16 knots an hour at sea in ordinary weather and of a gross registered tonnage of not less than 5,000 tons.

The rate of compensation to be paid the steamers of the first class could not exceed the sum of $4 per mile and for the second class could not exceed the sum of $2 per mile for each outward voyage. The act of 1891 further provided that contracts could only be made with American steamships.

The bill under consideration (H. R. 4068) provides that there shall be paid to vessels of the second class the sum of $4 per mile, as provided for vessels of the first class, thus doubling the amount allowed to be paid under the act of 1891. The purpose of the bill, upon its face, is to establish routes to South America, to the Philippines, to Japan, to China, and Australia. This bill was referred to the House Committee on the Post-Office and Post-Roads, of which I have the honor to be a member, and in turn referred to a subcommittee, which by a majority vote has favorably reported the bill to the full committee.

This reference of the bill to the Post-Office Committee would indicate on its face that its purpose was to promote and extend our ocean mail service; and if such was its primary purpose and the extension of such ocean service was necessary, such reference of the bill was proper, and your committee and this House would be justified in providing a sufficient appropriation to carry the ocean mails at the lowest rate.

Such, however, is not the purpose of the bill and there is no such pretense upon the part of its principal advocates. In the first place there are substantially no American ships already constructed and available for this service, and the object of this increased compensation is to furnish an inducement for the building of the ships and thereby furnish employment and profit to our shipyards. In other words, it is the same movement for ship subsidy which has been before this House at regular intervals for the past ten years. Because it is presented under the guise of providing ocean mail service and the appropriation is to be made under the Post-Office Department does not entitle this bill to any more favorable consideration than that which has been accorded in the past to the several ship-subsidy bills

proposed. In truth it is not so meritorious, because heretofore its advocates have sought an appropriation directly out of the Treasury for reviving our shipyards and shipping, while in this bill it is proposed to take the amount out of the post-office appropriation, thereby increasing the amount necessary for maintaining this large establishment and at the same time increasing the deficit.

It would be interesting to trace the evolution of proposed ship-subsidy legislation during the past decade. The first session of the Fifty-sixth Congress, during the early months in 1900, witnessed the descent of this hungry horde upon Congress. At that time a more favorable sentiment existed toward such legislation than at any subsequent period, and if a bill had been then drafted providing for new ocean mail lines and avoiding any opportunity of a Treasury raid, seeking simply to extend the postal service, with incidental encouragement to our merchant marine, it is probable that favorable legislation might have been obtained. On the contrary, its promoters and sponsors demanded legislation for the express purpose of benefiting certain steamship companies, but with no pretense of reviving generally our merchant marine or extending our ocean mail service. The inexcusable selfishness exhibited at that time aroused the country and created such a storm of criticism in the newspapers that its enormity was exposed and the entire country became prejudiced against subsidies of every kind. The promoters of the movement at that time and each session thereafter have presented bills to Congress.

Each year various modifications were made, less appropriations were asked, and the more discreditable features eliminated. This continued until the last Congress when a bill more moderate than any other was reported to this House and passed, but failed to become a law. That bill is substantially the bill under consideration except as before stated, the same object is sought to be accomplished under the guise of extending the ocean mail service. The subsidy bill of last session provided substantially for naval volunteers, for subventions to cargo vessels, and also for subventions for carrying the mails. Under that bill it was estimated that the net cost for the second year would be $1,677,000, which at the end of ten years would have increased to $7,682,000.

What is the evidence that sustains the proposition that this is a mere ship subsidy bill? A hearing upon this bill was had before the subcommittee of the House Committee on the Post-Office and Post-Roads, at which time the Second Assistant Postmaster-General, Mr. McCleary, appeared, together with others. The argument of Mr. McCleary was to the effect that Congress ought to pass the bill because it was necessary in order to provide for the common defense. On page 43, he stated that in his opinion the foundation argument in favor of this measure was the necessity of having naval auxiliaries for the common defense.

On pages 6 and 7 of the hearings the statement is made both by Hon. W. E. HUMPHREY and by Mr. W. L. Marvin that there are no available American ships on the Atlantic Ocean which could contract for this service, but that such ships would have to be built. It was further stated that substantially there were no ships upon the Pacific coast for this service and most of them would have to be built. On page 12, of the hearings, it is stated that if this bill is enacted into a law it will add about forty new steamships; sixteen on the Atlantic coast and twenty-four on the Pacific coast. I quote these statements of the advocates of this legislation in order to further sustain the proposition that the object of the bill is twofold: First, to furnish a pecuniary inducement for the building of forty steamships, and second, for providing an equal number of naval auxiliaries. It is claimed that capital will not be invested in the construction of steamships in our shipyards and that our yards will not be given the contracts for building these ships unless this subvention or subsidy is granted to them. On pages 34 and 35 of the hearings it was sought to have the Second Assistant Postmaster-General rest his demand for this increased appropriation upon the necessity of enlarging the ocean mail service, but he declined to do so and placed it upon the grounds above named. It was admitted in the hearings by the Second Assistant Postmaster-General, on page 26, and by the Commissioner of Navigation, Mr. Chamberlain, on page 33, that our ocean mail could be carried much more cheaply than under the present bill if the service was open to competition to all the world.

The distinguished gentleman from Ohio [Mr. GOEBEL] made a speech in the House a few days ago for more than an hour in advocacy of this bill. This speech gave ample evidence of research and careful preparation, and the purpose running all through his remarks was to show the decline in American shipping in the foreign trade and to urge the necessity of this increased appropriation as a means of inducing the building of additional ships in American yards to engage in foreign trade and incidentally to carry the ocean mails proposed in this bill. It was an argument entirely appropriate and suitable in advocacy of a ship subsidy, without reference to the postal service. Though my time is limited, I hope I have made plain the proposition that this is simply another subsidy bill attempted to be "sugar coated" and under the guise of extending our ocean mail. If any gentleman upon either side can point out to me, either in the hearings before the committee upon this bill or elsewhere, any evidence that such is not the primary purpose of the bill, I shall welcome an interruption in order that such evidence may be furnished. [Applause.]

I would not be misunderstood in this matter. I do not contend that the compensation for the carrying of mails can be regulated by any arbitrary rule. It is frequently true that in some sections and by some methods the cost of carrying the mail between any given termini must be greater than the revenue therefrom. This is true of many star routes and steamboat routes in our domestic mail service, which supply the mails in sparsely populated sections. There is scarcely a rural route in the country where the receipts equal the cost. There are some railway routes, where, because of sparse population or rapid transit, large amounts are paid. But in all these instances the primary purpose is to transport the mails, and not to maintain steamboats or railroads. The fact that the same was paid by the Government and enters into and forms a part of the revenue of the steamboats or railroad lines is simply an incident, and does not affect the principle involved.

Inquiry has been made as to how much this will increase the annual expenditure for our ocean mail. This amount can only be approximately estimated, and the friends of this bill in the hearing estimated that it would increase the cost annually about $3,600,000. If a steamship line was established from the Pacific coast to the west coast of South America, the additional amount was estimated at $4,000,000. It may be safely stated that these are mere estimates and represent the minimum sums.

It was asserted the other day by the gentleman from Ohio [Mr. GOEBEL] that the net annual revenue at present from our ocean mail service amounts to about $3,600,000, and therefore the increased sum made necessary by the enactment of this legislation could be met out of the net revenue from the ocean service. There are several pertinent comments which might be made in answer to this argument. First, it may be stated that the great bulk of revenue from our ocean mail service comes from the trans-Atlantic service from New York and other eastern cities to England and the ports of the continent of Europe, and that no profit could arise upon any proposed routes from the Atlantic ports to South America or on the Pacific.

In the next place, the amount of net revenue so stated can not be arrived at by any proper method of computation. As pointed out so clearly the other day by the gentleman from Kentucky [Mr. SHERLEY], this alleged net revenue is computed by deducting the cost of the service from the gross receipts of the ocean service. The great bulk of ocean mail originates from points far interior, and this computation does not take into consideration the cost of forwarding such mail to the seaboard, neither does it consider any part of the cost of administering the mail service. These propositions are substantially submitted by everyone, and if properly considered they will serve to reduce materially the alleged net revenue from the ocean mail service.

In further answer to the suggestion that we may use the net revenue for the purpose of this legislation, there is another answer which can not be controverted. If the main purpose of this legislation, as has been pointed out, is to subsidize ships in the foreign service, then it can make no difference whether the increased appropriation comes out of the net revenue from the ocean service or whether it is derived from an original appropriation out of the Treasury. The principle is the same. It is the object of the legislation which is vicious, and, being so tainted, it can not be removed or made legitimate by taking the money from any particular source. With all due respect to those who differ, this seems to me to be the only consistent and logical conclusion. [Applause.]

Before I conclude I beg the privilege of saying a word with reference to American shipping in our foreign trade. I admit that only about 10 per cent of this trade, which has grown to such ample proportions during the past few years, has been carried in American bottoms and under the American flag. I would be untrue to my obligation as a Representative if I did not express the keenest regret over this deplorable condition. I would welcome the return of that splendid era in the past when American money, skill, and courage spanned the seas

with American ships and carried our flag in triumph to every port, and if by any appropriate legislation this condition could again be created, I would cheerfully aid in such restoration. I am not willing, however, to pay the price demanded by the advocates of this bill. I am not willing that subsidies shall be paid directly out of the Treasury or paid under the guise of carrying the mails, as proposed in this legislation. If I could favor either plan, I would regard the direct method as less reprehensible than the indirect plan proposed.

The present law provides that no vessel is entitled to American registry and to sail under the American flag in our foreign trade unless such vessel or steamer was built in America. It is contended that we can not build steamers as cheaply as they can be built abroad, and therefore the advocates of this legislation ask for an appropriation to supply this deficiency to the owners of American shipyards. The object may be commendable, but the method is subversive of the basic and essential principles upon which our Government is founded. The moment we begin to appropriate money to aid or sustain any mere private industry, at that time we enter upon the most radical and dangerous policy which it would be possible to describe. [Applause.]

There is only one method by which we may restore our merchant marine and by which we may get South American trade from our European rivals, and that is to remove the cause which brought about the present conditions. Let us remove the commercial barricades which have been constructed around our country by the prohibitive Republican tariff. Unless we can both buy and sell and import and export upon equal terms with our competitors we can not hope to do a profitable business. Foreign trade is a matter of reciprocity in its best sense. We must buy as well as sell, and we must do both upon equal terms with our rivals. Our present boasted foreign trade as to our exports is made up, in the main, from shipments of our farm products, of our mineral and forest products, all of which we get from the soil, and only a small proportion comes from manufactured products. After pulling down the tariff barriers, then give our American merchants and manufacturers an opportunity to do their trading in free ships. These are the true remedies for the restoration of our merchant marine, and if they shall not prove ample, then any deficiency may be supplied by discriminating duties and favorable considerations extended to exports in American ships. [Applause.]

This bill will yet come before this House for consideration in one form or another. It is said that the leaders of the majority have promised this legislation. I respectfully warn Members against this subterfuge. Members who represent constituencies which hold to the cardinal doctrine that taxes can not be collected from the people and be appropriated except for public purposes can not support this legislation without violating what appears to me to be a plain and substantial duty. This is a subsidy bill. Let no one take to himself any hope or consolation to the contrary. [Applause.]

Mr. JOHNSON of South Carolina. Will the gentleman yield for interruption?

Mr. SMALL. Certainly.

Mr. JOHNSON of South Carolina. Is the provision in this bill the usual appropriation that we have passed heretofore?

Mr. SMALL. It is intended as a subsidy, and so admitted by the Second Assistant Postmaster-General in his argument before the House Post-Office Committee.

Mr. JOHNSON of South Carolina. Does this bill carry $4,000,000?

Mr. SMALL. This bill will carry about $4,000,000.

Mr. JOHNSON of South Carolina. In addition to what we have paid heretofore?

Mr. SMALL. I have not the figures before me as to the amount we are paying now. It is an addition of $4,000,000 to that which we are paying, and for the admitted purpose not of carrying the mails, but as a subsidy to the merchant marine.

Mr. GARRETT. Do you mean it is in the post-office appropriation bill?

Mr. SMALL. Not in the post-office appropriation bill, but it is intended later to be brought before this House for consideration.

Mr. FINLEY. Mr. Chairman, for want of time I shall not attempt a close analysis of the post-office appropriation bill, now under consideration. Generally, I may say that the bill as it has been reported to the House by the Committee on the Post-Office and Post-Roads is less objectionable to the members of the committee than any similar bill presented during my service in Congress.

For the information of the country it may not be out of place to make some comparisons. In 1900 the total appropriations for the support of the postal service amounted to $105,627,138.75. The present bill carries $220,766,192. In my opinion, a number of items are too small in amount and others are too large. However, I am only one of eighteen members of the Committee on the Post-Office and Post-Roads, and it is a fact that close scrutiny was given by the committee to all items going to make up the bill.

This leads me to digress somewhat. It is commonly reported in the press and generally believed by a great majority of the people in this country that the Senate of the United States is a deliberative body and that the House of Representatives is not. I am not one of those who indorse the rules of the House which give to the Speaker and his three Republican colleagues on the Committee on Rules the absolute government and control of the House. I do not propose, however, to discuss at present this phase of the question.

Revenue bills, under the Constitution of the United States, must originate in the House of Representatives. Custom and practice has brought it about that all appropriation bills shall also originate in the House of Representatives. The Senate consists of 92 members; the House of 391. It is evident without argument that in the House of Representatives there is less than one-fourth of the time for debate by the Members individually that there is in the Senate, and then, when it is considered that the appropriation bills, amounting to nearly a billion of dollars at each session of Congress, originate in the House, are prepared in the various committees of the House, hearings are had, the items going to make up the same carefully scrutinized, and full reports are made showing the necessity for the appropriation—consider this work in connection with the consideration given to appropriation bills in the Senate, and the conclusion is easy that the time of the House is largely taken up in the preparation and consideration of appropriation bills, and it is patent to all who wish to know that the Senate gives no such consideration to appropriation bills in the matter of preparation or time.

The time has been when the Senate of the United States passed seven great appropriation bills in one day, and it is sometimes the case that the post-office appropriation bill is reported to the Senate after short consideration, so that it is true that in matters of appropriation the House of Representatives gives the closest attention, analysis, and consideration to all bills and that the Senate does not.

If I may be permitted, I will say that this is as it should be. The Members of the House are elected directly by the people, and it is proper that the House of Representatives should hold the purse strings of the nation. It follows that in general legislation, the enactment of new laws outside of appropriation bills, the Senate has infinitely more time and is able to give larger consideration to all such legislation than is the House of Representatives.

I am constrained to make these remarks for the reason that many uninformed people do not understand or do not care to know why it is that equal time and the same consideration is not given to matters of general and permanent legislation in the House that is given to bills of this character in the Senate of the United States. I am unwilling that the House of Representatives shall be criticised without a statement at least of conditions leading to this state of facts.

To illustrate, three months of the present session of Congress have passed. At the beginning of the present session the reports of the Post-Office Department and the Secretary of the Treasury were available to members of the Post-Office Committee, and it was necessary that they study these reports before entering upon the long and tedious labor of preparing the Post-Office appropriation bill. Since Congress convened after the holidays, two months ago, the various subcommittees of the Post-Office Committee, and particularly subcommittee No. 1 having in charge the preparation of the bill under consideration, have until the past few days been in almost daily session; that is to say, the members of this subcommittee have practically speaking been three months in the preparation of this bill. It is evident to all that during these three months the eight members composing subcommittee No. 1 of the Post-Office Committee have had time for no other work. As this is true of the Post-Office Committee, it is also largely true of many other committees, such as the Committee on Appropriations, the Committee on Naval Affairs, the Committee on Military Affairs, and many other committees I might name. The time of the members on these committees is taken up in this way.

With apologies for this digression, I will now proceed to discuss some items of appropriation in the bill under consideration. It is my opinion that there is appropriated for the screen-wagon service at least $150,000 more than is necessary. This is brought about by placing the underground electric-car service in the city of Chicago under this head. The pneumatic-

tube service unquestionably costs more than the good of the postal service demands. The same is true of the appropriation for star-route service. Eight years ago in the Congressional district I represent, consisting of seven counties and with an area of more than 4,500 square miles, there was the star-route service and the country post-offices. In the past six or seven years the district has been practically covered by rural-delivery service, and where there were approximately 200 post-offices there are now 95. Where there were scores of star routes in the district, to-day there are only 10. This should be the case throughout the country generally where the rural-delivery service has been extended. To my mind this service will never be brought to a proper basis until both star-route and rural-route services are placed under the same bureau. As it is to-day the Fourth Assistant Postmaster-General has control of the rural-delivery service; the Second Assistant Postmaster-General has control of the star-route service. Both should be under one management. The Second Assistant's office would have enough to do without having anything to do with the star-route service. At no distant day I hope to see this branch of the postal service transferred to the office of the Fourth Assistant Postmaster-General.

I do not make these remarks by way of criticism of the Second Assistant Postmaster-General's office. It is, however, impossible to properly manage and control the expenditures in the matter of star-route service so long as the same is under a different jurisdiction to that of rural-delivery service.

In the last Congress a law was enacted and provision was made for increasing the salaries of postal employees by nearly $13,000,000. Railway mail clerks were given an increase of $100, rural carriers on standard routes $180, clerks and carriers in first and second class post-offices were given classification and automatic promotion up to $1,000 in second-class offices and $1,100 in first-class offices, based alone on one year's service and efficiency of service in the next lower grade.

There is one matter, however, in connection with this that I am not satisfied with, and it is this: That up to this time the Post-Office Department has formulated no rules or regulations as to what standard of service shall constitute efficiency of service. The practice at present is to take the statement of the postmaster at first and second class post-offices as to whether or not the clerk or carrier in his office has made good from a standpoint of efficiency. Now, the clerks and carriers are under civil-service law. The postmaster is usually, and I might say almost without exception, a politician, so that we have this abominable condition, that a politician who happens to be postmaster passes upon the record of post-office employees, clerk and carrier, and as a general rule there is no appeal. However, there is some hope that this condition will be remedied before a great while, the sooner the better, in my judgment.

Mr. JOHNSON of South Carolina. After the election, I suppose?

Mr. FINLEY. I do not know when it will be done, but I have the promise of a gentleman high up in the postal service that this will be done.

Mr. GOULDEN. Will the gentleman yield for a question?

Mr. FINLEY. Certainly.

Mr. GOULDEN. Upon what line does the gentleman recommend a change to be made in order to bring about the reform that he speaks of, namely, the promotion of clerks for efficiency, so as to do even and exact justice to all?

Mr. FINLEY. I would have the Department make rules and regulations defining the standard of efficiency in the postal service for clerks and employees who are under civil-service law. That can be done. And most assuredly I would give the clerks and employees the right of appeal in every case where they claimed that an injustice had been done. Rules and regulations can be formulated that will govern this matter properly.

One other matter that has provoked discussion and some criticism is that the law does not provide automatic promotion for clerks and carriers in the second-class offices in the $1,000 grade, nor in the first-class offices in the $1,100 grade. Under the law and practice Congress makes or does not make a lump-sum appropriation for the promotion of postal employees in these grades. Of course there is always contention as to how many and what per cent of employees in these grades should be promoted each year.

Provision is made in the pending bill for the promotion of about 15 per cent of the clerks in the $1,100 grade, a percentage too small in my judgment. And why should the $1,000 grade in second-class post-offices be discriminated against?

I know of a first-class post-office where a cashier is needed, where in addition to the business of the office nearly 700 rural carriers' pay certificates are handled, and there is not in this office a single employee of the rank and pay of cashier, and I doubt very much whether in the distribution of the small appropriation provided for in the bill that this office will receive consideration.

Continuing along this line, I am convinced that the amount provided for clerical assistance to third-class post-offices where the salary is less than $1,600 is insufficient. The law provides that at third-class offices where the salary is $1,000, $1,100, and $1,200 per annum there may be an allowance for clerical assistance to the amount of $200, and where the salary is $1,300, $1,400, and $1,500 an allowance of $300; where the salary is $1,600 and $1,700 an allowance of $400; where the salary is $1,800 and $1,900 an allowance of $500 each year.

Under the pending bill, where the salary is $1,600, $1,700, $1,800, and $1,900, provision is made for an allowance for clerical assistance approximating 92 per cent of the maximum allowance, and where the salary is less than $1,600 the amount appropriated will only give something like 60 per cent of the maximum permitted by law. I believe it would be for the good of the service to increase these amounts to the maximum.

I am in doubt as to whether or not a sufficient sum is provided for the rural-delivery service during the next fiscal year. I shall not go into an extended discussion of the merits of rural delivery. My views and opinions have undergone no change. Since I have been in Congress I have seen this appropriation grow from something like $350,000 annually to more than $35,000,000 in the pending bill. I am firmly convinced that this is the best investment the United States Government has ever made. [Applause.]

Mr. CRAWFORD. Will the gentleman yield for an inquiry?

Mr. FINLEY. Yes.

Mr. CRAWFORD. Has not the gentleman heard complaints from the substitution of rural-delivery routes for star routes where the post-office has been abolished?

Mr. FINLEY. No doubt such complaints have been made, but they have not come directly to the committee. Something was said about them in a recent hearing.

Mr. CRAWFORD. Has not the gentleman found that a good deal of confusion has resulted to the people from the substitution of the rural delivery for the star routes?

Mr. FINLEY. I will say to the gentleman that my experience is—I do not know that it tallies with the experience of others—that when a district has adopted the rural free-delivery service, where the star route was in existence, and also the country post-office, it was bad policy to plaster the rural delivery on top of the star-route service. I have found it bad policy to have a rural free-delivery route and the star-route service and the country post-office together. The people should decide for themselves which they wish. Under the ruling of the Department they can decide it for themselves.

Mr. CRAWFORD. What I mean is, where a post-office is known to you in your district and the star-route service has been discontinued by the establishment of the rural free-delivery route and the post-office on the star route has been abolished, you do not know where the mail is routed from. Why should it not be for the agent to route it and not disturb the post-office?

Mr. FINLEY. In some districts that trouble might arise.

Mr. CRAWFORD. But the gentleman's experience might not be the experience of people generally.

Mr. FINLEY. I understand that perfectly well, but there surely can be no long-continued trouble on that score. There might be some trouble at first, but it would be of short duration.

Mr. GAINES of Tennessee. May I make an inquiry of the gentleman?

Mr. FINLEY. Certainly.

Mr. GAINES of Tennessee. The gentleman remembers that back in 1902 the rural carriers were allowed to carry express packages; that in 1902 we limited the right in this language:

> The carrier shall be permitted to do an express package business, provided it does not interfere with official duties.

And in a later act, which the gentleman helped to make as well as myself, it was provided:

> Such carriers may carry merchandise for hire upon the request of the patrons residing on their respective routes whenever the same shall not interfere with the proper discharge of their official duties.

Mr. FINLEY. I am always delighted to be interrupted by the gentleman from Tennessee, but I beg to say to him that I have only a very few minutes.

Mr. GAINES of Tennessee. I am sorry, but I know the gentleman can explain this. The Department now limits that to those parties who live on the route. A party, for instance, residing in Nashville, wants to send out a Christmas present to a person on this route. He can not do it, but the person on the route can do it. Now, we can increase the salaries by making that more liberal.

Mr. FINLEY. I call the attention of the gentleman from Tennessee to the fact that that would inaugurate a general parcels-post system.

Mr. GAINES of Tennessee. Not necessarily; we could limit it. The whole thing is a creature of statute.

Mr. FINLEY. So it is. I want to say that I am heartily in favor of a parcels-post system on rural-delivery routes.

But I stated a moment ago that I had some doubts as to whether or not the appropriation provided in this bill is large enough. The Department, under existing law and appropriation made at the last session of Congress, proposes to install during the present year 1,500 rural routes. Provision must be made in the pending bill to pay the salaries of these carriers during the next fiscal year. The estimate is that $1,293,000 will be required for this purpose. The estimates of the Department also provide to inaugurate new service on 1,500 routes during the ensuing fiscal year, and that $700,375 will be necessary to pay the salaries of the carriers on rural routes installed during the next fiscal year. The Department also estimates to pay substitutes for 39,200 carriers on vacation during the next fiscal year that $1,352,100 will be necessary, and for clerks in charge of rural-delivery service $12,000, and tolls and ferryage $15,000. On this basis $35,872,693 will be necessary to support the rural-delivery service during the next fiscal year. The pending bill only provides $35,373,000. During the past fiscal year the rural carriers, to some extent, neglected to take advantage of the fifteen days' vacation, thereby saving to the Government on this item alone $187,313. During the present fiscal year the rural carriers have taken their vacation to an amount equal to $870,000 in the eight months of the fiscal year that has gone by, leaving only $484,000 for the four months of the year unexpired. This shows conclusively that practically no saving can be expected on account of carriers not taking their vacation during the present and next fiscal year.

One other consideration. The amount carried in the bill does not contemplate the establishment of 1,500 rural routes this fiscal year or during the next fiscal year. The argument is made that during the present fiscal year the average has not been as much as 125 routes per month. I call the attention of the House to the fact that four months of the time past during the present fiscal year—November, December, January, and February—the weather has been inclement and the roads throughout the country generally in bad condition. On March 2, 166 routes were installed, and my recollection is that 132 routes are ordered installed April 1, and I am satisfied a larger number will be installed during the remaining months of the fiscal year, so that the average will be at least 125 routes per month. The Department may inagurate 1,650 routes during the present year.

I did not have the time to give this matter close consideration in the committee room, for the reason that during the last few days the post-office bill was under consideration before the Post-Office Committee of the House I was absent in South Carolina attending the funeral of the late Senator Latimer. I do not wish any unnecessary appropriation for the support of the rural delivery or any other branch of the postal service. I am satisfied, however, that the figures given are correct.

There has been a great deal of agitation throughout the country in reference to parcels post on rural routes. I have advocated this proposition as strenuously as I could elsewhere. I did what I could to secure favorable action in the way of amendment to the present law by amending the bill, on page 52, after the word "year," on line 4, by adding the following:

That beginning July 1, 1908, there shall be a parcels post, limited to 12 pounds, on every rural route in the United States. Said parcels post shall be confined exclusively to the rural route upon which the parcel originated and its rural-route connections, and shall not extend beyond said route upon which its originates and routes with which said route connects directly without the intervention of railway mail service, star route, messenger, or any other form of mail service.

That the rate of postage on such packages shall be 5 cents for packages weighing not more than 3 pounds, 7 cents for packages weighing not more than 5 pounds, 10 cents for packages weighing more than 5 and not more than 8 pounds, and 15 cents for all packages weighing more than 8 and not more than 12 pounds, and the money received for this service shall be paid to the rural carrier performing the service of carrying the parcels or packages.

My amendment embodies the bill of Judge GRIGGS, of Georgia, with an amendment giving the rural carriers the fees received.

This amendment of the general law is necessary for the convenience and accommodation of people living on rural routes. The service will cost the Government nothing and will give to the rural carriers who perform this service the compensation paid by the sender of a package or parcel. I have advocated the measure heartily and regret that the Post-Office Committee has not seen fit to favorably report the same.

There is one class of public servants who are entitled to more compensation at the hands of the Government than they at present receive. I refer to fourth-class postmasters. This numerous class of public servants are overworked and underpaid. I hope to see legislation enacted in their interest at an early date. In the event this is not done the failure to do so can be charged up to the majority.

Mr. GILL. Will the gentleman allow me to ask him a question?

Mr. FINLEY. Yes.

Mr. GILL. The gentleman stated just now that he was in favor of the rural parcel-delivery system.

Mr. FINLEY. Yes.

Mr. GILL. Has he any objection to stating why he would not extend that to the cities as well as to the rural districts?

Mr. FINLEY. I will say this to the gentleman in answer to his question: That if you should extend this system to the cities you would have to double the letter-carrier force in every city in this country, and I do not think there is the necessity for this service in the cities that there is in the country on the rural routes.

Mr. GILL. I would ask the gentleman if he is familiar with the number of carriers that are utilized, for instance, in the city of London, and whether they have there double the number at the present time that there is in New York, in proportion to population?

Mr. FINLEY. Yes.

Mr. GILL. They have the system there, and why could they not have it in New York?

Mr. FINLEY. I will say to the gentleman that they have no such well-paid or efficient mail service in London as we have in the city of New York.

Mr. BENNET of New York. Will the gentleman yield?

Mr. FINLEY. Yes.

Mr. BENNET of New York. I want to ask the gentleman if he does not recall that they have more daily carrier deliveries in London than they have in New York City?

Mr. FINLEY. Oh, I have heard that statement made often; but they have all they wish in New York City—up to eleven a day.

Mr. GOULDEN. And thoroughly efficient.

Mr. FINLEY. Yes; the most efficient in the world.

Mr. Chairman, on last Tuesday my colleague on the committee [Mr. GOEBEL] made an earnest plea for ship subsidy. He stated that House bill 4068, to amend the act of March 3, 1891, entitled "An act to provide ocean mail service between the United States and foreign ports, and to provide commerce," had been referred to Subcommittee No. 4, of which he has the honor to be chairman, and that this bill has been favorably reported by Subcommittee No. 4 to the full committee. The Post-Office Committee, however, has taken no action in reference to this bill. I assume that the reason why Judge GOEBEL has not called up this bill before the full Committee on the Post-Office and Post-Roads is that he is aware of the fact that an unfavorable report was likely. Under ordinary circumstances I should not discuss the proposed bill. The provisions embodied in said bill are not carried in the post-office appropriation bill now under consideration, but since the chairman of Subcommittee No. 4 of the Post-Office Committee has seen fit to argue the proposition at length in the discussion of this bill, I think something should be said on the other side of the question.

It is sought by the proposed bill to so change the law as to saddle the postal service with the burden of ship subsidy. The purpose and the only purpose of the postal service should be to carry the mail, and I believe that the postal service should be maintained strictly within these limits. From any standpoint, why should this service be loaded down with the burden and expense of service other than for this purpose? We have an ocean mail service at present, but it is, strictly speaking, a mail service. Not only is this true, but it is a profitable mail service, and this proves the scope of the service beyond cavil. The proposed change in the law is nothing more nor less than the old ship subsidy bill revised, revamped, and put in shape to be attached to the postal service, and, if possible, without alarming the public.

The ship-subsidy proposition has for its main purpose the extension and building up of the American merchant marine, providing ships in which to carry American products to foreign countries and to provide an auxiliary fleet of cruisers and colliers to the American Navy in time of war. Now, the present ocean mail service that we have is strictly for carrying the mail, and results in a profit, whereas the proposed law contemplates building up a merchant marine at an estimated annual expense under bill H. R. 4068 of about three and a half million dollars. Not only is the purpose of the bill to build up

the merchant marine, but it is also intended to increase the naval strength of the United States by providing transports in time of war, and, as I have stated, all of this at the expense of the postal service.

If the Republican party wishes to be fair, and unless it is proposed to deceive the country into the belief that the proposed bill is in the interest of the postal service, when, as a matter of fact, it is not, why does the Administration in the White House and in Congress not come forward with a proposition as was done years ago for a ship subsidy pure and simple, with its purposes and objects clearly stated and unequivocally avowed.

In the nine years that I have been in Congress I have heard many speeches on bills to give the country a ship subsidy. I remember distinctly the efforts of that distinguished, stand-pat, able, and fearless Republican, Gen. Charles H. Grosvenor, of Ohio. He is a Republican without guile and the strongest advocate of ship subsidy I have any knowledge of. During his twenty years of service here, and in recent years when he was chairman of the Committee on the Merchant Marine and Fisheries, he did his utmost to secure favorable action by Congress for this proposition. He did it, however, in a plain, straightforward, open, fighting sort of way. He plainly stated the purposes of the various bills introduced and advocated by him to build up the American merchant marine, and at no time to my recollection did he ever resort to the present method, which I regard as a cowardly subterfuge in endeavoring to saddle the postal service with this expense.

We all know, or at least those who know anything about the postal service are well aware, that whenever any unnecessary burden is imposed on the postal service that you cripple the service in more ways than one. That, among other things, you make it impossible or difficult to accomplish at least the extension of the postal service, the inauguration of new and up-to-date innovations for the good of the service, and particularly is it true that whenever action like this is taken the postal employees suffer, for the reason that consideration of their claims for reasonable compensation is necessarily postponed.

The ship-subsidy proposition is nothing more nor less than an effort to apply the protective-tariff theory of stand-pat Republicans to the ocean carrying trade of the United States. The domestic carrying trade of the United States on the Great Lakes and rivers and between the ports of the United States is absolutely protected. This is a local matter and American shipowners have no competition with foreigners, but in the ocean carrying trade the American shipowner comes in competition with the foreign shipowner. So it is that he must compete with the shipowners of England, Belgium, Germany, France, Japan, and other nations. The American shipowner claims that in this trade he can not compete with the shipowners of other nations on account of the protective tariff of this country. I am prepared to admit this proposition. A ship costing $1,000,000, built in England, Japan, or elsewhere, will, on account of the Dingley tariff law of this country, cost from one and a half to two million dollars here. The ship-subsidy proposition proposes to give to the American shipowner a bonus or subsidy out of the Treasury of the United States to make up the difference—that is, to pay to him at least a fair return on the cost of approximately one-half the price of his vessel. A real remedy would be to reform the Dingley tariff law. It is claimed that at one time over 90 per cent of the American ocean trade was carried in American bottoms, and to-day less than 10 per cent is carried. This statement is also true. When practically all of the American ocean carrying trade was in American bottoms, this country had a reasonable tariff law for revenue.

To-day this country has a most unreasonable and unjust tariff law for the purposes of protection, and results in enriching the few at the expense of the masses. Under the present tariff law of the United States a ship-subsidy law which would restore the American merchant marine would cost the Treasury of the United States anywhere from $80,000,000 to $90,000,000 annually. This money would be contributed by all of the people and be paid out as a bonus or subsidy to a few shipowners. I am opposed to the ship-subsidy proposition in every form. To my mind the proposition is indefensible from every view point. It means nothing more nor less than that where a business is unprofitable on account of the protective tariff that parties engaged in this unprofitable business shall be authorized to go to the Treasury of the United States and receive enough money to make their unprofitable business profitable, in utter violation of Jefferson's definition of democracy, "equal rights to all; special privileges to none." The fact that it costs twice as much, practically speaking, to build a ship in this country as it does in England or continental Europe is the reason for this onslaught on the Treasury of the United States.

Why the bill discussed by my colleagues should be sent to the Post-Office Committee I am unable to understand.

When General Grosvenor, of Ohio, that simon-pure, rock-ribbed, fearless Republican entered into a discussion of this proposition, or any other proposition of interest to the Republican party, he made his fight, as I have stated, openly and aboveboard and without resorting to a subterfuge, as is the case with bill 4068.

In former Congresses, even when the Republican majority exceeded 100, the ship-subsidy proposition was either pigeonholed or was permitted to die. At any rate it was never passed. The present advocates, with their former defeats staring them in the face, being apprised of the fact that in all probability a large number of the Republicans in this Congress, as in other Congresses, would rebel and refuse to vote for ship subsidy unless the same was labeled some other name, have resorted, in my opinion, to what is an indefensible and cowardly subterfuge to accomplish the same purpose. Bill 4068 gives to ships engaged in ocean mail service $4 per mile, where the same ships under the existing law are only entitled to $2 per mile on outward trips. There has been a studied effort at covering up the real purposes of the bill, but in the hearings before subcommittee No. 4, of which I am a member, it was made evident that the real purpose of the bill was to build up a merchant marine and provide an auxiliary fleet to the Navy. The mail service which it is proposed to supersede under the provisions of the bill mentioned only costs annually $188,000, and the expense under the bill mentioned will amount approximately to $3,600,000, and perhaps a great deal more.

House bill 4068 has not been brought for consideration before the full Committee on the Post-Office and Post-Roads. There are at least four Republican Members on the full committee who, on former occasions, as I remember, when the ship-subsidy bill was before the House as a separate proposition, voted against the same. I hope that they have not changed their views, and that the reason why this most iniquitous measure has not been brought before the full committee is that it is not believed that favorable action can be had. No Democrat, in my opinion, can or will vote for the bill. [Applause on the Democratic side.]

No Republican who is opposed to special privileges, to taking money out of the United States Treasury in order to make a private business profitable which is now unprofitable, can possibly vote for the bill. [Applause on the Democratic side.] No man, in my opinion, who has at heart the good of the postal service can possibly give favorable consideration to this proposition. It is unsound as an economic question to saddle the postal service with the burden of ship subsidy. Every man who so votes will be compelled to answer that question to the people. If the Administration—Republican party, if you please—is determined to pass a ship-subsidy bill, why not come out in the open, make their fight in the House and Senate, and go before the country with a declaration of their principles and cupidity, holding to the proposition that it is necessary to grant special privileges to American shipowners and to give them a very large appropriation out of the Treasury of the United States at the expense of the whole people?

I have not a great deal of fear that the House will favorably consider the bill mentioned, and I would not mention the same in this discussion but for the fact that the gentleman from Ohio, chairman of subcommittee No. 4, having the bill under consideration, and a member of the Post-Office Committee, has discussed the measure fully. Can there be any doubt that the main purpose of the bill is not for the good of the postal service?

Hon. James T. McCleary, Second Assistant Postmaster-General, and for many years a distinguished Member of this House, and who is also a tariff reformer of a very high order, differing from most tariff reformers in this, however, that he believes that the tariff should be reformed upward and made as high as it is possible to make it. And in this connection I wish to digress long enough to state that he is one Republican who is honest, open, and speaks his sentiments on all occasions. In the hearings before subcommittee No. 4 of the Post-Office Committee, in advocating the passage of the ship-subsidy bill mentioned, he stated this as one of his reasons:

> That the Union was formed for one reason, fundamentally, and that was for the common defense; all other reasons are secondary. Peace is our normal condition; we love it—but we must not forget that we are liable to have war. * * * Now, all this is preparatory to what I want to say. We must provide for the common defense; that is a national duty. How can we do it? * * * We must have two kinds of forces, land forces and ocean forces. We depend upon our citizen soldier for our reserve. * * * On the sea we must have

the same general policy; we must have a proficient force; we must have fighting ships of the very best quality. In addition to the fighting force we must have what I will call (I do not know that I use the technical language) "an auxiliary force" of scouts and colliers and hospital ships and supply ships and all of those things. Here is the problem with which we are face to face. How shall the Government secure that auxiliary naval force at a maximum of efficiency and a minimum of cost?

Speaking of providing ships for this service, General McCleary stated:

It is a legitimate public expense which the Committee on Appropriations could properly appropriate for directly out of the United States Treasury as the cheapest way of accomplishing a great result.

It will be borne in mind that the proposed bill involves an outlay of something like $3,600,000, where the outlay at present is only $188,000.

In the hearing General McCleary was asked this question:

Mr. FINLEY. Taking your statement as you have made it, have you not argued this committee out of jurisdiction?

Mr. MCCLEARY. No; because you have jurisdiction of the postal offices and this furnishes means with which to accomplish the result.

Mr. FINLEY. But would not a bill to accomplish the purposes you have stated properly go before the Committee on Merchant Marine and Fisheries?

Mr. MCCLEARY. No; I should think that if it were to go anywhere else than here it would go to the Committee on Naval Affairs.

Mr. FINLEY. That was the thought that struck me when you were making your statement.

There can be no question of the purposes of the bill H. R. 4068, and the intent of the promoters of the bill. It is simply to saddle the expense of ship subsidy on the postal service.

This country is great in every way. Particularly in its citizenship, accomplishment, material wealth, and, I may add, in appropriations generally for the support of the Government, and particularly for the support of the postal service. Its material wealth amounts approximately to one-quarter of the wealth of the world, and, as I remember, our expenditures for postal facilities amount to more than 30 per cent of the total expenditures for this purpose by all the nations of the earth.

I am not a pessimist. I have faith in the people and believe that the progress and development of the country is best assured by the showing made by the postal service. The receipts from this source are the surest indications and constitute the very best business barometer to be had. Recepits and expenditures in the postal service have practically doubled within the past nine years. Nine years ago receipts amounted to a little more than $102,000,000. The recommendations of the Post-Office Department have not been carried out by the Post-Office Committee in the preparation of the bill under consideration by something like $9,000,000. The reason given for this generally by the majority of the committee was that we have a panic on and that there will necessarily be a falling off in revenues and in demand for increased service. This falling off has not amounted to much as yet.

In all of my experience in Congress—nine years—this is the first time I have heard Republicans cry panic. The only song I have heard from them heretofore is that panic and Republican rule do not go together; that a Republican Administration means prosperity of a high order and continuous duration. Often I have heard my friends on the other side of the aisle tell of the hard times under the second Cleveland Administration, and then in grand peroration exclaim that Democratic rule must of necessity result in panic. I remember particularly the tale of woe told by one of my Republican friends as to how during Cleveland's last Administration he was compelled by the stress of the times to eat clams—to eat them and to eat them to such an extent that his stomach rose and fell with the tides. I would like to know what diet he has been regaling himself on during the past six months. [Laughter and applause on the Democratic side.] I should say that it is about clam time again. One thing is certain, the Republican Members of this body no longer sing of prosperity caused by the Republican party being in power. Republicans now claim that panics, like death and taxes, must come.

At any rate, we have a panic, the most far-reaching that some sections of this country have as yet experienced. I may say, however, in passing that this Republican panic has not affected the postal revenues, as it otherwise might, for the reason that there is no real cause for panic. It comes at a time of profound peace, when the country was never more prosperous in its fields, mines, and industries. It comes at a time when there was never so much money in the country—in fact, when the circulation per capita is greater than ever in the history of this country. It comes at a time when the stock of gold in this country exceeds a billion of dollars. It is a panic brought on by reason of the distrust with which the masses of the people in this country have come to regard the Government, and they regard it with distrust, high and low, rich and poor, because the Government is in the hands of the Republican party.

The panic of 1891 to 1897 was widespread. The present panic is only as wide as the rule of the Republican party and only extends where the blighting effects of that misrule reaches. I go one step further and state that this Republican panic, confined principally to this country, has been more severe and more disastrous in its consequences in those States where the Republican party is in power. We felt it to some extent in my State, but not a bank closed its doors; not a single failure resulted in South Carolina to my knowledge on account of it. It has come about that on account of the policies and practices of the Republican party, including the close connection between the Government and special interests, the people are in a condition of panic. That is, they have lost confidence in the Republican party. There will be an end to this. In November next the people will have a say. Republican orators and politicians may disclaim responsibility for the panic, but the fact is the panic is on. You claim that the way to end this panic is to reelect your party to power. I tell you that the people of this country are not fools. The panic being caused by misgovernment on the part of your party, how can the people expect to better conditions by giving the Republican party a new lease of power? Puffed up with success and pride of power, you have in the past called attention to the soup houses, workmen without work, and distressed conditions generally during the last Democratic Administration. It is with sorrow for the condition of the laboring classes and poor people in the great industrial centers that I call attention to the fact that there are probably 1,500,000 people out of permanent employment to-day, all on account of your panic. In the great cities in this country during the present winter thousands have been fed by the hand of charity.

Confidence will be restored, but it will not be until the people have had their say in November. [Applause on the Democratic side.]

Mr. SHERWOOD. And what about the full dinner pail?

Mr. FINLEY. Mr. Chairman, the full dinner pail song has served its purpose. I do not think that in this year of grace we will hear any song of that tenor. What the song will be I do not know, I can not surmise, but I will say this, that the Republican politicians are—to my mind—about the smartest on the face of the earth [laughter], and they will sing a song that will suit if they can find one. What it will be generally I do not know, but I am satisfied of this, that no matter what their song is, not matter what pretense they give for the Republican panic that is now on, the people will answer them not with applause, but with an emphatic declaration at the ballot box restoring this Government again to the hands of the Democratic party, the party of the people, the party that will administer this Government in the interest of all the people. [Prolonged applause on the Democratic side.]

Mr. OVERSTREET. Mr. Chairman, I yield to the gentleman from Ohio [Mr. BANNON].

Mr. BANNON. Mr. Chairman, all of the Democrats and some Republicans now contend that our tariff schedules ought to be revised. Many public men high in the councils of the nation are now advocating tariff revision and have been for some time pressing it as an issue. Others have opposed their views. Accordingly this question of protection has now entered the arena of agitation, and its friends must come prepared to combat with its enemies.

Protection is not a local issue, but is a great national question, and the individual who considers it purely from a local standpoint is like a man attempting, from some lofty mountain top, to view the beauty and grandeur of the scenery about him through the wrong end of a spyglass. The lens at his eye dwarfs his view. As protectionists we must not take any such view as that of the question, but must study it in all its ramifications and in all its relations, not only to ourselves but to the wage-earners and factories of the East and North and to the farmers and miners of the South and West. The free trader of the South objects to the principle of protection because his community is an agricultural one and because, as he claims, a tariff is a system of taxing the farmer for the benefit of the manufacturer. Out in Ohio our farmers take a different view of this question, and their contention is that this great system is so connected with all the business of the country and all of the sections of the country that it is a great benefit to all, and that when the industries of the North and East are running on full time and the wage-earners therein employed are paid good wages the products of the farm are in greater demand and bring better prices. That great protectionist, Blaine, clearly stated the proposition when he said:

The Western farmer's instinct is wiser than Mr. Gladstone's philosophy. The farmer knows that the larger the home market the better are his prices, and that as the home market is narrowed his prices fall.

And, accordingly, as long as Congress, in preparing this revenue and protective measure, deals fairly with the manufacturer, the wage-earner, and the farmer it will receive the earnest support of the agricultural interests. The farmer is the great producer of raw material. All wealth must come from the soil—it is the very foundation upon which the entire superstructure is erected and upon which it must stand.

This country is irrevocably committed to the principle of protection, and if those clamoring most for revision would only consider that such is the settled policy of the country the question of revision would be approached with less danger to the business of the country.

Massachusetts is a great manufacturing State, and naturally many of its manufacturers urge free raw material for consumption in their industries. But the farmer and the mine owner who produce this free raw material have their rights. Their interests are large, and, where possible, compensatory duties for their protection should always be levied. Statistics show that industries using agricultural materials employ 37 per cent of all the persons engaged in manufacture, and that the capital of these industries is 42 per cent of the capital of all manufacturing establishments. One of the free raw materials persistently asked for, especially by the shoe interests of Massachusetts and some other States, is cattle hides; and it is my purpose to-day to discuss in some detail that question with you.

As near as I can analyze the situation, there are in Congress three contending forces on this question: Representatives from districts where there are large manufactures of leather goods and very little agriculture want free cattle hides, but a high duty on the output of their factories; Representatives from Southern States wish to remove the duty from both the manufactures of leather and the raw material from which this product is made, and Representatives from those districts which embrace agricultural or both agricultural and manufacturing interests favor a retention of the duty on the raw material and the retention of the duty on the manufactured product as well—the former to be a compensation for the latter.

I am one of those who contend that we should protect the factories and the wage-earners engaged in the manufacture of leather goods and also the farmer who is engaged in the production of the raw material consumed in those factories.

In the Fifty-ninth Congress there was a very significant colloquy between the gentleman from Missouri [Mr. CLARK] and a distinguished Representative from Massachusetts [Mr. GARDNER]. It is so interesting and so clearly states the proposition that I will read it:

Mr. GARDNER. Will the gentleman from Missouri support a proposition for free hides coupled with a proposition to take the duty off the products of leather?

Mr. CLARK. So quick that it would make your head swim.

Mr. GARDNER. At all events, then, we have a valuable ally.

Mr. CLARK. You have got me right now on that. Senator LODGE, as I understand it, advocates repealing the tariff on hides, because "it is such a little one," two million and something. Now, if they will go the whole hog up there and remove the tariff on boots, shoes, and leather, we can come to an agreement and pass it through this House.

It will be observed that the gentleman from Massachusetts did not commit himself or his constituency to the proposition offered by the gentleman from Missouri, and, so far as I know, no person has been authorized on behalf of the manufacturers and wage-earners to accept the latter's proposition.

In the same Congress similar questions and answers passed between Senators from Massachusetts and Wyoming:

Mr. LODGE. Suppose the duty on boots and shoes were removed, would the cattle raisers, the farmers, who are interested in the duty on hides, then consent to a removal of the duty on hides?

Mr. WARREN. The farmers and stockmen, in my opinion, are not seeking for a removal of the tariff on leather or on boots and shoes; they stand for that tariff as well as for the tariff on hides.

Mr. LODGE. The Senator from Wyoming spoke of that as a compensating duty, which, of course, it is.

Mr. WARREN. I maintain that, of course.

Mr. LODGE. What I wanted to get at was whether the Senator felt that if one tariff was removed the other should also be removed?

Mr. WARREN. I intend to come to that, Mr. President, but I will now answer the Senator from Massachusetts in a word, by saying that I do not believe in removing either one. But if the tariff on hides is removed we must, as a matter of course, remove the tariff on leather and boots and shoes. This would be only simple justice.

The Senator from Massachusetts is too faithful to the grand old Commonwealth of Massachusetts and this nation to commit her people to such a programme.

The gentleman from Mississippi [Mr. WILLIAMS] also stated the same view in the following language:

"We are, therefore, not willing to put hides upon the free list to enrich your boot and shoe manufacturers unless you, speaking for your boot and shoe manufacturers, will agree at the same time to reduce the duties upon the finished product, so that the women and children of the South and West may buy shoes cheaper."

The Texas Stockman and Farmer for January 25, 1905, speaks in a similar vein when it says:

Resolutions demanding of Congress immediate repeal of the 15 per cent duty on hides were unanimously passed last week at the annual meeting of the New England Shoe and Leather Association. The Stockman and Farmer desires to say to the Shoe and Leather Association of the New England States, and to the manufacturers of those States generally, that the people of the West and Southwest will see to it that the import duty on hides, wool, and pelts will never be removed unless the import duty also comes off of all goods manufactured from these products.

I am opposed to the proposition for three reasons: First, it would deprive the farmer of a duty in his behalf; second, it would prove disastrous to the great industry of manufacturing products from leather in this country; and, third, it would throw thousands of wage-earners out of employment and materially reduce the wages of those few who would remain at work in this industry.

The farmer is the greatest consumer of leather in this country. He wears out more shoes, more harness, and more saddlery than any other class of our citizens. He produces the raw material from which these leather articles are made, and a tariff of 15 per cent ad valorem is levied for his protection upon the cattle hides imported into this country. The only hides upon which a tariff is levied are the hides of cattle, and a cattle hide is one which when green and salted weighs more than 25 pounds, or dry weighs more than 12 pounds. All weighing less are denominated as calfskins. Horsehides, goat, sheep, kangaroo, and calfskins are all admitted free of duty, and the reports of the customs-houses show that in value three-fourths of the hides now imported are admitted free of duty, and that a tariff of only 15 per cent is paid on but one-fourth of the quantity now imported. This tariff not only protects the farmer but it yields a large sum in revenue for the support of the Government, the amount being two and a half or three million dollars annually. From 1842 until 1873 a duty was levied on cattle hides varying from 4 to 10 per cent, but in 1873 this duty was removed and they were admitted free until 1897, at which time the present tariff of 15 per cent was levied.

It is often asserted that the farmer does not get the benefit of the compensatory tariff on hides but that the beef packers are the beneficiaries. If hides were an unimportant, insignificant by-product of but little value this would probably be true. But they are not. It has been admitted, and every farmer knows, that the value of the hide is equal to one-fifth of the value of the animal. The hide from a steer selling in the market at $40 will bring $8; and during recent years the average value of each hide has been about $6. We slaughter annually approximately twelve and a half million head of cattle, and the hides of these animals are worth at least $75,000,000. If 15 per cent of their value is to be taken away from the farmer it means an annual loss to him of more than $11,000,000.

The boots and shoes worn by the residents of the cities and the people of manufacturing communities are not made from cattle hides. The only parts of the shoes worn by them made from cattle hides are the soles and the heels, because the uppers of the shoes worn by these classes are made of kid, calf, kangaroo, or goatskins and horsehides. The farmers are the ones who wear boots and shoes made exclusively from cattle hides, and a careful, accurate computation of the amount of the duty in the soles and heels of the shoes worn by others than the agricultural classes shows that it is less than 2 cents per pair, and that the duty on the hides in the shoes worn by the agricultural classes does not exceed 5 cents per pair. Heavy boots are no longer worn in this country to the extent they were formerly, and the dealers in them will tell you that but one case is sold now where formerly twenty-five were sold.

The cattle-hide duty contained in a double set of harness is about 50 cents. If there is added by this tariff to the price of one class of shoes 2 cents per pair and to the price of another class 5 cents per pair and to farm harness 50 cents per set, who pays the most of this? Manifestly it is the farmer, because he is the greatest consumer of these articles, and the duty levied in his behalf is simply compensatory to him; and if the manufacturer of leather goods is to be protected in his thrift and industry, and the wage-earner engaged in that work is to be likewise protected, it is simple justice to extend the same protection to the farmer who raises the raw material which these wage-earners and these factories fashion into the finished product. No other basis would be equitable or fair with respect to these three interests.

I am not willing to give up the duty on articles manufactured from leather in consideration of the surrender of the 15 per cent duty on hides, because such course would materially

cripple the manufacturer of leather products in this country. Our boot and shoe manufacturers are protected by a duty of 25 per cent ad valorem, and our manufacturers of harness, saddles, and saddlery are protected by a duty of 45 per cent ad valorem. Our tanneries are protected by the levying of a tariff on all tanned and finished leather imported into this country; so are the manufacturers of leather trunks and valises. All these industries have made progress beyond the dreams of the most optimistic. In 1905 there was invested in the manufacture of leather in this country almost $243,000,000, and the value of the product for that year was more than $252,000,000. In the same year there was invested in the boot and shoe industry almost $123,000,000, and the value of its product was more than $320,000,000.

The proposition confronting us is to remove the protection now thrown about these great industries. I am proud of the progress that has been made by those who have built up this wonderful hive of industry. They have shown what American skill and American energy and American genius can do, and these industries do not want, and the people of this country do not want, to bring them into competition with manufacturers abroad whose products are produced at much less cost than ours. The removal of these duties would strike down many an industry in this country and would only be attended with disaster and distress.

I object again on account of the effect that this proposition would have upon the American wage-earner. The average number of wage-earners employed in 1905 in the manufacture of articles from leather and its finished products was 255,000, and there was paid to them in wages during that year more than $116,000,000. The amount of the wages paid during that year to those engaged in making boots and shoes was more than $69,000,000. The question is, Are we going to bring those men and that pay roll in competition with the workmen and the pay rolls of foreign countries?

The following extract from a recent issue of the Birmingham (England) Daily Post is of interest:

> Kettering shoe trade dispute.—A dispute having arisen in the shoe trade at Kettering, the local arbitration board referred to the board of trade the demand of the National Union of Boot and Shoe Operatives for an increase in the minimum wages of lasters and finishers from 26s. to 30s. per week. Judge Austen, of Bristol, the umpire, has decided against any alteration. The minimum at Northampton and Bristol is 28s., and at Stafford, Leicester, Wolverhampton, London, and St. Albans 30s.

It will be seen from this extract that the wages paid lasters and finishers in England is about $7.50 per week. The statistics compiled by the Census Office in this country show that the general average paid to shoe lasters in the United States during 1906 was $17.36 per week, the average for Massachusetts $19.25, and the average for Ohio $19.14. Now, I do not know what you think about it, but, as for me, it seems plain that if we do not continue to protect American labor in American factories who are earning an American wage, we will bring them into competition with their competitors in foreign lands who are now receiving but a little more than one-third as much as our operatives. This Massachusetts and the country will never do.

In a report made on leather and boots and shoes in European markets by a special agent of the Department of Commerce and Labor, and published last year, I find the following:

> It has been said, and truly, that the American shoemaker is the best fed, the best paid, and the most skilled in the world, and, as a result, the excellence and popularity of his product is advanced in all countries.

If our wage-earners are now the best in the world and the best taken care of in the world, we propose to maintain that standard.

It is also stated in that report that the cost of production in France, as in England, is much less than in the United States. In Belgium the laborer in the shoe factories begins his toil at 6 in the morning and ends at 7 in the evening. His wages average from 7 to 9 cents per hour, with 25 per cent increase for additional hours, making his daily wage from 84 cents to $1.08 for twelve hours' work. In that country children begin their life work at the age of 12 years, and under the law there a child under 16 years of age can be kept at work twelve hours a day.

The foreign wage-earner engaged in this business not only receives much less for his labor than the American workman, but he is neither fed as well nor clothed and housed as comfortably as our workman, and he can not bring to his family the comforts of life or any of the luxuries that are now so generally enjoyed by American operatives.

The removal of this tariff would bring our people into direct competition with the poorly paid workmen of Europe, and that is one principle that is not in the creed of the Republican party and one thing which that great protective party will never do.

But notwithstanding the fact that it costs Americans more to produce boots and shoes in this country than it does abroad, nevertheless our foreign trade in these articles has increased steadily since 1891, as the following table will show:

Exports of boots and shoes.

Year.	Pairs.	Value.
1907	5,833,914	$10,663,949
1906	5,672,249	9,142,748
1905	5,315,699	8,057,697
1904	4,642,531	7,238,940
1903	4,197,566	6,665,017
1902	3,906,766	6,182,098
1901	3,494,041	5,526,290
1900	3,016,720	4,726,656
1899	1,934,277	2,711,385
1898	1,307,031	1,816,538
1897	1,224,484	1,708,224
1896	1,036,235	1,436,683
1895	822,412	1,010,228
1894	647,318	777,354
1893	493,027	590,754
1892	745,112	914,974
1891	551,735	651,343

It will thus be seen that under the Wilson and McKinley bills, which left cattle hides on the free list, our exports of boots and shoes were in value during the best year less than one and three-fourths millions of dollars, while under the Dingley bill, with a tariff of 15 per cent ad valorem on such hides, our exports of these commodities have reached an annual value of more than ten and a half million dollars. This is certainly proof conclusive that this tariff has not hurt our foreign trade. American shoe manufacturers are now sending their shoes to sixty different countries. Many of these countries levy a duty upon the shoes imported from America. Notwithstanding the fact that it costs more to produce shoes in America than it does in Europe, we are nevertheless entering largely into the foreign trade because our labor is the most skilled in the world and because it produces shoes that are everywhere sought on account of their durability, comfort, style, and finish, for, as is said in the special report before referred to, "the American manufacturer has not to convince the English buyer of the superiority of the American shoe—the Englishman already knows that." In other words, we have sold abroad on the merits of our products and not on the pauperism of our wages. Our home trade has been so great that we have not been obliged to seek a larger export trade; but if the occasion should require it and the American manufacturer should choose to invade the foreign market with these goods and will look closely to the details of climatic conditions, packing, and advertising, he will soon be the maker of high-grade shoes for the world.

In 1906 our shoe exports for the first time in our history exceeded in value the shoe exports from Great Britain. Not only have our exports of boots and shoes increased largely, but also our exports of leather and its manufactures have increased, as the following table will show:

Exports of leather and manufactures of leather.

1907	$45,476,969
1906	40,642,858
1905	37,936,745
1904	33,980,615
1903	31,617,389
1902	29,798,323
1901	27,923,653
1900	27,293,010
1899	23,466,985
1898	21,113,640
1897	19,161,446
1896	20,242,756
1895	15,615,407
1894	14,283,492
1893	11,912,154
1892	12,084,781
1891	13,278,847

These exports have doubled in value under the protective tariff on cattle hides.

The manufacturer of leather goods, like all the manufacturers of our entire country, have practically free raw materials for the goods which they manufacture for export. This is due to the "drawback" clause, so called, which has been a part of our last three tariff acts. By virtue of that provision an American manufacturer can receive back from the Treasury of the United States any duty he may have paid upon the materials used by him in the manufacture of articles exported by him. This provision is not only a Republican or protectionist measure, but a Democratic or free-trade measure

as well, for it was incorporated not only in the McKinley and Dingley bills, but in the Wilson-Gorman law also. Under its operation it is possible for a small percentage of the goods manufactured in America to be sold abroad for less than they are sold at home, because, if advantage is taken of the drawback, the cost of manufacture for export is reduced.

But Congress is urged to remove this tariff on cattle hides, because it has increased their price to such an extent as to make the price of leather burdensome to the manufacturers. I have shown you the great development of this industry in this country. Men of my acquaintance have gone into that business with but little money, but much brain and energy, as capital, and have made for themselves and their families great fortunes; and they have not done this by oppressing their labor or robbing the consumer, but by bringing to their work that skill and intelligence not possessed by any other people of the world. The great State of Massachusetts is the first in rank in every item relating to shoe manufacture. In 1905 it produced almost half the total output of boots and shoes for this entire country.

In that year the amount of capital employed in that industry was almost $50,000,000. The number of its salaried officials and clerks was almost 3,500, the number of its wage-earners more than 62,000, the amount of wages paid more than $33,000,000, and the value of their products $144,000,000. Between 1900 and 1905 all these various items increased materially, and this industry has been and is in a most prosperous condition or it would not have made the steady and marked advance it has made. And I might say right here that whenever you undertake to convince an Ohioan that a manufacturer in Massachusetts is doing business at a loss you are tackling the biggest proposition that you ever went up against.

At the close of the year 1906 Mr. L. B. Cahill, president of the Cincinnati Shoe Manufacturers' Association, writing in the industrial edition of the Cincinnati Times-Star, said:

Cincinnati shoe manufacturers enjoyed during the past year one of the most prosperous seasons of their history and broke last year's fine business record. This phenomenal prosperity was in spite of the fact that leathers have advanced from 20 to 40 per cent on account of the extraordinary demand. There is no surplus of leather. It is taken up as soon as produced. The 20 per cent tariff on certain hides should be taken off by all means. The leather "trust" must not be blamed for the advance, which has been the result of natural causes. Cincinnati produced about 50,000 pairs of shoes daily the past year, or 15,000,000 pairs, worth more than $40,000,000. More than $20,000,000 is invested in the business, and the past year saw much more money put in the industry at Cincinnati. A number of plants have outgrown their old quarters and are now building new factories. Cincinnati is one of the largest producers of kid shoes in the world, and is rapidly gaining in prestige. The products of her factories go all over the world and made new conquests the past year. The plants will be worked to their utmost capacity the coming year, which will be one of the busiest in the history of the shoe trade. Orders for next year are in, and 1907 is going to be a record smasher. This is not merely a guess, but is definitely known, because the shoes are already sold. The labor situation is quiet and satisfactory. Wages have been advanced. There have been no strikes.

It will thus be seen that Ohio has enjoyed the same prosperity in this manufacture that has been enjoyed by Massachusetts.

I have an interesting advertisement of a great shoe company, in which it is stated that the company was formed fourteen years ago by a young man whose entire capital was $1,500 and a practical knowledge of the shoe business. It states that in fourteen years his small original investment has grown into a business whose tangible assets and good will are now worth more than $5,000,000.

Now, we have made all this advancement and accomplished all these wonderful achievements, produced the best shoes in the world, paid our labor the highest wage in the world, supplied our home market in the leather trade to the amount of about $400,000,000, and invaded foreign markets to the extent of many millions more, and all in spite of the fact that a little duty of 15 per cent has been levied to protect the farmer who consumes the most of these products and the farmer who furnishes these manufacturers with the raw material from which their finished product is made. Surely we ought to stop and ask ourselves if the farmer has not been modest, indeed, in his demands.

But it is claimed that this 15 per cent tariff has largely increased the price of leather. I do not believe it has influenced it to any great extent. It may affect the price of leather, but not to a greater extent than 15 per cent, and the price of hides has increased much more than this. You must remember that there has been an extraordinary demand for leather. It is being used more generally and extensively than ever before. The production of saddlery and harness in 1905 increased almost 30 per cent, and leather belting and hose 40 per cent. The amount of leather used in automobiles alone is astonishing. It takes from two to three hides to complete the leather fittings in every automobile, and when you consider the thousands that there are, the enormous demand for leather for this purpose will be appreciated. The 15 per cent duty on raw cattle hides did not cause the high price of leather, because the price of calfskins, which are on the free list, has increased proportionately with those of cattle.

A study of the export of hides is of interest:

Year.	Pounds.	Value.
1907	15,396,806	$1,760,032
1906	10,752,827	1,223,255
1905	10,238,722	1,051,641
1904	32,727,643	3,246,887
1903	12,859,949	1,224,409
1902	9,372,949	905,504
1901	11,161,749	1,064,952
1900	7,483,256	894,674
1899	10,140,840	929,117
1898	11,536,073	1,015,032
1897	31,119,166	2,338,530
1896	39,545,324	3,858,946
1895	36,002,859	2,310,323

During the years 1895, 1896, and 1897 when the industries of this country were idle and our farmers were receiving low prices for their grain and the wage-earners were paid small wages and our consumption was small, we exported about 35,000,000 pounds of hides each year. But with a return of a protective tariff and new conditions and the opening of our factories and the revival of agriculture we kept our raw material at home and did our own manufacturing and sold to our own people and paid wages to our own wage-earners, and for six years our exports of this raw material were about 10,000,000 pounds annually.

In 1904 we exported more than 32,000,000 pounds, but this demand was caused by the heavy war demands on account of the war in South Africa and the Russo-Japanese war. The high price of hides prevailed not only in America, where the little 15 per cent duty was levied, but it prevailed in free-trade England as well, and, in fact, was universal; and that the price was neither unreasonable nor caused by the tariff is shown by the fact that our manufacturers not only paid the price in this country, but those in foreign markets paid the same price as well.

I know the price of hides and of leather interests the manufacturer, but that the high prices prevailing in the past have not been caused by this 15 per cent is further shown by the following:

Year.	Sole, hemlock, Buenos Ayres, middle weights, first quality (price per pound).	Sole, oak, scoured backs, heavy (price per pound).	Green, salted packers' heavy native steer hides (price per pound in Chicago).
1890	$0.1921	$0.3771	$0.0933
1891	.1858	.3679	.0951
1892	.1727	.3421	.0870
1893	.1796	.3483	.0749
1894	.1715	.3279	.0341
1895	.2073	.3421	.1028
1896	.1881	.2925	.0811
1897	.2033	.3079	.0996
1898	.2129	.3213	.1151
1899	.2254	.3358	.1235
1900	.2490	.3608	.1194
1901	.2475	.3525	.1237
1902	.2367	.3800	.1338
1903	.2207	.3742	.1169
1904	.2257	.3450	.1166
1905	.2290	.3663	.1430
1906	.2538	.3796	.1543
1907	.2644	.3821	.1456
1907, December	.26 to .27	.37 to .40	.1185

It will be seen from a study of this table that the price of oak soles does not bear any fixed proportion or ratio to the price of hides, and because hides have slightly increased in price it does not necessarily follow that leather must advance also. Hides are to-day cheaper than they have been for years, yet the duty has not been removed.

Those who are contending for the removal of the duty from the raw hides of cattle tell the maufacturer of leather goods that such action will give him increased profits on the output of his factory. This was done to interest him in the project, and it usually has the desired effect. They then tell the wage-earner employed in the same factory that if this tariff is removed the price of the raw material necessary to make the

finished product will be decreased, and the result will be that he will get an increase in his wages. Naturally that interests him. But they do not stop there. They go to the retail dealer in leather goods and tell him that his profits as a retailer will be increased if the duty is removed from raw cattle hides. But that is not all. They take another step down the line, and they tell the consumer of these commodities that he will be able to buy them at a largely reduced price if this small duty is removed.

I have shown you that this duty is so small that it can not appreciably affect the retail price of commodities that are manufactured from leather. Suppose it is 5 cents per pair on brogans; this small amount can not be given to the wage-earner and the manufacturer and the retail dealer and the consumer. If you give it to one of them, manifestly you can not give it to the other three; and if it is divided among these four classes it becomes a matter so trivial that it is not worthy of consideration; it becomes absolutely nothing to them. I challenge you to give me the name of a single manufacturer who has made a definite promise that if this duty is removed he will increase the wages of his employees and reduce the price of his products.

I presented this argument to show you how dangerous it would be to accept the proposition that has been made to the protectionists of this country by free traders to surrender the 15 per cent duty on a certain raw material in consideration of the surrender of a larger duty on the finished product. To do so means to throw tens of thousands of American wage-earners out of employment. It means to shut down hundreds of factories all over this country, and it means silence in the workshop where now there is the hum of industry. It means a decreasing market for the products of the farm; it means impaired confidence; it means a vital blow at two interests—the one agricultural, and the other manufacturing—that are now working in harmony for the mutual welfare and benefit of both.

What I have said of this raw material can be proven of any other raw material if you will just take the time to stop and study it out.

The great West and the South produce the raw material for the labor and the capital and the energy of the East to fashion into the finished product. We have joined hands with you and we have protected you against your foreign competitor, and the wage-earners employed in your factories against the foreign wage-earners. We have made up by a duty the difference between the wage here and the wage abroad.

On the subject of free raw materials John Sherman, in volume 1, at page 191, of his Recollections, says:

> The dogma of some manufacturers that raw materials should be admitted free of duty is far more dangerous to the protective policy than the opposition of free traders. The latter contend that no duties should be levied to protect domestic industry, but for revenue only; while the former demand protection for their industries, but refuse to give to the farmer and the miner the benefit of even revenue duties. A denial of protection on coal, iron, wool, and other so-called raw materials will lead to the denial of protection to machinery, to textiles, to pottery, and other industries. The labor of one class must not be sacrificed to secure higher protection for another class. The earth and all that is within it is the work of God. The labor of man that tends to develop the resources buried in the earth is entitled to the same favor and protection as skilled labor in the highest branch of industry, and if this is not granted impartially the doctrine of protection proclaimed by the founders of our Government, supported for more than a hundred years of wonderful progress, will be sacrificed by the hungry greed of selfish corporations, who ask protection for great establishments and refuse to grant it to the miner, the laborer, and the farmer.

Speaking on this subject of free raw material, William McKinley said to the Home Market Club just twenty years ago:

> If free raw material will cheapen the product of the factory and of the mill, of course by the same logic the product of the mill will be cheapened if competing products are admitted free of duty. The products of the New England mills, the New Jersey potteries, and the Pennsylvania furnaces have no higher claim upon the fostering care of the Government and the considerate concern of Congress than the iron mines of the Northwest, the wool producers of Ohio and West Virginia, the coal of Maryland, the clay of Missouri, the salt of Michigan and New York, the marble of Vermont and Connecticut, and no unselfish patriot thinks so. I assure you there is no wayside station in the work of cutting down duties when once entered upon. No reason will be found, surely none will be accepted, why we should stop halfway in our so-called "mission" for the overburdened consumer. Protection will not respond to the beck of one interest and turn a deaf ear to the earnest calls of another. Seven and three-quarters millions of farmers, more than one-eighth of our entire population, will not tolerate a discrimination against their products, and that might as well be understood now. Our farming population has firmly resisted the seductive voice of the free trader; has stood faithfully by the system of protection because it was right as a broad policy looking to industrial independence. They only claim equal benefits with all others; more they have never asked and less they will not have. No advantage over their fellow-citizens engaged in other branches of business is desired, no unjust or unequal drawbacks or discrimination upon them will be tolerated.

And the same principles that were true when McKinley spoke twenty years ago are true to-day. We are not in conflict; we are in harmony; we must not be in conflict, but we must go on in our own way demanding our own rights and protecting the rights of others, and in this way we will continue to build up our country, and the America of to-morrow will be still greater and better than the America of to-day. If you attempt to deny to your neighbor protection on the coal and the iron and the wool and the other raw materials produced by him he will retaliate by seeking to deny to you the protection that is afforded you upon the products of your factories, and the result will be that there will again be want and hunger and cheerless homes in this country where there is now plenty and happiness and bright, cheerful firesides. Let us again resolve here and now that we will continue to protect all classes and all sections of this country equally, so that the protective system shall continue to be for the benefit of all. Let us know no South nor North nor East nor West, but let us realize the truth of that maxim, "United we stand, divided we fall."

Mr. OVERSTREET. I yield to the gentleman from Missouri [Mr. LLOYD].

Mr. LLOYD. Mr. Chairman, in delivering my address a few days since on postal conditions, in discussing the interpretation of the law as to the weighing of the mail, I failed to state the law on the subject, and I wish to do so now:

> The average weight to be ascertained, in every case, by the actual weighing of the mails for such a number of successive working days, not less than thirty, at such times after June 30, 1873, and not less frequently than once in every four years.

Later the time was changed to ninety days. Otherwise the law has not been changed to this date.

Until March 2, 1907, the Department required the mail to be weighed for ninety week days. Sunday was not considered, so that the weighing covered a period of one hundred and five days instead of ninety successive days. In other words, working days were construed to mean week days. Postmaster-General Cortelyou changed this interpretation which had been accepted as correct for over thirty years and issued the following order as his construction of the law:

> That when the weight of mail is taken on railroad routes, the whole number of days the mails are weighed shall be used as a divisor for obtaining the average weight per day.

This required, in effect, that, instead of dividing by the number of working or week days in the weighing period, the divisor should be the number of days on which mail was actually carried during the period. If it was weighed one hundred and five days, the divisor to obtain the daily weight was one hundred and five. If the mail was not carried on Sunday, the divisor would be ninety. This, as you can readily see, would give less compensation for carrying the full week than for six days, for the accumulated mail would be practically the same whether carried in six days or in seven.

The present Postmaster-General, seeing this predicament, issued another order of construction, known as "Order 412," which is as follows:

> That when the weight of mail is taken on railroad routes the whole number of days included in the weighing period shall be used as a divisor for obtaining the average weight per day.

If the construction up to last year was right, then there has been withheld from the railroads this year over $1,700,000 that is theirs under the law. If the present construction is the proper one, the railroads have received over $70,000,000 since 1880 that belongs to the people; so that whichever view is sustained money has been wrongfully withheld through the Post-Office Department.

In the last Congress the chairman of this committee decided that an amendment proposed similar to Order 412 was new law, and on an appeal from the decision of the Chair the decision was sustained by practically a unanimous vote.

To remedy this embarrassment hereafter, I have introduced a bill which omits the word "working" and requires a continuous weighing for thirty successive days in each year. This would avoid any controversy about the divisor, and would also avoid the temptation to false routings of mail and excessive padding, as is now so frequently charged during the quadrennial weighing. The Government would pay for the mail actually carried and the railroads would receive compensation for every pound transported. [Applause.]

[Mr. WILLETT addressed the committee. See Appendix.]

Mr. OVERSTREET. Mr. Chairman, as no other gentleman on this side desires to occupy any time, I ask for the reading of the bill under the five-minute rule.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF THE POSTMASTER-GENERAL.

For advertising, $5,000.

For rent of suitable buildings for the use of the Post-Office Department, including the mail-bag repair shop, lock-repair shop, and the division of supplies, $35,200. And $800 of said sum shall be immediately available.

Mr. FITZGERALD. Mr. Chairman, I reserve the point of order on the last sentence of that paragraph on the deficiency appropriation.

Mr. OVERSTREET. Mr. Chairman, that is not a deficiency appropriation at all. The House authorized last year the rental of property in Washington for a supply station. One additional room has been added, and the $800 to be made immediately available is for the remainder of this year for that additional room. The supply station down on First street, near the Union Station, was found to be very advantageous, and a ten years' lease was entered into. During the present winter, by reason of some heavy supplies, it was found necessary to occupy one additional room on the ground floor. Such a room being available, the contract was entered into under the old authority at $2,400 a year, and we authorized the $800 immediately to be available in order to pay the rental upon that room for the remainder of this year.

Mr. FITZGERALD. That is a deficiency appropriation.

Mr. OVERSTREET. The point is simply this: They would not care to use the room at all unless they had means of paying for it. The authority for the rental existed under the law, and they had made a contract for all except this one room under that authority. It is quite common, Mr. Chairman, as the gentleman will probably recall, especially in the postal service, where authority is granted in midyear for some necessary rental, that the appropriation is carried for the remainder of the year, provided the contract is entered into at once.

Mr. FITZGERALD. Are those items not carried in the deficiency bills?

Mr. OVERSTREET. No; not at all.

Mr. FITZGERALD. They have been carried in those bills?

Mr. OVERSTREET. No; not that kind of an item. The deficiency bills, I will say to the gentleman, very frequently—in fact, almost annually—carry some items of an appropriation which has not been sufficient; but this is a new room, rented under authority, and $800 is for the rental of that room for the remainder of the fiscal year.

Mr. FITZGERALD. All the other Departments of the Government, however, if they wish to obtain new service or additional accommodations are compelled to submit estimates, which are deficiency estimates, and it seems to me that this is an item of that character.

I withdraw the point of order on the gentleman's statement.

The Clerk read as follows:

For compensation to clerks and laborers at division headquarters, fifteen at $1,600 each; nine at $1,400 each; twenty-seven at $1,200 each; eight at $1,100 each; thirteen at $1,000 each, five at $900 each, and two at $660 each; in all, $96,620.

Mr. DRISCOLL. Mr. Chairman, I move to strike out the last word. I should like to know why these people, who are paid $1,600, are called laborers, and that there are different classifications of laborers? What is the idea of that?

Mr. OVERSTREET. The appropriation for laborers, Mr. Chairman, is simply for two at $660 each. The other employment is of clerks, and the ordinary labor incident to that character of work, who have been employed in these places from year to year.

Mr. DRISCOLL. Do these laborers get, for instance, all the way from $1,600 down?

Mr. OVERSTREET. Two of them only get $660, and they are the only ones who get the actual laborers' pay. The others are stenographers, clerks, and employees of that character.

The Clerk read as follows:

For the purchase and installation of mechanical conveyors and equipment for the handling of mail in the Washington City post-office, under the direction of the Postmaster-General, $10,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on that paragraph.

Mr. CLARK of Missouri. Mr. Chairman, I move to strike out the last word. The gentleman from Illinois [Mr. MANN] makes a point of order against it, but I want to ask some questions about the bill.

Mr. MANN. I reserved the point of order.

Mr. CLARK of Missouri. What I wanted was to ask the chairman of the committee a question or two about the bill. I would like to inquire where the Post-Office Department got the authority to issue the ukase that subscriptions to newspapers have to be paid in advance after the 1st of April or the papers can not be carried at the usual rate? That is one question.

Mr. OVERSTREET. Does the gentleman want them answered one at a time?

Mr. CLARK of Missouri. Yes; I want an answer to it, if the gentleman knows.

Mr. OVERSTREET. Mr. Chairman, that is a very large subject, and can scarcely be answered in the time that generally is allotted under this kind of debate. I do not recall the numbers of the statute, but under the statute fixing the rate of second-class mails at 1 cent a pound provision is made that the publications shall not enjoy that rate when they are published primarily for advertising purposes, and there are certain other limitations. It is under that statute. In speaking of the authority for the rate and the character of publications which may enjoy the second-class mail privilege, this provision is in the law:

Provided, however, That nothing herein contained shall be so construed as to admit to the second-class rate regular publications designed primarily for advertising purposes or for free circulation or for circulation at nominal rates.

Now, answering specifically the gentleman's inquiry, it is under that statute that all regulations relative to the privilege of the second-class rate are issued, and the reason, good or bad or indifferent, which the Third Assistant Postmaster-General has promulgated upon the particular point to which the gentleman has made the inquiry, is that in determining what is a legitimate publication, what is a publication that is not primarily for advertising purposes, what is a publication that is issued for free circulation or at nominal rates, a number of inquiries must be made upon which to base his opinion. Now, I dislike very much to make an answer so short, because it is only incomplete.

Mr. CLARK of Missouri. Another question, Mr. Chairman. Where did the Post-Office Department get its authority to say that sample copies only to the extent of 10 per cent shall be sent out at pound rates?

Mr. OVERSTREET. In one of the cases that was tried, wherein the Postmaster-General was enjoined by some publisher some years ago from carrying out a regulation which sought to limit the number of sample copies, the court held that that was a matter of regulation, and in that opinion stated that the regulation then promulgated was reasonable. Then, afterwards, a lesser number of sample copies was permitted by the Department; so that, to answer specificially the question of the gentleman, without elaborating, the authority rests in the Posmaster-General under the law prescribing limitations for the admission of publications to the second-class rate, and on that law the Supreme Court made the decisions which were all on that authority.

Mr. CLARK of Missouri. One other question, Mr. Chairman. Is there any probability of the House Post-Office Committee recommending favorably what has come to be known as the "Penrose bill," and which is about to harass all of us into apoplexy, and which is pending in the Senate?

Mr. OVERSTREET. I am glad that the gentleman from Missouri has asked that question, because it gives me an opportunity to enlighten a large number of gentlemen who apparently have been greatly frightened by what was really a very small matter. The bill, as I take it, provides by way of amendment to change existing law, and under the terms of this amendment no publication should be admitted to the mails which had once been declared to be nonmailable. That statute refers to the statute to prohibit the sending of obscene matter through the mail; and the amendment was introduced, I am informed, by Senator PENROSE of Pennsylvania during three, and possibly four, different Congresses. At neither one of these Congresses was the measure ever considered. At the present Congress the bill was considered, and, as I am informed, was adversely reported.

Mr. MANN. And is lying on the table there now.

Mr. OVERSTREET. By order of the committee. Therefore, to answer the question of my friend, I think I can safely say that there will be no report from our committee this session.

Mr. CLARK of Missouri. I would like to say just a few words on these subjects I have raised. The Penrose bill may be a very small thing to harass people into apoplexy, but the number of letters which come here, incited by the Penrose bill, is large enough to give people a great deal of trouble. The Post-Office Department has ample law now to settle this whole business of legitimate and illegitimate publications. All that it needs is nerve and common sense. These advertising publications which they are striking at and which are now transported as newspapers at newspaper rates can all be shut out of the mails by the exercise of ordinary discretion. That is what this restriction against a large number of sample copies was intended to accomplish. The trouble with the Post-Office Department about it is that it will not draw the line between a publi-

cation that is evidently simply an advertising scheme and a legitimate newspaper. The Congress itself should take the matter in hand and differentiate betwixt the two on some reasonable basis of percentages of reading matter and advertisements in any given publication. That seems to me to be the only fair way of settling it.

It never was the legitimate newspaper of this country that abused the privilege of sample copies. The Congress never intended to strike at the sample copies issued by legitimate newspapers. The thing that the Congress was trying to regulate and to prevent was the so-called "magazines" or "newspapers" carrying almost a limitless number of bogus subscribers, with the minimum of reading matter and the maximum of advertisements. I understand that one of them used to take a contract to furnish a million subscribers if any one wanted them and would pay the price. They based their advertisements on that so-called "circulation." Ten per cent is not enough to allow for sample copies for legitimate newspapers at the pound rate. They ought to have the privilege of sending out more. There is not a man from a rural constituency that does not know that.

Mr. OVERSTREET. Do you not understand that it is an accumulative privilege?

Mr. CLARK of Missouri. I understand it is cumulative.

Mr. OVERSTREET. I think myself that the country papers and many more ought to enjoy the privilege of sample copies; but they do not care to send out 100 per cent every issue. Where they have the cumulative privilege they would have the privilege of sending out 100 per cent once each year.

Mr. CLARK of Missouri. The truth is, Mr. Chairman, that Congress itself is derelict about this business. As I said during the very interesting speech of my friend from Missouri [Mr. LLOYD], this subject has been up in two Congresses since I have been here in the two so-called "Loud bills." Mr. Loud is a man of fine capacity, of perfect integrity, and of high courage, but his temper was not exactly angelic. The first time he had his bill up he made me mad about the way in which he treated one of my Missouri friends, and I promised him to kill his bill. I had some hand on the floor in killing it. At the time it came up in the next Congress I changed my mind about the bill, so I went to him and told him that if he would put in four amendments I would support it. He put them in. One of them was that publishers should have the privilege of sending out 100 per cent of sample copies.

But it turned out that we had so thoroughly set the mind of the House in the first battle we had here that we could not change it then, and Congress never did change it.

I want to say a word or two as to the ruling of the Post-Office Department, about subscriptions in advance. I am rather inclined to the opinion that in the course of time it would bring all of the newspaper business of the country around to a cash basis, which would be desirable; the cash basis is desirable in all transactions where it is possible; but while they were getting around to a cash basis as to subscriptions, especially if you are going to fix it on the first of next April, there are a good many of these small publications over the country which will go under. They will not survive until the time when the cash system will be established among these newspapers.

Mr. SHERWOOD. Especially during a panic.

Mr. CLARK of Missouri. Yes; especially during a panic. Representatives who live in agricultural districts understand the habits of agricultural people. Take it out in Kansas or Missouri, or any of these rich agricultural States; one of these country newspapers will sometimes carry a farmer worth ten, fifteen, or twenty thousand dollars six or eight or ten years. He knows he is good pay and the editor knows it also. Hence there is no hurry. I was a newspaper man myself once, and raised the subscription price of the paper from a dollar to a dollar and a half, and invited my subscribers to come in and pay up. I had bought another man out. And I was surprised to find that there were men in that county worth twenty or thirty thousand dollars who had let their subscriptions run five, six, eight, and ten years. You can not change the habits of people instantly, and publishers ought to have more time than until the 1st of April to try the experiment. I had a letter from a man running a newspaper in my district—one of the richest agricultural counties under the sun—and he said if that order was enforced rigidly by the 1st of April his paper would have to suspend.

The time of Mr. CLARK of Missouri having expired, by unanimous consent it was extended five minutes.

Mr. CLARK of Missouri. I received a letter from a very intelligent man, the author of four or five books, who has an interest in a newspaper in a growing town of about seven or eight thousand people, in a rich agricultural region, and he said it was reducing their subscribers so fast that by the 1st of April there would be a third of them gone, and he gave this reason for it: It is a prairie county, where they have no rocks or gravel roads, and can not have them, because there is nothing out of which to make them, and at this time of the year, last month and this month, until the first of next month, the roads are the worst of the entire year. With a rural mail route carrying the farmers' mails to them and with the roads so bad that the farmers do not come to town, they do not pay for their paper, and if the publishers stop the paper it makes them mad, and they will not subscribe again. He said that the time for experimentation ought to be extended, and I say so, too. I can not see how it is in any way the business of the Post-Office Department to undertake to determine who is and who is not a bona fide subscriber to a legitimate newspaper. Certainly the test of paying in advance is not a fair one. Great metropolitan papers can conduct their subscription business in that way, but the plan works hardships on country publishers. The latter are having a tough job of it anyway to make buckle and tongue meet with the exactions of the paper trust and the severe competition with the cheap weekly and semiweekly editions of the great metropolitan dailies. Surely no sane man in the Post-Office Department or out of it desires to cripple or kill the rural weeklies. Having once been a country editor, l'esprit du corps, if nothing else, would make me take up the cudgels in their behalf.

Having said that, I want to say another thing: The way the Post-Office Department has been run in the last four or five years, it exercises powers which are dangerous and oppressive, to say the least and to put it mildly. By issuing an order the Post-Office Department can ruin the business of any man in this country, and there is no appeal from that order. The Congress ought to pass a law on that subject something like this: That the Post-Office Department, after a hearing, shall have the right to issue a fraud order, and then the injured party shall have a right to appeal to a court and have a judicial decision on it. The ex-parte business has been abused in certain cases; there is no doubt in the world about that. I have no disposition to abuse the Post-Office Department officials. They have acted, I suppose, from what they conceived to be the best interests of everybody concerned, but it is a dangerous power to lodge in the hands of any Department—that simply by the ruling of a subaltern a man's business shall be completely shut up and he shall have no right of appeal to the courts. The quicker that part of it is remedied the better off the country is going to be.

The reason I asked the gentleman from Indiana [Mr. OVERSTREET], about the Penrose bill is that it seems to have set the country wild, and if the Penrose bill were to pass the Department would be really a censor of the public press, and its decisions would be conclusive as to what papers should and should not be circulated through the mails. Certainly no lover of his country and his kind wants to see a press censorship established in this country. I am glad to know that the Penrose bill is dead. It was partly to save myself the trouble of writing some four or five thousand letters, and to save others the trouble of writing innumerable letters, about the Penrose bill that I asked that question and have made these remarks. [Applause.]

Mr. MANN. Mr. Chairman, may I ask the gentleman in charge of the bill in reference to the item under consideration?

Mr. OVERSTREET. I will yield to the gentleman.

Mr. MANN. I understand that there has already been installed mechanical conveyers and equipment of some sort in the post-office here. Is it proposed to take those out and put in other apparatus?

Mr. OVERSTREET. I do not understand that there are any conveyers installed in the local post-office. This item, Mr. Chairman, was inserted in the bill at the urgent request of the Postmaster-General, in order, as he explained, to grant new facilities, or rather additional facilities, for handling the mails in the post-office in the city of Washington. The character of the conveyers, as explained by his representative before the committee, would be to save time and labor of the clerks in the office, and the general character of these conveyers, as we understood, were much the same as those used now in the Chicago office.

The Postmaster-General said further that it was his ambition to show in the city of Washington a well-equipped post-office, with modern appliances, which might be used as a good example for other cities in the use of these appliances. Our first impression was that this character of appropriation ought not to appear in the post-office appropriation bill, but should be carried in the sundry civil or public buildings bill. Upon inquiry we were advised that there has been no appropriation for furnishing devices of a mechanical character in the Washington City

post-office since the original furnishing of the office at the time the building was constructed, and in view of that we inserted the item.

Mr. MANN. I should be inclined to think that if the item belonged in any bill it might more properly go in this bill than in any other, because it would be particularly a post-office matter as apart from the building itself.

Mr. OVERSTREET. Still, the entire furnishings of all post-offices and public buildings, as the gentleman knows, are carried under the bill with respect to Treasury expenditures.

Mr. MANN. I had this experience about the Chicago post-office: The Post-Office Department declined to take jurisdiction and the Treasury Department declined to take jurisdiction. Both Departments declined to do anything, and it was only by making a trip from Chicago to Washington and with a good deal of hard talk that I finally got the Post-Office Department to turn over $800 to the Treasury Department and got the Treasury Department to make the plans.

Mr. OVERSTREET. Does the gentleman know from what fund that was taken?

Mr. MANN. I do not know. I think myself it was turned over without express authority of law, but it was one of those cases where the Department was forced to act or be in the position where it could not handle the mails. I believe the Postmaster-General obtained the opinion from the Attorney-General's Department that he could take it out of some fund.

Mr. STAFFORD. It was probably taken from the fund for miscellaneous expenses of the first and second class post-offices.

Mr. OVERSTREET. It might be taken out of that.

Mr. HARRISON. Mr. Chairman, I move to strike out the last three words. I want to ask the chairman a question relating to the paragraph preceding this, as I was out of the Chamber when it was passed. In connection with the appropriation of $5,000 for services and information looking toward the apprehension of criminals, I have had it suggested that the Department retained regularly upon its rolls, and probably would pay them out of this appropriation, professional criminals and other yeggmen for watching others.

Mr. OVERSTREET. Where did the gentleman get the information?

Mr. HARRISON. I recollect seeing it in the newspapers some time ago.

Mr. OVERSTREET. Well, the newspaper may have contained what the gentleman says, but it scarcely would come within the category of "information." I may say that some fund has been carried under this character of appropriation for many years. Its purpose is to enable the post-office inspectors, when engaged in ferreting out criminals within their jurisdiction, to make expenditure of money for which they do not give vouchers, for by giving receipts their identity would necessarily be disclosed, and under that appropriation the Postmaster-General would have authority to pass the accounts of post-office inspectors to a limited extent, not exceeding the amount appropriated, to cover that character of expenditure. If there are any criminals on the payroll of the Post-Office Department under that item of appropriation, I do not know it.

The gentleman from New York might have gone further with his newspaper authority, and perhaps would not have been far from newspaper report, and said that a good many criminals are on the pay roll under the post-office appropriation, but they do not appear in the auditor's accounts, and the vouchers are safely found by examination in the Treasury Department.

I appreciate the report to which the gentleman refers. There was some newspaper notoriety about it, but I think the whole thing emanated from pure notoriety.

Mr. WANGER. Mr. Chairman, I merely wish to say that the chief inspector recently, before a committee of the House, denied under oath that there was any known criminal carried upon the pay rolls of the Department, so far as he knew.

Mr. GAINES of Tennessee. Mr. Chairman, I would like to ask the gentleman in charge of the bill how much money this bill carries for the rural delivery system.

Mr. OVERSTREET. We will reach that item, I hope, soon. There are two or three different items. I presume the gentleman from Tennessee refers to the carrier item.

Mr. GAINES of Tennessee. I would like to have that, of course, and all the others.

Mr. OVERSTREET. Thirty-five millions three hundred and seventy-three thousand dollars; and then in the item of supplies, $75,000.

Mr. GAINES of Tennessee. How many carriers have we now?

Mr. OVERSTREET. About 38,000, I think; 37,000 or 38,000.

Mr. GAINES of Tennessee. How many routes?

Mr. OVERSTREET. About 200 more routes than carriers.

[Mr. GAINES of Tennessee addressed the committee. See Appendix.]

The Clerk read as follows:

For expenses incident to the investigation and testing of mechanical and labor-saving devices, under the direction of the Postmaster-General, for use in the postal service, $10,000.

Mr. BURLESON. Mr. Chairman, I move to strike out the last word. I do this, Mr. Chairman, for the purpose of having embodied in the RECORD a letter bearing on the necessity and importance of passing the bill providing for the Thirteenth Census at this session of Congress. I believe that this letter will prove of interest to the Members of the House, and to it I invite their attention. I ask unanimous consent to extend my remarks in that way.

There was no objection.

The letter is as follows:

MARCH 10, 1908.

Hon. ALBERT S. BURLESON,
House of Representatives.

MY DEAR SIR: I have the honor to acknowledge the receipt of your letter of February 29, 1908, in which you say:

"Recently, during the pendency before the House of the bill providing for the taking of the Thirteenth Census, it developed that there was a difference of opinion as to the necessity or importance of passing this bill during this session of Congress. I write you with a view of securing more fully an expression from you as to whether or not you deem it of importance that the Congress should act upon this bill now. If so, will you please state in detail the reasons upon which you base your belief and the advantages, if any, in enacting this bill into law at the present session of Congress?"

I am glad of an opportunity to answer your question in detail. The decennial enumeration of the population and resources of the United States is a work of such enormous difficulty and complication that ample time should be given for preparation. The Census Office is required by the pending bill to enumerate within a period of thirty days (in cities within two weeks) not less than 90,000,000 persons through the aid of 330 supervisors and, approximately, 65,000 enumerators. In the same period it must enumerate the products of nearly 7,000,000 farms. The difficulties of this enumeration have been increasing from decade to decade, by reason of the unprecedented increase of the foreign-born population, of whom there will probably be 15,000,000 to be counted in 1910. They speak a dozen different languages, and many of them know no English. This problem has been demonstrated by recent State censuses to be increasingly serious because of the marked racial change in immigration during the present decade.

It is important before all else that this work shall be done accurately. There is but one possible way to avoid the errors of past censuses. That way is to allow all the time that is necessary to thoroughly and efficiently organize the field service. If the census law is enacted at this session of Congress, there will be two full years to devote to this field organization, and it is none too much time. If it is postponed until the short session, this preparatory period will be cut in two and shortened one year. Previous experience has conclusively demonstrated that this is not time enough.

The actual work in taking the census devolves upon the supervisors and enumerators. The former are the field officers; the latter actually secure the returns. It is clear that the accuracy of the census, no matter with what fidelity and perfection the returns are finally tabulated in Washington, depends upon the intelligence, character, and training of supervisors and enumerators. At prior censuses no opportunity has ever existed for a proper training of either of these classes of employees.

The majority of the census supervisors since that office was substituted for the deputy marshal in 1880 entered upon their work with vague and insufficient knowledge of their duties and responsibilities. A considerable proportion never realized these responsibilities at all. Some were totally disqualified for effective service. The Director of the Census never had opportunity to determine the qualifications of candidates for supervisors in advance of their appointment. If the census bill passes at this session, every one of these 330 supervisors can be chosen as the result of a demonstrated capacity to properly and intelligently supervise the enumeration of his district. They can all enter upon duty on or about the first day of the decennial census period, July 1, 1909, permitting nine months, or until April 15, 1910, for their training in every branch and phase of the work. Thus they will comprise the best equipped and qualified body of men ever brought together in this service. Otherwise, the Thirteenth Census supervisors will doubtless average on a par with their predecessors—no worse, probably, and probably no better.

The necessity for securing competent enumerators is equally great, if not greater. The early designation of supervisors is indispensable, if this is to be done. The enumerators are the men who, after all, determine the accuracy and the value of a census. There is no way in which the Census Office can check back their work; there is no time to check it back. It must be accepted as it stands, except in cases of obvious fraud or error.

There will be required, approximately, 65,000 of these enumerators at the Thirteenth Census, located in as many enumeration districts. The pay is small, the duties strenuous, the conditions exacting, the service quickly over. The theory has generally prevailed that any person who happens to be out of a job can do the work as well as any other. In fact, the enumerator should be above the average intelligence; should possess a good education; should know his district thoroughly, and should command the respect of his neighbors. It is the most troublesome problem of census work to get the right men to act as enumerators. It is only possible to get the right men, by allowing ample time to sift and discriminate among the applicants. There must be a practical test of qualification in each individual case, if the best results are to be secured.

It is obvious that the machinery of the Civil Service Commission can not be utilized in their selection. That office would be required to hold not less than 6,000 special examinations, in as many different localities, at practically the same time, and its machinery could not be expanded to meet these conditions, without incurring an enormous expense, not warranted for employment which lasts but thirty days at the most, if the same result can be obtained in any other way. It can be obtained,

if sufficient time is given the Census Office. A pass examination, substantially competitive in character, should precede the appointment of every enumerator, and every person desiring to take it should be permitted to do so, and be furnished with the necessary papers. They would consist of a sample schedule, accompanied by the instructions, to be filled out by the applicant. He should also be required to answer certain questions framed to test his comprehension of the significance of the instructions. This was the plan adopted at the Twelfth Census; but it proved a practical failure, except in a comparatively few instances, simply because there was not time enough to carry it out. If Director Merriam had been given sufficient time in which to organize his army of enumerators, in accordance with his plans, he would have secured the finest body of census takers ever known; as it was, the Twelfth Census enumerators were the best force we have ever had in this country, because they represented the first test of qualification ever attempted. If the Thirteenth Census law is passed by Congress at this session, we shall have the time necessary to weed out the enumerators whose test schedules demonstrate their incompetency. Otherwise, we shall find ourselves no better off in this respect than at the Twelfth Census.

I am convinced that if the opportunity to test and select the enumerators is given, the gain in the accuracy of the Thirteenth Census, over all prior censuses, will be greater than can be definitely measured or than will ever be known; but it appeals to me as a conclusive reason why the Congress should not delay legislation, the necessity for which no one questions. If the census is worth taking at all, it is worth taking under the conditions which make for the greatest possible accuracy.

The Thirteenth Census will not cost any more money as the result of census legislation at this session; on the contrary, I am convinced that prompt action will not only greatly increase the general accuracy of the census but will also tend to reduce its cost.

The dates on which previous census laws have been enacted are as follows:

Act providing for the Tenth Census (1880), approved March 3, 1879.

Act providing for the Eleventh Census (1890), approved March 1, 1889.

Act providing for the Twelfth Census (1900), approved March 3, 1899.

It will be noticed that in each instance the census bill did not become a law until the very last days of the short session, which was the last moment that the law could be enacted before the date of taking the census. A similar delay in the Thirteenth Census legislation, even with the advantage of a permanent Census Office, would be almost fatal to the census, because the date of that census has, for carefully considered reasons, been moved forward forty-five days, to April 15, instead of June 1.

All recent censuses have been harum-scarum struggles to get the work started and finished on time; with no opportunity for deliberation; with all the waste, hurry, scramble, strain, and liability to error which come from the necessity of compressing two years' work into one.

In short, opportunity for improvement in the Federal census consists almost entirely in better organization, and organization of whatever character, whether for war or peace, demands time. Without sufficient time it is not possible to make any material improvement in the Thirteenth Census over the Twelfth.

In conclusion, permit me to respectfully call your attention to the fact that the President, in his annual message, made the following reference to the census law:

"Legislation should be enacted at the present session of the Congress for the Thirteenth Census. The establishment of the permanent Census Bureau affords the opportunity for a better census than we have ever had, but in order to realize the full advantage of the permanent organization, ample time must be given for preparation."

The Secretary of Commerce and Labor, in his annual report, also made reference to the subject, as follows:

"Accuracy, economy, and expedition in connection with that great work will be materially promoted if all the time possible be given the Bureau in which to carefully and fully mature the general plan and methods of the work, and I earnestly urge the immediate consideration of the necessary legislation."

Very respectfully, S. N. D. NORTH, *Director.*

The Clerk read as follows:

For compensation to assistant postmasters at first and second class post-offices, 2, at $4,000 each; 32, at $3,000 each; 7, at $2,500 each; 6, at $2,000 each; 12, at $1,900 each; 26, at $1,800 each; 68, at $1,700 each; 105, at $1,600 each; 135, at $1,500 each; 115, at $1,400 each; 255, at $1,300 each; 380, at $1,200 each; 360, at $1,100 each; 300, at $1,000 each; 110, at $900 each; 100, at $800 each; and 60, at $700 each; in all, $2,427,500: *Provided*, That hereafter a second assistant postmaster may be employed at the city of Chicago post-office at an annual compensation of $2,500.

Mr. WANGER. Mr. Chairman, I reserve the point of order on the proviso and ask particularly the occasion for it.

Mr. OVERSTREET. This is a limitation which the gentleman will find following each of the general appropriations, so as to limit the total amount of the appropriation to the amount stated, and not to the computation which would follow by the multiplication of each item.

Mr. WANGER. Possibly it was not read by the Clerk; but the point of order is to the proviso, that hereafter a second assistant postmaster may be employed in the city of Chicago.

Mr. OVERSTREET. I beg your pardon. That provision is put in the bill, Mr. Chairman, to take care of the situation at Chicago, where the present assistant postmaster, having served with great credit and efficiency for a great many years, is pretty old, almost lost his eyesight, and is greatly handicapped by reason of that infirmity. The provision is made for a second assistant postmaster, to aid the first assistant, who is now in that condition, for the reason that the committee believe that the distinguished services of the assistant postmaster at Chicago and his long and honorable career would justify giving him some assistance rather than separating him from the service.

Mr. WANGER. Mr. Chairman, it seems to me I shall have to insist upon the point of order. This is permanent legislation.

The CHAIRMAN. Just one moment. Does the Chair understand the gentleman to have reserved the point of order?

Mr. WANGER. I reserved it, and now I make it.

Mr. OVERSTREET. Undoubtedly it is obnoxious to the rule. I was in hope that the explanation would satisfy anybody.

Mr. WANGER. The situation does appeal to me, but this is permanent legislation.

The CHAIRMAN. The Chair sustains the point of order.

Mr. OVERSTREET. I offer an amendment.

The Clerk read as follows:

Page 5, lines 11 and 12, strike out "$2,427,500" and insert "$2,500,000."

Mr. OVERSTREET. This is to make a correction in the footing.

The question was taken, and the amendment was agreed to.

Mr. BENNET of New York. Mr. Chairman, I regret that the gentleman from Pennsylvania insisted upon his point of order relative to the second assistant postmaster in Chicago. We have no such office in the city of New York, but I think I understand the circumstances, and that the city of Chicago was entitled to that consideration. While I am on that subject, I want to congratulate the committee on having initiated that system; that is, remembering that there are men who grow old in the public service, and, in particular relation to their committee, it affects a very large number in the postal service who ought to have some relief. If the committee and the House could see some of the carriers and clerks in New York who have been thirty-five, forty, and more years in the service, they would know that no postmaster that ever lives will discharge or turn them out into the cold. I think the committee in adopting a provision covering this particular case was perfectly correct, and it would be equally so with other cases in the service.

I have introduced a bill that has not received the attention that I should like to have it receive from that committee. I have no doubt it could be improved, and in fact I have introduced another bill that has gone to the Committee on Reform in the Civil Service, where I hope it will receive a great deal of attention from the distinguished gentleman from Massachusetts [Mr. GILLETT]. I ask unanimous consent to insert these bills in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks by inserting in the RECORD the matter which he has mentioned. Is there objection?

There was no objection.

The bills referred to were as follows:

[H. R. 9161, Sixtieth Congress, first session.]

In the House of Representatives, December 16, 1907, Mr. BENNET of New York introduced the following bill, which was referred to the Committee on the Post-Office and Post-Roads and ordered to be printed:

A bill to amend the act of June 27, 1884, chapter 126, 23 Statutes at Large, page 60, entitled "An act to grant letter carriers at free-delivery offices fifteen days' leave of absence in each year," relative to certain other leave of absence.

Be it enacted, etc., That all letter carriers at free-delivery offices shall be entitled to leave of absence, not to exceed fifteen days in each year, without loss of pay, and the Postmaster-General is hereby authorized to employ, when necessary, during the time such leave of absence is granted such number of substitute letter carriers as may be deemed advisable, who shall be paid for services rendered at the rate of $600. The leave of absence of carriers who have been twenty-five or more years in the service may, in the discretion of the Postmaster-General, be extended for such a length of time as he may in each instance deem advisable.

[H. R. 14942, Sixtieth Congress, first session.]

In the House of Representatives, January 23, 1908, Mr. BENNET of New York introduced the following bill, which was referred to the Committee on Reform in the Civil Service and ordered to be printed:

A bill to grant employees of the United States classified civil service an indefinite leave of absence.

Be it enacted, etc., That on and after July 1, 1908, there shall be granted to all employees of the United States of America who have served in the classified civil service for the term of twenty-five years or more, and shall have attained the age of 62 years, a retirement from such service to be known as an indefinite leave of absence.

SEC. 2. That with the commencement of the fiscal year, after the approval of this act, any employee in the classified civil service, who has served continuously for a period of twenty-five years or more, and shall have attained the age of 62 years, may make application to his or her local department chief for such indefinite leave of absence, and said chief, upon approval of same by him, shall refer it to the department head, and upon his approval of same such indefinite leave of absence shall commence from the first day of the following quarter after said approval. It is further provided that any employee of the civil service who shall have attained the age of 62 years, and who shall have served for twenty-five years or more, shall, upon application of the local chief of departmental, and upon approval of departmental head, be granted an indefinite leave of absence, as hereinbefore provided.

SEC. 3. That all employees of the classified civil service who may be granted such indefinite leave of absence by this act shall receive

during such indefinite leave of absence an annuity of 40 per cent of his or her yearly salary, computed upon the classified salary for the last fiscal year.

SEC. 4. That the balance of such yearly salary shall be applied toward the payment of such substitute or auxiliary taken from the civil service eligible list, who may be assigned to fill the vacancy created by reason of the granting to said employee of an indefinite leave of absence. The assignment of such substitute to have all the effects of original appointment and to be governed by the civil service laws and regulations pertinent thereto.

SEC. 5. That in departments where no substitute or auxiliary service exists the civil service eligible list shall be drawn upon to meet all requirements embodied in this act, and such substitute or auxiliary shall have all the force of regular appointment.

SEC. 6. That any employee receiving a salary in excess of $2,000 per annum, and who may be granted an indefinite leave of absence under the provisions of this act, shall receive an annuity of 40 per cent of a salary of $2,000 per annum.

SEC. 7. That indefinite leave of absence shall be granted on condition: That the applicant or employee is retired by reason of disability not due to vicious habits, or by reason of exigencies of the service, but without fault or delinquency on his part, after a service of twenty years, shall receive an annuity of 20 per cent of his or her yearly salary based upon the classified salary for the last fiscal year.

SEC. 8. That an employee who shall have served continuously in the classified service for a period of ten years shall not be dropped for disability until one year from date of absence.

SEC. 9. That continuous service as referred to herein shall be computed from original appointment in classified service; may include service in one or more Departments of the United States classified civil service, and absence from such service for a period of not more than one year shall not affect an employee's continuous service.

SEC. 10. That the departmental head may provide rules and regulations for the enforcement of this act, and recommend such supplementary legislation to increase the efficiency of this act, as he may deem wise and proper.

SEC. 11. That all acts or parts of acts inconsistent with this act are hereby repealed.

Mr. MANN. Mr. Chairman, I move to strike out the last word. The gentleman from Pennsylvania [Mr. WANGER] was wholly within his rights, and may be correct in making a point of order about the second assistant postmaster at Chicago. It is purely a matter of economy, which addresses itself to the House. It is possible that no item of this sort ought to be in a general appropriation bill, although the post-office appropriation bill every year is necessarily filled with provisos, which are subject to points of order, but they are usually not made.

The postmaster in every large city is a political appointee, much to my regret. He comes in and goes out with administrations, and as a rule it is utterly impossible for the postmaster himself, either in Philadelphia, Chicago, New York, or any other large city, to become thoroughly familiar with the routine of the post-office work. The assistant postmaster at Chicago now is quite capable of performing the work of any one man, and I dare say there are very few Members of Congress who would be able to do as much work as Mr. Hubbard, the assistant postmaster. But there is a clerk, not only in the Chicago post-office, but in every large post-office, doing the work which would be done by a second assistant postmaster, with the exception that he can not sign his name to the papers which he prepares. Every document has to pass through two or three hands before it becomes the order of the postmaster, and the real advantage in having a second assistant postmaster in Chicago, and in other places of importance, would be that the routine work which comes to the postmaster from the various postal stations, from the substations, from the carriers' work, and the clerks' work, hundreds of which are passed upon in a single day, could be passed upon and the documents signed by the man who has the responsibility. While the Chicago post-office is not the largest in the country, it covers a great deal more territory than the post-office of New York City. It has a great many more subpostal stations and a great many more postal stations, and probably has a great many more questions arising from them than even the post-office in the city of New York, though I have not the slightest doubt that the post-office in New York might well have a second assistant postmaster.

We are confronted with this proposition: The State Department at Washington receives less money than the post-office at Chicago. We appropriate for the Secretary of State and three Assistant Secretaries and a great many other officials there, in the interest I suppose of good judgment and economy, but we require a post-office machine in a great city to be run by a political appointee, without proposing to give him the necessary facilities with which to run it. In my judgment, the same thing is true, to a large degree, of the Post-Office Department itself. I am in sympathy with the idea of having some one in the Post-Office Department who will not change with the Administrations, either partisan or at the end of the Presidential term, so that some general idea may be maintained by some one in charge; and the same thing ought to be true of a great machine like the Chicago post-office, which takes in $10,000,000 or $15,000,000 a year and expends large sums of money in handling the local mail and large sums in transferring the mail which goes from the East to the West. Chicago, as you all know, is the transfer station between the East and the West. The mail goes through that city. It is largely handled at the post-office there, and, in my judgment, it would be in the interests of economy, to the interest of the prompt settlement of questions arising there, if the office of second assistant postmaster can be created there. I may say I am very positive that this proposition to create this place was not in the interest of any individual, but solely in the interest of the public service.

Mr. WANGER. My friend takes issue with the statement of the chairman of the committee on that.

Mr. MANN. Oh, not at all. The statement of the chairman of the committee did not have reference to the person who would fill this position.

Mr. WANGER. Mr. Chairman, I certainly dislike to be placed in the ungracious attitude of doing a cruel thing, and it seems to me that in respect to the proposition that is no longer before the House I could not fail to make the point of order. The provision of the bill was permanent in its terms and in its effect. If the occasion was as stated by the distinguished chairman of the committee, that the assistant postmaster at Chicago was in need of relief, the provision should have been limited to the life of that official. If the provision was not intended for the special relief of that office at this time by reason of the age or condition of the assistant postmaster, then the provision should relate to the cities of the country generally, at least to the larger cities. In any event, it seems to me that a proposition of that kind ought to be well considered and be either determined on broad general lines, applicable to all offices which came under the same category, or else so limited in terms as only to afford relief to the office of employment of the particular individual to whom the provision is intended to grant relief and to cease upon his decease, and should afford no argument for creating an additional officer now in this and later in that office because it is done in this or in that office.

Mr. STAFFORD. Mr. Chairman, I rise to correct the impression of the gentleman who has just taken his seat as to the reason for incorporating this provision in the bill—that it was for only a temporary condition at Chicago. The committee considered well the advisability of extending this system of second assistant postmasters to all the leading post-offices. We directed the attention of the First Assistant Postmaster-General, Mr. Hitchcock, to this question, and asked him as to the advisability of having some additional supervisory official over the subordinate officials and employees at these large offices, and he believed that some such office should be provided. There was a difference of opinion as to the designation of the official. He thought it would be better to describe him as "chief clerk." The committee weighed the matter very carefully. We had before us letters from the officials at Chicago, pointing out the urgent need of having an additional administrative officer there to take the place when the assistant postmaster would be occupied with other duties, and to divide his work.

I wish also to direct the attention of the gentleman from Pennsylvania to the fact that under the existing law such a second assistant postmaster is provided for in the city of New York. The post-offices at New York and Chicago are in a separate class. The total receipts of the post-office at New York will aggregate $20,000,000. At Chicago they will aggregate sixteen to eighteen million dollars. The next class, with Philadelphia and Boston, the receipts are six or seven million dollars.

There was this particular condition which was peculiar to Chicago. There they have not as many branch post-offices as in some of the other large cities. If the gentleman will study the conditions he will find that in the postal substations there is a certain limit as to the number of clerks and carriers that can emanate from a station to have the service well administered. In Chicago they have an enormous amount of mail center in the local office, and there is urgent need for this position. The position will be in the classified service, and we want, for the benefit of the service, to give the Postmaster-General the right to select a high-grade man, so as to equip that office that the work can be properly carried on. I do not believe, if the gentleman from Pennsylvania knew the facts, he would insist on the point of order, because he is only checking the administration of the great postal service. We are seeking to add but one official to the Chicago office in all these years, when the receipts have increased from $5,000,000 to $18,000,000. I ask the gentleman whether or not he does not believe that it is economy to have an administrative officer to share the duties of the other administrative officers when they are overworked so that they can not properly attend to all their duties? Is it not short-sighted policy to deprive the Chicago office of this high-grade administrative officer and thereby cause much

hampering of the service? I hope that this presentation and statement of the condition, together with the fact that the committee gave thorough consideration to the matter and that it was concurred in by the First Assistant Postmaster-General, will lead the gentleman from Pennsylvania to withdraw his point of order.

Mr. MOORE of Pennsylvania. Mr. Chairman, I rise to express satisfaction that my colleague from the State of Pennsylvania has been on guard and has been as watchful as our distinguished colleague from Illinois usually is. That a question should have arisen between the gentleman from Pennsylvania [Mr. WANGER] and the gentleman from Illinois [Mr. MANN] is extremely interesting of itself; but I join with the others who have spoken, to express the hope, in view of the vast increase of the business of the Chicago post-office, which increase, of course, has been identical with that of New York and Philadelphia, that my colleague from Pennsylvania will, in the interest of the needs of the post-offices of these three cities, withdraw his point of order.

Mr. OVERSTREET. Mr. Chairman, I would like to inquire what the parliamentary status is.

The CHAIRMAN. There is nothing before the committee at present.

Mr. OVERSTREET. I suggest that we proceed with the reading of the bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For compensation to clerks and employees at first and second class post-offices:

Superintendents of delivery, superintendents of mails, superintendents of money order, and superintendents of registry, eight, at not exceeding $3,200 each.

Mr. GILL. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the committee a question as to this paragraph:

For the compensation of clerks and employees at first and second class post-offices.

I desire first to ask if that provides for the payment of clerks, and also whether the bill provides for the payment of carriers, in accordance with the provisions in the act approved March 2, 1907.

Mr. OVERSTREET. Does the gentleman refer to what is commonly known as the "classification act?"

Mr. GILL. Yes.

Mr. OVERSTREET. If the gentleman will permit, I will state that for several pages immediately following this paragraph there are various items enumerating the clerks by the designations by which they are actually known in the service. There are so many superintendents of delivery, and so many superintendents of mail, etc. In the service, the classification act to which the gentleman refers undoubtedly controls, and the appropriation for the whole classification of clerks at first and second class post-offices is built up upon the total number of employees of these various grades of salaries, who are in the service on the 1st day of next July, the beginning of the new fiscal year, plus the provision of appropriation for the promotion of all of those employees who will be entitled to promotion under the classification act, and plus the new appointees who may be authorized under this act at the lowest grade of salary as provided under the terms of the classification act.

Mr. GILL. Then this act will not cover the necessary amount to pay for the promotions?

Mr. OVERSTREET. Oh, it does carry it. I will call the gentleman's attention to this. The item to which he directs the attention of the committee is at the bottom of page 5 of the bill. The various items covering the designated positions of the various employees, by their official character at various salaries, follow up until the middle of page 11 of the bill, where it says:

In all, $28,661,500.

Now, that sum is made up of all of this variety of employees as follows: The total annual appropriation or annual expense necessary to pay all of them who are in the service at their respective grades of salaries, plus all the appropriation necessary to provide for the promotion under the classification act, plus all of the new men who will be appointed during the next year at the lowest grade of salary.

Mr. GILL. I just want to ask one further question. Under this provision the classification of the carrier and clerks is into six grades. Now, it is provided further that clerks and carriers at first-class offices shall be promoted successively to the fifth grade and clerks and carriers of the second-class offices shall be promoted successively to the fourth grade. I want to ask whether it is the intention of this act that when the first classification is made there shall be no further promotions to the sixth grade in the one case and to the fourth grade in the second case.

Mr. OVERSTREET. Not unless there is appropriation specifically made by Congress.

Mr. GILL. Not unless it is specifically authorized by Congress in an appropriation bill.

Mr. OVERSTREET. If the gentleman will permit me to explain the theory of that classification act, I shall be glad to do so. The classification act first provides different grades—six grades—six, eight, nine, ten, eleven, and twelve hundred grades. Second, it provides for the automatic promotion from each grade to the next higher——

Mr. GILL. Up to the fifth and fourth.

Mr. OVERSTREET. And that automatic promotion depends upon two things—first, one year's service by the clerk in one grade, and second, a proper efficiency record of that clerk during that one year. The automatic character, however, of the classification stops arbitrarily at the thousand-dollar grade.

Mr. GILL. Only clerks at $1,100, does it not?

Mr. OVERSTREET. It stops arbitrarily at the $1,000 clerks in the second-class offices and at the $1,100 clerks in the first-class offices. Therefore the classification act, so far as the authority for the promotion is concerned, halts absolutely at $1,100 in the first-class offices. Now, so far as the clerks are concerned, there have been for a great many years clerks of the sixth, or $1,200, grade. They are provided for in this bill. There has never been a grade of the sixth class, or $1,200 grade, of carriers until it was authorized by the classification act. So far as this bill goes we have not recommended an appropriation for the promotion of the carriers from the fifth, or $1,100, grade to the sixth, or $1,200, grade.

Mr. GILL. Then, as I understand the gentleman, this promotion ceases now at the sixth grade in the first-class and at the fifth grade in the second-class post-offices until Congress will authorize through an appropriation bill an appropriation specifically for the money necessary to pay for the promotion?

Mr. OVERSTREET. Certainly——

Mr. GILL. In other words, it stops and will not go on until some further appropriation is made by Congress?

Mr. OVERSTREET. If the gentleman, Mr. Chairman, will hesitate just long enough for one further little thought, he will see at once that there is absolutely no provision for promotion of any post-office employee except the money is appropriated for it. There is——

Mr. GILL. I understand that.

Mr. OVERSTREET. So that I think the gentleman leaves the wrong impression.

Mr. GILL. They would not get the money if you did not appropriate it, but under the provisions of this act you certainly would appropriate it.

Mr. OVERSTREET. Certainly, and we always have.

Mr. GILL. As far as those who have already been promoted, and who perhaps would be entitled to be promoted, up to the fifth and fourth classes in the first and second class post-offices.

Mr. OVERSTREET. The difficulty of the gentleman is that he evidently confuses what is known as the arbitrary law of promotion and the ordinary rate of pay.

Mr. GILL. No; I do not think so.

Mr. OVERSTREET. Promotion stops absolutely under the law at the $1,100 grade.

Mr. GILL. I think I understand the case, and that is that after the first classification there are no further promotions in the first class to the sixth grade, and in the second class to the fifth grade, until some further action is taken by Congress. In other words, there is notice to all the carriers and to all the clerks that they will not receive any further promotion in the first class to the sixth class and in the second class to the fifth class until the committee and this House say that there shall be further promotion.

Mr. OVERSTREET. Why, Mr. Chairman, I hardly think it is necessary to reply to such an inquiry as that, because it does not either state the fact or leave the proper impression with the committee. Suppose the gentleman would apply his argument to the clerks of the $1,400 grade, or the $1,300 grade, or of the $1,200 grade? No provision is made there for arbitrary promotion any more than in the sixth grade or in the fifth. The committee, which is the servant of Congress, has not treated the clerks of the fifth grade any differently than it has treated the clerks of the sixth, seventh, and other grades. The only difference is in the classification which provided arbitrarily for an automatic promotion one year with another of certain grades, and that we provided for.

Mr. MANN. While the gentleman is on this subject, would he wish to discuss it?

Mr. OVERSTREET. I would prefer not to do so.

Mr. MANN. There is some point involved in the paragraph on page 11. I did not know but that the gentleman would prefer to explain that now.

Mr. OVERSTREET. I think it better to take it up at the proper point.

Mr. GAINES of West Virginia. If the gentleman will permit me, how are these promotions hereafter to be made?

Mr. OVERSTREET. They are made under the law. The law prescribes that the clerk or carrier from one grade to another shall be promoted in accordance with the year of service in the next lower grade and a proper efficiency record. I have not the law before me, but I can turn to it in just a moment.

The Clerk read as follows:

Auditors, two, at not exceeding $3,000 each.

Mr. SHERWOOD. Mr. Chairman, I desire to offer the following amendment:

In page 6, line 1, "Auditors, two, at not exceeding $3,000 each," strike out the word "two" and insert the word "five."

The Clerk read as follows:

Page 6, line 1, after "Auditors," strike out "two" and insert "five."

Mr. SHERWOOD. Mr. Chairman, I offer this in order to restore the $70,000 recommended by the Postmaster-General as necessary to promote employees that receive not exceeding $1,200. Now, there are 1,490 employees now directly interested in these promotions. Of this number, 270 are interested in promotion from $1,300 to $1,400, 50 are interested from $1,400 to $1,500, 7 from $1,500 to $1,600, 14 from $1,600 to $1,700, 2 from $1,700 to $1,800, 18 from $2,000 to $2,100, 18 from $2,100 to $2,200, 21 from $2,400 to $2,500, 3 from $2,600 to $2,700, and 3 from $2,900 to $3,000, making an aggregate of 1,496 employees directly interested.

The whole number of post-office employees are 29,371, and they are all interested in these promotions. I understand that the Postmaster-General has made a careful and scrutinizing investigation, and he regards this sum of $70,000 as necessary. It is a mere bagatelle compared with the aggregate appropriations carried in this bill, which are $28,061,500. These promotions in the Post-Office Department are automatic. There is no branch of the public service so near to the people, and there are no employees in the public service that render so much service for so meager hire as the employees of the Post-Office Department. I believe that this amount asked for by the Postmaster-General should be restored. I believe the recommendations of the Postmaster-General are wise and for the best interests of the public service. Of course I do not desire to criticise the Post-Office Committee. They have acted in a commendable way in reducing expenditures, but this House, when the military appropriation bill was under consideration, increased the pay of the Army in the aggregate $4,000,000. Now, it does not look right to me to increase the pay of the idle men of the Army and deny the real workers the paltry sum of $70,000. The Army to-day is an idle army. There is no use for the Army to-day, practically, and we all hope, every gentleman on both sides of this House, that we will have no use for it in the future. I do not want myself to go to the country on the statement that we have increased the pay of the Army $4,000,000 and denied to the employees of the Post-Office Department the meager sum of $70,000. This is saving at the spigot and wasting at the bung. I will say to the chairman of the committee that if he consents to this amendment I will not offer any more.

Mr. OVERSTREET. Mr. Chairman, I certainly can not approve of that amendment offered by the gentleman from Ohio. The point at which the gentleman proposes his amendment is the auditors at the rate of $3,000. There are two in the service, and they are employed at the offices of New York and Chicago, the two great offices where auditors of this class are most needed. The comment of the gentleman that we need more provisions for promotion I think is a little weak, when we come to understand just what promotion the bill as it comes before the committee carries. It is the intention of the committee when they reach the proper point in the bill to offer to increase the $2,000 item, and add ten additional employees. The reason that is provided for in the superintendents of stations in the larger cities is that the additional stations will very probably be necessary before the close of the next fiscal year.

We have, however, Mr. Chairman, made provision which will result in the promotion of over 20,000 clerks—19,845—and when we add the 10 to the superintendents of stations to the grade of $2,000 it will make approximately 100 more. Therefore, when the gentleman says that no provision has been made for promotions of these clerks he certainly is not figuring according to the best methods known to the service for that character of compensation. The committee, Mr. Chairman, is not guilty of cheeseparing. It is not narrow-minded when it comes to the preparation of these great postal-supply bills. The committee has sought to be liberal in its recommendations. Under the existing law we have in every instance given the service the benefit of the doubt where additional force might possibly be needed. We have provided amply and adequately for the promotion under the automatic scale of the classification act. While we have recommended partial promotion for clerks and for employees in the service this year, I think gentlemen will appreciate that there are good and sufficient reasons why a wholesale provision of promotion should not be made.

At the last session of Congress we appropriated approximately $12,000,000, which was used solely for the purpose of the increase of the salaries of employees. We have felt, therefore, that this year—the very next succeeding session of the House following that liberal recommendation—we can well afford to halt and not make further provision solely based upon demands for increases of salary. I venture to say there is not a business concern in the country to-day, nor an enterprise of any magnitude, which, since the 1st of January, has voluntarily or involuntarily increased the salaries of its employees. Shall the Government be different from the ordinary individual in the transaction of its business? Shall it prosecute its business upon a more lax and liberal plan than private enterprise? It will not do to hurl at the committee the anathemas of gentlemen whose constituents, employees in the service, demand these increases, because we all have those constituents. I venture to say that in the district which I have the honor to represent there are a larger number of postal employees by far than in the average Congressional district of the country.

If I were to follow my own private desires to gratify my friends at home, and possibly stimulate their political activity in the coming campaign, then I might be guilty of forgetting my duty to the Government and the necessity of comparing existing conditions with former conditions, taking credit, if you please, for the liberal appropriation of the last session, and merely making provision adequate and ample for the service, without recommending general increases of salaries. I know these recommendations have been made by the Postmaster-General, but it does not necessarily follow that we should forget the need for careful estimates and careful computation. I think therefore that right at the outset of this bill it ought to be understood by this committee whether we are going to be guided in the conduct of the preparation of this supply bill by the necessities of the service, by fair methods of appropriation, by the conservative business principles which should prompt our action, or whether we are going simply to provide for wholesale increases of salaries for the mere purpose of gratifying individuals who happen to live in our districts. We have a bill here which carries in excess of $220,000,000. We have provided for every proper increase of service made necessary by the growth of the business. We have answered every demand of the statute, carried by the classification act. We have provided for the increases of the different items which make up the great postal service; but we say to the House and to this committee that we do not believe it wise, in the first session after we have made liberal appropriation for increased salaries, that we should follow that by an additional increase based wholly and solely upon promotions. I hope the amendment will be disagreed to. [Applause.]

The CHAIRMAN. The question is on the amendment of the gentleman from Ohio [Mr. SHERWOOD].

The amendment was rejected.

The Clerk read as follows:

Superintendents of delivery, superintendents of mails, superintendents of money order, and superintendents of registry, eight, at not exceeding $3,200 each.

Mr. DRISCOLL. Mr. Chairman, I just want to ask how the number of these superintendents of delivery and superintendents of mail and of stations, etc., is determined, whether arbitrarily or by the business of the different offices.

Mr. OVERSTREET. By the actual employment, as they are now employed. There is no change in the number of employees thus far in the bill.

Mr. DRISCOLL. Will they not graduate up in increases of salary as the business of the offices increases?

Mr. OVERSTREET. There are certain employees who do graduate up. I mean the superintendents of mail, the superintendents of money orders, of registry, etc., are graduated upon the salaries of the postmasters.

Mr. DRISCOLL. Some of these are superintendents of mail, and they are mixed up with superintendents of delivery.

Mr. OVERSTREET. These paragraphs are framed according to the actual conditions existing at the time the bill was drawn, the number of men employed in each division.

Mr. DRISCOLL. But as the business of the post-offices increases, will they not graduate up and get larger pay under the law?

Mr. OVERSTREET. The gentleman will remember that the law fixes a maximum. It is not mandatory that they shall have the maximum, but in almost all of them the maximum is reached, so that the appropriation is based upon the theory that they will be paid the maximum, or very nearly the maximum, which the law provides.

Mr. DRISCOLL. I was particular about that, because I know an instance where a man is not getting the maximum under the law on the amount of business done in the office, and I wanted to know whether the law required that, according as the office graded up in its receipts, the superintendent of mails was entitled to get 45 per cent.

Mr. OVERSTREET. The law is not mandatory. The law fixes the maximum to which the various employees of that class may be promoted, and, of course, if the office, by reason of increase of the volume of business, would justify a higher allowance than they could get, and the amount was not sufficient, they would stand over until the next appropriation.

The Clerk read as follows:

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, bookkeepers, cashiers, examiners of stations, finance clerks, superintendents of carriers, superintendents of delivery, superintendents of mails, superintendents of money order, superintendents of registry, superintendents of second-class matter, superintendents of inquiry, and superintendents of stations, eighty-five, at not exceeding $2,000 each.

Mr. OVERSTREET. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 7, line 13, strike out the word "eighty-five" and insert the word "ninety-five."

Mr. WANGER. I desire to reserve a point of order on that.

Mr. OVERSTREET. Mr. Chairman, I was going to explain this amendment, and I did mention it briefly a moment ago. There are at present eighty-five individuals filling these various positions provided for in this paragraph. It is felt, however, that there is a strong probability that in some cities, particularly the larger cities, there would be need of additional superintendence of stations. This arises frequently by the discontinuance of smaller post-offices adjacent to and merging into the larger office, and the creation of a station for which the station agent would be appointed. The fact is in some large cities they need, and will need from time to time, an increased number of larger stations. This is at the grade of the two-thousand class of compensation, and the additional ten that this amendment would provide, raising the number from eighty-five to ninety-five, would be for the purpose of paying that class of employees.

Mr. WANGER. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana, chairman of the committee.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, chief stamp clerks, clerks, finance clerks, foremen of crews, private secretaries, superintendents of carriers, superintendents of second-class matter, and superintendents of stations, 2,954, at not exceeding $1,200 each.

Mr. GOEBEL. Mr. Chairman, I move to amend, by striking out, on page 10, line 15, after the word "station," the words "two thousand nine hundred and fifty-four" and insert "five thousand six hundred and thirty-seven."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 10, line 15, after the word "station," strike out the words "two thousand nine hundred and fifty-four" and insert the words "five thousand six hundred and thirty-seven."

Mr. GOEBEL. Mr. Chairman, the purpose of this amendment is to raise all clerks in first and second class post-offices out of the eleven-hundred-dollar and into the twelve-hundred-dollar grade. I shall follow that up, Mr. Chairman, with another amendment so as to include letter carriers. The purpose of this amendment, as it will be seen, is to give $1,200 to clerks who are now receiving $1,100, and thereby placing them in the highest grade which Congress at its last session created. The appropriation that was made last year permitted simply those who were receiving $1,000 to receive $1,100. Congress failed to make an appropriation for the $1,200 grade.

Mr. Chairman, I hope it may not be said of me that this amendment is offered for the purpose of stimulating political activity in my district.

As a member of the Post-Office Committee I contended last year that Congress ought to increase all salaries of post-office employees, except postmasters, at least 20 per cent. After some effort the eleven and twelve hundred grades were finally created. The reasons that existed then for establishing these two grades exist to-day, and it must therefore follow that the reasons for an appropriation are equally good. It was urged then that the kind of service that these clerks and letter carriers were rendering justified an increase, as well as the increased cost of living warranted such an increase. But it was also thought best not to make the increase of $200 in one year, and advisable that no appropriation should then be made for the $1,200 grade. To that, of course, no objection was made, since it was the purpose, at least as I believed, that the next year—to wit, this year—we might raise the appropriation so as to cover the $1,200 grade. But the Post-Office Committee declined to recommend such appropriation.

It is urged now by the chairman of the committee, the gentleman from Indiana [Mr. OVERSTREET], that the conditions of the country at this time, and taking also into consideration the receipts of the Post-Office Department, would not warrant this increase. I submit whether salaries of post-office employees ought to depend upon income or the condition of the country. If salaries are to be graded according to receipts, then it must follow that if there is an increase in receipts the salaries must be increased, and if there is a decrease they must go down, and we would be annually adjusting and readjusting salaries. It would leave out of consideration the value of the services and the circumstances and conditions relating to living expenses and every other contingency.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GOEBEL. I ask for five minutes more.

The CHAIRMAN. The gentleman asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. GOEBEL. It seems to me, Mr. Chairman, that we ought to be consistent. We established a twelve-hundred-dollar grade las year. What was the purpose? Was it simply to have it appear that we were charitably inclined in that direction for the time being and then refuse to make the appropriation? Is it fair? Why do you continue the grade? Why not discontinue it. It is simply a delusion unless you make an appropriation. We thought last year that those services were reasonably worth $1,200. Have we changed our minds? Are they worth less to-day? Has any reason been urged here why we should not make this appropriation other than the reasons the distinguished chairman of the committee has given, namely, that the receipts of the Post-Office Department at this time do not justify it, or that the conditions of the country do not justify it? But I submit that those are not valid reasons. I say this in all seriousness. I still maintain, as I did last year, that there ought to be an increase of 20 per cent, and I hope that the committee will take that view by adopting this amendment, which will give to these men what they are fairly entitled to.

Mr. OVERSTREET. Mr. Chairman, the gentleman from Ohio [Mr. GOEBEL] has been consistent in demanding his 20 per cent increase this year, but he has gotten considerably away from the reservation of facts. We did not appropriate last year enough money to increase all of the clerks of the eleven-hundred-dollar grade. Neither did we create last year the twelve-hundred grade of clerks. We have had the twelve-hundred grade for several years, and there were clerks employed in that grade; and there were clerks employed in that grade that were not promoted last year, because we did not authorize it. Therefore the House is not going to commit such a dreadful blunder if it stands by the recommendation of the committee, notwithstanding my colleague's very ingenious argument. What are the facts? The facts are still just as much a factor this year as last year, and will be hereafter. In the passage of the classification act providing for the automatic promotion from one grade to another under certain limitations, the sixth grade was put in as $1,200. It existed at the time, and had existed for years, and the arbitrary promotion ceased at the $1,100 grade, as I explained a while ago.

But when Congress made the appropriation last year under the classification act, it appropriated sufficient to promote 50 per cent of the $1,100 grade to $1,200. Therefore the amendment of the gentleman from Ohio [Mr. GOEBEL] now under consideration does more than he says we did last year, and all

he asks us to do is to be consistent and to do only what we did last year. This year the item for the $1,200 grade carries 15 per cent increase over the current law. That is to say, 15 per cent of the total number in the $1,100 grade will be arbitrarily promoted to the $1,200 grade. Of course, when I say arbitrarily I mean as distinct from promotions that occur by reason of resignation, deaths, or other ordinary causes in the upper grades.

Mr. GAINES of West Virginia. Does the gentleman mean automatically?

Mr. OVERSTREET. No; I do not, because the automatic part stops at the eleven hundred grade. Gentlemen seem to continue to permit their minds to be confused with what is known as the "grade of classification" and what is known as "automatic promotion" under that classification. The grade is a $1,200 grade, as a maximum grade of classification, and the automatic promotion stops with the $1,100 grade. What the gentleman's amendment proposes to do is to provide for the promotion of every man in the $1,100 grade to the $1,200 grade.

Mr. GOEBEL. That would otherwise have come if the gentleman had made the appropriation.

Mr. OVERSTREET. But he keeps trying to leave the impression that the committee is violating the classification act.

Mr. MADDEN. Is it optional with the postmaster now whether he promotes from the $1,100 to the $1,200 grade?

Mr. OVERSTREET. It is not optional.

Mr. MADDEN. What is the requirement?

Mr. OVERSTREET. The requirement is the amount of money in the $1,200 item.

Mr. MADDEN. Assuming there is a sufficient amount of money, then who has control of the promotion?

Mr. OVERSTREET. The control would be under the Department, of course, on the recommendation of the postmaster. I do not want to leave the impression that the recommendation of the postmaster is final.

Mr. MADDEN. What are the conditions under which the postmaster makes a recommendation?

Mr. OVERSTREET. The efficiency record and term of service.

Mr. MADDEN. That seems about the only condition required.

Mr. OVERSTREET. When the First Assistant Postmaster-General was before the committee two years ago, we inquired of him what was being done relative to the preparation of a uniform standard of efficiency. He stated that he was at work upon it. Another year passed, and he again announced that he was at work upon it.

Mr. MADDEN. Is he still at work upon it?

Mr. OVERSTREET. I do not know.

Mr. MADDEN. Has he made any progress with the work?

Mr. OVERSTREET. I do not know.

Mr. MANN. He is doing something else now with great perseverance, is he not?

Mr. OVERSTREET. The point is, Mr. Chairman, that there is no uniform standard or grade of efficiency, and in the absence of it the practice is to be very largely guided by the method pursued in the local post-office that makes the recommendation.

Mr. MADDEN. So that if the superintendent in a local office should have any grudge against a man under him he could give him a record that might not entitle him to promotion, whereas if his report was all right, and such a condition did not exist, he would be promoted?

Mr. OVERSTREET. I will say to the gentleman from Illinois [Mr. MADDEN] that the First Assistant Postmaster-General explained to the committee that there were a number of complaints made of that character, and each one of those complaints was inquired into. That if a clerk had been unfairly treated—if his efficiency grade had been underestimated by the postmaster and notice was obtained of the same by the Department—it was invariably investigated.

Mr. MADDEN. Did the investigation unearth any injustice to any of the men who might otherwise be entitled to promotion?

Mr. OVERSTREET. My recollection is that the statement was made that it did not reveal any.

Mr. MADDEN. The investigation would be largely an inquiry from those who were responsible for the discrimination, would it not?

Mr. OVERSTREET. I think it went further than that. Of course the persons primarily responsible for the recommendation would be given an opportunity to be heard. But it was not limited to them.

Mr. MADDEN. What opportunity was given to other people?

Mr. OVERSTREET. I do not recall. I only remember that the First Assistant Postmaster-General said they were investigating, and I confess I know of no instance which came to the committee where there had been any abuse made of it at all.

Mr. MADDEN. At all events, there are no promotions from the eleven-hundred-dollar to the twelve-hundred-dollar grade now except upon the recommendation of the local postmaster and his assistants?

Mr. OVERSTREET. That is true; and the limited appropriation. I started to say, Mr. Chairman, that we do provide for a limited number of the $1,100 grade promotions in order to take care of the appointments which may become necessary in the smaller stations in the post-offices to which clerks are usually appointed at the rate of $1,200 a year.

Mr. MANN. I understood the gentleman to say that the amendment of the gentleman from Ohio [Mr. GOEBEL] would carry an increase of every one in the $1,100 grade to the $1,200 grade?

Mr. OVERSTREET. That is my understanding.

Mr. GOEBEL. There will be 3,215 clerks in the $1,100 grade promoted to the $1,200 grade.

Mr. MANN. That relates only to clerks.

Mr. GOEBEL. That is all.

Mr. OVERSTREET. Under the current law there are only 3,108 authorized in the $1,100 grade, so that my statement was correct.

Mr. MANN. I was not finding fault with the statement. What I wanted to get was this information from the gentleman from Indiana [Mr. OVERSTREET] and the gentleman from Ohio [Mr. GOEBEL]: Supposing this amendment should prevail, it would not take care of the carrier. It would require another amendment?

Mr. GOEBEL. Yes, and I intend to offer that.

Mr. OVERSTREET. I would like to have the attention of the committee in order that these gentlemen who are not following the discussion may understand what it is for which they are called upon to vote. The amendment which is now before the committee is to increase the salary of every clerk in the $1,100 grade in the offices of the first class. There is a promise held out by the gentleman from Ohio [Mr. GOEBEL] that if you will appropriate sufficient to increase the salaries of all these $1,100 clerks, that he will lead a movement later to increase the carriers of the $1,100 class. That means, I presume, that he will lead another movement to increase the rural carriers and other grades, and then I presume that this new knight errant will lead the march forward to the increase of the salaries of the railway mail clerks. And we must determine right here and now, whether or not we propose to go forward this session and increase the salaries of every one of these postal employees?

Will my friend from a rural district justify to his people an increase of the city carriers and clerks without an increase of the rural carriers? Will he say to his railway mail clerk constituents that he thought that Judge GOEBEL, of Cincinnati, was so gallant in his movement to increase the salaries of the clerks that he was swept off his feet and forgot and did not take care of the rural-delivery carrier and the railway mail clerk? Now, there is only one thing to do. My distinguished friend from Ohio has given one bit of very excellent advice. That is, we are to be consistent. We are consistent when we stand by the policy which has been adopted, namely, to make adequate and ample provision for the service, but not to make increases of salaries. When he says that we ought not to have provided the grade of $1,200 unless we intended to promote the clerks from $1,100 to $1,200, I answer him that that grade of $1,200 is older than his official service in this House. It was not created last year. He is not inconsistent, nor are we.

Mr. GAINES of Tennessee. I did not quite hear what the gentleman from Indiana said when he was speaking of the salaries of the rural carriers.

Mr. OVERSTREET. I said here was an amendment before the committee providing for an increase of carriers of the $1,100 class in the first-class offices, and the gentleman who offered the amendment held out the promise that if that were carried he would made a motion to increase the salaries of the city carriers; and I made reference to that and said, "How are we going to justify ourselves to the rural carriers in making no increase to them?"

Mr. MANN. That proposition is subject to a point of order, increasing the rural carriers.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GOEBEL. I move to strike out the last two words.

Mr. Chairman, we might as well have it out now, as the chairman of the Post-Office Committee put it; let the committee determine now whether it will make any increases in salaries. I want to say to you that I shall offer an amendment increasing the salaries of letter carriers. I am also going to offer an

amendment to compensate the railway mail clerks for their actual expenses while in performance of their duties.

Mr. BUTLER. Are you also going to offer to increase the salaries of the rural carriers, too?

Mr. GOEBEL. No.

Mr. BUTLER. Why discriminate against them?

Mr. GOEBEL. I am going to leave that to you.

Mr. BUTLER. You will be ringing the big bell on that, and there will be several others.

Mr. OVERSTREET. You know it is subject to a point of order.

Mr. GOEBEL. The gentleman from Indiana anticipated me somewhat. His purpose in telling what I was going to do was to impress the Members of the enormous amount involved in the amendments. I do not want to mislead this committee. I am going to offer them because I believe they are right and ought to be adopted, and I am simply carrying out the view I have always entertained with reference to these matters.

Mr. GAINES of Tennessee. Mr. Chairman, the gentleman from Indiana apprehends that there may be a demand to increase the salaries of rural carriers. Congress has nurtured the rural-delivery system from a mere infant in 1896, when it started, at a salary of $150 at first, and in a little while raised it to $300, and at about $100 a year, or about that amount, with the exception of a few years or sessions, until the maximum salary was fixed at $900 by the appropriation bill which was approved March 2, 1907, carrying appropriations for the fiscal year ending June 30, 1908.

The rural-delivery system, we all remember, was "experimental" for a number of years. Congress did not know whether it would prove a success in this country or not. Congress was uninformed as to what it would cost. Postmaster-General Wilson thought that he could get carriers—boys in their teens and along in that class—for about $300 a year. He did not know then, and Congress has had to work in the dark, feel its way along from year to year, and increase the salary and elaborate the system from time to time, in an honest effort to get at the just compensation and a proper and necessary system for the benefit of the largest number of people possible for the outlay. The appropriation act approved June 13, 1898, for the fiscal year ending June 30, 1899, contained words found, I believe, in all the acts down to and including the year 1902, showing that the system was "experimental" up to that time.

The act of June 13, 1898, provided that—

For experimental free rural delivery, including pay for carriers, horse-hire allowance, supplies, and mechanical appliances, $150,000.

The act of March 1, 1899, for the fiscal year ending June 30, 1900, provided—

For experimental free rural delivery, including pay of carriers, horse-hire allowances, supplies, and mechanical appliances, $300,000.

The next act, of June 2, 1900, for the fiscal year ending June 30, 1901, had the same words, with a larger appropriation, as follows:

For experimental rural free delivery, including pay of carrier, horse-hire allowance, supplies, and mechanical appliances, $1,750,000.

The next year, rather the next act, was approved March 3, 1901, for the fiscal year ending June 30, 1902, and contained practically the same words, with more money than the last act. It provided—

For experimental rural free delivery, including pay for carriers, horse-hire allowance, supplies, and mechanical appliances, $3,500,000.

At this time there was a very strenuous effort made to switch off this rural free-delivery system into the "contract system," let it, after advertising, to the lowest bidder, or something like that, claiming that a better and cheaper service could be had. But we defeated that, and thus pushed the rural system along.

A few months previous to this the Department prohibited the carriers from carrying any express packages, and Congress in the next act, approved April 21, 1902, appropriated—

For pay of letter carriers of rural free-delivery service, $7,000,000. In all, for rural free-delivery service, $7,529,400: *Provided*, That on and after July 1, 1902, the Postmaster-General be, and is hereby, authorized to classify the rural free-delivery service and fix the compensation to employees in such service, etc.

And further provided that—

Carriers at salary not exceeding $600 per annum, and no other or further allowance or salary shall be made to said carrier. But the carriers shall not be prohibited from doing an express-package business, provided it does not interfere with the discharge of their official duties.

About this time there was a strong effort made to substitute the "contract system," a sort of "star-route service," for this rural delivery system. But we defeated that. I stood against it and sought cautiously, but surely, as a great majority of Congress did, to raise up this infant, build up this "experimental" rural-route system into a fixed system, to extend throughout the country, as rapidly as we could. And I am glad we did. It has been a blessing to the country people.

It was suggested in the debate by the present Speaker, Mr. CANNON, and possibly by others who were disposed to favor the contract system, that this express privilege would amount to about $400 a year, and that with this privilege given back to the carrier and a $600 salary a proper compensation would be given a carrier and a good service had. Hence Congress did so. It was proposed by the gentleman from Illinois [Mr. CANNON] to give the carrier $1,000 salary, but the then friends of the rural system, fighting as they were against the contract system and facing the opposition that was coming from the cities, felt that to fix a salary at this rate, $1,000, at this critical time would break down the rural system and give us the star-route or this contract system, which we were trying to avoid. Hence the $1,000 proposition failed, and the salary of $600 was agreed upon, with the express-package privilege annexed and given back to the carrier. I am glad we did defeat this star-route or contract system and saved and have built up this rural system.

The next act, approved March 3, 1903, for the fiscal year 1904, provided as follows:

In all, for a rural free-delivery service, $12,621,700.

The next act, for the fiscal year 1905, approved April 28, 1904, provided—

For pay of letter carriers and clerks in charge of substations of rural free-delivery service, $20,180,000: *Provided*, That not exceeding $12,500 of the amount hereby appropriated may be used for compensation of clerks in charge of substations.

On and after July 1, 1904, letter carriers of the rural free-delivery service shall receive a salary not exceeding $720 per annum, and no other or further allowance or salary shall be made said carriers; and on and after said date said carriers shall not solicit business or receive orders of any kind for any person, firm, or corporation, and shall not, during their hours of employment, carry any merchandise for hire: *Provided*, That said carrier may carry merchandise for hire for and upon request of patrons residing upon their respective routes, whenever the same shall not interfere with the proper discharge of their official duties, and under such regulations as the Postmaster-General may prescribe.

The next act, approved March 3, 1905, for the fiscal year 1906, "for the rural free-delivery service, $25,828,300," which set on foot this great system and firmly fixed it in our postal laws for all time to come.

The next act, approved June 19, 1906, for the fiscal year 1907, provided:

For pay of letter carriers and clerks in charge of substations of rural-delivery service, $28,000,000. *Provided*, That not to exceed $15,000 of the amount hereby appropriated may be used for compensation of clerks in charge of substations: *Provided further*, That rural letter carriers, after twelve months' service, be allowed annual leave, with pay, not to exceed fifteen days; the substitutes for carriers on vacations to be paid during said service at the rate of $600 per annum.

The last act, approved March 2, 1907, provided:

For pay of letter carriers, substitutes for carriers on annual leave, and clerks in charge of substations of rural-delivery service, tolls, and ferriage, $24,900,000. That on and after July 1, 1907, letter carriers of the rural-delivery service shall receive a salary not exceeding $900 per annum: *Provided*, That rural letter carriers, after twelve months' service, shall be allowed annual leave, with pay, not to exceed fifteen days; the substitute for carriers on vacation to be paid during said service at the rate paid the carrier.

At a glance it is seen how rapidly this system has grown and how responsive Congress has been in strengthening, spreading, dignifying, and popularizing the service; and the people have indorsed it without a murmur. But I do insist that we can, without any detriment to the public service, expand this package provision of the law so as to let the carrier, within certain proper limitations, carry packages backward and forward not only to patrons, but to nonpatrons, say, in a given territory, and in this way improve the service and increase the usefulness of this convenience, as well as the income of the carriers. This provision—that is, confining this package service to patrons only—was itself an "experiment," and now we see where we can improve on the experiment without any harm to anyone, and I think we should do it. We see how it works, we know more about it, and the whole service, as to that, than we have at any time heretofore; and I think we should, as we have done, as we gather wisdom, utilize it to the upbuilding of this system and for the benefit of the people and the public service, and I have called this matter to the attention of the House and to the industrious and intelligent committee which controls our postal legislation, that it may give consideration at an early day to this package proposition when it takes up the salary proposition.

For my part, I am for more pay for the rural carriers if the present pay is not just and reasonable. Of course it is practically useless to offer an amendment at this time. It would

be subject to a point of order and be defeated and possibly hurt the proposition. I have not carefully considered this package proposition. I have not had the time; but anyone can see with a little study that this proposition, as it now reads in the law, is too limited. I have talked to a number of Members on this subject, and they all agree with me that this language, "patrons residing on their respective routes," is unnecessarily narrow and unnecessarily restricts and cuts down the chances and possible income of the carrier to the detriment of the people and the carrier, too. I personally know that, because of the narrow operation of this provision, I have had to hire a horse and buggy and pay a boy to go 10 miles into the country to take a small package of medicine, or something of that kind.

Whereas, if you would allow this law to be more liberal than it is, I could give the carrier half a dollar and he would be glad to take it. He would put the half dollar in his pocket and I would keep the four dollars and a half in mine, which I paid for the hire of the horse and buggy. There is the milk in the cocoanut. You can very easily help the rural carrier along, and you can very easily help the country people along, and you can build up this magnificent system and make it what it should be, and comfort the people and help the rural carrier, by eliminating that narrow, and I want to say unintentionally narrow, proposition. I desire to insert here a couple of letters which bear on this question of rural salary and the cost of maintenance. I ask unanimous consent to do that.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to insert in the RECORD the documents which he has indicated. Is there objection?

There was no objection.

The letters are as follows:

POST-OFFICE DEPARTMENT,
OFFICE OF THE FOURTH ASSISTANT POSTMASTER-GENERAL,
Washington, February 24, 1908.

Hon. JNO. WESLEY GAINES, *House of Representatives.*

SIR: In response to your telephonic request of this date to be advised of the various changes in the compensation paid to rural letter carriers since the institution of the rural delivery service, I beg leave to state that the pay of rural carriers when the service was first started, October, 1896, was placed at $150 and afterwards at $300 per annum. In 1898 it was raised to $400 per annum. On July 1, 1900, it was further increased to $500 per annum. Previous to March, 1902, the Congress took no action toward fixing the salary or compensation of rural carriers, leaving the matter entirely to the Department. In March, 1902, anticipating action by the Congress, the maximum salary was increased to $600 per annum.

In the act making appropriation for the postal service for the fiscal year beginning July 1, 1902, the Postmaster-General was authorized to fix the salaries of rural letters carriers at not exceeding $600 per annum.

Up to this time the limit in the length of a route was 25 miles, and 20 miles was regarded as the standard route. With a view to securing greater uniformity in adjusting the compensation of carriers the following schedule was adopted:

	Per annum.
Routes not less than 20 miles	$600
Under 20 and not less than 16 miles	500
Under 16 and not less than 12 miles	400
Under 12 and not less than 8 miles	300
Under 8 and not less than 4 miles	200

In addition to the carrying of the mails, rural carriers were permitted to augment their income by carrying express matter for hire outside of the mails.

At this time the service was growing very rapidly, the extent of area covered increased, and the conditions under which the service was operated grew more varied. It was found practicable in the western prairie States to establish routes of greater length than 25 miles, and in the hilly or mountainous sections it was found practicable to operate routes of greater length than 20 miles, or about an average of 23 miles, and the work and wear and tear involved in serving routes in the western prairie States of 26, 28, and even 30 miles was no greater than on routes of 24 miles in hilly or mountainous sections.

Effective July 1, 1904, the Congress increased the maximum compensation allowed to rural carriers to $720 per annum. This provision carried with it a discontinuance of the privilege of acting as agents for newspapers and restricted the express-carrying privilege, so that now they may carry unmailable matter for hire for and upon the request of patrons only.

With the rapid development of the service referred to, the question arose as to the most equitable basis of readjusting the salaries of carriers. After careful consideration it was determined that to fix the compensation of carriers on the basis of the length of their routes as shown by the records of the Department, while not absolutely equitable, would be the most satisfactory, as it was found to be impracticable to take into consideration the various conditions under which the service is operated, because of the wide difference existing in the several States of the Union, and, indeed, in different sections of the same State.

As already stated, the standard route had been regarded as 20 miles. There was much complaint from carriers serving routes from 25 to 30 miles in length because they were given no greater compensation than those carriers whose routes were but 20 or 25 miles in length. These conditions and the increase in the maximum salary made necessary a readjustment of the basis of fixing compensation and, inasmuch as it was found that about one-half of the routes in operation June 30, 1904, were 24 miles in length, and as the average length of routes had increased to nearly that figure, it was thought equitable that the standard route be fixed at 24 instead of 20 miles, and that the maximum salary be paid to carriers on routes of that length or more. Accordingly the following schedule was adopted:

	Per annum.
8 to 10 miles	$432
10 to 12 miles	468
12 to 14 miles	504
14 to 16 miles	540
16 to 18 miles	576
18 to 20 miles	612
20 to 21 miles	648
21 to 22 miles	666
22 to 23 miles	684
23 to 24 miles	702
24 miles and over	720

About eighteen months ago, finding that a moderate estimate of the original average cost of horses and vehicles to be about $275, and the average annual cost of maintaining an outfit about $250, and, therefore, the average annual cost of the carrier's outfit to be not less than $300 to $340, and, further, that the cost of living had increased, so that the compensation then paid was regarded as inadequate, it was recommended to the Congress that the maximum salary to be allowed rural carriers be increased to $900 per annum.

This recommendation was adopted in the act making appropriation for the postal service, and for other purposes, for the fiscal year beginning July 1, 1907. With the increase in the maximum compensation from $720 to $900 per annum a further readjustment was necessary.

After giving the matter very careful consideration, and with a view of conforming to the evident intent of Congress that carriers receive a compensation as will enable them to properly maintain their equipments, in which case it is manifestly essential that carriers on routes of 24 or more miles should be given greater compensation than those serving routes of less mileage, some of which it is practicable to cover with one horse, while on all routes of 24 or more miles two or more horses are necessary, the following schedule, which is now in effect, was adopted July 1, 1907:

	Per annum.
6 to 8 miles	$396
8 to 10 miles	432
10 to 12 miles	468
12 to 14 miles	504
14 to 16 miles	540
16 to 18 miles	630
18 to 20 miles	720
20 to 22 miles	810
22 to 24 miles	864
24 miles and over	900

Trusting that you will find the information herein given satisfactory, I am,

Very respectfully,

R. H. PRENDERS,
Acting Fourth Assistant Postmaster-General.

POST-OFFICE DEPARTMENT,
OFFICE OF THE FOURTH ASSISTANT POSTMASTER-GENERAL,
Washington, February 26, 1908.

Hon. JOHN WESLEY GAINES, *House of Representatives.*

SIR: Referring to your request to be furnished with data giving the average cost of subsistence of rural carriers, including shoeing, repairs, etc., and the average income derived by rural carriers from carrying unmailable matter outside of the mails for hire, I beg leave to say that from the data at hand, which was collected about eighteen months ago, it is found that the average annual cost of maintaining a rural carrier's vehicle and team is about $250. This includes forage, repairing, shoeing, blankets, and veterinary service. The average cost of horses and vehicles, as computed from the data at hand, is about $275, and, estimating the period of usefulness of carrier's vehicle and horses at five years, would represent an annual deterioration in a carrier's vehicle and horses of about $55, which, together with the cost of maintenance of carrier's vehicle and team of $250 per year, would make the average total cost to the carrier about $305 per annum.

The foregoing figures were derived from data showing the cost of keep for two or more horses to each carrier. It was found that a majority of the carriers use more than one horse, and that some of them use as many as four horses. The monthly cost of keep of horses varies in the different sections of the country, being as low as $6 per month in some sections, and as high as $15 per month in other sections. Of course, there is a large number of carriers who produce their own horse feed, which requires no actual outlay of money, but this number is not known; consequently the deductions are made from those carriers who pay for the keep of horses out of their salaries as carriers.

The Department has never collected data showing the income derived by carriers in carrying unmailable matter for hire, and can not state, even approximately, the average amount earned per annum by each carrier in this manner.

Very respectfully,

P. V. DE GRAW,
Fourth Assistant Postmaster-General.

Mr. CALDER. Mr. Chairman, at the closing session of the Fifty-ninth Congress a bill was passed reclassifying the salaries of post-office clerks and letter carriers, and it was thought by the Member interested in the measure that it would provide six grades, with annual promotions ranging from $600 to $1,200, in first-class post-offices, and four grades, ranging from $600 to $1,000, in second-class offices. Provisions were made in the post-office appropriation bill to provide for all necessary increases for the fiscal year ending June 30, 1908, and the letter carriers and clerks in the fifth grade had been looking forward to promotion to the sixth, or $1,200 grade, beginning July 1 next. We find, however, that the bill now under discussion does not make provision for the single promotion of a letter carrier to the sixth grade, notwithstanding the fact that the First Assistant Postmaster-General made a recommendation for the promotion of at least 50 per cent of the carriers. I find in going

over the report of the First Assistant Postmaster-General that he makes a statement to the effect that—

The new salary law has accomplished much toward raising the efficiency of post-offices to a higher standard, and has placed the compensation of postal employees on a substantial and satisfactory foundation, making it possible for the Department to retain efficient clerks and carriers, and to induce other high-grade men to seek employment in the service. Postmasters and special agents of the Department state that the new legislation is not only bringing better men into the service, but has caused marked improvement in the quality of the work done by employees previously appointed. The higher compensation and greater opportunity for advancement offered have checked the alarming increase in the rate of resignation from the service, while the number of applicants for appointment has so increased that little difficulty is anticipated in filling future vacancies.

The passage of the reclassification act has undoubtedly infused into the great army of post-office employees a new spirit of enthusiasm for the service and of loyalty to the Department, the effect of which can not be overestimated.

If Congress passes this appropriation bill in its present form without making any provisions whatever for promotions of these men to the $1,200 grade, to my mind it can have only one effect, and that is to cause disappointment and discontent among the employees. As the Members of the House are well aware of the great number of resignations from the clerk and carrier service prior to the passage of the new salary law, I believe it is the duty of the House to encourage and foster the spirit now prevailing among these employees of the Government by making an appropriation which will provide for their promotion to the sixth grade, as Congress had intended when the law was enacted one year ago.

I also noted in the recommendations of First Assistant Postmaster-General Hitchcock a strong recommendation for thirty days' annual leave of absence for the letter carriers and postal clerks. This gentleman, who made a careful study of the service and the conditions surrounding the employees, stated:

Post-office employees are allowed by law fifteen days' leave of absence with pay each year. Most of the other employees of the Government, whether in the Executive Departments at Washington or stationed elsewhere, receive thirty days' annual leave. There seems to be no good reason for such discrimination against postal employees. Nowhere in the entire Government establishment are the hours of service longer, the conditions of employment more trying, or the amount of overtime work greater than in our post-offices. There is consequently no class of Federal employees more in need of a considerable period of complete relief from their duties each year than those connected with the postal service. The policy of granting thirty days' annual vacation could be extended with advantage to every branch of this service. A longer period of rest and recreation would undoubtedly result in bettering the health of the employees and increasing their working capacity. It is believed also that the prospect of receiving a month's vacation with full pay would have a greater influence in attracting capable men to the service than any other inducement that could be offered at equal expense. As a rule, a post-office clerk prizes his fifteen days' annual leave of absence (which costs the Government less than $5) more than he would value an addition to his salary of several times that amount. Carriers' vacations are more expensive, as hitherto it has been deemed necessary to provide a substitute for every carrier on leave, whereas clerks "double up" during the vacation season, when business is light, and perform the work of absentees with comparatively little additional help. Nevertheless, the carriers undoubtedly value their annual leave of absence far above its cost.

It is important to make employment in the postal service attractive. Inability to secure competent employees, especially in the West, has been for years one of the most serious difficulties confronting the Department. The only effective method of solving the problem is to increase the salaries and to improve the conditions of employment. Inasmuch as the positions of clerk and carrier are open to public competition, the character of the men secured will depend directly on the inducements offered. The beneficial result of a general increase in salaries is already apparent. A lengthening of the period of annual vacation would have a similar effect.

I heartily concur in the sentiment expressed by the First Assistant Postmaster-General, knowing as I do the conditions under which these men work. Should a letter carrier meet with injuries during the performance of his duties, his salary ceases at once and he is left to shift for himself unless he be fortunate enough to be a member of the Letter Carriers' Association, in which event his brothers in the service look after his personal wants during his illness. If this additional leave of absence was given to the clerks and carriers they would have an opportunity when their health became impaired to lay off a few days for the purpose of recuperating, and in the end I believe it would be a saving to the Government by insuring efficient service by healthy and contented men at all times. All employees of the Government service in the Departments have been enjoying thirty days' annual leave for years, and I do not believe there is a single Member of Congress who would take away from them this privilege. I therefore hope and trust that the committee can see their way clear to present this matter to the House when the bill comes to a vote.

I would also like to enlighten the House on another matter regarding the trials and hardships under which the letter carrier serves during his apprenticeship before receiving a regular salary from the Government. After passing the required civil-service examination and receiving a standing high enough on the eligible list he is sent for by the local postmaster and sworn in in the regular manner and is told he must procure a uniform at his own expense, after which he shall report for duty. This requirement having been attended to, the new recruit, full of hope and ambition, returns to the post-office only to find that instead of receiving an appointment at a regular salary he must first serve as a substitute, for which service he receives a compensation of 30 cents an hour, and employment is only given him when the regular carriers are off on their vacations or when they become sick and disabled and unable to perform their regular duties. This apprenticeship varies in time, and I have been informed that the average throughout the country is about three years, and that during this period of time they eke out a very precarious living. Now, gentlemen, the law passed at the last session of Congress aimed to better the conditions of these men, but I am sorry to say that they have not benefited much, if any. I would ask the committee and the Members of this House in simple justice to the substitute carriers to allow them pay for a full eight hours on Sundays and holidays when they are employed on these days. Under the present system if a substitute carrier works on Sundays and holidays he is only paid at the rate of 30 cents an hour for the actual number of hours he is employed. I do not know of any other class of employment where such an unsatisfactory condition of affairs exists, and it certainly is a rank injustice to these men. When they are working in the places of regular carriers off duty without pay a full day's wages is deducted from the salary of the regular carrier by the Government, but the substitute who performs all of the service on that Sunday or holiday is only paid 30 cents an hour for the three or four hours he might work, notwithstanding the fact that his hour for reporting at the office is 6 o'clock in the morning, when the average citizen is lying asleep in his bed. Now, gentlemen, these are facts that I trust you will give your most earnest consideration, and I feel satisfied if you do that you will grant these few concessions that I ask in the name of equity and justice.

The Clerk read as follows:

For allowance to third-class post-offices to cover the cost of clerical services in offices where the salaries of the postmasters range from $1,600 to $1,900, $625,000: *Provided*, That no allowance in excess of $400 shall be made where the salary of the postmaster is $1,600 or $1,700; nor in excess of $500 where the salary of the postmaster is $1,800 or $1,900.

Mr. OVERSTREET. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Page 11, lines 12 and 13, strike out $28,661,500 and insert $28,681,500.

The amendment was agreed to.

Mr. GOLDFOGLE. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

After line 13, page 11, insert:

"That after June 30, 1908, clerks, letter carriers, and other employees in first and second class post-offices and in other post-offices having city-delivery service may be granted leave of absence with full pay for not exceeding thirty days in a fiscal year."

Mr. OVERSTREET. Mr. Chairman, I make the point of order against that amendment.

Mr. GOLDFOGLE. I ask the gentleman to reserve the point of order.

Mr. OVERSTREET. I reserve the point.

[Mr. GOLDFOGLE addressed the committee. See Appendix.]

The CHAIRMAN. Does the gentleman from Indiana insist on his point of order?

Mr. OVERSTREET. I do.

The CHAIRMAN. The amendment undoubtedly violates the law, which says that new legislation shall not be carried on an appropriation bill. The point of order is therefore sustained.

Mr. WANGER. Mr. Chairman, I move to strike out the last word. Referring to the remarks of the gentleman from New York [Mr. GOLDFOGLE], I beg to say that for the purpose of extending the period of leaves of absence in the postal service there have been some bills introduced, and they are now pending on the Calendar in the Committee on Expenditures in the Post-Office Department. Nobody has asked for any hearing upon them. So far as performing the functions of the committee and dealing with the matter, the committee has no information that any Member of the House is interested in the subject.

Mr. FITZGERALD. Since when has that committee become vitalized so that anybody could find the committee and ask it to give a hearing on any question? It has been moribund since I have been in Congress for the last nine years.

Mr. WANGER. My friend from New York has been slumbering. The committee has been vitalized by the Speaker of the House in appointing the committees. The committee has been ready and willing—I do not say that I can conscientiously say that it has been anxious [laughter]—to discharge its duties.

They have discovered that instead of an effort to hinder it in the discharge of its duties fixed upon it by the rules of the House, as was the disagreeable experience of the chairman a couple of years ago, there is at least an assurance of support in the performance of duty, and the committee was organized in the latter part of January and has been meeting frequently since that time.

Mr. FITZGERALD. Were these bills referred to the gentleman's committee before or after the committee took life again?

Mr. WANGER. Does my friend mean by "taking life again"—well I will say that it was since the committee was appointed.

Mr. FITZGERALD. To relieve the gentleman from embarrassment——

Mr. OVERSTREET. Mr. Chairman, I make the point of order that there is nothing before the committee.

The CHAIRMAN. The gentleman from Pennsylvania moved to strike out the last word, and he is speaking to the amendment.

Mr. WANGER. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

Mr. FITZGERALD. I move to strike out the last word for the purpose of making a very brief statement. The gentleman from Pennsylvania has called the attention of the House to an important fact, and that is that a certain class of bills which heretofore has been referred to the great Committee on the Post-Office and Post-Roads has in this session of Congress been taken from that committee and sent to the Committee on Expenditures in the Post-Office Department. In view of the history of the committee and the gentleman's statement, it occurs to me that perhaps these bills have not been referred to the gentleman's committee in order that hearings may be had upon them, but that they were deliberately referred to the gentleman's committee because it is a notorious fact that it would be an utter impossibility to have the committee meet and give anybody interested a hearing upon the bill.

Mr. WANGER. Oh, Mr. Chairman——

Mr. FITZGERALD. Now, if there has been a change and the committee is in readiness to do business, I wish to assure the gentleman that any number of Members of the House will be delighted to give the gentleman's committee all the opportunity he desires to consider measures before his committee. Mr. Chairman, since there is objection to this important amendment, with the permission of the House I will withdraw the amendment.

Mr. OVERSTREET. I make the point of order that there is no question before the House.

Mr. WANGER. Mr. Chairman, I must object for the present to the gentleman withdrawing his amendment, for I wish to inform him that when he says the bills were referred to this committee, knowing that meetings would not be called and that no action could be taken, I refer him to the record of the Fifty-eighth Congress when action was taken by the committee and it was sought to exercise the jurisdiction which the rules apparently gave but was denied by the House.

The CHAIRMAN. Will the gentleman suspend a moment? The Chair understood the gentleman from Indiana to make the point of order that there was nothing before the committee.

Mr. OVERSTREET. I did, and the Chair has not decided it yet.

The CHAIRMAN. The gentleman from New York asked unanimous consent to withdraw his amendment, and the gentleman from Pennsylvania objected, so that the amendment is still before the committee.

Mr. WANGER. I merely wanted to inform my friend from New York that the committee had met and acted in the Fifty-eighth Congress upon all matters in which it was requested to act by anybody.

Mr. OVERSTREET. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. OVERSTREET. What motion is before the committee?

The CHAIRMAN. A motion to strike out the last word.

Mr. OVERSTREET. Mr. Chairman, I make the point of order that the argument is not germane to the amendment.

The CHAIRMAN. The Chair now understands that the gentleman makes the point of order that the debate must be germane to the amendment, which is correct.

Mr. WANGER. I understand that, Mr. Chairman. I propose to proceed in order upon the pending amendment, and to withdraw my objection to the motion of the gentleman from New York [Mr. FITZGERALD] to withdraw his amendment.

The CHAIRMAN. The objection of the gentleman from Pennsylvania [Mr. WANGER] to the request of the gentleman from New York [Mr. FITZGERALD] for unanimous consent to withdraw his amendment, being withdrawn, the amendment will be considered as itself withdrawn, and the Clerk will read.

The Clerk read as follows:

And the appointment and assignment of clerks hereunder shall be so made during the fiscal year as not to involve a greater aggregate expenditure than this sum, and the assignment of the several grades of compensation to the various offices shall be made, so far as practicable, in proportion to the amount of business transacted through such offices and the respective divisions thereof.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph. As I understand the classification of last year, it provides for the so-called "automatic promotions" within the discretion of the postmaster.

Mr. OVERSTREET. Oh, no; not within his discretion. Every clerk and carrier of relative grades defined by the statute are automatically promoted when they have served one year in the next lower grade, and have a proper efficiency record.

Mr. MANN. I used the term "discretion" possibly a little erroneously—within the discretion of the postmaster as to the efficiency of the clerk, so that if the postmaster finds that a clerk in the $600 grade has been efficient, he must promote him to the $800 grade, and from the $800 to the $900 grade. If the postmaster finds the clerk is efficient, he is absolutely entitled to his promotion, regardless of the appropriation, and if there is not a sufficient appropriation, then the man has a right to make his claim in the Court of Claims.

Mr. OVERSTREET. Oh, I presume if there were no appropriation at all, if for any cause the appropriation failed, the employee whose promotion and pay are provided for under the classification act would undoubtedly have a right of action in the Court of Claims. The method, however, of the promotion, so far as it is determinable by the efficiency record of the employee, as I stated a while ago, has not been entirely satisfactory. There ought to be a uniform standard of efficiency similar throughout the country; but in the absence of that the standard is governed by the boards of efficiency in the various post-offices.

Mr. MANN. It is practically the discretion of the postmaster as to the efficiency. I am not raising a question about that.

Mr. OVERSTREET. If the gentleman will permit me to read into the RECORD just that provision of the law I think it will be a good idea:

No promotion shall be made except upon evidence satisfactory to the Post-Office Department of the efficiency and faithfulness of the employee during the preceding year.

That puts primarily upon the Post-Office Department the final determination of the efficiency record, but the Post-Office Department can not send committees around to all of the offices to make inquiry into the individual cases, and therefore they leave the determination of the first recommendation for efficiency to such board of efficiency as the local postmaster may himself provide.

Mr. MANN. Now, this year there was a deficiency in the appropriation, which has already been provided for.

Mr. OVERSTREET. And may occur at any time under well-known conditions.

Mr. MANN. Can it occur under this provision of the bill—

And the appointment and assignment of clerks hereunder shall be so made during the fiscal year as not to involve a greater aggregate expenditure than this sum—

and the sum referred to is the sum of $28,661,500?

Mr. OVERSTREET. The reason of that limitation is this: That taking a table of the various grades of employment from the $600 grade to the $3,200 grade, of which there are eight, if you multiply each separate salary, as determined by the grade, by the total number of employees authorized under the law, it will make a greater sum than $28,661,500. But because of the fact that all of the promotions do not fall upon the first of the new fiscal year, and because of the further fact that all of the new appointments for the new service do not occur upon the first of the fiscal year, it will require less money than the total which would be calculated by the multiplication suggested.

Mr. MANN. That is a new thing in the bill, is it not?

Mr. OVERSTREET. It is not new in the bill. It has been carried in the bill.

Mr. MANN. I do not mean this provision, but I mean the idea of not making the appropriation sufficient; but I am not complaining about that.

Mr. OVERSTREET. The current law carries the same identical provision, and it is carried under each of the various groups of employment in the service.

Wherever the total number of employees authorized, multiplied by the maximum salary, would make a greater sum than this sum, this limitation is provided.

Mr. MANN. It is not intended, then, in any way at all to affect the promotion?

Mr. OVERSTREET. No; not at all.

Mr. MANN. Apparently it does. Apparently it prohibits a deficiency.

Mr. OVERSTREET. I stated a while ago, Mr. Chairman, and I think it will bear repetition, that this total sum of $28,661,500 for employment of clerks in first and second class offices is determinable upon the following basis:

First, we take into account all of the employees in the service on the 30th day of June, 1908, and calculate for all of those at the maximum salary which they will at that date be receiving. Then we calculate next the amount necessary to take care of the arbitrary promotions of the various grades of employees. Then we add the amount at the lower, or $600, grade which in the judgment of the Department and of the committee, upon careful calculation, will be necessary for the new clerks who may be appointed during the year. Now, we provide in this bill for 2,420 additional clerks to be newly appointed in these offices during the next fiscal year. All of them will not be appointed on the 1st of July, but we calculate that a certain number will be appointed on the 1st of October and each succeeding quarter. I think the annual rate for the new clerks is based upon about $425 per year. And the limitation is held by experts in making estimates to Congress, and particularly is that true of the clerk of the Appropriation Committee, that without this limitation the calculation at the Treasury would be made upon the total amount for the total period.

Mr. MANN. Mr. Chairman, I will withdraw the point of order.

Mr. OVERSTREET. Mr. Chairman, I understand the Clerk had read as far as line 21 on page 11.

The CHAIRMAN. To the end of line 20.

Mr. OVERSTREET. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill H. R. 18347—the post-office appropriation bill—and had come to no resolution thereon.

UNITED STATES BATTLE SHIP "MAINE."

Mr. FOSS. Mr. Speaker, I desire to submit a privileged report.

The SPEAKER. The gentleman from Illinois submits a privileged report, which the Clerk will read.

The Clerk read as follows:

Resolved, That the Secretary of the Navy be, and he hereby is, requested, if not incompatible with the public interests, to send to the House of Representatives, as early as may be practicable, all letters and data as to the present international status and rights, if any there be, under which the Congress may exercise immediate or future action for the removal of the wreck of the United States battle ship Maine and provide proper burial for its dead, now lying with the hulk in the harbor of Habana, Cuba.

Also the following committee amendments were read:

In lines 4 and 5 strike out the words "present international" and the words "and rights, if any there be" and insert in line 4, after the word "the," the words "cost and legal."

In line 8 strike out the words "proper" and "its," and insert after the word "for" the word "the."

The SPEAKER. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The resolution as amended was agreed to.

MINORITY VIEWS ON FINANCIAL BILL.

Mr. BURTON of Ohio. Mr. Speaker, I ask unanimous consent to file the minority views upon the bill H. R. 12677 not later than Saturday the 21st.

The SPEAKER. Is there objection?

There was no objection.

LAND ENTRIES WITHIN FOREST RESERVES.

Mr. SMITH of California. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 11778) entitled "A bill to amend an act approved June 11, 1906, entitled 'An act to provide for the entry of agricultural lands within forest reserves.'"

The SPEAKER. The bill was read on a former day. Is there objection?

Mr. GAINES of Tennessee. Mr. Speaker, reserving the right to object, I would like to ask the gentleman if this bill was not before the House a few days ago and if the gentleman from Mississippi [Mr. WILLIAMS] did not object to its consideration?

Mr. SMITH of California. Yes, sir. He is agreeable that the matter be taken up at this time and passed. He told me yesterday that I might call the matter up again if I desired, and he would not interpose an objection.

Mr. GAINES of Tennessee. He has stated that he has withdrawn, in effect, his objection?

Mr. SMITH of California. What is that?

Mr. GAINES of Tennessee. Does the gentleman mean to say that the gentleman from Mississippi withdraws his objection?

Mr. SMITH of California. Yes, sir.

Mr. GAINES of Tennessee. Will the gentleman now explain to the House what the bill is?

Mr. SMITH of California. The last Congress passed a bill allowing the Forestry Department to indicate certain small tracts of land here and there in forest reserves which might then be homestead. A portion of California was excluded from that bill, and this now aims to put a portion of the State under the operation of that law, giving it the same status with all other forest reserves of the United States.

The SPEAKER. Is there objection?

Mr. BENNET of New York. Reserving the right to object, I would like to ask the gentleman what the attitude of the Forestry Bureau is?

Mr. SMITH of California. They requested me to introduce the bill and are very anxious that it be passed.

Mr. UNDERWOOD. I would like to ask the gentleman whether the homestead entry is the same size as the ordinary entry, or whether it enlarges it?

Mr. SMITH of California. It does not enlarge it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. SMITH of California. I will ask that the letter be printed, if gentlemen do not desire to have it read now.

The SPEAKER. Without objection, the letter will be printed.

The letter is as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, March 4, 1908.

Hon. S. C. SMITH,
House of Representatives.

DEAR SIR: Your letter of March 3 to the Forester is received in his absence. The bill (H. R. 11778) concerning the entry of agricultural lands within national forests will, if enacted, extend the benefits of the act of June 11, 1906, to southern California. The Forester believes that this should be done. Under that act no land is taken up until it is found by examination on the ground to be more valuable for agriculture than for forest purposes, and there is no danger that any land which should be kept forested will pass into private ownership.

It was inevitable that there should be in the great bodies of land reserved for national forests small and isolated tracts along creek bottoms and the like more suited for farming than for forest purposes. The act of June 11, 1906, enables such tracts to be put to their most beneficial use and is in entire harmony with the national forest policy, which is, in brief, that all the resources of the national forests should be developed to their fullest capacity.

Very truly, yours,
JAMES B. ADAMS,
Associate Forester.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

On motion of Mr. SMITH of California, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE TO EXTEND REMARKS.

Mr. HAMILTON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

ARIZONA AND CALIFORNIA RAILWAY COMPANY.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent to discharge the Committee on Indian Affairs from the consideration of the bill S. 2948, and that the same may be considered in the House at this time.

The Clerk read as follows:

An act (S. 2948) to provide additional station grounds and terminal facilities for the Arizona and California Railway Company in the Colorado River Indian Reservation, Ariz.

Be it enacted, etc., That, subject to the approval of the Secretary of the Interior, additional lands not exceeding 40 acres in area adjacent to its approved right of way in the Colorado River Indian Reservation, in the Territory of Arizona, be, and the same are hereby, granted for additional station grounds and terminal facilities to the Arizona and California Railway Company, a corporation organized under the laws of said Territory, subject to the payment by said company of full compensation therefor in the manner provided in section 3 of the act approved March 2, 1899, entitled "An act to provide for the acquiring of rights of way by railroad companies through Indian reservations, Indian lands, Indian allotments, and for other purposes:" *Provided*, That such additional lands are granted subject to the right of the United States to cross the same and the works constructed thereon with canals or water conduits of any kind, or with roadways, or transmission lines for telephone, telegraph, or electric power, which may in the future be built by the United States across such lands; and the said company shall build and maintain at its own expense all structures that may be required at crossings, and in accepting this grant shall release the United States from all damages which may result from the construction and use of such crossings, canals, conduits, and lines.

Mr. MADDEN. I desire to reserve the right to object.

Mr. SHERMAN. Mr. Speaker, the Senate bill is identical with a House bill which has been favorably reported, unani-

mously, by the Committee on Indian Affairs. The purpose of this bill is to grant a right to the railroad company to take additional station grounds. The general law permitting the granting of station grounds provides for an addition to the right of way of 200 feet by 1,000 feet long, and such a right only every 10 miles. Now, here it is desired, where a terminal to the road is being constructed, to acquire title to a piece of ground large enough to construct a Y and build engine houses and build certain employees' residences, put in water tanks, and the like of that. The bill provides that the compensation therefor shall be fixed by the Secretary of the Interior, and the proviso to the bill now presented also provides that the right of way shall be reserved to the United States for all irrigation work and everything of that kind. It seems to me that the bill as presented safeguards all possible rights of the United States and of the Indians.

Mr. GAINES of Tennessee. Will the gentleman state to the House through whose land the right of way is to go?

Mr. SHERMAN. It is to go into the Colorado Indian Reservation; and there is a general act which gives to anybody the right to acquire a right of way under certain conditions.

Mr. GAINES of Tennessee. What are they going to be paid?

Mr. SHERMAN. Whatever the Secretary of the Interior says; and under the general act the price which he fixes is final.

Mr. CLARK of Missouri. How wide is the strip going to be?

Mr. SHERMAN. Forty acres in size.

Mr. CLARK of Missouri. And that is to be given every 10 miles?

Mr. SHERMAN. Oh, no; it is only at one place, at a place of junction between two division points; at a point where they can obtain water, put in a roundhouse, and all that sort of thing.

Mr. CLARK of Missouri. Forty acres is enough to build a pretty good town on.

Mr. SHERMAN. That is what I understand they want to do; to build up a working town for the people who work on that railroad.

Mr. CLARK of Missouri. What is the width of the right of way?

Mr. SHERMAN. The right of way is 100 feet wide, the station grounds 200 feet wide by 1,000 feet in length.

Mr. CLARK of Missouri. And it can not be had for anything less than what the Secretary of the Interior says?

Mr. SHERMAN. It can not be sold for less than he fixes the price.

The SPEAKER. The Chair hears no objection.

The bill was ordered to a third reading; and it was accordingly read the third time and passed.

On motion of Mr. SHERMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 5155. An act authorizing the exchange of lands for the enlargement of maneuvering grounds.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 598. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of such soldiers and sailors; and

H. R. 13102. An act to authorize the county of Elmore, Ala., to construct a bridge across Coosa River, Alabama.

ADJOURNMENT.

Mr. OVERSTREET. I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 14 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, recommending the erection of a hall of records—to the Committee on Public Buildings and Grounds and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of George A. Smith against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Acting Chief of Engineers, report of survey of the Cumberland River, Kentucky and Tennessee, below Nashville—to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HUMPHREY of Washington, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 9119) to amend section 2792 of the Revised Statutes, reported the same without amendment, accompanied by a report (No. 1200), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. COOPER of Wisconsin, from the Committee on Insular Affairs, to which was referred the bill of the House (H. R. 393) providing that the inhabitants of Porto Rico shall be citizens of the United States, reported the same with amendment, accompanied by a report (No. 1204), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 4781) to authorize the Chief of Ordnance, United States Army, to receive twelve 3.2-inch breech-loading field guns, carriages, caissons, limbers, and their pertaining equipment from the State of Massachusetts, reported the same without amendment, accompanied by a report (No. 1205), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 11792) to authorize commissions to issue in the cases of officers of the Army retired with increased rank, reported the same without amendment, accompanied by a report (No. 1206), which said bill and report were referred to the House Calendar.

Mr. HAY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 18795) authorizing the Secretary of War to have constructed a direct road leading from the southern end of the new Highway Bridge across the Potomac River to the national cemetery at Arlington and Fort Myer, reported the same with amendment, accompanied by a report (No. 1207), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PARKER of New Jersey, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 14395) granting condemned cannon for war monument at Trenton, N. J., reported the same with amendments, accompanied by a report (No. 1209), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. WALDO, from the Committee on Claims, to which was referred the bill of the House (H. R. 8733) for the relief of Walter W. Keefe, reported the same without amendment, accompanied by a report (No. 1196), which said bill and report were referred to the Private Calendar.

Mr. GRAHAM, from the Committee on Claims, to which was referred the bill of the House (H. R. 2952) for the relief of Chaplain Henry Swift, Thirteenth Infantry, United States Army, reported the same with amendment, accompanied by a report (No. 1197), which said bill and report were referred to the Private Calendar.

Mr. CANDLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 3760) for the relief of the creditors of the Deposit Savings Association of Mobile, Ala., reported the same without amendment, accompanied by a report (No. 1198), which said bill and report were referred to the Private Calendar.

Mr. PATTERSON, from the Committee on Claims, to which was referred the bill of the House (H. R. 15681) for the relief of the Compania de los Ferrocarriles de Puerto Rico, reported the same with amendment, accompanied by a report (No. 1199), which said bill and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House (H. R. 1416) for the relief of John T. Brown, reported the same with amendment, accompanied by a report (No. 1201), which said bill and report were referred to the Private Calendar.

Mr. HASKINS, from the Committee on War Claims, to which was referred the bill of the House (H. R. 3351) for the relief of the legal representatives of Samuel Schiffer, reported the same without amendment, accompanied by a report (No. 1202), which said bill and report were referred to the Private Calendar.

Mr. SIMS, from the Committee on War Claims, to which was referred the bill of the Senate (S. 4024) for the relief of John H. Hamiter, reported the same without amendment, accompanied by a report (No. 1203), which said bill and report were referred to the Private Calendar.

ADVERSE REPORT.

Under clause 2, Rule XIII,

Mr. PARKER of New Jersey, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 13996) to appoint Thomas Little a second lieutenant in the Army and to place him on the retired list, reported the same adversely, accompanied by a report (No. 1208), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 3301) granting a pension to James F. Flynn—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18504) granting an increase of pension to James B. Waters—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13944) granting a pension to Christopher Kneup—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12130) granting an increase of pension to James L. Decker—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MONDELL: A bill (H. R. 18970) providing for an enlarged homestead—to the Committee on the Public Lands.

By Mr. LOVERING: A bill (H. R. 18971) authorizing a preliminary examination and survey of the Taunton River—to the Committee on Rivers and Harbors.

By Mr. FULTON (by request): A bill (H. R. 18972) establishing a national banking system—to the Committee on Banking and Currency.

By Mr. BANNON: A bill (H. R. 18973) relating to the liability of common carriers engaged in commerce to which the regulative power of Congress extends under the Constitution of the United States—to the Committee on the Judiciary.

By Mr. BATES: A bill (H. R. 18974) providing for the recognition of the military service of the officers and enlisted men of McLane's Erie Regiment, Pennsylvania Volunteer Infantry, who served in the civil war—to the Committee on Military Affairs.

By Mr. CAULFIELD: A bill (H. R. 18975) to provide an additional circuit judge for the eighth circuit—to the Committee on the Judiciary.

By Mr. GRAFF: A bill (H. R. 18976) to provide for additional alteration, improvement, and repair of the United States public building at Peoria, Ill.—to the Committee on Public Building and Grounds.

By Mr. SULZER: A bill (H. R. 18977) to regulate commerce with foreign nations, so as to equalize the footing of American vessels with foreign, to make preference for the use of American ships in our own trade, to extend the postal service by American steamships, and to promote commercial independence—to the Committee on the Merchant Marine and Fisheries.

By Mr. PUJO: A bill (H. R. 18978) for the improvement of navigation in Bayou Plaquemine Brule—to the Committee on Rivers and Harbors.

By Mr. PETERS: A bill (H. R. 18979) prescribing penalties for interference with official wireless messages—to the Committee on Naval Affairs.

By Mr. COX of Indiana: A bill (H. R. 18980) to provide for inquisitions into the sanity of honorably discharged soldiers and sailors admitted in the Government Hospital for the Insane, and for other purposes—to the Committee on the District of Columbia.

By Mr. GOULDEN: A bill (H. R. 18981) in relation to pneumatic-tube postal service—to the Committee on the Post-Office and Post-Roads.

By Mr. GILLETT: A bill (H. R. 18982) for the retirement of employees in the classified civil service of the Government—to the Committee on Reform in the Civil Service.

By Mr. LAW: A bill (H. R. 18983) for the relief of clerks of courts exercising jurisdiction under section 3 of the naturalization act—to the Committee on Immigration and Naturalization.

By Mr. DALZELL: A bill (H. R. 18984) to amend the national banking laws, and for other purposes—to the Committee on Banking and Currency.

By Mr. GREENE: A bill (H. R. 18985) to provide for safety of life on navigable waters during regattas or marine parades—to the Committee on Interstate and Foreign Commerce.

By Mr. CLARK of Florida: A bill (H. R. 18986) to permit homestead settlers on public lands in the State of Florida to sell and otherwise dispose of certain timber thereon—to the Committee on the Public Lands.

By Mr. LAW: A bill (H. R. 18987) to authorize commission to issue in the cases of officers of the Navy and Marine Corps, with increased rank—to the Committee on Naval Affairs.

By Mr. PARKER of South Dakota: A bill (H. R. 18988) to provide additional judges for the district of Alaska, and for other purposes—to the Committee on the Judiciary.

By Mr. FRENCH: Joint resolution (H. J. Res. 150) providing for additional lands for Idaho under the provisions of the Carey Act—to the Committee on the Public Lands.

By Mr. PRINCE: Resolution (H. Res. 293) providing for the printing of 10,000 copies of House Report No. 1126, being the report on H. R. 12677—to the Committee on Printing.

Also, memorial of the legislature of Illinois, favoring the passage of the "volunteer retired list" bill—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 18989) to correct the military record of D. K. Haught—to the Committee on Military Affairs.

By Mr. ADAIR: A bill (H. R. 18990) granting a pension to Frank W. Fisher—to the Committee on Invalid Pensions.

By Mr. ALLEN: A bill (H. R. 18991) to provide relief for those whose property was damaged by the firing at target practice and heavy guns at Fort Levett, Portland Harbor, Maine—to the Committee on Claims.

By Mr. BROWNLOW: A bill (H. R. 18992) granting an increase of pension to Roman M. Hawkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18993) granting an increase of pension to C. C. Tipton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18994) granting an increase of pension to James White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18995) granting an increase of pension to E. W. Keys—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18996) granting a pension to Georgia B. Snapp—to the Committee on Pensions.

Also, a bill (H. R. 18997) granting a pension to John A. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18998) to correct the military record of Elijah Hicks—to the Committee on Military Affairs.

By Mr. BRUMM: A bill (H. R. 18999) granting an increase of pension to Franklin Simons—to the Committee on Invalid Pensions.

By Mr. BURTON of Delaware: A bill (H. R. 19000) granting a pension to Sumner W. Ransom—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 19001) granting an increase of pension to John C. Smith—to the Committee on Pensions.

Also, a bill (H. R. 19002) granting an increase of pension to John A. Mason—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19003) granting an increase of pension to Chauncey Atkinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19004) granting an increase of pension to Albert Teets—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19005) granting an increase of pension to Hynes Woodring—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19006) granting an increase of pension to David Byers—to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 19007) to carry into effect the findings of the Court of Claims in the case of Alice E. Davis, heir at law of John C. Davis, deceased—to the Committee on War Claims.

By Mr. CHANEY: A bill (H. R. 19008) granting an increase of pension to Joseph Yancy—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 19009) granting an increase of pension to George E. Lewis—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 19010) granting an increase of pension to Anna E. Webb—to the Committee on Invalid Pensions.

By Mr. DENVER: A bill (H. R. 19011) granting an increase of pension to Thompson W. Dye—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19012) granting an increase of pension to James Wardlow—to the Committee on Invalid Pensions.

By Mr. EDWARDS of Georgia: A bill (H. R. 19013) for the relief of the white Baptist Church at Sunbury, in Liberty County, Ga.—to the Committee on War Claims.

By Mr. FASSETT: A bill (H. R. 19014) granting a pension to Ella L. Grenell—to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 19015) to remove the charge of desertion from the record of John D. Woods—to the Committee on Military Affairs.

By Mr. FULTON: A bill (H. R. 19016) granting an increase of pension to James T. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19017) granting an increase of pension to George F. Watson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19018) granting an increase of pension to Josiah F. Kirk—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19019) granting an increase of pension to Peter G. Wynegar—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19020) for the relief of Miss Sarah Whittlesey—to the Committee on Claims.

By Mr. HAMILTON of Iowa: A bill (H. R. 19021) granting an increase of pension to Sylvester Hendrix—to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 19022) granting a pension to Samuel Adams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19023) granting a pension to Robert S. Hoge—to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 19024) granting a pension to Paul Rutt—to the Committee on Pensions.

Also, a bill (H. R. 19025) for the relief of Jesse L. Adams—to the Committee on Claims.

By Mr. HOWELL of Utah: A bill (H. R. 19026) granting a pension to Harvey A. Pace—to the Committee on Pensions.

By Mr. HOWLAND: A bill (H. R. 19027) granting an increase of pension to Joseph A. Fretter—to the Committee on Invalid Pensions.

By Mr. LAMAR of Missouri: A bill (H. R. 19028) granting an increase of pension to F. A. Minor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19029) granting an increase of pension to John Adams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19030) granting an increase of pension to Austin V. Davenport—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19031) granting an increase of pension to George W. Farling—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19032) granting an increase of pension to Shelby Bertram—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19033) granting an increase of pension to James M. Farmer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19034) granting an increase of pension to James A. Bradshaw—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19035) granting an increase of pension to C. Hart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19036) granting an increase of pension to William O. Harrison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19037) granting an increase of pension to James A. Whitworth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19038) granting a pension to Benjaman M. Bradshaw—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19039) making an appropriation for Mrs. Lizzie Kenamore—to the Committee on War Claims.

By Mr. LAMB: A bill (H. R. 19040) granting an increase of pension to Lasalle Carbell Pickett—to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 19041) granting a pension to Elijah Patrick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19042) granting a pension to William B. Senieur—to the Committee on Pensions.

Also, a bill (H. R. 19043) granting an increase of pension to Henry C. Soward—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19044) granting an increase of pension to Henry Jackson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19045) granting an increase of pension to Lewis W. Gose—to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 19046) granting a pension to Richard Wilkinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19047) to correct the military record of Jonathan Chany—to the Committee on Military Affairs.

Also, a bill (H. R. 19048) for the relief of E. W. McCormick—to the Committee on War Claims.

Also, a bill (H. R. 19049) for the relief of the legal representatives of J. M. Fidler and Thomas O. Marrs—to the Committee on War Claims.

By Mr. LAW: A bill (H. R. 19050) for the relief of Ferdinand W. Rave—to the Committee on Claims.

Also, a bill (H. R. 19051) for the relief of Benjamin F. Busick—to the Committee on Claims.

Also, a bill (H. R. 19052) to grant an honorable discharge to Andrew Keyser, alias George King—to the Committee on Naval Affairs.

By Mr. LEE: A bill (H. R. 19053) for the relief of Martin Ball, heir of Stephen Ball, deceased—to the Committee on War Claims.

By Mr. LEVER: A bill (H. R. 19054) granting an increase of pension to George Young—to the Committee on Invalid Pensions.

By Mr. LOWDEN: A bill (H. R. 19055) granting an increase of pension to Chillian Spanogle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19056) granting an increase of pension to George D. Quick—to the Committee on Invalid Pensions.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 19057) granting a pension to Charles W. Barber—to the Committee on Pensions.

Also, a bill (H. R. 19058) granting a pension to Albert E. Bolt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19059) granting a pension to Herman Cramer—to the Committee on Pensions.

Also, a bill (H. R. 19060) granting a pension to George R. Nellis—to the Committee on Invalid Pensions.

By Mr. MADISON: A bill (H. R. 19061) granting an increase of pension to W. C. Osgood—to the Committee on Invalid Pensions.

By Mr. MOUSER: A bill (H. R. 19062) granting an increase of pension to Erasmus D. Turner—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 19063) for the relief of the estate of William Bladen—to the Committee on War Claims.

Also, a bill (H. R. 19064) granting an increase of pension to John H. Ullrich—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19065) for the relief of Barney McKay—to the Committee on Claims.

By Mr. SMITH of Missouri: A bill (H. R. 19066) granting an increase of pension to Edward F. Reeves—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 19067) granting an increase of pension to Fenton Webb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19068) granting an increase of pension to William R. Partridge—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 19069) for the relief of R. B. Whitacre & Co.—to the Committee on Claims.

Also, a bill (H. R. 19070) to correct the military record of Lieut. Col. James P. Walker—to the Committee on Military Affairs.

By Mr. STURGISS: A bill (H. R. 19071) to correct the military record of and grant to James Irwin, alias James Williamson, an honorable discharge—to the Committee on Military Affairs.

By Mr. THISTLEWOOD: A bill (H. R. 19072) granting an increase of pension to James R. Candle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19073) granting an increase of pension to Joshua G. Collins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19074) granting an increase of pension to Elijah Foster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19075) granting a pension to William H. Tate—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19076) granting a pension to R. J. Jamison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19077) granting a pension to Alice F. Crawford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19078) to remove the charge of desertion from the record of Rudolph Pensteel, also borne as Penstrell and as Bernstiel—to the Committee on Military Affairs.

By Mr. WEBB: A bill (H. R. 19079) granting an increase of pension to Albert S. Tweed—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of James D. Newton and 21 others, of Ridgefarm, Ill., for H. R. 4776—to the Committee on the Judiciary.

Also, petition of George S. Stapham and 8 others, of Hartshorne, Okla., for the bill for reappraisement of town site of Hartshorne, Okla.—to the Committee on the Public Lands.

Also, petition of Greater Charlotte Club, of Charlotte, N. C., for forest reservations in White Mountains—to the Committee on Agriculture.

Also, petition of Manufacturers' Association of York, Pa., for H. R. 12677 (Fowler bill)—to the Committee on Banking and Currency.

Also, memorial of Cleveland Association of Credit Men, for H. R. 13266—to the Committee on the Judiciary.

Also, memorial of city government of Brunswick, Ga., against H. R. 4771—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Northwestern Lodge, No. 424, of the Brotherhood of Railway Trainmen, for H. R. 17137—to the Committee on the Judiciary.

Also, petition of Northwestern Lodge, No. 424, Brotherhood of Railway Trainmen, for S. 4260—to the Committee on Interstate and Foreign Commerce.

Also, petition of Philadelphia Credit Men's Association, for H. R. 13266—to the Committee on the Judiciary.

Also, petition of Local Union No. 141, United Garment Workers of America, of New York, for building war ships at Government yards—to the Committee on Naval Affairs.

Also, memorial of C. A. Elmer, acting adjutant-general of Idaho, for passage of H. R. 14783—to the Committee on Militia.

By Mr. ACHESON: Paper to accompany bill for relief of D. R. Haught—to the Committee on Military Affairs.

By Mr. ADAIR: Papers in support of H. R. 7719, for relief of Earle W. Soper—to the Committee on Invalid Pensions.

Also, petition of German Temperance Society, of Berne, Ind., for Littlefield original-package bill—to the Committee on the Judiciary.

By Mr. ALEXANDER of New York: Petition of board of managers of Sons of American Revolution, of New York, for printing and preserving certain documents of the American Revolution—to the Committee on Printing.

Also, petitions of John Shillady and others and People's Forum, of Buffalo, N. Y., against Penrose bill, to amend section 3893 of Revised Statutes—to the Committee on the Post-Office and Post-Roads.

By Mr. ASHBROOK: Petition of Association of American Directory Publishers, for the Kittredge copyright bill—to the Committee on Patents.

Also, paper to accompany bill for relief of Jesse T. Reese—to the Committee on Pensions.

By Mr. BATES: Petition of Vessel Owners and Captains' Association of Philadelphia, Pa., for H. R. 15945—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Erie County, Pa., for more effective oleomargarine laws—to the Committee on Agriculture.

Also, petition of Erie City Iron Works, of Erie, Pa., for Gallinger amendment to shipping bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of E. D. Mullen, for forest reservations in White Mountains and Appalachian Mountains—to the Committee on Agriculture.

Also, petition of citizens of Erie County, Pa., for S. 3152, providing additional protection to dairy interests—to the Committee on Agriculture.

Also, petition of citizens of Erie County for additional protection to dairy interests—to the Committee on Agriculture.

By Mr. BENNET of New York: Paper to accompany bill for relief of John W. Judson—to the Committee on Claims.

By Mr. CALDER: Petition of Music Engravers' Union of America, for changes in both Kittredge and Currier copyright bills—to the Committee on Patents.

Also, petition of Lawton Camp, No. 21, United Spanish War Veterans, of New York, for battle-ship building in navy-yards—to the Committee on Naval Affairs.

Also, petition of Joseph Hart, of New York, for the Kittredge copyright bill—to the Committee on Patents.

Also, petition of Travelers and Merchants' Association of Baltimore, against the Aldrich currency bill—to the Committee on Banking and Currency.

By Mr. CAULFIELD: Petition of St. Louis (Mo.) Business Men's League, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Missouri Manufacturers' Association, for St. Louis as location for Government fuel-testing station—to the Committee on Agriculture.

By Mr. CHANEY: Paper to accompany bill for relief of Joseph Yancy—to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: Petition of Local Union, United Association of Journeymen Plumbers, Gas Fitters, etc., of Pensacola, Fla., for battle-ship building in navy-yards—to the Committee on Naval Affairs.

Also, petition of Wade H. Jones and other citizens of Brevard County, Fla., against S. 1518 (Penrose bill)—to the Committee on the Post-Office and Post-Roads.

By Mr. COOPER of Wisconsin: Petition of Wisconsin Consumers' League, for the Beveridge-Parsons child-labor bill—to the Committee on Labor.

By Mr. COUDREY: Petition of Business Men's League of St. Louis, Mo., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. DALZELL: Petition of Chamber of Commerce of McKeesport, Pa., against employment of census employees by noncompetitive examination—to the Committee on the Census.

Also, petition of Travelers and Merchants' Association of Baltimore, for the Fowler currency bill—to the Committee on Banking and Currency.

Also, petition of A. H. Durboraw, in favor of legislation against sale of intoxicants—to the Committee on Alcoholic Liquor Traffic.

Also, paper to accompany bill for relief of Anna E. Webb—to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: Petition of sundry citizens of Minnesota, for appropriation to improve the Minnesota River—to the Committee on Rivers and Harbors.

Also, petition of Alabama State Horticultural Society, concerning H. R. 534—to the Committee on Agriculture.

By Mr. DRAPER: Petition of Travelers and Merchants' Association of Baltimore, against Aldrich currency bill—to the Committee on Banking and Currency.

Also, petition of Association of American Directory Publishers, for the Kittredge copyright bill—to the Committee on Patents.

By Mr. DUNWELL: Petition of American Pharmaceutical Association, for H. R. 16091—to the Committee on Expenditures in the Treasury Department.

Also, petition of Andrew Carnegie and other citizens of New York City, against extravagance in naval construction—to the Committee on Naval Affairs.

Also, petition of Bush Terminal Company, of New York, for the Fowler currency bill—to the Committee on Banking and Currency.

Also, petition of the Travelers and Merchants' Association of Baltimore, against the Aldrich currency bill—to the Committee on Banking and Currency.

Also, petition of Music Engravers' Union, for amendment of both the Currier and Kittredge copyright bills—to the Committee on Patents.

Also, petition of Fandrau & Co., for a certain bill in charge of the Committee on Agriculture—to the Committee on Agriculture.

By Mr. ESCH: Petition of United Mine Workers of America, for a sixteenth amendment to the Constitution—to the Committee on the Judiciary.

Also, petition of Travelers and Merchants' Association, of Baltimore, against Aldrich currency bill—to the Committee on Banking and Currency.

By Mr. FITZGERALD: Petition of United Mine Workers of America, for a sixteenth amendment to the Constitution, for woman's suffrage—to the Committee on the Judiciary.

Also, petition of Massachusetts State Federation of Women's Clubs, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Washington Chapter of American Institute of Architects, against change of site of the Grant Memorial—to the Committee on the Library.

Also, petition of Travelers and Merchants' Association of Baltimore, against the Aldrich currency bill—to the Committee on Banking and Currency.

By Mr. FLOYD: Papers to accompany bills for relief of Lewis A. Edwards and John Anderson—to the Committee on Invalid Pensions.

By Mr. FORNES: Petition of Association of American Directory Publishers of New York City, for amendments to copyright law—to the Committee on Patents.

Also, petition of Massachusetts State Federation of Women's Clubs, for H. R. 10456 and 10457, for forest reservations in White Mountains and Appalachian Mountains—to the Committee on Agriculture.

Also, petition of New York Chapter of American Institute of Architects, against change of site of Grant Memorial—to the Committee on the Library.

By Mr. FULLER: Petition of F. R. Thornton, of Streator, Ill., for postal savings banks and parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Andrew Carnegie and other citizens of New York City, against extravagance of battle-ship construction in Navy—to the Committee on Naval Affairs.

Also, petition of Authors and Composers' Copyright League of America, for legislation to protect musical composers—to the Committee on Patents.

By Mr. GOULDEN: Petition of Association of American Directory publishers, for the Kittredge copyright bill—to the Committee on Patents.

Also, petition of Joseph Hart, of New York City, for the Kittredge copyright bill—to the Committee on Patents.

By Mr. GRANGER: Petition of What Cheer Harbor, No. 13, American Association of Masters and Pilots of Steam Vessels, of Providence, R. I., against H. R. 4771 (Littlefield pilotage bill)—to the Committee on the Merchant Marine and Fisheries.

By Mr. HAYES: Petition of Brotherhood of Locomotive Firemen and Engineers of Southern Pacific Railway, for the La Follette-Sterling employers' liability bill—to the Committee on the Judiciary.

Also, petition of C. M. Joyal, against any constitutional amendment or treaty provision which might be used against naturalization and immigration—to the Committee on Immigration and Naturalization.

Also, petition of San Mateo Board of Trade, for McKinlay bill for improvement of Sacramento and Feather rivers—to the Committee on Rivers and Harbors.

Also, petition of International Molders' Union, No. 199, against building of vessels in Government navy-yards—to the Committee on Naval Affairs.

By Mr. HAMILTON of Iowa: Petition of sundry citizens of Iowa, against the Penrose bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HAMLIN: Petition of A. J. Hunter and others, in support of the Sherwood pension bill—to the Committee on Invalid Pensions.

By Mr. HAMMOND: Petition of Arthur M. Nelson and others, against the Penrose bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HAWLEY: Paper to accompany bill for relief of Guy Otis Pierce—to the Committee on Pensions.

Also, paper to accompany bill for relief of George W. Peters—to the Committee on War Claims.

By Mr. HENRY of Connecticut: Petition of Polish Political Club, of New Britain, Conn., for the Bates bill—to the Committee on Foreign Affairs.

Also, petition of citizens of New Britain, for a national highway commission—to the Committee on Interstate and Foreign Commerce.

By Mr. HEPBURN: Petition of citizens of Clarke County, Iowa, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Rev. John A. Schuler and other citizens of Sidney, Iowa, against the Penrose bill (S. 1518)—to the Committee on the Post-Office and Post-Roads.

By Mr. HOWELL of New Jersey: Petition of United Irish Societies of Middlesex County, N. J., against any treaty of arbitration between United States and Great Britain—to the Committee on Foreign Affairs.

Also, petition of Sprague Electric Company, of Bloomfield, N. J., in favor of forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Brotherhood of Locomotive Engineers and Firemen of Phillipsburg, N. J., for the La Follette employers' liability bill—to the Committee on the Judiciary.

Also, petition of Olive Branch Grange, No. 142, of Matawan, N. J., for a national highways commission—to the Committee on Agriculture.

By Mr. HOWELL of Utah: Petition of Andrew Carnegie and other citizens of New York City, against increase of four battle ships—to the Committee on Naval Affairs.

Also, petition of Miners' Union No. 151, of Eureka, Utah, against S. 1578 (Penrose bill)—to the Committee on the Post-Office and Post Roads.

Also, petition of F. J. Kurel, against the Littlefield pilotage bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. KNAPP: Paper to accompany bill for relief of L. Decker—to the Committee on Invalid Pensions.

By Mr. KÜSTERMANN: Petition of citizens of Ninth District of Wisconsin, for parcels post and postal-savings bank—to the Committee on the Post-Office and Post-Roads.

By Mr. LAMB: Statement of services of George E. Pickett, late captain of the Ninth United States Infantry—to the Committee on Pensions.

By Mr. LAW: Petition of board of managers of Sons of American Revolution in State of New York, for appropriation to print and preserve certain records of the American Revolution—to the Committee on Printing.

By Mr. LINDBERGH: Petition of business men of Cokato, Minn., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of S. H. Hamilton and J. E. Jones and other citizens of Bertha, Minn., and citizens of Little Falls, Minn., against S. 1518, exclusion of second-class mailing matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of civil war veterans of Howard Lake, Minn., for the Sherwood pension bill—to the Committee on Invalid Pensions.

Also, petition of Commercial Club of Alexandria, Minn., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. LLOYD: Petition of Business Men's League of St. Louis, Mo., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. LITTLEFIELD: Petitions of sundry citizens of Maine, for a national highway commission—to the Committee on Agriculture.

By Mr. McLAUGHLIN of Michigan: Papers to accompany bills for relief of Charles W. Barber, George R. Nellis, Albert E. Bolt, and Herman Cramer—to the Committee on Invalid Pensions.

By Mr. MADISON: Petitions of citizens of Little River, and of Burdett, Pawnee County, Kans., for prohibition in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MANN: Petition of Washington Chapter, American Institute of Architects, against change of site of the Grant Memorial—to the Committee on the Library.

Also, petition of Chicago Association of Commerce, against Aldrich currency bill—to the Committee on Banking and Currency.

Also, petition of citizens of Chicago, against H. R. 10474 (Macon bill) and 14641 (Candler bill)—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Chicago, against H. R. 462 (Griggs bill) and 6099 (Fulton bill)—to the Committee on Interstate and Foreign Commerce.

Also, petition of Chicago Association of Commerce, against various bills proposing legislation inimical to the commercial, financial, and agricultural interests of the country—to the Committee on Interstate and Foreign Commerce.

By Mr. MOUSER: Petition of Central Labor Union, for battle-ship building in navy-yards—to the Committee on Naval Affairs.

Also, petition of sundry citizens of Ohio, for a national highway commission—to the Committee on Agriculture.

By Mr. NORRIS: Petition of Nissen & McChesney, against any extension of a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. OVERSTREET: Petition of S. W. Burkhart and others, of Indianapolis, Ind., for H. R. 40—to the Committee on the District of Columbia.

Also, petition of S. W. Burkhart and others, of Indianapolis, Ind., for H. R. 4929—to the Committee on the District of Columbia.

By Mr. PATTERSON: Paper to accompany bill for relief of Vance V. Pearsall—to the Committee on Invalid Pensions.

By Mr. POLLARD: Petition of sundry citizens of Tecumseh, Nebr., for the Sherwood pension bill—to the Committee on Invalid Pensions.

Also, petition of sundry citizens of Cook, Nebr., against the Penrose bill (post-office law amendment)—to the Committee on the Post-Office and Post-Roads.

Also, petition of sundry citizens of Nebraska, against sale of intoxicants in the District of Columbia—to the Committee on the District of Columbia.

By Mr. PRATT: Petition of Brotherhood of Locomotive Engineers and Firemen of Phillipsburg, N. J., for the La Follette liability bill—to the Committee on the Judiciary.

Also, petition of New Jersey Chapter American Institute of Architects, against change of site of the Grant Memorial—to the Committee on the Library.

Also, petition of Electrical Workers' Union, No. 190, of Newark, N. J., against Penrose bill (S. 1518) to amend Revised Statutes (previously referred to the Committee on Invalid Pensions)—to the Committee on the Post-Office and Post-Roads.

By Mr. RYAN: Petition of Andrew Carnegie and other citizens of New York City, against too much battle-ship building—to the Committee on Naval Affairs.

Also, petition of East Buffalo Live Stock Exchange, for the Culberson-Smith car-service bill—to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Michigan: Petition of Baker Printing Company, of Newark, N. J., against the eight-hour bill—to the Committee on Labor.

Also, petition of Henry Robinson and 42 other veterans of Plymouth, Mich., and A. W. Thompson and 95 other veterans of Wayne, Mich., for the Sherwood pension bill—to the Committee on Invalid Pensions.

By Mr. SMITH of Missouri: Petition of citizens of Wayne County, Mo., for the Sherwood pension bill—to the Committee on Invalid Pensions.

By Mr. SPERRY: Petitions of citizens of Hamden and Cheshire, Conn., for national highway commission—to the Committee on Agriculture.

By Mr. STEVENS of Minnesota: Petition of Minnesota Dairymen's Association, for bill of Hon. C. R. Davis for Federal aid for agricultural schools—to the Committee on Agriculture.

By Mr. STEPHENS of Texas: Petition of W. J. Ropers and other citizens of Benjamin and Silverton, Tex., against the Penrose bill—to the Committee on the Post-Office and Post-Roads.

By Mr. STURGISS: Petition of C. C. Brown and others, of West Virginia State Grange, for a national highway commission—to the Committee on Agriculture.

Also, paper to accompany bill for relief of James Irwin, alias James Williamson—to the Committee on Invalid Pensions.

By Mr. SULZER: Petition of Polish organizations and press, against the Polish expropriation bill by the Prussian Diet—to the Committee on Foreign Affairs.

Also, petition of citizens of Polish birth, against the harsh measures of the Prussian Diet—to the Committee on Foreign Affairs.

Also, petition of Joseph Hart, of New York City, for the Kittredge copyright bill—to the Committee on Patents.

Also, petition of Music Engravers' Union of America, for amendments to both Currier and Kittredge copyright bills—to the Committee on Patents.

Also, petition of Travelers and Merchants' Association of Baltimore, against the Aldrich currency law—to the Committee on Banking and Currency.

By Mr. TIRRELL: Petitions of Central Congregational Church, of Dorchester, Mass., and Clarendon Street Baptist Church, of Boston, for the Littlefield original-package bill—to the Committee on the Judiciary.

By Mr. TOWNSEND: Petition of citizens of Milan, Mich., against Penrose amendment of postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. UNDERWOOD: Paper to accompany bill for relief of H. G. Martin—to the Committee on War Claims.

By Mr. WALLACE: Paper to accompany bill for relief of George W. Robinson (previously referred to the Committee on Pensions)—to the Committee on Pensions.

By Mr. WANGER: Petition of Maritime Exchange of Philadelphia, Pa., for H. R. 17044, providing for lading vessels at night and other purposes—to the Committee on Ways and Means.

Also, petition of Sam Sloan Division, No. 276, Brotherhood of Locomotive Engineers, for S. 4260—to the Committee on Interstate and Foreign Commerce.

Also, petition of Glasgow Iron Company, of Pottstown, Pa., against H. R. 16551—to the Committee on Labor.

Also, petition of Subdivision No. 325, of the International Brotherhood of Locomotive Engineers, of Pittsburg, for S. 4260—to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Forestry Commission of Massachusetts and State Federation of Women's Clubs, for H. R. 10456 and 10457—to the Committee on Agriculture.

By Mr. WOOD: Petition of W. E. Halm, for H. R. 11562, for return of collateral inheritance tax to the Stevens Institute of Technology, of Hoboken, N. J.—to the Committee on Claims.

Also, petition of New Jersey State Board of Agriculture, for legislation that income from forest reservations apply to instruction and experimentation on forestry by agricultural colleges and experiment stations in the States and Territories—to the Committee on Agriculture.

Also, petition of New Jersey State Board of Agriculture, for liberal appropriation for highways—to the Committee on Agriculture.

SENATE.

WEDNESDAY, *March 11, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

SEAL ISLANDS IN ALASKA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, by direction of the President and in response to the resolution of the 2d instant, certain reports relating to the Alaskan seal fisheries, and requesting, as the reports transmitted are original ones, that if it is not the purpose of the Senate to publish them they be returned to the files of the Department of Commerce and Labor, which, with the accompanying papers, was referred to the Committee on Fisheries and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 2948) to provide additional station grounds and terminal facilities for the Arizona and California Railway Company in the Colorado River Indian Reservation, Ariz.

The message also announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H. R. 11778. An act to amend an act approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves;" and

H. J. Res. 148. Joint resolution donating to the Commonwealth of Oklahoma the new flag now floating over the National Capital.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 5155. An act authorizing the exchange of lands for the enlargement of maneuvering grounds; and

H. R. 2429. An act granting pensions and increase of pensions to certain soldiers and sailors of the war with Spain and other wars, and to the widows of such soldiers and sailors.

PETITIONS AND MEMORIALS.

Mr. PLATT presented a petition of United Division, No. 292, International Brotherhood of Locomotive Engineers, of Middletown, N. Y., praying for the passage of the so-called "Rodenberg anti-injunction bill," which was referred to the Committee on the Judiciary.

He also presented a petition of the Florists and Gardeners' Union of New York City, N. Y., praying for the enactment of legislation providing for the construction of at least one of the proposed new battle ships at the Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented a petition of Silas Wright Grange, Patrons of Husbandry, of Canton, N. Y., praying for the passage of the so-called "parcels-post bill," and also for the establishment of postal savings banks, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GALLINGER presented a petition of Lafayette Grange,

No. 208, Patrons of Husbandry, of Franconia, N. H., and sundry petitions of citizens of New Hampshire, praying for the enactment of legislation to create a national highways commission, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Woman's Christian Temperance Union of Orange, N. J., and a petition of the Orange Political Study Club, of East Orange, N. J., praying for the enactment of legislation to regulate the employment of child labor, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Washington, D. C., and of the Woman's Christian Temperance Union of Milwaukee, Wis., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. DICK presented a petition of the Allied Printing Trades Council of Akron, Ohio, praying for the enactment of legislation providing for the construction of all battle ships at the Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented a petition of the Retail Druggists' Association of Philadelphia, Pa., praying for the enactment of legislation to classify certain grades in numbered post-office stations, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Northwestern Ohio Postmasters' Association, of Toledo, Ohio, praying for the passage of the so-called "parcels-post bill" and also for the establishment of postal savings banks, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Akron Chapter American Insurance Union, of Akron, Ohio, remonstrating against the passage of the so-called "Penrose bill" to exclude nonmailable periodicals from second-class mail privileges, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of George G. Barbee Division, No. 79, Brotherhood of Locomotive Engineers, of Columbus, Ohio, and a petition of Local Division No. 65, Brotherhood of Locomotive Engineers, of Chillicothe, Ohio, praying for the passage of the so-called "La Follette-Sterling employers' liability bill," which were referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Third Lutheran Church of Springfield, Ohio, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 5, International Typographical Union, of Columbus, Ohio, praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a petition of Encampment No. 118, Union Veteran League, of Zanesville, Ohio, praying for the passage of the so-called "Sherwood pension bill," granting more liberal rates of pension, which was referred to the Committee on Pensions.

He also presented a memorial of the Lumbermen's Club of Cincinnati, Ohio, remonstrating against the passage of the so-called "Crumpacker bill," providing for the employment of additional clerks for the taking of the Thirteenth and subsequent censuses, which was referred to the Committee on the Census.

He also presented a petition of the United Mine Workers of America, of Indianapolis, Ind., praying for the establishment of a Bureau of Mines in the Department of the Interior, which was referred to the Committee on Mines and Mining.

Mr. SUTHERLAND presented a petition of Local Union No. 71, International Stereotypers and Electrotypers' Union, of Salt Lake City, Utah, and a petition of Local Union No. 21, International Typographical Union, of Salt Lake City, Utah, praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

Mr. WARREN presented a petition of W. E. Green Lodge, No. 288, Brotherhood of Railroad Trainmen, of Cheyenne, Wyo., praying for the passage of the so-called "La Follette-Sterling employers' liability bill," which was referred to the Committee on the Judiciary.

Mr. FRYE presented a petition of sundry citizens of West Peru, Me., and a petition of sundry citizens of Buckfield, Me., praying for the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Union No. 66, International Typographical Union, of Portland, Me., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

Mr. KEAN presented petitions of sundry citizens of Linden, Newark, and of the Woman's Literary Club of Arlington, all in the State of New Jersey, and of the Sprague Electric Company, of New York City, N. Y., praying for the enactment of legislation to establish a national forest reserve in the Southern Appalachian and White Mountains, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of Local Union No. 424, International Typographical Union, of Orange, N. J., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Patents.

He also presented a petition of Protection Lodge, No. 2, Brotherhood of Railroad Trainmen, of Phillipsburg, N. J., and a petition of Local Division No. 22, Brotherhood of Locomotive Engineers, of Camden, N. J., praying for the passage of the so-called "La Follette-Sterling employers' liability bill," which were referred to the Committee on the Judiciary.

He also presented a petition of Excelsior Lodge, No. 11, Brotherhood of Locomotive Engineers and Firemen, of Phillipsburg, N. J., praying for the passage of the so-called "Rodenberg anti-injunction bill," which was referred to the Committee on the Judiciary.

He also presented a petition of Liberty Grange, No. 99, Patrons of Husbandry, of Marlboro, N. J., and the petition of Frederick W. Kelsey, of New York City, N. Y., praying for the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Vineland Grange, No. 11, Patrons of Husbandry, of Vineland, N. J., praying for the enactment of legislation to create a national highways commission, which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of Mrs. C. S. Haller, of Elizabeth, N. J., praying for the passage of the so-called "Kittredge copyright bill," which was referred to the Committee on Patents.

He also presented a memorial of the United Irish Societies of Middlesex County, N. J., remonstrating against the ratification of the treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. CURTIS presented a petition of the Creditmen's Association of Wichita, Kans., praying for the adoption of certain amendments to the present bankruptcy law, which was referred to the Committee on the Judiciary.

Mr. RAYNER presented a petition of Dry Run Grange, No. 231, Patrons of Husbandry, of Swanton, Md., praying for the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DILLINGHAM presented a petition of sundry citizens of Sutton, Vt., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Morrisville, Vt., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Vermont Unfading Green Slate Company, of Fair Haven, Vt., remonstrating against the passage of the so-called "O'Connell bill" to amend the present interstate-commerce law, etc., which was referred to the Committee on Interstate Commerce.

THE UNITED STATES NAVY.

Mr. HALE. I present the memorial of sundry citizens of New York City, remonstrating against the great addition to the Navy involved in the plan of authorizing at once the construction of four new battle ships. I ask that the memorial be printed in the RECORD, with the names attached; that it also be printed as a document, and referred to the Committee on Naval Affairs.

There being no objection, the memorial was ordered to be printed in the RECORD, together with the names, also as a document, and referred to the Committee on Naval Affairs, as follows:

To the Representatives and Senators in Congress:

We, the undersigned citizens of New York City, voicing, as we believe, the sentiments of many thousands of American citizens, earnestly protest against the extravagant demand for an addition of over $60,000,000 in the form of four new battle ships, cruisers, etc., to the naval budget of last year, inasmuch as no danger threatens the coun-

try not known last April when President Roosevelt told the world: "We are no longer enlarging our Navy. We are simply keeping up its strength. The addition of one battle ship a year barely enables us to make good the units which become obsolete."

Sixty-five per cent of the national income is now expended on war past and present. The increase of our naval budget has recently been used in the French Assembly as a reason for increasing its own; is largely responsible for the increase of armaments among Asiatic nations; and is well-nigh certain to retard that reduction in the armaments of the world for which we have so long been waiting.

The growing discontent throughout the world at the appalling increase of waste of national resources must be heeded. We feel that this protest is the more necessary inasmuch as there are various new and effective methods now available for promoting international friendship and rationally settling difficulties, which these new demands seem to ignore.

Andrew Carnegie, Robert Fulton Cutting, Robert C. Ogden, George Haven Putnam, Oswald Garrison Villard, Horace White, Samuel J. Barrows, Fanny Garrison Villard, Marcus M. Marks, Anna Garlin Spencer, Hamilton Holt, Robert Erskine Ely, George Foster Peabody, Spencer Trask, John Martin, Prestonia Mann Martin, E. Stillman Doubleday, Miriam Finn Scott, Leroy Scott, William G. Choate, Mrs. William G. Choate, Alfred J. Boulton, Francis Lynde Stetson, Morrill Goddard, A. Harport, jr., A. Lueder, Robt. Walker, Cecil K. Leavitt, Evelyn G. Leavitt, Isabella McDonald, Anna Benner, C. B. Smith, W. C. Demorest, William A. Smith, William Henry Knox, John W. McAvoy, Joseph V. Land, P. B. Land, Sarah E. Gardner, John Ash, Martha Nixon, Melissa Sutton, Endora Magill, E. A. Eckhardt, George S. Baldwin, Gudron Halmith, Sarah Potter Paine, Alice Burns, Lee W. Beattie, Mrs. Ferdinand Herman, Albert G. Lawson, Martha Knight Lawson, Albert Lawson Frost, Anna T. Frost, William M. Frost, Isaac Yankauer, Charles G. Ehrlich, Albert Dublon, Louis F. Denike, Katharine Donegham, Hannah L. Wingate, James Purdy, Susannah Jarman, Edith K. Purdy, John B. Bogart, L. R. Greenberg, Kate Daniels, Fannie Dublin, Meyer Greenberg, Max Scott, Martha R. White, A. W. Howells, A. E. White, Marion R. Tabor, Samuel H. Bishop, Richard P. Messiter, James Thornton, S. Priester, Mrs. G. A. Harrington, George A. Dows, Annie Dows, Virginia Ostrom, Mrs. Francis J. Garrison, Janette Lylle, Mrs. Oswald G. Villard, Alice Morgan Harrison, Ellen Theresa Morgan, Jessie M. de Gagarza, W. G. Kains, G. W. Wenner, R. G. H. Cooper, R. E. Smythe, Mrs. C. Smith, E. G. Armstrong, H. Mason, Henry Mottet, F. D. Veiller, Mrs. W. C. Waters, Mrs. Leo Stein, James S. Dennis, Henry Feldmann, Gustav J. Voss, Frederick Kanter, E. F. Bockmann, W. Pilgrim, Frederick Herman, William J. Meager, Miss G. Kendall, Angelina de Champlin, Joseph Reading, Mrs. L. H. Badger, Lucy Whitin, Blanch Lucas, Bertha Brooks, Anna G. Du Bois, Louise Whitin, John E. Nicholians, Alfred Bosson, Edward J. Osborn, Raymond Dodge, Raymond Levy, Caroline Despard, Flora Harrison, Margaret S. Sutton, Margaret Bates, Gwendaren Despard, Maria Barton, Richard S. Collins, Sarah W. Collins, Stephen W. Collins, Sarah C. Isham, Annie Fellows Nold, Edward A. Grossmann, Mrs. E. A. Grossmann, Mrs. H. I. Ostrom, Joseph Marx, Nathan Holtz, R. A. Theodora Bliss, Mrs. B. B. Wilbur, M. R. Yost, K. Müller, Ruth Keir, Stephen S. Wise, L. J. Waterman, Louise E. Philips, Emile F. Leach, Laeta E. Leach, Ludwig Rothenbild, Jacob J. Koch, John H. Hawley, Edward Heath, jr., Isaac H. Cohen, C. I. Hobson, Ellen Collins, Joseph E. Wisner, John Bauer, Elizabeth Kewe, Mary Collins, R. B. Queimelt, Mrs. M. G. Preston, May Preston Slosson, Mary Hess Brown, A. J. Joffe, E. E. Olcott, Silas Gerkes, Edwin Donaldson, Solomon Schwartz, B. C. Hammond, William M. Schumann, George Marshall, Philip F. Nolan, David H. Scott, William Schmidt, Mary E. Crygier, Albert Crygier, Arthur Constant, R. W. Dolson, Jonathan Pierce, Thomas Locken, W. W. Passage, Percy Russell, William de Voce, George W. Waldron, Sydney H. Cox, Joseph A. Wells, Herbert Vandebeck, John H. Washburn, Mrs. H. C. Havens, Miss C. Marsh, H. Collin Havens, Willinore Marsh, Mrs. W. W. Jones, Albert Adler, Arthur B. Goodkind, Augusta L. Wetmore, Francis J. Potter, Etta Potter, L. D. Austin, Mary W. Somerville, Liela Chevalier, Clarissa V. Prescot, John E. Roeser, John C. Bliss, Mrs. L. C. Wagner, Dr. L. Lambert, Gottheil Pach, Francis Poch, Teresa A. Egan, Edward D. Page, Homer G. Ostrom, Denis T. S. Denison, Camille Solomon, Robert C. Wey, Victor Baar, Mary R. Davis, Lillie Benedict, James J. Bixby, C. P. Bixby, John D. Long, John S. Festerson, D. J. Meserole, Louis W. Pfaus, E. V. Alford, A. M. Callender, William M. Jackson, Anna M. Jackson, Jane M. Carpenter, Louis E. Thompson, Edward Palmer, James Ferguson, William Stift, Mrs. William Stift, Mrs. James Ferguson, Helen Matthews, Harry C. Abbe, Hubert Howson, L. Lippmann, C. Schulhafer, Harry Samuelson, M. S. Perser, Paul J. Marks, Robert D. von Rentsch, Abraham Cofo, J. Budwig, Henry Dilg, Helen McDowell, Isabella Waters, Howard Bradstreet, Henry Moskowitz, Robert Cabmovit, Lydia M. Storey, Dwight, N. Graham, William K. Austin, William K. Austin, jr., Thomas B. Austin, William K. Austin, Henry W. Hardon, Cora Burr Hardon, Adolph Spiegel, Orrin S. Wood, Mrs. Orrin S. Wood, Matilda Woodrow, George Edgar, Thomas C. Edgar, Joachin Elmendorf, David Black, Dennis H. Cox, Florence Ida Hacket, H. E. Ployer, C. B. Eaton, Isabelle S. Whitin, Jessie Morris, C. A. Morris, Harold A. Content, B. A. Sullivan, J. L. MacDonald, Stanhope Wheatcroft, Marjorie A. Content, Jennie D. Frank, M. B. Cleveland, Annette B. Collins, John W. T. Nichols, Horace J. Jaquith, Jas. C. Bany, Charles G. Bliss, Stephen S. Haight, J. J. Falvey, H. L. Clark, N. M. Nielsen, E. Osterwalder, A. D. Banston, Jacob Ropbach, Thomas P. Ryan, Michael Raphael, C. F. Watkins, W. B. Veneam, William Kranth, Charles Wiesman, William Bandom, George Dambert, Sophie Kranth, W. G. Creamer, H. C. Creamer, Joseph R. Dorman, Julius Libeman, Joseph M. Guinness, Cynthia T. Meeker, Maude Arundel Colliver, J. A. L. Gardner, J. G. B. Heath, C. F. F. Hall, Mrs. Thompson, L. Strachey, G. C. Bevis, M. A. Beament, George Beament, W. Stevenson, Mrs. R. A. Todd, R. A. Todd, Mrs. J. H. Blanchard, Margaret J. Sexton, John T. Sexton, Alice Caffrey, Alex Pargiter, W. A. Steremun, John Mead Howells, Fred L. Stearns, Louise A. Stearns, Albert S. Bard, Charles Henry Davis, Robert R. White, Michael Kley, Bernard Kirsch, Anna A. Short, Charles W. Snow, Rosa Welt Straus, Nellie Straus, Josiah C. Pumpelly, W. H. Straight, Robert G. Boville, William O. McDowell, William E. Stark, Percy Waxman, C. L. Armstrong, Katharine Dubois McKnight, J. R. Winchester, W. D. Schaffer, Anna R. Brewster, Charlotte H. Simpson, Florence Van Wyck, Robert Baker, Richard F. George, Edmund Corkill, Peter Aiken, John Fehner, S. Grace Royce, Florence H. Holden, Alice G. Raymond, Hannah D. Sharps, Mary Root, Fanny Finn Miller, William Miller, E. B. Grannis, S. L. Kibbe, S. C. Hazen, M. L. Woodberry, Mrs. Raymond, Panouyota Alexandrakis, A. P. Hazen, Augustus White, Stephen Loines, Henry B. Hathaway, R. H. Loines, Mary H. Loines, Oliver E. Saylor, Mrs. George Place, M. A. Livar, Frederick A. Camp, Lynn Camp, Amzi Camp, C. C. Mead, Kate C. Carpenter, L. W. Robbins, Bailey B. Burritt, K. Richards, M. L. Reid, Arthur Dow.

REPORTS OF COMMITTEES.

Mr. SMOOT, from the Committee on Public Lands, to whom was referred the bill (H. R. 17277) for the relief of George S. Patten, of Williams, Coconino County, Ariz., reported it without amendment and submitted a report thereon.

Mr. SUTHERLAND, from the Committee on Indian Affairs, to whom was referred the bill (S. 3207) for the relief of the White River Utes, the Southern Utes, the Uncompahgre Utes, the Tabeguache, Muache, Weeminuche, Yampa, Grand River, and Unita bands of Ute Indians, known also as the "Confederated Bands of Ute Indians of Colorado," reported adversely thereon and the bill was postponed indefinitely.

Mr. CULBERSON, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 3530) to provide for the erection of a public building at Oklahoma City, Okla., reported it with an amendment.

Mr. CULLOM, from the Committee on Foreign Relations, reported an amendment proposing to appropriate $25,000 to enable the United States suitably to participate in the International Congress on Tuberculosis to be held in the city of Washington, September, 1908, intended to be proposed to the diplomatic and consular appropriation bill, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. HEYBURN, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 124) to establish a Government building at the town of Pocatello, County of Bannock, State of Idaho, reported it with amendments and submitted a report thereon.

He also, from the Committee on Public Lands, to whom was referred the joint resolution (S. R. 68) providing for additional lands for Idaho under the provisions of the Carey Act, reported it without amendment and submitted a report thereon.

Mr. STONE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 513) to provide for the purchase of a site and the erection of a public building thereon at Maryville, in the State of Missouri, reported it with an amendment and submitted a report thereon.

Mr. BURKETT, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1072) to authorize the extension and enlargement of the post-office building at Fremont, Nebr., reported it with an amendment and submitted a report thereon.

SUPERANNUATION IN THE CLASSIFIED CIVIL SERVICE.

Mr. WARREN, from the Committee on Appropriations, to whom was referred the message of the President of the United States transmitting a report by the Committee on Department Methods on the subject of superannuation in the classified civil service, etc., asked to be discharged from its further consideration and that it be referred to the Committee on Civil Service and Retrenchment, which was agreed to.

CHANDLER BASSETT.

Mr. FULTON. I report back from the Committee on Public Lands, without amendment, the bill (H. R. 12803) allowing Chandler Bassett to perfect final proof in his homestead entry, and I submit a report thereon. It is a private bill, and I ask for its present consideration.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FUNERAL OF THE LATE SENATOR REDFIELD PROCTOR.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted yesterday by Mr. DILLINGHAM, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, from the miscellaneous items of the contingent fund of the Senate, the actual and necessary expenses incurred by the committee appointed by the Vice-President in arranging for and attending the funeral of the late Senator from the State of Vermont, Hon. REDFIELD PROCTOR, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

BILLS INTRODUCED.

Mr. STEPHENSON introduced a bill (S. 6048) to provide that no conveyance of lands allotted to Indians on the Stockbridge Munsee Reservation, Wis., shall be valid without the approval of the Commissioner of Indian Affairs, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. WETMORE introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6049) granting an increase of pension to Lewis Holley; and

A bill (S. 6050) granting a pension to Ella Richmond Shaw.

Mr. MARTIN introduced a bill (S. 6051) providing for the placing of marble columns and entablature on the post-office building at Charlottesville, Va., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 6052) authorizing the Secretary of War to have constructed a direct road leading from the southern end of the new highway bridge across the Potomac River to the national cemetery at Arlington and Fort Myer, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. HEYBURN introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6053) granting an increase of pension to Jefferson Wood (with the accompanying papers); and

A bill (S. 6054) granting an increase of pension to William Tremper.

Mr. GALLINGER introduced a bill (S. 6055) to amend section 691 of subchapter 7, building associations, of the Code of Law for the District of Columbia, which was read twice by its title and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 6056) granting an increase of pension to Ira A. Taylor, which was read twice by its title and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 6057) to provide for the creation of a National Highways Commission, and for the construction, improvement, and maintenance of public highways, which was read twice by its title and referred to the Committee on Agriculture and Forestry.

Mr. DICK introduced a bill (S. 6058) for the erection of a public building at the city of Alliance, in the State of Ohio, which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. ANKENY introduced the following bills, which were severally read twice by their titles and referred to the Committee on Finance:

A bill (S. 6059) to reimburse the W. J. Wilcox Lard and Refining Company; and

A bill (S. 6060) to reimburse the Baltimore Bridge Company.

Mr. CURTIS introduced a bill (S. 6061) granting an increase of pension to J. W. Cullimore, which was read twice by its title and, with accompanying papers, referred to the Committee on Pensions.

Mr. BEVERIDGE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6062) granting an increase of pension to William Ford, jr.;

A bill (S. 6063) granting an increase of pension to Henrietta Kimball; and

A bill (S. 6064) granting an increase of pension to Jefferson H. Montgomery (with accompanying papers).

Mr. McENERY introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 6065) for the relief of the heirs of Rodolphe Chachere;

A bill (S. 6066) for the relief of the heirs of Joseph D. Guidry;

A bill (S. 6067) for the relief of the heirs of Pierre Goudeau;

A bill (S. 6068) for the relief of the heirs of J. Casimir Le Blanc;

A bill (S. 6069) for the relief of the heirs of Felix J. Guidry; and

A bill (S. 6070) for the relief of the heirs of Felix Dejean.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MARTIN submitted an amendment relative to the construction of a public road near the southern end of the new highway bridge across the Potomac River to a convenient point on or near the southern boundary line of the Arlington reservation, etc., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. NIXON submitted an amendment providing that whenever a postmaster certifies to the Post-Office Department that, owing to unusual conditions in his community, he is unable to procure the services of efficient employees, etc., the Department may, in its discretion, authorize the appointment of clerks and letter carriers for that office, etc., intended to be proposed by him to the Post-Office appropriation bill, which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

AMENDMENTS TO OMNIBUS CLAIMS BILL.

Mr. PLATT submitted four amendments intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which were ordered to lie on the table and be printed.

Mr. STONE submitted four amendments intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which were ordered to be printed and, with the accompanying papers, ordered to lie on the table.

AMENDMENTS TO FINANCIAL BILL.

Mr. McCUMBER submitted three amendments intended to be proposed by him to the bill (S. 3023) to amend the national banking laws, which were ordered to lie on the table and be printed.

NORTHERN PACIFIC RAILROAD COMPANY.

Mr. HEYBURN submitted the following resolution, which was ordered to lie on the table and be printed:

Resolved, That the Attorney-General be, and he is hereby, requested to inform the Senate whether the Northern Pacific Railroad Company, created by Congress a corporation by act of July 2, 1864, hath ceased to exercise the functions for which it was created, and if so, whether there exists any reason why its Federal charter should not be repealed or why legal proceedings for the forfeiture of such charter should not be instituted by the Government.

SURVEY OF GALVESTON HARBOR, TEXAS.

Mr. BAILEY submitted the following concurrent resolution, which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause to be made an examination and survey of Galveston Harbor, as a whole, including Galveston Harbor, Galveston channel, Texas City channel, and Port Bolivar channel, in the State of Texas, for the purpose of establishing a broad, comprehensive, and systematic plan for the future extension, enlargement, and deepening of said harbor, so as to meet the growing needs of commerce, and to estimate the probable cost thereof.

UNITED STATES V. THAYER—CONTRIBUTIONS FOR POLITICAL PURPOSES.

Mr. CULBERSON. Mr. President, I rise to make a request for printing. On the 9th instant the Supreme Court of the United States passed upon the question of soliciting contributions for campaign purposes under the act of January 16, 1883. The opinion of Mr. Justice Holmes is of general interest, and I ask that it may be printed in the RECORD.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

Supreme Court of the United States. No. 390. October term, 1907. The United States, plaintiff in error, *v.* Edward S. Thayer. In error to the district court of the United States for the northern district of Texas. March 9, 1908.

Mr. Justice Holmes delivered the opinion of the court.

This is an indictment for soliciting a contribution of money for political purposes from an employee of the United States in a post-office building of the United States occupied by the employee in the discharge of his duties. By the civil-service act of January 16, 1883 (chap. 27, sec. 12, 22 Stat. 403, 407), "No person shall, in any room or building occupied in the discharge of official duties by any officer or employee of the United States mentioned in this act, or in any navy-yard, fort, or arsenal, solicit in any manner whatever, or receive any contribution

of money or any other thing of any value for any political purpose whatever." By section 15 a penalty is imposed of fine, imprisonment, or both. The indictment is in eleven counts, and charges the sending of letters to employees, which were intended to be received and read by them in the building, and were so received and read by them in fact. It is admitted that the defendant was not in the building. There was a demurrer, which was sustained by the district court on the ground that the case was not within the act. (154 Fed. Rep., 508.) The only question argued or intended to be raised is whether the defendant's physical presence in the building was necessary to create the offense.

Of course it is possible to solicit by letter as well as in person. It is equally clear that the person who writes the letter and intentionally puts it in the way of delivery solicits, whether the delivery is accomplished by agents of the writer, by agents of the person addressed, or by independent middlemen, if it takes place in the intended way. It appears to us no more open to doubt that the statute prohibits solicitation by writing as well as by spoken words. It forbids all persons to solicit "in any manner whatever." The purpose is wider than that of a notice prohibiting book peddling in a building. It is not, even primarily, to save employees from interruption or annoyance in their business. It is to check a political abuse, which is not different in kind, whether practiced by letter or by word of mouth. The limits of the act, presumably, were due to what was considered the reasonable and possibly the constitutional freedom of citizens, whether office-holders or not, when in private life, and it may be conjectured that it was upon this ground that an amendment of broader scope was rejected. If the writer of the letter in person had handed it to the man addressed, in the building without a word, and the latter had read it then and there, we suppose that no one would deny that the writer fell within the statute. We can see no distinction between personally delivering the letter and sending it by a servant of the writer. If the solicitation is in the building, the statute does not require personal presence, so that the question is narrowed to whether the solicitation alleged took place in the building or outside.

The solicitation was made at some time, somewhere. The time determines the place. It was not complete when the letter was dropped into the post. If the letter had miscarried or had been burned, the defendant would not have accomplished a solicitation. The court below was misled by cases in which, upon an indictment for obtaining money by false pretenses, the crime was held to have been committed at the place where drafts were put into the post by the defrauded person. (Commonwealth *v.* Wood, 142 Mass., 459, 462; Regina *v.* Jones, 4 Cox C. C., 198.) But these stand on the analogy of the acceptance by mail of an offer and throw no light. A relation already existed between the parties, and it is because of that relation that posting the letter made the transaction complete. (See Brauer *v.* Shaw, 168 Mass., 198, 200.) Here a relation was to be established, just as there is at the first stage of a contract when an offer is to be made. Whether or not, as Mr. Langdell thinks, nothing less than bringing the offer to the actual consciousness of the person addressed would do (Contra., sec. 151) certainly putting a letter into a post-office is neither an offer nor a solicitation. "An offer is nothing until it is communicated to the party to whom it is made." (Thomson *v.* James, 18 Ct. of Sess. Cas. (2d series), 1, 10, 15.) Therefore, we repeat, until after the letter had entered the building the offense was not complete, but, when it had been read, the case was not affected by the nature of the intended means by which it was put into the hands of the person addressed. Neither can the case be affected by speculations as to what the position would have been if the receiver had put the letter in his pocket and had read it later at home. Offenses usually depend for their completion upon events that are not wholly within the offender's control and that may turn out in different ways.

No difficulty is raised by the coupling of solicitation and receipt in the statute. If receipt required personal presence, it still would be obvious that "solicit in any manner whatever" was a broader term. But the cases that have been relied upon to establish that the solicitation did not happen in the building, although inadequate for that, do sufficiently show that the money might be received there without the personal presence of the defendant. If, in answer to the defendant's letter, the parties addressed had posted money to him in the building where they were employed, the money undoubtedly would have been received there. To sum up, the defendant solicited money for campaign purposes, he did not solicit until his letter actually was received in the building, he did solicit when it was received and read there, and the solicitation was in the place where the letter was received. We observe that this is the opinion expressed by the Civil Service Commission in a note upon this section, and the principle of our decision is similar to that recognized in several cases in this court. (In re Palliser, 136 U. S., 257, 266; Horner *v.* United States, 143 U. S., 207, 214; Burton *v.* United States, 202 U. S., 344, 387 et seq.) We do not cite them more at length, as the only dispute possible is on the meaning of the particular words that Congress has used.

We may add that this case does not raise the questions presented by an act done in one jurisdiction and producing effects in another which threatens the actor with punishment if it can catch him. Decisions in that class of cases, however, illustrate the indisputable general proposition that a man sometimes may be punished where he has brought consequences to pass, although he was not there in person. They are cited in In re Palliser, sup. Here the defendant was within and subject to the jurisdiction of the United States to the extent of its constitutional power, and the power is not in dispute. (Ex parte Curtis, 106 U. S., 371; United States *v.* Newton, 9 Mackey (D. C.), 226.)

Judgment reversed.

True copy.

Test:

Clerk Supreme Court United States.

HOUSE BILL REFERRED.

H. R. 11778. An act to amend an act approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves," was read twice by its title and referred to the Committee on Public Lands.

COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Military Affairs and ordered to be printed:

To the Senate:

On December 12, 1906, the Secretary of War by my direction issued the following order:

"Applications to reenlist from former members of Companies B, C, and D, Twenty-fifth Infantry, who were discharged under the provisions of Special Orders, No. 266, War Department, November 9, 1906, must be made in writing and be accompanied by such evidence, also in writing, as the applicant may desire to submit to show that he was neither implicated in the raid on Brownsville, Tex., on the night of August 13, 1906, nor withheld any evidence that might lead to the discovery of the perpetrators thereof."

Proceedings were begun under this order, but shortly thereafter an investigation was directed by the Senate, and the proceedings under the order were stopped. The Senate committee intrusted with the work has now completed its investigation and finds that the facts upon which my order of discharge of November 9, 1906, was based are substantiated by the evidence. The testimony secured by the committee is therefore now available and I desire to revive the order of December 12, 1906, and to have it carried out in whatever shape may be necessary to achieve the purpose therein set forth, any additional evidence being taken which may be of aid in the ascertainment of the truth. The time limit during which it was possible to reinstate any individual soldier in accordance with the terms of this order has, however, expired. I therefore recommend the passage of a law extending this time limit, so far as the soldiers concerned are affected, until a year after the passage of the law, and permitting the reinstatement by direction of the President of any man who, in his judgment, shall appear not to be within the class whose discharge was deemed necessary in order to maintain the discipline and morale of the Army.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *March 11, 1908.*

Mr. WARREN. Mr. President, the Committee on Military Affairs begs leave to make the following report. I will ask that the report, being very short, may be read at the desk.

The VICE-PRESIDENT. The report will be read.

The Secretary read as follows:

The Committee on Military Affairs, pursuant to the authority and direction given it by the following resolution:

"*Resolved*, That, without questioning the legality or justice of any act of the President in relation thereto, the Committee on Military Affairs is hereby authorized and directed, by subcommittee or otherwise, to take and have printed testimony for the purpose of ascertaining all the facts with reference to or connected with the affray at Brownsville, Tex., on the night of August 13–14, 1906. Said committee is authorized to send for persons and papers, to administer oaths, to sit during sessions or recess of the Senate, and, if deemed advisable, at Brownsville, or elsewhere; the expenses of the investigation to be paid from the contingent fund of the Senate,"

hereby reports to the Senate due performance of the duty imposed upon it, and presents herewith three large volumes of testimony given before the committee, two volumes of proceedings of general courts-martial, which sat in San Antonio, Tex., to investigate certain charges growing out of the Brownsville affray, and one volume (in three parts) containing the President's messages regarding the Brownsville affray (S. Doc. 155, 59th Cong., 2d sess., pts. 1 and 2); letter from the Secretary of War, transmitting additional testimony and exhibits (pt. 3); these volumes covering, in all, nearly 6,000 pages. Each volume of matter has been fully and carefully indexed under the direction of your committee for the convenience of the Senate.

The committee commenced taking testimony February 4, 1907, and continued until June 14, 1907. Meetings were again resumed November 18, 1907, and concluded March 10, 1908. One hundred and sixty or more witnesses were brought before the committee and testified under direct and cross examination. All documents (regular and irregular), printed matter, letters, telegrams, petitions, etc., pertaining to the case were laid before the committee and received due consideration.

There is considerable contradiction in the testimony; much of it is, however, upon irrelevant and immaterial points. Taking the evidence as a whole and reconciling it where possible, and giving it due and proper weight in view of admitted facts and circumstances, your committee has considered and agreed to the following resolutions:

First. That in the opinion of this committee the shooting in the affray at Brownsville, on the night of August 13–14, 1906, was done by some of the soldiers belonging to the Twenty-fifth United States Infantry, then stationed at Fort Brown, Tex.

Second. That the testimony fails to identify the particular soldier or soldiers who participated in the shooting affray at Brownsville, Tex., on the night of August 13–14, 1906.

The following facts, in the opinion of your committee, have been proven and established:

About the hour of midnight on the night of August 13–14, 1906, a number of soldiers of the First Battalion, Twenty-fifth United States Infantry, then stationed at Fort Brown, Tex., armed with the new-model (1903) Springfield rifle and Government ammunition, then in use in that battalion, jumped over the wall of the Government reservation separating the post from the town, went hurriedly into the near-by town of Brownsville, and wantonly shot into the houses and attacked the citizens thereof. This squad of soldiers, numbering, perhaps, not less then eight nor more than twenty, deliberately attacked and shot at citizens wherever seen in the streets and shot into many houses. They fired into hotels filled with guests and into residences occupied by men, women, and children. In fact their conduct indicated a wanton purpose to terrorize the inhabitants of the town and to kill and destroy with utter and reckless disregard of age, sex, or condition of helplessness. In carrying out their unlawful purpose they respected neither the sanctity of the home nor the innocence and helplessness of women and children. They fired into houses where women and children were sleeping, in some instances the bullets passing through the rooms and only a few feet over the beds in which the people were lying.

In this midnight raid one unoffending citizen, Frank Natus, was killed in his place of business; the lieutenant of police, M. Ygnacio Dominguez, was so severely wounded in the arm that amputation was necessary; the horse he was riding was killed under him; and the inhabitants of the town, men, women, and children, were aroused to a high state of excitement and fear.

We believe that the above facts are clearly established by incontestable evidence. Fifteen eyewitnesses testified that they saw and recognized the raiders who did the shooting as persons dressed in the uniforms of United States soldiers, with guns, and most of these witnesses recognized them as negroes. Two witnesses testified that they saw a number of men (one recognizing them as soldiers) on the inside of the wall of the reservation, moving rapidly to the point where they went over the wall. Five witnesses testified to firing occurring inside the wall of the fort. One witness heard voices inside the wall of the reservation calling to others to "hurry up!" to "jump!" etc., and heard the men when they jumped the wall and proceeded up the alley where the firing continued. Several witnesses who were situated

so as not to be able to see, heard the voices of members of the attacking party, and recognized them as the voices of negroes. They spoke in English. One witness saw a negro soldier with his gun returning from the direction of the town where the firing had occurred, and saw him enter the reservation immediately after the shooting had ceased. Three witnesses testified as to having seen the men carrying their guns, running back in the direction of the fort immediately after the shooting ceased, and others to having heard them. The greatest distance from the fort at which any firing occurred did not exceed 350 yards, and the entire time consumed in the raid was probably not more than ten or twelve minutes.

These witnesses, so far as the committee could ascertain, were respectable and trustworthy people; no one of them was impeached, neither was his or her reputation for honesty or truthfulness seriously questioned. The testimony of these witnesses alone would be sufficient to establish the fact beyond reasonable question that the shooting was done by negro soldiers, and there were no negro soldiers in that part of the country except those of Companies B, C, and D, of the Twenty-fifth Infantry.

But there are other facts and circumstances corroborative of the positive testimony of the eyewitnesses, which, when taken in connection therewith, are conclusive of the guilt of some of said soldiers.

First. There is no evidence whatever on which to base a claim that the shooting was done by any person or persons other than by soldiers of the Twenty-fifth Infantry. There was no class of people or individuals in that vicinity known to entertain any hostility toward the people of Brownsville. There was no friction between the citizens and the police, nor ill feeling of one part of the citizenship against any other part.

Second. Early in the morning of August 14, soon after the shooting, there were picked up in the streets of Brownsville, at the points where the firing had occurred, a large number of empty shells, some loaded cartridges, clips, and one bandoleer. Of this ammunition picked up in the streets, thirty-two empty shells, seven loaded cartridges, two or three clips, and one bandoleer were presented in evidence to this committee and identified as those manufactured for and used with the Springfield rifle, model of 1903, with which the colored battalion was armed. A number of bullets were extracted from the houses into which they had been fired on the night of August 13–14, 1906, and were found to be substantially of the weight, size, and material, as shown by analyses, of those used in the Springfield rifle.

It further appears, from the marks of the four lands upon the bullets, from actual tests, and other evidence, that these cartridges, with these bullets and shells in combination, could not have been fired from any gun other than the Springfield rifle, model of 1903, and that the only rifles of that kind in that section of the country were those with which the First Battalion, Twenty-fifth Infantry, was armed.

It was further established from the sound of the explosions that the firing was from high-power rifles. Many witnesses testified to the peculiar sound made by loading the guns and working the levers in extracting the empty shells during the progress of the firing, as similar to that made by the Springfield rifles.

From the foregoing facts and circumstances and many others corroborative thereof, to be found in the voluminous evidence taken, we do not entertain any doubt that the midnight attack of August 13 and 14, 1906, on the people of Brownsville was made by members of the First Battalion of the Twenty-fifth Infantry.

Third. Although the committee has devoted much time to the investigation and has diligently followed every clew that has been suggested, and while the proof is abundant and conclusive that members of the Twenty-fifth Infantry were the perpetrators of this unprovoked attack, the evidence, we regret to say, fails to identify the particular soldier or soldiers who participated in the affray. It is perfectly manifest, however, both from the nature and character of the attack and the number of persons engaged in it, that it was preconcerted and probably deliberately planned and executed. And it is reasonably certain that soldiers who did not actually participate in the attack must have known of it and aided those actively engaged in it in procuring their arms and ammunition and in concealing their identity when they returned. When we consider the fact that from ten to twenty guns had to be taken from the garrison, some of them from the gun racks, supposedly locked, and located near to the sleeping bunks of the soldiers upstairs; when we consider the testimony with relation to the first firing—that it was within the reservation wall, that there were a number of shots fired from the upper porches of the barracks; when we consider the fact of the firing of volley after volley by from ten to twenty men, beginning just back of the barracks, extending into the town, and lasting from ten to twelve minutes; that this shooting began within four or five hundred feet of a guard with a sergeant and several privates on duty; that the participants had to return to the reservation after the firing had ceased and join their companies, then being formed, we are forced to the conclusion that soldiers other than those who actively participated in the raid must have known of what was taking place and were aiders and abettors thereof, either before or after the fact.

Mr. SCOTT. I think the Secretary should read the names signed to that report. It is not signed by the full committee.

The VICE-PRESIDENT. The names will be read.

The Secretary read the names, as follows:

F. E. WARREN, H. C. LODGE, WM. WARNER, H. A. DU PONT, JAMES P. TALIAFERRO, MURPHY J. FOSTER, LEE S. OVERMAN, J. B. FRAZIER, JAMES B. MCCREARY.

Mr. WARREN. The Secretary has not read all of the report. I ask that he may read the remainder.

The VICE-PRESIDENT. The Secretary will complete the reading of the report.

The Secretary read as follows:

The undersigned members of your committee desire to add the following to the above report:

While under the evidence it has been shown that the assault was perpetrated by members of the aforesaid battalion, it is reasonable to believe, as appears in the report of the committee, that all the soldiers were not concerned in the commission of the crime, either as principals or accessories.

It is unquestionably true that in military administration the maintenance of discipline is ever a primary consideration and of paramount importance, for without it no degree of efficiency can be attained or preserved. Hence it will sometimes happen that honest and guiltless men must be subjected to injustice to the end that vicious men may be deprived of the opportunity to weaken or destroy the morale of the Army. In the present case, however, it would seem but justice to restore to all the innocent men of these companies the rights and privileges which had accrued to them by reason of their previous service in the Army, and of which they will be permanently deprived unless their former status shall be restored by legislation, for the reason that under existing statutes the time has already expired in which they could have reenlisted and secured the benefits of their prior service had they been honorably discharged because of the expiration of their several terms of enlistment.

On many occasions in the past the nation has had reason to be proud of the enlisted men serving in the four colored regiments of our Regular Army. The action of the soldiers who participated in or withheld knowledge of the attack on the town of Brownsville was not only a crime under the statutes of the United States, but was also a grievous wrong to their colored comrades in the Army, whose good name and fame it should have been their duty to sustain.

We recommend the enactment of a bill reading as follows:

"A bill for the relief of certain former members of the Twenty-fifth Regiment of United States Infantry.

"*Be it enacted, etc.*, That if at any time within one year after the approval of this act the President shall be satisfied that any former enlisted man of the Twenty-fifth Regiment of United States Infantry who was discharged from the military service as a member of said regiment under the provisions of a special order, No. 266, and dated at the War Department on the 9th day of November, 1906, had no participation in or guilty knowledge of the affray that took place at Brownsville, Tex., on the night of August 13–14, 1906, the President may authorize the enlistment of said men, and any man who shall enlist in the military service under authority so given by the President shall be held and considered, from the date of his enlistment under such authority, to have reenlisted on said date and to be entitled to the pay, allowances, and other rights and benefits that he would be entitled to receive from said date of enlistment if he had been honorably discharged under the provisions of the special order hereinbefore cited and had reenlisted immediately."

(Signed) F. E. WARREN.
H. C. LODGE.
WM. WARNER.
H. A. DU PONT.

Mr. CULBERSON. I should like to ask the Senator in charge of this report a question.

I noticed previous to the reading of the report the reading of the message of the President on the same general subject, in which he recommends the passage of a law allowing the enlisted men of this regiment a year within which to exonerate themselves by evidence from participation in the riot. In that message the order of the President in 1906 is recited, in which he authorized reenlistment if the innocence of the enlisted men could be established.

What I desire to ask the Senator in charge of the report is why the President can not by Executive order extend the time for a year, covering the question of the order issued by him in 1906, rather than requiring a law to be passed upon the subject?

Mr. WARREN. I will tell the Senator.

Mr. SCOTT. Will not the Senator please allow me to submit the minority report, and then take this matter up after getting it all before the Senate?

Mr. WARREN. I will say to my colleague on the committee that it will take me but a moment to answer the question.

The present statutes are such that an enlisted man closes his connection with the Army and loses all rights unless he seeks to reenlist and does reenlist inside of ninety days from the date of his discharge. At the time the President issued the order the ninety days had not expired. It has expired in the meantime, so that now it requires a statute in order to enable anyone of those men to be restored to the Army with the rights of previous service, and so forth.

Mr. CULBERSON. The Senator's opinion is that the President is without authority to extend the order for reenlistment?

Mr. WARREN. Entirely so.

Mr. CULBERSON. I was not familiar with the law on the subject and desired to know the status of it in that respect.

Mr. SCOTT. I desire to submit a minority report signed by four members of the committee, and then a supplemental report that goes with it signed by two members who had already signed the minority report. They go one step farther than the minority report. I ask to have it read.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

On August 13, 1906, about midnight, a shooting affray occurred in the city of Brownsville, Tex., in which Frank Natus, a bartender in the Ruby saloon, was killed; M. Ygnacio Dominguez, a lieutenant of police was wounded and had his horse shot under him.

At this time Companies B, C, and D of the First Battalion of the Twenty-fifth United States Infantry, colored, were at Fort Brown, Brownsville, Tex., which has a population of from 6,000 to 8,000 people, of which perhaps five-sixths are Mexicans. After an investigation by the War Department the following order was issued on November 9, 1906:

SPECIAL ORDERS, No. 266. WAR DEPARTMENT, *Washington, November 9, 1906.*

1. By direction of the President, the following-named enlisted men who, on August 13, 1906, were members of Companies B, C, and D, Twenty-fifth Infantry, certain members of which organizations participated in the riotous disturbance which occurred in Brownsville, Tex.,

on the night of August 13, 1906, will be discharged without honor from the Army by their respective commanding officers and forever debarred from reenlisting in the Army or Navy of the United States, as well as from employment in any civil capacity under the Government; * * *

By order of the Acting Secretary of War:

ARTHUR MURRAY,
Chief of Artillery, Acting Chief of Staff.

Official:
HENRY P. MCCAIN,
Military Secretary.

On the —— day of December, 1906, the following resolution was adopted by the United States Senate:

"*Resolved*, That, without questioning the legality or justice of any act of the President in relation thereto, the Committee on Military Affairs is hereby authorized and directed, by subcommittee or otherwise, to take and have printed testimony for the purpose of ascertaining all the facts with reference to or connected with the affray at Brownsville, Tex., on the night of August 13–14, 1906. Said committee is authorized to send for persons or papers, to administer oaths, to sit during sessions or recess of the Senate, and, if deemed advisable, at Brownsville or elsewhere; the expenses of the investigation to be paid from the contingent fund of the Senate."

Pursuant to the above resolution, the Committee on Military Affairs took "testimony for the purpose of ascertaining all of the facts with reference to or connected with the affray at Brownsville, Tex., on the night of August 13–14, 1906."

The testimony taken was as thorough as it was possible to obtain, but it is very unsatisfactory, indefinite, and conflicting in its nature.

We have been unable to arrive at any conclusions as to what motive could be alleged that the colored troops might have had to incite them to do this shooting. The only evidence produced which would in any way give the least color to a motive is the evidence that shows that there were eight gambling houses conducted in connection with saloons in the city of Brownsville, Tex.; and that while the white soldiers were stationed at Brownsville a number of them frequented the saloons and gambling houses and that these gambling houses profited largely from their patronage, and that under the rules of the gambling houses the colored soldiers could not be admitted. This resulted in great loss of business to these concerns, and it is evident that the parties engaged in the gambling and saloon business were extremely anxious to have the colored troops withdrawn from Brownsville and replaced by white soldiers. We are led to doubt, however, whether or not the gamblers who conducted these eight places in Brownsville, Tex., have given the committee as complete information as they could give in regard to this shooting affray.

While Major Penrose and other officers of the battalion at first concluded that some of the members of these companies were guilty, yet they later became convinced that the men of the battalion had nothing whatever to do with the shooting, and so testified before the Committee on Military Affairs. It should be remembered in this connection that these officers are white men, and some of them born and reared in the South.

It is proper to note in this connection that a grand jury of citizens of Cameron County, Tex., after investigation, failed to find sufficient evidence to indict the members of this battalion who were suspected and who were held at Fort Sam Houston, Tex., awaiting action by the grand jury.

We have not felt that the conflicting and circumstantial evidence given by many of those who testified against the members of this battalion should be given more consideration, and in many instances even as much consideration, as the testimony of the officers and of the soldiers themselves, many of whom had served their country loyally and faithfully for a number of years, and some of whom have been wounded in battle—having participated in the Indian wars, in the Spanish-American war and in the Philippine service.

The strongest evidence, if undisputed, implicates no greater number than from seven to twelve, and even if it were admitted for the sake of argument that from seven to twelve of these soldiers were guilty (which fact has not been proven), that fact could not, in our opinion, justify a discharge of the whole battalion without honor.

It is not our purpose, nor desire, to uphold any guilty party, nor to criticise necessary Army discipline, but we do feel that it is essential to stand by those who are giving their services to their country and who obey the law. The persons who were guilty of the shooting affray at Brownsville, Tex., should be severely punished—after they are proven guilty.

Therefore, having carefully considered all the testimony, we have reached the following conclusions:

1. The testimony wholly fails to identify the particular individuals, or any of them, who participated in the shooting affray that occurred at Brownsville, Tex., on the night of August 13–14, 1906.

2. The testimony wholly fails to show that the discharged soldiers of the Twenty-fifth United States Infantry, or any of them, entered into any agreement or so-called "conspiracy of silence," or that they had among themselves any understanding of any nature to withhold any information of which they, or any of them, might be possessed concerning the shooting affray that occurred at Brownsville, Tex., on the night of August 13–14, 1906.

3. The testimony is so contradictory, and much of it so unreliable, that it is not sufficient to sustain the charge that soldiers of the Twenty-fifth United States Infantry, or any of them, participated in the shooting affray that occurred at Brownsville, Tex., on the night of August 13–14, 1906.

4. Whereas the testimony shows that the discharged men had a good record as soldiers, and that many of them had by their long and faithful service acquired valuable rights of which they are deprived by a discharge without honor; and

Whereas the testimony shows beyond a reasonable doubt that whatever may be the fact as to who did the shooting, many of the men so discharged were innocent of any offense in connection therewith: Therefore it is, in our opinion, the duty of Congress to provide by appropriate legislation for the correction of their record and for their reenlistment and reinstatement in the Army, and for the restoration to them of all the rights of which they have been deprived, and we so recommend.

N. B. SCOTT.
J. B. FORAKER.
J. A. HEMENWAY.
M. G. BULKELEY.

Mr. FORAKER and Mr. BULKELEY, in addition to the conclusions set forth in the foregoing minority report, make also the following finding, namely:

The weight of the testimony shows that none of the soldiers of the Twenty-fifth United States Infantry participated in the shooting affray that occurred at Brownsville, Tex., on the night of August 13–14, 1906.

J. B. FORAKER.
M. G. BULKELEY.

Mr. FORAKER. Mr. President, I ask leave of the Senate to make a further minority report, if it is in order to call it such. The report I ask leave to make is an expression of the individual views of the Senator from Connecticut [Mr. BULKELEY] and myself. From the report that has just been read it appears that we make a finding that our colleagues of the minority did not join us in making; and the report I ask leave to make, I repeat, is an expression of our views of the testimony and the reasons whereby we support not only the findings of the minority report, but the additional finding as to which we are agreed. I suppose the leave I ask will be granted as a matter of course.

The VICE-PRESIDENT. Without objection, the report referred to by the Senator from Ohio will be received.

Mr. FORAKER. Mr. President, if the Senate will indulge me for a moment, I ask to give an excuse for not following the precedents which have been established here this morning of having these reports read. It would take too long to read this report. This report is not a generalization, not a mere statement of conclusions, but it is a review of the testimony, and an extended review of the testimony. As the majority report has shown, there are over 6,000 printed pages of this record, and it is impossible to do justice in the form of a report to such an investigation and such a mass of testimony in three or four pages of typewritten matter. Our report would require more than an hour, perhaps, to read, and I shall not, under the circumstances, ask the indulgence of the Senate to have it now read; but at an early day I shall take occasion to explain this report to the Senate and undertake to satisfy the Senate that there is not a finding in this report which is not justified by the testimony, and overwhelmingly justified by the testimony.

Mr. President, this report has already been printed, but there are some corrections in it, and so I will ask to have it printed again. I now ask that the Secretary read, not the report, but from the recapitulation as indicated near the close of the report down to the point I have marked. That will take only a few minutes. I also ask, Mr. President, that the entire report be printed in the RECORD.

The VICE-PRESIDENT. Without objection, it is so ordered; and the Secretary will read as requested by the Senator from Ohio, in the absence of objection.

Mr. TILLMAN. Mr. President, I ask that the President's message, the majority and minority reports, and the supplemental report all be printed as a document, so that we can get the whole thing in a handy shape.

Mr. LODGE. All the reports?

Mr. TILLMAN. All of them, and the message, too. Let that lead the procession.

The VICE-PRESIDENT. The Senator from South Carolina requests that the President's message and the majority and minority reports——

Mr. TILLMAN. Put in also, either behind or before—it does not matter where it comes in—the order discharging these men. Let us have a full record and report.

Mr. LODGE. The Senator from South Carolina does not mean to include the volumes of testimony?

Mr. TILLMAN. Oh, not the evidence. I simply want all the conclusions of the committee, with the action of the President in discharging these men, the reasons given therein, and then his message to-day taking it all back.

Mr. WARREN. Mr. President, I assume, since this report does not come from the committee accompanied by a bill, that it will not go to the Calendar, but may be printed as a committee report and lie on the table. Now, I ask the Senator from South Carolina [Mr. TILLMAN] if he wishes to have it printed also as a miscellaneous document and have all these reports and the President's message included in one document?

Mr. TILLMAN. Of course. I want the entire case as it is at present made up to be in handy shape, so that it can be sent over the country for the benefit of the negroes North and South.

Mr. WARREN. Then I ask that these documents may be printed in the usual way as a report from the committee, and also that there may be printed in one pamphlet the President's message and the three reports—not, of course, the 6,000 pages of testimony, but all the balance—in a miscellaneous document.

Mr. FORAKER. Including the report of the bill?

Mr. WARREN. Yes.

Mr. TILLMAN. Do I understand the Senator from Wyoming

to include the order of discharge in this document that is to be printed?

Mr. WARREN. The order of discharge may be included.

Mr. TILLMAN. I want that in.

Mr. FORAKER. The order of discharge, I will say to the Senator from South Carolina, is incorporated in the report I have made, just now filed. It is set out in that report.

The VICE-PRESIDENT. Is there objection to the request?

Mr. FORAKER. I should like now to have the recapitulation of the report submitted by the Senator from Connecticut and myself read.

The VICE-PRESIDENT. The Chair will first put the request for printing. It is requested that the President's message and the reports made by the members of the Military Affairs Committee be printed in the ordinary manner, and also as a public document. Is there objection? The Chair hears none, and it is so ordered. The Secretary will now read as requested by the Senator from Ohio [Mr. FORAKER].

The Secretary read the "recapitulation" of the supplemental report submitted by Mr. FORAKER and Mr. BULKELEY.

The entire report is as follows:

[Senate Report No. —.]

THE BROWNSVILLE AFFRAY.

The Committee on Military Affairs having completed the investigation authorized by the following resolution (S. Res. 208, 59th Cong., 2d sess., January 21, 1907):

"*Resolved*, That, without questioning the legality or justice of any act of the President in relation thereto, the Committee on Military Affairs is hereby authorized and directed, by subcommittee or otherwise, to take and have printed testimony for the purpose of ascertaining all the facts with reference to or connected with the affray at Brownsville, Tex., on the night of August 13–14, 1906. Said committee is authorized to send for persons and papers, to administer oaths, to sit during sessions or recess of the Senate, and, if deemed advisable, at Brownsville or elsewhere; the expenses of the investigation to be paid from the contingent fund of the Senate"—

Mr. FORAKER, with leave of the committee and the Senate, on behalf of Mr. BULKELEY and himself, submitted the following report of their views of the testimony in support of the conclusions reached by them:

I. THE AFFRAY.

On the night of Monday, August 13, 1906, commencing about eight or ten minutes before midnight, a shooting affray occurred in the town of Brownsville, Tex., in the course of which one man, a private citizen by the name of Frank Natus, employed at the time as a barkeeper in the Ruby saloon, otherwise known as "Tillman's saloon," was killed, and the lieutenant of police, M. Y. Dominguez, was wounded and had his horse shot under him, and another citizen by the name of Paulino S. Preciado, the editor of a newspaper called "El Porvenir," published in Brownsville, in the Spanish language, claimed to have been slightly injured by a bullet grazing the back of his hand and passing through his clothing, striking and injuring a pair of spectacles he carried in his pocket.

OFFICERS OF BATTALION.

Companies B, C, and D of the First Battalion of the Twenty-fifth United States Infantry, colored, were at the time stationed at Fort Brown.

The commanding officer of the battalion and the post was Maj. Charles W. Penrose.

The companies were respectively commanded as follows: B Company, by Second Lieut. George C. Lawrason; C Company, by Capt. E. A. Macklin; D Company, by Capt. Samuel P. Lyon; Lieut. Harry S. Grier was quartermaster and commissary of the post, and also acting adjutant.

Major Penrose, Lieutenant Lawrason, and Lieutenant Grier were all graduates of West Point; Major Penrose of the class of 1884, Lieutenant Grier of the class of 1899, Lieutenant Lawrason of the class of 1904.

Captain Macklin was appointed from civil life in 1892. He has been in the service fifteen years, and been a commissioned officer since July 9, 1898. Captain Lyon entered the service as an enlisted man in 1890, and was promoted to the rank of a commissioned officer in 1895.

These officers had therefore, respectively, been in the service: Major Penrose, for twenty-seven years, including four years at the Academy; Captain Lyon, seventeen years; Captain Macklin, fifteen years; Lieutenant Grier, twelve years, including four years at the Academy; Lieutenant Lawrason, seven years, including four years at the Academy.

The testimony shows that the record of each down to the time of this shooting affray was without any kind of stain or blemish, and that all these officers were of high character not only as officers of the Army, but as men; that they were honorable, upright, truthful, and trustworthy in every sense of the word.

ENLISTED MEN OF THE BATTALION.

The testimony further shows that these three companies had, to quote the exact language of Major Blocksom, "an excellent reputation up to the 13th of August," the date of the shooting.

This statement of Major Blocksom is confirmed by even stronger and more elaborate statements by every witness familiar with the record of these companies who testified on the subject.

There will be found in the record official reports from the War Department of two or three shooting affrays and difficulties of one kind and another occurring during the forty years of service since the regiment was organized with which other companies of the Twenty-fifth Infantry were identified, or in which they had some kind of participation, or to which they had some kind of relation, or for which they had some sort of responsibility, but, so far as these three companies which were at Brownsville are concerned, there is no stain whatever on the record of any one of them. No company in all the Army had any clearer or better record for discipline and for the general conduct of the men belonging to it than had each and all of these companies down to August 13, 1906.

Almost all the men in these companies had served more than one enlistment. Their respective terms of service ranged in duration all the way from five or six years up to more than twenty years. One of them, Sergt. Mingo Sanders, of Company B, had served continuously for twenty-six years; a part of that service had been outside of the United States, and for that reason he was entitled to double time therefor, on account of which he would have been entitled after eighteen months of additional service to retire on three-quarters pay and with all the rights and allowances provided by law for men who serve continuously for thirty years.

The following extracts from the evidence given by the different witnesses named show the exceptionally high character of the men of these three companies and their good record as soldiers:

Major Penrose says, as to the character of men (page 3023):

"By Senator FORAKER:

"Q. Now, something was said by Captain Kelly (a citizen of Brownsville) and some others about your troops being not well disciplined. Can you tell us what the record of your battalion is in that respect, down to the 13th of August?—A. I think the records will show, sir, that it was an excellently disciplined battalion.

"Q. And well drilled?—A. Well drilled. I consider it one of the best that I have ever seen.

"Q. Were the men of a character hard to get along with or otherwise?—A. No, sir; they were very easy to discipline.

"Q. As a rule, deported themselves well?—A. As a rule, they behaved themselves very well. That can be borne out by the records of the post, the summary court record, the records of courts-martial, and also, I think, by any officers who have seen them, either before this occurrence or afterwards.

"Q. Now, afterwards, since August 13, and particularly since they have been discharged, what has been their records, in so far as you know, as to deporting themselves properly?—A. So far as I know, their record has been excellent. I know at the time of their discharge, when we were discharging them at Fort Reno, I was in constant communication with the chief of police at El Reno, the town 5 miles distant, and he told me that he did not see a drunken man nor did he have any disorder among those men of any kind. He told me that he would not know that the men were being discharged at all.

* * * * * * *

"Finally the order came for their discharge. They were discharged at that post, a half a company at a time. They were paid off. They had anywhere from fifty to sixty dollars to—some of them—twelve or thirteen hundred dollars. They went to this little town, which was full of temptations, and, as I stated before, there was not a single man found drunk nor was there a disturbance of any kind or character reported of these men, and I talked with the chief of police over the telephone frequently. Now, taking into consideration the conduct of these men both before and afterwards, and what I have before stated, leads me to believe that the men did not do that shooting."

* * * * * * *

(Page 3103).

"By Senator HEMENWAY:

"Q. Do you know Captain Kelly?—A. Capt. William Kelly?

"Q. Yes.—A. Yes, sir.

"Q. You heard his statement, or heard of his statement, before this committee that he would be as quick to believe the colored soldiers as he would the Mexican residents, barring a few of the leading families, did you, and that he would not care to believe either?—A. Yes, sir; I have heard that he made such a statement.

"Q. How many men in your battalion had been under fire, either in battles or in skirmishes?—A. Well, I do not know that I could answer that positively at all, Senator, but as a rough estimate I should think that there probably were 30 per cent of them, maybe 40 per cent of them.

"Q. From your knowledge of these men, their bravery in battle, following the flag of their country, and their general behavior, would you believe them on oath?—A. I would, sir.

"Q. You think their evidence should be given the same weight as that of any other American citizen?—A. I do, sir.

"Q. You think it equally as good as the testimony of the Mexican residents of Brownsville?—A. Yes, sir; I do."

Brig. Gen. Andrew S. Burt (retired 1902) was commander as colonel of the Twenty-fifth Infantry for about ten years. *As to character of men he says* (pp. 3189, 3190, 3191, 3192, 3193, and 3195):

"Q. Give the stenographer your full name, General, and your present position.—A. Andrew S. Burt, brigadier-general, United States Army, retired, Washington, D. C.

"Q. What time did you retire?—A. In 1902; in May of that year.

"Q. What regiment were you in command of when you were promoted to a brigadier-general?—A. The Twenty-fifth Infantry.

"Q. How long had you been commander of it?—A. For about ten years, excepting the time I was brigadier-general of volunteers, during the Spanish-American war. That was a very short time, only a few months. I joined it in 1892, and was mustered out, or rather promoted to brigadier-general, retired, in 1902. It was about ten years.

"Q. General, the question has come up before the committee as to the character of some of the men of the battalion which was dismissed from the service without honor last year. I will name over some of the men in that battalion, and as I name them I would like you to give me your opinion as to their reliability and their truth; whether they could be trusted or their word taken. The first man I find here is this man Sanders—Mingo Sanders.—A. Sergt. Mingo Sanders?

"Q. Yes.—A. I know him very well, sir. He served with me. There is no better first sergeant in the United States Army than Sergt. Mingo Sanders. His veracity, as he sees a thing, is beyond question.

"Q. How about Sergeant McCurdy? Do you remember him?—A. McCurdy is a good man and a trustworthy man. I do not know him as well as I do Sanders.

* * * * * * *

"I can say in general terms that those men are all to be believed on their oath. I would believe them if I were sitting on a court-martial and they were even called in their own defense."

Captain Macklin says (pp. 1788–1789):

"Q. What was the character of the men who constituted that battalion, speaking in a general way? Were they a peaceable, orderly, well-behaved set of soldiers or not?—A. They were, sir; those reports in these books to the contrary notwithstanding.

"Q. Had this battalion or any company of it or any men in it had special trouble during all the time you were connected with it?—A. Never; no, sir. There were individual fights, you understand, sir.

"Q. They would fight one another?—A. Among themselves, sir, over drinking or something of that kind, but no other disturbances.

"Q. State whether or not they did any drinking to excess as compared with other soldiers.—A. No; they did not. I have commanded white soldiers a good deal, and I found that the drinking among our men was much less.

"Q. Drinking among the colored soldiers was less than among the white soldiers?—A. Yes, sir; very much.

"Q. You would get through pay day with fewer arrests?—A. Well, sir, they were through that pay day at Brownsville and there was only one single arrest in town.

"Q. In the whole battalion?—A. In the whole battalion. There was not an arrest in the post at all."

Capt. Samuel P. Lyon says (pp. 1836–1838):

"Q. So that you have had a good deal of experience, not only with these men, but with other commands. I want to ask you how, in your opinion, this battalion, Companies B, C, and D, compared as soldiers with other soldiers of the United States Army?—A. In my opinion they would compare most favorably.

"Q. Was it or not a battalion that was well disciplined and well drilled?—A. Yes, sir; the drill and discipline were excellent. I never saw better.

"Q. As to the conduct of the men generally as men, what is your opinion as to that?—A. It was, in my opinion, exceptionally good.

"Q. I want to ask you particularly as to the older men in service in that battalion, particularly the noncommissioned officers. What kind of men were they?—A. They were a most excellent lot of men, and an excellent lot of noncommissioned officers."

CONDUCT OF MEN AT BROWNSVILLE.

This battalion had been, together with other companies of the regiment, stationed at Fort Niobrara, Nebr., for two or three years immediately prior to their going to Brownsville, and prior to that they had served in the Philippines, in Cuba, on the frontier, and elsewhere. They arrived at Fort Brown on Saturday, the 28th of July, 1906. They had been there only two weeks and two days when this shooting occurred. There is practically no conflict in the testimony as to their conduct at Brownsville. The great preponderance is in accord with the statement made by Victoriano Fernandez, a member of the police force of Brownsville, who testified in part as follows (pp. 2257–2258):

"By Senator SCOTT:

"Q. Witness (Victoriano Fernandez, policeman), do you know any reason why these soldiers would have any spite against the citizens of Brownsville, to want to shoot up the town and kill people?—A. No, sir; I don't know anything about it.

"Q. And you never heard them threaten anybody who was in the barracks, did you?—A. No, sir; oh, no. They used to treat everybody right there.

"By Senator FORAKER:

"Q. They were very well-behaved people, were they not?—A. Yes, sir; very orderly, and I never saw one drunk.

"Q. You never saw one drunk, and you were on this Elizabeth street beat?—A. Always; yes, sir.

"Q. Every day?—A. Every day and sometimes part of the night.

"Q. And you never saw one of them drunk?—A. No, sir.

"Q. During the whole time?—A. No, sir.

"Q. It was your business to watch?—A. Yes, sir.

"Q. Do you remember when they had pay day?—A. Yes, sir; it was the quietest day I ever saw.

"Q. It was very different when the white soldiers were there?—A. Yes, sir; the white soldiers used to know lots of people and just have a little fun, but it didn't amount to nothing.

"Q. The white soldiers, when they had pay day, would go and spend a good deal of their money in saloons?—A. Yes, sir.

"Q. But the colored soldiers were much better in that respect?—A. Yes, sir; they used to go to the saloon and have drinks in the back there, and they never said a word and would go out.

"Q. They were fine, orderly looking soldiers?—A. Yes, sir.

"Q. Good discipline?—A. Yes, sir; good soldiers. Good discipline, too.

"Q. Favorably with the Twenty-sixth Infantry, the white regiment there just ahead of them?—A. Well, of course I don't know nothing about——

"Q. Or any other regiment.

"Senator WARREN. Let him answer.

"A. But they were all right. To my knowledge I think they were better than the white soldiers—that is, on discipline.

"By Senator FORAKER:

"Q. Better in discipline?—A. Yes, sir.

"Q. If anything, they were a good deal better in their habits, apparently?—A. Well, two or three months they were there; yes.

"Q. You never saw one of them drunk all the time you were there?—A. No, sir.

"Q. You were in a situation where you could have known about it if they had been drunk, were you?—A. Certainly.

"Q. Or disorderly?—A. Certainly.

"Q. You never arrested one?—A. No, sir."

TROUBLES AT BROWNSVILLE.

When they went to Brownsville they relieved a battalion of the Twenty-sixth United States Infantry, white soldiers, which had been stationed there for about one and one-half years.

Although the battalion did not reach Brownsville until the 28th of July, it was announced in the newspapers as early as the latter part of May, 1906, that it was to be sent there. There is some conflict in the testimony as to the feeling of the citizens of Brownsville toward negro soldiers, but the overwhelming weight of testimony is to the effect, as stated by Major Blocksom in his official report, found at page 61 of Senate Document 155, part 1:

"2. The people did not desire the colored troops and thought they should not be sent there. I learned this * * * from prominent citizens, members of the committee of safety, etc."

Major Blocksom further finds, page 61, Senate Document 155, part 1:

"3. Soldiers of the Twenty-fifth were not allowed to drink with white people at the principal bars in town, though in some cases saloon keepers put up a separate bar for their use."

The testimony shows that in many of these saloons, particularly those kept by Mexicans, there was no such discrimination.

There is no proof that the soldiers showed any resentment on account of this regulation debarring them from the saloons by either words or conduct. In so far as there is any testimony on the subject, it is all to the effect that they observed the regulations without any complaint and without showing any resentment whatever on that account. The testimony further shows that they frequented such saloons as they were at liberty to visit but very little, and that on Saturday, August 11, two days before the shooting affray occurred, one of their number, William Allison by name, was discharged on account of the expiration of his term of service, and that he at once opened a saloon for their special accommodation, which they all patronized, spending their money there with their discharged comrade instead of in the saloons kept by the citizens of Brownsville.

During their short stay there were three altercations between the citizens and the soldiers, but only two of them were of serious enough character to really merit mention.

Major Blocksom (p. 61, S. Doc. 155) refers to these cases as follows:

"4. Tate-Newton, Baker-Reed cases, etc. (see B and B'' '). Tate-Newton case was that of a party of ladies standing on street side, sidewalk, claimed that two colored soldiers rudely jostled them. Mr. Tate, inspector of customs, husband of one of the ladies, knocked down one of the soldiers with his revolver. The ladies were obstructing the sidewalk, although anybody could have easily gotten by them. The soldier was rude and probably insulting in his manner. Tate's remedy was too drastic. It was "in the manner of the South." He told me he would have used it against any man, white or black. Mr. Vann, collector of customs, invited Major Penrose to assist at an investigation of this case, but latter had no time after the 13th. Reed and another colored soldier were at ferry landing, having returned from Matamoras. Mr. Baker, inspector of customs, claimed they were drunk and disorderly (confirmed by an unprejudiced witness); that he told them to move on, and finally pushed one, who fell off plank walk into mud and water about knee-deep, more through his condition than strength of the push. Baker probably used more force than he acknowledged. Facts in these two cases were exaggerated on both sides and increased the bitter feeling between soldiers and citizens. I heard of several cases of threats from both sides before the 13th, but believe them manufactured."

THE EVANS AFFAIR.

In addition it was claimed that the night before the shooting a soldier assaulted a Mrs. Evans and that the people of Brownsville were greatly incensed toward the soldiers on that account, but no testimony has been adduced to prove such assault, and if there had been it would only constitute a reason why the citizens might attack the soldiers and not a reason why the soldiers should attack the citizens. It is not necessary, therefore, to give the matter special consideration in this connection.

There is positive conflict and contradiction as to the facts connected with the other difficulties, but the testimony most unfavorable to the soldiers does not make the cases worse for the soldiers than the statement of Major Blocksom, while, according to the testimony of the soldiers, the assault upon Newton was unprovoked and without any excuse whatever.

THE NEWTON CASE.

Private Newton testified on this point, at page 2959, as follows:

"By Senator FORAKER:

"Q. It has been testified here that there was some trouble in Brownsville between a man by the name of Tate and a soldier by the name of Newton who belonged to Company C. Are you the soldier?—A. Yes, sir; I am.

"Q. Please describe to us what occurred. Tell us all about it in your own way. First, let me ask you when it was, if you can tell?—A. The 5th of August.

"Q. On the 5th day of August, 1906?—A. Yes, sir.

"Q. Do you remember what day of the week that was?—A. It was on a Sunday, if I am not mistaken.

"Q. About what time was it—what o'clock?—A. Between 8 and 9 o'clock, as nearly as I can recollect it.

"Q. In the evening?—A. Yes, sir.

"Q. Was it before or after dark?—A. After dark, sir.

"Q. Well, now, where did it happen?—A. It happened below the post-office, sir; in that section.

"Q. Can you tell us on what street the post-office is situated?—A. I don't know but one street; I think it is Elizabeth street. That is the only street I know there.

"Q. Is it situated on the street that leads out from the gate of the garrison?—A. I think it is, sir.

"Q. At your left is a map hanging on the wall [referring to the map]. This is the reservation. Here are the barracks. That is Elizabeth street.—A. Yes, sir.

"Q. Here is D barracks, and B barracks, and C barracks, and the unoccupied barracks.—A. Yes, sir.

"Q. The guardhouse up here, the hospital over here, the officers' quarters over here, and the administration building here. Now, where is the post-office? Is it on this street that you enter when you go out at the gate and proceed in a straight direction?—A. Yes, sir; I think that is the street it is on, sir.

"Q. Do you think it is. Well, about how far from the garrison is the post-office situated, if you can tell?—A. I think it is three or four blocks, more or less, sir.

"Q. You don't know exactly?—A. No, sir.

"Q. You were not familiar with the streets there?—A. No, sir.

"Q. How long had you been at Brownsville?—A. I had been there ever since my battalion arrived there.

"Q. Only about a week prior to this time, I suppose?—A. Yes, sir.

"Q. The testimony is that you arrived there on the 28th of July?—A. Yes, sir.

"Q. And this was the 5th of August?—A. Yes, sir.

"Q. Had you been around through the town any, up to that time?—A. I think I had taken a walk about three times.

"Q. Had you become familiar with the streets?—A. No, sir; not very.

"Q. Or with the location of the buildings?—A. No, sir.

"Q. Well, this was Sunday evening, August 5, between 8 and 9 o'clock. Where were you going and were you in company with anybody; and if so, with whom?—A. With Private Frank J. Lipscomb.

"Q. Was he of that same company?—A. Yes, sir.

"Q. Where were you going?—A. We were taking a walk, and had been by the post-office, sir.

"Q. You had been by the post-office?—A. Yes, sir; and on the way from there up the street.

"Q. And you were beyond the post-office, were you, going from the garrison?—A. Yes, sir.

"Q. Were you armed?—A. No, sir.

"Q. Neither of you?—A. No, sir.

"Q. Did you have any kind of weapon?—A. No, sir.

"Q. Were either of you drunk?—A. No, sir.

"Q. Had either of you been drinking?—A. No, sir.

"Q. It was Sunday evening. Well, now, what occurred? Just tell that in your own way.—A. As we passed beyond the post-office here,

there was a party of ladies standing on the sidewalk, and they were standing in such a position that we had to walk by file in order to pass them, and as I passed them I said something to Frank—I have forgotten what it was—and when I looked around this way again, why, some one had drawn back, and as I turned that way he struck me with a revolver and knocked me down.

"Q. Did you pass through that crowd of ladies?—A. No, sir.

"Q. Standing on the sidewalk?—A. No, sir; between them and the fence.

"Q. You went between them and the fence?—A. Yes, sir; they standing around to my left—to our left—and we had to walk by file in order to keep from pushing against them.

"Q. Were you going from the post still?—A. Yes, sir.

"Q. On which side of the street were you—the right-hand side as you went out?—A. The right-hand side; yes, sir.

"Q. And the ladies were standing on the sidewalk?—A. Yes, sir.

"Q. And there was a space to the right between them and the fence?—A. Yes, sir.

"Q. Between the sidewalk and the fence?—A. Yes, sir.

"Q. And when you came up you say you stepped off toward the fence and passed around in single file?—A. Yes, sir.

"Q. Did you strike any lady?—A. No, sir.

"Q. Or jostle any lady?—A. No, sir.

"Q. Or touch any lady?—A. No, sir.

"Q. Did you try to go through the crowd of ladies?—A. No, sir.

"Q. Did you speak to any of the ladies?—A. No, sir.

"Q. Did you speak to anybody?—A. No one at all, only my comrade who was with me, sir.

"Q. Did you know the man was going to strike you until he did so?—A. No, sir.

"Q. What was it he struck you with?—A. It was a revolver, sir.

"Q. And what effect did it have on you?—A. It knocked me insensible for a few seconds.

"Q. You fell?—A. Yes, sir.

"Q. Then what did you do?—A. After I came to myself he was covering me with his revolver, and he told me to get up and leave."

He is confirmed in all he says by his comrade, Private Lipscomb, who was with him.

NEWTON'S CHARACTER.

Captain Macklin says of Newton:

"* * * He was not incensed or angry, but he felt hurt. Newton was a splendid soldier, a man of good habits, and I do not believe, knowing the man, that he would deliberately pass any people on the sidewalk, white or colored, and brush against them or knock them off. He was my company clerk for a long time, and was extremely polite and obedient." (Penrose Court-Martial, p. 543.)

Captain Macklin was further interrogated about the Newton trouble (p. 1784, Senate committee), as follows:

"Q. Did you investigate it sufficiently to find out whether or not he pushed his way through among the ladies, jostling them as he did so?—A. I investigated the matter as far as I could with Privates Lipscomb and Newton. They were both very reliable men and very quiet soldiers, very inoffensive in their manner and everything, and I tried to find out and did find out who the man was that struck Newton, and also made a report to the commanding officer, and the commanding officer said that he would make a report to the collector of customs, a Mr. Van. I went down and got Mr. Van's name, and I also found out from the cashier of one of the banks in town the name of the man that struck Newton. It seemed that he had bragged about it in town, and the cashier had a little hesitancy in telling me his name, but finally gave it to me. I gave his name to the commanding officer, and the commanding officer said he would make a complaint and go down and see Mr. Van, but Mr. Van was out of the city.

"Q. It has been testified here that Newton was a quarrelsome man and was in the habit of getting drunk and getting into trouble. Is that true or not?—A. No; it is not. He was my company clerk for about a year and I came into intimate contact with him every day.

"Q. Was his conduct that of a good man as well as a good soldier or not?—A. Yes, sir; it was. I would be glad to have him back any time. He was the kind of a man that any captain would like to have in his company.

"Q. A truthful, reliable man?—A. Yes, sir.

"Q. Would you believe his statement?—A. Yes, sir; I would.

"Q. Do you know of anything at all in his character or in his record that would warrant you in distrusting a statement he would make under oath?—A. Not in any way; no, sir.

"Q. Was he or not a man who would be offensive, especially in a city like that, where there was, perhaps naturally, some prejudice against colored men, when he was passing white people as he was passing those people?—A. I do not think he would speak to anybody or offend anyone, Senator. He had a good deal of sense.

"Q. What kind of a man was Lipscomb, who was with him?—A. Lipscomb was very much the same kind of a man; very quiet and inoffensive, a man who very seldom spoke.

"Q. Where were they going when they got into this trouble?—A. They reported to me that they were simply taking a walk on Elizabeth street. The position they were in was somewhere out in the residence district. The walks were broad and it was the best street to walk on.

"Q. Did Newton report that he had any warning whatever that he was going to be struck with this revolver in this way?—A. No, sir. Do you want the report he made to me?

"Q. What did he say as to whether or not Mr. Tate gave him any warning whatever that he was going to strike him?—A. None whatever; no, sir.

"Q. Just as he came around by the ladies——A. Just as he got opposite to him he whipped out a revolver and hit him in the head with it.

"Q. Knocked him down, did he?—A. Yes, sir.

"Q. Was he badly wounded or not?—A. No, sir; he did not seem to be. He seemed to be feeling bad, offended about it.

"Q. What did he say about it?—A. He said he thought as long as they were going along and both behaving themselves it was a very unjust thing, and I told him I would lay the whole matter before the commanding officer, Major Penrose, and that I was sure he would take the matter up. We did not know at that time who it was that hit him.

"Q. Did that seem to be satisfactory to him or not?—A. Yes, sir; entirely so. I talked to him the next day. He was not excited any more than anyone would be over a thing of that kind.

"Q. Did he show any revengeful disposition or make any remarks that indicated he would seek to revenge himself for this kind of treatment?—A. Not in the least; no, sir.

"Q. Was he a man who would, in your judgment, be likely, even though mistreated in the way he claimed, to hatch a conspiracy or organize it to go out and shoot up a whole town full of men, women, and children indiscriminately at midnight?—A. No, sir; he was not that kind of a man.

"Q. Was not that kind of a man at all?—A. No, sir.

"Q. Did you ever hear of his making any threats of revenge at all at any time before this firing?—A. No, sir. I talked with him several times about the thing, and I told him that Major Penrose and myself had taken the matter up, and we would try and have it fixed, and I also told him the name of the man.

"Q. Did that seem to be satisfactory?—A. Yes, sir.

"Q. He did not even know the name of the man?—A. No, sir; he did not know the name of the man."

Captain Macklin further testified, at page 3125, Senate committee—

"* * * A. Soon after I took command of my company—Company C of the Twenty-fifth Infantry—which was in December, 1904, I made Newton my company clerk. I always regarded him as a very trustworthy man and a man of very good character."

In addition to what Captain Macklin thus says as to the character of man Private Newton was, it was manifest to the committee before which he appeared, and where he was examined and cross-examined most exhaustively, that he was entirely too nonaggressive a man to have conceived such a scheme for the resentment of his wrongs as was involved in the charge of forming and executing such a conspiracy as must have been entered into if the shooting was done by the soldiers. Moreover, Newton testifies, and is supported in this by the testimony of Captain Macklin and others, that he did not know the name of the man who struck him, nor know anything about him—either who he was, or where he lived, or in what business he was engaged.

Captain Macklin describes in the following manner the other two difficulties. We quote his testimony in full to show their inadequacy and the extreme improbability, in view of the character of the soldiers, that they furnished a motive for the affray. (Page 1785 et seq., Senate hearings.)

"Q. Others of your men had trouble also—one man by the name of Clifford Adair had some kind of trouble. Can you tell us what that was?—A. Adair came over from Matamoros and brought with him a little silver pen.

"Q. Was that a pen or a pin?—A. A pen.

"Q. I have seen it sometimes put down in the reports as a pin.—A. It was a penholder.

"Q. Something that he had bought at Matamoros?—A. He told me he paid a dollar Mex. for it, 50 cents gold, and he brought it over and had it in his pocket, and as soon as he came opposite the custom-house one of the officials there came out and stopped him and he said, 'Here, I will not allow any nigger to bring anything over here. You are smuggling; I am going to report you to your company commander.' He said, 'All right, go ahead and report it,' and he took the penholder away from him.

"Q. How did the custom-house officer know that he had this pen?—A. He searched him, sir.

"Q. Searched him and found it?—A. Yes, sir.

"Q. And then he used that language to him?—A. Yes, sir.

"Q. What was the rule or the custom as to exhibiting articles for inspection to the custom-house officer when they were not in packages?—A. Well, I really could not tell you, sir. I have not been over there but once. I was there once, and they never inspected officers at all; but I have understood that they never inspected for any small packages at all, and that that penholder was a nondutiable article.

"Q. What did that officer do about the pen? Did he leave it with Adair or did he take it away from him?—A. He took it away from him, and we have never seen it since.

"Q. He kept it, did he?—A. Yes, sir.

"Q. Did he make any report to the officers about it?—A. Adair reported to me.

"Q. What was it?—A. He reported it to me on the morning of August 12—that was Sunday morning—and I told Adair that I would endeavor to get the penholder for him, but the affair came up on the 13th, and I was never allowed in town after that time. None of us were allowed in town.

"Q. Never got to investigate it?—A. No, sir; I never had any opportunity at all.

"Q. You did not have any opportunity to see the customs officer or take it away from him?—A. No, sir; he has the penholder yet. Adair told this man he was perfectly willing to pay the duty on it; and the man said: 'No; I am going to report you for trying to smuggle.'

"Q. How much did the man claim the duty was?—A. He did not claim there was any duty. He told Adair he would not let him pay it.

"Q. As a matter of fact, was there any duty on it?—A. I don't think so; no, sir. As a matter of fact, they brought in cigars and everything there.

"Q. What kind of a soldier was Clifford Adair?—A. Clifford Adair was an excellent soldier. He was what we call an 'orderly character,' very neat and clean; nearly always got orderly for the commanding officer when he went on guard.

"Q. Was he a quarrelsome man?—A. Not in the least; no, sir.

"Q. Or the reverse of it?—A. Yes, sir.

"Q. A quiet, peaceable man?—A. Well, he talked a good deal, like a good many colored men do, but he was inoffensive, and a very neat, clean soldier.

"Q. Was he or not a man who was impertinent in his manner, or the reverse of that?—A. He was not impertinent; no, sir.

"Q. Was he a truthful man?—A. I have always found him so; yes, sir.

"Q. Now, there was one other trouble—Private Reed had some trouble. What was that, if you remember?—A. Private Reed was also returning from Matamoros, and he came along the board walk there and one of the custom-house men boosted him off the sidewalk into the river.

"Q. What were the facts about that, if you know?—A. I took the matter up and investigated it as far as I could with the other men, and had Reed in the next day, and he laughed and told me that he thought he had gotten just what he deserved.

"Q. He had been drinking, hadn't he?—A. Yes, sir; he had been drinking and was noisy, and he said he was perfectly satisfied to let the matter drop.

"Q. That was on Sunday evening, the 12th, was it not?—A. I think that was the night; yes, sir.

"Q. And it was the next day, the 13th, when he told you this?—A. Yes, sir; I investigated it the following morning.

"Q. Did he look as though he was busy at that time getting up a shooting party to shoot up the town?—A. No, sir; he was a happy, good-natured sort of a man.

"Q. He did not have any murderous instincts, as far as you were aware?—A. No, sir.

"Senator WARNER. Let me ask one question right there.

"Senator FORAKER. Certainly.

"By Senator WARNER:

"Q. Could you tell whether he had any such purpose? Could you tell from his looks whether he had any such purpose or not?—A. No, sir; I did not think so.

"By Senator FORAKER:

"Q. There was nothing in his manner and nothing in his tone, and nothing in his language, as I understand you, to indicate that he was seriously offended even?—A. No, sir.

"Q. On the contrary, he said he got just about what he deserved?—A. Yes, sir; that is exactly what he told me. He laughed and told me those words.

"Q. Did not ask you to do anything further?—A. He said he thought he had better let the matter drop.

"Q. Were there any other troubles of any kind that your men got into there?—A. Those are the only ones that I recall at this time, sir. I don't think there were any others at all."

BROWNSVILLE.

The testimony shows that Brownsville has a population of from 6,000 to 8,000, and that it is perhaps five-sixths Mexican. It is situated on the Rio Grande River, immediately opposite Matamoros.

The testimony further shows that the town, like other frontier towns, has had its fair share, if not more, of one kind and another of violators of the law. Smuggling has been quite common. The testimony shows that there are some seven or eight mounted customs officers constantly on duty, looking out for smugglers at that point and up and down the river in that locality. One of these customs officers, Mr. Fred E. Starck, testified that in the nine years of his service he had made more than 600 arrests. Others, presumably, in so far as the testimony throws any light on the subject, had the same general experience.

The following testimony of Doctor Combe, the mayor, shows that the citizens were well supplied with firearms and ready to use them on short notice:

He says, at page 2405:

"Q. Are you reasonably familiar with the arms that are used [in Brownsville]? There are a good many people have guns, do they not?—A. Yes, sir.

"Q. You may state if you are reasonably acquainted with the kind or character of arms there.—A. Well, the most common weapon there is the .44 or .45 caliber Colt, so far as pistols are concerned. It is a hunting country, a cowboy country, and almost every family has arms."

* * * * * * *

He further testified, at page 2429, that "it was a very common thing for the citizens of Brownsville to carry arms; that he was the first man to enforce the law."

"Q. Was it not a very customary thing for men to be going about with pistols strapped to them?—A. Yes, sir; but you must remember that Brownsville is the only town in that vicinity, and these ranchmen coming in there for a number of miles around would ride into town with their six-shooters on.

"Q. I am not finding any fault, but it was the custom?—A. Yes, sir; but I was talking about concealed weapons.

"Q. Well, concealed weapons. Did not almost every man carry some kind of an arm?—A. No, sir.

"Q. Those that came in from the ranges would?—A. Oh, yes, sir.

"Q. They had a carbine or a pistol?—A. Or a pistol; yes, sir.

"Q. That was not an uncommon thing?—A. That was not an uncommon thing."

Before the Penrose court-martial he testified, at page 172, that immediately after the firing he found assembled in front of the Ruby saloon "the chief of police, and all of the policemen that had been called in from their beats, and quite a number of citizens armed with shotguns, pistols, and rifles and such weapons as they could get together. * * * The people were quite excited, and they addressed me especially to lead them down to the post;" but that he appealed to them and persuaded them to desist from such a purpose.

He made a similar statement before Mr. Purdy, reported at page 146 of the Purdy testimony, Senate Document No. 155, part 2.

Captain Lyon, at page 1856, Senate hearings, testified as to what Mayor Combe said to him that night—

"Q. Did the people seem to be excited?—A. They were quiet then, but Mayor Combe told me that he had just succeeded in dispersing a band of about 200 armed men who were headed toward the post."

The testimony also shows that the town had a full supply of saloons and that they were generously patronized by the citizens of the place and of that vicinity, and that in the conversation carried on in these drinking places before the arrival of the negro soldiers, after it was learned that they had been ordered there, and after their arrival, and before the shooting affray and subsequent thereto, many ugly expressions were employed, among them numerous threats of violence, coupled with such announcements as that "the negro soldiers would not stay long if they did come;" that "they would soon get rid of them," etc.

At page 23, Senate Document No. 155, appears the following telegram from Senator CULBERSON to the Secretary of War:

[Telegram.]

DALLAS, TEX., *August 17, 1906.*

SECRETARY OF WAR,
Washington, D. C.:

Some time ago I called your attention to the danger of locating negro troops in Texas, *especially* at Brownsville. The recent outrageous conduct of such troops there fully justifies the fact of the people of that locality. Can not these troops be removed at once?

C. A. CULBERSON.

At page 165, same document, appears the following affidavit, made by Lieut. E. P. Thompson, Twenty-sixth United States Infantry:

SAN ANTONIO, COUNTY OF BEXAR,
The State of Texas, ss:

Personally appeared before me, the undersigned authority, one Edwin P. Thompson, who, being sworn, deposes and says:

"That he is a second lieutenant in the Army of the United States; that in such capacity he served at Fort Brown, Brownsville, Cameron County, State of Texas, from September 4, 1903, until August 13, 1906; that when it was known that a battalion of the Twenty-fifth United States Infantry was to garrison the post many derogatory remarks were made before its arrival by some citizens in reference to the colored soldiers in words as follows, or words to the like effect: 'We don't want the damn niggers here;' 'Niggers will always cause trouble;' 'To hell with the colored soldiers; we want white men,' and that he is unable to fix any one of such remarks upon any one citizen owing to the frequency with which like remarks were made and the period of time covered; that various minor clashes occurred between the individual citizens of the town and the soldiers; that one Teofilo Crixell, a saloon keeper of Brownsville, Tex., told him that a row had occurred in the 'White Elephant' saloon, owned by one Vicente Crixell, in words to this effect, to wit: That one Bates, a Federal officer, was at the bar drinking when a colored soldier entered and asked for a drink; that the said Bates then turned to the soldier and said no nigger could drink at the same bar with him, and that upon the soldier remarking that he was as good as any white man, said Bates drew his revolver and hit the soldier over the head; said Bates then going to the police headquarters and offering to pay his own fine.

"Further deponent saith not.

"E. P. THOMPSON,
"Second Lieutenant, Twenty-sixth Infantry."

Sworn to and subscribed before me this 27th day of September, 1906.

L. M. PURCELL,
Second Lieutenant, Twenty-sixth Infantry, Judge-Advocate.

Hundreds of pages of additional testimony might be cited to the same effect.

On account of the story of the alleged assault on Mrs. Evans there was on Monday, the 13th of August, much excitement among the citizens, accompanied with expressions of a hostile and menacing character toward the soldiers.

The situation was such that Mayor Combe deemed it his duty to call at about 5 o'clock of the afternoon of the 13th of August upon Major Penrose, who had not heard the story, and told him about it and requested him to keep his men in quarters that night, on the ground that they might be harshly dealt with by the citizens if they should be found in the town.

His exact language was, as given in his own testimony, at page 2382:

"Major, this is a terrible affair. The people in town are very much incensed and excited, and I protest against any of your officers or men—I do not remember now whether I said 'officers,' but positively I said his men—'going into town to-night.' Then I made use of one or the other of these expressions, 'Major, if you allow those men to go into town to-night I will not be responsible for their lives,' or, 'Major, do not allow your men to go out of the post, because there is a great deal of danger in town.' One or the other of those expressions I used; I am not sure which."

While this testimony of Mayor Combe shows that the citizens were in a frame of mind to "shoot up" the soldiers, there is no testimony in connection with either that matter or any other to show that the soldiers ever thought of such a thing as "shooting up" the town.

On the contrary, the testimony shows, and shows conclusively, that in the Tate-Newton affair, where Newton was knocked down with a revolver, Newton made no resistance to Tate and made no threats of revenge and exhibited no special resentment; that Private Reed, who was pushed off the gang plank into the water, reported the matter to his captain, but laughingly remarked that he "guessed he got about what he deserved," or words to that effect, while the Adair matter was so trifling in character as to be hardly worthy of notice, yet the testimony shows with respect to it that the soldier was not at fault, and that he showed no resentment and made no threats against anybody.

Newton, Reed, and Adair all belonged to Company C, and are all satisfactorily accounted for and shown beyond any room for doubt not to have participated in any way in the shooting affray.

This, in connection with the breaking open of their gun racks, and the fact that they had no ammunition of the character indicated by the shells, bullets, and cartridges that were found the next morning at the places where the shooting occurred, would seem to make a conclusive showing that nobody belonging to Company C had any part in the shooting.

Not a man in either Company B or Company D had any trouble of any kind with anybody at Brownsville. There is not a word of testimony to indicate that anybody in either of these two companies had any reason for the slightest disposition to shoot up the town to revenge the wrongs, real or imaginary, of their comrades in Company C.

Hence there was an entire absence of motive for them or any of them to have engaged in such a raid.

THE FIRST SHOTS.

Major Penrose said:

"Q. Please tell us about the occurrences of the night of August 13–14, 1906, with reference to the shooting affray which occurred in Brownsville that night. Where were you when it commenced?—A. I was in my quarters, sir.

"Q. What time of night was it when it commenced, as nearly as you can tell?—A. It was soon after midnight, sir.

"Q. Had you retired for the night?—A. I had retired for the night.

"Q. Were you awake or asleep?—A. I was awake, sir.

"Q. Just proceed in your own way—though I may interrupt now and then—to tell us all you can recollect about what occurred that night—what you did, and what you saw, and what you ordered, and so forth and so on.—A. Yes, sir. I was awakened by two shots first.

"Q. You say you were awakened? I understood you to say you were awake.—A. I mean to say I was aroused—my attention was called—by two shots. I was not asleep, sir; I was awake. I had spoken to my wife only a moment before. The two shots were followed almost immediately by six or seven shots, fired very rapidly. Then there were three shots that stood out prominently, more so than the others, and that was immediately followed by a number of other shots fired irregularly. Some of them might have been attempts at volleys.

"Q. Now, let me interrupt you there to ask you where, as nearly as you could tell, were those first shots fired from?—A. The first shots were fired, as nearly as I could locate them, from some point between the vacant staff barracks and the guardhouse.

"Q. Inside or outside the reservation?—A. They were outside of the reservation, sir.

"Q. You were in your room at the time?—A. I was in my room at that time.

"Q. And in your bed at that time?—A. I jumped at once out of bed and commenced to dress. My wife said: 'What is that? Do you suppose it is a fire?' Almost instantly after that these several shots that I spoke of sounded.

"Q. Where did they seem to be fired from?—A. They seemed to me to be in the rear of C Company or B Company barracks, in that direction of the town.

"Q. Could you tell from where you were whether they were outside or inside the reservation?—A. I took them to be outside of the reservation, sir.

"Q. Can you tell us what kind of firearms those shots were fired from?—A. *The first two shots I heard were undoubtedly pistol shots,* sir, and I think they were fired with black powder. The other shots that I heard were from high-power guns undoubtedly.

"Q. By high-power guns, what kind of guns would be included in that term?—A. Well, sir, the Springfield rifle, such as we use in the Army now, is one; the Winchester, and all the sporting rifles.

"Q. The Krag?—A. The Krag is one of them; yes, sir.

"Q. The Savage?—A. The Savage and the Mannlicher.

"Q. The Marlin?—A. Yes, sir.

"Q. The Mauser?—A. Yes, sir.

"Q. They are all high-power rifles?—A. Yes, sir."

On this point Captain Lyon said:

"Q. How many shots did you hear at that time?—A. I heard two shots first.

"Q. Do you know whether or not they were the first shots fired?—A. I do not, sir; they were the first I heard.

"Q. They were the first you heard. About where were they fired from—about what location?—A. They were fired apparently from the road dividing the post from the town and over beyond the building No. 41, the commissary-sergeant's quarters; off in that direction somewhere. That is where they appeared to me.

"Q. That would be about opposite the guardhouse, you mean? I will ask Senator SCOTT to explain the map to you.—A. I think I understand it.

"Q. You do understand it? Can you indicate about where you think those first shots were?—A. In this general direction here [indicating on map].

"Q. Yes. You heard two shots?—A. Yes, sir.

"Q. Can you tell from what kind of a firearm they were fired?—A. Those shots *were undoubtedly revolver shots;* black powder.

"Q. What?—A. Black powder.

"Q. Black powder?—A. Yes, sir.

"Q. Those were the first you heard. Then what did you do?—A. After I heard those first two shots there were five or six shots fired at a few seconds' interval—that is, a few seconds after the first two—and they were also, in my mind, revolver shots. They were fired in rapid succession.

"Q. About where were they located?—A. I could not attempt to locate them definitely, but they were apparently down more in the direction of the quarters here; somewhere about here [indicating on map].

"Q. Some little time elapsed between the firing of the two shots and the firing of those others?—A. Yes, sir.

"Q. Then what did you next hear?—A. Almost immediately following those revolver shots there were a number of shots fired which, in my opinion, were fired from small-caliber high-power rifles.

"Q. When you say high-power rifles, what kind of rifles do you refer to?—A. The modern rifles of approximately .30 caliber, using a smokeless powder, and of high velocity, having a muzzle velocity of 1,700 feet or over.

"Q. How many rifles are there that might be described by the term 'high-power rifles?'—A. I do not think that I could name them all. The Winchester people make several patterns of high-power rifles. Then there is the Marlin, and the Savage, and the Ballard.

"Q. It might have been any of those kinds of rifles?—A. Yes, sir.

"Q. You do not mean, necessarily, when you say high-power rifles, the Springfield rifles?—A. No, sir.

"By Senator OVERMAN:

"Q. But it might have been the Springfield rifle?—A. Yes, sir.

"Q. The Springfield is a high-power rifle?—A. Yes, sir."

Lieutenant Grier said (pp. 1689–1690):

"Q. What awakened you?—A. I was awakened by *what I thought were two pistol shots.*

"Q. Can you tell from where they seem to have been—the firing—at what location?—A. Yes; they seemed to be back over here in the rear of B Company barracks.

"Q. Outside or inside of the wall?—A. I could not state.

"Q. You were in the officers' quarters. Were you upstairs or downstairs?—A. Upstairs.

"Q. You only heard the sound coming from that general direction?—A. That is the idea.

"Q. It seemed to you to be somewhere over in the rear of B quarters?—A. Yes, sir."

George W. Rendall testified at pages 2039–2040 about the first shots, as follows:

"Q. Do you know anything about how many shots were fired before you got awake?—A. No, sir; I do not.

"Q. You do not?—A. No, sir.

"Q. All you know is that you were awakened by firing?—A. Yes, sir.

"Q. Now, what kind of shots were they?—A. I couldn't say.

"Q. Out of what kind of an arm were they fired?—A. *I think they were pistols.*

"Q. Yes; you have so testified, have you not, that they were pistol shots?—A. I don't know whether I have or not, but *that was my impression at the time, that they were pistol shots,* because they were so close together that it was peculiar, and I took more notice of it.

"Q. You testified before the citizens' committee, did you not?—A. No, sir; there was no testimony taken——

"Q. You made a statement, did you not?—A. Yes, sir.

"Q. Did you not state before the citizens' committee the following day after this occurrence, or within a day or two afterwards——A. Maybe so, sir.

"Q. (Continuing.) That these were pistol shots?—A. No, sir.

"Q. You did not?—A. No, sir; I do not think so.

"Q. We will see, after a while. Then you testified before Mr. Purdy?—A. Yes, sir.

"Q. And you told him that these were pistol shots, did you not?—A. I told him that the shots that I saw the flashes from were pistol shots."

George W. Rendall, at pages 75–76 of Senate Document 155, is reported as testifying August 14, the day after the shooting affray occurred, before the citizens' committee, as follows:

"Well, I was sleeping about 10 o'clock and *was woke up by pistol shots fired close to my house,* about 60 feet from garrison, inside of garrison wall."

Later, December 6, 1906, he testified before the grand jury, and said:

"I was awakened by the shooting. There were two shots fired before I got up and looked out of the window. *I judge they were pistol shots.* The men I saw moving were inside the garrison wall, and the only shots that I saw as they left the weapons were pointed nearly upward."

Mayor Combe says (page 2383):

"Q. Now, proceed, Doctor, if you please. Just state where your home was.—A. My home was at the corner of Ninth and Elizabeth streets. I read for a while, and, as I said a few moments ago, retired about half past 11. I was sleeping on the back porch. I dozed off and was not very sound asleep when I heard *what I thought to be four or five pistol shots* in a southerly direction from my home."

On this same subject he testified on cross-examination, page 2415, as follows:

"Q. Now, what awakened you?—A. Sir?

"Q. Did you hear the first shots that were fired; did they awaken you?—A. I think I was awakened with the first shot.

"Q. And I understood you to say that you heard four or five shots in quick succession?—A. Yes, sir.

"Q. *And that they were pistol shots?*—A. *I was so impressed.*

"Q. *They did not sound like the shots you heard later?*—A. *No, sir.*

"Q. Which you describe as appearing to you to be from high-power guns?—A. No, sir."

He testifies as follows at page 2423:

"Q. Now, Mr. Mayor, these first shots you say were pistol shots? Where did they seem to you to be located?—A. In a southerly direction.

"Q. Down somewhere toward the barracks?—A. Yes, sir; south of my house some distance.

"Q. But you could not tell whether they were inside or outside of the wall?—A. No, sir.

"Q. You do not pretend to know anything about that?—A. No, sir.

"Q. You did not see any of the men who did the firing?—A. No, sir.

"Q. And all you know is that on account of this incident there was a very ugly feeling among the citizens, which caused you to request Major Penrose to keep his men in the fort that night?—A. Yes, sir.

"Q. And notwithstanding those precautions, about midnight you were awakened by this firing, and the first shots seemed to be from pistols?—A. Yes, sir.

"Q. *What kind of pistols were those, if you can tell, .45-caliber pistols?*—A. *I should imagine it to have been a pistol of a similar character, possibly a .38, but not less than a .38 or a .44 or a .45.*

"Q. *You heard other pistol shots that night, also?*—A. *Yes, sir; I was wider awake then.*"

He also testified as follows at page 2440:

"By Senator FORAKER:

"Q. These first shots you think were fired by the policemen out of their pistols?—A. From what I have heard since I suppose it was Padron—just that one. I do not remember whether there were four or five shots——

"Q. I am speaking of the first you heard.—A. No; they were away down in the lower part of the town. The reports of the .45-caliber pistol I have spoken of, that I heard afterwards, were mixed up. There was volley firing, but I could hear the boom of the .45 in contradistinction to the sharp, quick sound of the other.

"Q. Mixed in with the rest of the shots?—A. Yes, sir.

"Q. First one and then the other. As to the pistol shots, did you make any effort to find out who had fired those pistol shots?—A. Yes; I found out that Padron had.

"Q. Those were the first you heard?—A. Not the first; I heard four or five pistol shots immediately followed by the——

"Q. Did you find out who that was?—A. No, sir; we all supposed that that came from the garrison, afterwards. It was farther away, the last shots we heard.

"Q. What I am trying to get at is whether you made any effort to find out who fired those first four or five pistol shots?—A. None; except two or three days afterwards we were talking, and *Mr. Rendall said he had heard pistol shots.*

"Q. Did he say that he had heard pistol shots from the garrison?—A. He thought that he had heard pistol shots, or something of the kind, and I came to the conclusion that those shots were from the garrison.

"Q. And therefore you made no further examination?—A. No, sir; no further investigation."

LOCATION OF FIRST SHOTS.

There is much contradiction as to the location of the first firing that was heard. There were two men more able to give reliable information on this point than any others, and they were the sentinel on duty at the time very near to the point where the firing commenced, Private J. H. Howard, of Company D, and Matias Tamayo, a Mexican citizen of Brownsville. He was employed as scavenger for the reservation, and when the firing commenced was in the rear of B barracks near to the place where the first shots were fired. These men were both wide awake. They were in a situation to know accurately and definitely. Both have given intelligent, straightforward testimony.

Howard testifies that as soon as he heard the first fusillade of firing he passed between C and B barracks to a point near the walk in front of the barracks and held his piece in the air, fired it three times, each time calling the guard for the purpose of giving alarm. He testifies that there were no shots fired from within the walls of the reservation, except only these three shots fired by himself.

The scavenger testifies that after the first fusillade of shots he mounted his cart and rapidly drove away; that no shots were fired from within the reservation while he was in the rear of the barracks, but that all the first shots were fired from some place outside the reservation, somewhere in the neighborhood of the mouth of the Cowen alley.

Rendall testifies that the firing awakened him; that he at once went to his window, looked out over the reservation in the direction of D barracks; that while so looking he heard a shot to his left that caused him to turn and look to his left, and that he then saw two shots fired, as he thought, in the air. These were undoubtedly the shots fired by the sentinel. It is probable that others who claim that they saw shots fired from the barracks or from inside the reservation wall were misled in the same way. But, however that may be, the testimony of Howard and Tamayo is intelligent. It is based on actual knowledge and there is no excuse for not accepting and believing it except only upon the theory that these men deliberately committed perjury. So far as Howard is concerned, it might be claimed, if he were guilty or his comrades were, that he had a motive for committing perjury, namely, to shield himself and his comrades, but no such motive and no other kind of a motive for committing perjury can be ascribed to Tamayo. He was not a soldier. He practically had no acquaintances among the soldiers. He was a citizen of Brownsville. In so far as he is shown to have any interest whatever in the controversy it was an interest in favor of the community in which he lived rather than for the soldiers. He is not impeached in any way.

The following is the testimony of Tamayo and Howard on this point:

Testimony of Matias G. Tamayo.

(Page 1204.)

"By Senator FORAKER:

"Q. Please give us your name in full.—A. Matias G. Tamayo.

"Q. Where do you reside?—A. Right now I reside at Fort Brown.

"Q. At Fort Brown?—A. Yes, sir.
"Q. Do you live in the fort or in the city of Brownsville?—A. I live in the fort.
"Q. You live in the fort?—A. Yes, sir.
"Q. How are you occupied there, if at all?—A. Right now?
"Q. Yes.—A. Carpenter in Brownsville.
"Q. Carpenter?—A. Yes, sir; at Brownsville, Tex.
"Q. For the fort, do you mean?—A. No, sir; for Brownsville.
"Q. For Brownsville?—A. Yes, sir.
"Q. That is, your business is the business of a carpenter?—A. Right now; yes, sir.
"Q. Are you employed in any way by the Government?—A. Yes, sir; I have been employed for six years by the Government as a scavenger.
"Q. I mean are you now?—A. No, sir.
"Q. You were the scavenger at Fort Brown, were you?—A. Yes, sir.
"Q. And you held that place for six years?—A. Yes, sir.
"Q. Where were you born?—A. At Brownsville, Tex.
"Q. Lived there all your life?—A. Yes, sir.
"Q. What nationality are you?—A. Mexican.
"Q. Wholly Mexican?—A. Yes, sir.
"Q. A full-blooded Mexican?—A. Yes, sir.
"Q. Your father and mother?—A. Both Mexicans.
"Q. They live there in Brownsville, do they?—A. Yes, sir.
"Q. Did they ever live in Mexico?—A. Yes, sir; I believe my father and mother were born in Mexico.
"Q. Both across the river somewhere in Mexico?—A. Yes, sir.
"Q. And you are how old, did you say?—A. Thirty years old.
"Q. Then, as long ago as six years, when you were 24, you became scavenger for the fort?—A. In 1900, the 30th of November.
"Q. Were you employed as scavenger at Fort Brown in August of last year?—A. No, sir; in November.
"Q. No; I mean were you scavenger in August of last year?—A. Yes, sir.
"Q. At the time when there was a shooting affray?—A. Yes, sir.
"Q. Where were you at the time of that shooting affray, at Fort Brown?—A. I was inside of Fort Brown.
"Q. Were you engaged at that particular time, on that night, as scavenger?—A. Yes, sir.
"Q. Tell us where you were and what occurred, as nearly as you can.—A. I was back of B Company's kitchen, right at the corner of the barracks, while I heard the shooting at Brownsville. I heard two shoots, and then I heard all the rest of the shooting.
"Q. Now, at what time did you start on your rounds as scavenger? Did you go around every night?—A. Every night I had to go around between half-past 10 and 11 o'clock.
"Q. It was your business to go to the sinks?—A. To the sinks and ash cans.
"Q. To the ash cans, and so forth?—A. Yes, sir.
"Q. Where did you start from on that night?—A. I started from the quartermaster's corral and went to the post hospital.
"Q. Yes.—A. From the post hospital to the guardhouse, from the guardhouse to the laundry quarters, where I live now. I can show them to you.
"Senator OVERMAN. Do you understand the map there?
"The WITNESS. Yes, sir.
"Senator FORAKER. Where is the corral?
"(The map was here explained to the witness by Senator OVERMAN.)
"The WITNESS. The wagon shed—I think the corral is right here. Here is the corral right here [indicating].
"The CHAIRMAN. Right near the pump house.
"The WITNESS. This is the wagon shed right here [indicating].
"By Senator FORAKER:
"Q. What sort of a vehicle did you have to use in your duty as scavenger?—A. An iron cart.
"Q. With an iron bed, you mean, and an iron lid?—A. Yes, sir; and one mule.
"Q. One mule?—A. Yes, sir.
"Q. Where did you keep it in the daytime?—A. I used to keep it right outside here; right along here, outside this wall of the house here [indicating].
"Q. Did you do all your work in the nighttime?—A. Yes, sir; by myself.
"Q. By yourself. What time did you start that night from the corral on your work?—A. I started about a quarter to 11.
"Q. Tell us now where you went, indicating on the map.—A. I started right here and came along here and came to the post hospital [indicating].
"Senator FORAKER. The post hospital is down to the left there.
"Senator OVERMAN. Here is the hospital right here [indicating].
"The WITNESS. That is it; this place here [indicating].
"By Senator FORAKER:
"Q. And you were coming down to the hospital?—A. Down this road here, and then to here [indicating].
"Q. Did you have to stop at the hospital?—A. Yes, sir; I used to stop there about ten minutes.
"Q. Then where did you stop next?—A. I came along here [indicating].
"Q. What is the next building?—A. The guardhouse. Here is this road here [indicating].
"Q. The road is not marked; but there is a road running around in rear of the guardhouse?—A. Yes, sir.
"Q. And you came on that road in rear of the guardhouse. Did you stop at the guardhouse?—A. Yes, sir; I stopped at the guardhouse.
"Q. Then where did you go?—A. I went to the laundry quarters; I believe it is here. That is marked on that. That is where the non-commissioned officers stop. I think this is where I live, right here [indicating]. They used to call them the laundry quarters. The commissary-sergeant lives opposite the ice plant.
"Q. We know that the map is not correct, so that we will not stop for that. You stopped at the laundry quarters; then where did you go from there?—A. To the company barracks, right here [indicating].
"(At this point Senator OVERMAN further explained the map to the witness.)
"By Senator FORAKER:
"Q. Now tell us how you came.—A. I worked here about ten minutes.
"Q. Wait a minute. Is there a road along the wall, between the wall and the barracks?—A. Yes, sir; right here [indicating].
"Q. There is a road here?—A. Right there; yes, sir.
"Q. Not shown on the map. All right.
"The WITNESS. From here I came to B barracks.
"Q. You stopped at B, then at C?—A. Right at the entrance to the barracks. I worked there for about ten minutes, and when I got through there I was feeling a little thirsty and I went in the company to get a drink of water, and I came out and jumped on my cart and drove about here, say [indicating].
"The CHAIRMAN. What time was that?
"The WITNESS. It was pretty near 12 o'clock when I drove to this place here.
"By Senator FORAKER:
"Q. What did you do after that time?—A. Right here I had an ash can to pick up.
"Q. An ash can?—A. Yes, sir.
"Q. That was back of the kitchen?—A. Yes, sir; right here [indicating on map].
"Q. Did you stop?—A. I stopped right there and took hold of the ash can and emptied it on the cart.
"Q. That is, you got off your cart, or were you on the cart?—A. No, sir; I was off the cart.
"Q. Got down on the ground and picked up a can and emptied it?—A. Yes, sir; and then I set it on the ground. I heard the first shot.
"Q. Where was that fired from?—A. I think it was fired from right along this alley here [indicating on map].
"Q. What did you do after that?—A. I heard a lot of shooting.
"Q. Then what did you do?—A. I put my lantern out as soon as I heard the first two shots.
"Q. Then what did you do?—A. I stood for a little while facing the place where the firing was going on.
"Q. Yes.—A. And at the same time I could see the galleries, right here [indicating on map], and the place where the firing was taken place, right in front of me.
"Q. What was taking place?—A. The firing taking place.
"Q. You are not pointing to the town?—A. No, sir; I am not [pointing on the map].
"Q. The firing was in town?—A. Yes, sir.
"Q. Did you see any men moving about there before that first shot was fired?—A. No, sir.
"Q. Did you see any lights about the barracks?—A. No, sir.
"Q. Was there any noise about, anywhere?—A. No, sir; everything was quiet.
"Q. Everything was quiet?—A. Yes, sir.
"Q. Did you see any men moving about inside the wall near the sink of B Company?—A. No, sir.
"Q. Did you see anybody jump over the fence or the wall there in rear of B Company, opposite the mouth of Cowen alley?—A. No, sir.
"Q. Or at any other place?—A. No, sir.
"Q. If there had been any shots fired from the upper windows of B, C, and D barracks, were you in a situation to have seen them?—A. Yes, sir; I could very easily have seen them, because I could see the barracks here—around right here in front of me [indicating on map].
"Q. Now, were any shots fired from the barracks?—A. Not while I was there; no, sir.
"Q. How about the first shots?—A. I heard the first shots and then about 20 more shots, and then I drove off.
"Q. When they commenced shooting, then you left immediately?—A. I went away immediately.
"Q. With your cart?—A. Yes, sir. At the same time when I heard this first shot I heard a few bullets going into the post over the administration building.
"Q. That is important. Which way were they going?—A. They went up into the air.
"Q. Went up in the air?—A. Yes, sir.
"Q. Could you tell which way?—A. Across that way [indicating on map].
"Q. Across that way, you thought?—A. Yes, sir.
"Q. Then where did you go with your cart?—A. I went toward the administration building, but before I got to the administration building I stopped for a few seconds in front of this company, D [indicating on map].
"Q. That is D Company?—A. Yes, sir.
"Q. How did you come to stop there?—A. I stopped there to see the men, because the first sound of the bugle had already gone.
"Q. What?—A. The first bugle.
"Q. You heard the first bugle; when was that?—A. As soon as I jumped from my cart I heard the first bugle call.
"Senator FOSTER. Where was that?
"The WITNESS. And right after that I heard all the bugles at the barracks.
"Q. When the firing commenced and the bugles commenced, what happened in the barracks?—A. Everybody commenced to get up.
"Q. Did they make any noise about it?—A. Yes sir; lots of noise."

Testimony of Joseph H. Howard (colored).

Joseph H. Howard (colored), after being first duly sworn, testified as follows:

"By Senator FORAKER:
"Q. Please state your full name.—A. Joseph Henry Howard.
"Q. Were you in August last a member of the Twenty-fifth United States Infantry?—A. Yes, sir.
"Q. What company did you belong to?—A. Company D.
"Q. Who was the captain of that company?—A. Captain Lyon.
"Q. Were you with that company at Brownsville, Tex., in August last?—A. Yes, sir.
"Senator FORAKER. I will put in at this point the record of this soldier as furnished by the War Department, and found at page 271 of Senate Document No. 155.
"The record is as follows:

"'JOSEPH H. HOWARD.

"'Enlisted November 8, 1903; was discharged without honor as a private of Company D, Twenty-fifth Infantry, November 25, 1906.'

"By Senator FORAKER:
"Q. I observe by looking at this record that you were serving your first enlistment?—A. Yes, sir.
"Q. This shows that you were enlisted November 8, 1903, and that you were discharged November 25, 1906, without honor, as a private of Company D. That is right, is it?—A. Yes, sir.
"Q. In what State did you live before you enlisted?—A. Georgia.
"Q. Whereabouts in Georgia?—A. Columbus, Ga.
"Q. Where were you enlisted?—A. Phoenix, Ala.
"Q. Now, where were you on the night of August 13, when this shooting affray occurred in Brownsville?—A. I was on post in the rear of the soldiers' barracks.
"Q. You were on guard that night?—A. Yes, sir.
"Q. As a detail from Company D?—A. Yes, sir.
"Q. And you were on post?—A. Yes, sir.

"Q. Tell us just what happened. Wait a moment until that map at your left is explained to you so that we can understand your testimony. That is a map of the fort and a part of Brownsville. Senator SCOTT will explain it to you.

"(Senator SCOTT pointed out to the witness the various localities as indicated on the map.)

"Q. What post were you on?—A. Post No. 2, sir.

"Q. Where is post No. 2?—A. In the rear of the soldiers' barracks.

"By Senator SCOTT:

"Q. In the rear or in front?—A. In the rear. It extends around the soldiers' barracks.

"Q. Clear around the barracks?—A. Yes, sir.

"By Senator FORAKER:

"Q. That is, your beat extended all the way around?—A. Yes, sir.

"Q. In walking your beat, did you keep the barracks to your left or to your right?—A. To the left.

"Q. So that you walked up toward the guardhouse when you were in front of the barracks?—A. Yes, sir.

"Q. And down toward the gate and D barracks when you were in rear of the barracks?—A. Yes, sir.

"Q. How near were you to the wall?—A. I was right up by the side of the barracks when I was walking.

"Q. Your beat ran right along by the barracks, did it?—A. Yes, sir.

"Q. How far would you be from the wall when you were walking your beat in the rear of the barracks?—A. Just about 50 feet.

"Q. Now, you say you were on post at the time of this shooting. What time did you go on post that night?—A. Half past 10 o'clock.

"Q. Do you remember what relief you belonged to?—A. I think it was the first relief.

"Q. Who was the corporal of that relief, if you remember?—A. Corporal Wheeler.

"Q. You were in his relief?—A. Yes, sir.

"Q. Where were you when the firing commenced?—A. I was in the rear of the barracks, in the interval between B and C Companies' quarters.

"Q. What did you hear, and tell us as nearly as you can recollect all that occurred?—A. The first I heard was about two shots down the road.

"Q. Whereabouts; what road?—A. Down the road, right outside the gate, along the wall.

"By Senator OVERMAN:

"Q. Do you mean down toward the river, or the other way?—A. No, sir; they were away from the river, down toward the vacant staff barracks.

"Q. That is, you stood behind the wall near the gate, as I understood you. Now, do you mean near the gate or near the barracks?—A. Near the vacant staff barracks.

"Q. You heard two shots there?—A. Yes, sir.

"Q. Were they inside or outside the wall?—A. They were outside the wall.

"Q. Did you see anybody at all about the barracks, up and about at that time?—A. No, sir; not at that present time.

"Q. Was there anybody moving about inside this wall behind the barracks at that time?—A. The post scavenger.

"Q. Who was that?—A. He is a Mexican. He is the post scavenger.

"Q. Is that Matias Tamayo?—A. Yes, sir.

"Q. He was post scavenger. Where was he?—A. He was at B Company's sink, over next to the wall.

"Q. Over next to the wall?—A. Yes, sir.

"Q. How do you know he was there?—A. Because as the firing began he got on his cart and drove off.

"Q. Had you seen him before the firing commenced?—A. No, sir.

"Q. When the firing commenced what attracted your attention to him?—A. By a wagon rolling off. I heard the noise of his horse and wagon.

"Q. Did it make a noise?—A. Yes, sir.

"Q. You saw him go away and knew who he was and what it was?—A. I knew it was the scavenger's cart.

"Q. Did he come in there or not every night at about that time to do that kind of work?—A. Yes, sir.

"Q. Now, you heard two shots. What occurred next?—A. Well, I stopped and looked in that direction—the way I heard the two shots—and then, about thirty seconds after that, I heard a fusillade of shots.

"Q. A fusillade of shots?—A. Yes, sir.

"Q. Where was the fusillade of shots, as nearly as you can locate it?—A. They were right over to the right of me, across the wall.

"Q. That is right behind what barracks?—A. Well, they were to the right of me. I was in the interval between B and C Companies' barracks, and the shooting seemed to be over in that little alley.

"Q. There is an alley there, is there?—A. Yes, sir.

"Q. And this fusillade seemed to be over about the mouth of that alley?—A. Up in the alley.

"Q. Up in the alley?—A. Yes, sir.

"Senator FOSTER. What alley does he refer to?

"Senator FORAKER. There is an alley between Washington street and Elizabeth street, immediately to his right, where he was posted, in the interval between C barracks and B barracks.

"Q. When you heard the fusillade what did you do?—A. I yelled the alarm.

"Q. Did you do that in accordance with instructions or not? Was that your duty under such circumstances?—A. Yes, sir.

"Q. What alarm did you yell—what did you do?—A. 'Guard No. 2.'

"Q. That is the regular call, is it?—A. Yes, sir.

"Q. What does that mean? When a man on post calls 'Guard 2,' what does that mean?—A. Well, sir, the corporal of the relief at the guardhouse is supposed to come to the sentinel's rescue.

"Q. So it was your duty to call out and the duty of the corporal at the guardhouse to come to your rescue?—A. Yes, sir.

"Q. Then what further did you do?—A. I think at that time the shooting was still going on, and I came around on the front side of the barracks.

"Q. How did you get on the front side of the barracks?—A. Came right through the interval between the barracks.

"Q. How far were you up in the interval?—A. I was right out on the parade ground, right in front of the barracks on the parade ground side.

"Q. What did you do when you got there?—A. Discharged my piece and called the guard three times.

"Q. You discharged your piece and called the guard and what?—A. Three times."

FORMATION OF COMPANIES.

The testimony of the officers and men alike is to the effect that the call to arms was sounded immediately after the first volley of shots was fired upon order of Major Penrose, and that in response to the firing and the call to arms the men in the barracks were aroused, the gun racks were opened, and they were formed on their respective company parade grounds. There was delay in the formation of Company C, because the noncommissioned officer in charge of quarters refused to open the gun racks until he could get an order therefor from some superior officer. On account of this delay Major Penrose ordered the gun racks broken open, and two of them were broken open by the men with the use of axes and other implements. This company was not formed until five or ten minutes after the firing ceased, but D and B Companies were formed, or at least forming, before the firing ceased.

The roll of B Company was called, the call ending at about the time the firing ceased.

Captain Lyon personally inspected his men—Company D—as they fell in line and under orders from Major Penrose immediately placed them behind the wall of the reservation, where the roll was called and every man found to be present or accounted for. The roll call of Company B showed the same result. As soon as Company C was formed and placed in position the men were verified with like result. The officers are all of the opinion that while it was possible that men engaged in the firing could have rejoined their companies before verification, yet all are of the opinion that no one did so join; and they are of this opinion because they failed to observe, as they think they would have done if such a thing had occurred, any such excitement or quick breathing or other evidence of participation in the shooting affray on the part of any of their men, such as they are confident would necessarily have been observable if they had participated in the shooting, and then, in such haste as must have been necessary, joined their respective companies.

CITIZENS' COMMITTEE.

The next day after the shooting, August 14, the citizens organized a committee and made an investigation to ascertain who had done the shooting. Before this committee a large number of citizens appeared and made statements. These statements were not under oath, but they were reported stenographically. At that time the occurrences of the night before were fresh in their minds and their statements were free from any character of restraint or improper influence, except only that they were under great excitement, and the committee proceeded and the witnesses testified, as the record shows, upon the assumption that the shooting had been done by the negro soldiers and that the only inquiry was which of the soldiers were the guilty parties.

In support of this statement that the committee proceeded upon the theory that the shooting was done by the soldiers and that the witnesses so testified, the following is quoted from the record:

"Herbert Elkins called to the stand:

"You know the object of this meeting. We know that this outrage was committed by negro soldiers. We want any information that will lead to a discovery of who did it." (Page 85, Senate Document No. 155.)

Other quotations might be made to the same general effect, but on this point there is practically no dispute.

No one of all the witnesses called before this citizens' committee could say more than that, hearing the firing, he had looked out into the darkness of a very dark night and seen a party of men who appeared to be uniformed and armed like the soldiers from the garrison, and who, on that account, were recognized as soldiers.

It seemed to Major Blocksom and other investigators so improbable that the citizens of Brownsville would thus shoot up their own town, and so natural that the soldiers would, that these statements were readily accepted as satisfactory and sufficient to show their guilt. That it was at least possible, if not probable, that the shooting was done by others than the soldiers might have occurred to the Major and his associate investigators if they had recalled the numerous occurrences of similar character that have happened in other towns.

The following from the newspapers of December 8, 1907, shows that the most unexpected occurrences of that nature are liable to happen in the best-regulated communities:

"NIGHT RIDERS'" WORK—TERRORIZE ENTIRE TOWN—DESTROY PROPERTY VALUED AT $200,000—"SHOOT UP" HOUSES.

"HOPKINSVILLE, KY., *December 7, 1907.*

"Five hundred 'night riders,' masked and heavily armed, marched into Hopkinsville early to-day and destroyed property valued at over $200,000, while citizens, in terror of their lives, feared even to open their windows. The police and fire departments, telephone and telegraph offices, and even the railroad stations, were in possession of a wild mob, shooting right and left, flames from burning buildings meanwhile lighting up the city and the surrounding country until it seemed that the whole town was ablaze.

"Windows in the front of business houses and banks on the main street of the city were shot out, and the entire front of the building of one newspaper which had been especially severe in its condemnations of the raids of the 'night riders,' and which was owned by the mayor of the city, was demolished.

"Only two men were injured, one being Lindsay Mitchell, a tobacco buyer, who was severely beaten with switches and clubs, and the other, a brakeman, who was shot in the back while trying to move his train from the path of the flames.

"The raid caught the city unawares, as for some time the depredations resulting from the tobacco war had been of a minor nature, and it was generally thought that in the 'dark district' at least the worst was over.

"The property destroyed was as follows: W. H. Tandy, independent tobacco warehouse building, owned by J. H. Latham; B. M. Woolridge, association warehouse; Tandy & Fairleigh, buyers, warehouse.

"As soon as the 'night riders' left town, a posse of about fifteen, headed by Major Bassett, of the local militia, and Deputy Sheriff Cravens, entered buggies and followed the trail. As soon as the posse could get near enough they opened fire on the fleeing mob, which returned the shots. It is believed none of the 'night riders' was hit. The members of the posse escaped injury. They were soon outdistanced by the fleeing men, and after chasing the marauders past Gracey, the officers returned home.

"News was later received from all parts of town indicating the spread of the raid of the riders. There was hardly a house in the business section of the city which did not suffer.

"Just why no damage was done by the 'night riders' to the Imperial or the American Snuff Company warehouses is not known. They probably contained more stock than any other house.

"At the intercession of citizens who were being guarded on a street corner the invaders during the raid allowed the fire department to leave their building to save property adjacent to the burning buildings. Had it not been that no wind was blowing, and that the firemen and citizens worked so well, the entire city might have been destroyed.

"The girls in the telephone office were forced by fifteen men to leave their switchboards until the mob was ready to depart from town.

"Governor Beckham to-night, at the request of Mayor Meacham and County Judge Breathitt, ordered the local company of Kentucky State Guards to report to the sheriff for indefinite duty during the 'night-riders' trouble, under command of Maj. E. B. Bassett. The local officials believe they will be able to offer protection to secure witnesses who can positively identify members of the party."

When such bloody wickedness can be caused by tobacco in Kentucky, what may not have been born of race prejudice in Texas?

ACTION OF THE CAMERON COUNTY GRAND JURY.

In addition to the investigation made by the citizens' committee and by the officers of the Twenty-fifth Infantry, the whole case was presented to the grand jury for Cameron County, Tex., of which Brownsville is the county seat, at its September session, with the result that after three weeks of investigation (see report of General McCaskey, p. 107, Senate Doc. No. 155) they found there was no testimony on which to base an indictment of anybody.

The following is the official report of the action of the grand jury made by the presiding judge of that judicial district:

[Telegram.]

SAN ANTONIO, TEX., *September 28, 1906.*

MILITARY SECRETARY,
War Department, Washington, D. C.:

Following received:

BROWNSVILLE, TEX., *September 27, 1906.*

MILITARY SECRETARY, DEPARTMENT OF TEXAS,
San Antonio, Tex.:

Following letter received by me this date repeated for your information:

"DEAR ARCHER,
"First Lieutenant, Twenty-sixth United States Infantry,
"Commanding Fort Brown, Tex.:

"In compliance with my agreement with the United States military authorities I hereby promptly advise you that the grand jury of Cameron County, adjourned this day, have, after investigation, not indicted any of the following-named parties, held at Fort Sam Houston to await the action of the civil authorities, and they are therefore entitled to release: Sergt. W. A. Brawner, Company C, Twenty-fifth Infantry; Corpl. David Powell, Company B, Twenty-fifth Infantry; Sergt. George Jackson, Company B, Twenty-fifth Infantry; Private J. H. Howard, Company D, Twenty-fifth Infantry; Private James W. Newton, Company C, Twenty-fifth Infantry; Private Oscar W. Reed, Company C, Twenty-fifth Infantry; Corporal Madison, Company C, Twenty-fifth Infantry; Private James C. Gill, Company D, Twenty-fifth Infantry; Sergeant Reid, Corpl. Willie H. Miller, Private C. W. Askew, Company C, Twenty-fifth Infantry; Private John Holtman, Company B, Twenty-fifth Infantry.

"STANLEY WELCH,
"Judge Twenty-eighth Judicial District of Texas."
ARCHER, *Commanding.*

Request instructions as to disposition these men.

MCCASKEY, *Brigadier-General.*

They made this finding, notwithstanding the fact that the men named had been, on the 23d of August, arrested and placed in confinement on the charge of murder on account of having participated in the shooting or having been accessories thereto. William Allison, who had been discharged from Company B, August 11, and who had started a saloon for the special accommodation of the men of the battalion, was also arrested.

Sergeant Jackson was, on the night of the shooting, in charge of Company B quarters; Sergeant Brawner was in charge of Company C quarters; and Corporal Powell was in charge of Company D quarters; Sergeant Reid was sergeant of the guard on duty at the time of the shooting; Corporal Miller, of Company C, was absent in the town on pass at the time of the shooting; Corporal Madison was corporal of the guard on the night of the shooting; Private Howard was the sentinel on post between the barracks and the reservation wall at the time when the firing commenced; Private Newton was the soldier who was assaulted by Mr. Tate, the customs officer; Private Reed was the soldier who was pushed off the plank into the water by Customs Officer Baker; and Private Askew was thought to be the owner of a soldier's cap found in the streets on the morning after the shooting; and Private Hollomon, of C Company, was thought to be interested in some way in the Allison saloon.

It was thought by the authorities investigating the matter that these were clews that pointed toward these men. It was righly assumed that it would have been impossible for a conspiracy to have been organized, the guns to have been secured from the gun racks, and the shooting party to have gone out into the town and to have returned without the noncommissioned officers in charge of the quarters having some knowledge of the affair, without the sergeant and corporals of the guard having some knowledge, without the sentinel on duty having some knowledge; and it was thought, in the absence of any other motive, that the shooting must have had relation to the offenses committed against Private Newton and Private Reed, and that consequently they would have some knowledge.

Undoubtedly most of these men would of necessity have known something of the facts if the shooting had been done by soldiers, because of the relation they were in to the transaction, but, as already indicated, the grand jury found the testimony wholly insufficient to hold anyone, and they were all discharged. Except only this testimony, mere deduction from acknowledged facts, there has never at any time been any testimony submitted even tending to identify any one of the soldiers as guilty of participation in the affray, and this testimony was pronounced by the grand jury to be utterly insufficient for that purpose. No one will pretend that in all the 3,000 pages of testimony there has been one iota of evidence added to strengthen the case against these men or against any other individuals.

MEN CHARGED WITH GUILT.

The officers of the battalion supposed at the time of the shooting that it was done by the citizens. It never occurred to them that anybody connected with the battalion was engaged in it until Doctor Combe, the mayor of Brownsville, visited the fort that night, after the firing was all over, and to Major Penrose made the charge that his men were the guilty parties. Major Penrose was unable to believe that his men were guilty, and remained of that opinion until the following morning, when Mayor Combe brought to him certain exploded shells and cartridges and clips that had been picked up at the places where the shooting had been done, which, upon examination, proved to be cartridges and shells and clips such as were in use by the men of the battalion and such, as it was claimed, were not in the possession of anybody else at Brownsville or in that vicinity.

OPINION OF OFFICERS.

In the face of this testimony Major Penrose and the other officers of the battalion concluded that some of their men must have done the firing. They remained of this opinion until the investigation by the Committee on Military Affairs of the Senate was in progress. During that investigation, on account of certain testimony that had been taken, Major Penrose and all his officers became convinced that the men of the battalion had nothing whatever to do with the shooting. All of them so testified.

CHANGE OF OPINION OF OFFICERS.

Major Penrose testified as follows (pp. 3024, 3025, and 3026) as to change of opinion about guilt of men:

"By Senator OVERMAN:

"Q. But, Major, you made up your mind that your soldiers had done the shooting without hearing any testimony of the eyewitnesses as to the soldiers being seen?—A. Yes, sir. Mayor Combe, Captain Kelly, and all of the gentlemen of that committee had told me that different people at Brownsville had reported seeing those men.

"Q. But didn't you make up your mind that your men had done it when you saw that those were Army shells, that they were freshly fired, and you found no bullets through the quarters? Taking that into consideration, didn't you make up your mind then that your soldiers had done it?—A. Yes, sir; I did.

"Q. When those gentlemen told you that those men had been seen on the streets, did you not at that time remember the darkness of the night as distinctly as you do to-day?—A. Yes, sir; exactly.

"Q. Why did you believe it then and discredit it to-day?—A. Because I thought there might have been some lights that they might have seen them by which I did not know of at that time.

"Q. Do you not still concede that there may have been?—A. There may have been in the Cowen house; that is the only thing I know about any lights being seen.

"Senator HEMENWAY. I was going to suggest that Senator Pettus has put a question, and that the witness should be allowed to answer it.

"Senator OVERMAN. I thought he was through.

"By Senator PETTUS:

"Q. Will you please finish your answer to my question.—A. Yes, sir.

"Q. I want to know fully what produced this change in your mind, in your opinion, as to who did that shooting?—A. I am trying to give it to you, Senator. There was another question or two asked of me, if you will remember.

"Q. I want you to explain it fully in your own way.—A. Yes, sir. Well, as I say, the darkness of this night and the finding of those shells—my opinion commenced to change at that time. Then there was the testimony that was produced before this committee as to the experiment that was made at the Frankford Arsenal, where they found that 11 shells were fired from one gun.

"Senator FORAKER. A Springfield?

"A. One Springfield rifle that had been locked up in the arms chest at Fort Niobrara and was not opened until the morning of the 14th of August. They claim that 11—I think it is 11—of those shells, or 11 shells, fired from that gun were found in the streets of Brownsville. Those shells were brought down from Fort Niobrara to Brownsville. They were open, on the back porch of B Company. They were open there several days, I don't remember how long. I can see no way in the world that those shells could have been fired in the streets of Brownsville. There is another thing: I think they were taken out there and put there. That is the reason that I have changed my opinion, sir.

"By Senator LODGE:

"Q. You think those shells were put all over the town in order to give the idea that the soldiers did the shooting?—A. I think certainly those 11 shells were, sir.

"Q. Well, but it is in testimony and, I think, uncontradicted, that shells were picked up at a great many points?—A. Yes, sir; so I understand.

"Q. Your idea is that they must have been put there, at all those points?—A. That is my idea of it, sir.

"By Senator OVERMAN:

"Q. Do you think those freshly fired shells that were found there at the mouth of the alley were brought down from Niobrara?—A. I think so now

"Q. And put there?—A. I believe they were, sir

"Q. Yet you say they were freshly fired?—A. They had the appearance to me. They had only been fired a month before.

"By Senator TALIAFERRO:

"Q. Who do you think brought them from Niobrara?—A. B Company brought them down.

"Q. Who do you think distributed them in the streets?—A. I don't know, sir, unless some of the people of Brownsville.

"Q. How did they get out of the custody of B Company?—A. They were open on the back porch of B Company, and were left there for several days, Senator—this box was. I think the testimony so shows here.

"Q. They were at least more accessible to the members of B Company than they were to the public at large?—A. Yes, sir; that would be very possible that they were.

"Senator SCOTT. I should like to hear the answer to Senator Pettus's question, if I can get it.

"By the CHAIRMAN:

"Q. If you have anything further to say in answer to the question of the Senator from Alabama, you will, of course, proceed with it and make full answer.—A. I should state in connection with that that there was the behavior of the men before this shooting occurred. They had been an excellent lot of men. We had never had any trouble with them; they were well disciplined, well drilled, easy to handle. From the time that this shooting occurred none of them was permitted to leave Fort Brown at all. We took them up to Fort Reno, Okla., and there they were confined absolutely to the limits of the post—the post proper. They were not permitted to leave it under any circumstances. I gave them extra drills, extra guard, and had them working at fatigue whenever they were not drilling or on guard, the whole day long. Those men took all that without a murmur or a complaint of any kind. There were five of the men who disobeyed that order and went to town. They were each tried, dishonorably discharged, and sentenced to eighteen months' confinement at the military prison at Fort Leavenworth, Kans., and that was reduced by the

reviewing authority to six months. Those five exceptions were the only ones that disobeyed any of the orders that were issued at all. Finally the order came for their discharge. They were discharged at that post, a half a company at a time. They were paid off. They had anywhere from fifty or sixty dollars to, some of them, twelve or thirteen hundred dollars. They went to this little town, which was full of temptations, and, as I stated before, there was not a single man found drunk, nor was there a disturbance of any kind or character reported of these men, and I talked with the chief of police over the telephone frequently. Now, taking into consideration the conduct of these men both before and afterwards, and what I have before stated, leads me to believe that the men did not do that shooting."

Captain Macklin says as to change of opinion as to guilt of men (p. 3136):

"By Senator WARNER:

"Q. Did it not look to you as though some of the men had done the shooting?—A. Yes, sir; it seemed so naturally, on account of the shells.

"Q. And if you had not believed so at the time you would have said something to Major Penrose as to differing with him in his judgment, would you not?—A. Well, I do not believe I would, Senator, because Major Penrose was my commanding officer, and I was not called upon to make any remark to him, or any suggestion or anything.

"Q. But it did make the same impression on you?—A. Yes, sir; it seemed so. It looked very much so.

"Q. And you continued of that opinion, did you not, Captain?—A. Yes, sir.

"Q. Right along?—A. Yes, sir; I could not believe anything else.

"Q. Did you ever change your opinion?—A. Yes, sir.

"Q. When was that Captain?—A. Well, it was after the time that the men had stood the strain that they were under at Fort Reno, from the time they left Brownsville until their arrival at Reno, and the duty that they did at Fort Reno; and then seeing the discharge of those men."

Captain Macklin also said, at page 1788:

"Q. Now, Captain, you have investigated the subject a good deal. I understood you to say, so far as your men are concerned, you have taken steps to find out whether or not any of your men were guilty of this shooting.—A. By every means that I thought was possible; yes, sir.

"Q. That is, you have talked with them?—A. Yes, sir.

"Q. Talked with all of them?—A. Yes, sir.

"Q. Questioned them and had your noncommissioned officers try to find out?—A. Yes, sir.

"Q. As a result of that, can you tell us who did do that shooting?—A. Well, sir; I do not think the men did it.

"Q. You do not think the men did it?—A. No, sir.

"Q. You are satisfied of that, are you?—A. I am satisfied of that. I have studied this subject from every phase of it. I think I have read almost every bit of evidence and testimony that has been given, not only that taken by General Garlington and the other inspectors-general, but in Major Penrose's court-martial, and the longer it goes on, the more I feel satisfied that the men did not do the shooting. It is possible that there were a few shots fired from the barracks or some of those quarters by the men in their fright. Even when I joined the command that night the men were still under a heavy excitement and were much frightened.

"Q. But you have no knowledge whatever of anybody connected with the battalion firing a shot, have you?—A. No, sir; I have not.

"Q. And you have no knowledge of any fact, have you, that leads you to suspect any man in that battalion of having participated in that affair?—A. Not in the least; no, sir."

Lieutenant Grier says (p. 1726 et seq.):

"Q. As I understand, the next morning after the shooting you were convinced that men of the battalion were engaged in the shooting up of the town of Brownsville.—A. In a manner similar to that in which he was. In other words, the circumstantial evidence was such that no reasonable man could think, hardly, but what some soldiers had been implicated in it.

"Q. Yes.—A. Because civilians do not usually carry around bandoliers and Government ammunition——

"Q. No.—A. (Continuing.) For one thing—that is, ordinarily.

"Q. So that no reasonable man would come to any other conclusion?—A. At that time.

"Q. And after coming to that conclusion you remained of that opinion until the men were discharged without honor?—A. Yes, sir.

"Q. When was that?—A. That was some time late in November; I think from about the 20th to the 26th of the month it took to discharge those men.

"Q. And you were continually endeavoring to find out all you could regarding this shooting, were you not?—A. I was.

"By Senator SCOTT:

"Q. You say you tried to find out who did the shooting?—A. Yes, sir.

"Q. Were you trying to find out whether somebody else than the soldiers did it, or were you trying to fix the blame on the soldiers?—A. I was in a position, stationed at Fort Reno, where we could only get one side of the story. It would be impossible to get anything else. The soldiers never volunteered any information about the townspeople doing the shooting—never claimed so. They said they didn't know who did it, but they had not.

"Q. But you did not try to find out whether somebody else did it but the soldiers. You were trying to fasten it on the soldiers?—A. Yes, sir; I was trying to find out something from the soldiers.

"By Senator FORAKER:

"Q. The question was asked you, and I do not want it to remain in that way, whether you were trying to fasten it on the soldiers.—A. No, sir; I was not trying to fasten it on the soldiers, but I was trying to find out from some of the old men of the regiment who had been with the regiment before I was born, that I knew were good old men, and would tell the truth, something to clear them.

"Q. That is, it is a fact, is it not, Lieutenant, that instead of trying to fasten it on the soldiers, you were attached to your command, as any other officer would be?—A. Yes, sir.

"Q. And that you were trying to clear them?—A. Yes, sir; that was my idea, to clear them, and if it had been any of the soldiers to punish the four or five who did it. I wanted to get hold of those who did it, to save the rest of them.

"Q. To save the rest of the command?—A. Yes, sir.

"By Senator WARNER:

"Q. And so you remained of this opinion, that a bunch of the soldiers had done the shooting up of Brownsville from the 13th of August until what day was it?—A. About the 20th of November.

"Q. The 20th of November?—A. Up until the time General Garlington came to the post and delivered the ultimatum to the troops.

"Q. What was there about that ultimatum that changed your opinion? What fact was there that could possibly change your opinion, Lieutenant?—A. It was not the ultimatum itself, but it was the effect of it. When these men did not come up and give up anybody—the names of anybody implicated in that raid—when they knew if they did not there was not any joke about it, but they all go out of the service; and I knew old men like Sergeant Sanders, that I have seen personally handle the meanest kind of a soldier, and handle him mighty well, I began right then to think there was considerable doubt about it. You could not convince me that a bad crowd could keep them from telling what they knew.

"Q. Then you came to the conclusion that Sergeant Sanders did not know it?—A. Yes, sir.

"Q. Did that convince you that nobody in the command did it?—A. I say there were a number of old soldiers.

"Q. How many old soldiers did you talk to?—A. I talked to 50 or 100 of them—almost everyone I met.

"Q. And none of them suggested that the citizens had done the shooting?—A. They never said so.

"Q. Not one of them?—A. They said they didn't know who did it, but that they had not.

"Q. Did Sergeant Sanders in any talk that you had with him ever give you any fact that would indicate that the shooting was done by the citizens?—A. No, sir; he did not."

(Pages 1726–1727):

"Q. They all were. Now, so that we will have it connected, what was it that occurred when General Garlington was there?—A. Well, he conducted an investigation, and had the men in to make sworn statements, and his investigation developed nothing new, so that the battalion was brought out where he could address it; and I think that was Friday of one week, and he told them if they did not deliver up the men that did the shooting on Monday he would recommend that every one of the soldiers that was present with the battalion in Brownsville be discharged without honor.

"Q. Was there anything about that that changed your opinion as to the evidence and circumstances of the shooting up of Brownsville?—A. It was the effect that it produced on the men that impressed.

"Q. That is, instead of changing your opinion, you thought the effect produced on the men would prevent you getting information?—A. No, sir.

"Q. What, then? What effect did it produce on the men?—A. When that ultimatum was delivered, and the men knew that they had from Friday until Monday, the officers got busy with all the soldiers, especially the old noncommissioned officers, and put it right up to them, and told them what was in store for them; that there wasn't any bluff or joke about this proposition; that it was a sure thing—they would go out of the service if they did not tell. And we were not able to get anything out of them. And in addition to that was the behavior of those men when they were discharged. There was no need to have a battalion of another regiment up there at all. The post had never been in better condition, better order, better discipline, the whole time previous than right during the time those men were discharged.

"Q. Is that all there was that would have an effect upon you as to who it was did the shooting?—A. All at that time; but there have been things since.

"Q. What things since?—A. Evidence brought out in the Penrose court-martial.

"Q. What evidence do you refer to?—A. I refer to the discrepancies in the testimony, in the evidence of witnesses for the prosecution in regard to distances, and whether or not they could see men on such a night as that. Also the possibility of those people in Brownsville getting hold of Government ammunition, part of which has been brought up here.

"Q. Then you still remained of the opinion, did you, practically until the Penrose court-martial evidence?—A. Yes, sir; it impressed a doubt upon my mind. I thought it was awfully funny that those men who were almost ready for retirement allowed themselves to be discharged without honor from the service simply to hide a bunch of criminals, if they were among them.

"Q. What did you say about their getting Government ammunition at Brownsville—the citizens?—A. I say there is a possibility they could get it down there. It has been testified to.

"Q. What kind of ammunition; Springfield ammunition?—A. Yes, sir; any kind.

"Q. How could they? What was the possibility of their getting Springfield ammunition down there?—A. Well, there was ammunition left in the barracks down there. That has been testified to, I understand. Sergeant Osborn found some there when the Twenty-sixth Infantry left. Then it would have been a possibility to get those shells out of that box on the porch of B Company barracks.

"Q. That is a possibility?—A. Yes, sir.

"By Senator FORAKER:

"Q. I will ask you a question or two. I understood you to say that the conduct of the men, when the ultimatum was put to them by General Garlington, had an effect upon your mind as to whether they were guilty or not?—A. Yes, sir.

"Q. By that you mean to refer to the fact that they did not tell anything when they were informed by him and by the officers of the battalion that unless they did tell who the guilty parties were they would be discharged without honor and lose all the rights they acquired by their long service, but still they refused to tell anything, and still insisted that they did not know anything; and that had an effect on your mind, did it not?—A. Yes, sir.

"Q. That is, you could not understand why old soldiers like those to whom you have referred would suffer that kind of loss and disgrace for the sake of saving, if they knew of them, a few guilty culprits among their number?—A. That is the idea, exactly, sir.

"Q. Now, I will ask you if it was not assumed, from the very moment that these shells were exhibited to Major Penrose by the citizens of Brownsville, that soldiers were guilty, and if all efforts to find the guilty parties were not confined to finding them among the soldiers?—A. Yes, sir.

"Q. Was there any effort at all to find anybody but the soldiers guilty of the firing——

"Senator WARNER. By whom?

"Q. (Continuing.) By anybody connected with the battalion, or by anybody else of whom you have knowledge?—A. No, sir; there was none that I know of.

"Q. I will ask you if that was not the assumption on which Major Blocksom proceeded in all his investigation, and also the assumption upon which General Garlington proceeded in all his investigation?—A. Yes, sir.

"Q. And if that was not the assumption on which all the officers of the battalion proceeded in their investigations from that time on?—A. Yes, sir."

THE PURDY TESTIMONY.

When the testimony taken by the citizens' committee of Brownsville immediately after the firing was printed and submitted to the Senate it seemed insufficient to show that the men of the battalion had done the firing. This being pointed out, the President directed Major Blocksom to return to Brownsville, accompanied by Assistant Attorney-General Purdy, to take more formally and under oath all such testimony as might be available in regard to the shooting affray, with special reference to the question whether the soldiers had participated in it.

Acting under this order, Major Blocksom and Mr. Purdy took a great many affidavits of the citizens of Brownsville, detailing their personal experiences at the time of the shooting affray and narrating what they respectively witnessed.

This testimony so taken was submitted to the Secretary of War, who in turn submitted it to the President, with a report as to the nature of it, and thereupon the President sent the same to the Senate, where it was ordered printed, together with other literature bearing on the same general subject, as Document No. 155, part 2.

All this testimony—that taken by the citizens' committee and also that taken by Major Blocksom and Mr. Purdy—was ex parte, without any opportunity to the soldiers to be present or to be represented, to cross-examine, or put to the test in any way whatever the statements made by the various witnesses.

CONCLUSIONS OF THE PRESIDENT AND SECRETARY OF WAR.

Upon this testimony the Secretary of War and the President seemed to feel perfectly satisfied that it had been established beyond any reasonable doubt that certain soldiers of the battalion had done the shooting, and that in all probability many other members of the battalion had knowledge of the guilty parties. They reached this conclusion in the face of the fact that every soldier of the battalion had stated under oath that he had no participation whatever in the shooting and had no knowledge whatever as to who did the shooting, and in face of the further fact that, although the officers of the battalion and the officers of the Inspector-General's Department had made the most diligent inquiries and the most careful and persistent efforts to discover the guilty parties, not a clew had been found to indicate who in the battalion, if anyone, had participated in the shooting, and notwithstanding the further fact that all the officers had stated under oath that they found all their men present or accounted for when the companies were formed in response to the call to arms, which was sounded while the firing was still in progress; and notwithstanding the further fact that as soon as Major Penrose learned from Mayor Combe that his men were charged with the shooting he directed that his officers again verify their men, and verify their guns, and verify their ammunition, and that as soon as it was light enough to see they made a careful inspection of the guns to ascertain whether or not any of them had been fired that night, with the result that again the officers found every man present or accounted for, every gun free from any indication of having been fired, and every cartridge accounted for—not a single one missing.

ACTION OF THE PRESIDENT.

Upon the testimony so taken and the various reports made to him, the President found that the raiders were soldiers from the garrison and that, in view of the manifest impossibility of the raiders keeping all knowledge of their identity from their comrades, many if not most of the men of the battalion, knew who the guilty men were, and that inability to get any evidence or even clew to show who they were was due to a "conspiracy of silence," on account of which all had been properly discharged without honor under the following order:

THE WHITE HOUSE,
Washington, November 5, 1906.

The SECRETARY OF WAR:

I have read through General Garlington's report, dated October 22, submitted to me by you. I direct that the recommendations of General Garlington be complied with, and that at the same time the concluding portion of his report be published with our sanction as giving the reasons for the action.

THEODORE ROOSEVELT.

The following is the recommendation of General Garlington referred to in the above order:

"I recommend that orders be issued as soon as practicable discharging, without honor, every man in Companies B, C, and D of the Twenty-fifth Infantry, serving at Fort Brown, Tex., on the night of August 13, 1906, and forever debarring them from reenlisting in the Army or Navy of the United States, as well as from employment in any civil capacity under the Government. In making this recommendation I recognize the fact that a number of men who have no direct knowledge as to the identity of the men of the Twenty-fifth Infantry who actually fired the shots on the night of the 13th of August, 1906, will incur this extreme penalty."

Doubtless the reports of Major Blocksom and General Garlington as to what, in their opinion, the testimony established, had as much, if not more, to do than the testimony itself with creating in the mind of the President the belief upon which he acted. Running all through the reports of these officers there are evidences in their statements that they were from the first of the opinion that the men were guilty, and that proceeding upon such assumption everything in their favor was minimized and everything that indicated guilt was magnified.

Major Blocksom, in his report made a few days after he reached Brownsville, August 29, commenced with an unqualified statement that the trouble was caused by the soldiers of the Twenty-fifth Infantry; "that there was no doubt Mrs. Evans was seized by the hair and thrown violently to the ground by a tall negro soldier," a statement that has not, down to this moment, received the support of any sworn testimony; that he was sure the three shots that went through Mr. Yturria's house came from a point near the center of B Company's upper back porch; that Stark's house was shot into, "evidently mistaking it for Tate's house," which was adjoining; that "the raiders were soldiers of the Twenty-fifth Infantry can not be doubted;" that the call to arms was sounded by order of the sergeant of the guard "probably too early during the firing to be genuine," although he should have known, if he did not know, that it was sounded by order of Major Penrose; that "it must be confessed the colored soldier is much more aggressive in his attitude on the social equality question than he used to be."

When the evidence upon which these statements were made was carefully analyzed, it was found utterly insufficient to warrant such conclusions. Nevertheless he embodied in his report the following recommendation:

"If satisfactory evidence concerning the identity of the criminals does not come from members of the battalion before a certain date, to be fixed by the War Department, I recommend that all enlisted men of the three companies present on the night of August 13 be discharged the service and debarred from reenlisting in the Army, Navy, or Marine Corps."

Without stopping to review in detail General Garlington's report, it is sufficient to say that in his testimony before the committee he frankly admitted that he entered upon it assuming that the men were guilty, and that all he did was for the purpose of disclosing if he could who the guilty soldiers were. At no time did it occur to him that by any possibility anybody other than the soldiers could have done the shooting. The general character of his report and his general testimony on the subject may be inferred from the following:

Page 2746:

Brig. Gen. Ernest Garlington (Vol. III, p. 2746):

"Q. Just one other thing. You said a while ago that you would not believe these soldiers without corroboration—would not believe any of them who denied that he had participated in the shooting, or that he had knowledge of the shooting. I understood that, in effect, to be your statement.—A. That is substantially what I stated. I did not state that I would not believe any of them who denied participation, because I believe that there are a great many of those men who did not participate.

* * * * * * *

"Q. You would not believe any of them who denied having knowledge as to who did the shooting?—A. Not without corroboration; no, sir; not now.

"Q. If anyone would come forward and tell you that he knew who did the shooting would you believe him?—A. Not unless he had corroboration.

"Q. Not without corroboration?—A. No, sir.

"Q. You would not believe him either way?—A. No, sir.

* * * * * * *

"Q. If any man would come forward and say that he shot up the town, or that he knew that this, that, or the other man did it, who was a member of the battalion, you would believe him then?—A. No; I would not accept any one man's information or statement as to another who did the shooting. In other words, I think that the condition now is that you can not get the truth from those people about the Brownsville incident. That is the general proposition that I make.

"Q. You said that was the case when you were there, too, didn't you?—A. After I talked to them a while.

"Q. Well, I say you came to that conclusion?—A. Yes, sir.

"Q. And yet that is the very thing you were trying to get out of them, and the very thing you recommended that they be dismissed for, because they would not tell you who it was that did it?—A. Yes, sir.

"Q. You stood ready, then, to believe any man who would come forward and say, "I did not do it, but somebody else did it?"—A. I stood ready to follow up any clew that any of those men gave me, and then to pass my opinion upon what I found.

"Q. But you would not have believed them without corroboration?—A. No, sir.

"Q. None of them? How long have you had such a disparaging opinion of the veracity of colored men?—A. I did not say that of colored men. I am talking about the Brownsville battalion.

"Q. Do you think colored people, generally, are truthful?—A. No, sir; I do not.

"Q. You do not?—A. No.

"Q. You would not believe their testimony ordinarily, even under oath, would you?—A. Where their own interest or some special interest was concerned. It depends entirely upon the circumstances.

"Q. You think a colored man might testify truthfully about the weather, but that he would not testify truthfully about a crime?—A. He might have some difficulty in testifying about the weather.

"Q. Just now he would, but if he were testifying about a crime that he was charged with, or that some of his comrades were charged with, you would not believe him?—A. Not without corroboration."

MOTIVE.

The motive for the crime was thought to be, although there was no such testimony, to visit revenge on the community indiscriminately for the hostile feeling of the citizens and their treatment of the soldiers as to saloons, in the Tate affair, and in the other less important altercations. It does not seem to have occurred to those making this claim that a lot of hoodlums such as usually engage in such affrays may have had as their motive a purpose to get rid of the negro soldiers. It is unnecessary to speculate beyond what may be involved in the question as to the guilt of the soldiers. If it were not, other suggestions might be made as to the possible motives of the raiders if they were not soldiers.

II. CHARACTER OF THE TESTIMONY.

The testimony against the soldiers may be divided into two classes: (1) That of so-called "eyewitnesses," and (2) that which was circumstantial and confirmatory.

THE EYEWITNESSES.

The "eyewitnesses" were citizens of Brownsville. It was natural for them to share the prejudices that had been aroused against the soldiers and to jump to the conclusion that they were doing the shooting. In this way can be accounted for the belief most of them expressed that the soldiers did the shooting and that they saw enough to satisfy them of that fact. But aside from all this their testimony is manifestly unreliable. In the first place because enough is shown as to most of them to make it clear that they were not able to see as claimed because of the darkness of the night and the general situation.

Major Blocksom said in his first report (S. Doc. No. 155, pt. 1, p. 63): "None of the individual raiders was recognized. Streets are poorly lighted, and it was a dark night. Those who saw them were busy trying to keep out of sight themselves."

Without taking up the testimony of each witness in detail, it is enough to say that in a general way all testified that hearing the firing they rushed to the windows of their respective houses, looked out into an unusually dark night, and claimed to see men moving through the streets and alleys at the places of the firing, carrying guns like those used by the soldiers, and wearing soldiers' uniforms, and that in this way, while they could not identify any individuals, they did recognize

the firing party as soldiers. The distance at which these witnesses, respectively, saw what they related and recognized the raiders as soldiers vary all the way from 30 feet up to 150 feet and more, and in no instances, except those hereafter specifically mentioned, were any of these witnesses aided by any kind of artificial light.

The general question is, therefore, whether the darkness was of such character as to make it impossible for them to see with such distinctness as would enable them to testify as they have.

A DARK NIGHT.

The testimony establishes beyond question that while it was a starlit night, yet it was unusually dark. A number of instances are testified about to illustrate the character of night and the effect of the darkness upon the vision.

Captain Macklin says (p. 3127):

"By Senator FORAKER:

"Q. Now, can you recall any circumstances that will indicate the darkness of the night, any experience that you had, meeting men, or the difficulty you had in recognizing men?—A. Yes, sir; I had several personal experiences that night. After Major Penrose put my company on a chain of sentinels it was necessary for me to visit those sentinels, and at the upper end of the garrison, extending beyond the garrison wall, I had several posts, just how many I have forgotten now, and in one or two instances I could not find them, and had to call out to them to locate them; and in those cases I found the men within 10 or 15 feet of me.

* * * * * * *

"Q. How far away from you, according to your recollection, could you distinguish the kind of clothing the men were wearing, if you could see them, as to whether they wore uniforms or not?—A. Well, I should say 10 or 15 feet, Senator; not over that.

"Q. You would not think it possible to tell whether the men you might see were white men or negroes, at a distance of a hundred feet away in the dark?—A. I don't believe you could tell it at 15 feet; in fact, on those visits there that I went on I carried my revolver in my hand.

"Q. All the time?—A. Yes, sir.

"Q. And you could not tell whether they had on yellow uniforms or not?—A. You could not see at all. Everything was just a blank."

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(Page 3130):

"By Senator FORAKER:

"Q. Did you have anybody in your company who was so marked with freckles or spots of any kind on his face as to be noticeable?—A. No, sir; I did not. Nearly all the men of our battalion were pretty dark. There were a few light ones, but I don't remember any of them that had freckles.

"Q. Was it possible, remembering the darkness of that night, to see freckles or spots on the face of a man any distance away from you?—A. No, sir; I do not think so. I do not believe, in fact, I am very certain, that you could not have told a white man from a colored man 10 feet away."

Captain Lyons says as to darkness of night (p. 3154):

"By Senator FORAKER:

"Q. Can you give us any illustration—can you relate any incidents that came within your personal experience that night, or under your observation, that will enable us to judge how dark it was; I mean any incident that would indicate whether you had difficulty or otherwise in distinguishing persons or objects?—A. I remember that after the company was formed Major Penrose called over to me and asked me if my company was formed. I said that it was. He came over from the direction of B Company barracks—my company—and he had to get very close to me, then, before I could see who it was. Also, in calling the roll I had to use a lantern when the men were behind that wall in order to distinguish who each man was.

"Q. Can you tell us how far away, without the aid of any artificial light, you could distinguish whether men were white men or colored men?—A. I should think about 10 feet would be the maximum.

"Q. At what distance could you distinguish whether they were clothed in uniforms or other kind of clothes?—A. Of course this is only my opinion—

"Q. Yes.—A. I should say about the same distance.

"Q. Do you think you could have told whether a man was a white man or a black man, or whether he was in uniform or in citizen's clothing, at a distance of 25 or 30 feet away?—A. I do not, sir."

Lieutenant Lawrason says, as to darkness of night (p. 3146):

"By Senator FORAKER:

"Q. That is all on that point. Now, Lieutenant, can you recall any incident that happened the night of the 13th, after the firing commenced, that would enable you to give us, by relating it, an idea of how dark it was? What difficulty did you have, if any, in recognizing men or objects?—A. I recollect it was a dark, starlight night—that is, there was no moon; the only light was starlight—there was no clouds in the sky, though—and I came quite close to several men without recognizing them. I remember I passed a man who had been sent over to my quarters to awaken me, as I went out. I ran past him, and he recognized me, I suppose; I did not recognize him, and he called after me when I had passed, and I turned back and he gave me his message.

"Q. How close were you when you passed without recognition?—A. I believe we were inside of 6 feet, sir.

"Q. Six feet?—A. I believe about 4 or 5 feet away.

"Q. Do you recall any other instance similar to that that would show the difficulty you had in recognizing men or objects?—A. No particular instance, sir. I recollect that I had some difficulty in recognizing some of the men when posting them around, and some of the noncommissioned officers when posting reliefs.

"Q. It was so dark, in other words, if I understand you, that you had to be close to a man to recognize him?—A. Yes, sir; go by his voice and general appearance. I knew most of the men."

Lieutenant Grier, as to character of night (p. 1735):

"Q. As to the character of this night; it was a dark night?—A. Yes, sir; a dark, starlit night.

"Q. So that when you met the sergeant, you could not tell who he was until he got within a very few feet of you?—A. About as close as I am to you.

"Q. So that it may be in the record—that is about how far?—A. About 5 or 6 feet.

"Senator SCOTT. It is nearer 9 feet.

"Senator WARNER. We are doing this.

"Senator BULKELEY. It is more than 6 feet.

"Senator SCOTT. Say 9 feet.

"By Senator BULKELEY:

"Q. When you met a man on the parade ground at that distance, could you tell whether he was a white man or a black man?—A. I could tell that he was a soldier, because he had khaki on; but I could not see his face until he got right up close to me.

"Q. At that distance you could not tell, on the parade ground, whether he was a white man or a black man?—A. No, sir; I could not, sir."

Major Penrose says as to night being dark (pp. 3017, 3018, 3019, 3020, 3021, 3023):

"By Senator FORAKER:

"Q. Could you recall any incident, which you could relate to us, which would indicate how dark it was?—A. Yes, sir; I could not tell one of my own officers over 10 feet away.

"Q. You could not tell one of your own officers?—A. No, sir.

"Q. That you remember very distinctly?—A. Very distinctly.

"Q. It was as dark as that?—A. It was as dark as that. I remember in walking up and down the line where the men were all posted, and I recall it when Hairston came to my house.

"Q. Hairston?—A. Yes, sir.

"Q. He was the sentinel?—A. Yes, sir; No. 3 around the line of officers' quarters. He came around to my quarters, and I almost ran into him when I came out of the door, and I could not distinguish who the man was at all, and I did not know until the next morning at 9 o'clock, when I inquired.

"Q. You did not know who he was?—A. I say I ran into him, brushed against him, as I came out of the house. Of course I did not look particularly to see who it was. And in walking up and down the line I had to go very close to the officers to tell whether they were white men or colored men.

"Q. Now, I call your attention to the corner of Fourteenth and Washington streets. I am pointing to it [indicating on map]. State whether or not one standing at that corner and looking down Fourteenth street could see men crossing Fourteenth street on the Cowen alley, and see them distinctly enough to count them and tell what kind of clothing they were wearing, and whether they were white men or colored men, without any artificial light and aid. Could one do that?—A. I do not think it is possible, sir.

"Q. Yes.—A. I do not think it is possible.

"Q. Now, I will ask you whether or not, standing in the window in the second story of the Leahy House, and looking out across Fourteenth street and across the alley to the place to which I now point, namely, the side of the alley opposite the Cowen house, one could see that night distinctly enough without any artificial light to recognize men and determine whether they were white or colored and how they were dressed?—A. I do not think so, sir.

"Senator PETTUS. Say, by the flash of the guns.

"By Senator FORAKER:

"Q. Well, by the flash of the guns?—A. No, sir; you could not by the flash of the guns.

"Q. Now, tell us whether or not the flash of the guns would aid in that.—A. I do not think at all. It is so instantaneous, so slight, that I do not think you can distinguish anything by the flash of the gun.

"Q. Could one, looking out of the upper story of the telegraph building, at the corner of Elizabeth street and Garrison road, for instance, see people clambering over the wall up about the mouth of the Cowen alley?—A. No, indeed, sir. No, sir; they could not.

"Q. There are no lights in there in that locality at all, are there?—A. No, sir; there was a light at the gate.

"Q. What kind of a light was that?—A. An oil lamp.

"Q. An oil lamp?—A. Yes, sir; I couldn't tell you how many candlepower; I don't know.

"Q. At the gate. That is 130 feet from the mouth of the Cowen alley, is it not?—A. About that, I believe, sir. But I was going to say this, Senator: There is an oil house I intended to tell about in here [indicating on map].

"Q. Yes; where is that?—A. About between the figure '4' and the letter 'F' [indicating on map].

"Q. Right in there?—A. Yes, sir.

"Q. With reference to B barracks?—A. Yes, sir; it is shown in one of the pictures attached to Mr. Purdy's report. Now, it had been raining and was quite muddy.

"Q. It had been raining?—A. Yes, sir.

"Q. And it was quite muddy?—A. Yes, sir; and from the light here I could see there was a mud puddle about there [indicating on map].

"Q. How far is that point from the gate?—A. I presume that is 40 feet, maybe 30 or 40 feet. Now, I am guessing, gentlemen; I do not know absolutely.

"Q. There was a mud puddle there?—A. There was a mud puddle there I could see. When I went down the line, I went around this mud puddle, and went right in behind it to inspect these men along the fence, and I got in this mud puddle right around east of this oil house, that I didn't see at all. I got in water that came over the lacings of my shoes.

"Q. You got in it before you knew it was there?—A. Yes, sir; before I knew it was there.

"Q. And you were looking where you were going?—A. Yes, sir.

"Q. State whether or not you could see the men posted as sentinels there.—A. I could not until I got out beyond the oil house. I could not until I got close to them.

"Senator TALIAFERRO. Does the witness understand that a number of witnesses have testified that they did see these men under the conditions which you are describing?

"Senator FORAKER. I have not recited that to the witness, but I have no objection to doing it if it is desired, at the request of Senator TALIAFERRO.

"By Senator FORAKER:

"Q. At the suggestion of Senator TALIAFERRO, I will say to you that a number of witnesses have testified—Mr. and Mrs. Rendall have testified—that they saw people assembling up near or opposite the mouth of the alley; saw them going over the wall at about that point—I can not give the exact language from recollection—and Lieutenant Dominguez testified that he looked down from the corner of Washington and Fourteenth streets, along Fourteenth street, and saw two squads of soldiers of four men each cross Fourteenth street, in the alley, and recognized their uniforms, and that they were colored soldiers. Now, knowing that that has been testified to——

"Senator SCOTT. Mrs. Leahy testified that she saw sixteen.

"Senator FORAKER. I am going to speak of that.

"Q. (Continuing.) Knowing that these witnesses have testified to these things, does that change your belief?—A. No, sir; it does not.

"Q. Mrs. Leahy has testified, as nearly as I can recall her testimony, that she looked out of her second-story window and saw sixteen men come up the alley and cross Fourteenth street after doing a lot

of firing in that neighborhood, and she describes them with great accuracy, as to their clothing, and so forth. Would the fact that she so testified change the opinion that you have given, that they could not see them?—A. No, sir; I think they are mistaken.

"Q. Mr. McDonald testified that he stood at the corner of the alley, the mouth of the alley, and looked down Fifteenth street and saw men about the gate, about the telegraph office, I think, opposite the gate, and that they divided there, and some went up Elizabeth street, but some came up to the alley and turned down the alley, and after they turned down the alley he came to the corner and looked down and saw them firing into the Cowen house, and he said that he could recognize them and distinguish that they were soldiers. Do you think he could do that?—A. I do not, Senator.

"Q. Mrs. Leahy testified not only that she saw sixteen men, but that she saw two of the men so distinctly that she could describe them accurately, one as a very dark negro and the other as a mulatto, with spots all over his face.—A. At what distance, sir?

"Q. He was in the alley, somewhere about the alley and Fourteenth street, somewhere about that corner, and she was upstairs in her house.

"By Senator SCOTT:

"She testified, when I asked the question, 35 feet.

"Senator FORAKER. She said 35 feet, but it was evidently 60 feet [indicating on map].

"Senator WARNER. I submit that we should go by the evidence.

"By Senator FORAKER:

"She said that she should judge it was about 35 feet. Do you think she could——A. I do not, gentlemen. My recollection of that night is very, very distinct."

If these witnesses were correct in their description of the night and the effect of the darkness upon the vision, then it was impossible for any of the witnesses who testified about seeing the soldiers without the aid of artificial light to have seen them with any such distinctness as to make their testimony at all reliable. All such testimony may be dismissed without further comment.

TESTIMONY OF PRECIADO.

Paulino S. Preciado testified that he was at the Tillman saloon and that he saw the men who fired the volley that killed Frank Natus *under the light of the lamps* that were shining in the court, and that he could see distinctly how the men were armed and how they were uniformed, and that he recognized them positively as soldiers. His testimony is that they stepped through the open gateway leading from the alley and advanced into the courtyard the distance of "two or three paces," where he could see them distinctly. If this statement were uncontradicted and unimpeached much might be claimed for it, but it is impeached and contradicted, in the first place by the testimony of Preciado himself given before the grand jury, where he stated:

(Page 2341:)

GRAND JURY ROOM, *September 10, 1906.*

Paulino Preciado, being duly sworn, deposes and says:

"I live in Brownsville, Tex. On the night of the shooting I was in the Ruby saloon, belonging to Mr. Tillman, near midnight. We—myself, Antonio Torres, Nicolas Sanchez Alanis, and Mr. Tillman—were sitting in the yard, when we heard some shots. Tillman got up at once and left us. We remained with the bartender, Frank Natus; the latter closed the doors toward the street; in the meantime the shooting became heavier. Then the bartender went to close the door towards the alley. He went about 20 feet towards the door, when a volley was fired. Natus exclaimed, 'Ay Dios,' and fell down; I saw him because I was looking in that direction when the shots were fired. I saw I was in danger and went to one side. I *could not see anybody in the alley,* as it *was dark out there and I was in the light.* I heard no word spoken. I hid in a corner where a brick wall protected me until the shooting was over, then I went to close the alley gate. While I was in the corner I received a slight flesh wound on the left hand, and another passed through my coat and vest, breaking my spectacles, which I carried in the left breast pocket of my coat, but did not hurt me. I think I received the shots at the time Frank Natus fell, but did not notice it at the time. When the shooting was over I went and opened the front door and asked the crowd of people who were there if there was an officer amongst them. Mr. Victoriano Fernandez came forward, and I told him what had happened.

"(Signed) PAULINO S. PRECIADO."

Sworn to any subscribed before me this 10th day of September, 1906.

WM. VOLZ,
Foreman Grand Jury.

The contradiction by this witness in his testimony as given before Mr. Purdy and as given before the grand jury so thoroughly discredited this witness that Secretary Taft addressed to the President the following letter:

"WAR DEPARTMENT,
"*Washington, January 14, 1907.*

"MY DEAR MR. PRESIDENT: In my letter transmitting the additional evidence in the Brownsville case I had occasion to comment on the circumstances which impaired the weight to be given to the evidence of Paulino Preciado, in which he stated that he saw the four or five men who killed the barkeeper and recognized them as negro soldiers, admitting on examination that he had not made such a statement before, explaining it by saying that he was not asked. Since sending you the evidence and my letter of transmittal, I have come across what purports to be, and what I believe to be, a copy of a report of Preciado's evidence before the grand jury, which expressly contradicts and impeaches his evidence upon this point. I ask that this be forwarded to the Senate with your message and the other papers.

"Very respectfully,

"WM. H. TAFT, *Secretary of War.*

"The PRESIDENT."

EL PORVENIR.

It is further impeached and contradicted by his statement of the occurrences of that night published two days afterwards in his newspaper, El Porvenir. We quote as follows from that statement:

[Translation of an article written in the Spanish language and published in El Porvenir, issue of August 16, 1906, a newspaper published in Brownsville, Tex. Translated by J. M. Sheridan.]

"UNHEARD-OF AND UNQUALIFIABLE ASSAULT MADE BY COLORED TROOPS ON SEVERAL HOUSES IN THIS CITY THE NIGHT OF THE 13TH AND 14TH OF AUGUST, 1906—ONE DEAD—WOUNDED.

"About 11.30 p. m. last Monday several shots were heard in this city in the direction of the barracks (cuartel).

"Some saloons (cantinas) on Elizabeth street closed their doors, and the shots continued to increase, creating a sensational alarm.

"The audaciousness of the troops was unheard of, savage, criminal.

"The number of soldiers who fired into buildings and homes is not known, although it is affirmed that there were 65.

"They scattered through the center of the city and kept up a steady fire.

"Señor Ignacio Dominguez, lieutenant of police, in the performance of his duty repaired to the point where the firing commenced and received two shots in the right hand and had to have his arm amputated.

"He also lost the horse he was riding.

"Señor Macedonio Ramirez Prieto, employed in attending to the city lights, had his hat shot off.

"The editor (director) of El Porvenir, in company with Messrs. Nicolas Sanchez Alanis and Antonio Torres, had just arrived at Señor Thillman's saloon (cantina) when the shooting commenced. The proprietor of the saloon immediately came out into the street, and a young man employed in the establishment, named Frank Natus, proceeded to close the doors opening on the street (calle).

"Immediately afterwards he started to close the side street entrance (zaguan del callejon), but he hadn't taken more than five steps when a volley of six or seven shots was fired *through the entrance* (zaguan), one of which, piercing his heart, caused him to fall, whereupon he cried out 'Oh, God,' and died instantly, his body lying close to the curbstone of the well (brocal del algiber).

"The writer was slightly grazed by a bullet on the left hand, and another commenced by destroying some receipts in his breast pocket, broke a pair of eyeglasses, and penetrated his coat and vest, but did not wound him in the chest or elsewhere.

"These three gentlemen sought cover in different parts of the house, and after observing profound silence for a few minutes Preciado sought his companions, Señor Torres being first to respond. The former said he was wounded, as he was bleeding, and an examination was made to see if he had received any other wounds. No other injury having been discovered, he went to close the side entrance (zaguan), whereupon Sanchez Alanis warned him not to expose himself. However, as no confusion or noise was heard in the side street Sanchez Alanis (este) assisted him in closing the door.

"The three then assembled in the saloon (cantina), commenting upon the case and awaiting the proprietor; but as he was slow in coming, Preciado opened one of the street doors (una puerta de la calle) and called to a group of people standing in front of the saloon (cantina) known as "La International," telling an employee to make known what had happened to the young man, Frank Natus.

"The people composing the group came over to look at the corpse, which was left lying on the ground until a justice of the peace could be sent for.

"Employees of the city and of the county and private persons gathered and about 2 o'clock in the morning we (the writer?) started to our house, people being everywhere on the lookout.

"The American element is indignant over the conduct of the colored troops, for those troops of the United States, paid and maintained by the nation, and armed to serve as a guaranty and inspire respect, have committed an offense which must be rigidly curbed, as it was a criminal act.

"The majesty of the law, the dignity of our citizens, and the peace of our families demand that steps be taken without loss of time to punish this outrage and later ask that the troops be relieved, to the end that we have in Brownsville the guaranties that are now wanting.

"Through an act of Providence we (the writer) are still alive, and we avail ourselves of this occasion to thank all who so kindly inquired after our health, for the first report was to the effect that our wound was serious."

PRECIADO'S CLAIM FOR DAMAGES.

His statement is further discredited by the fact that at the time when he testified he was asserting a claim against the United States for damages for personal injuries he had sustained on the ground that they had been inflicted by the wrongful conduct of the soldiers of the United States. It was absolutely necessary to his damage case when he testified, as well as in the prosecution of his claim, that he should establish as a fact and beyond any question that it was the soldiers who did the shooting.

BULLET FOUND IN CRIXELL POST.

But finally he is *contradicted conclusively* by the fact established beyond any question whatever that one of the shots that was fired through the gateway leading from Tillman's premises into the alley at the time when Natus was killed passed on through the open door into the front room and then through the window of the front room and across the street, where it lodged in a post in front of Crixell's saloon, from which subsequently it was bored out by Lieutenant Leckie and found to be a bullet without any steel jacket and of a different composition from that of any of the bullets used by the soldiers; in other words, a bullet such as the soldiers could not have fired from their rifles.

An analysis by Doctor Hillebrand shows that it was composed of—

Lead	96.36
Tin	2.05
Antimony	1.29

This composition does not correspond to that of the guard cartridge. The composition of that bullet is—

Lead	90.00
Tin	8.50
Antimony	1.50

The tin and antimony of the guard cartridge bullet combined is in proportion to the lead as 1 to 9, while the analysis shows that the composition of the bullet bored out of the Crixell post is tin and antimony combined, 3.34, lead 96.36, or almost exactly 1 part of tin and antimony combined to 29 parts of lead; or, in other words, the tin and antimony combined in the guard cartridge bullet amount to practically three times the quantity of tin and antimony combined in the bullet that was cut out of the Crixell post.

Neither does it correspond to the composition of the bullets made by the Union Metallic Cartridge Company in which antimony was used, for in those bullets the proportion of antimony was 2 per cent.

While in weighing the result of an analysis there must always be an allowance for slight variations, there is no ground for the allowance of any such gross variation as must be assumed to justify the claim that this was either a guard cartridge bullet or a U. M. C. bullet of the antimony variety.

But that this was not a guard cartridge bullet, the testimony is absolutely conclusive. Each company had issued to it only 650 rounds of

this kind of ammunition. The testimony shows that each of the companies had every round of this ammunition, not only after the firing, but also when they were finally discharged, and all their ammunition was turned in at Fort Reno in November, 1906, except 5 rounds, belonging to Company D, which were fully accounted for by Captain Lyon.

At pages 273, 274, and 275, Volume I of the record, will be found the ordnance returns for Company C. At page 273 is found the report made at Fort Niobrara, Nebr., June 30, 1906, which shows that the company received May 14, 1906, 650 ball cartridges, reduced range (or guard cartridges), and that at the time of the report there were remaining on hand of these cartridges 650.

On page 274 is found the return for this company, dated at Fort Reno, Okla., January 1, 1907, which shows with respect to guard cartridges as follows:

On hand from last return 650
Remaining on hand to be accounted for on next return 650

Accompanying the first of these reports is the following certificate:

"I certify that the foregoing return exhibits a correct statement of the public property in my charge during the half year ended June 30, 1906, and that the maximum strength of the company during the half year was sixty-five enlisted men.

"Station, Fort Niobrara, Nebr., June 30, 1906.

"(Signed) EDGAR A. MACKLIN,
"Captain, Twenty-fifth Infantry, Commanding Company."

The second report is certified to as follows:

"I certify that the foregoing return exhibits a correct statement of the public property in my charge during the half year ended December 31, 1906, and that the maximum strength of the company during the half year was 65 enlisted men.

"Station, Fort Reno, Okla., January 1, 1907.

"(Signed) EDGAR A. MACKLIN,
"Captain, Twenty-fifth Infantry, Commanding Company."

In his testimony at page 1771, Captain Macklin was interrogated as to these reports and testified as follows:

"Q. I was going to call your attention to your report, so far as the ammunition is concerned. I have put into the record here at page 273 your ordnance returns, in so far as they relate to small arms and ammunition taken from the War Department. I find at the foot of this report the following certificate:

"'I certify that the foregoing return exhibits a correct statement of the public property in my charge during the half year ended June 30, 1906, and that the maximum strength of the company during the half year was sixty-five enlisted men.'

"That certificate was truthful and accurate, was it?—A. Yes, sir.

"Q. State whether or not the amount of ammunition shown to be in your company, and for which you were responsible, was accurately given in that return.—A. It was, sir.

"Q. As the result of actual counting?—A. Yes, sir.

"Q. And inspection?—A. Yes, sir.

"Q. I see another report by you, which is printed on page 274 of our record, dated January 1, 1907, with a similar certificate. Will you look at that report and state whether that is also accurate?—A. (After examination.) That report, Senator, is accurate as counted by my second lieutenant. I was sick in the hospital at the time that was made, and he made it and verified it and I made the return.

"Q. I call your attention to the 5,700 ball cartridges which according to that report remained on hand—the 1,100 blank cartridges, the 130 dummy cartridges, and the 650 ball cartridges, reduced range.—A. Yes, sir; that is correct.

"Q. That is correct, is it?—A. Yes, sir; that I have verified since that date.

"Q. You have verified that since that date?—A. Yes, sir.

"Q. You still have that amount on hand?—A. Yes, sir.

"Q. And you had that amount of ammunition in your company the night of August 13, 1906, did you?—A. Yes, sir.

"Q. Captain, can you tell us what kind of ammunition your company was supplied with on the night of August 13, 1906?—A. Yes, sir; with the cartridge known as the 'guard' cartridge.

"Q. The one I last called your attention to on the return?—A. Yes, sir.

"Q. That is the reduced range cartridge?—A. Yes, sir.

"Q. How many of those did you have in the company?—A. I had 650 rounds.

"Q. When did you get those 650 rounds?—A. I got them a year ago this last March.

"Q. You got them at Fort Niobrara, along with the other ammunition?—A. Yes, sir.

"Q. You never had but 650 of those cartridges, did you?—A. That is all; yes, sir.

"Q. And your men had these cartridges in their possession on the night of August 13?—A. Yes, sir. That is the only cartridge they had.

"Q. Tell us, now, how it came that they had that kind of cartridge and no other kind of cartridge at that time, if you know?—A. That cartridge was issued by the Ordnance Department of the Army for guard duty only, and in the garrison duty it was the only cartridge that the men were supposed to carry. All other ammunition was turned in, and each soldier of my company had 10 rounds of that ammunition.

"Q. Where was this issued to your company?—A. It was issued at Brownsville.

"Q. Will your property book show that issue? The book is right before you; will it show it?—A. I think it will, sir. I can not say positively.

"Q. The property book is kept by——A. The quartermaster-sergeant.

"Senator FORAKER. I will have to recall Sergeant McMurray for that.

"The WITNESS (after examination of book). Yes, sir; here it is.

"By Senator FORAKER:

"Q. I will ask you if the property book of the company does not show that each man had issued to him guard cartridges, 10?—A. Yes, sir.

"Q. That runs the same all the way through?—A. It should run the same all the way through.

"Q. When you went from Fort Niobrara to Fort Brown, what kind of ammunition did you have?—A. We carried 20 rounds of ball ammunition.

"Q. And then when you got to Fort Brown you had that turned in and issued what?—A. In two or three days after arrival at Fort Brown the ball ammunition of my company was turned in.

"Q. Yes.—A. And I notified the men that I would make frequent inspection of lockers to see that all the ammunition was turned in, and I was satisfied within a few days afterwards that all my ammunition had been turned in.

"Q. The 20 rounds they were charged with and any surplus that might have been accumulated, of any kind, also?—A. Yes, sir.

"Q. You made that examination at Fort Brown?—A. Yes, sir; I made several inspections of it.

"Q. So that you are able to state that the night of this firing your men had no ammunition whatever in their possession except only this guard ammunition?—A. I am perfectly satisfied in my own mind; yes, sir.

"Q. This guard ammunition has, as we understand it, only about 15 grains of powder in the cartridge?—A. I don't know exactly how much, but the cartridge itself has a distinctive mark.

"Q. And it has a lead bullet, without any steel jacket?—A. Yes, sir; and it has a distinctive mark around the top part of the cartridge.

"Q. Did you or not make any examination after the firing to see whether or not your men had all this ammunition?—A. Yes, sir.

"Q. This guard ammunition, I mean.—A. Yes, sir.

"Q. And it was all there?—A. All accounted for; yes sir."

The ordnance reports of Company B, made by Lieutenant Lawrason, at Fort Niobrara, June 30, 1906, and found at page 269, shows that 650 rounds of guard cartridges were issued to that company at Fort Niobrara May 7, 1906, and that no other ammunition of that kind was issued to it, and that it had exactly that number of these cartridges on hand at the time when the report was made, which report is certified to in the usual form.

Lieutenant Lawrason, who was in command of Company B the night of the shooting, turned over the command of that company to First Lieut. J. A. Higgins, September 17, 1906, and on that day made a report, found at page 271 of our record, which shows that he had on hand from last return 650 guard cartridges, and that on that date he transferred to Lieutenant Higgins, with other company property, exactly 650 of these cartridges. Lieutenant Lawrason certifies to this report as follows:

"I certify that I have made a careful inventory of the various quantities of small-arms ammunition for which I am accountable, and have taken up on my return all surplus ammunition on hand, and that said return shows the actual quantities of small-arms ammunition on hand at the end of the period for which it is rendered.

"(Signed) GEO. C. LAWRASON,
"Second Lieutenant, Twenty-fifth Infantry."

He also further certifies:

"I certify that the foregoing return exhibits a correct statement of the public property in my charge during the half year ended September 17, 1906, and that the maximum strength of the company during the half year was 63 enlisted men.

"Station, Fort Reno, Okla., September 17, 1906.

"(Signed) GEO. C. LAWRASON,
"Second Lieutenant, Twenty-fifth Infantry,
"Commanding Company."

This report is also certified to by J. A. Higgins, first lieutenant, Twenty-fifth Infantry, commanding Company B:

"I certify that all the ordnance and ordnance stores enumerated on this return as 'transferred to First Lieut. J. A. Higgins, Twenty-fifth Infantry,' were this 17th day of September, 1906, received by me from Second Lieut. George C. Lawrason, Twenty-fifth Infantry.

"Post-office address, Fort Reno, Okla.

"(Signed) J. A. HIGGINS,
"First Lieutenant, Twenty-fifth Infantry,
"Commanding Company B."

Lieutenant Lawrason testifies to the accuracy of these reports and the certificates attached. At page 1593 he testifies specifically with respect to guard cartridges, as follows:

"Q. You had 650 of those cartridges. If you will turn to page 273 following there, you will see that Capt. Edgar A. Macklin certified that Company C had 650 reduced-range cartridges?—A. Yes, sir; I believe that is all that was issued to any company of the Twenty-fifth at Fort Niobrara.

"Q. Captain Lyon, as you will see by reference to page 278, also had 650 of these cartridges. That is correct, then, is it?—A. Yes, sir.

"Q. I have called your attention to this with particularity because you stated you thought you had only a thousand rounds of these cartridges. In fact, you had exactly 650 rounds, did you not?—A. Yes, sir.

"Q. And you did not use any of it at all—that is, you did not expend any of it while you were in command of the company?—A. No, sir; none of that was expended."

He further testified, at page 1593, that the next day after the firing he took up the ball ammunition and issued the guard cartridges to his men, 20 rounds to each man as far as it would go. Having only 650 rounds, there was not enough to supply each of his men. Those who did not receive ammunition of this character he supplied with ball ammunition. His testimony on this point is as follows:

"Q. On the morning of the 15th, when your company came off duty, you say you took up this ball cartridge to some extent and issued guard cartridges in place of the ball cartridges. That is what I understood you to say?—A. Yes, sir.

"Senator WARNER. He took up all the ball cartridges.

"Senator FORAKER. No; he said he took up a part.

"Senator WARNER. How was that, Lieutenant?

"The WITNESS. I do not believe I had enough guard ammunition to go around. I had 20 rounds of ammunition to a man.

"By Senator FORAKER:

"Q. That is the way I understood it. You took up your 20 rounds of ball cartridges and then issued the guard cartridges, 20 rounds to each man, as far as it would go?—A. Yes, sir.

"Q. And then pieced out to the others, who did not receive the guard ammunition, with the ball cartridges?—A. Yes, sir.

"Q. And you continued to have only that kind of ammunition until you got ready to leave there?—A. Yes, sir.

"Q. Please state, Lieutenant—we are not interested beyond that—whether, when this exchange of ammunition was made on the morning of the 15th, you examined the ammunition to see whether each man had all of his cartridges or not; whether or not each man's ammunition was checked up and found to be intact.—A. Yes, sir; it is my recollection that when the ammunition that was issued the night before—that is, on the night of the 13th—was turned in each man's ammunition was checked up, and it was seen that he retained in his possession only 20 rounds.

"Q. That was done, then, on the morning of the 14th?—A. I do not recollect for certain the date, but I remember——

"Q. But you do remember distinctly that each man's ammunition was checked up, do you not?—A. Yes, sir.

"Q. *And it was found to be accurate, to a cartridge, was it not?*—A. *Yes, sir.*"

The ordnance returns for Company D made by Captain Lyon, found at pages 276 and 278, show that 650 guard cartridges were issued to his company May 7; that no others were ever issued to it, and that he had all of them on hand when he made his return at Fort Niobrara, June 30, 1906, and that he had remaining on hand 645 when he made his return December 31, 1906, and that the five missing cartridges were expended long after the date of the affray, as set forth in statement made by him on muster and pay roll, to the accuracy of which he certifies in the usual form.

No extra ammunition of this kind was at any time accessible to either of these companies, so they had no opportunity to secure additional ammunition of this kind. Had any of it been used, even a single cartridge, that fact would have been developed when the ammunition was verified after the firing, as well as at the time when it was returned to the Government when the soldiers were discharged at Fort Reno.

Aside from this positive proof by which every such cartridge was accounted for, there is, in favor of the soldiers, the utter improbability that if they shot up the town they would have used on such an occasion guard cartridges with only 15 grains of powder, not designed for offensive operations, instead of their regular ball cartridges with 40 grains of powder, with which Companies B and D were already supplied, and from which companies, if there was a conspiracy as claimed, a supply might have been obtained for any men of Company C who might have participated.

The testimony shows that one trouble in promptly forming Company C and placing it in position that night was due to the fact that the men were unwilling to go to their position behind the wall for the defense of the reservation, which they supposed was being attacked, until they could be given ball ammunition.

At page 692 Lieutenant Grier, who was in command of Company C at the time of the firing, testified that while his company was forming he found Quartermaster-Sergeant McMurray and Artificer Rood "right by the company storeroom, where the ammunition was kept."

"Q. What were they doing there?—A. Rood was in an argument with McMurray. He wanted to get into the storeroom and get some ammunition. He said he refused to go out there and be fired at without having anything to fire back, and the old sergeant said he would not open that door until I told him to.

"Q. The sergeant was standing guard over the door?—A. Yes, sir.

"Q. What did you do?—A. After I checked the company and satisfied myself that with the men in line and with the men on guard, and the sick and the men on detached service, that the company was satisfactorily accounted for, then I ordered them to open up a brand-new box of ammunition and issued the ammunition to the company.

"Q. They went into the storeroom?—A. Yes, sir.

"Q. And brought out a case?—A. It was opened right in the room.

* * * * * * *

"Q. Why was it Artificer Rood was saying they had no ammunition, and he did not want to go out unless they had some ammunition.—A. As I remember it, C Company was the only company in the post that carried the guard ammunition. They issued ten rounds per man. I believe they had 650 rounds; I don't remember.

"Q. That was the reduced range ammunition?—A. Yes, sir.

"Q. We have been calling it here—used only for guard purposes?—A. Yes, sir.

"Q. That is a cartridge, as we understand it, that has only about fifteen grains of powder in the shell, as against forty-two or forty-three?—A. Yes; and with a lead bullet.

"Q. And what kind of a bullet has it?—A. A lead bullet.

"Q. No steel jacket on it?—A. No, sir.

"Q. How far can they shoot that?—A. They are supposed to be effective 75 or 100 yards.

"Q. And the men were not satisfied to go out, or Mr. Rood was not, at any rate, with that kind of ammunition?—A. Yes, sir.

"Q. And what he wanted was the regular ball ammunition?—A. Yes, sir.

"Q. That is what you directed the quartermaster-sergeant to issue?—A. Yes, sir."

This testimony is quoted to show that men planning to go out and shoot up a hostile town for purposes of revenge would not be likely to supply themselves for such an occasion with an ammunition that they had no confidence in, even for purposes of defense such as they had in contemplation at the time when the occurrence happened about which Lieutenant Grier testified.

TESTIMONY OF LITTLEFIELD.

The testimony of Ambrose Littlefield is that from the mouth of the Cowen alley at Thirteenth street he looked up Thirteenth street 120 feet to the corner of Thirteenth and Washington streets and saw a party of raiders turning to the right from Thirteenth street on to Washington street, and that as they turned into Washington street they passed *near a street lamp*, and that as they were passing the street lamp one of the raiders turned and looked in the direction of the witness, and that the witness by the aid of the lamp at that distance from him could see that it was the face of a negro soldier. The testimony of this witness might be analyzed to show that it is unworthy of credit, but that is not necessary in view of the fact that he is completely contradicted by Mr. George Thomas Porter, who lived at the corner of Thirteenth and Washington streets and who testified that he was at his front window looking out at the very time mentioned by Littlefield, and that no men of any kind turned out of Thirteenth street into Washington street in the way described or were anywhere near the lamp under which Littlefield claims to have seen the soldier whom he pretends to have identified.

TESTIMONY OF DOMINGUEZ.

Lieutenant Dominguez, who was wounded, testified that from the corner of Washington and Fourteenth streets he looked down Fourteenth street to the Cowen alley and saw the raiders cross Fourteenth street, going northwardly in the alley toward the Miller House, and that he saw 8 of the raiders four abreast. The fact that he could not have any artificial light to aid him and does not pretend to have had any such help, is enough to discredit this statement. But Officer Padron testifies that he was at the corner of Washington and Fourteenth streets at the time when the raiders were firing on the Cowen house, and that he went from that point northwardly on Washington street to Thirteenth street, and that when about midway of the square he met Lieutenant Dominguez, and that Dominguez there alighted, tightened his saddle girth, remounted, and then went with Padron north on Washington street to Thirteenth, and that he was never nearer Fourteenth street than the point where he met him, which was, as stated, about the middle of the square.

The only other time when Dominguez claims to have seen the soldiers was when he was passing the mouth of the alley on Thirteenth street at the Miller Hotel. He testified that he passed the mouth of the alley in a fast trot, and that as he did pass the mouth of the alley he looked down it toward the garrison and saw at the distance of 25 or 30 feet soldiers coming up the alley toward Thirteenth street; that there were about 15 or 20 of them, and that they were about equally divided into two squads and that they were marching in single file and that these squads were on opposite sides of the alley. This alley was 20 feet in width. On one side at the line of the alley rose a two-story frame building and on the opposite side at the line of the alley rose a three-story brick building, the Miller Hotel. It was, therefore, impossible for Dominguez to look into the alley until he came opposite to it. At that time he was going in a fast trot. It would not take him more than a second, going at that rate of speed, to entirely pass the mouth of the alley. He testifies that he not only saw the soldiers and made the careful observations he minutely states, but that he saw a lady in the window of one of the upper stories of the hotel and warned some parties who appeared to be at the window, as well as others, of the danger that was coming. There was no light whatever in the alley, either at the point 30 feet from the mouth of it, where Dominguez claims to have seen soldiers, or at any other point. On that dark night looking down that alley between the houses that fronted on it in the way described there was nothing whatever to aid the vision. It was not only a dark night, but probably there was not a darker place in all Brownsville at that particular time than was that particular spot.

A fair consideration of these facts, about which there can be no serious dispute, compels the conclusion that it was impossible for Dominguez to have seen and noted with accuracy what he states.

EXPERT TESTIMONY AS TO EFFECT OF DARKNESS ON THE VISION.

On this point of inability to distinguish in the dark, attention is called to the following testimony as to the results of experiments made by certain officers of the Twenty-fifth Infantry, none of them, however, belonging to either of the companies stationed at Brownsville:

(Page 1989):

Testimony of Second Lieut. James Blyth, U. S. Army.

Second Lieut. James Blyth, U. S. Army, being first duly sworn, testified as follows:

"By Senator FORAKER:

"Q. Give us your name in full, Lieutenant.—A. James Blyth.

"Q. You are an officer in the Twenty-fifth United States Infantry?—A. Yes, sir; second lieutenant.

"Q. And have been how long?—A. Three years and four months.

"Q. Of what company?—A. Battalion quartermaster and commissary, third battalion.

"Q. Have you at any time been connected with any company?—A. Yes, sir; with K Company.

"Q. What rank have you in the Army?—A. Second lieutenant.

"Q. How long have you been in the Army altogether?—A. Eight years and seven months.

"Q. Are you a graduate of West Point?—A. No, sir.

"Q. You were appointed from civil life?—A. From the ranks.

"Q. Were you present at Fort McIntosh in February and March of this year, when certain experiments were made?—A. Yes, sir.

"Q. As I understand, experiments of two kinds were made, some with respect to the power of vision at night and some with respect to the course of bullets?—A. Yes, sir.

"Q. As to their deflection, and so forth?—A. Yes, sir.

"Q. Tell us first about the experiments made in February concerning the powers of vision at night. Were you present at those experiments?—A. Yes, sir.

"Q. Tell us who else were present?—A. Major O'Neil, Lieutenant Harbold, Lieutenant Elser, and a civilian by the name of Colonel Stucke.

"Q. You were the observers?—A. We were the observers; yes, sir.

"Q. Now, tell us who made the experiments, who conducted them?—A. Lieutenant Wiegenstein.

"Q. Is he an officer of the Twenty-fifth Infantry?—A. Yes, sir.

"Q. Now, go ahead and describe what that experiment was.—A. He arranged to have the men go down there at night. We did not know how he was going to conduct it at all. After everything was ready we went out at about half past 8 in the evening and stood on the edge of an arroyo. The men were down underneath. When the first volley was fired Major O'Neil shouted to him and asked him which way the men were facing. We could not tell. Lieutenant Wiegenstein laughed and said that was a part of the test, that he did not care to say. He wanted us to find out for ourselves.

"Then we moved down about 50 feet further, I should say, along the edge of the arroyo. Two more volleys were fired, and some fired at will, but all we could see was the flash of the rifle. We could not see the rifle that fired it.

"Q. Have you any memorandum that shows the distance at which you were making the observation?—A. Yes, sir.

"Q. Please produce the memorandum, and tell us how far the squad was away from you when the first firing which you have mentioned was done.—A. The first firing on the horizontal was 50 feet and 4 inches, and the vertical height was 21 feet and 2 inches.

"Q. That was which firing, the second or the first?—A. It was the first.

"Q. You were that far distant?—A. Yes, sir.

"Q. And at that distance could you distinguish the men?—A. No, sir.

"Q. Could you tell whether they were white men or negroes or Mexicans?—A. The light was not sufficient for us to tell which way they were facing even.

"Q. You could not even tell that?—A. No, sir.

"Q. Could you tell anything about the different articles of clothing they wore?—A. No, sir.

"Q. Was there a further firing?—A. Yes, sir.

"Q. Where did that take place? How far were you from them?—A. That was 24 feet on the horizontal and 20 feet and 7 inches above them. The results were the same.

"Q. Then was there another trial?—A. Yes, sir; we moved down then.

"Q. You moved down or they moved down?—A. We moved down to another place. That was 69 feet 2 inches away and 20 feet 5 inches above them; and looking almost into their faces, when the volleys were fired, all we could see was the flash, that was all.

"Q. You moved down or they moved down?—A. We moved down. We could see nothing but the flash.

"Q. And you could tell nothing about their clothes?—A. No, sir; we could not even see the rifles that were fired.

"Q. You could not even see the rifles?—A. No, sir.

"Q. Could not tell whether they were Krugs or Springfields or Winchesters or what?—A. No, sir.

"Q. Was there any other firing, still another test?—A. Yes sir; after that they marched down one arroyo and came up another almost directly underneath us in single file, but we failed to distinguish anyone, could not tell who they were at all. They were halted, then, underneath us, at that time 20 feet and 5 inches below and 18 feet and 7 inches from us. Then the flash of the rifles would come, and the eye would involuntarily close. The closer it got, the more the noise of the report and the flash of the rifle attracted your eye. Before you could take your eye away to look for anything else the light would disappear, so it was impossible to see anything.

"Q. Did you make any further tests?—A. Yes, sir; we brought the men up——

"By Senator WARNER:

"Q. In order to save time, because I do not care to cross-examine, I will ask this question: They were 22 feet below you?—A. Yes, sir.

"Q. And 18 feet from you?—A. Twenty feet 5 inches below us.

"Q. And how many feet from you?—A. Eighteen feet 7 inches.

"Q. From you?—A. Yes, sir; on a horizontal, and vertically 20 feet and 5 inches.

"By Senator OVERMAN:

"Q. From the bank to where they were?—A. We were standing on the bank and that was the distance measuring down.

"Q. The base of the triangle was 18 feet?—A. Yes, sir.

"Q. And you did not measure the hypotenuse?—A. We did not measure that.

"By Senator SCOTT:

"Q. You were standing up here, as I understand it, and then over here [indicating]?—A. Yes, sir.

"Q. The height here was 20 feet and 5 inches?—A. Yes, sir.

"Q. And the horizontal distance from here to here was how much?—A. Eighteen feet and 7 inches.

"By Senator WARNER:

"Q. You did not get the hypotenuse?—A. We did not get that.

"By Senator PETTUS:

"Q. Do you mean the diagonal distance, or what do you mean?—A. We measured the two sides of the triangle. We did not measure the hypotenuse. We did not figure that out.

"Q. You measured it with a tapeline?—A. Yes, sir.

"Q. Not with a common rule?—A. Oh, no.

"Q. A tapeline, or something of that kind?—A. A steel tapeline, and also with a clinometer.

"Q. You did not measure the hypotenuse?—A. No, sir.

"By Senator FORAKER:

"Q. After these firings in the arroyo, what happened next?—A. We brought the men up on the bank—took them up on the road. The road was about 8 feet wide. We divided ourselves into two parties, one party on each side of the road. The moon was shining, and it was a clear, starlight night, so there was a good light. The men were marched past, in single file, between us, and we wanted to see if we could distinguish the features of the men. After they all passed by I asked Major O'Neil to have a number of white officers march past, so I could get the exact distance to us from them, to see if I would get the same impression that I did from the soldiers going by. Lieutenant Wiegenstein came back and laughed and said: 'Then you don't know that there are white men in the line?' I said: 'No; I did not know that.' So the detail was halted and I went up and scanned each man's face. We were about 2 feet from them at that time. I peered right into their faces, and I myself picked out one man who was a little lighter colored than the remainder, and he turned out to be a Mexican. The other men I did not distinguish at all. After we had passed he told me that there was a white man in the center of the line, and also a man who, I believe, was an Italian.

"Q. Did you have any further experiments?—A. That night, after the moon went down, we went out and had the same experiments.

"Q. With the same results?—A. And with the same results. The only difference was that after the moon went down, and at a greater distance—we were 69 feet and 2 inches away—when the rifles were fired by volley, what I saw was just a long line of legs with dark material. It seemed to be long trousers that the men had on, but after the experiment was over and they were brought up on the bank I found that they had on khaki breeches and leggings. So I received a false impression.

"Q. And you observed as closely as you could?—A. Yes, sir; we cautioned one another to watch. Not only that, but after the first volley was fired we cautioned one another to watch where the faces should be.

"Q. What interest had Colonel Stucke, if any, in that investigation?—A. None whatever; no interest at all. He was there as a guest of Major O'Neil to dinner and went out with us after dinner.

"Q. He is not connected in any way with the command?—A. No, sir.

"Q. Were you all of one mind as to the result of the investigation?—A. As far as it went. It was impossible to distinguish features by the flash of a rifle, or to distinguish color or complexion.

"Q. After nightfall, when the firing was in the dark?—A. Yes, sir.

"Q. Did you have any further experiments?—A. We had another one on the 11th of March at night. At that time Captain Lewis and Lieutenant Harbold and myself were the observers.

"Q. Was that of this same general nature?—A. Of the same nature as in the arroyo. After the firing in the arroyo we came up and went into my house, and went upstairs and looked out of two windows, 3 feet away, down, and the men were marched past underneath the windows, and we failed to recognize any features or any complexion. We could distinguish from the light shining out from my window on the first floor that they had on shirts made of dark material of some kind, and lighter trousers, but what they were we could not tell.

"Q. Yes.—A. Then they were moved around in front of the house and marched across the parade ground, and in rear of a light, and when they got about 60 feet away we were unable to see them. They disappeared entirely from view. They were brought back and marched between a street lamp and my porch—we were all sitting there—the distance being about 20 paces. We afterwards measured that. We did not recognize anyone. Then they were brought around, and right along on the sidewalk in front of the house, which is only 5 paces away, and at that distance we failed to recognize Lieutenant Wiegenstein, who was in the center. We did not know he was there. He was the only white man in the lot.

"Q. What was the character of the night? Was it an unusually dark night?—A. The stars were shining, and there was no moon.

"Q. The stars were shining, and no moon?—A. Yes, sir; with a street lamp only 20 paces away.

"Q. Now, if anyone were to say that looking out of a window of a dark night he or she saw a gun fired, and recognized by the flash of that gun, it being a high-power rifle such as you have in use, the face of a man as that a negro, and was able to detect that he had freckles on his face, what would you think of that kind of a statement, from your observation and experience?—A. I would not believe it.

"Q. You would not believe it?—A. No, sir.

"Q. And what would you believe of a statement of similar character, to the effect that by the flashes of rifles it could be determined whether the hats worn by the men shooting the rifles were black hats or gray hats, or whether they had cords around them or not?—A. With our rifles the experiments showed that the flash of a rifle was not sufficient to show you anything.

"Q. You could not tell what kind of a rifle it was, even?—A. No, sir; you could not even see the rifle that fired the shots.

"Q. So that if anyone who was looking out could see such things as I have indicated it was because they had better powers of observation than you had, or else they were mistaken in what they saw or observed?—A. Yes, sir; that is it."

Page 1913:

Testimony of Maj. Joseph Patrick O'Neil, United States Army.

Maj. Joseph Patrick O'Neil, United States Army, being first duly sworn, testified as follows:

"By Senator FORAKER:

"Q. Please give your name in full.—A. Joseph Patrick O'Neil.

"Q. You are in the military service of the United States, are you?—A. I am, sir.

"Q. What is your rank?—A. Major, Thirtieth Infantry.

"Q. You are now a major of the Thirtieth United States Infantry?—A. Yes, sir.

"Q. Where are you stationed?—A. Fort Logan H. Roots.

"Q. Were you formerly connected with the Twenty-fifth United States Infantry?—A. From the summer of 1891 until the 1st of February, 1907, I was an officer of the Twenty-fifth Infantry.

"Q. Sixteen years, about?—A. About sixteen years; yes, sir.

"Q. That is a pretty long service with one regiment. When were you transferred to the Thirtieth—when were you promoted to be major?—A. Yes, sir; when I was promoted to be a major; the vacancy was in the Thirtieth Infantry, and I went to that vacancy.

"Q. When was that?—A. The vacancy occurred on the 31st of January. I did not leave the Twenty-fifth Infantry until the 8th of March.

"Q. Of this year?—A. Of this year.

"Q. Until the 8th of March of this year, then, you had been with the Twenty-fifth Infantry ever since 1891?—A. Ever since 1891.

"Q. You were with the Twenty-fifth at Fort Niobrara?—A. Yes, sir.

"Q. And then what company were you connected with at that time?—A. At Fort Niobrara?

"Q. Yes.—A. Company M. I was commanding Company M, and the Third Battalion of the regiment.

"Q. Where did you go when your regiment left Fort Niobrara in July of last year?—A. We went to Fort McIntosh, Laredo, Tex.

"Q. You went there with Company M?—A. And the Third Battalion.

"Q. What other companies constituted that Third Battalion?—A. I, K, L, and M.

"Q. You were captain of M Company then?—A. I was captain of M Company.

"Q. And went with it to Fort McIntosh. You were not at Fort Brown at all?—A. No, sir.

"Q. Fort McIntosh is how far from Fort Brown?—A. I would simply have to make a guess, Senator.

"Q. Is it 40 or 50 miles?—A. It is between 150 and 200.

"Q. It is up at Laredo?—A. It is up at Laredo.

"Q. Fort Ringgold is between the two posts?—A. Between the two posts.

"Q. You were on the Rio Grande River at Fort McIntosh?—A. Yes, sir.

"Q. Now, Major, did you have anything to do with any experiments that were made at Fort McIntosh in February or March of this year with a view to ascertaining what the powers of vision were at night in identifying people and determining who they were?—A. Yes, sir; I ordered some experiments to be made, and the one about recognizing people I personally superintended.

"Q. Tell us when that experiment was made and by whom it was made, and what was the nature of it as nearly as you can.—A. It was near the last of February. I do not remember the exact date.

"Q. During the month of February. That will answer the present purposes. There is no controversy about the date. We will agree upon that. Where was this experiment made?—A. At Fort McIntosh.

"Q. Did you make more than one experiment?—A. Well, we made three altogether. I personally superintended only one.

"Q. And that was an experiment to determine what?—A. That was an experiment to determine how far you could recognize men at night, and what was the effect of the flash of our present rifle as to light up a man's face or prominent parts, so that you could distinguish him.

"Q. Did you participate in that experiment or did you simply play the part of an observer?—A. Well, I had the experiment conducted before me. I was observing the experiment.

"Q. Who conducted that experiment?—A. Well, Lieutenant Wiegenstein was present with the men; Lieutenant Blyth, I think Lieutenant Harbold—I do not remember now for sure—Lieutenant Elser, and Colonel Stucke, an electrical engineer.

"Q. With the exception of Colonel Stucke, an electrical engineer, the others whom you name were all officers of your battalion, were they not?—A. Yes, sir.

"Q. I understood you to say Lieutenant Wiegenstein conducted the experiment?—A. Yes, sir.

"Q. I wish you would tell us just what it was; the nature of it.—A. I directed Lieutenant Weigenstein to have a number of men, more than ten. I told him I wanted Mexicans and white men and negroes mixed up. I told him the reason I wanted it was that I saw an account of where a person had testified that he could recognize these people 70 or 80 feet away.

"Q. That was in the Penrose court-martial?—A. That was in the Penrose court-martial.

"Q. And that is what prompted you to have this experiment made, was it?—A. That was what prompted me to have this experiment made.

"Q. Now go on.—A. Well, he selected the men. I told him one or two men that I wanted put in, just mentioned casually that I thought they would be good men to put in. He went down into an arroyo——

"Q. Explain what an arroyo is. That is a new word with us.—A. An arroyo is a ravine. Generally its sides are perpendicular. That is the difference that we make between an arroyo and a ravine, although arroyo is the word usually used in all Mexican descriptions.

"Q. Just proceed.—A. He brought those men down into an arroyo, where we could get an approximate idea of distance—that is, the height of a man in a second story window, and the approximate distance, by standing on top of this arroyo and looking down, the approximate distance as testified.

"Q. Was this at night?—A. This was at night.

"Q. At about what hour?—A. The one that I attended was between 8 and 10 o'clock at night. It took us some time.

"Q. What kind of a night was it?—A. Well, the moon would have set about 12 o'clock. The night was so bright that one of the officers took a newspaper from his pocket and said, "Why, I can almost read this print.' I did not stay around close enough to ask him any further questions about it, but it was a particularly bright, clear night.

"Q. There was moonlight; was there also starlight?—A. Moonlight and bright starlight. I think there were about eleven men. They were lined up, and they wore khaki leggings, khaki trousers, and blue shirts. The first experiment—the distances I marked at the time. I do not remember what they were. If you would like the distances, I still have the notes that I made at the time.

"Q. Yes; you can look at your notes and give us the distances.—A. The distance in the first position—the distance of the squad from the officers—was 50 feet and 4 inches horizontally.

"Q. The officers who were observing?—A. Who were observing. That is the horizontal distance. The officers who were observing were 24 feet above the squad—that is, we were on top of the arroyo and the squad was down in the bottom of the arroyo. We were 24 feet above and 50 feet and 4 inches away from them. At the first experiment the men's backs were turned toward us. We did not know anything about what was going to be done. Lieutenant Wiegenstein did that entirely.

"Q. You knew the men were coming into the arroyo before you could see them?—A. We knew the men were coming into the arroyo. We were told that they were coming in and we were watching for them.

"Q. But you did not know which way they would front?—A. We did not know which way they would front, or anything about it. Well, at the first firing the men had their backs to us, and they fired 20 or 30 shots. They fired by file and they fired by volley. The only way that I could distinguish that their backs were toward us was by the flashes of the rifles going away from us. Then I asked a question. I said: 'Mr. Wiegenstein, haven't you got them faced the wrong way?' That I understood afterwards was a part of the experiment, but I recognized from the flash of the rifles. I expected the flash of the rifle to come toward me, and instead of that it went away from me. The next position the distance was 68 feet and 7 inches. The men's faces were toward us. We could not distinguish anything in their faces any more than we could before.

"Q. In the first case could you tell anything more than that the men were there at the place where the firing was? Could you tell how they were dressed or who they were?—A. No, sir. I felt that they had on khaki trousers and leggings. I was not exactly sure of the kind of coat they had on. The only reason that I remember this is that I asked Mr. Wiegenstein, 'What kind of coats have they on?' He said, 'They have blue shirts.' I ordered him to go back and change and get into khaki coats, but the light did not show distinctly enough to tell whether they had their khaki coats on or blue shirts. Further than that, Mr. Wiegenstein was in olive-drab uniform. He had on a standing white collar, which came up about an inch above the collar of his coat. He had on his saber. I recognized him distinctly when he was under me, or some distance away while he was marching, walking up toward me or talking to me. When he got down into the squad I looked particularly to find him, and I could not distinguish him in the squad.

"Q. Although he had on a white collar and a saber?—A. Although he had on a white collar and a saber.

"Q. Did you look for him at the time when the guns were flashing?—A. I did not look for him particularly at that time. It was after the first firing that I thought I would look to see whether I could distinguish him. At first my attention was entirely given up to trying to distinguish particularly the individual men in the squad.

"Q. Could you distinguish any of the individual men?—A. No, sir. There was in the squad a man who had worked for me and worked in my house for six months or more, brushed my shoes, and coming to the door and looking after me. I knew him as well, if not better, than any man in the command. I tried particularly to see if I could distinguish him, but I could not distinguish anyone. There were three of those experiments, but in the last one we moved up until we were 24 feet above them.

"Q. Before you get away from the first one, you said you had white men and Mexicans and negroes. Could you distinguish the Mexicans from the others?—A. No; I could not distinguish.

"Q. Could you distinguish the white men from the others?—A. No; I could not distinguish any of them.

"Q. You could not distinguish mulattoes or negroes?—A. You could not tell who they were down there. They might have been anything in color. It was absolutely impossible to distinguish them.

"Q. What kind of hats or caps did your men wear?—A. They wore the campaign hat.

"Q. Could you tell what kind of hat they had on?—A. I don't remember whether it was—no, sir; we could not distinguish. We did not distinguish the hats until they passed in review.

"Q. Now go to the second experiment. The one I have been asking you about, the first one, was where they had their backs to you, when you had expected them to front toward you, as I understand?—A. Yes, sir.

"Q. How far away were they?—A. At that time they were 68 feet 7 inches.

"Q. What was the result of that—similar to the others?—A. Exactly the same. We could not distinguish anything about them at all.

"Q. Now, what was the third experiment?—A. After those two experiments, then I spoke to Mr. Wiegenstein about the coats—that I wanted the khaki coat worn. So he marched the men out of the arroyo and called out this particular man, that I would have known almost any place, told him to go up and get a khaki coat, and I changed the order and told him to have all of them in their khaki coats. Then they came back and went through their third experiment. At that time we were at about the same height, 24 feet above, and the horizontal distance was 18 feet 7 inches.

"Q. They were that close to you?—A. They were that close.

"Q. If they had been on a level?—A. If they had been on a level they would have been 18 feet 7 inches away. They were in khaki. They had campaign hats on. That we knew. I saw them marching out of the arroyo to go up and get their khaki coats. They went through the same experiment. I think in that experiment they fired a great many more shots that they had in either one of the two, probably more than they did in the first two together. That was the particular point where I tried to recognize Lieutenant Wiegenstein and I could not. That was at a horizontal distance of 18 feet 7 inches.

"Q. You measured these distances afterwards, did you?—A. Yes, sir. These distances were measured with a steel tape—an engineer's tape.

"Q. Could you tell the white men from the Mexicans or Mexicans from the negroes?—A. No, sir; you could not tell the white men from Mexicans. You could not tell anything about them at all.

"Q. Could you tell how they were uniformed, how they were dressed?—A. The test was hardly fair for me, then, because I thought that I recognized khaki trousers and khaki leggings. The upper part I could not recognize anything about at all. I could not tell whether they had on a khaki coat or not, but I thought that I recognized khaki leggings and khaki trousers. I knew that they had the khaki trousers and khaki leggings, and I was looking particularly to find it out.

"Q. What about their faces when the guns were fired? Did the flash light up their faces so you could distinguish them?—A. At the flash of the rifle you could not distinguish anything. This rifle has such a vivid flash that the eye does not take in anything except the flash. At times your eye might run to the shoulder or to the arm. It might take in that much, but when the flash of the rifle goes off all that you see is the flash. It is nothing like the black powder and nothing like the shotgun flash.

"Q. These were Springfield rifles and smokeless powder?—A. Springfield rifles and smokeless powder.

"Q. Your regular ball ammunition?—A. Regular ball ammunition.

"Q. Then you could not tell whether a man in the line there had freckles on his face or not?—A. No, sir.

"Q. Could you tell what kind of a gun he had in his hand?—A. No, sir.

"Q. Could you tell whether it had a blue barrel or whether the barrel was covered with wood?—A. That, I believe, was absolutely impossible.

"Q. I ask you these questions only because of these things having been testified about. You were there for the express purpose of making observations?—A. Yes, sir.

"Q. You were looking to see what you could in the way of detecting these things?—A. Yes, sir.

"Q. And that was not a dark night?—A. No, sir; that was a very bright moonlight night.

"Q. What did the men do after that?—A. After they finished the shooting I directed Lieutenant Wiegenstein to march them up the road, and the spectators or the witnesses stood about 5 feet away. The men marched by us and they would have gotten by us if I had not known—if I was just taking a cursory glance I would not then have noticed any difference in the men; but when they had passed I said, 'Halt that squad, Mr. Wiegenstein. I thought I told you to put in some Mexicans and white men,' and he said, 'I did, sir.' Then we went and walked down the line. There were two men that I thought might have been white men. Then I walked down the line to examine it, and the only man that I picked out was an Italian who had been working in the blacksmith shop, out of the sun. He had a sort of waxy, yellowish complexion; nothing like a mulatto. The white man was in the center of the squad, and he passed me, and I knew he was there. I had specially ordered him out, and I did not recognize him until I halted the line and went up and looked into each individual's face.

"Q. And you were only 5 feet away from them as they marched by?—A. It could not have been more than 6 feet.

"Q. May have been less than 6?—A. It possibly was less.

"Q. It was close, they were marched right by you, and you knew that they had white men and black men and Mexicans in that company, and you were looking to detect the white men?—A. Yes, sir.

"Q. And the Mexicans?—A. Yes, sir.

"By Senator OVERMAN:

"Q. How was the moon at that time?—A. The moon would have set at 12 o'clock that night. The moon was not full, but was very large and very bright; a very clear night. Of course these men were marching through the chaparral. The chaparral brush down there—the mesquite brush—would probably grow 2 feet above the men's heads, but they were marching on a road that was as wide as from here to the wall. They were in the wagon track. That is, they were marched through a cutting in the clearing. It was not used very much as a road. There was an old cart used to go down there, I think, at times, but they were in the wagon track, right in the moonlight. The chaparral may have cast some shadow, but not enough——

"By Senator FORAKER:

"Q. Where did you stand—in the chaparral at the side of the road?—A. I stood in the chaparral at the side of the road.

"Q. And they were on a level with you as they passed by?—A. They were on a level with us.

"Q. And there was no chaparral on the road where they marched?—A. The chaparral was on either side of the road.

"Q. And the road was as wide as over to the wall?—A. That was the main road where they were marching.

"Q. Twelve or 15 feet wide?—A. I may have overestimated the distance. It could not have been over 10 feet wide.

"Q. All right, 10 feet wide.—A. It would not be more than 10 feet wide.

"Q. And the chaparral, you think, might have been as much as 2 feet higher than the heads of the men?—A. As much at 2 feet higher than the heads of the men.

"Q. Was the moon high or low?—A. The moon was high.

"Q. It would not cast much of a shadow over the heads of the men, would it?—A. It cast no shadow. In thinking over the experiment, the men were between the moon and me. Now, if the men had had their hats off I do not believe there would have been any difficulty in distinguishing them at all. I think that they were under the shadow of their hats, and they were marched by at what we call "quick time." They were going 120 steps to the minute and 30 inches to the step.

"Q. When they were halted and you went along the line, then you could pick out these different men?—A. Then we picked out the different men.

"Q. How many observers were there in your company who had the same experience?—A. I don't remember whether Lieutenant Harbold was there or not. I do remember Lieutenant Blythe and Lieutenant Elser and Colonel Stucke.

"Q. Colonel Stucke was not in the Army?—A. Not in the Army. I was anxious to have him out there because he is an electrical engineer, and I asked him some pertinent questions at the time.

"Q. Then did you experiment further that night or did that close the experiment?—A. Well, as the moon was so bright and the night was so bright that it did not correspond to the conditions at Brownsville, I ordered them to have the experiment after 12 o'clock, or after the moon went down. I know they had the experiment after that, but I did not attend it."

(Page 1963):

Testimony of Second Lieut. Robert Pattison Harbold, United States Army.

Second Lieut. Robert Pattison Harbold, United States Army, being first duly sworn, testified as follows:

"By Senator FORAKER:

* * * * * * *

(Page 1964):

"Q. Lieutenant, tell us whether or not you ever witnessed any experiments recently made at Fort McIntosh with a view to determining the powers of vision in the nighttime as to detecting men who were firing such arms as you were equipped with?—A. Yes, sir; on the night of February 18–19 of this year we made our first experiment at Fort McIntosh to get visual tests, and on the night of March 11 we made another experiment.

"Q. Now, go back and tell us about the first experiments, taking them up in their chronological order.—A. In the first experiment we began the experiment about half past 9 in the evening.

"Q. What kind of a night was it?—A. It was a bright moonlight night, the moon being about two hours high—that is, about two hours from down. The light was sufficient so that I could take a typewritten letter and study out the words and make out the letter. The experiment consisted in having a squad of men, of about 10, I think, placed in an arroyo, so that they would be about 22 feet below us, and at different points ranging from 200 feet as the maximum to 15 feet as the minimum on the horizontal from us. The composition of this squad was unknown to me at the time, as Lieutenant Wiegenstein, of the Twenty-fifth Infantry, arranged the squad and the details of the firing.

"At the first firing we were in rear of the men and above them at about 200 feet, I should say, in rear. At this distance the men could not be distinguished. The only thing that we could see would be a line, indicating that the men were there. It was impossible to tell in which direction the men were facing, and only when they fired could we determine this, as by the flash we could tell that the men were behind the flash, and then there would be firing away from us by them. The light of the flash was not sufficient to determine anything at all. The flash was instantaneous. Although we were trying to concentrate our eyes on the men and looked for features, the flash would draw the eye away involuntarily, and as it was instantaneous, nothing whatever could be seen; nothing of the rifle could be seen, and the articles of dress could not be distinguished. As far as complexion was concerned, why nothing could be seen. Even the face could not be made out.

"Q. Could you tell what kinds of hats they had on?—A. Not at that distance.

"Q. Whether black or gray?—A. No, sir; we could not.

"Q. Could you tell whether they had hat cords around their hats?—A. No, sir; we could not. I would not have been able to tell whether the men had hats on or not at that distance.

"Q. That is 200 feet away?—A. Yes, sir; approximately 200 feet, as far as I know, although the distance was actually measured, and Lieutenant Wiegenstein has the actual measurements of the positions.

"Q. Let me ask you there, Lieutenant Wiegenstein is still ill, is he?—A. Yes, sir.

"Q. Is he here in this city?—A. Yes, sir; he is in the general hospital.

"Q. Do you think we can expect him to be able to testify to-morrow?—A. I think so, sir.

"Q. Proceed then. That was the first firing, about 200 feet away from you?—A. Yes, sir.

"Q. And 22 or 23 feet below you?—A. Yes, sir.

"Q. Where did they fire again, if at all?—A. Then we changed our position and went around the head of the arroyo, so that we got directly opposite and on the flank of the squad. They were then, I should say, about 50 feet from us—that is, we were 50 feet on their flank. The results there were the same, although the line of men could be made out a little better than perviously, but features and articles of dress could not be recognized or distinguished. The complexions it was absolutely impossible to tell, whether the men were white or black, although we presumed that all the men were negro soldiers.

"Q. How many men were present with you observing this experiment as you were?—A. At this time Major O'Neil, of the Thirtieth Infantry, was there; Lieutenant Blyth, of the Twenty-fifth Infantry, was there, and a civilian by the name of Stucke, a civil engineer up at Laredo, Tex.

"Q. Was Lieutenant Elser there?—A. Lieutenant Elser was not at the first experiment.

"Q. Very well, I only want to get how many.—A. Yes, sir.

"Q. You have told us what your experience was as to making observations. Do you know whether or not all the others who were present with you as observers had the same experience?—A. From what they said, they did; they all had identically the same experience.

"Q. Did anyone claim to be able to recognize any individual—to tell whether he was white or black or Mexican?—A. No, sir; not at this time; we could not tell anything about them.

"Q. Did anyone claim to be able to recognize what kind of hats they had on, and whether they had hat cords on?—A. No, sir; not in this position; but I should like to state that from this position the men were then filed over through a hogback in the arroyo and got directly underneath us, so that the man on the left flank, which was toward us, was not more than 5 feet away from us on the horizontal, although we were about 22 feet above him. In this position we could distinguish light from dark clothing, and hats could be distinguished; that is, we could tell that the men had some head gear on, although whether it was a campaign hat, a sombrero, or any of the soft hats that are common in that community, we could not tell. There was an officer with the command. We could distinguish him by the flash of his saber, and I presumed that it was Lieutenant Wiegenstein, because he had arranged the battalion and had taken his squad out. When the men were firing the results were practically the same. The flash of the rifle was not sufficient and of not long enough duration to obtain any view of the men.

"Q. Is your vision normal?—A. My vision is normal, and I think it is rather acute.

"Q. Well, now, was there any further firing or any further opportunity to observe on that experiment?—A. Well, this firing began at half past 9, and as the moon was up we wished to test it with no moon.

"Q. Let me ask you before I forget about it, Was there any attempt to count the shots that were fired?—A. Well, we tried to estimate, as the firing was first by volley and then at will, and we estimated the number of shots. I estimated that about 40 shots had been fired. Later on Lieutenant Wiegenstein, who had actual count of the cartridges, told me, I think, that there were eighty-some shots fired.

"Now, another part of the test that we made at this first experiment, the men were then marched out of the arroyo and came up and above and alongside by us. I stationed myself on one side of them and Lieutenant Blyth on the other, and the moon was shining directly on the men, over my shoulder, and when they went by I was about 5 feet from the men. I studied them carefully, looked at them intently, and there were two men who I thought were men of my company, who were, I presumed, mulattoes, but I thought they were men of my company and called them by name. All the others I thought were negro soldiers, and when the men went by Lieutenant Blyth said that he would like to have some white men go by, so as to get the difference or the distinction in the complexions in that light. Major O'Neil then said that there were some white men in the detachment. The men were then halted when they got by and faced outward, and we walked along the line and studied the men carefully; looked at them intently; got face to face. The man at the rear of the company, who I thought was a mulatto, I found was an Italian, an assistant blacksmith at the post. He is rather pale, and does not have the bronzed, ruddy complexion of the white people in that community. The man at the head of the company that I thought was another mulatto in my company, I found to be a Mexican, whom I picked out when I got right up on him; recognized him by the mustache that he had. He was a driver in the quartermaster's department, and I was in contact with him daily and knew him very well by sight. I missed, in the middle of the detachment, the white man that was there. This white man is an ex-soldier of the Twenty-sixth Infantry, a man by the name of Bradbury, employed by the quartermaster's department as a driver. He is a very good specimen of the white men in that community, bronzed and ruddy, and undoubtedly he would not be mistaken for a mulatto or a Mexican. I walked by him and did not find him until one of the officers told me that there was a white man there, and then I went back and looked at each man as closely as possible, and then I found this man and called him by name. I said, 'This is Bradbury.'

"Q. And that was a moonlight night?—A. Yes, sir; that was a moonlight night.

"Q. Did that end the experiment for that night?—A. That ended it for that time. Then we waited until the moon had gone down, and about 1 o'clock in the morning we made some experiments without the moon. We then found that flash of the rifles was a little greater, that they lighted up better, but the duration was not long enough to obtain any view of the features or complexion. All that I could get by the flash of the rifles at this time was that I could see the hips of the men—the legs. I could not see above that; saw nothing of the rifle whatever, and I could not see below the knees."

The testimony of these officers should not need any corroboration, but it is easy for anyone to experiment for himself any night by simply making an effort to recognize individuals or their clothing, and to determine whether the individuals are white or black, or how, with any degree of accuracy, they may be dressed. Anyone who makes this effort will be astonished to find how impossible it is to see with distinctness unless aided by artificial light. No matter what the character of the night may be he will be thoroughly satisfied that reliable recognitions at the distance of 30 to 100 feet are simply impossible.

COURSE OF BULLETS.

Much prominence has been given to the testimony of Major Blocksom and others that the course of certain bullets after they struck the houses into which they were shot that night indicated that they were fired from the upper porch of B barracks.

Lieut. H. G. Leckie, of the Twenty-sixth Infantry, who had no interest whatever in this controversy, was sent by General McCaskey to Brownsville to make an examination and report as to various matters upon which specific and reliable information was desired in the Penrose court-martial, says that he examined the courses of these same bullets, with the result that he does not agree with Major Blocksom that they show that they were fired from B barracks or from any other point within the reservation. His statement on this point is that the bullets could not have been fired from B barracks unless they changed their course while in the air, which could not have occurred. His exact language is as follows:

(Page 3222, Senate Hearings):

"By Senator WARNER:

"Q. Now, you were asked the question by Senator FORAKER in your direct examination whether or not those bullets that entered the Yturria House could have been fired from barracks B?—A. Yes, sir.

"Q. You thought they could not?—A. I do not think they could. The reason that I say that they were not fired from B barracks is that they would have had to turn an angle of 90 degrees in the air, without anything to deflect them in any way; and I do not know of any laws of motion for a bullet doing that."

In other words, as he sighted along the courses of the bullets his eye did not go to the upper porch of B barracks or to any other point of the barracks. The result of this testimony is a flat contradiction as to what the courses of the bullets actually indicate; but aside from this contradiction this testimony is even less reliable, if that be possible, than the testimony of the so-called "eyewitnesses" who saw in the dark.

There is much testimony to support this proposition. It is enough to cite only one witness.

Lieut. R. P. Harbold testified, at page 1870 et seq., as follows:

"Q. Tell what other experiments, if any, you made or saw made.—A. I made experiments with the Krag-Jörgensen rifle, the Springfield rifle, and the Winchester .30-40 rifle, to get the penetration and the deflection of the different bullets from those rifles.

"Q. Let me ask you what you mean by a .30-40 Winchester?—A. The Winchester .30-40 is .30 caliber, and the 40 refers to the chamber, meaning that the chamber is longer than the .30-30. The .30-40 is the Winchester rifle that will shoot the Krag-Jörgensen ammunition. The .30-30 will not shoot it.

"Q. Does that refer to the number of grains of powder in the cartridge?—A. Not that one. The Winchester .30-220, which shoots our Springfield ammunition, means a Winchester with thirty one-hundredths of an inch caliber and 220 grains of powder.

"Q. A 220-grain bullet, you mean?—A. No, sir; powder of 220 grains.

"Q. The official instructions issued by the War Department show that the bullet of the Springfield and the bullet of the Krag weigh 220 grains, and that the powder is 42 or 43 grains. I call your attention to that.—A. Yes, sir; I recall that. That is right.

"Q. It has reference, then, to the bullet?—A. Yes, sir; it has reference to the bullet; it is called .30-220. That means that the bullet is thirty one-hundredths of an inch in diameter and that it weighs 220 grains.

"Q. When was it and where was it you made this experiment, and how came you to make this experiment?—A. The dates of these experiments were on the boxes which had the exhibits before the court-martial. Those exhibits have been taken from me, and I do not have them, but I made the experiments at Fort McIntosh. I also went out to a small place near there, about 5 miles from there, a place called Nye, where I could get longer ranges. I made my experiments there at about 200 yards.

"Q. What did these experiments consist of? First, who participated with you in making them?—A. At the post Lieutenant Blyth and Lieutenant Wiegenstein assisted me. My experiments at Nye were conducted by myself.

"Q. Proceed and tell us about them.—A. At Fort McIntosh our experiments were made by arranging targets first and firing into those targets, beginning at 200 yards and coming down to 40 feet; at 200 and 100 and 50 yards, and then at 80 feet and 40 feet. In these experiments we found that it was a general rule that all bullets were deflected after passing through the first material. The rule of deflection could not be determined. It was irregular, as one time it would be deflected to the right, another time would be deflected to the left, and then one would be deflected upward, and another deflected downward. We could not get a general rule as to the direction of deflection; but the only general rule we could get was that the bullets would be deflected. We could not obtain the penetration of the bullets in wood, as at no time could we capture a bullet in our wooden targets. We could put a box of sand behind the target and get the bullets, but we had an actual penetration of 18 inches of wood, and the bullet passed on through. This was at 40 feet. This wood consisted of 4 inches of ordinary red pine, and then we had back of this as a back stop a 2-inch hemlock plank, and the interior targets were 1 inch of white pine, about 8 inches apart; but the deflection was always so great in those cases that it was very seldom we could get our bullets to travel through the entire length of the target.

"Q. What was the area of that target?—A. About 12 inches in width, and they were placed in line, and the firer of course was in direct line.

"Q. How high were they?—A. They were about 5½ feet high, and we fired low, so that we would have a very good target in the vertical, although in the horizontal it was only about 10 inches.

"Q. I do not know whether I understand that exactly. Assuming that this target is 5½ feet high, that is what you mean?—A. We would fire low into the target. That is, we would not fire up at the top. We would make our bull's-eye down low. We would have to change it, but we got it low.

"Q. How high from the ground?—A. We put it from 8 inches up to about 3½ feet.

"Q. You experimented at all those different points?—A. Yes, sir.

"Q. What was the result of the deflection? How much was the deflection? First, let me ask you, assuming that this is the first target, do I understand that there was another target right behind it?—A. Yes, sir; there was another target right behind it, and so on.

"Q. And so on back?—A. Yes, sir.

"Q. How many did you have there?—A. We were changing them constantly, and at one time we had 18 inches of actual wood to be penetrated.

"Q. That would be quite a number of those different targets.—A. Yes, sir. I would like to state that we made another target alongside of that. The first target I am describing now was of oil boxes, such as we have at the post, and our second target consisted of 1-inch red pine. Two pieces were taken, about 8 inches apart. Then 12 feet in rear of that we put two more pieces 8 inches apart, and then 12 feet in rear of that two more pieces 8 inches apart. This was to give us, as nearly as we could get at it, the walls of a house with two rooms, and the deflections in the red pine were just the same as in the white-pine oil boxes.

"Q. Describe the deflections. Give us the extent to which they occurred.—A. Well, taking the second target of red pine, two boards placed then 12 feet in the rear, and then two more, one illustration was a triangle. The shots were fired so that the three bullet holes on the first board were about an inch apart—that is, they formed the two legs of a triangle in that way, about an inch apart. On the second board, or the second partition, which would be the wall of the second room, they had changed very much and had gone from 8 to 6 inches apart. Then on the third one of the bullets had left the target entirely, and the other two were about 12 inches apart. Notes were taken of all these things, I should like to state, and the triangles were measured, and Lieutenant Blyth has those notes in his possession. Then there was another experiment made there in which the deflection was about 8 feet to the left in a distance of 30 feet on the ground, and this was actually measured and taken with a steel tape and notes recorded.

"Q. Do you mean that the bullet struck the ground?—A. I mean that it struck the target and was deflected to the left, and it struck the ground over there, and the point where it struck the ground was marked. Then, of course, we plotted the triangle and got the deflection to the left and the distance to the ground.

"Q. Was it fired squarely at the target?—A. All the shots were fired squarely at the target.

"Q. And if it was not deflected it ought to have gone straight through?—A. Yes, sir; if it had not been deflected it should have gone straight through.

"Q. But it was deflected so much that at a distance of 30 feet——A. At a distance of 40 feet. We fired at a distance of 40 feet from the first target, but within 30 feet it had gone to the left about 8 or 9 feet.

"Q. I mean 30 feet from where it struck the target it deflected 8 or 9 feet?—A. Yes, sir.

"Q. And struck the ground?—A. Yes, sir.

"Q. I will ask you whether or not all your experiments show practically the same kind of results as to deflection?—A. Yes, sir; every experiment did.

"Q. How about going downward, when they would strike, or upward?—A. We had a number of illustrations where the bullets would go up or down in the trajectory.

"Q. The same bullet?—A. Yes, sir; the same bullet. I would like to describe to you one illustration that we had. Some of the bullets were fired between two oil boxes, so that we could hit the cracks between them, and it struck between and then went down in the board underneath. Instead of going through that board it just burrowed and kept right along the board for about 6 inches. Then it came up and entered the board of the top oil box, kept along that board for about 6 inches; then it went down again, and just described that wavy motion right along between the oil boxes.

"Q. Up and down?—A. Up and down; just a wavy motion, striking first one and then the other.

"Q. Plowing a furrow first in one box and then in the other?—A. There was no furrow. It would go in and keep in that inch board for about 6 inches, and then go into the other inch board and keep in that. Then we had another one where that same course was described, and then on one oil box it went along the wood and made an arc of about 90° to the left and left a complete furrow that looked like a quadrant right on the box.

"Q. How big was that arc?—A. It was a quadrant, 90°, approximately.

"Q. State whether or not in any of these experiments you found a bullet to have turned around when it struck into the partitions or boards.—A. Yes, sir; there was.

"Q. Butt end uppermost?—A. There was one bullet that we extracted in which the base was stuck in the box, and the point of the bullet was pointed toward the firing point, but this bullet had gone through several thicknesses of wood—that is, through several oil boxes—and then struck the sand in rear and turned completely round, and the base buried itself in the far side of the box.

"Q. But you did find it sticking into the wood?—A. Yes, sir; sticking into the wood.

"Q. So that the bullet in its flight had gone through all these partitions or boxes, whatever they were, all these obstructions?—A. Yes, sir.

"Q. And had turned clear around?—A. Yes, sir. And I should like to state that in following the trajectory through our different targets, oftentimes the first target would show a complete penetration. Then the bullet would turn, it would tumble, and the bullet would probably go lengthwise through the second target.

"Q. That is, go sidewise?—A. Yes, sir; it would turn and go sidewise, so that we would have a complete vertical diagram of the bullet there. Then on the next target it would take another direction; probably it would turn facing the other way, showing that the bullet was rotating and tumbling throughout the entire trajectory.

"Q. Now, tell us whether or not, as a result of your observations and experiments, it would be possible to get an accurate alignment of different holes made by bullets in different walls, so as to sight along and see at what point that bullet had been fired.—A. From my experiments it would not be possible to take one hole. For instance, it would be absolutely impossible to determine the firing point. It would be the same as trying to fire a gun by using only the front sight. It would be impossible to get any results. In taking two holes, where the deflection we proved was always very irregular and the third point, the firing point, could not be accurately located by means of the two holes. Taking the groove, it would be absolutely impossible to sight along the groove and determine the firing point. We found, taking the grooves which were made on the different boxes, taking the bullet holes, the eye could not with accuracy look along there and locate a definite point. At one time we sighted through a groove to locate the firing point. We would go away and go back and look along the groove, and we would locate another point; and within a horizontal distance of about 300 yards this variation in both the horizontal and the vertical would reach as much as a hundred yards.

"Q. The variation would reach a hundred yards?—A. Yes, sir. Now, we determined this by looking through this groove about 300 yards at a building and a high water tower, and taking different sights through this groove we could locate the top of the water tower or we could locate the roof of the building or we could locate a point on the ground.

"Q. And they were approximately a hundred yards apart?—A. Approximately a hundred yards apart; yes, sir.

"Q. You could locate the top of the tower or strike the ground with the eye?—A. Strike a point on the ground with the eye.

"Q. Or you could strike a point——A. To the right or left of that.

"Q. Varying a hundred yards?—A. Yes, sir.

"Q. In a distance of 300?—A. In a distance of about 300 yards; yes, sir.

"Q. Have you completed your story of these experiments which you made, or is there anything else connected with it?—A. My other experiments were merely to determine what ammunition the various rifles would fire.

"Q. I want to examine you about that, but first I will ask you what, according to your experience and observation, is the cause of the deflection of one of these high-power bullets?—A. The first thickness of the material in the target from which the deflections were made was 1 inch of white pine, and from my experiments I would say that any material would cause a deflection, no matter what thickness it would be, although if it were very thin the deflection would not be so great.

"Q. The deflection depends upon just the direction in which the point or nose of the bullet happens to be turned when it strikes the obstruction?—A. Yes, sir; and I also think it depends upon the material. If the material is very nearly homogeneous the deflection will not be great, and I think that the bullet will always follow the line of least resistance, pick it out and follow it, and that causes the deflection.

"Q. Your testimony amounts to this, as I understand it, that when a bullet strikes a house, for instance, it may go to the right or go to the left, or go up or go down?—A. Yes, sir."

A prominent law writer sends the following as a quotation from the opinion of Judge Lumpkin in Hart *v.* Powell (18 Ga., p. 635–42):

"It is related by Doctor Hennen as having occurred to a friend of his in the Mediterranean, that a ball which struck about the pomum adami, traveled completely round the neck and was found lying in the very orifice at which it had entered. The same author states that in one instance which occurred to a soldier, who having his arm extended in the act of endeavoring to climb up a scaling ladder, had the center of his shoulder pierced by a ball, which immediately passed along the limb and over the posterior part of the thorax, coursed along the abdominal muscles, dipped deep through the hypogastric artery, and presented itself in the forepart of the opposite thigh, about midway down.

"Now, we have often heard of an individual being 'shot all to pieces,' but never before by one ball. Who would have doubted—what adept in the science would not have testified—that this poor fellow had been shot a half dozen times?

"In another case, a ball which struck the breast of a man standing erect in the ranks lodged in the scrotum. The gallant and ever to be lamented Colonel Craig was shot in the back at Cerro Gordo; the ball pursued a circuitous route around his body, on the outside of the skin, to the breast.

"But we forbear to multiply examples. We are sustained by the highest medical authority in asserting that balls take very unusual courses, 'not at all to be accounted for by any preconceived theories drawn from the doctrine of projectiles, not to be explained by any diagrams formed upon mathematical rules.' (Med. Jour. by J. H. Paris, Fellow of the Royal College of Physicians, and Q. S. M. Fonblanque, esq., Barrister at Law, 2 vol. 126.) 'These considerations,' continue the learned authors, 'ought to render the surgeon very cautious how he delivers his opinion as to the direction the shot was fired.'"

THE SHELLS, CLIPS, ETC.

A lot of exploded cartridge shells, some clips and cartridges, and a bandoleer were picked up in the alleys and streets of Brownsville the next morning after the shooting.

Until these were brought to the fort and shown to Major Penrose and the other officers of the battalion they would not, any of them, believe it possible that any of the men of the battalion had been engaged in the shooting, but when these were exhibited to them, and they were told that they were picked up at the points where the shooting occurred, they changed their minds and concluded that in view of such evidence their men must have done the shooting. From that moment they put their men under the strictest scrutiny and surveillance and made every effort possible to ascertain who the guilty men were, but all such efforts failed.

In the meanwhile the court-martial of Major Penrose was held at San Antonio and the investigation before the Senate committee commenced. The testimony so taken satisfied the officers, as we have already pointed out, that their men were not guilty, and they have so testified.

They testify that they were influenced to change their opinions and reach the conclusion that their men were not guilty by a number of facts developed, including, among others, the results of a microscopic examination that was made of the exploded shells that were picked up in the streets of Brownsville. In other words, the testimony by which they had been first led to believe that their men were guilty turned out, as a result of this investigation, to be conclusive proof to their minds that their men were not guilty. The part this testimony has thus played shows that it is sufficiently important to receive special consideration.

NUMBER OF SHELLS FOUND.

1. According to the weight of the testimony there were from 150 to 300 shots fired that night in Brownsville by the raiders, whoever they may have been. There should have been found, therefore, that many exploded shells. The testimony shows that careful search was made to find the shells and every other species of evidence that might tend to show that the soldiers were guilty, but with the result that, all told, only about 40 of these exploded shells were found. In other words, there were from 100 to 200 or 300 exploded shells, according to the theory of those who claim that the soldiers did the firing, scattered somewhere as a result of that firing in the alleys and the streets of Brownsville which have never been found. Nobody pretends that there was any difficulty on account of the nature of the ground or for any other reason about finding any exploded shells there may have been, or ought to have been, in the streets where the firing occurred. Seven of these empty shells were found at the mouth of the Cowen alley near the fort by Captain Macklin. Others were found in the alley and in Washington street at the point where the firing is said to have occurred. These shells so found, except those found by Captain Macklin, were turned over to the authorities and subsequently forwarded to the Senate for use as evidence. There were only 33 of them in all. There may possibly have been a few others picked up that were not turned over, but we have no account of them and the testimony is of such character as to warrant the conclusion that there could have been but very few, if any, picked up in addition to the 33 mentioned. It is reasonable to conclude that the other shells that must have been exploded, if there were as many shots fired as the witnesses state, were not found to be such shells as the soldiers used, or there must have been some other good reason for not submitting them as evidence. Whatever the explanation may be, the fact remains, and it is a fact, that in and of itself discredits the deductions drawn to the prejudice of the soldiers from the finding of the shells that have been submitted.

SHELLS AND CLIPS FOUND BY CAPTAIN MACKLIN.

It is testified by Captain Macklin, who was the officer of the day, that just at the break of dawn he made a careful search for any evidence that would show who had done the firing. In this behalf he searched, both inside the reservation wall and outside, to find shells and clips or other evidence that the soldiers had done the firing as the citizens were at that time charging. He found *no shell, no clip,* no *evidence of any kind inside the reservation wall,* but *outside* the wall, across the street, in front of the garrison and at the mouth of Cowen alley, where according to the testimony of the guard and the scavenger and other witnesses the first shots were heard, *he found 7 shells and 6 clips in a circular area not more than 10 inches in diameter.* The testimony is conclusive that if these shells had fallen from Springfield rifles as they were fired they would have been scattered over an area perhaps 10 feet in diameter. It is the opinion of all the witnesses who testified on that point that the shells found by Captain Macklin could not have fallen in the position in which he found them if they had fallen as they were fired. This fact coupled with the further fact that with these 7 shells there were found 6 clips, enough to hold 30 cartridges, further discredits the finding of the shells in the alleys and streets as evidence of the guilt of the soldiers.

MICROSCOPIC INVESTIGATION.

But while the investigation was in progress the War Department on its own motion caused all the rifles that were in the hands of the three companies at Brownsville that night to be forwarded to the Springfield Armory, and detailed two officers, who, under instructions from the War Department, caused to be fired out of each of these rifles two cartridges. The indentations on the heads of the exploded shells so fired were put under the miscroscope and compared with the indentations found on the heads of the 33 exploded shells picked up in the streets of Brownsville, which indentations were similarly magnified. The 33 exploded shells were otherwise subjected to the most careful inspection by these experts. The result of this investigation was submitted to the committee in the form of an official report made by these officers to the Secretary of War. It is found at pages 1309–1325 of the record. Without being unduly tedious, the results were:

1. That there was such an exact identity between the indentations found on the heads of the thirty-three exploded shells picked up in the streets of Brownsville and the indentations found upon the exploded shells fired from four certain guns belonging to Company B of the Twenty-fifth Infantry that the officers reported that beyond a reasonable doubt the shells picked up in the streets of Brownsville had been fired out of those four guns.

2. The experts further reported that they found that three of the shells picked up in the streets of Brownsville had a double indentation, as though a first attempt to fire them had failed and they had then been put a second time in the piece and struck a second time with the hammer or firing pin before they were exploded.

3. They further officially reported that certain of the shells picked up in the streets of Brownsville, nine in number, bore marks indicating that they had been twice or oftener inserted in a rifle as though to be fired.

DOUBLE INDENTATIONS.

The officers of the Twenty-fifth Infantry and all the men who were examined on the point testified that when they first received their rifles, about the last of April, 1906, at Fort Niobrara, they were found to be so heavily oiled with cosmoline that the spring which shot the bolt forward with the firing pin to strike the head of the cartridge and explode it was impeded to such an extent that it was a matter of frequent occurrence that cartridges failed to explode at the first stroke, but that after, by the use of coal oil and in other ways, this cosmoline had been entirely removed so that the spring worked freely such a thing as failure to explode practically never happened; and all testified that long before these troops left Fort Niobrara, where they used their rifles in target practice, they ceased to have any such difficulty and that during all the time they were in Brownsville no such difficulty could have been experienced if they had had occasion to use their rifles.

THE DOUBLE INSERTION.

As to the double insertion of cartridges the officers and men all testified that while they were engaged in target practice at Fort Niobrara the call to cease firing very frequently was sounded after a cartridge had been inserted but before it was fired; that this was a matter of practically daily occurrence; that always the soldier was required when the call to cease firing was sounded to at once remove from his gun any cartridge that might have been inserted but not yet fired, and that this cartridge so withdrawn was reinserted and fired when firing was resumed, and that in this way shells would show marks indicating that they had been inserted more than once in the firing piece. The officers and men all testified that except only on the target range at Fort Niobrara there was never in the history of these arms any such double insertion of cartridges or any occasion for such double insertion. It was the opinion of all the officers and men who testified on the subject that these double insertions never could have occurred except only on the target range at Fort Niobrara.

What these officers say shows how improbable it is that such a double insertion could have occurred in connection with the shooting affray at Brownsville, when it is remembered that when an attempt is made to fire a cartridge and the attempt fails the bolt must be drawn backward, with the result that the ejector throws the cartridge out of the chamber and to the distance of anywhere from 3 to 10 feet away from the gun. The idea that a raider would undertake in the darkness of such a night, and under such circumstances, to recover an ejected cartridge that had failed to explode in order that it might be reinserted in the piece, is utterly untenable. The same is equally true as to those cartridges showing double indentations. There could not be any double indentation without pulling back the bolt after the first indentation, with the consequent expulsion of the cartridge from the chamber out into the darkness and to the distance of 3 to 10 feet away from the gun, then recovering and reinserting the cartridge. To suppose that on such an occasion, under such circumstances, any such thing would or could occur is an extreme improbability, if not an actual impossibility.

THE FOUR GUNS.

The four guns out of which the experts found that the shells picked up in Brownsville must have been fired were identified by their numbers. The testimony shows that on the night of the shooting three of these guns were assigned respectively to Thomas Taylor, Joseph L. Wilson, and Ernest English, privates of Company B. These men appeared and testified that they were in their quarters asleep when the firing commenced, that they heard the call to arms, rushed with their comrades to the gun racks, each getting some gun which he carried for that night and which he returned after the company was dismissed for the night to the gun racks, where they were locked up and kept until morning; that the following morning each one found his gun in the rack and that when submitted for inspection it was found to be perfectly clean and bright, showing no evidence whatever of having been fired during the night. All testify that in the excitement and confusion each soldier grabbed the first gun he could get, but that all guns were found in the racks, where they were verified after the firing was over. These witnesses were clear, straightforward, and unqualified in all their statements, and their testimony should be sufficient, in the absence of specific contradiction, to establish the fact that no one of their guns was used in the shooting affray.

They are confirmed by the testimony of their company commander, Lieutenant Lawrason, who testified, at pages 1579 and 1580, as follows:

"Q. Did you learn before your company was dismissed that night that it had been charged by Mayor Combe that the soldiers of the garrison had fired on the town?—A. Yes, sir. I was near the main gate into town when Mayor Combe came up, and I heard part of the conversation with Major Penrose, in which Mayor Combe accused the soldiers of having done the shooting.

"Q. Until that time had you any thought of that kind with respect to the matter?—A. No, sir; I did not; I did not believe for an instant that the men had done it.

"Q. That was the first intimation you had that anybody made any such claim?—A. Yes, sir; it was.

"Q. And then it was after that that Major Penrose dismissed you and told you to make these examinations, was it?—A. Yes, sir.

"Q. You took your company back, as I understand you, to the barracks and dismissed the company. Then what did you do in execution of the major's orders?—A. I saw the arms locked in the racks and later——

"Q. I will ask you, before you left the racks, whether or not you counted the guns after they were put into the racks?—A. Yes, sir; I counted them.

"Q. How many were there, or were they all there?—A. I don't remember the exact number, but I remember adding to the exact number

the number of men on guard and the number of rifles that should be in the storehouse, and the first sergeant's rifle, and adding up seventy.

"Q. That is to say, you accounted for seventy rifles, did you?—A. Yes, sir

"Q. Was that the full number that had been issued to that company?—A. That was all that we had—all the Springfield rifles we had.

"Q. And you remember, do you, positively that at that time you knew that you had in the gun racks the full number of rifles that should be there after deducting the other rifles that you accounted for as being elsewhere?—A. Yes, sir.

"Q. If there had been three rifles missing from the racks, would you or not have detected it?—A. If there had been what?

"Q. If there had been three rifles missing, would you have detected it?—A. I believe I would have detected one short.

"Q. You would have detected one short. Now, do you remember Thomas Taylor of your company?—A. Yes, sir.

"Q. Do you remember seeing him that night?—A. I know that he was present that night, though I don't remember seeing his face in the ranks.

"Q. How do you know that he was present—I mean present with your company, and I suppose you mean that?—A. Yes, sir; because I know that he was carried on the rolls of the company at this time, and I checked up the whereabouts of every man in the company that night.

"Q. And you know that he answered to his name at the roll call, do you?—A. Yes, sir.

"Q. Or if not that, that you found him elsewhere?—A. Yes, sir; I know he was accounted for at that roll call.

"Q. You have told us of all who were absent from the ranks when the roll was called and he was not one of them; so therefore it follows that he was in ranks, does it not?—A. Yes, sir.

"Q. Now, is that true also of Joseph L. Wilson?—A. Yes, sir; that is true of Joseph L. Wilson also.

"Q. Do you remember seeing him in ranks that night?—A. No, sir; I do not. He is on one end of the company, and I believe in the rear rank, or at any rate not directly in front of me in the company. He is smaller than most of the men in the company.

"Q. But if he had been absent when his name was called, you would have detected his absence, you would have observed it?—A. Yes, sir.

"Q. You were paying particular attention, were you not, to the roll call?—A. Yes, sir; I was, because I believed that the barracks had been fired into, and I wanted to see if any man had possibly been wounded and left upstairs.

"Q. And you also stated that you knew the voice of every man so you could distinguish it and recognize it when he answered to his name?—A. Yes, sir; I believe I am familiar with every voice in the company.

"Q. Now, is what you have stated as to Thomas Taylor and Joseph L. Wilson also true as to Ernest English?—A. Yes, sir; I believe English was also present.

"Q. Do you remember seeing him that night?—A. No, sir; I can not positively state that I saw the face of any man in the ranks that night.

"Q. But you do remember distinctly that every man was in ranks answering to his name, except those whom you have given us the names of, who were away on the several duties you have mentioned?—A. Yes, sir."

THE FOURTH GUN.

But however it may be as to the testimony of these three men being sufficient to show that these three guns were not fired that night, the *testimony is absolutely conclusive as to the fourth gun that it was not fired that night.* This fourth gun, being 45683, was originally issued at Fort Niobrara to Sergeant Blaney. Shortly before the battalion left Fort Niobrara for Brownsville his term of enlistment expired, and he reenlisted and took the usual furlough of three months, to which he was entitled. Before starting on his furlough he turned in his gun to the quartermaster-sergeant, Walker McCurdy, who placed his name on a piece of paper and put it in the bore of the gun next to the chamber, and then placed it in the arm chest and locked it up. Sergeant Blaney did not return to the company until after it left Fort Brown. On the night of the shooting his gun, with others, was still in this arm chest. They were all placed there when the battalion left Fort Niobrara. On arrival at Fort Brown this arm chest was put in the storeroom, and for want of room other baggage was piled on top of the chest. On the night of the firing, and immediately after the company was dismissed for the night, Lieutenant Lawrason, the company commander, under orders from Major Penrose, proceeded to verify his rifles. He carefully counted the rifles in the gun racks and found there the exact number that belonged in the racks. He then went to the storeroom, taking with him the quartermaster-sergeant, who unlocked the room, that he might enter. After entering the room he told the quartermaster-sergeant that he wanted to verify the guns in his custody—those in the arm chest. The quartermaster-sergeant thereupon removed the baggage that had been piled on top of the arm chests, unscrewed the lids, opened up the guns, and Lieutenant Lawrason counted them, finding that every gun was there—not one missing. In this way he establishes that Blaney's gun was at the time of the firing in the arm chest, with the lid screwed down and baggage on top of the chest, and the door of the storeroom fastened under lock and key. In other words, it is conclusively shown that as to this one gun at least it was utterly impossible for it to have been fired in Brownsville or that it ever had been fired, except only on the target range at Fort Niobrara before the battalion left there.

Lieutenant Lawrason's testimony on this point is as follows:

"Q. That night, when the guns were put back in the racks, did you count them?—A. Yes, sir; I counted them as they were placed in the racks.

"Q. Were the rifles locked up?—A. They were, sir.

"Q. By whom?—A. By the noncommissioned officer in charge of quarters.

"Q. Who was that?—A. Sergt. George W. Jackson.

"Q. Is he a reliable man, or not?—A. I believe him to be a reliable man, sir.

"Q. And a truthful man?—A. I think so, sir.

"Q. He had been a sergeant in that company for a long time, had he not?—A. He had, for several years, I believe, sir. He was in the company when I joined it.

"Q. And a man of good record in every sense?—A. I believe he was, sir.

"Now, you saw the gun racks locked by him; then what did you do next after you had put the rifles away and locked them up in that manner?—A. I then went down and inspected the rifles in the storehouse.

"Q. Who was in charge of the storehouse, or storeroom, whichever you call it?—A. Quartermaster-Sergeant Walker McCurdy.

"Q. Was he, also, an old sergeant?—A. Yes, sir; he was an old sergeant of Company B.

"Q. Was he or not a reliable and truthful man?—A. I always believed him to be such, sir.

"Q. He had been in the service many years, had he not?—A. Yes, sir; he had.

"Q. And had everybody's confidence as a good soldier and a faithful noncommissioned officer?—A. Yes, sir.

"Q. He was the quartermaster-sergeant. As quartermaster-sergeant, what was his duty with respect to the surplus rifles and surplus ammunition? I mean surplus in the sense that it was not in the hands of the men?—A. He was accountable for it, and it was his business to keep it locked up.

"Q. You went to the storeroom after you locked up the rifles; who went with you to the storeroom?—A. The quartermaster-sergeant.

"Q. Sergeant McCurdy?—A. Yes, sir.

"Q. What did you do and what did you tell him, and in what condition did you find the room; was it locked or unlocked when you went to it?—A. It was locked and he opened it. He took out a bunch of keys, as I recollect it, and fumbled around and got the right key and unlocked the door. The storeroom was very small, and we could not put all of our quartermaster property in there, and there was some confusion in the way in which the stuff was piled. We had to remove a lot of company property.

"Q. I will come to that in a minute. What did you tell Sergeant McCurdy you wanted in the storeroom when you went there: did you tell him or not what you wanted to do until you got into the storeroom?—A. No, sir; when I got into the storeroom I told him that I wanted to see the rifles that he had in the storeroom.

"Q. That is, rifles that he had in his possession?—A. Yes, sir.

"Q. Did you know how many rifles he had in his possession at the time?—A. I did, by referring to the company property book which was kept there.

"Q. We will speak about that presently. Now, go on and state what you did and what he did when you told him.—A. He told me that the rifles were locked up in the arm chests. I told him to open them, and he opened one full arm chest that contained ten rifles, and also opened another that, I believe, contained two or three rifles and several old company shotguns.

"Q. Now, before you opened the arm chests, let me ask you whether or not they were easy to get at, or whether there was anything on top of them?—A. No, sir; they were not easy to get at. As I recollect, we removed considerable property before we got the arm chests out and got room to unscrew the lids.

"Q. What kind of property was this?—A. Iron quartermaster bunks and, I believe, some iron uprights to hold mosquito bars—T-shaped things.

"Q. They had been piled on top of these arm chests, had they?—A. Yes, sir; and were standing against the wall, between us and the arm chests.

"Q. When had you last before that seen these arm chests, and where?—A. I had seen them at Fort Niobrara, Nebr., before shipment, and when they were unloaded from the wagons and placed in the storehouse at Fort Brown.

"Q. Where were these extra guns placed in these arm chests, whether at Fort Niobrara or Fort Brown, or where?—A. They were placed in the arm chests at Fort Niobrara.

"Q. Do you remember seeing the guns—rifles—put in the arm chests and the arm chests closed up for shipment at Fort Niobrara?—A. I do not believe I was present when the property was boxed up. It was boxed up some time before our departure, and Captain Shattuck was in command of the company at that time.

"Q. You have told us in what condition you found the chests as to other property being piled on top; this property was removed, was it, from the tops of the chests?—A. Yes, sir.

"Q. And then were the chests opened, or not?—A. They were opened under my supervision and the arms counted.

"Q. State in what condition you found the inside of those chests, as to the arms.—A. The arms were placed in the proper grooves for them, and they were battened down, or held down by cleats that fit in the boxes, to prevent their rattling around during shipment.

"Q. They had been fixed that way before they had left Niobrara?—A. Yes, sir.

"Q. And were they in that same condition when you opened them that night?—A. They were in the same condition, sir.

"Q. Did you count the rifles when they were opened up?—A. Yes, sir; I counted them.

"Q. I will ask you another question—whether or not, before these rifles were shipped from Fort Niobrara, they were coated with cosmoline oil or any other kind of oil?—A. I believe they were coated with cosmoline oil at the time I looked at them at Fort Brown.

"Q. When you looked at them was there any indication that they had been disturbed in any way whatever since they had been boxed up at Fort Niobrara?—A. No, sir; there was not; I did not take out all the rifles; I could count them without taking them out of the boxes; I picked up one or two from the top.

"Q. And you did count the rifles in both boxes?—A. Yes, sir.

"Q. And you remember that the requisite number of rifles were there, added to the other rifles that you found in the racks, and that you counted as away from there, to make up the number of 70?—A. Yes, sir.

"Q. There was not a rifle missing, was there? —A. No, sir."

On this point Quartermaster-Sergeant Walker McCurdy testified (p. 1658) as follows:

"Q. What book is that in front of you there? See if you recognize it.—A. This is the company's property book, sir.

"Q. The company property book of Company B?—A. Yes, sir.

"Q. Will you turn to that and see what gun Sergeant Blaney had assigned to him, according to that book, when these new Springfield rifles were issued?—A. (Examining book.) I think it was 45683.

"Q. 45683?—A. Yes, sir.

"Q. Now, it has been testified to, I believe, that Sergeant Blaney was absent on furlough. When did he go away on furlough?—A. It was about the same time I was made quartermaster-sergeant—about the 9th or 10th of June.

"Q. That is, you succeeded him when he went away on furlough?—A. Yes, sir.

"Q. Had he returned while you were yet at Brownsville? When did he return?—A. He returned at El Reno.

"Q. He was not with you at Fort Brown at all?—A. No, sir.

"Q. What was done with his gun when he left to go on furlough the 9th of June, or whatever date it was?—A. He took it up and packed it away.

"Q. He turned it in?—A. No, sir; he turned in his own rifle. He will tell you himself that when he returned there was a slip of paper put in the chamber to show whose rifle it was, to keep me from issuing it to anyone else.

"Q. Who put that in there?—A. I put it in there myself.

"Q. What was on that slip of paper?—A. 'William Blaney.'

"Q. Now, when he returned, were you still with the company?—A. Yes, sir.

"Q. At El Reno?—A. Yes, sir.

"Q. And you were still quartermaster-sergeant?—A. Yes, sir.

"Q. And did you continue as quartermaster-sergeant?—A. Until I was discharged, sir.

"Q. Until you were discharged?—A. Yes, sir.

"Q. Now, what was done in the matter of providing Sergeant Blaney with a gun?—A. I gave him his same rifle back.

"Q. You gave him back that same rifle?—A. Yes, sir.

"Q. What does the company book show there as to what ultimately became of it?—A. The company property book only shows here that it was checked off. At least it is struck out now, because it was checked off.

"Q. Look at the number of the gun and see whether there are same initials placed over the number?—A. No, sir; only 'O. K.' here, when it was turned in.

"Q. What is that written over the number [indicating on book]?—A. That is the captain's check mark.

"Q. That is 'C. C. K.?'—A. It is 'O. K.'

"Q. No; 'C. C. K.'—A. That is the captain's check mark, of Captain Kinney. He could tell you. He did that himself.

"Q. The gun was turned in. You were quartermaster-sergeant when the gun was turned in?—A. Yes, sir.

"Q. State whether or not when the guns were turned in Captain Kinney was captain of the company.—A. Yes, sir.

"Q. And his name is C. C. Kinney?—A. Yes, sir.

"Q. State whether or not he checked up every number.—A. He had that book and he checked it up.

"Q. Can you tell us where that gun, No. 45683—is that the number?—A. 45683, I think it is, sir. [Examining book.] There is a check over it, but I think that is what it is, No. 45683.

"Senator WARNER. That is the number you gave?

"Senator FORAKER. Yes.

"By Senator FORAKER:

"Q. Well, it is the number that is there. State where that gun was on the night of the 13th of August, 1906.—A. It was in the arm chest, sir, in the company.

"Q. In the arm chest?—A. Yes, sir.

"Q. Was the arm chest open or closed?—A. It was closed, sir.

"Q. Where was the arm chest?—A. It was in the storeroom.

"Q. How long had it been in that arm chest, and who had placed it there?—A. I placed it there at Fort Niobrara.

"Q. At Niobrara?—A. Yes, sir.

"Q. It was one of the guns that were in your charge? It was one of a number in your charge at that time, was it?—A. Yes sir.

"Q. You have already testified that you packed up in arm chests all the guns you had charged to you?—A. All the surplus guns that were not in the hands of the men, sir.

"Q. You have a clear, positive, distinct recollection of that fact, have you?—A. Yes, sir.

"Q. You can not be mistaken about it?—A. No, sir.

"Q. It was No. 45683? That was the number?—A. Yes, sir."

If this gun was not fired that night in Brownsville, as the testimony conclusively shows it was not, then it follows that if the shells picked up in the streets of Brownsville were fired out of this gun they must have been fired at Fort Niobrara. The testimony shows this was both possible and probable.

Before this microscopic inspection was made or any such question was foreseen it was established by uncontradicted testimony that Company B took with it to Brownsville as a part of its baggage a box containing from 1,600 to 2,000 exploded shells with a proportionate number of clips, and that after arrival at Brownsville this box, opened, stood on the back porch of B barracks, where anyone passing might have access to it and remove shells and clips from it. The microscopic report says that the shells picked in the streets of Brownsville and put in evidence were, beyond a reasonable doubt, fired out of these four guns belonging to B Company. If so, then it also follows that they were fired, not in Brownsville, but at Fort Niobrara, and that they were found in the streets, not because they fell there when fired, but because they had been placed there by persons unknown, who had secured them from this box of shells standing on the back porch and easily accessible to anyone disposed to remove them therefrom. In other words, the microscopic inspection shows conclusively, not that the soldiers were guilty of the firing, but that the soldiers were free from such guilt.

That this microscopic inspection did not establish anything more than that the shells found were fired from the four guns mentioned and did not show the time or place when they were fired or the parties by whom fired was evidently the conclusion reached by General Crozier, Chief of Ordnance, who concludes his review of this testimony, made in his last annual report (p. 36), as follows:

"The bearing of these facts upon the identity of the persons doing the firing and upon the time when the cases and bullets were fired in the guns is not a concern of this Department."

THE BANDOLEER.

A bandoleer, such as the soldiers use, was picked up in the Cowen alley the next morning after the firing, and that has been put in evidence against the soldiers. Each of the quartermaster-sergeants of the three companies has testified that before they left Fort Niobrara every bandoleer was taken up and returned to the arsenal, and that no bandoleer was issued from the time of their arrival at Brownsville until the companies were formed after the shooting commenced, and that consequently the bandoleer that was found could not have belonged to any of the soldiers of the Twenty-fifth Infantry. The testimony further shows that when the Twenty-sixth Infantry left Fort Brown, a few days before the arrival of the Twenty-fifth Infantry, they left some bandoleers in the barracks, and that they were gathered up and carried away by scavengers and citizens of Brownsville, along with articles of discarded clothing and other articles left behind. In addition, there would be no reason why the soldiers, if they planned the raid, as is claimed, should carry a bandoleer and throw it away in the streets when they could carry many times more cartridges than they had any need for in their regular belts.

THE BULLETS.

Seven bullets and parts of the steel jackets of two other bullets which were cut from houses into which it is claimed they were fired that night have been put in evidence. These bullets bear the marks of four lands, such as would be made by a Springfield rifle, such as the soldiers had, or a Krag rifle, or a Krag carbine, or a Mauser rifle. It is insisted that they must have been fired from the Springfield rifle, because the exploded shells that were picked up at the points where the firing occurred were Springfield rifle shells, indicating that the bullets belonged to Springfield rifle cartridges; and it is claimed that these cartridges are too long to be fired out of the Krag rifle or carbine. To this claim it may be answered that disconnecting the bullets that were cut out of the houses and put in evidence from the exploded shells that were picked up at the points where the firing occurred, it is impossible to tell whether the bullets were fired out of a Springfield rifle or from a Krag rifle or Krag carbine. The Springfield and Krag bullets are of the same weight and of the same general appearance. The witnesses all testified that it was impossible, looking at the bullets alone as they were put in evidence, to tell whether they had been fired from the one kind of rifle or the other.

Neither does it follow that if the bullets were fired out of the shells that were picked up at the points where the firing was done that they were fired from Springfield rifles, for the testimony shows that by slightly reaming out the bore of the Krag rifle the Springfield cartridge could be inserted in it and fired from it.

See General Crozier (page 2862):

"Q. Now, let me ask you if there is any difficulty about boring that barrel so as to accommodate this cartridge?—A. I take it to be easily done." * * *

* * * * * * *

"By Senator OVERMAN:

"Q. Do I understand you to say that if the bore was enlarged that the cartridge could be fired from that gun?—A. I do not see any reason why it should not be fired from the gun, sir; but I should suspect that the extractor would not work very well with it, and that it would not be a very workmanlike piece of mechanism when you get through."

The testimony shows that at least four Krag rifles were disposed of to citizens of Brownsville by the quartermaster-sergeant of Company K of the Twenty-sixth Infantry shortly before the arrival at Brownsville of the battalion of the Twenty-fifth Infantry.

There is evidence to the effect that there were other Krag rifles in the possession of the citizens of Brownsville. Mayor Combe testified that the Texas Rangers were formerly armed with the Krag carbine, out of which Springfield cartridges could have been fired if the bores were reamed, as they might have been.

ANALYSIS OF BULLETS.

A number of the bullets taken from the houses of Brownsville, into which they had been fired the night of August 13, 1906, were found by chemical analysis to correspond in composition to a special lot of bullets manufactured and supplied to the Government by the Union Metallic Cartridge Company under a contract dated June 29, 1905.

It is further shown that this composition does not correspond to the composition of any other Army bullet of which we have been given any account.

The testimony shows that the negro troops were supplied in part with cartridges from this lot, but the testimony does not show that the cartridges with which the negro troops were supplied out of this special lot were manufactured in December, 1905, the date stamped on the Union Metallic shells picked up in the streets of Brownsville the morning after the affray.

The testimony further shows that the companies of the Twenty-sixth Infantry stationed at Fort Brown, which were relieved by the Twenty-fifth Infantry, were supplied with precisely the same kind of ammunition and that when they left Fort Brown a few days before the arrival of the negro troops, they left many of these cartridges carelessly scattered about the barracks, and that citizens and children were allowed to and did visit the barracks and carry them away at pleasure. (See testimony of Quartermaster Sergt. Rowland Osborn and others.)

Conceding, therefore, that the bullets cut out of the houses of Brownsville were the same in composition as those with which the negro troops were supplied, it must also be conceded that they were the same as those with which the companies of the Twenty-sixth were supplied.

The testimony also shows conclusively that it was possible for the citizens to have acquired these cartridges from those left behind by the Twenty-sixth, while there is no testimony to show that any of them came from those issued to the Twenty-fifth. On the contrary, the testimony shows, as has been pointed out, that the different companies of the Twenty-fifth accounted for all their ammunition practically to a cartridge.

RECAPITULATION.

To recapitulate, the testimony of the eyewitnesses against the soldiers is not reliable, because of the darkness of the night, which made it impossible to see with any distinctness, and because of the many contradictions of the testimony of the various witnesses, especially that of Preciado, Littlefield, and Dominguez.

2. In the second place, the confirmatory or circumstantial evidence of the exploded shells that were picked up in the streets of Brownsville and put in evidence is shown by the microscopic inspection to be conclusive testimony in favor of the innocence of the soldiers.

3. The clips, the bandoleer, and the bullets are not of themselves evidence of the guilt of the men, because in view of the testimony not inconsistent with their innocence.

The testimony in favor of the soldiers is—

1. Their good record as both men and soldiers, both before August 13, 1906, and since.

2. Their own testimony as to their innocence. Every man in the battalion who has had an opportunity to testify has stated in the most unequivocal language that he had no part whatever in the shooting and that he has no knowledge whatever as to who did the shooting. In all their testimony they testified as to facts within their personal knowledge, for every man knew whether he had any part in the affray or knowledge thereof. To refuse to believe them is to assert that as fine a body of soldiers and as truthful, according to all their officers, as can be found in the entire Army are conspirators, murderers, and perjurers, and all this upon the uncertain, unreliable, and contradictory statements of witnesses who did not pretend to give personal knowledge, but only conclusions based on what was necessarily uncertain observation.

3. The soldiers are confirmed in the claim that they are innocent by the fact that immediately after the firing their ammunition was veri-

fied and not a cartridge was missing, and the next morning as soon as it was light enough their guns were rigidly inspected and not one was found to show any evidence whatever of having been fired the night before. There is much testimony in the record in regard to the length of time required to properly clean a gun after it has been fired so that it would pass such an inspection as these guns were subjected to the following morning. The overwhelming weight of this testimony is that it would require from fifteen to thirty minutes to clean these guns so that they would pass such an inspection as that to which they were subjected, and that it would be impossible to so clean them in the dark or by artificial light, and that the men had no opportunity to clean them that night.

This testimony was given not alone by the colored soldiers of the Twenty-fifth Infantry, but also by a large number of white soldiers from the Twenty-sixth Infantry.

4. So far as Company C is concerned, the testimony shows they had only guard ammunition, lead bullets without steel jackets, and only 650 rounds of that, and that after the firing they were found to have every cartridge. No one pretends that any bullets of this character were found, or that there is a particle of evidence to show that any such ammunition was used. And yet this is the company against which, until it was shown that they had only guard cartridges, all suspicion was directed, due to the fact that all the men who had any trouble at Brownsville—Newton, Reed, and Adair—belonged to this company; and because on account of delay in opening the gun racks the men broke them open to get their guns and respond to the call to arms, a circumstance that was urged as an evidence of guilt until it was shown it was done by the orders of Major Penrose.

5. As to the other two companies, the calling of the roll in Company B while the firing was yet in progress, and the personal inspection and verification of Company D by Captain Lyon also while the firing was still in progress, coupled with the fact that every man of the company was present or accounted for, with not a missing cartridge or a dirty gun, would seem in any ordinary case to be enough to exonerate them, to say nothing of the unqualified, straightforward testimony that clears all of them. To find these men guilty upon such a state of evidence is to disregard, violate, and reverse every recognized rule for the weighing of testimony, and can be explained only upon the theory that no matter what may be shown in behalf of the soldiers it is to be ignored or held to be unworthy of credence, notwithstanding their good character and reputation for truth and veracity and general reliability and trustworthiness, as testified to by their officers, who knew them better in these respects than it was possible for anybody else to know them. So to ignore and disregard their testimony is to hold that not only are all the men who have testified conspirators, murderers, and perjurers, but also that Major Penrose and all his officers, than whom no officers in all the Army are more honorable and upright and reliable men, together with General Burt, were not entitled to credence when they testified that they believe their men have told the truth and that they are entirely innocent. There is no ground whatever on which to justify such monstrous conclusions.

6. The testimony further shows that the first five or six shots fired were pistol or revolver shots. Major Penrose and his officers and also Mayor Combe, all experts, testified positively that the first shots were pistol shots. They are confirmed in this by a number of other witnesses. The testimony is conclusive that the men of the battalion had no pistols or revolvers in their possession. The only revolvers that had been issued to these companies were still in the boxes in which they had come from the arsenal. If, therefore, the first shots were pistol shots, they could not have been fired by the soldiers. Immediately after these first five or six pistol shots all testify that there was firing from high-power guns, but whether they were Springfield rifles or Krag rifles or Krag carbines or Winchester rifles or Mauser rifles no one could tell from the sound. So far, therefore, as the *reports* or *sounds* of the firing were concerned, they might have been made by the firing of Krag guns or Winchester guns or Mauser guns.

7. But assuming that because of the marks of the four lands on the bullets they were fired from either a Springfield or a Krag rifle or a Krag carbine, the testimony shows that a number of Krag rifles—four at least—with the numbers effaced had been sold to citizens of Brownsville by the quartermaster-sergeant of one of the companies of the Twenty-sixth Infantry only a short time before the negro soldiers arrived there. In addition, Mayor Combe testified that the Texas Rangers were, until recently, armed with Krag carbines.

8. The bullets taken from houses and put in evidence, as already pointed out, may have been fired either from Krag carbines or Krag rifles, or they might have been fired from Mauser rifles.

9. The location of the six shells and five clips founds by Captain Macklin on a circular area not more than 10 inches in diameter indicates that they must have been placed where he found them, and no one has suggested any purpose the soldiers could have had in placing them there.

10. The bullet cut from the post in front of Crixell's was not a soldier's bullet and could not have been fired from any gun the soldiers had.

11. The microscopic inspection and report. All these several points are absolutely inconsistent with the theory that the soldiers did the shooting; but in addition to what such evidence proves, there is the improbability of soldiers with such a record as these soldiers had forming and executing any such conspiracy, and especially in the way claimed.

In the first place, the formation and execution of such a conspiracy would require a higher order of ability than any of the men of the battalion possessed; but it is not possible that men capable of planning such a raid and so managing its execution as to defy detection would be absurdly stupid as to commence their operations by firing from their own quarters and grounds, and then, after they had thus aroused the town and fixed their identity as soldiers, and not until then, jump over the wall and start on their errand of outrage and murder.

NO MOTIVE.

In the second place, there was no sufficient motive. To begin with, the only motive suggested is one of revenge—revenge by indiscriminate murder of men, women, and children—because some of the saloons would not sell to the soldiers except at separate bars, and because one of the soldiers, Private Newton, was hit over the head with a revolver by Customs Officer Tate and knocked down and badly injured without any adequate excuse therefor, and because one or two others of the soldiers had been unfortunate enough to have some petty difficulty. As to this provocation, the testimony is conclusive that the soldiers made no complaint because they were denied the equal privileges of the saloons, and it is further shown that Newton showed no special resentment and took no steps beyond reporting his trouble to his commanding officer, who promised to have it investigated, with which Newton expressed himself as entirely satisfied. The testimony shows, moreover, that Newton is a quiet, inoffensive, peaceable-minded man, who was on guard duty that night, but off post and asleep in the guardhouse when the firing commenced. His character was such that he would be most unlikely to conceive the idea of organizing a conspiracy, or induce men to join one, to shoot up the town in the way alleged, especially one to avenge his wrongs, but of which he was not an active participator.

STARCK'S HOUSE NOT MISTAKEN FOR TATE'S HOUSE.

It has been said, as evidence that the motive of the soldiers was to revenge Newton's wrongs, that the raiders fired into Starck's house, adjoining the house in which Customs Officer Tate lived, evidently mistaking it for Tate's house. This is thought to be a strong point to indicate that it was the soldiers who did the shooting and that they were seeking to revenge Newton's wrongs by shooting up the house of the man who had wronged him. The testimony shows that some months prior to the shooting Starck, whose house was shot into, and who was also a customs officer, had undertaken to arrest a smuggler by the name of Avillo, who lived in Brownsville and who had worked for Starck and was perfectly familiar with Starck's house and its location, and that Avillo resisted arrest and Starck felled him to the ground with his revolver almost in the identical way that Tate had felled the soldier Newton. The testimony further shows that this smuggler, who was thus knocked down by Starck, was put under bond to appear at court, and that he had forfeited his bond and was at the time of this shooting affair an outlaw and fugitive from justice. It would seem far more likely that Avillo, the outlaw and fugitive from justice, remembering his injuries, had something to do with the shooting up of Starck's house than that Newton, who appeared as a witness, and who showed that he was on guard duty that night, was out with a lot of raiders, or that a lot of raiders were out, on his account, without him accompanying them, trying to shoot up Tate's house, *of the location of which there was no evidence to show they had any knowledge whatever*, and that they fired into Starck's house by mistake. The probabilities are that the men who shot into Mr. Starck's house knew whose house they were shooting into and knew why they were shooting into it. Mr. Starck's testimony was to the effect that he had arrested during the term of his service as a customs officer more than 600 smugglers at Brownsville.

And if a motive be demanded for the shooting of Dominguez it would seem more likely that he received his injuries at the hands of some of the numerous criminals he had arrested and enforced the law against during his long term of service as a municipal officer than that he was singled out by the soldiers to be shot by them, with whom he had had no trouble whatever of any kind. But however all this may be, we are of the opinion that—

1. The testimony wholly fails to identify the particular individuals, or any of them, who participated in the shooting affray that occurred at Brownsville, Tex., on the night of August 13–14, 1906.

2. The testimony wholly fails to show that the discharged soldiers of the Twenty-fifth United States Infantry, or any of them, entered into any agreement or so-called "conspiracy of silence," or that they had among themselves any understanding of any nature to withhold any information of which they, or any of them, might be possessed concerning the shooting affray that occurred at Brownsville, Tex., on the night of August 13–14, 1906.

3. The testimony is so contradictory, and much of it so unreliable, that it is not sufficient to sustain the charge that soldiers of the Twenty-fifth United States Infantry, or any of them, participated in the shooting affray that occurred at Brownsville, Tex., on the night of August 13–14, 1906.

4. The weight of the testimony shows that none of the soldiers of the Twenty-fifth United States Infantry participated in the shooting affray that occurred at Brownsville, Tex., on the night of August 13–14, 1906.

5. Whereas the testimony shows that the discharged men had a good record as soldiers, and that many of them had by their long and faithful service acquired valuable rights of which they are deprived by a discharge without honor; and

Whereas the testimony shows beyond a reasonable doubt that whatever may be the fact as to who did the shooting, many of the men so discharged were innocent of any offense in connection therewith: Therefore it is, in our opinion, the duty of Congress to provide by appropriate legislation for the correction of their record and for their reenlistment and reinstatement in the Army, and for the restoration to them of all the rights of which they have been deprived, and we so recommend.

J. B. FORAKER.
M. G. BULKELEY.

As indicating the character of legislation that should be enacted, as above recommended, we attach hereto Senate bill 5729, of which the following is a copy, and recommend its passage:

"A bill to correct the records and authorize the reenlistment of certain noncommissioned officers and enlisted men belonging to Companies B, C, and D, of the Twenty-fifth United States Infantry, who were discharged without honor under Special Orders, No. 266, War Department, November 9, 1906, and the restoration to them of all rights of which they have been deprived on account thereof.

"*Be it enacted, etc.*, That any noncommissioned officer or enlisted man belonging to Company B, C, or D, of the Twenty-fifth United States Infantry, discharged without honor under Special Orders, No. 266, War Department, dated November 9, 1906, on account of the shooting affray that occurred at Brownsville, Tex., on the night of August 13–14, 1906, who shall make oath before any duly authorized enlisting officer of the United States Army or Navy that he did not participate in said affray, and that he does not know of any soldier belonging to any of said companies who did participate in the same, and that he has not at any time heretofore and does not now withhold any knowledge with respect to that occurrence which, if made public, would or might lead to the identification of any participator in said shooting affray or any accessory thereto, either before or after the fact, and that he has answered fully to the best of his knowledge and ability all questions that have been lawfully put to him by his officers or others in connection therewith, shall be, and hereby is, made eligible to reenlist in the military or naval forces of the United States on his application therefor at any time within three months from and after the passage of this act, any statute or provision of law or order or regulation to the contrary notwithstanding; and that upon such reenlistment he shall be allowed full pay, according to the rank he held and the pay he was receiving at the date of discharge until his reenlistment: *Provided*, That all the rights and privileges to which the soldiers reenlisting under the provisions of this act were entitled, respectively, at the time of their discharge shall be, and hereby are, fully restored to them, and the record showing their discharge without honor

shall be, and hereby is, annulled, set aside, and held for naught, and the time elapsing since their discharge without honor until the date of such reenlistment shall be computed in determining all rights to which they may be respectively entitled on account of continuous service as though they had been in the service without interruption, and they shall not suffer any forfeiture of any right or privilege by reason of such discharge: *Provided further*, That in any case where the regular term of enlistment which the soldier was serving at the time when discharged without honor has in the meanwhile expired, his record shall be, and hereby is, corrected so as to show an honorable discharge at the time of the expiration of such enlistment, and he shall be allowed full pay and all rights and privileges until that time; and in the event of the reenlistment of such soldier under the provisions of this act his term of reenlistment shall be deemed to have commenced as of the time when his previous enlistment expired, and his service under such reenlistment shall be without prejudice of any kind by reason of his former discharge without honor: *And provided further*, That in case any of the noncommissioned officers or enlisted men belonging to said companies and discharged without honor shall have died since they were so discharged and before the passage of this act, but who shall have testified under oath or made affidavit before their death that they did not participate in said shooting affray or have any knowledge with reference thereto, their respective records shall be, and hereby are, corrected in accordance with the provisions of this act and their legal representatives shall be entitled to all pay that would have become due to them from the time of their discharge until the time of their decease.

"SEC. 2. That nothing in this act contained shall be construed to prohibit the prosecution and punishment of any soldier reenlisting under the provisions hereof as to whom it may at any time hereafter appear that he did participate in said shooting affray or have knowledge thereof which he has withheld.

"SEC. 3. That all reenlistments under the provisions hereof of soldiers who at the time of their discharge without honor were serving terms of enlistment which have not yet expired shall be held to be for only the remaining portion of said unexpired terms, respectively."

Mr. FORAKER. I should like to inquire of the Senator from Wyoming, the chairman of the committee, who makes the majority report, whether we are to understand that the bill which accompanies that report has now been introduced?

Mr. WARREN. Mr. President, the bill has not been introduced. The report contains the form of a bill, but there has been no bill introduced and none yet reported from the committee.

Mr. BAILEY. Mr. President, might I ask——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Texas?

Mr. FORAKER. Certainly.

Mr. BAILEY. Might I ask the chairman of the committee if the committee have under consideration a bill such as the President has recommended?

Mr. WARREN. I will say to the Senator from Texas that I have not yet read the message of the President, as it has been read at the desk; but, as I heard it read, his ideas and those expressed by the four members of the committee would seem to be near enough together so that there may be a bill prepared and introduced in the Senate in the usual way. There is at present no bill before the committee, prepared either according to the President's message or according to the report made by four members of the majority of the committee.

Mr. BAILEY. I am sure, Mr. President, the Senator from Wyoming has not read the President's message. I am equally sure that the President has not read the committee's report; but all of this seems like a race of diligence as to who can do the most to placate the dissatisfied negroes before the Republican convention and then before the general election.

Mr. WARREN. The Senator from Texas, of course, is giving his views of the Republican party from a Democratic standpoint; and we accept them as such.

Mr. BAILEY. That is the only standpoint from which a man can see the whole of it. Nobody ever sees himself. It is only others who see him. The Senator from Wyoming, of course, is doing his duty as a Senator in this matter, and I am quite content to sit here and see the Senator from Wyoming and the Senator from Ohio fight this out between themselves. The truth of it is, Mr. President, the Senator from Ohio needs none of my assistance and needs none of my sympathy, but as between a multitude and one man, I must sympathize with the one man, even if he is wrong. [Laughter].

Mr. FORAKER. Mr. President, referring to my colloquy with the Senator from Wyoming, the chairman of the Committee on Military Affairs, he will recall that I have good reason to make the inquiry as to whether or not we are to consider the making of this bill a part of the report as an introduction of the bill. It was my understanding that the bill would be introduced this morning. No one having formally introduced it, I make the inquiry in order that I may know what the status of that suggested legislation may be.

I want to say, in answer to the Senator from Texas [Mr. BAILEY], that there has been no race of diligence on my part that I am aware of. A week or more ago I introduced a bill, and had it referred to the Committee on Military Affairs, where it will shortly be considered and reported on, I hope, which will give authority for the reinstatement of the men who are innocent.

Mr. BAILEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Texas?

Mr. FORAKER. Certainly.

Mr. BAILEY. I do not want the Senator from Ohio to rest under the impression that I meant to impute that to him. I want to say that the Senator from Ohio has been entirely and steadfastly consistent. He may be right or he may be wrong. The other side is certain to have been wrong at one time or another, because they have been on both sides of this question.

Mr. FORAKER. I recognize, Mr. President, that we are making progress; for it is now admitted that some of these men are innocent, and it is further admitted that, as to at least one matter, the President does not have any power, and that he will have to wait on Congress to confer it upon him, in order that right and truth and justice may prevail with respect to the men who are innocent.

But what I want to inquire about is simply whether or not this bill is introduced or is to be introduced, if I may ask the question—and I would not venture to ask it if it were not that I thought it was to be introduced this morning?

Mr. WARREN. There are thirteen men upon the Committee on Military Affairs. Four of those have signed a portion of this report recommending a form of bill. Such a bill, in my opinion, will be introduced, probably, by some one of those four. I submit, however, that the time for the introduction of that bill would naturally fall to those who have favored it, rather than to those who refrained from joining in that recommendation. It is my intention that there shall be a bill introduced very soon, but it is necessary to make a little further investigation as to the part of that proposed bill which refers to the restoration of the rights of the discharged soldiers, and to the pay, whether it includes pay from the time of the reenlistment, if the men may be reenlisted, or whether from some other date. But there will be no unnecessary delay, in my opinion, in the introduction of that bill; and when it is before the committee the Senator from Ohio, myself, and others, of course, will enter into its consideration and report to the Senate whatever may be the conclusion of the committee.

Mr. FORAKER. May I ask the Senator one other question; and that is whether or not he construes the bill, which he has made a part of his report, as a bill restoring to the men who may be found to be innocent full pay and all their rights?

Mr. WARREN. I do not think so. As it reads I think it restores all of their rights; but as to their pay it simply provides that pay shall commence at the time of their reenlistment. That is my opinion of the suggested bill in its present form.

Mr. FORAKER. I agree with the Senator as to that, and I am glad to have his interpretation and construction of his own bill. I am not finding any fault with the Senator for not introducing it this morning. I was only exercising the right, which I suppose I have, of making an inquiry in order that I might know whether we are to expect it to be introduced, and, if so, when.

Mr. WARREN. Assuredly there is no blame. This Brownsville affray investigation has now been conducted in the Military Committee for more than a year, and I will say to the Senate that there has been no misunderstanding between the Senator from Ohio [Mr. FORAKER] and me, or between the Senator and other members of the committee, and there can be none now over this matter of when a bill shall be introduced or what may be its fate.

Mr. FORAKER. I will ask the Senator one further question now, in view of the disposition he manifests, and that is, May we expect it to be introduced at an early day? I will say to the Senator that I am not asking this in any frivolous way, but only because I have some notions of my own as to what I want to do.

Mr. WARREN. I think that it will be introduced at an early day.

Mr. TILLMAN. Mr. President, before we pass from this matter, I should like to suggest, with the permission of the chairman of the Committee on Military Affairs, that the document which we have just ordered to be printed have upon its title-page, as the text for what shall follow, the President's order dismissing these men. The Senator from Ohio tells us that he has incorporated it in his report, but I would not like to have to look about in the middle of the book for the reason for the book having to be printed. I should like to get it as a preface or on the title-page, right at the start. There never would have been any of this disturbance but for the President's arbitrary action. I should like for this document which relates to it, with this seemingly happy adjustment which is in sight, to give us the cause for this transaction by having the President's order put at the beginning. I hope the Senator will agree to that.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Ohio?

Mr. TILLMAN. Certainly.

Mr. FORAKER. I will explain to the Senator from South Carolina a difficulty about printing the order as a separate document. I have before me my report, and I read from page 33 of it.

Mr. TILLMAN. I know it is there; the Senator told us he had incorporated it; but I want it to be put at the beginning.

Mr. FORAKER. I understand, and I want to show to the Senator what he will have to include in his request in addition to what he has mentioned.

Mr. TILLMAN. All right. If the Senator has something additional which will throw light on this matter, let it come.

Mr. FORAKER. I will read the order made by the President. It is as follows:

THE WHITE HOUSE,
Washington, November 5, 1906.

THE SECRETARY OF WAR:

I have read through General Garlington's report, dated October 22, submitted to me by you. I direct that the recommendations of General Garlington be complied with, and that at the same time the concluding portion of his report be published with our sanction as giving the reasons for the action.

THEODORE ROOSEVELT.

It is by reference to General Garlington's report, therefore, that we get what the President's order was; that is to say, General Garlington had made a report in which he recommended that the President discharge without honor, as the President did. So I think we ought to have printed the order of the President and this report of General Garlington.

Mr. TILLMAN. As the preface or opening pages of this proposed document.

Mr. FORAKER. Yes; at least so much of the report as may be necessary to show the terms of the order.

Mr. TILLMAN. That is what I wish to get, Mr. President.

Mr. WARREN. The Senator from South Carolina refers to the title page. I suppose he wishes to show by the title page what the volume contains. If it is the desire of the Senate, the committee will prepare this matter by assembling it and arranging an index, and will of course incorporate the original order of the President and the qualifying order in the message which followed it. As to the Garlington report, which is contained in one of the other of the volumes, I will ask the Senator from Ohio if he has it there before him, in order to know what the length of the report is.

Mr. FORAKER. No; I can not tell.

Mr. TILLMAN. The committee could incorporate General Garlington's recommendations——

Mr. FORAKER. Yes.

Mr. TILLMAN. As part of the President's order.

Mr. FORAKER. That is what I did in my report, thinking that was all that was necessary.

Mr. WARREN. If the Senate desires it, the committee will incorporate at least as much of it as the Senator has quoted, but in this connection it must be remembered that the entire report of the committee, the testimony and all, will be printed.

Mr. FORAKER. Certainly.

Mr. WARREN. And of course will be accessible.

Mr. TILLMAN. But not in connection with this matter that was brought up this morning. Let that be volume 2, 3, 4, 5, or 40, but let us have this little volume with the essentials in a handy shape.

Mr. WARREN. In order that there may be no misunderstanding, as I understand the order for printing, it is, first, that there shall be printed the reports of the committee, the majority and minority reports, which will include all the evidence, and all that material contained in the Garlington report, and in fact everything pertaining to it, except the President's message—this in one order. Now, there will also be printed as a public document the President's message, some portion of the Garlington report, and all three of the papers read this morning.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Ohio?

Mr. WARREN. I do.

Mr. FORAKER. Before the Senator takes his seat I will state that it will be remembered that the President on a former occasion revoked part of his original order. I think that order of revocation should also be printed.

Mr. WARREN. Certainly; that is a part of it.

Mr. TILLMAN. That marks his progress toward giving these negroes justice.

The VICE-PRESIDENT. Will the Senator from Wyoming please state his request?

Mr. WARREN. The request is, first, that the report of the committee and the views of the minority be printed in the usual way, with all of the papers that accompany the reports.

The VICE-PRESIDENT. The Senator from Wyoming asks unanimous consent that the report of the committee, with the accompanying testimony and the minority report, be printed in the usual manner, together with the other documents accompanying the report. Is there objection? The Chair hears none, and it is so ordered.

Mr. WARREN. I now ask that there may be printed also the President's message read at the desk this morning, the President's original order, with the additions presented thereafter, with so much of the Garlington report as the committee may believe to be pertinent to the subject, and all three of the reports read at the desk, but excluding the several volumes of testimony.

Mr. TILLMAN. Including the President's supplemental order, will you not?

Mr. WARREN. Yes.

Mr. TILLMAN. All right.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Wyoming? The Chair hears none, and it is so ordered.

RAILWAY MAIL EMPLOYEES.

Mr. CARTER, from the Committee on Post-Offices and Post-Roads, reported the following order, which was considered by unanimous consent and agreed to:

Ordered, That 2,000 additional copies each of the amendments intended to be proposed by Mr. PENROSE to the bill (H. R. 18347) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1909, and for other purposes, as follows:

1. "For actual and necessary expenses, division superintendents, assistant division superintendents, and chief clerks, Railway Mail Service, and railway postal clerks, while actually traveling on business of the Post-Office Department and away from their several designated headquarters, $2,000,000;" and,

2. "That railway mail clerks be allowed thirty days' leave with pay each year, without additional expense to the Department, and that in case of sickness such leave may be extended to sixty days," be printed for the use of the Committee on Post-Offices and Post-Roads.

LEAVES OF ABSENCE TO CERTAIN POSTAL EMPLOYEES.

Mr. CARTER, from the Committee on Post-Offices and Post-Roads, reported the following order, which was considered by unanimous consent and agreed to:

Ordered, That 5,000 additional copies of the amendment intended to be proposed by Mr. PENROSE to the bill (H. R. 18347) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1909, and for other purposes, as follows: "That after June 30, 1908, employees in first and second class post-offices and in other post-offices having city delivery service may be granted leave of absence with full pay for not exceeding thirty days in a fiscal year," be printed for the use of the Committee on Post-Offices and Post-Roads.

INFLUENCE OF AMERICAN BATTLE-SHIP FLEET ON PACIFIC COMMERCE.

Mr. GALLINGER. Mr. President, I have a brief paper from the Sunset Magazine of the present month, by Naval Constructor Evans, the title of which is "The important influence of the American battle-ship fleet on the commerce of the Pacific." It is a valuable paper in view of certain discussions that are going on in the Senate. I ask that it be printed as a document.

The VICE-PRESIDENT. Without objection, it is so ordered.

AMENDMENT OF NATIONAL BANKING LAWS.

Mr. BORAH. By request, I desire to give notice that the Senator from Wisconsin [Mr. LA FOLLETTE], who is absent from the Chamber on account of illness, will next Monday, the 16th, after the morning business, address the Senate on the unfinished business.

GRANT OF LAND TO VALENTINE, NEBR.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1931) to grant certain land, part of the Fort Niobrara Military Reservation, Nebr., to the village of Valentine for a site for a reservoir or tank to hold water to supply the public of said village, which were, on page 1, line 5, after "Nebraska," to insert "an easement in, on, and over;" on page 1, line 10, after "United States," to insert: "for the purpose of supplying to said village and its inhabitants water from a stream thereon, with the privilege to erect, construct, and maintain a dam, reservoir, and other facilities proper and convenient to the enjoyment of such easement," and on page 2, line 3, to strike out all after "That" down to and including "United States," line 6, and insert "this privilege shall not interfere with any existing vested right."

Mr. BURKETT. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

DAM ACROSS MULBERRY FORK, BLACK WARRIOR RIVER.

Mr. BANKHEAD. I ask unanimous consent for the present consideration of the bill (H. R. 16746) to authorize T. H. Friel or assigns to construct a dam across Mulberry Fork of the Black Warrior River.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT OF NATIONAL BANKING LAWS.

Mr. CLARKE of Arkansas. I ask the Chair to lay before the Senate the unfinished business.

The VICE-PRESIDENT. The Chair lays before the Senate the bill indicated by the Senator from Arkansas.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3023) to amend the national banking laws.

Mr. CLARKE of Arkansas. Mr. President, I gave notice a few days since that I would to-day address the Senate on the so-called "Aldrich bill," and incidentally the substitute reported by the minority of the Committee on Finance. I am quite indisposed this morning, and I shall content myself to-day by occupying, I trust, not to exceed ten minutes in stating the reasons why I think no legislation of this kind should now be enacted.

Mr. President, I believe that when we consider the magnitude and the consequences of the recent panic and the remedy now proposed, so revolutionary as that which the pending bill or the substitute seek to introduce into our financial system, there should be the most perfect knowledge of the entire situation that diligence and authority can obtain. I do not believe we are in possession of such information as will enable us at this time to proceed intelligently. I believe that the proposed legislation is premature. I do not believe it necessary, and think it may become dangerous. Because I find my mind in that condition I am not disposed to tolerate the idea of supporting the committee bill nor the substitute proposed by the minority of the committee. I understand by "minority" the Democratic members of the committee, and my respect for the eminent Senators who constitute that minority requires me to state in a few words why I shall not be able to vote for the substitute.

In the first place, I believe that the character, extent, and cause of the panic are perfectly well known to those who have exercised the diligence and who have devoted the time to ascertaining these things. There was nothing the matter with the general prosperity, industry, or temper of the people at the time the panic occurred. It came as a great surprise. It found the people busy. It found the transportation companies with an excess of business upon their hands. It found a hopeful, prosperous people. With the suddenness of the onslaught of a robber band news came out from the stock exchange in New York that business had to be suspended until the victories of one faction of predatory manipulators over another could be adjusted and the loot divided among those entitled under the rough code of the conflict to receive it. I say I think that can be established with that degree of certainty which legislators ordinarily require as the foundation of their official action. I believe it can be demonstrated beyond ground for rational controversy that the panic had its origin within the confines and zone of influence of the New York Stock Exchange, and that whatever remedy is found necessary should not precede the definite ascertainment of its true cause.

I repeat that this legislation is premature, if not dangerous. It is plain that the predatory element of the national banking organizations will take advantage of the distress and demoralization in the commercial affairs of the country that has followed in the wake of that panic to demand further concessions to them, to be ultimately again directed against the commercial peace of this country.

I believe there is now in use in this country a sufficient volume of money to conduct its legitimate business. Every test by which such a state of facts can be demonstrated points to that conclusion. But I shall not undertake to deal with that phase of it to-day, as I have promised to occupy only a few minutes to indicate why I think I ought not to support the substitute of the Democratic minority of the Finance Committee. There are many features of that substitute that constitute improvements over the bill of the majority of the committee. There are many features of the bill which, compared with provisions in the other bill intended to subserve similar purposes, are far inferior.

In the first place, the committee bill proposes to disburse this money—to filter it out to the people—to allow them to enjoy such incidental benefits as may come to them through such national banks as have circulation outstanding in an amount equal to 50 per cent of their capital stock under existing law, and, in addition, having a surplus of 20 per cent. That permits every national bank to qualify itself to participate in the benefits of the act by voluntary action without the exercise of any discretion in its behalf by any public officer.

The minority bill limits the right to enjoy the benefits of this extra use of currency to such national banks as have been or may be designated for that purpose as depositaries of public money. If the Secretary of the Treasury shall not be more liberal in designating depositaries hereafter than in the past, the enjoyment of the privileges or benefits of the substitute will be limited to fourteen hundred only of the seven thousand national banks.

I see no reason why that restriction should exist. If it is to be an emergency currency, the benefit of the supply should be extended to all who stand in need—whose legitimate business demands require that they shall be relieved by this unusual interposition of the bounty of the Government, and who are able and willing to furnish the required security. I do not believe it should be limited to banks which have been previously designated or which might thereafter be designated for the purpose by the Secretary of the Treasury as depositaries of public money.

Mr. BAILEY. Will the Senator from Arkansas permit me?

Mr. CLARKE of Arkansas. Certainly.

Mr. BAILEY. The Senator does not quote the substitute exactly. It says "which may be for that purpose," and it was not intended that they be necessarily depositaries generally, either active or inactive, but the Secretary of the Treasury, if he wanted to deposit the money anywhere, could designate national banks, or I do not limit it to national banks, so far as that is concerned. For that particular purpose, and that purpose being served, as a matter of course that would end it.

Mr. CLARKE of Arkansas. I agree with the Senator about that. He has exercised the privilege authorizing the naming of banks for the exclusive purpose of receiving deposits authorized by the substitute. The great majority of the designated depositaries are of that character now. They are not depositaries of public money generally; only the surplus revenues. I did not then misunderstand the purpose of the Senator, but I did not quite understand then, nor do I now, that it was his intention, in the language he used, to permit the designation of State banks as depositaries of public money. I do not intend to differ with the Senator about what he personally intended to provide, but I make no doubt in my own mind that the language employed, read in connection with the power now existing to authorize any officer to designate banks as depositaries of public money, will confine the Secretary of the Treasury to the designation of national banks only.

Mr. President, I have had a little experience during the present panic in attempting to have three well-known, reputable, solvent, and well-managed national banks in the State of Arkansas, in neighborhoods remote from one another, in communities whose business required the temporary use of capital, designated as depositaries of public money. They were turned down without the slightest hesitation, on the ground that there was no money available; at least that was the reason assigned by the Assistant Secretary of the Treasury. If I were in favor of an emergency-currency bill at all, I would be in favor of extending its benefits to everybody who can deposit the necessary security. The very nature of the relief itself indicates that that is the proper basis of distribution. It is because people can not get money out of the banks that they need it. The Government provides the bounty for them in order to promote business, thus overcoming the congestion that results by reason of the fact that there is no medium through which current and necessary exchanges can be promptly effected, the crops moved, and the various forms of business that go to make up the volume of the commerce of the country properly conducted.

I would extend it and make it a matter of right to all, the only restraint being a matter of security. Of course I would not expect that it would be dealt with upon such a small scale that a man could go to the Treasury, or some one of the subtreasuries, and borrow $5, but in amounts that would adjust themselves to business of that magnitude that usually finds its way into the transactions of the banking institutions of the country.

I believe the provision that deposits shall be made upon the basis of the population of the several States is a very excellent one, but I think it ought to be made a little more elastic than in this substitute. I think if a State does not desire its quota, or if for any reason its banks are not willing or able to avail themselves of it, there ought to be a provision that, after reasonable time allowed in which to exercise the option, the amount allotted should be transferred to some other State

where the necessity demanded relief and where the ability to avail themselves of it existed in adequate degree.

The effect of this substitute, especially in the cotton-growing States of the South, with the exception of the magnificent State of Texas and the State of Virginia, is that they can not avail themselves of it to the extent nominally permitted to them. Texas never showed up better in her history than she does in connection with her national banking facilities. To my amazement I find that that State has about the same national-bank capital and surplus as Indiana and Iowa put together; about as much as Missouri and Nebraska put together. Texas and the State of Virginia are the only two States in the cotton-growing region of the South that could, by reason of the limited national banking facilities, avail themselves of the full allotment assigned to them on population basis under the substitute.

I think, therefore, that both bills, as emergency measures, are too narrow to meet the exigencies of the situation that their passage, or either of them, contemplates.

But my chief objection is common to both, and that is the time has not come and sufficient information is not now before Congress to warrant it in saying that such defects have been developed in the operation of our financial system as to require that something shall be done not conceived of in the infancy of this Government, when it was experimenting with policies, when its business institutions were undeveloped, when its railroads and telegraphs were unthought of, when there was not that coherency in business between one section of the country and another which makes it easier to do business than ever before, and when there had not been introduced and in successful operation the many striking economies in the conduct of business which are now in existence. I know that the necessary preliminary investigation has not been made and that we are proceeding to legislate under the pressure of a situation made no less acute by the predatory elements of the national banks because they have interests to promote at this time. Investigation can be made now through official sources to an extent that will satisfy ordinary purposes, but I believe that the first duty of the Congress is to ascertain the cause of the panic, to the end that we may proceed advisedly and act decisively. I do not believe that any Government upon the face of the civilized earth would have permitted an event of the character of the late panic, one which completely convulsed and demoralized for the time the commercial peace and prosperity of the country, to pass without an investigation which would have promptly and definitely disclosed its causes, and on the foundation of the knowledge thus acquired formulated and adopted a remedy that would have made impossible the recurrence of a similar event produced by the same causes.

Such an investigation as I have made in the matter justifies me in saying that the panic is directly traceable to the operations on the New York Stock Exchange, the cotton exchange, and the grain exchanges of the country. I shall take a few minutes to say something about that, and then I will desist.

It is a demonstrated fact, which admits of no dispute, that about $1,000,000,000 of the loanable capital of the country is employed constantly in financing the so-called deals of the gambling operations on the New York Stock Exchange. The report made to the Comptroller as late as the 22d day of August discloses the fact that the national banks of New York had $251,000,000 loaned on stock-exchange securities—that is, on call loan, without personal indorsement, and secured by stocks and bonds.

There were sold upon that exchange last year 300,000,000 shares of stock—an unthinkable amount. There was put into the treasury of the State of New York from the State tax on those transactions $6,000,000. In other words, the State of New York derived a privilege tax of $500,000 a month for permitting that business to be conducted. The commission which the so-called "brokers" earned by reason of these transactions, as the rake-off on these gambling operations, amounted to $50,000,000. There are 1,100 members, whose so-called seat or membership is worth $52,500 each, or $57,500,000 for the privilege of engaging in that sort of business. It is not pretended by those who think they know, because that is about as definite as you can get at it—they keep their proceedings to themselves; what gets out is merely in an incidental and fragmentary way—that 99 per cent of the transactions are mere settlements of differences on gambling operations, pure and simple.

No one pretends to defend the stock exchange against that charge, made over and over again. A lawsuit took place not long since in the city of Chicago, where it became necessary to investigate the character of business carried on by the grain exchange there. An issue was made as to the extent and character of the transactions there, and the proof showed that 95 per cent of the transactions on the grain exchange were a mere settlement of the matter of differences, and this in a case where the brokers made the greatest efforts to prove delivery by warehouse certificates or otherwise.

I think as long as such institutions exist, unless it is the purpose of Congress to adopt them as a legitimate part of the business establishment of the country, we should not increase the volume of currency so as to make provision for their nefarious schemes, and to thus treat it as a proper and commendable business institution. But if its existence is a necessary and natural evolution of the business of our complex society, as one of the judges of the Supreme Court denominated it, then this bill ought not to pass until we determine for ourselves whether or not the time has come when that business should be put down, or if it should not be, then that we shall understand it as being a part of the recognized business system of the country that must be provided for accordingly.

I grant you that if a billion dollars of loanable capital of this country must be kept involved in stock exchange deals and not be subject to the control of legitimate business interests of the country; or, to express it differently, if a billion dollars of the loanable capital of the country must be devoted constantly to gaming—then, necessarily, it must exert a very considerable influence upon the disturbance of prices, for the methods of that institution make it necessary for it to disturb prices in order to make business. It exists by that sort of financial disorder, and it could not live six months without it.

These institutions do not deal in stable stocks, except on rare occasions. The stock of reputable national banks are never made the subject of speculation there. In 1907 there were two railroad companies of whose stock there was sold, or, rather, the brokers sold (the roads did not have anything to do with it), more than thirty times the number of shares that were ever issued.

I believe this is about all I intend to say just at this time. I had intended to deal somewhat at length with several aspects of the questions involved on this occasion, but I find myself unable to do it now. My purpose has been to say in a word why I should not vote for either the committee bill or the substitute. I am greatly disappointed to find myself unable to do so at this time. I may take occasion to say something hereafter along the lines I intended to pursue this morning. But as I take my seat I want to emphasize that in my opinion the time has arrived when, in the judgment of disinterested business men of the country, the affairs of the New York Stock Exchange and the other stock exchanges must be looked into. This belief is almost universal among them. The available proof justifies this sentiment, which is almost universally entertained.

Mr. BEVERIDGE. Would it interrupt the Senator to ask him a question?

The VICE-PRESIDENT. Does the Senator from Arkansas yield to the Senator from Indiana?

Mr. CLARKE of Arkansas. Certainly.

Mr. BEVERIDGE. I have listened intently to what the Senator has said. Do I understand this to be the situation? I ask for information because the Senator has studied it and I have not. The banks throughout the country, in order to get the most interest that they can, deposit their money with the banks in New York, and the banks in New York loan out the money thus accumulated on call to transact the stock-gambling operations which the Senator has described; then, when all of the money that is drawn to New York from all over the country is so locked up that upon the call of the contributing banks to the banks of deposit in New York the country banks will not get it. Is that the situation?

Mr. CLARKE of Arkansas. It is.

Mr. BEVERIDGE. Then the point the Senator makes against both the minority and the majority bill is that this excess of emergency currency would merely relieve the situation created in New York in the way the Senator has described? Would it not follow then that while it would more directly help the stock exchange transactions it would also in that very way relieve the money, so that the banks could send it back to the banks from which they got it?

Mr. CLARKE of Arkansas. But I do not think that it is wise legislation to provide a benefit for the stock-exchange gamblers in order that the country bank may have the privilege of drawing its own money out of the New York bank. I do not think we ought to pay tribute to the stock exchange to that extent.

Mr. BEVERIDGE. I am somewhat inclined to agree with the Senator in what he has said. His speech is very clear and very informing—it is one of the best speeches yet made in its keen intelligence and lucid statements, and I wanted to get the Senator's exact views as to the conclusion to which it necessarily comes. I am much obliged to the Senator.

Mr. CLARKE of Arkansas. The banks, Mr. President, are induced largely to send money to New York to get interest. But they have another reason, very substantial with them. There comes a time when the country banks have to rediscount paper in order to carry on the business of the several localities where they do business. They are accommodated in return in proportion to the state of the account they keep with the central bank, so that they thus find some mutuality about the business of depositing in legitimate bank operations. They have no difficulty about getting a bank ordinarily——

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Arkansas yield to the Senator from Rhode Island?

Mr. CLARKE of Arkansas. Certainly.

Mr. ALDRICH. I suppose the Senator is also quite well aware that it is for the interest of the country banks to keep an account in New York entirely aside from any question of interest or any other question. It is almost a necessity for the country banks in the matter of exchanges to keep an account in New York, whether they get any interest for it or not.

Mr. CLARKE of Arkansas. I will say that the country banks usually have business connections and customers that require frequently the drawing of drafts on New York.

Mr. ALDRICH. It is undoubtedly true of almost every bank in the United States that they keep an account in New York. If the Senator should go to a bank in Arkansas and get a check to pay a bill in Chicago, or in San Francisco, or anywhere else, they would give him a draft or a check on New York, probably. New York is the great financial center of the country, and entirely aside from any stock speculative movements there, it is important that country banks and the banks of the country generally should keep accounts in New York.

Mr. CLARKE of Arkansas. That is true, partially.

Mr. NEWLANDS. Mr. President, if the Senator from Arkansas will permit me to interrupt him for a moment, I should like to ask the Senator from Rhode Island whether he thinks it is necessary to accumulate in New York the vast amount of reserves of the banks throughout the country in order to enable those banks to conduct the simple transactions of exchange on New York?

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Arkansas yield to the Senator from Rhode Island?

Mr. CLARKE of Arkansas. Yes, sir; very cheerfully.

Mr. ALDRICH. Of course there are varying amounts held by the New York banks of the banks throughout the country. There are varying amounts dependent upon the season and upon the demands in various parts of the country. I think myself that there is always a tendency to accumulate too much money in the banks of New York and too much of a temptation to use it for other purposes than the legitimate purposes of trade. I agree perfectly with the Senator from Arkansas to that extent, but in ordinary seasons the banks must keep an account in New York. That is entirely independent of the question of reserves.

Mr. BEVERIDGE. Everyone will agree with what the Senator says, but is it not true that it is a comparatively small portion?

Mr. ALDRICH. I think it is much the larger portion.

Mr. BEVERIDGE. You think it is much the larger portion?

Mr. ALDRICH. I think so.

Mr. BEVERIDGE. I have had a very wrong impression. My impression has been that it was a small portion. My impression had been that while some of the money went there for legitimate purposes of exchange, most of it was accumulated there because the country banks found that in that way they could earn the largest possible interest on their money. I am glad the Senator corrects me.

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Arkansas yield to the Senator from Nevada?

Mr. CLARKE of Arkansas. Certainly.

Mr. NEWLANDS. Let me call the attention of the Senator from Rhode Island to the fact that one-half of the lawful reserves of the country banks and one-half of the lawful reserves of the reserve city banks go to New York.

Mr. ALDRICH. Not necessarily.

Mr. NEWLANDS. You will find by the statistics of last year that one-half of the reserves of the country banks was deposited in other banks and that one-half of the reserves in the reserve city banks was deposited in the central reserve city of New York.

Mr. ALDRICH. There are three central reserve cities.

Mr. NEWLANDS. Well, the bulk of it was deposited in New York. I do not suppose the Senator will contend for a moment that one-half or one-quarter of that large amount is necessary to be deposited by the country banks and the reserve city banks in New York in order to conduct the ordinary transactions of exchange.

Mr. ALDRICH. I should say, most assuredly.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Arkansas yield to the Senator from South Carolina?

Mr. CLARKE of Arkansas. Most cheerfully.

Mr. TILLMAN. I want to suggest to the Senator from Arkansas that, so far as I understand his contention, he is not so much concerned as to whether the local banks or country banks shall have a deposit in New York against which they can check as he is concerned about our legislating here so that when those banks call for their money they can get it.

Mr. CLARKE of Arkansas. The Senator is exactly right; and I also want to stop stock gambling, as a means to this end.

Mr. TILLMAN. I hope the Senator from Rhode Island, whose earnest efforts to better the financial condition I, for one, believe in, although I do not agree with his remedy, will aid us or will himself take the lead in furnishing some method by which the country banks can get their own money when they want it, and not let the stock gamblers hold it in their grasp by conditions which we encourage by our legislation.

Mr. BAILEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Arkansas yield to the Senator from Texas?

Mr. CLARKE of Arkansas. Certainly.

Mr. BAILEY. I merely wish to say in this connection that all we need is a Comptroller of the Currency who will enforce the law, and then the New York banks will either give the country banks their money or he will put the New York banks in the hands of a bank examiner.

Mr. CLARKE of Arkansas. That is a theoretical remedy.

Mr. BAILEY. I simply say that is the law.

Mr. CLARKE of Arkansas. It is the law that whenever a national bank makes default in the payment of its indebtedness it is subject to be proceeded against for insolvency.

Mr. BAILEY. The Senator from Arkansas will agree with me that it is better the New York bank should be closed up for failing to pay its obligations than that a country bank should be closed up because it could not pay its obligations.

Mr. CLARKE of Arkansas. I agree entirely with the Senator as an abstract proposition. But the practical difficulty with the attempt to apply a remedy would be that while the Comptroller would close the recalcitrant bank, the resulting demoralization would cause excited depositors to close a dozen more.

Mr. ALDRICH. I desire to impress upon the Senator, and I desire to repeat, that the people of this country will never permit again, in my judgment, the banks to suspend payment in the arbitrary way they did last October. I said that in my first speech, and I repeat it now.

Mr. CLARKE of Arkansas. The Senator has a great reputation as a historian, but I would not trust him much as a prophet if he makes that declaration. Whenever the same necessity presents itself they will do the same thing over.

Mr. ALDRICH. I think not.

Mr. CLARKE of Arkansas. I know the complete terror that exists in the country when the people are uncertain about their bank balances. The people did not lose confidence in the banks in 99 per cent of the territory of the country. They exhibited a forbearance that was absolutely monumental.

Mr. TILLMAN. If the Senator will permit me, in my experience last fall I discovered that the greatest concern of the people in every town which I visited was that they could not get their own money out of their own banks, because New York had had a chill.

Mr. CLARKE of Arkansas. That is true.

Mr. TILLMAN. Old Confidence had taken to the woods in New York, and therefore he was in hiding all over Texas, Oklahoma, Missouri, and everywhere else I went.

Mr. CLARKE of Arkansas. That is true. Wherever the banking operations of the neighborhood in their ultimate effect ended up in New York there was a local panic, because of New York conditions and not conditions at home. If the banks of the South and West had secured possession of their own money they would have never known that there was a panic raging, but it was prearranged that they should not do that. From June until the 1st of September the banks of the South and West were induced to make loans to the national banks in New York by tempting offers of high interest rates on high-grade, short-time paper. I saw a list of it in my home town, offering 7 per cent on such paper. The money was thus lured into the banks of New York, not by the mere low rate of interest on

reserves which they had there, but the New York banks drew many millions there by paying as high as 7 per cent interest on it for a short time. The local banks of course supposed that before they would need it for local use the paper would mature and they would have credit for it with the banks of New York and could draw it out as necessity required. But when the time came their calculations miscarried, with the result we now know.

I am about through, Mr. President. I see the Senator from Rhode Island present. There is just one feature of his bill more than any other that I think ought to receive attention. He left out a provision for keeping the reserves at home that I think ought to be in, and he has put in a provision that the national banks may retire their normal circulation at will. Parliamentary master that he is, I would discredit my own estimate of him if I believed he would leave the one out and put the other in, except for the purpose of having something with which to negotiate when he comes to hold the inevitable parley with the almost persuaded. I do not believe he intends to pass the bill with a provision that all normal circulation can be retired at will. I do not believe that he has overlooked the fact that necessity requires some modification of the law in regard to reserves. I am opposed to permitting the local banks to deposit the reserve anywhere. If they have money that they choose to deposit upon checking account, that is a different proposition altogether, having nothing whatever to do with the reserve. That is to be regulated by the volume of business that passes between two banks. That is a legitimate use of funds. But I do not believe that that reserve is dead money, as the Senator from South Carolina [Mr. TILLMAN], or probably my friend from Mississippi [Mr. MCLAURIN], characterized it the other day. No such fact is true. It is just as much a part of the working capital of the bank as any other dollar in the bank.

It is not an amount of money at all; it is the mere warning to the bankers that when they reach the limit of 15 per cent of the deposits they must thereafter be careful.

Mr. MCLAURIN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Arkansas yield to the Senator from Mississippi?

Mr. CLARKE of Arkansas. Certainly.

Mr. MCLAURIN. I will say to the Senator that it was I who spoke of it as dead capital. I stated that I did not believe it was the intention of Congress in enacting the law that it should be treated as dead capital, but that it should be utilized for the purpose of paying the checks drawn upon this reserve; that the reserve was to be so much that could not be loaned out.

Mr. CLARKE of Arkansas. On time loans.

Mr. MCLAURIN. On time loans by the banks.

Mr. CLARKE of Arkansas. Even that is not enforced by a penalty. It may be done over and over again and there is no penalty; no presumption of wrongdoing that grows out of it.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Arkansas yield to the Senator from Rhode Island?

Mr. CLARKE of Arkansas. Certainly.

Mr. ALDRICH. I mean to be perfectly frank with my friend the Senator from Arkansas. I will say with reference to the $9,000,000 limitation that two years ago, I think it was, we raised the limit on retirement from $3,000,000 to $9,000,000. I then stated that personally I thought there was no occasion, especially as we left the matter entirely in the control of the Secretary of the Treasury and the Comptroller of the Currency, to make that limitation. The Senate did not then agree with me, and I have a notion that they will not agree with me now. I expect that the limitation retirement of $9,000,000 per month, except as to emergency currency, will be retained in the bill.

So far as the question of reserves is concerned, I said when the bill was reported that the committee left it out because it would lead, we thought, to a long discussion. We have had the long discussion anyhow. So I am now disposed, if I can, to get some provision affecting the reserves that will be satisfactory to Senators on both sides of the Chamber, and I want to do the very best thing possible.

Mr. CLARKE of Arkansas. And so it has come to pass so soon that my standing as a prophet is recognized.

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Arkansas yield to the Senator from Nevada?

Mr. CLARKE of Arkansas. Yes, sir.

Mr. NEWLANDS. May I ask the Senator from Rhode Island whether he would be willing also to fix the relation between capital and loans so as to prevent a bank from loaning out its depositors' money in excess, say, of seven or ten times the amount of its capital?

Let me say in this connection that the capital is the security of the depositors as much as the reserve. Good banking requires that the reserves should be at least 15 or 20 per cent and the capital should be at least 15 or 20 per cent. The average of the national banks of the country is about 20 per cent. Now, would it not be wise to make that average compulsory, so that we may have some of the weak banks secured only by reserve, with their insufficient capital, and others can be secured by the reserve required by law and also by sufficient capital?

Mr. ALDRICH. I regret that I can not answer that in the time of the Senator from Arkansas.

Mr. CLARKE of Arkansas. I will be through in five minutes. The character of the provision in regard to the reserve that would please me would be one affirmatively requiring a bank to keep the reserve at home, and another provision denying to a national bank the right to pay interest to any other national bank upon a demand loan or a checking account, usually called "daily balances."

Mr. BEVERIDGE. Will the Senator please repeat the latter remark?

Mr. CLARKE of Arkansas. I say I would not only require the bank to keep a reserve at home, but I would deny to any national bank the right to pay any other national bank interest on a demand loan or a checking account. Then only such deposits would be kept in a national bank as the legitimate business of exchange would require, the interest would not enter into the question, and whether the reserves could be used at home or not would not enter into it. The matter would be disposed of on its merits as a business proposition to the mutual advantage of the two parties in interest.

Now, as I said, the reserve is as much a part of the working capital of the bank as any other dollar in it. Strangely enough that question got to the Supreme Court of the United States. There is a provision in the banking law that if a stockholder sells his stock after he knows the bank is insolvent, or after he has such knowledge of circumstances which followed up reasonably would lead to that knowledge, he does not escape the double liability by reason of transferring his stock to an insolvent transferee.

In the reported case the stockholder sold his stock, and the question arose as to whether he had knowledge at the time he disposed of it that the bank was in a failing condition, it having subsequently failed. One of the reasons advanced to show why he knew the bank was insolvent was that its published statements repeatedly showed the fact that its reserve invariably went below the legal limit. It was argued that he should have taken notice of that fact and by diligently following it up to ascertain the fact that the bank was insolvent. The Supreme Court, in an opinion written by Judge White, said that under the law he was not required to take any notice of it at all. The court refused to decide whether the provision is a directory or a mandatory statute. Permitting the reserve to run below the limit is not followed by any penalty. It depends upon the action of the Comptroller of the Currency in first giving the offending bank thirty days' notice to replenish the reserve, and a failure even then does not involve any consequence or charge anybody with notice of the irregularity. It is only when the Comptroller of the Currency reports to the Secretary of the Treasury that that particular delinquency has been kept up so long as to justify him in placing a receiver in charge that it is done by direction of the Secretary and not by the Comptroller.

The course of dealing with it is to virtually constitute the reserve provision in the national banking law a mere warning to bankers. They must be a little careful when they reach a certain point in their business. Of course it is their duty to pay everybody they owe, and it must be done whether the cash on hand is below 15 per cent or not.

Mr. ALDRICH. I think the Senator will agree with me that it has an entirely different signification as applied to the officers of the Treasury. They are bound to take notice of it, and there are certain obligations on their part and on the part of the bank officers of which they must take notice.

Mr. CLARKE of Arkansas. It is very true that the Comptroller of the Currency may take notice of it, but he will take under view the entire statement of the bank in doing so; if he, from this, finds that there is no good reason for precipitating an event that must have a demoralizing influence in the community, he will overlook the matter with an admonition.

If there are discounts which are properly secured, and the investments of the bank are of a character that indicate that there has been a judicious use of its money, and that the reserve was encroached upon temporarily to relieve some situation that seemed to justify such conduct, I take it for granted the Comptroller would pay very little attention to it; and if he did,

before any step could be taken against that bank, such action must be approved by the Secretary of the Treasury.

So I believe there is a widespread misapprehension about this matter of the reserve. I know my knowledge of the subject is of very recent acquisition, and is largely the result of investigations made since I have been here this session. I believe it to be a wise provision to require the banks to respect the reserve limitations. The idea of the necessity for a reserve was drawn from the experience and observation of bankers long before the national-banking system was created. The national act simply concreted that into a statute and made it a rule of law.

Now, I am going to make just one reference to what I think is another pernicious defect in the bill of the Senator from Rhode Island. He provides that the interest on this emergency circulation—in the bill he calls it a tax—shall not be paid on the sum delivered by Treasury officials to the banks, but it shall be paid on the average monthly amount of such notes so issued and in circulation.

Mr. ALDRICH. That is the language of the existing law. Of course if the money is in circulation, it has been delivered to the banks. If the Senator was right in his criticism, of course the language needs to be changed.

Mr. CLARKE of Arkansas. The Senator's knowledge of banking law is so much better than mine that I will have to be pretty well satisfied about a proposition before I would antagonize him. But if he will look at the returns of the amount of tax paid on the normal circulation of national banks, he will find the volume is about $15,000,000 less than that delivered to the banks.

Mr. ALDRICH. I think the Senator will find that the difference grows out of the deposits of lawful money to retire circulation.

Mr. CLARKE of Arkansas. Here is the report of the reporting banks; none of them are in liquidation, voluntary or otherwise.

Mr. ALDRICH. Certainly; it is my purpose that they should pay a tax on all the money delivered to them.

Mr. CLARKE of Arkansas. That is not the meaning of the provision now in the bill.

Mr. ALDRICH. I have no objection to the provision, if such is not already covered by the bill.

Mr. CLARKE of Arkansas. If that is the purpose, it must be more plainly provided for.

Mr. ALDRICH. We will see that it is in, if it is not in already.

Mr. CLARKE of Arkansas. I think you will find there are on deposit to secure the circulation of national banks, $619,000,000 in round numbers. The Comptroller delivered to the national banks depositing those bonds $611,000,000 of notes. They had outstanding or in circulation $601,000,000. They have practically $8,000,000 less than they have bonds on deposit with the Treasury authorizing them to take out circulation. They took out $8,000,000 less. The Comptroller delivered to them $8,000,000 less than the bonds on file with him warranted them in receiving, and this to save simply the one-half of 1 per cent tax, leaving $8,000,000 in the hands of the Treasury unissued.

Mr. ALDRICH. I think that discrepancy grows out of the fact that some small banks which are required by law to deposit the minimum amount of United States bonds never take out any circulation at all.

Mr. CLARKE of Arkansas. There are only three such, with an aggregate capital of $75,000. Many have not taken out the authorized circulation because they thereby save the tax. I would not think that, in view of this circumstance, a very strong case was made out in favor of an emergency circulation. Consider here the question of retiring currency. I have a communication here from the Comptroller of the Currency showing that he had on file, on the 27th of February, applications to retire $39,438,000. In January the banks retired $9,000,000; in February they retired $8,898,500; in March they have applications already to retire $8,999,500; in April, $8,407,000; in May, $3,583,000; and in June, $450,000. These applications to retire are permitted in the order in which the applications are filed.

Mr. TILLMAN. First come first served.

Mr. CLARKE of Arkansas. First come first served. It would not seem like there was any very great urgency about providing an emergency issue when they are retiring actual money in $40,000,000 bunches to save one-half of 1 per cent annual tax.

In the face of that sort of practical demonstration of belief on the part of the national banks themselves there would not seem to be a very overwhelming necessity for giving them permission to circulate $500,000,000 of emergency currency, at an interest cost of 6 per cent per annum, when they say they can not profitably use normal currency that the Government pays them about 1 per cent bonus for taking.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Arkansas yield to the Senator from Rhode Island?

Mr. CLARKE of Arkansas. Certainly.

Mr. ALDRICH. I suppose the Senator from Arkansas understands the explanation of these large retirements now? There was an extraordinary issue of currency made under circumstances last fall which were very unusual. There were fifty, sixty, or seventy million dollars added to the bank-note currency under pressure of the crisis. There is now no use for that money, and the banks, of course, necessarily retire it. That is the whole theory of the law.

Mr. CLARKE of Arkansas. Instead of retiring their own money, why have they not returned to the vaults of the Treasury the Government money loaned to them without interest? Have they not retired their own issues for the purpose of saving the one-half of 1 per cent tax? Why do they not return to the vaults of the Treasury more than $200,000,000 of public money for which they pay no interest?

Mr. ALDRICH. That is an entirely different proposition. One is a question of currency and the other is a question of reserves.

Mr. CLARKE of Arkansas. The explanation given is that the national banks withdrew United States bonds which were held as security for public deposits and replaced them with railroad bonds, State bonds, and other bonds, under agreement with the Comptroller of the Currency, and took out additional circulation on the national bonds. They had to pay a 2 per cent bonus for the right to use the nonofficial bonds—the State bonds and railroad bonds—and they wanted to get rid of paying that by retiring this money. They would then only be compelled to pay the one-half of 1 per cent tax and would be relieved of the necessity of keeping the railroad bonds and State bonds on deposit to secure the national deposits.

It demonstrates the fact that we have money enough and that what we want done by legislation and what the demands of the present occasion require is that the money now in circulation shall be devoted to legitimate business purposes. With that ascertained, I do not think there will be any necessity for emergency legislation.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Arkansas yield to the Senator from Minnesota?

Mr. CLARKE of Arkansas. Certainly.

Mr. NELSON. As a practical question, does not this amount of Government deposits of $222,000,000 serve as an emergency currency?

Mr. CLARKE of Arkansas. Certainly.

Mr. NELSON. Is there any good reason why the banks should not pay interest on that emergency currency as well as on the proposed currency provided for in this bill?

Mr. CLARKE of Arkansas. No good reason has ever occurred to me. It may have occurred to the Senator from Rhode Island.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Arkansas yield to the Senator from Rhode Island?

Mr. CLARKE of Arkansas. Certainly.

Mr. ALDRICH. Mr. President, two years ago, I think it was—possibly five years ago—I reported a bill from the Committee on Finance requiring banks to pay not more than 1½ per cent upon Government deposits. The bill came into the Senate, and almost every lawyer in the Senate—I think the Senator from Arkansas [Mr. CLARKE] was not then a Member of the body—almost every lawyer in the Senate opposed the bill. I remember very well the arguments made by the then Senator from Wisconsin, Mr. Spooner, and the former Senator from Alabama, Mr. Morgan. The claim then made was—and I shall take occasion to have that debate reprinted in the RECORD—that by taking interest on such Government deposits it entirely changed the nature of the transaction; that we would thereby make it a loan and make the Government the general creditor of the banks, and that it was important from every standpoint that we should not change the relation between the banks and the Government. Whether that contention was correct or not, I do not know. In my judgment there is no good reason, unless it is a legal reason, why the banks should not pay interest on Government deposits.

Mr. CLARKE of Arkansas. Mr. President, I have only to

say to the Senator from Rhode Island that if he will prepare such a bill and bring it in here again——

Mr. TILLMAN. With 3 per cent on it.

Mr. CLARKE of Arkansas. If the Senator from Rhode Island will bring it in just at the same rate, I think I may venture to say that there are some of us over here who have made a living practicing law who will not raise that objection.

Mr. CULBERSON. Mr. President, I should like to remind the Senator from Arkansas that I myself introduced a bill to that effect, which has been pending before the Finance Committee since prior to the holiday recess.

Mr. TILLMAN. At what rate of interest?

Mr. CULBERSON. Two, 4 and 6 per cent, regulated according to crop movement.

Mr. CLARKE of Arkansas. I should be very much delighted to vote for the bill proposed by the Senator from Texas [Mr. CULBERSON], though as to the 6 per cent interest, I do not know whether or not that is reasonable, under all the circumstances; the banks must have it at a rate that will enable them to use it as some profit to themselves. But I should like the Senator from Rhode Island [Mr. ALDRICH] to bring forward his interest provision that was defeated; that ought to be regarded in parliamentary history as a very remarkable bill. A bill favorably reported from the Finance Committee, and having the indorsement of the Senator from Rhode Island on such a meritorious basis as that, it seems to me, ought not to have been defeated, and I am amazed that it was defeated by the efforts of lawyers on the minority side. There must have been some other reason for opposing its passage. I am not familiar with any of its provisions.

Mr. ALDRICH. It was defeated by the Senators sitting upon the other side of this aisle. If I might be permitted to use a phrase which perhaps is not exactly parliamentary, I would say it was defeated by a filibustering proceeding.

Mr. TILLMAN. How long ago?

Mr. ALDRICH. Five years ago.

Mr. CLARKE of Arkansas. I think we have learned something over here since then.

Mr. ALDRICH. Several Senators who are within the sound of my voice remember very well how that bill was defeated. It was talked to death.

Mr. CLARKE of Arkansas. I venture to say, looking at the Senator from Texas, that he took no part in that.

Mr. ALDRICH. I think he did not.

Mr. BAILEY. The Senator from Texas was in favor of that bill.

Mr. ALDRICH. The Senator from Texas made a speech in favor of the bill.

Mr. TILLMAN. What Senators opposed it?

Mr. ALDRICH. I do not like to refer to Senators by name, but if the Senator will look up the record he will find who they were. They were certainly not Republican Senators.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Arkansas yield to the Senator from Minnesota?

Mr. CLARKE of Arkansas. With pleasure.

Mr. NELSON. I should like to ask the Senator from Rhode Island [Mr. ALDRICH] if he does not recall the fact that during the consideration of the last financial bill here at the last session I offered an amendment to compel the banks to pay interest on Government deposits, and that he, among other Senators, strenuously opposed it?

Mr. CLARKE of Arkansas. Every Senator on this side of the Chamber voted for it.

Mr. ALDRICH. No; the Senator is mistaken. I think I made exactly the same statement I make now, that the lawyers of the Senate at that time believed that it ought not to be done for reasons of public policy and in consideration of the legal rights of the Government. Now, if I can be convinced by the Senator from Arkansas [Mr. CLARKE] and the Senator from Minnesota [Mr. NELSON] that the lawyers who opposed that bill were wrong in their statement and that no public interest of a contract nature is involved, I shall certainly be glad, for one, to vote for a proposition to require the payment of interest upon Government deposits.

Mr. NELSON. May I ask the Senator from Rhode Island another question?

The VICE-PRESIDENT. Does the Senator from Arkansas yield to the Senator from Minnesota for that purpose?

Mr. CLARKE of Arkansas. Certainly.

Mr. NELSON. What is the difference between a Government deposit in a national bank and the deposit of a national bank with a central reserve bank that justifies in one case the payment of 2 per cent interest and in the other case none? Is there any difference in the legal relation of the two deposits?

Mr. ALDRICH. Well, Mr. President, with all due respect to the Senator from Minnesota, there is absolutely no analogy between the two cases. In the case of Government deposits, the former Senator from Wisconsin and the former Senator from Alabama both contended that by an unbroken line of decisions of the Supreme Court of the United States Government money in a national-bank depositary was money in the Treasury of the United States.

Mr. BEVERIDGE. Of course.

Mr. ALDRICH. And that to put it in the form of a loan would change the nature of the transaction.

Mr. McLAURIN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Arkansas yield to the Senator from Mississippi?

Mr. CLARKE of Arkansas. Certainly.

Mr. McLAURIN. Mr. President, I wish to say that I was one of those who opposed the bill introduced by the Senator from Rhode Island [Mr. ALDRICH] of which mention has just been made. I did not oppose it because it proposed to require the banks to pay interest, except that the banks were not required in that bill to pay as much interest as I think they ought to be required to pay the Government, inasmuch as it loans them the money. I undertook to make an argument here against that bill. I took the floor and talked some ten minutes, I reckon, when other Senators on both sides of the Chamber got in and spoke until within five minutes, I believe it was, of 12 o'clock, when the Senator from Rhode Island suggested that the street cars would stop at 12 o'clock, and moved that the Senate adjourn. I then stated that I wanted it understood that when the bill came before the Senate the next day I would have the floor, but the bill never did come up again, and I never did get an opportunity to present my objections to it.

Mr. CLARKE of Arkansas. Will the Senator explain why he opposed it?

Mr. McLAURIN. No; I will not explain, Mr. President, why I opposed that bill. If another bill just like it shall be introduced, I will explain why I oppose that bill.

Mr. CLARKE of Arkansas. Then the Senator is not in favor of another bill along the same line?

Mr. McLAURIN. No, sir. I will say at the proper time why I shall oppose such a bill if it shall hereafter be introduced. The bill to which the Senator from Rhode Island referred is dead by limitation and there is no necessity for arguing about it; but I will argue any other bill that comes up if my judgment is against the adoption of it.

Mr. CLARKE of Arkansas. Mr. President, I did not intend to occupy more than ten minutes and if I had not been interrupted I do not think I should have occupied more than that time. I do not intimate any dissatisfaction with these interruptions; all have added to the interest of the occasion. I simply wanted to say that I am opposed to any emergency financial legislation at this time, in view of the demand prevalent in the country for an investigation of stock-exchange conditions, and I do not think this bill or any legislation of this character should be enacted in advance of such investigation.

I had prepared a somewhat more extended statement of my views on the general question, but I do not feel able at this time to state them. In deference to the minority of the Finance Committee, however, I thought that I would say why I am not going to vote for the bill which is proposed by the Senator from Texas as a substitute for the bill of the majority, and that I would take the liberty of calling attention to one or two defects that I thought were in that bill.

Mr. BAILEY. Mr. President, I shall detain the Senate but a moment, and I only detain it at all for the purpose of saying to the Senator from Arkansas [Mr. CLARKE] that he has not caught the purpose of the minority and does not understand, as it appears to me, the different principles upon which the minority substitute and the majority bill are constructed. He complains against the minority substitute that it does not distribute the money amongst all the banks. I call his attention to the fact that under the minority substitute the Secretary of the Treasury may not only place it in those banks which are now depositaries, but may designate banks as depositaries for the special and single purpose of this bill.

I drew that deliberately so that if the Secretary of the Treasury wanted to put money in a particular locality where there was no Federal depositary he could make one; and, in order to obviate the possibility that after having placed Federal money in the banks the Government would assume some kind of Federal supervision or control over it, I limited it to the banks designated as depositaries for this purpose, leaving untouched the general authority over the banks designated as depositaries for general and ordinary purposes.

The Senator from Arkansas also complains against my distribution of this money according to the population of the States. I must confess that to my mind that is a most singular complaint in view of what he afterwards said. I drew that limitation for the express purpose of making it impossible for the New York gamblers to obtain the money that the industrious people of Texas and Arkansas might need in the conduct of their legitimate occupations.

I recognize as well as any man that the per capita basis is not an exact and scientific basis for the distribution of money. I perfectly understand that communities and States, the same as individuals, need money according to the volume of their business, and not according to the enumeration of their heads; but, as it is impossible to measure the volume of business and comparatively easy to count the number of people, the world has universally accepted the per capita basis as correct in these matters.

The money that is proposed to be deposited under the substitute belongs to the people of the United States. It does not belong to them according to their wealth, according to their industry, or according to their business. It belongs to them man and man alike, because their labor and their property in proportion must pay the taxes that would redeem it, and their lives and their safety must defend the government which issues it. Therefore, when I came to place the people's money among the people, I placed it according to their right of ownership in it, and that right of ownership is a per capita, and not a business one.

Mr. CLARKE of Arkansas. May I ask the Senator a question?

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from Texas yield to the Senator from Arkansas?

Mr. BAILEY. Certainly.

Mr. CLARKE of Arkansas. I have no complaint to make about the statement as to who owns the money ultimately, but it encounters two limitations. You assign to some States more than they could avail themselves of if they invested the entire surplus and capital of every national bank in the State. For instance, take the State of Arkansas. Under a per capita distribution we would be entitled to some $10,000,000, but the entire surplus and capital of the national banks of the State is only $4,999,000.

Mr. BAILEY. The substitute does not limit this as the majority bill does, according to capital and surplus.

Mr. CLARKE of Arkansas. I know, but that would be their capacity to acquire it. There are two limitations—one of population and the other of ability. Where would they get the money? They have not got banking capital and surplus, to say nothing of the circulation that is out against their capital stock, that would entitle them to acquire half of it.

Mr. BAILEY. The Senator is mistaken. I do not limit the right to deposit according to the capital of the bank.

Mr. CLARKE of Arkansas. Certainly; but according to the capacity they have to enjoy the privileges which you give to them.

Mr. BAILEY. Not at all. The bank with only $50,000 capital might, under the substitute bill, secure $100,000 deposits.

Mr. CLARKE of Arkansas. Of course, if they use deposits to acquire circulation.

Mr. BAILEY. Not at all. It is just a question of their ability to give security. That is all.

Mr. CLARKE of Arkansas. But their ability to give security, I presume, bears some relation to the amount of money they have invested in the business, which is the capital and surplus.

Mr. BAILEY. That is ordinarily true, Mr. President, but it frequently happens that State, national, and other banks, when they need security and do not have it of their own, borrow it from individuals and other institutions. In other words, I have no doubt a bank in Arkansas, with ample security, could borrow from its correspondents in other places, who might have them, any kind of bonds that were needed to secure a Government deposit under the present law. However, if the people of Arkansas have only a certain amount of capital and they have no security to offer, I think you would not expect them to get the money. But the substitute does not limit it as the committee bill does. The bill requires that the banks shall have their capital paid up; that they shall have a surplus, and then that they shall have taken out 50 per cent of their circulation.

The Senator from Arkansas must understand that another and a most fundamental difference between the bill and the substitute is that, under the majority bill, if the banks did not want to relieve the panic the panic would not be relieved. If the banks were not willing to take out this circulation the country would be left to suffer for the want of it; but, under the substitute as I have drawn it, an officer of the Government, with a sworn duty to perform and a high obligation to the people, judges whether or not there shall be an increase in the currency; and if there is necessity, under his oath of office, he relieves it. Under my substitute he is not compelled to wait, as he is under the majority bill, until the banks apply. The substitute compels him to make the deposit.

Mr. CLARKE of Arkansas. Deposit without security?

Mr. BAILEY. No, sir; with security.

Mr. CLARKE of Arkansas. Suppose the bank has not got it?

Mr. BAILEY. Then the bank simply can not take the deposit.

Mr. CLARKE of Arkansas. Suppose the bank is not willing to pledge its credit and to change the character of its assets?

Mr. BAILEY. Then, Mr. President, there is no way to compel that bank to do it, except if it is already a depositary you simply strip it of its privilege as a depositary not only then, but thereafter.

Mr. CLARKE of Arkansas. How would that help the local situation financially?

Mr. BAILEY. That would help it very materially in this way. The Senator from Arkansas said in the Senate a few moments ago that it was such a privilege that only a few hundred banks—fourteen hundred, I believe, out of 6,000—had been so designated. Now that fourteen hundred would not be willing to surrender their rights as depositaries because they could not comply with the law. It is worth something to a bank to write on its window—I suppose it is, because every one entitled to do so writes it on its window—that it is a depositary of the United States. Assuming that that privilege is worth something, even for the purpose of advertising, they would not have it understood that they were compelled to surrender it because they were not equipped to give the security.

I have no difficulty about that. I have no doubt in the world that if this bill should become a law, or if my substitute, which I think is much better, should become a law, the banks in the South and West would immediately secure bonds as fast as those bonds were issued by municipalities, States, and counties. In other words, if a bank already in existence at the town of Gainesville, in Texas, were to find that city issuing its bonds for any municipal purpose, they would not allow those bonds to be sold, as they now are and as they have been for many years, to the East, but they would take a part of their capital or surplus, or a part of each, if necessary, and they would invest it in those bonds. They would lay them aside in their vaults to provide for precisely these emergencies when they should arise, and in twenty years—and mark you, Mr. President, we are not legislating for a day; we are legislating for all the days to come—and in twenty years every bank in the South would be equipped with a fair amount of these bonds.

Mr. CLARKE of Arkansas. Would not that depend——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Arkansas?

Mr. BAILEY. Certainly.

Mr. CLARKE of Arkansas. Would not that depend upon the rate of interest that money could earn in the neighborhood?

Mr. BAILEY. In some measure it would, and yet it would not be determined entirely by that for this reason: Here is a bank——

Mr. CLARKE of Arkansas. Just one other question, so that the Senator may understand me.

Mr. BAILEY. Certainly.

Mr. CLARKE of Arkansas. Do you think a bank would carry, for instance, a 4 per cent bond—you can float in the East a 4 per cent bond if it is secured, but it will not float in Arkansas, and I do not know what would be a fair rate in Texas—but assuming the rate to be 4 per cent or 5 per cent, do you suppose a bank would carry such a bond for nine or ten years in order to avoid a panic that might happen during the tenth year? Panics do not come often enough, emergencies do not arise often enough to justify the banks in lending money out for half or two-thirds of what they could get from private customers.

Mr. BAILEY. If a bank could know that a panic was not coming for ten years, of course it would not do so; it would wait until the year the panic was to come, and then buy the bonds; but banks can never calculate on that. They can never tell certainly when these disturbances will occur. Like the recent one, they come unexpectedly, and a prudent bank manager——

Mr. CLARKE of Arkansas. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Arkansas?

Mr. BAILEY. Certainly.

Mr. CLARKE of Arkansas. Suppose the panic came about as this one did. There was no local want of money. There were ample funds in the South and West to conduct all the business that the people there were engaged in, and they simply wanted to get their money that was impounded somewhere else. Then, why would they apply for money to relieve the situation caused by the misconduct of somebody else, or due to the disability of somebody else?

Mr. BAILEY. If New York's misconduct affected nobody but New York I would have precious little interest in it; but when it affects the remainder of the country I want to provide that the rest of the country may protect itself against the misconduct of New York. If the gamblers simply gambled with and distressed each other we could afford to let them gamble on to their hearts' content. But I do not care what produces a panic—gambling or what else—when a panic comes everybody suffers; and I should like to relieve the innocent people even from the consequences of the acts of the guilty stock gamblers.

Mr. ALDRICH. Mr. President——

Mr. BAILEY. Let me finish for a moment, before I am diverted from that point. Ordinarily, of course, a bank would not take part of its capital and invest it in 5 per cent bonds when it could realize 8 per cent on commercial loans. But when you reflect that the 5 per cent bond is an absolute security and the 8 per cent loan not only involves the value of the use of the money, but involves the chance of loss and the risk of delay and cost in collecting it, a 5 per cent loan which is absolutely secure is better than an 8 per cent commercial loan, and when you add to the absolute security of the 5 per cent loan the privilege of being converted into money on an occasion when money is much needed, I have no hesitation in saying that any wise and prudent bank manager would take a part of his capital and invest it in these bonds, though they bear a lower rate of interest than commercial loans.

Mr. President, the banks of the United States now return to their stockholders a larger per cent than any other legitimate and safe business—more than 12 per cent per annum. Surely, if they are managed by men of common prudence, they would be willing to reduce their dividends a little in order to make their capital absolutely secure, and while this may not make it absolutely secure, it makes it infinitely more secure than it is to-day.

Now, to return to the other matter——

Mr. TILLMAN. Mr. President, will the Senator allow me to interrupt him a moment?

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from South Carolina?

Mr. BAILEY. Certainly.

Mr. TILLMAN. I want to suggest—the thought came into my mind while the discussion about the per capita issue of emergency money was being bandied back and forth between the Senator from Texas and the Senator from Arkansas—that what the Senator from Arkansas complained of or suggested as a criticism was that Arkansas would never be able to take out the amount of money which the per capita basis would permit, and that unless there is some limitation provided New York might be enabled to gobble up the whole amount, and we do not want any more of that kind of thing if we can help ourselves.

Mr. BAILEY. And knowing New York's disposition, I know she would, to use the Senator's expressive phrase, "gobble it up," and I have therefore carefully provided that she can not do so.

Mr. ALDRICH. Will the Senator allow me to say a word there?

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Rhode Island?

Mr. BAILEY. Certainly.

Mr. ALDRICH. I merely want to say a word in answer to a suggestion of the Senator from Arkansas, who always looks upon these matters in a practical way. The Senator asked, Why should the banks buy these bonds or keep them? The Senator realizes that the banks must keep reserves. They keep a part of their reserves now in New York, and draw 2 per cent interest upon them. The rest of their reserve does not pay them any interest at all. The suggestion of the Senator from Alabama [Mr. JOHNSTON] is that bonds shall be held as a part of the banks' reserves—that is, to a limited extent. The banks would then be in this condition: Instead of their reserves paying them nothing at all, or 2 per cent when deposited in New York, they would have part of their reserves under their own control all the time, paying them 4 or 5 per cent interest, with the right at any moment to obtain money upon them instead of taking the chance of not getting their money from the New York reserve banks.

Mr. CLARKE of Arkansas. The Senator is mistaken when he says "with the right at any moment to obtain money upon them." It seems to me it could only be had when the Secretary of the Treasury decided the conditions to be such that this emergency currency might be used——

Mr. ALDRICH. And undoubtedly any Secretary of the Treasury would so decide——

Mr. CLARKE of Arkansas. Any time they could make any money on those 4 per cent bonds.

Mr. ALDRICH. Any time that the conditions in a locality demanded its use. No bank would apply unless there was good reason for it.

Mr. CLARKE of Arkansas. I will submit the proposition that outside of the city of New York there was no disarrangement of the business conditions or banking conditions that made it necessary to forecast any such outcome.

Mr. ALDRICH. There was not a bank in the United States that was not crippled or did not suspend payment, with very few exceptions. Whether the recent panic came from the conditions in New York I do not know, but I do know that when there is an absolute suspension in New York at any time it means a suspension of the business of the whole country. It is inevitable.

Mr. BAILEY. Mr. President, it is such an easy thing to blame our misfortunes and lay our shortcomings on somebody else that it is not surprising that the banks in the country which could not pay said they could not pay their customers because their New York correspondents would not pay them. I know that many of the country banks would not pay cash over their counters. In some of the cities of our great State they limited cash withdrawals to $20 a day.

Mr. McLAURIN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Mississippi?

Mr. BAILEY. Certainly.

Mr. McLAURIN. In our little town we have two small banks, and there was not a day that a man could not go there with a check and get every dollar that his checks called for.

Mr. BAILEY. And he could carry away in his pockets all the dollars he obtained, too. [Laughter.]

Mr. McLAURIN. But the banks could meet all their obligations.

Mr. BAILEY. Mr. President, I withdraw that remark, because the Senator from Mississippi lives in one of the most delightful communities in this world and among the best and bravest people. I was born near them. They do not love money half so well as they love truth and justice. It may be difficult to make money among them, but the money is safe after you have made it. You can lay it down and when you come back you can find it exactly where you left it. But it is true that Brandon, Miss., is not exactly a type of the busy and strenuous commercial life of the country. I know in our cities they limited men to $20 a day, and we almost reached the point of paraphrasing the Lord's prayer and saying to our banker, "Give us this day our daily allowance;" and we did not always get it. They were solvent. They all stood that storm. But they did not have as much money as their depositors wanted, and I am inclined to think that the bankers throughout the country acted with great wisdom and averted a very serious disaster by looking their customers in their faces and telling them they could not and would not pay their deposit accounts.

I say that for this reason: If the bankers paid their depositors, then they must have collected from the men who owed them, and with the depositor taking out at one window and the banker calling on his debtor to pay at the other window, we would have witnessed a ruinous sacrifice of property. The banks could not pay their depositors unless their debtors paid them, and I think it was wise on their part that they did not force a liquidation at that time.

But I did not rise to discuss that. I want to impress upon the Senator from Arkansas again that the difference between the bill of the committee and the substitute of the minority is as wide as the poles are apart. The committee not only allows the banks to issue the money, but allows them to determine when and how much money shall be issued.

Mr. CLARKE of Arkansas. The Senator from Texas seems to be calling my attention to that. I will say to him that under your bill the Secretary of the Treasury might on his own initiative find some locality, and say "I think you ought to have $20,000 in your bank," and the banker would say "I have only

bonds enough here," or "I do not choose to use bonds enough to issue more than $10,000." Have you any provision in your bill to make him take out $20,000?

Mr. BAILEY. I have not, and he could not be made to take more than he could secure. If he could secure but $10,000——

Mr. CLARKE of Arkansas. Suppose he would not?

Mr. BAILEY. I would rely upon a sensible Secretary of the Treasury to leave the $10,000 there to serve the uses and conveniences of that community.

Mr. President, we must lodge somewhere the power to determine when this money can be issued. You could not, to save your life, devise an automatic arrangement that would work itself. The Senator from Arkansas may take it and study it through the night and into the morning, and he can not draw a bill which does not leave it to somebody to initiate the issuance of this money. The Senator from Rhode Island leaves it to the banks to initiate it, and then to issue it upon the approval of the Secretary of the Treasury. I recognize that the banks are engaged in a private business. Their first duty is to their stockholders. While they are citizens, and many of them patriotic and intelligent citizens—I will even go so far as to say that an overwhelming majority of them are intelligent and patriotic citizens—yet, sir, I will never commit to any private interest the power to issue the money of the United States and to determine when or how much of it shall be issued.

Rejecting, therefore, the theory of the bill of the committee, which, I grant you, is only an application of the present banking law, I propose to commit, and I was forced to commit to somebody, this great power to an officer of this Government, bound by a solemn oath and engaged by a high sense of duty to do whatever is best for the people of these United States. That, Mr. President, is my reason for conferring this discretion on the Secretary of the Treasury instead of the banks.

Mr. CLAY. With the permission of the Senator, there is only one trouble I see about the Senator's substitute. I am going to vote for it, but there is one trouble about it. I would not agree to vote for any permanent system of finance that provided that the Government should deposit money in banks to be loaned to the people.

Mr. BAILEY. You mean for the ordinary supply of currency?

Mr. CLAY. I would not.

Mr. BAILEY. Nor would I.

Mr. CLAY. I understand this simply to be an emergency currency, and in all probability the money issued under the system provided by the majority or the minority on account of the rate of interest fixed will return to the Treasury, except when an emergency shall arise. Then I do not understand the Senator from Texas to be in favor of any permanent system that would simply issue notes and deposit them in the banks and allow the banks to furnish the money to the people.

Mr. BAILEY. I would never agree to use the banks as a permanent and ordinary method of putting money in circulation. That is neither desirable nor necessary. The Government can provide from year to year the proper increase of the currency by the issuance of its promissory notes and the payment of its current obligations in those notes.

The Senator from Rhode Island asked the Senator from Georgia [Mr. CLAY], when that Senator was making his excellent and interesting address to the Senate, if he meant to say that he would create deficiencies merely for the sake of increasing the currency. I answer the Senator from Rhode Island that without the slightest hesitation I would do it. This Government rests under no higher obligations to the people than to provide them with an ample supply of currency, and I would meet and perform that duty in any necessary way, and I would not hesitate a moment when authorizing a great public work to issue bonds so far as was necessary and to issue the noninterest-bearing notes of the Government so far as it was safe. I would not hesitate one minute to deliberately remit a part of the people's taxes in any year in order to supply the country with currency. There is no danger in such a course.

It is as much the duty of the Government to supply the people with an abundant currency, taking care that it is not superabundant, as it is to levy taxes against them for its own support, and whenever the importation of gold fails to supply such an increase in our money as is required by our growth of population and commerce, I would unhesitatingly issue the notes of the United States. But it is utterly impossible to meet an emergency in that way, and the banks, in my judgment, are the only practical means of successfully dealing with such a condition.

But, Mr. President, I beg pardon of the Senator from Maine, who has previously given notice, for taking his time, and have but a word more.

Mr. FRYE. The Senator from Maine loves to hear the Senator from Texas talk.

Mr. BAILEY. I thank you. I wanted the Senator from Arkansas to see the matter as it appears to us. I am satisfied the Senator would not turn both the issue of money and the determination as to its volume and as to the time of its issue over to the banks rather than to an officer of the Government.

Mr. CLARKE of Arkansas. I wish the Senator would indulge me one moment more.

Mr. BAILEY. Certainly.

Mr. CLARKE of Arkansas. If I thought that question was involved in it, or was decisive of any question, of course I would vote for many objectionable features rather than to commit myself to the proposition that national banks ought to have all control over the volume or the right to issue money; but, as I understand these two bills, there is no substantial difference on that particular point. The Senator is quite right, and he pays me a compliment, which I appreciate, when he says that I do not intend to permit national banks to control the volume of money or to have any definite voice in saying what that volume shall be.

Mr. BAILEY. But when the Senator votes against the substitute which we offer he does vote that as between the two systems he prefers the other.

Mr. CLARKE of Arkansas. Not at all. Now, what do you base that on?

Mr. BAILEY. Because a substitute is simply one proposition against the other. If you vote against the substitute, you vote that you prefer the original proposition over the substitute. That is the parliamentary effect of it.

Mr. CLARKE of Arkansas. That may be, according to the Senator's judgment.

Mr. BAILEY. And that is what we——

Mr. CLARKE of Arkansas. But I am opposed to both propositions.

Mr. BAILEY. Then the Senator might, if the substitute should be adopted as against the original measure, vote against the substitute on its passage. I have done that in my time. Believing that a substitute was better than a bill for which it was offered, I have supported the substitute, announcing that, though the substitute was better than the original bill, it was still not as good as it ought to be, and I reserved the right to vote against it if it should become the main proposition.

Mr. CLARKE of Arkansas. If there were any reason for announcing my adhesion to an abstract principle, I think I would do that myself. I see so definitely, or I think I do at least, that there should not be any such legislation as this, that I do not propose to vote for it partially. I say it is all out of place in advance of an investigation of that question. If a naked proposition involving the choice between the national banks issuing the circulating medium or the United States doing it in the form of Treasury notes, count me, without any further controversy on that proposition, in favor of the Treasury note.

Mr. BAILEY. I want right there to show the Senator from Arkansas how I have endeavored to take into consideration the views of gentlemen like him. It was said, and I believe truthfully said, that if you do not provide for the geographical distribution of this money, New York, occupying the highest financial eminence, would be the first to feel the breath of the coming storm, and it would take out the entire currency.

Mr. CLARKE of Arkansas. You do not understand me as advocating that?

Mr. BAILEY. No. I believe that if New York got the whole of this money supply, the balance of the country would only get what New York might graciously choose to let it have; and remembering that New York in the recent stringency did not choose to let them have what belonged to them, I was unwilling to risk New York with what belonged to the rest of the country. Therefore I deliberately provided that it should be distributed among the States according to population. I also provided that an emergency might exist in one State without existing in all the States.

In other words, when the people of Arkansas or of Texas began to move the cotton crop, there might be such a business condition there as would warrant the Secretary of the Treasury in making deposits with them without feeling it incumbent upon him to make deposits in New York or Montana or California.

Not only so, Mr. President, but I then provided—and I think I have carefully provided—that the Secretary of the Treasury shall never under any circumstances deposit more of this emergency fund in any State than its pro rata share of it. It can never happen that New York, with her one-tenth of our population, can get more than one-tenth of this money, and therefore New York could not use Texas's part or Arkansas's part to gamble with.

The Senator from Arkansas complains that one State might not need its share and might not want it, and that I did not allow it then to be given to the States that did. The reason I would not allow that, Mr. President, was this: No State can tell within a day or a week or a month whether it will need emergency notes or not. If Texas did not promptly take out her share, and you then permit New York to take it out, it might happen that at the end of thirty days Texas would find herself in need of it, and as the limit would have been reached, Texas's money would be in New York and Texas would be left stripped and helpless in a great emergency. It was to prevent that condition that I deliberately provided in the substitute that the money belonging to one State should never be assigned to any other State. I not only protected Texas in her right to get her share, but I have rendered it impossible for New York to gamble upon the emergency fund provided for the other States.

Mr. President, it is easy to criticise, but it is difficult to construct. I claim no special excellence in that line. I have no pride of authorship. If gentlemen will draft a substitute that affirms the sovereign power of the Republic to issue the money of the people and denies that power to the banks, I will surrender my preference as to details and support it. I do not forget that it is impossible to apply a principle except according to some detail, and I do not forget that good details are essential to the wise application of sound principles; but if they will give me an agreement on the principle, I will yield to them on the details. What I desire above all else is to see the Democratic party record itself here and now as unchangeably in favor of the principle of Government money as against bank money.

MATERIAL FOR CONSTRUCTION OF PANAMA CANAL.

Mr. FRYE. The currency fever seems on. Two Senators have already spoken to me, who desire to be heard for a short while, ten minutes or so. I am inclined to accommodate them, but I should like to have the Senate accommodate me. Nobody has given notice of any speech for to-morrow morning immediately after the routine business. I ask unanimous consent that the joint resolution (S. R. 40) to provide for the transportation by sea of material and equipment for use in the construction of the Panama Canal may receive consideration to-morrow after the routine business. Then I will yield the floor, and the currency debate can go on.

The VICE-PRESIDENT. The Senator from Maine asks that Senate joint resolution No. 40 be taken up for consideration immediately after the routine morning business to-morrow. Is there objection? The Chair hears none, and it is so ordered.

Mr. FRYE. I am obliged to the Senate.

AMENDMENT OF NATIONAL BANKING LAWS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3023) to amend the national banking laws.

BANK CAPITAL.

Mr. NEWLANDS. I should like the attention of the Senator from Rhode Island whilst I renew the question which I asked him during the argument of the Senator from Arkansas [Mr. CLARKE], and that is whether, in addition to the requirement which he has already acquiesced in—that the banks should keep in their own vaults either the whole or a very much larger proportion of the reserves now required by law—he would be willing to add the requirement that no bank shall be permitted to loan out its depositors' money in excess of seven times the amount of its capital? The purpose of that would be to secure for the depositors the protection of adequate capital amounting to about 15 per cent of their bank loans.

The Senator from Rhode Island realizes that the depositors' moneys are loaned out, and the loans about equal the deposits, and that the security of the depositors is the reserve required by law and the capital of the banks.

The Senator will also bear in mind that there is no rule imposed by the present banking act regarding the relation of capital either to loans or deposits, and that whilst the average banking capital of the national banks and the average banking capital of the nation is entirely adequate, being about 30 per cent, I believe, of the deposits, yet as a matter of fact a great many banks, both national and State, are far below that requirement. I will ask the Senator whether he would favor an additional protection to the depositors in that line?

Mr. ALDRICH. Mr. President, the bank system of New York prior to the war, which I imagine perhaps was the best of the American systems, had a limitation of this character. No bank should loan more than two and a half times its capital. As I stated in the remarks which I submitted to the Senate some time ago, twenty years ago, in 1887, the proportion between capital and loans in this country was as 1 to 2.61, being a little in excess of the New York limit. In 1907 the proportion was as 1 to 5.21, showing an increase in proportion to capital of almost double in the last twenty years.

I see no objection to fixing a limit. I think myself that the troubles we have had have grown out of overexpansion of credit. But I never would fix it as high as 1 to 7, because it would be greatly in excess of what is shown to be safe banking by the experience of the world. I do not, perhaps, think it is necessary; certainly not necessary in this bill. As I have already stated on several occasions, this bill does not pretend to be a panacea for all financial ills, and we certainly can not at this time undertake to dispose of them all. I think a limitation of loans in proportion to capital is a wise one, but I certainly would not fix the limit at 1 to 7.

Mr. NEWLANDS. As I understand, then, the Senator would fix it at 1 to 5?

Mr. ALDRICH. I would not say. I would not want to say offhand what the proportion should be. I have stated the fact that there has been a growth in this country from 1 to 2.61 to 1 to 5.21—double in twenty years.

Mr. NEWLANDS. The only difference between the Senator and myself is that he would require greater caution in this particular than I suggest. I quite agree with the Senator from Rhode Island that the relation ought to be about 1 to 5. I stated 1 to 7 in order to liberalize the suggestion in order to prevent any possible objection.

Now, let me state to the Senator, as he well knows, there is no requirement in the national banking act that the capital shall bear any fixed relation to the loans, nor is there, I believe, in the State banking acts, and the result is that we have such conditions as these: That the Knickerbocker Trust Company, of New York, with a capital of only $1,000,000, was able to make loans to the amount of $50,000,000. So the proportion of capital to loans was not that of 1 to 5, as the Senator from Rhode Island suggests, but was the relation of 1 to 50.

Now, when that was called to my attention it was accompanied with the suggestion that it was simply a State bank. I then looked to the national banking act to see whether there was any provision there that would prevent such reckless banking, and I found there was none; that while the depositor is partly protected by requiring the bank to keep a certain proportion of the deposits in its vaults in order to respond to checks, there is no provision at all as to the amount of invested capital that shall be maintained as security for those deposits. And it is perfectly possible under the national banking act to-day to have a bank conducting a business of the enormous proportions of the Knickerbocker Trust Company, involving fifty millions of deposits and $50,000,000 of loans, upon a capital of only $1,000,000. Safe banking requires that depositors should have two sources of protection, one the protection of an ample reserve, the other the protection of an ample capital. The least reserve required should be an average of 20 per cent. The least proportion of capital should be 20 per cent also. Then you have safe banking, because the depositors of the bank have not only the security of the loans in which their moneys are invested, but they also have in addition the 20 per cent reserve in cash in the bank and the 20 per cent in capital put in by the stockholders and invested in marketable securities.

The best mode of securing depositors is not by a guaranty fund contributed by the banks or by a guaranty of the Government, but by providing for a sufficient reserve and sufficient capital. If we have in reserve and in capital a security of 40 per cent of the deposits, we will have a safe banking system.

REGULATION OF STATE BANKS.

Now, Mr. President, while I am upon this subject, I wish to add that it is utterly impossible to have a safe banking system in this country as long as we have two systems differing as to the security offered to their depositors. We have in this country two systems, the national-bank system and the State-bank system, both about equal in capitalization, both about equal in deposits; and yet under State banking laws there are not sufficient requirements as to reserves and there are not sufficient requirements as to capital. So at any time, however you may guard the national banks by proper provisions regarding reserve and capital and their relation to deposits and loans, the entire system may be broken down by inadequate reserves and inadequate capital upon the part of the State banks. We all know that if the State banking system of the country is involved in difficulty it involves the national banking system also, and that you can not possibly inaugurate a system that will successfully work in preventing panics if it is confined to one kind of banks alone.

If that be so, it seems to me that the very next reform which should suggest itself to the Senator from Rhode Island is the

reform of securing under the State banking system sufficient reserves and sufficient capital such as we aim to require under the national banking system. That can be done in one of two ways, by persuasion or by compulsion, the latter being based on the power given to Congress to regulate commerce between the States, for all State banks are engaged in interstate exchange, which is one of the forms of interstate commerce. The Senator from Rhode Island asked me the other day while I was addressing myself to this question whether a check sent by a man in one State to a man in another State constituted interstate commerce. I was then endeavoring to put an hour's speech through a half hour nozzle, as I had to take the train, and I declined to enter into that question. But I find that the Wall Street Journal has answered it for me, and I will ask the Secretary to read this excerpt from the Wall Street Journal.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Minnesota?

Mr. NEWLANDS. Certainly.

Mr. NELSON. I wish to call the Senator's attention to the fact that authority from that source is not of much value here in the Senate.

Mr. NEWLANDS. However, it may be persuasive with the Senator from Rhode Island.

Mr. FLINT. I suggest to the Senator from Minnesota that it might have great weight on the other side of the Chamber.

Mr. NEWLANDS. I ask the Secretary to read.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

REVIEW AND OUTLOOK—WHAT IS INTERSTATE COMMERCE?

In the Senate, on Tuesday, Senator ALDRICH asked the following question of Senator NEWLANDS:

"In case a business house in New York sends a check to a firm in Connecticut, does that constitute interstate commerce?"

Senator NEWLANDS did not answer the question.

Innocent and simple as it appears, it is, in fact, a very big question, and it strikes at the very vitals of the whole problem of Federal regulation.

The answer to Senator ALDRICH'S question from the point of view of the Wall Street Journal would have to be "Yes." The sending of a check from one State to another involves the transfer of a valuable thing from one State to another. It is interstate commerce. Whether we like it or not, the development of business in the United States is revolutionizing all of our conceptions and changing most of our points of view. Commerce is no longer an affair of a township or a city or of a State. The economic unit has become a continent. The mailing of a letter, the sending of a telegram, and the holding of a telephone conversation between New York and Chicago, and almost all of the operations of business, have become interstate in character.

Mr. NEWLANDS. Mr. President, whilst the reliability of this authority seems to be questioned, the logic of its statement can not be. Is there a Senator on this floor who will rise and say that the transaction by which goods are transported from the State of California to the State of New York is not interstate commerce? If that be true, is it not also true that the transaction by which the payment of those goods in money is transported from New York to California is interstate commerce? Is there a Senator on this floor who will rise and insist that a telegraphic message sent from one State to another is not interstate commerce?

Mr. BEVERIDGE. That question has been specifically decided by the Supreme Court. Of course it is interstate commerce, and was so decided several times since the Pensacola case.

Mr. NEWLANDS. Of course it is incontestable. Is there a Senator on this floor who will rise and say that a whisper through a telephone from New York to Chicago is not interstate commerce? If that be true, how can you deny that the transactions of commerce conducted through banks, the great agencies and instrumentalities of commerce, and involving interstate and foreign exchange, do not come within the supervision and the control of the National Government?

I am aware that whenever a suggestion is made of the application of the interstate-commerce power of the Constitution to an existing condition the cry of centralization is raised. If it involves control, if it involves restriction, if it involves requirements, Senators on that side of the House accustomed to invoke the power regarding interstate and foreign commerce in the subsidizing of railroads, in the subsidizing of ships, in every form of grant or privilege or subsidy, will oppose it because it involves restriction, while on this side of the House Senators have been so accustomed to stand on guard against usurpation of States rights and powers by the National Government that although they wish to institute reforms, they question the national right and our power.

There can be no question about our power. We have exercised it again and again. We take hold of a State railroad engaged in interstate commerce with not a mile of its line in any State except the State in which it is incorporated, and yet receiving goods for shipment to other States, and what do we do with that railroad, by the vote of both sides of the Senate, by a recent vote in which there was but one dissenting voice? We take hold of that railroad and we compel it to present to the Interstate Commerce Commission of the nation reports of all its transactions, State as well as interstate. We not only regulate its rates, so far as interstate commerce is concerned, but we regulate its conduct of business. We compel it to apply safety appliances to its trains and everywhere we exercise supervision and regulation, not exclusive supervision and regulation, but supervision and regulation in the interest of interstate commerce.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Rhode Island?

Mr. NEWLANDS. Certainly.

Mr. ALDRICH. Does the Senator think that the Congress of the United States can fix a rate of interest to be paid by loans in State banks?

Mr. NEWLANDS. Well, Mr. President, that is a question that I would not like to answer in a moment. It certainly would have no power to fix the rate of interest as to a purely State transaction. I will admit that. But I am not prepared to answer the question as to whether it would have the power to regulate the rate of interest so far as interstate transactions are concerned. When I contend for this power of the National Government I do not contend that it is exclusive power. The National Government has the same power in its jurisdiction over interstate commerce that the State has over State commerce, and where the corporation is engaged in both State and interstate commerce it is subject to the supervision and control of the State so far as State commerce is concerned, and to the control and supervision of the nation so far as interstate commerce is concerned. The jurisdictions do not conflict, and each sovereign is supreme within the limits of its jurisdiction.

Now, what is this whole system of exchange? It is simply a system of transportation, a transportation of values. The railroads transport the goods; the banks transport the values. Both are absolutely essential to commerce; both are absolutely essential to interstate commerce. It is important to interstate commerce that we should have the safe conduct of passengers on the railroads, and therefore safety appliances are required of State railroads by national law. It is important to interstate commerce that State banks engaged in interstate transactions should have the safety appliances of a sufficient reserve and an ample capital, and it is the duty of the nation to see that these safety appliances are required.

So far as interstate commerce is concerned, the nation has all the power that the State has in State commerce.

Now, Mr. President, why should we stick in the bark when we are considering this question of the banks and of currency, this important system of transporting values, this system upon which all values in the country are dependent, the breaking down of which may at any time prostrate the industries of the country? Why should we not, when revising our system of banking, require in the interest of interstate commerce that the State banks engaged in interstate commerce should maintain as a condition of the exercise of that privilege the same reserves and the same capital as are required under similar circumstances of national banks?

PERSUASION.

But if the Senator from Rhode Island is not prepared to admit this proposition, if he insists that it is not within the power of the National Government, if he insists that it is a matter absolutely within the jurisdiction of States so far as State corporations are concerned, and that the nation's action must be confined to the corporations of its own creation, then I ask him why he should not apply all the powers of persuasion to the State banks that can be applied?

The Senator is now proposing a measure that is intended to meet the emergency requirements of the country; that is intended to prevent these extraordinary bank panics created by the timidity of depositors. The depositors of State banks can be as timid as the depositors in national banks, and they are as timid. If we are to provide an emergency measure that is to tide over a panic, there is every reason why we should give the State banks the benefit of the emergency provision. The very purpose that we have in view is the security of the country, the security of our entire banking system, national and State, and we must know that if the State banks of the country, which aggregate about one-half of the bank capital and more than one-half of the deposits of the country, are prostrated, our national banks will be prostrated with them.

If, then, we are providing for an emergency currency the

State banks should have the benefit of it upon depositing the security required by law. And we can accompany the privilege with the condition that the State banks desiring its benefit shall receive it upon the condition that they will comply with the requirements of the national banking act so far as reserves and capital are concerned.

So the nation would have a persuasive influence upon the banks of the States in gradually making them conform to national requirements in the interest and for the security of the depositors, and all doing business with it in State or interstate transactions. There is not a State bank that would not realize that at some time it would be compelled to resort to the nation for the funds with which to meet an emergency of this kind, and it would be eager to put itself on the list of those who could lawfully apply. So these State banks would gradually accommodate their reserves and their capital to the requirements of the national law.

More than that, our action would be persuasive upon the legislatures of the States themselves. They would probably pass similar laws. Thus the educational process would be set at work, and in the end we would have uniformity throughout the country in all the banks of the country, both as to the reserves and the capital required.

Mr. President, I realize that all this can not be done in a day. We can enact in a day the law by which it is to be accomplished, but the process provided by the law must be a gradual one. What is that process to be? It would not do to provide that these reserves should be required to-morrow or that this capital should be increased to-morrow. Time must be given. The State banks during the past year have had an average reserve of less than 8 per cent. In many of the State banks the reserve is far above that average, and many of them far below.

What would you think of a national-bank system if you realized, upon looking at the reports of the Comptroller of the Currency, that all the national banks of the country had an average of only 8 per cent?

To-day the national banks have an average reserve of 18 per cent, though it is unequally distributed, and the State banks have an average of less than 8 per cent. Yet if you should attempt to compel the State banks to come up immediately to the requirements of the national banks it would mean upon their part an immediate contraction of their loans, which would result in liquidation and universal distress.

The thing that we must do is to provide a gradual process for increasing the reserves of the State banks, lasting over a period of five or ten years, at the rate of a certain percentage annually, the increase to be accomplished under the direction of the Comptroller of the Currency. In that way they can gradually draw into their vaults the lawful money required for the reserves established by the national law, and thus they will be able to sustain their existing volume of bank loans and bank credits.

In this manner the business of the country will not be disturbed in the slightest degree. So far as bank capital is concerned, that can be increased in the same gradual manner, and within a period of five or ten years we will have all the banks of the country, State and national, under laws providing adequate protection to depositors, both in reserves and capital. I trust that the Finance Committee will seriously consider this suggestion, and that now, whilst the subject is fresh in our minds, reforms in our banking system, admittedly necessary, will be added to this emergency provision recommended by the committee.

INCREASE OF PENSIONS.

Mr. McCUMBER. I ask unanimous consent for the present consideration of the bill (H. R. 15653) to increase the pension of widows, minor children, and so forth, of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, and so forth, and to grant a pension to certain widows of the deceased soldiers and sailors of the late civil war.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with amendments.

The first amendment was to strike out section 1 in the following words:

That from and after the passage of this act the rate of pension for widows, minor children under the age of 16 years, and helpless minors as defined by existing laws, now on the roll or hereafter to be placed on the pension roll, and entitled to receive a less rate than hereinafter provided, shall be $12 per month; and nothing herein shall be construed to affect the existing allowance of $2 per month for each child under the age of 16 years and for each helpless child; and all acts or parts of acts inconsistent with the provisions of this act are hereby repealed: *Provided, however*, That this act shall not be so construed as to reduce any pension under any act, public or private.

And in lieu thereof to insert:

That from and after the passage and approval of this act the rate of pension for the widow of any officer or enlisted man who served in any Indian war, the war with Mexico, or the civil war, whose name is now on the pension roll or hereafter shall be placed on the pension roll under any existing law, and who is receiving or is entitled under said law to receive a pension at a rate of less than $12 per month, shall be increased to and allowed at $12 per month, and all acts and parts of acts inconsistent with this act are hereby repealed: *Provided, however*, That this act shall not be so construed as to reduce any pension under any act, public or private.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 24, before the word "application," to insert "filing of her;" on page 3, line 2, after the word "to," to strike out "June 27, 1890," and insert "the passage and approval of this act;" on page 3, line 4, after the word "husbands," to strike out "are given" and insert "if living would have;" on page 3, line 6, after the word "the," to strike out "act" and insert "joint resolutions," and, in line 7, after the word "ninety-five," to strike out "and the joint resolutions of;" so as to make the section read:

SEC. 2. That if any officer or enlisted man who served ninety days or more in the Army or Navy of the United States during the late civil war and who has been honorably discharged therefrom has died or shall hereafter die, leaving a widow, such widow shall, upon due proof of her husband's death, without proving his death to be the result of his Army or Navy service, be placed on the pension roll from the date of the filing of her application therefor under this act at the rate of $12 per month during her widowhood: *Provided*, That said widow shall have married said soldier or sailor prior to the passage and approval of this act; and the benefits of this section shall include those widows whose husbands if living would have a pensionable status under the joint resolutions of February 15, 1895, July 1, 1902, and June 28, 1906.

The amendment was agreed to.

Mr. McCUMBER. I desire to submit another committee amendment to come in after line 9, on page 3, which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from North Dakota will be stated.

The SECRETARY. On page 3, line 9, after the word "six," it is proposed to insert the following:

Provided, That nothing herein contained shall be construed to affect the existing allowance of $2 per month for each child under the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill to increase the pension of widows of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, and to grant a pension to certain widows of the deceased soldiers and sailors of the late civil war."

PROBATE COURT FEES AND COSTS IN THE DISTRICT.

Mr. GAMBLE. I ask unanimous consent for the present consideration of the bill (S. 3507) to fix fees and costs in the probate court of the District of Columbia, and to provide for the collection and payment of the same, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments.

The VICE-PRESIDENT. The amendments reported by the Committee on the District of Columbia will be stated.

The SECRETARY. In section 7, page 8, line 24, after the word "section," it is proposed to strike out "four" and to insert "IV."

Mr. GAMBLE. That amendment is an error, Mr. President. The figures "111" should be inserted instead of the Roman numerals "IV," and I move that amendment to the amendment of the committee.

The VICE-PRESIDENT. The amendment proposed by the Senator from South Dakota to the committee amendment will be stated.

The SECRETARY. In section 7, page 8, line 24, it is proposed to strike out "four" and to insert "111," so as to read:

But shall be entitled to the fees allowed by section 111 of the Code, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. GAMBLE. In lieu of the committee amendments, the same amendment should be made in section 8, page 9, in lines 10 and 14, and I move that amendment to the amendment of the committee.

The SECRETARY. In section 8, page 9, line 10, before the

word "of," it is proposed to strike out "4" and to insert "111;" and in line 14, before the words "of the," to strike out "4" and to insert "111."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The VICE-PRESIDENT. The next amendment proposed by the Committee on the District of Columbia will be stated.

The SECRETARY. In section 7, on page 8, line 24, after the word "Code," it is proposed to insert "of Law for the District of Columbia," so as to read:

The Code of Law for the District of Columbia.

The amendment was agreed to.

The next amendment was, in section 8, on page 9, line 14, after the words "of the," to insert "said;" and in the same line, after the word "Code," to strike out "of Law for the District of Columbia," so as to make the proviso read:

Provided, That the court may allow to the register of wills reasonable fees for any services he may perform not specified in said section 111 of the said code.

The amendment was agreed to.

The next amendment was, in section 14, on page 11, line 24, before the word "is," to insert "of the Code of Law for the District of Columbia," so as to read:

SEC. 14. That section 121 of the Code of Law for the District of Columbia is hereby amended so as to read as follows, etc.:

The amendment was agreed to.

The next amendment was, on page 12, line 5, after the word "probate," to strike out "of" and insert "and approve;" in line 7, after the word "him," to strike out "and pass any claims not exceeding $500;" and in line 9, after the word "guardians," to strike out "provided that should the said register of wills refuse to approve any bond, any party in interest shall have the right to appeal to the presiding justice of the probate court who shall either approve or reject the bond," so as to read:

The said register of wills may receive inventories and accounts of sales, examine vouchers, and state accounts of executors, administrators, collectors, and guardians, subject to final passage or rejection of same by the court, may take probate and approve claims against the estates of deceased persons that are proper to be brought before him; may take the probate of wills and accept and approve the bonds of executors, administrators, collectors, and guardians.

The amendment was agreed to.

The next amendment was, on page 13, line 11, after the word "wills," to strike out "act of June 30, 1902," so as to read:

And provided further, That the employees of said office shall not be in excess of the number actually necessary for the proper conduct of the office of said register of wills.

The amendment was agreed to.

The next amendment was, in section 15, on page 13, line 14, before the word "is," to insert "of the Code of Law for the District of Columbia," so as to read:

SEC. 15. That section 264 of the Code of Law for the District of Columbia is hereby amended so as to read as follows, etc.

The amendment was agreed to.

The next amendment was, on page 13, line 21, before the word "register," to strike out "court or," so as to read:

SEC. 264. Executor residuary legatee.—If the executor is the residuary legatee of the personal estate of the testator, or provided the residuary legatee of full age shall notify his consent to the court, he may, instead of the bond prescribed as aforesaid, give bond with security approved by the register of wills, and in a penalty prescribed by the court, etc.

The amendment was agreed to.

The next amendment was, in section 16, page 14, line 14, before the word "is," to insert "of the Code of Law for the District of Columbia," so as to read:

SEC. 16. That section 275 of the Code of Law for the District of Columbia is hereby amended so as to read as follows, etc.

The amendment was agreed to.

The next amendment was, on page 14, line 20, before the word "register," to strike out "court or," so as to read:

SEC. 275. Special bond.—If the person appointed as administrator shall be entitled to the residue of the estate after the payment of the debts, he may, instead of the bond herein provided for, execute a bond, with security approved by the register of wills, in such penalty as the court may consider sufficient, etc.

The amendment was agreed to.

The next amendment was to strike out section 17, as follows:

SEC. 17. That all laws and parts of laws, so far as they may be inconsistent with the provisions of this act, are hereby repealed.

The amendment was agreed to.

The next amendment was, on page 15, after line 14, to insert as a new section the following:

SEC. 17. That no account shall be approved unless the executor, administrator, or collector, his agent, or solicitor, or attorney shall file an affidavit showing that, at least twenty days before presenting such account for approval, he duly addressed and mailed, postpaid, a notice of such application to each legatee or distribute to their known post-office address notifying each of them of the amounts claimed for commission and attorney's fees.

Mr. GAMBLE. In line 20 of the amendment, after the word "or," I move to strike out "distribute" and insert "distributee."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was on page 15, after line 22, to insert the following as a new section:

SEC. 18. That all laws and parts of laws, so far as they may be inconsistent with the provisions of this act, are hereby repealed.

The amendment was agreed to.

Mr. GAMBLE. In section 2, page 1, line 11, after the word "due," I move to insert the words "to and from the."

The VICE-PRESIDENT. The amendment proposed by the Senator from South Dakota will be stated.

The SECRETARY. In section 2, page 1, line 11, after the word "due," it is proposed to insert "to and from the," so as to read:

The inventory of money and debts due to and from the deceased.

The amendment was agreed to.

Mr. STONE. Mr. President, I should like to inquire from what committee this bill comes

Mr. GAMBLE. It is reported unanimously from the Committee on the District of Columbia. The bill was submitted to a subcommittee and very carefully investigated. Both the subcommittee and the full committee had before them the register of wills and the judge of the probate court—Judge Gould.

Mr. STONE. Does the bill increase the fees now received for the same service?

Mr. GAMBLE. It more equally distributes the fees, and the fees will be paid more equitably, especially by the larger estates.

Mr. STONE. Will it increase the cost of administering an estate?

Mr. GAMBLE. It will to this extent——

Mr. GALLINGER. To a very small amount.

Mr. GAMBLE. To a very small amount. As the law now exists, the largest part of the burden falls upon the smaller estates; and this is to more equitably distribute the cost of administration.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from New Hampshire?

Mr. GAMBLE. Certainly.

Mr. GALLINGER. As an illustration, an estate in this District amounting to $862.51 pays $44.14, while an estate of $1,673,820 pays $141. There is an absolutely inequitable condition existing here, and this bill proposes to equalize it more scientifically. It increases the cost a mere trifle.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT WILMINGTON, N. C.

Mr. OVERMAN. I ask unanimous consent for the present consideration of the bill (S. 2326) to provide for the purchase of a site for the erection of a customs-house and Federal court building thereon at Wilmington, N. C.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 1, line 10, before the word "hundred," to strike out "five" and insert "four," and at the end of the bill to add the following:

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States Treasury as a customs-house and for the use of the Federal court in the city of Wilmington, in the State of North Carolina, at a limit of cost not to exceed $400,000.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADDITION TO ROCK CREEK PARK.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 4441) to acquire certain land in the District of Columbia as an addition to Rock Creek Park.

The VICE-PRESIDENT. The bill will be read for information, subject to objection.

The Secretary read the bill.

Mr. CULBERSON. I should like to ask the Senator in charge of this bill how much appropriation it carries?

Mr. GALLINGER. Does the Senator ask what this will cost?

Mr. CULBERSON. That is the effect of the inquiry.

Mr. GALLINGER. I will say to the Senator that this is a tract of land abutting on Massachusetts avenue extended. It contains nearly 100 acres, and my impression is, without having the figures directly before me now, that the cost will be between three and four hundred thousand dollars. The bill was carefully considered last year and passed the Senate. Afterwards it was a part of a recommendation made by the commission that was appointed by the two Houses to examine the question of parks. That commission carefully looked into this matter and made a favorable recommendation. I have never heard anybody seriously object to it, notwithstanding it will cost quite a bit of money. It is a very desirable thing to be done. It completes the park and brings it out to Massachusetts avenue, where it ought to be. It is very heavily wooded, and the belief is that the cost is very low in comparison with the cost of other property in that vicinity.

Mr. CULBERSON. I will state that I am on the Committee on the District of Columbia, and, so far as I have any recollection, the bill was not considered while I was present in committee. It is a very important matter, and though I do not insist that it go to the Calendar under Rule IX, I object to its present consideration.

The VICE-PRESIDENT. Objection is made, and the bill goes over.

Mr. GALLINGER. Mr. President, before the bill goes over I want to correct a statement I made to the Senator, so that he may have accurate information. The proposed cost I said was between three and four hundred thousand dollars. The bill names the price as $423,000. The bill last year was reported from the Committee on the District of Columbia. This year it has been reported by the Committee on Public Buildings and Grounds, the park bills having this year been referred to that committee.

ISSUANCE OF PATENTS.

Mr. SMOOT. I am directed by the Committee on Patents, to whom was referred the bill (H. R. 17703) to repeal section 4885 of the Revised Statutes and to substitute another section therefor, to report it without amendment. I ask that it be substituted for Senate bill 3972, being Calendar No. 312. I also ask for the present consideration of the bill.

The VICE-PRESIDENT. The Senator from Utah reports from the Committee on Patents the bill named by him, and asks that it be substituted on the Calendar for the bill (S. 3972) to amend section 4885 of the Revised Statutes. In the absence of objection, it is so ordered, and the Senate bill referred to is indefinitely postponed.

The Senator from Utah asks unanimous consent for the present consideration of the bill just presented by him. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 17703) to repeal section 4885 of the Revised Statutes and to substitute another section therefor.

Mr. NELSON. Mr. President, that appears to be a very clumsy form of changing a section of the Revised Statutes. I think the bill ought to read:

That section 4885 of the Revised Statutes be, and the same is hereby, amended so as to read as follows.

I do not think we ought to put legislation in the form this appears to be from the reading of the bill.

Mr. SMOOT. I will say that is a House bill.

Mr. NELSON. It proposes to repeal the original section and then reenacts another one to take the place of it. I think the proper way would be to say that the section proposed to be repealed "is hereby amended so as to read as follows." That is the customary way, and I move that amendment.

The VICE-PRESIDENT. The amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. In line 4, after the word "is," it is proposed to strike out "repealed and the following section is substituted therefor" and insert "amended so as to read as follows," so as to make the bill read:

Be it enacted, etc., That section 4885 of the Revised Statutes be, and the same hereby is, amended so as to read as follows:

"SEC. 4885. Every patent shall issue within a period of three months from the date of the payment of the final fee, which fee shall be paid not later than six months from the time at which the application was passed and allowed and notice thereof was sent to the applicant or his agent; and if the final fee is not paid within that period the patent shall be withheld."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill to amend section 4885 of the Revised Statutes."

HOMESTEAD ENTRYMEN ON HUNTLEY IRRIGATION PROJECT, MONTANA.

Mr. DIXON. I ask unanimous consent for the present consideration of the bill (H. R. 14043) to provide for the extension of time within which homestead entrymen may establish their residence upon certain lands within the limits of the Huntley irrigation project, in the county of Yellowstone, in the State of Montana.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. DIXON. It proposes that the homestead entrymen on lands within the limits of the Huntley irrigation project, in the county of Yellowstone, in the State of Montana, opened to entry July 22, 1907, be granted an extension of time in which to establish their residence upon the lands so opened and filed upon until the 15th of May, 1908; but this act shall in no manner affect the regularity or validity of such filings, or any of them, so made by the entrymen on the lands aforesaid.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TIDE WATER BRIDGE AT EDGECOMB, ME.

Mr. FRYE. I ask unanimous consent for the present consideration of the bill (H. R. 16073) to authorize the town of Edgecomb, Lincoln County, Me., to maintain a free bridge across tide waters.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN P. HUNTER.

Mr. TILLMAN. I ask unanimous consent for the present consideration of the bill (H. R. 2015) for the relief of John P. Hunter.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to John P. Hunter, late United States marshal for the district of South Carolina, $308.13, which sum to be taken and accepted and receipted for in full satisfaction of his claim for services performed by his deputy, H. J. Hickson, in the case of the United States against J. T. Tillman.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT OF NATIONAL BANKING LAWS.

Mr. TILLMAN. Mr. President, I want to give notice that on Monday next, immediately after the routine morning business, I will submit some remarks on the Aldrich currency bill. I want to say further that the Senator from Idaho [Mr. BORAH] gave a similar notice this morning in behalf of the Senator from Wisconsin [Mr. LA FOLLETTE]. I have been in communication with the Senator from Wisconsin, who is now in bed, and it is with his consent that I am to take his place on Monday. I give notice that he will speak on Tuesday immediately after the routine morning business.

MONONGAHELA RIVER BRIDGE, PENNSYLVANIA.

Mr. KNOX. I ask unanimous consent for the present consideration of the bill (H. R. 16749) to amend an act entitled "An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Company," approved March 2, 1907.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 2 of an act entitled "An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Company," approved March 2, 1907, so as to read as follows:

SEC. 2. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from March 15, 1908.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 4 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Thursday, March 12, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 11, 1908.

PROMOTIONS IN THE NAVY.

Lieut. Commander Reuben O. Bitler to be a commander in the Navy from the 1st day of July, 1907, vice Commander Samuel W. B. Diehl, promoted.

Lieut. Commander Joseph L. Jayne to be a commander in the Navy from the 3d day of January, 1908, vice Commander John R. Edwards, promoted.

Lieut. (Junior Grade) David Lyons, to be a lieutenant in the Navy from the 30th day of July, 1907, to fill a vacancy existing in that grade on that date.

Capt. Melville J. Shaw to be a major in the Marine Corps from the 1st day of January, 1908, vice Maj. Joseph H. Pendleton, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 11, 1908.

CONSUL.

Lester Maynard, of California, to be consul of the United States of class 6 at Vladivostok, Siberia.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

First Asst. Engineer Albert Clift Norman to be chief engineer in the Revenue-Cutter Service of the United States, with the rank of first lieutenant, to rank as such from July 20, 1907.

First Asst. Engineer Theodore Graham Lewton to be chief engineer in the Revenue-Cutter Service of the United States, with the rank of first lieutenant, to rank as such from October 4, 1907.

Second Asst. Engineer Jesse Wilbur Glover to be first assistant engineer in the Revenue-Cutter Service of the United States, with the rank of second lieutenant, to rank as such from July 20, 1907.

Second Asst. Engineer George Warren David to be first assistant engineer in the Revenue-Cutter Service of the United States, with the rank of second lieutenant, to rank as such from October 4, 1907.

PROMOTIONS IN THE NAVY.

Lieut. Commander Albert L. Key to be a commander in the Navy from the 28th day of January, 1908.

Lieut. (Junior Grade) Owen Hill to be a lieutenant in the Navy from the 30th day of July, 1907.

Ensign John S. Abbott to be a lieutenant (junior grade) in the Navy from the 3d day of February, 1908.

Lieut. (Junior Grade) John S. Abbott to be a lieutenant in the Navy from the 3d day of February, 1908.

First Lieut. Theodore E. Backstrom to be a captain in the Marine Corps from the 2d day of January, 1908, vice Capt. Theodore H. Low, retired.

To be ensigns in the Navy from the 13th day of February, 1908:

Allan J. Chantry, jr.,
Whitford Drake,
John P. Miller,
Harry G. Knox,
George B. Wright,
Henry M. Jensen,
William C. Barker, jr.,
Augustus C. Wilhelm,
Hugh Allen,
Roy L. Lowman,
Robert L. Ghormley,
William L. Calhoun,
Russell Willson,
Leigh Noyes,
Stephen W. Wallace,
Walter W. Lorshbough,
Eldred B. Armstrong,
Lew M. Atkins,
William A. Glassford, jr.,
Conant Taylor,
Ray S. McDonald,
Herbert J. French,
William A. Hall,
Arthur L. Bristol, jr.,
Frank J. Fletcher,
Walter B. Decker,
Herbert B. Riebe,
John H. Towers,
Julian H. Collins,
Thomas Withers, jr.,
Isaac C. Bogart,
Pierre L. Wilson,
Owen Bartlett,
Walter F. Jacobs,
Leo F. Welch,
Carroll S. Graves,
Harry L. Pence,
Ferdinand L. Reichmuth,
Wolcott E. Hall,
Isaac C. Kidd,
Fred M. Perkins,
Robert A. White,
Frank H. Roberts,
Lewis D. Causey,
William P. Hayes,
William C. I. Stiles,
Stuart W. Cake,
Stephen Doherty,
Charles A. Woodruff,
Randolph P. Scudder,
George A. Alexander,
Edwin B. Woodworth,
Wilson E. Madden,
James P. Olding,
Roland M. Brainard,
Sherwoode A. Taffinder,
John T. G. Stapler,
Lesley B. Anderson,
John S. McCain,
Matthias E. Manly,
Ronan C. Grady,
Reuben L. Walker,
Joe R. Morrison,
Harold Jones,
Alexander Sharp, jr.,
Richard R. Mann,
Hollis M. Cooley,
Aubrey W. Fitch,
Lorenz W. F. Carstein,
Donald P. Morrison,
Edward D. Washburn, jr.,
Frank N. Eklund,
Robert V. Lowe,
Claude A. Bonvillian, and
Edwin A. Wolleson.

POSTMASTERS.

CALIFORNIA.

Charles A. Bills to be postmaster at Dunsmuir, Siskiyou County, Cal.

George Brown to be postmaster at Corona, Riverside County, Cal.

Anna C. Mahan to be postmaster at Fort Jones, Siskiyou County, Cal.

Edwin Stanton to be postmaster at Avalon, Los Angeles County, Cal.

Mary A. Warren to be postmaster at Point Loma, San Diego County, Cal.

COLORADO.

Jessie L. Cozens to be postmaster at Littleton, Arapahoe County, Colo.

CONNECTICUT.

Harry W. Crane to be postmaster at Wethersfield, Hartford County, Conn.

Joseph R. Sperry to be postmaster at Warehouse Point, Hartford County, Conn.

GEORGIA.

Augusta Glover to be postmaster at Monticello, in the county of Jasper and State of Georgia.

ILLINOIS.

Lewis J. Farmer to be postmaster at Tamaroa, Perry County, Ill.

Yale T. Kiblinger to be postmaster at Morton, Tazewell County, Ill.

INDIANA.

Charles Laramore to be postmaster at Knox, Starke County, Ind.

KANSAS.

Thomas R. Jones to be postmaster at Girard, Crawford County, Kans.

MAINE.

Eldridge H. Bryant to be postmaster at Machias, Washington County, Me.

MASSACHUSETTS.

Clarke P. Harding to be postmaster at Medway, Norfolk County, Mass.

Lyman D. Thurston to be postmaster at Leicester, Worcester County, Mass.

MICHIGAN.

Fabius A. Fisk to be postmaster at Colon, St. Joseph County, Mich.

Jacob Leroy Gumaer to be postmaster at Ovid, Clinton County, Mich.

Eugene T. Slayton to be postmaster at Lapeer, Lapeer County, Mich.

MINNESOTA.

Anton R. Erickson to be postmaster at Bemidji, Beltrami County, Minn.

MISSISSIPPI.

John W. Lockhart to be postmaster at Durant, Holmes County, Miss.

MISSOURI.

Albert F. Huggins to be postmaster at Shelbina, Shelby County, Mo.

NEBRASKA.

Daniel N. Wonder to be postmaster at Blue Springs, Gage County, Nebr.

NEVADA.

Jesse Christensen to be postmaster at Beatty, Nye County, Nev.

Theodore R. Hofer, jr., to be postmaster at Carson City, Ormsby County, Nev.

NEW JERSEY.

Charles D. Stainton to be postmaster at Englewood, Bergen County, N. J.

NEW MEXICO.

Albert R. Carter to be postmaster at Tucumcari, Quay County, N. Mex.

TEXAS.

W. P. Harris to be postmaster at Sulphur Springs, Hopkins County, Tex.

VERMONT.

Alton B. Ashley to be postmaster at Milton, Chittenden County, Vt.

Henry S. Webster to be postmaster at Barton Landing, Orleans County, Vt.

VIRGINIA.

Benjamin P. Gay to be postmaster at Smithfield, Isle of Wight County, Va.

John A. McCloud, jr., to be postmaster at South Norfolk, Norfolk County, Va.

WASHINGTON.

James W. O'Connell to be postmaster at Republic, Ferry County, Wash.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March 11, 1908.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. 138. An act to provide for the survey of the public lands of the States of Idaho, Oregon, Montana, and California;

S. 6047. An act repealing section 13 of the act approved March 2, 1907, entitled "An act amending an act entitled 'An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes,' and for other purposes;"

S. 4793. An act authorizing settlers on Crow Reservation lands in Montana to mortgage same for the construction of irrigation systems prior to final proof;

S. 3970. An act to revise and amend the statutes relating to patents;

S. R. 9. Joint resolution authorizing the Secretary of War to furnish a condemned cannon to the board of regents of the University of South Dakota, at Vermilion, S. Dak., to be placed on the campus of said institution; and

S. R. 6. Joint resolution directing the selection of a site and the erection of a pedestal for a bronze statue in Washington, D. C., in honor of John Witherspoon.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 16860. An act to establish a United States land district in the Territory of New Mexico, to be known as the Tucumcari land district; and

H. R. 9205. An act to make the provisions of an act of Congress approved February 28, 1891 (26 Stats., p. 796) applicable to the Territory of New Mexico.

The message also announced that the Vice-President had appointed Mr. BAILEY and Mr. GALLINGER members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, entitled "An act to authorize and provide for the disposition of useless papers in the Executive Departments," for the disposition of useless papers in the Interior Department.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED.

Under clause 2, Rule XXIV, Senate bills and joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 138. An act to provide for the survey of the public lands of the States of Idaho, Oregon, Montana, and California—to the Committee on the Public Lands.

S. 6047. An act repealing section 13 of the act approved March 2, 1907, entitled "An act amending an act entitled 'An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes,' and for other purposes"—to the Committee on Public Buildings and Grounds.

S. 4793. An act authorizing settlers on Crow Reservation lands in Montana to mortgage same for the construction of irrigation systems prior to final proof—to the Committee on the Public Lands.

S. 3970. An act to revise and amend the statutes relating to patents—to the Committee on Patents.

S. R. 9. Joint resolution authorizing the Secretary of War to furnish a condemned cannon to the board of regents of the University of South Dakota, at Vermilion, S. Dak., to be placed on the campus of said institution—to the Committee on Military Affairs.

S. R. 6. Joint resolution directing the selection of a site and the erection of a pedestal for a bronze statue in Washington, D. C., in honor of John Witherspoon—to the Committee on the Library.

POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18347, the post-office appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the post-office appropriation bill, with Mr. OLMSTED in the chair.

The CHAIRMAN. The Clerk will resume the reading of the bill.

The Clerk read as follows:

Watchmen, messengers, and laborers, 430, at $700 each; 225, at $600 each; and 100, at $500 each; in all, $486,000.

Mr. OVERSTREET. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 12, lines 1 and 2, strike out "430" and insert "530."

The amendment was agreed to.

Mr. OVERSTREET. I also offer the following.

The Clerk read as follows:

Page 12, lines 4 and 5, strike out "four hundred and eighty-six thousand" and insert "five hundred and fifty-six thousand."

Mr. MANN. May I ask the gentleman from Indiana what is the pay provided in this bill for the watchmen and laborers in the post-offices?

Mr. OVERSTREET. There are 530 watchmen, messengers, and laborers at $700 each, 225 at $600 each, and 100 at $500 each.

Mr. MANN. I understood the gentleman to say last year that the pay of watchmen was $720 a year.

Mr. OVERSTREET. No; we have taken the watchmen, messengers, and laborers at the salaries they are now receiving and incorporated them in this item of appropriation, except that there were a few laborers at $400, who were covered into the $500 class.

Mr. MANN. I remember that last year the gentleman from New York [Mr. OLCOTT] offered an amendment for the purpose

of increasing the salaries of watchmen to $800 a year, and the gentleman in charge of the bill, properly I think, although it was against my desire, raised the point of order on it and stated that the salary then provided was $720.

Mr. OVERSTREET. The current law provides no $720 compensation for employees in the post-office. It is $700; not $720.

Mr. MANN. Has the gentleman's committee considered the desirability or the necessity of increasing the salaries of watchmen and laborers in the large cities?

Mr. OVERSTREET. It has not been limited to the consideration of salaries in the large cities; but the committee considered, in a limited way, the problem of increases of salaries of all kinds, including those of laborers and watchmen, and determined that it would not make any recommendation for increases of salaries of any class this year.

Mr. BENNET of New York. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. If there be no objection, the Clerk will again report the amendment.

The amendment was again reported.

Mr. OVERSTREET. Mr. Chairman, that amendment was simply to correct an error in the preparation of the bill.

Mr. BENNET of New York. I move to strike out the last word of the amendment, for the purpose of asking the chairman of the committee if the bill does not decrease the number of laborers by fifty or sixty from last year.

Mr. OVERSTREET. No. If the gentleman has noticed, the first amendment I offered increased the number in this item 100. That was a clerical error in the preparation of the bill, and is now corrected by these two amendments.

Mr. BENNET of New York. I was not here when the first amendment was adopted, and, Mr. Chairman, I withdraw my pro forma amendment.

Mr. ADAMSON. Mr. Chairman, I have some remarks and a diagram upon the Appalachian Forest Reserve which I ask unanimous consent to print in the RECORD.

The CHAIRMAN. The Chair is of the opinion that the proposal to print a diagram in the RECORD would have to be submitted to the Committee on Printing.

Mr. ADAMSON. Then I withdraw that part of my request.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. ADAMSON. I here submit the following letter as a part of my remarks:

COLUMBUS, GA., *March 2, 1908.*

Judge ADAMSON, *Washington, D. C.*

MY DEAR JUDGE: I inclose diagram of Pine Mountain, which was made from United States Geological Survey, Talbotton and Opelika quadrangles. That part of it inclosed with red lines is the strictly mountainous part and consists of 12,000 acres. I have extended this by cross marks, which space within the cross marks, excluding the red-line areas, both north and south of the mountain, would make the whole area about 36,000 acres. These 24,000 acres, exclusive of the strictly mountainous part, 12,000 acres, are just as proper to be included as the strictly mountainous portion. I do not believe that the 24,000 acres contain exceeding 10 per cent of land that would be fit for agricultural purposes. Now, the object is to get this tacked onto the Appalachian forestry bill, now pending in Congress. You know that below the points where Mountain Oak and Mulberry creeks empty into the Chattahoochee River, the largest water powers on the river down to Columbus exist. This Pine Mountain reservation can be made equal to any other part of the Appalachian range for forestry preservation; between Hamilton and Mountain Hill, as the United States Geological Survey shows, on the south side of the mountain, enough water can be had at Columbus by gravity for municipal purposes for 400,000 or 500,000 people. Mulberry and Mountain Oak creeks are notoriously muddy creeks in times of high water or freshets. They used to be comparatively clear streams.

The amounts of detritus that these creeks are contributing to the river, filling up the dams and making it more difficult to keep the navigation of the river below Columbus open, are prodigious. If, in all respects, the Appalachian range in North Georgia is eligible for forestry reservation, this lowest portion of the same range of mountains is equally so, and the bill should be amended so as to include these Pine Mountain areas. I have written Mr. Pinchot to see you on the subject. Mr. Mills, who lectured here on forestry preservation, a short while ago, and myself had a conversation about the Pine Mountain area, and after my explanation he thought it should be included. I do not know what disposition will be made with the forestry bill at this or future sessions of Congress; but when the bill is likely to pass the Pine Mountain area should be already incorporated. In those respects explained by the President in his recent message on waterways, it has all of the conditions for forestry restoration, for water for municipal purposes, for increasing and steadying a supply of water for water power, and for the navigation of the Chattahoochee River below Columbus.

I trust that you will see that it is incorporated in the bill, and I am sure that it will present the closest feature of the relation of the Pine Mountain to the lower waters of the Chattahoochee in the very particulars that sustain the argument favorable to forestry preservation, etc.

Although the national forestry bill may not be acted on at this session of Congress, there is no doubt eventually it will be passed. This bill includes the Appalachian range, in which the Chattahoochee River has its source. Pine Mountain is the most southern extension of the Appalachian Mountains, and in every argument that has been made for forest preservation Pine Mountain range, traversing Harris County, with Mountain Oak Creek to the north of it and Mulberry Creek to the south, emptying into the Chattahoochee River 15 and 16 miles north of Columbus, is the fittest forestry area in the South for such preservation.

As shown by a tracing from the United States geological surveys of the Talbotton and Opelika quadrangles, those which are strictly the mountain sources of drainage into Mountain Oak and Mulberry creeks, consist of 12,000 acres. Adding to this the lower formations of the mountains, the areas would be about 36,000 acres, of which not more than 10 per cent are fit for agricultural purposes. These mountains have in times past been covered with long-leaf pines and every variety of southern timber growth. Injudicious cutting and fires have already destroyed most of this timber. If it was restored and so much of it disposed of annually by the Government for wood and lumber it is almost safe to say that it would supply the Fourth Congressional District with lumber as long as its political existence lasted. The terms proposed in the creation of national forests are to purchase the lands at not more than $5 or $6 per acre.

The majority of the great water powers on the Chattahoochee are below where Oak Mountain and Mulberry creeks empty into the river. The United States Geological Survey shows that between Hamilton and Mountain Hill there is a plentiful supply of water by gravity for 500,000 people at Columbus.

California, which has one-half of our annual rainfall, has proved that water supply has increased 25 per cent after forest restoration. It is safe to assert that ours would increase 50 per cent.

It cost Switzerland $35 per acre to restore her forests, and Italy $20 per acre. Of all the Appalachian system to be preserved, Pine Mountain is the most important in proportion. The pine growth of Pine Mountain is most prolific of turpentine. The turpentine of the South has been obtained by cutting a hole in one side of the tree, called "boxing," which in a few years kills the tree. The Forest Service has found a method of extracting turpentine by which the trees are far less injured and the yield is increased 30 per cent.

We in Columbus are thoroughly alive to this question, and I trust that you will become enlisted in the cause, seeing that your district is directly to be benefited, and that you will also secure the cooperation of the Congressmen from Florida and Alabama whose districts border the lower Chattahoochee.

It occurs to me that our opponents will have a difficult task to show that the Government has not the right to make these purchases. The closeness of Pine Mountain to the Chattahoochee River strengthens the point that the United States has power to make the purchase, in reference to their jurisdiction over navigable streams and for their protection.

I am further inclined to think that the constitutional right of the Government to acquire territory either "by conquest or treaty" can be used as an additional liberal argument in favor of Congress to acquire these mountain areas for forestry preservation, etc.

I am, yours, very truly,

CHARLES J. SWIFT.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The question was considered, and the amendment was agreed to.

The Clerk read as follows:

Clerks in charge of contract stations, at a rate of compensation above $300 each, and not to exceed $1,000 each, $250,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I would like to move to increase the amount. This is a matter that affects the so-called "substations," or numbered stations. The present law and the bill both carry the distinction between salaries above $300 and salaries of $300 and below. I understood the gentleman from Indiana [Mr. OVERSTREET], in charge of the bill, the other day to say that in the estimates and suggestions made by the Department these provisions were lumped in some way, and it was not very clearly stated how the dividing line should be made.

For some years the Department has endeavored to arrive at some basis upon which to fix the salaries for those stations. They have changed it from time to time. It originally was based on the amount of stamps sold, the amount of business transacted in that way, but it was thought that some of the clerks in charge of substations padded their stamp sales by encouraging the sale of stamps to people in large quantities, and so that method was changed. Several years ago they arrived at a basis which fixed the salary by the amount of money orders and registered letters, and started in with a basis of $100 for a thousand dollars of business in money orders and registered letters, and a salary of $200 for a business of $2,000, and between two and three thousand dollars a salary of $300. That basis has since been changed so that the salaries are reduced somewhat. It takes a larger number of money orders and registered-letter transactions to increase the salary from $100 to $200, the initial salary being $100. But while the Department has fixed their schedule of the amount of transactions upon which to base the salaries, they have not been able to keep faith because the amount appropriated was not sufficient.

For instance, in my own district, for the year 1906, station 16 received a salary of $500, and the combined money-order and registered-letter transactions were 4,758. Last year the number of transactions increased to 5,105, and the salary was reduced to $400.

On station 23 the combined transactions for 1906—and these

are for the year ending March 31 of the year named—were 3,180, and the salary $400. Last year the combined transactions were 3,229, and the salary was reduced to $300 instead of being increased.

On station 46 the combined transactions were 1,529 and the salary was $200. But last year, while the transactions had increased to 2,972, the salary was reduced to $100. Of course, that is not in the class above $300.

On station 81 the combined money-order transactions and registered letters was 6,643 and the salary was $600. I may say that is a large amount of business transacted. Last year the combined money order and registered letters at this station was 8,354, and the salary was reduced, although the amount of business had increased from 6,643 to 8,354. The salary was enough to entitle him to a raise of salary under their schedules and entitle him to a raise of salary on the amount of business transacted, but the salary, instead of being increased, was reduced.

Mr. WANGER. Mr. Chairman, right there I would like to ask my friend if it is not a fact that the schedule was changed to a different basis for compensation of these clerks by the Post-Office Department?

Mr. MANN. I have just stated that the basis had been changed, but not last year. And even upon the change of basis, even upon the basis now in force, these people are entitled to an increase in salary, but there is not sufficient appropriation. Even upon the basis which the Department endeavors to enforce there is not sufficient appropriation.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN. Mr. Chairman, I would like five minutes more.

The CHAIRMAN. The gentleman from Illinois asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. STAFFORD. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. STAFFORD. In reply to the gentleman's criticism, I wish to say that he is quite correct in his statement as to the schedules that have been in force in prior years for the fees to the clerks in charge of these contract stations, but I wish to direct his attention to what I believe has been the difficulty which has caused the Department not to grant all of the increases according to the schedule of business in force in the Department. In prior years these two items providing for clerks in charge of contract stations have been carried just previous to the item which carries the lump-sum appropriation for the entire clerical service in the post-offices of the country. Although in those two items for clerks in charge of contract stations we provided a definite appropriation for each of the two classes, still the total amount was embodied in the gross appropriation for clerical hire.

The Department during the last two years has inadvertently furnished erroneous estimates as to the total amount necessary in this appropriation, not only of clerks because of increase of business, but during the present fiscal year because of increases in salary for promotion purposes, so that the Department has been forced to limit the expenditure out of these two respective items and has used that money for expenditures for clerical purposes. Last year noticeably that was the case, and I have the figures here if the gentleman would wish to have them. There was at the time the bill was under consideration last year a balance of more than $35,000 apparently available for expenditure in these two items, but that amount had been utilized for expenditure for clerical purposes other than for clerks in charge of contract stations, and to-day in this very item we are considering we appropriate in the current bill, for these contract stations of the $300 grade and under, the sum of $515,000. On January 16 of this year, according to the statement furnished the committee under date of January 22, there was being expended the annual rate of $498,873, making available more than $15,000 for the remainder of the present fiscal year.

Mr. MANN. But we are talking about an item above three hundred. I do not want the gentleman to get the committee to think that there is a large amount of money here——

Mr. STAFFORD. Oh, I wish to save the time of the House by considering both items at one time, because I believe I can convince the gentleman that the difficulty has been in the arrangement of these items, rather than the amount appropriated, and it has not been the fault of the committee in making inadequate appropriations for this service.

Mr. MANN. If the gentleman will pardon me, if the gentleman proposes to convince me by showing me that the Post-Office Department has violated the law and used this fund for something else, then I want the gentleman from Pennsylvania [Mr. WANGER], the chairman of the Committee on Expenditures in the Post-Office Department, to pay particular attention to it, because, if that is the case, I want him to make it hot for somebody in the Post-Office Department.

Mr. STAFFORD. There is no question but that the gentleman from Pennsylvania would make it very warm for somebody in the Post-Office Department if there has been any violation of the law, but I hardly believe my statement will warrant any such construction.

Mr. MANN. The gentleman stated that a part of this fund had been diverted from contract stations, and the appropriation expressly says "for clerks in charge of contract stations."

Mr. STAFFORD. It has been diverted, yet under the decision of the Comptroller it was permissible, and the discretion rested with the Department heads to use this money for any of the items carried in the previous sections, which was included in the total appropriation. Now, what have we done this year? We have separated——

Mr. MANN. But that is a very important matter, to know whether——

Mr. STAFFORD. If the gentleman will permit me to make my explanation before he takes the floor again, I shall be very much obliged. This year we have sought to overcome that difficulty by segregating those two items and furnishing two distinct provisions, separate and apart from the total appropriation for clerical hire, and not including the amounts carried for those two items for clerks in charge of contract stations into the total amount provided for clerks and employees in first and second class post-offices.

Mr. MANN. What I want to get at is the fact in reference to the diversion of this money.

Mr. STAFFORD. The gentleman will see, if he looks at page 12, that these two items for clerks in charge of contract stations are separate and distinct, and follow the total appropriation, as found in lines 12 and 13, on page 11, while in the current law they immediately precede the total appropriation, which was provided for all character of clerks and employees in the postal service.

Now, by so segregating these items we thereby remove the discretion of the post-office officials to utilize this fund for any other purpose except as designated in the item, that of "clerks in charge of contract stations."

Mr. MANN. Now, the gentleman raised a question which goes away beyond the importance of contract stations. Does the gentleman mean to tell the House that the Comptroller rules that the different items which go to make up this $28,661,500, on page 11, are of no consequence and that the Post-Office Department can transfer the amounts appropriated as they please?

Mr. STAFFORD. Oh, no; but the gentleman does maintain that when we make a total appropriation, as we did last year, for all this character of service, carrying the amount of twenty-six millions——

The CHAIRMAN. The time of the gentleman from Illinois [Mr. MANN] has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. STAFFORD. Will the gentleman continue to yield to me?

Mr. MANN. Certainly.

Mr. STAFFORD. Last year the amount appropriated in this item carried $26,390,200, which included that then carried for contract stations of $235,000 for those of $300 and under, and $515,000 for those above the $300 grade. That total appropriation of twenty-six millions and odd dollars was not the full amount that would have been computed if we had estimated for all the number of clerks at the respective salaries carried in the preceding items, because the committee does not grant the full amount of the annual rate of expenditure, because some of these clerks are put in the service at different times of the year and therefore the money is not needed at the beginning of the fiscal year, and the total estimate can be scaled down accordingly.

Mr. MANN. But has the Department the right to divert an appropriation included in that amount for a specific purpose and use it for some other purpose?

Mr. STAFFORD. But the Department has not diverted it. It has in no instance exceeded the allowance in the number of clerks that have been carried in the previous items. But the Department has the right, and there is nothing compulsory on the Department, to expend so much of the amount of money that is carried in any respective item as it determines.

Mr. MANN. I understand that.

Mr. STAFFORD. When we provide for so many clerks and

officials we do not say to the Department, "You must employ that number during the fiscal year." We naturally leave that to the discretion of the Department. Now, as far as these clerks in contract stations are concerned, we leave it to the discretion of the Department to place them where they believe the needs of the postal service demand; but the explanation of the inadequacy of appropriation is traceable to the fact that they have failed to give the committee a careful and correct estimate as to the total amount of appropriation necessary for the postal service so far as clerical service was concerned.

Mr. MANN. Now, if the gentleman will pardon me, maybe I can get at the information. Last year we appropriated $235,000 for this item?

Mr. STAFFORD. Yes.

Mr. MANN. Contract stations above $300. Is that $235,000 now being used solely for the purpose of paying clerks in charge of contract stations?

Mr. STAFFORD. Some of it is and some may be used for other purposes.

Mr. MANN. That is what I wanted to know. By what authority is some of it being used for other purposes?

Mr. STAFFORD. Why, because that $235,000 has been bulked in the total amount of $26,390,200, which provides for all this service, and the prior items did not carry sufficient appropriation to pay for what they believed was necessary during the fiscal year and more urgently needed for the postal service.

Mr. MANN. Then the segregation of that sum into items is idle?

Mr. STAFFORD. I grant you that it was not as forceful as the method adopted in this bill.

Mr. MANN. That is not the law; that is not the ruling of the Comptroller.

Mr. STAFFORD. The committee this year, noting that there was that difficulty in the administration, has separated those items, so that it is no longer included in the total, but it is found now in two separate items, on page 12, whereby the Department can not use that money for any other purpose.

Mr. MANN. But I think the gentleman is mistaken in what the Department has done.

Mr. WANGER. That is already segregated.

Mr. OVERSTREET. The arrangement in the present bill now under consideration is a far better arrangement——

Mr. MANN. I am not complaining about that.

Mr. OVERSTREET. Than contained in the prior bill. While under the former law, as it was possible to use part of the $175,000 for purposes other than the pay of contract station agents, it can not be used for any other purpose under the present bill.

Mr. MANN. How was it possible before? Do I understand the Committee on the Post-Office and Post-Roads to say that when we appropriate for so many clerks, and so forth, at $1,200 each, that that means nothing—that the Department can use that money to pay clerks drawing $1,300 salary?

Mr. OVERSTREET. But if in addition to the amount of money necessary to pay those clerks at those respective salaries you include a lump sum from which you may pay for contract stations, then that would leave a merged fund.

They had all the clerks given their respective salary during the year and it was all covered for contract stations. Now, the committee have further separated that, and made a still greater segregation of the fund, to the benefit, in our judgment, of the payment for contract stations.

Mr. MANN. Well, last year I asked the gentleman this same question, and moved to amend the appropriation by increasing it from $235,000 to $250,000. The gentleman from Indiana, in whom I have great confidence, informs me that the amount appropriated was sufficient for the service, and now it turns out that it is not sufficient.

Mr. OVERSTREET. I think it was, and the gentleman has stated it was by giving the expenditures.

Mr. MANN. I think there is not a dollar that is unexpended.

Mr. STAFFORD. I have given the amount in this statement.

Mr. MANN. But I am not talking about that.

Mr. STAFFORD. I am directing the attention of Members to this fact. There has been an understanding by Members of the House here that there is no fund available for that character of station. I wish to say that on January 10, although we had appropriated $515,000 there had only been an expenditure at the annual rate of $498,873, leaving a balance available of more than $15,000.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I suggest to the gentleman that he claim the floor in his own right.

The CHAIRMAN. The Chair will recognize the gentleman from Wisconsin in opposition to the amendment of the gentleman from Illinois.

Mr. MANN. Now, will the gentleman permit me? He persistently talks about a proposition not before the committee. I have asked in reference to a proposition which is before the committee, and that is, whether there is any surplus fund for this purpose now?

Mr. STAFFORD. As to the appropriation for the grades in excess of $300, there is no money at present available out of the fund appropriated.

Mr. MANN. That is what I was saying. The gentleman from Indiana corrected me, and said that it was available, upon the strength of the statement of the gentleman from Wisconsin; and the statement of the gentleman from Wisconsin is correct, but it would give an erroneous impression in the House.

Mr. STAFFORD. There is no money available so far as the item of appropriation for the grades above $300 are concerned; but there is money available for those below. We have increased the appropriation carried last year from the amount of $235,000 to the amount of $250,000.

Mr. MANN. Increased it by $15,000.

Mr. STAFFORD. We have increased it $15,000; and we have increased the other item still more, from $515,000 to $525,000; and taking the annual rate of expenditure at $498,000, or say $500,000 even, it leaves $25,000 additional that we have appropriated.

We have proceeded in this bill upon the recommendation of First Assistant Postmaster-General Hitchcock, made two years ago, that he believed that it was for the best interest of the service to have a larger number of these contract stations that received a small allowance, rather than too many of the higher grade, for he believed, and I believe with him, that it is better for the country and the service to have a greater number of small contract stations scattered about the city districts so as to be within easy reach of the patrons of the service, rather than to have a few large contract stations isolated and at a distance from their patrons. We have followed that recommendation by granting a heavier allowance, a heavier increase in the item of the $300 grade than in the higher grade. I want to inform the House that we have followed that recommendation, nevertheless making provision for increases which are necessary to provide for all the present service in the $400 grade and upward.

Mr. MANN. The gentleman understands that the Post-Office Department necessarily has some rules and regulations about the establishment of any station. Take a money-order and registry station amounting to more than $10,000 a year, and there are not many post-offices in the country that have as large money transactions. The salary is $600. The gentleman understands that money-order business at such stations, most of it, is foreign money orders. It is only by the greatest persuasion that it has been possible to persuade anybody to keep that place. Now, under the appropriation made in this bill it will not be possible to increase the salary according to the schedule made by the Department.

Mr. STAFFORD. We are providing $15,000 for the very limited number of offices of that character. There are only a few.

Mr. MANN. The gentleman says that there are a limited number. I think I have twenty or twenty-five such stations in my district.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. MANN. I ask unanimous consent that the gentleman have five minutes more.

There was no objection.

Mr. MANN. Now, it is absolutely impossible to maintain stations of this character. I have a letter in my hand from the postmaster at Chicago in which he says he has endeavored to locate a station there, but he had applied to the owner of drug stores in the locality, and as soon as they are fully informed as to the matter they declined it, and others who had formerly had them declined to keep the stations.

A few years ago I went to the Department and showed them a portion of my district that had a population of 10,000 people where you could not buy a postage stamp.

Mr. DRISCOLL. I should like to ask somebody—and I think the gentleman from Illinois can answer it—why these stations are opened right close to the central post-office, within a block or two, or very close by?

Mr. MANN. I may say to the gentleman that that is not done in Chicago. I do not know how it is elsewhere.

Mr. DRISCOLL. It is done in many parts of the country.

Is it because druggists want to advertise in that way and attract people into their stores? If that is the purpose of it, they should not receive large compensation.

Mr. MANN. They do not get large compensation in any event.

Mr. FITZGERALD. I wish to ask the gentleman from Wisconsin a question. He has made a very remarkable statement to the gentleman from Illinois, and I should like some light on it. In several places in this bill, for the convenience of Members——

Mr. COCKRAN. Mr. Chairman, a point of order. I submit that we are entirely unable to hear the conversation that is taking place between the gentleman from New York [Mr. FITZGERALD] and the gentleman from Wisconsin [Mr. STAFFORD].

Mr. FITZGERALD. I will say that in order to get into this discussion I had to come over on the Republican side.

Mr. COCKRAN. Will not the gentlemen take us into their confidence? Will not my colleague from New York come back here onto this side of the House, so that we can hear what he has to say?

Mr. FITZGERALD. No; I would not know anything about it if I were over there, and I want to see if I can find out anything.

Mr. MANN. We would not be unkind enough to say that that is the usual condition on that side of the House. [Laughter.]

Mr. FITZGERALD. There does not seem to be much hope, from the course of this discussion, that I will get the information I want.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] has the floor. Does he yield to any gentleman; and if so, to whom?

Mr. STAFFORD. I yield to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. At several places in this bill, for the convenience of Members or the post-office officials or the public, items run along and are then totaled and a gross sum is stated as the amount appropriated for a certain service, which is divided into several items.

Mr. COCKRAN. Mr. Chairman, I again suggest that it is impossible to hear what is being said by gentlemen over on the other side.

Mr. FITZGERALD. Does the gentleman from Wisconsin wish to inform the House that there has been a ruling that the mere totaling of the amounts appropriated in certain items gives to the Department a discretion to use that sum indiscriminately for any of the purposes preceding it?

Mr. STAFFORD. Not indiscriminately.

Mr. FITZGERALD. How discriminately?

Mr. COCKRAN. I again call the gentlemen to order. No one of us here has the slightest idea of what the gentleman from Wisconsin is saying to the gentleman from New York. Is there any way in which the House can obtain a knowledge of what is taking place?

The CHAIRMAN. The Chair will endeavor to maintain order in the Chamber, but the Chair can not control the positions which gentlemen take when speaking.

Mr. MANN. Mr. Chairman, I am unable to hear what the gentleman from New York [Mr. COCKRAN] is saying. [Laughter.]

Mr. STAFFORD. I was about to say, Mr. Chairman, in reply to the query propounded by the gentleman from New York [Mr. FITZGERALD], that they can not use that sum indiscriminately, because they are limited by the number of men provided and the appropriations provided in these respective items. Take, for example, any of the items prior to the stated total of appropriation found on page 11. For instance, the $900 grade. We provide 7,379 at not to exceed $900 each, and so on through the various classes. Now, we do not provide by appropriation for the total that each of the respective numbers of employees would carry if they all received that salary throughout the year, because, as I explained, in answer to a question from the gentleman from Illinois [Mr. MANN], they are not all placed in the service at one time, and as to some the amount is not necessary for the full year, and consequently the full amount is not appropriated. Now, in closing——

Mr. FITZGERALD. I do not want the gentleman to close so quickly. In the law for the current year is an item, clerks in charge of contract stations, at a rate of compensation above $300 each, and not to exceed $1,000 each, $235,000. Has it been held that the Postmaster-General can expend, out of this total appropriation, more than $235,000 for that specific purpose?

Mr. STAFFORD. I do not so understand it. He is not obliged to use all of the $235,000, which is included in the total amount of $26,390,200.

Mr. MANN. In other words, your total of $26,000,000 was insufficient?

Mr. STAFFORD. It was insufficient in the full totals——

Mr. MANN. Your guess last year was a little too low.

Mr. STAFFORD. The estimate of the Department for clerical services was too low.

Mr. OVERSTREET. Mr. Chairman, I move that all debate on this paragraph close in five minutes.

Mr. MANN. I understood the gentleman from Indiana was to allow reasonable debate.

Mr. OVERSTREET. There is no amendment pending before the committee; it is merely matters of explanation, and it has been limited to two or three individuals, and I supposed they were about through.

Mr. MANN. I propose to offer an amendment.

Mr. OVERSTREET. Well, I will make it ten minutes, Mr. Chairman; I move to close all debate in ten minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that all debate on the paragraph and amendments close in ten minutes.

Mr. OVERSTREET. But there is no amendment.

Mr. MANN. I propose to offer an amendment.

Mr. CLARK of Missouri. Mr. Chairman, gentlemen on that side turn their backs to us, and no one can hear a word that is said.

Mr. OVERSTREET. Mr. Chairman, if I may be permitted to make a suggestion, it seems to me that we will make better progress if gentlemen will offer amendments and speak to them instead of making pro forma amendments.

The CHAIRMAN. The debate on the present amendment is exhausted.

Mr. MANN. Mr. Chairman, I move to amend by striking out the word "fifty," in line 8, page 12, and inserting the word "seventy-five."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 12, line 8, strike out the word "fifty" and insert "seventy-five," so that it will read "$275,000."

Mr. MANN. I wish the committee would accept this amendment. The Post-Office Department has its rules, and they can not increase anybody's salary above what the rule provides. It only takes care of the increase authorized under the regulations and can not be used as a fund in any way. The increase proposed this year is not sufficient.

Mr. OVERSTREET. If the gentleman will permit me——

Mr. MANN. Certainly.

Mr. OVERSTREET. The highest recommendation of the Department for all the service of contract stations embodied in both of these paragraphs aggregated $795,000, and when the official before the committee was asked the direct question how he would separate the increase of $45,000, which was the total of his recommendation, he said he would make it $270,000. Now the gentleman's amendment provides for $275,000.

Mr. MANN. I am willing to make it $270,000.

Mr. OVERSTREET. That is the highest recommendation of a Department which is the most liberal in recommendations of any Department of my acquaintance in the service.

Mr. MANN. But the gentleman must understand that the Department establishes no stations under this clause; the stations are all established under the other clause. The increase is simply for use in accordance with the regulations fixed by the Department, and it seems to me where the business increases, where the man is told that when he reaches a certain amount he will have an increase in the salary, the Department and the Government should keep faith with him. It can not increase the expenses of the Government except in accordance with the regulations and scale fixed by the Department. Is it not fair to these people, is it not for the interest of the service, to pay them the amount that they are told they will receive when the business reaches that point?

Mr. OVERSTREET. If the gentleman will make it $265,000——

Mr. MANN. Mr. Chairman, I will modify my amendment, if I may, and make it $265,000 instead of $275,000.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to modify his amendment in the manner which the Clerk will report.

The Clerk read as follows:

Line 8, page 12, strike out the word "fifty" and insert the word "sixty-five."

Mr. OVERSTREET. I have no objection to that amendment.

The question was taken, and the amendment was agreed to.

Mr. OLCOTT. Mr. Chairman, I ask unanimous consent to

have a letter in connection with this subject, and also a bill introduced by my colleague, Mr. BENNET, printed in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to print a letter and the bill which he mentions in the RECORD. Is there objection?

There was no objection.

The matter referred to is as follows:

NEW YORK, *February 27, 1908.*

Hon. VAN VECHTEN OLCOTT.

DEAR CONGRESSMAN: Bill No. 14369, BENNET, is now before Congressman OVERSTREET'S committee, and is deserving of your most favorable consideration.

During last year we registered 2,100 letters, sold $8,000 in stamps, mostly in small quantities at a time, and issued 1,025 money orders. During the Xmas holidays we weighed 600 packages.

Our total allowance from the Government is at the rate of $4 per week.

The public is deriving great conveniences from these substations, and, noticing this fact, the demands of the public are becoming more and more, and it requires a pretty intelligent and responsible person to attend to a substation properly. Considering further that the Government pays us no rent, and that we take all responsibility in case of theft or robbery, the Government being no loser, these substations would still be very cheap at the new rates as stated in the bill before Congressman OVERSTREET'S committee, while our present compensation is not a fair one.

Earnestly hoping that you will give this bill your kind consideration and support, I am,

Respectfully, FRED'K KLEINSCHMIDT.

[H. R. 14639. Sixtieth Congress, first session. In the House of Representatives, January 21, 1908.]

Mr. BENNET of New York introduced the following bill, which was referred to the Committee on the Post-Office and Post-Roads and ordered to be printed:

A bill to classify certain grades in numbered post-office stations.

Be it enacted, etc., That numbered stations doing post-office business of not over: Class 1, $1,000 worth of money-order business, 500 money-order business and registry transactions, and selling $1,000 worth of stamps, salary to be $100; class 2, $1,500 worth of money-order business, 1,000 money-order business and registry transactions, and selling $2,000 worth of stamps, salary to be $200; class 3, $2,500 worth of money-order business, 1,500 money-order business and registry transactions, and selling $4,000 worth of stamps, salary to be $300; class 4, $3,000 worth of money-order business, 2,000 money-order business and registry transactions, and selling $6,000 worth of stamps, salary to be $400; class 5, $5,000 worth of money-order business, 3,000 money-order business and registry transactions, and selling $8,000 worth of stamps, salary to be $500; class 6, $7,000 worth of money-order business, 3,000 money-order business and registry transactions, and selling $12,000 worth of stamps, salary to be $600; class 7, $9,000 worth of money-order business, 4,000 money-order business and registry transactions, and selling $16,000 worth of stamps, salary to be $700; class 8, $12,000 worth of money-order business, 4,500 money-order business and registry transactions, and selling $20,000 worth of stamps, salary to be $800; class 9, $15,000 worth of money-order business, 5,000 money-order business and registry transactions, and selling $25,000 worth of stamps, salary to be $900; class 10, over above amounts, salary to be $1,000.

In adjusting salaries 500 money-order business and registry transactions shall rate equivalent to $3,000 worth of stamps sold.

Mr. McDERMOTT. Mr. Chairman, I ask unanimous consent to go back to page 12, lines 2, 3, and 4, for the purpose of offering an amendment.

Mr. OVERSTREET. Let us hear the amendment read first.

The Clerk read as follows:

Amend page 12, line 2, by substituting the word "eight" for "seven."
Amend page 12, line 3, by substituting the word "seven" for "six."
Amend page 12, line 4, by substituting the word "six" for "five."
So that lines 1, 2, 3, 4, and 5, page 12, will read, "Watchmen, janitors, and laborers, 430, at $800 each; 225, at $700 each; and 100, at $600 each; in all, $561,500."

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to return to page 12, lines 2, 3, and 4, for the purpose of offering an amendment, which the Clerk has reported.

Mr. OVERSTREET. I object.

The CHAIRMAN. The gentleman from Indiana objects. The Clerk will read.

The Clerk read as follows:

Clerks in charge of contract stations, at a rate of compensation not to exceed $300 each, $525,000.

Mr. BENNET of New York. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from Indiana [Mr. OVERSTREET] or the gentleman from Wisconsin [Mr. STAFFORD] if their committee intends at this session to give a hearing on the bill which my colleague, the gentleman from New York [Mr. OLCOTT] has just obtained permission to print in the RECORD.

Mr. OVERSTREET. Does the gentleman refer to the famous Bennet bill to classify the contract-station clerks?

Mr. BENNET of New York. Omitting the word "famous," I refer to that bill.

Mr. OVERSTREET. Mr. Chairman, I think it is entirely unfair for any Member to force the chairman of the committee to be put in the light of opposing legislation, but I know of no man who is more ready to take responsibility, if it belongs to him, than I am; and, in view of the methods which the gentleman from New York [Mr. BENNET] has to-day assumed to try and secure hearings, I will state that I can not tell what the committee may recommend, but that I shall oppose hearings upon that bill.

Mr. BENNET of New York. Mr. Chairman, I am very sorry that the chairman of the committee has taken that attitude. It seems to me that my inquiry was a perfectly proper one at this time. It is my recollection that I have applied before for a hearing, and the request seemed to me to be a simple one. Any committee has the right to refuse hearings, and any member of the committee has the right to say that he will vote to refuse a hearing. I do not know, of course, what attitude the committee will take, beside the chairman taking the attitude he has in regard to me, personally. If I thought my inquiry at this time would cause him any embarrassment or even indignation, I am very frank to say it would not have been made in this way. I simply wanted to get the information and felt sure that other Members of the House would. I think the bill itself is a good one, and that there ought to be that classification. Of course, as the chairman says, he can not be forced at this time to say what he will do or what the committee will do. I withdraw the pro forma amendment.

The CHAIRMAN. The clerk will read.

The Clerk read as follows:

For temporary and auxiliary clerk hire at first and second class post-offices, and temporary and auxiliary clerk hire at summer and winter resort post-offices, $240,000.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word for the purpose of making an inquiry. I want the gentleman in charge of the bill to explain what he means by the language on lines 17 and 18 on page 12, "temporary and auxiliary clerk hire at summer and winter resort post-offices," which attracted my attention, because I have had trouble about that summer resort question. A great many people from Nashville, my home, go to Mount Eagle Assembly, Tenn., which is a summer resort for church people principally. There are thousands of church people in Nashville and in Tennessee and all over the South, who attend this summer resort, and a great many have written to me asking about having a better mail service, for the people within the limits of these inclosed grounds. I have never been able to find any law or any regulation of the Department to cover that kind of a case.

Mr. OVERSTREET. May I inquire of the gentleman if there is a post-office in that particular place?

Mr. GAINES of Tennessee. Oh, yes; Mount Eagle, while not a large place, has three or four thousand people.

Mr. OVERSTREET. It is not important whether or not it is a first or second or third or fourth class office, because this applies to post-offices of all classes that are located at summer and winter resorts, where, during the resort season, there is an unusual amount of business at the office.

Mr. GAINES of Tennessee. I will state to the gentleman this, that the church premises, as they may be called, at Mount Eagle, are in an inclosure and the Mount Eagle post-office is on the outside. The association is maintained by people who, when they go there, must pay so much for a ticket. They are given summer tickets, and the tickets are punched when they go in or go out and return, so that when they go and get their mail these five or six thousand people on the inside of the premises have to have their tickets punched two or three or four times a day, going in and out. This is a great burden on the people who go there in these mountains, that splendid and beautiful place, to rest and attend church and lectures, and be quiet during the hot summer months that we have in that country.

They have asked me to try to get relief, and hence I have spoken about it. I have had requests from Colonel Shook, one of the officers, and from the late Major Thomas and Captain Pilcher, another officer, who live in Nashville, and a host of other people. I do think that the Post-Office Committee, or Congress, to be entirely general, should take up such cases and provide a law that at least a temporary rural carrier can be employed on the inside of these grounds. That is what I have been trying to get—to get some kind of a carrier who could come through and get that mail and distribute it among the acres of houses inhabited by 5,000 or 6,000 people. Now, then, you have an appropriation here for summer-resort and winter-resort post-offices. Will this appropriation cover that kind of a case?

Mr. OVERSTREET. I do not think it would cover the case where there would be a carrier appointed to carry the mail from the post-office out to this Chautauqua, or whatever the association may be.

Mr. GAINES of Tennessee. Now, then, there is another

trouble right there. That mail carrier will not go inside to take that mail, because he has to have a ticket, and the rule of the association, or the law, is that that ticket has to be punched. The Government will not send a man to carry the mail into such premises.

Mr. OVERSTREET. I do not think there will be any authority under this appropriation, either for the mail carrier or for the punching of the tickets.

Mr. GAINES of Tennessee. Is there any law on the subject that would relieve that kind of a case?

Mr. OVERSTREET. I do not think there is.

Mr. GAINES of Tennessee. Does not my friend think there should be?

Mr. OVERSTREET. I do not know. If an association, educational, religious, or otherwise, seeks to have an organization holding its meetings out from the towns or cities, within inclosures, requiring pay for tickets for patrons, I do not know that it is within the province of the Government to hire employees to carry the mail out to them or to pay for their tickets of entry.

Mr. GAINES of Tennessee. Just a moment. The Department will not let them have a post-office on the inside. They are obliged to go outside, and they are obliged to have the gate and the fence and the ticket charge in order to get a revenue.

Mr. OVERSTREET. How long does that organization continue?

Mr. GAINES of Tennessee. It continues from about the middle of April until about the 1st of October.

Mr. OVERSTREET. It is very difficult to frame a general statute covering all of that character of cases. There are undoubtedly cases of considerable merit, but when you come to frame statutes it is so complicated that it is almost impossible to do it satisfactorily.

Mr. GAINES of Tennessee. Does the gentleman think that there are enough Chautauquas in the United States—and that is practically what this is—to have what you might call a "Chautauqua law," or "Chautauqua service," or "Chautauqua statute," of some sort?

Mr. OVERSTREET. The gentleman will appreciate that is a pretty large subject, and you could not satisfy everybody.

Mr. GAINES of Tennessee. This is an assemblage of great and good people, Mr. Chairman, and they have repeatedly appealed to my colleague, as well as to myself, for relief. Many of my people go there, and they have called on me, very naturally, and they have called on our Senators. I know that my distinguished and able colleague [Mr. MOON] has had the matter in charge. We have conferred together. We do not find any law, and I challenge this matter to the attention of my good friend from Indiana [Mr. OVERSTREET] and the committee, that you may have the facts that I have stated in a hurried way before you, and I do hope sincerely that at an early date you may take this subject up and give relief.

The Clerk read as follows:

For allowance to third-class post-offices to cover the cost of clerical services in offices where the salaries of the postmasters range from $1,000 to $1,500, $500,000: *Provided*, That no allowance in excess of $200 shall be made where the salary of the postmaster is $1,000, $1,100, or $1,200; nor in excess of $300 where the salary of the postmaster is $1,300, $1,400, or $1,500.

Mr. HINSHAW. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee something about this item. There have been many communications received by all of us, I suppose, in reference to increase of salary or clerk hire for third-class postmasters. This is an appropriation in a lump sum, and I would like to know whether this will increase the salary of the third-class postmasters throughout the country, and how much?

Mr. OVERSTREET. Mr. Chairman, under the law there are four divisions of the third-class post-offices under which appropriation allowances are made to cover cost of clerical hire.

In offices where the salaries of postmasters are $1,000, $1,100, and $1,200 a year, not to exceed $200 may be allowed in any one office to cover the cost of clerical hire. In the second group, with $1,300, $1,400, and $1,500 a year salaries, a maximum of $300 may be allowed. In the third group, where the salaries are $1,600 and $1,700, an allowance may be made not to exceed $400, and in the fourth group, where the salaries are $1,800 and $1,900, an allowance not to exceed $500 may be given to cover the cost of clerk hire. The committee found upon inquiry that the appropriations that had been carried for some years were not sufficient to warrant anything like the maximum allowance in any of these cases to be granted, and in any event no great per cent could enjoy the maximum allowance.

Where third-class offices are just about ready to ripen into second-class offices the burden of work upon the postmaster of the office is almost as great as in a second-class office just after it has ripened from a third class. Therefore the allowance which the Government has made for the third-class post-offices of the higher classes just approaching the second class will greatly benefit them.

There is no great justification for a high allowance for clerical cost of the lower classes of the third class. Therefore the committee concluded this year to separate the total allowance for third-class offices into two groups, one group to be covered by offices of the third class, where the salaries of the postmasters are from $1,000 to $1,500, inclusive, leaving the schedule for those offices the same as it is now. That is, where the office is $1,000, $1,100, and $1,200, not to exceed $200 a year, and where the salaries are $1,300, $1,400, and $1,500, not to exceed $300 per year; but they make for that first division, covering these groups of third-class offices, an allowance of $500,000, and for the second of these divisions, covering the offices where the salaries are $1,600 to $1,900, inclusive, we make an allowance of $625,000. In the second division are the offices upon which will fall the heavy burden of the service in offices approaching the second class. An allowance of $625,000 is made for this group of offices. This will permit the maximum pay in offices of this division, where the salaries are $1,600, $1,700, $1,800, and $1,900 in over 90 per cent of such offices.

The appropriation of $500,000 for the lower grades of third-class offices will permit the maximum pay of $200 in the offices where the salaries are $1,000, $1,100, and $1,200, and the maximum of $300 where the salaries are $1,300, $1,400, and $1,500, in 59 per cent of the offices of that division.

The total appropriation has been increased by the committee by $325,000 over the current law. It is believed that relief is deserved in these third-class offices. It is believed further that the committee has made reasonable and perhaps adequate allowance to afford the proper relief.

Mr. RUSSELL of Missouri. May I ask the gentleman a question?

Mr. OVERSTREET. I was speaking in the time of the gentleman from Nebraska. I will take time in my own right.

Mr. RUSSELL of Missouri. I am interested as the Representative of my district in these third-class post-offices, and have had several letters from postmasters upon the subject now being considered. I desire to ask who it is that determines the pay that they are entitled to for clerk hire in the third-class offices?

Mr. OVERSTREET. Well, the law itself fixes the maximum allowance under the schedule which I have just explained. Then the First Assistant Postmaster-General determines the allowance upon the character and volume of the business of these respective offices.

Mr. RUSSELL of Missouri. I understand there is a minimum and a maximum allowance for that purpose.

Mr. OVERSTREET. The law fixes the maximum.

Mr. RUSSELL of Missouri. The postmaster in the particular town where I reside writes me that the receipts of the office approach very nearly to the amount that would make it a second-class office. That is, they are almost $8,000 a year, at which point I believe an office becomes second class; but under the law he has been permitted to receive only $360 a year for clerk hire.

Mr. OVERSTREET. I have just explained to the committee that the provision of the bill we are now discussing allows enough money to pay clerk hire to third-class offices, which would include the office that the gentleman refers to, a maximum allowance of $500 in 92 per cent of the cases.

Mr. RUSSELL of Missouri. That is the question I wanted to ask. My postmaster writes me—and I have the letter before me now—that he understands that the Postmaster-General or one of the assistants recommended an appropriation of $2,000,000, and he understands that this amount, if appropriated, would authorize the Post-Office Department to pay him an increased amount, which is, I think, in his case very just. I see by the provisions of this bill the appropriation asked for is only $1,125,000, and may even forbid the payment to third-class postmasters the present maximum rates.

Mr. OVERSTREET. No; the $2,000,000 recommendation carries with it a second recommendation, to repeal the schedules provided by law and give them a lump sum of $2,000,000 and let them fix their own maximum and minimum allowances. The committee has felt that it is well to maintain the schedule which the law has carried for some years, but has appropriated enough money, in the judgment of the committee, to permit the maximum allowance in the higher grade third-class offices in over 90 per cent of the cases.

Mr. RUSSELL of Missouri. The chairman of the committee, then, believes that this appropriation we are making will jus-

tify the Department in paying the maximum amount of clerk hire now authorized by law if the work justifies it?

Mr. OVERSTREET. To the extent of about 92½ per cent of the cases. It would not in 100 per cent of the cases, but if the appropriation is sufficient to pay the maximum in 92 per cent of the cases, why, naturally, there would be some offices that would not receive the full maximum, and perhaps they would not deserve the full maximum, while others would receive it.

Mr. RUSSELL of Missouri. Mr. Chairman, it seems to me, and it seems to my friends in my district, that there is an unjust discrimination in the payment to postmasters for clerical hire in the third-class post-offices, for the reason, as this gentleman writes me, that the receipts of his office are now about $7,000 a year, approaching nearly the place where it will be entitled to become a second-class office, and that he has been paid for clerical hire only $360 per annum. The maximum amount that he can receive, if this appropriation is sufficient to permit it, will be $500 a year; but with an increase of $1,000 in receipts in that office it would become a second-class office, and then the minimum allowance would be $1,300 for clerk hire. So it seems to me that there is, under the present law, an unjust disparity in the payment of the clerical hire in these different classes of post-offices. I was especially anxious to know whether this appropriation would justify or permit the payment of the maximum amount now allowed by law, which is $500, or $140 more than has heretofore been paid to the postmaster in my home town.

I desire to protest against this great and very unjust discrimination in the allowance for clerk hire in favor of the second-class offices and against the third-class offices, that in many cases do almost the same volume of business as the second-class offices. The same service deserves the same remuneration wherever performed.

Mr. CRUMPACKER. While the gentleman is discussing hardships in the service I want to suggest to him that in the town of Gary, in northwestern Indiana, there is a post-office of the fourth class. The emoluments of the postmaster are $999 a year, and it costs him $1,700 a year for rent, light, fuel, and clerk hire to administer the office. He still holds on to it. We hope in a few weeks that it will go into the third class. But that situation is extraordinary. The postmaster is paying out of his pocket $700 or $800 a year more that he receives from the Government, to handle the office. I think a special allowance has been made out of the "unusual" fund of $200. The officer in charge of the salary and allowance business at the Post-Office Department told me that that postmaster had been a little backward about coming forward. He said he recognized the fact that the situation at Gary was extraordinary, and he would send an inspector out and might possibly allow the postmaster a little more money. It will be a third-class office before long, and I suppose that now the postmaster receives his pay largely in the honor that comes to him in being postmaster of the town of Gary.

Mr. MANN. In the gentleman's district?

Mr. CRUMPACKER. Yes.

Mr. MANN. That is adjoining my district, and that is distinction enough for anybody. [Laughter.]

Mr. FINLEY. Mr. Chairman, I offer the following amendment, which I send to the desk.

The CHAIRMAN. Without objection, the pro forma amendment of the gentleman from Nebraska is withdrawn, and the gentleman from South Carolina offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Page 13, line 2, before the word "thousand," insert the word "twenty-five," so that it will read "$525,000."

Mr. OVERSTREET. I have no objection to that amendment, Mr. Chairman.

The question was taken, and the amendment was agreed to.

Mr. YOUNG. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from Indiana a question. Does the gentleman think there is any danger that this proviso as to the amount which may be allowed might be construed as a limitation upon the allowances other than those contained in this paragraph?

Mr. OVERSTREET. Not at all; it is impossible for it to be construed that way.

Mr. YOUNG. Has it been construed by the Department in the past?

Mr. OVERSTREET. I can not see how it is possible. For instance, a third-class office may have an allowance under the appropriation for separating the mails, and may have an allowance from the appropriation under the appropriation for unusual conditions. They are all different appropriations and under different conditions which may prevail.

Mr. YOUNG. The language is general—that "no allowance in excess of $200," etc.

Mr. OVERSTREET. It is a limitation on this particular appropriation contained in this paragraph.

Mr. YOUNG. Will the gentleman have any objection to an amendment, "*Provided*, That no allowance under this provision," and so forth?

Mr. OVERSTREET. I should object to that, because if that were permitted I should feel that it would be necessary to go to every other paragraph in the bill where it might be possible to construe it otherwise.

Mr. YOUNG. I understand the gentleman from Indiana to say that this has been practically construed in former bills as applying to this paragraph.

Mr. OVERSTREET. I know in a general way that the allowances to these offices are made from different funds.

Mr. YOUNG. And all taken together they exceed this limitation.

Mr. OVERSTREET. I have no particular case that I can cite directly, but I have not the slightest fear of any such a construction.

Mr. MANN. This has been practically the permanent law for years.

Mr. OVERSTREET. Yes. I understand the gentleman from Michigan to ask if the allowance has been made, where the total amount is in excess of this, in the schedule.

Mr. YOUNG. That is it.

The Clerk read as follows:

For rental or purchase of canceling machines, including cost of power in rented buildings, motors, repairs to motors, and miscellaneous expenses of installation and operation, $300,000.

Mr. KÜSTERMANN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

In line 12, page 14, amend to read as follows: "Eight hundred thousand dollars: *Provided, however*, That after the expiration of the present contract no canceling machines shall be used in any post-office unless the same shall be acquired by purchase."

Mr. OVERSTREET. I reserve a point of order.

Mr. KÜSTERMANN. A few days ago, Mr. Chairman, I referred to this matter of the renting of canceling machines and pronounced it a poor business method. I am in favor of all machines that may add to the efficiency of the work in any Department, but I protest against the renting of these machines. They ought to be acquired by purchase. As I stated the other day, there are now in use in the post-offices of the country 1,540 machines, at an annual rental of $256,920. They are now asking $300,000 for the same purpose.

Now, I find in looking over the report of three years back that these firms that have rented these machines have been good to us in some ways; they have not raised the rental except in a few cases, but they have not, whenever the number of machines in use has increased, lowered the price. I herewith submit a detailed statement showing the number and rental price each per annum of the several kinds of canceling machines contracted for by the Department for use in the fiscal years beginning July 1, 1904, 1905, and 1906:

Made by—	1904-5.		1905-6.		1906-7.	
	Number.	Rent.	Number.	Rent.	Number.	Rent.
International Postal Supply Co., New York, N. Y.:						
Hey & Dolphin "Flier"	250	$400	250	$400	254	$400
Hey & Dolphin model "S"	None.	-------	None.	-------	50	150
Hey & Dolphin model "L"	50	100	54	100	100	90
American Postal Machines Co., Boston, Mass.:						
Combination	64	150	120	150	225	150
Drop-feed	400	110	410	110	375	100
Hand-power	None.	-------	50	80	100	80
Columbia Postal Supply Co., Silver Creek, N. Y.	60	150	65	150	67	150
Barry Postal Supply Co., Oswego, N. Y.	75	150	75	150	71	150
Barr-Fyke Machine Co., Kansas City, Mo.	87	150	None.	-------	None.	-------
Time Marking Machine Co., Chicago, Ill.	None.	-------	None.	-------	6	300
Total	936	-------	1,024	-------	1,248	-------

As is shown in the foregoing statement, the American Postal Machine Company, of Boston, furnished in 1904 sixty-four machines of the so-called "Combination" at a rental of $150 a year. They are now furnishing 225 of the same kind and pattern at the same rental per machine, thereby making no reduction for a greatly increased number of machines. I say that we ought to buy these machines or not use them at all. We should return to the old methods of cancellation if the manu-

facturers of these machines continue to "hold up" the Government and demand exorbitant rental instead of permitting the Government to buy them outright. There is to-day in the Washington post-office a canceling machine doing good work which was procured from Europe, and it is being offered at outright sale for $800, while a similar machine is rented to us by some of these postal supply companies for $400 a year. I say it is high time to take steps to check this high-handed method of giving away the people's money.

I have in my amendment asked for an appropriation of $800,000 for the purchase of all machines necessary for the postal service, which is but $500,000 more than is asked for the mere rental of these machines. I believe that the $800,000 will buy every necessary machine, and that there will be quite a sum left over.

Mr. STAFFORD. Mr. Chairman, I took pains the other day to listen attentively to my distinguished colleague when he made his criticism of this item for the rental and purchase of canceling machines. I regret that I can not follow him to the extent that he recommended, that it would be more economical for the Government, even though it could not purchase these high-grade Hey & Dolphin "Flier" machines, for which we pay an annual rental of $400, to discontinue their use and place employees in the offices and have the stamps canceled by hand. Any person who is acquainted with the work of this expert machine, which is patented, must know that it would require very many men by hand to perform the work that is performed by this one machine, which cancels in the neighborhood of a thousand stamped envelopes a minute, and further, it would clog the mails of the large offices if we were to go back to the old days of having the poor grade machines for cancellation. There are five or six different makes in use in the Post-Office Department, but there is only one machine that has that high record, and the Department is forced to use it because of the congested conditions which confront the postal service during the closing hours of the mail in all of our large cities.

The Post-Office Department places these high-grade machines in the offices where they are most urgently needed. Take, for instance, the conditions in New York, Chicago, Boston, Philadelphia—in fact, any of the largest offices in the country—and the mail comes in during the hours from 4 to 6 in the afternoon in such quantities that it is imperatively necessary to use this exceptionally high-speed machine, else the mail of the country would be delayed in many instances just twenty-four hours in its dispatch. Any person who has visited the Chicago or the New York office at the closing hours of the day, when the mail comes in by tons—first-class mail, not newspaper mail—will know that it is necessary to have that mail dispatched to the respective routes as quickly as possible. It would be idle for any person to say that we should resort to the old-time methods of hand cancellation.

Now, what is the condition as to this Hey & Dolphin "Flier," for which we pay an annual rental of $400? Mr. Postmaster-General Wanamaker attempted to purchase these canceling machines, but the owners of the patents declined, and for a period of time they were withdrawn, I believe, if my recollection serves me right, for at least one year, by order of Mr. Wanamaker, in his efforts to compel the owners to sell the machines outright to the Government. The result was that the service was hampered, and Postmaster-General Wanamaker was forced to reinstall those machines, because it was urgently necessary to expedite sending the mails.

The Department has the privilege of purchasing under this item for rental or purchase, and if my colleague is acquainted with the conditions in the service to-day he knows that the Government has in its possession as owner certain low-grade machines, but it is absolutely impossible to get the right of ownership of these high-grade machines. What is the practical question before the committee and before the Department? Either to go back to an obsolete method and cancel stamps by hand or to use inferior grade machines that will retard the mail service, or by using these high-grade machines, over which the patentees have an absolute control, and obtain efficient and expeditious service.

Mr. SULZER. Mr. Chairman, I wish to ask the gentleman a question. How many of these canceling machines are now used by the Government?

Mr. STAFFORD. One thousand two hundred and forty-eight on February 14 of last year.

Mr. KÜSTERMANN. One thousand five hundred and forty.

Mr. STAFFORD. I beg to say that 1,248 machines were in use on February 14, 1907.

Mr. SULZER. How much rental a year does the Government pay for each machine?

Mr. STAFFORD. At the present time there are 1,540 machines in use, of which 259 are the Hey & Dolphin "Flier," for which we pay a rental of $400, amounting to $106,300; 72 machines made by the same company, known as model "S," for which a rental of $150 is paid; another model manufactured by the same company, model "L," of which 183 are in use, for which we pay a rental of $90; another made by the American Postal Machine Company of Massachusetts, known as the "Combination," of which 385 are in use, and for which we pay a rental of $150; another, known as the "Drop-feed" machine, made by the same company, of which 286 are in use, and for which we pay $100 in rental.

Mr. NORRIS. That is $100 each a year.

Mr. STAFFORD. Yes; each year. Another, known as the "Hand-power" machine, of which 215 are used, at $80 a year; another, manufactured by the Columbia Postal Supply Company, at Silver Creek, N. Y., of which 68 are in use, and for which we pay $150 annual rental. The Barry Postal Supply Company, of Oswego, N. Y., makes another, of which there are 62 in use, and for which we pay a rental of $150. Then there is a machine made by the Time Marking Machine Company, of Chicago, of which we have 10, and for which we pay an annual rental of $300. I wish to say that these lower-priced machines are the machines that do not cancel stamped letters and postal cards with any such speed as do the higher-priced machines, such as the Hey & Dolphin "Flier" and the time-marking machine manufactured at Chicago.

The speed of those machines is something like ten times, if my memory serves me correctly, of that of the lower-priced machines, the lower-priced machines being installed, as I stated a minute ago, in the smaller offices, and used during the slack times of the day in the larger offices. And I wish to say that under the contract of rental the owners of the machines are obliged to keep all the parts in repair.

Mr. SULZER. So I understand. But, Mr. Chairman, I wish to ask another question in this connection. I wish to know from the gentleman, if he has the information, whether any effort has been made on the part of the Government to purchase these canceling machines?

Mr. STAFFORD. The Government has in use to-day a number of canceling machines known as the "Doremus type," purchased many years ago, and which did not prove very efficacious in their operation. They are found at present in the smaller post-offices. The committee inquired of the First Assistant Postmaster-General two years ago when this matter was under consideration as to what efforts had been made to purchase these machines, and, as I recall, he said it was impossible to obtain by purchase any of these high-grade machines, because the owner of the patent absolutely refused to sell them. They still maintain the same position they maintained when Postmaster-General Wanamaker was at the head of the Department.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SULZER. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. STAFFORD. Postmaster-General Wanamaker, as I stated a minute ago, sought to force the owners of these machines to sell them, and they absolutely refused. They were withdrawn from the service for a period of at least a year, and the Department was compelled to have them put back in the service. And I would like at this moment to direct the attention of my colleague to the debates of three or four years ago, when he will see that at that time I called the attention of the House, when the matter was under consideration, to the difficulty that confronted the Department, and that the remedy was not by hampering the postal service and compelling the Post-Office Department to have the stamps canceled by hand, but by changing the patent laws so as to give the Government—not only in this case, but in any case—the right of appropriation at a reasonable compensation when it has use for any patented device. It is not the place here, and it is not the proper way, to seek by amendment something that might hamper the postal service and will cause millions and millions of letters to be delayed in their transit.

The very purpose of the whole service is to expedite the mail wherever it is practicable. We have established fast mail trains, for which we pay large compensation, so as to bring the mails to the large business houses twelve hours in advance of what it would be if they had the slower conveyance.

Mr. SULZER. Just a word. I am substantially in accord with the gentleman's remarks regarding a change in the patent laws. I have been on the Patent Committee of this House for several years, and I have advocated a change in the patent

laws, to the effect that when the Government gives a monopoly to an inventor, and the Government needs the invention for its own use, the Government shall have the right to use the invention at a reasonable consideration. But the question I want the gentleman to inform me about is this: I want to know whether an effort has been made to buy these machines from the owners, and if no attempt has been made, why it has not been made?

Mr. STAFFORD. I believe it was disclosed in the hearings, though I would not trust my memory absolutely on that fact—it was not brought out in the hearings this year, but I believe in prior hearings—that such an effort was made and the Department was unable to purchase the machines.

Mr. SULZER. Mr. Chairman, now another question. No doubt the gentleman has made careful investigation into this matter, and I would like him to tell us, if he can, whether, in his opinion, these rental charges are reasonable or unreasonable.

Mr. STAFFORD. If the gentleman wants to know my opinion about it, I will say frankly that the rental charge of this high-grade machine is more than I would say was compensatory, but it is the condition that confronts any user of a patented article that the patentee has the right to charge that rental which he can obtain for the service.

Mr. SULZER. In other words, the owner of these machines, on account of the Government granting him a patent, which is a monopoly, is charging the Government extortionate rentals.

Mr. STAFFORD. I would not say extortionate, but high rental, but only for one grade of machine, not for those where the rental is $150 or thereabouts, but merely for the high-grade machine.

Mr. SULZER. Then the gentleman's judgment is that the rents for some of the machines are exorbitant?

Mr. STAFFORD. Not exorbitant, but higher than they would be if there was no patent. The gentleman well knows that a patentee charges a higher price, as he has a monopoly in the manufacture and sale, than would be charged if no such privilege was granted him by the patent laws.

Mr. SULZER. Mr. Chairman, then it seems to me that the only remedy to prevent these high rentals by the owners of these canceling machines is to change the patent laws so the Government can use them at a reasonable rental charge; especially if the Government can not purchase the machines at a fair price. I indulge the hope that the officials having this matter in charge will give it careful investigation.

Mr. DRISCOLL. There is no difficulty, in extending patents, to protect the Government in these cases.

Mr. CRUMPACKER. I do not know as to that.

Mr. MANN. Will the gentleman from Wisconsin permit me to interrogate the gentleman from New York?

Mr. STAFFORD. I will, gladly.

Mr. MANN. Is the gentleman familiar with the bill reported from the committee of which he is a distinguished member, extending the power of the patentee against the Government under such restrictions——

Mr. SULZER. No; I know of no such case. I am opposed to it, and I hope the gentleman will stand by me in opposition to it.

Mr. MANN. It was not reported by the committee of which I am a member. It came from the committee of which the gentleman is a distinguished member.

Mr. SULZER. The bill has not been reported with my consent.

Mr. MANN. I hold the report in my hand [laughter], and for the benefit of the gentleman in order to help him along, I will say it is report No. 184, and I commend it to his consideration.

Mr. SULZER. Let me see it.

Mr. MANN. It is my copy.

Mr. STAFFORD. I was giving my views to the committee about the patent.

Mr. MANN. I want to get the gentleman from New York on my side on that bill.

Mr. SULZER. Mr. Chairman, I want to say to the gentleman from Illinois that he can count on me to be with him in opposition to the bill to which he refers. I am now, and always have been, opposed to any extension of a patent. I want to say that while I have been a member of the Committee on Patents I have always opposed, in season and out of season, any extension of a patent, because a patent is a monopoly, and I am opposed to any extension of a monopoly. I know nothing about the bill the gentleman refers to, but I trust when the bill comes up, if it does come up, that my friend from Illinois will help me defeat it.

Mr. DRISCOLL. What kind of a bill was it?

Mr. SULZER. I have just seen it, and will say that the bill was introduced by a distinguished Republican Member of this House [Mr. DALZELL] and reported by a Republican member of the committee.

The CHAIRMAN. To whom does the gentleman from Wisconsin yield?

Mr. STAFFORD. I yield to the gentleman from Indiana.

Mr. CRUMPACKER. I wanted to say something about the change of patent law. It looks to me like the Government is being held up by the manufacturer of these canceling machines; but there is no principle better settled in law than that an invention is property, and patent right can no more be confiscated or taken by the Government than any other class of property. I doubt the power of Congress to deprive any inventor of his rights.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OVERSTREET. I ask that the gentleman's time may be extended.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. May I ask the gentleman from Indiana, does he contend——

The CHAIRMAN. The gentleman from Wisconsin has the floor.

Mr. STAFFORD. I will yield to the gentleman half a minute.

Mr. MANN. Does the gentleman from Indiana contend that when the Government issues a patent that the patentee has any right or claim against the Government legally?

Mr. CRUMPACKER. Just the same as if the Government uses his horse, his house, or his farm. A patent right is property, and the man who makes an invention under the law that gives him a property right in it is protected as much in that as in any other class of property.

Mr. MANN. I do not propose to take issue with the gentleman on that, but I commend the opinion of the gentleman to the gentleman from Nebraska [Mr. HINSHAW], and I commend the report of the gentleman from Nebraska to the gentleman from Indiana, because in the report made to the House it states that the patentee has no legal claim against the Government, and it struck me as a rather unusual doctrine. I call that to the attention of the gentleman from Indiana, knowing that he is one of the greatest lawyers in the House.

Mr. CRUMPACKER. The theory of that report doubtless is that there is no remedy against the Government on the ground that you can not sue the Government. But it is well settled in all the civilized world that the inventor of an idea or a mechanism has property in his invention.

Mr. MANN. I was talking about a legal claim against the Government.

Mr. CRUMPACKER. And if a man has a legal right in the enjoyment of his own property he has a legal right to its protection. He has no remedy against the sovereign or against the Government, but his legal right exists nevertheless.

Mr. MANN. He has no legal right against the Government unless he has a legal remedy against the Government.

Mr. CRUMPACKER. He would have a legal right to enjoin the Government from appropriating his patent.

Mr. STAFFORD. I will have to decline to yield further. Now I yield to my colleague.

Mr. KÜSTERMANN. Mr. Chairman, I just wish to refer to one matter mentioned by my colleague as to whether or not the rental is an exorbitant one. The canceling machine now on trial in the Washington post-office and doing satisfactory work is offered by the European manufacturers at $800, and the American Postal Supply Companies are charging us for similar machines a rental of $400 a year, which I say is exorbitant in consideration of the fact that twice that sum purchases the machine outright.

They have in use in some offices another machine, a hand machine, that works quite satisfactorily, which was bought for $225, and we are paying $80 and $90 a year rent for a similar type of machine. Now, I say, if the manufacturers of the machines refuse to sell us them outright, it may cripple us for a little while, but it will bring the manufacturers to time, for they will not entirely destroy the goose that lays the golden egg.

Mr. STAFFORD. I wish to say, in reply to the gentleman, that Postmaster-General Wanamaker, for whom I have the highest respect, and during whose administration of the Post-Office Department more improvements were inaugurated than for a quarter of a century before, attempted that, and he found that it was not possible to force the owners of a patented article to sell those machines.

Mr. KÜSTERMANN. Just referring to the subject of the renting of canceling machines, I find that taking out those machines by Postmaster-General Wanamaker undoubtedly did

the Post-Office Department some harm, but it bankrupted the owners of the machines. If they do not want to do what is right, let them be bankrupted again. Let them throw the old machines on the scrap pile.

Mr. STAFFORD. That would compel us to sacrifice the interests of the postal service, delay the dispatch of letters twelve hours to twenty-four hours, in the larger offices, and may incur a loss of perhaps millions of dollars to the business men of the country, who demand and require the quickest possible mail dispatch. The gentleman's proposition is that if we can not purchase them we should hamper and injure the service irreparably, in order to prevent some company making a large profit, because it controls a patent. That is a policy to which I do not subscribe. The only possible and practicable remedy that I can see is to change the patent laws.

The CHAIRMAN. Debate on the pro forma amendment is exhausted. Does the gentleman from Indiana [Mr. OVERSTREET] insist on the point of order?

Mr. OVERSTREET. I insist on the point of order. It is clearly subject to the point of order in my judgment, because it in terms prohibits the rental of machines.

The CHAIRMAN. As the Chair understands the matter, the renting of machines is now authorized by law. This amendment would prohibit it. Therefore it is a change of existing law and in violation of the rule of the House which prohibits a change of existing law upon a general appropriation bill, and the Chair sustains the point of order.

The Clerk read as follows:

For compensation to ten assistant superintendents salary and allowance division, at the rate of $2,000 per annum each, and for their per diem allowance when actually traveling on business of the Post-Office Department, at a rate to be fixed by the Postmaster-General not to exceed $4 per day, and for other necessary official expenses, $34,600.

Mr. JOHNSON of South Carolina. Mr. Chairman, I move to strike out the last word. Two or three years ago I investigated this question of canceling machines and came to the conclusion that the Government was being held up by the manufacturers. I offered an amendment to the post-office appropriation bill, which did not prevail, and I want now to incorporate as a part of my remarks what was said in that debate. I do not believe, notwithstanding these machines are convenient, that the Government of the United States ought to permit itself to be held up in any such style. I hope that before the next appropriation bill is made up the post-office authorities will inquire and will be able to report to the Committee on the Post-Office and Post-Roads what rental is paid in Great Britain, Germany, France, and other great countries for the use of canceling machines.

The debate referred to is as follows:

Mr. JOHNSON. Mr. Chairman, in Document 383, second session Fifty-eighth Congress, there is a very interesting story about the canceling machines rented and purchased by the Government. The First Assistant Postmaster-General testified before the Committee on the Post-Office and Post-Roads that the Department had endeavored in making rental contracts with the owners of these machines to incorporate in the contracts a clause giving the Government the right to purchase. He further stated that all of the companies had refused to incorporate this clause in their contract. There are two parties who can play the hold-up game. Some of these canceling machines are rented to the Government for as much as $400 a year. This document which I hold in my hand shows that canceling machines were rented in some instances for more than twice what it costs to construct them. There are about eight companies making canceling machines.

Mr. NORRIS. Will the gentleman permit an interruption?

Mr. JOHNSON. Yes.

Mr. NORRIS. If your amendment does not prescribe any method by which the amount of the purchase price of a canceling machine shall be fixed, what real benefit would it be to the Government to have that kind of a stipulation in the contract, because the owner of the machine could fix the price at such a figure that the Government could not purchase it? It seems to me that in order to make your amendment effective it ought to contain some provision by which the price of the canceling machine should be arrived at.

Mr. JOHNSON. That is a very happy suggestion, and I shall be glad to accept any amendment which will effect what I am trying to accomplish. Of course the machines are of different prices, and the rentals are different. The purchasing price would be different; but I assume that under this provision, if it were adopted, the Post-Office Department would not insert a clause in the lease to purchase, except at a figure they were willing to pay, if they decided to purchase.

Mr. NORRIS. Just from hearing your amendment read, as I understood it, the Post-Office Department would not have that authority. The man who owns the machines could put in any figure he saw fit, which would nullify what you are trying to reach.

Mr. JOHNSON. As I have already stated, if the amendment as drafted is not sufficient to accomplish the purpose, let us so draft it that it will accomplish that purpose. These companies making the canceling machines are renting them to the Government at exorbitant prices. They refuse to sell because the Government pays them an annual rental that in most cases, I dare say, would be a handsome price for them if they were selling the machines outright.

The CHAIRMAN. The gentleman's time has expired.

Mr. JOHNSON. I hope the House will give me five minutes more.

The CHAIRMAN. The gentleman asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. JOHNSON. This is a business proposition. It seems to me that if we provide in the law that these gentlemen can not rent their machines to the Government unless they are willing to meet the Government on a fair, equitable, conscientious basis, that we will accomplish our purpose. The Government is not obliged to rent any one of these machines. If these people are made to understand that the Government will no longer be held up by them, they will come to terms, because there can be no other purchaser and no other renter in the United States. I hope that the Committee on Post-Offices and Post-Roads will consent to incorporate this amendment into their bill, and trust before the next session of Congress we will have from that committee information as to the cost of these machines, and then we can legislate more wisely and understandingly on the question.

Mr. KENNEDY of Nebraska. Will the gentleman permit me to ask him a question?

Mr. JOHNSON. Certainly.

Mr. KENNEDY of Nebraska. Does the gentleman know whether or not any of these canceling machines are for sale at any price, or do the manufacturers lease them and refuse to sell?

Mr. JOHNSON. The Government has purchased in years past a large number of machines, as shown in this document, but the First Assistant Postmaster-General, in testifying before this committee that was making up this particular bill, stated that he was unable now to purchase or to get the companies to insert an option to purchase in the leases. I want to fix it so that if they are not willing to deal with us fairly they can not deal with us at all.

Mr. KENNEDY of Nebraska. Then, as a matter of fact, the manufacturers are holding the Government up and getting almost the entire price out of each machine each year?

Mr. JOHNSON. I think so.

Mr. MANN. This matter was thrashed out in the House some years ago at great length. I am rather in sympathy with the gentlemen who believe that the Post-Office Department ought to own these machines, but the mere statement that a machine costs so much and that the rental is so much has nothing to do with the case. We pay a great deal more for the care of a horse per annum in the Post-Office Department than the horse is worth, but that is no test. The decrepit cripples that deliver the House mail are under the absolute control of the House itself, not under the Government, but the House, and we pay something over $400 for the use of those cripples hauling the mail wagons around. It might be possible that some distinguished gentlemen who are anxious for reform would wish to provide that the Government should own the horses. Now, it may be contended that you can keep a horse for no less than that.

There are 600 horses and mules in the control of the Isthmian Canal Commission on the Isthmus. The Commission reports that last year the average expense for taking care of these horses and mules, including the charges for labor, forage, and miscellaneous items, was about $110 per horse. They asked for bids to see what it would cost to keep the horses, and the least bid they received was $450 per year per horse.

Mr. GAINES of Tennessee. Who bid?

Mr. MANN. The proposal was received from a contractor of the United States who had had considerable experience in similar work in Central America, and he proposed to keep the horses for $450 apiece, as against $110 which it was costing the Commission. But that does not signify anything as to whether it would be to the advantage of the Government or the House to own the horses. We are paying in Chicago $380 for the use of a horse and wagon, a little collection wagon; it is a great deal more than the horse is worth. It might be far cheaper for the Government to buy the horses. Certainly there would not be the same difference in that value that there is in regard to the machines, and it is far better, in my judgment, to rent the high-grade machines that require the most careful handling and are so liable to get out of order, and require the renter to keep them in order, than it is to rent the horses. It is not much trouble to take care of a horse, especially the kind of horses and the kind of care that are in the service of the Government. It is a great deal of trouble to take care of these machines.

Mr. JOHNSON of South Carolina. Can the gentleman state how much it costs to take care of one of these machines a year?

Mr. MANN. I do not know what it costs. The people who furnish the machines keep them in repair.

Mr. DOUGLAS. It does not cost half as much for them to keep them in repair as it would cost the Government.

Mr. MANN. No; not if they were used and taken care of by the Government. If they were used and taken care of by the post-office employees, it would cost probably ten times what it costs now. These clerks are not qualified for the work, they are not selected for the work, and while undoubtedly in the long run it may be desirable to have the Government own machines that are not too intricate and too highly organized and can be run easily, it is out of the question, in the postal service that we have now, to have these machines taken care of and repaired by Government clerks at any less cost than is now done.

Mr. HUGHES of New Jersey. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. HUGHES of New Jersey. What would the gentleman say to a proposition to have the Government purchase the machines with a guaranty on the part of the maker that the maker keep the machines in repair?

Mr. MANN. That is an impossible proposition, in my judgment. I think it would be desirable for the Government to purchase some machines and operate them and see how it compares in cost with those that we rent. We can only ascertain by experiment, but to do away with the machines, as suggested by the gentleman from Wisconsin [Mr. KÜSTERMANN]—there isn't half room enough in the Chicago post-office building today to furnish the tables and the places for the clerks to stand to cancel the mail that goes through that office, if the canceling machines were done away with.

Mr. GAINES of Tennessee. How much does the Government pay for rent now?

Mr. MANN. The gentleman from Wisconsin has stated $80 to $400 apiece.

Mr. GAINES of Tennessee. How much in all?

Mr. MANN. The appropriation is $300,000 proposed in the bill.

Mr. CRUMPACKER. The gentleman from Illinois will admit that there isn't room enough in the Chicago post-office recently constructed for the proper administration of the postal work, even with the canceling machines.

Mr. MANN. There is not room enough in that part of the building devoted to postal service, but I say there isn't room enough in the whole building devoted to all the services to furnish means to cancel all the mail by hand.

Mr. JOHNSON of South Carolina. Mr. Chairman, I withdraw my pro forma amendment.

Mr. STAFFORD. Mr. Chairman, I want to say in answer to the gentleman from Tennessee [Mr. GAINES] that the whole amount, the aggregate expenditure for canceling machines last year was $256,920.

Mr. GAINES of Tennessee. For how many machines?

Mr. STAFFORD. Fifteen hundred and forty.

Mr. GAINES of Tennessee. How long have we been paying that?

Mr. STAFFORD. That has been the practice for more than a decade.

Mr. WANGER. Mr. Chairman, the pending paragraph provides for compensation to ten assistant superintendents, salary and allowance division, and as I understand it, the principal duties of these officials are similar in nature to those of inspectors, and there does not seem to be any very good reason why they should not be included in the regular inspection force of the Post-Office Department. I have been informed by my friend the chairman of the committee, the gentleman from Indiana [Mr. OVERSTREET], that it is in consideration to consolidate all the inspection officers of the Post-Office Department in one force under the immediate direction of the Postmaster-General in the reorganization of that Department, and I simply rise at this time to express my firm conviction that that is called for by the best interests of intelligent and efficient administration. There is much of the work of the Post-Office Department that ought to be administratively audited, which is not usually done. Sometimes when it is, it is but feebly done, and this in the bureau in which the work is performed, by the very officers who have conducted it, and if they are in error as to their methods or functions under the law, that error attaches to their audit and review, and there is no correction or chance for correction.

If officers or employees under a different chief were brought in to audit that work, there might be a different result. Take, for example, all these large special allowances that are made to different post-offices in the country, aggregating hundreds of thousands of dollars. The basis for determining those allowances is fixed by the Postmaster-General in a general rule and each particular allowance is calculated and declared in the bureau or division to which it appertains, and is reviewed by nobody outside. Nominally it must be approved by the Assistant Postmaster-General under whose direction the division is, but practically, as all know, the Postmaster-General and the Assistant Postmasters-General can not give attention to that sort of detail, and it was because of that absence of review of these and similar matters that the abuse of powers in the division of salaries and allowances grew a few years ago under the then superintendent who became general superintendent, and subsequently went to prison. There is no different provision at this time for reviewing the work of that division from what there was in those days. The only additional guaranty, as I understand it, that the Department and the country has that those allowances are being honestly made is in the personality of the official who is at the head of the division. He undoubtedly justifies the confidence reposed in him, but however honest he may be, he may also be liable to error and there ought to be somebody, as I have suggested, from outside of that division to review all the action taken in apportioning allowances to different persons and different officers, and in like manner the accounting in other divisions should be audited by persons not in those respective divisions.

I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. WANGER. The Auditor for the Post-Office Department accepts, and under existing law is probably bound to accept, as conclusive the allowance by the Postmaster-General to any postmaster within the limits of an appropriation. He has no means for determining, and apparently it is not his function to determine, whether the allowance is in conformity with the rule established under which the allowance was made; and hence it was in the case of the Kansas post-office—where under the rule of the Department an allowance of only $80 was permissible, the postmaster was annually paid $500—that the crime was not discovered and its repetition after the first year prevented by the Auditor.

The chief inspector has a fund, often exceeding $40,000 and rarely falling below $25,000, of moneys officially received and disbursed, deposited in the interim in a national bank selected by one of his predecessors with the supposed approval of the then Postmaster-General, the accounts of which are seldom examined save upon a change of incumbents and then by those who have served under the outgoing and hope to serve under the incoming chief. If this fund is to be under the continual control of the chief inspector and not be required to be deposited in the Treasury, good administration would suggest quarterly audit by accountants in no sense beholden to the person most vitally interested in the result of the audit. Further illustrations might be given, but these sufficiently illustrate the importance of effectively providing for the enforcement of the principle.

Possibly the Postmaster-General will provide regulations to meet most of these contingencies, as he has for many others, but regulations are only temporary, and such essentials of safety should not be neglected in legislation.

The Clerk read as follows:

For pay of letter carriers at offices already established, including substitutes for carriers absent without pay, city delivery service, $26,650,000.

Mr. GOEBEL. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Line 22, page 14, strike out $26,650,000 and insert in lieu thereof $27,835,000.

Mr. GOEBEL. Mr. Chairman, this is the amendment that I promised my colleague [Mr. OVERSTREET] I would present, with a view of increasing the salaries of letter carriers. The amendment, if adopted, will promote approximately 11,200 city letter carriers, and that would require an appropriation of $1,120,000 and would promote about 1,300 carriers now receiving either $1,000 or $1,100, and that would require an appropriation of about $65,000, so that the total increase, as proposed by my amendment, will be $1,185,000.

Mr. CRUMPACKER. Will the gentleman allow me to ask him a question?

Mr. GOEBEL. Yes.

Mr. CRUMPACKER. Will simply increasing the amount appropriated operate in and of itself as a promotion of these various classes of carriers?

Mr. GOEBEL. It will take those who are now in the $1,100 grade and promote them to the $1,200 grade.

Mr. RYAN. It will promote them, but will it require it? Will it make it mandatory?

Mr. GOEBEL. It will make it mandatory. It makes it mandatory whenever we make the appropriation. On yesterday my colleague [Mr. OVERSTREET] and I did not agree in reference to the classification relating to clerks. I think we do agree that up to last year there was no classification of letter carriers in first-class offices. All letter carriers up to that time received $1,000. Last year we created six grades. One of the grades was $1,100, and the next higher was $1,200. We also made sufficient appropriation to cover the $1,100 grade, so that during the present fiscal year letter carriers who had been receiving $1,000 and had been in the service for a year were raised to the $1,100 grade. Now, then, this year the committee failed to recommend and include in the appropriation bill a sufficient amount of money to raise the $1,100 carriers into the $1,200 grade. The object of my amendment, therefore, is to raise these carriers from the grade of $1,100 into the $1,200 grade.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. GOEBEL. Yes.

Mr. FITZGERALD. Why has not provision been made for the increase provided by law?

Mr. GOEBEL. That is exactly what I have been endeavoring to find out.

Mr. FITZGERALD. The gentleman is a member of the committee, and I thought perhaps there was some general policy involved, and he might give the information to the committee.

Mr. GOEBEL. I can only say to the gentleman from New York that the reason urged by the chairman of the Post-Office Committee, and I may say acquiesced in by a majority of the members of that committee, was that this year there ought to be no increase, for the simple reason that the postal receipts have decreased, and that the conditions of that Department relating to receipts did not warrant or justify this appropriation.

Mr. HITCHCOCK. Will the gentleman yield?

Mr. GOEBEL. Yes.

Mr. HITCHCOCK. I would like to ask the gentleman whether it was not intended when the bill was passed by the last Congress creating this $1,200 class of letter carriers that some of the $1,100 class should be promoted into it, and whether it was not also intended to appropriate enough money for that purpose?

Mr. GOEBEL. I want to say to the gentleman that that was my understanding, and I believed at the time that this year we would make the appropriation for the $1,200 grade.

Mr. SULZER. Mr. Chairman, I think the amendment should be agreed to. It is only fair and just to the letter carriers.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GOEBEL. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RYAN. Mr. Chairman, may I ask the gentleman a question?

Mr. GOEBEL. In just a minute.

Mr. HITCHCOCK. Then, it is the understanding of the gentleman from Ohio [Mr. GOEBEL], who was a member of this committee, that the committee intended to create a $1,200 class of carriers and intended to appropriate enough money to pay those $1,200 carriers?

Mr. GOEBEL. I do not want to be misunderstood by the gentleman. He probably goes too far when he says it was the understanding of the committee. I did not mean to say that that was an understanding by the committee, but what I do mean to say is that I thought there was an understanding.

Mr. HITCHCOCK. Then the gentleman has no assurances and no evidence that the committee intended when it created this $1,200 class of carriers to provide any means for any men to get into that class?

Mr. GOEBEL. I had no assurance from that committee. But manifestly it was the intention of that committee at that time in creating this $1,200 class that at the proper time Congress would make an appropriation for that class.

Mr. HITCHCOCK. Did not the bill provide that the proper time should be the 30th of June, 1907?

Mr. GOEBEL. No; not necessarily.

Mr. HITCHCOCK. Let me read to the gentleman:

> That after June 30, 1907, clerks in offices of the first and second class, and carriers in the city delivery service, shall be divided into six grades, as follows.

Then the grades are specified, including the $1,200 class of carriers and clerks. So that the proper time to have begun the promotion of these $1,100 carriers into the $1,200 class was on the 30th of June, 1907?

Mr. GOEBEL. Not necessarily. You may create a class and fail to make an appropriation for it, and it would not go into effect.

Now, it was thought advisable last year to create these two classes, but it was also thought advisable that there should be an appropriation made sufficient to carry into effect the $1,100 grade, leaving it for the present Congress to make an appropriation so as to include the $1,200 grade.

Mr. HITCHCOCK. Then the gentleman amends his former statement and now avers that it was not intended in this bill, which created a $1,200 class, to make any provision for any men to get into that class?

Mr. GOEBEL. No; I do not want to be understood as amending my statement. I want to be understood that the $1,100 and the $1,200 grades were established with a view of making an appropriation at some time to cover the two classes, but that under certain conditions then existing it was advisable that there should be an appropriation simply for the $1,100 grade, and that the following year, to wit, this year, we might follow it up by making an appropriation for the $1,200 grade.

Mr. HITCHCOCK. Let me ask one more question, if the gentleman please. Is there any provision in the present bill for the promotion of a single carrier into the $1,200 class?

Mr. GOEBEL. None. And my amendment provides and will place them in this $1,200 class. That can not be done unless you make the necessary appropriation. So that the creating of the $1,200 class is of no force unless you make the appropriation.

Mr. MANN. Does the gentleman's amendment provide funds sufficient to advance all of the carriers now receiving $1,100 to the $1,200 class?

Mr. GOEBEL. Yes, sir; and I have the figures. I received them from the Post-Office Department.

Mr. SULZER. And that should be done.

Mr. MANN. What is the number?

Mr. GOEBEL. Does the gentleman mean the amount?

Mr. MANN. The number of carriers.

Mr. GOEBEL. Eleven thousand two hundred.

Mr. RYAN. In the law enacted last year, following up the language that was read by the gentleman from Nebraska, it goes further and says:

> Clerks and carriers in first-class offices shall be promoted successively to the fifth grade.

It provided a sixth grade, but no means of promotion to that grade.

Now, then, even if you do provide the money necessary to carry into effect the original intention of the law, can you make any promotions to that grade unless you amend the act promoting clerks in the paragraph of last year alluded to?

The CHAIRMAN. The time of the gentleman has expired.

Mr. DOUGLAS. I ask unanimous consent that the time of the gentleman from Ohio may be extended.

There was no objection.

Mr. GOEBEL. I can not answer the gentleman whether that would require an amendment. I am inclined to think it would not, because they go automatically into that grade, and the appropriations cover that grade. If I am, however, mistaken my colleague [Mr. OVERSTREET], will correct me. I am inclined to think it requires no amendment.

Mr. RYAN. I think it does.

Mr. GOEBEL. I will be very glad to answer any further question.

Mr. GOULDEN. I would like to ask the gentleman if he is quite confident that the very fact of making this appropriation proposed by his amendment will carry into effect last year's legislation?

Mr. GOEBEL. Yes, sir; I am absolutely sure.

Mr. CRUMPACKER. Does the gentleman's amendment affect carriers in the cities below 50,000?

Mr. GOEBEL. It only applies to first-class offices.

Mr. KELIHER. Mr. Chairman, I offer a substitute.

The Clerk read as follows:

> On page 14, lines 22 and 23, strike out the words "twenty-six million six hundred and fifty thousand dollars," and insert in lieu thereof the words "twenty-seven million two hundred and forty-two thousand five hundred dollars: *Provided*, That of the amount herein provided not less than the sum of $592,500 shall be expended for increasing the salaries of 50 per cent of the carriers in the city delivery service who shall be promoted after June 30, 1908, from the fifth to the sixth grade in a manner to be prescribed by the Postmaster-General."

Mr. OVERSTREET. Mr. Chairman, I reserve a point of order against the amendment because I could not hear all of it read. It may not be subject to the point of order.

Mr. KELIHER. Mr. Chairman, my amendment aims at the same object as that of the gentleman from Ohio, except that I provide by my amendment for the advancement of 50 per cent of the carriers now eligible, by virtue of being in the $1,100 class, to the $1,200 grade. I am in accord with every syllable uttered by the gentleman from Ohio. When the Fifty-ninth Congress closed its business last year every man in this House, with the exception of a very few, was under the impression that when we created the $1,200 class of carriers we had placed a live statute upon the book. When we had gone to our homes and conveyed that welcome news to the carriers of the country, who were entitled to and who expected that promotion, that they would receive it, and later found that the increase did not materialize, we were as much disappointed as the expectant carriers. I take this, the first opportunity which is afforded, to ask the House to keep faith with the betrayed carriers of the country.

Now I am heedful of the caution of the chairman of the Committee on Appropriations about the condition of the Treasury; but last year, when the Treasury was fairly bulging, when you

had a surplus of $90,000,000 and the nation was the richest in its history, and abundantly able to do so, you did not carry out the provision of law that you had enacted; you do not keep faith with this class of employees, which is the most useful, industrious, and faithful in the Government service. [Applause.]

Now, Mr. Chairman, my amendment calls for an appropriation of $592,500 and prescribes that the promotions shall be made and how they shall be made. The bill drawn last year was a mere makeshift. I contend that it was not honestly drawn and not reported in an honest spirit to this House, and that we voted for it under a misapprehension. Mr. Chairman, we thought we were going to increase these salaries, but as I said though we thought so, we did not, through no fault of our own. [Applause.]

Mr. MANN. Will the gentleman permit me to ask him a question?

Mr. KELIHER. Yes, sir.

Mr. MANN. Why does the gentleman propose now to increase the salaries in only 50 per cent of the cases, instead of joining the gentleman from Ohio, who increases them all?

Mr. KELIHER. Because I do not want the House to declare that, owing to the present depleted condition of the Treasury, it would be inadvisable to extend its provisions to the 11,200 men now in the $1,100 grade. This grade at present is the limit. If you do not take care of them now, the time will come when this grade will become so choked by the mandatory promotions from the lower grades that we will be unable to get the stupendous appropriation that will be required to care for all those eligible for advancement, therefore I believe that half a loaf at this time is better than none.

Mr. MANN. If the gentleman thinks we have made a promise, why does he not keep to the whole promise?

Mr. KELIHER. If the gentleman, who is all-powerful in this House, will join with me in support of the measure, I shall be willing to withdraw my substitute and follow him in the attempt to provide for all. [Applause.]

Mr. MANN. The gentleman from Ohio [Mr. GOEBEL] has already proposed an amendment.

Mr. KELIHER. Yes; but notice has been served from the Republican side of the House upon the gentleman from Ohio (it was served yesterday) that he could not expect it. Now, I want to say if they will give us half a loaf it will be better than none. If not, I shall offer an amendment which will provide for an increase of 25 per cent of them and see whether you intend to keep faith and keep certain promises that you made to the carriers last year. [Applause.]

Mr. MANN. The gentleman himself does not propose to keep faith. He only proposes to keep half faith. The gentleman from Ohio, at least, proposes to keep faith.

Mr. KELIHER. I am attempting to breathe a little life into a dead statute; that is what I am going to do, and I feel that I can do it. You on the other side put a statute on the books and then strangled it. You created the $1,200 class and then starved it to death by not providing an appropriation to sustain it. [Applause.] You pass my amendment to-day and promote 50 per cent next year, and if the distinguished gentleman from Illinois [Mr. MANN] will follow me with a raise of 50 per cent more, that will accomplish all that we hope to accomplish, and there will be satisfaction on the part of the carriers of the country. But you played politics and you have not made good, and I propose to-day to restate it, as my honest opinion, that when Members of this House and members of the coordinate branch reached their homes last spring they told the carriers that they had been provided for; but they have not got the money, and there is not one $1,200 carrier in this country, although there is upon the statute book a law providing a $1,200 class. There is not one $1,200 carrier in all America, and I will withdraw my amendment if the distinguished chairman of the committee will state that I have erred in that statement. [Applause.]

Further on in the act of last year, the one that teemed with deceptions, you provided that clerks and carriers of the highest grade in their respective offices were eligible for promotion to the higher positions in said post-offices. You held out the hope to the carriers of the country that they might by fidelity and efficiency aspire to higher offices in the post-office service. Then you built an insurmountable barrier to that ambition by preventing them reaching the highest grade under the law, from which they were to be advanced. What was the meaning of that? This was more than an ordinary mistake. There was deliberation; there was careful study in the wording of that bill! The demand from the country was so great that you had to give heed to it.

When you did, you did not do so honestly. You created the office and you provided for the increase that public sentiment demanded, and then you prescribed that the prospective beneficiary should rise grade by grade to the $1,100 class, but when that grade was reached, you stopped him. You choked his advance. There was lamentable lack of faith in that action. Now, the gentleman from Illinois [Mr. MANN] is apprehensive lest I am not doing what I should do for this class of carriers.

If he will join me in a movement, all powerful that he is in this body, to provide for all the carriers that are eligible, I will willingly and gladly withdraw my amendment and support the one offered by the gentleman from Ohio. [Applause.]

Mr. BENNET of New York. I should like to recite a little history of the last Congress. In the first place, this particular classification feature was not reported from this House at all in the shape in which it now appears, but was agreed upon as a compromise between the House and Senate in conference. I am not going to let any temporary exasperation that I may feel or ought to feel toward the chairman of the Post-Office Committee, because of the rather brusque reply he made to me a while ago, make me do him any injustice. I want to say that he and his fellows in that conference did more for the carriers last year than had been done, so far as I have been able to find out, in the forty years preceding. I am going to do him the further justice of assuming that when he agreed to that $1,200 grade he meant, so far as he could, in normal times, to follow that up with an appropriation sufficient to send the carriers to the $1,200 grade. The position he takes is that this is not a normal year. Now, I want briefly to disagree with him to this extent: The fiscal year to which this appropriation will apply will not commence until the 1st of July.

Mr. RYAN. Will the gentleman permit an interruption?

Mr. BENNET of New York. Certainly.

Mr. RYAN. Does the gentleman believe that when this law was enacted last year it was seriously intended to allow the carriers $1,200 this year?

Mr. BENNET of New York. I do not quite understand my colleague's question, but I will state my belief.

Mr. RYAN. I want to put my question plainly, so I will not be misunderstood, because I want to follow it up with another question. I want to ask the gentleman, does he believe it was seriously intended that on the 30th of June, 1908, the carriers in the fifth or $1,100 grade should be promoted to the sixth grade and receive $1,200 a year?

Mr. BENNET of New York. I believe it was seriously intended that every $1,100 carrier should get $1,200 beginning on the 30th of June, 1908.

Mr. RYAN. That is the sixth grade. Now, then, I would like to ask, further, why was it that this language was contained in that very paragraph, "that clerks and carriers at first-class offices shall be promoted successively to the fifth grade, carrying $1,100," and nothing said about the sixth grade, carrying $1,200?

Mr. BENNET of New York. Because, frankly replying to my colleague, I will say that legislation is a compromise. There were other demands upon the country. The automatic promotion scheme of carriers had never before gone above $1,000. We were able by proper argument to show to the conferees that justice demanded that it ought automatically to go to $1,100 and that the House ought to have the right to put it up to $1,200.

Now, I want to say to the chairman of the Post-Office Committee that I realize his great responsibility and the great responsibilities of his committee. I sympathize with their frame of mind when they drew up the bill. But, if you take the city of New York as an index—and everybody on the floor has said that the recent financial panic has struck us harder than anywhere else, everybody getting up and saying that no bank closed in his district—if you take us as an index of the worst, we will not have any trouble after this fiscal year, because while the postal receipts fell off 6 per cent in January, they only fell off 3 per cent in February and are falling off less in March than they did in January, February, and March of the corresponding months last year. So when it comes to the 1st of July we are going to have a normal year, and I appeal to the gentleman from Indiana and his colleagues on the committee, believing that it was his intention and the intention of the conferees that if the succeeding financial year was a normal year the carriers would go from $1,100 to $1,200. Now, this is going to be a normal year, and I ask them to come up to the times. I will concede that the committee had a right to be pessimistic at the time they drew the bill, but now we are to be all right, and they ought to come up to it.

Mr. KELIHER. Will the gentleman yield?

Mr. BENNET of New York. I will.

Mr. KELIHER. Is it not a fact that the condition of the

country was more prosperous than it ever was before in its history when we voted the amendment, which we expected was a live one and not a dead one?

Mr. BENNET of New York. The gentleman from Massachusetts is as competent to judge of history as I am.

Mr. DOUGLAS. Why does the gentleman from New York appeal to the chairman of the committee instead of to the House to pass his amendment?

Mr. BENNET of New York. Well, I will appeal to both; but I have found in my brief experience that if you have the committee with you it is easier to get the amendment through. [Laughter.]

The CHAIRMAN. The Chair will state that debate is exhausted except by unanimous consent.

Mr. OLCOTT. Mr. Chairman, I want to speak a moment or two in connection with this matter. I think we all consider the question of the pay of clerks and the pay of carriers in the post-office on a wrong basis. The Post-Office Committee, in my opinion, considers this great appropriation bill from a wrong basis. It is the only appropriation bill where we feel hurt if we do not make a profit on the business we do. We are striving, perhaps properly, to reduce the annual deficit so as to show that the postal business of the country is running at a profit. That is not what the postal business should be run for. It should be run, as all of the other great Departments are, for the protection and, in the case of the postal service, for the convenience of the inhabitants of this country.

The difficulty about it is that we have foisted on the Post-Office Department an enormous item of expenditure that should be charged against the other Departments. The carrying of mail and merchandise for all the Departments should not be charged against the post-office appropriation, but there should be some system of bookkeeping so that the charge for transportation of the mails for the War Department should be charged to it and should be taken from that appropriation and not from the post-office appropriation. It seems to me that a statement of these facts carries belief that the principle is wrong, and then it ciphers itself down to the fact that we make the people least able to afford it pay for the expenses of the transportation of all the mail for all the Departments of the United States.

Mr. GOULDEN. Will the gentleman yield for a question?

Mr. OLCOTT. Certainly.

Mr. GOULDEN. I would like to ask the gentleman if he can give any idea of the cost of the franking privilege for the various Departments?

Mr. OLCOTT. I have not the slightest idea. I have attempted to obtain that information, but I have never been able to find that any record was taken.

Mr. GOULDEN. The gentleman spoke of it, and I thought perhaps he had the figures.

Mr. OLCOTT. I am only speaking of it with the knowledge that I as anyone else must have of mail matter from this House alone, to say nothing of the Departments.

Mr. MANN. Can the gentleman give us any information as to the value of the franking privilege to a Member of Congress?

Mr. OLCOTT. I can not. I can tell the gentleman how many letters a day I write on Congressional business.

Mr. MANN. The value of the franking privilege, I said.

Mr. OLCOTT. I usually consider that when I write a letter on official business the country is benefited to the extent of the 2-cent stamp, or I would not have written the letter.

Mr. MANN. The gentleman knows that probably he does not write a letter, but that he sends out two or three documents with it.

Mr. OLCOTT. Oh, I generally try to find documents that emanate from the gentleman from Illinois, and I know that they are worth all that they cost.

Mr. MANN. Oh, they may be worth it to the gentleman from Illinois——

Mr. OLCOTT. They are worth it to the constituents, because they get such good gospel from the gentleman.

Mr. MANN. I think the gentleman who talks about what the franking privilege is worth to the Government would find that the Members of the House might give some testimony on the subject. The gentleman probably keeps some kind of an idea in his head as to what his franking privilege is worth, and other Members do. Why can not the Members of the House dispose of the franking privilege which is worth so much to them?

Mr. OLCOTT. I think the gentleman is departing from the argument. It is not only of the comparatively small amount of money expended for transporting the mail or documents of the House of Representatives or the Senate, but of the entire departmental system of charging everything up against the Post-Office, that I speak, and I merely wanted to follow up my own idea.

Mr. CLARK of Missouri. I would like to ask the gentleman from New York, as a matter strictly for information, how charging up the business to the War Department and the franking expenses to somebody else will in the end help the Government out of the hole?

Mr. OLCOTT. I do not think it will.

Mr. CLARK of Missouri. All that would do on the face of the earth, then, would be to make the Post-Office Department make a better showing in bookkeeping as to its balance.

Mr. OLCOTT. And so make it impossible for the excuse to be offered that we are spending too much money.

Mr. CLARK of Missouri. The gentleman would be spending just as much money the other way.

Mr. OLCOTT. If we charged it to the other Departments, where it belongs, then when we are discussing the post-office appropriations we would not hear of the deficit and we might do justice to these carriers and clerks.

Mr. CLARK of Missouri. But the Military Committee or some other committee would get the larruping the gentleman is getting now.

Mr. OLCOTT. Well, I hope it would not hurt them any more than it does me.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. DRISCOLL. I ask unanimous consent that his time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DRISCOLL. Now, speaking of the Postal Department as a business proposition, the gentleman says that the franking privilege is a burden on it, because it must pay for all the mail that is sent out from all the Departments and by Congressmen. It is also true, is it not, that many of the buildings used by the Post-Office Department are paid for by the Treasury of the United States, and does not that much more than make up or offset the loss suffered by the Post-Office Department for the franking privilege?

Mr. OLCOTT. Possibly. I never considered that. I had not considered the item of permanent improvements to be of a similar character to that of annual expenditures.

Mr. DRISCOLL. Most of those offices are kept up by the Treasury Department, are they not—the repairs and cleaning and furniture, etc., and the Post-Office Department is free of all that expense?

Mr. OLCOTT. Yes.

Mr. DRISCOLL. Yet it does not pay expenses.

Mr. OLCOTT. It does not pay expenses; that is true.

Mr. FITZGERALD. Mr. Chairman, I hope to have an opportunity to vote, first, upon the amendment offered by the gentleman from Ohio, which I favor, and if that does not carry, then to vote upon the suggestion of the gentleman from Massachusetts. The amendment of the gentleman from Ohio is designed to carry out the existing law. Everyone is familiar with what occurred at the last session of Congress. The general provision was made for the increase in compensation of postal employees, both rural and city. It is a somewhat significant fact that the rural employees have received the highest salary provided in the law enacted last year, while it is intended that the city employees in the Post-Office Department shall not receive the highest compensation provided.

I have no sympathy with the suggestion that that may be due to the fact that a majority of the Committee on the Post-Office and Post-Roads come from the rural districts, although it is a somewhat peculiar coincidence. I do not criticise the Committee on Post-Offices for what is about to happen or what has happened. I criticise and charge that the Republican party, the majority in control of Congress, will be and is responsible for the failure to appropriate the money to enable the increases provided by law to be made. The majority can not shirk that responsibility. It is said that the increases will not be made because the revenues are falling off. There is an available cash balance in the Treasury to-day of $266,000,000, although the revenues are falling off and there is a large deficit threatened in this fiscal year. Yet that does not deter those in control of the legislative branch of the Government from not only proposing, but actually providing, increases of pay in a number of other branches of the public service, increases of pay in the Army, increases of pay in the Navy, not for the enlisted men alone, but for the officers, increases of pay in the Revenue-Cutter Service, if I be not mistaken, and also in the Life-Saving Service. So that, Mr. Chairman, these increases which are proposed, not now authorized by law, but entirely new, should not be at all seriously considered, if there is any force in the argument that is urged against the appropriation to carry out the law as it now exists.

Mr. GOULDEN. I would like to ask the gentleman, Mr.

Chairman, whether he regards it a sufficient answer to the country to say that the absence of normal conditions, the falling off of the revenue, etc., is sufficient for the Government not to keep faith, or this Congress not to keep faith with the employees; when it has distinctly stated in last year's law that certain things be done? I am heartily in favor of the amendment offered by the gentleman from Ohio.

Mr. FITZGERALD. If the condition of the country was such that it would be ill-advised to make the appropriation I would not favor it; but that is not the condition. While there will be a large deficit for the present fiscal year, and, from the present indications, in my judgment, for the next fiscal year, the fact is that there is an available cash balance in the Treasury to-day of over $266,000,000, which will be ample to provide for this increase, as it will be ample to provide for the proposed increase in compensation in the other branches of the public service.

Mr. DRISCOLL. Has not the gentleman heretofore in his campaign speeches accused the Republican party of extravagance in the administration of public affairs?

Mr. FITZGERALD. Yes, and I will do it this campaign, and prove it. [Laughter.]

Mr. DRISCOLL. And the gentleman will do it again, will he not?

Mr. FITZGERALD. I said I would prove it in this campaign.

Mr. DRISCOLL. He is trying to make out a case of extravagance in order to hurl it at us next fall.

Mr. FITZGERALD. The gentleman is mistaken. The gentleman's party took credit for increasing the compensation of the postal employees, and they boasted of it. They went about the country boasting of it. They did not do what they pretended. They are not going to do it now, as these amendments provide, and it would not be any extravagance, I will say to my colleague, for him to assist the carriers in his city, who are now getting $1,100 a year, to obtain the $1,200 they are entitled to under the law. Nobody will criticise him in the campaign if he does that, but they will if he fails to do it.

Mr. DOUGLAS. Mr. Chairman, I move the following amendment to the amendment of the gentleman from Ohio [Mr. GOEBEL]:

Provided, That of the amount herein provided not less than the sum of $1,185,000 shall be expended for increasing the salaries of the carriers in the city delivery service who shall be promoted after June 30, 1908, from the fifth to the sixth grade, in a manner to be prescribed by the Postmaster-General.

Mr. OVERSTREET. Mr. Chairman, I reserve a point of order on that.

Mr. GOEBEL. I understand the gentleman proposes to add that to my amendment?

Mr. DOUGLAS. Yes, to simply add it to the amendment of the gentleman from Ohio [Mr. GOEBEL], so as to obviate the question as to whether or not——

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add to the amendment the following:

"*Provided*, That of the amount herein provided not less than the sum of $1,185,000 shall be expended for increasing the salaries of the carriers in the city delivery service who shall be promoted after June 30, 1908, from the fifth to the sixth grade, in a manner to be prescribed by the Postmaster-General."

Mr. MANN. A parliamentary inquiry, Mr. Chairman. What has become of the amendment to the amendment offered by the gentleman from Massachusetts?

Mr. OVERSTREET. I have reserved the point of order on it.

The CHAIRMAN. The gentleman from Massachusetts offered a substitute in order to perfect the amendment of the gentleman from Ohio.

Mr. GOEBEL. Has the amendment of the gentleman from Massachusetts been withdrawn temporarily?

Mr. DOUGLAS. Mr. Chairman, the object is very clearly understood. I have no doubt the gentleman from Indiana and other members of the committee think that any question is obviated as to the increase in the appropriation. I doubt whether the appropriation would be available for the purpose intended without some such provision, and it seems to be generally conceded that the faith of the House was to some extent pledged to this increase.

Mr. OVERSTREET. I would like first to dispose of the point of order which has been reserved by me against the amendment offered by the gentleman from Massachusetts and the one just offered by the gentleman from Ohio. I insist upon both points of order; and the reason that I regard them as subject to the point of order is that they change existing law. The so-called "classification act" passed last year prescribed the method of promotion from one grade to another, the two chief limitations of which were a year's service in the next lower grade and an efficiency record. Both amendments now before the committee undertake to direct, without regard to these limitations, that these men shall be promoted, and, in addition to that, emphasize that it shall be as the Postmaster-General may prescribe. No such authority of law, to my knowledge, has gone upon the statute books. I insist upon the point of order against each of these amendments.

The CHAIRMAN. Does the gentleman from Massachusetts desire to be heard upon the point of order?

Mr. KELIHER. The amendment offered by the gentleman from Ohio and my amendment are identical, simply as a limitation upon the manner in which that money shall be expended. They carry out the intent of the law, the spirit of the law, written into the statute of last year. They are almost identical. It is a limitation on the manner in which that money shall be expended, and purely a limitation.

The CHAIRMAN. The Chair will rule first upon the amendment of the gentleman from Ohio. The first clause of Rule XXI reads as follows:

Nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

Frequently such provisions do go through on general appropriation bills, no point of order being made against them. But when the point is made it must, of course, be passed upon.

It seems to the Chair that this provision is not a limitation upon an appropriation, but is a limitation upon the discretion or power of the Post-Office Department; that it is affirmative law. It is not in the negative form, providing that no part of the appropriation shall be expended for a certain purpose or except for a certain purpose. It commands the purpose for which it shall be expended, and in that respect proposes to make affirmative law. It changes existing law. The Chair therefore must sustain the point of order. The same ruling, of course, applies to the point made against the amendment of the gentleman from Massachusetts.

Mr. OVERSTREET. I now move that all debate close on the paragraph and pending amendments in seven minutes, and I request that I may proceed for seven minutes.

Mr. FITZGERALD. I ask the gentleman not to put the limitation upon amendments.

Mr. OVERSTREET. I know the gentleman desires to offer some amendment as to substitutes. I have no objection to have it understood that he may offer such an amendment as to substitutes.

Mr. FITZGERALD. I would like to have a few minutes of debate upon that, and if the gentleman's present motion should prevail that would cut off debate.

Mr. OVERSTREET. I am perfectly willing that the gentleman may have an opportunity to offer an amendment affecting substitutes. I now move to close debate on the paragraph and pending amendments thereto, except the amendment relative to substitutes.

The CHAIRMAN. Now the gentleman from Indiana moves that debate on this paragraph and all amendments thereto, except an amendment offered by the gentleman from New York, be closed in seven minutes.

The question was taken, and the motion was agreed to.

The CHAIRMAN. Now, the gentleman from Indiana being recognized by the Chair, asks unanimous consent that he may proceed for seven minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. OVERSTREET. Mr. Chairman, I appreciate the solicitude of Members in whose districts reside a large number of carriers of the $1,100 grade, in their desire to have those carriers advanced to the $1,200 grade. I stated yesterday that I have a number of such carriers in my own district. Personally, I should be much pleased that these men might receive increased salaries. My opposition to this amendment is not directed because I do not believe in the increase of salaries, but it is directed to this particular bill now under consideration, the conditions under which that bill has been prepared, and to the further fact that this is the first session following the session when Congress made such liberal appropriations for the increase of salaries of the postal employees.

The gentleman from Massachusetts [Mr. KELIHER], who offered the amendment, inveighed against the honesty of the classification act and charged deceit and subterfuge in its preparation and enactment. I may say that, with one exception, it is in the identical language recommended by the First Assistant Postmaster-General and urged so strenuously from that Department. That single difference is that under the original bill recommended by Mr. Hitchcock the arbitrary promotion of carriers halted at the $1,000 grade, and the conference committee, acting after the amendment of the Senate upon the bill, increased it to the $1,100 grade as the final point of stopping

the arbitrary promotions. So that, if anything, the action of the conference committee was even more liberal in its provision for the arbitrary promotion than the provision carried in the original bill recommended by the First Assistant Postmaster-General. Now, this amendment seeks to increase all of the carriers of the $1,100 grade. The $1,100 grade of carriers have now over eleven thousand out of the total number. Last year there was not a carrier in the $1,100 grade, because prior to the classification act there was no carrier receiving in excess of $1,000 a year.

And Congress, by the provision of the classification act, created two grades of carriers, $1,100 and $1,200, and promoted all of the carriers of the $1,000 grade into the $1,100 grade, provided they had served a year in the $1,000 grade and had a proper efficiency record. Mr. Hitchcock in his testimony last year specifically stated to the committee that he was not recommending that these upper grades be filled at once, and he said:

All I ask as to the $1,200 grade is that it be authorized, and leave to Congress the determination of when and how many carriers shall be advanced into that grade.

Instead of there being the practice of deceit or subterfuge, the provision was made with eyes open, not only of the committee of conference, but the First Assistant Postmaster-General himself. We promoted the $1,000 men to $1,100 last year. In deciding not to promote those men this year we are simply following the policy which I have announced repeatedly in the past two days, of not making provision for increases of salaries this year.

Mr. SULZER rose.

Mr. OVERSTREET. I prefer not to be interrupted, because I have so little time.

Mr. SULZER. Will the gentleman state that appropriation will be made for the $1,200 grade next year?

The CHAIRMAN. The gentleman from Indiana declines to yield.

Mr. OVERSTREET. I should be glad to yield if the time were longer. I mean no discourtesy to the gentleman. We have provided in this very paragraph an appropriation of sufficient money to pay the full salary of every carrier in the service on the 1st day of next July at the salary he is then receiving. In addition to that, the committee provides for 1,500 additional carriers, to be appointed at the lowest grades, and then it provides for $1,297,900 for promotion purposes of the carriers in the grades from $600 to $1,100. Hence every carrier in first-class offices below the $1,100 grade will get a promotion, provided he has served a year in the next lower grade and has a proper efficiency record, under the automatic provision of the classification act.

By withholding the appropriation from the $1,100 grade we have neither violated the provisions of the law nor the intent of its framers. Neither have we violated the intent of the author of that law, Mr. Frank Hitchcock, the First Assistant Postmaster-General. Therefore, Mr. Chairman, I can see no occasion for gentlemen becoming so exercised, nor for leaving the impression that they are badly abused, or that we are not making ample and adequate provision for the service. I sincerely hope that the amendment will be voted down. It is 40 per cent greater than was recommended by the Department. Last year we only promoted 50 per cent of the $1,100 clerks. This year we are only promoting 15 per cent of the $1,100 clerks. If you are going to promote according to the real merits, the ability and intelligence required for the performance of the service, we ought to promote the clerks of the $1,100 grade and not the carriers. The $1,100 grade of clerks requires a higher class of service than that which is performed by the $1,100 carrier; but on yesterday we refused an increased appropriation for the salaries of the $1,100 clerks. Having done that the promotion of all the carriers of the $1,100 grade is wholly unjustifiable, and I hope the committee will vote down the amendment of the gentleman from Ohio [Mr. GOEBEL]. I ask for a vote.

Mr. GOEBEL. What is the status now, so that we may understand the situation?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio, the substitute having gone out on a point of order.

Mr. HITCHCOCK. Let us have the amendment again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk again read the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken, and on a division (demanded by Mr. GOEBEL) there were—yeas 45, nays 43.

Mr. OVERSTREET. Tellers, Mr. Chairman.

Tellers were ordered. The Chair appointed as tellers Mr. GOEBEL and Mr. OVERSTREET.

The committee again divided and the tellers reported that there were—yeas 70, nays 56.

So the amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 14, line 23, after the word "dollars," insert "*Provided*, That when substitutes for carriers absent without pay are employed on Sundays and holidays, they shall be paid for double time."

Mr. OVERSTREET. Mr. Chairman, on that I reserve a point of order.

Mr. FITZGERALD. Mr. Chairman, the object of this amendment is quite simple. At present substitutes for carriers absent without pay are paid 30 cents an hour. As is well known, service on Sundays and holidays is always considered as unusual service and paid for at extraordinary rates. Very frequently a number of substitutes are compelled to take the places of regular carriers who are absent and from whose compensation a full day's pay is deducted. These substitute carriers frequently are compelled to work two or three hours on Sunday or holidays, owing to the conditions that exist in the large cities; while the substitute may work two or three hours, the time actually taken will be four or five hours. Under the law at present, if a substitute works upon Sunday or a holiday for two hours, he is paid 60 cents, and he may be occupied three hours or three hours and a half. If he is employed three hours, he is paid 90 cents. Take the Christmas holiday time, when mail matter is very heavy; the substitute may be employed four hours in actually delivering the mail from the time he reports to his office until he completes his delivery, and for the four hours' work, although the time actually employed by him may be five or six hours, he receives $1.20, while the man whose place he takes has eight hours' pay deducted from his compensation.

In view of the fact that it is everywhere recognized that service upon Sundays and holidays is of an unusual and extraordinary character, and additional compensation, paid therefor, I trust that the gentleman from Indiana will permit this amendment to be adopted. It will not add much to the cost of the public service, but it will enable these men to earn a comparatively reasonable compensation for this work of an extraordinary character. There is not much more to be said. The conditions under which substitutes are employed in the large cities are well known. They may serve a period of two, three, or four years as substitutes before they obtain regular appointments. During that time they are paid at the rate of 30 cents an hour when actually employed. It is impossible for them to accept other employment, because they do not know when they may be called upon for service. After the apprenticeship of three or four years they get a regular appointment at a very meager salary. I trust the chairman will not press his point of order.

Mr. OVERSTREET. Mr. Chairman, I feel constrained to make the point of order. The law fixes the amount of compensation, and this is a change of existing law.

The CHAIRMAN. Does the gentleman from New York desire to be heard upon his point of order?

Mr. FITZGERALD. No, Mr. Chairman; it is clearly subject to a point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For pay of letter carriers, substitute, and auxiliary letter carriers at new offices entitled to city delivery service under existing law, $75,000.

Mr. HAGGOTT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend after line 5, page 15, by adding the following:

"Whenever a postmaster certifies to the Department that owing to unusual conditions in his community he is unable to procure the services of efficient employees at the initial salary provided for post-office clerks and letter carriers, the Department may authorize in its discretion the appointment of clerks and letter carriers for that office at such higher rate of compensation within the grades prescribed by law as may be necessary in order to insure a proper conduct of the postal business."

Mr. OVERSTREET. I reserve the point of order on that.

Mr. HAGGOTT. Mr. Chairman, in many localities of the Rocky Mountains and Pacific States and Territories the cost of living is very much greater than prevails generally elsewhere and wages in the usual employments are almost double what obtains in the States to the east. This condition prevails particularly in the mining camps.

The amendment which I have just offered was suggested by the First Assistant Postmaster-General, Hon. F. H. Hitchcock, in his report to the Postmaster-General for the year ending June 30, 1907. If this amendment is adopted it will permit the Postmaster-General to pay adequate wages to post-office employees where unusual conditions exist. By existing law the Postmaster-General can not exercise the necessary discretion in paying proper salaries where the expense of living is unusually great and wages in all other occupations are higher than usually prevails.

In many of our Western towns the postmasters must pay out a great part of their salaries for clerk hire in order to secure competent help. This is done in my own town, a mining camp, and is the usual condition in all Western mining communities.

Mr. OVERSTREET. Mr. Chairman, the amendment is clearly subject to a point of order, as it changes existing law.

The CHAIRMAN. The matter is very clear. The Chair sustains the point of order.

The Clerk read as follows:

Office of the Second Assistant Postmaster-General: For inland transportation by star routes, including temporary service to newly established offices, $7,200,000: *Provided*, That no part of this appropriation shall be expended for continuance of any star-route service the patronage of which shall be served by the extension of rural delivery service, nor shall any of said sum be expended for the establishment of new star-route service for a patronage which is already served by rural delivery service: *Provided*, That out of this appropriation the Postmaster-General is authorized to provide difficult or emergency mail service in Alaska, including the establishment and equipment of relay stations, in such manner as he may think advisable without advertising therefor.

Mr. HOUSTON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 16 amend by adding at the end of line 14 the words: "*Provided*, That no part of said sum shall be used to pay for the carrying in the mails any malt, vinous, or spirituous liquors, or intoxicating liquor of any kind."

Mr. OVERSTREET. On that, Mr. Chairman, I reserve a point of order.

Mr. HOUSTON. Mr. Chairman, in submitting this amendment, which I believe to be in order and not subject to the point of order made against it, I want to state that it is in line and in keeping with an amendment that I had offered to the section of the criminal code providing what should be mailable and nonmailable matter and prohibiting the transportation of certain articles through the mails. If I knew I could have an opportunity to offer that amendment to that section in the penal code I would not offer it now, because I should much prefer to legislate in a different way than that of putting clauses in an appropriation bill. If, however, we shall not get that bill before this House again, then it will be necessary to make this provision after the manner that has been in vogue heretofore—that is, by inserting clauses in appropriation bills, to make limitations and restrictions upon different branches of the public service, and even creating penal offenses this way. As a member of the House Committee on Revision of the Laws, when we were considering the bill that was reported to this House two years ago, when we got to the section of that bill declaring what should be mailable and what should be nonmailable matter I offered an amendment similar to the one I offer here, only it was more comprehensive, inasmuch as it was a part of a penal section in a criminal statute.

When that provision was not adopted by the House committee I gave notice that I would offer the amendment upon the floor of this House; and again, Mr. Chairman, when the joint committee composed of Members of the House and Senate were considering this measure in November last, I offered the same amendment to this section. When this amendment did not prevail there, I again gave notice that I would offer this amendment upon the floor of the House. That, Mr. Chairman, I expected to do until it now appears from the course of events that I may not have an opportunity to offer that amendment to the bill reported by the committee. The committee reported the bill with full knowledge of the fact and with the understanding that this amendment would be submitted by me to the House for its determination, as other amendments would be to other sections to which a number of us did not agree.

Mr. SIMS. May I ask the gentleman a question?

Mr. HOUSTON. Yes.

Mr. SIMS. Is it not a fact that under the bill as reported, without the amendment which the gentleman intended to offer when we reached the proper section, dealing with nonmailable matter, if passed without amendment, intoxicating liquors would not only be mailable, but that the Postmaster-General would, in the provisions, have to provide rules and regulations by which they could be mailed?

Mr. HOUSTON. I think, Mr. Chairman, that is a matter of some doubt. However, I am of opinion that it would have been mailable matter. There was some difference of opinion on that proposition, and in order to settle this question beyond a doubt I offered a positive amendment, so that we would not have anything uncertain in regard to it.

I think, Mr. Chairman, that Congress should legislate on this question. I want to say right here that as the law now stands it is a matter of some doubt as to whether or not alcoholic liquor is mailable matter, and this is the very situation that I want to relieve. I am opposed to leaving any statute in such an ambiguous condition that it is susceptible of any uncertain construction. I am opposed to leaving to departmental bureaus or officials the power to say what the law is in any case. Hence I favored in committees, as I do now, a positive declaration by Congress of what should be mailable matter—so definite and plain that no question could be made as to its meaning.

It is insisted by lawyers that under the law as it now stands it is mailable matter, and that the Post-Office Department has no right to refuse to ship within certain limits whisky or alcoholic liquors through the mails. That, however, is a question upon which there is a great deal of difference. The Department puts a different construction upon it, and it has done so for years, and refused to ship liquors through the mails because of the construction that they give to existing law.

Now, Mr. Chairman, I very much hope that there will be an opportunity to engraft that amendment in the penal code, and I hope that penal code may be perfected and finished, but if it shall fail it is very important that this provision be engrafted on this appropriation bill. And without arguing at present the point of order which has been reserved upon this amendment, I merely desire to say I have considered this very carefully, and I do not believe it is subject to the point of order. I will only call attention to the fact that this is simply a limitation upon this appropriation, limiting it to certain purposes, and I think for that reason is not subject to the point of order. But, Mr. Chairman, this brings me to consider and to make reference here to another bill very much akin to this that I hoped I would have an opportunity to vote for in the Fifty-ninth Congress and failing in that one then in this Congress, but I have not had that opportunity. I refer to the bill regulating the shipment of liquors from one State into another; the bill providing that when liquor is shipped from one State into another it shall be subject to the laws of that State. This bill has been known under different names in the past in different Congresses. When I was a candidate for Congress four years ago the question was often asked the candidates in the State I come from, How do you stand as to the "Hepburn-Dolliver bill?" as it was called then.

I favored that bill, and I announced to my constituents that I would support it. I hoped I would have the opportunity, and I believed then, when I had not seen so much of the proceedings of this House as I have since, that I would have the opportunity to vote for that measure. But for three years that opportunity has been denied. There are a number of men on the floor of this House that want to support that measure, that are in favor of it, that have expressed the hope that they might have an opportunity to vote for that bill. No such opportunity has yet been given them. I believe that we ought to have an opportunity in this House to vote upon it. I furthermore believe if the opportunity was ever presented in this House that that bill would pass and become a law.

The CHAIRMAN. The gentleman's time has expired.

Mr. SIMS. Mr. Chairman, I ask that my colleague have five minutes more.

The CHAIRMAN. The gentleman from Tennessee [Mr. SIMS] asks unanimous consent that his colleague may proceed for five minutes. The Chair hears no objection.

Mr. HOUSTON. As to the amendment, this merely proposes that no money shall be paid out of this appropriation for this star-route service for the transmission of alcoholic liquors through the mails. I have three other amendments of a similar character, applying to the different branches of the mail service, one to the railway mail service, one to the steamship service, and one to the foreign service. They are all very much the same thing, only they apply to different parts of the service. Now, then, as I said, this provides that liquor can not be shipped through the mails, in that it puts a limitation upon the funds appropriated in this appropriation bill to the extent that they shall not be applied in compensation for this kind of mail service, and, as such, I do not think the amendment is subject to the point of order. This amendment will make it definite, at least, during the time that this appropriation bill shall cover that liquors can not be transported through the mails of the United States. [Applause on the Democratic side.]

This amendment emphasizes the necessity for enacting a law giving to the States a right to control whisky when shipped within its borders from another State. The sentiment of this nation, to my mind, demands the passage of this law. If I am not mistaken in that, it is the duty of the people's Representatives to respond to that demand. They have a right that their views shall be heard and enacted into law. There can be no justification in a course of procedure in this House that will deny to them this right.

If the rules of this House are so manipulated as to defeat this measure in defiance of the American people, a sad day has come for our institutions.

Many States in this Union have taken advanced ground in the way of temperance legislation and great good has been accomplished. Yet their power for good is crippled by the fact that it is beyond the power of the State to control liquors shipped from beyond the State line. I know there is much opposition to all temperance legislation. Those that oppose this legislation grow eloquent in advocacy of personal freedom and individual liberty. Many Democrats in the past have approved this doctrine. Many of them have changed their views and are now most earnest in advocating laws that will prevent the traffic and diminish the use of liquor.

My own State has made great progress in the suppression of the liquor traffic. We have had there temperance legislation that, judged by its result, is among the wisest and best of any State in the Union. What is there known as "The 4-mile law," first intended to have a very limited scope, carried with it more power for good than its framers realized. This scope has been enlarged from time to time, until it now embraces the entire State, with the exception of three or four cities. We have had an object lesson that has convinced our people that it is best for our welfare, material and moral. Lawlessness has been reduced, our criminal dockets greatly cut down. We have seen desolate homes built up and thrift and happiness preside where want and suffering once existed; we have seen weak men built up and made strong in intellectual and moral force.

The opponents of these measures insist that you can not enforce laws to prevent the sale and use of whisky. This argument is as applicable to every statute for the preservation of law and order and for the protection of mankind.

Right here in the capital of the nation it is impossible to enforce laws against robbery and highway assaults so as to prevent them, as is shown by their frequent occurrence; yet I take it that no man would favor an abrogation of the laws against robbery and larceny for this reason. When the American people shall surrender to this doctrine that you can not enforce a wholesome law, then they are ready to surrender their manhood as a civilized and progressive nation. The spirit that supported and sustained our ancestors in carving out this Republic, in establishing law and authority over all opposition, is abandoned when we say we can not enforce a law that the enlightened conscience of the nation says is right.

I know the laws upon this subject have been and will be evaded and circumvented, as all laws are to some extent; but I do know, as every man of common reason knows, that the farther you put whisky away from a man or a community and the more difficult you make it to get, the less of it will be used by that man or that community. No argument can refute this. I believe that the American people can enforce any law when they are alive to its importance and realize that it is best for the welfare and happiness of the people. When we realize, as we are doing more and more fully every day, that "we are our brother's keeper" and that men should "as brothers be o'er all the world," then we can enforce this law.

You hear it said that we have periodical revivals of this temperance craze; that the pendulum is swinging forward in the temperance movement, but will swing back when the excitement of the period passes; that the present temper of the public mind is temporary—not so. The pendulum has not swung backward. It is advancing year by year, gathering force steadily, sometimes checked for a time, but renewed each time with redoubled force, gathering fresh power and vigor with each succeeding onrush, and as civilization proceeds and religion triumphs it will progress.

It is well to develop individual virtue and character as the strongest reliance for safety for nations as for men, but in developing this character I believe in the benefit of healthy and wholesome environments. We are the creatures of influence, more or less, and we do know that "evil communications corrupt good manners," and an ever-present temptation is more than most men can resist. I believe in that doctrine and that spirit that prays lead us not into temptation and that asks to be delivered from evil.

This prayer should be supported by a live faith that will work for what it prays and will use every effort to remove this evil as far away as possible, and every vote that I shall cast shall be to that end.

Mr. OVERSTREET. Mr. Chairman, I insist upon the point of order.

The CHAIRMAN. Does the gentleman desire to be heard upon the point of order?

Mr. OVERSTREET. I think not. If I heard the amendment correctly, I think it undoubtedly not only changes existing law, but makes new law.

The gentleman who offered the amendment conceded that he had sought to incorporate it in the criminal code; and if it is not in the law now, and he is seeking to put it in this law, that would be a change of law.

The CHAIRMAN. The amendment is—

That no part of said sum shall be used to pay for carrying in the mails any malt, vinous, or spirituous liquors or intoxicating liquors of any kind.

The gentleman from Tennessee has stated that the law now prohibits the carrying of any such articles in the mails.

Mr. HOUSTON. By a construction of the Department.

The CHAIRMAN. Very well. Upon its face the amendment seems to be a straight limitation upon the appropriation. It may be that if the law, as it now stands, authorizes the carrying of liquors in the mails this amendment would in its operation affect the carrying out of existing law. But upon that the Chair can hardly pass. There is nothing upon the face of the amendment which leads to the conclusion that it is anything but a limitation upon the appropriation. It is not necessary, however, to rest a decision upon that ground. The paragraph itself already contains certain provisions important to consider. The first proviso is:

That no part of this appropriation shall be expended for continuance of any star-route service the patronage of which shall be served by the extension of rural-delivery service; nor shall any of said sum be expended for the establishment of new star-route service for a patronage which is already served by rural-delivery service.

They are propositions against which no point of order was made. But then there is in the paragraph this further proviso:

That out of this appropriation the Postmaster-General is authorized to provide difficult or emergency mail service in Alaska, including the establishment and equipment of relay stations, in such manner as he may think advisable without advertising therefor.

That is clearly a provision changing existing law, left in the bill by unanimous consent we must presume, no point of order having been made against it.

It has often been ruled that a paragraph itself being out of order having been allowed to remain in the bill, it is in order to amend it by any germane amendment, even though the amendment itself might otherwise be out of order. The Chair overrules the point of order.

Mr. SHERLEY. Mr. Chairman, the statement just made by the gentleman from Tennessee [Mr. HOUSTON], together with the statement previously made by his colleague, the gentleman from Tennessee [Mr. SIMS], when the penal code was being considered, makes it proper that I should state to the House what action was taken by the Committee on the Revision of the Laws and what is the existing law to-day relative to alcoholic liquors going through the mails. A rather sensational statement was made by the gentleman from Tennessee [Mr. SIMS] to the effect that he had discovered what he was pleased to term a "nigger in the wood pile," and that the Committee on the Revision of the Laws, by a proposed section, known as section 218 of that bill, was proposing to authorize and legalize the shipment through the mails of alcoholic liquors.

Now, unfortunately, this is a subject about which some men are frequently apt to be a little extreme, to say the least. The committee found that there was no law existing to punish persons causing the shipment through the mails of articles dangerous either to the mails or to the persons handling them. For instance, as the law exists to-day, if there is shipped through the mails poisoned candy, there is no provision in the statutes which enables the Government to punish the man shipping it through the mails.

That is a condition which we felt ought to be remedied, and which the Commission when it prepared the work, which was the basis of our committee's work, thought ought to be remedied. The result was that they provided that certain articles should not be shipped through the mails, and then provided a penalty for a disregard of that provision. But they also provided:

That the Postmaster-General shall permit the transmission in the mails, under such rules and regulations as he shall prescribe as to preparation and packing, of any articles hereinbefore described which are not outwardly and of their own force dangerous and injurious to health, life, or property.

A majority of the members of the committee believed that it should be left to Congress to declare what would be nonmailable matter, and that it was not the privilege of the Department to exercise a discretion as to what should or should not be permitted to go through the mails. The committee did not feel warranted in a revision of the law to provide that alcoholic liquors should be excluded from the mails, that not being existing law, but that Congress could and doubtless would so provide when its attention was called to the matter. In the existing law there is no provision which prohibits the shipment of alcoholic liquors through the mails. I make that statement as the result of a very careful research and as the result of frequent conferences with the Post-Office Department.

The Post-Office Department claims the right to exclude liquors from the mail, but they base that right on a regulation, and when you ask them for the law which is the basis of their regulation they refer you to what is now the existing law, which is in these words:

Mailable matter of the fourth class shall embrace all matter not embraced in the first, second, or third class which is not in its form or nature liable to destroy, deface, or otherwise damage the contents of the mail bag or harm the person of anyone engaged in the postal service and is not above the weight prescribed by law.

Now, it might be tenable to say that no sort of a liquid under that provision could go through the mails, but that is not the position that the Department takes. To-day you can ship—and there are being shipped through the mails, and properly shipped through the mails, in my judgment—inks that are poisonous and, except for the special packing, dangerous both to the contents of the mail bag and the person handling them; mucilage, antitoxins, patent medicines, and all sorts of liquids; but when it comes to alcoholic liquors, then the Department determines that although the same packing could be used as to them as was used as to inks and mucilages, they shall not be allowed to pass through the mails.

Only now, for my part, I have no desire to have the mails used for the shipment of alcoholic liquors, though there is much to be said in favor of the right of a broker engaged in what is yet a legitimate business, and one from which the Government receives a large revenue, to ship samples of liquor through the mails. For my part I have no desire to have that the law. I do desire, however, that Congress itself shall determine that liquors shall not go through the mails, and not that the Department shall make a discrimination which has no basis either in law or in fact. There is no reason why a mucilage or a red ink can go through the mails without damage to the mail bags or to the person handling it and whisky or beer can not, provided they are all packed so that in case of breakage the contents will be absorbed by the wrapping, which is all that is required by the Department in the case of these other things.

Now, the Committee on Revision of the Laws did not change the law, because, in my opinion, a mandamus would lie to compel any postmaster to receive a shipment of alcoholic liquors. They did not change that law at all, but they simply provided for the punishment of people who shipped through the mails articles that are prohibited from being shipped, and then they said that the postmaster shall make regulations as to articles that, by virtue of being packed in certain ways, may be shipped without injury.

At that time the gentleman from Tennessee [Mr. HOUSTON] offered an amendment excluding liquors from the mails, and it was understood that he would offer on the floor such amendment, and if that bill had continued to be considered by the House he would have offered the amendment, which is similar in purport to the limitation that he has now offered, that alcoholic liquors should not be permitted to go through the mails. The committee on revision believed that by this action of one of its members the matter would properly come before the House for its determination without the committee departing from its generally observed rule of not proposing new legislation touching matters about which there might be division of opinion. It seemed proper, inasmuch as the gentleman from Tennessee [Mr. SIMS] had made the charge referred to, that I should make this statement. It is perhaps proper also to add that the print of the bill, coupled with what purported to be existing law, may have misled the gentleman.

Right opposite the new section 218, that was proposed by the committee, two sections were printed which purport to give the existing law, but unfortunately they do not give existing law, because one of those sections is repealed by the other, and while that is known to those who have examined the law, it is, as I have said, what probably misled the gentleman from Tennessee [Mr. SIMS]., Section 3878 of the Revised Statutes, after providing that mailable matter of the third class shall embrace all pamphlets, publications, etc., then has a provision excluding from the mails all liquids, poisons, glass, explosive material, obscene books, etc.; but that section was repealed by section 20 of the act of June 8, 1896, found in the second supplement, page 507, which simply provides, as I have stated, that mailable matter of the fourth class shall embrace all matter not embraced in the first, second, and third class, and so forth.

So that to-day, as the law is, there is no prohibition in terms upon the shipment through the mails of alcoholic liquors. It is for this committee to determine whether they want to create such a prohibition, and inasmuch as the Department is prohibiting the shipments through the mails it would be infinitely better for Congress to clearly pass such a law than to permit this distinction without warrant of law to be made by the Department; in other words, for the Government to cease to be hypocritical and for us to be frank in dealing with the subject.

Now, I think another good purpose may come out of the amendment offered by the gentleman from Tennessee, and that is the avoidance of the error fallen into by the other branch of Congress when dealing with this subject-matter, for when the penal-code bill was considered in the Senate section 218 was so amended as to exclude from the mails all liquids.

Now, it is manifest that to exclude liquids other than alcoholic liquids would work a very great wrong. For instance, to-day a physician can have sent to him antitoxin and various medicines that are in liquid form to places where the express does not carry packages, and where, but for the facilities afforded by the mail, the packages could not be received. Under the modern system of packing there is no greater danger of carrying liquids than there is of carrying an ordinary package of equal bulk. If we are going to legislate on an appropriation bill in regard to this matter, it is well to bear in mind that in striking at the evil that many people think would follow the use of the mail for shipment of alcoholic liquors we do not also interfere with the shipment through the mails of other liquids that can properly go through the mail without doing damage to anyone.

I have taken occasion to make these remarks for the primary purpose of putting the Revision Committee right. I am satisfied that the gentleman from Tennessee [Mr. SIMS], having investigated this matter subsequent to his statement, will be more than glad to say to the House publicly, as he said before publicly, that his statement, in the light of the history of the whole affair, was not warranted.

Mr. SIMS. Mr. Chairman, I am glad to have an opportunity to state what prompted me to make the statement that I did. I would have made it long ago had it not been that I expected that the same bill would be back here and the section be reached. It became manifest that there was a disposition, from the various votes given on that bill at the time it was being considered, to vote with the committee, and that is perfectly natural. We all do that. I supposed that the committee had considered everything carefully and that in the main they were right. I will trust to the committee any time when I have not investigated the matter. As I stated at that time, I saw a gentleman in the gallery of the House—and when I say gentleman I mean it, because I knew nothing discreditable to him—a gentleman who had been before the District Committee in opposition to temperance legislation. Naturally I supposed there was something in the bill that we were then considering in which the interests he represented were interested, because I knew he was not in the gallery to hear what he was then hearing in a general way.

I began an examination of the criminal-code provision, and first examined the internal-revenue provisions, and I found nothing there that I thought he was interested in. I turned to the provisions of the postal laws. As the gentleman from Kentucky kindly stated, at that time I had seen no report and heard no reference to any except the large printed one which Members were referring to, when discussing the bill, as the report, on the left-hand page of which was printed what purported to be the law as codified, and on the right-hand page the law as it stood without the codification. I read first the law as codified, and then I read the provision on the right hand which provided as nonmailable matter all liquids and the provision which the gentleman from Kentucky referred to making it mandatory on the Postmaster-General to mail the matters therein, provided they were packed in the manner prescribed in the codified law.

Now, it looked to me, not with an ulterior motive, not charging the committee with intending to do something covertly or underhandedly by means of this revision, without it being particularly pointed out, but that it did change existing law in the manner reported; and I did call it a "nigger in the woodpile," meaning that by means of a revision there was made a change of existing law without having it pointed out in the report. With all I had before me then I felt I was fully justified in making the remark that I did, but my purpose was to get gentle-

men on the other side, who are in the majority, to examine the section referred before we reached it, and vote upon it from an understanding of what was in the section, and not merely to be regular and stand by their side in the committee. If I had seen the other part of the report, I would not have used the language I did, and I was very glad to know that it was the intention of my colleague from Tennessee [Mr. HOUSTON] to offer the amendment which I learned he had offered in the committee and had notified the committee that he would offer it in the House positively excluding intoxicating liquors from the mails, and I have no doubt that when that bill is considered, if it is ever so considered, that amendment will be so offered by him and supported by both the gentlemen from Kentucky [Mr. SHERLEY] and my colleague from Tennessee [Mr. HOUSTON].

But, for fear that bill may not reach us, I hope the House will vote for the amendment of my colleague now. The excluding of alcoholic liquors at present is by regulation of the Department, by departmental law, if the gentleman from Kentucky [Mr. SHERLEY] is correct in his contention, and with the investigation he has made I will not controvert it. Therefore it is of more importance that we should make it mandatory, because some subsequent Postmaster-General may differ from this one and take off the brakes or change the regulations. Therefore I hope that the committee will vote for the amendment.

Mr. MANN. Mr. Chairman, I offer the following amendment as an amendment to that offered by the gentleman from Tennessee.

The Clerk read as follows:

Insert at the end of the amendment the following: "or any cocaine or derivative thereof."

Mr. MANN. Mr. Chairman, if the amendment of the gentleman from Tennessee prevails, it prohibits the transportation of alcoholic liquors by mail. This adds to that the prohibition of cocaine by mail. I take it that if the amendment should prevail——

Mr. SULZER. Why not put in morphine also?

Mr. MANN. It means that in the Senate or in conference the provision will be carefully corrected and put in shape of a more perfect provision of law than could possibly be had by offering it as an amendment on an appropriation bill in the first place, the gentleman being required to so form his amendment so as to keep it in order. Now, while the transportation of liquor by mail in many places is undoubtedly a great detriment to the people, it is true to a much greater extent, probably, that the transportation of cocaine and its derivatives, like alpha and beta eucaine, and heroin, and others, is of much greater detriment. In the investigation concerning the pure-food law we determined, and the House put the provision into the law requiring, that all of those articles should be named either upon medicines or upon foods. It has been called to my attention, growing out of my interest in this matter, that in some places they are circulating advertisements and extensively selling small quantities of cocaine and its derivitives and sending them by mail.

Mr. GAINES of Tennessee. What are the derivatives?

Mr. MANN. Alpha and beta eucaine and heroin and a number of others. They are perfectly well known in the drug business and to the medical profession. There are a great many of them. If there is to be any prohibition in the law of things to save people from becoming slaves to habit, of all things that should be safeguarded are the mails. I was told this morning that in the city of Richmond, right close to us, it was a most common thing to-day to obtain cocaine or some of its derivatives by mail, and that some people, doing business not a hundred miles from Washington, were engaged in advertising these classes of habit-forming drugs, especially in that place. The same is true in a number of other places, and there is a very widespread demand upon the part of the people who have taken notice of that matter that as far as possible the mails shall not be used for the transportation of these habit-forming drugs to people who become slaves of the habit and whose health is ruined by the use of the drug.

Mr. SULZER. Will the gentleman consent to put the word "opium" after the word "cocaine?"

Mr. MANN. If the gentleman will pardon me a moment I will state that I first wrote the amendment "cocaine, opium, or any of the derivatives," and the question was raised as to whether that would permit the transportation of paregoric or things of that sort in the mails, and while personally I do not think that is a derivative of opium, I think it would be best if we could insert in the bill an item calling attention to this project, to let it be perfected in a way where it could be perfected, when the committee would have a better opportunity of considering it either in the Senate or in conference.

Mr. SULZER. Opium is twice as deleterious to health as cocaine.

Mr. MANN. Well, not so bad as cocaine.

Mr. HOUSTON, Mr. GAINES of Tennessee, and Mr. CRUMPACKER rose.

The CHAIRMAN. The Chair will recognize the gentleman from Tennessee [Mr. HOUSTON].

Mr. HOUSTON. If I may be permitted, I may say that I am willing to accept the amendment offered by the gentleman from Illinois [Mr. MANN].

The CHAIRMAN. The question is on the amendment to the amendment.

Mr. GAINES of Tennessee. Mr. Chairman, just a word or two about these amendments. I am in favor of both, and I hope they may be adopted. The liquor proposition has been thoroughly discussed, and I trust that it will do as I think it will—that is, help the "dry" States, and Tennessee is almost one of them, and even the "wet" States enforce their local laws against intoxicants. We should not send anything through the mails that will interfere with the mail service or that tends to break down the local laws, and especially the police laws of the several States. Now, I happen to personally know that the mail, Mr. Chairman, is being used for the distribution of cocaine and other things with cocaine in them, notwithstanding there are strict local statutes that say it shall not be used unless a physician prescribes it.

All over the United States, in the principal cities, are advertisements sent through the papers to the effect that they will send you so much cocaine, and the cocaine victim will read it, and he will send there for it. He will send a postage stamp, he will send a copper, he will send any kind of money, or any amount of money to get the amount of cocaine that the law of his State or city says he shall not have, and which the doctor prescribes he shall not have. And yet he defeats the law of his State, the prescription of the doctor, by the efforts of these people who send it through the mail. I do hope, Mr. Chairman, that both of these amendments will be adopted.

Mr. OVERSTREET. I have no objection to either amendment. I ask for a vote.

The CHAIRMAN. The question first is on the amendment of the gentleman from Illinois [Mr. MANN] to the amendment of the gentleman from Tennessee [Mr. HOUSTON].

The question was taken, and the amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment of the gentleman from Tennessee as amended.

The question was taken, and the amendment as amended was agreed to.

Mr. HOUSTON. Mr. Chairman, I desire to offer a similar amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 16 amend by adding at the end of line 16 the words: "*Provided*, That no part of said sum shall be used to pay for the carrying in the mails of any malt, vinous, or spirituous liquors or intoxicating liquors of any kind."

Mr. OVERSTREET. Mr. Chairman, I reserve the point of order on that.

The CHAIRMAN. The Chair will state that, the paragraph not having yet been read, the amendment is not now in order.

Mr. JOHNSON of South Carolina. Mr. Chairman, at the end of line 14 on page 16 I desire to offer an amendment.

The CHAIRMAN. The gentleman from South Carolina offers an amendment which the Clerk will report.

The Clerk read as follows:

Provided, That rural carriers who are required to carry locked pouches shall be paid out of this fund the sum of $10 per month in addition to their compensation as now fixed by law.

Mr. OVERSTREET. Mr. Chairman, I reserve the point of order upon that.

Mr. JOHNSON of South Carolina. Mr. Chairman, of course the amendment is clearly subject to the point of order, and it is not necessary to discuss it. I ask permission to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. JOHNSON of South Carolina. Mr. Chairman, I very much regret that the gentleman from Indiana [Mr. OVERSTREET] has made the point of order against this amendment. It is clearly subject to the point of order and must therefore go out

without giving the House the opportunity to vote upon what I believe to be a meritorious proposition. The maximum pay allowed rural letter carriers is $900 per year. In many instances the rural letter carriers are required to carry lock pouches to supply fourth-class post-offices which they reach. This work results in a large saving in that it prevents the necessity of keeping up the star route at a considerable expense. It does seem fair and just that the rural letter carrier, who has this additional work placed upon him and thus saves the Government a large sum of money, should have some compensation for this extra work. I have offered a very moderate amendment, which provides compensation for this extra service at $10 per month. I know in my own district there are instances in which rural letter carriers carry lock pouches to offices which are the distributing offices for a number of rural routes. I think the chairman of the Committee on Post-Offices and Post-Roads should permit the amendment to be voted upon.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

For inland transportation by steamboat, or other power-boat routes, $800,000.

Mr. HOUSTON. Mr. Chairman, I now desire to offer the amendment.

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again read.

Mr. OVERSTREET. Mr. Chairman, I reserve the point of order on that.

Mr. HOUSTON. It is the same amendment as the other one, only it provides for the transmission of mail by steamboats. That is the only difference.

Mr. OVERSTREET. Exactly the same language as the amendment that has been adopted?

Mr. HOUSTON. It is the same language without the amendment of the gentleman from Illinois [Mr. MANN], but which I should be glad to see added to it.

Mr. OVERSTREET. Mr. Chairman, I want to say as to the point of order, while I will make no objection on the merits of this amendment, I want to again address the Chair upon the subject of the point of order, as I did before.

It seems to me, Mr. Chairman, that a provision of law which prohibits the use of any part of an item of appropriation for the carriage of any specific article in the mail would be obnoxious to the rule, unless there was some machinery provided whereby you could ascertain and identify the article which you seek to prohibit. How are you going to tell whether a package which was sealed and paid for at a rate which will not permit the seal of the package to be broken, whether or not it contains any of those articles which you seek to prohibit? Take some cocaine, or even a small vial of liquor, that is incased in a package, which is not broken, upon which a sufficient amount of postage has been paid to guarantee that it shall not be broken. First-class mail can not be broken. How is it to be determined, and when we seek to determine, what officers of the law are called upon to exercise that function? I am not insistent in opposing either one of these amendments upon their merits, but I do not want to fail to call attention of the Chair to the law when it is proposed to put legislation of this character upon a bill of this kind.

Mr. HOUSTON. Mr. Chairman, it seems to me that all that the gentleman has said might be said with equal propriety as to a limitation of any character as to any appropriation. I believe it would be better to enact a clause in the penal code to make it a crime and punish it as such to ship liquors through the mails; but when it comes to this case, it is only a limitation, and the same criticism can be made to any limitation of any appropriation whatever that would apply as well to any other limitation or prohibition as it does to this.

Mr. OVERSTREET. Just one further word, Mr. Chairman. When a limitation upon an appropriation is sought to be effected, that limitation must be certain in its purpose and must be reasonable. You can not say because you put words in a phrase that seeks to impose a limitation that you thereby escape a point of order. You might say, "*Provided*, That no part of this sum shall be used for carrying the mail on any vessel if the master is less than 8 feet in height." That would be a limitation, but it would be a foolish limitation. I undertake to say that the limitation in this amendment is not a reasonable limitation, because it can not be enforced. If this subject was before the House upon its merits, I would very willingly support it; and yet there is not the same justification for this amendment to be applied to this item of appropriation as there was to the former item of appropriation, because the former limitation was to put into law what is now the practice or regulation of the Department, where there is a limitation of the Department on the carrier upon the star routes. He can be directed not to receive packages which in themselves would appear to be packages which it is sought to prohibit.

But when you seek to prohibit by what I think is an unreasonable limitation the use of transportation that is upon steamboats, why that leads into all varieties of boats, large and small, large items of mail that go into the mail transportation, without a proper knowledge and means of ascertaining whether or not any of those prohibited articles are in the mails when carried.

Mr. MANN. Will the gentleman yield to me for a question?

Mr. OVERSTREET. I yield to the gentleman from Illinois.

Mr. MANN. I quite agree with the gentleman that practically it would not be possible to carry out the provisions of the amendment in the shape the amendment is offered. But is it not practical, with the amendment in the bill, or another amendment like this going into the bill, to perfect that legislation in the Senate or in conference? Of course, necessarily, an amendment offered like this has got to endeavor to conform to the rules when it is offered. Would it not be practical in the bill, before it becomes law, to have a prohibition which might be effective?

Mr. OVERSTREET. I can think of no amendment of the statute that would meet the situation except it should be a universal provision that hereafter no article of such character shall be admitted to the mails at all, anywhere, and fix a penalty. There is no penalty in this amendment offered here.

Mr. MANN. I know; that is just it. The gentleman understands that you have got to have some things put before the House in the way the rules provide. Here is the point of it. This is now in the bill. Is it not possible for the gentleman to work out a proposition of this sort, so that the provision can be changed in the Senate or can be inserted in conference?

Mr. OVERSTREET. I think there is no means whatever that would apply to a provision of this character that does not apply to fifteen items of the bill in order to perfect that kind of legislation.

Mr. MANN. I agree with the gentleman on that.

Mr. OVERSTREET. There is already something in the bill.

Mr. MANN. The best place for this item, if it is in order there, would be on the item for inland transportation by railroad routes.

Mr. OVERSTREET. I think so.

Mr. MANN. Of course, that would cover everything.

Mr. OVERSTREET. Of course, that would cover everything.

Mr. MANN. But this amendment might be in order on the item to which it has already been made, and not be in order on the other item.

Mr. OVERSTREET. I can not think so.

Mr. MANN. Because the paragraph to which the amendment has already been made was itself subject to a point of order, and hence, as this paragraph is not subject to a point of order, a different question arises. As far as I am concerned, my own judgment would be that this amendment is not in order on this paragraph. I think it is a change of existing law, and yet it is a very close line of authority and decision as to whether this is a mere limitation or a change of law. I take it, in any event, that if it is inserted in the bill the gentleman will endeavor to work it out so that it will be practicable as a legal proposition.

Mr. KEIFER. Mr. Chairman, I wanted to suggest one thing in the interest of a good and sound parliamentary rule, to be applied in this and all like cases. I am not opposed to this amendment. I think the other amendment that was just adopted was in order, for the reason just stated by the distinguished gentleman from Illinois [Mr. MANN]. That is, that it was an amendment to that which was not objected to, but which would have been subject to a point of order if it had been made. One test, and perhaps the proper test, of this modern rule allowing a provision to be in order on an appropriation bill when it is a limitation on the money proposed to be appropriated, is whether the provision or amendment proposed is intended to prevent the use of a part of the money at all, or merely to prevent its use for a certain purpose. If the amendment proposed merely excludes from the mails the things mentioned, it is not a limitation within the rule. If that is the object of it, and that is the thing to be or that will be accomplished, then it is not in order, unless it follows that in excluding those things it saves the money to be appropriated from being expended at all.

If the money is to be expended in a way provided for in the bill, without reference to whether these things are excluded or not excluded, then the rule, as I have understood it hitherto, and I think it is and should be the rule now, would be to treat the amendment as a mere proposition to exclude from the mails the things that are referred to, and not in order for the reason it is not a limitation on the expenditure of the money, because the money is to be expended at all events. That is the way I understand the chairman of the Committee on the Post-Office and the Post-Roads understands it, and that the amendment is not to save the money. It might well be that when money is proposed to be expended you may say that it is only to be expended for a certain purpose, and then if it is not necessary for that the money shall not be expended at all. Here it is proposed to expend the money, but to tack on a clause that the money is not to be used for certain purposes will only, as in this case, exclude some things from the mail and results only in making a law prohibiting the things named in the amendment from the mails, and not in preventing the money from being expended. Under the guise of such limitations much wholly new legislation can be put in appropriation bills, and the spirit if not the letter of the rule will be violated.

Mr. CRUMPACKER. Mr. Chairman, it seems to me that the proposed amendment is in order. It is clearly a limitation, and I thought that question was decided by the Chair in the ruling the Chair made upon the amendment offered by the gentleman from Tennessee on the paragraph just preceding the one now under consideration. The amendment is a limitation of the appropriation. It provides, as I understand it, that no part of the appropriation shall be used for carrying certain kinds of mail that under the law are mailable. It does not change the law. The effect of it is that Congress refuses to make an appropriation for carrying certain classes of mail that is now admitted under the law. It is generally understood, it is known by every Member of the House, that Congress may appropriate or withhold appropriations for legal purposes. Congress may appropriate for one of a number of legal purposes, and not for others. Now, numerous articles are mailable. Appropriations may be made to carry them all. Congress may provide, however, in connection with the appropriation, that no part of it shall be used to carry one particular line of articles. Does that repeal the law? Does it change the law? No; it is a limitation upon the appropriation. That is all there is to it. It simply expresses the purpose of Congress not to appropriate money to carry certain kinds of matter that it might appropriate money to carry. Congress need not appropriate money to carry anything. It may appropriate money to carry certain classes and not others, and under the rules of the House it can only express that intention in the form of a limitation upon the appropriation itself.

Now the question, Mr. Chairman, of the difficulty that may arise in the administration of the provision is not one that may affect the validity of the amendment. It is not one that can be considered in connection with its admissibility under the rule; that is a matter that addresses itself to the discretion of the House when it comes to act upon the proposed amendment. It may be a foolish amendment, it may be one that it is difficult to administer, but I repeat that that question addresses itself entirely to the good sense of the House when it comes to act on the amendment proposed. I think this amendment is exactly in line with the amendment offered by the gentleman from Tennessee a few moments ago, which was upheld by the Chair.

The CHAIRMAN. This amendment, unlike the one upon which the Chair ruled, is offered to a paragraph which is of itself not subject to a point of order. The question, therefore, comes up squarely for decision whether or not this amendment is to be considered as merely a limitation upon the appropriation, or whether it changes existing law.

The Chair listened with great attention to the argument of the gentleman from Indiana [Mr. OVERSTREET], and if this were entirely a new question, might be inclined to give it more consideration than it now feels at liberty to do. It may be that the operation of this amendment would be difficult. It may be that it would be impossible to carry it into effect without stopping the entire transportation of the mails by inland waters, and yet, if it did, would that take it out of the position of a limitation upon an appropriation? It is within the power of the House to refuse to appropriate at all, which would, of course, stop the transportation entirely. It may be that this is a very unwise amendment, but upon that the Chair can not pass. It may be that the operations of the Department in determining what does go by mail would be so affected as to make it impossible of carrying the mail at all if this amendment were adopted. That is a matter for the House or the committee in its wisdom to determine, and not for the Chair. The Chair must be guided, it seems, by what appears on the face of the amendment, unless some provision of law is shown to be changed by the amendment as offered.

It has been held in several instances that, while it is not in order to legislate as to qualifications of recipients of appropriations, a general appropriation bill may specify that no part of the appropriation shall go to recipients lacking certain qualifications. Again, it has been held that an amendment providing that no part of an appropriation shall go to a Soldiers' Home where a canteen is maintained—involving, of course, an investigation to see whether a canteen was maintained—was a mere limitation upon the appropriation and therefore in order. It was held very recently that, while it is not in order on an appropriation bill to require letters on public vehicles, it is in order to withhold the appropriation from all vehicles not lettered. It has been held in order to provide in an appropriation bill that no part of an appropriation shall be expended in the payment of adjudicated claims until the said claims shall have been certified as finally adjudicated. An amendment that no part of an appropriation for the Army should be available for an army of over a certain size has been held in order as a limitation and not as a change of existing law; so it has been held that a provision that no part of an appropriation for an article should be paid to any trust was in order as a limitation. These precedents would seem to rule the pending case.

In other words, the power of the House to refrain entirely from making an appropriation argues that in making one it has the power to provide that it shall not be used in a certain manner or for a certain purpose. While the Chair would, if this were an original proposition not covered by precedents, think it very close under all the circumstances, the Chair feels constrained to overrule the point of order.

Mr. MANN. I move to amend the amendment by adding at the end thereof "or any cocaine or derivative thereof."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment at the end by adding "or any cocaine or derivative thereof."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois to the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on agreeing to the amendment offered by the gentleman from Tennessee as amended.

The question was taken, and the amendment as amended was agreed to.

The Clerk read as follows:

For the transmission of mail by pneumatic tubes or other similar devices, $1,000,000; and the Postmaster-General is hereby authorized to enter into contracts not exceeding, in the aggregate, $1,388,759, under the provisions of the law, for a period not exceeding ten years: *Provided*, That said service shall not be extended in any cities other than those in which the service is now under contract under authority of Congress, except the borough of Brooklyn, of the city of New York, and the cities of Baltimore, Md.; Cincinnati, Ohio; Kansas City, Mo.; Pittsburg, Pa., and San Francisco, Cal.: *Provided*, That no part of this appropriation shall be expended for any extension of pneumatic-tube service in any city, where by limitation of franchise or ordinance, a special taxation or exaction other than the ordinary taxation upon property generally in such city is imposed; nor where provisions in any franchise or ordinance may require the ultimate ownership of such tube property by such city, except at a reasonable cost.

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order on that paragraph.

Mr. JOHNSON of South Carolina. Mr. Chairman, I reserve a point of order on that proviso beginning on page 16 with the word "*Provided*" and ending on page 17 with the word "cost."

Mr. OVERSTREET. Mr. Chairman, I did not quite catch what the gentleman from South Carolina said.

Mr. JOHNSON of South Carolina. Mr. Chairman, I reserve a point of order against this new legislation.

Mr. FITZGERALD. Mr. Chairman, reserving a point of order against the paragraph, I wish to call the attention of the committee to the object in doing so.

Mr. OVERSTREET. I presume the gentleman is referring to the last proviso.

Mr. FITZGERALD. Yes. I would first like to state the facts and then call the attention of the gentleman to another situation, which I doubt that the committee had in contemplation at all.

In the first place, this proviso to which I have offered objection, "that no part of the appropriation shall be expended for the extension of pneumatic-tube service in any city where provision of any franchise or ordinance may require the ultimate ownership of such property by such city except at a reasonable cost," applies, I understand, to the city of Chicago.

Mr. OVERSTREET. It applies wherever those conditions exist.

Mr. FITZGERALD. But particularly now to the city of Chicago. In that city the Pneumatic Tube Company has a franchise which runs for a period of twenty years. It has fifteen years yet to run, and the franchise provides that at the end of the twenty years the company shall convey all of its rights and property to the city of Chicago free of cost. The hearings show that the company has attempted to obtain from the common council of the city of Chicago a modification of its franchise, so that when the franchise expires the city shall pay to the company compensation for its property.

Mr. CRUMPACKER. Let me ask the gentleman if this proviso does not apply also to every city that imposes a license tax upon a theater, upon a saloon, or upon a franchise, or any kind of business excepting a general property tax?

Mr. FITZGERALD. So far as it applies to pneumatic tubes.

Mr. CRUMPACKER. I want to call the gentleman's attention to the fact that it is not limited to pneumatic tubes.

Mr. FITZGERALD. I think it is. Outside of the extraordinary attempt on the part of Congress that this would be to coerce the municipality into modifying a franchise, this provision applies with particular force to a situation that may arise in the city of New York. In the city of New York and its several boroughs there is a pneumatic-tube service. The city is building, either with its money or with the city's credit, a great system of subways. It is intended in time to utilize these subways not only for the passage of passenger cars, but to install pneumatic tubes, telephone wires, telegraph wires, and as many other public-service conveniences as can readily be inserted into the subways, and thus prevent the continual digging up of the public streets and the consequent interference with business.

These subways in the city of New York are being built in such a way that the city either owns them now or ultimately will. They are operated by lessees. Under this provision, if it be incorporated into the law, if the pneumatic-tube company in the city of New York obtained a license from the city to build its tubes through the subways, and agreed that at the expiration of a certain number of years the city should own the tubes, then it would be an impossibility for the Post-Office Department to expend any money in a pneumatic-tube service carried in those tubes unless the city modified its agreement and agreed to pay for the rights and privileges and property of the corporation willing to accept a franchise upon the other conditions. I believe this is an indefensible proposition. I know that in the hearings it is asserted that in the city of Chicago, because of this peculiar franchise which this company accepted, I suppose with great eagerness, it is difficult now to obtain money to provide for the extension of the pneumatic-tube service, because the franchise has only fifteen years more to run, and at the end of that time the property will belong to the city of Chicago.

I think it would be a great benefit to the Federal Government to have the municipalities own the pneumatic tubes. Of what use would they be except to permit the Federal Government to utilize them free of cost in order to facilitate the transmission of the mails in the city. I have no doubt that in every city wherein the municipal authorities owned or controlled a great system of pneumatic tubes it would gladly permit the Federal Government to utilize them in order to obtain the additional facilities that would result in the mail service. To incorporate into this bill that if a company willingly accepted a franchise providing that at the end of a certain time it will donate or turn over its property to the city, a condition that under such circumstances no money appropriated for a pneumatic-tube service could be expended in tubes so operated under such franchise, is an outrage upon the great municipalities of the country.

I shall prefer to see the entire provision for the extension of pneumatic-tube service in the great cities of the country, including the city of which I am a resident, eliminated from this bill rather than that the power of the Federal Government should be utilized as a club to coerce municipalities or any portion of their government into rescinding the provision that requires the turning over of such property free, and coerces the municipality into paying for the property at the end of the franchise period. For these reasons, Mr. Chairman, unless an agreement can be reached that the last clause of the paragraph can be eliminated, I shall insist upon this point of order.

Mr. MANN. Mr. Chairman, it looks to me as though the provision as it is printed in the bill would prohibit the expenditure of any of the appropriation for pneumatic-tube service in Chicago. The pneumatic-tube service is now established. I take it, it was the intention of the committee in framing the bill, however, to make this provision only apply to the extension of the pneumatic-tube service.

Mr. GOEBEL. It says so.

Mr. MANN. I beg the gentleman's pardon. In my judgment, he is mistaken. The first proviso says that "no part of this appropriation shall be expended for any extension of pneumatic-tube service where," and so forth, and then comes the end of that clause and then a semicolon; then "nor where provisions in any franchise or ordinance may require the ultimate ownership of such tube property." I think "nor where" relates back to "no part of this appropriation shall be expended," so that if the provision as it stands in the bill shall become a law, no part of the appropriation could be expended. It is a matter that could be easily fixed by punctuation.

Now, in the city of Chicago a franchise was granted to the Pneumatic Tube Company at the time when it became the settled policy of the city to require a percentage of the gross receipts of any company making use of the streets in any way to be paid into the city treasury. The Pneumatic Tube Company was not excepted from that settled policy of the city. I am personally inclined to think that the city ought not to require a percentage of the gross receipts of a pneumatic tube, devoted wholly to the transportation of mails, to be paid into the city, because probably that means that in order to accommodate the city, and provide for its mail delivery there, the National Treasury shall pay part of the appropriation into the city treasury. But, of course, Congress in its willingness is desirous of contributing something to the city treasury of Chicago. We have not any too much money in our city treasury, and we would be very glad to have the benefit of the National Treasury to help us.

Mr. JOHNSON of South Carolina. Will the gentleman let me interrupt him?

Mr. MANN. Certainly.

Mr. JOHNSON of South Carolina. I wish to say to the gentleman that the United States Government pays the full limit of $17,000 a mile in every city where the service is in operation. So we do not pay any more in Chicago than we do anywhere else.

Mr. MANN. It may be. I was about to say that I did not know whether the full limit was being paid or not. I do not know about that provision as to the extension. My understanding is, however, that in the past it has been impossible to get the company to extend its pneumatic-tube service, because in one way, or to some extent, at least, it was claimed that part of the revenue had to be paid into the city treasury, but it does seem to me that there may be decided objections to that portion of the proviso concerning which the gentleman from New York [Mr. FITZGERALD] has already spoken, and which would prohibit the franchise or city ordinance from requiring ultimately the property of the tube company coming to the city. I am inclined to think if the city of Chicago or any other city in granting a franchise for the pneumatic tube can ultimately acquire the ownership of the tube, that means the General Government will obtain it in the end free of cost. It is undoubtedly true, I would say, that if the city of Chicago should now become the owner of the pneumatic-tube service there, now devoted wholly to the postal service, the city would have no use for it.

The city has no occasion to make use of the pneumatic-tube service, and it would naturally and willingly turn it over to the General Government if the Government desired to use it. And I can see no reason why the city should not require in its ordinance that ultimately the ownership of the tube should come to the city, and thereby afford the opportunity of having it come to the General Government.

Mr. CRUMPACKER. I want to ask the gentleman a question or two in relation to the service in Chicago. I understand from him that the tube service there is used exclusively in the transmission of mails?

Mr. MANN. That is my understanding of it.

Mr. CRUMPACKER. Is it capable of use for any other purpose than the transmission of mails?

Mr. MANN. It would be capable of other use undoubtedly to a certain extent if the mails were not transported in it, but I think it is not capable of transporting the mail and other packages besides.

Mr. CRUMPACKER. It would not be practical, then, to use it for the transmission of private matter and mail at the same time?

Mr. MANN. I think not. These tubes run from the city post-office in the various cities using the system for the transmission of the mails.

Mr. CRUMPACKER. It was constructed for the transmission of mails under a contract with the Government?

Mr. MANN. Of course it is owned by a private corporation.

Mr. CRUMPACKER. Not by the city?

Mr. MANN. It is owned by a corporation. They are all practically owned by the same corporation. Its name was very familiar at one time since I first came to Congress. They were as thick as flies at one time.

Mr. GAINES of Tennessee. How many of these tubes are in service, and in what cities are they in service?

Mr. MANN. Well, I can not tell the gentleman. They are in service now. They are in service in New York and in Chicago, Philadelphia, and, I think, St. Louis also, although I am not sure about that. They are in service principally in New York and Chicago. There are eight or nine miles in Chicago; how many miles there are in New York I do not know.

Mr. OVERSTREET. The bill provides, I may say to the gentleman, that they may be used in other cities.

Mr. GAINES of Tennessee. I would like to ask the chairman of the committee a question or two about this.

Mr. OVERSTREET. If I can have the attention of the committee I can explain the whole matter.

Mr. GAINES of Tennessee. How many cities have this tube service?

Mr. OVERSTREET. If I may have permission I will answer.

Mr. Chairman, under the act of 1902, establishing the operation of the pneumatic-tube service, the service has been installed in five cities—the cities of Boston, New York (including Brooklyn), Philadelphia, Chicago, and St. Louis.

A few years ago authority for the extension of the service was made so as to provide for the service in five additional cities, namely, the cities of Baltimore, Pittsburg, Cincinnati, Kansas City, and San Francisco, and further extensions authorized in the original five cities which I have just named. There are no contracts in operation in any one of those five new cities. All of the contracts are in the five original cities. The appropriation is sufficient to carry out the contracts now in existence. It does not cover sufficient money to carry out any new contracts in any one of the five new cities because, even if under the authority they should make the contract, it would be impossible to put them in operation in time to make any draft upon the appropriation during the next fiscal year.

Mr. GAINES of Tennessee. How much does it carry now?

Mr. OVERSTREET. One million dollars, I think.

Mr. GAINES of Tennessee. How much increase is that?

Mr. OVERSTREET. Well, it is a decrease, as a matter of fact, of two or three hundred thousand dollars. We made a decrease because we found that no new contracts had been entered into. Now, Mr. Chairman, the last proviso the committee has inserted for a certain reason. That is to discourage in the future any new contracts (because the committee recognize the contracts that now exist; and if it did not recognize them it would be unlawful and could not be enforced), but in the future there ought not to be any additional contracts for extension of the service when the city within which the service is situated exercises the power to place heavy exactions upon the service so as to make it a burdensome transaction. This is entirely for mail facilities. These tubes are used for no other purpose at all, and I take it that where the Government has made contracts at considerable expense, at a high rental for the use of the tubes for the benefit of the people of those localities in order to facilitate the collection and delivery of the mail, that those cities should have sufficient patriotism to at least refrain from making extraordinary exactions upon that property.

It may be said, as the gentleman from New York said, what difference is it so long as the contractor makes no objection? There is just this difference, Mr. Chairman: Wherever an unusual charge is laid upon the property the contractors, you may depend upon it, will pass that burden back upon the Government itself in its charges. It is true that the payments now under the various contracts are for the maximum authorized by law, and they will always be the maximum as long as these extra exactions are permitted. And I imagine that in the future, if this tube service shall be extended, if we can be assured that these localities will make no greater tax levy or assessments upon that property than it makes upon property generally of that community, that in time we may hope, at least, and expect lower rental charges.

Mr. CRUMPACKER. One thing I want to call the gentleman's attention to.

Mr. OVERSTREET. I want to yield to the gentleman from South Carolina first.

Mr. JOHNSON of South Carolina. The gentleman has already stated what I wanted to ask him. We are paying more, perhaps, in New York than in Boston, so that the burden does now fall back upon the Government.

Mr. OVERSTREET. Now, the gentleman will appreciate the fact that this provision is not entirely for New York and Chicago. Authority is now made by law for the extension to five new cities. But in these cities it is quite possible for these burdens on franchise limitations to be exacted; and if the gentleman will permit me just a moment, under the law of 1902 $17,000 annual rent is the maximum rate in cities where the mileage of the tube service is in excess of 3 miles. By general provision of the law the rate of expense for the tube service is less in each instance than 3 miles, so that it is entirely possible under the law for a higher rate than $17,000 a mile to be tube service shall not exceed 4 per cent of the gross receipts of the post-office in a community where it is proposed to locate the service in those five new cities. The mileage authorized by law is less in each instance than 3 miles, so that it is entirely possible under the law for a higher rate than $17,000 a mile to be made, providing that the total expense in each city shall not exceed 4 per cent of the gross receipts of the office in those respective cities.

Therefore it is important that before any of these contracts shall be made there be a limitation that this expenditure shall not be made where there is an undue requirement or exaction by the city in the franchise.

Mr. CRUMPACKER. Right upon that question, in reading this proviso, it seems to me that there is some uncertainty in connection with this question of taxation. The proviso is that no part of this appropriation shall be expended for any extension of the pneumatic-tube service in any city where by limitation of franchise or ordinance a special taxation or exaction, other than the ordinary taxation upon property generally in such city, is imposed.

Upon what? It is not limited to the tube-service property. It may fairly be construed to be upon any other property. It occurred to me that in the interests of certainty that ought to be qualified "imposed upon the tube service."

Mr. OVERSTREET. The meaning of that is that the tube property shall suffer no greater taxation than property generally.

Mr. CRUMPACKER. I understand that is the purpose of it, but I think you have not expressed it with sufficient certainty so as to leave it free from doubt.

There is one other proposition. Let me ask the gentleman if provision is made now against the imposition of any extraordinary tax or exaction upon the tube-service property what is the object of the second clause in the proviso, in relation to the character of contracts with the city? Is the Government fully protected by providing against the imposition of any extraordinary taxation or levies upon the tube-service property?

Mr. OVERSTREET. I think the most objectionable part is the provision for ultimate ownership of the property, because, undoubtedly, where a city, granting an original franchise for tube service to be inaugurated, requires that ultimately the city shall own all of the property it is more objectionable than a simple franchise tax.

Mr. CRUMPACKER. But I do not understand how that can affect anything.

Mr. OVERSTREET. Just in this way: Suppose they require that on a ten-year contract at the end of the term the property shall become owned by the city, why, naturally, the parties would not contract with the Government unless they could exact a sufficiently high annual rental to compensate them for the original investment.

Mr. CRUMPACKER. The parties probably would not construct a tube system, it would seem to me, under any such conditions and limitations. It occurred to me that there is some danger of this standing as a precedent for our regulating the system of taxation in the various municipalities, through limitations upon appropriations. My first impression was that this was a dangerous provision. As explained by the gentleman from Indiana, I can see how it is proper, under certain restrictions. But suppose, now, some gentleman should propose that no part of this money should be expended in any city where the liquor traffic is licensed. That would probably go through the House.

Mr. OVERSTREET. I do not doubt that it would. That undoubtedly would affect the city of Chicago.

Mr. MANN. I doubt whether it would have any effect in Chicago. [Laughter.]

Mr. CRUMPACKER. It would doubtless apply to several large cities in the country. It seems to me this is a dangerous proposition to enter upon, and that we want to consider it with a good deal of care. But, of course, the Government must protect itself.

Mr. OVERSTREET. With reference to this last provision,

relative to ultimate ownership of the tube property, and possible contracts in the five new cities where the service has been authorized to be installed; supposing in any one of those five new cities a contract or franchise should be authorized under the terms of which at the end of ten years the tube property should become owned by the city itself. Then the contracting parties would ask the Government to increase the annual rental of those tubes, so as to enable them to recoup themselves for their original investment.

How do they do it? Why, they refuse to inaugurate the service here except upon the rental, which would be equivalent to the use of the tube for the term of years including their operation and a fair profit on the investment and the original cost of the property.

Mr. MANN. Of course this is a practical question and not a theoretical question merely. The gentleman knows that if any city should require the tube to become its property at the end of ten years, there would be no tube service in a city that made such a requirement. No company could afford to build or operate a tube on those conditions at the rate we are paying. Is it not desirable where the tubes are used for nothing except the transportation of mail, like in Chicago, already in existence, that if possible in the end it shall become the property of the Government?

Mr. OVERSTREET. That is a far better proposition than for it to become the property of the city.

Mr. MANN. If it should become the property of Chicago to-morrow, it would be offered to the General Government. The city could make no use of it.

Mr. OVERSTREET. I do not know about that; the city could sell it.

Mr. MANN. All the General Government would have to do would be to omit making appropriations. The General Government has absolute control of the subject. The General Government has the right to refuse to make appropriations except upon its terms, and can just as well say at the expiration of the franchise it will make no appropriation unless the pneumatic tube is turned over to the Government as to say what it is saying now. Would not the gentleman be willing to let the latter provision go out, in view of the attitude of Chicago, to which this only applies, and which attitude is in the interest of the General Government?

Mr. OVERSTREET. I have realized ever since this tube subject has been before the committee that it is unpopular in some sections and very popular in others. There are Members strongly prejudiced against it and Members strongly prejudiced in favor of the service. It is a peculiar situation. Undoubtedly in cities where the topography of the city is such as to make it extremely difficult to use the streets for carrying large quantities of mail it is of very great benefit.

In Chicago I think it is of especial benefit because of the drawbridges, the stoppage of traffic on the streets, the congested condition of the streets, and I think in the city of New York it has been of vast benefit. Without it the streets would be greatly congested even with the use of the elevated cars and the subway. It performs a peculiar and important service for the Government. I do not undertake to free the prejudice from the minds of some men that think the corporations are exacting high rentals, and that they ought not to be permitted to do so. Neither do I think that we ought to require that they shall give us the property after the term of the contract has expired. It is a patent. We are obliged to pay for this on account of the patent rights, the same as we discussed this afternoon in relation to canceling machines. We think we have been fairly liberal in the extension of the service. In New York it is being extended rapidly and used extensively. Chicago, St. Louis, Boston have demanded further extension, often more rapidly than the extension has been granted; but in doing that the committee felt that it was not acting unfairly to require that hereafter, in the new extensions where contracts have not already been entered into, there should be some sort of limitation relative to the ownership at least of the tube properties so that we might avoid, if possible, the continuance of high rental charges.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. OVERSTREET. Certainly.

Mr. FITZGERALD. There has been no contract let up to this time which has not provided a maximum amount that shall be paid.

Mr. OVERSTREET. I quite agree with the gentleman.

Mr. FITZGERALD. How do we benefit any by coming to the relief of this one company and freeing it from exactions to which it willingly submitted? It is simply stopping it from dividing profits with the municipality.

Mr. OVERSTREET. I suppose that if any impairment of the authority for the tube service or of the appropriation carried should be determined upon by the House, my friend from New York and my friend from Illinois would be among the first to complain against such impairment of the service in their own or other cities.

It is a good service, and gentlemen must admit that it has not been abused up to date; and the only desire we have is that before any additional contract shall be made in any of these new cities, or even an extension of service in any of the old cities shall be made, we shall have set our faces against the cities themselves becoming parties to the increased burdens upon this service.

Mr. FITZGERALD. Let me call the attention of the gentleman to this: Under the law of the State of New York, under the charter of the city of New York, the city can not grant any franchise in perpetuity. It must have a provision in it which limits the rights granted to a specified time. Suppose somebody should suggest that this extension shall not be made in any city where a franchise shall not be granted in perpetuity. It can be argued in that case just as strongly as it can in this one, where this corporation was willing to take the franchise under which it was to surrender all of its property at the end of the twenty years. Why should we interfere in a dispute between a municipality and a private corporation?

Mr. MURDOCK. The gentleman from Indiana spoke of some who have a strong prejudice against the pneumatic tube and this service. I have a strong prejudice against the service, as he well knows. I want to ask him if it is not a fact that the pneumatic-tube service means refinement of facility which sometimes defeats itself, and my point is this, that the last part of the large given amount of mail will arrive through a pneumatic tube at its destination at a later time than it would if carried by ordinary wagons.

Mr. OVERSTREET. I presume if there were but one wagon load of mail, and it all of the first class, that the last letter which might have been transported through the tube would have reached the office just as quickly if it had been transported from the wagon, but there is, as a rule, much more mail than a wagon load in cities where the service is installed, and it is difficult to put into practice the proposition which the gentleman submits, because there is a continuous stream of letters through the tube.

As long as there are letters to be sent either to the office or to one of the stations fed by the tube, this stream of letters keeps up. Now, I doubt whether there has ever been a time in actual practice where they took just the mail from one particular load and started it through one particular tube. So that in practice the theoretical proposition submitted by my friend from Kansas, I think, would never happen.

Mr. MURDOCK. The gentleman actually believes, then, that the pneumatic-tube service does facilitate the bulk of the first-class mail.

Mr. OVERSTREET. Unquestionably in these cities where it is in use.

Mr. FITZGERALD. The gentleman from Kansas overlooks the fact that it is distributed in the office as quickly as it arrives when it comes through the tube.

Mr. MURDOCK. I understand that out in Kansas City, Mo., where there is a provision for a pneumatic-tube service to carry the mail from the Union Depot to the post-office, the great bulk of the mail carried by wagons will arrive at the post-office before it will by pneumatic tube. I wish also to call the attention of the gentleman from Indiana [Mr. OVERSTREET] to this proposition, that by very reason of the large mail in cities, even if you do have an ever continuing line of mail through the pneumatic tube, from station to station or from railroad to station to post-office, the last part of any great bulk of mail is delayed and not facilitated.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. The suggestion of the gentleman from Kansas [Mr. MURDOCK] that this service is unsuitable for short distances, such as that in Kansas City, I believe is confirmed by the opinion of post-office officials who have given any consideration whatever to this service. The value of this service lies not so much for short distances as where the distances are long and where the collections of mail are frequent. For instance, in Philadelphia they used that service originally between the main post-office and the Bourse substation, a distance of half a mile, and from the main station to the Reading terminal and Broad Street station. It was the opinion of the postal officials of that city that mail could be much more expeditiously dispatched to those points by wagon than by pneumatic tube; but in a city where you have trains arriving very frequently, as in New York City, where 90 per cent of all the mail arrives and de-

parts over the New York Central and the Pennsylvania railroads, it is of great value in dispatching the mail to the trains and from the trains to the many postal stations in the city.

Then, again, it is of value in the transmission of city mail, which is very large in New York, because, as gentlemen are aware, these tubes have connections with postal stations, and it would require an hour or more to have that mail carried by screened-wagon service, which is the only method of service in New York, whereas by this tube service it can be taken from Station H, at the New York Central depot, to the main post-office or to the Wall street station or to Brooklyn in the course of from six to twelve minutes.

Mr. MURDOCK. Will the gentleman yield?

Mr. STAFFORD. I will yield.

Mr. MURDOCK. I would like the gentleman to explain to the committee, if he can, why it is that these extensions have not been made in the cities named in the bill?

Mr. STAFFORD. To be frank with the gentleman, there is one company, though under different names, that operates this system in the five respective cities in which the service is now in operation. A few years ago there were two rival companies, but now one company has gained control of the entire system and owns some of the patents. Of course, there are different means of conveyance by pneumatic tube and other devices, but this company has control of one set of patents.

The reason why they have not been extended is largely because they have limited capital, and they can make more money by investing that capital in those cities where the cost of construction is less than in cities where the cost of construction is great. For example, the greatest extension of this service has been during the last two years in the city of Philadelphia. Until two years ago there was in the neighborhood of a mile and a half of service. At the present time there are nearly 4 miles in operation, and there are under contract 7.35 miles. There, as the gentleman from Philadelphia and others who are acquainted with the topography of that city know, it is easy to excavate to lay the tubes. They have no marshes there; and I have seen during the past two years the ease with which they have extended the pipes from the main post-office to the Fairmount Avenue station, and up to Columbia avenue and Tenth street, and another line of tubes from Columbia avenue to Ridge road, and still another south to the Snyder Avenue station.

In that city, which is the only city, I may say, where there have been any extensions during recent years, the company has utilized its available funds for the extension of the system. It was more profitable, as a bare statement of the subject will show that they could make more money by extending the system in one city than by branching it out by piecemeal in these other five cities where the service was very limited in extent, as, for instance, in Kansas City, where it was proposed to extend it not more than a mile and a half, and in Cincinnati about 1½ or 2 miles, and in Baltimore less than a mile, and where they would receive for those short distances the maximum of $17,000 a mile.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STAFFORD. In New York, I may say, the service is being extended in Brooklyn, and also in the outlying suburbs; but some of the extensions have been delayed because of the building of the new Pennsylvania station. In Chicago one of the difficulties encountered in the extension of the service has been the limitation in the franchise which provided that these tubes should revert to the city at the expiration of fifteen years. The company, as I stated a few moments ago, thought it was more practicable and a better investment, as their means were limited, to invest them in those localities where they did not have restrictions, and accordingly they have centered all their extensions there.

Mr. FITZGERALD. Will the gentleman yield to a question?

Mr. STAFFORD. I will.

Mr. FITZGERALD. Will the gentleman state who recommended the provisos that are contained in this paragraph?

Mr. STAFFORD. To which provisos does the gentleman refer?

Mr. FITZGERALD. The ones about the extraordinary tax and the one about the ultimate ownership of the property by cities. I have searched through the estimates and hearings and have been unable to find any recommendation by any official. I would be glad to know just who made this recommendation.

Mr. STAFFORD. If you will examine the hearings you will find that there are various communications that were sent to members of the committee protesting against the existing conditions of the pneumatic-tube service in Chicago and also protesting against the continuation of the limitations in the franchise that prevented the extension of the service to the outlying suburbs which has been recommended by the board that investigated this system some few years ago.

Mr. FITZGERALD. Will the gentleman call my attention to where these communications can be found in the hearings? I have not been able to find them.

Mr. STAFFORD. On page 261 of the hearings and subsequent pages he will find a letter from Mr. David R. Forgan, president of the First National Bank, addressed to Mr. George W. Hinman, president of the Inter Ocean Publishing Company, Chicago, in which he directs attention to the general service in Chicago, and some other communications.

Mr. FITZGERALD. Will the gentleman tell me whether Mr. Forgan or his bank has any interest in this tube-service company or has been approached to finance this extension?

Mr. STAFFORD. There is nothing disclosed in the record and nothing presented to the committee that showed any interest on the part of Mr. Forgan except as a citizen of Chicago interested in the service.

Mr. FITZGERALD. The president of one national bank and the Pneumatic Tube Company itself wrote letters, and then there are some resolutions adopted by the chamber of commerce. I undertake to say, from what my experience has been, that a chamber of commerce in a large city will pass a resolution in favor of anything that can be suggested to a legislative body; and if that is the only thing upon which the recommendation has been based it does not impress me very much.

Mr. OVERSTREET. Mr. Chairman, it is quite evident that we can not conclude this paragraph this evening. I suggest that we stop at this point. I want to ask unanimous consent to recur to page 5, which I think will take just a minute.

Mr. MURDOCK. A parliamentary inquiry. Has a point of order been reserved to any part of this paragraph or the paragraph?

The CHAIRMAN. The point of order has been reserved against the paragraph.

Mr. OVERSTREET. At page 5 of the bill, the gentleman from Pennsylvania [Mr. WANGER], I understand, will withdraw his point of order against the proviso contained in lines 12, 13, 14, and 15. I desire to have that put back in the bill.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to return to a paragraph on page 5 of the bill for the purpose stated. Is there objection? [After a pause.] The Chair hears none.

Mr. WANGER. Mr. Chairman, being fully persuaded of the propriety of the provision as reported by the committee, I respectfully withdraw my point of order.

The CHAIRMAN. The Chair will state that the point of order being withdrawn, the Chair thinks the better practice would be for the gentleman from Indiana to move an amendment.

Mr. OVERSTREET. I move to reinsert in the bill lines 12, 13, 14, and 15, on page 5.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word, "dollars." in page 5, line 12, insert:
"*Provided*, That hereafter a second assistant postmaster may be employed at the city of Chicago post-office at an annual compensation of $2,500."

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Indiana.

The question was taken, and the amendment was agreed to.

Mr. GOEBEL. Mr. Chairman, several days ago I addressed the committee upon the question of ocean mail subsidy. I desire now to ask unanimous consent to extend my remarks in the RECORD upon that subject.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend in the RECORD some remarks made by him in committee on a former day concerning this bill. Is there objection? [After a pause.] The Chair hears none.

Mr. HOUSTON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the amendment I offered.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to extend the remarks made upon his amendment. Is there objection? [After a pause.] The Chair hears none.

Mr. OVERSTREET. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on state of the Union, reported that that committee had had under consideration the post-office appropriation bill and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 9205. An act to make the provisions of an act of Congress approved February 28, 1891 (26 Stats., p. 796), applicable to the Territory of New Mexico; and

H. R. 16860. An act to establish a United States land district in the Territory of New Mexico to be known as the Tucumcari land district.

AGRICULTURAL APPROPRIATION BILL.

Mr. SCOTT, from the Committee on Agriculture, reported the bill (H. R. 19158) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1909, which was read a first and second time and, with the accompanying report, ordered to be printed and referred to the Committee of the Whole House on the state of the Union.

Mr. FITZGERALD. I reserve all points of order on the bill.

The SPEAKER. The gentleman from New York reserves all points of order.

ADJOURNMENT.

Mr. OVERSTREET. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 13 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Hazard*, Barnabus Young, master—to the Committee on Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Hans Peter Guttormsen against the United States—to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. VOLSTEAD, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 6283) permitting homestead entries upon certain lands in Whatcom County, Wash., being a portion of the "Point Roberts Reserve," reported the same with amendment, accompanied by a report (No. 1215), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAMILTON of Michigan, from the Committee on the Territories, to which was referred the joint resolution of the Senate (S. R. 37) disapproving certain laws enacted by the legislative assembly of the Territory of New Mexico, reported the same without amendment, accompanied by a report (No. 1216), which said resolution and report were referred to the House Calendar.

Mr. HAY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 18689) to authorize the Secretary of War to furnish two condemned brass or bronze cannon and cannon balls to the city of Winchester, Va., reported the same with amendment, accompanied by a report (No. 1219), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. TIRRELL, from the Committee on Claims, to which was referred the bill of the House (H. R. 10986) for the relief of L. H. Lewis, reported the same without amendment, accompanied by a report (No. 1211), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10987) for the relief of A. A. Lewis, reported the same without amendment, accompanied by a report (No. 1212), which said bill and report were referred to the Private Calendar.

Mr. WALDO, from the Committee on War Claims, to which was referred the bill of the House (H. R. 8661) for the relief of the Richmond Light Infantry Blues, of Virginia, reported the same with amendment, accompanied by a report (No. 1214), which said bill and report were referred to the Private Calendar.

Mr. FULTON, from the Committee on Claims, to which was referred the bill of the House (H. R. 17344) for the relief of Frederick Daubert, reported the same without amendment, accompanied by a report (No. 1217), which said bill and report were referred to the Private Calendar.

Mr. CLAUDE KITCHIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 5826) to pay the Woodward Carriage Company, of San Antonio, Tex., for the loss of a horse while being used by the Department of Agriculture, reported the same without amendment, accompanied by a report (No. 1218), which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19101) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 1220), which said bill and report were referred to the Private Calendar.

ADVERSE REPORT.

Under clause 2 of Rule XIII,

Mr. YOUNG, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 17556) to grant an honorable discharge from the military service to Robert C. Gregg, reported the same adversely, accompanied by a report (No. 1213), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 618) granting a pension to Charles M. Baughman—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11942) granting an increase of pension to Elizabeth Graham—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16911) granting an increase of pension to Clara B. Mercur—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15183) authorizing the Secretary of the Interior to issue patents in fee to the Protestant Episcopal Church for certain lands in Wisconsin set apart for the use of the said church for missionary purposes among the Oneida Indians—Committee on the Public Lands discharged, and referred to the Committee on Indian Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HAMLIN: A bill (H. R. 19080) for the relief of postal employees—to the Committee on the Post-Office and Post-Roads.

By Mr. ACHESON: A bill (H. R. 19081) to promote efficiency among military officers—to the Committee on Military Affairs.

By Mr. GOULDEN: A bill (H. R. 19082) providing for the assembling, collecting, editing, and transmitting by the Secretary of War to Congress for printing as a public document for distribution the rolls of soldiers, sailors, and marines, and correspondence and reports relating to the war of the Revolution—to the Committee on Military Affairs.

By Mr. BURTON of Ohio: A bill (H. R. 19083) to prevent the disclosure of information concerning interstate shipments of any person, firm, or corporation by common carriers, their officers, agents, or employees, or persons having access to their records, to another person, firm, or corporation—to the Committee on Interstate and Foreign Commerce.

By Mr. HOWELL of Utah: A bill (H. R. 19084) to provide for the erection of a public building at the city of Ephraim, Utah—to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Michigan: A bill (H. R. 19085) to amend section 691 of subcapter 7, building associations, of the Code of Law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. FULTON: A bill (H. R. 19086) to establish a subtreasury at Oklahoma City, Okla.—to the Committee on Ways and Means.

By Mr. SNAPP: A bill (H. R. 19087) to authorize the Secretary of War to furnish two condemned cannon to the Elgin Academy, Elgin, Ill.—to the Committee on Military Affairs.

By Mr. FOSS: A bill (H. R. 19088) to protect the uniform of the naval and military service of the United States—to the Committee on Naval Affairs.

By Mr. HUMPHREY of Washington: A bill (H. R. 19089) to encourage private salmon hatcheries in Alaska—to the Committee on the Merchant Marine and Fisheries.

By Mr. FOSS: A bill (H. R. 19090) to provide for the examination of certain officers of the Navy, and to regulate promotions and retirements therein—to the Committee on Naval Affairs.

Also, a bill (H. R. 19091) to provide for the arrest of deserters from the naval service of the United States—to the Committee on Naval Affairs.

Also, a bill (H. R. 19092) for the relief of certain commissioned and warrant officers appointed while serving in the Regular Navy—to the Committee on Naval Affairs.

Also, a bill (H. R. 19093) to amend section 1624, article 34, of the Revised Statutes—to the Committee on Naval Affairs.

Also, a bill (H. R. 19094) to authorize the Secretary of the Navy in certain cases to mitigate or remit the loss of rights of citizenship imposed by law upon deserters from the naval service—to the Committee on Naval Affairs.

By Mr. FRENCH: A bill (H. R. 19095) authorizing the Secretary of the Interior to sell isolated tracts of land within the Nez Perce Indian Reservation—to the Committee on Indian Affairs.

By Mr. SPARKMAN: A bill (H. R. 19096) to increase the limit of cost of a public building at the city of Ocala, in the State of Florida, and to authorize the erection and completion of such building—to the Committee on Public Buildings and Grounds.

By Mr. FAIRCHILD: A bill (H. R. 19097) awarding medals of honor to the officer and enlisted men of the Third Regiment New York Cavalry—to the Committee on Military Affairs.

By Mr. OLCOTT: A bill (H. R. 19098) for the establishment of an asylum for the criminal insane in the District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 19099) for the erection of a building for the criminal insane in the District of Columbia—to the Committee on Public Buildings and Grounds.

By Mr. HUGHES of West Virginia: A bill (H. R. 19100) for the protection of the banks of the Guyandot River at Barboursville, Cabell County, W. Va.—to the Committee on Rivers and Harbors.

By Mr. LOUDENSLAGER, from the Committee on Pensions: A bill (H. R. 19101) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors—to the Private Calendar.

By Mr. STEPHENS of Texas: A bill (H. R. 19156) to authorize the sale of the property and the migration of certain full-blood Indians, and for other purposes—to the Committee on Indian Affairs.

By Mr. FERRIS: A bill (H. R. 19157) to provide for the sale of the remnant of certain Indian pasture and wood reserve lands in Oklahoma, and for other purposes—to the Committee on Indian Affairs.

By Mr. SCOTT, from the Committee on Agriculture: A bill (H. R. 19158) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1909—to the Union Calendar.

By Mr. ANDREWS: Joint resolution (H. J. Res. 151) disapproving certain laws enacted by the legislative assembly of the Territory of New Mexico—to the Committee on the Territories.

Also, joint resolution (H. J. Res. 152) concerning the Navajo Indian Reservation in New Mexico—to the Committee on Indian Affairs.

By Mr. SMITH of California: Joint resolution (H. J. Res. 153) concerning the acquisition of a site for a public building in the city of San Diego, Cal., and for other purposes—to the Committee on Public Buildings and Grounds.

By Mr. SCOTT: Resolution (H. Res. 294) for payment for services of a messenger to the Committee on Agriculture—to the Committee on Accounts.

Also, resolution (H. Res. 295) requesting the Secretary of Commerce and Labor to investigate the causes of the fluctuations in the price of grain, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. HARRISON: Resolution (H. Res. 296) requesting the President of the United States for certain information relative to the Panama Canal Zone—to the Committee on Interstate and Foreign Commerce.

By Mr. HULL of Iowa: Resolution (H. Res. 297) for pay for services of a messenger to the Committee on Military Affairs—to the Committee on Accounts.

By Mr. BURTON of Ohio: Concurrent resolution (H. C. Res. 33) for printing copies of preliminary report of the Inland Waterways Commission—to the Committee on Printing.

By Mr. HARRISON: Concurrent resolution (H. C. Res. 34) to provide for the printing of the proceedings attending the unveiling of the statue of Maj. Gen. George B. McClellan—to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 19102) granting a pension to W. H. Gooden—to the Committee on Pensions.

Also, a bill (H. R. 19103) for the relief of F. Nerio Gomez—to the Committee on Claims.

By Mr. ASHBROOK: A bill (H. R. 19104) granting an increase of pension to William M. Seymour—to the Committee on Invalid Pensions.

By Mr. BARCLAY: A bill (H. R. 19105) granting an increase of pension to Newton Reed—to the Committee on Invalid Pensions.

By Mr. BROUSSARD: A bill (H. R. 19106) granting a pension to C. H. St. Clair—to the Committee on Pensions.

By Mr. BRUMM: A bill (H. R. 19107) granting an increase of pension to Robert M. McCormick—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 19108) for the relief of the heirs of Edward H. Wade, deceased—to the Committee on War Claims.

Also, a bill (H. R. 19109) granting an increase of pension to Malinda Foust—to the Committee on Pensions.

Also, a bill (H. R. 19110) granting a pension to Robert W. Burkart—to the Committee on Pensions.

By Mr. BURTON of Ohio: A bill (H. R. 19111) granting a pension to Carl Keyerleber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19112) to correct the military record of Lora E. Reed—to the Committee on Military Affairs.

By Mr. CARLIN: A bill (H. R. 19113) for the relief of Julia T. W. Furlong, executrix of estate of Thomas Wrenn, deceased—to the Committee on War Claims.

By Mr. CARTER: A bill (H. R. 19114) to remove the restrictions upon the alienation, sale, incumbrance, or taxation of certain lands of W. H. L. Campbell, a citizen by intermarriage of the Chickasaw Nation—to the Committee on Indian Affairs.

By Mr. Chaney: A bill (H. R. 19115) granting an increase of pension to Joseph Dulieu—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19116) granting an increase of pension to Marquis L. Walts—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 19117) granting an increase of pension to Alexander Tuck—to the Committee on Invalid Pensions.

By Mr. COCKS of New York: A bill (H. R. 19118) granting a pension to Louise E. Eberle—to the Committee on Invalid Pensions.

By Mr. COOPER of Pennsylvania: A bill (H. R. 19119) granting an increase of pension to William Love—to the Committee on Invalid Pensions.

By Mr. DAVIDSON: A bill (H. R. 19120) to reimburse Andrew Noll, postmaster of Chilton, Wis., for damage to post-office property by burglary—to the Committee on Claims.

By Mr. DOUGLAS: A bill (H. R. 19121) granting an increase of pension to Major Randolph—to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 19122) granting a pension to Jacob H. Howell—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: A bill (H. R. 19123) to correct the lineal and relative rank of Granville Sevier, captain, Coast Artillery Corps, United States Army—to the Committee on Military Affairs.

By Mr. GILHAMS: A bill (H. R. 19124) for the relief of the estate of J. Calvin Kinney, deceased—to the Committee on Claims.

By Mr. HARDING: A bill (H. R. 19125) granting an increase of pension to Joseph D. Callaghan—to the Committee on Invalid Pensions.

By Mr. HELM: A bill (H. R. 19126) granting an increase of pension to Lytle Kays—to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: A bill (H. R. 19127) granting a pension to Helen M. Morgan—to the Committee on Invalid Pensions.

By Mr. HUGHES of New Jersey: A bill (H. R. 19128) granting an increase of pension to Charles M. Titus, jr.—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 19129) for the relief of the heirs of James D. White, deceased—to the Committee on War Claims.

By Mr. JENKINS: A bill (H. R. 19130) granting an increase of pension to Christian Evenson—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 19131) granting an increase of pension to Robert Elliott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19132) granting an increase of pension to John Owens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19133) granting a pension to Caleb Chenault—to the Committee on Pensions.

Also, a bill (H. R. 19134) granting a pension to Frank P. Collins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19135) for the relief of the legal representatives of Adam Baum—to the Committee on War Claims.

Also, a bill (H. R. 19136) to correct the military record of Henry Ritchie—to the Committee on Military Affairs.

By Mr. McCREARY: A bill (H. R. 19137) granting an increase of pension to Abram P. Eaton—to the Committee on Invalid Pensions.

By Mr. McKINLAY of California: A bill (H. R. 19138) granting an increase of pension to John Winter—to the Committee on Pensions.

Also, a bill (H. R. 19139) granting an increase of pension to Billings A. Clark—to the Committee on Pensions.

By Mr. MONDELL: A bill (H. R. 19140) to donate certain carriages, caissons, and equipments to General O. O. Howard Post, No. 110, Grand Army of the Republic, of Basin, Wyo.—to the Committee on Military Affairs.

By Mr. MOUSER: A bill (H. R. 19141) for the relief of the heirs at law and legal representatives of Asahel Bliss—to the Committee on War Claims.

By Mr. NYE: A bill (H. R. 19142) granting an increase of pension to William Ray—to the Committee on Invalid Pensions.

By Mr. PATTERSON: A bill (H. R. 19143) granting an increase of pension to Patrick P. Toale—to the Committee on Invalid Pensions.

By Mr. PUJO: A bill (H. R. 19144) granting an increase of pension to Paul Sullivan, alias Matthias G. Clark—to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 19145) for the relief of David Ryan—to the Committee on Claims.

By Mr. SMITH of Missouri: A bill (H. R. 19146) granting an increase of pension to George Leadbetter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19147) granting an increase of pension to Benjamin F. Pew—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19148) granting an increase of pension to Andrew J. Williams—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 19149) granting a pension to Sarah J. Davis—to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 19150) granting an increase of pension to Joseph M. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19151) granting an increase of pension to Jacob Taylor—to the Committee on Invalid Pensions.

By Mr. TIRRELL: A bill (H. R. 19152) for the relief of Paul Butler—to the Committee on Claims.

By Mr. BURNETT: A bill (H. R. 19153) granting a pension to Pauline E. Hauk—to the Committee on Pensions.

By Mr. RHINOCK: A bill (H. R. 19154) to correct the military record of Conrad Seither—to the Committee on Military Affairs.

Also, a bill (H. R. 19155) granting a pension to Sarah Moore—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Liberal Alliance, of Los Angeles, and 480 similar organizations, against legislation to restrict interstate commerce in beer and wine—to the Committee on the Judiciary.

By Mr. ACHESON: Petition of Branch No. 93, Glass Blowers' Association of the United States and Canada, against S. 2926 (Tillman bill)—to the Committee on the District of Columbia.

Also, petition of Local Union No. 266, United Mine Workers of America, against S. 1518—to the Committee on the Post-Office and Post-Roads.

Also, petitions of citizens of New Brighton, Rochester, and Beaver Falls, Pa., for an international court of arbitration—to the Committee on Foreign Affairs.

By Mr. ANTHONY: Petition of sundry officers of the Hanoverian army who came to America during the civil war, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. ASHBROOK: Paper to accompany bill for relief of Caroline M. Douglas—to the Committee on Pensions.

By Mr. BATES: Petition of Reed Manufacturing Company, of Erie, Pa., for Gallinger amendment to shipping bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of Crawford County, Pa., for additional protection to dairy interests—to the Committee on Agriculture.

Also, petition of Muncie Iron Works, of Erie, Pa., favoring Fulton amendment to interstate commerce law (S. 423)—to the Committee on Interstate and Foreign Commerce.

By Mr. BIRDSALL: Petition of Independence Tobacco Manufacturers, against H. R. 17520—to the Committee on Ways and Means.

Also, petitions of S. J. Stack, Clarence Warren, and D. W. Rand, of Dubuque, Iowa, for battle-ship building at navy-yards—to the Committee on Naval Affairs.

By Mr. BRADLEY: Petition of Shawagunk Grange, Patrons of Husbandry, of Minisink, N. Y., for H. R. 15837, for a national highway commission—to the Committee on Agriculture.

By Mr. BRICK: Petition of St. Joseph Valley Grange, No. 584, of South Bend, Ind., for a national highway commission—to the Committee on Agriculture.

Also, petition of William Landon Post, No. 290, Grand Army of the Republic, for the Sherwood pension bill (H. R. 4038)—to the Committee on Invalid Pensions.

By Mr. BURKE: Petition of William McMahon, against sale of intoxicants on all Government property—to the Committee on Alcoholic Liquor Traffic.

By Mr. BURNETT: Papers to accompany bills for relief of heirs of Edward H. Wade and Solomon Kean—to the Committee on War Claims.

By Mr. BURTON of Ohio: Petition of United Mine Workers of America, for amendment to Constitution against disfranchisement of woman—to the Committee on the Judiciary.

Also, petition of veterans of the civil war, for repeal of section 3 of service-pension act of February 6, 1907, and in lieu a reasonable attorney's fee be allowed as per pension act of July 4, 1884—to the Committee on Invalid Pensions.

By Mr. CALDER: Petition of Association of American Directory Publishers, for the Kittredge copyright bill—to the Committee on Patents.

By Mr. CAPRON: Petition of Bryan, Marsh Company, of Central Falls, R. I., against child-labor bill—to the Committee on Labor.

Also, petition of Davisville (R. I.) Grange, Patrons of Husbandry, for a national highway commission—to the Committee on Agriculture.

By Mr. CHANEY: Paper to accompany bill for relief of Maryius L. Walts—to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: Petition of officers of First National Bank of Madison, Fla., for the Fowler currency bill—to the Committee on Banking and Currency.

By Mr. COOPER of Texas: Petition of Sam Roker and 11

other citizens of Jacksonville, Tex., against S. 1518 (Penrose amendment)—to the Committee on the Post-Office and Post-Roads.

Also, petition of Oscar Ackerman and members of Electrical Workers' Local No. 221, for battle-ship building in navy-yards—to the Committee on Naval Affairs.

By Mr. DAVEY of Louisiana: Petition of William Growland, jr., and others, of New Orleans, La., for telegraph investigation—to the Committee on Interstate and Foreign Commerce.

By Mr. DAVIS of Minnesota: Petition of Travelers and Merchants' Association of Baltimore, for the Fowler currency bill (H. R. 12677)—to the Committee on Banking and Currency.

By Mr. DRAPER: Petition of board of managers of Sons of the Revolution, of New York State, for appropriation to print and preserve certain papers and documents of the American Revolution—to the Committee on Printing.

By Mr. DUNWELL: Petition of American Newspaper Publishers' Association, for repeal of duty on white paper and wood pulp—to the Committee on Ways and Means.

Also, petition of Association of American Directory Publishers, against the Currier copyright bill—to the Committee on Patents.

Also, petition of Munson Steamship Line, of New York, for the Gallinger amendment to the shipping bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Western Pine Manufacturers' Association, for H. R. 16096, relative to timber preservation—to the Committee on Agriculture.

Also, petition of R. J. Caldwell, of New York City, for H. R. 186, relative to Medical Department in the Army—to the Committee on Military Affairs.

By Mr. EDWARDS of Kentucky: Paper to accompany bill for relief of Charles W. Gilbert (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. ELLIS of Oregon: Paper to accompany bill for relief of John W. Boals—to the Committee on Invalid Pensions.

By Mr. FLOOD: Petition of Central Trades and Labor Council of Roanoke, Va., for an eight-hour law—to the Committee on Labor.

Also, petition of Central Trades and Labor Council of Roanoke, Va., for legislation to regulate restraining orders and injunctions and procedure thereon, and to limit meaning of conspiracy in certain cases—to the Committee on the Judiciary.

By Mr. FOCHT: Paper to accompany bill for relief of James K. Snyder—to the Committee on Invalid Pensions.

By Mr. FORNES: Petition of Local Union No. 11, Amalgamated Sheet Metal Workers' International Alliance, of New York City, for battle-ship building at Brooklyn Navy-Yard—to the Committee on Naval Affairs.

Also, petition of New York Chapter, American Institute of Architects, against change of site of the Grant Memorial—to the Committee on the Library.

Also, petition of National Association of Clothiers, of New York, against the Aldrich bill and in favor of the Fowler currency bill—to the Committee on Banking and Currency.

By Mr. FULLER: Petition of United Mine Workers of America, against disfranchisement of citizens of United States on account of sex—to the Committee on the Judiciary.

Also, petition of H. A. Riedel Investment Company, for post-office savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. FULTON: Petition of Oklahoma State Federation of Labor, for the Rodenberg anti-injunction bill (H. R. 17137) and for Sterling employers' liability bill (H. R. 17036)—to the Committee on the Judiciary.

Also, paper to accompany bill for relief of Ephraim Lamborn—to the Committee on Military Affairs.

Also, petition of George H. Dand and others, against the Penrose amendment—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Caddo County, Okla., for a bureau of mines and mining—to the Committee on Mines and Mining.

By Mr. GAINES of Tennessee: Paper to accompany bill for relief of Granville Sevier—to the Committee on Pensions.

By Mr. GOLDFOGLE: Petition of North Side Board of Trade, for an annual appropriation bill for rivers and harbors—to the Committee on Rivers and Harbors.

By Mr. GOULDEN: Petition of United Mine Workers of America, for the Pearre bill—to the Committee on the Judiciary.

Also, petition of United Mine Workers of America, against the Dayton decision—to the Committee on the Judiciary.

Also, petition of United Mine Workers of America, for the McHenry bill, relative to a school of mines—to the Committee on Mines and Mining.

By Mr. GRAHAM: Petition of J. W. Welch, for H. R. 10457, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. GRONNA: Petition of Local Union No. 4700, American Society of Equity, of Valley City, N. Dak., for passage of the McCumber bill, for Federal grain inspection and prohibition of trade options—to the Committee on Interstate and Foreign Commerce.

Also, petition of Energetic Lodge, No. 3, Brotherhood of Locomotive Firemen and Engineers, of Jamestown, N. Dak., for La Follette-Sterling liability bill, the Clapp free-pass amendment, and the Rodenberg anti-injunction bill—to the Committee on the Judiciary.

Also, petition of citizens of Olsen, N. Dak., against Penrose bill (S. 1518)—to the Committee on the Post-Office and Post-Roads.

By Mr. HAMILTON of Iowa: Paper to accompany bill for relief of Sylvester Hendrix—to the Committee on Invalid Pensions.

By Mr. HENRY of Texas: Petition of A. C. Hall and others, for H. R. 15123 and 15267 and S. 4395, for control of telegraph companies—to the Committee on Interstate and Foreign Commerce.

By Mr. HILL of Connecticut: Petition of citizens of Thomaston, Conn., for Littlefield original-package bill—to the Committee on the Judiciary.

Also, petition of Central Labor Union of Meriden, Conn., for battle ship building in navy-yards—to the Committee on Naval Affairs.

Also, petition of A. W. Burritt and others, of Bridgeport, Conn., for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petitions of Schwaebischer Maennerchor, Germania Singing Society, M. G. V. Society "Arion," German-American Association, Bavarian S. B. Society, St. Joseph's K. B. Society, and St. Michael S. B. Society, all of Bridgeport, Conn., against interstate liquor legislation—to the Committee on the Judiciary.

By Mr. HOWELL of New Jersey: Petition of William Smith, of Sayersville, N. J., for amendment of copyright laws to protect composers—to the Committee on Patents.

Also, petition of Brotherhood of Engineers and Firemen of Phillipsburg, N. J., for the La Follette employers' liability bill—to the Committee on the Judiciary.

Also, petition of Painters, Decorators, and Paperhangers' Union of Fair Haven, N. J., against prohibition in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Anchor Grange, of Cassville, N. J., for national highway commission—to the Committee on Agriculture.

Also petition of Liberty Grange, of New Jersey, for national highway commission—to the Committee on Agriculture.

By Mr. HOWELL of Utah: Petition of Local Union No. 8, of Salt Lake City, for repeal of duty on paper and pulp—to the Committee on Ways and Means.

Also, petition of Al Hanson, James Plymate, and others, against S. 1518—to the Committee on the Post-Office and Post-Roads.

Also, petition of Wasatch Lodge, No. 388, Brotherhood of Railway Trainmen, for H. R. 17036 (La Follette-Sterling liability bill)—to the Committee on the Judiciary.

Also, petition of Bingham Canyon Industrial Union, No. 93, against S. 1518—to the Committee on the Post-Office and Post-Roads.

By Mr. HUBBARD of Iowa: Petition of officers and men of Company H, Fifty-sixth Iowa National Guard, for S. 4316 and H. R. 14783, promoting efficiency of militia—to the Committee on Militia.

By Mr. HUMPHREY of Washington: Petition of Free Methodist Church of Arlington, against sale of intoxicants in Government buildings or on Government grounds—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Free Methodist Church, for Sunday closing of the Alaska-Yukon-Pacific Exposition at Seattle in 1909—to the Committee on Industrial Arts and Expositions.

By Mr. LAFEAN: Petition of citizens of Red Lion, Pa., against amendment to section 3893 of the Revised Statutes (Penrose amendment)—to the Committee on the Post-Office and Post-Roads.

By Mr. LINDBERGH: Petition of citizens of Grey Eagle, Minn., against S. 1518, relating to second-class mail matter exclusion from mails, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. LINDSAY: Petition of New York Chapter of American Institute of Architects, against change in site of Grant Memorial—to the Committee on the Library.

Also, petition of Logan Iron Works, of Brooklyn, N. Y., for Gallinger amendment to shipping bill—to the Committee on the Merchant Marine and Fisheries.

Aslo, petition of Music Engravers' Union, for amendments to both Kittredge and Currier copyright bills—to the Committee on Patents.

Also, petition of A. H. De Haven, against the Hepburn bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of American Musical Copyright League, for the Currier bill—to the Committee on Patents.

Also, petition of Travelers and Merchants' Association of Baltimore, against the Aldrich and for the Fowler currency bill—to the Committee on Banking and Currency.

Also, petition of Munson Steamship Line, of New York City, for the Gallinger amendment to the shipping bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of board of managers of the Sons of the Revolution of New York, for appropriation to print and preserve certain documents of the American Revolution—to the Committee on Printing.

Also, petition of Association of American Directory Publishers, against the Currier copyright bill—to the Committee on Patents.

Also, petition of Joseph Hart, for the Kittredge and Barchfeld copyright bill—to the Committee on Patents.

By Mr. LOWDEN: Petition of National Business League of America, for widening and deepening of Pearl Harbor—to the Committee on Rivers and Harbors.

By Mr. MOORE of Pennsylvania: Petition of Travelers and Merchants' Association of Baltimore, for the Fowler currency bill—to the Committee on Banking and Currency.

Also, petition of Lodge No. 511, Brotherhood of Railway Trainmen, of Philadelphia, Pa., for S. 5307 and H. R. 17036 (La Follette-Sterling bill)—to the Committee on the Judiciary.

Also, petition of Lodge No. 511, Brotherhood of Railway Trainmen, of Philadelphia, Pa., for S. 4260 (Clapp free-pass amendment)—to the Committee on Interstate and Foreign Commerce.

Also, petition of Lodge No. 511, Brotherhood of Railway Trainmen, of Philadelphia, Pa., for H. R. 17137 (Rodenberg anti-injunction bill)—to the Committee on the Judiciary.

By Mr. NORRIS: Petition of sundry citizens of the United States, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. OLCOTT: Petition of United Brotherhood of Carpenters and Joiners of America, of New York State, for battle-ship building in navy-yards of the country—to the Committee on Naval Affairs.

By Mr. PUJO: Paper to accompany bill for relief of Paul Sullivan—to the Committee on Invalid Pensions.

By Mr. RHINOCK: Petition of Golden Grange, of Union, Boone County, Ky., for a national highway commission—to the Committee on Agriculture.

Also, petition of citizens of Cincinnati and Covington, for battle-ship building in navy-yards—to the Committee on Naval Affairs.

Also, paper to accompany bill for relief of John McKibben—to the Committee on War Claims.

By Mr. RIORDAN: Petition of National Association of Clothiers, against the Aldrich and for the Fowler currency bill—to the Committee on Banking and Currency.

Also, petition of Andrew Garnegie and other citizens of New York, against extravagance in battle-ship building—to the Committee on Naval Affairs.

By Mr. SMITH of Michigan: Paper to accompany bill for relief of Harriet C. Mercur—to the Committee on Pensions.

By Mr. SULZER: Petitions of Munson Steamship Line of New York and the Herring and Hall and Marvin Safe Company, for the Gallinger amendment to shipping act of March 3, 1891—to the Committee on the Merchant Marine and Fisheries.

By Mr. TIRRELL: Paper to accompany bill for relief of Paul Butler—to the Committee on Claims.

By Mr. TOWNSEND: Petition of Brotherhood of Railway Trainmen of Gladstone, Mich., for Sterling-La Follette liability bill—to the Committee on the Judiciary.

Also, petition of Brotherhood of Locomotive Engineers, Division No. 2, of Jackson, Mich., for H. R. 17137 and S. 4260 (enlargement of powers of Interstate Commerce Commission)—to the Committee on Interstate and Foreign Commerce.

SENATE.

THURSDAY, *March 12, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

CHOCTAW AND CHICKASAW CITIZENSHIP COURT.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, by direction of the President and in response to a resolution of the 2d instant, certain information relative to the charge that certain members of the Choctaw and Chickasaw court were bribed in connection with certain decisions rendered by them, etc., which was referred to the Committee on Indian Affairs and ordered to be printed.

JAMES BIGLER V. UNITED STATES.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, with an accompanying order of the court, requesting the return of the findings in the cause of James Bigler *v.* United States, No. 10432, Congressional, certified under date of December 3, 1904, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

FRENCH SPOLIATION CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the findings of fact and conclusions of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Hazard*, Barnabus Young, master, which, with the accompanying papers, was referred to the Committee on Claims and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of James Davison *v.* United States;

In the cause of the Trustees of the Mount Olivet Primitive Baptist Church, of Philippi, W. Va., *v.* United States;

In the cause of the Secretary and Treasurer of Harrison Masonic Lodge, No. 122, of Brandenberg, Ky., *v.* United States;

In the cause of the Trustees of the Baptist Church of Brandenberg, Ky., *v.* United States; and

In the cause of the Missionary Baptist Church of Antioch, Tenn., *v.* United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

H. R. 9205. An act to make the provisions of an act of Congress approved February 28, 1891 (26 Stats., p. 796), applicable to the Territory of New Mexico; and

H. R. 16860. An act to establish a United States land district in the Territory of New Mexico to be known as the Tucumcari land district.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Retail Lumber Dealers' Association of Indiana, praying that an appropriation be made for the improvement of the inland waterways of the country, which was referred to the Committee on Commerce.

He also presented a petition of the town council of Guttenberg, Iowa, and a petition of the town council of Stillwater, Minn., praying that an appropriation be made for the improvement of the upper Mississippi River, which were referred to the Committee on Commerce.

He also presented a petition of the Eastern States Retail Lumber Dealers' Association, praying for the enactment of legislation providing for the taking of the census of the standing timber, which was referred to the Committee on the Census.

He also presented a petition of the Eastern States Retail Lumber Dealers' Association, praying for the enactment of legislation to establish a national forest reserve in the Southern Appalachian and White Mountains, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. PLATT presented a petition of Magnet Lodge, No. 227, Brotherhood of Locomotive Engineers, of Binghamton, N. Y., and a petition of United Division, No. 202, International Brotherhood of Locomtive Engineers, of Binghamton, N. Y., praying for the passage of the so-called "La Follette-Sterling employers' liability bill," which were referred to the Committee on the Judiciary.

He also presented the petition of Stephen Mummery, of Brooklyn, N. Y., praying for the passage of the so-called "Kittredge copyright bill," which was referred to the Committee on Patents.

He also presented the memorial of James Reidy, of New York City, N. Y., remonstrating against the ratification of the treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a petition of Bangor Grange, No. 967, Patrons of Husbandry, of Bangor, N. Y., praying for the passage of the so-called "Burnham bill," providing for the establishment of a rural parcels post, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. NELSON presented a memorial of the Commercial Club of Alexandria, Minn., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of sundry army posts, Grand Army of the Republic, of St. James, Long Lake, Zumbrota, and Marshall, all in the State of Minnesota, remonstrating against the enactment of legislation to abolish certain pension agencies throughout the country, which were referred to the Committee on Pensions.

He also presented a petition of the city council of Stillwater, Minn., praying that an appropriation be made for the improvement of the upper Mississippi River, which was referred to the Committee on Commerce.

Mr. BRANDEGEE presented a petition of the Central Labor Union of Meriden, Conn., and a petition of the Central Labor Union of Danbury, Conn., praying for the enactment of legislation providing for the construction of all battle ships at Government navy-yards, which were referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Thomaston, Conn., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of New Haven, Conn., remonstrating against the passage of the so-called "Crumpacker bill" providing for the employment of additional clerks for the taking of the Thirteenth and subsequent censuses, which was referred to the Committee on the Census.

He also presented a petition of the Eastern States Retail Lumber Dealers' Association, praying for the enactment of legislation to establish a national forest reserve in the Southern Appalachian and White Mountains, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. BRIGGS presented the petition of James F. Rusling, of Trenton, N. J., praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

He also presented memorials of Local Union No. 638, United Brotherhood of Carpenters and Joiners of America, of Morristown; of the Union County Trades Council, of New Jersey, and of Local Union No. 94, International Typographical Union, of Jersey City, all in the State of New Jersey, remonstrating against the enactment of legislation to exclude nonmailable periodicals from second-class mail privileges, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of East Orange, Weehawken, Newark, and Camden, all in the State of New Jersey, and of the Standard Oilcloth Company, of New York City, N. Y., praying for the adoption of the so-called "Gallinger amendment" to the shipping act of March 3, 1891, which were referred to the Committee on Commerce.

He also presented a petition of Local Union No. 424, International Typographical Union, of Orange, N. J., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a petition of Protection Lodge, No. 2, Brotherhood of Railroad Trainmen, of Phillipsburg, N. J., praying for the passage of the so-called "La Follette-Sterling employers' liability bill," which was referred to the Committee on the Judiciary.

He also presented a memorial of the United Irish Societies of Middlesex County, N. J., remonstrating against the ratification of the treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of East Orange, Weehawken, Newark, and Rutherford, all in the State of New Jersey, and of the Standard Oilcloth Company, of New York City, N. Y., praying for the passage of the so-called "Fowler currency bill," which were referred to the Committee on Finance.

He also presented the petition of W. E. Hahn, of New York City, N. Y., praying for the enactment of legislation to refund the collateral inheritance tax to the Stevens Institute of Technology, which was referred to the Committee on Finance.

He also presented petitions of the New Jersey State board of agriculture; of A. W. McDonald, of Newark, in the State of New Jersey, and of Allen C. Bakewell, of New York City, N. Y., praying for the enactment of legislation providing for the conservation of the national forests of the country, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the New Jersey State board of agriculture and a petition of Hopewell Grange, No. 16, Patrons of Husbandry, of Shiloh, N. J., praying for the enactment of legislation to create a national highways commission, which were referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Robert Naegeli's Sons Company, of Hoboken, N. J., remonstrating against the passage of the so-called "Bacon bill," to regulate interstate commerce in intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented petitions of sundry citizens of Rochester, N. H., and of Washington, D. C., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented memorials of the Pennsylvania Sanitarium, of Philadelphia; of the Eastern Pennsylvania Conference of Seventh-Day Adventists, of Philadelphia, in the State of Pennsylvania, and of the Southern Union Conference of Seventh-Day Adventists, of Nashville, Tenn., remonstrating against the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a petition of the North Capitol and Eckington Citizens' Association of the District of Columbia, praying for the enactment of legislation to extend the lines of the Capital Traction Company along Florida avenue to Eighth street NE. and to Union Station, in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented the memorial of Josiah Millard, of Washington, D. C., remonstrating against the enactment of legislation requiring the removal of snow and ice from sidewalks in the District of Columbia by tenants and property owners, which was referred to the Committee on the District of Columbia.

Mr. GAMBLE presented a petition of sundry citizens of Ramona, S. Dak., praying for the enactment of legislation providing for the inspection and grading of grain entering into interstate commerce and to secure a uniformity in standards and classification of grain, which was referred to the Committee on Agriculture and Forestry.

Mr. FRYE presented a petition of sundry citizens of Freeport, Me., praying for the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. TALIAFERRO presented a petition of Local Union No. 210, United Association of Journeymen Plumbers, Gas Fitters, Steam Fitters, and Steam Fitters' Helpers of the United States, of Pensacola, Fla., praying for the enactment of legislation providing for the construction of at least one of the proposed new battle ships at the Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented a memorial of sundry citizens of Lake County, Fla., remonstrating against the enactment of legislation to exclude nonmailable periodicals from second-class mail privileges, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BROWN presented a petition of the Omaha Association of Credit Men, of Omaha, Nebr., praying for the adoption of certain amendments to the present national bankruptcy law, which was referred to the Committee on the Judiciary.

Mr. BULKELEY presented a memorial of sundry citizens of Oxford, Me., remonstrating against the passage of the so-called "Crumpacker bill" providing for the taking of the Thirteenth and subsequent censuses, which was referred to the Committee on the Census.

REPORTS OF COMMITTEES.

Mr. DIXON, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 17167) authorizing the Woodlawn Cemetery Association, of St. Maries, Idaho, to purchase not to exceed 40 acres of land in the Coeur d'Alene Indian Reservation in Idaho, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Public Lands, to whom was referred the bill (S. 3722) to amend section 3 of the act entitled "An act providing for second and additional homestead entries, and for other purposes," approved April 28, 1904, reported it with an amendment, and submitted a report thereon.

Mr. BROWN, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 10671) to authorize the Secretary of the Interior to issue patent in fee simple for certain lands of the Santee Reservation, in Nebraska, to school district No. 36, in Knox County, Nebr., reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 4083) to authorize the Secretary of the Interior to issue patent in fee simple for certain lands of the Santee Reservation, in Nebraska, to the directors of school district No. 36, in Knox County, Nebr., moved its indefinite postponement, which was agreed to.

Mr. BURKETT, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 5132) providing for the establishment of a public park at Fort Thayer, in the District of Columbia, submitted an adverse report thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. SCOTT, from the Committee on Pensions, to whom were referred certain bills granting pensions and increase of pensions, submitted a report accompanied by a bill (S. 6071) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 120. Robert White.
S. 411. Andrew E. Waterman.
S. 971. Mary A. Kinsey.
S. 996. Victoria St. C. E. C. Mickelson.
S. 1409. Manuel R. Sanchez.
S. 1620. George E. Ryno.
S. 1759. Hattie S. Carruth.
S. 2197. Frank Bremigam.
S. 2385. Patrick Burton.
S. 2386. Lawrence Nichols.
S. 3355. John D. McKinlay.
S. 3356. Martha A. Gardner.
S. 3357. Charles A. Young.
S. 3407. Mansfield Burris.
S. 3448. Susan E. Hodges.
S. 3449. William H. Jones.
S. 4194. Annie A. Robbins.
S. 4447. William Kelly.
S. 4481. Elizabeth E. Wood.
S. 4530. Renvey E. Dees.
S. 4794. Margaret Aston, formerly Margaret Dunn.
S. 5023. Harriette M. Maxwell.
S. 5275. Agnes Boon Otis.
S. 5556. Elenor Sanborn.
S. 5587. Hutchinson Smith.
S. 5672. Josiah B. Law.
S. 5895. Edward C. McGeachy.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1770) to provide for the purchase of a site and the erection of a public building thereon at Albany, in the State of Oregon, reported it with amendments and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 5123) to authorize the extension of the public building in the city of Manchester, N. H., and for other purposes, reported it with an amendment and submitted a report thereon.

Mr. LODGE, from the Committee on Military Affairs, to whom was referred the bill (S. 2671) authorizing extra officers for the Army, reported it without amendment and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4540) authorizing extra officers for the Army, moved its indefinite postponement, which was agreed to, a similar bill having been favorably reported.

Mr. PERKINS, from the Committee on Commerce, to whom was referred the bill (S. 4856) authorizing the Secretary of Commerce and Labor to lease San Clemente Island, California, and for other purposes, reported it with amendments and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 5983) authorizing certain life-saving apparatus to be placed at the Farallone Islands, off the coast of California, reported it without amendment and submitted a report thereon.

Mr. WARNER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 5516) providing for the erection of a public building at Independence, Mo., reported it with amendments and submitted a report thereon.

Mr. CLAPP, from the Committee on Indian Affairs, reported an amendment proposing to appropriate $90,000 for the payment of salaries, traveling expenses, purchase of supplies, and other necessary expenditures as may be required to enable the Commissioner of Indian Affairs to make investigations on Indian reservations, etc., intended to be proposed to the sundry civil appropriation bill, and moved that it, with the accompanying papers, be printed and referred to the Committee on Appropriations, which was agreed to.

Mr. GUGGENHEIM, from the Committee on Claims, to whom was referred the bill (S. 3452) for the relief of Joseph Schrembs, reported it without amendment and submitted a report thereon.

Mr. JOHNSTON, from the Committee on Indian Affairs, to whom was referred the bill (S. 5604) authorizing the Secretary of the Interior to reserve lands on Indian reservations for power and reservoir sites, and for other purposes, reported it with amendments.

Mr. BULKELEY. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 4749) for the relief of Dewitt Eastman, to report it with an amendment, and I submit a report thereon. I desire to call the attention of the senior Senator from Minnesota [Mr. NELSON] to the bill first reported.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. BULKELEY, from the Committee on Military Affairs, to whom was referred the bill (S. 6006) to correct the military record of John M. Miller, reported it without amendment and submitted a report thereon.

PUBLIC BUILDING AT PAWTUCKET, R. I.

Mr. WETMORE. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 5656) for the enlargement and extension of the post-office building at Pawtucket, R. I., to report it favorably without amendment, and I submit a report thereon. I ask unanimous consent for the consideration of the bill.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury to enter into contracts for the enlargement, extension, remodeling, or improvement of the post-office building at Pawtucket, R. I., including the necessary extension, alteration, remodeling, improvement, or repairs to plumbing, heating, and ventilating systems in said building incident thereto, at a total limit of cost of not to exceed $55,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REGULATIONS FOR REGATTAS OR MARINE PARADES.

Mr. FRYE. From the Committee on Commerce I report back without amendment the bill (S. 6028) to provide for safety of life on navigable waters during regattas or marine parades, and I submit a report thereon. It is very important that the bill shall receive early enactment into law on account of the receiving of the battle ships at San Francisco, where there will be gathered an enormous fleet of all sorts of vessels.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. BACON. I am not familiar with the measure. I do not ask for any extended explanation of it, but if the Senator will please state in a few words the scope and purpose of the bill I will be obliged to him.

Mr. FRYE. The present law provides for the use of vessels to insure safety at regattas, but it does not make any provision for national affairs, like the reception of the fleet at San Francisco, and there are two or three more of those occasions to

happen in the near future. The bill repeals the old regatta law, and simply adds to it the authority to look out for safety in the case of other affairs than regattas.

Mr. TALIAFERRO. It is an enlargement of the old law.

Mr. FRYE. It is an enlargement of it.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RAINY RIVER DAM IN MINNESOTA.

Mr. NELSON. From the Committee on Commerce I report back favorably, with an amendment, the bill (H. R. 15444) extending the time for the construction of a dam across Rainy River, and I submit a report thereon. I ask for the present consideration of the bill.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was, on page 2, line 4, after the words "said acts," to insert:

Is hereby authorized to construct and maintain a dam across Rainy River, Minnesota, at the place designated in said acts.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be

The bill was read the third time and passed.

SURVEY OF GALVESTON HARBOR, TEXAS.

Mr. MARTIN, from the Committee on Commerce, to whom was referred the following concurrent resolution submitted by Mr. BAILEY on the 11th instant, reported it without amendment: read a third time.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause to be made an examination and survey of Galveston Harbor, as a whole, including Galveston Harbor, Galveston channel, Texas City channel, and Port Bolivar channel, in the State of Texas, for the purpose of establishing a broad, comprehensive, and systematic plan for the future extension, enlargement, and deepening of said harbor, so as to meet the growing needs of commerce, and to estimate the probable cost thereof.

MISSOURI RIVER DAM IN MONTANA.

Mr. SMITH. I am directed by the Committee on Commerce, to whom was referred the bill (S. 5908) to amend an act authorizing the construction of a dam and bridge across the Missouri River in the State of Montana, to report it favorably without amendment, and I submit a report thereon.

Mr. CARTER. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT WICHITA, KANS.

Mr. WARNER. From the Committee on Public Buildings and Grounds, I report back favorably with an amendment the bill (S. 5894) to provide for the completion of the enlargement of the public building at Wichita, Kans., and for other purposes, and I submit a report thereon. I call the attention of the junior Senator from Kansas [Mr. CURTIS] to the bill.

Mr. CURTIS. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was to strike out all after the enacting clause and insert:

That the limit of cost of the United States post-office and public building at Wichita, Kans., be increased from the sum of $50,000 to the sum of $56,000, said increase to be used for extension, enlargement, and remodeling purposes.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. KEAN. Mr. President, hereafter I shall insist on the regular order.

The VICE-PRESIDENT. Are there further reports of committees?

OMNIBUS CLAIMS BILL.

Mr. FULTON. Some days ago, as chairman of the Committee on Claims, I reported back the bill (H. R. 15372) for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker acts. In looking the bill over and checking the items I discover so many errors which will require so many amendments to be made that I have concluded to ask leave to withdraw the report for the purpose of correcting the errors. I will then very shortly submit another report.

The VICE-PRESIDENT. The Chair hears no objection, and the bill is recommitted to the Committee on Claims.

Mr. FULTON. The order carriers the report back to the committee?

The VICE-PRESIDENT. It carries to the committee both the bill and the report.

The Chair would suggest that heretofore a number of amendments to the omnibus claims bill have been submitted, ordered to be printed, and to lie upon the table. As the bill has been recommitted to the Committee on Claims, without objection the amendments heretofore ordered to lie on the table will be referred to the Committee on Claims.

BILLS INTRODUCED.

Mr. WARREN introduced a bill (S. 6072) authorizing the purchase of a site for a building for the accommodation of the Supreme Court of the United States, which was read twice by its title and, with the accompanying paper, referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 6073) to appoint Brig. Gen. Constant Williams a major-general in the United States Army, and place him upon the retired list, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. CRANE introduced a bill (S. 6074) to provide for holding terms of the United States circuit and district courts at Springfield, Mass., which was read twice by its title and referred to the Committee on the Judiciary.

Mr. FRYE introduced a bill (S. 6075) granting an increase of pension to William S. Pine, which was read twce by its title and referred to the Committee on Pensions.

Mr. DILLINGHAM introduced a bill (S. 6076) granting an increase of pension to Charles M. Batchelder, which was read twice by its title and referred to the Committee on Pensions.

Mr. DICK introduced a bill (S. 6077) granting an increase of pension to Edward F. Reeves, which was read twice by its title and referred to the Committee on Pensions.

Mr. TAYLOR introduced a bill (S. 6078) for the relief of the heirs or the legal representatives of the estate of Samuel B. Sparkman, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. McCREARY introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6079) granting a pension to Julia A. Ashley;

A bill (S. 6080) granting an increase of pension to John W. Faulkner; and

A bill (S. 6081) granting an increase of pension to Silas L. Ashley (with the accompanying paper).

He also introduced a bill (S. 6082) for the relief of the African Methodist Episcopal Church, of Bowling Green, Ky., which was read twice by its title and referred to the Committee on Claims.

Mr. TALIAFERRO introduced the following bills, which were severally read twice by their titles and referred to the Committee on Public Buildings and Grounds:

A bill (S. 6083) to provide for the erection of a public building at the city of Miami, in the State of Florida;

A bill (S. 6084) providing for the erection of a public building at the city of Live Oak, Fla., and for other purposes; and

A bill (S. 6085) providing for the erection of a public building at the city of Orlando, Fla., and for other purposes.

Mr. FLINT introduced a bill (S. 6086) granting a pension to Maggie F. Chittenden, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 6087) authorizing the extension of P, Volta, Q, and Dent streets NW., which was read twice by its title and referred to the Committee on the District of Columbia.

Mr. PERKINS introduced a bill (S. 6088) granting an increase of pension to Abraham J. Buckles, which was read twice by its title and referred to the Committee on Pensions.

Mr. BROWN introduced a bill (S. 6089) granting an increase of pension to William Kelley, which was read twice by its title and referred to the Committee on Pensions.

Mr. STONE introduced a bill (S. 6090) for the relief of Annie Halderman, legal representative of George P. Dorriss, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. MARTIN introduced a bill (S. 6091) authorizing the acceptance of a site and providing for the construction and maintenance thereon of a temporary building for post-office purposes

during the erection and completion of the new post-office building at Richmond, Va., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. KNOX introduced a bill (S. 6092) for the relief of John A. Henderson, assistant engineer, United States Navy, retired, which was read twice by its title and referred to the Committee on Naval Affairs.

Mr. CURTIS introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6093) granting a pension to Martain Feeney; and

A bill (S. 6094) granting an increase of pension to Mary E. Williams (with an accompanying paper).

Mr. WARNER introduced a bill (S. 6095) granting a pension to Nora R. Willett, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 6096) for the relief of the heirs or legal representatives of James B. Hassett, deceased, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 6097) to amend and correct the records of Company D, Seventh Regiment Provisional Enrolled Missouri Militia, by including the name of Valentine Fraker therein, with the dates of his enlistment and discharge; which was read twice by its title and referred to the Committee on Military Affairs.

Mr. HEYBURN introduced a bill (S. 6098) to authorize the President to appoint Lieut. Col. William H. Corbusier, upon retirement, a brigadier-general, which was read twice by its title and, with the accompanying paper, referred to the Committee on Military Affairs.

LIGHT-HOUSE ESTABLISHMENT.

Mr. PERKINS. I introduce a joint resolution granting authority for the use of certain balances of appropriations for the Light-House Establishment to be available for certain named purposes, and I ask unanimous consent for its present consideration.

The joint resolution (S. R. 69) granting authority for the use of certain balances of appropriations for the Light-House Establishment to be available for certain named purposes was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the balances of the appropriations for the construction of vessels for the Light-House Establishment appropriated for in the acts of Congress approved April 28, 1904 (33 Stats., p. 468); March 3, 1905 (33 Stats., p. 1171); June 30, 1906 (34 Stats., pp. 659, 660, 710, and 711), and March 4, 1907 (34 Stats., pp. 1317, 1318, and 1319), are hereby made available for the pay of officers and crews, the payment of consular fees, port dues, and exchange, the purchase of provisions, rations, fuel, engineer stores and supplies, pilotage, water, laundry, and all other necessary incidental expenses in the transfer of the following-named vessels of the Light-House Establishment from Tompkinsville, N. Y., where they are to be delivered when completed, to their respective stations: Tenders for the twelfth light-house district, for the thirteenth light-house district, for the Pacific Ocean, for Lake Superior; relief light vessel for the Pacific coast; Columbia River light vessel, Oregon; Swiftsure Bank light vessel, Washington.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. DICK submitted an amendment proposing to strike out in the Army appropriation bill the proviso relating to trophies and medals authorized to be contested for only by the enlisted men of the Army, Navy, Marine Corps, and the National Guard or organized militia of the several States, Territories, and the District of Columbia, intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate $1,000,000 for paying the expenses of the organized militia of any State, Territory, or the District of Columbia, which may be authorized by the Secretary of War to participate in such encampments as may be established for the field instruction of the troops of the Regular Army, etc., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. TALIAFERRO submitted an amendment proposing to appropriate $1,000,000 for paying the expenses of regiments, battalions, squadrons, and batteries of the organized militia of any State, Territory, or of the District of Columbia, which may be authorized by the Secretary of War to participate in such encampments as may be established for the field instruction of the troops of the Regular Army, etc., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. FRYE submitted an amendment authorizing the President to appoint to the grade of major-general on the retired list, and to commission as such any brigadier-general of not less than thirty-five years' active service now borne on that list, etc., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. CRANE submitted an amendment proposing to appropriate $1,000,000 for pay of letter carriers entitled to promotion to the sixth grade, intended to be proposed by him to the post-office appropriation bill, which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

Mr. NELSON submitted an amendment relative to the pay of certain officers of the Army, intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

AMENDMENTS TO OMNIBUS CLAIMS BILL.

Mr. DICK submitted an amendment intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which was referred to the Committee on Claims and ordered to be printed.

Mr. WARREN submitted an amendment intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which was referred to the Committee on Claims and ordered to be printed.

Mr. LODGE submitted an amendment intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which was referred to the Committee on Claims and ordered to be printed.

Mr. BRANDEGEE submitted an amendment intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which was referred to the Committee on Claims and ordered to be printed.

Mr. McENERY submitted an amendment intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which was referred to the Committee on Claims and ordered to be printed.

INTEREST ON GOVERNMENT DEPOSITS.

Mr. NELSON. I submit a proposed amendment to the so-called "Aldrich bill," which I ask may be read and printed and lie on the table.

The amendment was read, ordered to be printed, and to lie on the table, as follows:

Amendment intended to be proposed by Mr. NELSON to the bill (S. 3023) to amend the national banking laws, viz:

"Amend the bill by adding an additional section, as follows:

"SEC. —. That all of said national banking associations designated as depositaries of public money and receiving such money on deposit shall pay to the United States, through the Secretary of the Treasury, interest upon such deposit at the rate of 2 per cent per annum upon the average weekly balance of said deposit."

WATERS OF THE RIO GRANDE.

On motion of Mr. CULBERSON, it was

Ordered, That 500 additional copies of Senate "Executive I," Fifty-ninth Congress, first session, "Waters of the Rio Grande," being a confidential communication from the President of the United States, made public June 21, 1906, be printed for the use of the Senate.

HAMILTON'S REPORT ON A NATIONAL BANK.

On motion of Mr. FLINT, it was

Ordered, That the Report on a National Bank, December 13, 1790, by Alexander Hamilton, be printed as a document.

RECEIPTS FROM SALE OF PUBLIC LANDS.

On motion of Mr. FLINT, it was

Ordered, That 3,000 additional copies of the bill (S. 4855) appropriating the receipts from the sale and disposal of public lands in certain States to the construction of works for the drainage or reclamation of swamp and overflowed lands belonging to the United States, and for other purposes, with report accompanying same, be printed for the use of the Senate document room.

POSTAL SAVINGS BANKS.

On motion of Mr. KNOX, it was

Ordered, That there be printed 5,000 copies of Senate bill 5508, to establish a system of postal savings banks, and for other purposes, to be placed in the document room for the use of the Senate.

LOTS 13 AND 14, SQUARE 959, DISTRICT OF COLUMBIA.

Mr. GALLINGER. I ask unanimous consent to enter a motion to reconsider the several votes by which the Senate on the 16th of January passed Senate bill 903, and I move that the House be requested to return the bill to the Senate.

Mr. CULBERSON. Let the title of the bill be read.

The VICE-PRESIDENT. The Secretary will read the title.

The SECRETARY. A bill (S. 903) to amend section 2, chapter 433, 30 Statutes at Large, entitled "An act to confirm title to lots 13 and 14, in square 959, in Washington, D. C."

The VICE-PRESIDENT. Without objection it is so ordered.

ACCOUNTS OF WILLIAM R. LITTLE.

Mr. STONE. On January 27 the bill (S. 819) authorizing the Secretary of the Interior to examine and adjust the accounts of William R. Little, or his heirs, with the Sac and Fox Indians, was passed by the Senate and sent to the House. The following day the Senator from Nebraska [Mr. BURKETT] made a motion to reconsider the vote by which the bill was passed and the bill was returned from the House January 29. The motion has been pending since. I should like to call it up and have it disposed of.

I think I may say that while the Senator from Nebraska insists that he is not in favor of such legislation he will not press an objection in this instance, although he does not care to withdraw the motion. The bill was debated at some length on two occasions when it was before the Senate, for it has passed the Senate twice, and I should like to have it disposed of now.

Mr. BURKETT. I have certainly no objection to the matter being disposed of. At the time when I made the motion to reconsider it seemed to me that the bill should have been given more consideration and I intended to look up some more references. I had gone through the bill and was opposed to it myself; but I certainly do not intend to hang up a bill here just by an objection or a motion to reconsider. I have no right to ask that it be detained longer, and I am willing that a vote shall be taken on the motion to reconsider.

The VICE-PRESIDENT. The Senator from Missouri asks unanimous consent that the motion entered to reconsider the vote by which Senate bill 819 was passed be now considered. Is there objection to the request of the Senator from Missouri?

Mr. KEAN. I thought we had a special order for this morning. I do not want to object to the request of the Senator from Missouri, but if it is going to take any time I shall object and insist on the regular order.

Mr. STONE. I simply desire to have a vote of the Senate taken on the motion to reconsider.

Mr. KEAN. If it takes no time, I do not object.

Mr. ALDRICH. Is the motion in order now?

The VICE-PRESIDENT. The Senator from Missouri asked unanimous consent for its present consideration.

Mr. STONE. It is a motion to reconsider, and I simply ask to have the Senate vote upon it. The bill has passed the Senate twice.

Mr. ALDRICH. There is a special order for this morning, and it seems to me the motion had better lie on the table until we find out something about the nature of the bill.

Mr. STONE. Of course if the Senator objects it goes over, but he will not know anything more about the bill when it is called up again.

Mr. ALDRICH. I may not know any more about it after I have read the bill, but I should like to read the bill—I will read the bill.

Mr. BEVERIDGE. Regular order.

The VICE-PRESIDENT. Objection is made and the regular order is demanded.

Mr. FRYE. I ask the Chair to lay before the Senate the joint resolution touching transportation of material in the construction of the Panama Canal.

TRANSACTIONS OF NEW YORK CITY BANKS, ETC.

Mr. TILLMAN. Mr. President, I have been waiting for an opportunity to introduce a resolution. If that order of business has come and passed by reason of the confusion in the Chamber I should like to introduce the resolution now. I do not want to speak on it.

The VICE-PRESIDENT. The Chair will recognize the Senator from South Carolina.

Mr. TILLMAN. Thank you, sir.

At various times I have endeavored to get the probe into some transactions in the Treasury Department. I introduced two resolutions a year or more ago and they were referred to the Committee on Finance and died there. I have introduced two or three at this session and they have all gone the same way, although the Senator from Rhode Island, the chairman of that committee, has incorporated some of the inquiries which I sought to have made into other resolutions.

I am going to make one more effort, and I send to the desk a resolution which I ask to have read and then printed and lie on the table until Monday, when I shall submit some remarks on it, in the hope that the Senator from Rhode Island will be less suspicious of my efforts at getting light, and will enable us to get some information which I think very desirable.

Mr. FRYE. Now, Mr. President——

Mr. ALDRICH. I ask that the resolution may be read.

The resolution was read, and ordered to lie on the table, and to be printed, as follows:

Resolved, That the Committee on Finance is hereby instructed to inquire and report:

First. Whether the national banks in the city of New York and elsewhere are in the habit, under the guise of commercial loans, of furnishing permanent capital for speculative or other enterprises, and if so, what legislation is necessary to prevent a continuance of such practice.

Second. Whether the Treasury Department had knowledge of the loans made by the National Bank of North America, of New York City, which are the subject of a suit by the receiver of said bank against Charles W. Morse, and of other similar transactions in other national banks.

Third. Whether national banks are now engaged, by themselves or through other organizations, in attempting to control or dictate the legislation of Congress upon currency matters.

Fourth. The committee is further instructed to ascertain what, if any, legislation is necessary to discourage or prevent the habit of persons holding the office of Comptroller of the Currency or other Treasury officials from making their offices a stepping-stone to employment by national banks.

Fifth. Whether national banks are using trust companies or other financial associations as agencies through which to transact business forbidden by the law governing national banks, and what legislation is necessary to prevent such an evasion of the statutes.

Sixth. Whether the national banks in New York City lent their credit to the stockbrokers by the certification or acceptance of checks during the years 1906 and 1907, and report whether or not such transactions involved any violation of the provisions of section 5200 of the Revised Statutes as to making excess loans.

Mr. CULBERSON. Mr. President, the suggestion of the Senator from South Carolina reminds me that more than a month ago the Senate adopted a resolution which I introduced calling upon the Secretary of the Treasury to send to the Senate whatever telegrams and letters might have been received by that Department from national banks of the interior protesting against the failure of the New York banks to send them their reserves.

I have endeavored to keep the run of this matter to see whether any response has been made to that resolution; and I now ask the Chair if any response has yet been made to the resolution, which was adopted more than a month ago?

The VICE PRESIDENT. The Chair understands that there has been no response made to the Senate.

MATERIAL FOR CONSTRUCTION OF PANAMA CANAL.

Mr. FRYE. I now ask that under the unanimous consent agreement the Chair lay before the Senate the joint resolution S. R. No. 40.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. R. 40) to provide for the transportation by sea of material and equipment for use in the construction of the Panama Canal.

Mr. FRYE. Mr. President, I want the attention of the Senator from Louisiana [Mr. FOSTER] for one moment. I accepted the other day an amendment offered by the Senator from Louisiana excluding Gulf ports from the provisions of this joint resolution. I find in the Constitution this language:

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another, etc.

It looks to me very much as if the amendment of the Senator from Louisiana might expose the joint resolution, if it became a law, to the charge of being unconstitutional, and I now give the Senator from Louisiana notice that when the joint resolution gets into the Senate. if it ever gets there, from the Committee of the Whole, I shall ask the Senate to disagree to that amendment, and shall offer in its place one which practically does the same thing, by inserting in line 10, after the word "unreasonable," the words "or the President shall find that no such vessel of the United States can be secured for the trade." That will include every one of the Gulf ports, several of the south Atlantic ports, and some of the Pacific ports from the operation of the joint resolution just as much and just as completely as if they were excluded in words. I think it only fair to the Senator from Louisiana that I should tell him this before the joint resolution proceeds any further.

Mr. HALE. Mr. President, under those conditions would not the Senator from Louisiana [Mr. FOSTER] be willing to withdraw his amendment, and the Senator from Maine [Mr. FRYE], in charge of the joint resolution, could then present his amendment covering all these cases.

Mr. BACON. The amendment of the Senator from Louisiana has already been adopted.

Mr. FOSTER. I will examine the amendment which the Senator from Maine [Mr. FRYE] has proposed before the joint resolution is disposed of this morning, and I will come to some conclusion upon that subject.

Mr. MCLAURIN. Mr. President, when the amendment of the Senator from Louisiana [Mr. FOSTER] was offered, I was willing to stand by that. It was prepared by the Senator from Louisiana, the Senator from Texas [Mr. CULBERSON], and myself

after the Senator from Maine [Mr. FRYE] had refused to accept one which had been drawn by us and presented to him. The amendment which was offered by the Senator from Louisiana and accepted by the Senator from Maine was not as satisfactory to the Senator from Louisiana nor to the Senator from Texas nor to myself as the one which I have here, which I intended to introduce and which had been presented to the Senator from Maine, but which he declined to accept.

Now, as I understand, the amendment which was read by the Senator from Maine would first require the President to ascertain whether there were any vessels such as named in the joint resolution which were available for the purpose of transporting the material and the equipment for the construction of the canal. Before that is determined no man who wants to bid on any proposition to supply material and equipment for the construction of the canal would know how to bid, because he would not know whether the President was going to decide that the material could be carried in any other than the character of vessels named in the resolution. He ought to be advised of that fact before he made his bid, so that he could make his bid advisedly.

As the Senator from Maine says, there is no vessel of the United States plying between any of the Gulf ports and Panama. There ought not to be any restriction upon any port between which and the Isthmus of Panama there is no such vessel plying, as is described in the resolution. It ought to be known to the bidder who proposes to bid for the furnishing of material and equipment for the construction of the canal that if he can not get American vessels in which to ship the material which he proposes to ship and which he bids for the shipment of to the canal, he will not be precluded from shipping it for that reason, and can make the shipment of his freight upon vessels of foreign registry.

This is an amendment which I think would cover it, and then it would not be left to any inquiry by the President or by anybody else. Under any circumstances a bidder would know that if he could not get an American registered vessel he could then ship his freight in foreign bottoms. I think an amendment like this would meet the situation:

This resolution shall not apply to any port of the United States between which and the Isthmus of Panama there is no vessel owned by the United States, nor by the Panama Railroad Company, nor vessel of the United States plying, adequate to carry the commerce offered between such port and the Isthmus of Panama.

It seems to me there ought not to be any objection to that. Every State west of the Mississippi River, as well as every Gulf State and every State that ships through the Gulf ports and through the South Atlantic ports, is interested in this.

I am going to offer that amendment, whatever may be the agreement as to any other. I do not know what the Senate will do with it, but I am going to offer that language as an amendment. If the Senator from Maine shall repudiate his acceptance of the amendment offered by the Senator from Louisiana, which he had before accepted——

Mr. LODGE. May I ask the Senator a question?

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Massachusetts?

Mr. McLAURIN. With pleasure.

Mr. LODGE. I want to understand the Senator's amendment correctly. He does not intend that the proposed law shall not apply to any port where there is no vessel owned by the United States plying?

Mr. McLAURIN. Not at all. It does not say that.

Mr. LODGE. I did not think it did, but some Senators were of the opinion that it did. Of course such an amendment would make the joint resolution absolutely useless and worthless——

Mr. McLAURIN. The amendment does not say that.

Mr. LODGE. Because the United States only owns one or two.

Mr. McLAURIN. The amendment says if there is no vessel owned by the United States, nor a vessel owned by the Panama Railroad Company, nor a vessel of the United States plying between those ports and the Isthmus of Panama, then this resolution shall not apply. It ought not to apply, and I think the Senator will agree with me.

Mr. LODGE. I understand the amendment as the Senator does, and I wished him to explain it, as there are other Senators who take a different view of it.

Mr. BACON. I suggest to the Senator from Mississippi that he use the language, "ships under American register." Then it would be plain.

Mr. McLAURIN. I put it to follow the language of the Senator from Maine in his resolution.

Mr. BACON. Ships other than those of the Government and of the Panama Canal ought to be designated as ships under American registry.

Mr. McLAURIN. Mr. President, I wish to call attention to some statistics showing the shipments of material from New Orleans alone to the Isthmus of Panama.

For the year ending June 30, 1906:

Shipments from New Orleans to Canal Commission	$481,003.11
Shipments from New Orleans to Panama Railroad, commissary	32,091.75
Shipments from New Orleans to Panama Railroad, material	157,000.00
Total	670,094.86

For the year ending June 30, 1907:

Shipments from New Orleans to Canal Commission	$887,915.73
Shipments from New Orleans to Panama Railroad, commissary	56,203.26
Shipments from New Orleans to Panama Railroad, material	174,489.94
Total	1,118,608.93

Now, for this year to the date of this letter, March 5, 1908, the shipments were as follows:

Shipments from New Orleans to Canal Commission	$165,788.03
Shipments from New Orleans to Panama Railroad, commissary	159,713.71
Shipments from New Orleans to Panama Railroad, material	70,007.21
Total	395,508.95

If the shipments keep up at that rate for the balance of the year, they will aggregate nearly $2,000,000 from New Orleans alone. Every State west of the Mississippi River is interested in this. The State of Mississippi, for which I am particularly solicitous, is interested in it. Justice is interested in permitting every man an equal opportunity; and the provision of the Constitution which was read by the Senator from Maine here as a foundation for his repudiation of his acceptance of the amendment offered by the Senator from Louisiana is violated if this resolution is adopted without some amendment like that, because it will give preference to certain ports in the United States for the shipment of material to the Isthmus.

Mr. FRYE. Will the Senator from Mississippi state just exactly what he means by "this resolution."

Mr. McLAURIN. I will state what I mean.

Mr. BEVERIDGE. Will the Senator read the resolution?

Mr. McLAURIN. I will read it, and I will ask the careful attention of the Senate to the reading of the resolution:

This resolution shall not apply to any port of the United States between which and the Isthmus of Panama there is no vessel owned by the United States, nor by the Panama Railroad Company, nor vessel of the United States plying adequate to carry the commerce offered between such port and the Isthmus of Panama.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Maine?

Mr. McLAURIN. With pleasure.

Mr. HALE. I am trying to get at what would be the real operation of the Senator's amendment. The language "plying to any port of the United States between which and the Isthmus of Panama there is no vessel owned by the United States" includes all naval vessels.

Mr. BEVERIDGE. Transports and so forth.

Mr. HALE. Transports and all vessels in which the title rests with the United States without limitation. Is it the Senator's idea that the clause in the latter part of the amendment, "nor vessels of the United States," shall also mean all vessels owned by the Government?

Mr. McLAURIN. I mean if there is no such vessel owned by the Government nor by the Panama Railroad Company, nor a vessel of the United States—that is registered in the United States—then the provisions of the joint resolution shall not apply to that port. I have put in the resolution here "regularly plying." The Senator from Maine [Mr. FRYE] in charge of this joint resolution said that there is no port from which there is any such vessel regularly plying, and I therefore struck out that word just this minute.

Mr. HALE. I am not calling the Senator's attention to that part of it.

Mr. McLAURIN. My attention was probably diverted. I mean merchant vessels. I have no reference to the Navy.

Mr. HALE. I have no objection to that. I am trying to see what is covered by the three classes of vessels named in the Senator's amendment. The first class, as I understand, is "vessels owned by the United States." He puts them first. That is all right, and I do not object to that. The second one is "or owned by the Panama Railroad Company." Nobody objects to that. The next clause is "nor vessels of the United States." Does not the Senator mean in that classification to include all merchant vessels?

Mr. McLAURIN. I do.

Mr. HALE. All vessels of United States registry?

Mr. McLAURIN. I do.

Mr. HALE. I so understood, and the only distinction between the amendment of the Senator from Mississippi and that offered by the Senator in charge of the joint resolution is that the former embodies in the law, if it shall become a law, the object sought to be obtained, and my colleague [Mr. FRYE] has made his amendment dependent upon the action of the President before it operates. It is for my colleague to say whether he thinks that so essential.

Mr. McLAURIN. One moment——

Mr. HALE. I understand that the phrase "vessels of the United States" means merchant vessels or vessels of United States registry.

Mr. McLAURIN. That is it.

Mr. HALE. But we can easily change that if there is any doubt about it. There is not in my mind any such doubt.

Mr. FRYE. Mr. President——

Mr. McLAURIN. In order that I may answer one at a time, I will yield to the junior Senator from Maine in a moment. This is the language of the resolution:

That in any contract hereafter made, transportation by sea of material and equipment from the United States for use in the construction of the Panama Canal shall be restricted to vessels owned by the United States or by the Panama Railroad Company, or to vessels of the United States chartered by the United States or by the Panama Railroad Company, or to vessels of the United States tendered by the lowest responsible bidder.

I am perfectly willing to say in the proposed amendment "vessels under American registry."

Mr. HALE. "Under United States registry."

Mr. McLAURIN. "Under United States registry." I am willing to make it read:

This resolution shall not apply to any port of the United States between which and the Isthmus of Panama there is no vessel owned by the United States, nor by the Panama Railroad Company, nor vessel of United States registry plying, adequate to carry the commerce offered between such port and the Isthmus of Panama.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Indiana?

Mr. McLAURIN. Certainly.

Mr. BEVERIDGE. Does the Senator think that his resolution meets the point made by the Senator from Maine [Mr. FRYE] about the constitutionality of the resolution?

Mr. McLAURIN. There is no doubt about that. The Senator does not raise any question as to the constitutionality of my amendment.

Mr. BEVERIDGE. As to the constitutionality of the amendment?

Mr. McLAURIN. No, sir.

Mr. BEVERIDGE. Well, if the Senator from Maine does not—it is not my bill—but, as a matter of law, I do not think there is any question but that it does directly——

Mr. McLAURIN. Does directly?

Mr. BEVERIDGE. Does directly, beyond question, contravene the provision of the Constitution to which the Senator from Maine has referred.

Mr. McLAURIN. It undoubtedly does not.

Mr. BEVERIDGE. That is a difference of opinion.

Mr. McLAURIN. No lawyer who has examined it——

Mr. BEVERIDGE. If the Senator from Maine is satisfied, I am not going to make any objection.

Mr. McLAURIN. No lawyer who has examined it will say that the amendment I propose contravenes the Constitution. There can not be any question of its constitutionality. If there is any question of constitutionality, it is in the resolution itself, because the resolution confines the shipment of material and equipment for the construction of the canal to ports that have American registered vessels plying between them and the Isthmus of Panama, and if there are certain ports that do not have such vessels, then there is a preference given by the resolution itself to the ports that do have the American registered vessels plying between them and the Panama Canal. The Senator from Indiana [Mr. BEVERIDGE] is a good lawyer, when he has investigated a question, but he does not seem to be when it comes impromptu to him so far as this constitutional question is concerned, for he would see that if there is any question of constitutionality at all, it would be as to the resolution without this amendment, instead of to the constitutionality of this amendment. Now, I yield to the Senator from Maine.

Mr. FRYE. I want to ask the Senator a question. I can not exactly read the amendment as my colleague [Mr. HALE] does or as the Senator from Massachusetts [Mr. LODGE] does. The amendment reads:

This resolution shall not apply to any port of the United States between which and the Isthmus of Panama there is no vessel owned by the United States.

Now, stop there. It would exclude from the provisions of this joint resolution every port between Maine and Florida, because there is not a United States vessel owned in any port in that entire length.

Mr. McLAURIN. Fortunately the resolution does not stop there. It goes on and says, "nor by the Panama Railroad Company, nor vessel of the United States." The last clause may be changed to read "under the register of the United States." If the amendment stopped where the Senator says, it would be liable to the objection he interposes.

Mr. FRYE. I want to ask the Senator another question. What does he mean by excluding a port where there is "regularly" plying a vessel?

Mr. McLAURIN. I will strike out "regularly."

Mr. FRYE. Well, then, the word "plying." That would cut out the port of New York.

Mr. McLAURIN. Is there a vessel plying between New York and Panama sufficient to carry material?

Mr. FRYE. There is a line plying between New York and Panama.

Mr. McLAURIN. Very well, then it would not cut New York out. If there is a line plying between that city and Panama, it would apply to New York, and no foreign ship could carry any material between New York and Panama.

Mr. FRYE. The Senator leaves out "regularly." Why does he not leave out "plying" and have it read:

Vessel of the United States adequate to carry the commerce offered between such ports and the Isthmus of Panama.

Mr. McLAURIN. Because if you leave out the word "plying," it would read "between which and the Isthmus, etc., there is no vessel." If you leave out the word "plying," it would not cover it as well.

Mr. FRYE. I do not see the slightest object in putting in the word "plying."

Mr. McLAURIN. If a vessel does not "ply" it can not "carry."

Mr. TALIAFERRO. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Florida?

Mr. McLAURIN. With pleasure.

Mr. TALIAFERRO. I want to ask the Senator from Mississippi if he would not be satisfied with the amendment which has been accepted by the Senator from Maine [Mr. FRYE] if that amendment were amended by striking out the word "ports" and the words "nor to," so that the amendment would read:

Provided, That this resolution shall not apply to any port of the United States from which such vessels of the United States can not be secured for the trade.

Mr. McLAURIN. I do not think that is good.

Mr. TALIAFERRO. It seems to me that that amendment in that language and in that form would cover the difficulty that the Senator seeks to remedy.

Mr. McLAURIN. I do not think so.

Mr. TALIAFERRO. If not, why not?

Mr. FRYE. I am inclined to accept the amendment, if the Senator will leave out the word "plying." I do not think it means anything; and if it does mean anything, it cuts out the port of New York from the provisions of this joint resolution. I do not see any object in having "plying" in it at all. It seems to be senseless to me.

Mr. McLAURIN. It may be senseless to the Senator from Maine, but it is not senseless to me. Leave out the word "plying" and it will read:

If there are vessels adequate to carry the commerce.

There might be vessels adequate to carry the commerce, but they might not be accessible. What good would it do the ports of Biloxi, Pascagoula, or Bay St. Louis, on the Gulf coast, if there were abundant vessels of the United States adequate to carry this commerce, if they were not plying there and if access to them could not be had?

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Maine?

Mr. McLAURIN. Certainly.

Mr. HALE. The Senator insists on the word "plying"—"vessels plying." There is a possibility that that might be construed as vessels which at present are plying; and the Senator does not want to do that?

Mr. McLAURIN. I do not.

Mr. HALE. No. Why not, then, use the words "vessels that may ply between," so that it shall not be confined to vessels that are now plying, but are so situated that they may ply between the ports.

Mr. BACON. I would suggest to the Senator that the interpolation of the word "then," before the word "plying," if it is used, would meet his views.

Mr. McLAURIN. I am willing to do that, or I am willing to put it "plying at the time."

Mr. HALE. You do not want that. It seems to me you want this to apply to vessels that are not already plying there, but are ready to ply. We do not want it confined to vessels that are "then plying," because precious few, and perhaps none, are now plying.

Mr. BACON. "Then plying" would confine it to the time of the contract.

Mr. HALE. We want it to apply to vessels that are adequate to this trade and that may ply between the ports.

Mr. McLAURIN. I think I can put in a word that will meet the suggestion of the Senator.

Mr. HALE. Let us see.

Mr. McLAURIN. Suppose we say "plying when needed for such purpose?" I think that would cover the case.

Mr. HALE. I think that would cover it, if my colleague is satisfied.

Mr. FOSTER. Mr. President, the object of this resolution is to restrict or limit to American bottoms all shipments made from this country to the Panama Canal Commission or to the Panama Railroad Company or to the commissary department on the Zone. I presume the immediate cause which brought about the introduction of this resolution and the earnest advocacy of its passage is the fact that within a very short period the Panama Commission will advertise for bids for the purchase and transportation of some million tons of coal to be used in the construction and equipment of the great works on the Isthmus.

As this resolution came from the committee apparently with a unanimous report, there being no minority report accompanying it, I naturally presume that it had the unanimous indorsement of the Committee on Commerce.

When the press of the country gave it out that this resolution had passed, the business men of the city of New Orleans and different exchanges and the board of trade sent to me and to other members of this body a very earnest protest against its passage and sought to enlist our efforts in opposition to the measure. Their protest was not based upon any factious or idle opposition to this measure, but it originated from an honest belief on the part of the great business interests of that city that the passage of this resolution necessarily meant a fatal blow to the shipping interests of that city.

I desire to read an extract from a letter which I received from the president of the board of trade of that city, in which he says:

> All shipments of Panama supplies out of this port, through force of circumstances, are carried in foreign bottoms, and the board is of the firm belief that if this measure becomes a law it will practically put our port, as well as other Gulf ports, out of business so far as Panama supplies are concerned.

Of course if this statement be true, it is enough to excite the opposition and the just opposition not only of the citizens and business men of the port of New Orleans, but of every other port similarly situated.

During the year 1906 the value of the shipments from that port to the Commission—not to the port of Colon, but to the Commission—amounted to $670,094.86. During the year 1907 similar shipments amounted to $1,118,608.92, and up to the date of the writing of this letter, February 22, the value of the shipments from that port amounted to $395,508.95.

If this measure becomes a law without some amendment, there is not a pound of these shipments that will go through the port of New Orleans, for the simple reason that there is not in this trade a ship from that port flying the American flag.

Upon investigation it was found that what was true as to New Orleans was true as to every other Gulf port—that there is not a ship of American registry in a single Gulf port plying in that trade.

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Louisiana yield to the Senator from Nevada?

Mr. FOSTER. Certainly.

Mr. NEWLANDS. May I ask the Senator, Are there no ships of American registry in the coastwise trade on the Gulf?

Mr. FOSTER. There may be in the coastwise trade; I am not informed. But I am positively informed that there is not an American ship there that can be used for this purpose.

Now, Mr. President, this being the information furnished me, I called upon the chairman of the Committee on Commerce, whom I know to be an absolutely fair and just member of this body, and laid before him very briefly the information I had secured upon this subject. He very frankly stated to me that it was not the purpose of the joint resolution to do any injustice to any of the ports. After some consultation he suggested that it would be well to exclude Gulf ports, or that he had no objection to such an amendment.

I then had a conference with the junior Senator from Mississippi [Mr. McLAURIN] and the senior Senator from Texas [Mr. CULBERSON] with a view of securing an amendment to the resolution excluding the Gulf ports from the operations of the resolution. But in our consultation the question arose of ports being in the South Atlantic similarly situated, and then our amendment was written in the form in which it was presented to the Senate a few days ago and accepted by the chairman of the committee. The latter clause of this amendment we all thought protected not only the port of New Orleans, but any other port similarly situated.

Unless some amendment is made to the joint resolution excluding its operation from these ports it will not only deprive these ports of the shipments made to the Panama Canal Commission, but will practically cripple their trade in other directions. Unless some such amendment is provided in the joint resolution there is not a stick of lumber from the vast forests of Arkansas, Louisiana, Mississippi, Alabama, or Georgia, that can be shipped to the Commission. There is not a crate of vegetables or of fruit; there is not a spade or a shovel or a hoe manufactured in the great Middle West; there is not a steam plow or a steam shovel that can find its way to the canal through a single Gulf port unless some such provision is incorporated in the pending measure excluding those ports from its operation.

I know it is not the purpose of the friends of this measure to pass a joint resolution of this kind. I can not for a moment imagine that it is the object and purpose of the friends of the shipping interests to inflict such a wrong and injustice upon such a vast portion of this country.

Mr. PERKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Louisiana yield to the Senator from California?

Mr. FOSTER. Certainly.

Mr. PERKINS. I should like to ask the Senator from Louisiana if he is not mistaken in his statement that there are no registered vessels in Louisiana engaged in the foreign trade. I notice by the report of the Commissioner of Navigation that there are ten vessels registered, documented in the custom-house for Louisiana, with 8,237 tons, there being 185 that are enrolled. I suppose these documented ten vessels of 8,000 tons measurement, with a capacity of nearly that, are engaged in the foreign trade.

Mr. FOSTER. My statement was predicated upon the statement of the president of the Board of Trade of New Orleans.

Mr. PERKINS. I have the statement here——

Mr. FOSTER. But there is this fact, that there is not a ship under the American flag plying in this particular trade.

Mr. PERKINS. That is possible, and it is undoubtedly because there is no business at this time. But if our friends in Louisiana can furnish the cement and coal and other articles for use on the Isthmus, are there not available for this purpose these vessels which belong to the States of Louisiana, Mississippi, Alabama, Texas, and other Gulf States?

Mr. FOSTER. I am just stating to the Senate that the records of the office show that to the Panama Canal Commission alone shipments originating in the city of New Orleans amounting to over a million dollars were sent in foreign ships last year.

Mr. PILES. Mr. President——

The VICE-PRESIDENT. Does the Senator from Louisiana yield to the Senator from Washington?

Mr. FOSTER. Certainly.

Mr. PILES. I simply wish to ask the Senator if he finds any objection to the joint resolution with the amendment as now modified by the Senator from Mississippi. It seems to me that the amendment covers every possible phase of this case, and protects not only the Gulf section, but the Pacific coast section. It provides, in effect, as I have just read it, that if there are no American vessels at any of these ports available and adequate to the service, the joint resolution shall not apply to any such ports, and foreign vessels may be used. It seems to me, with that amendment of the Senator from Mississippi as corrected, every section of the country is protected.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Louisiana yield to the Senator from Oregon?

Mr. FOSTER. I do.

Mr. FULTON. I want to ask the Senator from Washington a question for information. I do not understand that the amendment proposed by the Senator from Mississippi has yet been adopted, or even accepted.

Mr. PILES. I do not so understand, either.

Mr. FOSTER. No.

Mr. McLAURIN. I understand the Senator from Maine is willing to accept it.

Mr. PILES. If it is acceptable and is accepted, it seems to me no one can make any complaint of the joint resolution. It protects all the interests of the country.

Mr. FOSTER. That may be possible, but all I wish is to incorporate in the joint resolution an amendment that will unquestionably exclude from its provisions the Gulf ports, which can not avail themselves of the joint resolution and whose business will be crippled and destroyed by its enforcement.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Louisiana yield to the Senator from Oregon?

Mr. FOSTER. Yes, sir.

Mr. FULTON. I ask the Senator from Louisiana whether he thinks the ports could be specifically and by name excluded from the operation of the joint resolution under the Constitution?

Mr. HALE. Without raising the constitutional question?

Mr. FOSTER. I have thought a little of that objection, and I am not so certain that the amendment which I first offered excluding the Gulf ports is repugnant to that article of the Constitution.

Mr. FULTON. It certainly would be giving a preference to one of the ports or the other. It would certainly either be giving a preference to the Gulf ports or it would be giving a preference to the other ports. In my judgment, it would be giving a preference to the Gulf ports, and therefore, it seems to me, clearly would render the joint resolution unconstitutional.

Mr. FOSTER. I will state to the Senator that I will not stickle for the words "Gulf ports" or for any other phraseology of the amendment. I simply want to secure what I have been in my humble way trying to secure—an amendment which will protect these ports from the enforcement of the proposed law.

Mr. FULTON. If the Senator will permit me, I will state that I have been in perfect accord with him as I have understood his purpose in protecting these ports and sections of the country where vessels of the United States could not be secured at reasonable prices to do the carrying trade. But it seems to me that if the amendment offered by the Senator from Mississippi be accepted (and the Senator tells us he understands it will be), it will obviate any objection on that score.

Mr. FOSTER. It may, and I make no question it will——

Mr. HALE. Will the Senator from Louisiana yield to me for a moment?

Mr. FOSTER. Certainly.

Mr. HALE. What we are trying to do, if we can, is to make progress. The Senator has just said that, as his original proposition might lay the whole matter open to the constitutional objection, he would be no stickler for that form of amendment. Now, just here will the Senator from Mississippi read the amendment as he has modified it, and which I think has been assented to, and let us see whether it does not, without in itself raising the constitutional question, cover every port either upon the Gulf or the Pacific or the easterly coast, without particularizing and excepting any and thus raising a constitutional question? Will the Senator read that?

Mr. McLAURIN. Certainly.

This resolution shall not apply to any port of the United States between which and the Isthmus of Panama there is no vessel owned by the United States nor by the Panama Railroad Company, nor vessel of the United States available, when needed, and adequate to carry the commerce offered between such port and the Isthmus of Panama.

Mr. HALE. Certainly, Mr. President——

Mr. McLAURIN. I think that covers it.

Mr. HALE. That, if it be accepted, would cover every Gulf port, every Pacific port, unless there were vessels of the United States, that is merchant vessels, available for this trade and adequate for the transportation. The practical operation——

Mr. CLAY. Will the Senator permit me? What is a vessel, or what are vessels of the United States?

Mr. HALE. I think we have settled that.

Mr. CLAY. Would not that mean simply a vessel belonging to the United States?

Mr. HALE. Oh, no.

Mr. CLAY. Or does it mean a vessel of American registry?

Mr. HALE. The first clause in terms covers vessels owned by the United States.

Mr. CLAY. Yes.

Mr. HALE. Now, that is one class. The next is the class owned by the Panama Railroad Company.

Mr. CLAY. And then, or vessels of the United States.

Mr. HALE. Or vessels of the United States. Now, that language has always been used in the statutes to cover merchant-marine vessels of the United States, owned in the United States, registered in the United States, not owned by the United States. I think there is no question about it, and the Senator need have no apprehension on that subject.

Mr. FULTON. I will say to the Senator that I think the statute now in existence defines a vessel of the United States as one owned by a citizen of the United States.

Mr. HALE. It does; and that is the reason——

Mr. CLAY. That would undoubtedly cover it.

Mr. HALE. That is the reason we have always used it.

Now, the practical operation would be this. Take a Pacific port: If there were vessels owned by citizens of the United States, or what are technically known as vessels of the United States, ready to enter this trade, adequate for the service and ready to make bids, that settles the question. If none such vessels appear, then under the amendment of the Senator from Mississippi the exception applies, and the transportation of these supplies from the port that does not furnish these competitors and bidders offering vessels of the United States, not owned by the United States, but of the United States, can be made in foreign vessels. It seems to me if my colleague accepts the amendment, that it is a solution, and that Senators who sought quite properly to protect their ports are amply secured under the amendment.

Mr. JOHNSTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Alabama?

Mr. HALE. I hold the floor by the courtesy of the Senator from Louisiana.

Mr. FOSTER. The Senator from Louisiana yields.

Mr. JOHNSTON. I want to ask the Senator from Maine a question. Would the words "when available, when needed," exclude any port of the Gulf under the amendment if a vessel was available in the port of Boston? I want to know what the word "available" means; what it applies to. There might be a vessel in the port of Boston which would be available in one sense, but it might just as well be in the Philippines, so far as business between Mobile and Panama is concerned.

Mr. HALE. What is the Senator's point, that a vessel owned in New Orleans——

Mr. FRYE. No; that one owned in Boston might be available there.

Mr. HALE. It would be the same if you apply it either way.

Mr. JOHNSTON. I desire to know whether it means that a vessel may be available anywhere in the United States or must be available at the port.

Mr. FOSTER. I will say to the Senator from Alabama that that is the very suggestion I was going to make when I had an opportunity.

Mr. HALE. I suppose in such matters our thought is led along as we progress. I suppose that the intention would be that it should be available at the port.

Mr. JOHNSTON. I am perfectly content with this amendment if that is put in.

Mr. HALE. I supposed that is what it meant.

Mr. FOSTER. I will say to the Senator that the suggestion made by the Senator from Alabama was the very one I intended to make, and if the words "at the port" are inserted I have no objection to the amendment, because it accomplishes the purpose.

Mr. HALE. I see no objection to embodying those words—"at the port."

Mr. FOSTER. Time is important, but I will, before I take my seat——

Mr. McLAURIN (to Mr. FOSTER). Will you accept it if the Senator from Maine puts in those words?

Mr. FOSTER. Yes.

Mr. McLAURIN (to Mr. FRYE). Are you willing to put in those words?

Mr. FRYE. If I can get a vote on this measure or get it into the Senate I am willing to do almost anything that will not destroy the measure absolutely. The Senator understood my objection to the insertion of the amendment to which I had agreed. It comes from the constitutional provision, and I can not see for the life of me why the language used does not conflict with the Constitution, and of course I do not want a joint resolution that is subject to that objection.

Mr. TELLER. May I ask a question? Does not the language now proposed conflict with the Constitution?

Mr. FRYE. I do not think it does.

Mr. TELLER. I think it does, and I want to have a few minutes to say so before we vote on the joint resolution.

Mr. FOSTER. Knowing the desire of the Senator from Maine to get a vote on this measure, if possible, I shall close my remarks with the statement that I am not willing to accede to the proposition that this amendment excluding the ports is repugnant to that article of the Constitution which has been quoted, because I believe that this measure gives a preference to certain classes of ships rather than to one port over the other.

Mr. McLAURIN. I then offer the amendment——

Mr. FRYE. Will the Senator please withhold his amendment? An amendment, offered by the Senator from Louisiana, has been agreed to in Committee of the Whole. When the measure is reported to the Senate I will ask the Senate to disagree to the amendment, as it was heretofore agreed to, offered by the Senator from Louisiana, and then this amendment will be in order in the Senate.

Mr. McLAURIN. The same result can be obtained by moving to reconsider.

Mr. HALE. Yes.

Mr. McLAURIN. By moving to reconsider the amendment and let this come in. Let it go into the Senate right.

Mr. HALE. That is the better way.

Mr. McLAURIN. That is the better way.

Mr. FRYE. That can be done.

Mr. FOSTER. That will be acceptable.

Mr. FRYE. I move that the vote by which the amendment offered by the Senator from Louisiana was agreed to be reconsidered.

The motion was agreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Louisiana.

Mr. McLAURIN. I offer the amendment I send to the desk.

The VICE-PRESIDENT. The Senator from Mississippi moves an amendment in the nature of a substitute, which will be read.

The Secretary read as follows:

This resolution shall not apply to any port of the United States between which and the Isthmus of Panama there is no vessel owned by the United States nor by the Panama Railroad Company, nor vessel of the United States available at any such port when needed and adequate to carry the commerce offered between such port and the Isthmus of Panama.

The VICE-PRESIDENT. The question is on agreeing to the substitute offered by the Senator from Mississippi.

Mr. TELLER. Mr. President, I do not desire to detain the Senate, but I want to say a word or two on this subject.

I sympathize with those who are anxious to secure for the Gulf ports all the privileges they can. But I do not believe you can do it in this way. I want to read the provision of the Constitution, which is short:

No preference shall be given by any regulation of commerce or revenue to ports of one State over those of another.

It is said that if the joint resolution passes as it was introduced, it will cut out a large number of ports; more particularly, I suppose, we are thinking about the port of New Orleans. Suppose somebody should suggest that we insert "this act shall not apply to the port of New Orleans." I think every Senator here would say "you can not do that." I think everybody would agree to that. Can you, by a sweeping provision putting in a dozen or twenty ports not by name but by location, avoid just what would occur if you put in the port of New Orleans? I do not believe you can. I believe that is a preference, which is prohibited by the Constitution.

Mr. HALE. Will the Senator indulge me for a moment?

Mr. TELLER. Certainly.

Mr. HALE. The Senator will bear in mind that the amendment of the Senator from Mississippi is not based upon a distinction by locality. It does not seek by general phraseology to cover a certain part of our coasts when we could not cover it by specifying the ports, but only makes it apply on certain conditions, and which are not in any way governed by the locality.

Mr. TELLER. I will go a little further, then. Suppose we said the port of New Orleans shall not be subject to this bill, and thereupon somebody offers an amendment that it shall not be subject to this bill provided there are no ships in that port, does anyone believe that that would avoid the constitutional difficulty? It is not possible that it would.

Mr. HALE. No, undoubtedly; but this amendment applies to all ports.

Mr. TELLER. I do not know much about it; but I think I know as much as the rest.

Mr. McLAURIN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Mississippi?

Mr. TELLER. Certainly.

Mr. McLAURIN. Suppose you have a resolution that restricts the transportation of material and equipment to American vessels, and there are only two ports in the United States that have American vessels.

Mr. TELLER. All right.

Mr. McLAURIN. Do you not make a distinction then and a preference in favor of those two ports?

Mr. TELLER. No, I do not think we do, because they can all acquire ships if they want to. Mr. President, it would be a very strong argument against adopting such a provision, as there is now, and a very strong argument against adopting this resolution that there is a large portion of the country that can not get any benefit under it and may be injured by it. Undoubtedly the greatest amount of material to be furnished for the Panama Canal will come from this section of the country. All the cement that is proposed to be used will probably come from the Mississippi Valley or farther down, possibly from Oklahoma.

Mr. TILLMAN. Is not that in the Mississippi Valley?

Mr. TELLER. It is in the Mississippi Valley, but it is at the extreme limit of the Mississippi Valley. I am talking more particularly of——

Mr. TILLMAN. The main stream?

Mr. TELLER. Of the States lying on the main stream. I think probably 90 per cent of the coal and everything will come from the ports that are interdicted if the joint resolution becomes a law without some modification. I understand we have a general law which allows everybody to ship their stuff in any kind of a vessel they choose. A man bringing his corn to New Orleans ships it in a foreign ship if he sees fit. Certainly no one will deny that it would be a preference given to other ports or a restriction upon New Orleans if we should say in every other port they might ship corn and wheat in a foreign ship but they should not ship it from New Orleans in that kind of a ship. I do not believe you would cure that difficulty if you would say you might do it provided there was no American ship ready.

Mr. President, this is a pretty difficult question, in my judgment. I shall be very glad myself to see some way by which you can avoid this difficulty. I have been taught to believe that what you can not do in the way of constitutional inhibitions directly you can not do indirectly, that what you can not do by a direct act you can not do by going round about and by a pretext.

The question in my mind is whether there is enough benefit going to come to the commerce of this country by passing this bill to pay for passing it. As to the Panama business, of course, so far as I am concerned, I have voted once or twice in the interest of securing as much as possible to the United States. I think we had a bill here two or three years ago which presented that question. I said then, and I say now, that about all the good we will get out of the Panama Canal will be from the stuff that we sell to the Government while we are building it.

I do not know, Mr. President, that that is very pertinent at this time, and I do not propose to go into it; but I am very much afraid if you undertake to do it the way you propose to do it you will find yourself against a constitutional provision.

It has been suggested in my hearing that this is giving a preference to ships. Mr. President, it is clearly giving a preference to ports in this case. Perhaps you might fix it in such a way that you would allow foreign ships to come into some ports where you exclude them from another port, or allow them to load in one port and exclude them from another, but I admit that I am not capable of drafting an amendment that would do that thing.

I want to vote for this measure if it can be modified so as to enable these ports to have the advantage of that trade. While I am as much as anyone in favor of protecting American shipping and giving American shipping an opportunity to put itself in better shape than it is now, I am not willing to vote for the measure unless I feel that we have a constitutional right to pass it. I am not willing to vote for it as it stands now.

Mr. President, the Government of the United States has undertaken a great big job in building the Panama Canal. If the Government of the United States applies the rule that it takes for the coastwise trade, why not apply it here against the Government of the United States.

I wanted to say a few words about the cement, but this part of the measure seems to be first, and it ought to be disposed of. Then I want to say a few words about the freight that will be

furnished, where it will go, and where it will come from. I will not do it now, because that is not the pending proposition.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Mississippi [Mr. McLAURIN].

The amendment was agreed to.

Mr. BACON. Mr. President, I think the amendment as adopted improves the situation, but I do not think it is sufficient to cover the difficulties which I suggested to the Senate yesterday. I want to say that I realize the anxiety of the friends of the joint resolution to have a vote upon it, and I trust that if the hour of 2 o'clock arrives before those of us who want a few words on the subject have completed what we have to say the time will be extended, so that Senators will not be disappointed in their desire to get a vote to-day. If that is not done, it will not be through opposition of mine.

I endeavored to point out yesterday to the Senate the fact that under the operation of the joint resolution it would be impossible for bidders, certainly under certain conditions, to make bids intelligently and with a certainty that it would not involve them in loss if those bids were accepted. The doubt which would be upon the mind of a bidder and the difficulty for him to bid intelligently on account of that doubt is in part removed by this amendment, but still, in practical operation, the difficulty is not entirely removed, and unless I am very grossly mistaken in that practical operation it would result in very great embarrassment to industries which affect the section from which I come when they propose to make bids for supplying the material for the construction of the canal.

As I stated yesterday, all the lumber, practically, and all of the cross-ties that will go into the construction of the canal and in the maintenance of the railroad must come from the Southern States on the Gulf and on the South Atlantic. So it is not a vague, indefinite suggestion that there may be some necessity for a practical consideration of this matter by people in that section, but it is one of direct, absolute certainty.

I want Senators for a moment to see how this will work practically. So far as concerns the cement producers, it is probably not one which would produce embarrassment with the amendment which has been adopted, for the reason that the amount of cement which is to be used is approximately known. It is a very large amount. It will probably be in the main furnished by one party, or if more than one party by parties acting in concert. The supply is such that it will continue in regular demand throughout the entire time of the construction of the canal, and, therefore, those who are interested in the cement production are in a position to make contracts looking to that entire supply with the full knowledge of the rate at which the supply will be required, and consequently with a full opportunity to make arrangements for its shipment, which will extend through a period of years, they being, as I said, either one party or parties acting in concert with each other.

But that is not the case when it comes to the lumber and the cross-tie supply, for the reason that the lumber would be furnished by a number of parties. It will be furnished in comparatively small quantities by different parties, each in small quantities; and, therefore, it is impossible for those engaged in the lumber supply and in the cross-tie supply to anticipate the exact contracts which they will be able to make in the future, or to anticipate whether their bids are going to be accepted, or whether their contracts will be of a nature which will enable them to make arrangements in the future for the continued service of a certain fleet of vessels, as it is in the case of the cement supply by reason of the different conditions which I have endeavored to suggest.

I hope I may have the attention of the Senator from Maine [Mr. HALE], because, of course, we know that what we do must be largely in the way of agreement here to-day so far as amendments are concerned. I want to suggest to Senators that even under the present amendment there will be practically a very grave difficulty unless the amendment which I am going to offer is accepted or shall be incorporated in the bill.

The amendment as it now reads provides, stated in short words, that the shipment shall be made by a ship of American registry, provided that ship is available. Of course that means available at the time the shipment is called for, at the time there is a demand for the vessel. The bid for the contract may be six months before it is possible for the contract to be fulfilled, before it is possible for the bidder to be in a position to carry out his contract, and at the time he makes his bid it is an impossibility for him to anticipate the conditions in a great many ports. It may not be in the port of New Orleans; it may not be as to cement shipments, because of the certainty which I have already stated, but as to lumber and cross-ties shipped from a dozen different ports it may be an impossibility and will be an impossibility as to most of these ports for one who desires to bid upon a contract for lumber or cross-ties to know whether, when the six months shall have run around and he will have had time to prepare to fill his contract, a vessel will be available or whether there will be no such vessel available.

Mr. HALE. Is not that true, and would it not be true in any transaction in which lumber—and I am as much interested in that as anybody—or ties are concerned? When a bid is to be made, whether it is the Government or a private contract, to be executed in the future, has not the bidder to take certain chances of conditions that will apply when he executes his contract?

Mr. BACON. I will ask the Senator, if he will permit me——

Mr. HALE. Can you do business without the bidder taking those risks, whatever they may be? Some things must be left to the course of trade.

Mr. BACON. That is a question very easily answered by anyone familiar with the lumber trade and with the cross-tie trade. The lumber trade is carried on now in the South as to the yellow pine lumber by shipments, either where it is to go along the coast on the coastwise vessels or where it is to go into foreign ports by foreign vessels. Those ships are constantly there for that purpose, and a man knows what the rates are. A man who is to ship lumber to South America knows what the rates are for transportation by foreign ships of lumber from the port of Brunswick, for instance, or the port of Savannah to a port in South America. He knows when he makes his bid that he is going to ship by a foreign vessel, and he knows what the charges are.

Mr. HALE rose.

Mr. BACON. I hope the Senator will let me answer his question before he propounds another one. He knows, by the customs of the trade and by the generally accepted and recognized rates when he makes a bid for lumber that he is to ship to South America, about what he will have to pay in the way of rates.

Mr. HALE. Mr. President——

Mr. BACON. I trust the Senator will permit me to answer his question, and then I will yield to him with great pleasure.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 3023) to amend the national banking laws.

Mr. LODGE rose.

Mr. FRYE. I hoped we might get through with the joint resolution, but I do not wish to interfere with Senators who have announced a purpose to speak. The Senator from Massachusetts [Mr. LODGE] is to speak and the Senator from Kentucky [Mr. PAYNTER] is to follow him. I will ask that the joint resolution may be taken up again for consideration after those speeches have been concluded.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that Senate joint resolution No. 40 be taken up for further consideration at the conclusion of the speeches by the Senator from Massachusetts and the Senator from Kentucky. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT OF NATIONAL BANKING LAWS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3023) to amend the national banking laws.

Mr. LODGE. I had not intended, Mr. President, to consume any of the time of the Senate in discussing this measure. I was more than content to leave its explanation and defense in the hands of those who were charged with its preparation and report—far abler hands than mine. But two reasons have arisen which have made it seem necessary to me to explain very briefly why I support the bill and why I shall vote for it.

I presented to the Senate a day or two ago a protest of the Boston Chamber of Commerce against the bill. The Chamber of Commerce of Boston is composed of the most representative men engaged in our trade, our commerce, and our finance, and for their opinion and their wishes I have the highest respect. It is with the greatest diffidence that I venture to differ from them; but as I can not agree with them as to action upon this bill, it has seemed to me only proper that I should explain my reasons for failing to do so.

The other cause of my desiring to speak upon this bill is the fact that the Senator from Texas [Mr. BAILEY], in his very able and most interesting speech, alluded to something I had said in a running debate not long ago. I think he misunderstood my position, and I desire to have the opportunity to restate it, which I shall do presently.

Mr. President, in preparing this bill the first question to be determined was precisely what the situation was with which we had to deal. There had been a great crisis or panic, as it is called, in the autumn, when a rapid decline of values in the stock market was followed by an acute stringency in the money market, by what is commonly referred to as a "currency famine." I do not care to enter now into a discussion of the causes of that panic. It is enough that we must postulate its existence as the foundation of the action which Congress was called upon to take.

There was at the time of the panic plenty of currency in the country, but it was withdrawn from circulation. Not only individuals hoarded, but the banks themselves hoarded currency in much larger masses than individuals, and ready money could not be procured. What was really lacking, however, was not currency, but confidence, which is always the case, or almost always the case, at such periods. Men hoard only what they believe will be scarce and difficult to obtain. When men feel or believe that there is an abundance of any given article the motive for hoarding it disappears. If men anticipate a lack of grain, which in some parts of the world is the cause of desolating famines, they hoard grain. If there is an arrest of coal production, the tendency of everybody is immediately to lay in a supply of coal and hoard it; and that which applies to all articles of use or value applies equally to currency. Therefore the first step to be taken to bring business conditions back to their normal state was to assure the people that there would be plenty of currency and that there was no reason for hoarding, for in that way alone could any advance be made toward the restoration of confidence. This was effected finally by the measures of the Government. Those measures were awkward, because we have no laws which give the Government any proper or well-defined powers for dealing with such a crisis; but however awkward and however extreme those measures of the Government have seemed, the issue of the Panama bonds and the promised issue of Treasury notes upon which more bank currency could have been issued served their purpose. In fact, they served their purpose so well that very few of the notes were actually issued. For as soon as the people saw or believed—and belief is the main thing—that they could get currency, they ceased to have any desire to keep it in their safes or in their pockets. These extreme measures were taken because no others were possible, and when Congress came together it was its duty, the strain having been relaxed in this way, to pass some measure which should prevent, if possible, a recurrence, not of crises in business or of declines of values—becaue those depend not upon the currency or the Government, but upon causes which lie much deeper—but to enact some legislation which would prevent, if possible, as I have said, a recurrence of this needless currency stringency, which would make it clear that at any such time currency could be obtained if it was needed in unusually large amounts.

There has been, I think, in the popular discussion of the events of last autumn, as well as in the discussion here, possibly, some confusion between capital and currency. Capital, speaking from the point of view of the political economist, and speaking strictly, is saved and accumulated labor. Currency is the medium of exchange. Congress can not increase capital—that is beyond the power of statutes—but it can increase currency, and it can render it by judicious legislation so elastic that it will respond to the needs of the moment, whatever they may be. The cause of the crisis, in my judgment, was the exhaustion of the world's reserve of capital by the enormous expansion of business and by the excessive demand which had been made on the savings of the world, savings designed for investment in new enterprises. That that was the case is recognized by the best English and French economists, and notably by M. Paul Leroy-Beaulieu. I will not delay the Senate by reading his statement, but I ask to have inserted at this point what he says in regard to the causes of the panic in the United States and elsewhere.

THE CAUSE OF THE CRISIS—DISREGARD OF THE RULE THAT CAPITAL LIMITS INDUSTRY.

Laurence Curtis writes as follows to the Boston News Bureau:

"In the early phases of the financial disturbances that later culminated in the 'Panic of 1907,' you kindly printed a communication from me in which I ventured to suggest that the difficulties were not caused by 'too much Roosevelt,' not by faulty currency, trust busting, or other factors then being blamed. I said: 'Why not boldly state that it is owing to general extravagance in our country, where the National Government, every State, every municipality, every railroad, every industrial corporation, and most individuals are spending beyond their means, and borrowing for their excesses without any idea whence to obtain funds for repaying their borrowings.' In confirmation of that opinion I now ask you to add the verdict of a high expert, Paul Leroy-Beaulieu, whose writings as long ago as last July in the Economiste Francais on the exhaustion of the world's capital reserves through the excessive inflation of credit and industry gave early warning of the state of affairs then developing, notably in America, but also in Europe. The same eminent authority has now reviewed the latter events in America of last October, which were the sequel to the conditions which he had previously pointed out."

NO ACCOUNT TAKEN OF WHAT WAS POSSIBLE.

He now says:

"It would be a great mistake to suppose that the crisis in the United States originated solely, or even principally, from lack of money in that country, or from defective organization of its banks. It is true that lack of currency elasticity may have helped on the troubles, and that the abuse of credits and the immoral management of certain banks and trust companies may have increased or propagated the panic. But the principal cause—one may, indeed, say the whole cause, for all the rest is merely accessory—of the crisis now raging in the United States, and which has, in a lesser degree, touched Germany, is industrial and financial megalomania and complete disregard of the well-established rule of political economy that capital limits industry. What has happened is that new enterprises have been started or old enterprises of speculation have been enlarged far beyond the sum total of available capital—that is, beyond the amount of capital actually produced by the savings of the whole civilized world.

"The error of the public at large consists in believing that even if there are manifest limits to the financial operations of individuals or of corporations, there are no limits to the financial activities of a great and prosperous nation. Reserves of capital have fallen short of the requirements of extravagant American demands. The industrial megalomania in the United States took no account of what was possible. It merely devoted itself to pushing up everything."

WAGES AS AN INSTANCE.

"And the same thing is true of labor. The extravagant American ideas no more kept in touch with the realities in matter of wages of labor than they did with the realities of capital, and this is how the spectacle has been presented of masons with wages of $8 a day at San Francisco and of other occupations approaching this in many other parts of the country.

"The debauch of extravagance was particularly indulged by the constructing companies and by the great American railways. Contracts were placed for the construction in the single year of 1907 of vast amounts of new work, and the companies prepared for such excesses by issues of securities to a simply stupendous amount.

"Here, then, is the real cause of the American crisis, and that cause is not lack of bank notes or of Government paper, nor the insufficiency of metallic money. Certain incidents have doubtless accentuated the debauch. If the fight of President Roosevelt against the trusts had not of itself been a contributing cause it must be confessed that certain excessive demonstrations in that attack and certain wholly eccentric financial penalties and legislative exactions imposed upon the great companies and railroads have done their part in intensifying the public mistrust against commercial or industrial companies of every nation.

THE PRESIDENT'S RÔLE.

"It is our opinion that the President has been fundamentally right in his campaign against trust abuses and against secret rebates of railways to their powerful clients. But his attacks might have been conducted not only with firmness but with a certain measure of restraint" (and absence of virulent vindictiveness). "It must be admitted that when an ignorant and impressionable public reads that the highest public authorities of the country" (President Roosevelt, Attorney-General Bonaparte, and governors and legislatures of certain States) "are constantly in their public utterances applying to the chief of financial and commercial companies the appellation of robbers, the public not only experiences distrust, which, by itself, might be salutary but is goaded into senseless panic.

"But, after all is said, the truth of the whole matter is that in this panic the United States is simply paying the penalty for its extravagant expansion at a time when credit conditions were merely normal."

I hope that you will see fit to quote the above, and to allow me again to place the blame for our ills upon a state of affairs of which extravagance is the main cause in a great nation in which speculation has supplanted industry, and debt has supplanted thrift.

The currency famine or stringency which followed the general, steady, and finally rapid decline of values was the acute and aggravating symptom or result of the disease. It was not in itself the disease, but it made the disease worse and, as long as it lasted, prevented recovery. Now, the duty of Congress was to deal with the condition of the currency which invited not only such attacks, but led to a suspension of payments by the banks, and to try to make the condition of the currency so strong that in future it would be able to resist them. To do this we had to deal with the American banking system.

I do not care to go into details, but in order to reach the point which I desire to make I should like to sketch, historically, but very briefly, just the situation in which we found ourselves and the methods by which we arrived there. For forty of the first forty-six years of this Government we had a Bank of the United States, with its branch banks scattered through the country. Founded under the Administration of Washington, renewed under the Administration of Madison, this institution had performed its duties of a central bank with great success, and had met successfully all the difficulties which had arisen except in the great crisis of a foreign war. That bank, as all the world knows, was destroyed by General Jackson, who had many talents and many virtues, but aptitude for finance was not one of them. After he had wrecked the financial system of the United States, having sowed the wind, he left his successor, Mr. Van Buren, to reap the conventional crop, which Mr. Van Buren did not fail to harvest in 1837, when we had one of the most disastrous panics which this country has ever seen. The final result of Jackson's policy was that when the great struggle of the civil war came upon this country the Government had no financial system capable of dealing with the needs of the Government, and out of that condition came the system of national banks.

Thus the national banking system which Jackson had undertaken to destroy was forced back upon the country by the stern and relentless logic of events, and it came back shorn of what I have always believed to have been one of its best features—the central bank. At that time, when war broke upon the country, the United States Government had to raise enormous loans. Gold had disappeared. We were carrying on business and Government alike with an irredeemable paper currency and the United States bonds were therefore made the basis of the circulation. It was an ingenious scheme, and one which worked extremely well. It gave the bonds an immediate value for a certain defined purpose; it made them valuable to the banks, and the mass of loans was then so great that the bonds were plentiful, and the banks could take what they needed for circulation without materially affecting the price. As time has gone on, the debt has been largely paid off. The total amount of the bonds of the United States now outstanding is comparatively small. Compared to the wealth of the country it is a trifle. There is no country in the world which, in proportion to its wealth and resources, has so insignificant a debt as the United States. These bonds, therefore, being largely reduced in number, and the demand for currency increasing instead of diminishing, have advanced abnormally in price, because they have been needed by the banks in order to get their notes out at all. Therefore the price has advanced and the bonds of the Government, which ought to be the repository, in my opinion, for the savings of the people as the firmest security they could possibly have, command an excessive price, not only in our own markets, but in the markets of the world. Then, too, with the reduction of the debt, the bond basis has become rigid and inelastic. Now, in this condition sharply brought home to us by the disasters of last autumn, what was there that we could do? We could do one of two things: We could undertake to reform the banking laws altogether—and I think they ought to be reformed altogether—or we could pass a limited measure to meet the immediate exigency and emergency.

It is commonly said that our banking system is a patchwork. Granted that it is. It was the outcome of a war. It has been amended from time to time to meet difficulties and exigencies as they have arisen. It has not been constructed as a coherent and scientific system all by one act. Admitting that it is a patchwork, in dealing with a patchwork you can add another patch; you can "stop a hole to keep the wind away," or you can destroy and remake. You can destroy your patchwork and put in its place one clean, coherent, and uniform piece, or you can patch it once more; but you can not do both at once. Yet that is precisely what many people seem to think ought to be done now, and many of the criticisms are directed against this bill on the ground that it is not a complete reform of the banking system; which is exactly what it does not pretend to be. There is no criticism at once more unfair and more inept than that which assails a measure for not doing what it does not undertake to do. This bill is an effort, and a well-considered one, to meet an existing exigency, to meet it so as to prevent a recurrence of the emergency which has called it into being, and it neither claims nor attempts to be more.

Mr. BEVERIDGE. Will it interrupt the Senator if I ask him a question?

Mr. LODGE. Not in the least.

Mr. BEVERIDGE. Does not the Senator think that a comprehensive and scientific measure, comprising the whole of our financial system, would be a desirable thing?

Mr. LODGE. Most desirable.

Mr. BEVERIDGE. Rather than the patchwork which the Senator says exists?

Mr. LODGE. It would be most desirable.

Mr. BEVERIDGE. The second question—and I ask purely for information—is whether, in the Senator's opinion, the adding of this additional patch will not put off the day when it will be possible for us to take this inevitable matter up for final disposition?

Mr. LODGE. I do not think it will postpone the day at all, and I will, in a few moments, come to the very point the Senator has made.

Mr. President, it is not difficult to sketch out a perfect banking system according to the taste and fancy of the sketcher. I am led to this thought because I stumbled the other day by mere accident on an article by an eminent professor of economics in regard to this bill, and it led me to certain reflections which I am going to take the liberty of confiding briefly to the Senate.

Any professor of economics can sit down in his library and put into an article in a few hours a perfect system, according to his own ideas, for the banking of this country, and he can join with it sneers at the ignorance of public men who are trying not to put a system into an article, but to put it into law, which is a very different proposition. I have the most profound veneration for the great thinkers, few and rare indeed, who from the solitude of their libraries have guided human thought and moved the world. But for the little thinkers who have only thought and never have faced the world of men and action I have less reverence for. I have observed with Shakespeare that "conceit in weakest bodies strongest works." The article to which I refer criticises the incapacity of those who were connected with the preparation of this bill, and the article shows on its face, it seems to me, that the author can hardly have read the bill which he criticises. He speaks of the ignorance of its author in a way which reveals his own ignorance, as a great patch of snow in an open space in the woods will accentuate and throw into relief the beauty of the landscape and make the darkness of the forest visible. It is a delightful way of making a banking system just to sit down in your library and work it out, go over it, and see if you can find objections to it. You find none; then you show it to a few friends; you hear their objections, and you meet them or dispose of them; then you launch it into space, and there it has to meet every objection to be found in the whole world, which is a very different proposition. I myself can set forth in comparatively few sentences what I think is a perfect banking system; and I intend to do so in a few moments.

The Senator from Texas [Mr. BAILEY], in his speech the other day—and a very powerful and interesting speech it was—discussed some hasty and offhand remarks of mine in a running debate, which occurred, as I have already stated, in the Senate a short time ago. He destroyed a position, if he will permit me to say it, which I did not occupy, and I do not think he touched the position which I really occupy, although I am afraid he may differ from me on that also. He quoted Webster and Story and decisions of the Supreme Court with which I am familiar in order to demonstrate that it was within the power of the National Government not only to regulate and control the currency in the fullest sense, but to issue Government notes. That is a position, Mr. President, in which I fully agree and which I should not think of contesting; but in looking at what I said the other day I can not find anything which indicates that I did contest it. What I said was this:

> I should be very glad to see every dollar of Government notes withdrawn. I wish we did not have a dollar of Government notes afloat. I should like to see the Government confined to coining gold and silver and only issuing, if necessary, warehouse receipts against them. I do not believe in the Government being in the banking business. I do not understand how the Government can get paper out after it has printed it unless it either lends it or spends it. I know no other way by which it can put it out. The one method is pure inflation; the other is entering upon the business of loans and discounts, which no government should touch.

Mr. President, it is a very different thing to say that you do not believe that the Government should do something and to contend that it has not the power to do it. There are a great many things which the Government can do which I hope it never will do, such as taking over the ownership of railroads or telegraphs, for example. I do not doubt its power; but I have the gravest doubt of the expediency of such measures as those, for I believe they strike at principles, older than the Constitution, which lie at the bottom of American government as it was in the beginning and as it is established to-day.

With the views of Mr. Webster as quoted by the Senator from Texas I fully agree. I have some familiarity with the works of Webster, for I have given some study in the past to his biography and to his opinions. I think his great series of speeches on the Removal of Deposits, on the United States Bank, and on the Subtreasury are masterpieces. Webster to-day is quoted more than any American statesman, living or dead. It is not merely that he was a great lawyer or that he was a great master of statesmanship at home and abroad. There were other great lawyers in the country; other great debaters have been in the Senate both before and since. "Brave men were living before Agamemnon." But Webster had a power of stating his propositions, of illuminating the dryest subjects with a variety of illustration and with a wealth of metaphor and grave humor which has been given to very few men in the history of parliaments. He had also that greatest of all preservatives—a noble style—and therefore men quote him to-day as they quote nobody else. As "Stella" said of Swift, that "the Dean could write beautifully about a broomstick," so it may be said that Webster could display eloquence and imagination even when he discussed banks and subtreasuries. I think his views as to the powers of the Government over the currency were eminently sound, although at that time the question of the Government issuing paper was but little con-

sidered. Nevertheless I desire to point out some of the rare allusions which Mr. Webster made to that proposition. He was dealing almost exclusively with the question of bank currency. He was an advocate of a central bank. He believed in paper currency issued by banks under the regulation of the Government, but he had an unyielding hostility to the issuance of paper money by the Government. He always is very careful to distinguish between paper money and paper currency; between the notes of banks and the bits of paper which are made money by the fiat of the Government.

Mr. BAILEY. Mr. President, will the Senator permit me to interrupt him?

The PRESIDING OFFICER (Mr. BROWN in the chair). Does the Senator from Massachusetts yield to the Senator from Texas?

Mr. LODGE. Certainly; with pleasure.

Mr. BAILEY. I simply desire to call the Senator's attention to this difference between the paper money of this day and the paper money of Mr. Webster's day. Nobody then believed that the Government could make the note, even of the United States, a legal tender, but we have progressed a long way over that view, and now the bank note is itself a legal tender for very many payments in this country. So that if the note of that time be treated as a mere promissory note, the different kind of notes of this time can not be treated as Mr. Webster treated the notes of that time.

Mr. LODGE. It was not proposed in those debates to make them full legal tender, but to make them receivable for dues and taxes, which is in a large degree practically the same thing; it is certainly the same in principle. In the course of the debates, which extended over many years, that proposition was brought forward, among others. But I will simply point out what Mr. Webster said. In his speech on the subtreasury in 1838 he says:

> Wherever paper is to circulate as subsidiary to coin, or as performing, in a greater or less degree, the function of coin, its regulation naturally belongs to the hands which hold the power over the coinage.

He uses, it will be observed, the word "regulation." He says further on, quoting the great Senator from South Carolina, Mr. Calhoun:

> He—

That is, Senator Calhoun—

> then proceeds to observe that there might be a sound and safe paper currency, founded on the credit of the Government exclusively.

I think I have heard that identical proposition made here since this debate began. This is the way Mr. Webster referred to Government paper in reply to that suggestion. I make no apology for reading it, because all that he says reads very well:

> In the first place, sir, I have suggested the complete union which it would form, if it were in itself practicable, between the political and the money power. The whole commerce of the country, indeed, under such a state of things, would be little more than a sort of incident to Treasury operations; rather a collateral emanation of the revenue system than a substantial and important branch of the public interest. I have referred, also, to its probable consequences upon that which the gentleman regards as so great an evil, and which he denominates "the centralization of commercial action."
>
> And now I pray you to consider, Mr. President, in the next place, what an admirable contrivance this would be to secure that economy in the expenses of the Government which the gentleman has so much at heart. Released from all necessity of taxation and from the consequent responsibility to the people; not called upon to regard at all the amount of annual income; having an authority to cause Treasury notes to issue whenever it pleases,
>
> "In multitudes, like which the populous North
> Poured never from her frozen loins, to pass
> Rhene, or the Danaw;"
>
> what admirable restraint would be imposed on Government! How doubly sure would assurance be made for it, that all its expenditures would be strictly limited to the absolute and indispensable wants and demands of the public service!
>
> But, sir, fortunately, very fortunately, a scheme so wild and which would be so mischievous is totally impracticable.

At an earlier day he said:

> Sir, I have no doubt—

This is from the speech on the Removal of the Deposits—

> Sir, I have no doubt if there are any persons in the country who have seriously wished for such an event as the extinction of all banks they have not, nevertheless, looked for the absence of all paper circulation. They have only looked for issues of paper from another quarter. We have already had distinct intimations that paper might be issued on the foundation of the revenue. The Treasury of the United States is intended to become the bank of the United States, and the Secretary of the Treasury is meant to be the great national banker. Sir, to say nothing of the crudity of such a notion, I may be allowed to make one observation upon it. We have heretofore heard much of the danger of consolidation and of the great and well-grounded fear of the union of all powers in this Government. Now, sir, when we shall be brought to the state of things in which all the circulating paper of the country shall be issued directly by the Treasury Department, under the immediate control of the Executive, we shall have consolidation with a witness.

I do not find any point, Mr. President, where I differ with Mr. Webster in his views of banking and currency. In setting out my own views, I wish, however, to say in advance that I lay no claim to being in any sense a financial expert. My observation has been that legislators who become welded to a system which is to cure all evils, and who devote themselves for years to the contemplation of a scheme which they have themselves invented, are very apt to grow unbalanced. It requires a very robust sanity of mind like that of the Senator from Rhode Island [Mr. ALDRICH] to deal habitually with financial questions without descending into something very like fanaticism. I have no desire to tread that "primrose path," for it seems to me that in "that way madness lies," and I do not care to encounter its perils. I speak simply as an outsider, and merely for the benefit of my own argument I am going to describe the system which I should like to see adopted in this country.

I repeat what I said the other day. I wish that the Government did not have a note out. I refer, of course, to the greenback. I wish that the Government issued nothing but gold and silver, and, if necessary, warehouse receipts, such as we now have in the form of gold and silver notes. I should like to see all the circulating notes of the country issued by the banks under strict Government control and regulation. I think I heard the Senator from Texas [Mr. BAILEY] say the other day, very epigrammatically and with great force, that it was the business of the Government to make money and of the banks to make notes. Those functions I should like to see separated and confined in that way. I should also like to see the bank circulation based on a gold reserve. It always appears to me that there is some confusion about the term "asset currency;" but before I come to that point let me enter one caveat. I am speaking in generalities. I am using generalizations, and I am quite aware of the great danger of a generalization. As the Frenchman said, "No generalization is completely true, not even this one." [Laughter.] Therefore, what I say is in mere outline. I am not attempting to fortify my position by details. I am trying merely to state the situation as I see it, and from that to deduce my reason for supporting this bill.

As I have said, I think there is some confusion in regard to asset currency. I saw it stated by one of the great capitalists of this country and of the world the other day that France and Germany and Scotland and Canada had asset-currency systems. I do not so understand. When I speak of an asset currency I do not mean a currency which has behind it a gold reserve. In Scotland, for instance, if I am correctly informed, there is a limited number of notes—£2,600,000, I believe—which can be issued without a gold reserve, but beyond that all the currency they use must have gold behind it.

Mr. ALDRICH. If it will not interrupt the Senator from Massachusetts——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Rhode Island?

Mr. LODGE. Certainly.

Mr. ALDRICH. I will state that the unsecured note circulation of Scotland is $2.60 per capita.

Mr. LODGE. That shows, Mr. President, how far removed the Scottish system, to take only one example, is from what is meant by asset currency, as I understand it. Asset currency, properly speaking, is a pure asset currency, a currency issued against the assets of the bank with no gold reserve, or only very small and practically merely nominal one. I am again going to borrow a sentence from the Senator from Texas [Mr. BAILEY], which I think puts the proposition of asset currency with remarkable terseness and force—that what it is desired to do with an asset currency is to borrow without interest and without security, and then to lend on interest and with security. An asset currency is a currency based solely on what are called "assets." Of course in the long run the assets of every bank are liable for all the engagements and obligations of the bank; but when we are treating of currency we are treating of notes which pass from hand to hand and which must have behind them either a bond reserve held by the Government, as ours is held, so that every man knows that, no matter what happens, the note of a failed bank is just as good as the note of the best bank in the country, or else you must put behind it an adequate gold reserve, so that the holder knows that if he wishes the money of the world he has nothing to do but to step into the bank and get it. As I have said, I believe in banks founded on a gold reserve like the banks of England and France. They always hold, as we all know, large quantities of bonds, not perhaps directly against their circulation, but so as to assure the ultimate value of the notes. As to meeting panics, the English system is to raise the rate of discount, and, if that fails, to suspend the bank act—that is, to suspend specie payments.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Rhode Island?

Mr. LODGE. Certainly.

Mr. ALDRICH. The Bank of England issues $91,000,000, or thereabouts, of uncovered notes as against Government bonds, which they hold and are obliged to hold under the banking law of Great Britain. The Bank of France is required by law to hold $50,000,000 of the debt of France.

Mr. LODGE. As to dealing with panics, I think the English system is a rigid and severe one. In Germany they have met this difficulty by a taxed currency, which comes out under the pressure of great need for money and returns automatically the moment the rate of money lowers, because the tax makes it unprofitable and forces it out of circulation. I believe that the German system in that respect is sound. I also believe—and here I shall have probably very few to agree with me—that our system of small notes is a thoroughly bad one, bad financially, bad educationally, and most unhealthy and promotive of disease. I think the French system, with the lowest note equivalent to our $10, is the sound system, which makes the daily money, the money of the people, gold and silver. It is not only a way of anchoring the gold and silver in the country, but it teaches the people of a country to believe that gold and silver are the only true form and the only really valuable form of money. I would also have a central bank, with Government directors and absolute Government control.

Such in outline is my plan. It is very easily stated. It involves, however, like most easily stated plans, a complete remodeling and reform of our entire banking system. We have got into the habit in this country of making bonds the basis of our circulation. We have a long-established bank system. I do not believe you can reform and remodel it in one session, probably not in one Congress. I think the events of last autumn and the debates which have occurred here will lead to such a reform of our banking system as we ought to have. But we ought also to have something which will carry us over the interval before Congress can perfect what I should regard as a proper system. Therefore it has seemed to me that by the very force of events we were thrown back on a temporary measure, a new patch, if you please, in the old patchwork. To do nothing would have invited a recurrence of what happened last autumn. For this reason, the committee wisely, in my judgment, decided on a measure, the best they could devise, to ward off this danger and give us time for a systematic and thorough reform.

The Senator from Rhode Island [Mr. ALDRICH], one of the best financiers in this country, versed not only in the details which press upon us at this moment, but in the broad and fundamental principles of banking, was charged with the duty of preparing this measure. He was not asked to sit down and write out what he thought would make a perfect banking system and then publish it in an article. He could do that as easily as a professor of economics. He could do it as easily as I have just done it, and he could do it far better. He could have done the much more difficult thing which the professor of economics could not do. He could have put his ideally perfect system into law and brought in a measure here which would have embodied it in its practical workings. But his actual task was infinitely more difficult even than that. Unless he was prepared to have all legislation fail, he had to think out a scheme which would satisfy the people that more currency could be had in an emergency, and so prevent in that emergency currency hoarding, with all its attendant disasters. He had not merely to put this into the shape of law; he had to fit it into the existing law, and that, let me say, is a work of extreme difficulty. It is easy enough to find gentlemen who can sketch systems of banking. It is very rare to find men who can not only put a banking measure into the shape of law, but fit a measure designed to meet an exigency into laws already upon the statute books. That requires not merely a knowledge of banking and banking systems, but the skill of a practical lawmaker and a familiarity with existing law which very few men possess.

Before I left Boston last November I had much talk with some of the bankers there in regard to the legislation which was required, and I asked one of the leading financiers of the city if he could not get the best bankers there to prepare a bill which in their opinion would meet the exigency we were called upon to deal with. At that time all the gentlemen who talked to me spoke with favor of what they called an "emergency currency," to prevent the recurrence of a crisis like that which had just happened, and with favor likewise of the German system of a taxed currency. Many of them said that they thought we ought to have a central bank, but they seemed to recognize that such a reorganization of our banking system was too much to undertake with any prospect of success at this session. I asked them to draw a bill for me. I asked and I asked again. I never got one single line of practical legislation. I said: "Give me the bill. I do not pretend to be an expert financier. I certainly do not feel capable of preparing a measure which shall embody your views. Give me the proposed law. I will introduce it and I will do everything that one man can do to forward it." I never got one single line. I think if the Senator from Rhode Island were to be cross-questioned on the point I have just made, it would be found that he had a not dissimilar experience in New York.

But there is still something more that the author of a law like this had to understand. He had to understand the varying views and prejudices and interests of this vast country, comparatively few of which are to be found in Wall street, but which are all represented here in Congress and all come here armed with votes. In a word, he had to know what could be done and what could not be done here in the Senate and the House, where the law has to be made, and this is a form of knowledge singularly rare among those not charged with responsibility, and, as a rule, it is not considered by such persons to be of much value. Therefore, having decided first that something must be done, and, second, that to undertake a complete reform at this time meant no legislation at all at this session, the pending bill was reported by the committee. The committee had to adapt their scheme to existing law. They could not go to a gold basis. They refused to enter the quagmire of asset currency. They had no choice but to take the basis to which the country was accustomed and upon which our present bank currency is based. Bonds are the basis of our present currency. But there are no more United States bonds practicably available; certainly no more sufficient in number to supply a great increase of circulation. What, then, did the committee do? They took as a further basis of circulation the bonds which are already authorized by Congress as security for Government deposits; and the act allowing the deposit of those new securities as the protection for United States deposits was passed with the general approbation of the financiers, of some of the very men who are now attacking this bill. Those bonds had been held good enough and without question by the whole country to secure the people's money in the form of Government deposits in national banks. If they are good enough security for Government deposits, why are they not good enough security for bank notes, if you are forced, as we are forced, to proceed upon a bond basis? The committee further adopted the German system of a taxed currency, which, as I have said, seems to me much better than the English system of raising discounts and suspending the bank act, which is equivalent to our system of issuing clearing-house certificates and suspending specie payments in that way.

I have heard the objection made that this new currency could not be got out in time. That seems to me largely mechanical. I see nothing in the bill to prevent its being got out almost immediately. It can all be made ready. It can come out on the demand of the banks. It can be but a matter of two or three days at the outside, and the main thing is the assurance that additional can be obtained when needed.

They speak about the hardship and the effect on the market of compelling the banks to buy bonds. The banks hold in their invested reserve at this moment over seven hundred million dollars of securities, two hundred million more than this bill calls for. They may need to shift their bonds somewhat in order to have bonds which will come within the limited provisions of this act. But if they had had last autumn the power proposed in this bill, there never would have been, in my judgment, that currency famine. The banks would have had enough bonds in their reserves to have issued sufficient currency to meet the exigency which was pressing upon the country.

I have also heard the objection made that the real trouble was in the lack of funds to loan. That is capital. You can not increase capital, although one wise man, whose writings I read somewhere the other day apropos of this bill, said that the Senate did not understand that these currency notes were not capital, and that the banks could not with them meet the demand for loans, which was the real trouble of last autumn. It is quite true Congress can not increase capital. It is equally true that it can increase currency. You can enable the banks to issue additional notes so as to pay their depositors and lend cash to those who need cash for cash payments; in this way relieve the strain on the resources of the banks, and above all stop that acute fear which comes to men when they find they can not get on demand the actual coin or the actual representative of the coin. The chief merit of this bill, to my mind, is that it gives assurance that in time of stress more currency can be had, and

when a man knows that more currency can be had he stops hoarding, and then there is no currency stringency. There could not be a greater mark of the success of this bill than that nobody should ever take out any currency under it. It would demonstrate its efficacy in that way more surely than in any other.

The committee also refused, I am happy to say, to guarantee deposits. Mr. President, the subject of banking and currency is not one which calls for eloquence, even if I had it, or rhetoric, even if I could employ it. But I confess I should like to use both if I had them ready at command when I come to the question of guaranteeing deposits, for it seems to me that that goes further in a dangerous direction—which I, for one, greatly dread—than any proposition which has been made looking to the Government ownership of railroads or any other of those great businesses which are now carried on by private enterprise. It gave me, for one, Mr. President, very great satisfaction to listen to the vigorous eloquence with which the Senator from Texas the other day denounced the tendency toward socialistic measures on the one hand and the unrestrained accumulation of wealth by any methods and the lavish expenditure of it on the other. How could you go further toward socialism than to call upon the Government to guarantee deposits? If the Government is going to guarantee my deposit in a bank, why should it not guarantee my investment in a railroad or a mill? If the Government is going to guarantee the deposits in a bank, what becomes of your only safeguard against rampant speculation by the banks? Men put money into banks usually because they have confidence in the men who manage them. That is especially true among our smaller country banks. The banker is the man who commands the confidence of the community. Sometimes, unfortunately, as happens in every other department of life, that confidence is violated, that trust betrayed. But, as a rule, the conduct of the banks of this country has been scrupulously honest. You now propose, or some people propose, by establishing a Government guaranty, to take away the great safeguard of character, intelligence, and self-interest which exists. The banker would then say to a would-be depositor, "Give your money to me; no matter what I do, you can not lose it. It is all guaranteed." Yet, it would not even have the effect of stopping "runs." When men in times of crisis and panic want to get money out of a bank they want it then. They do not want to be told that they will get two-thirds or three-fourths of it some time later when the Government has arranged to pay. They want it at once. They want to be paid over the counter. You would not stop runs with guaranteed deposits, but you would offer a premium to every banker charged with the care of other people's money to enter into speculations, because he would know that, whatever happened, in the long run his depositors would be guarded by the Government.

I speak here of a pure Government guaranty. But there is also the scheme of a safety fund enforced by law. That is not so bad in its larger political and constitutional aspects as the proposition of the sole guaranty of the Government, but it is just as unsound financially in my opinion. It removes the necessary safeguards. It does not prevent runs. It increases speculation. And your safety fund is sure to be ludicrously inadequate. It was tried in New York in 1831. It involved so much taxation to maintain the safety fund that all the banks were weakened by it. Ten of the banks failed, and the whole safety fund was wiped out of existence by those ten banks alone. You can not make a safety fund which will protect over four billions of deposits; and if you put the naked Government guaranty behind them you lay upon the shoulders of the United States a burden which even this young Hercules of a nation could not sustain.

Mr. President, I have stated the situation as I have seen it. I have stated the conditions as I understand them. I have no misapprehension as to the nature of this bill. I am quite aware, and nobody is more fully aware than the distinguished author of the bill, that it is not a complete reform of the banking system. But I shall vote for the bill because I am not willing to let this session end without some honest attempt at legislation. I will not take nor will I share in any such grave responsibility as would be imposed by preventing any legislation at all. I want the Senate to pass the bill and give the House an opportunity at least to act upon it. We may not bring exactly the same measure out of conference, but I can not but believe that we shall bring out of conference and to final enactment a useful measure—one which will be of value to the country in the precise circumstances which now exist.

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Pennsylvania?

Mr. LODGE. I shall finish in a monment, but I yield

Mr. KNOX. Before the Senator from Massachusetts closes I desire to call his attention to the fact that the safety fund, so called, in the State of New York in 1831 was never designed to secure deposits at all. It was only by the accident of the draftsman of the so-called "safety-fund bill," who put in the words "debts of the bank," without distinguishing between the liability to a depositor and the liability to a note holder, that it ever was held to be a fund which covered deposits. It is not only true that the failure of those ten banks wiped out the entire safety fund, so called, but it mortgaged all possible accumulations under it for over eighteen years.

Mr. LODGE. I am much obliged to the Senator from Pennsylvania. My statement, then, was not incorrect.

Mr. KNOX. Not at all; but it did not go far enough.

Mr. LODGE. Mr. President, I shall vote for the bill not because it is a reform of the banking system or embodies my idea of what that reform should be, but because it is the best that we can do under existing conditions. I believe it will give us time to secure a thorough reform of the banking system, which will need much debate here, great labors to perfect, a wide public discussion, and much education of public opinion, which at the present moment seems to me to be in a somewhat confused state in regard to banking legislation.

I have no patience with the objection that this bill does not provide sufficient profits for the banks. In my judgment, Mr. President, that is really the underlying cause of all the opposition which has spread and grown lately toward this bill. The banks looked it over and could not see any place in it which promised increased banking profits. As bankers are human, they felt disappointed and fell to criticising and objecting. Now, nobody wishes the banks to be greatly prosperous more heartily than I do, but I think it has been stated here, and stated correctly, that their average earnings last year were 13 per cent. I can not therefore think that they are suffering. The purpose of this bill, however, as I understand it, is not to provide profits for the banks, but to try to assure, in a measure at least, the business of the country against a recurrence of a terrible currency stringency. If it does that, it will accomplish its whole purpose. And the banks should be the first to aid in that, even if it does not promise them any additional profits.

I believe, as I have said, that the bill will serve its purpose and prevent a recurrence of the stringency of last year. I think it will operate beneficently upon public confidence. I think if it passes business confidence will gather strength. This bill will tend to the restoration of confidence, and that is all that is needed. The Republic of the United States is in no danger of ruin in a business or in any other way. The resources of the country are greater than they ever were before. The energy of the people, if it is not paralyzed by too much substitution of Government action for individual effort, if it is left to march along the old roads which it has followed from the days of small things to the present days of greatness—the road of independence, the road of individual enterprise, of determination to succeed in the battle of life—will assert itself. Let those old American habits continue to dominate in the United States and tread the doctrines of socialism under foot. The wealth of the world is here in our soil, in our mines, in our factories. This decline of values is but a passing ripple on the surface of the great sea of American life and action, and all we need to do is first to try to prevent a recurrence of that alarm which so paralyzed business last autumn, then to aid in the restoration of public confidence, and lastly to perfect a banking system worthy of our time and country. I believe, Mr. President, that this bill will tend strongly in that direction and serve our initial and immediate purpose. I believe it will bring back in a large measure the confidence which has been impaired and help to set the great car of American business moving once more along the pathway of triumphal progress which it has followed for more than a century.

Mr. PAYNTER obtained the floor.

Mr. DOLLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kentucky yield to the Senator from Iowa?

Mr. PAYNTER. Certainly.

Mr. DOLLIVER. I desire to ask a question of the Senator from Massachusetts. The Senator from Massachusetts spoke of the banks having now $700,000,000 of bonds. Is the Senator advised of the character of those bonds?

Mr. LODGE. I am not. I know only the gross amount which they hold, not as reserve, but in which part of their reserve is invested, as I understand.

Mr. ALDRICH. The banks have $185,000,000 in bonds of the precise character provided for in this bill and which are

held to secure Government deposits. They are in addition to the $700,000,000. They have $705,000,000 of securities, and in addition $185,000,000 of bonds of the character described here.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. The Senator from Kentucky is entitled to the floor. Does the Senator from Kentucky yield to the Senator from Indiana?

Mr. PAYNTER. Certainly.

Mr. BEVERIDGE. I wish to ask the Senator from Massachusetts a question.

Mr. LODGE. Certainly.

Mr. BEVERIDGE. I do not desire that the question which I asked the Senator from Massachusetts very early in his admirable speech shall in any degree foreshadow what will be my vote upon this measure. But I wish to call the attention of the Senator from Massachusetts to this: The Senator from Massachusetts has indicated that he, like his great predecessor in the same office, Mr. Webster, is in favor of a central bank as the only and certainly the best solution. The Senator from Rhode Island entertains the same views. Every Senator with whom I have talked has expressed the same opinion. Every Congressman but one who has stated his opinions to me has held to the same views.

If, then, this is the general agreement and consensus of the competent—in which class I assign the Senator from Massachusetts to one of the most enviable positions—why should not we now begin this needed and, in the end, inevitable reform?

The further question was whether this measure, which may or may not be necessary for the moment, will not postpone that solution. Even if the pending measure were required at the present time, should not the great debate throughout the country, which the Senator says must occur on the proposition of a central bank, be started now instead of being delayed in its beginning for a year or two years? If the reform is essential and sure to come, why delay its beginning?

The situation has occurred to my mind, without having given the subject the study of the Senator from Massachusetts, that we are and have been in the position of the settler in Arkansas, in the famous story, who did not put a roof on his house when it rained because he could not, and who would not put a roof on his house when it did not rain because he need not.

The practical question is whether any measure of this kind may not delay the dawning of the inevitable day of that great work which nearly everybody concedes we ought to begin at once.

Mr. LODGE. Of course that must remain to a large extent a matter of opinion. My own opinion is, judging the conditions as I see them, that it would be impossible at this session to pass a comprehensive bill reforming our banking system.

Mr. BEVERIDGE. I think that is too clear for dispute. The question is whether we should not begin it.

Mr. LODGE. Therefore, Mr. President, it seems to me that our duty is to meet the present emergency temporarily, if you please, but with the best measure we can. I do not believe that the passage of this measure will delay the reform in our banking system one hour, for I am confident that the debate which has arisen over it, the public discussion, and the events of last autumn have made it clear that that reform must come. I think that all the debates in Congress and all that we have read in the newspapers and all the discussions in the magazines show how unripe we yet are for the passage of a really simple, coherent, scientific, and effective system. I am very sure that the passage of this bill will not delay for one week that reform, which I desire as much as the Senator from Indiana, and I feel equally sure that it will be beneficial to the country while we await the preparation and enactment of a comprehensive reform of the banking system.

Mr. PAYNTER. Mr. President, if by participating in this debate after so short a service here I am committing a transgression against the unwritten law of the Senate, I promise that my offense shall be very small, as my remarks will be few. I would not have spoken except for my conviction that one of the proposed amendments is not based upon a sound principle, and if enacted into a law it would restrict the powers of the States, and would especially affect the banking interests of Kentucky. It has been said that—

> There is no principle on which the sensibilities of communities are so easily excited as that which acts upon the currency; none of which the States are so jealous as that which is restrictive of the exercise of sovereign power.

It is not my purpose to discuss in a general way the questions involved in the currency bill reported from the Finance Committee. They have been so thoroughly and ably discussed by other Senators that I could not hope to make any new suggestions or to repeat those which have been made in such a clear and forceful way as to aid in the elucidation of the problems here for solution. It is not my purpose to discuss the panic; neither will I endeavor to show that it should be designated as a bankers' or depositors' panic.

I will not attempt to add to the light which has been thrown upon the question of reserves in this discussion. It is my purpose to give briefly my reasons for voting against such amendments as may be offered to the bill looking to the insurance of deposits in national banks. If there is authority in the Constitution for making the proposed guaranty, I would still oppose the measure, because it is not just that the other taxpayers should contribute to or reimburse depositors for losses which they have sustained by placing their money in banks for safety or convenience.

In the second section of the amendment which is intended to be proposed by the Senator from Oklahoma [Mr. OWEN] the tax on the circulation of the national-bank associations, together with the interest accruing from the loan of the United States of notes contemplated by the first section of the amendment, shall go into a liquidation fund. If it is necessary to meet the demands of the liquidation fund an additional tax, not to exceed one-tenth of 1 per cent upon the average deposits in any one year, as shown by the regular reports of the Comptroller of the Currency, shall be added to this fund. The fund thus created shall be held for the immediate payment of depositors of insolvent banks. I will not summarize the bills which have been introduced looking to the insurance of deposits in national banks. The statement of the provisions of the amendment proposed by the Senator from Oklahoma is sufficient for the purpose of my remarks.

It is proposed to take the tax paid by the national banks on their circulation and the interest accruing from the loan of United States notes, as stated above, and pay the depositors of insolvent national banks. Thus it will be seen that the tax paid into the Treasury is not to be used to pay the debts of the Government but the debts of persons who are unfortunate enough to place their money for safe-keeping or convenience in the banks that have been mismanaged.

If there is no authority in the Constitution for making this guaranty, then it is a violation of it to take the taxes and interest thus collected and apply them to debts which the Government was not authorized to contract. The political organization with which I am identified in substance has declared that it was legalized robbery for the Government to take money from the pockets of one citizen for the benefit of another citizen. To impose and collect a tax for public purposes and give it to an individual in payment of a private debt due by another can only be characterized as legalized robbery.

Presumably the tax that has been collected from the national banks is but a reasonable and fair imposition. The law imposing it has remained in force so long that it would appear to be so. If so, the banks should not be burdened with an additional tax to pay the debts due creditors of insolvent banks. Notwithstanding this, it is proposed to collect from these national banks an additional tax of one-tenth of 1 per cent upon their average deposits in any one year, as shown by their regular reports to the Comptroller of the Currency, and pay it to the unfortunate depositors. Doubtless in nine cases out of ten the bank which becomes insolvent has been the competitor of some other national bank in the same community which has been operated in a prudent, intelligent, and honest way; thus we are presented with the example of the successfully managed national bank, whose income has been diminished by reason of the competition of the mismanaged national banks, being required to contribute to pay the losses of the depositors of its competitors in business. The proposition strikes me as being wrong in principle and not calculated to create in the minds of the people much respect for the efforts of the Congress to deal justly with its citizens. The depositor, in placing his money in a bank which becomes insolvent, did not thereby render a public service entitling him to be recouped for losses which he may have incurred. It seems to me that there is no just principle upon which to base the right of the Government to take from the stockholders of successful national banks money sufficient to pay the losses of depositors in insolvent national banks.

These depositors did business with the competitors, and thus deprived the well-managed bank of profits that it could have made except for the competition in part created by the acts of the unfortunate depositors. Such a law would, in effect, deprive the well-managed banks from reaping the reward which their good management merited. It would not add to the vigilance and care of banks to have their depositors insured against loss. On the contrary, the tendency would be to make them more reckless in the management of the banks. The depositors would feel it would not be necessary for them to

exercise any care in depositing their money, because if it was lost by the bank they would be protected by the Government.

The effect of such a law would be to increase greatly the value of the stock of the National Banking Associations, and the stock of State banks and trust companies would be correspondingly depreciated.

In view of the great advantage that national banks would have over State banks, persons will be tempted to organize new national banks with the hope of taking from the State banks and trust companies a large percentage of their business, and also because they would stand on an equal footing with the old national banks. Thus the number of banks would be increased and the cost of doing the banking business in various localities would be increased. It would result that the profits of the various banks would be lessened and the cost of doing business would be greatly increased. The effect of this would be to increase the hazard of conducting the banking business. Every community is interested in the banking business being conducted not only in an honest, but in an economical way. When their affairs are honestly managed and the profits are sufficient, the danger of failure is small. So if the cost of conducting the banking business in a community has been increased and the profits have been correspondingly decreased, it follows that the depositor's risk is increased.

If the Congress should enact the amendment into a law, it would be a declaration that the capital and accumulated surplus of banks and the well-established character and ability of their managers were not necessary to be considered by those who contemplated making deposits in them. It would be a notice to the banks that the prudence which they have heretofore shown by having an abundance of capital and an increasing surplus may be abandoned, as the insurance which the depositors have renders it unnecessary. The bankers are usually thrifty and they would at once begin to count increased profits to the stockholders by a reduction of the capitalization, and it would be done. This would weaken the banks.

These are some of the risks which must follow an act of Congress looking to the insurance of depositors against losses.

EFFECT ON STATE BANKS.

The alluring assurance that deposits in national banks are guaranteed by the Government would, in times of prosperity, induce many of the depositors of State banks, trust companies, and savings banks to withdraw their money therefrom and deposit it in national banks. These withdrawals from State banks, trust companies, and savings banks would cause serious losses. The States, independent of the National Government, have a right to authorize the organization and maintenance of banks of deposit and discount. They are just as useful as the national banks. They assist in putting money in circulation and in maintaining the successful conduct of commerce and various business enterprises. They satisfy a demand felt in every community that can not be met by national banks. They are authorized to loan money on long time, frequently with better security than that which the national banks under the law are required to take. Generally it suits the convenience of the farmers and many others better to borrow money from the State institutions than from national banks, for the reason that they can obtain the money on more favorable terms than they can from the national banks. There is an imperative necessity for supplying this class of people with money obtained from the State institutions.

It is just as important to conserve the interest of this class of people as it is of that class who are engaged in manufacturing and commercial enterprises, who furnish bills of exchange for discount, or borrow money and pledge stocks and bonds for it.

To aid in bringing about universal prosperity every business interest and condition must be considered in the enactment of laws.

The report of the Comptroller of the Currency shows that there are 6,650 national banks, and 13,317 State banks and trust companies. The capital stock and surplus of these State institutions far exceed that of the national banks. The individual deposits are almost twice as great in these institutions as in the national banks. The mere statement of the facts shows how important it is to maintain them.

I am advised by the Comptroller of the Currency that there are 146 national banks in Kentucky with a capital of $16,254,000 and individual deposits amounting to $45,902,794, and that there are 408 State banks with a capital of $14,179,177 with individual deposits of $58,604,171; that there are 28 trust companies with a capital of $5,656,500 and individual deposits of $9,517,451.

This statement shows that there are three times as many State banks and trust companies in Kentucky as national banks, with many millions more capital than that of the national banks, and that the individual deposits exceed the individual deposits in national banks by $22,218,828.

It can be readily seen what a serious effect it would have upon these State institutions if deposits in national banks were insured. But it is stated that the deposits of State banks and trust companies must be guaranteed by the States, and thus put them upon an equal footing with national banks. This can not be done in Kentucky without an amendment to the constitution of the State. The State of Kentucky, the counties and municipalities therein, have had a very unhappy experience in the matter of engaging in business enterprises and in aiding others to do so. A great many counties in Kentucky have been burdened for half a century with enormous taxes by reason of the fact that they contracted debts in aiding certain enterprises. So burdensome has it been in some counties that they even refused to elect a tax collector, thus endeavoring to free themselves from the great burden imposed by their unfortunate undertakings.

So much were the people of Kentucky impressed with the danger of the State and its municipalities and counties becoming obligated in business enterprises that in section 117 of the constitution of 1891 it declared that the credit of the Commonwealth shall not be given, pledged, or loaned to any individual, company, corporation, association, municipality, or political subdivisions of the State, nor shall the Commonwealth become an owner or stockholder in or donate to any company, association, or corporation, nor shall the Commonwealth construct railroads or other highways.

In another section of the constitution it is provided that the Commonwealth shall not assume the debt of any county, municipal corporation, or political subdivision of the State unless such debt shall have been contracted to defend itself in time of war, to repel invasion, or suppress insurrection. It is provided in the constitution that the State shall not contract debts in excess of $500,000, except debts to repel invasion, or suppress insurrection, and provide for public defenses when hostilities are threatened.

Under the constitution taxes can only be levied and collected for public purposes, and the authority levying taxes is required to specify distinctly the purpose for which they are levied. A tax levied or collected for one purpose can never be devoted to another purpose. A tax levied and collected to pay the debts of an insolvent bank is certainly not levied for a public purpose. If it were believed to be desirable that the constitution should be amended for the purpose of allowing the State to guarantee deposits in State banks, the legislature which would be authorized to propose such an amendment would not assemble until 1910, and the proposed amendment could not be ratified until the general election for members of the house of representatives, which would take place in November, 1912. Therefore it will be seen that it would take four years for the State of Kentucky to be placed in a position, by taxation or otherwise, to insure deposits in her banking institutions. In the meantime the mischief would have been accomplished. The State banks would have been put out of business or seriously affected. No doubt many other States have provisions in their constitutions similar to those of Kentucky.

It is suggested that State banks could protect themselves by submitting to the control of the Federal law. This suggestion imports that the authority which is enjoyed by the State to permit the establishment of State banking institutions shall be, by coercion, surrendered by the State.

I am surprised that a suggestion of this kind should come from anyone who believes in maintaining the reserved rights of the States or is opposed to the centralization of power in the Federal Government. It would be difficult to imagine an act of Congress which would more greatly tend to impair the rights of the State than the one which would force the State to guarantee bank deposits. To thus force the State to act, perhaps against the judgment of a majority of its citizens, is the very essence of centralization.

The Senator from Nevada [Mr. NEWLANDS], who illumines every subject he discusses and however much it has been discussed, gives freshness to it by suggestion and argument. He is always candid. On the 3d instant, in his discussion of the pending measures, he said:

It becomes incumbent upon us as lawmakers, it seems to me, to see that the two banking systems of the country—the State system and the national system—are blended into one harmonious whole, in which the restrictions imposed upon banks and the requirements imposed upon banks as to capital and surplus will be substantially the same. How can this be accomplished? I suggest that it can be accomplished either

by persuasion or by coercion. By persuasion by giving the State banks, in case they submit themselves to the supervision, the requirements, and the restrictions of the national banking act, the benefit of that act so far as emergency currency is required, and by that process they might be coaxed into a harmonious system of banking. Or they may be coerced by the national authority, which is supreme in so far as interstate commerce is concerned. All State banks are engaged in interstate commerce. The transaction by which a State railroad ships goods from a consignor in one State to a consignee in another is an interstate-commerce transaction, which subjects that corporation, State corporation though it be, to the control of the United States Government in matters of reports and accounts, in matters of interstate rates, and in matters relating to the public safety. We control such a road as to safety appliances. What difference is there between the transaction of transportation from the consignor in one State to the consignee in another and the transaction of exchange by which the consignee in the latter State ships the money which pays for the goods to the consignor in another State? It seems to me that interstate exchange is just as much a matter of national control under the interstate-commerce clause of the Constitution as is interstate transportation.

The Senator says that the States may be persuaded to surrender their rights to establish and control State banks, but if not they may be coerced. Certainly this is a bold assertion that the States do not possess the power to control the banks which they can create.

The Senator says power to coerce exists in the Federal Government under the commerce clause of the Constitution, that State banks are engaged in interstate commerce. This leads him to the conclusion that the State banks which deal in foreign bills of exchange or issue bills of exchange on their correspondents in other States are engaged in commerce and subject to the control of the Congress.

In making this statement I do not believe that the Senator has properly interpreted the opinion of the Supreme Court in the case of Nathan *v.* Louisiana (8 Howard, 73), wherein the court holds that a broker who deals in foreign bills of exchange was not engaged in commerce, but was simply supplying the instrumentality of commerce. The same principle was recognized in Paul *v.* Virginia (8 Wallace, 168), where the court holds that the issuing of fire, marine, and life insurance policies in one State and sending them to another to be delivered on payment of premiums is not interstate commerce. To the same effect are the cases of Hughes *v.* California (155 U. S., 648), and New York Life Insurance Company *v.* Cravens (178 U. S., 38).

The Supreme Court in the case of Briscoe *v.* The Bank of the Commonwealth of Kentucky (11 Peters, 257) held that a State has power to incorporate banks. The court also held in the Nathan case that a bill of exchange is neither an export nor an import; that the broker was not engaged in commerce, but was simply supplying an instrument of commerce. It further held that while the Federal Government had taxed bills of exchange, foreign and domestic, and promissory notes, it can no more regulate the commerce of a State than a State can regulate the commerce of the Federal Government. In my opinion, one who transmits money by a bill of exchange or the money itself is not engaged in commerce, but is simply supplying the instruments of commerce. Money is a medium of exchange—a circulating medium. If a State can create banks, the right to control them is a necessary incident to that right. It also necessarily follows that the Federal Government was not delegated the power to control them.

It is probable that the Supreme Court would hold that Congress does not have the authority by virtue of the commerce clause of the Constitution to control State banks. The scheme for all intents and purposes has the same effect, for it takes from the State the power to maintain banks and control them in its own way. It would be forced to apply the same method in its control of banks that the Federal Government would have them do.

If Congress should adopt the amendment to which I refer, it will have taken the initial step that will result in future legislation whereby Congress will attempt to assume the absolute authority to supervise and control the State banking institutions. It seems to me that those who believe in the preservation of the reserved rights of the State or who are opposed to centralization would hesitate before committing themselves to a policy that would ultimately deprive them of or greatly embarrass the States in the execution of a valuable power.

WOULD THE PURPOSE BE REALIZED?

The purpose of guaranteeing depositors against loss is to prevent panics and "runs" on banks. It is proposed that we enter upon a new scheme, so far as the Federal Government is authorized to act with reference to this matter. It is impossible for anyone to tell just what effect such a law would have during depression or panics upon the feelings and apprehension of persons who deposit their money in banks. When we are not suffering from a panic such a law would have the effect that I have pointed out, but no one can tell to what extent, if any, it would allay the apprehension and quiet the fears of the people during a business depression or a panic.

Depositors do not withdraw their money from banks solely because they are afraid of losing it, but because they are fearful that they can not get it when they make demands upon banks for it. The depositor would have that fear in a time of business depression or a panic, although he had an insurance against loss. That apprehension would precipitate the withdrawal of money from banks just as it has done in the past.

If reports should be circulated, as they surely would be, that banks were suspending payment or failing in different parts of the country, the knowledge that banks were liable for each other's deposits would cause great apprehension in the minds of depositors. I feel sure that there would be more apprehension among depositors in a time of business depression or panic if they knew that the bank in which they deposited their money was liable for the deposits of all other banks than they would have if they were compelled to look alone to the bank which they had trusted.

Will the slim prospect of preventing runs upon banks justify us in the enactment of a law that will greatly enhance the value of the stock of the national banks and depreciate the stocks and probably force out of business the State banks and trust companies and at the same time in doing so would practically destroy the power of the States to establish and control State banks and trust companies? We thus indirectly destroy a right which the States reserved. We would be guilty of an act tending strongly to centralization and furnish a precedent for future acts of like tendency or character. So far as I am concerned I am unwilling to vote for any measure which tends to minimize the powers of the States and aggrandize those of the Federal Government. I believe in preserving to the States all their reserved rights.

It is extremely unfortunate for Congress to attempt to despoil the power of the States and take from them the control which they are entitled to exercise. It is equally unfortunate whether the attempt is made to do so directly or by indirection.

Recently a distinguished Federal judge said:

> What is needed to-day is not that the Constitution shall be construed to mean precisely what it meant to Marshall or to Miller, Field, and Bradley, but that it shall be applied to present conditions by the same method and in the same spirit wherewith they applied it to the conditions of their times.

The same judge said:

> Centralization has already taken place out there in the world of commerce and industry. The question remaining is: Shall the Government take cognizance of the fact?

Shall the Congress answer the inquiry in the affirmative, and recognize that centralization has taken place in the world of commerce, and then take a step which strongly tends to the centralization of power? Is it either wise or safe to do so, in view of the growing sentiment to regard limitations on the Federal Government as productive of more harm than good?

I deny that there can be an equivalent for the deprivation of the States of the valuable power which they enjoy. The consideration promised, in comparison with the tremendous sacrifice we will make, is as paltry as the one which Esau received for his birthright.

SO-CALLED SPECULATION IN TOBACCO.

In conclusion I desire to advert to the remarks which the junior Senator from New York [Mr. DEPEW] made with reference to what he denominated "pure speculation in tobacco." He said:

> In some counties of Kentucky the price of tobacco is now regulated by the shotgun. Night riders burn the barns and lash the backs of those who are on the other side of the market. The method is original and spectacular, but wholly speculative.

At the outset I want it understood that my purpose is not to criticise the Senator for his reference to barn burning and the destruction of property by those who are called "night riders." Their conduct can not be justified by anyone who respects the law or the rights of others. All should condemn their unlawful conduct. It makes against the cause which they espouse, and causes the loss of sympathy of the law-abiding people of Kentucky and elsewhere. There is another feature of the so-called "speculation in tobacco," to which I deem it proper to call the attention of the Senator from New York. It presents a picture with more lurid colors than the one drawn by him. It is one which appeals to our hearts and consciences, for it portrays oppressed and wronged men and their families.

A large per cent of the tobacco in Kentucky is raised by tenant farmers, aided by their children. These tenants have no opportunity to perform labor other than in the production of

the crops of tobacco and in preparing them for market. So they depend almost entirely upon the tobacco crop for bread. The landowners furnish them with necessary supplies to produce the crops for the market. The use of the land and the supplies furnished the tenants make the landowners large investors in the crops. Of course, many of our farmers grow crops of tobacco by employing laborers to cultivate and house it.

Since the organization of the tobacco trust there is practically but one buyer on the market. Thus competition was destroyed and the growers were at the mercy of the trust. The consequence was that the price of tobacco was so low that the tenants did not receive half the compensation for their labor that they should have received, and the landowners did not receive a proper return for their outlay.

When the owner of the land cultivated it by the employment of labor, he likewise suffered a loss. Many of the tenants never performed much labor except in growing tobacco, and for that reason were not well fitted for entering other fields of employment. When they saw that they could not receive a fair compensation for their tobacco because competition had been stifled, a spirit of antagonism and rebellion arose within them. The result was that organizations were effected with a view of pooling their tobacco, and thus force the buyer to pay a reasonable price for it. A vast majority of the most reputable farmers in the State joined the organizations for mutual benefit and protection.

Whether those who destroyed property were members of the organizations I do not know; but it is certain that some persons who were infused with the spirit of antagonism to the secret forces that were destructive of the values of crops did unlawful acts of violence and destroyed property, for which they are condemned by the good citizens of Kentucky.

The burning of barns and warehouses is spectacular, but does it involve any more turpitude than it did for a body of men to organize a trust and thereby stifle competition, and thus, as it were, by force take for themselves from the helpless tobacco growers one-half the price of their product? While barn burning is wrong, it was but the reflex action of the unlawful invasion of the rights of the tobacco growers by the trust.

As I understand the revenue law, the tobacco grower can not stem and twist his tobacco and sell it to the consumer without paying a tax of 6 cents per pound. He can sell the natural leaf to a dealer, but when the dealer sells to a consumer then the tax of 6 cents per pound applies. If this tax could be removed from the tobacco growers, then they would have competitive markets for the tobacco. The tobacco trust could not dictate the price they should receive for it.

The House once, and perhaps twice, passed a bill granting this relief, and it will do so again; and if the Senate will concur the tobacco war will be over. The oppressed tobacco growers will feel that they can look to the future with hope, because they have been freed from the grasp of the grinding monopoly.

As the Senator from New York is taking more than a passing interest in the affairs of the splendid constituency which I have the honor in part to represent, I beg of him that he join me in an effort to convince our associates in the Chamber of the justice of the demand of the tobacco growers, that they be released from this burdensome tax, and thereby enable them to get a fair and living price for their products.

If he will use his great talents in this cause he will receive the gratitude and plaudits of the people of Kentucky. If the other Senators can find the time to make themselves familiar with the conditions of the tobacco growers, this session will not close without giving them a full measure of relief. That this may be done is my earnest desire.

REPEAL OF TAX ON LEAF TOBACCO.

Mr. FRYE obtained the floor.

Mr. McCREARY. Mr. President, I ask the Senator from Maine to yield to me for a moment.

The VICE-PRESIDENT. Under the unanimous consent agreement Senate joint resolution No. 40, in reference to material for the construction of the Panama Canal, is now before the Senate. Does the Senator from Maine yield to the Senator from Kentucky?

Mr. FRYE. The Senator from Kentucky wants five minutes, and I will yield to him.

Mr. McCREARY. Not over ten, anyway.

The VICE-PRESIDENT. The Senator from Kentucky is recognized.

Mr. McCREARY. Mr. President, I shall only ask the attention of the Senate a few minutes.

Mr. President, I was attending a special meeting of the Committee on Military Affairs when the Senator from New York [Mr. DEPEW] in his speech on the bill to amend the national banking laws used these words:

> In some counties of Kentucky the price of tobacco is now regulated by the shotgun. Night Riders burn the barns and lash the backs of those who are on the other side of the market. The method is original and spectacular, but wholly speculative.

"Distance lends enchantment to the view" of Senator DEPEW; but if he had given his attention to the stock gambling, the unprecedented speculation, the burdensome trusts, and the lawlessness of the State of New York, it seems to me it would have been more appropriate than to have wandered so far from the bill under consideration in order to criticise Kentucky.

There has been lawlessness in Kentucky, just as there has been lawlessness in New York. We have had Night Riders there; some tobacco warehouses have been burned; but the people generally condemn and denounce that kind of conduct. I regret very much such lawlessness, and I condemn it heartily. I am not here to justify it. Those men have made a great mistake; but the Senator from New York did not represent the case as fully as he should have done.

The governor of Kentucky has been making most earnest efforts to stop such lawlessness and to bring to punishment the men who have been engaged in it. He has sent a message to the legislature of Kentucky, and the legislature is now considering a bill to make the law more severe on such men. The governor of Kentucky has also ordered out the State guard in several places, and every effort is being made in Kentucky to stop this lawlessness, and I hope and believe it will cease. The trouble in Kentucky arises to a considerable extent out of the hostility felt against the American tobacco trust.

Mr. President, there are hundreds of trusts in this country, but the three greatest and most burdensome trusts are the Standard Oil Trust, with Rockefeller at the head of it; the beef trust, with the Armours at the head of it, and the American tobacco trust, with Duke at the head of it.

In Kentucky we not only produce more tobacco than any other State, but we produced last year more than one-third of all the tobacco produced in the United States. Kentucky produced last year 238,000,000 pounds of tobacco, and the whole amount in the United States was a little over 700,000,000 pounds. It is therefore very proper that Kentuckians should criticise and should be opposed to the conduct of Duke and others who are connected with the American tobacco trust.

A few years ago the American Tobacco Company acquired four-fifths of all the tobacco warehouses in the United States, and acquired at the same time a majority of the retail tobacco stores, costing them nearly $100,000,000. They then organized a trust and capitalized, as published, to the amount of $500,000,000. In Kentucky, as I have no doubt in other States, this trust dictated the price the farmer should receive for his tobacco. They allowed him for years only 6 to 8 cents per pound, which was not enough to pay him for producing it.

Forbearance ceased to be a virtue and the producers of tobacco felt that they ought to do something for themselves, and on that account an organization was effected there, known as the "Society of Equity." They have been fighting the American tobacco trust, and they have been doing all that they could to make the American tobacco trust deal with them justly and fairly. One plan adopted by them was to refuse to sell their crop and to put it in warehouses unless they could get a fair price. Another plan was to agree among themselves to produce no tobacco next year. Of course this has caused some excitement and produced some friction, because all the farmers did not go into it; but at the very bottom of all this trouble has been the American tobacco trust.

If we could have the relief that we have desired, the situation would be greatly benefited. What we need in Kentucky is the passage of the bill known as the bill to repeal the 6-cent tobacco tax on leaf tobacco. That bill passed the House of Representatives in the Fifty-eighth Congress, came to the Senate of the United States, and was referred to the Committee on Finance. I did all I could to have that bill reported in some shape from the Committee on Finance, but it was never reported. In the Fifty-ninth Congress the House of Representatives again passed a bill repealing the 6-cent tax on leaf tobacco. That bill also came to the Senate and was referred to the Committee on Finance, and again I went before the Committee on Finance and did what I could to have some action taken upon that bill; but the chairman made no report and the committee took no action. Out of order I made a short speech in the Senate and tried to induce the committee to report the bill, but I did not succeed.

If the tax of 6 cents per pound were removed from leaf tobacco a greater market in our country would be afforded. The

farmers could sell it by retail to the thousands of people who would use it, and this would help destroy the trust, and it would force the trust to pay the farmer a living price for his tobacco.

There is nothing that grows out of the ground, except tobacco, upon which there is a direct tax. The planter who raises cotton, as my friend on my right [Mr. McLAURIN] and his constituents do in Mississippi, pick their cotton, gin it, and sell it without paying a tax. The farmer can raise his wheat, harvest it, send it to the mill, get his flour, and sell it, and there is no tax. The hemp grower can produce his hemp, gather it, and sell it without any tax; but when it comes to tobacco, the planter has to pay a burdensome tax.

Mr. President, the bill to repeal the 6-cent tax on leaf tobacco was written by the Commissioner of Internal Revenue, Hon. John W. Yerkes. It was sent to the House of Representatives, where it was introduced and referred to the Committee on Ways and Means. That committee, through one of its members, Mr. DALZELL, reported it unanimously, and it was unanimously passed by the House of Representatives. It was passed twice by the House of Representatives—in the Fifty-eighth Congress and again in the Fifty-ninth. Both times, of course, it came to the Senate and was referred to the Committee on Finance, but no action was taken.

Under existing law all leaf tobacco sold in quantities less than a hogshead is liable to a 6-cent tax per pound, except when sold by the producer. It was declared in that bill which passed the House of Representatives twice—

> That unstemmed tobacco in the natural leaf and not manufactured or altered in any manner shall not be subject to any internal-revenue tax or charge of any kind whatsoever, and it shall be lawful for any person to buy and sell such unstemmed tobacco in the leaf without payment of tax of any kind.

There was no tax on leaf tobacco until a few years ago, and we who are advocating the repeal of the 6-cent tax on leaf tobacco are only asking to be relieved of a burdensome tax which for half a century was not imposed.

Mr. President, I felt that I wanted to say something in answer to what the Senator from New York [Mr. DEPEW] said with regard to Kentucky, and I desired also to explain briefly the bill to repeal the 6-cent tobacco tax.

I want to say in conclusion that the people of Kentucky want law and order as much as do the people of any State. They condemn and denounce the conduct of the Night Riders and the men who have burned tobacco warehouses, but at the same time the tobacco growers in Kentucky are entitled to justice, and the burdensome and unjust tax of 6 cents per pound on leaf tobacco should be repealed.

MATERIAL FOR CONSTRUCTION OF PANAMA CANAL.

Mr. FRYE. Mr. President, several Senators have expressed to me a wish that at this late hour in the day I should not ask to take up Senate joint resolution No. 40. I ask unanimous consent that when the Senator from North Carolina [Mr. SIMMONS] has completed his speech to-morrow the joint resolution be taken up for consideration and that a vote on it and all amendments be taken at some time during the afternoon.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that the Senate resume the consideration of Senate joint resolution No. 40 at the conclusion of the speech of the Senator from North Carolina [Mr. SIMMONS] to-morrow and that the Senate vote upon the amendments pending and to be offered and upon the joint resolution before adjournment. Is there objection? The Chair hears none, and that order is made.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session, the doors were opened and (at 4 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Friday, March 13, 1908, at 12 o'clock meridian.

NOMINATION.

Executive nomination received by the Senate March 12, 1908.

REGISTER OF THE LAND OFFICE.

George D. Orner, of Enid, Okla., now receiver of public moneys at Alva, to be register of the land office at Woodward, Okla., when the Alva and Woodward offices are consolidated under Executive order of February 17, 1908, vice Dick T. Morgan, resigned.

WITHDRAWAL.

Executive nomination withdrawn from the Senate March 12, 1908.

Fred Slocum to be postmaster at Caro, in the State of Michigan.

CONFIRMATIONS.

Executive nominations confirmed by the Senate, March 12, 1908.

CONSUL-GENERAL.

Benjamin H. Ridgely, of Kentucky, to be consul-general of the United States of class 3 at Mexico, Mexico.

POSTMASTERS.

CALIFORNIA.

Minnie E. Chalmers to be postmaster at Niles, Alameda County, Cal.

COLORADO.

James L. Moorhead to be postmaster at Boulder, Boulder County, Colo.

FLORIDA.

George B. Patterson to be postmaster at Key West, Monroe County, Fla.

ILLINOIS.

William T. Thorp to be postmaster at Litchfield, Montgomery County, Ill.

LOUISIANA.

Stephen F. Steere to be postmaster at Shreveport, Caddo Parish, La.

MAINE.

Melville J. Allen to be postmaster at Cherryfield, Washington County, Me.

John Harkness to be postmaster at Rockport, Knox County, Me.

UTAH.

Lorenzo Anderson to be postmaster at Brigham, Boxelder County, Utah.

RIGHT OF CAPTURE IN NAVAL WAR.

The injunction of secrecy was removed March 12, 1908, from a convention signed by the delegates of the United States to the second international peace conference, held at The Hague from June 15 to October 18, 1907, relative to certain restrictions with regard to the exercise of the right of capture in naval war.

DISCHARGING PROJECTILES FROM BALLOONS.

The injunction of secrecy was removed March 12, 1908, from a declaration signed by the delegates of the United States to the second international peace conference, held at The Hague from June 15 to October 18, 1907, prohibiting the discharge of projectiles and explosives from balloons.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March 12, 1908.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

SIDNEY BIEBER.

Mr. BARTHOLDT. Mr. Speaker, I ask unanimous consent to make a statement.

The SPEAKER. The gentleman from Missouri asks unanimous consent to make a statement. Is there objection?

Mr. MANN. How much time, Mr. Speaker?

Mr. BARTHOLDT. Five or ten minutes—make it ten minutes.

Mr. MANN. Then ask for ten minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. BARTHOLDT. Mr. Speaker, the Washington Post of yesterday contained an item, published with big headlines, in relation to a paragraph contained in the public-buildings act of March 2, 1907.

That paragraph authorized the War Department to convey to Sidney Bieber certain lowlands on the Anacostia River, in the District of Columbia, at a price to be fixed by the Secretary of War upon consideration of all the circumstances. From the press reports the inference might easily be drawn that the Committee on Public Buildings and Grounds had acted hastily in this matter. Therefore on behalf of said committee I desire to make a plain statement of facts, leaving it to the judgment of the House whether the legislation referred to was ill-considered.

In the spring of 1906 a bill introduced by the gentleman from Maine [Mr. ALLEN] was referred from the Committee on the District of Columbia to the Committee on Public Buildings and Grounds. During the preparation of the public-buildings act of that year that bill was taken up and considered. Mr. Bieber appeared before the full committee and stated that he had fallen heir to a piece of property in the location above stated, which, however, was worthless unless he was put in a position to purchase some adjoining tracts from the Government. He stated that these tracts were of no use to the Government and he was perfectly willing to pay the price which the War Department would deem proper under all the circumstances. Thereupon the committee referred the bill to the War Department, and in due time the bill was returned with its approval, and this explains the enactment of the first section to which reference is made.

In February, 1907, Mr. Bieber again appeared before the committee and asked for additional legislation which would enable him to purchase still another tract from the Government. In his statement before the subcommittee he made it plain that he had either to purchase more land or have the War Department authorized to repurchase that part which had been sold to him by the Government. He also stated that he had made an expenditure of money amounting to about $5,000, which would be absolutely lost unless he could secure this additional land. Since this contemplated a transaction exactly similar to the previous one the committee had every reason to believe that the War Department would approve it; hence the paragraph authorizing the sale was inserted. However, after the committee had passed upon the paragraph by unanimous vote I took the extra precaution of conferring with several members of the Committee on Appropriations who were more or less familiar with the location of these lands, and upon their suggestion the paragraph was altered in some minor details in order to still better safeguard the interests of the Government. No objection was heard from the War Department even after the passage of the bill by the House and no objection was raised in the other House when the bill was considered section by section.

While the members of the committee did not have time during the preparation of their large bill to visit the location of these lands, I was satisfied, and so were they, that since the whole matter was left to the War Department and even the price was to be fixed by that Department, the Congress would be on absolutely safe ground in enacting this legislation. We felt that the legislation authorized was nothing more or less than a legitimate sale of unused lands belonging to the Government and a legitimate purchase of them by a citizen on such terms as the agents of the Government themselves would deem proper. Though the terms of the paragraph not only authorized, but directed, the Secretary of War to sell and convey these lands, which, by the way, is the usual term employed in legislation of this character, it should be remembered that this still left the War Department full discretion for the reason that if from any cause the sale should be deemed inadvisable, the Department could place such a value and fix such a price upon the lands that the prospective purchaser would refuse to take advantage of the provision of law in question.

With these considerations in mind the committee had no misgiving whatever regarding the enactment of the legislation, and I was ready to defend it on the floor of the House.

This, I hope, will satisfy the Members of the House that the committee, of which I have the honor to be a member, has acted in perfect good faith in this matter and performed its duty in this particular instance to the best of its ability.

Mr. MANN. Will the gentleman yield for a question?

Mr. BARTHOLDT. Yes.

Mr. MANN. No one would believe that the gentleman or any member of his committee would be guilty of any fraudulent practice or be affected by any corrupt motive, but can the gentleman explain how his committee reports a bill for the sale of property over which his committee has no jurisdiction of the subject-matter whatever?

Mr. BARTHOLDT. Mr. Speaker, the only objection that was made is made to the second paragraph and not to the first. The first had the full approval of the War Department, and the second was simply a continuation of the legislation already had and in pursuance of the action of the proper authorities of this House, which referred the bill from the District Committee to the Committee on Public Buildings and Grounds for consideration.

Mr. MANN. It was a private bill. It may have been referred, for all that I know, by action of the House, but we all know how private bills are referred, and the ordinary reference of a private bill does not confer jurisdiction on the committee, and it ought not to assume jurisdiction when it knows that it has no jurisdiction of a private bill. The gentleman's committee would not think of authorizing the sale of land in Idaho because it has no jurisdiction. The gentleman would not think of his committee authorizing the sale of public lands anywhere else because it has no jurisdiction over it. But the gentleman brought in a bill which passes under the suspension of the rules practically by unanimous consent, and I think the gentleman's committee ought to be very careful about putting in provisions which the House can know nothing concerning and over which the committee has no jurisdiction.

Mr. BARTHOLDT. Mr. Speaker, I can assure my friend from Illinois that the Committee on Public Buildings and Grounds is not hunting bills. We have about 850 to deal with, and if we could be relieved to any extent, in accordance with the rules of the House, of any of the work devolving upon us, we should all be very happy.

Mr. MANN. I have not the slightest doubt about that, but Mr. Bieber, or someone representing him in this case, may have sought for a bill where he could get his item through without due consideration in the House. The gentleman understands that I intend no reflection upon his committee, which I do not think is to be blamed in the matter.

Mr. SULZER. I would like to ask the gentleman from Missouri what the status of the case is now? This is a peculiar matter and I wish to know what is going to be done about it.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 2915. An act for the relief of John P. Hunter;

H. R. 16073. An act to authorize the town of Edgecomb, Lincoln County, Me., to maintain a free bridge across the tide waters;

H. R. 14043. An act to provide for the extension of time within which homestead entrymen may establish their residence upon certain lands within the limits of the Huntley irrigation project, in the county of Yellowstone, in the State of Montana;

H. R. 16746. An act to authorize T. H. Friel or assigns to construct a dam across Mulberry Fork of the Black Warrior River;

H. R. 12803. An act allowing Chandler Bassett to perfect final proof in his homestead entry; and

H. R. 16749. An act to amend an act entitled "An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Company, approved March 2, 1907.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 2326. An act to provide for the purchase of a site for the erection of a custom-house and Federal court building thereon at Wilmington, N. C.; and

S. 3507. An act to fix fees and costs in the probate court of the District of Columbia, and to provide for the collection and payment of the same, and for other purposes.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 17703. An act to repeal section 4885 of the Revised Statutes and to substitute another section therefor; and

H. R. 15653. An act to increase the pension of widows of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, and to grant a pension to certain widows of the deceased soldiers and sailors of the late civil war.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 1931) to grant certain land, part of the Fort Niobrara Military Reservation, Nebr., to the village of Valentine for a site for a reservoir or tank to hold water to supply the public of said village.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 2326. An act to provide for the purchase of a site for the erection of a custom-house and Federal court building thereon at Wilmington, N. C.—to the Committee on Public Buildings and Grounds.

S. 3507. An act to fix fees and costs in the probate court of the District of Columbia, and to provide for the collection and

payment of the same, and for other purposes—to the Committee on the District of Columbia.

PRINTING AND BINDING FOR COMMITTEE ON REFORM IN THE CIVIL SERVICE.

Mr. GILLETT. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

Resolved, That the Committee on Reform in the Civil Service is hereby authorized during the Sixtieth Congress to have such printing and binding done as may be required in the transaction of its business.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Mr. Speaker——

The SPEAKER. Does the gentleman yield?

Mr. GILLETT. Yes.

Mr. WILLIAMS. Before the gentleman takes his seat, what special call for activity is there upon the part of that committee at this session that will require printing and binding?

Mr. GILLETT. Mr. Speaker, the reason I introduced this resolution is that we have commenced the consideration of a bill reported by the so-called "Keep Commission" for the retirement of clerks to prevent superannuation in the service. In other words, the particular bill which we are considering now is what might be called a "compulsory savings bill," but it takes in the general subject of trying in some way to remedy the superannuation which is complained of. We have had several hearings upon it, and we wish to have them printed.

Mr. WILLIAMS. The gentleman expects to have hearings?

Mr. GILLETT. We have had hearings.

Mr. WILLIAMS. I have no objection.

The SPEAKER. The Chair hears no objection. The question is on the resolution.

The question was taken, and the resolution was agreed to.

POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET. Mr. Speaker, I move the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18347, the post-office appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the post-office appropriation bill, with Mr. MANN in the chair.

The CHAIRMAN. The Chair understands when the committee rose last evening a point of order was pending upon the paragraph at the bottom of page 16 and on the top of page 17.

Mr. OVERSTREET. Mr. Chairman, may I inquire if there was a point of order reserved against both of the provisos on page 17?

The CHAIRMAN. There was a point of order, as the Chair understands, reserved against the paragraph.

Mr. FITZGERALD. Mr. Chairman, there was also a point of order reserved against the last clause of the paragraph on page 17 by the gentleman from South Carolina [Mr. JOHNSON].

The CHAIRMAN. Of course, the point of order against the paragraph will cover all points of order.

Mr. FITZGERALD. It might not be pressed if the other were sustained.

Mr. OVERSTREET. Mr. Chairman, I would like to dispose of these points of order. If I understand the parliamentary situation, there is a point or order against the entire paragraph beginning at line 19 on page 16, and ending with line 13 on page 17. Am I correct?

The CHAIRMAN. The gentleman's understanding is correct.

Mr. OVERSTREET. That is the point of order to which I wish to address myself.

Mr. LIVINGSTON. Mr. Chairman, I wish to suggest to the gentleman and to the Chair that there are two points of order—one against the last proviso on page 17.

The CHAIRMAN. If the Chair should sustain the point of order against the paragraph, of course the paragraph goes out. The point of order made and reserved against the paragraph would include the point of order against any portion of the paragraph.

Mr. FITZGERALD. Mr. Chairman, I suggest to the gentleman from Indiana [Mr. OVERSTREET] that he discuss first the point of order reserved against the portion of the paragraph. If that be sustained, it is possible that the other point would not be pressed.

Mr. OVERSTREET. I am satisfied, Mr. Chairman, that the point of order against the entire paragraph can not be sustained; that is, I think it can not be. That, of course, being disposed of, the other point of order would be before the committee.

Mr. JOHNSON of South Carolina. Mr. Chairman——

The CHAIRMAN. Let the Chair ascertain the situation. The Chair understands that the point of order was reserved by the gentleman from New York [Mr. FITZGERALD]. The Chair desires to ask the gentleman from New York whether he reserved the point of order upon the entire paragraph or upon the latter clause.

Mr. FITZGERALD. The RECORD shows, Mr. Chairman, that I reserved the point of order against the entire paragraph, and that the gentleman from South Carolina [Mr. JOHNSON] reserved the point of order against the last clause, on page 17, in the paragraph.

The CHAIRMAN. The Chair will hear the gentleman from Indiana on the point of order.

Mr. OVERSTREET. Mr. Chairman, I merely want to direct the attention of the Chair to the law authorizing the installation of pneumatic tubes. That law was passed April 21, 1902, and is found at page 9 of the general appropriation bill, which was passed at that date.

It is not, however, merely appropriation bill law. It is a statute which has in terms been fixed as permanent law. Under it authority is given under certain limitations, after inquiry, to make contracts for the pneumatic-tube service.

The CHAIRMAN. The Chair would like to ask the gentleman from Indiana if there is authority now for the making of contracts in cities other than those in which the service is now under contract?

Mr. OVERSTREET. Why, the general law, Mr. Chairman, authorizes the installation of pneumatic-tube service in any city so long as the expense of the service does not exceed 4 per cent of the gross receipts of the post-office, with a second limitation that the annual rental shall not exceed $17,000 per mile, except in cities having a less mileage than 3 miles.

The CHAIRMAN. Then, the Chair would like to ask the gentleman whether that law confines the letting of contracts to the cities named in the bill?

Mr. OVERSTREET. It does not authorize contracts in any specified cities, but the law is not very long and I will read it to the Chair:

The Postmaster-General is hereby authorized to enter into contracts for a period not exceeding four years—

After which, by amendment, that was raised to ten years—

after public advertisement once a week for a period of six consecutive weeks in not less than five newspapers, one of which shall be published in each city where the service is to be performed. That the contracts for this service shall be subject to the provisions of the postal laws and regulations relating to the letting of mail contracts, except as herein otherwise provided, and that no advertisement shall issue until after a careful investigation shall have been made as to the needs and practicability of such service and until a favorable report, in writing, shall have been submitted to the Postmaster-General by a commission of not less than three expert postal officials, to be named by him; nor shall such advertisement issue until in the judgment of the Postmaster-General the needs of the postal service are such as to justify the expenditure involved. Advertisements shall state in general terms only the requirements of the service and in form best calculated to invite competitive bidding.

That the Postmaster-General shall have the right to reject any and all bids; that no contract shall be awarded except to the lowest responsible bidder, tendering full and sufficient guaranties, to the satisfaction of the Postmaster-General, of his ability to perform satisfactory service, and such guaranties shall include an approval bond in double the amount of the bid.

That no contract shall be entered into in any city for the character of mail service herein provided which will create an aggregate annual rate of expenditure, including necessary power and labor to operate the tubes, and all other expenses of such service in excess of 4 per cent of the gross postal revenue of said city for the last preceding fiscal year.

That no contract shall be made in any city providing for 3 miles or more of double lines of tube which shall involve an expenditure in excess of $17,000 per mile per annum, and said compensation shall cover power, labor, and all operating expenses.

That the Postmaster-General shall not, prior to June 30, 1904, enter into contracts under the provisions of this act involving an annual expenditure in the aggregate in excess of $800,000; and thereafter only such contracts shall be made as may from time to time be provided for in the annual appropriation act for the postal service; and all provisions of law contrary to those herein contained are repealed.

Then fixing the rate.

Now, under that authority of law the Postmaster-General makes the inquiry and investigation, and upon his recommendation Congress makes the appropriation.

The CHAIRMAN. The Chair would ask if the Postmaster-General now has authority to institute pneumatic-tube service in any city under the provision of law the gentleman has just quoted—whether this bill does not change his authority and limit him to certain cities? The item in the bill does not purport to be a limitation on the appropriation.

Mr. OVERSTREET. Does the Chair refer to the first proviso?

The CHAIRMAN. The first proviso.

Mr. OVERSTREET. The first proviso does undoubtedly prohibit him from installing the service in any other cities than those named.

The CHAIRMAN. That would be a limitation upon his authority. It seems to the Chair if he has authority now, that would be a change of law, because it does not purport to be a limitation on this appropriation.

Mr. OVERSTREET. It is my judgment if the appropriation should be made the Postmaster-General would not need further direction than the general law which I have read, and without naming any cities could use that appropriation to install the service where he saw fit under the limitations of the 4 per cent gross receipts of the post-office.

The CHAIRMAN. The Chair is not called upon to express an opinion upon that subject now, because the item in the bill expressly limits that authority, if he now has it, that portion of the item clearly being subject to a point of order.

Mr. FITZGERALD. Mr. Chairman, I desire to call attention to a specific change in the law. The act to which the gentleman calls attention limits contracts to a period of four years, There is no authority now to make contracts for a period of ten years. This paragraph confers that authority upon the Postmasfer-General. That clearly is new legislation, because there is no such authority now conferred upon the Postmaster-General. I call the attention of the Chair to the language in the act of April 21, 1902, as follows:

The Postmaster-General is hereby authorized to enter into contracts for a period not exceeding four years.

A provision in the pending bill authorizes him to enter into contracts for periods not exceeding ten years.

Mr. STAFFORD rose.

The CHAIRMAN. Does the gentleman from New York [Mr. FITZGERALD] yield to the gentleman from Wisconsin?

Mr. FITZGERALD. Yes.

Mr. STAFFORD. I wish to direct the attention of the gentleman from New York to the act providing appropriations for the postal service, passed two years ago, limiting the term for which the Postmaster-General could contract for this service. The item in question is in the following words:

For transmission of mail by pneumatic tube or other similar devices, $900,000; and the Postmaster-General is hereby authorized to enter into contracts not exceeding in the aggregate $1,161,265.84, under the provisions of the law, for a period not exceeding ten years.

Mr. FITZGERALD. That contract was expressly limited to that appropriation. It does not apply to this appropriation.

Mr. STAFFORD. Under that act, as I contend, Mr. Chairman, that expressly authorizes the Postmaster-General, meeting the objection of the gentleman from New York, to extend the period of contract. It is supplemental to the former law, wherein he had only authority to contract for a period of four years. The very nature of the provision indicates that it was permanent authorization and was intended to supersede the prior limitation. I respectfully submit that the Postmaster-General, so far as this service is concerned, has authority to-day under that provision to enter into contracts for a period of ten years, as that service is appropriated for by Congress.

Mr. FITZGERALD. Mr. Chairman, the provision read by the gentleman from Wisconsin is merely a limitation upon the appropriation made at that time. It stated the amount authorized in the appropriation; but there is no authority anywhere giving power permanently to make ten-year contracts. The authority to make contracts was specifically limited to four years in the act of April 21, 1902.

Mr. STAFFORD. I reiterate that prior to this enactment he had authority to contract for four years. Here is a later expression of Congress, giving the Postmaster-General authority to contract for ten years, and that law is at present on the statute books and operative.

The CHAIRMAN. The Chair is prepared to rule.

The paragraph under consideration to which a point of order has been made is the provision relating to the pneumatic-tube service.

Provided, That said service shall not be extended in any cities other than those in which the service is now under contract under authority of Congress, except the borough of Brooklyn, of the city of New York, and the cities of Baltimore, Md., Cincinnati, Ohio, Kansas City, Mo., Pittsburg, Pa., and San Francisco, Cal.

If that proviso is subject to the point of order, the paragraph containing it is subject to the point of order. If the Postmaster-General does not now have authority, the item would probably be subject to the point of order.

The gentleman from Indiana [Mr. OVERSTREET] informs the Chair, quoting the statute, that the Postmaster-General now has authority to extend the pneumatic-tube service anywhere in the country under certain conditions and regulations. This item would limit and affect the Postmaster-General's authority, and does not purport to be a limitation upon the appropriation, but purports to change the existing authority, if any, which the Postmaster-General now has to extend the pneumatic-tube service, and hence is a change of the existing law. For that reason the Chair must sustain the point of order.

Mr. OVERSTREET. Mr. Chairman, I understand that takes out the paragraph from lines 18 on page 16 including line 13 on page 17.

The CHAIRMAN. That is correct.

Mr. OVERSTREET. Now, I offer the following amendment: Insert the language of the bill on page 16, beginning with line 19 and concluding with the word "year" on line 25.

The Clerk read as follows:

After line 18, on page 16, insert:

"For the transmission of mail by pneumatic tubes or other similar devices, $1,000,000; the Postmaster-General is hereby authorized to enter into contracts not exceeding in the aggregate $1,388,759, under the provisions of the law, for a period not exceeding ten years."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The question was taken, and the amendment was agreed to.

Mr. OVERSTREET. I offer another amendment.

The Clerk read as follows:

And the Postmaster-General is hereby authorized and directed to investigate and report to Congress not later than January 1, 1909, the feasibility and desirability of the Government purchasing the equipment for pneumatic-tube service and thereafter operating the same in the cities where such service is now in operation.

Mr. TAWNEY. I reserve the point of order on that.

Mr. OVERSTREET. Just a word on the amendment, Mr. Chairman. It is quite apparent that there is a great difference of opinion among Members, and honest opinions, based upon rather good arguments in many cases, relating to this pneumatic-tube service which is under contract in a number of cities to more or less advantage. The amendment which I have offered incurs no appropriation and no expense. I thought it might be wise to call upon the Postmaster-General to investigate upon his own motion the subject of the tube service, the feasibility and desirability of the Government buying, and reporting to Congress his views upon it. It would give us a great deal of information which we do not now possess. It was brought out in debate yesterday whether or not it would not be possible to authorize the contractors or directors of these companies which installed the service finally to turn the property over to the cities in which they were serving, or, as one Member suggested, that the Government might own them at the end of the term. This inquiry, by way of this amendment, is to ascertain such facts as the Postmaster-General may be able to secure, and submit to the House for its action. I can see no objection to the inquiry. It does not bind the House to do anything. It enables us to get some information which would be valuable, and I shall be very glad if it might be adopted.

Mr. MURDOCK. May I ask the gentleman a question?

Mr. OVERSTREET. Yes.

Mr. MURDOCK. Is your amendment based at all upon a personal premise that it would be a good thing for the Government and profitable to the Government to own these tubes?

Mr. OVERSTREET. No; I have no opinion on that. I have drafted this amendment since the debate of yesterday and the action throwing out of the bill the provision for the five smaller cities. I have done so in order that we might have this information to use for whatever its value may be when it has been obtained.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I hope the gentleman from Minnesota will not press his point of order, because I believe it is very essential for Congress to have some facts concerning the cost of operation and the cost of installation of this very expensive service. For a long time I have believed it would be far better for the Government to establish and operate these expensive plants, and my reason for so believing has been that the greatest cost of this service lies in the cost of the plant; that the capital invested is permanently invested, and that the plant should be so established that it will be enduring in its character. From instances called to my attention in traveling about the country where this service has been installed, I have found by reason of defective installation where mail has been destroyed because the tubes have been placed in marshy ground, without proper isolation from moisture. In other instances mail clerks have been maimed by reason of the poor construction; and it stands to reason that any investor for a ten-year period, like an investor in any other utility, where the time of operation is limited for a definite period, must consider, in estimating the lease

value, that he will be reimbursed during those ten years for the value of the plant. That is undoubtedly the case here. It is the case where the owners of buildings leased for post-office purposes supply the furniture during the lease period. They, as a rule, add 10 per cent annually for the depreciation of the furniture in a ten-year lease.

Little expense is connected with the operation of these plants after they are once installed. In some instances the power that is necessary for operating them is provided right in the Government building. All these stations are connected with Government buildings, or with leased quarters in substations in some instances, except where they run to stations located at railroads. There can be no objection to government ownership of this utility, based on the claim that it will necessitate an expensive force for its maintenance. It should be established properly and adequately in the original instance, and I know no better place where that experiment should be tried out than in the city of Washington, where all the mail is received at one station; and by having pneumatic tubes to all the Government buildings, including the Capitol, the mail which is of such vital importance could be dispatched several hours quicker and the reply mail in many instances gain twelve hours in delivery than it is by the cumbersome method of delivery in vogue by means of the slow wagon service that each Department, including the House and Senate, has in bringing the mail from the central post-office to the respective Departments, for the mail would be assorted on the railway post-office and deposited in the pneumatic tube at the Union Station within a few minutes after arrival of the train and on its way to the different Departments.

The time of Mr. STAFFORD having expired, by unanimous consent it was extended five minutes.

Mr. MURDOCK. I know the gentleman is thoroughly familiar with this subject. That is the reason why I ask him this question: Has the gentleman any idea what the outlay of the Government would be if we purchased all the systems now in existence and built systems in the cities named in the bill?

Mr. STAFFORD. Although a commission to investigate this service made an inquiry into the service some eight or ten years ago, it failed to present any data whatsoever as to the cost which would be required to establish the plant. Many times in committee, since I have had the honor to serve on the subcommittee that has had the preparation of this bill, we have directed inquiries to the Second Assistant Postmaster-General as to whether he could furnish us with any estimate of cost, but he could not furnish any data, nor even an estimate; but it stands to reason that these contractors who invest their money on the contingency of a return for a limited period, of uncertain tenure, are going to charge adequate rental, to be reimbursed during that period for the cost of the plant.

The gentleman will see there is nothing to induce them to equip their plant for permanency. The case is parallel to that of the Government establishing post-office buildings, appraisers' buildings, projecting and supervising its river and harbor improvements, aids to navigation, and the like, rather than renting them, because by private contract they will not provide as good means of service as under public control and ownership.

Mr. MURDOCK. Has the gentleman any idea whether it would cost five millions, ten millions, twenty millions, or thirty millions to equip the larger cities of this Government with the pneumatic-tube service?

Mr. STAFFORD. It all depends to what extend the tube service is going to be extended. The gentleman is well aware from his experience on the committee that there was an extension of double the service authorized in Philadelphia two years ago. Brooklyn to-day is clamoring for an extension of the pneumatic-tube service in the residential districts. Personally, I do not believe that the service should be extended to residential districts where deliveries and collections are few, but it should be limited to the congested business districts, which have frequent collections and which have need of expeditious mail service.

Mr. WANGER. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. WANGER. Will the gentleman kindly enlighten the House as to the relative utility and value of the pneumatic-tube service, say in the great cities like New York and Philadelphia?

Mr. STAFFORD. As to the utility between these respective cities, they are strikingly in contrast, because in New York City it is of superior value on account of its peculiar location, and in Philadelphia the conditions are wanting to render it of so much value. The gentleman knows that in New York, because of the peculiar form of the island of Manhattan, business is centered along a narrow strip for a long distance, and it is difficult to get the mail from the far outlying postal stations to the main office, the other substations, and the railroad stations; and therefore this tube service is of great utility for the dispatch of the mail.

In Philadelphia, where the postal stations, like that at Tenth and Columbia avenue and at Snyder avenue, are in largely residential districts, the mail is not very heavy and the carrier force is limited and collections and delivery not so frequent as in the business districts, it is of doubtful expediency, because all these stations are also supplied with electric-car service; and, further, that since the establishment of this tube service no diminution has resulted in the service by the electric car. In my opinion the electric-car service is adequate to meet the needs of residential districts. But this pneumatic-tube service is of great utility in New York and Chicago for the business sections exclusively, but not for the residential districts.

Now, replying to the gentleman from Kansas, my colleague on the committee, as to the cost, I say that will depend on the extension of the service, how far it would be carried. Of course the proposition could run wild into the hundreds of millions, but I question whether that would ever be done. I think there is no more danger to fear that under the present policy of paying high rental it would be any more unduly extended than it would to provide for the permanent plant.

I repeat, that no other place is better suited to make such an experiment than right here in Washington where we have such need for the best service.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. WANGER. I ask unanimous consent that the gentleman have one minute more.

The CHAIRMAN. The gentleman from Pennsylvania asks that the time of the gentleman from Wisconsin be extended one minute. Is there objection?

There was no objection.

Mr. WANGER. What proportion of the mail from the Grand Central Station, New York, is delivered by pneumatic tubes and what part by the screen-wagon service?

Mr. STAFFORD. I am not able to give the gentleman the data, but I will say that so much of the first-class mail as can be dispatched by the pneumatic tube that will expedite the delivery of the mail is sent to the respective postal stations. If the gentleman will examine the hearings of two or three years ago when we provided for building a new post-office building at the projected Grand Central Station and the new Pennsylvania station he will get some idea of what the plan is for the quick dispatch of the mails in New York City so as to relieve the congested condition of the main post-office and the congested condition of the postal service in general. Now, I hope after this presentation that the gentleman from Minnesota will see the urgent need of having this amendment adopted and of having some investigation made so that Congress can act intelligently upon the matter at the next session.

Mr. TAWNEY. Mr. Chairman, I wish to state for the information of the gentleman from Indiana [Mr. OVERSTREET], in charge of this bill, that in making the point of order against this provision I do not do so on the ground of expense, as was suggested. I know the investigation may be made without any additional appropriation. I do not believe, Mr. Chairman, there is anyone here who thinks seriously of the Government owning and operating any of the physical agencies employed in the transportation of the mail. I can see no greater reason for the Post-Office Department investigating the question of whether or not it would be advisable to own and operate this particular agency than there is for investigating the question of owning and operating any other agency. If we adopt this we should also adopt an amendment authorizing a report on the advisability of purchasing, owning, and operating all of the agencies employed in the transportation of the mail, including the horses, the mail wagons, the cars, and the railroads on which the mails are carried. This is new legislation, and for that reason I make a point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For regulation, screen, or other wagon service, $1,700,000: *Provided*, That the Postmaster-General is hereby authorized to contract, for a term not exceeding four years from July 1, 1908, by either screen-wagon or underground electric-car service in the city of Chicago, Ill.

Mr. WANGER. Mr. Chairman, I reserve a point of order. I want to ask the gentleman a question. Does he think it advisable to give this authorization without any limit or suggestion of cost, which may be expended for the particular service?

Mr. OVERSTREET. Mr. Chairman, the situation in Chicago is just this: There is a contract there now for the carrying of the mail by tunnel service. That was carried in the former bill

under the item for the electric and cable car service. That contract will expire on the 30th of June next, and a new contract must be made. Negotiations are now pending. We transferred the item to the screen-wagon service in order to involve the alternative of either a contract by the screen-wagon or tunnel service.

If we fix a maximum amount, it will be taken as notice that that maximum amount will be considered by Congress as a proper amount for the Government to make the contract for. Supposing, for instance, we should say not to exceed $200,000. It is utterly impossible to get the service for $200,000. Supposing you should say not to exceed $400,000. Then that would be considered as notice that so far as Congress was concerned we were quite willing they should pay $400,000, and the chances are that the contract would be made no lower. Leaving it entirely within the discretion of the Department, where we know under the investigations thus far made that it will either be a fair and reasonable amount or will be by screen-wagon service, the committee felt that it would not be necessary to fix the limit.

Mr. WANGER. Mr. Chairman, I am fully persuaded of the importance of this tunnel service if it can be secured on reasonable terms, and having every confidence in the distinguished gentleman who is the Second Assistant Postmaster-General, as well as the Postmaster-General, I make no point of order.

The CHAIRMAN. The gentleman from Pennsylvania withdraws his point of order, and the Clerk will read.

The Clerk read as follows:

For mail bags, cord fasteners, label cases, and labor and material necessary for manufacture and repairing equipment, and for incidental expenses pertaining thereto, $500,000: *Provided*, That out of this appropriation the Postmaster-General is authorized to use so much of the sum, not exceeding $4,500, as may be deemed necessary for the purchase of material and the manufacture of such small quantities of distinctive equipment as may be required by other Executive Departments and for service in Alaska, Porto Rico, Philippine Islands, Hawaii, or other island possessions, and for such special equipment for testing and for other purposes in connection with the reduction in weight of mail pouches and sacks.

Mr. TAWNEY. Mr. Chairman, I reserve a point of order on that. I would like to have the gentleman in charge of the bill explain that provision.

Mr. OVERSTREET. Mr. Chairman, as I understand the paragraph authorizes $4,500 for the manufacture of mail bags.

Mr. LIVINGSTON. The proviso is new.

Mr. TAWNEY. No; it is the distinctive equipment. What kind of equipment does the gentleman intend the Government to purchase.

Mr. OVERSTREET. It is largely in the nature of small mail bags that can be used by filling the entire bag with departmental mail, or mail for the Philippine Islands, Hawaii, Alaska, or Porto Rico, where a larger bag would not be required. It is in the interest of economy and not in the interest of extravagance.

Mr. TAWNEY. It is not that, but I will call the gentleman's attention to the fact that the latitude allowed the Postmaster-General under that language is so wide that he can use that amount of money for any purpose in relation to equipment. It does not refer to mail sacks. If it is mail sacks, why does not the gentleman say so?

Mr. OVERSTREET. It refers to all the material and devices that go into the manufacture of the mail bags. The Department is experimenting to ascertain if it may not be possible to have lighter material used—lighter locks, lighter straps, as well as lighter material in the bags themselves. They are experimenting with the use of aluminum instead of cast iron, so as to make the mail bags as light as possible. That is the general character of the experimental purpose authorizing this $4,500 expenditure. The remainder of the appropriation is entirely for the mail-bag repair.

Mr. TAWNEY. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The gentleman from Minnesota withdraws the point of order, and the Clerk will read.

The Clerk read as follows:

For inland transportation by railroad routes, $44,000,000.

Mr. HOUSTON. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 18, by adding after the end of line 13, the words: "*Provided*, That no part of said sum shall be used to pay for the carrying in the mails of any malt, vinous, or spirituous liquors or intoxicating liquors of any kind."

Mr. OVERSTREET. Mr. Chairman, I make the point of order against that amendment. It is contrary to existing law.

The CHAIRMAN. The Chair would feel compelled to follow the ruling of the occupant of the chair yesterday, who ruled on an identical proposition and overruled the point of order.

Mr. OVERSTREET. If the Chair will permit the statement, the gentleman who occupied the chair on yesterday sustained the point of order on an identically similar proposition. The point of order was overruled where the amendment was offered to an item of a bill which itself was subject to the point of order, but the point of order was sustained later by the Chair where it was offered to a provision of the bill which in itself was not subject to a point of order.

The CHAIRMAN. The present occupant of the chair remembers that he made an argument in favor of sustaining the point of order, and his recollection was that the Chair thereupon overruled the point of order.

Mr. OVERSTREET. I am desirous of placing right the gentleman who occupied the chair at the time the ruling was made. I am not questioning the argument which the present occupant of the chair made at the time. I ask for a ruling on the point of order.

Mr. FITZGERALD. On page 3289 of the RECORD is found the ruling made yesterday.

The CHAIRMAN. The Chair finds upon examination that the recollection of the present occupant of the chair about the transaction of yesterday is correct, and that the gentleman from Indiana [Mr. OVERSTREET] is in error. The RECORD shows, on page 3289, in the last column, what the decision of the Chair was upon the same proposition. The Chair feels constrained to overrule the point of order.

Mr. OVERSTREET. Mr. Chairman, may I inquire to which paragraph of the bill the point of order was addressed?

The CHAIRMAN. The point of order was addressed to an amendment to a paragraph on page 16, lines 15 and 16.

Mr. OVERSTREET. I understood that the Chair sustained the point of order as to that paragraph. If I am in error on that, why, then I retract what I stated a while ago.

The CHAIRMAN. The Chair overrules the point of order.

Mr. FITZGERALD. Mr. Chairman, I move to amend by adding the words, "or any cocaine or derivative thereof," so that this amendment shall be the same as the one adopted yesterday.

The CHAIRMAN. The gentleman from New York offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Add at the end of the amendment, "or any cocaine or any derivative thereof."

The CHAIRMAN. The question is on the amendment to the amendment.

The question was taken, and the amendment to the amendment was agreed to.

The CHAIRMAN. The question recurs on the amendment of the gentleman from Tennessee as amended by the amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to.

Mr. WANGER. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WANGER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by adding after the amendments, line 13, page 18, the following:

"*Provided*, That not exceeding six-sevenths of the amount ascertained pursuant to the weighing of the mail on any route in the year 1905 or in the year 1906 as the annual pay on such route for transporting the mail shall be paid out of the moneys hereby appropriated until such ascertainment shall have been readjusted in accordance with order of Postmaster-General Meyer, No. 412, or until it shall have been finally determined by law that the first-recited ascertainments are binding upon the Government for the ensuing fiscal year, notwithstanding any error or wrong in the basis of such ascertainments."

Mr. OVERSTREET. Mr. Chairman, I reserve a point of order on that.

Mr. WANGER. Mr. Chairman, I submit that this is a question worthy the consideration of every Member of this House. On March 3 the gentleman from Missouri [Mr. LLOYD] said, in the course of a very able and elaborate address in this Chamber:

I am leading up to what I regard as an exceedingly serious question. If the present ruling of the Postmaster-General is correct, if Order 412 is a correct interpretation of the law, then this Government, the people of this Republic, have been robbed of seventy millions of dollars since 1880. If this statement of the ruling of the Postmaster-General is correct, then this Government has paid into the hands of the railroad companies $70,000,000 that belong to the people of the country. Now, why do I say that? All agree that the change in divisors cuts down the railway mail pay 9.65 per cent. For the purpose of computation call it 10 per cent. The railway mail pay in 1880 was, in round numbers, $10,000,000. In 1907 the railway mail pay was $44,660,000. Adding these together makes $54,660,000. Divide that by two and you have the average amount—and it is pretty nearly correct—$27,700,000,

the amount that has been paid annually to the railway companies for carrying the mail. Now, following the latest interpretation of the law, 10 per cent of the $27,000,000 belongs to the people, and in every year during that time there has been paid to the railroad companies $2,700,000 which belongs to the people—the Government itself.

Let me add right here that under the computation submitted by the Post-Office Department to the Committee on the Post-Office the estimate of the differences in pay in the two unweighed sections of the country for the current year approximate $2,000,000, which, as I understand, is included and proposed to be appropriated for in this item. If I err, I trust the chairman of the committee will correct me.

The gentleman proceeded further:

Another remarkable thing in that connection. The Postmaster-General having found out, apparently, that the law was not properly interpreted, that the railroad companies had been receiving 10 per cent too much, this last order was made in June; but it was only made to apply to one of the four weighing sections of the United States.

Three of these weighing sections are not now under the provisions of that order. The Postmaster-General has placed himself in the anomalous position of admitting that the divisor was wrong, and is paying out of the Treasury in the current year over $3,000,000 without any warrant of law and in violation of the law as he construes it himself. Is it not a serious proposition? There is no way around it. If the Postmaster-General's order is right, then this money belongs to the people.

It certainly does appear to be anamolous that the Attorney-General of the United States should conclude by an exposition so luminous that none can fail to see the force of his proposition, and no one can apparently successfully contradict or impeach the logic of his conclusion of fact, that where 365,000 pounds of mail matter are carried by a route in an entire year——

The CHAIRMAN. The time of the gentleman has expired.

Mr. WANGER. I ask unanimous consent to proceed for fifteen minutes.

The CHAIRMAN. The gentleman asks unanimous consent to proceed for fifteen minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. WANGER. It means an average of 1,000 pounds per day, no matter how many days the mails were weighed, that being the conclusion of fact that he reached; that an error has crept into the practice of the Post-Office Department and excessive payments have been made—that there is no suggestion for the discontinuance of such payments or any part of them. The facts of the matter are, as I am informed by those in the Post-Office Department specially charged with the administration of the subject-matter involved, that the maximum rates of pay authorized by law are accorded to a great majority of the carrying roads of the country, and each of these routes receives the maximum legal pay where only the true average is ascertained. Nevertheless the fact is that by a false process of reaching the conclusion as to average weight carried per day, the rate can be raised in accordance with the manner of weighing, so as to give the advantage to a number of companies of seven-sixths of the maximum pay for carrying the mail. The gentleman was right in saying that that was an anomalous position, and while the legal argument of the Attorney-General, in my humble opinion, is unanswerable and his illustration setting out the right way of ascertaining the true daily average of mails carried is right in point and condemns the past practice of the Department, yet, whether it was a desire to avoid a conclusion attributing error to another and fellow-Cabinet officer, or for some other reason equally creditable to his heart, he finally concludes that whether the Postmaster-General shall adopt one method of ascertainment, which gives the maximum rate of pay, or whether he will adopt another method whereby the daily average it produces will give seven-sixths of the maximum pay authorized by law for performing the service, that it is within the discretion of the Postmaster-General to adopt one or the other method.

It may seem ungracious for me to presume to question the conclusions of the Attorney-General of the United States, and I have no controversy with him as to his reasoning respecting the law involved, and for a clear recital of the subject and of his treatment of it I here insert his opinion:

OPINION OF THE ATTORNEY-GENERAL IN THE MATTER OF COMPENSATION OF RAILROAD COMPANIES FOR CARRYING THE MAILS, ETC.

DEPARTMENT OF JUSTICE,
Washington, September 27, 1907.

The POSTMASTER-GENERAL.

SIR: I have the honor to acknowledge your request for an opinion as to the legality of order No. 412 of your Department, issued June 7, 1907, and of order No. 165, for which it was a substitute. I learn from you that these orders are as follows:

Order No. 165, dated March 2, 1907:

"That when the weight of mail is taken on railroad routes, the whole number of days the mails are weighed shall be used as a divisor for obtaining the average weight per day."

Order No. 412, dated June 7, 1907:

"When the weight of mail is taken on railroad routes, the whole number of days included in the weighing period shall be used as a divisor for obtaining the average weight per day."

The statutes which appear to bear directly on the subject are the following:

Section 4002 of the Revised Statutes (from the act of March 3, 1873, 17 Stat., 558):

"SEC. 4002. The Postmaster-General is authorized and directed to readjust the compensation hereafter to be paid for the transportation of mails on railroad routes upon the conditions and at the rates hereinafter mentioned.

"First. That the mails shall be conveyed with due frequency and speed and that sufficient and suitable room, fixtures, and furniture in a car or apartment properly lighted and warmed shall be provided for route agents to accompany and distribute the mails.

"Second. That the pay per mile per annum shall not exceed the following rates, namely: On routes carrying their whole length an average weight of mails per day of 200 pounds, $50; 500 pounds, $75; 1,000 pounds, $100; 1,500 pounds, $125; 2,000 pounds, $150; 3,500 pounds, $175; 5,000 pounds, $200; and $25 additional for every additional 2,000 pounds, the average weight to be ascertained in every case by the actual weighing of the mails for such a number of successive working days, not less than thirty, at such times, after June 30, 1873, and not less frequently than once in every four years, and the result to be stated and verified in such form and manner as the Postmaster-General may direct."

Post-office appropriation act of March 3, 1875 (18 Stat., 341), following an appropriation for inland mail transportation by railroad:

"* * * And out of the appropriation for inland mail transportation the Postmaster-General is authorized hereafter to pay the expenses of taking the weights of mails on railroad routes, as provided by the act entitled 'An act making appropriations for the service of the Post-Office Department for the year ending June 30, 1874,' approved March 3, 1873; and he is hereby directed to have the mails weighed as often as now provided by law by the employees of the Post-Office Department and have the weights stated and verified to him by said employees under such instructions as he may consider just to the Post-Office Department and the railroad companies."

Post-office appropriation act of March 3, 1905 (33 Stat., 1088), following an appropriation for inland mail transportation by railroad:

"*Provided*, That hereafter before making the readjustment of pay for transportation of mails on railroad routes the average weight shall be ascertained by the actual weighing of the mails for such a number of successive working days, not less than ninety, at such times after June 30, 1905, and not less frequently than once in every four years, and the result to be stated and verified in such form and manner as the Postmaster-General may direct."

The acts of July 12, 1876 (19 Stat., 79), June 17, 1878 (20 Stat., 142), and March 2, 1907 (35 Stat., 1205–1212), make certain changes in the rates of compensation, but none in the method of ascertaining the average daily weight of mail transported.

Were this question res integra, I should not consider it one of much difficulty. United States Revised Statutes 4002 fixes a rate of yearly pay per mile of track used to transport the mails, determined by the "average weight of mails per day" carried the entire length of the route. I see no escape from the conclusion that this means the average weight per day during a year; so that if on a particular route there were thus carried on one day 365,000 pounds and on the remaining 364 days nothing at all, the "average weight of mails per day" on which the annual compensation should be calculated would be 1,000 pounds. If, therefore, it had been deemed practicable or advisable to weigh all the mails transported by rail every day of the year, there could have been, to my mind, no doubt as to how the "average weight per day" would be determined, whether the mails were so carried on 365 days or on 313 or on 156 or on 12 or, as above suggested, on 1 day, their aggregate weight would have been added up and divided in all cases alike by 365.

It is, however, often impracticable without unreasonable labor to ascertain a strictly accurate average, and in such cases a conventional average is frequently established by law, agreement, or custom which is nearly enough right for all practical purposes and can be ascertained with vastly less trouble. A familiar example of this practice is the calculation of interest on a current bank balance. For this to be absolutely correct the balances due on every day of the year would have to be determined, added up, and divided by the whole number of days, i. e., 365, which, in the case of, say, a savings bank with many thousands of small accounts might involve an expense altogether disproportionate to the amount of the interest. It is therefore customary to ascertain the balances on a comparatively small number of days, often twelve, throughout the year, average these, and assume the result to be the average annual balance for the purpose of calculating interest.

It seems to have been, or to have been thought, unreasonably burdensome to require the mails to be weighed every day of the year, and the Congress, by the acts of March 3, 1873, and March 3, 1905, above noted, prescribed conventional methods of ascertaining the average weight. The methods are thus stated:

Act of March 3, 1873:

"* * * The average weight to be ascertained, in every case, by the actual weighing of the mails for such a number of successive working days, not less than thirty, at such times, after June 30, 1873, and not less frequently than once in every four years, and the result to be stated and verified in such form and manner as the Postmaster-General may direct."

Act of March 3, 1905:

"* * * The average weight shall be ascertained by the actual weighing of the mails for such a number of successive working days, not less than ninety, at such times after June 30, 1905, and not less frequently than once in every four years, and the result to be stated and verified in such form and manner as the Postmaster-General may direct."

It will be noted that these two acts say nothing about "divisors," and indeed do not profess to deal with the method of computation at all. How, from the statement of weights, he should obtain the result sought—that is to say, the daily average for a year on which the compensation was to be based—was a matter left to the discretion of the Postmaster-General. The Congress said to him only: "You need not cause the mails to be weighed every day of the year to ascertain the average weight per day during the year. You may, if you so choose" (for, it is to be observed, the law is permissive merely; the Postmaster-General, if he has money enough, may order the mails to be weighed for three hundred and sixty-five days). "You may, if you choose, weigh the mails only thirty (now ninety) days of each year, and only once in four years; but if you do this, the days selected must be *working days* and must be *successive*."

It is important to determine the meaning of the words lastly above italicized. It is said that "working days" has been consistently interpreted by the practice of your Department to mean "week days."

I do not think this statement can be sustained, for I am informed by you that prior to the act of 1905 the practice had been to weigh the mails on thirty-five consecutive days, thus including five Sundays. Now, I think, the law is on one point, at all events, perfectly clear: The mails are to be weighed on "working days" and on "working days" only; the use of the word "successive," instead of "consecutive," or some term of similar import, harmonizes exactly with this literal and, to my mind, unavoidable interpretation of the remaining words used. If, therefore, "working days" are to be read "week days," the practice of your Department, in thus weighing the mails on five Sundays, has been altogether illegal. If, however, the meaning of "working days" be "days on which mails are carried," the practice, to this extent, has been legal and in accord with what I believe to be the true intent of the law. As the practice of any of the great Executive Departments must always be assumed, so far as such assumption be possible, to rest upon a consistent and tenable view of the law, it is, I think, fair to say that the practice of the Post-Office Department, as contradistinguished from the language sometimes used by prominent officials in the course of the prolonged discussion of questions connected with this subject-matter, sustains the view that the words "working days" mean "days on which the carrier does work for the Post-Office," and not "week days;" and this I regard as clearly the true interpretation of the law.

It would seem, however, that an error has crept into the practice of your Department, as hereinafter stated, in the method of dealing with the information furnished through weighing the mails for at least thirty, now ninety, working days. As above noted, the obvious purpose of this provision is to relieve the Postmaster-General from the necessity of weighing the mails for every working day of the year. It does not prohibit him from weighing the mails throughout the year; nor does it require that the number of working days on which the mails are weighed shall be the same in the case of every carrier, although in none may they be less than thirty, now ninety, or other than "successive." Moreover, it in no wise changes the purpose of the inquiry, which, as above explained, has always been to ascertain a fair average per day during a year; not, of course, a fair average per day during seven or thirty or thirty-five or ninety or one hundred and five days, or any other fraction of a year. Having obtained from the results of the weighing such information as it can furnish as to the fair average weight for a "working day," it is left to the Postmaster-General to so deal with this information as to determine from it by appropriate calculations what would be a fair daily average for the ends of the law, i. e., as a basis for an annual compensation. It is obvious that from the mere weighing (which is all the law prescribes), standing alone, nothing would be determined as to the average. The Postmaster-General must therefore do something not mentioned in the statute to ascertain this, and although this matter is left to your discretion, and you are, of course, in no wise bound by any views expressed in this opinion regarding it, I think it may conduce to clearness if I here indicate what form of calculation appears to me best adapted to attain the ends of the law. We may suppose three railroads, of which one serves the mails seven, one six, and one three days in each week, and that the aggregate results of the weighing, divided by the number of days on which, in each case, the mails have been weighed, shows in each a daily average per working day of 1,000 pounds. In determining for each the fair average per day during a year, no change is needed in the figures for the first; those for the second should be reduced by one-seventh, and those for the third by four-sevenths; so that the first would be 1,000 pounds, the second 857.14 pounds, the third 428.57 pounds.

I have said that I should consider the question involved in your request one of no great difficulty were it a new one. Such, however, is not the case.

Prior to the issuance of Order No. 165 on March 2, 1907, the uniform practice of the Post-Office Department, except for a short period in 1884, as hereinafter stated, in determining the average daily weight of mail transported on railroad routes, appears to have been to have such mail weighed for a period covering not less than thirty successive working days (which term had been alleged to mean thirty successive week days, and therefore made such weighing period cover at least five weeks, or thirty-five days), and in every case, whether the mail was carried and weighed three, six, or seven days of the week, to divide the total weight thus ascertained by the number of working or week days in such period—that is to say, thirty. Thus in the case of a route on which the mail was carried three days of the week the weight was taken on such days for five weeks and the aggregate of the fifteen weighings divided by thirty to obtain the daily average. The same process was followed for thirty or thirty-five weighings, respectively, in the cases of routes on which the mail was carried six and seven days of the week. The average obtained was described as a "working" or "week" day average and not considered a daily average; but with regard to Sunday carrying roads it was evidently neither.

This practice, it appears, grew out of an effort to compensate the Sunday carrying roads for facilitating the transmission of the mails. It was thought that if the weight of mails carried on Sundays had been omitted in the case of such roads they would not only have received no compensation for carrying the same, but would have suffered an actual loss by reason of their diligence because by delaying the same until Monday it was said that they could have had such mail weighed in on that day.

In a letter from the Second Assistant Postmaster-General to C. Jay French, superintendent railway mail service, fifth division, dated March 24, 1876, there are the following instructions:

"The mails are to be weighed for the given number of successive working days (thirty in the weighing to which these instructions particularly relate), and in case mails are carried on any route also on Sundays, returns of the weights of such Sunday mails are to be furnished in the same manner as the others, to be included in consolidating the returns for the period, the object being, as you are aware, to obtain a fair average of the service for the working year. On the other hand, if mails are conveyed less frequently than every working day, the period of the weighing is not to embrace more than the given number of working days, counting both those on which the mails are conveyed and those on which they are not, the object being the same as in the other case."

On September 18, 1884, Postmaster-General W. Q. Gresham issued order No. 44, as follows:

"That hereafter when the weight of mails is taken on railroad routes performing service seven days per week the whole number of days the mails are weighed, whether thirty or thirty-five, shall be used as a divisor for obtaining the average weight per day."

Postmaster-General Gresham retired in October, 1884. Postmaster-General Frank Hatton, who succeeded him, submitted the question to the Attorney-General, his letter and the reply thereto being as follows:

OCTOBER 22, 1884.

SIR: The act of March 3, 1873 (17 Stat., p. 558), regulating the pay for carrying the mails on railroad routes, provides * * * "That the pay per mile per annum shall not exceed the following rates, namely: On routes carrying their whole length an average weight of mails per day of 200 pounds, $50; 500 pounds, $75; 1,000 pounds, $100; 1,500 pounds, $125; 2,000 pounds, $150; 3,500 pounds, $175, etc. * * * ; the average weight to be ascertained in every case by the actual weighing of the mails for such a number of successive working days, not less than thirty. * * *."

Upon a large number of the railroad routes mails are carried on six days each week—that is, no mails are carried on Sunday. On others they are carried on every day in the year.

It has been the practice since 1875, in arriving at the average weight of mails per day on these two classes of service, to treat the "successive working days" as being composed of the six working or secular days in the week, which is explained by the following illustrations:

Two routes, No. 1 and No. 2, over each of which 313 tons of mail are carried annually:

On route No. 1 mails are carried twice daily, except Sunday, six days per week, and are weighed for thirty successive working days—covering usually a period of thirty-five days. The result is divided by 30 and an average weight of mails per day of 2,000 pounds is obtained.

Transportation per mile of road per annum	miles	1,252
Weight per mile of road per annum	tons	313
Pay per ton per mile of road per annum	cents	37.92
Pay per mile run	do	11.9
Rate of pay allowed per mile per annum		$150

On route No. 2 mails are carried twice daily, seven days per week, and are weighed for thirty successive working days and for the intervening Sundays, the weight on the Sundays being treated as if carried on Mondays, the weighing, as before, covering usually a period of thirty-five days. The result is divided by 30 and an average weight of mails per day of 2,000 pounds is obtained.

Transportation per mile of road per annum	miles	1,460
Weight per mile of road per annum	tons	313
Pay per ton per mile of road per annum	cents	47.92
Pay per mile run	do	10.2
Rate of pay allowed per mile per anum		$150

I have thought it necessary to give the foregoing illustrations in order that the practice of this Department under the law cited may readily appear, and I will thank you to advise me whether that practice is in compliance with or in violation of the statute. If not in conformity with the law, will you please indicate the correct method by which the average weight per day should be obtained and the compensation adjusted thereon.

Very respectfully,

FRANK HATTON,
Postmaster-General.

Hon. B. H. BREWSTER,
Attorney-General, Department of Justice.

DEPARTMENT OF JUSTICE, *October 31, 1884.*

SIR: I have considered your communication of the 22d instant, requesting to know whether the construction placed by the Post-Office Department on section 4002, subordinate section 2, prescribing the mode in which the average of the weight of mails transported on railroad routes shall be ascertained is correct, and am of opinion that that construction is correct, and that a departure from it would defeat the intention of the law and cause no little embarrassment.

I have the honor to be, your obedient servant,

S. F. PHILLIPS,
Acting Attorney-General.

The POSTMASTER-GENERAL.

The above letter from the Acting Attorney-General is taken from Opinions of Attorney-General, Volume VIII, page 71. While it is there stated that it was signed by S. F. Phillips, the original, received at the Post-Office Department, is signed by William A. Maury.

Postmaster-General Gresham's order was revoked January 16, 1885. This order had evidently in view the same purpose as order No. 165.

We have here, then, a case where the practical interpretation placed upon the act of Congress of March 3, 1873, in regard to obtaining the daily average weight of mail upon railroad routes by the Post-Office Department has been, except for a few months, unbroken for thirty-five years, although its correctness was authoritatively challenged. It also appears that while Congress, in 1876 and 1878 and again in 1907, provided for a reduction in the maximum rates established by the act of March 3, 1873, it made no change in the provision as to obtaining the average weight. It further appears that in 1905 Congress reenacted that provision in exactly the same language, except that "ninety" was substituted for "thirty."

Moreover, it should be noted that the post-office appropriation bill (H. R. 25483) reported to the House on February 6, 1907, provided:

"The Postmaster-General is hereby authorized and directed to readjust the compensation to be paid from and after the 1st day of July, 1907, for the transportation of mails on railroad routes carrying their whole length an average weight of mails per day of upward of 5,000 pounds by making the following reductions from the present rates per mile per annum for the transportation of mails on such routes: On routes carrying their whole length an average weight of mail per day of more than 5,000 pounds and less than 48,000 pounds, 5 per cent; 48,000 pounds and less than 80,000 pounds, 10 per cent, and $19 additional for every additional 2,000 pounds: *Provided*, That hereafter the average weight per day be ascertained in every case by the actual weighing of the mails for such a number of successive days, not less than 105, at such times and not less frequently than once in every four years, and the result to be stated and verified in such form and manner as the Postmaster-General may direct: *Provided further*, That hereafter, at the time of the weighing of the mails at the periods required by law, empty mail bags shall not be weighed nor taken as any part of the total weight of mails in estimating the pay for transportation of said mails."

The accompanying report from the Committee on the Post-Office and Post-Roads and two minority reports discussed the question very fully and showed clearly the intention on the part of the committee, that, in the words of its report—

"In computing the average weight of mail carried per day, the whole number of days such mail may be weighed shall be used as the divisor."

On February 20, 1907, while the House in Committee of the Whole was considering the post-office bill, the following amendment was offered by Mr. MURDOCK to follow the provision "For inland transportation by railroad routes, $44,660,000:"

"*Provided*, That no part of this sum shall be expended in payment for transportation of the mails by railroad routes where the average weight of mails per day has been computed by the use of a divisor less than the whole number of days such mails have been weighed."

A point of order was made against this amendment on the ground that it changed existing law. The Chair sustained the point, observing (41 Cong. Rec., 3471):

"The CHAIRMAN. The existing law has received a construction by the officers charged with the duty of administering it, and that construction the Chair feels bound to follow. The proposed amendment changes existing law as construed by the proper officer, by changing the divisor. This is in the guise of a limitation; but it has been held over and over again here that a limitation is negative in its nature and may not include positive enactment establishing rules for executive officers. It has been held further that while limitation may provide that a part of an appropriation shall not be used except in a certain way, yet the restriction of executive discretion may not go to the extent of an imposition of new duties. And the limitation on the discretion exercised under the law by a bureau of the Government is a change of existing law. The decisions on the question of limitation, the attempt to draw a well-defined distinction between changes of existing law and a proper limitation, are among the most difficult questions that the Chair is ever called upon to decide."

Upon appeal from the decision of the Chair its ruling was sustained. (Id., 3472.)

Later on the same day the provision of the bill above quoted directing the Postmaster-General to readjust the compensation to be paid from and after July 1, 1907, for the transportation of the mails on railroad routes, which included the proviso "That hereafter the average weight per day be ascertained, in every case, by the actual weighing of the mails for such a number of successive days," etc. (the word "working" being omitted), also went out upon a point of order (41 Cong. Rec., 3473). Subsequently, on the same day, the rules were suspended, and this provision, without the proviso as to obtaining the average, was inserted and became the law. (Id., 3494.)

The principles of law bearing upon the solution of the matter under consideration in this aspect are settled by decisions of the Supreme Court of the United States.

It has been held that where the meaning of a statute is doubtful or ambiguous the practical construction placed upon it by the Department of the Government charged with its administration, if contemporaneous, uniform, and long continued, although not deemed controlling on the courts, is to be treated with respect and will ordinarily be followed. (Brown *v.* United States, 113 U. S., 568; United States *v.* Philbrick, 120 U. S., 52; Robertson *v.* Downing, 127 U. S., 607; United States *v.* Alabama R. R. Co., 142 U. S., 615.)

In the last-mentioned case, which involved the question of compensation to railroads for carrying the mails, the court said:

"* * * It is a settled doctrine of this court that, in case of ambiguity, the judicial department will lean in favor of a construction given to a statute by the Department charged with the execution of such statute, and, if such construction be acted upon for a number of years, will look with disfavor upon any sudden change whereby parties who have contracted with the Government upon the faith of such construction may be prejudiced."

But the true scope of this principle is illustrated by a considerable number of cases in which the court has refused to adopt the departmental construction of a statute. In these cases the court has said that such departmental construction is without weight where the statute is clear and explicit and free from ambiguity or doubt. (Swift Co. *v.* United States, 105 U. S., 691, 695; United States *v.* Graham, 110 U. S. 219, 221; United States *v.* Tanner, 147 U. S., 661, 663; United States *v.* Alger, 152 U. S., 384, 397; Studebaker *v.* Perry, 184 U. S., 258, 268–269.)

In Swift Co. *v.* United States, the court says:

"There is no serious question raised as to the proper construction of the internal-revenue acts upon the point, it being virtually admitted that the contention on the part of the appellant upon the provisions of the statutes is correct.

"It is met, however, in the opinion of the Court of Claims, and in argument on behalf of the Government here, that the contrary construction, to pay these commissions in stamps at their face value, has been acted upon by the Commissioner of Internal Revenue from the beginning, has been acquiesced in by purchasers and dealers, and has never been changed by Congress; and as an official practice has thus acquired the force of law, or if not, then, at least, it was a course of dealing, well known to the appellant, and acquiesced in, by which it accepted stamps at their face value in payment of its commissions, which it is not at liberty now to open, question, and reverse.

"The right construction of the internal-revenue acts upon the point of the allowance of commissions to dealers in proprietary articles, purchasing stamps made from their own dies, and for their own use, is too clear to bring the case within the first alternative. The rule which gives determining weight to contemporaneous construction, put upon a statute, by those charged with its execution, applies only in cases of ambiguity and doubt. (Edward's Lessee *v.* Darby, 12 Wheat., 206; Smythe *v.* Fiske, 23 Wall., 374; United States *v.* Moore, 95 U. S., 760; United States *v.* Pugh, 99 id., 265.)"

In United States *v.* Alger, the court says:

"If the meaning of that act were doubtful its practical construction by the Navy Department would be entitled to great weight. But as the meaning of the statute as applied to these cases appears to this court to be perfectly clear, no practice inconsistent with that meaning can have any effect. (Swift Co. *v.* United States, 105 U. S., 691, 695; United States *v.* Graham, 110 U. S., 619; United States *v.* Tanner, 147 U. S., 661.)"

In so far as this question is affected by the practice of the Post-Office Department standing alone, I think it comes fully within the principle laid down in the two cases lastly above cited. The law says the average weight shall be ascertained "by the actual weighing of the mails for * * * successive working days." The practice has been to weigh on Sundays, and yet when the average is to be ascertained Sundays are excluded from the divisor. This practice is not only clearly erroneous, but logically indefensible. If Sundays are not "working days," the law does not permit the mails to be weighed on Sundays; if they are "working days," their exclusion from the divisor renders the result of the computation false on its face. It may be conceded that the question whether "working day" is to be interpreted "week day" in this provision of the statute is not free from doubt, and if the practice of the Post-Office Department were consistent with one construction and inconsistent with the other, there might be room to apply the doctrine of Brown's and Philbrick's cases; but as it is consistent with neither, and can be defended, if at all, only by reading the words in one sense for one purpose and in another sense for another purpose there is no room for the application of any such doctrine.

The practice seems to have constituted, in fact, a sort of administrative legislation, intended to encourage the carrying of the mails on Sundays, and the most serious difficulty connected with the subject is to determine whether there has not been a legislative sanction of the practice by the Congress in its failure to change the method of computation when it reenacted the statute in 1905, for there can be no question that the practice of the Department in this respect was, or might have been, well known to the Congress, by reason of very full statements concerning it in public documents.

In Dollar Savings Bank *v.* United States, 19 Wall., 227, the court refused to hold that the Congress, by the reenactment of a statute, had adopted the construction placed upon it by the Department of the Government charged with its administration. The statute under consideration in that case (act of Congress of July 13, 1866, 14 Stat., 138) provided:

"That there shall be levied and collected a tax of 5 per cent on all dividends in scrip or money thereafter declared due, wherever and whenever the same shall be payable, to stockholders, policy holders, or depositors, or parties whatsoever, including nonresidents, whether citizens or aliens, as part of the earnings, income, or gains of any bank, trust company, savings institution, and of any fire, marine, life, inland insurance company, either stock or mutual, under whatever name or style known or called, in the United States or Territories, whether specially incorporated or existing under general laws, and on all undistributed sums, or sums made or added during the year to their surplus or contingent funds; and said banks, trust companies, savings institutions, and insurance companies shall pay the said tax, and are hereby authorized to deduct and withhold from all payments made on account of any dividends or sums of money that may be due and payable as aforesaid the said tax of 5 per cent: * * * *Provided*, That the tax upon the dividends of life insurance companies shall not be deemed due until such dividends are payable; nor shall the portion of premiums returned by mutual life insurance companies to their policy holders, nor the annual or semiannual interest allowed or paid to the depositors in savings banks or savings institutions, be considered as dividends."

It was contended that savings institutions were relieved from taxation by the proviso to this section; but the court held otherwise, and in reply to the argument based upon the practical construction placed upon the act, said (pp. 236–237):

"Our attention has been called to the fact that in 1867 and again in 1870 the Commissioners of Internal Revenue construed the proviso as exempting savings institutions from the tax upon all sums added to their surplus or contingent funds, and that the act of Congress of July 14, 1870, which reduced internal taxation, employed substantially the same language respecting savings banks as that contained in the act of 1866. In view of this, the plaintiffs in error argue that Congress required the Commissioner to prescribe what returns savings banks should make; that this made it his duty to put a construction on the law; that he did so, and held that such institutions were not required to return undistributed earnings carried to a surplus fund, and that after this practical construction had been made and acted upon more than three years Congress reenacted the tax, reduced in amount, in the same words. Hence, it is inferred the construction given by the Commissioner was adopted. It is, doubtless, a rule that when a judicial construction has been given to a statute the reenactment of the statute is generally held to be in effect a legislative adoption of that construction. This, however, can only be when the statute is capable of the construction given to it, and when that construction has become a settled rule of conduct. The rule, we think, is inapplicable to this case. In the first place, the decisions of the Internal Revenue Commissioner can hardly be denominated judicial constructions. That officer was not required by the law to prescribe what returns savings banks were required to make. That was prescribed by the act of Congress itself, and he had no power to dispense with the requisition. There is therefore no presumption that his decisions were brought to the knowledge of Congress when the act of 1870 was passed. And again, the construction he gave is an impossible one, for, as we have seen, it makes the proviso plainly repugnant to the body of the section.

"We are constrained, then, to hold that the act of Congress does impose upon the plaintiffs in error the tax, to recover which the present suit was brought."

This opinion would probably be decisive of the present question were it not for some more recent decisions of the court. In New York, New Haven and Hartford Railroad Company *v.* Interstate Commerce Commission (200 U. S., 361, 399) it was contended that the prohibition of the act to regulate commerce and its amendments against undue preferences and discriminations ought not to be interpreted as applying against a carrier who was a dealer in commodities "because of an administrative construction long since given to the act by the Interstate Commerce Commission, the body primarily charged with its enforcement, and which has become a rule of property affecting vast interests which should not be judicially departed from, especially as such construction; it is asserted, has been impliedly sanctioned by Congress by frequently amending the act without changing it in this particular." The court said on this point (p. 401):

"* * * A construction made by the body charged with the enforcement of a statute, which construction has long obtained in practical execution, and has been impliedly sanctioned by the reenactment of the statute without alteration in the particulars constructed, when not plainly erroneous, must be treated as read into the statute. Especially do we think this rule applicable to the case in hand, because of the nature and extent of the authority conferred on the Commission from the beginning concerning the prohibitions of the act as to rebates, favoritism, and discrimination of all kinds, and particularly in view of the repeated declarations of the court that an exertion of power by the Commission concerning such matters was entitled to great weight and was not lightly to be interfered with."

These remarks were, strictly speaking, obiter dicta, for the court said immediately afterwards:

"The concessions thus made, however, are wholly irrelevant to the case before us."

In the case of United States *v.* Falk & Bro. (204 U. S., 143), however, the court seems to have come very near qualifying the decision in Dollar Savings Bank *v.* United States, above cited. In that case the Government contended that the practical construction given by the

Executive Department to a proviso in the tariff act of 1890 should control the interpretation of a similar proviso in the tariff act of 1897, and the court sustained that view, saying (p. 152):

"This, then, is our view: The Attorney-General having construed the proviso of section 50 of the act of 1890 as not restricted to the matter which immediately preceded it, but as of general application, and this construction having been followed by the executive officers charged with the administration of the law, Congress adopted the construction by the enactment of section 33 of the act of 1897, and intended to make no other change than to require as the basis of duty the weight of the merchandise at the time of entry instead of its weight at the time of its withdrawal from warehouse."

This aspect of the question has caused me some measure of doubt, but, upon careful consideration, I do not think it falls within the principle of the case last cited. The construction supposed to have been placed upon the statute in the practice of the Post-Office Department is not only "plainly erroneous," like the case suggested as an exception by the court in 200 United States, but is "an impossible one," as was that rejected by the court in 19 Wall. There is nothing to show that the construction by the Attorney-General sustained in the Falk case seemed to the court either "plainly erroneous," or "impossible." It must be furthermore remembered that in reenacting the statute in 1905, as in enacting it in 1873, the Congress only fixed a minimum to the number of days on which the Postmaster-General must have the mails weighed; he remained, as he had been previously, entirely at liberty to increase their number in his discretion, and he might therefore, as above noted, have made the weighing period extend through the entire year, or have supplemented the weighing by computations which would render practically nugatory the construction supposed to be involved in the practice. In other words, in 1905 the Congress may have felt justified in awaiting an administrative remedy for a faulty administrative practice and have only thought seriously of a legislative remedy two years later. The opinion purporting to have been given by Solicitor-General Phillips on October 31, 1884, is not only, as above stated, irregular in form, but so meager and inadequate in its statement and discussion of the questions involved that I can not recognize it as binding upon me in the premises. As to the decision of the Chairman of the Committee of the Whole, sustained upon appeal, to the effect that the proposed amendment requiring a divisor "not less than the whole number of days such mails have been weighed," made a change in existing law, I am not aware of any precedent holding such a decision to be binding upon this Department. The decision may be held, moreover, to have been correct without regard to the "construction" alleged by the Chairman to have been placed upon the law by "the proper officer."

It follows from what I have said that I consider the form or method in which the information obtained from weighing the mails in accordance with the act of March 3, 1905, shall be utilized a matter in your discretion, provided your action shall be directed to the ascertainment of what, according to your best judgment, would be an average weight as nearly true as may be practicable per day during a year of the mails carried as the statute lastly aforesaid directs, to be used as a basis for a yearly compensation to the carrier; of course the adequacy of such compensation is for the Congress, not for the Postmaster-General. Each of the two orders first above mentioned constituted, therefore, in strictness, a legal exercise of a discretion vested by law in the Postmaster-General. If, however, no further calculation is to be made beyond the addition of ascertained weights and division by the divisor selected, it seems obvious that Order No. 165 may lead to arbitrary and inequitable results. Order No. 412, upon the same assumption, will give, as the average weight per day during a year, the said average weight per day during somewhat more than one-fourth of a year; and there is no reason to suppose its results will be unjust or have any greater inaccuracy than is authorized and contemplated by the act of 1905.

Yours, respectfully, CHARLES J. BONAPARTE,
Attorney-General.

Mr. WANGER. My complaint of the words of the Attorney-General is confined to the sentence in the last paragraph, "Each of the two orders first above mentioned constituted, therefore, in strictness, a legal exercise of a discretion vested by law in the Postmaster-General." I can not complain of the words in the beginning of the paragraph, because they are coupled with the sound proviso—touching the method of utilizing information—*that the action of the Postmaster-General must be directed to what, in his best judgment, "would be an average weight as nearly true as may be practicable per day during a year of the mails carried as the statute lastly aforesaid directs, to be used as a basis for a yearly compensation to the carrier;"* but I am unable to reconcile myself to any process of reasoning which will lodge in an administrative officer authority to grant more than the maximum rate of compensation provided by law; and the vice of Order No. 44 of Postmaster-General Gresham and of Order No. 165 of Postmaster-General Cortelyou was that while they provided for a correct ascertainment of the average weight where the mails were carried on every one of the 35 or 105 days of the weighing period, they granted seven-sixths of the maximum pay for the service on routes to a company which only performed service six days in the week, giving a preference to those who rendered the least service to the Government, and an excess of legal compensation.

Let us consider the practical effect of the method of ascertainment of average weight under Orders 44 and 165, using the illustration of the Attorney-General that a total weight of 365,000 pounds carried over a route in a year means an average of 1,000 pounds per day in that year, no matter on how many or on how few days the mails are actually carried. Where the carrying is done in seven days of each week and the weighings are on each day you get the correct 1,000 pounds average, and the railway carrier is paid the maximum compensation. How can any carrier earn any more than that legal compensation for that service by any legerdemain of mathematics?

According to the practice of the Department, worked out under Orders 44 and 165, if the mails are only carried six days in the week you divide the 365,000 pounds by 313 and get an average of 1,166 pounds per day for each working day in the year, and in the latter instance pay the carrier upon the basis of 365 times 1,166, or for carrying 425,590 pounds in the year. This pay is for 365,000 pounds of mails carried, and for 60,590 pounds having no existence except in the basis of compensation, but for which just as good money is paid as if those 60,590 pounds had been mail matter.

If those orders, 44 and 165, had contained the further provision that where mails are only carried six days in the week, the average per day for the year should be found by taking only six-sevenths of the average for the weighing period, they would have been unexceptionable except as being less simple and clear than Order No. 412.

Mr. MURDOCK. May I ask the gentleman a question?

Mr. WANGER. Certainly; right here and now.

Mr. MURDOCK. There was so much confusion here when the Clerk read that amendment that I would like you to tell the House what your amendment proposes to do. In that amendment do you propose to make it apply to all the four sections, or to go back to the four sections in the quarterennial way?

Mr. WANGER. I am very glad the gentleman asked the question. In the third section the mails were weighed last year; their weights are ascertained in accordance with Order No. 412, of Postmaster-General Meyer. In the second section they are to be weighed this year in accordance with that order, and under this appropriation and these ascertainments of weight in these two sections of the country the payment will be in accordance with this weighing. But in the two other sections of the country, entitled under this item to relatively one-half of the $44,000,000 appropriated, the ascertainment of their daily averages is on the basis of a computation which the Attorney-General has condemned and the Postmaster-General has superseded. In other words, it will give to the two latter sections a percentage estimated by the Postmaster-General as being 9 or 10 per cent above the maximum rate of pay provided by law for the service performed.

Mr. MURDOCK. Now, right there. You cover that in your amendment to the two divisions.

Mr. WANGER. That is true.

Mr. MURDOCK. Do you stop there? Is that the extent of your amendment?

Mr. WANGER. I provide that no part of the appropriation in these two divisions in excess of six-sevenths of the amount ascertained by the weighing in 1905 and 1906, when these weighings were made, shall be paid until the weights have been readjusted in accordance with Order 412, or until it shall have been finally decided by law that the railway companies in those two sections, 1 and 4, are entitled to pay according to the old ascertainment during the next fiscal year.

The gentleman from Tennessee proceeded further and referred to the facts——

Mr. MOON of Tennessee. Will the gentleman from Pennsylvania allow me to correct him? He is referring to the speech of the gentleman from Missouri [Mr. LLOYD].

Mr. WANGER. I beg pardon, and thank my friend for the correction. That was an inadvertence. I did refer to the gentleman from Missouri [Mr. LLOYD], who suggested that no suits had been brought or threatened and dramatically called upon the chairman of the Committee on Expenditures in the Post-Office Department to investigate the Department and ascertain if there was anything wrong in it. I was very desirous of having the gentleman's legal opinion as to what was the proper action in the premises, the method of ascertaining the legal rights of the Government, and the action to be taken; but he declined, or at least failed, to throw any light upon those phases of the question. Now, at first blush, it might seem as if the administrative officers of the Government, having settled the accounts and fixed the amounts payable to each carrier for a four-year period, however erroneous the ascertainments or payments may have been, they having been voluntary by the Government, there would be no redress either by recovery of payments already made or by the withholding of payments for services rendered recently or hereafter, yet such does not seem to be the law, which is declared in the opinion, the major portion of which I shall insert, delivered in the case of Wisconsin Central Railroad Company *v.* United States, reported in 164 U. S., pages 205, etc., by Chief Justice Fuller, as follows:

* * * * * * *

Some reliance is placed by appellant on departmental construction, but we may dismiss that contention with the observation that we do not consider the true construction as doubtful, and that the depart-

mental construction referred to was neither contemporaneous nor continuous. (United States v. Alabama Southern Railroad, 142 U. S., 615; United States v. Healey, 160 U. S., 136.)

We agree entirely with the Court of Claims that the terms and conditions imposed on this grant embraced the condition that the mail should be carried at such rates as Congress might fix, and that section 13 of the act of July 12, 1876 (c. 179, 19 Stat., 78), was applicable. The item of $16,343.48 was properly disallowed, as was also the item of $12,532.43, unless the latter was recoverable by reason of some ground of objection to its extinguishment by the application of the sums unlawfully paid to and received by the company.

And as to that it is insisted that such application can not be made because it was not competent for the Postmaster-General to withhold the moneys thus paid without authority of law, as the previous directions to make the payments were decisions binding on the Department; because the payments were voluntarily made on due consideration and deliberation and the accounts settled, and because no counterclaim was filed.

The Postmaster-General in directing payment of compensation for mail transportation, under the statutes providing the rate and basis thereof, does not act judicially, and whatever the conclusiveness of executive acts so far as executive departments are concerned, as a rule of administration, it has long been settled that the action of executive officers in matters of account and payment can not be regarded as a conclusive determination when brought in question in a court of justice. United States v. Harmon, 43 Fed. Rep., 560, by Mr. Justice Gray; S. C., 147, U. S. 268; Hunter v. United States, 5 Pet., 173; United States v. Jones, 8 Pet., 387; United States v. Bank of Metropolis, 15 Pet., 377.)

In the latter case, which was a suit upon negotiable drafts accepted by the Postmaster-General (the authority to do so being assumed for the purpose of the case), and which was decided after the passage of the act of July 2, 1836 (c. 270, 5 Stat., 80, 83), whose seventeenth section was carried forward as section 4057 of the Revised Statutes, Mr. Justice Wayne, delivering the opinion of the court, discussed the power of a succeeding Postmaster-General to revise the action of his predecessor as to credits, as follows:

"The third instruction asked the court to say, among other things, if the credits given by Mr. Barry were for extra allowances, which the said Postmaster-General was not legally authorized to allow, then it was the duty of the present Postmaster-General to disallow such terms of credit. The successor of Mr. Barry had the same power, and no more, than his predecessor, and the power of the former did not extend to the recall of credits or allowances made by Mr. Barry, if he acted within the scope of official authority given by law to the head of the Department. This right in an incumbent of reviewing a predecessor's decisions extends to mistakes in matters of fact arising from errors in calculation and to cases of rejected claims in which material testimony is afterwards discovered and produced. But if a credit has been given, or an allowance made, as these were, by the head of a Department, and it is alleged to be an illegal allowance, the judicial tribunals of the country must be resorted to to construe the law under which the allowance was made and to settle the rights between the United States and the party to whom the credit was given.

"It is no longer a case between the correctness of one officer's judgment and that of his successor. A third party is interested, and he can not be deprived of a payment on a credit so given, but by the intervention of a court to pass upon his right. No statute is necessary to authorize the United States to sue in such a case. The right to sue is independent of statute, and it may be done by the direction of the incumbent of the Department. The act of July 2, 1836, entitled 'An act to change the organization of the Post-Office Department,' is only affirmative of the antecedent right of the Government to sue, and directory to the Postmaster-General to cause suits to be brought in the cases mentioned in the seventeenth section of that act. It also excludes him from determining, finally, any case which he may suppose to arise under that section. His duty is to cause a suit to be brought. Additional allowances the Postmaster-General could make under the forty-third section of the act of March 2, 1825 (3 Story, 1985); and we presume it was because allowances were supposed to have been made contrary to that law that the seventeenth section of the act of July 2, 1836, was passed. In this last the extent of the Postmaster-General's power, in respect to allowances, is too plain to be mistaken.

"We can not say that either of the sections of the acts of 1825 and 1836 just alluded to covers the allowances made by Mr. Barry to Reeside. But if the Postmaster-General thought they did and that such a defense could have availed against the rights of the bank to claim these acceptances as credits in this suit, the same proof which would have justified a recovery in an action by the United States would have justified the rejection of them as credits when they are claimed as a set-off."

The view thus indicated, that executive decisions in cases like the present are not binding on the courts, has been repeatedly affirmed and steadily adhered to. (Gordon v. United States, 1 C. Cls., 1; McElrath v. United States, 12 C. Cls., 201; Duval v. United States, 25 C. Cls., 46; Steele v. United States, 113 U. S., 128; United States v. Burchard, 125 U. S., 176; United States v. Stahl, 151 U. S., 366.) And it has been often applied in the instance of the improvident issue of patents. (United States v. Stone, 2 Wall., 525; United States v. Minor, 114 U. S., 233; Mullan v. United States, 118 U. S., 271; Wisconsin Railroad Co. v. Forsythe, 159 U. S., 46.)

In Steele v. United States, the Navy Department, in contracting with the claimant for certain work upon vessels, delivered to him certain old materials at the agreed price of $2,000, which was considerably less than the true value. In his suit for payment on the contract it was contended that the delivery of these materials to him at an agreed price was without warrant of law, and that the materials having been disposed of should be accounted for by the claimant at their true value. This contention was sustained, and this court said:

"The fact that the account of the appellant was settled by the officers of the Navy Department, by charging him with the value of the old material at $2,000, is no bar to the recovery of its real value by the Government. The whole transaction was illegal, and appellant is chargeable with knowledge of the fact."

In United States v. Burchard, the claimant, an engineer officer, retired October 26, 1874, and entitled to half sea pay, was paid from said date up to April 1, 1878, at a higher rate, whereby he received $425 in excess of that allowed by law, his pay at that rate being passed from time to time by both the disbursing officers in the Navy Department and by the accounting officers. After April 1, 1878, he was paid at a lower rate, which this court held to be the legal rate. He brought suit for the difference after 1878, and the Government counterclaimed for the $425 paid to him prior to that time. His petition was dismissed, and the court held the Government could recover the overpayment for the prior period. Mr. Chief Justice Waite, speaking for the court, observed that in no event was he entitled to more than half sea pay, and that all over that which he got was by mistake of the accounting officers, and said:

"It only remains to consider whether the amount which has thus been paid, or as much thereof as is embraced in the counterclaim, can be recovered back in this action, and we are of the opinion that it can. The action was brought by Burchard to recover a balance claimed to be due on pay account from the date of his retirement. He had been paid according to his present claim until April 1, 1878, and consequently there was nothing to complain of back of that date. But in reality the account had never been closed, and was always open to adjustment. Overpayments made at one time by mistake could be corrected and properly charged against credits coming in afterwards. His pay was fixed by law, and the disbursing officers of the Department had no authority to allow him any more. If they did, it was in violation of the law, and he has no right to keep what he thus obtained. Whether the Government can in any case be precluded from reclaiming money which has been paid by its disbursing and accounting officers under a mistake of law is a question which it is not now necessary to decide any more than it was in McElrath v. United States (102 U. S., 426, 441), when it was suggested. This is a case where the disbursing officer, supposing that a retired officer of the Navy was entitled to more than it turns out the law allowed, have overpaid him. Certainly under such circumstances the mistake may be corrected."

In United States v. Stahl, the claimant, a naval officer, upon a difference of opinion as to the law, had been overpaid in the grade then occupied by him, and sued for a deficiency claimed to exist in his previous grade. This court sustained his contention as to the previous grade and held that he had been entitled in that grade to the increased compensation, but that the excessive payments which had been made to him in the latter grade should be deducted from any sum which might be found due him in the former.

In Mullan v. United States, a suit to vacate a patent which had been granted for certain coal lands, the court held that the mistake was one of law, but that nevertheless, it having been committed and the patent given for lands which the land officers were not authorized the patent, the patent could be annulled by the court. And Mr. Chief Justice Waite said:

"It is no doubt true that the actual character of the lands was as well known at the Department of the Interior as it was anywhere else, and that the Secretary approved the lists not because he was mistaken about the facts, but because he was of opinion that coal lands were not mineral lands within the meaning of the act of 1853, and that they were open to selection by the State; but this does not alter the case. The list was certified without authority of law, and, therefore, by a mistake against which relief in equity may be afforded. As was said in United States v. Stone (2 Wall., 525, 535): 'The patent is but evidence of a grant, and the officer who issues it acts ministerially and not judicially. If he issues a patent for land reserved from sale by law, such patent is void for want of authority. But one officer of the Land Office is not competent to cancel or annul the act of his predecessor. That is a judicial act and requires the judgment of a court.'"

In Wisconsin Central Railroad Company v. Forsythe, which was an action of ejectment to recover certain lands claimed to have been included within its grant, but which defendant insisted were outside of its grant and subject to private entry, this court said:

"But further, it is urged that this question of title has been determined in the Land Department adversely to the claim of the plaintiff. This is doubtless true, but it was so determined, not upon any question of fact, but upon the construction of the law; and such matter, as we have repeatedly held, is not concluded by the decision of the Land Department."

As a general rule, and on grounds of public policy, the Government can not be bound by the action of its officers, who must be held to the performance of their duties within the strict limits of their legal authority, where by misconstruction of the law under which they have assumed to act, unauthorized payments are made. Whiteside v. United States (93 U. S., 247); Hawkins v. United States (96 U. S., 689), and cases before cited. The question is not presented as between the Government and its officer, or between the officer and the recipient of such payments, but as between the Government and the recipient, and is then a question whether the latter can be allowed to retain the fruits of actions not authorized by law, resulting from an erroneous conclusion by the agent of the Government as to the legal effect of the particular statutory law under or in reference to which he is proceeding.

Section 4057 of the Revised Statutes reads:

"In all cases where money has been paid out of the funds of the Post-Office Department under the pretense that service had been performed therefor, when, in fact, such service has not been performed, or as an additional allowance for increased service actually rendered, when the additional allowance exceeds the sum which, according to law, might rightfully have been allowed therefor, and in all other cases where money of the Department has been paid to any person in consequence of fraudulent representations, or by the mistake, collusion, or misconduct of any officer or other employee in the postal service, the Postmaster-General shall cause suit to be brought to recover such wrong or fraudulent payment or excess, with interest thereon."

Undoubtedly the word "mistake," as used in this section, includes an erroneous conclusion in the construction or application of a statute. And, this being so, as the duty is devolved on the Postmaster-General to cause suit to be brought where money has been illegally paid by reason of misconstruction or misapprehension of the applicable law, it follows that he must be regarded as empowered to reconsider prior decisions to determine whether such a mistake has been committed or not. If, in his judgment, money has been paid without authority of law, and he has money of the same claimant in his hands, he is not compelled to pay such money over and sue to recover the illegal payments, but may hold it subject to the decision of the court when the claimant sues. (United States v. Carr, 132 U. S., 644; Gratiot v. United States, 15 Pet., 336; Steele v. United States, United States v. Burchard, United States v. Stahl, supra.) And in that way multiplicity of suits and circuity of action are avoided.

It is unnecessary to go into a discussion of the exceptions which may exist between private parties to the rule that moneys paid through mistake of law can not be recovered back.

This branch of the case was disposed of by the Court of Claims on the authority of Duval v. United States (25 C. Cl., 46). It was there held that "the items of the several statements upon which the Sixth Auditor certifies balances due for carrying the mails ordinarily, and in the absence of special circumstances may be regarded as running accounts, at least while the parties continue the same dealings between themselves; and that money paid in violation of law upon balances certified by the accounting officers generally may be recovered back by

counterclaim or otherwise where no peculiar circumstances appear to make such recovery inequitable and unjust." The mistake was, indeed, treated as one of fact, the Post-Office officials erroneously assuming, through oversight, that the road in question had not been aided by grants of land, but the governing principle in the case before us is the same.

Reference was made to Barnes *v.* District of Columbia (22 C. Cl., 366, 394), wherein it was ruled, Richardson, C. J., delivering the opinion, that "The doctrine that money paid can be recovered back when paid in mistake of fact and not of law does not have so general application to public officers using the funds of the people as to individuals dealing with their own money where nobody but themselves suffer for their ignorance, carelessness, or indiscretion, because in the former case the elements of agency and the authority and duty of officers, and their obligations to the public, of which all persons dealing with them are bound to take notice, are always involved." We concur in these views, and are of opinion that there is nothing on this record to take the case out of the scope of the principle that parties receiving moneys illegally paid by a public officer are liable ex æquo et bono to refund them.

The petition sets forth, among other things, that the Postmaster-General wrongfully and unlawfully withheld the $12,532.43 out of moneys due petitioner, which was, therefore, entitled to recover the full amount; and to each and every allegation of the petition the Government interposed a general traverse. It is now said that a counterclaim or set-off should have been pleaded, but the record does not disclose that this objection was raised below, while the findings of fact show that the entire matter was before the court for, and received, adjudication. Moreover, it has been repeatedly held that the forms of pleading in the Court of Claims are not of so strict a character as to require omissions of this kind to be held fatal to the rendition of such judgment as the facts demand. (United States *v.* Burns, 12 Wall., 246, 254; Clark *v.* United States, 95 U. S., 539, 543; United States *v.* Behan, 110 U. S., 338, 347; United States *v.* Carr, 132 U. S., 644, 650.)

Judgment affirmed.

Mr. Justice Peckham dissented on the question of the right of the Government to offset the alleged overpayments prior to July 1, 1883.

Mr. WANGER. Surely the Postmaster-General was conscious of the payment of money in excess of legal compensation for carrying the mails on all routes to which the maximum rate of pay was allowed, and perhaps in some others, by mistake, when he established Order No. 412, and might have felt it his duty, after the accuracy and validity of that order was sustained by the Attorney-General, to bring suits to recover excessive payments, unless he was misled by the unfortunate sentence of the Attorney-General, and certainly if he has not been be will become conscious of many mistaken payments when he looks into the matter, as he undoubtedly will, and the question of the gentleman from Missouri [Mr. LLOYD] was therefore very pertinent, "Why has no suit been brought?"

There is a partial answer in the suggestion that perhaps there is another remedy. In the case cited the court says (p. 211):

> If in his (the Postmaster-General's) judgment money has been paid without authority of law and he has money of the same claimant in his hands, he is not compelled to pay such money over and sue to recover the illegal payments, but may hold it subject to the decision of the court when the claimant sues. (United States *v.* Carr, 132 U. S., 644; Gratiot *v.* United States, 15 Pet., 336.)

And in that way multiplicity of suits and circuity of action are avoided.

And there is another principle involved in the question of right of action against the railway mail carriers, or of withholding payment from them because of overpayments by mistake in the past, that is illustrated in the case of the United States *v.* Alabama Great Southern Railway Company (142 U. S., 615, etc.) in the following opinion of the court by Mr. Justice Brown:

OPINION OF THE COURT.

This case depends upon the construction to be given to section 13 of the act of July 12, 1876, which reads as follows: "SEC. 13. That railroad companies whose railroad was constructed in whole or in part by a land grant made by Congress on the condition that the mails should be transported over their road at such price as Congress should by law direct shall receive only 80 per cent of the compensation authorized by this act." As it is admitted that the construction of so much of this road as lay within the States of Alabama and Mississippi, amounting to 263.85 miles, was aided by the proceeds of lands granted by the acts of Congress of June 3, 1856 (11 Stat., 17, c. 41), and August 11, 1856 (11 Stat., 30, c. 83), and the residue of such road lying within the States of Tennessee and Georgia, amounting to 31.6 miles, was constructed without such aid, the question is presented whether the Government is entitled to the transportation of the mail over the whole of such road at 80 per cent of the compensation provided for roads which have received no aid from Congress, or whether such percentage applies only to so much of the road as lies within the States of Alabama and Mississippi.

The difficulty arises from the fact that, by section 13, above quoted, all roads "constructed in whole or in part" by Congressional land grants are bound to carry at the reduced rates. These words, however, are susceptible of several constructions. They may mean such roads as received grants of land the proceeds of whose sales were sufficient to pay the entire or only the partial cost of their construction. In this case the language would be confined to the linear parts of such roads as receive the aid of the land grants—in the case under consideration only that part of the road lying in Alabama or Mississippi. Or they may mean that railroads any linear part of which received the aid of a land grant of Congress in its construction should be bound to carry the mails at a reduced rate over the entire line. This, which is doubtless the literal reading of the statute, supports the contention of the Government in this case. As applied to the particular facts of the present case, this interpretation of the statute would work no great hardship, since the unaided part of the road was but little more than 10 per cent of the entire line; but if the case were reversed and the unaided part amounted only to 10 per cent of the entire road, it would be equally within the words of the statute and the injustice of the construction would become clearly apparent, especially in the case put in the opinion of the learned judge of the court below, if there were a parallel rival road, unaided by a Congressional grant, receiving the full compensation allowed by law. It would also result from this that if there were two separate roads forming a continuous line, one of which was aided and the other unaided by a land grant, each receiving its appropriate compensation, and these roads were subsequently consolidated, the aided portion would draw after it its own compensation at the reduced rate and would compel it to be applied to the whole line.

But these words are still susceptible of a third construction, viz, that any railroad, the entire line of which or only certain linear portions of which had been constructed by a Congressional land grant, should receive the reduced rate properly proportioned to the part which had received such aid; and that, as to the unaided portion, it should receive the full compensation allowed by law. This was the construction given to it by the Postmaster-General and by the accounting officers of the Treasury at the time the act was passed, and the Alabama and Chattanooga Railroad Company and its successor, the appellee, was, and continued to be, paid upon that basis from 1876 to 1885, by six Postmasters-General, when, in 1885, the then incumbent of the office reversed the rulings of his predecessors, and not only subjected the entire line to the reduced rates, but made such construction retroactive and enforced payment of what the road had for nine years received under the prior construction.

We think the contemporaneous construction thus given by the executive department of the Government, and continued for nine years through six different administrations of that department—a construction which, though inconsistent with the literalism of the act, certainly consorts with the equities of the case—should be considered as decisive in this suit. It is a settled doctrine of this court that, in case of ambiguity, the judicial department will lean in favor of a construction given to a statute by the department charged with the execution of such statute, and, if such construction be acted upon for a number of years, will look with disfavor upon any sudden change whereby parties who have contracted with the Government upon the faith of such construction may be prejudiced. It is especially objectionable that a construction of a statute favorable to the individual citizen should be changed in such manner as to become retroactive, and to require from him the repayment of moneys to which he had supposed himself entitled and upon the expectation of which he had made his contracts with the Government. These principles were announced as early as 1827 in Edwards' Lessee *v.* Darby (12 Wheat., 206, 210), and have been steadily adhered to in subsequent decisions. (United States *v.* State Bank of North Carolina, 6 Pet., 29, 39; United States *v.* Macdaniel, 7 Pet., 1; Brown *v.* United States, 113 U. S., 568; United States *v.* Moore, 95 U. S., 760, 763.)

The construction we have given to this act is also in harmony with that given to the Pacific Railroad act of 1862 in United States *v.* Kansas Pacific Railway Company (99 U. S., 455), and the Thurman Act of May 7, 1878, in the United States *v.* Central Pacific Railroad Company (118 U. S., 235).

There was no error in the judgment of the Court of Claims, and it is therefore affirmed.

So that while the Supreme Court in this case sustained the modern interpretation of the statute as literal, it declared the retroactive provision as harsh and justified standing by the earlier administrative instruction, just as I am inclined to think it would do if the Postmaster-General was to bring suit to recover any payments made prior to the adoption of this Order 412. But as to what the railway companies may be earning since that time a different principle is involved, as every contract was subject to future orders, and as to what they will earn in the next fiscal year an entirely different principle is involved from what would be involved in a suit to recover for past payments which they undoubtedly believe themselves entitled to receive. So that the provisions of my amendment, containing nothing radical or revolutionary or at war with any principle of law or of justice, as it seems to me, can be safely adopted.

In further reply to the inquiry of why the Postmaster-General has done nothing more than apply Order 412 to the weighings subsequent to its adoption, I beg to ask how can Congress be absolved from responsibility, if there is any point in that inquiry, if we fail now to take action limiting payments to be made in the next fiscal year for which we are now appropriating money to what we believe is all that is legally due for the service? Are we in this appropriation to say it may be inequitable, it may be illogical, that in one-half of the country the maximum rate shall mean 100 per cent of the amount of compensation specified by law, but nevertheless in the other half of the country we will pay 109 or 116 per cent of the same maximum rate because a mistake has been made heretofore? We may excuse the past on account of the hiatus possible and unwisdom of raking up the errors of the past, but how can we justify ourselves if we believe in the accuracy of Order 412, but continue to provide for payment for the future upon a basis we condemn as illegal and perpetuate this unequal method of excessive compensation? Mr. Chairman, I ask permission to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. WANGER. While fully persuaded of the soundness of reasoning of the Attorney-General, I yet realize that there is another side, which was most ably presented by that efficient and conscientious public servant, Second Assistant Postmaster-

General Shallenberger, in his letter to the Postmaster-General printed in the hearings in January, 1907, by the Committee on the Post-Office. Let the committee determine whether he and his predecessors were misled by sophisms or were correct, as this amendment will enable the court of last resort to determine. And to that decision we shall all bow, glad in any result that the controversy has been ended and the law vindicated.

Mr. MURDOCK. Mr. Chairman, in the matter of the divisor, the executive order No. 412 does not, in my opinion, bar the past, The word "hereafter" is absent from the order, and the only element of futurity in it is in the word "shall."

Last year we applied by legislation two flat reductions in railway-mail pay on average weights above 5,000 pounds. The Department had no embarrassment whatever in applying those flat reductions to all the four sections of the country, but when the Department came to apply the corrected divisor, it applied it only to the section being weighed, as this bill applies it to the section now being weighed and the section weighed last year, and omitted the two other sections. The gentleman from Pennsylvania now, by an amendment, seeks, as I understand it, to make the Department correct the divisor to the two other sections which were weighed two and three years ago.

Mr. WANGER. Put them all on a parity.

Mr. MURDOCK. Put all four sections on a parity. Frankly I do not see how we in Congress can do it in light of how Congress refused to act last year. I do not believe, from what I have read from the Attorney-General, from the Department, and from what I have listened to on the floor of this House, that Congress has anything to do with the divisor or can reach the divisor in any way.

Last year I offered an amendment similar in form to this one proposed to-day, believing myself wholly within order. The Chairman of the Committee of the Whole at that time ruled it out of order. I found myself estopped from any remedial proceeding. I appealed from the decision of the Chair. I had 17 votes with me and about 60 against me. That ruling seemed to appeal to the membership of this House as being perfectly sound. And if I am to accept the opinions of the legal giants of this country, I must think it was because the Attorney-General in saying that the divisor was wrong and should be corrected took particular pains to approve the decision here in the House, that the limitation I sought to put upon an appropriation was out of order.

Mr. WANGER. Mr. Chairman, I concede that while we can not change existing law in this bill under the rules of the House, where they are enforced, yet there is nothing to compel us to appropriate all the money that may be required by law. Therefore we may appropriate less than the full amount authorized by law.

Mr. MURDOCK. Certainly.

Mr. WANGER. Why, when a demonstration has been made that railroad companies are getting 9 to 10 per cent in excess of the maximum compensation fixed by law, is there any use in having sophistry about the subject? Does not that show that the ascertainment is illegal? Does the gentleman think it is in the province of any Executive Department of this Government by order, by method of divisor, or any other feature in calculation to provide a rate of compensation above that fixed by law?

Mr. MURDOCK. Not at all, and I want to ask the gentleman in return if he says I have been indulging in any sophistry in the question of the divisor.

Mr. WANGER. Not at all; but the gentleman has referred to labored statements to which I referred, about its being in the discretion of the Postmaster-General to apply one method or another in ascertaining the average weight of mails carried per day.

Mr. MURDOCK. That is exactly what I am coming to now.

Mr. WANGER. My contention is that no matter what form or manner of computation is used it must be, as the Attorney-General states, directed to the ascertainment of true average weight for every day in the year.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MURDOCK. I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MURDOCK. Now, the Attorney-General rules that the old divisor was wrong. He does not rule that the old divisor was wrong on the plain proposition and the sensible proposition that you can not take seven days' aggregate, put them into a dividend, take six for a divisor, and get a fair average by dividing the seven by six for a quotient. No, he does not; but he goes further and into a new field, and says that the Department violated the old law in that it weighed mails on Sunday at all.

Mr. WANGER. Oh, no.

Mr. MURDOCK. He does.

Mr. WANGER. He does not decide anything of that kind.

Mr. MURDOCK. He does, and makes that a particular point in the decision, if the gentleman will read it.

Mr. WANGER. He decided that the Department did wrong in putting the Sunday weights into the Monday weighing and then using six as a divisor.

Mr. MURDOCK. I think if the gentleman will read that decision he will find that it was contended there was no provision in law for weighing the mails on Sunday at all.

Mr. WANGER. Oh, no; my friend has entirely misconceived the scope of the Attorney-General's opinion.

Mr. MURDOCK. Not at all. The Attorney-General has ruled that it is a matter of discretion with the Postmaster-General—that the Postmaster-General could, under the old system, use a short divisor; that he can under a more recent order use a corrected and a full divisor. He has also held in his opinion that it was perfectly correct for the chairman of the Committee of the Whole House of Congress to overrule any attempt to limit that appropriation in similar form, as the gentleman from Pennsylvania [Mr. WANGER] now seeks to do. It seems to be wholly in the hands of the Department. The Department can apply this new divisor to this one section this year and the other section and cease there. It can by a simple matter of computation apply that corrected divisor to all other sections to-day, and make it immediate, as I think it should. It can, if it wishes, go on back, I suppose, and collect the incredible amount of money which has been in the nature of an overcharge for thirty-five years; it seems wholly in the hands of the Department. It does not rest with Congress. Some of you gentlemen remember that I made every parliamentary attempt that is possible under the rules to get some action from Congress on this subject last year. I did not indulge in demagogy. I did not go to an excess in speech or indulge in an accusation against anybody. I had to get up and continually resent the charge that I was accusing some one of looting the Treasury.

Mr. WANGER. Will the gentleman permit another interruption?

Mr. MURDOCK. No; not right here. Let me go on.

Now, the gentleman from Pennsylvania [Mr. WANGER] proposes to come in and apply a limitation to this appropriation. I doubt, to some extent, his wisdom. I want to tell him why, and I hope I will have time in which to do it.

Mr. WANGER. Does the gentleman mean my personal wisdom generally or as involved in the proposition?

Mr. MURDOCK. The gentleman's wisdom as a Representative from Pennsylvania.

Mr. WANGER. That is pretty comprehensive.

Mr. MURDOCK. Under the present order of the Postmaster-General, the power rests wholly in the Department to apply this divisor.

The CHAIRMAN. The time of the gentleman from Kansas has again expired.

Mr. WANGER. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for ten minutes longer.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WANGER. Now, Mr. Chairman, before my friend impeaches my wisdom, instead of confining himself to the proposition——

Mr. MURDOCK. I wish I had had the gentleman with me last year.

Mr. WANGER. I will say that I was against the proposition of the gentleman last year. So long as you proposed to pay the companies that only carried mail six days 116 per cent of the compensation that they would get if they carried the mail on the seventh day, the proposition was so inequitable that I could not help but reject it; and, unfortunately, my perceptive faculties were not sufficiently keen to then realize the force of the gentleman's logic, and how a rule might be applied with just effect, and that the error of his position was in failing to apply such rule to secure an average weight per day instead of per "working day," and further to see that the vice contained in it was not as it applied to the roads that were carrying mails on seven days in the week, but was in it as applied to the roads that only carried mail six days in a week. The Postmaster-General says that 365,000 pounds in a year gives an average of 1,000 pounds a day. As that is unanswerable, so, I submit, that a form of divisor which by a month of weighing makes that total an average of 1,166 pounds per day——

Mr. MURDOCK. Yes. And the old divisor is wrong and was wrong; and how can this House, I will ask the gentleman from Pennsylvania, in the face of a former ruling of its chairman under the rules, taking into consideration the ruling of the

Attorney-General, ask a change in the divisor? How can this House legislate on it without——

Mr. WANGER. By paying what is conceded to be the maximum of lawful pay and withholding what exceeds that.

Mr. MURDOCK. Now, what I wanted to say, and one of the purposes for which I arose, was this: Under the opinion of the Attorney-General, and under the practice of the Department now, there has been no change of law. The Department now is making, and will make in the next four years, a reduction of $4,000,000 in the annual pay to the railroads without any change of law. Under the opinion of the Attorney-General the Department makes that change of and in itself, without any grant of power from this body or any other body. If the Department has the right to make that change now, without any change of law, then the Department for thirty years, as I have contended in every address I have made to the House on the subject, disregarded the law. It paid the railroads a sum that it would probably be impossible to recover to-day because of its immensity. But what has happened? The railroads are combating the order. One of them has started in the Court of Claims a suit to defeat Order 412. The government of this country, as represented by the Department, whether it acts in its legislative or executive capacity—the Department retains over the railroads of this country the opportunity for recovery so long as there is no change of law. And when this Congress, or any other Congress, enacts into law the corrected divisor, it may close the door on possible recovery from the railroads. [Applause.]

Mr. OVERSTREET. Mr. Chairman, I insist upon a point of order.

The CHAIRMAN. The Chair will be glad to hear the gentleman upon the point of order.

Mr. OVERSTREET. In the first place, Mr. Chairman, I call the Chair's attention to the language in the amendment, which is in no wise a limitation, but a direction to withhold the payment of a certain proportion of pay which has been ascertained. Now, the law under which the pay for railway mail transportation is made, as the Chair understands, is the act of March 3, 1873, with certain amendments thereafter. Under the law fixing the pay and the manner of its ascertainment the appropriations are made from year to year. The amendment before the committee directs that only six-sevenths of the amount ascertained pursuant to the law shall be paid until certain things have been done. If the law has been followed, if the weighings have been taken according to the law, then the appropriation should be made to meet the payments; and if not made, the carrying roads would have a right of action in the Court of Claims. It is not an amendment equivalent to an amendment to reduce the amount. An amendment to reduce the amount by so many hundred thousand dollars would undoubtedly be in order. The amendment directs the withholding of the payment. An amendment striking out all would be in order. An amendment directing the withholding the payment of the amount would not be in order, because not on all fours with the other suggested amendment. Now, another difference of this amendment, Mr. Chairman, is quite apparent. This is to bring within the scope of the so-called "Order 412" the payments on weighings which were had preceding the issuing of Order 412.

That is to say, that the roads in the New England division and in the Pacific Coast States division shall not be paid the full amount due them in the appropriations for the fiscal year 1909 until it has been demonstrated that they were underpaid or overpaid for the years 1905 and 1906. I wish to repeat and emphasize what I have just said. This appropriation, a portion of which the amendment proposes to withhold, is for the allowance for the fiscal year 1909. The proposed amendment seeks to withhold a part of that appropriation until certain computations have been made in years preceding the issuing of Order 412.

Now, the Attorney-General, in a recent decision, commented upon a point of order of similar character made in this House when this item of appropriation was under consideration for the current fiscal year. In volume 41 of the CONGRESSIONAL RECORD, page 3471, will be found the comment relating to the point of order which was then made, which sought to fix a method of computation in a similar way to that which is now being fixed by Order 412. The proposed amendment to which the point of order was then addressed was made before Order 412 had been promulgated, and the gentleman then occupying the chair sustained the point of order for reasons that are in the RECORD at page 3471—volume 41, CONGRESSIONAL RECORD. The Attorney-General afterwards, expressing an opinion on Order 412, used this expression:

> It has been held that where the meaning of a statute is doubtful or ambiguous, the practical construction placed upon it by the Department of the Government charged with its administration, if contemporaneous, uniform, and long-continued, although not deemed controlling on the courts, is to be treated with respect and will ordinarily be followed.

But in a later part of his decision, commenting again upon the action of the Chair in sustaining the point of order, the Attorney-General in his opinion uses this language:

> As to the decision of the Chairman of the Committee of the Whole, sustained upon appeal, to the effect that the proposed amendment requiring a divisor of not less than the whole number of days such mails have been weighed made a change in existing law, I am not aware of any precedent holding such decision to be binding upon the Department. This decision may be held to have been correct without regard to the construction alluded to by the Chairman to have been placed upon the law by the proper officer.

Now, since Order 412 was promulgated by the Postmaster-General, and the opinion on it by the Attorney-General, the Department has instituted a certain practice relative to ascertaining the rate of pay, and under that practice has not gone back to the year 1905 and 1906; and applying the proposition of the Attorney-General, therefore, to the practice of the Department having the control of the administration of law, the Chair should at least give respect, as the Attorney-General says, if it may not be controlled by it. I think that this amendment is obnoxious both to the former decision upon a similar point of order where the point was sustained and to the opinion of the Attorney-General; and for the third reason, that it is not a limitation, but is a direction to withhold part of what, under the practice, has been properly ascertained.

The CHAIRMAN. May the Chair ascertain from the gentleman if the present occupant of the chair supposes correctly that this amendment relates to the payment of the appropriation under this bill?

Mr. OVERSTREET. That is my understanding.

The CHAIRMAN. And the balance due for the years 1905 and 1906?

Mr. OVERSTREET. Balance due?

The CHAIRMAN. Whether there are balances due or not.

Mr. WANGER. Not at all.

Mr. OVERSTREET. I do not understand that. There are no balances; they have been paid.

Mr. STAFFORD. The appropriations for prior years would be available for the payment of any balances, if they were due.

Mr. WANGER. If the gentleman will pardon me, the payments out of this appropriation bill for the year 1909 in those two districts will be made, unless there is some action taken by Congress or by the executive department, pursuant to the weighing of 1905 in the one district and of 1906 in the other district; not for the services in those years, but for the services during the fiscal year 1909; and the appropriation is for that service.

The CHAIRMAN. May the Chair ask just what is the order of Postmaster-General Meyer, No. 412? No one has explained that to the committee.

Mr. WANGER. Order No. 412, dated June 7, 1907, reads:

> When the weight of mail is taken on railroad routes the whole number of days included in the weighing period shall be used as the divisor for obtaining the average weight per day.

Mr. STAFFORD. I may say, if the Chair will permit me to offer some elucidation of this subject, Order 412 has only been applied to that weighing district in which the mail was weighed last spring, and will be applied in the successive three districts of the country as the mails are weighed; and the purpose of this amendment is to extend it to two of those districts, which will be weighed in the year following this one and the year following that.

The CHAIRMAN. Then this amendment would not affect the ascertainment of the amount due for the carrying of the mail at all?

Mr. WANGER. Not at all.

The CHAIRMAN. Except as modified by the order of the Postmaster-General?

Mr. WANGER. The effect of this amendment would simply be on the payment out of appropriations.

Mr. MURDOCK. For this year?

Mr. WANGER. For the next fiscal year.

Mr. OVERSTREET. If the Chair will permit me to submit the proposition, on the basis that the law fixes the method of ascertaining the weight of mail, and fixes the weight of pay, the presumption is that Congress may make annual appropriations to meet those payments. Now, that is existing law. Supposing we offer an amendment with reference to that item of appropriation, providing that only 25 per cent of the amount found due shall be paid. Would not that be contrary to existing law, because existing law directs that the payments shall be in accordance with the total weight and the total mileage——

The CHAIRMAN. The Chair thinks it is within the power

of Congress to appropriate all or any portion of what may be due, and the Chair would like to have the attention of the committee.

Mr. GARDNER of New Jersey. Mr. Chairman, in order that we may understand just what that amendment does, my understanding is that under the orders of the Post-Office Department, as existing, whatever they were, the gentleman claims that, as measured by and under Order 412, the roads were overpaid in the years 1906 and 1907; and this is a proposition to withhold the money from them for services done under the new order, in 1909, until there is a readjustment under the new order; and if, measured by the new order, they were overpaid under the old order in 1906-7, then that amount shall be withheld in 1909. It operates positively to change the law, and would make Order 412 become retroactive.

The CHAIRMAN. The Chair would like to ascertain on that point. That is not the understanding of the Chair as to the amendment.

Mr. GARDNER of New Jersey. That is the exact effect of it, and it has no other purpose here.

Mr. GAINES of West Virginia. May we have the amendment again reported?

The CHAIRMAN. Without objection the Clerk will again report the amendment.

The amendment was again read.

Mr. WANGER. Mr. Chairman, the gentleman from New Jersey has stated what is most decidedly not the question involved in this amendment. Order No. 412 did not affect, could not affect, and did not pretend to affect the law as to compensation of the railway companies. There is nothing in this proposition to alter or change the law as affecting the compensation for the past or the present fiscal year.

The CHAIRMAN. May the Chair ask whether the gentleman contends that his amendment simply extends the operation of Order No. 412 throughout the United States instead of confining it to a particular locality?

Mr. WANGER. That would be the practical effect—to make its operation uniform throughout the United States.

Mr. STAFFORD. Will the gentleman yield?

Mr. WANGER. I will.

Mr. STAFFORD. Does the gentleman contend that his amendment is identical in effect with Order 412 as administered by the Department, following the decision of the Attorney-General? According to the decision of the Attorney-General, on those roads where they have but three days' service, where prior thereto the railroads received compensation based upon the divisor of ninety out of one hundred and five days' weighing, to-day, under that order, they would receive but three-sevenths of the divisor of one hundred and five, because the service was rendered only three days in the week.

Mr. WANGER. Not because the service was rendered only three days in the week.

Mr. STAFFORD. The gentleman's amendment provides for withholding compensation to the amount of six-sevenths, so you can not contend that your amendment is on all fours with Order No. 412.

Mr. WANGER. Order 412 provides for the payment of no more than the compensation fixed by law, and in its application this fiscal year extends to only one weighing section of the country. The next fiscal year will apply to two weighing sections of the country, and in the other sections—unless something is done by somebody, the manner of making payments goes on as it has heretofore—will be paid on the basis of 116.16 per cent of the compensation allowed by law.

Mr. MURDOCK. The Department can do that.

Mr. WANGER. Certainly the Department can do it; but if Congress distinctly refuses to act when it is confronted with the question squarely presented, why should the Department take any action?

Mr. HARDY. Mr. Chairman, as I understand the amendment—possibly there is some confusion; we do not always catch things correctly—I want to discard from the consideration of the question the two divisions, one weighed last year and one which has been or will be weighed this year. We have two other divisions weighed in 1905 and 1906. The Department has adopted a method of estimating the amount of mail carried, by which they, in effect, weigh the mail for seven days, add the result, and divide the sum by six, thereby giving an average larger than it ought to be. Everybody seems to agree that that was a wrong divisor in the beginning—1905.

Mr. WANGER. Oh, no; I do not think the railway companies concede that. [Laughter.]

Mr. HARDY. I believe the gentleman is right that far, but all the House seems to agree that the divisor ought to be seven. The amendment of the gentleman from Pennsylvania says that though they did not use the right divisor in the beginning they ought to do it in the future.

Mr. WANGER. That is it.

Mr. HARDY. And one reason urged against his amendment is that they have not done justice heretofore, and therefore they ought not to do justice now. The gentleman's amendment does not affect the two sections that are by the order of the Postmaster-General now divided by seven.

Mr. WANGER. Not at all.

Mr. HARDY. But we wish to make the Postmaster-General divide the other two sections also by seven. Now, the question is, as it seems to me, if Congress has passed a law and the Department has by a wrong divisor been paying an amount larger than it ought to pay, has an appropriation measure the right to restrict that payment and provide what they ought to pay? In other words, the gentleman's amendment proposes to restrict the amount paid to what ought to have been paid from the beginning of the weighing.

Mr. WANGER. No; not from the beginning of the weighing, but what ought to be paid during the coming fiscal year, according to the quantity of mail carried during the year.

Mr. HARDY. I was inaccurate; I mean just what the gentleman says. Not to go back and try to correct what was done in 1905 and 1906, but in the future, instead of criticising the Department, let the House go on record in favor of a just divisor.

Mr. WANGER. That is it.

Mr. CRUMPACKER. Mr. Chairman, I desire to submit a few observations solely upon the point of order, not upon the merits of the proposition. The proposition, it strikes me, is one that has a good deal of merit, but we are considering now purely a parliamentary question, and that is whether the amendment is in order under the rules of the House as a limitation upon an appropriation. It is hardly in the form of a limitation. It contains provisions directing the Postmaster-General to make a new ascertainment of weights.

Mr. WANGER. Oh, not at all.

Mr. CRUMPACKER. Then I have not the amendment in mind.

Mr. WANGER. Here it is.

Mr. CRUMPACKER. There may be amendments in the form of limitations, yet in substance embody legislation; in substance they may direct things to be done, and the Chair in looking at a question of order must determine the real effect of the amendment and not simply its form. The substance and not the form should control. Now, I gather from this discussion that under the law it was discretionary with the Postmaster-General prior to the making of Order 412 to adopt six or seven as the divisor, and when the mails were weighed in 1905 and 1906 in the two sections in controversy, those weighings were understood to control for a period of four years, and the Postmaster-General adopted six as the divisor in the process of ascertainment, probably an unjust thing; but I understand from this discussion that he had the right under the law and the exercise of his discretion to adopt that divisor. Therefore, it can not be said that there was anything illegal in the weighing of the mails, and in the ascertainment of the amounts to be paid under the weighing for either one of those years. That proposition, I think, is generally admitted in this discussion.

Mr. WANGER. Mr. Chairman, I do not think the gentleman was in when I made the proposition that there could be no form of divisor or any method of calculation adopted which would falsely give the average weight and thereby grant to a company compensation in excess of the compensation fixed by law.

Mr. CRUMPACKER. The gentleman now is talking from the standpoint of ethics and morals, and not of law.

Mr. WANGER. No.

Mr. CRUMPACKER. When a discretion is vested in a Department officer the Department officer may exercise that discretion, even though he exercise it unjustly. He may exercise it, possibly, in such a manner as not to carry out the real and best purpose of the law, and yet it is a valid exercise and one that the people and the Government will be governed by until it is changed. The gentleman's proposition is one of morals, and I admit the gentleman is right as a matter of morals, but as a proposition of law he is wrong.

Mr. WANGER. As a matter of law, the discretion of an executive officer will always be controlled when it is unjustly and improperly exercised, although the presumption will be in favor of its proper exercise.

Mr. CRUMPACKER. Oh, I decline to yield further, Mr. Chairman.

Mr. NORRIS. Will the gentleman yield to a question?

Mr. CRUMPACKER. Yes; to a question.

Mr. NORRIS. I want to ask the gentleman if he contends that the law as it exists permits the Department to use discretion in the selection of divisors, and is not that fixed by law, although there may be an uncertainty as to what the law is?

Mr. CRUMPACKER. That is admitted by everybody who has taken part in this discussion, and it is supported by the opinion of the Attorney-General, that the Postmaster-General did have the discretion to employ six as the divisor, instead of seven.

Mr. WANGER. I want the gentleman to except one when he says it is admitted by everybody where it produces a false ascertainment. I wish it to appear on this record that there is one Member of this House who distinctly repudiates that doctrine.

Mr. CRUMPACKER. It is likely the gentleman from Pennsylvania has already made that statement, and I say it is not good as a proposition of law. Whenever the law vests in a court power to decide a question, that power carries with it the right to decide wrong as well as right, and when a discretion is vested in an executive officer and that discretion is exercised it is final. I think that is the opinion of the Postmaster-General. It is good law; it is sound law, anyhow.

Mr. WANGER. That may be the law in Indiana, but, thank God, it is not the law in Pennsylvania.

Mr. CRUMPACKER. I think I ought not to yield further. I think I know more about the Pennsylvania law than the gentleman from Pennsylvania [Mr. WANGER] if he makes the assertion that the courts can only decide correctly in that State, that they have the power only to decide right, because human nature is frail and liable to err, even in Pennsylvania.

Mr. WANGER. My only contention is that an abuse of discretion and exercise of power not conferred by law may be restrained. I ought to add that the function of ascertaining average weights is ministerial.

Mr. GAINES of Tennessee. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman has expired.

Mr. CRUMPACKER. I ask unanimous consent to proceed for two minutes, in order that I may make my point.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CRUMPACKER. I just want to make my point and then stop. I do not care to use any more time.

Mr. GAINES of Tennessee. Does the gentleman argue that we can not control the discretion of the Postmaster-General?

Mr. CRUMPACKER. I do not argue any such thing. It is a question of applying the rules of the House. Congress can make any law it pleases; Congress has the power to make any direction or law respecting payments for carrying the mails that it chooses; but the question now is one of parliamentary procedure, of whether it can be done in an appropriation bill, a question of whether the Committee of the Whole, under the guise of a limitation, can propose an amendment which is pregnant with legislation that undertakes to control a discretion and directs things to be done which the law does not require to be done.

This amendment proposes that a certain amount of the appropriation shall be withheld until the Department reascertains the amount that is justly and morally due the railroad. It requires a reascertainment. It requires the application of Order 412 to two sections of the country that it would not be applicable to until the successive weighing periods arrive. Now, Mr. Chairman, I believe his amendment is obnoxious because it contains legislation. I want to put myself right on the main proposition. I believe the gentleman from Pennsylvania [Mr. WANGER] is morally right, from the statement I have heard. If there has been a sufficient investigation of the question now to enable the Committee of the Whole to intelligently act, and if it comes before us regularly, I will support him in his amendment; but I am now discussing this question clearly as one of parliamentary law.

Mr. SULZER rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. SULZER. I would like to be heard for a few moments.

The CHAIRMAN. The Chair is ready to rule, but will recognize the gentleman if he will confine himself to the point of order.

Mr. SULZER. Mr. Chairman, well, I would like to say a few words on the point of order. I am in favor of the amendment of the gentleman from Pennsylvania [Mr. WANGER] and, in my opinion, it is pertinent, not subject to a point of order, and should be adopted. We have heard a great deal of discussion every year for the past decade regarding the railway charges—very exorbitant charges—for carrying the mail of the United States, and according to the admitted facts the Government is paying to-day and has been paying for years one-sixth more than it ought to pay, quite an item in the aggregate.

The CHAIRMAN. The Chair does not think the gentleman is confining himself to the point of order. The Chair is prepared to rule on the point of order.

Mr. SULZER. Mr. Chairman, just a word more. In my opinion the point of order should be overruled, the amendment adopted, and I indulge the hope that the Department hereafter will weigh the mail properly, and see to it that the Government is not overcharged every year hundreds and hundreds of thousands of dollars.

The CHAIRMAN. The item in the bill is as follows:

For inland transportation by railroad routes, $44,000,000.

The Clerk will again read the amendment of the gentleman from Pennsylvania [Mr. WANGER].

The amendment was again read, as follows:

After the amendments in line 13, page 18, add:

"*Provided further*, That not exceeding six-sevenths of the amount ascertained pursuant to the weighing of the mail on any route in the year 1905 or in the year 1906 as the annual pay on such route for transporting the mail shall be paid out of the moneys hereby appropriated until such ascertainment shall have been readjusted in accordance with order of Postmaster-General Meyer No. 412, or until it shall have been finally determined by law that the first recited ascertainments are binding upon the Government for the ensuing fiscal year, notwithstanding any error or wrong in the basis of such ascertainments."

The CHAIRMAN. The point of order is made that the amendment is obnoxious to the rules of the House because effecting a change of existing law, and the question is whether the amendment is a limitation upon the appropriation merely or whether it, in fact, changes the law. If it be a limitation upon the appropriation, it is clearly within the power of the House, and the House may appropriate $44,000,000, or it may appropriate $22,000,000, or it may make no appropriation at all, for the carrying of the mail. It might appropriate the full sum provided by law, or it might appropriate a proportionate portion of the sum provided by law. Undoubtedly a decision upon the amendment is along very close lines.

Last year, upon the consideration of the post-office appropriation bill, the gentleman from Kansas [Mr. MURDOCK] offered the following amendment at this same place in the bill:

Provided, That no part of this sum shall be expended in payment for transportation of the mails by railroad routes where the average weight of mails per day has been computed by the use of the divisor less than the whole number of days such mails have been weighed.

The occupant of the chair at that time, the gentleman from New Hampshire [Mr. CURRIER], being one of the most distinguished parliamentarians in the House, sustained the point of order, and in the course of his decision said:

The existing law has received a construction by the officers charged with the duty of administering it, and that construction the Chair feels bound to follow.

And then proceeded with the statement of his reasons that, in effect, the amendment then offered by the gentleman from Kansas would change the law and change the method of computing the amount due the railway companies. Undoubtedly that was the correct decision upon the proposition then before the House. To say that no part of that appropriation should be expended except upon a change of construction of the method of computation was, in effect, a change of law, though purporting to be a mere limitation.

But the present amendment is different. Since the ruling of last year the Department itself, without a change of law, has made a new construction of the existing law, and the present amendment does not propose to change the law in any respect, but is, as the Chair understands it, a mere direction to the disbursing officer of the Government that that officer shall not pay to exceed six-sevenths of the amount which otherwise he would pay until a further adjustment is ascertained either by the Department or, as could be by law, through the Court of Claims. It being within the power of the House to retain the whole of the amount due to the railroad company, it is clearly within the power of the House to retain any portion of the amount pending an adjudication and decision of the question as to the correct construction of the law as now made by the Department. The Chair, therefore, overrules the point of order.

Mr. SULZER. Mr. Chairman, I move to strike out the last word. I shall occupy the attention of the House for only a minute or two, to conclude what I was going to say a few moments ago. I am glad that the Chairman overruled the point of order, and trust this amendment will now be adopted. I think it will have a beneficial effect and go far to check an evil of long standing in weighing the mail. For years the Post-Office Department has been weighing mail matter in the interest of the railroads, and the latter have benefited to the extent of millions and millions of dollars. This discrimination against the Government should be stopped, and stopped now. I am reliably informed that the amount of money the Government pays to the railroads every year for carrying the mails

would duplicate all the mail cars in the country. The charges are excessive and the officials of the Department are responsible for it. In my judgment the Government is paying entirely too much for carrying the mails. The railroads do not pretend to charge shippers what they charge the Government for carrying the mail, and why the Government should be compelled to pay the railroads more is beyond my ken. It would be very much cheaper for the Government to buy the mail cars and pay the railroads for hauling them. I can not understand the excessive railroad charges for mail, never have understood it, and have never heard a satisfactory explanation of it. But let us adopt this amendment and endeavor to remedy the evil to some extent. That is the best we can do now, apparently.

Mr. Chairman, what I am saying now is for the purpose of calling the attention of the officials of the Post-Office Department to the startling facts in the matter, and I hope that hereafter the Post-Office officials will make better terms with the railroads regarding the pay for transporting the mails, and save the taxpayers millions of dollars every year. In my judgment, if the Post-Office officials were anxious to serve the best interests of the taxpayers, they would be able to make contracts with the railroad companies to carry the mails for 50 per cent of what is now being paid. As I said, the railroads are now and have been getting enough for carrying the mails every year to duplicate every mail car all over the United States. The $44,000,000 appropriated here is just about twice what it should be. The difference is a clear subsidy to the railroads. I hope hereafter that the Post-Office officials will make better terms with the railroads; and if they want to do so, I have no doubt they can do it. [Applause.]

Mr. OVERSTREET. Mr. Chairman, I move that all debate on the paragraph and amendments thereto be closed in ten minutes.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The Chair will recognize a gentleman on each side for five minutes.

Mr. OVERSTREET. I would be glad that the gentleman from Minnesota [Mr. STEENERSON], a member of the committee, be recognized for five minutes.

Mr. GAINES of Tennessee. I am on this side.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota, a member of the committee.

[Mr. STEENERSON addressed the committee. See Appendix.]

Mr. GRIGGS. Mr. Chairman, I do not doubt that almost every Member of the House favors the proposition of the gentleman from Pennsylvania [Mr. WANGER]; but I think it is due to another Member of this House, who has had service on the Post-Office Committee for a good many years and who has ably and faithfully represented his people and all the people of the country, that he should receive the credit due him.

Mr. WANGER. Mr. Chairman, I agree most heartily with that. If it had not been for the gentleman from Kansas [Mr. MURDOCK] my attention would not have been directed to this subject probably. [Applause.]

Mr. GRIGGS. I am very glad to hear the gentleman from Pennsylvania [Mr. WANGER] say that, and I am delighted over the death-bed repentance of my friend from Pennsylvania on this question.

On February 20 of last year the gentleman from Kansas [Mr. MURDOCK] offered this amendment to the post-office appropriation bill:

Provided, That no part of this sum shall be expended in payment for transportation of the mails by railroad routes where the average weight of mails per day has been computed by the use of a divisor less than the whole number of days such mails have been weighed.

I favored that amendment then, and I say now that if there was any discoverer of this proposition in the legislative department, the gentleman from Kansas [Mr. MURDOCK] is entitled to be known as the discoverer of the wrong and the real author of this amendment, although I regret that he is not also the finisher of it.

We had a debate on this question on February 26 of last year, when I opposed the motion made by the chairman of the Post-Office Committee to suspend the rules and send the post-office appropriation bill to conference. I said then, just preceding Mr. MURDOCK's remarks, after having named several other propositions which we proposed to carry through the House by motion—

There is another amendment the House ought to have an opportunity to vote on right now, and that is the amendment of the Senate, known as the "Murdock amendment," the proposition offered in the committee, and known throughout the country as the proposition of the gentleman from Kansas [Mr. MURDOCK]. This provides for making the weighing by the Post-Office Department of the mails speak the truth. That is all there is to it. That amendment provides that if you weigh the mails for a certain number of days, you shall use that number of days as a divisor to ascertain the average, and I defy any man to show me any rule in mathematics, in law, or in reason to use six as a divisor in order to obtain the average of seven daily weighings. All we ask upon that question is that these figures be made to speak the truth. You know they say figures do not lie, and they do not if they are made right, but if they are not right, they lie, and, as General Toombs, of Georgia, said once, "like the devil."

Being in charge of the time on this side, I then yielded some time to the gentleman from Kansas [Mr. MURDOCK], who said this:

Mr. Speaker, as the post-office bill came originally to the House committee it had four provisions in it. By a special order two of those provisions were exposed to a point of order and two were saved from possible points of order. One of the provisions was the divisor proposition just mentioned by the gentleman from Georgia [Mr. GRIGGS]. Yesterday the divisor proposition went back into the bill in the Senate, and was in the bill when the Senate passed that bill. Now, as the bill left the House, after final action by the House, the railway mail pay was cut in the region of two and one-half to three millions of dollars. As the bill left the Senate, after final passage through the Senate last night, railway mail pay is cut about $8,000,000. If you vote up the motion now to suspend the rules, I believe that every man here who votes for this motion, made by the chairman of the Committee on the Post-Office and Post-Roads, will vote to cut railway mail pay about $3,000,000. If he votes down that motion and against that motion, he cuts off an opportunity to concur in the Senate amendment and cut railway mail pay about $8,000,000. The issue is plain. I would like to see every Member of the House on record on that issue. The railway mail pay, which is the biggest thing in this bill, and which is one of the biggest single items of expenditure in any government, has been under impeachment for thirty-three years. It has been condemned time after time by Postmasters-General, and its correction has been attempted by four different commissions, each commission ending in a dog fall. Now, this Congress has come up to the point of cutting down the railway mail pay. Are you going to side step the opportunity or are you going to be courageous and cut it what it ought to be cut? That is all I have to say.

That amendment was as good last year as it is to-day. It was as germane last year as it is to-day. I believed then that the ruling of the chairman (I forget who was the chairman then) was wrong. I am certain, and I congratulate the House and the country, that the ruling of the chairman to-day [Mr. MANN] is correct on that question, because it gives this House an opportunity to vote on it, as it ought to have done last year. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WANGER].

The amendment was agreed to.

Mr. KÜSTERMANN. Mr. Chairman, some time ago I sent to the desk an amendment to the amendment offered by the gentleman from Tennessee, which seems to have been overlooked, and I ask if it will be in order now?

The CHAIRMAN. The gentleman from Wisconsin offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Add to the amendment offered by the gentleman from Tennessee the following: "or any patent medicine or compound containing more than 3 per cent alcohol."

Mr. OVERSTREET. Mr. Chairman, is that to some paragraph that has already been passed?

The CHAIRMAN. The amendment is directed to an amendment already adopted offered by the gentleman from Tennessee.

Mr. OVERSTREET. Is the amendment to which this amendment is addressed properly before the committee at this time?

The CHAIRMAN. Does the gentleman from Indiana make a point of order on this amendment?

Mr. OVERSTREET. Yes; but I wanted to find out first to what it is addressed.

The CHAIRMAN. For the information of the House the Clerk may read the amendment to which the amendment of the gentleman from Wisconsin is addressed.

The Clerk read as follows:

Page 18, amend by adding after the end of line 13, the words "provided no part of said sum shall be used to pay for the carrying in the mails of any malt, vinous, or spirituous liquors or intoxicating liquors of any kind, or any cocaine or derivatives thereof, nor any patent medicine or compound containing more than 3 per cent alcohol."

Mr. OVERSTREET. I make the point of order against the amendment.

The CHAIRMAN. The Chair is of the opinion that the amendment offered by the gentleman from Wisconsin to add to the amendment already agreed to by the committee on this same paragraph, the committee not having passed the paragraph, is in order.

Mr. OVERSTREET. Well, I will accept the amendment. [Laughter.]

The CHAIRMAN. This decision is in conformity with the ruling for many years. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

The question was taken, and on a division (demanded by Mr. KÜSTERMANN) there were—ayes 21, noes 30.

So the amendment was rejected.

The Clerk read as follows:

For pay of freight or expressage on postal cards, stamped envelopes, newspaper wrappers, and empty mail bags, $300,000. And the Postmaster-General shall require, when in freightable lots and whenever practicable, the withdrawal from the mails of all postal cards, stamped envelopes, newspaper wrappers, empty mail bags, furniture, equipment, and other supplies for the postal service, except postage stamps, in the respective weighing divisions of the country, immediately preceding the weighing period in said divisions, and thereafter such postal cards, stamped envelopes, newspaper wrappers, empty mail bags, furniture, equipment, and other supplies for the postal service, except postage stamps, shall be transmitted by either freight or express.

Mr. HARRISON. Mr. Chairman, I move to strike out the last word. I observe with great regret that there is no provision in this bill for the extension of the parcels post. I use the word "extension" advisedly, for we have already a sort of lame parcels post in this country; but I believe that the majority of the inhabitants of the United States are not aware of this fact. They have a vague idea that some kinds of merchandise may be sent by mail, but they do not know that we have a sort of halfway parcels post. The Postal Guide published by the Department will not elucidate the question to anybody seeking for information. There is a great air of mystery around the whole subject which can not be dispelled by an investigation of the index in this guide. It is true that the index of the Postal Guide refers to the parcels post as established by the postal convention with foreign countries, but I defy anybody who is not an expert in the matter to locate exactly where in the postal guide may be found the provisions for our domestic parcels post. They may be found under the heading of third and fourth class mail matter, but the index makes no reference thereto, except by inference. As the law is at present constituted, packages up to 4 pounds in weight are carried throughout the United States. The charge for small parcels is 4 cents for a quarter of a pound, 8 cents for a half pound, and 16 cents for a pound; enormously dear as compared to the European systems, but by far the cheapest way to send a package in the United States.

There are several bills before the committees of the House and of the Senate for the extension of our parcels post. It is not my ambition or intention now to offer for the consideration of the House a perfected scheme for parcels post. I wish merely to debate, in the short time I have, the general proposition. I, personally, am willing to vote for any one of the bills, or any amendment to this bill, which will perfect the inefficient system of parcels post which now exists.

It was once said by a great statesman of the last decade that there were six reasons why there ought not to be a parcels post in this country, and those six reasons were the six express companies. [Laughter.]

Now, this may have been true of his day, and to some extent it may be true to-day, but I am inclined to think that so far as the membership of this House is concerned a very much higher motive regulates those who are called upon to pass on this question. There are several grounds of opposition to the extension of the parcels post. In the first place, the claim is made on both sides of the House that such legislation is paternalistic. This statement apparently does not take into account the fact that we have already a parcels post, nor can it be urged with any more success now against the parcels post than similar objections were urged one hundred and twenty years ago in the Continental Congress and in the first sessions of the Congress of the United States against the establishment of the post-office itself.

Another source of objection is uncertainty as to the cost of such an establishment. My friend from Georgia [Mr. HARDWICK] made an excellent speech on this subject a few days ago. He has received communications from the postmasters-general of four or five of the leading European countries, answering his requests for information as to whether their parcels post pays for itself—and the answer leans generally to the affirmative. Whether or not this would be so in our country I will not venture to say. Of one thing I am certain, the establishment of a parcels post on our rural free-delivery routes is bound to pay its own way and to make a profit, besides proving the greatest boon to our farmers.

Still a third class of objections comes from the country stores. I have received many letters on the subject—and I have no doubt all of my colleagues here have had the same experience—purporting to come from representatives of the country stores. These letters display no interest whatever in the public welfare or in the pressing needs of the community, but violently assail the parcels post, as proposed, from their own selfish standpoint. To them I would say that the big department stores will be unable to submerge them through the medium of the parcels post. The best argument in support of this is found in the very countries where the parcels post is now most efficient—in England and France. We have no store in New York more perfectly organized than Harrod's stores in London. The saying is that one can purchase there everything from a feather bed to a white elephant. And this is only one of many similar stores in London and Paris. And yet every little town in Great Britain, in spite of the excellent parcels post, or perhaps because of it, supports as many substantial and prosperous retail shops as like communities in the United States.

Anyone who has had any experience in the foreign countries of Europe will, I think, recognize the value of the parcels post, and will greet with enthusiasm any suggestion to establish a similar system in this country. It is one of the many conveniences of life which may be found in foreign countries and in which we, I am sorry to say, are lacking.

Now, as to the express companies, it is true that they have had a very creditable part in the development of civilization in the United States, but I submit for the consideration of this day and generation that conditions which existed when the express companies were established no longer prevail throughout the United States and can no longer be urged in excuse of the existence of the express companies. The first express company in my State, the State of New York, was established in 1841, to supplement the railroad service in the transmission of packages. At that time one expressman with a carpet bag carried all the express parcels from New York to Buffalo, and I want to show you what he had to do in order to carry them and why an express system was necessary.

At that time the means of conveyance between New York and Buffalo were by rail to Auburn, N. Y., then by stage from Auburn to Geneva, then by rail again from Geneva to Rochester, and then by mail coach or by private conveyance to Buffalo. The voyage took four nights and three days and was made once a week. Under those circumstances it was obviously impossible, since there was no one company performing the duties of transportation throughout all this section of country, for the railroads to do it, and that was the reason, I apprehend, why the express company was started in our State. Another instance, and one still more striking as an excuse for the formation of express companies, was the situation that existed throughout the great West about the end of the fifties. California gold had been discovered, but there was no means of transmitting parcels or the mail across those great desert barren spaces of our country excepting through the kindness of some sturdy pioneer or argonaut who was crossing in a prairie schooner, and so the California pony express was founded, the forefather of the present Wells Fargo Company, from St. Joseph, Mo., the end of the railroad and of the telegraph line——

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GAINES of Tennessee. I ask unanimous consent that the gentleman's time may be extended for five minutes.

Mr. OVERSTREET. I move, Mr. Chairman, that all debate on the pending paragraph and amendments thereto be closed in five minutes.

The CHAIRMAN. The question is on the motion of the gentleman from Indiana, that all debate on the pending paragraph and amendments thereto be closed in five minutes.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The Chair will recognize the gentleman from New York.

Mr. HARRISON. Mr. Chairman, the California Pony Express started from St. Joseph, Mo., at the end of the railway and of the telegraph line, and by successive relays of ponies, running the perils of the Indians and traversing the vast alkali plains of what are now the States of Nevada and Utah, accomplished the distance from St. Joseph to San Francisco in ten days, and charged $5 apiece for letters that were so transmitted. Their business expanded enormously, and they soon became most useful and trustworthy agents in the development of the country. People used to intrust all their most precious possessions to the Wells-Fargo Company, ranging from a bag of gold dust up to a baby.

I have discussed these questions before the committee because I want to be fair to the express companies. I wish to establish a reason for their creation and the necessity for their existence during long years of our development. But as matters exist to-day I can not see any reason for the existence of express companies, nor any excuse for advancing the suggestion that the express companies are so valuable that we do not need a parcels post. On the contrary, I maintain that the parcels post is coming and the express companies must go.

At the present time there is an extraordinary network of railroads which traverse this country in every direction, and the work of the transportation of packages is performed by the railroad companies and not by the express companies. Now,

let us see what the express companies do for you. Suppose that you and I were residents of small towns, perhaps in the same State. I want to send you an express package. I take it myself down to the railroad station. I give it over to the express agent. I pay him and he puts it on the train. The railway company transports it to the other small town, and when it gets there gives the package over to the express agent. The express agent there then notifies you sooner or later that there is an express parcel waiting for you in the station, which you have to send for and get yourself. In other words, the express company does nothing except collect a tax which is exorbitant, unwarranted, and unequaled in any other country in the world. [Applause on the Democratic side.]

In these piping times of "trust busting" I have often wondered why the attention of some of these eminent "trust busters" has not been directed to the express companies.

Mr. GAINES of Tennessee. I am not eminent in the business, but I am doing my best to get the Ways and Means Committee to investigate the matter. I introduced a resolution, I had a hearing, but I have not heard from the committee. It still has the matter out here somewhere.

Mr. HARRISON. I admire the gentleman's temerity and wish him success.

This is the biggest trust in the country. It is the best organized and it is the best worked. It has divided the United States into six or eight provinces or satrapies, and nobody can transmit express parcels except under the regulations of the express companies met in convention, as applied through the machination of the satrap located where the unfortunate individual happens to reside.

Let me give you one instance—and there are, no doubt, hundreds of others—where the wonderful machinery of the express trust was displayed. A friend of mine in New York a few years ago desired to ship some horses across the continent. He applied to three or four railway companies in New York. Each one of them said that there was only one way of doing this, and that was by sending them by the Wells-Fargo Express Company. My friend went to the Southern Pacific Company and said:

I do not want to send these horses by express. I want to send them by freight for one-quarter of the cost.

The railroad company said, "We can not do that. They must be sent by Wells-Fargo Express." My friend produced a letter in which this railway company had agreed several years before to send his horses by freight across the continent, and the Southern Pacific Company capitulated. This is of interest to show how perfect this trust is. If you apply to any railroad company in instances of this sort they will, if possible, refer you to some express company for performing the same service. [Applause.]

But the day of reckoning is at hand. In ever increasing numbers Americans are traveling abroad. We are learning what the convenience of the parcels post means to the people of those communities, and how blessed they are in their freedom from our express trust and its extortionate charges. The time is not far distant, in my opinion, when the people of the United States will demand that our Government shall assume the responsibilities of a perfected parcels post, and thereby add to the comfort and happiness of life here one of the greatest conveniences of modern times.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARRISON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is their objection? [After a pause.] The Chair hears none.

Mr. GAINES of Tennessee. Mr. Chairman, I want to ask unanimous consent to put a few lines in the RECORD from a volume I have here, entitled "The Truth About Trusts," by John Moody, in which reference is made to this "express trust." It will not take much of the RECORD, and there is a great deal of information in it.

The CHAIRMAN. The gentleman from Tennessee [Mr. GAINES] asks permission to have inserted in the RECORD a few lines.

Mr. GAINES of Tennessee. A page and a half of the book.

The CHAIRMAN. On the express question. Is there objection? [After a pause.] The Chair hears none.

The matter referred to is as follows:

THE EXPRESS TRUST.

The following leading express companies, though distinct corporations, are, in effect, a trust, as they operate in harmony and are, for the most part, directly allied through financial interests:

ADAMS EXPRESS COMPANY.

Formed in 1854 as a joint stock association. It operates express routes on more than 50,000 miles of railroad, embracing the Pennsylvania, the New York, New Haven and Hartford, the Chicago, Burlington and Quincy, and other systems. It controls the Southern Express Company, which operates throughout the entire South, and in the spring of 1903 it purchased the Morris European and American Express Company, which does an express business between this country and Europe and to different points in Europe.

Capital stock $12,000,000, on which dividends are paid at the rate of 4 per cent per annum, with extra dividends. In 1903 8 per cent was declared in all. The company also has outstanding $12,000,000 in 4 per cent collateral debentures, due 1948. These debentures were given to stockholders in 1898 to represent a division of the accumulated profits of the company.

AMERICAN EXPRESS COMPANY.

Formed under New York laws in 1839 and 1868 as a joint stock association. Operates in express business on about 45,000 miles of railroad in the United States, including the Boston and Maine, various Vanderbilt lines, Illinois Central, and others. In the spring of 1903 it purchased control of the Westcott Express Company, which does a local business in New York City and vicinity.

Capital, $18,000,000. Dividends, 8 per cent per annum. No bonds.

UNITED STATES EXPRESS COMPANY.

Formed under New York laws as a joint stock association in 1854. Operates an express business upon about 30,000 miles of railroads in the United States, covering the Lehigh Valley, Lackawanna, Rock Island, St. Paul, and Baltimore and Ohio systems. It acquired, in 1887, the Baltimore and Ohio Express Company, and in 1903 the Metropolitan Express Company.

Capital stock, $10,000,000; par, $100. Dividends paid, 4 per cent per annum. No bonds.

WELLS, FARGO & CO.

Formed under Colorado laws February 5, 1866. The company operates an express business on about 45,000 miles of railroad and steamer lines, the main territory being in the West. It also does an important banking business.

Capital stock, $8,000,000. Dividends paid, 8 per cent per annum. No bonds.

MESSAGE FROM THE SENATE.

The committee informally rose, and Mr. CAPRON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed, with amendment, bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 15444. An act extending the time for the construction of a dam across Rainy River.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 903) to amend section 2, chapter 433, Thirtieth Statutes at Large, entitled "An act to confirm title to lots 13 and 14, in square 959, in Washington, D. C.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For railway post-office car service, $4,800,000.

Mr. KÜSTERMANN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, we will never see the end of our post-office deficit unless we come down to business methods. Here, again, nearly $5,000,000 is asked for the renting of mail cars. Last year we paid $5,743,444 for the same purpose. Now, then, it is a fact that we can build and own all mail cars necessary for the service for about four times the annual rental. I have looked over the reports and I find such cases as these:

From Brookfield, Wis., to McGregor, Iowa, a distance of 182 miles: Annual cost of transportation of mail between these two points, $31,434.98; annual rental of one 50-foot car, $7,272.

From Milwaukee, Wis., to Ishpeming, Mich., a distance of 309 miles: Annual cost of transportation of mail between these two points, $68,576.40; annual rental of six cars, $32,866; average rental per car, $5,474.57.

From Granger, Wyo., to Huntington, Oreg., a distance of 541 miles: Annual cost of transportation of mail between these two points, $203,633.29; annual rental of three cars, $35,228.25; average rental per car, $11,742.75.

From Pasco to Tacoma, Wash., a distance of 254 miles: Annual cost of transportation of mail between these two points, $47,278.34; annual rental of one car, $6,337.25.

From Los Angeles, Cal., to Yuma, Ariz., a distance of 249 miles: Annual cost of transportation of mail between these two points, $31,941.42; annual rental of one car, $6,223.59.

Now, running through the entire report, I find the average rental for the 50 or 60 foot cars to be from $6,000 to $7,000 per year, and I have it on the best of authority that only $16,000 to $20,000 would be the cost of building a car and equipping it. If that is true, and I believe it is, we ought to take speedy steps to build our own cars and not continue to pay these high rentals. While I know nothing can be done regarding this matter at the present time, I do hope the post-office authorities and the Post-Office Committee will take up this matter and suggest at the next session of Congress some way to stop this squandering of the people's money.

Mr. MURDOCK. Mr. Chairman, I move to strike out the last word.

Mr. OVERSTREET. Mr. Chairman, I move that debate on this paragraph and the amendment thereto close in two minutes.

Mr. MURDOCK. I will not occupy but two minutes.

The CHAIRMAN. The gentleman from Indiana [Mr. OVERSTREET] moves that debate upon the pending paragraph and the amendment thereto close in two minutes. Is there objection?

There was no objection.

Mr. MURDOCK. Mr. Chairman, this item for the railway postal-car service, this decreased appropriation, is one upon which the Congress of the United States is to be congratulated for having brought about a reduction by recent legislation enacted here. I want to put in the RECORD merely a statement that there has been a change of practice in the Department within the last year, and that we are now paying on 40 feet of space in 70-foot cars, the Department having started a system of paying for part of a car. During the past years, since this system began, in 1873, the Government has paid for cars that were exclusively used for mail. Now there has been a slight change in the system, and I merely want to get it into the CONGRESSIONAL RECORD for future Congressmen to read.

Mr. GAINES of Tennessee. Mr. Chairman——

The CHAIRMAN. Debate upon this paragraph has closed, and the Clerk will read.

The Clerk read as follows:

Railway mail service: For 11 division superintendents, at $3,000 each; 11 assistant division superintendents, at $2,000 each; 5 assistant superintendents, at $2,000 each; 19 assistant superintendents, at $1,800 each; 131 chief clerks, at $1,800 each; 271 clerks, class 6, at not exceeding $1,600 each; 1,274 clerks, class 5, at not exceeding $1,500 each; 530 clerks, class 5, at not exceeding $1,400 each; 2,100 clerks, class 4, at not exceeding $1,300 each; 2,225 clerks, class 4, at not exceeding $1,200 each; 5,800 clerks, class 3, at not exceeding $1,100 each; 2,100 clerks, class 2, at not exceeding $1,000 each; 810 clerks, class 1, at not exceeding $900 each; 800 clerks, class 1, at not exceeding $800 each; in all, $18,588,000: *Provided*, That the Postmaster-General may, in his discretion, under such regulations as he may provide, allow a clerk who is sick leave of absence with pay, his duties to be performed without expense to the Government during the period for which he is granted leave, not exceeding thirty days in any fiscal year.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. I would like to ask some gentleman, a member of the committee, or the gentleman from Kansas, how much money is appropriated in this bill to carry Government bonds, Government securities, and Government moneys through the mails in competition, I may say, in this express octopus?

Mr. OVERSTREET. There is no appropriation in this bill covering that item.

Mr. GAINES of Tennessee. Well, why do we not appropriate some money, and send some of our public moneys, etc., through the mails and create competition with this express octopus? I am asking the question seriously, I assure the gentleman, and this is not the first time I have inquired into this matter.

I want to say this, Mr. Chairman, in the early part of the session I introduced a resolution which was referred to the Committee on Ways and Means, to investigate the question of hauling these Government moneys, bonds, and securities, to find out what rates were paid the express companies—what rates were paid when we hauled them by mail. Well, I have not been able to get any report from the committee. The resolutions have been lodged in that great committee for months.

I was given a hearing a few minutes, with some promises made. As I understand the situation, the same rates are being paid we paid forty years ago, and the American people and the American Government are robbed, as the record shows, by the same "express trust" rates. The contract we have is forty years old. The same contract is continued from year to year at the same old rate! We are hauling about "forty" times more money, about "forty" times more bonds in quantity or value, and a hundredfold, I dare say, more securities than we did forty years ago, and at the same rate; and the American Government as a government, and the American people as a people are being charged the same rates by this New York octopus, for that is where its head is, and its tail is over in the Golden Gate, and its head in Hell's Gate [great laughter], and nobody knows where its intentions are, and it is robbing the American people and "gulping" from the American Treasury. The fact is that we can carry these Government moneys and property from Treasury to subtreasury, and from bivouac to bivouac, as it were, to the Army and Navy, I may say, and from one side of the country to the other through the mails, and pay but a very small insurance, and possibly without it, and save money, but we do not try to do it. Banks are sending their money in part through the mails. They insure it for an infinitesimal expense, and the Treasurer spoke of this.

It goes through safely in my own State and through other States in the United States with and without insurance. Yet, Mr. Chairman, there has been no arrangement under a Democratic or a Republican Administration, I may say, to establish a service by mail to compete with this New York, with this United States octopus, that my distinguished friend [Mr. HARRISON] has just talked about. Now, I say that is another reform——

Mr. KEIFER. Can the gentleman give us any instance where the Government sends out bonds from the Treasury through the mails?

Mr. GAINES of Tennessee. All I know, I will say to my friend, is what I see—the expense of hauling Government "money," etc., in the Government reports.

Mr. KEIFER. Then you do not mean bonds?

Mr. GAINES of Tennessee. I mean to state that substantially.

Mr. KEIFER. Bonds are not sent through the mails.

Mr. GAINES of Tennessee. I think the reports show I am correct, but confine it to money and securities; some of it, a little, an infinitesimal part, is being sent through the mails, and the great balance is sent by the express companies, and the Government of the United States is being held up annually and has to pay deficiencies every year.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. I want another minute.

Mr. OVERSTREET. I move that all debate upon the paragraph be closed in two minutes.

The CHAIRMAN. The gentleman from Indiana moves that all debate upon the paragraph be closed in two minutes.

The question was taken, and the motion was agreed to.

Mr. GAINES of Tennessee. Now, Mr. Chairman, feebly as I may, and in a nonpartisan way, you must see, and hurriedly, I have called your attention to this, a place where the Government of the United States as a government and the American people as a people are being robbed by this express octopus. Now, I say it is the duty of that great Ways and Means Committee to bring that report out. It is also the duty of this great Congress, Mr. Chairman, to legislate on this subject; it is the duty of the great Postmaster-General Meyer or "General" CLAY or "General" MUDD, or anybody else [great laughter], the heads of our great Departments, to bring about a reform that will stop this outrage perpetrated on the Federal Treasury and the American people. [Laughter and applause.]

The CHAIRMAN. The time for debate is exhausted, and the Clerk will read:

The Clerk read as follows:

For actual and necessary expenses of division superintendents, assistant division superintendents, and chief clerks, Railway Mail Service, and railway postal clerks, while actually traveling on business of the Post-Office Department and away from their several designated headquarters, $20,000.

Mr. GOEBEL. Mr. Chairman, I move to strike out, on page 21, in line 8, after the word "Department," all of lines 8, 9, and 10, and insert "$2,020,000."

The CHAIRMAN. The gentleman from Ohio offers an amendment which the Clerk will report:

The Clerk read as follows:

Page 21, after the word "Department," in line 8, strike out the words "and away from their several designated headquarters, $20,000," and insert "$2,020,000."

Mr. GOEBEL. Mr. Chairman, the object of this amendment——

Mr. STAFFORD. I wish to reserve a point of order on that.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order.

Mr. MURDOCK. Mr. Chairman, is it in order for him to reserve a point of order after the debate has begun.

The CHAIRMAN. The Chair thinks there has been no debate on the subject.

Mr. MURDOCK. The gentleman from Ohio had proceeded.

The CHAIRMAN. The Chair thinks the point of order is reserved in time.

Mr. GOEBEL. Mr. Chairman, the purpose of this amendment is to allow to railway mail clerks their actual expenses while in the discharge of their duties.

Under existing law provision is made for the actual expenses of division superintendents, assistant division superintendents, and chief clerks in the Railway Mail Service. The railway postal clerks are also included, but you will find that the amount appropriated heretofore was but $20,000; that amount is again asked in this bill and the result will be that we have simply covered the expenses of all the other employees except the railway mail clerks. There has also been a construction made by the Department on this provision, to wit, "and away from their several designated headquarters," which excludes railway mail clerks; so that while we are carrying, and have for years carried them in the

permanent law, railway mail clerks are excluded; they are also excluded by reason of the failure of Congress to make the necessary appropriation. By my amendment I seek to strike out the words "and away from their several designated headquarters," and I am inserting $2,020,000 to meet the requirements of this act.

You will also observe that the whole subject as to how this amount shall be audited or expended is left with the Department, and the provision applicable now to all the other employees will be applicable to the railway mail clerks. So that in substance it will provide for an appropriation which will authorize the Post-Office Department to regulate and audit their expenses, and permit that Department to pay to these railway mail clerks their actual expenses incurred while in the performance of their duty. It has always seemed to me that it is wholly unfair to permit the expenses to be paid to all the other employees and refuse so far as the railway mail clerks were concerned. I ascertained from the Department that in order to adjust this compensation it will require during the next fiscal year $2,000,000; adding that to the amount which the bill carries—to wit, $20,000—my amendment will enable the Department to act fairly and justly toward these railway mail clerks. I hope, therefore, in the interest of justice and fairness to these men, that my amendment will be adopted.

Mr. MURDOCK. Mr. Chairman, I favor this amendment. Yesterday this Committee of the Whole raised one grade of city letter carriers a million dollars. The city letter carrier is a delightful man. He has a constituency. He appeals to the political imagination of the man in his district. The rural carrier is a delightful man. He appeals to the political imagination of the man in the country; but the clerk in the postal car belongs neither to the city nor to the country, but belongs to both; and I submit to this House that this man in the postal car is one of the most skilled public employees that we have. He has the most hazardous employment of any man in the Government service, not excepting the soldier of the Army or the sailor of the Navy. Do you know what the postal clerk has to do in the way of skill? He has to know the schedules of four or five States, to know every connection between railroads in those States, and know every change of train schedule and connection, in order to be able to throw into the proper compartment any letter addressed to any town in those four States, distributing each to the right railroad, according to the latest schedule of time-table, and he has to do it under examination at a grade of 99 per cent plus, or within 1 per cent of perfection.

In this country the postal clerks at examinations as a class threw cards as near perfection as 99.42 per cent. That is a matter of skill. Everyone knows what their position is in the way of hazard. In 1907, for the fiscal year, there were 757 postal clerks injured and 21 postal clerks in this country killed. When a wreck takes place your postal clerk is up in front next to the engineer, who is paid twice as much as he, and he is among the tangled and shattered rails, splintered ties, and escaping steam when the crash that brings death with it comes.

What about the other traveling employees of the Postal Department? Where is your inspector in the wreck? Back in the Pullman with a per diem of $5 a day in safety and comfort. There is not a single employee of the Postal Department who travels for the Government but who gets travel pay. Your ocean mail carrier not only gets travel pay; he is also a first-cabin passenger. The postal clerks go out over the line next to the engine, in a hazardous place, exercising a large degree of skill, having irregular hours, and they get no travel pay at all. I believe it was the intention of some earlier Congress to give them travel pay, because the language so indicates. But this House has a chance to-day to do these men justice. You have taken care of the carrier both in the country and in the city, and why not take care of the men who travel out at irregular hours in a dangerous occupation and with skill serve this Government at the very center of the postal system? Because you can take away the city carrier and the system will go on; you can remove the rural carrier and you still have the postal system; you can even take away the local post-offices; but if you remove the very center of this system, if you remove this skilled distributing force, your system will fall.

Here is an article from the Wichita Eagle of the issue of March 9 last, apropos of what I have just said:

MADE SOME HIGH RECORDS—POSTAL CLERKS MADE GREAT ANNUAL EXAMINATIONS.

Railway postal clerks of the Wichita division made a record last month in case examinations, which is probably the best of the entire country, and if they are not proud of it they should be.

Seventy-four examinations were passed by clerks in this division and the average per cent of all was 99.42 correct. That is getting mighty near perfect in case examinations.

In the seventy-four examinations 68,167 cards were handled, and of that number but 394 were thrown incorrectly.

This division has been one of the best in examination records for years, but the record of last month is the best yet made by the clerks under Clyde M. Reed, chief clerk of the Wichita division.

There are over 200 regular railway postal clerks in this division, and about twenty substitutes. Most of these clerks are required to throw two examinations each year, but there are some who are examined but once in a year. The substitutes are examined as fast as they can prepare for examinations, the object being to have them learn the distribution of mail as soon as possible.

February, March, October, and November are the months when most of the examinations are taken. The month just passed was unusual for the number of examinations held, as well as the record made for good examinations.

An examination of a railway postal clerk consists in having him distribute cards marked with the names of the towns in the State on which he is being examined, into a miniature sort of post-office case. Each card must be thrown into the right box. It is a severe test and unless the clerk has studied hard and has at the tip of his tongue the county in which every post-office is located and the route or railroad which supplies the post-office with mail, he will not be able to pass the examination. It is required that he must pass an examination making at least a per cent correct of 98.

The examinations of clerks become less frequent with his lengthening term of service. If a clerk has reached the age of 45 years and has been in the service for more than twelve years, he will be called upon for examination but once each year. But a clerk must pass examinations on every State for which he "works" mail. This means that on some runs the clerks are examined on several States and so they are called for examination twice each year.

Mr. HUMPHREYS of Mississippi. What is the pay of these men?

Mr. MURDOCK. It runs from $800 to $1,600; the lowest grade in the service gets $800.

Mr. HUMPHREYS of Mississippi. Are they allowed any traveling expenses?

Mr. MURDOCK. Not at all. But here is a chance to do these men justice, and this House can do it.

Mr. HUMPHREYS of Mississippi. What is proposed by this amendment?

Mr. MURDOCK. The proposition is in the amendment offered by the gentleman from Ohio, to raise the amount in the paragraph at the top of page 21 to $2,020,000, which will permit the Department to give the postal clerks actual expenses—in some cases, on the small lines, it will be a matter of 50 cents a day, and on the great through lines it may be $1.50 a day; but the proposition is to give each postal clerk not a per diem but his actual expenses on a voucher submitted to the Department.

Mr. FITZGERALD. Will it take $2,000,000 to do that?

Mr. MURDOCK. It will.

Mr. MADDEN. Is there any limitation placed on the expense?

Mr. GOEBEL. Let me say to the House that the whole matter will be under the direction and supervision of the Postmaster-General.

Mr. MADDEN. Is there to be no limit on what is to be allowed in the way of expenses?

Mr. GOEBEL. The discretion is in the Department.

Mr. MADDEN. How many men are there in the service?

Mr. MURDOCK. Fourteen thousand men who actually travel; about 7,000 are men on the smaller lines, and their expenses would be small, probably one meal away from home in a day. About 7,000 are on the great through lines, and their expenses might reach $1.50, and in some cases I expect above that.

Mr. MADDEN. How was the amount of $2,000,000 reached?

Mr. GOEBEL. It was reached by the Department figuring an average of 50 cents a day per man.

Mr. MADDEN. For the 14,000 men for every day in the year?

Mr. GOEBEL. Yes.

Mr. McDERMOTT. Will the gentleman yield to me for a question?

Mr. MURDOCK. Yes.

Mr. McDERMOTT. According to these figures there would be 16,087 men.

Mr. MURDOCK. If the gentleman is going to make a computation, I want to say that about 2,000 of these men do not travel.

Mr. McDERMOTT. Do not they all travel?

Mr. MURDOCK. They do not.

Mr. McDERMOTT. If you raise every one of them from one grade, up to the division superintendent, it will amount to $1,608,700.

Mr. MURDOCK. This is not a proposition to raise the salary; this is a proposition to give them their traveling expenses. This House has before it the plain proposition. It knows the service. There is not a man here who has not seen a railway postal clerk working in his car at night. He knows how skilled and how hazardous that occupation is. He can now do justice to that service by voting for this amendment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OVERSTREET. Mr. Chairman, a point of order has been made against the paragraph, and I suggest that we determine the point of order and then proceed with the debate on the amendment.

The CHAIRMAN. The Chair will be glad to hear the gentleman from Ohio [Mr. GOEBEL] and the gentleman from Wisconsin [Mr. STAFFORD] on the point of order.

Mr. GOEBEL. Mr. Chairman, upon the question as to whether a point of order lies, I beg to say this, that all that my amendment proposes to do is to increase the appropriation.

The CHAIRMAN. The Chair does not so understand the gentleman's amendment. The Clerk will again report the amendment.

The Clerk again reported the amendment.

The CHAIRMAN. Will the gentleman from Ohio inform the Chair? As the Chair understands, the item in the bill as it stands authorizes the payment of necessary and actual expenses while traveling away from their several headquarters, and the gentleman offers an amendment which authorizes the payment of expenses while at their designated headquarters.

Mr. GOEBEL. That follows, Mr. Chairman, because of the construction that I have said the Department placed upon this item. I am now trying to avoid that construction.

The CHAIRMAN. The Chair is asking what the law is. Is there any law now providing for the payment of expenses of these officials at any place?

Mr. GOEBEL. Oh, yes.

The CHAIRMAN. Except the appropriation act.

Mr. GOEBEL. Except the appropriation act.

The CHAIRMAN. Is there any other law upon the subject?

Mr. GOEBEL. I think not.

The CHAIRMAN. The Chair would like to suggest the difficulty in the mind of the Chair. As the law is now construed in operation, either through general law or the appropriation act, there is authority granted to pay the traveling expenses of these railway postal clerks only when they are away from their headquarters. Now, the gentleman proposes to change that and authorizes the payment at the designated headquarters of the same officials. That of course would be clearly in itself a change of law unless the gentleman has some authority for it. Not only would it be a change of law, but the gentleman's proposition carries with it an appropriation of $2,000,000 for a purpose nowhere authorized by law so far as the Chair is informed. Has the gentleman any law which would provide for the payment of the traveling or necessary expenses of these officials while at their designated headquarters?

Mr. GOEBEL. No. My amendment proposes to strike out the language "and away from their several designated headquarters," simply to avoid the construction, whether rightly or wrongly, of the Department——

The CHAIRMAN. Well, that is for the purpose of changing the law. The Chair sustains the point of order.

Mr. MURDOCK. Mr. Chairman, I would like to offer an amendment.

Mr. GOEBEL. Mr. Chairman, then I want to amend by striking out simply "$20,000" and inserting "$2,020,000" in its place.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Line 9, page 21, after "headquarters," insert "two million," so as to read:

"Two million and twenty thousand dollars."

Mr. OVERSTREET. Mr. Chairman, I hope that amendment will be disagreed to. Twenty thousand dollars is practically all that could be used for this purpose, and the purpose for which the gentleman from Ohio intends, it is quite clear, would not follow, because he himself admits that the expenses of the clerks could not be paid under the present language of the statute. Therefore there is no occasion to increase the amount of the appropriation.

Mr. GOEBEL. I did not say that. I say under a construction which may be wholly wrong, and which we may afterwards convince the Department is wrong; but unless we make the appropriation it would avail nothing.

Mr. OVERSTREET. It might help some to remind the gentleman of the decision of the Court of Claims which sustains that construction. This item of appropriation is intended to pay expenses of officials named in the paragraph when they are sent off on duties other than those which they perform at their headquarters. It has been endeavored to determine by suit in the Court of Claims that a railway postal clerk would be entitled to his expense when he is in the discharge of his duties and on his route upon the train. But the court held that he was not absent from his headquarters, although he was in the discharge of his duties away from the city of his residence, because his headquarters is the headquarters where his duty is discharged, namely, upon the train. Consequently the increase of the appropriation could not possibly avail in increasing the payment of the expenses, as the gentleman from Ohio [Mr. GOEBEL] evidently intends. And inasmuch as it would not avail anything it would be a foolish appropriation.

Mr. MADDEN. The point, then, is that no travel allowance can be made under that decision except when the person to whom the allowance is made is on special duty?

Mr. OVERSTREET. That is right.

Mr. MADDEN. And does the chairman of the committee wish to convey the information to the House that the amendment is not properly in order because of the fact that the postal clerk is not on special duty, but that his service is in the discharge of his regular duty?

Mr. OVERSTREET. Certainly. There is no more justification, I may say, in allowing the expenses of the postal clerk than there would be in allowing the expenses of the city carrier for his daily lunch or the expense of the rural carrier for his lunch, because they are in the discharge of their duties at the hours when they are away from their homes and, as a rule, they pay that expense themselves.

Mr. MURDOCK. And if the gentleman will allow me, there is an allowance here for street-car fares and the carrier has an allowance for horse hire, has he not?

Mr. OVERSTREET. I think the railway mail clerk rides just as well as the city carrier. He rides on the fast trains. Mr. Chairman, I hope the amendment will be disagreed to.

Mr. GOEBEL. Mr. Chairman, the reason offered by the gentleman from Indiana [Mr. OVERSTREET] seems to me to be technical and does not go to the merit of the proposition. Here we have been carrying a provision for the benefit of the railway mail clerks for I do not know how many years, in the same class with division superintendents and others, allowing to them their expenses. But Congress has failed to make an appropriation for the railway mail clerks. That is all there is about that. But the Department says the act does not apply to railway mail clerks, because Congress did not make enough of an appropriation so as to include them, and by a construction it maintains that clerks are not, while on duty, "away from their headquarters." The fault lies in not making the appropriation. If the objection that has been urged against part of my amendment, that it is a violation of existing law, I am willing to let the latter provision of the act remain. Let us make, then, the appropriation, and leave it to the Department to determine hereafter as to whether or not the appropriation can be made available.

Now, then, Mr. Chairman, my friend asks what is the use of making this appropriation, and says that it is idle. I ask, What harm can there be if you make this appropriation?

Mr. HUGHES of New Jersey. Will the gentleman yield to a question right there?

Mr. GOEBEL. Yes.

Mr. HUGHES of New Jersey. I understand the gentleman is a member of the Committee on the Post-Office and Post-Roads?

Mr. GOEBEL. Yes, sir.

Mr. HUGHES of New Jersey. Can the gentleman give the committee any information as to whether or not this money will probably be used for that purpose if appropriated by the committee?

Mr. GOEBEL. The act now provides for the actual and necessary expenses of railway postal clerks.

Mr. OVERSTREET. When away from their headquarters.

Mr. GOEBEL. So that this amount of money, if the appropriation is made, will be used for that purpose. However, there is included in the original act other employees. Now, is it idle to make the appropriation? What harm can there be in making it? If by law or any construction of the Post-Office Department they can not get it, the amount simply reverts back into the Treasury. But let us be fair. Why have you for years and years carried this provision in the appropriation bills and failed to make the appropriation? You are paying the expenses of the other employees mentioned in this item, why make this distinction as to these clerks? All I am asking is not to change the law, but to make the appropriation in order that the Department might determine whether railway mail clerks come within the provisions of the present law, and that there may be no further excuse on the part of the Department to withhold the expenses for lack of an appropriation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Chairman, I do not question the efficiency and worth of the railway mail clerks, or that this branch of the service is very well conducted and most efficiently directed, but I do wish to take issue with the statement made

here in this debate that there are no other men in the postal service that require the same high efficiency that is required in the railway mail service, for many of the high-grade distributing clerks in our large post-offices must have the same expert knowledge.

The claim has been made here that we make no allowance to these railway mail clerks for their expenses while traveling in the performance of their duties. I wish to say to the committee that since I have been a member of the Post-Office Committee I have always understood that one of the reasons for the difference in the rate of pay to railway mail clerks, as distinguished from that given to post-office clerks, in which latter the maximum is $1,200, and in the railway mail clerks, where the maximum is $1,600, that Congress, following the suggestion of the committee, thought it was better and more economical administration to include in the salaries a lump-sum allowance for expenses, rather than portioning it out in piecemeal by a separate allowance, which would be subject to all kinds of abuse.

That is one of the reasons that accounts for the difference between the salaries of the railway mail clerks and the salaries of the post-office clerks. This year, for the first time in several years, I wish to call to the attention of the House, we have made provision so that every railway mail clerk will be able to get his promotion according to the scale in force in the Department, it having been called to the attention of the Department officials at the hearings that their estimate was inadequate to meet that scale of pay, and we have added $164,000 and made provision for the increased number in the respective grades, thereby giving to 1,600 clerks a promotion, in some instances of $100 and in a few instances of $200, so that every railway mail clerk can have no complaint against the action of the committee in not making adequate appropriations to permit of the prescribed promotions according to the scale adopted by the Department.

The committee last year recommended, and the House adopted the recommendation, increasing every railway mail clerk's salary $100.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. STAFFORD. We raised the salary of every railway mail clerk $100, thereby raising by that amount the highest compensation paid to the clerks in the respective classes. For my part I voted for and supported that amendment because I recognized that the expenses of the railway mail clerk were increasing and believed that the committee was justified in raising them so as to provide for their increasing expenses, but not in this crude form, as suggested by the amendment of the gentleman from Ohio, appropriating $2,000,000 without any restrictions whatsoever, and not to be expended under the direction of the Postmaster-General according to a system that he might devise, because there is nothing carried in the bill here that limits the expenditure—but just the amount of $2,000,000 is added without any limitation whatever. For my part, I believe if these salaries are inadequate it would be better to make a lump increase in salaries according to the character of service which requires an absence from home than by an allowance which is subject to all manner of abuse, as is exemplified in the per diem allowance to field inspectors, which can not be corrected or restricted to prevent the abuse.

This year, believing that the diminishing receipts from the postal service because of the depression in business in the last five months did not justify increasing salaries over what was required in the present law, the committee deferred making any provision for other increases. The Department confirms us in that decision by showing the diminished receipts from the different post-offices.

Think of it for one minute, gentlemen, that in the city of New York, which has total receipts of $20,000,000, during the period of October their receipts fell off $150,000 over those of the corresponding month of last year; during the month of November the business ran down so that the receipts were little less than the preceding year. In December, as the postmaster says, the receipts would have been decreased if it had not been that one large firm deposited, out of course, 70,000 postal cards in the post-office for distribution throughout the country. In January the receipts showed a reduction of 5 per cent; in February, a reduction of 3 per cent; and this condition has prevailed not only in New York, but in Philadelphia, in Chicago, and in every large city where the postal receipts are large and where we derive the large part of the revenues to maintain the postal service.

We provided last year an appropriation for a twelve-million-dollar increase during the present fiscal year alone in the salaries of city and rural letter carriers, post-office and railway mail clerks. In this bill we provide $2,050,000 increases of salaries for promotions of clerks in the post-offices of the first and second class under the classification act.

We provide $1,300,000 more for increases of salaries to the letter-carrier force and several hundred thousand dollars for increase in the salaries of the railway mail clerks, and we go before the country and say that we have done adequately and sufficiently for the carriers and the post-office and railway mail clerks under existing conditions of greatly diminished postal receipts and with the expectation of a deficit in the revenues for this fiscal year approaching $12,000,000 to $15,000,000, and which during the ensuing fiscal year might aggregate $20,000,000 or more. We did not feel warranted, under the peculiar conditions existing, to bring into the House a bill which meant an expenditure of greater sums to increase the already alarmingly large deficit, but believed these other questions of increase could be properly deferred to more auspicious times. I take the position that the proposition involving $2,000,000 of expense under these conditions ought not to be adopted, and say to you, gentlemen, upon whom the responsibility for the action of this House rests, in behalf of this postal service, to take heed lest these expenditures will far overreach the postal receipts. [Loud applause.]

Mr. HUGHES of New Jersey. Mr. Chairman, I am very much interested in the remarks of the gentleman from Wisconsin [Mr. STAFFORD], a member of the postal committee, as I suppose the other members of the Committee of the Whole are, and I would suggest to him that if curtailment is necessary it would be a good idea now, and it would have been a good idea a long time ago, to have commenced with the railroads. It seems to be admitted that for a long time it has been possible for the railroads to obtain compensation on the theory that six times seven are forty-nine. Now, we have just cured that mathematical error here this afternoon, and we are about to vote on a proposition involving a question of doing justice to a class of men who have long had injustice done them by this body and by this Government. In our travels we have all met with the railway mail clerks; and I want to call the attention of the committee to an incident which came to my attention in traveling through my own district. The end of the New York and Greenwood Lake Railroad is at a summer resort known as "Greenwood Lake." The railway mail clerk who had that run ran from Jersey City to Greenwood Lake; had a run which ends there at night. He was compelled to stop there overnight, there being no train out. He was compelled to keep a residence in Jersey City, residing there with his mother. At the end of his run he has had to go to the hotel, pay for his supper, pay for his lodging, and pay for his breakfast the next morning. That man has been supposed to do that on a salary of $800 a year.

Mr. STAFFORD. Will the gentleman yield?

Mr. HUGHES of New Jersey. Yes, sir.

Mr. STAFFORD. I understood the gentleman to say that the salary of a railway mail clerk was $800 a year.

Mr. HUGHES of New Jersey. At the time I was speaking of.

Mr. STAFFORD. There is no railway mail clerk who has been accepted into the service who receives the minimum salary of $800 a year.

Mr. HUGHES of New Jersey. How long has that been so?

Mr. STAFFORD. That has been so for a long time, except as to men during their probationary period, while serving as substitutes.

Mr. HUGHES of New Jersey. This man was very probably a probationary mail clerk.

Mr. STAFFORD. After being admitted into the service a man is paid at the rate of $900 for the first three months, and after that at the rate of a thousand dollars a year.

Mr. HUGHES of New Jersey. The gentleman has said nothing inconsistent with what I state.

Mr. STAFFORD. I think the gentleman gave the impression that railway mail clerks receive as low a salary as $800 a year. Their average compensation is $1,200.

Mr. HUGHES of New Jersey. I said this man was getting $800, and I still say so. It is evident that an injustice was being done in that case. Now, it has been said that Congress, as a general proposition, is generous to people in high places. It has been said a dozen times here this afternoon that Congress has been extremely generous to the railroads. What the gentleman from Kansas [Mr. MURDOCK] has said is admitted on all hands—that these men occupy a hazardous position; that they do grand work; that they are a splendid body of men. They have no time to come here, either themselves or through their representatives, to lobby propositions through this House or

through this committee, but the inherent justice of their claim is an appeal to every Member of this House. I submit that it is no more than right and no more than fair that these men should be equalized. One man may have a route or a run that sends him out in the morning and home again at night. He receives fully as much salary as another man who may be sent out 50 or 60 miles and be compelled to stay overnight. It is no more than fair that the expenses of the second man should be paid, and he be placed in a position of equality with the other.

Mr. FINLEY. Mr. Chairman, I do not think anyone who is acquainted with legislation in the interest of railway mail clerks will doubt in the least my friendship and interest in this large and most deserving class of public servants. My record in Congress and in the Post-Office Committee of the House prove conclusively my concern for the railway mail clerks; but, Mr. Chairman, an amendment is proposed here that can do no possible good to the railway mail clerks. It is proposed to increase the item here of $20,000 to $2,020,000. I say to the Members of this House that not one cent of this $2,000,000, even if it is voted, can possibly, under existing law, be paid to the railway mail clerks for expenses on the ordinary run and travel—not one cent. Now, I want to ask, what is the necessity for increasing a $20,000 item to $2,020,000 when it can do no possible good? It will not amount to one single cent of benefit to any railway mail clerk in the United States—not a cent.

Mr. GOEBEL. Does not the gentleman know that railway mail clerks are carried in this item, and that the reason there was no compensation paid them was because there was an insufficient appropriation?

Mr. FINLEY. If the gentleman will excuse me, I will say that the gentleman from Ohio is aware of the fact that under existing law, as construed by the Department and passed upon by the courts, the railway mail clerks are not entitled, under the law, to travel expense allowance when on their runs.

Mr. GOEBEL. Where is the decision of the court that has construed this item?

Mr. FINLEY. My understanding is that one of the mail clerks brought a suit in the Court of Claims.

Mr. GOEBEL. Where was it; in what case?

Mr. FINLEY. I invite the gentleman's attention to the decisions of that court.

Mr. GOEBEL. The gentleman has made the statement, now he ought to cite us the case.

Mr. OVERSTREET. I make the statement and I stand by it.

Mr. MURDOCK. If the gentleman will permit me.

Mr. FINLEY. I will yield to the gentleman from Kansas.

Mr. MURDOCK. The gentleman says that the additional $2,000,000 could not do anyone any possible good. Can it do anyone any possible harm?

Mr. FINLEY. I will say that I am in favor of doing what is right, and for the benefit of the railway mail clerk. Let us change the law. Let us increase the salary, as was done last year, and done on my initiative. That is what I am in favor of. It is idle to increase this appropriation. No; it will not do any harm, but it will be a $2,000,000 unexpended appropriation at the end of the fiscal year. Why not amend the law and increase the salary of the railway mail clerks? Go about it in a straightforward and open way.

Mr. MURDOCK. I will be in favor of that, but here is an item here, and we can place in the hands of the Department $2,000,000. I want to say to the gentleman that this is only one-half of the legislative body—the Senate has to pass upon this before it becomes final legislation.

Mr. FINLEY. This will not place any money in the hands of the Department which can be used for the benefit of the railway mail clerks. I do not think the gentleman intended to make the broad statement, because he is mistaken. There is no doubt about the law, so that the proposed increase here is utterly idle.

Mr. OVERSTREET. Mr. Chairman, I move that all debate on the paragraph and the amendment thereto close in three minutes.

The CHAIRMAN. The gentleman from Indiana moves that all debate on the pending paragraph and amendment thereto be closed in three minutes.

The motion was agreed to.

Mr. OVERSTREET. Mr. Chairman, a proper construction of this amendment is to be found in the language, "away from the several designated headquarters." It has been held that all of the officials named in this paragraph may have their expenses paid when they are away from designated headquarters. Now, in the case of railway postal clerks, it is held that where they are away from designated headquarters means like where they were in attendance on trials in court. It has never been construed to mean when engaged in the regular routine work of the employees.

Mr. GOEBEL. Assuming that the gentleman is right, then was not there a failure to pay by reason of want of appropriation?

Mr. OVERSTREET. Not at all. The appropriation was to cover the expenses of the amount designated in this appropriation when they were away from their designated headquarters. The fact that there has never been a deficiency in this item since its origin, that there has always been, however small, some unexpended balance remaining, is evidence that they have not waited for a greater appropriation to meet expenses of the railway mail clerks while in the discharge of ordinary duties.

These clerks have to have a great deal of ability. I concede that. I am not underestimating their standing or their skill, but they are better paid in proportion to the character of their duties than any other one branch of the postal employees. We insure their lives to the extent of $1,000. We pay their regular salary when they are injured for a period of one year, and then in this item only the expenses when away from their designated headquarters are allowed. The addition of $2,000,000 would be of no more force than if you made it $40,000,000, because none of it could be used except for the same character of expense for which it thus far has been used, in the disbursement of that item of appropriation.

Mr. GOEBEL. That is the gentleman's construction.

Mr. OVERSTREET. Well, I have a little law to depend upon in addition to the Department's construction. Mr. Chairman, I ask for a vote upon the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken, and on a division (demanded by Mr. GOEBEL) there were—ayes 13, noes 63.

So the amendment was rejected.

The Clerk read as follows:

For inland transportation of mail by electric and cable cars, $725,000: *Provided*, That the rate of compensation to be paid per mile shall not exceed the rate now paid to companies performing such service, except that the Postmaster-General, in cases where the quantity of mail is large and the number of exchange points numerous, may, in his discretion, authorize payment for closed-pouch service at a rate per mile not to exceed one-third above the rate per mile now paid for closed-pouch service; and for mail cars and apartments carrying the mails, not to exceed the rate of 1 cent per linear foot per car mile of travel: *Provided, further*, That the rates for electric-car service on routes over 20 miles in length outside of cities shall not exceed the rates paid for service on steam railroads: *Provided, however*, That not to exceed $30,000 of the amount hereby appropriated may be expended, in the discretion of the Postmaster-General, where unusual conditions exist or where such service will be more expeditious and efficient and at no greater cost than otherwise.

Mr. WANGER. Mr. Chairman, I reserve a point of order as against the last proviso. What are the particular conditions under which the Postmaster-General is expected to expend not exceeding $30,000 of this appropriation?

Mr. OVERSTREET. Mr. Chairman, it was brought to the attention of this committee that there were a number of instances where, by reason of the general character of the service, the service could be performed really more cheaply by electric and cable car, although at a higher rate than the law allowed. For example, there was one case in New Jersey where there was an electric-car service going across country, and the company controlling it absolutely refused to carry the mail under the limitations of the law per linear foot, as provided by law. Therefore the mail is obliged to be carried partly by star route and partly by steam road, taking a much longer time than if the mail was carried across country on the electric car, and yet a contract can be entered into whereby the mail can be carried by the electric car even at a higher rate than the law prescribes, but really much more cheaply than by the other combined methods, and certainly to much greater benefit of the service.

Another instance was one brought to our attention from a point in Missouri. In that case there was an electric car line between two communities, I think but a few miles separated, and yet that car line refused to contract at the regular rates prescribed by statute, and the only way for the mail transportation between the two points was by star service. The contract for the star service was much higher than the electric road was quite willing to carry the mails for and at a much better advantage to the Government, although it would have been at a slightly increased price over the provisions of the current law.

Mr. RUCKER. Mr. Chairman, I want to ask the chairman of the committee a question. The case he speaks of, of Carrollton, Mo., I am quite familiar with. In that case is it not true that under existing law the highest rate that could be paid to the electric-car line was about $300, while as a matter of fact the Government has been forced to pay $750, because the electric car can not carry it at the price that could be paid.

Mr. OVERSTREET. The committee thought by the limited amount authorized, $30,000, where it could be used as the language of the provision states at less expense than the other service, even though at a little higher rate than the law authorizes, for the cable car and electric service, it was wise legislation.

Mr. WANGER. Mr. Chairman, I submitted the inquiry to the Second Assistant Postmaster-General as to the object of this proviso, and he gave an entirely different explanation from that given by my friend, the chairman of the committee. As I understand the position, it is this: This proposition is to pay every electric railway company that refuses to accept the rates provided by law such additional pay as it is willing to accept, providing it is less than the cost of the star service. Now, it seems to me that payment for electric-car service should be based upon some general legal provision, and not merely upon the desire of an electric railway company to get the service at a rate of pay to be fixed by itself. Nearly every new company is very anxious to get the contract, and the service is installed. The star contractor is put out of business. There is practically no longer any competition from star service, and then the electric railway company comes in with a new proposition above the rates allowed by law and is willing to continue carrying the mails if its judgment of the value of the service, viz, all it will stand, is accepted by the Post-Office Department and the compensation rated accordingly.

Mr. OVERSTREET. I understood the gentleman to say that he interrogated the Second Assistant Postmaster-General, and that he gave the gentleman from Pennsylvania an entirely different reason from what I have stated. I will say that the subcommittee in the preparation of the bill had before it Mr. Stewart, of the Second Assistant's office, and these are the reasons given by Mr. Stewart. Will the gentleman explain what the Second Assistant Postmaster-General said to him?

Mr. WANGER. Yes; with pleasure. The Second Assistant said the reason this appropriation was desired was that in some few instances the cost of delivery to post-offices within the 80-rod limit amounted almost to the total of compensation and deprived the electric railway company of reasonable compensation for carrying the mails.

Now, until we find in some way what the purpose of this appropriation is and the method of its expenditure, I feel it my duty to make the point of order, and I believe my friend will concede it is subject to it. I will withhold the point of order, however, for the present. If a proposition can be submitted to provide for the application of this money so that we understand what basis it is to be upon, and can approve of that basis, why, of course, I have no objection to its being made.

Mr. GARDNER of New Jersey. Mr. Chairman, I will submit a case. The city of Millville and the city of Bridgeton, in my district, lie less than 12 miles apart. The distance from Bridgeton down to Port Morris, passing on the way a third-class post-office of advanced grade, is 12 miles. The trolley carried the mails until a couple of years ago, more or less, when they refused to longer carry them for the rates of pay allowed steam railroads. The mail was taken off very readily, some gentleman believing, like our friend, perhaps, that it was only a strike of the company to get higher pay, and that they would take the mail back again. Two years, more or less, have gone by and they are still refusing to carry that mail. Now, the result is that the mails from Bridgeton to Millville, less than 12 miles distant, go from Bridgeton to Glassboro by rail and from Glassboro back to Millville by rail.

The mail to get from Bridgeton to Dividing Creek and Port Morris, covering a 24-mile route, goes by star route, and gets down to-day and may be answered to-morrow, whereas the trolley would deliver it very frequently. The result is that the people of important communities, not counting the small offices en route, are reduced to a daily mail, and this after once having been accustomed to frequent mail carried by trolley. So the mail facilities of a large section of the county—many thousands of people—have been greatly reduced. Port Morris, the oyster port, where more than 700 vessels harbor and trade, and the crews of those more than 700 vessels receive their mail there in season. It comes by star route or must be carried over Morris River. They had been accustomed to a splendid service by trolley.

Now, what about the cost? I interrogated the Department, like our friend, and they assure me that the cost of the present service, by star route, is very much greater than the price asked by the trolley company to resume carrying it.

And they did not take into that computation the cost of carrying the mail between Millville and Bridgeton, a roundabout way of 80 miles, more or less, of steam road. Putting the two together, the cost is doubtless trebled for the privilege of reducing the mail facilities of these important communities from a frequent to a daily service. That is a situation that this provision was specifically designed to meet.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WANGER. Mr. Chairman, I ask that the gentleman from New Jersey [Mr. GARDNER] have five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GARDNER of New Jersey. I want to call specific attention to the fact that the information which the gentleman got at the Department must have been misinformation, or else the cases are so few that there ought to be no hesitation in meeting them, because the entire appropriation to meet these exigencies provided in this bill is the sum of $30,000. It reads:

Provided, however, That not to exceed $30,000 of the amount hereby appropriated may be expended, in the discretion of the Postmaster-General, where unusual conditions exist or where such service will be more expeditious and efficient and at no greater cost than otherwise.

Why anyone should desire to interpose a point of order against a provision that could not exceed $30,000 of expenditure and requires that the conditions must be unusual, that the service shall be more expeditious and more efficient, and at no greater cost I do not understand. If that is not good legislation, I would like my friend to point out what would be.

Mr. WANGER. Mr. Chairman, the case cited by my friend from New Jersey [Mr. GARDNER], I think, enforces my proposition that we should stand by the principle that the rate of compensation to electric railways for carrying the mail should be fixed by law upon equitable principles; and I think this Congress should go further and declare all steam and electric railways in the country post-roads, and force the carriage of mails whether the companies desire the service or not, and where they insist that the compensation is confiscatory, permit them to go into court to have it judicially determined what is a fair rate of compensation. In that way Congress will have light upon the subject. Take the case cited by the gentleman from New Jersey [Mr. GARDNER], which strongly appeals to me because of my fondness for oysters, and from the fact that the oyster supply is involved in the service in this case, suppose this company is granted this additional compensation, why is it done? Not because there is unusual expense to deliver mails to post-offices, but simply because the company is unwilling to accept the compensation which other companies receive and which the law specifies as the minimum. What else will this $30,000 do but pleasantly gratify the appetite of a very few companies and whet the appetites of many other electric railways now doing the service, so that the latter will refuse to accept the compensation which is now given and demand higher compensation therefor. Therefore I make the point of order against this proviso.

The CHAIRMAN (Mr. OLMSTED.) Will the gentleman state his point or order?

Mr. GAINES of Tennessee. If the gentleman will withhold his point of order for a moment, I will state that my recollection is, Mr. Chairman, and I call it to the distinguished gentleman's attention, that there is no law on the statute books which gives the Postmaster-General power to compel a railroad to haul the mail.

Mr. WANGER. I want a law put on the statute books.

Mr. GAINES of Tennessee. Postmaster-General Wilson, Postmaster-General Bissell, or Postmaster-General Wanamaker, one or other of these very great officers, called on Congress to give him the power to compel the railroads to take the mails, and yet we have never done it. The truth of the matter is that when the time comes to act the railroads are found to have been "running the country" in this matter. One or the other of these great officers said that he had no power to make the railroads haul the mail. In that connection, when this officer was appealed to to act, he said it was for Congress to give him power to compel. I say this is a calamitous condition, a horrible condition, Mr. Chairman, that this great officer here, Postmaster-General Meyer, I think a very competent officer, and his predecessors have not had the power to make the railroads haul the mail, and then let Congress and the courts settle the question as to whether or not the rate agreed on is a just and reasonable compensation. Let this power be given, but let us also pay a just rate; then no one is hurt.

Mr. WANGER. I agree with the gentleman that authority ought to be conferred.

Mr. RUCKER. I ask the gentleman to withhold his point of order for a moment. I want to say that when the time comes and the gentleman has perfected and secured the enactment into law of the ideal conditions he has just described, there would then probably be no need of legislation such as sought by this proviso. But let me say to the gentleman from Pennsylvania

the United States is spending millions—over a hundred million dollars annually—to give the people of the country proper mail facilities. In the community in which I live is a large town—one of the largest cities in my district—situated practically upon three railroads, the depots being separated by something like from half to three-quarters of a mile. At present the citizens of this town have to depend upon wagon service and star-route service to get the mails from the depots to the post-office. I say to the gentleman that much better and more efficient service can be had if the electric-car line there is permitted to compete for carrying the mail. Under existing law the total amount which the electric road can be paid for carrying the mail from the three stations to the city post-office, as I recollect it, is about $250 or $300, and yet every year the Government has been and is paying individuals about $750 for much poorer service, much less efficient service. All that I am asking, and I think all that is contemplated in this proviso, is that the people of Carrollton, Mo., and of other cities similarly situated, shall have the best service at the lowest price. I say to the gentleman that the electric railway at the city of Carrollton in Missouri would, in my opinion, gladly accept the contract for carrying the mail at $500 a year, and no mortal man can perform the service and earn living wages at a price less than $750. He can not do it, because he has to cross a creek and some lowlands, and sometimes encounters snowdrifts, storms, and high water, while the electric railway, operated on a good track, runs quickly and regularly to the stations and meets all trains carrying mail. I sincerely hope, in view of the fact that this proviso only authorizes a small appropriation—and let me say, by way of parentheses, there are only three or four places in the United States to which this particular provision would apply, one in New Jersey and one in my district——

Mr. WANGER. Two in my district.

Mr. RUCKER. Well, if it should apply to two cities in the gentleman's district, it would give the people better mail service and at a lower cost than is now secured. I therefore invoke and urge the gentleman, if he will, to withdraw the point of order.

Mr. WANGER. I make the point of order.

The CHAIRMAN. The gentleman from Pennsylvania will please state his point of order.

Mr. WANGER. The point of order is to the proviso beginning on line 11, page 22, which is new legislation and changes existing law. The rates of compensation by existing law are fixed. The only purpose of this proviso, as stated by the chairman of the committee, is to authorize the Postmaster-General to pay an additional sum in excess of what is provided by law, and therefore to that extent it changes the law.

Mr. GARDNER of New Jersey. I would like to make a suggestion on the point of order. The rate of pay is fixed, as the gentleman suggests, for the carrying of mail by railroads. This bill does not mean to provide for all railroad service in the ordinary sense of the term, or within the meaning of the law, that has fixed the rate for compensation to railroads for carrying the mail.

The CHAIRMAN. The Chair will ask the gentleman whether there is any law authorizing the service for which this $30,000 is provided.

Mr. GARDNER of New Jersey. I will put the question to the Chair in this form, in order to convey my meaning: Is there a law preventing it? There is a law authorizing the Department to contract for special-messenger service, or for star-route service, between Millville and Bridgeton. The law does authorize them to contract for special-messenger service, which would be expensive, or other service between Bridgeton and the post-offices named. The question is: Does that exclude a contract with a trolley company to become such messenger? I hold that it does not. But the trolley company will not become such special messenger at the rate of pay that is authorized to the railroads, and the Second Assistant Postmaster-General is in doubt about it.

Mr. WANGER. I should like to ask the gentleman whether the law does not limit the amount of payment to be made for transportation upon electric railways, specifically declaring that no more than so much shall be paid?

Mr. GARDNER of New Jersey. Within limited distances. What are they?

Mr. STAFFORD. If the Chair will indulge me, I wish to take the position that the point of order made by the gentleman from Pennsylvania can not be sustained, for the reason that in the other provisos in this paragraph there is distinct and substantive legislation other than that contained in existing law. The rates of pay, as stated in these various paragraphs, are the rates carried by the appropriation law and not by the statute, as found in Postal Laws and Regulations, in which there is a compilation of the statutes, on pages 548 to 550. As there are in this paragraph items that change existing law, under the rulings of the House it must be held that any item that is germane, even though it changes existing law, will be in order.

To make the statement more definite, under existing law, as provided by permanent law, the rate of compensation for carriage on electric-car lines is three-fourths of a cent per linear foot, while in this bill, and in former appropriation bills, the rate is and has been 1 cent per linear foot. That is distinct legislation. Therefore, the point of order being raised only to the last proviso and not to the preceding proviso, and it being germane, naturally the point of order must fail.

The CHAIRMAN. The Chair will ask the gentleman from Wisconsin if he concedes that standing by itself this would be out of order.

Mr. STAFFORD. I think standing by itself it would be clearly out of order; but there being these other provisions in the paragraph which change existing law, the remainder of the paragraph would also be out of order, but no point of order has been made against the other portions of the paragraph.

The CHAIRMAN. This does not seem to the Chair to stand on the same basis as an amendment, which, though it might by itself be out of order, yet might be offered to a paragraph in the bill which would have been subject to a point of order if the amendment were germane to such paragraph. This paragraph contains other parts which are pointed out as being subject to a point of order, but against which no point of order has been made. Now, the point of order being made against this proviso in the paragraph, the mere fact that a point of order is not made against the remainder of the paragraph does not, in the opinion of the Chair, make this paragraph in order.

Mr. STAFFORD. I understood the rule to be that it makes no difference whether an amendment is presented by the committee in the printed bill or whether it is offered on the floor of the House, provided the preceding paragraph was subject to a point of order and no point of order was made upon it; that in that case the proviso necessarily would be free from the point of order if it were presented.

The CHAIRMAN. It seems to the Chair that this proviso at any rate introduces a new change of existing law, a new substantive proposition, even if it were offered as an amendment; but being in the bill originally, and the point of order being made against it, the Chair feels that the point of order must be sustained.

Mr. RUCKER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RUCKER. I understand the Chair sustains the point of order.

The CHAIRMAN. Yes.

Mr. RUCKER. Now, Mr. Chairman, I move, in line 11, page 22, to amend by adding, after the word "railroads," the words:

And that not to exceed $30,000 of the amount hereby appropriated may be expended, in the discretion of the Postmaster-General, where unusual conditions exist or where such service will be more expeditious and efficient and at no greater cost than otherwise.

Mr. WANGER. I make a point of order against that.

Mr. RUCKER. This is an amendment proposed to a section which of itself was subject to a point of order, and as I caught the ruling of the Chair, that makes this amendment immune.

The CHAIRMAN. The Chair is of opinion that the proviso at the end of which this amendment is offered would itself have been subject to a point of order had the point been made. It has been allowed to remain by unanimous consent, and it might be perfected by any germane amendment, but this amendment is not upon the same subject and is not intended to perfect the preceding paragraph.

Mr. GARDNER of New Jersey. One moment, Mr. Chairman. The new legislation found in this paragraph is only the legislation that relates to the linear foot for service of electric cars:

That the rate for electric-car service on routes over 20 miles in length outside of cities shall not exceed the rate paid for service on steam railroads.

And the proviso is limited to a provision—a limitation or exception—that where unusual conditions exist, where the service will be more expeditious and efficient at no greater cost, $30,000 may be expended outside of the provisions of the preceding proviso just read. It is so germane, Mr. Chairman, that they would naturally be drawn in just that order, and, in fact, that needs no argument, for we have the illustration that they were drawn in that order and are correlated.

The CHAIRMAN. The Chair is of opinion that this amendment contains a new substantive proposition, offers new legis-

lation, and is within the rulings heretofore frequently made as changing existing law. The Chair sustains the point of order.

Mr. OVERSTREET. Mr. Chairman, I move to amend by inserting, after the word "railroad," in line 11, the following as a new paragraph:

The Clerk read as follows:

After line 11, page 22, add the following:
"To cover cost of service in inland transportation of mail by electric and cable cars, in the discretion of the Postmaster-General, where unusual conditions exist or where such service will be more expeditious and efficient and at no greater cost than otherwise, $30,000.

Mr. WANGER. I make a point of order against that.

The CHAIRMAN. Does the gentleman from Pennsylvania make the point of order or reserve it?

Mr. OVERSTREET. Mr. Chairman, the gentleman from Pennsylvania suggests that, in line 9, page 22, we strike out the word "twenty" and insert the word "twenty-five," and then let the remaining language stand as printed in the bill. I am quite willing to accept that arrangement.

Mr. WANGER. It will be agreeable to me if the House will accept it.

Mr. OVERSTREET. The proposition is this, Mr. Chairman: The gentleman from Pennsylvania will withdraw the point of order against the proviso from line 11 to line 16 as printed in the bill and agree to an amendment in line 9 by striking out the word "twenty" and making it "twenty-five."

Mr. WANGER. I will move to amend by striking out in line 9 the word "twenty" and inserting the word "twenty-five," and in line 11, after the word "railroad," insert as follows:

Provided, however, That not to exceed $30,000 of the amount hereby appropriated may be expended, in the discretion of the Postmaster-General, where unusual conditions exist or where such service will be more expeditious and efficient and at no greater cost than otherwise.

Mr. FINLEY. On that I reserve a point of order, Mr. Chairman.

Mr. MANN. I will reserve a point of order to that amendment. I would like to ask my friend from Pennsylvania whether his objection to the provision in the bill is that under the limitation of 20 miles it does not apply to cases which he thinks ought to be covered in his district. [Laughter.]

Mr. WANGER. That is one objection, I am frank to suggest.

Mr. MANN. Then I withdraw the point of order.

Mr. WANGER. That is the practical objection, and the other is theoretical.

The CHAIRMAN. Without objection the amendment offered by the gentleman from Indiana will be withdrawn. [After a pause.] The Chair hears no objection. The gentleman from Pennsylvania offers an amendment which the clerk will report.

The Clerk read as follows:

Page 22, line 9, strike out "twenty" and insert "twenty-five," and in line 11, after "railroads," insert the matter printed in the bill which reads:
"*Provided, however,* That not to exceed $30,000 of the amount hereby appropriated may be expended, in the discretion of the Postmaster-General, where unusual conditions exist or where such service will be more expeditious and efficient and at no greater cost than otherwise."

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For transportation of foreign mails, $3,508,862: *Provided,* That the Postmaster-General shall be authorized to expend such sums as may be necessary, not exceeding $130,000, to cover one-half of the cost of transportation, compensation, and expenses of clerks to be employed in assorting and pouching mails in transit on steamships between the United States and other postal administrations in the International Postal Union, and not exceeding $40,000 for transferring the foreign mail from incoming steamships in New York Bay to the steamship and railway piers, and for transferring the foreign mail from incoming steamships in San Francisco Bay to the piers.

Mr. HOUSTON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 23, amend by adding at the end of line 4 these words:
"*Provided,* That no part of said sum shall be used to pay for the carrying in the mails any malt, vinous, or spirituous liquors, or intoxicating liquors of any kind, or cocaine or derivative thereof."

Mr. OVERSTREET. I wish to inquire if this is the same amendment that has heretofore been adopted.

Mr. HOUSTON. Yes; it is identical with the others.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

Mr. KÜSTERMANN. Mr. Chairman, I offer an amendment to the amendment—nor that any patent medicines or other compounds that contain more than 3 per cent alcohol shall be carried.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add to the amendment:
"Nor any patent medicines or compounds containing more than 3 per cent alcohol."

Mr. CRUMPACKER. Mr. Chairman, I suggest to the gentleman that he add to the amendment a provision for the appointment of one expert chemist in every post-office in the United States. There is no other way of carrying out his amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin to the amendment of the gentleman from Tennessee.

The question was taken, and on a division (demanded by Mr. KÜSTERMANN) there were—ayes 16, noes 45.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For travel and miscellaneous expenses in the postal service, office of the Second Assistant Postmaster-General, $1,000.

Mr. STEENERSON. Mr. Chairman, before we pass from the subject of the transportation of mail, I ask the chairman of the committee to recur to page 16 for the purpose of offering an amendment that I forgot, inadvertently, to offer at that time.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to return to page 16 for the purpose of offering an amendment. Is there objection?

Mr. FITZGERALD. Mr. Chairman, let the amendment be first reported.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "served," in line 6, page 16, insert the word "entirely;" after the word "already," in line 9, page 16, insert the word "entirely."

The CHAIRMAN. Is there objection?

Mr. FITZGERALD. Mr. Chairman, reserving the right to object, what is the effect of this amendment?

Mr. STEENERSON. Mr. Chairman, I will explain it in a very few words. This action relates to star routes, and it provides as follows:

That no part of this appropriation shall be expended for continuance of any star-route service the patronage of which shall be served by the extension of rural-delivery service, nor shall any of said sum be expended for the establishment of new star-route service for a patronage which is already served by rural-delivery service.

I want to insert the word "entirely," and that will make it conform to the law as it now is. This bill omits the word "entirely." It should be inserted after the word "served," in the third line of the above paragraph, and also after the word "already," in sixth line. I will explain the necessity for it. Take it on the frontier, where there are sparsely settled communities, and they only have rural routes at some distances apart, and in some cases there is service only three times a week, and it is necessary to supplement one service with the other.

Mr. FITZGERALD. I have no objection.

Mr. DRISCOLL. I would like to ask the gentleman a question as to just what he means by "entirely."

Mr. STEENERSON. It liberalizes the provision. The amendment makes the law as it is now. This is the law as it was last year.

Mr. DRISCOLL. The rural carrier goes up and down the main roads through the country, and does not travel on the crossroads. Therefore the people living on the crossroads must come to the four corners and get their mail. Does the gentleman mean by his amendment that these crossroads must be served, in order that the territory may be entirely served by the rural carrier?

Mr. STEENERSON. It simply authorizes the service where one can supplement the other in some cases. The Postmaster-General does sometimes allow a star route where the rural service is insufficient, and this would leave it entirely the way it is, if there was any service at all. I hope, in the interest of the frontier and sparsely settled communities, that this matter will be left as it is in the present law—in the discretion of the Postmaster-General.

I have in mind a case in my district that affords a good illustration of the principle. Red Lake Falls is a town that has two lines of railway, and the morning mail arrives about 10 or 11 o'clock—too late to be taken by the rural carrier. From this town is a rural route to a post-office called Terrebonne, some 10 miles easterly. It goes out one way and back another, leaving a strip 2 or 3 miles wide between. Directly from Red Lake Falls to Terrebonne, through the center of this strip, is a daily star route, with boxes for patrons. This star route leaves after the mail comes in in the morning and returns the same day. It was proposed to discontinue this star route because Terrebonne was already served by rural route, but I contended that it was not within the meaning of the law "entirely" served, and the star-route service is still maintained.

Now, if we change the law, as the bill before us proposes to

do, by leaving out the word "entirely," this service will be discontinued as unauthorized. And this is only one of many cases in the sparsely settled sections where it is necessary to supplement one service with the other, and where this is done it is generally done for much less expense than rural service alone costs. In the thickly settled sections of the country, where there is country service that reaches every farmer's house, this question can not arise, for each one is entirely served; but in the more sparsely settled regions where you can not reach every farmhouse by rural carrier, it is sometimes necessary to plan and lay out a combination of rural and star routes. In such cases there may be a mile or two from the starting point or supply office traversed by both, but the greater part of the two routes would be over different roads and would reach different patrons. In such a case the Department should have the power to establish the service.

Mr. OVERSTREET. I have no objection.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. STEENERSON].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For pay of agent and assistants to examine and distribute stamped and official envelopes and newspaper wrappers, and expenses of agency at Dayton, Ohio, including expenses attendant on inspection of manufacture of official envelopes at Cincinnati, Ohio, $25,000.

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order on the paragraph. I notice there is considerable change in the language of this paragraph from that in the current law.

Mr. OVERSTREET. The gentleman refers to the paragraph at the bottom of page 23?

Mr. FITZGERALD. Yes.

Mr. OVERSTREET. That simply is occasioned by this condition, Mr. Chairman. Until very recently the contract for the manufacture of official envelopes, newspaper wrappers, and also for stamped envelopes and registry envelopes as well, was in one city, namely, Hartford, Conn. Under new contracts which have been made there are three different places where the contracts are now in force. The registry envelope manufactory contract is still in Hartford, Conn. The official envelopes are now under contract in Cincinnati, Ohio, and the stamped envelopes at Dayton, Ohio. The agency expense provided for here at Dayton, Ohio, the committee believes, will be sufficient to enable the agency at Dayton to supervise the contract for the manufacture of the official envelopes at Cincinnati as well. So that instead of duplicating agencies at Dayton and Cincinnati, which are less than 100 miles apart, and duplicating the expense, we have in this one paragraph provided by the appropriation of $25,000 to cover the expense of the agency at Dayton and the supervision by that agency of the manufacture of official envelopes in Cincinnati.

Mr. FITZGERALD. I withdraw the point of order.

The Clerk read as follows:

For payment of limited indemnity for the loss of pieces of first-class domestic registered matter, $25,000. That hereafter all moneys recovered or collected on account of loss of first-class domestic registered matter which in the course of adjustment are not restored to the original owners shall be deposited to the credit and for the purposes of said indemnity fund.

Mr. FITZGERALD. Mr. Chairman, I make the point of order against that portion of the paragraph commencing on line 8, "That hereafter all moneys, etc." to the end of the paragraph.

Mr. MANN. I would like to call the attention of the gentleman from Indiana [Mr. OVERSTREET] to the fact that I did not make the point of order.

Mr. OVERSTREET. I give the gentleman from Illinois [Mr. MANN] credit for not making the point of order, and I hope the gentleman from New York [Mr. FITZGERALD] will withdraw the point of order.

Mr. FITZGERALD. This provision creates a permanent, indefinite appropriation, and the less there is of them the better the service.

Mr. OVERSTREET. I do not question the fact that it is subject to a point of order, and if the gentleman is going to insist upon it I will not take the time to try to persuade him that it is wise legislation.

Mr. FITZGERALD. I understand the purpose of it; but I doubt if any explanation will make me withdraw the point of order. I will say to the gentleman from Indiana [Mr. OVERSTREET] that this creates a class of appropriations which the Committee on Appropriations is attempting to prevent and to repeal where they exist.

Mr. STAFFORD. Will the gentleman yield?

Mr. FITZGERALD. Yes; I will yield.

Mr. STAFFORD. As I understand the reason of the gentleman's objection, it is directed to that provision that creates a special fund to be set apart for this designated purpose. I understand that he has no objection to the principle that we seek to embody in this provision so as to pay all losers of registered packages the amount of a limited indemnity as soon as that liability can be acertained, rather than defer it until the post-office officials can recover the loss from the post-office clerk or other person who is guilty of the appropriation. So I ask whether the gentleman would have any objection to a provision like this: Strike out in lines 11 and 12 the words "to the credit and for the purposes of said indemnity fund," and insert in lieu thereof "in the Treasury of the United States," so as to read:

That hereafter all moneys recovered or collected on account of loss of first-class registered matter, which in the course of adjustment are not restored to the original owners, shall be deposited in the Treasury of the United States.

Mr. TAWNEY. I will say to the gentleman that that is entirely unnecessary. The Third Assistant Postmaster-General testified before the Committee on Appropriations at this session that these amounts recovered are paid into the Treasury to the credit of the general fund, as a part of the miscellaneous receipts of the Government.

Mr. STAFFORD. I would like to ask the gentleman from Minnesota who made that statement?

Mr. TAWNEY. The Third Assistant Postmaster-General.

Mr. STAFFORD. An officer of the Post-Office Department said before our committee that this indemnity that is paid to the person who loses registered packages was held back and not delivered over to the persons entitled to it until they had recovered the money from the persons liable for that depredation; and that in order to expedite the turning over of this fund it would be advisable to increase the appropriation and not hold back the allowance of money until it was obtained from the person who committed the depredation.

Mr. TAWNEY. And you have increased the amount from $5,000 to $25,000, and I think that is right. I do not believe that when the liability of the Government, or the actual damage by reason of the loss, has been ascertained, the party should be compelled to wait until the person who is responsible for that loss has made it good by repayment. For that reason you have increased the appropriation from $5,000 to $25,000 to enable the Department to make these payments just as soon as the fact of the loss has been established and the amount of the loss ascertained.

Mr. STAFFORD. Can the gentleman point out the section of the law which would authorize the transfer of this money into the Treasury?

Mr. TAWNEY. When before the Committee on Appropriations on the urgent deficiency bill, Mr. Lawshe was asked this question:

Q. When the indemnity is paid under your present system and the amount is collected, is that turned into the Treasury as miscellaneous receipts?—A. Yes.

Now, here is my suggestion; and he then goes on and advocates before the committee an increase of this appropriation to enable them to pay these losses without the delay incident to their collection of the amount lost from the person who was responsible for that loss.

Mr. STAFFORD. Under what authority?

Mr. TAWNEY. Under a general statute applying to all payments, whether for the sale of property or payment on account of Government service, it is turned into the Treasury unless otherwise provided and becomes a part of the general funds, as other miscellaneous receipts.

Mr. STAFFORD. It is not Government property.

Mr. TAWNEY. The Government is entitled to it, and they have recovered it, the same as a penalty.

Mr. STAFFORD. It belongs to a third party.

Mr. TAWNEY. The third party has been paid out of the Treasury of the United States.

Mr. STAFFORD. That does not justify a transfer of the property to the Government. Unless there is some substantive authority, I contend that some provision as suggested should be adopted.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OVERSTREET. The point of order is insisted on, and the gentleman from Illinois and the gentleman from Minnesota can get together and discuss the matter.

Mr. MANN. I do not think the point of order will be insisted on. Suppose there is a provision of law, as I believe, covering this question. What objection is there to putting into the post-office appropriation bill an item conforming with the law for the benefit of the post-office officials, many of whom,

along with other officials of the Government, do not know such a law is on the statute books. Why not let it go into the bill?

Mr. TAWNEY. As a matter of education?

Mr. MANN. As a matter of education. It simply provides that the money shall be paid, but it brings it to the attention of the officials who have not occasion to know the general provision of the law.

Mr. FITZGERALD. It is their duty to know the statute.

Mr. MANN. Even the gentleman from New York, who is one of the best-informed men of the House, does not know all the statutes of the United States.

Mr. FITZGERALD. If I were conducting a bureau of the Post-Office Department I would know all the law that applied to that bureau.

Mr. MANN. This item will not hurt anything if it is put in the bill. It provides the money shall be paid into the Treasury. It gives nothing from the funds belonging to the United States or the individual.

Mr. TAWNEY. I will say for the information of the gentleman from Illinois that the Department now insists that these losses, when recovered from the person who is responsible for the loss, belong to the Government if the person who has sustained the loss has been indemnified by payments out of this appropriation and the money is turned into the Treasury.

Mr. MANN. The gentleman read here an examination of a post-office official, who might answer the question of the gentleman; but the gentleman is so well informed that he knows a great many answers may be made by officials, which answers are not based on facts.

Mr. STAFFORD. I submit to the gentleman from Illinois that the statement——

Mr. MANN. What would it hurt to put it into the bill and tie it where it ought to be tied? Why should any official of the Post-Office Department be penalized, as they are, unless it has been returned to the person who lost the property?

Mr. OVERSTREET. Mr. Chairman, I should like to inquire if the gentleman from New York [Mr. FITZGERALD] has softened any toward this item or whether he still insists on his point of order?

Mr. FITZGERALD. I insist on the point of order.

Mr. OVERSTREET. I ask for a ruling.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For payment of limited indemnity for the loss of registered articles in the international mails, $10,000.

Mr. FITZGERALD. I reserve the point of order. I should like to have an explanation of this provision.

Mr. GAINES of West Virginia. What is the point of order?

Mr. FITZGERALD. That it is unauthorized by law.

Mr. OVERSTREET. Mr. Chairman, will the gentleman from New York please state what it is that he makes his point of order against?

Mr. FITZGERALD. Lines 13 and 14.

Mr. OVERSTREET. Mr. Chairman, for a number of years we have carried under the Second Assistant Postmaster-General an item of $5,000 for the payment of limited indemnity, for the loss of registered articles in the international mails. Upon request of the Postmaster-General, approved by both the Second and Third Assistant Postmasters-General, the item has been transferred to the bureau of the Third Assistant, as it appears in this bill. For a number of years, I do not know how long, not many——

Mr. FITZGERALD. It has been carried before?

Mr. OVERSTREET. Oh, yes; at $5,000. It is under the treaty arrangement with other countries, under the provisions of which we are liable for the loss of registered letters.

Mr. FITZGERALD. I withdraw the point of order.

The Clerk read as follows:

For the employment of special counsel to be appointed by the Attorney-General, when requested by the Postmaster-General, and at compensation to be fixed by the Attorney-General not exceeding this temporary appropriation, to prosecute and defend, on behalf of the Post-Office Department, all suits now pending or which may hereafter arise affecting the second-class mailing privilege, $10,000.

Mr. FITZGERALD. I reserve the point of order on that.

Mr. OVERSTREET. Mr. Chairman, in the year 1904 there was carried an item in the same language as this paragraph, except that the appropriation was $25,000 instead of $10,000. The money was used from year to year in the payment of attorneys and counsel fees in the defense and prosecution of cases arising out of and affecting second-class mail matter. I doubt if there has ever been appropriated an item that has been more economically and effectively expended than that item. From year to year the unexpended balance was reappropriated, until the present year, when it was all exhausted. There are yet a number of cases pending, and the aid of at least one attorney is needed in the office of the Third Assistant with reference to the prosecution of cases relating to second-class mail matter.

Mr. FITZGERALD. Is this language identical with the original?

Mr. OVERSTREET. Identical with the original, except that the original item carried $25,000 and this carries $10,000.

Mr. FITZGERALD. It is not in the appropriation act for the current year.

Mr. OVERSTREET. The appropriation for the current year was different from this, because it merely appropriated any unexpended balance.

Mr. FITZGERALD. I withdraw the point of order.

Mr. OVERSTREET. I move that the committee do now rise.

Mr. GAINES of Tennessee. Will the gentleman indulge me just a moment?

Mr. OVERSTREET. For what purpose?

Mr. GAINES of Tennessee. Just a minute is all I want.

Mr. OVERSTREET. I will withhold the motion for just a minute.

Mr. GAINES of Tennessee. Mr. Chairman, I said a little while ago that this "express trust" contract with the Government was "forty years old." Now I read from one of the official documents from the Appropriation Committee of last session—1908—Mr. Daskam, connected with the Department, in speaking about this contract, said:

It is quite a long contract and considered a very good one. It has been in existence for forty years. It commenced with the Adams and the United States express companies, got in here through the Baltimore and Ohio Railroad.

Then we advertised, and there were only two bids—from the United States and Adams express companies, and they were practically the same, so we did not change the contract.

Why practically the same? Because they are "practically" one and the "same," members of this "express trust," as John Moody, in his books, says they are.

The rates are just the same as they were forty years ago, and yet they are carrying, I dare say, tenfold more money for the Government of the United States than they were at the time the contract was made forty years ago. I say this is a reform that Congress ought to start at once; an evil that ought to be eliminated.

The last report of the Register of the Treasury, fiscal year 1907, shows that bonds are and can be sent by registered mail.

PACKAGES RECEIVED AND SENT.

During the year there were received by registered mail 2,498 packages containing bonds amounting to $26,378,651.47. There were sent from the office by registered mail 4,435 packages containing bonds of the aggregate value of $53,916,429.97.

During the year the Panama Canal loan ($30,000,000) was issued, and the transfers, etc., consequent upon that issue have since been regularly made, becoming a portion of the current work of the division. An additional issue of $1,000,000 in bonds of the city of Manila was made, and this was also added to and became regularly part of the current work. The work of refunding at various times, and the redeeming of the 4 per cent funded loan of 1907, were also added to the current work.

Why not extend this kind of service, and thus create a competitor for this "express trust" and save money to the public Treasury and the taxpayer?

The Treasurer in this same report says:

SHIPMENTS OF CURRENCY FROM WASHINGTON.

The business demands of the country and the growth in the volume of paper currency adds yearly to the work of this office. The increased labor and responsibility of the Treasury in Washington is illustrated by a comparative statement of the number and value of packages of currency shipped for the past two years.

The details follow:

	Fiscal year 1906.		Fiscal year 1907.	
	Number of packages.	Amount.	Number of packages.	Amount.
Total by express	68,787	$509,779,678	72,663	$570,552,811
Total by registered mail	15,390	978,197	17,320	1,214,026
Aggregate	84,177	510,757,875	89,983	571,776,867

Mr. OVERSTREET. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 18347, the post-office appropriation bill, and had come to no resolution thereon.

INVESTIGATION AS TO SUBMARINE BOATS.

Mr. BOUTELL. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the select committee appointed pursuant to House resolution 288 is authorized to have such printing and binding done as may be necessary in the transaction of its business, and that all expenses necessary in securing the attendance of witnesses and in carrying on the investigation be paid out of the contingent fund of the House upon vouchers approved by the said committee.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the the same:

H. R. 14043. An act to provide for the extension of time within which homestead entrymen may establish their residence upon certain lands within the limits of the Huntley irrigation project, in the county of Yellowstone, in the State of Montana;

H. R. 16746. An act to authorize T. H. Friel or assigns to construct a dam across Mulberry Fork of the Black Warrior River;

H. R. 2915. An act for the relief of John P. Hunter;

H. R. 16749. An act to amend an act entitled "An act to authorize the construction of a bridge across the Monongahela River in the State of Pennsylvania by the Liberty Bridge Company, approved March 2, 1907;

H. R. 16073. An act to authorize the town of Edgecomb, Lincoln County, Me., to maintain a bridge across tide waters; and

H. R. 12803. An act allowing Chandler Bassett to perfect final proof in his homestead entry.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 2948. An act to provide additional station grounds and terminal facilities for the Arizona and California Railway Company in the Colorado River Indian Reservation, Ariz.; and

S. 1931. An act to grant certain land, part of the Fort Niobrara Military Reservation, Nebr., to the village of Valentine for a site for a reservoir or tank to hold water to supply the public of said village.

ADJOURNMENT.

Mr. OVERSTREET. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Attorney-General submitting an estimate of appropriation for the Reform School, District of Columbia—to the Committee on Appropriations and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Assistant Secretary of the Interior submitting an estimate of appropriation for carrying into effect certain schemes of timber operations—to the Committee on Appropriations and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for public printing and binding for the Department of the Interior—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Acting Chief of Engineers, report of examination of the Tennessee River from the head of Elk River Shoals to the Florence Railway bridge, in Alabama, and on plans of improvement—to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. FOSS, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 6289) to amend a certain provision of the act making appropriation for the naval service, approved June 29, 1906, reported the same with amendment, accompanied by a report (No. 1222), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HUMPHREY of Washington, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 19089) to encourage private salmon hatcheries in Alaska, reported the same without amendment, accompanied by a report (No. 1223), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FOSS, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 17527) to equalize and fix the pay of the Navy and the Marine Corps, and for other purposes, reported the same without amendment, accompanied by a report (No. 1224), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 17301) to authorize the Secretary of the Interior to lease allotted or unallotted Indian lands for mining purposes, reported the same with amendment, accompanied by a report (No. 1225), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 15638) granting an increase of pension to Ben de Lemos—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18837) granting an increase of pension to A. W. Kelley—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10853) granting a pension to James A. Woodward—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13340) to confirm an entry made by John J. Warley—Committee on Private Land Claims discharged, and referred to the Committee on the Public Lands.

A bill (H. R. 10175) granting an increase of pension to Elizabeth Presnell—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10176) granting an increase of pension to Augusta J. Bush—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19059) granting a pension to Herman Cramer—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 19057) granting a pension to Charles W. Barber—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 18094) granting an increase of pension to Jeremiah Sullivan—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 2615) for the relief of William W. Pardee—Committee on Military Affairs discharged, and referred to the Committee on War Claims.

A bill (H. R. 14688) for the relief of Thomas J. Ewing—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 17134) for the relief of William S. Rote—Committee on Claims discharged, and referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. ESCH: A bill (H. R. 19159) to finally adjust the swamp-land grants to the State of Wisconsin, and for other purposes—to the Committee on the Public Lands.

Also, a bill (H. R. 19160) for purchase of a site for public building at Sparta, Wis.—to the Committee on Public Buildings and Grounds.

By Mr. OVERSTREET: A bill (H. R. 19161) authorizing the suspension of fees upon money orders in certain cases—to the Committee on the Post-Office and Post-Roads.

By Mr. GRIGGS: A bill (H. R. 19162) to establish 1-cent postage on rural routes—to the Committee on the Post-Office and Post-Roads.

By Mr. FULTON: A bill (H. R. 19163) to grant certain lands to the State of Oklahoma—to the Committee on the Public Lands.

By Mr. NEEDHAM: A bill (H. R. 19164) directing the Secretary of War to make an examination, survey, and estimate of cost of establishing a harbor on Monterey Bay, California—to the Committee on Rivers and Harbors.

By Mr. GAINES of West Virginia: A bill (H. R. 19165) for an addition to the post-office and custom-house building at Charleston, W. Va.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 19166) for the erection of a post-office and custom-house at Charleston, W. Va.—to the Committee on Public Buildings and Grounds.

By Mr. ALEXANDER of New York: A bill (H. R. 19167) to ratify a certain lease with the Seneca Nation of Indians—to the Committee on Indian Affairs.

By Mr. LAMAR of Missouri: A bill (H. R. 19168) to create in the Department of Agriculture a Bureau of Public Highways and to provide for national aid in the improvement of the public highways in the various States and Territories—to the Committee on Agriculture.

By Mr. GILLETT: A bill (H. R. 19169) to provide for holding terms of the United States circuit and district courts at Springfield, Mass.—to the Committee on the Judiciary.

By Mr. ROTHERMEL: A bill (H. R. 19170) for enlarging the Government building at Reading, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. BRODHEAD (by request): A bill (H. R. 19171) granting pensions for soldiers who served ninety or more days in the Philippines and were honorably discharged for disability—to the Committee on Pensions.

By Mr. DRISCOLL: A bill (H. R. 19172) for relief of former members of New York Infantry Volunteers—to the Committee on Military Affairs.

By Mr. LAMB: A bill (H. R. 19173) authorizing the acceptance of a site and providing for the construction and maintenance thereon of a temporary building for post-office purposes during the erection and completion of the new post-office building at Richmond, Va.—to the Committee on Public Buildings and Grounds.

By Mr. RICHARDSON: A bill (H. R. 19174) to authorize the Secretary of the Treasury to sell a certain strip of land in Florence, Ala., to the Benevolent Protective Order of Elks, Florence, Ala.—to the Committee on Public Buildings and Grounds.

By Mr. KAHN: A bill (H. R. 19175) to provide for the regulation of foreign corporations in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. STEPHENS of Texas: A bill (H. R. 19176) to provide for the sale of the remnant of certain Indian pasture and wood reserve lands in Oklahoma, and for other purposes—to the Committee on Indian Affairs.

By Mr. CARTER: A bill (H. R. 19177) removing restrictions from certain lands in Oklahoma—to the Committee on Indian Affairs.

By Mr. BURTON of Delaware: A bill (H. R. 19238) to amend chapter 2939 of the acts of Congress passed in the Fifty-ninth Congress and approved March 4, 1907, entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon"—to the Committee on Interstate and Foreign Commerce.

By Mr. MANN: Resolution (H. Res. 298) for the payment of a janitor in the press room in the House Office Building—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 19178) granting an increase of pension to John A. Potter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19179) granting an increase of pension to William F. Bradbury—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19180) granting an increase of pension to William H. Manchester—to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 19181) granting a pension to Nancy A. Dressor—to the Committee on Invalid Pensions.

By Mr. ANTHONY: A bill (H. R. 19182) for the relief of Annie Halderman, legal representative of George P. Dorriss, deceased—to the Committee on War Claims.

By Mr. ASHBROOK: A bill (H. R. 19183) granting an increase of pension to John M. Stocking—to the Committee on Invalid Pensions.

By Mr. BARCHFELD: A bill (H. R. 19184) granting an increase of pension to William A. Tyler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19185) granting an increase of pension to John Jamieson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19186) granting an increase of pension to T. Clark Stockdill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19187) granting an increase of pension to Harris Hoover—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19188) granting an increase of pension to William H. Bender—to the Committee o nPensions.

By Mr. BATES: A bill (H. R. 19189) providing for the recognition of the military service of the officers and enlisted men of McLane's Erie Regiment, Pennsylvania Volunteer Infantry, who served in the civil war—to the Committee on Military Affairs.

By Mr. BENNET of New York: A bill (H. R. 19190) granting an increase of pension to M. Lewis Blair—to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 19191) granting a pension to Caroline Gregg—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 19192) granting an increase of pension to George M. Harris—to the Committee on Invalid Pensions.

By Mr. BRUMM: A bill (H. R. 19193) granting an increase of pension to Joseph Johnston—to the Committee on Invalid Pensions.

By Mr. BURTON of Delaware: A bill (H. R. 19194) granting a pension to Julia A. Jester—to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 19195) for the relief of the heirs of Louis Tredenick—to the Committee on Claims.

By Mr. CARTER: A bill (H. R. 19196) conferring jurisdiction on the Court of Claims to adjudicate the rights of persons who formerly held town lots in the city of Sulphur, in the Chickasaw Nation, Ind. T., which have been taken for a United States reservation, and for other purposes—to the Committee on Indian Affairs.

By Mr. COX of Indiana: A bill (H. R. 19197) granting a pension to George Heishman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19198) granting an increase of pension to Henry Robinson—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 19199) for the relief of the Philadelphia Company, of Pittsburg, Pa.—to the Committee on Claims.

By Mr. DAVENPORT: A bill (H. R. 19200) granting a pension to M. M. Gilbreath—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19201) granting a pension to James Green—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19202) authorizing the Department of Justice to convey to the county of Craig, in the State of Oklahoma, the United States jail situated in the city of Vinita, in said county—to the Committee on the Judiciary.

By Mr. DAWSON: A bill (H. R. 19203) granting a pension to Michael McInery—to the Committee on Pensions.

By Mr. DENVER: A bill (H. R. 19204) granting an increase of pension to John Carnahan—to the Committee on Invalid Pensions.

By Mr. DRISCOLL: A bill (H. R. 19205) granting an increase of pension to Daniel Beeman—to the Committee on Invalid Pensions.

By Mr. FLOOD: A bill (H. R. 19206) granting a pension to Walter English—to the Committee on Pensions.

By Mr. FOSS: A bill (H. R. 19207) for the relief of Lewis Poessel—to the Committee on Naval Affairs.

By Mr. FOULKROD: A bill (H. R. 19208) granting an increase of pension to Charles Stackhouse—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 19209) granting an increase of pension to Charles Walley—to the Committee on Invalid Pensions.

By Mr. GAINES of West Virginia: A bill (H. R. 19210) granting an increase of pension to William A. Cotrell—to the Committee on Invalid Pensions.

By Mr. GILHAMS: A bill (H. R. 19211) granting an increase of pension to Harrison Shobe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19212) granting an increase of pension to Vesta M. Swarts—to the Committee on Invalid Pensions.

By Mr. HARDING: A bill (H. R. 19213) granting an increase of pension to Jennie D. Bigelow—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 19214) for the relief of Ann Eliza Miles—to the Committee on War Claims.

Also, a bill (H. R. 19215) granting an increase of pension to Willis G. Craddock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19216) to correct the military record of Charles H. French—to the Committee on Military Affairs.

Also, a bill (H. R. 19217) to correct the military record of Robert Thompson—to the Committee on Military Affairs.

By Mr. LANGLEY: A bill (H. R. 19218) to correct the military record of Andrew Napier—to the Committee on Military Affairs.

By Mr. LAW: A bill (H. R. 19219) for the relief of Charles Wauters—to the Committee on Naval Affairs.

By Mr. McCALL: A bill (H. R. 19220) granting an increase of pension to Walter Katon—to the Committee on Invalid Pensions.

By Mr. MOON of Pennsylvania: A bill (H. R. 19221) granting a pension to Thomas A. Downs—to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 19222) granting a pension to Henry A. Dahle—to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 19223) granting an increase of pension to James B. Hart—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 19224) granting an increase of pension to Alfred G. Sturgiss—to the Committee on Invalid Pensions.

By Mr. PORTER: A bill (H. R. 19225) granting an increase of pension to Simeon Stuart—to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 19226) granting an increase of pension to Mary I. White—to the Committee on Invalid Pensions.

By Mr. STURGISS: A bill (H. R. 19227) granting an increase of pension to Leonard Wile—to the Committee on Invalid Pensions.

By Mr. TAWNEY: A bill (H. R. 19228) granting a pension to Virginia Whytock—to the Committee on Invalid Pensions.

By Mr. THOMAS of Ohio: A bill (H. R. 19229) granting an increase of pension to Henry E. Hill—to the Committee on Invalid Pensions.

By Mr. WEEKS: A bill (H. R. 19230) granting a pension to Benjamin F. Lawrence—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 19231) granting an increase of pension to George H. Daubner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19232) granting an increase of pension to Emma C. Wiese—to the Committee on Pensions.

Also, a bill (H. R. 19233) granting an increase of pension to August Kluener—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19234) granting an increase of pension to Jacob Zimmermann—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19235) granting an increase of pension to Valentine Schwartz—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 19236) granting an increase of pension to Antoinette A. Darnell—to the Committee on Pensions.

By Mr. STURGISS: A bill (H. R. 19237) granting an increase of pension to Joseph W. Sturgiss—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AMES: Petition of members of the Bartlett School, of Lowell, Mass., for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. ANSBERRY: Petition of Warren Electric Specialty Company, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. BANNON: Petition of First Presbyterian Church of Jackson, Ohio, for Littlefield original-package bill—to the Committee on the Judiciary.

By Mr. BARTLETT of Georgia: Petition of Augusta Exchange and Board of Trade, for H. R. 14934 (act regulating commerce)—to the Committee on Interstate and Foreign Commerce.

By Mr. BENNET of New York: Paper to accompany bill for relief of Lewis Blair—to the Committee on Invalid Pensions.

By Mr. BONYNGE: Paper to accompany bill for relief of William W. Pardee (previously referred to the Committee on Military Affairs)—to the Committee on War Claims.

By Mr. BRADLEY: Petition of Division No. 292, Brotherhood of Locomotive Engineers, of Middletown, N. Y., for S. 4260—to the Committee on Interstate and Foreign Commerce.

Also, petition of Division No. 292, Brotherhood of Locomotive Engineers, of Middletown, N. Y., for H. R. 17036 and S. 5307 (liability bill)—to the Committee on the Judiciary.

Also, petition of Division No. 292, Brotherhood of Locomotive Engineers, of Middletown, N. Y., for H. R. 17137 (Rodenberg anti-injunction bill)—to the Committee on the Judiciary.

By Mr. BURKE: Petition of Miss Mathews, of Mercer Sanitarium, against sale of intoxicants on all Government property—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Bollinger Brothers, of Pittsburg, Pa., for H. R. 428 (national automobile license)—to the Committee on Interstate and Foreign Commerce.

By Mr. BURNETT: Papers to accompany bills for relief of Emil B. Hauk, Mrs. Malinda Faust, and William Burkart—to the Committee on Pensions.

By Mr. CALDWELL: Petition of United Mine Workers of America, Local Union No. 694, of Gerard, Ill., against the Penrose amendment—to the Committee on the Post-Office and Post-Roads.

By Mr. COOPER of Wisconsin: Petitions of A. D. Hamilton Post, No. 60, Grand Army of the Republic, of Milton, Wis., and R. B. Hayes Post, No. 76, Grand Army of the Republic, against proposed abolition of United States pension agencies—to the Committee on Appropriations.

By Mr. DALZELL: Petition of sundry citizens of Thirtieth Congressional District of Pennsylvania, against Penrose amendment—to the Committee on the Post-Office and Post-Roads.

Also, petition of sundry citizens of Thirtieth Congressional District of Pennsylvania, against sale of intoxicants, etc.—to the Committee on Alcoholic Liquor Traffic.

Also, petition of National Association of Clothiers, against Aldrich currency bill—to the Committee on Banking and Currency.

By Mr. DAVIS of Minnesota: Petition of city council of Stillwater, Minn., for improvement of the upper Mississippi—to the Committee on Rivers and Harbors.

Also, petition of Vermont Schoolmasters' Club, for H. R. 18204 (agricultural instruction in high schools)—to the Committee on Agriculture.

By Mr. DAWSON: Petition of Andrew Carnegie and other citizens of New York, against extravagance in naval construction—to the Committee on Naval Affairs.

Also, paper to accompany bill for relief of James B. Walsh—to the Committee on Invalid Pensions.

By Mr. DRISCOLL: Petition of United Garment Workers of America, Local No. 143, of Syracuse, N. Y., for battle-ship construction in navy-yards—to the Committee on Naval Affairs.

By Mr. DUNWELL: Petition of Calvary Church, of New York, for the Kittredge and Barchfeld copyright bill—to the Committee on Patents.

Also, petition of A. H. De Haven, against the Hepburn bill—to the Committee on Interstate and Foreign Commerce.

By Mr. ELLIS of Oregon: Petition of C. C. Brix and 42 others of Crook County, Oreg., against Penrose amendment—to the Committee on the Post-Office and Post-Roads.

By Mr. ESCH: Petition of Wisconsin Retail Lumber Dealers' Association, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. FOCHT: Petition of citizens of Juniata County and citizens of Franklin County, Pa., for S. 3152 (protection to dairy interests)—to the Committee on Agriculture.

By Mr. FORNES: Petition of Sons of American Revolution, for H. R. 19082 (print records of the Revolution)—to the Committee on Printing.

Also, petition of United Mine Workers of America, for the McHenry bill providing for a bureau of mines—to the Committee on Mines and Mining.

By Mr. FULLER: Petition of Burr Brothers, of Rockford, Ill., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of United Mine Workers of America, for McHenry bill (bureau of mines)—to the Committee on Mines and Mining.

Also, paper to accompany bill for relief of Charles Walley—to the Committee on Invalid Pensions.

By Mr. GARDNER of New Jersey: Petition of granges of Second Congressional District, for national highway commission—to the Committee on Agriculture.

By Mr. GRAHAM: Petition of Bollinger Brothers, of Pittsburg Pa., urging support of H. R. 428 (national automobile license)—to the Committee on Interstate and Foreign Commerce.

By Mr. GOEBEL: Petition of Walnut Hills Business Club, against noncompetitive feature of the Crumpacker Thirteenth Census clerical-force bill—to the Committee on the Census.

Also, petition of Advertisers' Club of Cincinnati, Ohio, for H. R. 14386, against advertisements pernicious and misleading—to the Committee on the District of Columbia.

By Mr. GOULDEN: Petition of Appomattox Post, No. 50, Grand Army of the Republic, Department of California and Nevada, for H. R. 220, against desecration, mutilation, and improper use of the United States flag—to the Committee on the Judiciary.

Also, petition of Piano, Organ, and Musical Instrument Workers' Union, No. 16, of New York, for battle-ship building in navy-yards—to the Committee on Naval Affairs.

Also, petition of Sons of the Revolution, of New York, for H. R. 19082 (preservation of certain records of the Revolution)—to the Committee on Printing.

Also, petition of Amalgamated Sheet Metal Workers, Local Union No. 11, New York, for building a battle ship in Brooklyn navy-yard—to the Committee on Naval Affairs.

By Mr. GRANGER: Petition of representative council of Newport, R. I., favoring estimates in fortifications bill applicable to the fort of Narragansett—to the Committee on Military Affairs.

Also, petition of representative council of Newport, R. I., for appropriation for naval training station at Newport, R. I.—to the Committee on Naval Affairs.

Also, petition of representative council of Newport, R. I., for building next battle ship at one of the navy-yards—to the Committee on Naval Affairs.

Also, petition of William P. Metcalf and other citizens of New Mexico, against S. 1518 (Penrose amendment, etc.)—to the Committee on the Post-Office and Post-Roads.

By Mr. HARDWICK: Petition of president of Exchange and Board of Trade of Augusta, Ga., for H. R. 14934—to the Committee on Interstate and Foreign Commerce.

Also, petition of State board of entomology of Georgia, for franking privilege for the board—to the Committee on the Post-Office and Post-Roads.

By Mr. HAYES: Petition of American Institute of Architects, for uniform plan for improvement of Washington—to the Committee on the District of Columbia.

By Mr. JOHNSON of South Carolina: Paper to accompany bill for relief of Mrs. L. C. Woodruff—to the Committee on Claims.

By Mr. KELIHER: Petition of common council of Boston, for battle-ship building at the Charlestown Navy-Yard—to the Committee on Naval Affairs.

By Mr. KNAPP: Petition of North Scriba and Dexter granges, and White Face Grange, of Jay, all in the State of New York, for Federal assistance in building highways—to the Committee on Agriculture.

By Mr. LANGLEY: Papers to accompany bills for relief of E. W. McCormick and Adam Baum—to the Committee on War Claims.

By Mr. LINDBERGH: Petition of citizens of Belgrade, Minn., for extension of parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. MALBY: Petitions of Woman's Christian Temperance Union of Flackville, N. Y.; George C. Thayer, Charles Tracy, S. J. Young, and Archie Scott, of Lisbon, against sale of intoxicants on Government property—to the Committee on Alcoholic Liquor Traffic.

By Mr. MILLER: Petition of citizens of Tebo, Kans., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Peabody, Kans., for the Sherwood pension bill—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: Petition of citizens of California, against restoration of Army canteen—to the Committee on Military Affairs.

By Mr. NYE: Petition of J. B. Wakefield, of Minneapolis, Minn., against abolition of pension agencies—to the Committee on Pensions.

By Mr. O'CONNELL: Petition of Massachusetts State Board of Trade, for condemnation of land to form approach to eastern breakwater at Point Judith—to the Committee on Rivers and Harbors.

Also, petition of American Association of Masters, Mates, and Pilots, against H. R. 4771—to the Committee on the Merchant Marine and Fisheries.

Also, petition of United Mine Workers of America, against action of Judge Dayton—to the Committee on the Judiciary.

Also, petition of common council of city of Boston, for battleship building at the Charlestown Navy-Yard—to the Committee on Naval Affairs.

By Mr. POLLARD: Petition of Omaha Clearing House Association, against legislation inimical to dealing in futures in grain—to the Committee on Interstate and Foreign Commerce.

By Mr. RICHARDSON. Papers to accompany bill to authorize the Secretary of the Treasury to sell a certain strip of land in Florence, Ala., to the Benevolent Protective Order of Elks, at Florence, Ala.—to the Committee on Public Buildings and Grounds.

By Mr. RIORDAN: Petition of memorial and executive committee of Grand Army of the Republic of the city of Buffalo, N. Y., against consolidation of pension agencies—to the Committee on Appropriations.

Also, petition of Iowa State Bankers' Association, against Aldrich currency bill—to the Committee on Banking and Currency.

By Mr. RYAN: Petition of Maynet Lodge, No. 227, of Binghamton, N. Y., for La Follette employers' liability bill and the Clapp free-pass amendment—to the Committee on the Judiciary.

Also, petition of Traders and Merchants' Association of Baltimore, against the Aldrich and for the Fowler bill—to the Committee on Banking and Currency.

Also, petition of Local Union No. 11, A. S. M. W. T. A., of New York for battle-ship building in navy-yards—to the Committee on Naval Affairs.

Also, petition of publishers of directories of the United States, for the Kittredge copyright bill—to the Committee on Patents.

By Mr. SMITH of Missouri: Petitions of citizen voters of Jefferson County, Mo., and citizens of Wayne County, Mo., against the Penrose amendment—to the Committee on the Post-Office and Post-Roads.

By Mr. STEPHENS of Texas: Petition of citizens of Nosona, Tex., against Penrose amendment—to the Committee on the Post-Office and Post-Roads.

By Mr. STURGISS: Paper to accompany bill for relief of James Irwin, alias James Williamson (previously referred to the Committee on Invalid Pensions)—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Leonard Wiles—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Joseph W. Sturgiss—to the Committee on Invalid Pensions.

By Mr. SULZER: Petition of memorial and executive committee of Grand Army of the Republic, Department of New York, against consolidation of pension agencies—to the Committee on Appropriations.

Also, petition of L. Frank Miller, for the Kittredge copyright law—to the Committee on Patents.

Also, petition of Poole & Brown, for H. R. 14047, for a United States court of patent appeals—to the Committee on Patents.

By Mr. THOMAS of Ohio: Petition of Beame Smith and other citizens of Summit, Ohio, against the Penrose amendment—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Niles, Ohio, for building of battle ships in navy-yards—to the Committee on Naval Affairs.

By Mr. WANGER: Petition of Lodge No. 511, Brotherhood of Railway Trainmen, of Philadelphia, Pa., for S. 4260—to the Committee on Interstate and Foreign Commerce.

By Mr. WEEKS: Petition of Local No. 263, International Union of Steam Engineers, of Boston, Mass., for building battle ships at navy-yards—to the Committee on Naval Affairs.

By Mr. WEISSE: Petition of United Mine Workers of America, for McHenry bill for a bureau of mines—to the Committee on Mines and Mining.

Also, petition of United Mine Workers of America, against decision of Judge Dayton—to the Committee on the Judiciary.

Also, petition of Wisconsin Consumers' League, for the Beveridge-Parsons child-labor bill—to the Committee on Labor.

By Mr. WANGER: Memorial of 500 representative citizens of New Hope, Pa., on evening of anniversary of Washington's Birthday, favoring (1) general treaties of arbitration being negotiated by the United States granting jurisdiction to the international court at The Hague over as many classes of controversies as the other contracting power in each case can be induced to transfer thereto; (2) of a permanent international congress, to assemble periodically and automatically, for the purpose of suggesting changes in the law of nations and of its administration as the current of events may make desirable and practicable; (3) the immediate adoption of a progressive naval programme that will give the nation a navy capable of protecting our vast seacoast and other interests and our possessions and of executing our just foreign policies—to the Committee on Naval Affairs.

SENATE.

FRIDAY, *March 13, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

USELESS PAPERS IN THE EXECUTIVE DEPARTMENTS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, schedules of papers, documents, etc., on the files of the Department which are not needed in the transaction of the public business and have no permanent value or historical interest, which was read.

The VICE-PRESIDENT. The communication will be referred to the Joint Committee on the Destruction of Useless Papers in the Executive Departments. The Chair appoints the Senator from Texas [Mr. BAILEY] and the Senator from New Hampshire [Mr. GALLINGER] as members of the committee on the part of the Senate, and directs the Secretary to duly notify the House of Representatives thereof.

ENROLLED BILLS SIGNED.

A message from the House of Representatives by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 1931. An act to grant certain land, part of the Fort Niobrara Military Reservation, Nebr., to the village of Valentine for a site for a reservoir or tank to hold water to supply the public of said village;

S. 2948. An act to provide additional station grounds and terminal facilities for the Arizona and California Railway Company in the Colorado River Indian Reservation, Ariz. T.;

H. R. 2915. An act for the relief of John P. Hunter;

H. R. 12803. An act allowing Chandler Bassett to perfect final proof in his homestead entry;

H. R. 14043. An act to provide for the extension of time within which homestead entrymen may establish their residence upon certain lands within the limits of the Huntley irrigation project, in the county of Yellowstone, in the State of Montana;

H. R. 16073. An act to authorize the town of Edgecomb, Lincoln County, Me., to maintain a bridge across tide waters;

H. R. 16746. An act to authorize T. H. Friel or assigns to construct a dam across Mulberry Fork of the Black Warrior River; and

H. R. 16749. An act to amend an act entitled "An act to authorize the construction of a bridge across the Monongahela River in the State of Pennsylvania by the Liberty Bridge Company," approved March 2, 1907.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Emmet Club, of Indianapolis, Ind., and a memorial of the Emmet Associates, of Lynn, Mass., remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. CULLOM presented a memorial of O'Connell Club, of Cleveland, Ohio, remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. PLATT presented a memorial of the Merchants' Exchange, of Olean, N. Y., remonstrating against the passage of the so-called "Aldrich emergency currency bill," which was ordered to lie on the table.

He also presented the petition of William J. Carle, of New York City, N. Y., praying for the passage of the so-called "Kittredge copyright bill," which was referred to the Committee on Patents.

He also presented a memorial of Local Union No. 478, National Bartenders' Union, of Plattsburg, N. Y., remonstrating against the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Memorial and Executive Committee, Department of New York, Grand Army of the Republic, of Buffalo, N. Y., remonstrating against the enactment of legislation to abolish certain pension agencies throughout the country, which was referred to the Committee on Pensions.

He also presented a memorial of sundry citizens of Albany, N. Y., remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Woman's Home Missionary Society, Pittsburg Presbytery, of Pittsburg, Pa., praying for the enactment of legislation to prohibit the importation, manufacture, and sale of opium within the jurisdiction of the United States, which was referred to the Committee on Finance.

Mr. GALLINGER presented petitions of sundry citizens of East Rochester and South Acworth, in the State of New Hampshire, of Sparta, Mich., and Washington, D. C., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented memorials of sundry citizens of Portland, Me., Richmond, Va., Jackson, Miss., Ohio City, Ohio, and of Orlando, Fla., remonstrating against the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a petition of the Northeast Washington Citizens' Association, of the District of Columbia, praying for the enactment of legislation requiring all new school buildings in the District of Columbia to be fireproof, which was referred to the Committee on the District of Columbia.

Mr. FRAZIER presented a petition of local union No. 24, International Typographical Union, of Jackson, Tenn., praying for the repeal of the duty on white, paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Scotts Hill, Tenn., praying for the passage of the so-called "parcels-post bill," and also for the establishment of postal savings banks, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry affidavits to accompany the bill (S. 4765) for the relief of the trustees of Mount Olivet Methodist Episcopal Church South, at Nolensville, Tenn., which were referred to the Committee on Claims.

He also presented a paper to accompany the bill (S. 2319) for the relief of Mrs. Corrinne Lawrence, of Nashville, Tenn., which was referred to the Committee on Claims.

He also presented an affidavit to accompany the bill (S. 4460) for the relief of the deacons of the Missionary Baptist Church at Franklin, Tenn., which was referred to the Committee on Claims.

He also presented sundry affidavits to accompany the bill (S. 5785) granting a pension to Willis J. Freeman, which were referred to the Committee on Pensions.

Mr. DEPEW presented petitions of sundry citizens of Dexter, West Henrietta, Camden, Westville, Minisink, Stony Ford, and Newark, all in the State of New York, praying for the enactment of legislation to establish a rural parcels post, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the John K. Neal Republican Club, of Kings County, N. Y., praying for the enactment of legislation providing for the construction of at least one of the proposed new battle ships at the New York Navy-Yard, which was referred to the Committee on Naval Affairs.

He also presented a memorial of the Independent Tobacco Manufacturers' Association of the United States, remonstrating against the enactment of legislation to permit the sale of leaf tobacco for consumption without the payment of the revenue tax, which was referred to the Committee on Finance.

He also presented a petition of Local Division No. 292, Brotherhood of Locomotive Engineers of the State of New York, praying for the passage of the so-called "Rodenberg anti-injunction bill," which was referred to the Committee on the Judiciary.

He also presented a petition of the American Directory Publishers' Association, of New York City, N. Y., praying for the passage of the so-called "Kittredge copyright bill," which was referred to the Committee on Patents.

He also presented a petition of Local Division No. 292, Brotherhood of Locomotive Engineers, of Middletown, N. Y., praying for the adoption of an amendment to the present interstate-commerce law relating to free passes, which was referred to the Committee on Interstate Commerce.

Mr. HOPKINS presented a petition of Local Union No. 111, International Printing Pressmen and Assistants' Union, of Joliet, Ill., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

Mr. ELKINS presented sundry affidavits to accompany the bill (S. 3565) granting an increase of pension to George W. Parsons, which were referred to the Committee on Pensions.

Mr. LODGE presented a petition of the State Institute of Technology, Society of Arts, of Massachusetts, praying for the enactment of legislation providing for the conservation of the national forests, which was referred to the Committee on Forest Reservation and the Protection of Game.

He also presented a petition of Pomona Grange, No. 11, Patrons of Husbandry, of Westboro, Mass., and a petition of Ponkapoag Grange, No. 231, Patrons of Husbandry, of Canton, Mass., praying for the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

Mr. LONG presented memorials of sundry citizens of Leavenworth and Randolph, in the State of Kansas, remonstrating against the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Local Union No. 1009, United Mine Workers of America, of Osage, Kans., remonstrating against the passage of the so-called "Penrose bill" to exclude nonmailable periodicals from second-class mail privileges, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the congregation of the First Reformed Church of Goshen, Ind., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented memorials of sundry citizens of Philadelphia, Pa., Nashville, Tenn., Indianapolis, Ind., Jackson, Miss., Orlando, Fla., and Kansas City and St. Louis, Mo., remonstrating against the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which were refetred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Franklin County, Kans., praying for the passage of the bill (S. 4221) for the relief of Franklin Cowan, which was referred to the Committee on Military Affairs.

He also presented a petition of Pap Thomas Post, Department of Kansas, Grand Army of the Republic, of Great Bend, Kans., praying for the passage of the bill (S. 5758) for the relief of John F. Lewis, which was referred to the Committee on Military Affairs.

Mr. RAYNER presented a petition of sundry citizens of Mount Airy, Md., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. LODGE, from the Committee on the Philippines, to whom was referred the bill (H. R. 16143) to provide for payment of the claims of the Roman Catholic Church in the Philippine Islands, reported it without amendment, and submitted a report thereon.

Mr. CARTER, from the Committee on the District of Columbia, to whom was referred the bill (S. 2999) to amend an act entitled "An act to provide for the extension of New Hampshire avenue, in the District of Columbia, and for other purposes," approved February 27, 1907, reported it with an amendment, and submitted a report thereon.

Mr. FRAZIER, from the Committee on Military Affairs, to whom was referred the bill (S. 5665) for the purchase of land for the use of the military post at Fort Sheridan, Ill., reported it with amendments and submitted a report thereon.

Mr. NIXON, from the Committee on Coast Defenses, to whom was referred the amendment submitted by Mr. ANKENY on January 27, 1908, proposing to appropriate $5,478,751 for increased fortifications for Puget Sound, State of Washington, intended to be proposed to the fortifications appropriation bill, asked to be discharged from its further consideration and that it, with the accompanying paper, be referred to the Committee on Appropriations, which was agreed to.

Mr. HEMENWAY, from the Committee on Military Affairs, to whom was referred the bill (S. 1160) to correct the military record of Lora E. Reed, reported it with an amendment and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1744) for the relief of the heirs of George A. Armstrong, reported it without amendment and submitted a report thereon.

BILLS INTRODUCED.

Mr. McLAURIN introduced a bill (S. 6099) for the relief of the estate of R. H. Hoffman, which was read twice by its title and referred to the Committee on Claims.

Mr. TALIAFERRO introduced a bill (S. 6100) authorizing and directing the Adjutant-General of the United States Army to furnish to the adjutant-general of the State of Florida copies of the muster rolls of certain military organizations filed or deposited in the War Department or other Departments of the Government, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. GALLINGER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Public Health and National Quarantine:

A bill (S. 6101) to promote the efficiency of the Public Health and Marine-Hospital Service; and

A bill (S. 6102) to further protect the public health, and imposing additional duties upon the Public Health and Marine-Hospital Service.

He also introduced a bill (S. 6103) granting an increase of pension to Abram Bickford, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 6104) to compensate the commissioners to revise the statutes relating to patents, trade and other marks, and trade and commercial names for services rendered, which was read twice by its title and referred to the Committee on Patents.

Mr. MARTIN introduced a bill (S. 6105) for the relief of pensioners of the Metropolitan police fund, which was read twice by its title and, with the accompanying papers, referred to the Committee on the District of Columbia.

He also introduced a bill (S. 6106) making appropriation for dredging a channel in the southern branch of the Elizabeth River from the drawbridge of the Belt Line Railway to the drawbridge of the Norfolk and Western Railway Company, which was read twice by its title and referred to the Committee on Commerce.

Mr. DIXON introduced a bill (S. 6107) granting an increase of pension to John W. Winslett, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CULLOM introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6108) granting an increase of pension to Theodore R. Stearns;

A bill (S. 6109) granting an increase of pension to Ferdinand Wells; and

A bill (S. 6110) granting an increase of pension to Timothy L. Boswell (with an accompanying paper).

Mr. FRYE introduced a bill (S. 6111) granting a pension to William H. Atkins, which was read twice by its title and referred to the Committee on Pensions.

Mr. FRAZIER introduced a bill (S. 6112) for the relief of the Presbyterian Church of the United States of America, of Fayetteville, Tenn., formerly known as the Cumberland Presbyterian Church of Fayetteville, Tenn., which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. OWEN introduced the following bills, which were severally read twice by their titles and referred to the Committee on Public Buildings and Grounds:

A bill (S. 6113) providing for the erection of a public building at Muskogee, Okla.;

A bill (S. 6114) providing for the erection of a public building at Enid, Okla.;

A bill (S. 6115) providing for the erection of a public building at Ardmore, Okla.;

A bill (S. 6116) providing for the erection of a public building at McAlester, Okla.;

A bill (S. 6117) providing for the erection of a public building at Tulsa, Okla.;

A bill (S. 6118) providing for the erection of a public building at Bartlesville, Okla.;

A bill (S. 6119) providing for the erection of a public building at Lawton, Okla.;

A bill (S. 6120) providing for the erection of a public building at Chickasha, Okla.;

A bill (S. 6121) providing for the erection of a public building at Vinita, Okla.;

A bill (S. 6122) providing for the erection of a public building at Elreno, Okla.;

A bill (S. 6123) providing for the erection of a public building at Anadarko, Okla.;

A bill (S. 6124) providing for the erection of a public building at Woodward, Okla.; and

A bill (S. 6125) providing for the erection of a public building at Alva, Okla.

Mr. du PONT introduced a bill (S. 6126) to provide for the purchase of a site and the erection of a public building thereon in the city of Newcastle, State of Delaware, which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. DEPEW introduced a bill (S. 6127) to correct the military record of Harding Weston, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. NELSON introduced a bill (S. 6128) granting a pension to Lucy E. Gregory, which was read twice by its title and referred to the Committee on Pensions.

Mr. HOPKINS introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6129) granting a pension to William J. Dowell (with accompanying paper); and

A bill (S. 6130) granting an increase of pension to Daniel Hull (with accompanying papers).

He also introduced a bill (S. 6131) to authorize the construction of a bridge across Rock River, State of Illinois, which was read twice by its title and referred to the Committee on Commerce.

Mr. ELKINS introduced a bill (S. 6132) granting a pension to William Hoberg, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 6133) granting a pension to Charles Dillon, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 6134) for the relief of Edward Tearney, administrator of Samuel Ridenour, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. PILES introduced a bill (S. 6135) providing for the disposal of the interests of Indian minors in real estate in Yakima Indian Reservation, Wash., which was read twice by its title and referred to the Committee on Indian Affairs.

AMENDMENT TO AGRICULTURAL APPROPRIATION BILL.

Mr. DIXON submitted an amendment providing for the acquisition of a site and the erection of a building for the Weather Bureau, at Missoula, Mont., intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

AMENDMENTS TO OMNIBUS CLAIMS BILL.

Mr. GALLINGER submitted an amendment intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which was ordered to be printed and, with the accompanying paper, referred to the Committee on Claims.

Mr. FRAZIER submitted an amendment intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which was referred to the Committee on Claims and ordered to be printed.

Mr. ELKINS submitted seven amendments intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which were referred to the Committee on Claims and ordered to be printed.

Mr. SCOTT submitted an amendment intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which was ordered to be printed and, with the accompanying paper, referred to the Committee on Claims.

AMENDMENTS TO FINANCIAL BILL.

Mr. FULTON submitted an amendment intended to be proposed by him to the bill (S. 3023) to amend the national banking laws, which was ordered to lie on the table and be printed.

Mr. NELSON submitted an amendment intended to be proposed by him to the bill (S. 3023) to amend the national banking laws, which was ordered to lie on the table and be printed.

INTERSTATE-COMMERCE REGULATIONS.

Mr. FULTON submitted the following resolution, which was read:

Resolved, That the Committee on Interstate Commerce be, and it is hereby, discharged from further consideration of the bill (S. 423) to amend section 6 of an act entitled "An act to regulate commerce," and is hereby instructed to report said bill to the Senate.

Mr. FULTON. Mr. President, I see that the chairman of the Committee on Interstate Commerce is not present in the Senate this morning. Hence I will not ask for the present consideration of the resolution. I will ask that it may lie on the table, and I may call it up later.

I will say, in presenting the resolution, that I do not wish to be understood as reflecting on the committee or any members of it, or charging them with any disposition to smother the bill. I realize that the committee is so busily engaged with hearings on matters pertaining to other bills that it is not going to be able to take up this bill and consider it any further, and therefore I shall ask later on for the consideration of the resolution.

The VICE-PRESIDENT. The resolution will lie on the table.

Mr. FULTON subsequently said: Before the Senator from North Carolina [Mr. SIMMONS] commences his address, I ask him to yield to me for just a moment.

Mr. SIMMONS. Certainly.

Mr. FULTON. I see that the chairman of the Committee on Interstate Commerce is now in the Senate Chamber. I wish to call his attention to the resolution which I offered discharging the committee from the further consideration of Senate bill 423. I take it that the Senator will not object to the resolution, and therefore it might, perhaps, be adopted without any waste of time. I am quite sure the Senator does not care to detain the bill any longer, because the committee is not considering it. I have offered the resolution as much as anything else to relieve the Senator from the embarrassment of detaining the bill in his committee.

Mr. ELKINS. I ask that the resolution be read. I was not in the Chamber when it was offered.

The VICE-PRESIDENT. The Secretary will read the resolution, at the request of the Senator from West Virginia.

The Secretary again read the resolution.

Mr. ELKINS. I ask that the bill be read for the information of the Senate.

The VICE-PRESIDENT. The bill is not at the Secretary's desk, it being before the Committee on Interstate Commerce.

Mr. ELKINS. I thought perhaps it was at the desk.

Mr. President, I want to say in behalf of the committee that I do not think there has been any unnecessary delay, or any delay that the committee could help, in the consideration of this bill. It was promptly referred to the Interstate Commerce Commission for a report, which was in due season made to the committee, unfavorable to the bill introduced by the Senator from Oregon.

Mr. FULTON. I do not understand the Senator.

Mr. ELKINS. I say the bill was promptly referred, early after its introduction by the Senator, to the Interstate Commerce Commission, and the Interstate Commerce Commission reported unfavorably on the bill.

Mr. FULTON. The Interstate Commerce Commission reported against certain features or provisions of the bill. The Senator recalls very well that I appeared before his committee and accepted the recommendation of the Interstate Commerce Commission. The Interstate Commerce Commission simply desired certain changes and then recommended the bill favorably.

But, Mr. President, I do not wish to infringe on the time of the Senator from North Carolina, who is prepared to address the Senate this morning. I will ask, if the Senator from West Virginia has no objection, that the matter may lie over until after the Senator from North Carolina has concluded his remarks.

Mr. ELKINS. Mr. President, I can not allow that disposition of it without objection, for the reason that this is the second time the Senator from Oregon has referred to delay on the part of the Interstate Commerce Committee, and I want to put the committee right before the Senate. I think it is but fair to the committee that I should do so.

After the Interstate Commerce Commission reported against the bill (and I will ask that their report be read), the Senator indicated a willingness to accept the amendment proposed by the Interstate Commerce Commission, and made an argument in favor of his bill. I think some others appeared in favor of the bill. After that the opponents of the bill, the railroad companies, asked that they might be heard.

The bill was referred to a subcommittee and it is now in the hands of a subcommittee to consider the amendment recommended by the Interstate Commerce Commission. In order to facilitate the hearing and to expedite action on the bill, the subcommittee was empowered to have hearings separate and apart from the full committee. I do not see the chairman of that subcommittee in the Senate. The junior Senator from Mississippi [Mr. MCLAURIN] is the chairman of the subcommittee, and he tells me that he is doing all he can to have the hearings, that the subcommittee may be informed and report intelligently when the hearings are concluded.

Mr. President, I think it is unfair to the committee to introduce this resolution. It reflects upon the committee and it is entirely unjust. I have tried, and I think the committee have

tried, and have been disposed to facilitate the hearing. The Senator said he wanted to depart for his State about the 15th, and we have tried more than in the case of any other bill before the committee to get action on it. I submit it is not fair, when the railroad companies want to be heard on the bill and bring their attorneys and experts thousands of miles to be heard, to deny them a hearing.

I will ask that the letter from the Interstate Commerce Commission, reporting against the bill, be read.

Mr. CULBERSON. I suggest to the Senator from West Virginia, in view of the notice given by the Senator from North Carolina, that he might have the communication printed in the RECORD without taking up the time by having it read.

Mr. FULTON. I was going to ask——

Mr. ELKINS. I should like to have the letter read.

The VICE-PRESIDENT. Is there objection to the reading of the letter?

Mr. CULBERSON. I object, and ask for the regular order.

Mr. BURROWS. I ask for the regular order.

The VICE-PRESIDENT. The regular order is demanded.

Mr. FORAKER. Is there objection to the reading of the letter?

The VICE-PRESIDENT. Objection is interposed to the reading of the letter.

Mr. CULBERSON. I have no objection to its being printed in the RECORD.

Mr. FORAKER. Can not the letter be read as a part of the remarks of the Senator from West Virginia?

Mr. ELKINS. It is very short.

Mr. FORAKER. It is a letter I have been trying to read or have read ever since it was received in the committee, and I thought I was about to be gratified in that respect.

Mr. ELKINS. I will read it as a part of my remarks.

Mr. CULBERSON. The Senator from North Carolina suggests that the reading of it will not interfere with him, and I therefore withdraw the objection.

Mr. FORAKER. It will take only a few minutes.

The VICE-PRESIDENT. The objection is withdrawn, and the Secretary will read the letter, as requested.

The Secretary read as follows:

INTERSTATE COMMERCE COMMISSION,
Washington, January 29, 1908.

HON. STEPHEN B. ELKINS,
Chairman Committee on Interstate Commerce,
United States Senate, Washington, D. C.

DEAR SIR: The Interstate Commerce Commission has the honor to submit the following in response to your communication of 24th instant, transmitting a bill (S. 423) to amend section 6 of the act to regulate commerce, introduced by Senator FULTON December 4, 1907, and requesting the Commission to "advise the committee before its next meeting, January 31, their opinion of said bill and what action they would suggest thereon."

Whilst the views of the entire Commission can not be definitely ascertained within the time named, because of absences on official business, a majority of the Commissioners, and probably all of them, would not be disposed to favor the enactment of this measure.

To give to the protest of a single shipper the effect of preventing the advance of any rate until the reasonableness of that advance was affirmatively determined by the Commission would establish a hard and fast rule of doubtful fairness to the railroads and questionable advantage to the public. Under existing conditions, we are of the opinion that it would be unwise to adopt the arbitrary limitation which this bill proposes, whatever may be found desirable or necessary in this regard in the future.

It is further to be observed that the psasage of such a bill at this time would impose a burden upon the Commission which it ought not to be asked to undertake. If every proposed advance had to be investigated by the Commission and officially sanctioned before it could take effect, the number of cases to be considered would presumably be so great as to render their prompt disposition almost impossible. In instances of justifiable increase the necessary delay resulting from the probable volume of cases would work injustice to the carriers. Until conditions become more stable and the substantive provisions of the act are more completely observed in railway tariffs and practices we entertain the belief that a wider latitude of discretion on the part of carriers than this measure allows should be permitted.

It is also suggested that the practical effect of the proposed amendment might be to prevent voluntary reductions of rates by the carriers. If no rate could be increased without the approval of the Commission after affirmative showing by the carrier, it might happen that many reductions now voluntarily accorded would not be made.

This subject of rate advances was discussed in our recent annual report to the Congress, and that portion of the report is transmitted herewith for the information of your committee. It concludes with a recommendation relating to the matter in question, in which the entire Commission concurred, and that recommendation is now respectfully renewed.

Very respectfully, MARTIN A. KNAPP, *Chairman.*

Mr. SIMMONS rose.

Mr. FULTON. Will the Senator from North Carolina allow me a word, and then I will let the matter go over until a subsequent time?

Mr. SIMMONS. I yield to the Senator.

Mr. FULTON. I do not wish to take up the time of the Senator from North Carolina, and therefore I will refrain from discussing the matter at this time, but later in the day, if possible, or at least at the earliest available opportunity, I shall call it up again and I shall show to the Senate that with the amendment recommended by the Commission, which I appeared before the committee and accepted, and which the subcommittee unanimously agreed to, the bill is recommended and indorsed by the Interstate Commerce Commission and has the approval of every member of that Commission.

I shall not further discuss the matter at this moment. I shall call it up later.

CERTAIN LAND IN THE DISTRICT OF COLUMBIA.

Mr. CARTER. Mr. President, I desire to make, briefly, some remarks; but as the Senator from North Carolina [Mr. SIMMONS] gave notice of his intention to speak this morning, I will withhold my observations until the conclusion of his remarks.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. M. C. LATTA, one of his secretaries, announced that the President had approved and signed the following acts:

On March 10, 1908, the President approved a bill of the following number and title:

S. 3941. An act to amend section 4 of an act entitled "An act to prevent unlawful occupancy of the public lands," approved February 25, 1885.

On March 11, 1908:

S. 4351. An act for the relief of the Alaska Pacific Railway and Terminal Company; and

S. 3409. An act to extend the time of payments on certain homestead entries in Oklahoma.

On March 13:

S. 5155. An act authorizing the exchange of lands for the enlargement of maneuvering grounds.

INDIAN APPROPRIATION BILL.

Mr. CLAPP. I desire to submit the conference report on the Indian appropriation bill. In view of the proposed speech of the Senator from North Carolina, I will defer action upon it until after he concludes.

The report was submitted, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15219) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1909, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 21, 22, 23, 24, 49, 52, 54, 55, 56, 57, 58, 60, 61, 62, 63, 64, 65, 66, 68, 69, 73, 75, 85, 94, 99, 100.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 18, 19, 20, 25, 26, 29, 30, 32, 34, 36, 37, 40, 41, 44, 45, 46, 47, 48, 50, 67, 77, 78, 80, 82, 83, 86, 87, 89, 91, 93, 102, 104, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Strike out all of said amendment and insert:

"The Secretary of the Interior shall take possession of all buildings on lands belonging to the Five Civilized Tribes, now or heretofore used for governmental, school, or other tribal purposes, together with the furniture therein and the land appertaining thereto, and appraise and sell the same at such time and under such rules and regulations as he may prescribe, and deposit the proceeds, less expenses incident to the appraisement and sale, in the Treasury of the United States to the credit of the tribes respectively owning the said land and improvements, and immediately after any such sale patents for the realty thus sold shall be made and delivered in the same manner as now provided by law for other tribal property: *Provided*, That when practicable preference right shall be given to the State, counties, and municipalities of Oklahoma to purchase said lands and improvements at the appraised value: *And provided*, That pending such appraisement and sale the Secretary of the Interior may temporarily lease said buildings and lands for the benefit of the tribes respectively to which they belong."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In line 2, after the word "and," strike out the words "purchase of;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with

an amendment as follows: Strike out all of said amendment and correct the total so as to read: "In all, two million one hundred and fifteen thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: Strike out all of said amendment and insert: "That the Commissioner of Indian Affairs is hereby authorized to send a special Indian agent, or other representative of his Office, to visit any Indian tribe for the purpose of negotiating and entering into a written agreement with such tribe for the commutation of the perpetual annuities due under treaty stipulations, to be subject to the approval of Congress; and the Commissioner of Indian Affairs shall transmit to Congress said agreements, with such recommendations as he may deem proper;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: Strike out the word "ninety" and insert in lieu thereof the word "eighty-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In line 4 strike out the word "may" and insert in lieu thereof the word "shall;" in the same line strike out the words "from this" and in line 5 the word "appropriation;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: At the end of said amendment add the following: "*Provided*, That this appropriation shall be so expended as to make further appropriation for this purpose unnecessary;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: After the word "reservation," in line 10, add: "*Provided*, That no part of this appropriation shall be available until the proper officer of the Indian Bureau shall investigate and report that the work contemplated can be completed for the amount herein appropriated;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: Strike out all of said amendment and insert:

"That the land in the following subdivisions now embraced in the Coeur d'Alene Reservation, in Idaho, to wit: Sections one, two, and twelve, township forty-six north, range four west, Boise meridian; sections thirty-five and thirty-six, township forty-seven north, range four west, Boise meridian; all of those portions of sections two, three, four, five, six, seven, eight, nine, ten, and eleven, township forty-six north, range three west, Boise meridian, lying south and west of the St. Joe River, in said township; all of those portions of sections thirty-one and thirty-two, township forty-seven north, range three west, Boise meridian, lying south and west of the St. Joe River, in said township, is reserved and withdrawn from allotment and settlement, and the Secretary of the Interior is hereby authorized to convey any part thereof to the State of Idaho to be maintained by said State as a public park, said conveyance to be made for such consideration and upon such terms and conditions as the Secretary of the Interior shall prescribe. The proceeds of such sale shall be deposited in the Treasury of the United States for the use and benefit of the Coeur d'Alene Indians in such manner as Congress shall hereafter prescribe."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In line 2, after the word "authorized," insert the words "in his discretion;" and in line 6, after the word "purchase," strike out the words "in his discretion;" in line 9, after the word "Iowa," strike out the balance of said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In line 2, after the word "to," strike out the words "use and;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In line 2, strike out the words "and directed" and insert in lieu thereof the words "in his discretion;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: After the word "conclusive," in line 10, insert: "*Provided*, That the expense thereof shall be paid out of the moneys found due said Indians in said cause;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In line 1, after the word "implements," insert the words "other equipment." In line 9, after the word "Interior," insert the words "provided that said expenditures shall be made;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: Strike out all of said amendment and insert:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to examine and report on the advisability and expense of settling Chief Rocky Boy's band of Chippewa Indians, now residing in Montana, upon some suitable existing Indian reservation or public lands, and to report to Congress the cost thereof, including the cost of making such preparation for the use of the lands upon which they are to be settled, as in his judgment seems necessary."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: Strike out all of said amendment after the word "make," in line 10, and insert in lieu thereof the following: "Such arrangement and agreement in reference thereto as said Secretary deems for the best interest of the Indians: *Provided*, That no lien or charge for construction, operation, or maintenance shall thereby be created against any such reserved lands: *And provided further*, That to meet the necessary cost of carrying out this legislation the Secretary of the Interior is authorized to expend, out of the sum appropriated in this act for irrigation, an amount not exceeding $13,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In line 2 strike out the word "six" and insert in lieu thereof the word "five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: Strike out all of said amendment and insert the following:

"For construction of concrete walk, driveways, and grading, $2,500."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In line 1 strike out the word "twenty" and insert in lieu thereof the word "six;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In line 2 strike out the word "five" and insert in lieu thereof the word "three;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: Strike out all of said amendment and correct the total so as to read: "In all, thirty-six thousand seven hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In line 2, after the word "Jack," insert the words "Choctaw allottees;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In line 2 strike out the words "and directed" and insert in lieu thereof the words "in his discretion." At the end of said amendment add:

"*Provided further*, That the Secretary of the Interior is authorized, in his discretion, to pay, upon the surrender of the note hereinafter described, out of the above sum appropriated for the Sac and Fox Indians, to Helen Pennock, the widow and surviving heir of William Pennock, the sum of six hundred dollars, in full settlement of a promissory note given by Mo-ko-ho-ko and Ke-wa-quah, chiefs of the Sac and Fox Indians, and Ketch-e-Cush, a councilman."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: Strike out all of proposed amendment,

and on page 36, in line 21, after the word "patent," strike out "and conveying;" and in line 22 strike out the word "same;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: Strike out all of said amendment and insert in lieu thereof:

"That contracts heretofore or hereafter made by and between persons stricken by the Secretary of the Interior from the final rolls of the Five Civilized Tribes, or whose right to be upon said rolls is or shall be a matter of litigation, and attorneys employed by them to secure their restoration to or their right to be upon said rolls are hereby declared valid and enforceable in the event of the restoration of said persons to the rolls or success in such litigation against allotted lands or tribal funds of the persons so restored to or given rights upon the said rolls, if such contracts are approved by the Secretary of the Interior in their original or such modified form as he may deem equitable, and not otherwise."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: Strike out all of said amendment and insert:

"That the Secretary of the Interior is hereby authorized and directed to pay, out of the Chickasaw fund, to D. H. Johnson, governor of the Chickasaw Nation, compensation for his services as such governor at the rate of fifteen hundred dollars per annum from March fourth, nineteen hundred and six, so long as he shall legally serve as such governor."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: Strike out all of said amendment and insert in lieu thereof:

", and the Secretary of the Interior is directed to so disburse this appropriation as to complete said work by July first, nineteen hundred and nine."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: Strike out the word "six" and insert in lieu thereof the word "five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows: In line 2 of said amendment strike out the word "five" and insert in lieu thereof the word "two;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: Strike out all of said amendment and insert in lieu of the amount proposed, "$12,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: Strike out all of said amendment and insert:

"That the Commissioner of Indian Affairs is authorized and directed to invite proposals for the construction of a gravity water system for the Rapid City School, to be supplied from the springs located on the school farms, said bids to cover construction of suitable reservoir and laying of a 6-inch main thereon to said school buildings and grounds, and such minor and collateral piping as may seem necessary, and to report thereon to Congress."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: Strike out all of said amendment and insert the following:

"The Commissioner of Indian Affairs is hereby authorized and directed to expend so much of the trust funds of the Ute Indians, not exceeding $75,000, now in the United States Treasury, as, in his judgment, may be necessary to prevent want and suffering among the Absentee Utes, and the amount so expended for each individual Absentee shall be made a matter of record to be charged against and deducted from the share said absentee may be entitled to receive when the trust funds of the Utes are allotted and distributed to the members of the tribe."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: On line 3 of said amendment strike out "Uinta" and insert "Uintah." Transpose entire amendment to page 48 and place after amendment one hundred and one; and the Senate agree to the same.

MOSES E. CLAPP,
P. J. MCCUMBER,
ROBERT L. OWEN,
Managers on the part of the Senate.

J. S. SHERMAN,
THOMAS F. MARSHALL,
JOHN H. STEPHENS,
Managers on the part of the House.

OCEAN MAIL SERVICE.

The VICE-PRESIDENT. The Chair lays before the Senate the shipping bill, so called.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 28) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce."

Mr. SIMMONS. Mr. President, I have given much thought and study to the proposition contained in the bill now before the Senate. It deals with an exceedingly important question, and I have earnestly sought to bring to its consideration an unbiased and untrammeled judgment.

I shall not attempt an elaborate discussion of the subject, but I shall content myself with a plain, direct statement of the purposes and effect of the bill and the practical conditions which, I think, make its enactment at this time wise and expedient.

The bill is simply a proposition to amend the ocean mail service law of 1891. It does not change the principles of that act in the slightest. The bill is very short, embracing only a few lines, and in order that I may present my argument with greater clearness, I will read it.

Be it enacted, etc., That the Postmaster-General is hereby authorized to pay for ocean mail service under the act of March 3, 1891, in vessels of the second class on routes to South America, to the Philippines, to Japan, to China, and to Australasia, 4,000 miles or more in length, outward voyage, at a rate per mile not exceeding the rate applicable to vessels of the first class as provided in said act.

The act of 1891 authorized the Postmaster-General to enter into contracts for terms of years, not less than five nor more than ten, with American citizens for carrying the mails between this country and the ports of foreign countries. For the purposes of that law American steamships are divided into four classes: First, steamers of 20 knots speed per hour, with a gross tonnage of not less than 8,000 tons; second, steamers of 16 knots per hour speed, with a gross tonnage of not less than 5,000 tons; third, steamers of 14 knots, with a gross tonnage of not less than 2,500 tons; and fourth, of 12 knots, with a gross tonnage of not less than 1,500 tons.

The act provides that the rate of compensation for such ocean mail service for steamers of the first class shall not exceed $4 per mile outward voyage; of the second class, $2 per mile; of the third class, $1 per mile; and of the fourth class, 66 cents per mile, by the shortest practicable route.

In order to come within the provisions of the act steamers of the first, second, and third classes are required to be constructed upon plans and specifications agreed upon by the Navy Department, with a view to prompt and economical conversion into auxiliary naval cruisers. These steamships are required also to carry a mail messenger and to provide suitable room and accommodation both for him and the mail; also one cadet or apprentice, who is to be an American boy, for each thousand gross tons capacity and for each majority fraction of a thousand gross tons.

By the terms of the law all steamers so employed may at any time be condemned by the Government and purchased for use as auxiliary cruisers or transports upon a price to be agreed upon, or in case of disagreement to be fixed by appraisement.

Finally, under the act the contract is let by advertisement, as required in the Revised Statutes, section 2941, for letting contracts for carrying inland mail.

These are the essential provisions of the act of 1891 as they are affected by the bill under consideration.

At present, Mr. President, and for many years past our foreign mail service has not only been self-sustaining but it has yielded a considerable profit. While the adoption of this bill will probably add twenty-five or twenty-seven high-class merchant ships to our almost at present insignificant merchant marine and give us prompt and reliable business communication with the Orient and the important countries to the south of us, it is practically certain that Congress will never be called upon, if this amendment is adopted, to appropriate one dollar for this

new and additional service. Certainly that will be the case if the amendment I shall offer and of which I shall speak later is adopted.

For the fiscal year ending June 30, 1907, the receipts from this service, exclusive of Canada and Mexico, amounted to $6,579,043.48, while the disbursements amounted to only $2,941,816.67, leaving a profit from this service in favor of the Government in that year of $3,627,000. For the year 1906 the excess in receipts over cost in this service in round figures amounted to $3,000,000; in 1905, to $2,000,000; in 1904, to $2,500,000; in 1903, to $2,600,000; in 1902, to $1,491,000, and in 1900, to $1,452,000.

On the average for the past seven years the volume of the ocean mails has increased annually a trifle over 12 per cent, the postage for ocean mails nearly 13 per cent, the cost of ocean transportation only 6½ per cent, and the profits, subject to slight qualifications, 21 per cent.

These figures show not only a gradual, and I might add a rapid, increase in the profits of this service, but they show that the excess in receipts over cost in this branch of the postal service is not occasional but is a fixed factor in the finances of that Department, and may therefore be safely relied upon as a fund for the improvement of that service.

Early in the month of February, shortly after this bill was introduced, and I wish to ask the attention of the Senator from New Hampshire at this point, I introduced a proposed amendment to the bill in these words:

Provided, That the compensation from foreign mail service in any one year shall not exceed the estimated revenue therefrom in that year.

I hope the Senator from New Hampshire will see his way clear to accept this amendment.

Mr. GALLINGER rose.

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from New Hampshire?

Mr. SIMMONS. Certainly.

Mr. GALLINGER. Mr. President, I will say to the Senator from North Carolina that I think his amendment is a very fair and proper one, and so far as I am personally concerned I will take great pleasure in accepting it and letting it become a part of the proposed bill without any controversy.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Texas?

Mr. SIMMONS. Certainly.

Mr. CULBERSON. If it does not interrupt the Senator, I would be glad to have him restate his amendment.

Mr. CULLOM. The amendment is to be inserted at the end of the bill.

Mr. CULBERSON. Has the Senator the text of the amendment there?

Mr. SIMMONS. I have. It reads as follows:

Provided, That the compensation for foreign mail service in any one year shall not exceed the estimated revenues therefrom in that year.

Mr. CULBERSON. Mr. President, if it does not interrupt the Senator from North Carolina, I desire to ask a further question, and that is, if he is able to state the expenditures and revenues of the postal service with reference to South America, the Philippines, Japan, China, and Australasia; in other words, I should like to know how the amount of expenditures for that particular service compares with the receipts?

Mr. SIMMONS. I have not been able to get the Department to segregate the expenditures and the receipts of the service so as to enable me to answer the Senator's question.

Mr. CULBERSON. The figures now presented by the Senator from North Carolina refer to the whole foreign mail service?

Mr. SIMMONS. Yes; they relate to the whole foreign mail service. I will state that I have asked for such a segregation, but I have not up to this date received it.

The Department estimates that it will require twenty-seven 16-knot steamers to give us adequate mail with South America and the Orient under this bill, and that the cost of that service will be about $3,630,000 per annum, or about $30,000 less than the profits on our foreign mail service for 1907. If the present rate of profit on our foreign mail service continues and the Department's estimate of the cost of this new service is correct, the receipts will be sufficient for the establishment of the routes now contemplated, and my amendment would be unnecessary.

But, Mr. President, the bill does not limit the number of lines the Department may establish, nor the number of ships it may employ, and my purpose in offering this amendment is to limit expenditures to receipts and to prevent expansion of the service faster than the receipts from it may justify. This amendment is in line with the general policy of our postal administration, by which receipts from postage are appropriated to the expenses of the postal administration. It fixes automatically a limit on expenditures by requiring that the expenses on ocean mail service can not exceed receipts, but as the business increases and the receipts increase this service may be extended and improved.

Mr. President, the bill simply amends the act of 1891 by authorizing and empowering the Postmaster-General to pay American steamships of the second class engaged in carrying our mail to South America, to the Philippines, to Japan, China, and Australia the same rate that that act allows to American vessels of the first class, and the only difference between vessels of the first and second class as defined in the act is the difference between 20 knots and 16 knots speed per hour and the difference between a tonnage capacity of 8,000 tons and 5,000 tons.

Would this amendment be to the interest of the postal service? Would it promote our foreign commerce and would it be a proper expenditure of the public money? I think, Mr. President, an analysis of the facts will show that the differentiation made by the act of 1891 between the compensation allowed steamers of first and second class is unwarranted and that in the conditions and requirements of our ocean transportation it is unjust and discriminatory against our oriental and South American postal service and trade.

There are to-day in the whole world, Mr. President—and this I regard as a very important fact in connection with the subject which I am discussing—there are to-day in the whole world but twenty-one steamships of the first class, as ships of this class are defined in the act of 1891, and every one of these steamships, except two owned by the Canadian Pacific Railroad and running between Canada and Europe, sail from New York to ports of northern Europe. Not one of them enters or clears any other port in this country except New York. The great volume of business and travel between New York and Europe, the character of that traffic, especially its high-class passenger and express business, has made these swift, luxuriously appointed steamships necessary in that trade, but they are not needed to meet the condition and requirements of trade anywhere else in the world.

Mr. FOSTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Louisiana?

Mr. SIMMONS. With pleasure.

Mr. FOSTER. Mr. President, under the act of 1891 the Postmaster-General is authorized to pay to ships sailing 20 knots an hour or more $4 per statute mile for the outward trip. That law also requires that such ships shall be built under certain requirements of the Navy Department.

Mr. SIMMONS. I have stated that.

Mr. FOSTER. And that they must be manned by American seamen and must be available as cruisers in time of war.

Mr. SIMMONS. Yes.

Mr. FOSTER. If this amendment prevails or this bill passes, giving to the 16-knot ships the same pay that the original law gave to the 20-knot ships, will it likewise require the ships to be built according to the regulations of the Navy Department, and will it likewise require them to be available for cruisers in time of war, and must they be manned by American seamen?

Mr. SIMMONS. Such ships will have to be built upon the same terms and conditions that the act of 1891 prescribes for the construction of ships of the first class to be employed in carrying the mails by the Government. This is a mere amendment of that act. The Senator was probably absent from the Chamber when I stated the general provisions of the act of 1891. I stated them to be substantially as he has stated them.

Mr. BACON. I understand the details which the Senator has recited apply to all the different classes.

Mr. SIMMONS. To all classes; yes, sir. The proposed amendment raises the compensation of steamers of the second to that fixed by the original act for steamers of the first class—that is the only change it makes as respects compensation.

The vessels of the first class, Mr. President—and it was the first class I was discussing—get $4 per mile, as the Senator from Louisiana [Mr. FOSTER] has just stated, and every one of these twenty-one ships which flies the American flag is now under the employment of the Post-Office Department under the act of 1891.

The conditions of the deep-sea commerce of the Pacific are entirely different from those between New York and the ports of northern Europe. The volume and character of our trade in those waters does not justify the use of vessels of the first class. In that trade a vessel of this class could not live at all. Of the eleven great steamships, whether floating our flag or that of a foreign country, running between the Pacific ports of the

United States and oriental countries not one is of the first class, and only eight are of the second class, and it will probably be many years before that trade will justify the employment of ships of a higher class than those now in use.

The same is true with respect to our ocean commerce with South America. At present there is not a single ship either of the first or second class, and only three of the third class, employed in that trade. That trade does not require ships of the first class; it could not support them. Ships of 16 knots speed, with a tonnage capacity of 5,000 tons, are as fast and as large a class of boats as either our South American or Pacific business at present requires, and they are just as well adapted to that trade as ships of 20 knots speed and 8,000 tons burden are to the trade between New York and Europe. I submit, Mr. President, that under these circumstances there is no reason why steamers of the second class should not be paid as much for carrying the mails in these waters as the larger and faster steamers which sail from New York. Under the circumstances, to allow $4 per mile for carrying the mail between New York and Europe and only $2 per mile for carrying it to South America and the Orient is an injustice and a discrimination which, in the interest of the public and the business involved, ought to be removed.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from New Hampshire?

Mr. SIMMONS. Certainly.

Mr. GALLINGER. I want to call the attention of the Senator from North Carolina to the fact that, while the law of 1891 requires that second-class steamers shall not be less than 5,000 tons, two ships, I think, that were built last year for the West India trade, although second-class steamships, were of 6,000 tons, and it is exceedingly probable, indeed almost a certainty, that on the longer routes ships will be built of at least 8,000 tons, and yet they will be denominated "second-class ships."

Mr. SIMMONS. That is, they will have less than the maximum speed required for first-class ships. No doubt as the business increases ships of larger tonnage will be required, and the Senator is right in saying the capacity of these vessels will be increased, but it will be a long time before that trade will require ships of 20 knots—that is, of the first class.

Mr. GALLINGER. Yes; they are simply 16-knot ships, but they are larger ships than would be required under the law of 1891.

Mr. SIMMONS. Mr. President, the argument I was presenting when interrupted by the Senator from New Hampshire receives additional force from the fact that a $4 per mile rate is not necessary to get our mail carried in American bottoms between New York and Europe, while it is necessary to pay a larger compensation than $2 per mile in order to get our mail carried in American bottoms to South America and to the Orient.

I do not make this statement upon my own authority, but upon the authority of statements coming from officials of the Department having control of these matters. The report of the Postmaster-General shows that on account of the immense volume of our postal business between New York and Europe the four American contract steamers sailing from New York would have received for the year 1906 $140,000 more than they did receive in that year if they had been paid under the weight-rates basis of the act of 1872 instead of the mileage basis of the act of 1891.

Bearing upon this phase of the question I have a letter from Mr. E. T. Chamberlain, Commissioner of Navigation, addressed to me and dated March 6, 1907, which contains some exceedingly interesting statements and exhibits. With the indulgence of the Senate I will read a part of this letter.

I omitted giving you yesterday the statement you asked for showing that at the $4 rate under the ocean mail contract law of 1891 the 20-knot American mail-line steamers have really received less than they would have received had they been paid under the act of 1872, sea and inland postage. The annexed table shows the details since 1900, taken from the reports of the superintendent of foreign mails. I have no reports earlier than that date. The report for 1907 was not printed, but the company was actually paid under the act of 1891 the sum of $691,224, while on sea and inland postage on mails carried it would have received $931,309.12, showing that it would have received $140,085.12 more under the act of 1872 than it did get under the contract act of 1891. For eight years the showing is as follows:

	Excess of receipts.	
Excess (act 1872):		
1907	$140,085.12	
1906	147,904.08	
1905	119,748.48	
1904	61,565.28	
1903	38,589.36	
		$507,892.32
Excess (act 1891):		
1902	26,523.36	
1901	162,073.44	
1900	258,325.92	
		446,922.72
Balance		60,969.60

This table shows, Mr. President, that in the beginning of its contract with the Government the company operating this line of steamers would have received under the mileage basis of the act of 1891 something over $258,000 more than under the weight-rate act of 1872, and that that condition continued for several years, but that in recent years, especially during the last three, on account of the immense volume of mail these steamers now carry, it would have received largely more under the weight-rate basis of the act of 1872 than under the mileage basis of the act of 1891. For these reasons, Mr. President, I say that the postal rate prescribed in this act is no longer necessary to secure our mails carried in American ships from New York to Europe.

Now, Mr. President, let us see what has been the result of the efforts of the owners of second-class American steamships to carry our foreign mail on the Pacific for $2 per mile. There are only seven American steamships engaged in foreign trade on the Pacific which are eligible for contract under the act of 1891; of these seven steamships only three, the *Sonoma*, the *Ventura*, and the *Sierra*, have seen fit to enter into contract under that act with the Government, and all of these have recently canceled their contracts with the Government upon the ground that they were losing money, and have gone out of business.

In other words, the compensation of $2 per mile is so unattractive and unprofitable that none of the seven American steamships plying the Pacific are willing to carry our mails at this price. The situation with respect to South America, with the exception of Venezuela, is even worse. For seventeen years the Postmaster-General has been ready and willing and anxious to employ American steamships to take our mails to and from South American countries, but no American shipowner has been found who is willing to perform that service for the compensation provided, with the result that to-day not a letter nor a postal card, nor a pound of mail of any kind is carried from any South Atlantic or Gulf port to any country in South America, except Venezuela, upon a steamship of any kind floating the American flag.

Moreover, not a single American steamer of any kind or class is to-day running between this country and Brazil, or any South American country, except Venezuela. If we are willing that our work should be done by Asiatics, we can get it done at Asiatic prices. If we want it done by Americans, we must pay American prices. It has been demonstrated that we can not get our mails carried to South America in American bottoms at the price fixed by the act of 1891.

Mr. President, the condition of our postal communication with South America is a disgrace to our Government and people. The only steamship communication, either commercial or postal, we have with this country, with the exception of Venezuela, is by foreign ships, not one of which is of the first or second class and most of which are below the third class, all running upon slow and irregular schedules, when, indeed, they attempt or pretend to operate under any schedule at all. They are practically freight steamers and where they have any passenger accommodations at all they are of the crudest and most primitive character. Under these conditions we must either send our mail to South America by these slow and irregular channels, or we must send it across the Atlantic to Europe and then across the Atlantic again to its destination. As a matter of fact, to secure greater dispatch, a large part, perhaps the major part, of our foreign mail to South America goes by way of Europe. In his report for 1907 the superintendent of the foreign mail service says that in the last year the bulk of our mail to South America was sent by way of Europe, because business men of this country engaged in business with South America found that was the most expeditious method of communication with their customers in that country.

I have a letter written to me by the Acting Second Assistant Postmaster-General, Mr. Hollyday, dated March 5, which shows, even more clearly than the statement of the superintendent of foreign mails, the wretched conditions of our postal communication with South America. It is short and I will read it, because it discloses a most amazing condition in our postal relations with this country. I do not just at the moment find the latter in the mass of papers before me. I am afraid I have misplaced it or failed to bring it with me. I regret that this is so, but I can state the substance of it. In substance he says that during the month of February just passed there was only one dispatch of mail from this country to Brazil and other South American ports, and he adds that the irregular sailings slated for the present month will enable the Department to avoid dispatches by way of Europe.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from New Hampshire?

Mr. SIMMONS. Yes.

Mr. GALLINGER. I suppose the Senator means direct to South America?

Mr. SIMMONS. Of course. I understood the Acting Second Assistant Postmaster-General to mean that we had only one direct dispatch of mail to South America during February. I regret I can not find the letter among the mass of matter I have before me.

Mr. FOSTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Louisiana?

Mr. SIMMONS. Of course.

Mr. FOSTER. While the author of the bill, the Senator from New Hampshire [Mr. GALLINGER], is on his feet I should like to ask him a question for information only. Why is it that the provisions of this bill are limited to South America, the Philippines, Japan, China, and Australasia, and not to Central America? Why is Central America excluded from the provisions of the bill?

Mr. GALLINGER. Mr. President, those of us who looked into that matter were of the opinion that the urgent necessity was to get communication with Brazil and Argentina; that the 4,000-mile route would apply to those countries, as well as to the oriental countries, and that we should make provision for such service at the present time. More than that, our trade will largely be with South America, rather than with Central America, and it is much more important, I think, that we should develop that trade.

Mr. SIMMONS. Besides that, if the Senator from New Hampshire will permit me, I think our trade with Central America and our communication is in much better condition than with South America.

Mr. GALLINGER. It is in better condition at the present time. Of course we have no communication with South America.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Georgia?

Mr. SIMMONS. Certainly.

Mr. BACON. If the Senator from North Carolina will permit me to make an inquiry in that connection of the Senator from New Hampshire, who is the author of the bill, while he is on his feet, I desire to ask the Senator from New Hampshire if the 4,000-mile limit would not exclude Venezuelan ports? Is not Venezuela nearer than 4,000 miles?

Mr. GALLINGER. Yes; and we have the Red D Line to Venezuela at the present time, sailing from New York. They are third-class vessels, but we have communication with Venezuela.

Mr. SIMMONS. If the Senator will pardon me, I have stated several times that Venezuela was an exception to the conditions that I have been relating. We now have not adequate, but fairly good communication with Venezuela. There is a line of steamers running there—though they are small steamers.

Mr. GALLINGER. We have a little line running there and they get a subvention under the act of 1891.

Mr. BACON. I suppose of course the 4,000-mile limit was fixed advisedly, and therefore I should like to know from the Senator from New Hampshire what is the first South American port, taking the starting point, say, at the South Atlantic ports, that would be available under that 4,000-mile limit?

Mr. GALLINGER. Of course the ports that we are much more interested in than any others are Rio de Janeiro and Buenos Ayres.

Mr. BACON. Well, how far is it to those places? I presume the Senator has taken his distances from New York.

Mr. GALLINGER. From New York.

Mr. BACON. And it would be less from South Atlantic ports?

Mr. GALLINGER. It would be less from Southern ports, of course. The distances, I will say——

Mr. SIMMONS. To Australasia via Hawaii it would be 7,300 miles. That is the longest distance. The shortest distance to any foreign port included in the provision of the amendment is 5,000 miles.

Mr. GALLINGER. If the Senator from North Carolina will permit me a moment, there is not much difference between the Atlantic and Gulf ports in this respect. To Rio Janeiro is 5,000 nautical miles; to Buenos Ayres, 6,000; to Hawaii, Japan, China, and the Philippines, 6,000; to Hawaii, Japan, China, and the Philippines, 6,500, and via Hawaii to Australasia, 7,300 miles.

Mr. BACON. The only point I felt interested in was to know whether the 4,000-mile limit would make available any of the South Atlantic ports.

Mr. GALLINGER. Absolutely.

Mr. BACON. All of them?

Mr. GALLINGER. Yes; and the Gulf ports.

Mr. SIMMONS. I have stated in general terms that the shortest route would be 5,000 miles.

Mr. GALLINGER. That is right.

Mr. SIMMONS. I have succeeded, now, in finding the letter from the Acting Second Assistant Postmaster-General, to which I referred a moment ago, and I will read it. It is dated March 6, 1908, and is as follows:

POST-OFFICE DEPARTMENT,
SECOND ASSISTANT POSTMASTER-GENERAL,
Washington, March 5, 1908.

DEAR SENATOR: Referring to your personal call at this office yesterday, I beg to advise you that during the month of February one dispatch of mail was made from this country for Brazilian and other South American ports, namely, on the 6th. During this month there will be irregular sailings which will enable us to avoid dispatches of mail via Europe.

Respectfully, yours, JOHN W. HOLLYDAY,
Acting Second Assistant Postmaster-General.

Hon. F. M. SIMMONS,
United States Senate.

Think of that, Mr. President—only one dispatch of mail from this country to Brazil and other South American ports during the month of February. South America is a great country, larger by far in area than our own, with a rich and productive soil, inhabited by an intelligent, energetic, and progressive people, whose foreign trade, already valuable, is rapidly expanding. It is not only a part of our own hemisphere and bound to us by strong political ties, but there are many reasons connected with its climate, with the habits and pursuits of its people, why it should be a great consumer of our products, especially of our manufactured products. To this great country, with which we are trying to strengthen our social, political, and business relations, we had during the month of February only one dispatch of mail.

When at the Post-Office Department a few days ago I inquired how they kept up with the irregular sailings referred to in the letter of the Acting Second Assistant Postmaster-General. In response to this inquiry I was advised that just before these sailings the company notifies the Post-Office Department of the day and hour of these sailings and the Department orders the mail sent forward.

I think in the face of these facts further comment upon this phase of the subject is unnecessary.

Mr. President, the proposition before us is not a proposition to repeal the act of 1891. That act is the law of the land and has been for the last seventeen years. Nobody has offered a bill to repeal it. The bill before us simply proposes to amend that act, without extending its principles, for the purpose of correcting certain demonstrated irregularities and making it workable in the dispatch of our mails to South America and the Orient as well as to Europe; to amend it so as to allow the Postmaster-General to pay to the highest class steamers which the exigencies of our commerce and postal communication with South America and the Orient require and justify the same compensation for carrying our mails to those countries as the original act allows him to pay to the luxuriously appointed and swifter steamers plying between New York and Europe for the same service; to amend it so that a ship speeding 20 miles an hour may not be paid twice as much for carrying our mails from New York to Europe as one steaming 16 miles an hour is paid for carrying it to China, Japan, Rio, and Buenos Ayres.

Mr. FRYE. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Maine?

Mr. SIMMONS. With pleasure.

Mr. FRYE. I call the attention of the Senator from North Carolina to the fact that the bill which became a law in 1891 when it passed the Senate contained the same provision that is now applied in this bill to 16-knot steamers.

Mr. SIMMONS. Yes. A consideration of the relation and requirements of our trade with South America and the Orient, as compared with that of North Atlantic ports with Europe, leads me to conclude that a mistake was made in striking it out.

Mr. President, I repeat, this is not a proposition to repeal the act of 1891; it is a mere proposition to amend it so that a 20-knot steamship like those of the Cunard Line and the White Star Line, fitted up to accommodate the taste and fancy of the rich and aristocratic travel between New York and London, or Paris, or Hamburg, shall not be paid twice as much for carrying the mails as is paid to the less pretentious, but to the business involved, equally satisfactory steamships running to Sydney, Hongkong, Rio, and Buenos Ayres.

Whatever may be said of the act of 1891, the proposed amendment to that act is not in any sense a subsidy. It simply puts our mail carriers upon the Pacific Ocean and upon South Atlantic waters upon an equal footing in the matter of compen-

sation with those upon the Northern Atlantic and allows the receipts from our ocean mail service to be used for its improvement and betterment.

I have no sympathy with bonuses and subsidies, but where a great public object is to be accomplished, where the benefits to accrue to the public is incalculable, I would not oppose legislation to secure these benefits because the individual agencies through which these results must be worked out derive some incidental benefit, trifling in amount compared with that derived by the public. That is not legislation for private profit, but for public benefit. I am opposed to a protective tariff. I am now and I always have been in favor of a tariff for revenue, with incidental protection. That was the platform upon which Democracy won its first great national victory after the war. That is the principle upon which every Democratic tariff bill promulgated since the war has been framed. In levying a tariff to raise revenue to support the Government I believe in placing a duty upon foreign products sold in this country in competition with like home products sufficient to equal the difference between the labor cost of that product here and abroad. The American laborer is entitled to this equalization, whether his competitor is a European or an Asiatic laborer, and the whole country participates in the prosperity which comes to him as a result. The object accomplished is a public object. To levy a higher duty for this purpose than is necessary to equalize these labor conditions would be a private bounty and wrong.

Mr. President, international as well as domestic trade depends upon transportation, not only of merchandise but of the mails, through which business engagements are induced, initiated, and consummated. Commercial and postal communication are in a sense interdependent—there will be little commerce without postal communication and little postal communication without commerce. If the commerce between foreign ports is large the amount of mail matter will be large. Where the business is large, as between New York and London and Hamburg, there is no trouble about getting ample and quick transportation for both merchandise and mail, but where it is small, as between this country and South America and the Orient, the situation is different. In such a case the question is, Will we leave these great independent interests to their own resources to find such transportation as they can and to develop under the slow and tedious process of inadequate facilities controlled by hostile and unfriendly interests, or will we stimulate and quicken their development by helping to secure quick and adequate facilities of transportation and communication?

That is our problem to-day with South America and, to a lesser degree, with the Orient. It is the same problem which confronted us fifty years ago in the development of our internal domestic commerce. We had a great country, stretching from ocean to ocean, covering over three and a half billion square miles, but it was poorly linked together; its widely separated parts needed to be brought into communication by rail and water. I need not stop here to recount in detail the many ways in which the Government, the States and their subdivisions, and the people lent their cooperation to encourage and aid in securing our present vast and comprehensive system of inland rail and water transportation and postal communication, nor what we are still doing in that direction.

During the past forty years the National Government has spent millions upon millions of dollars in the improvement of our rivers and harbors, and the Government, the States, the counties, and towns, by way of subscription and donation, have invested many more millions to aid private capital in the construction of railroads and to provide inland transportation to accommodate the needs of intercourse and postal communication and for marketing and distributing the products of our fields, forests, mines, and factories.

Wherever the pioneer has gone we have soon sent to him the railroad, with its postal and express facilities. If we could not send the railroad to him we have sent the mail carrier. Likewise with our rural population, without counting the cost—over the plains and across the mountains—wherever he has builded his habitation we have sent the mail carrier to take to him his letters and papers. First by the star route and stagecoach we dispatched once a week the mails to the rural postoffices along their lines, and on Saturday the farmer went for his letters and his weekly paper. It was an inexpensive service, but it was not what the public interest required; it was not what the farmer was entitled to receive at the hands of the Government. In response to this demand we decided to give the farmer a daily mail delivered at his gate, and to-day we are paying approximately 38,000 rural carriers a salary of $75 per month to ride over 38,000 rural routes every day, without reference to the amount of mail matter each distributes and without reference to whether the receipts of the route he serves are sufficient to pay his salary or only a small part of it.

Starting with a small beginning a little over fifty years ago we have in that short space of time built up the best and most comprehensive domestic system of rail transportation and postal communication in the world. With these unrivaled facilities of transportation and communication as a chief factor in our development, we have in an incredibly short time become the greatest producing nation, with the greatest domestic market, in the world. We are not only producing nearly everything we consume, but much more of many things than we can consume. The question with the American manufacturer is no longer one of supplying home consumption, but to find other markets for what we can not consume, and the problem which confronts him is no longer one of inland, but one of ocean transportation. Pressed to find a market for their products to relieve the congestion at home and to make possible further industrial expansion, they are anxiously looking abroad, and everywhere we are beginning to hear the cry, "To the sea; to the sea!" It comes to us from the factory, the mine, the forest, and the field.

We have not by any means reached the limit of our industrial growth. We have only fairly begun. With equal and adequate sea transportation, we may hopefully look for our growth in world trade during the next quarter of a century to become as striking as has been the growth of our home trade during the last quarter.

In the industrial and commercial condition which confronts us to-day equal and adequate deep-water transportation and communication to and with the countries upon whom we must rely for the sale of the surplus products of our mines, mills, and factories has become, or soon will become, almost as pressing a question as that of domestic transportation in the last three or four decades. Unfortunately, upon the deep seas we have at present practically no transportation except such as our competitors in trade have graciously furnished us. Because it is to their interest to do it, the great commercial nations of Europe now furnish us ample transportation for our trade with them.

Great Britain, Germany, and France need our foodstuffs to feed their millions of operatives and they need our raw cotton to operate their mills and spindles to make the fabrics with which they clothe the world. They stand ready at all times to furnish us ships not only to transport these products to their own ports, but to furnish us with such of their own products as we may stand in need of. Europe already takes all of our surplus in agricultural products—our manufactured products they do not to any considerable extent need. But we can not rely upon the maritime nations of Europe to furnish us equal and adequate transportation to Africa, to Australia, to Asia, and South America, upon whom we must chiefly rely as purchasers of our manufactures. Neither of these countries are maritime nations; like ourselves, they have no deep-sea merchant marine, and in present conditions we are not able to help them and they are not able to help us in the matter of transportation. If we want to get our reasonable share of the trade of these countries we must have transportation and postal facilities with them equal to those of our competitors in that trade. This our European competitors will certainly not furnish to us, and if we get it we will have to supply it ourselves.

I recognize the difficulties in the way of building up our deep-sea merchant marine in the face of present conditions. I know that men do not invest their money in enterprises from motives of patriotism; they must see a reasonable prospect of profit. Upon the ocean competition is free—our tariff laws and our exclusion laws do not protect there.

In several respects our competitors on the sea have us at a disadvantage. First, the greater cost of building a ship in America; second, the greater cost of operating a ship manned by American seamen; third, the fact that our competitors upon the ocean are paid more for carrying the ocean mail of their own country than we pay. The difference in the cost of ships has been in part overcome by removing the Dingley tariff duties on materials entering into the construction of American-built ships. It may be altogether overcome by admitting to American registry ships built abroad and owned by American citizens. This can be done without serious injury to anyone, because but few ships in our foreign trade are now built in our own shipyards. Of course the higher rate of pay for carrying the mails is a difference which can only be met by our paying a higher rate. If other things were made equal, I think our postal rate will not be so far below that of other nations that our shipowners could not overcome this difference and maintain themselves in competition with them.

The most serious difficulty is the greater cost of operating our ships on account of the higher wages paid American seamen and sailors. If it were competition between white labor, the problem would not be so difficult. The greater efficiency of the American sailor, like that of the operative in our cotton factories and our factories for making machinery and agricultural implements, would in a measure compensate for the higher wages received and enable the shipowner, as the cotton manufacturer and the maker of machinery and agricultural implements, to meet European competition. But it is not Caucasian competition, it is Asiatic competition, especially on the Pacific and largely in our South American trade, because, whether the ship in those waters is a Japanese, English, or German ship, as a rule it is largely manned by Chinese or Japanese sailors, willing to work for a price at which a white man would starve. By our immigration laws we have protected American labor on the mainland against Asiatic competition, but these beneficent laws do not extend to the high seas. The ocean is free, and upon it everybody is equal.

It is a great and difficult problem, which will grow more pressing as the years go by. It can not be ignored or pushed aside; it must be met and solved. For myself, I have an abiding confidence that the wisdom of American statesmanship and the pluck, energy, and enterprise of our people will, in the end, solve it wisely and justly, and that our flag will regain its prestige upon the seas.

Undoubtedly both Germany and England will gladly continue to furnish us transportation for any business we may have with these countries; but in the future, as in the past, they will furnish such transportation for this purpose as will make our competition with them for the trade of these countries hopeless.

No better evidence of this statement, Mr. President, is needed than a comparison between the small lines of slow-going, poorly equipped steamers which the English and Germans are to-day running between this country and the important countries of South America and the five first-class mail and passenger lines of swift and commodious steamers which they and our other European competitors are now operating on regular schedules from their own countries to Rio de Janeiro, Buenos Ayres, and other important South American points.

Having surrendered to our European competitors the control of our means of transportation and communication with South America, they have arranged it most admirably to promote their own advantage—they carry our mails for us, but they take twice as long as they do to carry their own; they carry our commercial products, but they charge a higher price than they charge for carrying their own. Sometimes they provide passenger accommodations, but they are so poor and the journey so tedious and slow the American business man whose business takes him to this country generally finds it preferable to go first to Europe and then by one of the swift and luxurious steamers that they have provided for the accommodation and dispatch of their own business with these countries.

Mr. President, no country outside of Europe would seem to offer better opportunity for the sale of our manufactures than China and South America. They are an agricultural people and buy in considerable quantities lines of manufactures that we produce in excess of home consumption and that we have demonstrated our ability to make and sell at a satisfactory profit in these markets in competition with our European competitors.

Our manufacturers recognize these facts, and in recent years they have been making special effort to get a foothold in these markets for their products. This is especially true of our manufacturers of machinery and agricultural implements and cotton goods, who have in recent years shown their ability to meet the prices of their English and German competitors in these markets. Mr. President, not only South America, but most of the countries of the Orient, by reason of the character of their pursuits, the habits of their people, and on account of their climate, have great need for cotton goods and for machinery and agricultural implements. If I had time I would like to discuss more fully the possibilities of enlarging our trade with these countries in the sale of machinery and agricultural implements. It is a very interesting subject, but I have not the time, without trespassing too greatly upon the time of the Senate, but I do wish to briefly call attention to the present condition, with respect to markets for their surplus, of our cotton mills in the South and to the efforts our cotton manufacturers have made in recent years to secure a part of this trade and what has been the result.

Our cotton mills are making, as everybody knows, more cloths than we need at home. Our domestic demand, great as it is, is no longer sufficient to consume their present output. We have got to find a market for this surplus, or this great industry of the South and New England has reached the limit of its expansion, and we have got to stop, for a while at least, building new mills and enlarging old ones, although we do not now manufacture over one-third of the raw cotton we produce. Our European competitors manufacture the other two-thirds, and with their ships sailing every sea and going to every quarter of the globe they find a market for all they make. We have the raw cotton and we have the factories, or we have the money with which to build the factories. We can convert this cotton into cloths and sell it in the competitive markets of the world as cheaply as our competitors, but we have not the ships to carry them to these foreign customers, and as a result of all our efforts to find a market for this surplus the maximum of our exports of cotton goods for any one year has never reached as much as $50,000,000, and that has fallen off materially in the last two years. Last year our exports of cotton goods did not reach half that amount.

Mr. President, if we had the same transportation and postal facilities which our competitors have for reaching the markets of the world, we could, and in the next ten or fifteen years we would, manufacture half of our raw cotton instead of one-third, and find a market for the converted product. That would mean not only employment to many thousand more operatives, but it would mean the greatest development in the cotton-growing and cotton-manufacturing States in the next two decades which has ever taken place in the same length of time in any other country in the world.

I have in my hand a book—I call it a book because it is in the form of a book, though it is not in a literal sense such—published by a distinguished citizen of North Carolina in 1900, for the purpose of showing the difference between the value of the raw cotton grown in North Carolina and what would be its value converted into cotton fabrics. It is a very interesting book. One one side of each page is a sample of a cotton fabric manufactured in North Carolina, and on the other is a comparison between the value of the cotton crop of that State, estimated in the year in which this book was published at 500,000 bales, and what would be the value of that amount of cotton converted into that particular fabric.

On the first page is a sample of what is known as "3-yard drill." It is, I believe, the cheapest goods made by our North Carolina mills. At the time this book was printed cotton was selling at 6 cents per pound and the estimated value of the crop for that year is $15,000,000, and in that year 3-yard drill, like the sample, sold for 16 cents per pound, and the estimated value of the North Carolina cotton crop converted into these drills is $40,000,000. On the next page is a sample of North Carolina "sheeting," and the difference between the North Carolina cotton crop in the raw state and manufactured into this product is estimated at $30,000,000. On the next is bleaching. The difference between the North Carolina cotton crop in its raw state and its value converted into this cloth in that year is estimated at $35,000,000. Then we have "cheviot," with a difference of $50,000,000 between the raw cotton and the finished product. The next is "6-ounce denim," with a difference in value between raw cotton and the manufactured product of $60,000,000, and then ginghams, with a difference in value of $75,000,000, and so on until we reach the highest grade of cotton goods then made in North Carolina, known as "fancy ginghams," and here the difference in value is estimated at $535,000,000.

Mr. President, North Carolina—and I say it with pardonable pride—is the only cotton-producing State in the Union which manufactures as much cotton as it produces. The story of that State's exceptional material development in the two decades through which we have just passed; of how, starting almost at the foot, it has within that short space of time advanced to the front of the column in the march of industrial progress; of how in the last decade it has surpassed all of its sister States in the average percentage of material development has become a familiar story and one which has excited universal astonishment as well as admiration. If we should look for the causes of this wonderful growth and development we would find many, but next to the energy and intelligence of its people we would find the chiefest of all of them in the fact that we are manufacturing all the cotton we make, or rather as much cotton as we make, and that instead of realizing from fifteen to twenty-five million dollars from our annual crop we are realizing from two to three hundred millions for the fabric which we weave out of it. If every cotton State of the South would do what North Carolina is to-day doing and could enter the markets of the world and find purchasers for their products, in twenty-five years, yea, in less time, the South would be the most marvelously rich country upon which God's sun has ever rose and set.

I know of no reason why we can not manufacture the most of this cotton and find markets for it, as our European competitors now manufacture two-thirds of it and find markets for it, except that we have practically no transportation beyond the water's edge save such as is furnished to us by countries which have an interest in keeping us out of markets which are now almost entirely supplied from their own factories.

Mr. President, some of our Southern cotton mills are largely dependent on foreign markets for the sale of their products. In recent years they have been making strenuous efforts to sell their surplus products both in China and South America. With the aid of our consuls in those countries and that of the special investigators sent out by the Government they have learned what kind of goods those markets require, and they have been making their goods in accordance with those requirements. What, Mr. President, has been the result of these efforts? With China we started off well. In 1903 we sold her cotton goods to the value of about $10,000,000; in 1904, about $9,000,000; in 1905, $30,000,000; but as soon as we began to be troublesome to our competitors in this market, through their control of our means of transportation they put the screws upon us, and our trade with China began to fall off. In 1906 it fell to $20,000,000, while in 1907 it fell to less than $3,000,000, while in the latter year Great Britain's sales to her advanced to about $43,000,000, and Japan's, which in 1905 was only about one-sixteenth as great as ours, advanced to nearly the same figures as ours. In South America they have not let us get much of a foothold at any time. In 1906 Argentina bought about $29,000,000 worth of cotton goods. We sold her in that year only $271,500 worth. In that year Brazil bought about $15,000,000 worth of cotton goods, of which we sold her only $479,300. In that year the countries of South America bought $74,712,400 worth of cotton goods. Of this amount Great Britain sold in round numbers $47,000,000; German, $11,000,000; France, $5,400,000; Italy, over $7,000,000, and the United States only $3,630,100.

There may be, as has been frequently suggested, several minor obstacles such as establishing agencies upon the ground, lack of adequate exchange facilities, etc., in the way of our getting our reasonable share of the trade of these countries, but the real reason is our slow, inefficient, inadequate, and expensive means of transportation and postal communication as compared with the cheaper and up-to-date service in these regards of our competitors. And that condition will not change for the better just so long as we allow, as we do now, our competitors for this trade to own, regulate, and control the instrumentalities of our commercial and postal communications with these countries.

Mr. President, we are told on the one hand that we can secure reasonably adequate transportation in our own ships to accommodate our trade, present and prospective, with the countries upon whom we must rely to sell the finished products of our cotton mills by paying out of the profits we now realize from our foreign mail service to the slightly slower ships required to accommodate this trade the same price for carrying the mail that we are now paying to the faster ships that have been constructed to accommodate the rich and aristocratic travel between this country and Europe. On the other hand, we are told we must not do this, we must suffer conditions to remain as they are, that our competitors must not be disturbed in their possession of these rich markets, that their doors must remain closed to the products of American labor and capital, because, forsooth, it is claimed that in providing this transportation under the ægis of the American flag we will have to pay the American shipowner for carrying the mail on quick and regular schedules something more than we are now paying to the foreign shipowner to carry it on slow and irregular schedules; because some private interest may be incidentally advanced and promoted; because the American shipowner may receive a trifle more than they think is fair and just for the service performed, although after seventeen years it has been shown he can not perform it for less, we should forego these vast public benefits, continue the embargo upon our trade with these countries and place a disheartening limitation upon the expansion of the greatest industry, not only in my own State, but in the South and in New England.

Calmly, dispassionately, and laboriously, with no thought except to discharge my duty to the public and to the country, I have studied and investigated and probed, that I might find out and understand all the facts, and in the light of these facts discharge the duty which my commission as a member of this body imposes upon me. Mr. President, I am not infallible—no man is; I can not see—no man can see—farther than the light which has been given me will let me see. I may err in my position in this matter as I have erred in many things before; but employing such powers of mind and heart as have been given me, my duty in this matter seems as clear to me as the sun on a cloudless day. If I should fail to discharge this duty as my mind and conscience have shown it to me because of a fear that some, through a misunderstanding of the facts, and others through prejudice based on a misunderstanding of the facts or otherwise, may disapprove and censure, I should be unworthy of the seat I now occupy in this Chamber and of the great and enlightened people whom I, in part, have the honor to represent on this floor. During all my public life I have taken counsel from that "still, small voice" which never fails to speak its counsel to the willing mind and heart, and I will not now turn a deaf ear to its whisperings.

Mr. President, there are other phases of this question of large and far-reaching importance which I would like to discuss, but they have been discussed by others, and I will not detain the Senate to give expression to my views with regard to them, because I feel that I have already trespassed too long upon its time, and because I know Senators are anxious to take up the regular business assigned to consideration after the expiration of the morning business.

Mr. BACON. I should like to ask the Senator from New Hampshire, before the matter passes from consideration of the Senate, a question in regard to it. We know the fact that the present law has failed to induce the organization of steamship lines which will give us direct trade communication with South American ports, I will say, without going into the question of oriental ports.

I desire to know from the Senator whether investigation has been made to such an extent as to give assurance that upon the passage of this bill the conditions will be different, and that there will be steamship lines organized, and to what extent they may be anticipated.

Mr. GALLINGER. I will say to the Senator that careful inquiry has been made and assurances have been given that if the amount of compensation given to first-class steamships shall be given to second-class steamships, lines will undoubtedly be established to Brazil and Argentina and at least two lines across the Pacific.

Mr. BACON. Does the Senator understand that the lines to Argentina and Brazil will be separate lines, or that the same lines will carry to the ports of both countries?

Mr. GALLINGER. The expectation is that if there is more than one line—and there may be three—they will not all go from the same port. The Postmaster-General has that in his discretion, and I have no idea that he would permit more than one line to be established at any given port. It would not be good business policy for him to do it.

Mr. BACON. It is certainly not desirable that there should be, because we all know, of course, if there is more than one from one port what that port will be; and it is very desirable, if this policy should be inaugurated, that there should be a general enjoyment of the benefits of it.

Mr. PERKINS. Mr. President, I think the Senator from New Hampshire neglected to state that the bill would probably inaugurate a line from the Pacific coast to Australasia.

Mr. GALLINGER. Oh, certainly, that is in contemplation.

CERTAIN LAND IN THE DISTRICT OF COLUMBIA.

Mr. FRYE. I call up Senate joint resolution No. 40.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. R. 40) to provide for the transportation by sea of material and equipment for use in the construction of the Panama Canal.

Mr. CARTER. Mr. President, having a subject somewhat germane to the canal question, I will briefly occupy the time of the Senate.

On the 3d of February a bill was introduced in this body by the Senator from New Hampshire [Mr. GALLINGER] at the request of the Secretary of the Navy, providing for a continuance for a period of two years of certain surface tracks on streets leading to the navy-yard. It appeared that by existing law the railroad company was required to remove the tracks in question on the 28th day of February. The Committee on the District of Columbia could not perceive any special advantage in extending the time for the removal of the tracks for two years without making some provision for another connection in the meantime to the navy-yard, because it was apparent that after the lapse of two years we would be compelled, in the absence of any other connection, to extend the time again.

Mr. BACON. Mr. President, the subject upon which the Senator from Montana is addressing the Senate is an important one and relates to a matter Senators ought to be advised about. I therefore suggest the absence of a quorum.

The VICE-PRESIDENT. The Senator from Georgia suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ankeny	Dick	Hale	Paynter
Bacon	Dillingham	Heyburn	Perkins
Bankhead	Dixon	Hopkins	Piles
Borah	Dolliver	Johnston	Rayner
Bourne	du Pont	Kean	Scott
Brown	Elkins	Knox	Simmons
Burkett	Flint	Lodge	Stephenson
Burrows	Foraker	Long	Taylor
Carter	Foster	McCreary	Teller
Clay	Frazier	McLaurin	Warren
Crane	Frye	Martin	Wetmore
Culberson	Fulton	Nelson	Whyte
Cullom	Gallinger	Newlands	
Curtis	Gamble	Nixon	
Depew	Guggenheim	Overman	

The VICE-PRESIDENT. Fifty-seven Senators have answered to their names. A quorum of the Senate is present.

Mr. FRYE. Will the Senator from Montana allow me one word?

Mr. CARTER. Certainly.

Mr. FRYE. I am hoping to get a vote on the joint resolution within an hour, and I trust that Senators will remain at least that length of time, in order that the lack of a quorum may not be developed when the joint resolution is on its final passage.

Mr. CARTER. Mr. President, I think it is but just to say that it was not upon my insistence that Senators were called from their several tasks in their committee rooms, nor did the Senator from Maine prefer his request on my motion so as to keep an audience here during the few remarks I am about to make.

I was proceeding, Mr. President, to call attention to a subject which has challenged the notice of the Senate and has attracted attention elsewhere, and to the end that Senators who were not present in the Chamber at the moment may be advised, I will recapitulate briefly the few observations I made prior to the order of the roll call.

On the 3d of February the Senator from New Hampshire, the chairman of the Committee on the District of Columbia, presented, at the request of the Assistant Secretary of the Navy, a bill extending for the period of two years the right of a railroad company to maintain tracks on certain streets leading to the navy-yard. It was urged that these tracks, in the absence of this legislation, must be taken up on the 28th of February, to the very great inconvenience of the navy-yard and its source of supplies.

The Committee on the District of Columbia referred that bill to a subcommittee, of which I was made chairman. The subcommittee concluded that the extension of time, without providing in the interval for the construction of some other rail connection with the navy-yard, would leave the Government after the lapse of two years in precisely the same predicament of to-day. So the bill was amended, and the amendment was subsequently adopted by the committee. The amendment required that the railroad company should proceed within the period of six months to construct a rail connection with the navy-yard along the banks of the Anacostia River.

To that amendment the railroad company took serious exceptions. The bill was passed by the Senate once, and on demand for a hearing the vote by which it was passed was reconsidered to the end that objections might be heard. That was a proper proceeding.

Upon hearing it was alleged by the railroad company that about 3,600 feet of track which we ordered constructed by the bill would cost about $300,000, including the right of way, and it was insisted that the demand was unreasonable and unjust.

The bill was finally passed as amended, with a very slight concession upon the part of the Government, whereby we granted the right of way over public land and agreed to a contribution of $25,000 for the purchase of a right of way over private holdings. It was insisted that this contribution was inadequate, but nevertheless it is the belief of all that the road will finally be constructed.

Then attached to the bill was a proviso that pending this new construction the present tracks might remain where they are, but not to exceed two years. In the course of the consideration of the proposed amendment attorneys of the railway company called attention to their desire for an amendment which would confirm their right of way, occupied since some time in the early seventies across the Anacostia flats. The committee declined to entertain such an amendment to the bill. But the reason urged for the amendment led to an inquiry into certain legislation that had theretofore passed through Congress.

The VICE-PRESIDENT. Will the Senator from Montana kindly suspend while the Chair lays before the Senate the unfinished business, which will be stated by the Secretary?

The SECRETARY. A bill (S. 3023) to amend the national banking laws.

Mr. HALE. Let the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that the unfinished business be temporarily laid aside. Without objection it is so ordered. The Senator from Montana will proceed.

Mr. CARTER. There was presented to the subcommittee as explanatory matter a brief of the facts signed by the Hon. Wayne MacVeagh. That name attached to the brief carried to my mind a certain degree of assurance that the facts therein stated were correctly stated. Mr. MacVeagh, as is known throughout the country, is a lawyer of recognized ability, formerly Attorney-General of the United States, and a man of high probity of character.

It appeared from this statement that in 1904 a bill had passed Congress directing the Secretary of War to deed block 1131 in the District of Columbia to a Mr. Sidney Bieber. That bill, as set forth in this statement of facts, had been regularly introduced, regularly referred to the War Department, commented upon by the officers of the District of Columbia, finally reported from the committee, and passed. It passed both Houses of Congress.

It is noteworthy that in the comments of the chairman of the Board of Commissioners of the District of Columbia the statement is made that "the District has nothing to do with the matter; it is recommended that the bill be referred to the Secretary of the Interior or the Attorney-General." That disposes of the action of the District Commissioners.

The bill was referred to the War Department. The War Department reported that there was no such block of ground in existence as the particular block to which the bill referred, and one indorsement—the final one, I think—is that no objection can be seen to the passage of the bill. The bill was passed.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from South Carolina?

Mr. CARTER. Yes, sir.

Mr. TILLMAN. I am afraid I do not understand the Senator, and I therefore interrupt him to ask him a question.

Did I hear him say that the War Department reported that there was no such block in Washington, and then indorsed the idea of granting the permission, or recommending Congress to grant the permission, to deed something that did not exist.

Mr. CARTER. I do not wish to have it understood that the language of the War Department was other than what I stated, that the Department could see no objection to its passage.

Mr. TILLMAN. In other words, they could see no objection to passing a bill to deed a piece of property that did not exist?

Mr. CARTER. That appears to have been the indorsement.

Mr. TILLMAN. I just wanted to get at the fact to see how the War Department does business, or how it did business then.

Mr. CARTER. The War Department in that behalf was probably following routine procedure. Congress has supreme authority over the public domain and the public property of the United States; and the War Department, in response to an inquiry from Congress relative to the propriety of passing a certain bill, responded that the Department did not know of any objection to its passage and had no knowledge of the existence of the block. That is the sum and substance of the combined recommendations and observations of the Department on the subject.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from New Hampshire?

Mr. CARTER. Certainly.

Mr. GALLINGER. But subsequently the War Department conveyed that lot and took $1,000 as compensation for it.

Mr. CARTER. Certainly.

Now, Mr. President, this block was subsequently conveyed by the War Department, having been surveyed as required by the bill, and the conveyance was made by the Department for the sum of $1,000. The block is 285 feet by 206 feet. The bill was passed to remove what was denominated a "cloud on the title" of the block, the title being claimed by Mr. Bieber. The cloud on the title was created by the deeding of the block before it was surveyed, by a man who had no more claim to it than the man in the moon, to a woman whose name appears on the District records as the grantee. This woman listed the lot for taxes. It was sold for taxes by the District Commissioners, and repeated sales occurred until finally the various tax titles became merged in the grantee from the Government, under the act of Congress, Mr. Bieber.

There is some semblance of shadow or claim of righteousness to that legislation, notwithstanding it may be justly alleged that the tax title had its inception in fraud, and that the fraud was consummated when the transaction was accomplished by alienating the title of the United States to perfect the mere shadow which Mr. Bieber's title constituted.

As to that there can be no complaint, however, because, as alleged, there was a certain openness about it all. Congress was not generally advised of the provisions of the bill. No one in this Chamber, I assume, knew when that bill passed that Congress was deeding or authorizing the conveyance of a tract of land 285 feet by 206 feet in this District to a person who held a mere shadow of claim based upon a tax title that had no virtue whatever. If the transaction had stopped at that point it would have been bad enough, but still not as bad as now.

The Senate at later dates had presented to it two other bills in furtherance of the same scheme. The public-building bill of 1906 embraced a section known as section 21, which authorized and directed the Secretary of War to convey three other blocks to Mr. Sidney Bieber in the same locality.

Mr. GALLINGER. Will the Senator permit me?

Mr. CARTER. Certainly.

Mr. GALLINGER. I assume I am right in saying that the bill came from another body containing that provision.

Mr. CARTER. I will touch that. Section 21 of the bill was framed in committee manifestly because it nowhere appears in the RECORD that it was offered as an amendment. This section 21 directed the surveyor of the District of Columbia to survey these three additional blocks. It directed the Secretary of War to convey to Sidney Bieber title to the three blocks—that is, all of the claim of the United States, which was the paramount and only outstanding title for such consideration as considering all the circumstances might seem just.

Within a short time after the approval of this act—it was approved June 30—some time in September, the Acting Secretary of War conveyed the three blocks to Mr. Bieber for $3,000, or thereabouts. Thus this gentleman became possessed of blocks of ground extending over a stretch of 1,600 feet by 285 feet in the District of Columbia for the sum of $3,000, or a small fraction above $3,000, plus $1,000 paid for the first block.

As to the bill of 1906, there is no pretense that any consideration was given to the subject anywhere. I find in the report which I have just received from the document room, dated June 25, 1906, Fifty-ninth Congress, first session, Report No. 5011, a description of the purpose of each section of this bill of 1906—that is, the bill which contains section 21, and this is the reference made in the report to this particular section:

Section 21 authorizes the acquisition of certain triangles in the city of Washington.

Acquisition by whom? The only reasonable inference is an acquisition by the Government of the United States, because the bill was passed for the purpose of enabling the Government to purchase building sites. It carried about $26,000,000 for that purpose and the construction of buildings, and this, in so far as the records that I have been able to trace show, is the only statement of record in Congress concerning the purpose of section 21, which authorized and directed the Secretary of War to convey this body of property to a stranger who had neither claim nor shadow of claim to any part or portion of it.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from South Carolina?

Mr. CARTER. Certainly.

Mr. TILLMAN. Do I understand the Senator to state that section 21 had been put in the bill in conference?

Mr. CARTER. I did not so state. I will say to the Senator it was manifestly in the bill when reported from the committee. It was in the bill when it came to this body.

Mr. TILLMAN. I just wanted to know on that particular point, because I have known things slipping in in conference or put there by the conferees that were very fishy.

Mr. CARTER. Now, Mr. President, there was, I believe, about thirty-six hours of time for the consideration of that bill when it came to the Senate. On that point the Senator from West Virginia [Mr. SCOTT] is fairly well advised, and I should be glad to have him state, if he cares to do so, what the course of the bill was in this body.

Mr. SCOTT. Mr. President, as the Senator from Montana [Mr. CARTER] correctly states, the Committee on Public Buildings and Grounds of the Senate had that bill for possibly thirty-six or forty hours. It was a bill carrying an appropriation of $26,000,000. Inquiry was made of the chairman of the committee of the House in regard to the provisions of the bill, we stating that we did not have time to take up the bill and consider it minutely, it being desired to report it back to the Senate so as to enable Congress to adjourn at the time that had been agreed upon between the two Houses. We were assured that the bill as it came from the other House had been carefully considered and scrutinized. Consequently the committee on this side only went over the matters which we had added to the bill after it came here, and the section which has been referred to was in the bill when it came to us.

Mr. CARTER. I endeavored to so state.

Mr. President, in due course of time the conveyance was made, as I have heretofore suggested, to this gentleman for these three blocks of land in addition to the first block.

Mr. BACON. I ask the Senator to again read that section, as importance has been given to it since he first read it.

Mr. CARTER. I will send it to the Secretary's desk and ask that it be read. It is section 21.

The VICE-PRESIDENT. The Secretary will read as requested.

Mr. FRYE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Maine?

Mr. CARTER. Certainly.

Mr. FRYE. I should like to ask the Senator from Montana if he is shortly coming to a consideration of Senate joint resolution No. 40?

Mr. CARTER. I shall reach the canal portion of this subject very quickly. I will say to the Senator from Maine that I do not desire to consume time which I am aware he desires to have devoted to the consideration of his joint resolution.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

SEC. 21. That the Secretary of War be, and he is hereby, authorized and directed to grant and convey unto Sidney Bieber and his heirs and assigns all the right, title, and interest of the United States in and to all of certain land in the city of Washington, in the District of Columbia, lying south of square 1123, 1148, and 1149, conforming with the metes and bounds of square 1131, and that part of square 1117 situated between the north lines of Water and I streets, the east line of Eighteenth street, and the west line of Nineteenth street, when said streets are extended, upon the payment by the said Sidney Bieber into the Treasury of the United States of such sum of money as the said Secretary of War, upon consideration of all the circumstances, shall determine proper to be paid for the said squares; and the surveyor of the District of Columbia is hereby authorized and directed to mark out such areas, to record plats, and to designate the proper square numbers.

Mr. SCOTT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from West Virginia?

Mr. CARTER. Certainly.

Mr. SCOTT. The section which has just been read was in the bill when it came to the Senate. I wish to say, in order to put the Committee on Public Buildings and Grounds in a proper light before this body, that the report which the Senator from Montana has been reading is the report of the House committee and not of the Senate committee.

Mr. CARTER. It is a report on this section 21. That conveyance was made, as I suggested, Mr. President, for the sum of substantially $3,000.

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Pennsylvania?

Mr. CARTER. Certainly.

Mr. KNOX. I should like to have it made very clear from which body it was reported that section 21 referred merely to the conveyance of triangles.

Mr. CARTER. To the acquisition of titles to triangles.

Mr. KNOX. To the acquisition of triangles. Was that from the House or from the Senate committee?

Mr. CARTER. That was a House report. The report concerning the acquisition of the triangles described in section 21 was made to the House of Representatives.

The transaction, however, does not close at this point. Emboldened somewhat by unbroken success, this individual returns again in 1907, manifestly determined to pursue the lines of little resistance [laughter]; and we find in the public-buildings bill of 1907, as reported from the committee of the House of Representatives to that body, section 13, which directs the Secretary of War to convey an indefinite quantity of land to the purchaser from the United States of these several blocks previously acquired by Mr. Bieber. The bill does not name the grantee this time. Apprehensive that his name might become a danger sign and attract somebody's attention he preferred to pass under a general description which could be specifically applied only to one person—and that person himself. So the act of 1907 directed the Secretary of War to convey to this man all of the lands south of these blocks and between them and the channel of the Anacostia River.

In connection with that bill, I think it but fair to say that the report of the House Committee on Public Buildings and Grounds reads as follows:

The Committee on Public Buildings and Grounds unanimously recommends the passage of this bill without amendment.

This bill is in the nature of an "omnibus correction bill" and merely corrects a number of errors which occurred in the public-building act of the first session of the present Congress.

This bill carries no authorization for the expenditure of any additional money.

Section 13 of the bill, to which that report refers, reads as follows:

That the Secretary of War be, and he is hereby, authorized and directed to convey to the purchaser from the United States of square No. 1131, and the south part of square No. 1117, and the squares south of squares Nos. 1123, 1148, and 1149, in the city of Washington, all the interest of the United States in the land lying south of the squares so purchased and between them and the channel of the Anacostia River, upon the payment by such purchaser into the Treasury of the United States of such sum of money as the said Secretary of War, upon consideration of all the circumstances, shall determine proper to be paid for the said land; and the surveyor of the District of Columbia is hereby authorized and directed to mark out such land and determine the areas, and to record a plat thereof.

Mr. TILLMAN. Who signed that report?

Mr. CARTER. That report was made by Mr. BARTHOLDT, of Missouri. In the consideration of the matter I find, in the CONGRESSIONAL RECORD of February 25, 1907, this line of observations recorded:

A motion was made in the House of Representatives to take up the bill. The bill was read. Then follows:

The SPEAKER. Is a second demanded?

Mr. WILLIAMS. Mr. Speaker, I demand a second——

Mr. PAYNE. Mr. Speaker, I demand a second and ask that a second be considered as ordered.

Mr. WILLIAMS. I would like to have an explanation of this bill.

The SPEAKER. The gentleman from New York demands a second and asks unanimous consent that the second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none. The gentleman from Missouri is entitled to twenty minutes and the gentleman from New York to twenty minutes.

Mr. BARTHOLDT. Mr. Speaker, this bill merely corrects a number of errors which occurred in the legislation had at the last session. It makes no appropriation, and all the changes provided for in this bill are to be made within the limits of cost heretofore fixed.

Mr. TAWNEY. Will the gentleman permit me?

Mr. WILLIAMS. What is the object of the bill?

Mr. BARTHOLDT. I will explain it to the gentleman.

Mr. TAWNEY. I want to ask the gentleman if there are any new constructions authorized in this bill?

Mr. BARTHOLDT. There is not one dollar's worth of new construction, nor is there a foot of ground authorized, but in some cases it was necessary to transfer from the appropriation made for the building to the appropriation made for the site because an additional small amount was necessary to procure the site which the people wanted.

Mr. MANN. Is the total cost of building and site in any case increased?

Mr. BARTHOLDT. Not in one single instance.

Mr. TAWNEY. I want to ask the gentleman another question. The first section of the bill is entirely new legislation. Now, do you apply it—I did not catch it as it was read—to the act passed June 20, 1906? It does not extend the authority of the Secretary over buildings hereafter to be constructed?

Mr. BARTHOLDT. No, sir; it applies merely to the legislation of last session.

Mr. TAWNEY. What changes this bill would authorize the Secretary of the Treasury to make in buildings now authorized must be made within the limits of cost fixed by the act of June 30, 1906.

Mr. BARTHOLDT. Exactly; the gentleman states it correctly.

Mr. CANDLER. Will the gentleman specifically mention the buildings which this affects?

Mr. BARTHOLDT. It will take about twenty minutes to read all the changes.

Mr. CANDLER. I think it is necessary.

Mr. BARTHOLDT. In further explanation, I want to say that the Attorney-General has recently rendered an opinion that where the Congress has appropriated for a specific building and it should become necessary to locate in that building a room, for instance, for the customs service or internal-revenue service or Weather Bureau, or whatever the service may be, such a change can not be made unless we pass this legislation.

Mr. WILLIAMS. Now, if the gentleman from Missouri will pardon me, I understand that as the law now is, if a certain amount of money is appropriated for a site, and a certain amount for building, and the site can be gotten cheaper or the site will cost more, thereby necessitating a difference in the proportion of the expenditure for the two things, that difference can not be met, and this bill will enable it to be met?

Mr. BARTHOLDT. That is it; exactly.

Mr. WILLIAMS. I understand, furthermore, if the building is for a post-office, for example, and it is desired to hold court in the building, without some such legislation as this that could not be done?

Mr. BARTHOLDT. It does not apply to courts. If Congress should authorize the holding of a court in a certain place where it had not been heretofore authorized, the amount heretofore fixed would not be sufficient to enable the Treasury Department to make a court-house out of it. So it does not apply to those cases.

Mr. CANDLER. Does it apply to the general appropriations for the post-office buildings throughout the country?

Mr. TAWNEY. Only those authorized by the act of June 30, 1906.

Mr. CANDLER. Is there anything in it with reference to Columbus, Miss.?

Mr. BARTHOLDT. No, sir. I ask for a vote.

The SPEAKER. The question is on suspending the rules and passing the bill as amended.

The question was taken; and in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

That is the whole record with reference to this bill for 1907, and so far as I know there is no other record with reference to the bill for 1906. I have not been able to prosecute a thorough search in that behalf, but I have no knowledge whatever of anything else having been said about either bill, in so far as sections 21 and 13 are concerned.

Mr. President, after the Senate had passed a bill repealing this section of 1907 the gentleman who was the beneficiary of these various acts—a nimble citizen, who was to me unknown at the time the report was made and is to me unknown to-day—comes forward and admits his existence and likewise admits the fact that he has the plunder in his possession to the extent given him by the two bills passed—those of 1904 and 1905—but avers that the whole transaction was known to everybody; that there was no concealment about it, and, further still, that the grants do not include a part of the grounds of the Hospital for the Insane and that it can not take in any part of the navy-yard; third, that this whole business ought to be condoned and that no accountability to the Government or to anyone else should obtain, because, foresooth, the information leading to the detection of this scheme was given by Mr. Wayne MacVeagh, an attorney for a railroad company.

Mr. MacVeagh was protecting his company's property, and the individual who seeks to avoid responsibility in the fashion Bieber adopts is on exactly the same plane as the crook with the stolen property on his body pointed out in the crowd and arrested, claiming that he had not stolen as much property as he was charged with stealing, and, moreover, that the man who had pointed him out was an unpopular citizen. [Laughter.] That is the whole story without any sort of exaggeration.

I do not make these observations for the purpose of casting any reflection on any Member of Congress. I do not believe that any intentional wrong was done by any Member of Congress; but I do know this, that the people of many of the States have thought proper to incorporate in their constitutions clauses prohibiting this kind of legislation. I do not know of a State which would authorize a grant of this sort to an individual or which could do so under its constitution. We have not in the Federal Constitution any such prohibition.

These corridors have been—probably more in days gone by than now—infested with a lot of slick and slimy self-seeking individuals seeking to profit by the confidence that men here assembled exhibit in their constituents and in those who petition here in good faith for relief. A character such as this Bieber, who comes forward again and again behind committee doors, insidiously and continuously pressing his claim, not in any public interest, but for private gain, is just about as dangerous in the presence or seen in the company of a public man as an ordinary Montana rattlesnake near your cot at night. This is the class of people who make it a business to trade on their supposed acquaintance with public men. One of them will approach you in the street, manage to walk with you a block, and then go out and point to the fact that he is on chummy terms with you; and so pointing out, will seek to profit, when your acquaintance with him is limited and your confidence does not exist at all. This sort of creature when foiled in his purpose or deflected from his course shows the venom fang of the reptile.

This individual, Sidney Bieber, seems to be an expert hand. I am informed he had himself placed on the retirement roll of the firemen's fund in the District of Columbia at $90 per month for life, on the ground that he was totally disabled. If he were in possession of all his faculties and full strength, I think really he would get the Capitol away from us in a very short time. [Laughter.] So there is some compensation in this man's misfortune and disability. He appears to me, from the general description, to be the Abe Ruef of the city of Washington—capable, slick, unscrupulous, and persistent, trading upon his acquaintance and imposing upon the confidence of men, and obtaining for himself unconscionable advantage through enactments surreptitiously passed in the closing hours of a session of Congress.

Now, Mr. President, in order to escape, this individual here in question would have it understood that all the land south of the blocks named in his deeds might not reach as broad an area as claimed and might not strike at vital public interests as deeply as claimed, but that is not the fault of Mr. Bieber. He did the best he could, and I venture to predict that if he had not been discovered, he would have come back again to get another slice of this country along the Anacostia River, which, according to Government projects, is to be improved by the expenditure of something like $3,000,000 of money taken from the people of the United States in taxation. If he does not threaten

to cut off the navy-yard with the bill we have voted to repeal, it is so much the better for the Government, but it is no credit to him, because he got all he could.

Finally, Mr. President, I think this ought to lead to a clear understanding here that a gang of tax-title sharks, said to have been operating in this District for a long time, should be in some manner, by the District authorities, disposed of and rendered innocuous, at least. This great Government of ours is an impassive, though mighty force. If its public officers do not protect it, it will be plundered. The most extreme vigilance is evidently necessary in and about this District, which has no legislature of its own, in order to protect private right and public property as well.

I wish that Mr. Wayne MacVeagh, through whose pamphlet or brief these facts were brought to light, might get due credit, notwithstanding the fact that he happened to be the employee of a corporation at the time he did the work. I am sure that everyone desiring to prosecute an inquiry into this matter will be interested in reading what he wrote. What he wrote caused the Secretary of War to hold the enactment of 1907 up, and in his own language, as quoted to me, the Secretary ordered the Sidney Bieber bill to be kicked about the Department until Congress could further consider it. It was first passed from one division of the War Department to another, and finally referred to the Attorney-General for an opinion as to whether the Secretary of War was compelled by the act to make any conveyance at all. I ask, Mr. President, that that statement, which is instructive and exhaustive, be printed as a document, to the end that anyone desiring to become familiar with the facts as set forth by Mr. Wayne MacVeagh may do so. I ask that it be printed only down to the appendix.

The VICE-PRESIDENT. In the absence of objection, that order will be made.

Mr. BACON. I should like to ask the Senator one question.

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Georgia?

Mr. CARTER. Certainly.

Mr. BACON. If I correctly understood the reading of section 21 of the prior law, there is a provision that the Secretary of War should pay such an amount of money as he might deem to be proper after an investigation. That substantially is the provision. Has the Senator any information as to whether there was an investigation, and to what extent it proceeded?

Mr. CARTER. I understand there was quite an extensive investigation with reference to the act of 1907, which proposed to convey an indefinite area of land.

Mr. BACON. I am speaking of the provision which required an investigation to determine how much should be paid by this man, and under which, as I understood the Senator to say, some three thousand and odd dollars were paid.

Mr. CARTER. I do not know what investigation was made in that case, but for the Senator's information I will make this statement: It appears by the record, as presented by Mr. MacVeagh, that Mr. Bieber offered to sell his tax-title claim to block 1131 in 1898 for $2,000. Later on he acquired full title to the property from the United States, together with the other block named. This line of proceeding was finally brought to light by his refusal to sell a small stretch or corner of two blocks, probably a third of one block and a sixth of another, on which the tracks of the railroad company rested, for the sum of $15,000. The statement is made that when they offered him $15,000 for a quitclaim deed of the land he had thus acquired, on which their tracks rested and had rested for a generation, he simply laughed and said he would bring them to time and get good round figures, or words to that effect.

Now, Mr. President, so far as this raid on public property is concerned, I have no information except that which I have given. The Senate will observe that the phraseology of the law did not direct an investigation by the Secretary of War, but said "considering all the circumstances of the case"—and the land grabber was to detail the circumstances regarding his ficticious claim to title, for surely no one else had been favored with any information.

Mr. SCOTT. May I ask the Senator from Montana a question?

Mr. FRYE. Mr. President, I am a very patient man, but I must demand the regular order.

MATERIAL FOR CONSTRUCTION OF PANAMA CANAL.

The VICE-PRESIDENT. The Senator from Maine demands the regular order, which is Senate joint resolution No. 40.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. R. 40) to provide for the transportation by sea of material and equipment for use in the construction of the Panama Canal.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Nevada [Mr. NEWLANDS], which will be stated.

The SECRETARY. On page 2, line 10, after the word "purchase," it is proposed to insert the word "construct."

Mr. FRYE. I hope the amendment will not be adopted.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. TELLER. Mr. President, I desire to call the attention of the Senator who has this joint resolution in charge to some objections to it. The joint resolution provides—I am referring to what is left of it:

> That this resolution shall not apply to any foreign steamship chartered by the Panama Railroad Company to take the place of any of the present fleet destroyed or undergoing repairs, etc.

Then it provides "That the Isthmian Canal Commission is hereby authorized to purchase," etc. Mr. President, it seems to me that if the canal authorities are to purchase, it is hardly worth while to spend much time over the question as to what ports will have the benefit of this act. For myself, I am not in favor of authorizing the Canal Commission to do work that I think somebody else can do a great deal better. I do not know, of course, whether the Canal Commission would avail itself of this provision. But I think it is objectionable in the first instance, and I wish simply to register my objection against it. As the Senator from Maine, who has the joint resolution in charge, seems somewhat anxious to get a vote upon it, I merely desire to say a few words on another proposition.

Mr. President, the other day when this matter was up a question was raised whether it was better for the Canal Commission to manufacture its own cement or to buy it. I suppose the Canal Commission has the authority to manufacture cement if it sees fit. I stated the other day that I did not think there was sufficient material available on the Isthmus which could be used, economically at least, for making cement. Since that time I have gone over all the suggestions made in the report as to the character of the material that may be expected to be found. I find that the Commission is very hopeful, or their engineers are, that there is a vast quantity of material which may be used for the manufacture of cement. If you go carefully over the report itself you will find that it is a mere guess on the part of the engineers. There has been more guessing on this canal than on anything I have ever had anything to do with or any knowledge of.

I am not quite willing to take the suggestion of any engineer that there may be, or possibly is, plenty of material there, and that the Government shall expend a million and a half of money to erect a plant and then find, perhaps, that it has not the material, when there is an abundance of cement material in this country which can be manufactured at a reasonable rate and transported to the Panama Canal line, I believe, for one-half what it will be possible for the Canal Commission to make it for there. The Canal Commission's report, on the evidence of some engineer—and I do not remember who—says they think they can make the cement for about a dollar and thirty-four cents a barrel. They base that upon the theory that coal would cost them $4.50 a ton. Everywhere, practically, where they have fixed the price of coal, they have paid from $7.50 down to $6.50, instead of $4.50, and upon that basis, with coal at $4.50, instead of $6.50 or $7.50, they conclude they can make cement for $1.34 a barrel. Of course, in that they give the Government credit for the plant. If that can be done, it may be as cheap as they can buy the cement; but it is very uncertain whether it can be done.

I do not know that it is worth while to discuss this question, because we have no control over the Commission. I do not know whether a suggestion made here by the Senate that we should prefer to see them buy the cement than to make it would have any influence with them, because on several occasions Congress has abandoned control over the canal. However, I am not certain but that if they studied economy they would buy the cement and not make it.

Mr. President, I said the other day that I thought the estimate of 5,000,000 barrels, or about a million tons, of cement was grossly inadequate. I made that statement upon my general knowledge of what they proposed to do there and because it seemed to me that they must use a very large amount of cement. Since that time I have, as with the other question, gone over the matter, and I do not believe they will ever get through with the canal by the use of a million tons of cement. I should say it is very much more likely to be two and a half or three million tons. They have several enterprises for which they have made no estimates at all. They have a diversion canal, as to which they say they have not had sufficient time to make an estimate. That diversion canal must be composed very largely of cement or else the canal will wash away. The canal is for the purpose of taking care of the extra floods which are going to occur in the Chagres River, when it will not be safe to let it go into the dam.

Mr. President, I have not much confidence in these suggestions. In the first place, we were told after the Commission had been organized that they had found a place to build the dam where it would be eminently safe, and they made an estimate of the cost of the dam. Later they found that the engineers had been mistaken; that it was not possible to maintain a dam at that point. They abandoned that point and went down the river about 6 or 7 miles—I can not state it exactly, but somewhere in that neighborhood—to build another and a different dam. It is not so very astonishing that men may make mistakes, but we were told that there had been such a thorough examination by borings and otherwise that they knew the dam could be built at the first point. Now we are told with the same certainty that it can be built at another point 6 miles farther down the river.

They have the most extraordinary proposition I believe that ever was submitted to any people, which will require an immense amount of cement, as much I should say to make it perfectly safe as it will take to build these locks, or at least the first locks on the eastern side. The spillway in this case is in the middle of the dam, a thing most astonishing, I think, to any man who has ever given any attention to the question of dams and the dangers that come from them, from floods and so forth. Of course they have had engineers, and we are depending largely upon the engineers, but when engineers make a calculation one day and within a very short time make another and show absolutely that they were at fault at first, we naturally lose some confidence in their judgment.

The other day when we were talking about this question the senior Senator from California [Mr. PERKINS] called my attention to the Chagres River. That is the black feature of this whole thing, I know. It is the threatening feature of the whole canal, especially is it the threatening feature of a lock canal. Of course I do not want at this time to go into the question whether it should have been a lock canal or a sea-level canal. That has already been determined by the Senate; nor do I want to go into the character of the lock canal. There might have been a different lock canal, but I believe the Senate did not pass upon the question as to what should be the character of the lock canal, whether it should be a 60-foot canal or 85-foot canal, or whether it should be a canal 30 feet in height. But I regard that as left now to the Commission, and the Commission has established an 85-foot canal.

I have gone over with some care again the matter of the Chagres River, and while I knew for several years that it had been the doubtful feature of the canal when the French were building it, it seems to me that every time you look it over it grows more doubtful whether you can build a canal there and maintain it with that river. I desire to say now that, in my judgment, it can only be maintained by the use of a tremendous amount of good cement. The Commission say the whole enterprise depends upon the character of the cement used. Every business man, every man of common sense, knows that. If you put an inferior cement in the locks, there will be trouble in the future; and if you put inferior cement in the spillway, so that the spillway may break at any time, the dam would go out in two hours under that head of 85 feet of water. So the important question in the whole matter of the construction of the canal is what kind of cement you are going to get.

The matter of cement is as well settled in the United States as it is anywhere in the world. For a great many years we bought our cement from England or Europe. We now manufacture cement that we call Portland cement, because the Portland cement, which was the first cement we used in this country, came from Europe. We are making large quantities of cement in the State of Kansas, some in Missouri, some, I think, in Iowa, and in other States. Our cement has now reached a point where we know it is just as good as any other cement. There may be a little difference, but it is very small.

We have in this country an abundance of material from which to manufacture cement. I will venture to say that the Oklahoma region can produce all the material needed in order to make the cement for the canal, even if it takes twice as much as is estimated. They have the fuel and they have everything else there. They are only hampered by the fact that they are not on a water line. It can be manufactured undoubtedly in the Oklahoma country cheaper than in any other place on the American Continent, because they have natural gas in great quantity, and where they do not have gas they have an abundance of coal which is very cheap.

Kansas is to-day making large quantities of cement. We have been using it in Colorado in large amounts. The most important dam that has been built in this country for a good many years was for the Denver Water Company, in which they used entirely cement from Iola, Kans. Every barrel of that cement when it came there was opened and a competent man made a test to determine whether it was a proper barrel of cement or not, because in manufacturing cement you will frequently have good cement in one barrel and poor cement in the next one. No barrel of cement was accepted that did not come up to the standard, and when they got through they had a dam 210 feet high, holding a rapid stream and setting the water back 8 or 10 miles, and practically it was as solid as the adjoining hills. The cement set properly, and it had been built in with very large stones taken from the adjacent hills, and it is a solid barrier. You can make cement which will be just as good as the surrounding hills; but you do not always do it, and I doubt very much if you should attempt to make cement on the Isthmus with the character of labor they have and with the uncertainty as to the material, whether you would get a cement which would stand the test that the engineers of this country insist that every barrel of cement shall stand before it goes into an embankment or for any other purpose where force is to come against it.

So, Mr. President, I want to put myself on record in favor of the use of American cement, and if it costs $2 a barrel it will be cheaper than cement for nothing that does not come up to the standard. About the wisest thing I have heard from the Commission is the statement that the whole canal depends upon the kind of cement that goes into the locks. It is equally true in making these diversion canals. They have a scheme to carry the Chagres River at one point into the Pacific Ocean and at another point into the Atlantic Ocean. That river, with the rapid rise, which is sometimes as much as 40 and 50 and 60 feet above normal, going up to 80 feet frequently, is of such a character that it will not do to allow the water to run through an earth channel. It will have to be lined with cement and stone and masonry in order to make it perfectly safe, whether it goes east or whether it goes west.

The French had a scheme, which I think an absurd one, but I see that the Commission have indicated that they may follow it, of putting a trestle over the canal which would be 180 feet above the water. The great trouble is when you turn your river over there, and when you drop it on the other side you will wash away the whole country, or you must make calculations to drop it down by degrees.

The spillway of this dam, in my judgment, threatens the foundation of the dam unless for some distance below the dam there shall be a cement conduit to carry off the water. I can not find that they have calculated on anything more than dropping it just below the dam. That is in a gorge 268 feet deep with nothing but mud; no stone. No man living knows how deep it is from the surface of the bottom of the gorge, 268 feet deep, before you come to a solid foundation, and that is why I say no condition exists there which justifies them in saying that 5,000,000 barrels of cement is all they want.

It may not be a very practical suggestion as to the pending joint resolution, but it is an opportunity that I did not like to neglect, and I have taken it to call the attention of the authorities who are doing this work to the facts I have presented. Later, when we come to the question of an appropriation, I mean to call attention to some other things which I think the authorities ought to examine and consider before they go on with this work.

As I have said on former occasions I know the canal is going to be built. I do not know when. But I do believe the American people, after spending so much money, will go on at all events. I was somewhat surprised to see in the public press that Mr. Stevens, who was the engineer, says the canal will be of no value to the commerce or the country when it is built. I do not agree with that. I do not believe it will be of as much value to the country as people have supposed, but it will be of some value provided, and provided only, it is an effective and useful canal. You may build a canal that will be of no use to commerce because the shipmasters of the world will not use it.

People talk about sending our battle ships through it. If it was built, it would be infinitely safer for the Government of the United States to send its battle ships where it has sent our fleet than to take the chance of putting one of those battle ships in those great locks. A slight movement of one of those battle ships would sweep the whole line of locks off, if it occurred in a top lock. Nobody can imagine what would happen, except to say that it would mean the total destruction of the flight of locks on both sides, where they are in duplicate. Both parts would be torn out from top to bottom by a battle ship.

Mr. President, I hope I shall not speak so often on this subject that I shall be regarded as a bore. But it is a matter of great concern to the American people that they shall get a canal which will meet the demands of the commerce of the

world, not only as a measure of profit, but as a measure of honor. We have assumed the authority to build it; we have denied everybody else the right to build it; and it becomes our duty to build such a canal as will meet the demands of the world's shipping.

Mr. BACON. Mr. President, the joint resolution is one which will affect the industries of the section which I in part represent, and it is to them a matter of very decided importance. It is important, if it is to pass, that it be put in shape where it will not be practically impossible for parties to furnish material for the construction of the canal without, in the effort to do so, incurring risk of loss. I have once or twice before endeavored to point out the practical difficulties in the way. Each time it has happened, unfortunately for me, there was an interruption before I could succeed in presenting them. I shall endeavor to do so now from a practical standpoint.

The two materials which are to be largely furnished from the South in the construction of the canal are lumber and cross-ties. As is suggested to me by the Senator from Louisiana [Mr. FOSTER], cement also. That possibly is from Oklahoma. The Senator from Texas [Mr. CULBERSON] also suggests Texas.

Mr. JOHNSTON. And Alabama.

Mr. BACON. The section from which I come, or rather I will say the State which I in part represent, is more interested in lumber and cross-ties for the construction of the canal. The Senators around me can represent the industries from their States which will be thus interested, and doubtless they will do so. I know it is not confined to my State, but includes South Carolina, North Carolina, Florida, Alabama, Mississippi, Louisiana, and Texas, all of which will be interested in the furnishing of lumber and cross-ties, and those materials will be shipped from half a dozen to a dozen different ports.

Mr. ALDRICH. Do I understand that this is one of those questions of the character described by a late Democratic candidate for the Presidency in a notable letter as a "local question?"

Mr. BACON. No; I think not. I am trying to get rid of the burden which this joint resolution——

Mr. ALDRICH. I thought the Senator was discussing it from the standpoint of how it affected his State.

Mr. BACON. I do not want a burden laid upon that industry. I want to have it so that those who are engaged in that industry will be permitted to bid for the furnishing of lumber and cross-ties, and have the information at the time they bid, whether those bids are to be based upon rates of transportation charged by foreign vessels or upon the higher rates of transportation to be charged by American vessels. That is the exact point.

Mr. ALDRICH. I suppose the purpose of the joint resolution is to protect American industries generally——

Mr. BACON. No.

Mr. ALDRICH. And not those of any particular State.

Mr. BACON. The Senator is usually very correct as to anything which relates to matters of this kind; but the joint resolution relates exclusively to the matter of transportation. It is simply a joint resolution—I presume the Senator has not read it—which requires that with certain exceptions named or with certain qualifications, all material and equipment for the canal shall be shipped in vessels of American register. That is substantially what it is——

Mr. ALDRICH. That is what I supposed.

Mr. BACON. Without going on to speak of the different classes of ships.

The particular point I am after is this. I stated it yesterday, but in order that I may have the connection I will state it again very briefly. In order that one who has lumber and cross-ties or any other material which he wishes to furnish to the canal may make a bid for the furnishing of those materials to be delivered at the Isthmus, it is necessary for him to be able to form a correct estimate as to what will be the cost of transportation, because that must enter very largely into the cost to him of the material when delivered, and he must be able to add to the original cost the cost of transportation in order that he may figure upon a reasonable profit. The point is that there should be as far as possible certainty to enable the producer of lumber and cross-ties to make his calculation as to the price he will bid at which he will deliver the goods at Panama. If he has to pay a high rate of freight he must add a high rate of freight to his bid. If he is to be permitted to have a low rate of freight he must add the low rate of freight to his bid.

Now, the trouble with the joint resolution, even with the amendment proposed, is that one who wishes to make a bid will be in doubt and uncertainty as to whether he has to ship by American vessels or whether he will be permitted to ship by foreign vessels.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Rhode Island?

Mr. BACON. With pleasure.

Mr. ALDRICH. Is there any competition in cross-ties from Mexico or Honduras or any other country?

Mr. BACON. We are not discussing that question now.

Mr. ALDRICH. It seems to me important to look at both sides of this question.

Mr. BACON. Two years ago we passed a law which required this material to be taken from the United States.

Mr. ALDRICH. That is my recollection.

Mr. BACON. That is not the question now before us.

Mr. ALDRICH. I think I had something to do with that measure.

Mr. BACON. Yes; the Senator did.

Mr. ALDRICH. I did not know but that the Senator would like to have that changed, so that we could have foreign competition.

Mr. BACON. Yes; I should like it, and I shall have something to say about that before I get through.

Mr. ALDRICH. If we are to have foreign competition in transportation, why not in materials?

Mr. BACON. I will discuss that if I do not occupy too much of the time of the Senate. I am now on the question of transportation. I will come to the question whether or not the canal should be built with material wherever we can get it cheapest or whether it should be built under such conditions that an increased price is to be paid. But I am not on that question now. We had that question two years ago. It is a cognate question, it is true, but it is not the one before us now. The one before us now is transportation, and I have endeavored to point out the fact that the joint resolution should be made so certain that a man who wishes to bid can with accuracy tell how much to the original cost of the material he must add for transportation. If it were certain that there were going to be American ships at each of the ports from which this material is to be shipped, of course there would be no difficulty in the party who desires to make the bid adding the necessary amount to the cost of the material, so that he could make his bid advisedly and have the assurance of a reasonable profit in the price which he was to receive from the Government. But if it is uncertain whether or not he is to have a high cost of transportation or a low cost of transportation he can not possibly bid without danger of loss.

Now, the amendment as proposed by the Senator from Mississippi [Mr. MCLAURIN], and which I understand has been agreed to by the committee, is one which says that this restriction as to American vessels shall not be enforced—this is substantially what it is, I understand—unless American vessels are available. Am I correct as to the substantial meaning of it? I do not pretend to quote the exact words.

Mr. MCLAURIN. Substantially.

Mr. BACON. Now, it will be understood that in practical operation an advertisement is put in the papers that at a certain time bids will be received for various articles, and I will illustrate it by lumber and cross-ties, although there are many other articles. An advertisement is put in that bids will be received for lumber and cross-ties to be furnished at a certain time, probably months ahead, necessarily months ahead. The owner of the lumber is desirous to make his calculation as to what bid he shall put in. He is to ship from the port of Savannah or the port of Brunswick. It is to be four months from the time of the bid up to the time when the contract is to be carried out by him or when he is to start his cargo from Savannah or from Brunswick for shipment to the canal.

How can he tell when he makes that bid whether there are going to be vessels available or not? How can he tell when he makes that bid whether he is to make it upon the basis of the cheap rate of a foreign vessel or upon the basis of the high rate of a domestic or American vessel? It is to meet that condition of affairs that I ask for the adoption of an amendment which will permit the bids to be made in the alternative.

I want to say, however, one word in response to the question propounded to me by the Senator from Maine [Mr. HALE] as to the practical operation of the joint resolution as it is now before the Senate. The Senator asked me yesterday the question whether there was not more or less of risk and uncertainty in all business transactions and whether or not all shippers, when they made contracts which involved transportation as a part of the bid, did not have to bow to this uncertainty, and I was proceeding to answer him at the time when the hour of 2 o'clock arrived and the debate was necessarily suspended.

The reason is this. I illustrate it again by the simple matter

of lumber, although there are many other articles, of course, which would be interested in this line of business. When an American makes a contract to deliver lumber in South America or in Spain, or in any European port—and a great many of these contracts are made for the delivery of lumber under the circumstances which I have named, and yellow pine is shipped to all of them—he knows he is to pay the freight that is charged by a foreign vessel, because there are no American vessels running from South Atlantic ports to those ports. He knows as a certainty that the rate of freight that he is to include in his estimate is the rate of freight of the foreign vessel, and while those rates vary in some small degree they are so reasonably regular that there is no difficulty in the lumber merchant making his estimate and including in it the cost of transportation to the foreign port.

On the other hand, if lumber is to be shipped from Savannah or Brunswick to a port of the United States, as is done every day to Philadelphia, or Boston, or New York, or to Maine—if such a thing as lumber is shipped to Maine—the shipper knows that he must send it by a ship under American registry, because a foreign ship is not permitted to carry freight between those ports in the United States; so there is no hesitation and no doubt. In the one case it is absolutely certain that the freight is going to be the freight of a vessel under foreign registry at a cheap rate. In the other case it is an absolute certainty that it must be a ship under American registry, at a high rate, which is also so reasonably regular that the shipper can without difficulty estimate what would be the increased cost to the original cost of the material.

But when it comes to the shipment to Panama, under this bill, unless he is permitted to put in an alternative bid—so much in case it is shipped by a foreign vessel and so much, on the other hand, if shipped by an American vessel—it is an absolute impossibility for the shipper of lumber to make his estimate with any degree of certainty as to whether, if he gets the price he asks for it, he may not incur great loss as a consequence thereof. I do not see how there can be any escape from that proposition.

Mr. HALE rose.

Mr. BACON. It all rests at last, if the Senator will pardon me until I finish the sentence, under the bill, in the discretion of the President. Of course we know that means the discretion of the Department, necessarily so and properly so. The President is the proper officer to be named, though the work must necessarily be done by the departmental officer, and being in his discretion, it is an impossibility in advance for the shipper or the bidder to know whether his discretion is going to be exercised in favor of the American vessel or the foreign vessel. It is an impossibility for him to know what the President or his subordinate may consider to be reasonable or unreasonable, and he will have to go at a guess and move at a venture.

Now, I will with pleasure yield to the Senator from Maine.

Mr. HALE. I think, as I intimated yesterday, the Senator is seeking to make by statute a provision that shall cover all the vicissitudes and chances of trade. The situation depicted by the Senator of his constituents producing lumber and ties is not confined to his locality, and he said, which admits the difficulty in providing for specific articles, that there are other articles beside lumber and ties affected by this uncertainty.

In my own neighborhood in the State of Maine we are largely interested in the shipping of lumber and railroad ties and sleepers to foreign ports, to Panama, and wherever the product can be sold. It is an everyday occurrence in Maine that a contract is made in April, May, or March for the shipping of these products to foreign countries months afterwards. The shipper does not know what he will have to pay when the time comes around. The rates of freight in the fall are sometimes very greatly larger than they are in the spring, and the shipper takes that chance. You can not cure, as I have said, all the vicissitudes of trade by provisions of law, and when the Senator seeks to make an exception here for lumber and ties——

Mr. BACON. No; I do not seek anything of the kind.

Mr. HALE. He invokes——

Mr. BACON. I used that for an illustration. It will apply to any material.

Mr. HALE. Is the Senator's proposition general or does it apply to lumber?

Mr. BACON. Certainly, it is general.

Mr. HALE. It is general?

Mr. BACON. Of course.

Mr. HALE. Applying to all products?

Mr. BACON. To all material.

Mr. HALE. Of every kind?

Mr. BACON. Of every kind. Of course it is. I will ask that the amendment may be read.

Mr. HALE. No; I will take the Senator's word. I have not read it.

Mr. BACON. I did not suppose for a moment that the Senator or anyone else would presume that I would ask that a particular class of products should have a different rule from any other class of products.

Mr. HALE. The Senator had talked about this one product.

Mr. BACON. I used it as an illustration, and I said that those two materials I had a special interest in.

Mr. HALE. The Senator had talked about that and I supposed he was confining his amendment to it.

Mr. BACON. I hope the Senator will let it be read, and then if the Senator has a question to ask me I would be delighted to answer it. But if the Senator desires to answer my argument I hope he will let me complete it first.

Mr. HALE. No; so far as the point that I make is of any force, you can not provide by law what a shipper will have to pay some weeks or some months ahead, and that is just as pertinent and just as strong a consideration before us as whether the Senator's amendment applies generally or only to lumber and ties.

Mr. BACON. I ask that the amendment be read.

Mr. HALE. We must take some chances in trade.

Mr. BACON. I wish to say that I wrote the amendment as a proviso, but some Senators have suggested that instead of being put in as a proviso it ought to be put in as an independent section, which is agreeable to me.

Mr. CULLOM. Let it be read.

The VICE-PRESIDENT. The amendment will be read.

The Secretary read as follows:

Provided, That in every such contract the party or parties, bidding on the same shall be authorized to submit bids to deliver said material and equipment, in the alternative, either—

First. On docks within reach of the ship's tackle at seaports of the United States named by the bidder.

Second. On docks, at the option of the bidder, at Colon or La Boca (1) in ships of American register; (2) in ships of foreign register.

Mr. BACON. I desire to say that that amendment, proposed by me, is copied with a very slight variation from the order of the Secretary of War under which bids are now made, and while, if the Secretary of War should continue that order, there would be no necessity for this amendment, the amendment is offered out of abundance of caution to prevent any change in that particular. I hope I may have the attention of the Senator from Maine. The order of the Secretary of War uses the word "steamships." I have changed that to "ships," because we have a number of sailing vessels, some of which come down from the country of the Senator from Maine—schooners—sailing vessels that land on our coast and carry freight largely. The three-masted schooner is now one of the most popular vessels on the coast. With the exception of changing the word "steamships" to "ships" it is a copy of the order which the Secretary of War has himself issued on the subject.

I do not know whether the Senator heard the remark which I made, as the two Senators from Maine were talking. The Senator from Massachusetts [Mr. LODGE] referred the other day, when we first had this matter up for discussion, to the order of the Secretary of War in which these alternative bids are permitted. I asked that it be read in order that I might get the language, and it was put in the RECORD. I have taken it from that order with the simple change of the word "steamships" to "ships." With that change in the order, as I said, a great many three-masted schooners which come down from Maine to our country, may be allowed to engage in this trade.

Mr. FRYE. Will the Senator allow me?

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Maine?

Mr. BACON. I do.

Mr. FRYE. If this bill should become a law, would not the Commission or whoever had the authority necessarily make the bids in the alternative, in order to compare the difference in cost between one and the other, and to determine whether the American bid, for instance, was unreasonable?

Mr. BACON. I do not know whether it would be made in the alternative or not; and if the Senator is certain that it would be, why should he object to its being incorporated in the law?

Mr. FRYE. I have not yet objected. I am making up my mind.

Mr. BACON. I hope the Senator will not object.

Mr. HALE. If the Senator will allow me, I think this proposition, which I had never read and I did not know what was in it until it was read from the desk, is a very different proposition from what I supposed the Senator was arguing.

Mr. BACON. I knew the Senator misunderstood me.

Mr. HALE. As to lumber and ties, I think it is interfering rather too much with taking the chances of trade, but still I

do not see how it can do much harm, because, as my colleague said, the alternative must be considered in reaching a decision as to whether the rate is reasonable or not.

Mr. BACON. It can not do any harm, and it may do a great deal of good. There is an estimated difference, I understand, of some 30 or 33 per cent between the cost of carriage by a ship under American registry and the cost of carriage by a ship under foreign registry. I do not know personally about that, but that is what I am told. If so, the danger of any complication growing out of that difference ought to be minimized as much as possible.

Mr. HALE. As my colleague has said, I do not see—and I am trying to look at it in a practical way—how the deciding power—we call it the President; it will be the Commission—can get at whether the difference is unreasonable or extortionate in the price demanded until they have an alternative bid. So I do not think the Senator's proposition does much harm.

Mr. BACON. I am glad the Senator concedes that much. I think it will do a great deal of good. I do not want it in the bill as a spineless measure, without any energy or force. I think it is important to have it. A man sits down six months or four months before the time when he is to furnish the material to make his calculation as to what bid he can safely make for himself, and it ought not to rest in the uncertainty and discretion of some other person as to whether he shall be required to arbitrarily send it by an American vessel as against a foreign vessel unless he is put in a position where, if such a requirement is made of him, his bid will be certain as to the one and as to the other.

Mr. FRYE. Will the Senator allow the amendment to be read once more?

Mr. BACON. I will, with pleasure.

The VICE-PRESIDENT. The Secretary will read the proposed amendment.

The Secretary read as follows:

Provided, That in every such contract the party or parties bidding on the same shall be authorized to submit bids to deliver said material and equipment in the alternative, either—

First. On docks within reach of the ship's tackle at seaports of the United States named by the bidder.

Second. On docks, at the option of the bidder, at Colon or La Boca (1) in ships of American register; (2) in ships of foreign register.

Mr. BACON. Now, if the Senator will pardon me, he will notice there are two distinct propositions there. One is that the party is going to deliver not on the Isthmus, but at the port to be named by him within reach of the ship's tackle.

Mr. HALE. That is a very different transaction.

Mr. BACON. Of course, I wish all the contracts were that way. Then all this trouble would be avoided and the Government itself would determine in what shape it would carry the products or material to the Isthmus. While the alternative is divided into two, it relates simply to two different coasts. One is on the Atlantic side and the other is on the Pacific side; but, in fact, there are but two classes of bids to be made. One is a bid for delivery on the dock within the ship's tackle at a port to be named in this country, and the other is on the dock at Panama, either on the Atlantic side or the Pacific side.

Mr. FRYE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Maine?

Mr. BACON. With pleasure.

Mr. FRYE. If I will accept that amendment, will the Senator allow a vote to be taken on the joint resolution?

Mr. BACON. The vote will certainly be taken this afternoon.

I will not occupy very much time of the Senate after that. I will say, however, that I will be glad to strike out the word "*Provided*" and make it an independent section. Some Senators thought possibly if the word "*Provided*" were in, it might have some relation to other provisions which would not be desired.

Mr. FRYE. I think a separate section is the better way.

Mr. BACON. Very well. If the Senator will prefer that I will have no more to say on that subject and, to that extent, the Senator will get closer to his vote, and I will say nothing more about it.

I want to say one word, however, Mr. President, because the Senators on the other side have asked me on a former occasion, and the Senator from Rhode Island to-day, something as to this general policy. The Senator from Massachusetts [Mr. LODGE] said something to the Senator from South Carolina [Mr. TILLMAN] indicating the idea that the Senator from South Carolina, and possibly those who were associated with him on this side of the Chamber, had voted for the bill which was passed two years ago, which required that all material furnished for the construction of the canal should be bought within the United States, and some little question arose as to whether or not those of us on this side did support that measure.

Mr. TELLER. I did.

Mr. BACON. The Senator from Colorado says that he did for one. That is true. I have examined the vote, and he is the only Senator on this side of the Chamber who did vote for it; the Senator, I have no doubt, being influenced by the very best of motives and voting according to his conviction as to what he should do.

Mr. TELLER. I stated it.

Mr. BACON. Yes; the Senator stated it. As I stated a few days ago that was my recollection, the question the other day having been raised as to whether or not I had voted for it upon that occasion. As I stated the other day, I not only voted against it, but spoke against it. I took the position then which I take now, that, regardless of the question whether a man believes in protection or not and whether he advocates and maintains the policy of protection as the proper policy of this country, it was not a subject where that principle should be invoked or where it should be applied; that here was a great enterprise, an enterprise which required not only a tremendous expenditure, but a tremendous sacrifice on the part of the people of the United States; that it was not an enterprise for money or for gain, but a great world-wide enterprise in which all the nations of the earth were to have equal advantage and equal benefit with ourselves, in which we had solemnly stipulated to the world in our treaty with Great Britain on the subject that there should be no discrimination in favor of the people of the United States, but that that canal should be free to the world upon equal terms with ourselves.

I took the position two years ago, and I repeat it now, that whatever a man may think about protection, concede, if you please, the correctness of the principle, both as a principle and as a practice, the construction of the Panama Canal was not an occasion where one dollar should be taken from the people of the United States for its construction more than was absolutely necessary for its construction.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Oregon?

Mr. BACON. With pleasure.

Mr. FULTON. Does not the Senator think that we are taking less from the people of the United States than we would otherwise take, by providing that they shall have the preference in furnishing the material?

Mr. BACON. I do not think so.

Mr. FULTON. In paying them for the material rather than paying citizens of foreign nations makes it cost the people of the United States less than it otherwise would. The Senator will see——

Mr. BACON. The Senator asks me a question and then discusses it afterwards. Having asked the question will he please let me reply to it?

Mr. FULTON. Very well.

Mr. BACON. Mr. President, I do not think so at all. If, of course, every particle of the material was furnished uniformly by all the people of the United States, then you might say that it was taking it out of one pocket and putting it in another. But the Senator well knows, and every Senator knows, that that is not the fact; that the great body of the people do not and can not participate in whatever benefit may come to those who sell this material. In that debate, Mr. President——

Mr. FULTON. If the Senator will allow me right there——

Mr. BACON. I will yield as soon as the Senator will let me answer his question. What I am now saying is in reply to a question, and he must let me finish, please.

Mr. FULTON. Of course, if the Senator insists I will have to yield.

Mr. BACON. I will answer another question from the Senator after I answer this one.

The debate on that question brought prominently to the attention of the Senate the fact that upon the mere subject of the purchase of two dredges—one of them for the Pacific side and the other for the Atlantic side—bids had been invoked and had been received by the United States Government—one from an American manufacturer and the other from a Scotch manufacturer—in which, after the most careful investigation by the Secretary of War and with the aid of the opinions of those officers engaged with him in the prosecution of the work who had investigated it, there was estimated to be a loss to the United States of $70,000 in accepting the American bid. Calculating every element of cost, transportation, marine insurance, and everything else, there was $70,000 difference. In the debate which proceeded thereon, I find by reference to the RECORD, which I have examined to-day and which is upon my desk, that I stated

the fact that, upon investigation by parties whose familiarity with the matter led me to confide in the correctness of their judgment, upon an estimate of $250,000,000 as the cost of the Panama Canal, the purchase of the material in the United States would make the Panama Canal cost $32,000,000 more than it would if the purchases were made wherever the material could be obtained cheapest. That was upon a basis of cost of $247,000,000 for the canal, if I recollect correctly, and nobody now thinks the canal is going to be built for any such sum as that; and in proportion as the cost of the canal is increased, in the same proportion is going to be increased the additional cost to the people of the United States of the construction of the canal, by reason of the fact that the material has to be bought in this country and can not be bought where it can be had cheapest.

The joint resolution which is now before us, and which we all know is to pass, is to add still more to the unnecessary cost of this gigantic work to the people of the United States. I do not know how much it will add, because I am not familiar with the proportion of the cost of transportation to the original cost of the material, but if it is a very small amount, with the increased cost of the canal and the consequently increased cost of material, and added to that the increased cost of transportation, I have no doubt but that the canal is to cost fifty or sixty million dollars, at least, more than it would otherwise cost if those who are to construct it were permitted to buy the material in the cheapest market and to ship it at the cheapest rate of ocean freight.

This increased cost must be paid by the entire American people. The money for this purpose will not drop from the skies. It must come out of the pockets of all the people without distinction. There is not a man who toils in the field, or works with his hand or brain in any occupation in the United States, who will not be required to contribute his part to pay this unnecessary and extra cost of building the canal.

Mr. TILLMAN. Mr. President, will the Senator from Georgia allow me to make a suggestion?

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from South Carolina?

Mr. BACON. I do.

Mr. TILLMAN. I want to know whether or not the principal cost of the canal will not be labor?

Mr. BACON. I am coming to that, if the Senator will permit me. I know exactly what he was going to ask me.

Mr. TILLMAN. The point is this: That if we are going to confine this Government in its expenditures for material to the home market absolutely, then——

Mr. BACON. Why not apply the same principle to labor?

Mr. TILLMAN. Why not have American laborers, of whom there are so many hundreds of thousands now roaming up and down hunting for soup kitchens?

Mr. BACON. I will say that the Senator from South Carolina has simply anticipated exactly what I was coming to right at the very minute.

I ask Senators on the other side, if the home market is to be protected, if home interests are to be those which are to control, why is it, when material is to be bought at higher prices in the United States and is to be shipped at higher prices than it can be gotten for elsewhere, that labor, of all things, while it is protected in this country, should not be protected there by those who have control and who dispose of such matters?

Mr. HALE. I suppose the simplest answer——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Maine?

Mr. BACON. Certainly.

Mr. HALE. I suppose the simplest and most straightforward answer is that you can not get sufficient American labor to go there to do the work, but that you can get an ample supply of American material to be employed in the construction of the canal.

Mr. BACON. And American ships. Did I understand the Senator to say "American ships?"

Mr. HALE. That remains to be seen.

Mr. BACON. But the Senator when it came to labor——

Mr. HALE. We are talking about material.

Mr. BACON. We are talking about material; we are talking about transportation; we are talking about labor—all three of them.

Mr. HALE. What the Senator meant just now and what was raised by the Senator from South Carolina [Mr. TILLMAN] was the question of material.

Mr. BACON. Yes.

Mr. HALE. The answer to the question is simply that you can get American material and plenty of it, but you can not get American labor. American laborers will not go there.

Mr. TILLMAN. Mr. President——

Mr. BACON. One second. Let me show the inconsistency of the Senator from Maine and those whom he represents. There is no greater urgency on the part of the Senator from Maine in the case of material than there is in the case of the shipping. The matter before us to-day is a matter of shipping, and I asked the Senator to see if he would follow me out and complete his own sentence when he said there was plenty of material—whether he would say that there is plenty of shipping, because if there was plenty of shipping, it would not be necessary to frame this joint resolution with any qualifying clause in it.

Mr. HALE. I would certainly utilize American shipping so far as I could get it.

Mr. BACON. Exactly.

Mr. HALE. I certainly would.

Mr. BACON. I understand that.

Mr. HALE. I would give it a preference, and a large preference.

Mr. BACON. The point as to which I ask the Senator is this: It is assumed that there would be no sufficiency of American labor without any effort to procure it, with an absolute repudiation in the very beginning of the effort of those who were interested in American labor to have it laid down as a rule that American labor should construct the canal.

Mr. HALE. Will the Senator from Georgia allow me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Maine?

Mr. BACON. Certainly.

Mr. HALE. I tried to answer the Senator's question by a very few words. Now, let me ask the Senator whether he believes that American labor—labor in the United States, such as it is—could be obtained to go down and do the work under the conditions that at present obtain and will always obtain on the Isthmus of Panama?

Mr. BACON. I will only say this to the Senator——

Mr. HALE. What does the Senator think as to that?

Mr. BACON. I will say this to the Senator: That there is scarcely a week passes, possibly scarcely two days pass, that I do not get letters from men in my part of the country seeking positions on that canal.

Mr. HALE. Not from laborers?

Mr. BACON. Yes; from laborers. Men who have to work—mechanics who have to labor.

Mr. HALE. I can tell the Senator——

Mr. BACON. And I have not a doubt in the world that there are all along the southern tier of States in the United States an abundance of laborers who can be induced to go there.

Mr. HALE. I should doubt that very much.

Mr. BACON. Very well. The effort should at least have been made, and none was made. We know it is a fact that the labor organizations in this country appealed to those in authority to make that restriction, and that it was refused.

Mr. HALE. But they did not agree to furnish the labor and never would furnish the labor.

Mr. BACON. You did not try it.

Mr. TILLMAN. Will the Senator from Georgia yield to me right there?

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from South Carolina?

Mr. BACON. I do.

Mr. TILLMAN. It appears that, so far as the cost goes, it is left entirely to competition in the United States, and we are compelled to pay whatever price is charged. Now, if you put the same restriction on labor and say that we shall employ none but American labor, and a price is fixed, first, at a dollar, and if that does not bring them, go to $2, and if that does not bring them, go to $3, and if $3 does not bring them, then go to four, five, six, or ten dollars—just simply say that you will pay whatever is necessary and you will get them.

Mr. BACON. And that is what you say as to the material; that is what you say as to transportation—that, regardless of whether it will cost more or less, you shall use domestic material and you shall use ships of domestic register.

Mr. HALE. This joint resolution does not provide that.

Mr. BACON. The joint resolution adopted two years ago did as to material.

Mr. HALE. This joint resolution does not provide that as to transportation any amount shall be charged. If there is an improper discrimination——

Mr. TILLMAN. But, if the Senator will permit me, the law compels us to use American material regardless of the cost. Now, if we say that we shall use nothing but American labor regardless of cost, we can get that, too.

Mr. FULTON. We know we can get material.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Oregon?

Mr. BACON. I yield to a question, but not to debate.

Mr. FULTON. Very well.

Mr. BACON. If the Senator from Oregon desires to ask me a question, I will yield to him with pleasure.

Mr. FULTON. I want to ask a question.

Mr. BACON. But if the Senator wishes to make an answer, I prefer that he should answer in his own time.

Mr. FULTON. I wish to ask the Senator a question, and I will have to premise it with a very brief statement of what the Senator has said. The Senator says that we have declined to extend the same protection to labor that we do to material.

Mr. BACON. Yes.

Mr. FULTON. The Senator from Maine [Mr. HALE] answered that by saying that the labor market in this country will not supply the demand; but the Senator now is contending that he would protect the labor market in this country, and he proposes that all the vast supplies necessary for the construction of the Panama Canal shall be purchased in foreign markets.

Mr. BACON. Purchased in the open market.

Mr. FULTON. Very well. The Senator admits that it would come from the foreign market because we would save $32,000,000 in that way.

Mr. BACON. A large part of that amount.

Mr. FULTON. But does not the Senator realize that by such a policy he would be doing labor a greater wrong and a greater injury than could possibly be done it by shutting it out of the labor market in Panama? What would be the effect on the laborers in the factories, the mills, and the forests of this country if we should always buy the vast amount of supplies required by the Government in other countries?

Mr. BACON. The vast amount of supplies that we have to buy, while it is a very vast amount and while in the aggregate the increased cost is very great to the American people, is but a drop in the bucket compared to the work that the American laborers do in the production of things in our own country for our own consumption and the influence upon our general production is insignificant. The point that I intend to make in the beginning was that however correct the principle of protection may be—and that is what the Senator now alludes to—it has no application to this case.

Mr. FULTON. Will the Senator allow me right there to ask him a question?

The VICE-PRESIDENT. Does the Senator from Georgia yield further to the Senator from Oregon?

Mr. BACON. I yield if the Senator wants to ask a question, but I do object to debate. If the Senator desires to answer me, I want him to answer in his own time.

Mr. FULTON. There is no time as good as right now.

Mr. BACON. The Senator can ask a question, but I shall decline to yield for more than that, because I desire to go on with some connected presentation of the matter.

Mr. FULTON. This is a question.

Mr. BACON. Well.

Mr. FULTON. Now, the Senator must admit this——

Mr. BACON. That is not a question.

Mr. FULTON. I ask the Senator—protection being the policy of the country—if there is not a good reason for requiring the Government to purchase its supplies in the home market, in the protected market? If the Government requires the individual in this country to purchase his supplies in a protected market, should not the Government be required to purchase its supplies in the same market?

Mr. BACON. That might be true, Mr. President, as to material which the Government intended to use in this country in its ordinary operations, but I have endeavored to differentiate. This is a different matter altogether.

Right in that connection I want to call the attention of the Senate—I say the Senate in order that I may not arouse my learned and distinguished friend to rejoinder immediately—to the fact that that is not the policy that we pursue as to other matters. I have before me here a letter which was written by the Secretary of War to the President of the United States on this very question—and this letter was read in a former debate here two years ago—in which the Secretary of War called the attention of the President of the United States to the fact that we did not pursue that policy as to material necessary for the support of the Army in the Philippines; that, while all the material and supplies could be purchased in this country, that was disregarded in the purchase of supplies for the support of the Army in the Philippines, and materials and supplies were purchased wherever they could be obtained cheapest. Right in that connection, Mr. President, I want to call the attention of the Senate——

Mr. FULTON. I ask the Senator if it would not be different in the case of war?

Mr. BACON. This was not war. I am not speaking of war.

Mr. FULTON. That might necessitate a different rule.

Mr. BACON. I am speaking of a time of peace. There is peace in the Philippines now, and there was two years ago when the letter was written. I had no reference to a time of war. But I want to call the attention of the Senate right in connection with the question as to the purchase of material and supplies by the Government to the fact that when this matter was before the Senate two years ago I offered an amendment, which I will read. It was an amendment to the bill, which provided that all of the supplies and all of the material for the construction and equipment of the Panama Canal should be purchased in the United States. I offered this amendment:

Provided, That in making said purchases a larger price shall not be paid for any such article of domestic production or manufacture than the price at which the same or similar articles of domestic production or manufacture are sold or offered for sale in foreign markets or for export to foreign markets.

Does anybody contend that the Government of the United States ought to be made to pay to producers of the United States, the manufacturers of the United States, for material which is to be used in the construction of the Panama Canal a greater price than the same parties sell to foreign governments? And yet that amendment was voted down—all the Democrats with one exception voting for it, and all the Republicans voting against it—and to-day it is a fact that the very people that you say should be so protected are selling to the people in foreign countries articles at one price and asking and receiving from the Government of the United States a higher price for the same articles to go into the construction of the Panama Canal.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Oregon?

Mr. BACON. I do.

Mr. FULTON. Does not the Senator from Georgia realize the fact that in selling goods manufactured in this country at a lower price the transaction is oftentimes—more frequently than otherwise—influenced by the fact that the material which is used in manufacturing that article, the raw material, is imported from a foreign country, and then a drawback is paid when it is shipped out? Consequently in many cases it may be that they can afford to sell in the foreign market cheaper because they get that rebate of duty on the imported raw material.

Mr. BACON. The Senator now wants to go into a discussion of the question of the sale of goods in foreign markets at lower prices than they are sold in this market. That would take a very wide range and would occupy much longer time than the Senator from Maine would be content that I should occupy.

Mr. FRYE. A much wider range than the present discussion has taken?

Mr. BACON. Yes; a very much wider one.

Mr. FULTON. I will say, Mr. President, that if the Senator is desirous to accommodate the Senator from Maine and close the discussion, I will join with him.

Mr. BACON. No; the Senator is his own judge. He can answer to his own heart's content and at as great a length as he wishes after I conclude; but I will say that the suggestion of the Senator from Oregon as to the reasons why articles are sold in foreign markets at a cheaper rate than they are sold in our own country does not in anywise apply to the question whether the Government of the United States should be required to pay to those same manufacturers a greater price than those manufacturers sell in foreign markets.

Mr. FULTON. I did not say that was the only reason.

Mr. BACON. Oh, no. We have had that matter discussed in the Senate enough to know that there are a great many reasons, and it would take a very long time to state them.

Now, Mr. President, in order that I may not weary the Senator from Maine by occupying too much of his time, I am going to call attention to one or two things which are a little pertinent here.

I said that whatever might be the correctness of the principle of protection, it ought not to be applied in this case; that, in my opinion, the reward, if you please, or the fruits that the producers, the manufacturers, in this country reap from the present tariff law are sufficient without their grasping for more; and, as an evidence of that, I am going to read something that a Republican said. On the 3d day of February,

1908, there appeared in the Washington Herald a series of interviews with a number of manufacturers who were here at the time when the Senator from Indiana [Mr. BEVERIDGE] was to make his heralded speech on the subject of a tariff commission. Those manufacturers were here in the interest of the appointment of such a commission and in the interest of a revision of the tariff. I will read what one of those manufacturers, who said he was a Republican, said on that subject. After several other interviews with other parties the article in the Herald goes on to say:

Even more outspoken than Mr. Van Cleave is Mr. H. E. Miles, chairman of the tariff committee of the Manufacturers' Association and president of the National Association of Agricultural Implement and Vehicle Manufacturers.

I hope I may have the attention of Senators to the words of this Republican manufacturer who was here upon that business. I repeat these are the words of Mr. H. E. Miles, chairman of the tariff committee of the Manufacturers' Association and president of the National Association of Agricultural Implement and Vehicle Manufacturers. He further says this:

The annual output of the manufacturers of the United States, as shown in the last census, is valued at $14,800,000,000. The tariff which covers the prices is inexact, antiquated, and inapplicable at the present time. Scarcely a single schedule has any honest and direct application at this time to the principle of protection. Under present conditions the tariff is not a protective tariff in any sense.

I hope Senators will listen to this language:

Under present conditions the tariff is not a protective tariff in any sense. It is a tariff of graft and discrimination, hurtful in a thousand ways.

From one-half to two-thirds of the stuff made under this tariff bears to the consumer an unjust and unreasonable price because of the tariff.

Now listen to these words:

It is estimated by competent authorities that the graft, overcharge, and wrong done the American public because of the present tariff reaches $3,000,000 a working day.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Rhode Island?

Mr. BACON. Certainly.

Mr. ALDRICH. From what Democratic stump speech is the Senator reading?

Mr. BACON. Let me finish it and then I will answer the Senator's question. I will repeat the last sentence for fear the Senator from Rhode Island did not hear it. I hope he will listen to me. I want the Senator from Rhode Island to hear this:

It is estimated by competent authorities that the graft, overcharge, and wrong done the American public because of the present tariff reaches $3,000,000 a working day. We have the facts, schedule by schedule, and are prepared to make the details public should we receive opposition to our demand for a permanent tariff commission, through the appointment of which a proper adjustment of the tariff can be procured.

We are not agitators or reformers. We are mostly Republicans, and all protectionists.

That is the kind of a Democratic stump speech it is. It is from Mr. H. E. Miles. The Senator will pardon me. I will read it over again, as he did not seem to hear it.

Mr. ALDRICH and others. No, no.

Mr. BACON. I am simply going to read his name and designation. I am not going to read his interview over again. I know it is very unpleasant to Senators to hear, and I will not be cruel enough to again impose upon them by reading it to them twice. But I must again tell you who Mr. Miles is. Mr. Miles is the chairman of the tariff committee of the Manufacturers' Association and president of the National Association of Agricultural Implement and Vehicle Manufacturers, and he says he is a Republican and a protectionist.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Rhode Island?

Mr. BACON. Certainly.

Mr. ALDRICH. The only doubt I had about whether it was a Democratic speech or not was the mildness of the statement. [Laughter.]

Mr. BACON. The mildness of the statement! Well, Mr. President, if this is mild, as the Senator from Mississippi [Mr. MCLAURIN] suggests to me, what would it be if it were more extreme?

But, leaving all jesting aside, is not that enough to give every man pause? Three million dollars of graft and overcharge and wrong done to the American public every working day by the present tariff law! It rises up a good deal higher than the question whether or not they have enough of remuneration, to put a very mild term upon it—I will not use the offensive term—as an effect of the operation of the tariff. Have they not a sufficiency without saying to the American people, "You must make this canal cost $60,000,000 more than it otherwise would in order that we may have more graft on the same lines?"

Mr. President, I saw a very interesting statement in a newspaper yesterday—the Washington Post, I think it was—as to the legislation that the President intended that Congress shall enact before it adjourns. It is true this is not issued by the President, but it is issued by someone who states it as a fact. I have waited a day, because I know that if it were not a fact, and if it were not recognized by the President as true, he would be swift in its denial with the shortest of all English words to mark the line of division between him and the one who had misrepresented him. These are the great subjects that the President orders that we are to legislate upon before Congress adjourns prior to the meeting of the Republican national convention:

An emergency currency—and, by the way, that seems to be assured, because I see it stated in the newspapers that the Senator from Rhode Island [Mr. ALDRICH] has been in close conference with the President, and as a result, I suppose, of that conference, I saw in yesterday's Washington Herald, I think it was, a cartoon in which the President is represented with a big stick and an extinguisher, under which he had some dozen Senators. You could only see their feet, and consequently I can not say who they were, but the President was a Brobdingnag and they were Lilliputians. As the Senator from Rhode Island now has not simply the active cooperation, but the active coertion, if the cartoonist may be believed, of the President of the United States, there can be no doubt about the fact that the currency bill is to pass. But I am trying to read about the number of things which you Senators have got to attend to before you leave here whether you will or no, and I just want to call attention to the fact that the revision of the tariff, unfortunately, is not among them, although every day it is taking in graft and overcharge $3,000,000 from the American people. Here they are:

Emergency currency.
Employers' liability.
Abuse of injunctions in labor cases.
Strengthening of laws regulating labor conditions.
Increase of Federal power over railroads.
Authorization of railroads to form traffic associations.
Modification of the Sherman antitrust law.
Elimination of bucket shops and gambling in stocks and commodities.

Mr. TILLMAN. Does the Senator think that we are going to have another message ordering our brethren over there to do those things?

Mr. BACON. The newspaper says that a message is to come. I do not know whether the fact that that has been published will prevent its coming or not, but that is certainly what we have every reason to believe is correct, for the reason, as I have already said, that if it were not correct, one day having passed, we should have had a denial of it in no uncertain terms.

Nothing is said about Brownsville, as Senators around me suggest, but the order had already been issued in regard to that, and I presume will be obeyed.

Now, Mr. President, I would have very grave doubt as to the ability of even the very able and distinguished and large majority on the other side of this Chamber, as well as of the House of Representatives, to successfully deal with so large a number of subjects and to successfully enact them into law before the end of the present session, if it were not that I have from either to-day's or yesterday's Washington Post, I believe, another article, which shows the new régime, the new methods through which the Government of the United States proposes hereafter to swiftly enact legislation. Our very short-sighted forefathers, in framing the Constitution, supposed that they had correctly laid down the framework of this Government when they set up the President and gave him a very short command, to wit: That he should see to the execution of the laws; and when they, in an enumeration of the powers, conferred upon the two branches of Congress all the legislative power, and when they went further and marked out the line of division so that there should never be the transgression by one into the field of the other.

But that seems to be all changed; and I see by a statement which came out in the Washington Post this morning, the correctness of which we can not doubt, because it has gotten so that no man would dare to publish anything in the newspapers and attribute it to the President of the United States unless it were true, and scarcely then, because he would be liable to be met by a denial which he could not himself stand up against—but here, Mr. President, is the statement of a law which has been framed for enactment by Congress. It is with reference

to that that I say I have been encouraged to believe that whether I favor all these measures or not, the great majority of the two Houses would be able to cope with them in a very short time because of the great assistance and guidance they get in the consideration and construction and preparation of these laws and in the direction as to the passage thereof.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Rhode Island?

Mr. BACON. I do.

Mr. ALDRICH. Will the Senator permit me to ask him a historical question?

Mr. BACON. I am not sure I can answer it. I may have to refer to the Senator from Massachusetts. But I will do my best.

Mr. ALDRICH. Is there a campaign going on now in Georgia?

Mr. BACON. I do not think there is, and I do not see much prospect of any.

Here is what the Washington Post published this morning of the preparation of a law which we are informed is soon to be passed. It is not simply to be introduced, but the command has gone forth that it is to be passed. Even the Representative who is to introduce it is designated. It is already arranged for. I will read it:

In pursuance of the recommendation made to Congress by the President in his last annual message, and also in the special message which he transmitted to that body several weeks ago, a bill will be introduced in the House by Chairman HEPBURN, of the Committee on Interstate and Foreign Commerce, providing for radical modifications of the Sherman antitrust law. This measure is now being drawn up, and its general provisions have been determined upon—

Mark the words—

at a series of conferences held at the White House, at which were represented the Government and the various interests affected. The concluding session was held last night.

Representing the Administration were the President, Secretary of State Root, Attorney-General Bonaparte, Secretary of Interior Garfield, and Commissioner of Corporations Smith; Victor Morawetz, general solicitor of the Santa Fe Railroad, and F. L. Stetson, one of the counsel for J. P. Morgan & Co., the New York bankers, were there in the interest of the railroads and industrial and financial combinations; President Samuel Gompers, of the American Federation of Labor, was present for organized labor, and former Mayor Seth Low, of New York, represented the Civic Federation, which has been active in harmonizing the relations between capital and labor.

At former conferences there were present men prominent in the business and financial world, such as E. H. Gary, the dominating factor in the steel trust; George W. Perkins, a partner of J. P. Morgan, and others.

I hope Senators will carefully mark the fact that as the culmination of a series of conferences, when the final features of the bill were determined upon, when its limitations were marked out, and when even the gentleman who was to introduce it into another House was selected, in all the enumeration of those who were present, there is not a single Senator or Representative—not a single Senator or Representative in a series of consultations as to a law to be passed by Congress. Does any Senator doubt the correctness of that statement? Is there any Senator who has in his heart an instant of hesitation in the belief of the correctness of it?

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Rhode Island?

Mr. BACON. I do.

Mr. ALDRICH. Is the Senator from Georgia prepared to express regrets that he was not invited?

Mr. BACON. If I were, the regrets would be in vain, because I am never invited and I never expect to be. I have no right to expect to be. But I do say this: The Senator from Rhode Island had a right to expect to be invited, and the two Senators from Maine and every other Senator on the other side of the Chamber had a right to expect to be invited, even if those of my heretical political faith were excluded.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Ohio?

Mr. BACON. Certainly.

Mr. FORAKER. Are we to understand from the statement the Senator from Georgia has made, that every Senator on this side had a right to expect to be invited to such a conference, that, in his opinion, legislation should be framed in the White House in the manner suggested in the article rather than in the halls of Congress by the men elected to legislate for the country?

Mr. BACON. I accept the reproof, a proper reproof, which the Senator from Ohio gives me, and I can only excuse myself by the fact that this usurpation—because that is the smallest word that will apply to it—the assumption and the usurpation of the right of the executive department to dictate legislation has been going on not only so unblushingly, but so boastingly, that we have become accustomed to it, and even one like myself, indignant beyond the expression of words that such should be the fact, was betrayed into the error from which the Senator from Ohio so correctly calls me back to the proper limitations.

Mr. President, it is not simply in the framing of law. It is in the dictation of law; and it is not simply there. Senators will pardon me if I say it. I recollect some months ago reciting in this Chamber a little experience I had had in which I had seen the passage of laws in the halls of the congress of another government, where there never had been a vote in the negative in the several visits I made to that hall and never a word said in debate, and where, as an explanation to me, a member of that house had said that there was nothing to debate about and nothing to vote against, because the laws had been sent to them by the President. Mr. President, I do not believe what I am going to tell now—at least I trust it is not yet true—but nevertheless it is the truth that I heard it, that in speaking along this line and expressing wonder that legislators in the American Congress would submit to such usurpation as we have witnessed, it was said to me by a Member of this Senate that there was a power—I will not say what it was—that could defeat any Senator or any Representative of his reelection. I want to say in this connection that in that same country where I saw laws passed without a word and without a negative vote it is true the chief executive officer of the country designates who shall come to congress and who shall not come to congress.

Mr. TILLMAN. Is that Mexico?

Mr. BACON. I decline to answer the question, because it would not be proper for me to answer it. I will not specify the country. But there is such a country, and I myself have been there and seen it and heard these things which I now narrate.

Mr. President, that is the fate which awaits us if we are to progress along present lines. That is the fate which awaits the American people if it be true that the Executive can be closeted with parties representing certain interests, and can frame laws in their interest and send them here and they can be passed at his bidding.

Mr. President, possibly I owe an apology to the Senate. I had no expectation of being led into saying all that I have. Possibly some things I have said are imprudent or impolitic to be said. Nevertheless they are true.

Mr. TILLMAN. Before the Senator from Georgia takes his seat I should like to ask him whether or not it ever entered his mind that this alleged conference—I have been called down recently about my bluntness and directness and warned that I ought not to blurt out things at first hand; so I am getting a little cautious. I should like to ask the Senator whether he thinks this interview or conference, whether actual or alleged, indicates a determination to coerce or compel or persuade our brethren on the other side to pass such a law or such a series of laws, or whether it indicates that the President himself, after out-Heroding Herod in the denunciation of the predatory rich, after exciting the admiration of the unthinking throughout the land as to his being the last and the only honest man and patriot, is at this very moment making his peace with these captains of industry with a view to have them cease their opposition to the nomination of his lieutenant or of himself in June?

Mr. BACON. I will not express any view on that point, because I have no right to without further information.

Mr. TILLMAN. Could not the Senator guess? I guessed as soon as I read it. [Laughter.]

Mr. BACON. I prefer to state facts rather than to attribute motives.

I will state another fact which is a very remarkable one. I have been chided by some of my friends for having apologized for what I have said. I apologized to the Senate for my possibly undue vehemence, but I coupled that apology with the statement that what I have said, while it might be imprudent or impolitic, was true. To that extent——

Mr. TILLMAN. Why imprudent if it is true?

Mr. BACON. Possibly it may not have been imprudent. We will pass that by. But in addition I want to say this, that it is not simply in the matter of framing legislation that we find these conferences. If the newspapers are correct, some months ago, when it was proposed by the greatest trust in the United States—certainly one of the greatest trusts in the United States, and one, by the way, that has never been proceeded against—to take over a competing iron and steel industry of large proportions in the South, and before it was done those who were about to accomplish it came to the White House and had it well understood beforehand that they would not suffer any prosecution—I will not use the word "prosecution," because

I do not know that that word was used, but that there would be no outcry, no condemnation of it if it was done—and in a few days thereafter it was done. We have heard no single word of condemnation of it. It may be that that is an absolute, utter untruth as published by the newspapers. I can only repeat that it was published in the newspapers, and I give credence to it because we have been led by our experience to know that when anything is charged, we will say, if it is not true, there is no delay in the denial of it.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from South Carolina?

Mr. BACON. I do.

Mr. TILLMAN. I wish to ask whether or not in this case about which the Senator has just spoken, of the steel trust taking over the Tennessee Coal and Iron Company——

Mr. BACON. Yes; that is what I mean.

Mr. TILLMAN. At the show down did not Mr. Garfield get an order from the White House to go and investigate it?

Mr. BACON. I have not been so informed if he did.

Mr. TILLMAN. Wonderful! Wonderful!

Mr. BACON. I will ask the Senator from South Carolina if he has any such information?

Mr. TILLMAN. I have never heard of it myself, but, then, I have seen so many instructions to Mr. Garfield to investigate this trust or that, or the iniquity of this millionaire or that multimillionaire, that of course I take it for granted that some secret order was issued to that effect, and we will get the fruits after a while in a report.

Mr. TELLER. Mr. President, I wish to say a word or two about labor on the Isthmus of Panama. The Commission reports that all skilled labor comes from the United States, and then it gives a list of the men and their pay. Common engineers on a steam shovel get as high as $210 a month. The man who handles the crane gets $185 a month. Recently there was a general strike there, and a large number of men who had been getting those salaries left the canal work. Practically all of the skilled labor comes from the United States and is on a list called the gold list.

Mr. McLAURIN. Does the Senator state that there is a law requiring that the skilled laborers shall be citizens of the United States?

Mr. TELLER. No, sir; there is none that I am aware of.

Mr. McLAURIN. That is a regulation of the Commission?

Mr. TELLER. No. They take those who come and are qualified, and the Commission says the skilled labor comes from the United States. I do not myself believe that any common labor in this country, including the colored people, if they go there, will remain any length of time. The common Jamaica negro will not do as much in three days as a common white man will do in one up here. I do not believe any white man will work there for any length of time.

I have some knowledge of ancient conditions on the Isthmus, when the railroad was built. When I was quite a young man a large number of young men from my neighborhood in western New York went down to work on the railroad. I would not undertake to say how many, but I should say several dozen of them went from the neighborhood in which I lived. Some of them I had personal acquaintance with and some I had not. I have recollection of but one of them returning. They died off there in a way that was simply frightful. Now the condition is not so bad there. It is better than it was then. But there is not a white man there who does not now take his preventive medicine practically every day. It is no place for common American laborers to go, and they would not go there if they were invited to go.

Mr. President, I am one of the few men on this side who voted that we should buy our supplies in the United States. I made a statement then. I had two reasons for it. In the first place I have always believed in patronizing American industries. I believe in home industries. I made another statement which I am going to repeat. I said I believed practically all of the benefits which would be derived from the canal would be the market there for American products, and I do not intend to deny the American producer that market, if I can help it.

Mr. FRYE. I accept the amendment offered by the Senator from Georgia as a separate section.

The VICE-PRESIDENT. The amendment proposed by the Senator from Georgia [Mr. BACON] will be stated.

The SECRETARY. It is proposed to add as a new section the following:

SEC. 2. That in every such contract the party, or parties, bidding on the same shall be authorized to submit bids to deliver said material and equipment, in the alternative, either—

1. On docks within reach of the ship's tackle at seaports of the United States, named by the bidder.

2. On docks, at the option of the bidder, at Colon or La Boca (1) in ships of American register; (2) in ships of foreign register.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

PROPOSED ADJOURNMENT TO MONDAY.

Mr. HALE. Mr. President, I rose for the purpose of moving that when the Senate adjourns to-day it be to meet on Monday next. But I think the Senator from Rhode Island [Mr. ALDRICH] has a proposition with regard to the currency bill which he desires to present to the Senate, so that for the moment I will withhold the motion.

GEORGE S. PATTEN.

Mr. FLINT. I ask unanimous consent for the present consideration of the bill (H. R. 17277) for the relief of George S. Patten, of Williams, Coconino County, Ariz.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Interior to issue a deed of conveyance to George S. Patten to the northeast quarter of the northwest quarter and lots 1, 2, and 3 in section 18, township 23 north, range 6 east, Gila and Salt River base and meridian, Arizona Territory.

Mr. KEAN. Inasmuch as we have had some trouble to-day about the granting of land, I suggest that the report be read.

Mr. FLINT. I can make a statement which I think will enlighten the Senator.

This piece of land was filed upon by Mr. Patten fourteen days before the land was, by proclamation, made a forest reserve, and the settler remained upon the land for five years without notice from the Land Department. Then he made an application for a patent, and he ascertained that the land was within a forest reserve. The recommendation of the Land Department is that the bill be passed and the title be granted to Mr. Patten.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

Mr. TILLMAN. I move an executive session.

Mr. WARREN. Will the Senator from South Carolina yield to me for a moment in order that I may get an order for printing?

Mr. TILLMAN. Yes.

Mr. WARREN. There seems to be a large demand for a document which has not yet been printed, so I can not give its number. But it is the document authorized yesterday or the day before at the request of the Senator from South Carolina [Mr. TILLMAN]; that is to say, the one containing the President's messages and the reports of the committee on the Brownsville affray. I ask the adoption of the order I send to the desk.

The order was read and agreed to, as follows:

Ordered, That there be printed and bound in paper covers, 10,000 copies of Senate Document No. ——, Sixtieth Congress, first session, relating to the Brownsville affray.

ADJOURNMENT TO MONDAY.

Mr. HALE. I move that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. TILLMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until Monday, March 16, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 13, 1908.

UNITED STATES MARSHAL.

James M. Shoup, of Alaska, to be United States marshal for the first division of the district of Alaska. A reappointment, his term expiring June 5, 1908.

POSTMASTERS.

ILLINOIS.

Daniel McArthur to be postmaster at Glencoe, Cook County, Ill., in place of Daniel McArthur. Incumbent's commission expired March 2, 1908.

MAINE.

Harry P. Jameson to be postmaster at Cornish, York County, Me. Office became Presidential July 1, 1907.

MISSOURI.

Charles L. Harris to be postmaster at Harrisonville, Cass County, Mo., in place of Charles L. Harris. Incumbent's commission expired May 19, 1906.

George H. Kunkel to be postmaster at Mexico, Audrain County, Mo., in place of George H. Kunkel. Incumbent's commission expires March 16, 1908.

NEVADA.

Q. W. Hull to be postmaster at Ely, White Pine County, Nev., in place of William B. Graham, resigned.

NEW YORK.

Joseph J. Keenan to be postmaster at Potsdam, St. Lawrence County, N. Y., in place of Merrill Hosmer. Incumbent's commission expired March 12, 1908.

Charles H. Whitson to be postmaster at Briarcliff Manor, Westchester County, N. Y., in place of Charles H. Whitson. Incumbent's commission expired January 25, 1908.

OHIO.

Samuel Bailey to be postmaster at Beverly, Washington County, Ohio. Office became Presidential January 1, 1908.

Lewis Nikolaus to be postmaster at New Matamoras, Washington County, Ohio. Office became Presidential January 1, 1908.

Henry B. Wisner to be postmaster at Berea, Cuyahoga County, Ohio, in place of Henry B. Wisner. Incumbent's commission expired February 19, 1907.

OREGON.

Alfred F. Linegar to be postmaster at Coquille, Coos County, Oreg., in place of Alfred F. Linegar. Incumbent's commission expired January 11, 1908.

John F. Miller to be postmaster at Jacksonville, Jackson County, Oreg., in place of John F. Miller. Incumbent's commission expired January 11, 1908.

Alonzo M. Woodford to be postmaster at Medford, Jackson County, Oreg., in place of Alonzo M. Woodford. Incumbent's commission expired March 1, 1908.

RHODE ISLAND.

John A. Allen to be postmaster at Peace Dale, Washington County, R. I., in place of John A. Allen. Incumbent's commission expired December 19, 1907.

TEXAS.

Joseph W. Barber to be postmaster at Ranger, Eastland County, Tex. Office became Presidential January 1, 1908.

John J. Bartlett to be postmaster at Hughes Springs, Cass County, Tex. Office became Presidential January 1, 1908.

VERMONT.

Herbert E. Taylor to be postmaster at Brattleboro, Windham County, Vt., in place of Herbert E. Taylor. Incumbent's commission expires March 31, 1908.

WASHINGTON.

William R. Baker to be postmaster at Colville, Stevens County, Wash., in place of William R. Baker. Incumbent's commission expired February 9, 1908.

Fred E. Kirby to be postmaster at Friday Harbor, San Juan County, Wash. Office became Presidential January 1, 1908.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 13, 1908.

APPOINTMENTS IN THE ARMY.

TO BE SECOND LIEUTENANTS, WITH RANK FROM FEBRUARY 14, 1908.

Corps of Engineers.

Cadet Glen Edgar Edgerton.
Cadet Charles Lacey Hall.
Cadet Virgil Lee Peterson.
Cadet George Rodman Goethals.
Cadet John Wesley Niesz Schulz.
Cadet Clarence Lynn Sturdevant.
Cadet Earl James Atkisson.
Cadet Richard Tide Coiner.
Cadet Robert Starrs Aloysius Dougherty.

Field Artillery.

Cadet William Eugene Dunn.
Cadet James Henry Burns.
Cadet Everett Strait Hughes.
Cadet Thomas Jefferson Smith, jr.
Cadet Roger Sheffield Parrott.
Cadet Telesphor George Gottschalk.
Cadet Harvey Douglas Higley.

Coast Artillery Corps.

Cadet Halvor Geigus Coulter.
Cadet West Chute Jacobs.
Cadet James Wilbur Lyon.
Cadet Harold Geiger.
Cadet Rodney Hamilton Smith.
Cadet Albert Lawrence Loustalot.
Cadet Richard Donovan.
Cadet Sanderford Jarman.
Cadet Clair Warren Baird.
Cadet Edward Willis Putney.
Cadet Gilbert Marshall.
Cadet Louis Lindsay Pendleton.
Cadet Thomas Alexander Terry.
Cadet Edward Nicoll Woodbury.
Cadet Ray Longfellow Avery.
Cadet Edward Alexander Stockton, jr.
Cadet James Hutchings Cunningham.
Cadet Youir Montefiore Marks.
Cadet Allison Barnes Deans, jr.

Cavalry.

Cadet Lawrence Wright McIntosh.
Cadet Richard Edgar Cummins.
Cadet Robert Clive Rodgers.
Cadet Philip Gordon.
Cadet Alexander Long James, jr.
Cadet John Thomas Kennedy.
Cadet Horace Meek Hickam.
Cadet Homer McLaughlin Groninger.
Cadet Charles Shattuck Jackson.
Cadet Stewart Oscar Elting.
Cadet John Kimball Brown.
Cadet George Washington Beavers, jr.
Cadet Richard David Newman.
Cadet Elbert Lynn Grisell.
Cadet William Henry Garrison, jr.
Cadet Sumner McBee Williams.
Cadet Henry Wallace Hall.
Cadet Edwin Vose Sumner.
Cadet Henry Fairfax Ayres.
Cadet Gibbes Lykes.
Cadet Arthur Earl Wilbourn.
Cadet Nathan Crary Shiverick.
Cadet Ernest Grove Cullum.
Cadet William Walter Erwin.

Infantry.

Cadet Oliver Andrews Dickinson.
Cadet Homer Havron Slaughter.
Cadet Henry Clinton Kress Muhlenberg.
Cadet John Francis Curry.
Cadet James Eugene Chaney.
Cadet William Jay Fitzmaurice.
Cadet Carl Cogswell Oakes.
Cadet Blaine Andrew Dixon.
Cadet Owen Riggs Meredith.
Cadet James Clifford Williams.
Cadet Robert Emmett O'Brien.
Cadet Francis Ludwig Sward.
Cadet Edward Seery Hayes.
Cadet Simon Bolivar Buckner, jr.
Cadet Charles Hartwell Bonesteel.
Cadet Thomas Jefferson Johnson.
Cadet Robert Howe Fletcher, jr.
Cadet Frederick Ambrose Barker.
Cadet Agard Hyde Bailey.
Cadet Chester Amos Shephard.
Cadet George Cleveland Bowen.
Cadet John Hutchinson Hester.
Cadet Franklin Langley Whitley.
Cadet Alfred Harold Hobley.
Cadet Arthur James Hanlon.
Cadet Olin Oglesby Ellis.
Cadet Elmer Cuthbert Desobry.
Cadet Emile Victor Cutrer.
Cadet Harry Bowers Crea.
Cadet Robert Christie Cotton.
Cadet George Barrett Glover, jr.
Cadet Henry John Weeks.
Cadet Roy Alison Hill.
Cadet Arthur Edward Bouton.
Cadet Enoch Barton Garey.
Cadet Leonard H. Drennan.
Cadet Charles Kilbourne Nulsen.

Cadet Lawrence Campbell Ricker.
Cadet Leighton Wilson Hazlehurst, jr.
Cadet John Harold Muncaster.
Cadet Theodore Kendall Spencer.
Cadet Edwin Martin Watson.
Cadet Charles Dudley Hartman.
Cadet Edgar Simpson Miller.
Cadet Thomas Clement Lonergan.
Cadet Albert Lee Sneed.
Cadet Lester David Baker.
Cadet George Auguste Matile.
Cadet Walter Reed Weaver.

PROMOTIONS IN THE ARMY.

Infantry Arm.

Lieut. Col. William Paulding, Eighteenth Infantry, to be colonel from March 8, 1908.

Maj. William A. Nichols, First Infantry, to be lieutenant-colonel from March 8, 1908.

Capt. Tredwell W. Moore, Twenty-first Infantry, to be major from March 8, 1908.

First Lieut. Reuben Smith, Eighteenth Infantry, to be captain from March 5, 1908.

First Lieut. Chase Doster, Twenty-first Infantry, to be captain from March 8, 1908.

POSTMASTERS.

SOUTH CAROLINA.

James W. Johnson to be postmaster at Marion, Marion County, S. C.

Julia M. Merrick, to be postmaster at Walhalla, Oconee County, S. C.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March 13, 1908.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

A QUESTION OF PRIVILEGE.

Mr. SLAYDEN. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. SLAYDEN. Mr. Speaker, my attention this morning was called to a publication in the Post, under the startling headline "Bribery charge falls." In these days of lightly made charges, when the air is rife with suspicion, I naturally read the article with great interest, and was surprised to find when I had got into it a little way the statements as follows:

Some time ago Mr. SLAYDEN of Texas made a speech in the House in which statements were made that there was in the possession of the Department of the Interior evidence of this misconduct, and that no effort had been made to investigate and punish the guilty if guilt were established. Following this, Mr. TILLMAN offered resolutions in the Senate calling upon the Attorney-General for all information in the hands of the Department of Justice and upon Secretary Garfield for such information as the Department of the Interior might have.

Mr. Speaker, this has reference to improper conduct against a court in the Indian Territory.

Mr. KEIFER. Mr. Speaker, I make the point that this is not a question of privilege.

Mr. SLAYDEN. Mr. Speaker, I would like to submit to the Speaker if when my name is associated with charges of a serious character against a branch of this Government, that the Secretary of the Interior says is unfounded, is it not a question of privilege?

Mr. KEIFER. Mr. Speaker, I will withdraw the point of order.

The SPEAKER. The gentleman withdraws the point of order.

Mr. SLAYDEN. I want to say, Mr. Speaker, that I think the paper has simply made a mistake in the use of my name. Just to whom it refers I do not know. I never heard of the charges; I never heard, in fact, of the court in any specific way until to-day.

Mr. MANN. Will the gentleman from Texas yield?

Mr. SLAYDEN. Certainly.

Mr. MANN. Is the gentleman aware that the other morning paper, the Herald, gives his colleague from Texas, Mr. SHEPPARD, the distinction of making the speech, making one paper say that Mr. SHEPPARD made the speech and the other that the gentleman from Texas [Mr. SLAYDEN] made the speech, while in fact the speech was printed and was made by the gentleman from Texas, Mr. STEPHENS? [Laughter.]

Mr. SLAYDEN. Mr. Speaker, I assume that if the charges were made by any of my colleagues from Texas, it was by Mr. STEPHENS, who represents the minority on the Committee on Indian Affairs. I want to say for him that he is a man of unusual prudence, and would not prefer charges against any man without foundation. He does not make unfounded statements.

Mr. MANN. In justice to Mr. STEPHENS——

Mr. PAYNE. I suppose this discussion is by unanimous consent.

The SPEAKER. This is a proceeding by way of unanimous consent.

Mr. MANN. Let the RECORD show, Mr. Speaker, that Mr. STEPHENS did not make the charges, but the charges were made in a brief by attorneys in the case, which brief was included in Mr. STEPHENS's speech, and which charges were not vouched for by Mr. STEPHENS at all.

Mr. SLAYDEN. Mr. Speaker, my only purpose was to acquit myself in the minds of fellow Members of the habit of making charges against public officials that could not be substantiated.

FISH-CULTURAL STATION IN UPPER MISSISSIPPI VALLEY.

Mr. SPIGHT. Mr. Speaker, I ask unanimous consent to file the views of the minority of the Committee on Merchant Marine and Fisheries on the bill (H. R. 13659) to establish a biological and fish-cultural station in upper Mississippi Valley.

The SPEAKER. Is there objection?

There was no objection.

ORDER OF BUSINESS.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent that matters on the Private Calendar in order to-day shall follow immediately the conclusion of the bill now pending.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent that business in order to-day shall follow the conclusion of the post-office appropriation bill, now pending. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, may I ask whether, if the post-office appropriation bill should be concluded fairly early to-day, the gentleman intends to proceed to-day with the pension business?

Mr. SULLOWAY. We will endeavor to do so if the House will stay with us.

Mr. MANN. I have no objection.

The SPEAKER. The Chair hears no objection, and it is so ordered.

RETURN OF A BILL.

The SPEAKER. The Chair lays before the House the following request from the Senate, which the clerk will report.

The Clerk read as follows:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 903) to amend section 2, chapter 433, 30 Statutes at Large, entitled "An act to confirm title to lots 13 and 14, in square 959, in Washington, D. C."

The SPEAKER. Without objection, the request is granted.

There was no objection.

POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET. Mr. Speaker, I move the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18347, the post-office appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the post-office appropriation bill, with Mr. OLMSTED in the chair.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For pay of agent and assistants to examine and distribute registry envelopes, agent, $2,000; chief clerk, $1,000; one clerk, at $900; and one laborer, at $660; in all, $4,560.

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order against that provision creating a new division under the Fourth Assistant Postmaster-General.

Mr. OVERSTREET. Mr. Chairman, late yesterday afternoon I explained that by reason of the change of contracts for the registry envelopes and the stamped envelopes and the official envelopes it becomes necessary to increase the number of these agencies. Under the present law all of the contracts for the manufacture of these three different character of articles were let in one city, the city of Hartford, Conn. Hence but one agency was necessary. By reason of the fact that different contractors have secured the contracts for stamped envelopes and official envelopes, the first being at Dayton, Ohio, and the other at Cincinnati, Ohio, it becomes necessary to continue the agency at Hartford for the registry envelopes. This is not a new agency which is now before the committee, but is merely the same agency that has remained at Hartford for the exam-

ination and distribution of the registry articles. The new agency was the one created for Dayton and Cincinnati, which I explained yesterday.

Mr. FITZGERALD. I withdrew the point of order yesterday on the statement of a member of the committee on this side of the House that the other provision would effect considerable economy in the administration of the office.

Mr. OVERSTREET. The gentleman will appreciate that following the contracts for registry envelopes and stamped envelopes and official envelopes there must be some representative of the Government to examine as to the quality of the paper used and to supervise the distribution. As long as all of those contracts were in one city one agency could supervise all of the contracts, but now there are three different contracts in three different cities. We have created only one additional agency, permitting the Dayton agency to supervise the official envelope contract at Cincinnati. The heaviest part of the three several contracts is the stamped envelope contract, but the registry envelopes are more important than the official ones, and therefore we are obliged to maintain the agency at Hartford.

Mr. TAWNEY. How do the salaries compare with the salaries of the other institutions?

Mr. OVERSTREET. The salaries at Hartford we have reduced, the agent being reduced from $2,500 to $2,000, because there is less work for him to perform than when all the contracts were supervised under the one agency.

The salaries of the agency at Dayton are the same as the original agency at Hartford. We made no change in that schedule of salaries because we placed the contract for official envelopes at Cincinnati under the supervision of the agency at Dayton.

Mr. FITZGERALD. What was the amount of saving upon the contract by distributing it among different departments?

Mr. OVERSTREET. As a matter of fact, the increased volume of the business requires a larger appropriation to carry out the contract. I do not recall what the difference was in the bid upon the specific items of the contract. The gentleman realizes that in the registry service the volume of the business actually increases and naturally it requires more money to pay for the contract for that service. But we have reduced the expenses of the agency for the reason that a part of the work which has gone to Dayton and Cincinnati is no longer discharged at Hartford.

Mr. FITZGERALD. This is not for service in the city of Hartford?

Mr. OVERSTREET. No; this is at Hartford. This is the agency located at the point where the contract for the registry envelopes is in process of manufacture.

Mr. SCOTT. May I ask the chairman of the committee whether the work of this agency goes to the extent of examining the character of the paper that is furnished?

Mr. OVERSTREET. Yes.

Mr. SCOTT. With the view to determining whether it is up to the contract?

Mr. OVERSTREET. Yes.

Mr. SCOTT. I would like to ask also in respect to this matter. I see by the hearings of the Committee on Appropriations, and I know by the hearings before the Committee on Agriculture, that both the Bureau of Standards and the Bureau of Chemistry are claiming credit for having detected the fact that paper much below the standard contracted for was being furnished to the Government, and I wonder if it appeared before the Committee on the Post-Office and Post-Roads whether both of those Bureaus were really entitled to that credit, and, if not both of them, which one was entitled to it?

Mr. OVERSTREET. I really do not know. So far as the agency at Hartford is concerned, I regret to say that the agent did not discharge his duty as effectually as he ought, and a great deal of paper was passed at a lower grade than should have been accepted. That agent has been removed.

Mr. SCOTT. Has the agent a chemistry laboratory at his command?

Mr. OVERSTREET. They have at Dayton, Ohio, where the contract is located for stamped envelopes and newspaper wrappers. They have a laboratory there by which they can test the quality of the paper.

Mr. SCOTT. At the other places how do they make the test?

Mr. OVERSTREET. At Cincinnati they would make the test from the Dayton agency, and my understanding is that there is also a laboratory at Hartford for the registry office.

Mr. FITZGERALD. Mr. Chairman, I withdraw the point of order.

Mr. PAYNE. Mr. Chairman, I move to strike out the last word. I would like to ask the gentlemen if there is any agency for the inspection of mail bags? The mail bags used by the Government are manufactured in my district, and have hitherto been inspected by the local postmaster, assisted by an inspector sent out from the Department here. Only a few months since the local postmaster told me that he had been relieved from the onerous duty, having spent about perhaps a third of his time in the personal inspection of every mail bag that was manufactured.

Mr. OVERSTREET. There is no special distinct agency for that purpose. The inspection of the mail bags is under the direction of the Second Assistant Postmaster-General, and the work is performed either by the officials of his office or by post-office inspectors who are detailed for that purpose.

Mr. PAYNE. I would like to know why these other inspections could not be performed in the same way by inspectors sent out periodically from the Department here.

Mr. OVERSTREET. That would be a very lax method of inspection where the quality of the paper would have to be followed as closely as it does in the manufacture of stamped envelopes and registry matter. It does not require the same technical scrutiny of the material that enters into mail bags.

Mr. PAYNE. He informed me he had to handle every mail bag and look it over and see if it was perfect. Now, it seems to me that there might be a periodical inspection of the paper, and so forth, used in the manufacture of envelopes, and perhaps there would not be the same mistakes or laxity of inspection that have hitherto occurred under the system at Hartford, for instance.

Mr. OVERSTREET. Another thing I would suggest, that in the manufacture of the papers of envelopes and the stamped envelopes and the stamped newspaper wrappers the supplies are sent to the various offices directly from the place of manufacture under the direction of these agencies, while in the case of the mail bags they are sent to a common point, from which they are given distribution.

Mr. PAYNE. I have got the idea that they are distributed from the place they are made.

Mr. OVERSTREET. My understanding is that they are distributed from the repair shop at Washington.

Mr. PAYNE. That is an extraordinary expense that should not be incurred.

Mr. OVERSTREET. The manufacturer pays the expense of delivering them here.

Mr. PAYNE. Why, of course the manufacturer does not do it unless he gets it back from the Government. There is nothing saved in that way. He is not doing it for his health.

Mr. SIMS. Mr. Chairman, in the latter part of February I received a letter from Mr. John W. Coble, postmaster at Sugar Tree, a town in my district. The letter reads as follows:

SUGAR TREE, TENN., *February 21, 1908.*

Hon. T. W. SIMS,
Member of Congress, Washington, D. C.

FRIEND: Can there be any plan devised to prohibit a rural carrier or a postmaster from selling a money order to a minor for which to buy whisky with when they know that they are buying the order for this purpose?

A large majority of the whisky that comes here is drank by minors. If we could stop them from buying money orders to whisky houses they would only have one other way, and that is to register the money. And if you could stop the money order you could stop the register just the same.

Our citizens are well pleased with the move you have made against whisky, and would be better pleased to have you carry it a few steps farther, as you know that it is dangerous to our boys to have them dabbling with whisky houses.

It was only last evening our rural carrier applied for a money order to be sent to a whisky house. And this was not the worst. The minor is an orphan, his parents both dead, and he is only 16 years of age. Do all you can for us along this line and we are solid for you. Hoping that you may accomplish a great work along this line, I am,

Your friend,

JOHN W. COBLE, *Postmaster.*

Mr. Chairman, the condition described in the letter from Mr. Coble exists in many places in my district, as well as in many other localities in Tennessee not located in my district. The laws of Tennessee forbid the selling or giving away of intoxicating liquors to minors, but this law is circumvented in the way pointed out by Mr. Coble. I sent Mr. Coble's letter to the Postmaster-General and asked him if he could, by regulation, provide for the situation and prevent the issue of money orders to minors, where it was known to the postmaster issuing the order that it was intended to be used in the purchase of intoxicating liquors.

I further asked him that, if he was not authorized to make such regulations as the situation required without additional legislation, to kindly suggest what legislation was needed. I have just received his reply to my letter, which I now read:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., March 11 1908.

The Hon. T. W. SIMS,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: In compliance with request made in your letter of February 25, receipt of which was acknowledged on the 27th ultimo, herewith is returned the communication addressed to you under

date of the 21st ultimo by Mr. John Coble, postmaster at Sugar Tree, Tenn., suggesting that measures be taken to prevent the use of the money order and registry systems by minors in the purchase of intoxicating liquors.

Replying further, I beg to say that, in its judgment, this Department under existing law has no right to intervene by forbidding the use of the money-order and registry systems under circumstances like those stated in your letter and in the communication of the postmaster at Sugar Tree; and that in considering your suggestion as to possible need of additional legislation along this line it is impressed with the impracticability of any measure which would exclude remittances of funds from the ordinary mails in cases of the kind mentioned. If under the law as it stands an order could be issued forbidding the use of the money order and registry systems by minors in negotiating for supplies of interdicted goods, it would still not prevent the transmission of money, checks, or express money orders by them for the same purpose in letters not registered, and in my judgment it would be exceedingly difficult, if at all possible, to frame an act which would stop recourse to this method in cases of this kind and not hinder legitimate or proper use of the mails. It is thought that legislation for the purpose of restraining delivery to minors by carriers (transportation and express companies) of consignments of liquor sent in the form of original packages or otherwise might be of more effect in preventing traffic of the sort referred to in your letter and that of the postmaster at Sugar Tree than any addition to or amendment of the laws governing the use of the mails.

Faithfully, yours, G. v. L. MEYER.

Mr. Chairman, the reply of the Postmaster-General emphasizes the great importance of such legislation as is proposed in the Littlefield bill, and I take this opportunity to beg of the Judiciary Committee to report that bill or some other that will meet a situation that can be met in no other way.

Mr. HINSHAW. I ask unanimous consent to extend my remarks on the provisions of the bill.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES of Tennessee. I should like to have order and should like to have the attention of the committee.

The CHAIRMAN. There is nothing pending.

Mr. GAINES of Tennessee. I move to strike out the last word. If I can have the attention of the committee, I would like to answer an inquiry that the gentleman from Ohio [Mr. KEIFER] made of me yesterday. The committee will remember that I was discussing the question of a reform in our transportation service in hauling public moneys, bonds, and securities, because of the excessive charges paid by the Government and the people. The gentleman from Ohio stated, from general information, of course, that bonds were not hauled in the mails.

Mr. KEIFER. By express from the Treasury to the depository. That is my recollection.

Mr. GAINES of Tennessee. Mr. Chairman, as a matter of fact the Register's report, fiscal year 1907, which I have here, contains language very clear and unmistakable. I read from that report, page 461, of the report of the Secretary of the Treasury, fiscal year 1907, under the heading "Register of the Treasury," the following:

There was received by registered mail 2,401 packages, containing bonds amounting to $26,378,651. There were sent from the office by registered mail 4,435 packages, containing bonds amounting to $53,000,000.

Mr. KEIFER. That has nothing to do with the question I suggested, that of private persons sending bonds.

Mr. GAINES of Tennessee. Well, that language is all right here.

Mr. KEIFER. That has nothing to do with the question of the Government transmitting bonds from the Treasury to the depositories and from one depository to another.

Mr. GAINES of Tennessee. I said sent in and sent back to the office.

Mr. KEIFER. To the individual.

Mr. GAINES of Tennessee. These bonds were sent to and from the Register's office by registered mail, and they were Government property or held in trust by the Government and sent to and from by mail.

Mr. KEIFER. It is not Government property at all.

Mr. GAINES of Tennessee. Whether that is true or not these bonds were carried to and from the Treasury by mail. I also find that the expense incurred by the Government in transmitting by express is very large and by mail very small, and that the amount sent by express is very large and that sent by mail is infinitesimal. I find also that the Treasurer of the United States in the transmission of currency backward and forward to the Treasury recommends that it be transmitted by registered mail insured. The national banks, he says, are doing that and the Government should do the same thing, of course to save money, secure of competition, and to give the people clean money, as far as possible.

I also find that we pay for hauling silver dollars by express about $260,000 annually. Here are the figures right here. I will not take up the time of the committee to read them, but will place them in the RECORD. I insist again, gentlemen, that we should reform this forty-year-old express contract and refix these rates and arrange the law to carry a part of these moneys and properties by mail.

As I recall it, we have had a deficiency for the last ten years because of this transportation, each and every year. Now there is practically only one company, the United States Express Company, which extends clear across the continent. All the other intersecting lines, the Adams, the Southern, and the Wells-Fargo, are dominated by this great concern.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OVERSTREET. I move to close debate in two minutes.

Mr. GAINES of Tennessee. I should like one minute.

Mr. KEIFER. I should like one minute in reply.

The CHAIRMAN. The Chair will submit it as a request for unanimous consent. The gentleman from Indiana [Mr. OVERSTREET] asks unanimous consent that debate on this paragraph close in two minutes, one minute to be yielded to the gentleman from Tennessee [Mr. GAINES] and the other minute to the gentleman from Ohio [Mr. KEIFER]. Is there objection?

There was no objection.

Mr. GAINES of Tennessee. This report also states that the Comptroller states that it costs the Government $264,000 for the transportation of standard silver dollars, and he further states that in 1888 we transferred $28,000,000 at $1.89, and that in 1907 we transferred $37,000,000 at a cost of $2.40. So it seems, Mr. Chairman, that as we give the express company more business to do the charges increase, and the Government foots the bill, not only in the regular appropriations, but by coming in here every year, as I state and charge, calling for a deficiency of $25,000 or $30,000. When is this going to stop, Mr. Chairman? Not until Congress takes it up as it should do. [Applause.]

Mr. KEIFER. One minute is abundant time to answer this explanation which does not explain. I referred to the carriage of bonds between the Treasury Department and its depositaries; but the gentleman has read a lot of things to show that the people of the United States use the mails. I never controverted that.

The gentleman is mistaken about the amount of money that is appropriated from year to year to carry silver dollars. Since I have been recently in Congress $125,000 annually has been the limit, and for this year only $50,000 has been appropriated.

Mr. STAFFORD. I ask unanimous consent to return to page 24 of the bill for the purpose of offering an amendment that was offered yesterday and objected to because it was not understood.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to return to page 24 for the purpose of offering an amendment. Is there objection?

Mr. FITZGERALD. What is the proposed amendment?

Mr. STAFFORD. The amendment I propose is in the paragraph found in the bill on page 24, following the word "dollars," in line 8, and striking out in that paragraph, beginning with the word "deposited," in line 11, to the end of the paragraph, and substituting therefor the words "covered into the Treasury of the United States," so that it will read:

That hereafter all moneys recovered or collected on account of loss of first-class domestic registered matter which in the course of adjustment are not restored to the original owners, shall be covered into the Treasury of the United States.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which will be reported by the Clerk.

The Clerk read as follows:

Page 24, line 8, after the word "dollars," strike out all of lines 8, 9, 10, 11, and 12, and insert in lieu thereof the words: "That hereafter all moneys recovered or collected on account of loss of first-class domestic registered matter which in the course of adjustment are not restored to the original owners, shall be covered into the Treasury of the United States."

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to return to the page indicated for the purpose of offering this amendment. Is there objection?

There was no objection.

Mr. OVERSTREET. Mr. Chairman, I wish to ask the gentleman from Wisconsin whether the verb in line 10 should not be "is" instead of "are?" Does it not refer to the domestic registered matter which, in the course of adjustment, is not restored to the original owner? I do not want to have a grammatical error here, which might lead to the provision being held to be unconstitutional. [Laughter.]

Mr. STAFFORD. No; the subject of the verb is the word "moneys," in line 8.

Mr. OVERSTREET. If the gentleman from Wisconsin assumes the responsibility for the grammar, I shall not worry about it. [Laughter.]

Mr. STAFFORD. I will assume the responsibility, inasmuch as I had the privilege of drafting it in the original bill.

Mr. FITZGERALD. The gentleman from Wisconsin informs me that the moneys that are collected are not collected by reason of any existing law, but are fines arbitrarily imposed by the

Post-Office Department upon the clerks who it is claimed are negligent, and as a result of which these registered packages are lost.

Section 4050 and section 4059 of the Revised Statutes expressly provide that all fines and penalties imposed for the violation of the postal laws shall be covered into the Treasury. Upon the statement of the gentleman from Wisconsin, that these fines and penalties are not imposed because of any law, but because of the arbitrary action of the Post-Office Department, I am withdrawing the objection previously made. I believe that moneys collected, no matter how, should not be held by any official, but should be turned into the Treasury, only to be appropriated by Congress.

Mr. STAFFORD. I do not think the present statute covers the case, and therefore I offered the amendment.

Mr. GAINES of Tennessee. Mr. Chairman, I hold in my hand a page of the Report of the Secretary of the Treasury for the fiscal year 1907, and, as I understood, the gentleman from Ohio [Mr. KEIFER] said we paid only about $25,000 a year for the transportation of silver coin——

Mr. KEIFER. I said nothing of the kind.

Mr. GAINES of Tennessee. What did the gentleman say?

Mr. KEIFER. I said the appropriation was $125,000 a year for the carriage of silver dollars——

Mr. GAINES of Tennessee. All right; I will reply to that.

Mr. KEIFER. For this year, and that the appropriation was only $50,000 for next year.

Mr. GAINES of Tennessee. All right. Now, Mr. Chairman, the Secretary says:

The circulation of silver dollars at the end of July, 1904, was $70,581,561, and at the end of June, 1907, $81,710,444, or an increase of $11,128,883, which represents the results accomplished by the distribution of $124,051,692 of these coins in the meantime at a total expense to the Government of "$264,838" for "transportation charges." It will readily be seen that the average expense attending the increase in circulation was at the rate of $23.80 for each $1,000.

This same report, in a table on the same page, says that in 1888, when the Department transported $28,000,000, the rate was $1.80 per $1,000. When the Department transported $37,000,000 in 1907 it cost $2.40 a thousand. The more these express companies are given to haul, the greater the rate they charge.

Now, that plain language read from page 14 of this Republican report, the Annual Report of the Secretary of the Treasury, shows these facts. I am satisfied that the gentleman from Ohio has not studied this question closely, or he would be for this reform. And I am reasonably certain that after I have brought it to his attention sharply he will use his great mind, he will use his great body, and use his great eloquence in making his committee bring in a reform measure that will stop the robbery of the American people and the American Treasury by this express octopus that hauls these coins. [Applause.]

I will insert the extract from the Report of the Secretary of the Treasury for the fiscal year 1907, as follows:

Attention is invited to the following comparative statement, showing the maximum and minimum circulation and the amount distributed *at the expense of the Government during each fiscal year for the past twenty years:*

Standard silver dollars.

Fiscal year.	Maximum circulation.		Minimum circulation.		Distributed at expense of Government.	
	Month.	Amount.	Month.	Amount.	Amount.	Rate per $1,000.
1888	November	$64,261,714	June	$55,545,303	$28,953,654	$1.89
1889	December	60,779,321	do	54,417,967	26,427,496	1.99
1890	do	61,266,501	July	54,220,255	27,283,457	1.99
1891	do	67,547,023	do	56,981,268	29,299,237	1.89
1892	November	62,697,204	June	56,799,484	24,614,586	1.93
1893	December	62,822,936	do	57,029,743	27,068,582	1.84
1894	August	61,654,630	do	51,191,377	24,516,980	1.98
1895	December	57,889,090	July	50,959,540	27,155,466	2.01
1896	do	59,205,927	do	51,746,706	28,412,300	1.93
1897	do	58,581,819	do	51,999,797	29,600,035	1.96
1898	do	61,491,073	do	51,655,722	33,270,610	2.26
1899	do	65,183,553	do	57,203,336	33,305,262	2.22
1900	October	71,361,740	do	63,158,273	36,284,791	2.25
1901	December	76,182,326	do	65,759,341	38,338,519	2.12
1902	do	73,239,986	do	66,588,628	40,404,325	1.99
1903	November	78,700,912	do	68,906,465	41,182,154	2.03
1904	December	81,573,223	June	71,313,826	41,032,715	1.93
1905	November	80,522,832	July	70,581,561	44,988,746	1.90
1906	December	83,736,227	do	73,583,898	41,562,828	2.15
1907	do	85,377,835	do	77,115,655	37,500,118	2.40

The circulation of silver dollars at the end of July, 1904, was $70,581,561, and at the end of June, 1907, $81,710,444, or an increase of $11,128,883, which represents the results accomplished by the distribution of $124,051,692 of these coins in the meantime, at a total expense to the Government of $264,838 for transportation charges. It will readily be seen that the average expense attending the increased circulation was at the rate of $23.80 for each $1,000.

I also insert a kindred table from the same report, in point:

Movement of minor coins.

Office.	Fiscal year 1906.		Fiscal year 1907.	
	Amount.	Expense of transportation.	Amount.	Expense of transportation.
Washington	$74,719.40	$1,658.05	$46,710.25	$390.22
Baltimore	29,814.00	482.49	28,085.00	353.05
Boston	170,455.00	2,622.60	127,325.00	1,235.65
Chicago	532,233.00	7,643.72	677,424.80	9,153.65
Cincinnati	186,067.80	1,819.26	197,739.25	1,975.50
New Orleans	74,489.00	479.20	50,770.00	594.75
New York	356,005.90	4,982.38	316,870.00	4,214.53
Philadelphia	221,620.00	5,995.60	287,479.40	4,960.30
San Francisco	74,125.00	832.75	147,840.00	1,895.80
St. Louis	299,507.00	5,428.81	303,740.00	5,431.60
Mint, Philadelphia	1,741,492.40	39,426.33	1,435,133.70	[a]51,920.09
Mint, San Francisco	1,650.00	27.95		
Total	3,762,178.50	71,399.14	3,619,117.40	82,425.14

Office.	First quarter of 1907.		First quarter of 1908.	
	Amount.	Expense of transportation.	Amount.	Expense of transportation.
Washington	$19,811.50	$294.17	$20,087.10	$338.29
Baltimore	10,230.00	128.50	12,620.00	150.55
Boston	54,040.00	501.30	50,570.00	503.05
Chicago	227,321.00	3,197.02	220,285.00	3,011.88
Cincinnati	80,884.00	834.09	53,635.00	555.45
New Orleans	44,110.00	510.45	760.00	14.20
New York	118,085.00	1,157.18	90,430.00	937.20
Philadelphia	100,904.40	1,458.79	76,035.00	1,100.04
San Francisco	39,935.00	558.90	37,970.00	499.77
St. Louis	120,245.00	2,461.95	98,575.00	1,687.90
Mint, Philadelphia	177,635.00	[a]15,162.98	463,395.10	14,478.38
Total	1,002,230.90	26,265.33	1,124,392.20	23,000.71

[a] The charge against the mint, Philadelphia, covers the expense of transfers from that point to supply other offices.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For blanks, blank books, printed and engraved matter, binding and carbon paper for the money-order service, $225,000.

Mr. WANGER. Mr. Chairman, I move to strike out the last word. According to the report of the hearings before the Committee on Post-Offices and Post-Roads, the division of adjustment of railway mail pay produced before the committee two sets of papers. The first consists of copies furnished by the Second Assistant Postmaster-General specifying the route and the authorization of railroad mail service, and a copy of the letter accepting the same, and a copy of the order authorizing the transportation of mails over the Buffalo, Rochester and Pittsburg Railway Company, and so forth. (Route No. 110255.)

The papers produced show an acceptance of an offer by the railroad company and an order establishing the service February 13, 1905, and yet on page 303 of the hearings is a statement of what purports to be an order of the Second Assistant Postmaster-General that from July 1, 1901 (three years and a half before the service was instituted), to July 30, 1905, the Buffalo, Rochester and Pittsburg Railroad Company is to be paid quarterly for the transportation of the mails between Ridge Junction and Iselin, Pa., at the rate of $824.22 per annum, being $42.75 per mile for 19.28 miles, and so forth. It seemed to me a most startling proposition that payment should be given to a railroad company for three and a half years before any service was rendered, and at a rate of compensation in excess of that agreed upon, to continue from the date of establishment to the end of the period.

I accordingly called at office of the chief of the railway adjustment division and saw the record of order No. B 5667, contained in daybook 142, and according to the record that order reads from July 1, 1905, to June 13, 1909, and therefore there was no such case of maladministration as is presented by the order as printed on page 303 of these hearings. It seems to be but simple justice to the Post-Office Department, particularly to W. S. Shallenberger, then Second Assistant Postmaster-General, and to this House that this explanation should be made. The question is very naturally suggested, whether an inquiry as to the manner in which this gross error occurred, whereby injustice is done by the appearance of crime being cast upon Department officials, and the House and country are deceived, may be made. If the perversion was malicious, the author of the misstatement should be severely punished. These

official reports from Departments ought to impart verity and be such that we may rely upon them. I withdraw the pro forma amendment.

Mr. OVERSTREET. Mr. Chairman, just a word. The criticism of the gentleman from Pennsylvania [Mr. WANGER], which undoubtedly leaves it to be inferred that the committee in its hearings is responsible for this error——

Mr. WANGER. I beg the gentleman's pardon. I did not mean to charge or insinuate that.

Mr. OVERSTREET. I say the gentleman's language leaves that impression.

Mr. WANGER. It may be that my language was unhappy; the idea was not in my thought.

Mr. OVERSTREET. I merely wish to say that in all the hearings that the committee has of Department officials we invariably follow the practice of permitting the officer who has appeared before the committee to revise the stenographer's minutes, and if there are any errors or misprints, as finally printed, it is quite as much the error of the Department in not carefully examining the stenographer's minutes as anybody else.

Mr. WANGER. May I add that Mr. Stewart declared that the error must either have been the error of the clerk in the Department or an error in the Government Printing Office? He imputed nothing to the committee, and I did not intend to impute any connection with the error or responsibility for it to the committee.

The Clerk read as follows:

Supplies for the city delivery service, including letter boxes, letter-box fasteners, package boxes, posts, furniture, satchels, straps, baskets, time cards, time-card frames, time-recorder supplies, maps, transfer designs, and stencils, $90,000.

Mr. DRISCOLL. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 25, line 24, after the word "dollars," add the following:
"*Provided*, That letter carriers may be permitted to use other straps than those supplied by the Government if they prefer them, and buy and pay for them out of their own money."

Mr. OVERSTREET. Mr. Chairman, on that I reserve the point of order.

Mr. DRISCOLL. Mr. Chairman, I wish first, if I can get the attention of the committee, to say a few words about this amendment on its merits. Mr. Chairman, the request embodied in this amendment does not impose upon the Government one dollar of expense in any possible way. It does not subject the Government or the Post-Office Department to any possible risk of expense in any way. The Government now buys its supplies. All of the straps are alike. They are single straps, and for a right-handed man the pouch is at the right side.

The single strap goes over his right shoulder and is fastened to the pouch. A man named Frank A. Felts, in my district, made this strap which I have in my hand. It is a double strap, and it goes over both shoulders.

Mr. MURDOCK. As a matter of fact, does it go over the head as the gentleman has placed it upon himself? Does it not go over one arm?

Mr. DRISCOLL. Of course all carriers are not as large as I am, and it will fit some better than it fits me. I went to the Department and asked simply this, that men who have tried this strap, and who like it, and who want to use it and are willing to buy and pay for it out of their own money, be permitted to buy and pay for it out of their own money and use it. My request was denied on the ground that it did not give satisfaction; that it was tried out in Baltimore and also in Washington, and the postmaster of Baltimore and the assistant postmaster of Washington said it did not give satisfaction. I have a letter from an eminent physician and surgeon in my district, Dr. Martin Cavana, and he says that he has tested this strap and that it equalizes the weight, putting exactly half on each shoulder, and that it tends toward health, because it permits a man to carry his load and stand up straight. I have the letters of thirteen or fourteen men who have used this strap. One of them used it for eight months and another for nine months, and others have used them for different periods. I have letters from various carriers in our State and also from the State of Pennsylvania, and they all say that they would not do without this strap, even though it cost several times as much as it does. It can be bought for a dollar or less. It seems to me there can be no question about the merits of this proposition. I do not ask any man to wear this strap who does not want it. I do not ask the Government to adopt it. I do not ask the Government to recommend it. I simply ask that any man who is willing to pay 60 or 70 cents or a dollar for it be permitted to buy it, if it helps him, makes it easier for him to carry his load.

Mr. Chairman, I ask that the amendment be again reported, and then I hope the gentleman from Indiana will withdraw his objection.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the amendment.

Mr. DOUGLAS. The amendment does not apply to that particular strap, but to any strap?

Mr. DRISCOLL. To any strap.

Mr. MANN. Will the gentleman yield for a question?

Mr. DRISCOLL. Yes.

Mr. MANN. If this provision should become the law, would not the effect be that the people behind this strap and the people behind other straps would instantly commence to flood the mails and send to every letter carrier in the United States glowing descriptions, telling them how they would preserve their length of years and health by the purchase of those straps?

Mr. DRISCOLL. I do not think so.

Mr. MANN. Would not a great many letter carriers, believing the glowing descriptions, purchase a strap which the Government officials think is no better than the strap that the Government furnishes?

Mr. DRISCOLL. I do not think so—first, because there is not money enough in it, and second, because a variety of straps can not be made. You have got to have a strap that goes over one shoulder or over both shoulders. What difference if the men want to buy them and pay for them?

Mr. SULZER. Is that a patented strap?

Mr. MADDEN. I do not think it is. I am not sure about it.

Mr. WANGER. Does your amendment permit the carrier to wear the strap irrespective of the discretion of the Postmaster-General or whatever wishes he has in the matter, or does it only permit him to purchase and use the strap with his permission?

Mr. DRISCOLL. I dare say if this amendment is adopted the Department will permit the men to buy this strap or any other strap in use, provided they pay for them.

Mr. WANGER. Would not your amendment compel the Department to permit the carriers to wear this or any other form of strap that the carrier's idiosyncrasies might lead him to select?

Mr. DRISCOLL. I am not sure about that. It is not a question of idiosyncrasy. When a man has to carry a load of 50 pounds he wants to carry it in the easiest possible way. He wants the burden on both shoulders, if he can have it, instead of on one shoulder. As it is now, a man can not walk up straight under the heavy load, but by the use of this strap he could do it.

Mr. TAWNEY. Will the gentleman permit a question?

Mr. DRISCOLL. Certainly.

Mr. TAWNEY. Is it not a fact that the principal objection of the Department in adopting this strap is its cost—that it would cost so much that there would be very serious objection to its being adopted for general use?

Mr. DRISCOLL. The letter I received from the Department, Mr. Chairman, I ask unanimous consent to put in the RECORD as a part of my remarks. I received permission from the Department to do so. I also ask permission to put the letters from those men who used this strap in the RECORD as a part of my remarks. I have permission from the men to do so.

Mr. TAWNEY. I understand your theory is, inasmuch as the carrier must carry the load and not the Department, that the carrier's wishes in the matter and his convenience ought to be consulted rather than that of the Department?

Mr. DRISCOLL. I certainly think so. If, for instance, the Department should prescribe a certain kind of shoe, and that a man could not wear the kind of shoes prescribed without difficulty and discomfort, he should be permitted to purchase shoes that do not hurt him, especially if he pay for them with his own money.

Mr. STAFFORD. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman has expired.

The gentleman from New York [Mr. DRISCOLL] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The letters referred to are as follows:

UNITED STATES POST-OFFICE,
Washington, D. C., August 6, 1907.

Hon. F. H. HITCHCOCK,
First Assistant Postmaster-General.

SIR: Complying with the instruction contained in your letter of June 17 last, the two samples of the Felts shoulder straps were used by several of the carriers of this office with the result that the straps proved to be uncomfortable, continually getting under the collar and pinching the flesh.

The continual shifting of the satchel when filled with mail caused the wheel to slip from the chain. These straps are too heavy of construction and have proven to be generally unsatisfactory. They do not equalize the weight of the satchel. The chain of one strap broke on the sixth day of its use; the other strap has been in use since June 22. Both are being forwarded to the Department under separate cover.

Very respectfully,

POSTMASTER,
By MADISON DAVIS,
Assistant Postmaster.

OFFICE OF THE POSTMASTER,
Baltimore, Md., September 11, 1907.

Hon. F. H. HITCHCOCK,
First Assistant Postmaster-General, Free Delivery System.

SIR: Under date August 9th ultimo (DH) there was forwarded to this office a sample of the Felts shoulder strap for use by carriers, which was directed to be placed in experimental service at this office and report submitted. This has been done thoroughly and carefully; the result is unfavorable. While it might be advantageous to adopt some method of supporting the weight of carriers' satchels from both instead of but from one shoulder, the device submitted is insusceptible of adjustment to different sizes and shapes of figures; it is heavy; it confines the free action of the body; it causes the wearer to suffer from the heat, and its metal traveling wheel and chain may be expected to wear uniforms rapidly.

The device has been tried by quite a number of the carriers at this office, and their reports are unanimously disapproving, in which conclusion I concur.

The sample is returned under separate cover.

Very respectfully.

W. HALL HARRIS, *Postmaster.*

POST-OFFICE DEPARTMENT,
OFFICE OF FIRST ASSISTANT POSTMASTER-GENERAL,
Washington, December 18, 1907.

Mr. F. A. FELTS, *Oneida, N. Y.*

SIR: Receipt is acknowledged of your letter of the 9th instant requesting that you be permitted to furnish a number of the Felts shoulder straps for trial by the carriers of the Washington, D. C., post-office.

In reply you are informed that a thorough test of your shoulder strap was recently made by the Department, in which it was demonstrated that it was not superior to the one now being used by the carriers, which can undoubtedly be purchased at less cost.

In view of the information obtained by the Department, it is not deemed advisable to have a further test made.

Respectfully,

F. H. HITCHCOCK,
First Assistant Postmaster-General.

POST-OFFICE DEPARTMENT,
OFFICE OF FIRST ASSISTANT POSTMASTER-GENERAL,
Washington, January 12, 1908.

Hon. M. E. DRISCOLL,
House of Representatives.

MY DEAR SIR: Referring to your recent call with reference to the Felts shoulder strap and to your request that you be advised whether carriers would be permitted to use such shoulder straps if purchased by themselves, I have to inform you that inasmuch as a thorough test of these straps by the Department has demonstrated that they are not superior to those now being used and that they do not equalize the weight on both shoulders as claimed, it has been decided that it would be inadvisable to permit of their use by carriers.

In compliance with your request, I inclose copies of the unfavorable reports received concerning the shoulder strap in question.

Very truly, yours,

F. H. HITCHCOCK,
First Assistant Postmaster-General.

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., January 23, 1908.

Hon. FRANK H. HITCHCOCK,
First Assistant Postmaster-General,
Washington, D. C.

DEAR SIR: I have received yours of the 22d instant declining to permit letter carriers to use the Felts shoulder strap if they purchased it themselves, and also the copies of unfavorable reports as to the same.

I have read and can submit many testimonials in favor of this strap, and had them with me when I called at the Department, and can submit them at any time if you will consent that this matter be opened up for reconsideration.

If I were asking the Government to buy these straps or for anything which would cause the Government or Department any expense or any risk of expense I would not be surprised at my request being denied, for the Department should move as conservatively and economically as possible. But all I have asked is that men who know this Felts strap and like it and prefer it to the other may be permitted to buy and use it. If, with respect to them, it eases the load or causes it to bear on both shoulders instead of one, or make their work easier, it seems to me permission should be granted to them to do so.

I remain, very truly, yours,

M. E. DRISCOLL.

SYLVAN BEACH, N. Y., *February 11, 1907.*

Mr. FRANK A. FELTS, *Oneida, N. Y.*

SIR: The Felts double shoulder strap sent me for inspection and experiment I herewith return. I am pleased to report to you that the end sought by you in this device, that of distributing the pouch load between the two shoulders of the body, has been fully achieved. With a pouch loaded with 50 pounds weight (which I understand is about the average weight of the ordinary carrier's load), I have weighed the tension on each of the three pouch attachments in your belt, with the following results: Tension on the rear strap attached to the left ring of the pouch, 25 pounds, less 4 pounds friction upon the body; tension on the right and left straps, which are attached to the pulley and right ring of the pouch, I have found to be 12½ pounds each, less a friction of 2½ pounds against the body in each of the two straps, with the body of the carrier perfectly poised. Changes of the position of the body varies the tension of the two front straps, shifting by means of the pulley, from one shoulder to the other, according to the poise or position of the body, thus accommodating the pouch weight carried to the two shoulders of the carrier and maintaining a practically even pressure upon the anatomical structures of the shoulders and chest, and enabling the carrier to transport his load with about 50 per cent less lateral muscular strain than that required with the two-hooked common strap, which compelled the suspension of the entire burden on the right shoulder and chest structures, and an equalizing muscular counter strain on the muscles of the right half of the body trunk.

The merits of your invention can not but be readily appreciated by all who examine the same, and I predict the early adoption of the double shoulder strap by our Federal postal authorities when they are made aware of its valuable features.

Respectfully, yours,

M. CAVANA.

UTICA, N. Y., *December 17, 1906.*

Mr. FRANK A. FELTS.

DEAR SIR: I have used your strap for about two months and I do not hesitate to recommend it to all carriers, especially those who are obliged to handle heavy loads.

I have always been troubled with pains in my shoulder, caused mostly from carrying heavy loads with the single straps most carriers are now using. But after using your strap for a short time I was not troubled in this respect, and besides I could carry the load much easier.

The relief I get from the use of your strap is worth more to me than the small amount you ask for them.

I believe that all carriers giving them a satisfactory trial will think as I do.

I am, fraternally, yours,

JOHN F. BRAND.

ROCHESTER, N. Y., *January 16, 1907.*

FRANK A. FELTS, Esq.

DEAR SIR: I am using the double shoulder strap of your manufacture and like it very much. A heavy load can be carried with much greater ease than with the old style of single strap. It never slips out of position, and the letter bag will not wear the uniform nearly as fast as with the old-style single strap. It is easily adjusted to fit any carrier, and is, in my opinion (after having given it a practical test), a very decided improvement over the old style. I believe that any carrier who has once used one of your double straps on Monday morning will never wish to go back to the old style.

I am, respectfully,

W. P. COUCH,
Carrier No. 50, Rochester, N. Y.

ALLEGHENY, PA., *January 19, 1907.*

The FELTS DOUBLE SHOULDER STRAP CO.,
Oneida, N. Y.

DEAR SIR: I received the strap you mailed me some months ago, and have refrained from answering your former letter as I wished to give it a good trial. Having done so, I find it is about what is needed in the letter-carrying business. It answers the requirements and equalizes the load to a nicety. It is a little awkward at first, but after one becomes used to it he finds that it is about the proper article. Wishing you success in your venture, I remain,

Very truly, yours,

ARCHIE S. NICHOLS,
47 Taggert street.

SYRACUSE, N. Y., *December 22, 1906.*

FRIEND FELTS: Now have a first time to answer your letter. Several of the boys tried out the strap and think well of it, before a prohibitive order was received. I presume a similar order has been received by Hodge with reference to trying out such things without permission from the Department. I have the strap, awaiting your order. Would suggest that you write direct to the local carriers' association.

Best regards,

S. M. SMITH.

CANASTOTA, N. Y., *December 1, 1907.*

Mr. FRANK FELTS, *Oneida, N. Y.*

DEAR SIR: I have used your patent carrier strap for three months and find that it goes far ahead of my expectations. I would recommend it to any carrier who is looking for something to add to his comfort when carrying a heavy load.

Yours, truly,

JAMES V. KNOWLTON, *Carrier No. 1.*

Mr. C. A. LEE, *Oneida, N. Y.*

DEAR SIR: The Felts shoulder strap I find, after a thorough test of several months, to be far superior to the single strap furnished by the Department. With it the load rests evenly on both shoulders and carrying the heavy loads with much more ease. Moreover, the Felts, shoulder strap allows the sack to hang free from the person, thus preventing the wearing of the coat. I would not return to the single strap for double the price of the Felts strap.

Yours, truly,

O. M. YOUNG,
Carrier No. 3, Oneida, N. Y.

DECEMBER 10, 1906.

Mr. C. A. LEE:

After nine months' use of the Felts shoulder strap I find it meets the requirements in handling heavy loads, and the longer I use it the better I like it. I consider it a great boon to letter carriers and would not be without it for ten times the price it cost me.

Yours, sincerely,

U. S. JOHNSTON, *Carrier No. 5.*

ELMIRA, N. Y., *March 3, 1905.*

Mr. FRANK A. FELTS, *Oneida, N. Y.*

DEAR SIR: In regard to your pouch strap, would say that it is certainly a winner for the comfort of the carriers, equalizing the weight on both shoulders without pressure on the lungs.

Fraternally, yours,

N. EARNEST SPENCER,
Carrier No. 7, Elmira, N. Y.

NOVEMBER 10, 1906.

Mr. C. A. LEE, *Oneida, N. Y.*

DEAR SIR: It is with much pleasure that I, as one of the carriers in the Oneida post-office, add my name to the list of testimonials relative to the good qualities of "the Felts shoulder strap." Having used

the Felts shoulder strap for the past eight months, I certainly can not speak in too high terms of its superiority over any other strap on the market to-day. For ease and convenience in carrying a heavy load it is not excelled, for it equalizes the weight on the whole body instead of one certain spot, as is the case with all other straps used by Uncle Sam's employees to-day.

I would not be without the Felts strap for fifty times its cost.

Yours, very truly,

PETER E. BIRD,
Letter Carrier No. 2, Oneida Post-Office.

ONEIDA, N. Y., *November 10*, ——.

Mr. C. A. LEE.

DEAR SIR: I have used the Felts shoulder strap for several months, and would not part with it for the price of ten straps if I could not replace it. It equalizes the weight of the load of mail on both shoulders, and it is much easier to carry a heavy load with a Felts shoulder strap than the one furnished by the Post-Office Department. It also minimizes the wear on a carrier's clothes.

Yours, truly,

LEO G. WIXSON,
Substitute Carrier.

ELMIRA, N. Y., *March 3, 1906.*

Mr. FRANK A. FELTS, *Oneida, N. Y.*

DEAR SIR: In regard to your pouch strap, I would say cheerfully, "It is the best ever," and the carrier's friend.

JOHN CRUNSE, *No. 12.*

ELMIRA, N. Y., *February 8, 1906.*

Mr. FRANK A. FELTS, *Oneida, N. Y.*

DEAR SIR AND BROTHER: I have tried your shoulder strap and think it is immense. I could carry a heavy load with double the ease of the old-fashioned arrangement. With best wishes for your success.

I am, yours,

M. BRETT,
Carrier 23, Elmira, N. Y.

Mr. OVERSTREET. Mr. Chairman, I shall before I take my seat again invoke the point of order, which I hope the Chair will sustain. However, I would say just a word upon the merits of the amendment. The amendment would permit the letter carriers to use any kind of a strap which they might desire to use, irrespective of departmental supervision or approval. The language of the amendment is broad enough to quite cover what I have suggested it would cover. There ought to be some sort of uniformity in the character of straps and satchels used by more than 25,000 employees in the service. If you adopt this amendment, it will enable one carrier to take a piece of rope if he desires and use that for his strap, and another one to use a basket or other method for carrying his load. That may be said to be the business of the carrier who must carry the load, and let him answer for the method. But the service, Mr. Chairman, has for many years been developing along lines of uniformity of administration. The Department now has ample authority for the purchase of this or any other strap after it has given the subject care and consideration. The appropriations are under the authority of law for the making of contracts for these supplies, leaving to the Department under the direction of the head of that service the investigation and test of the better devices and methods of meeting the burdens which are placed upon the carriers.

Mr. TAWNEY. Will the gentleman from Indiana [Mr. OVERSTREET] yield for a question?

Mr. OVERSTREET. I yield.

Mr. TAWNEY. If this provision is adopted, the rule of uniformity now prescribed by the Department would be varied only to the extent that a carrier would obtain at his own expense a strap that would afford him more comfort and convenience than the one which is furnished by the Government. So that the "rope" question would not possibly be an objection, because no one would substitute a less convenient method than that furnished by the Department.

Mr. OVERSTREET. Mr. Chairman, I appreciate that the exhibition before the committee of what is regarded as a very excellent device is very fascinating. I do not know when the gentleman from New York was first introduced to this strap; but it has been familiar to me since early last summer, and at my request it was called to the attention of the First Assistant Postmaster-General to see if it would not be advisable to consider bids for its purchase; but the contract then under negotiation was let, and the price fixed by the owners of this strap was too high, in the judgment of the Department, and the strap was not accepted.

Now, are we, by an amendment to the law, to relieve the owners of this particular strap, who have failed to make good in competitive bids, and provide that the carrier may be importuned by the owners of the device and persuaded to purchase it at his own cost? I have no doubt but that this and other devices will be considered from time to time as contracts shall be let, and I hope to see improvements made and the purchase of those devices which will relieve to the utmost the burden upon the carrier. He deserves the aid of the Department, Mr. Chairman. He is entitled to the machinery of that great service to discover devices for his relief. Are we to withdraw that aid and to put upon his shoulders not only the burden of the mail, but necessitate him meeting the importunities of all sorts and characters of salesmen for their devices?

The CHAIRMAN. The time of the gentleman has expired. Does the gentleman from Indiana insist upon his point of order?

Mr. OVERSTREET. Yes, Mr. Chairman; I insist upon the point of order.

The CHAIRMAN. The matter is very clear. The amendment proposes a change of existing law, in violation of the rule. The point of order is therefore sustained.

Mr. DRISCOLL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 25, line 24, after the word "dollars," add the following:
"*Provided*, That no part of this appropriation of $90,000 shall be expended for straps unless letter carriers are permitted to use other straps than those supplied by the Government, if they prefer them, and buy and pay for them out of their own money and at no expense to the Government."

Mr. OVERSTREET. I make the point of order against that amendment. It is subject to the same rule.

Mr. DRISCOLL. Now, Mr. Chairman, I submit that this is not subject to a point of order.

The CHAIRMAN. If the gentleman from Indiana desires to be heard on the point of order, the Chair will first hear him.

Mr. OVERSTREET. I merely want to direct the attention of the Chair to the general law, which puts in the hands of the Postmaster-General authority to purchase these supplies according to his best judgment. Under the act of March 2, 1889, the law provides:

The Postmaster-General may, when in his judgment the good of the service so requires, make contract for necessary supplies for the free-delivery service for a period of four years.

This amendment now offered is to permit the use of straps other than those which the law authorizes the Postmaster-General to purchase.

Mr. DRISCOLL. It is not as broad as that.

Mr. OVERSTREET. That is the very language.

Mr. DRISCOLL. It is a limitation on this appropriation.

Mr. OVERSTREET. I realize, Mr. Chairman, that the doctrine of limitation on appropriations is exceedingly broad and elastic, but I do not think that a limitation which, however circuitous the windings of its devices, can be framed where it really would be of any force unless the law were changed.

Mr. DRISCOLL. Now, Mr. Chairman, I call the attention of the Chair to page 356 of the Manual, and to this ruling in the Fifty-eighth Congress. It reads as follows:

While it is not in order on an appropriation bill to require lettering on public vehicles, it is in order to withhold the appropriation from all not lettered.

Now, following that, it would not be in order to offer an amendment that would require that these straps—the Felts straps—be used; but it is in order to withhold appropriations for the purchase of straps which are not double straps, or Felts straps, like this. Now, the greater power includes the less; and if this House has the power to limit the appropriation to the purchase of these Felts straps, certainly it has the power to permit some of these to be used on the election of the men themselves, and it seems to me that it is a clear limitation and not new legislation.

Mr. MANN. Mr. Chairman, while the amendment offered is in the form of a limitation, it seems to me, as a matter of fact, to be a change of law. The law now provides how straps shall be purchased. That is a matter confided to the control of the Postmaster-General. The proposition now is to change that method of providing straps, and authorize the carriers to purchase straps themselves.

No doubt Congress can refuse to make an appropriation for the purpose of carrying out the existing law. They can limit the appropriation in any way they please; but I take it that in limiting the appropriation they can not change the law. We can say, "We will not appropriate," but, as I understand it, we can not say, "We will not appropriate unless the Postmaster-General shall violate the existing law." And that is what this amounts to. It indirectly accomplishes a change of law, because if that provision goes into the bill it will be taken as a direction by the Postmaster-General that Congress has changed the law giving to him the power over the purchase of straps and taken away that power from him and given to the carriers themselves the power over the purchase of straps.

Mr. DRISCOLL. I should like to ask the gentleman if he can distinguish between this amendment submitted by me and the

ruling that I have referred him to, at page 356 of the Manual, where Congress was not permitted to say that all vehicles must be lettered, but it was permitted to say that no money should be spent for vehicles which were not lettered? That is the same question as this.

Mr. MANN. The distinction is just as broad as the Capitol is wide, and the gentleman himself, who is a good student of parliamentary law, would recognize the distinction if he had not offered the amendment. There was no proposition to change the law in the precedent which the gentleman cites.

Mr. DRISCOLL. Were not those things furnished by the Department?

Mr. MANN. That is a matter absolutely in charge of the Government, and no doubt Congress could say here that there should be no strap provided unless it was lettered so and so; but the law now provides who shall have control of the purchase of straps, and the gentleman's amendment proposes absolutely to change that law. It is what it is there for. It is not there for the purpose of limiting the appropriation. It is not there for the purpose of putting a limit in any way upon the expenditure of the appropriation. It is not expected to have anything to do with the appropriation. The gentleman's amendment is offered, under the guise of a limitation, for the purpose of changing the law, and hence is and ought to be obnoxious to the rule, in my judgment.

Mr. GAINES of Tennessee. Will the gentleman allow me to ask him a question?

Mr. MANN. Yes.

Mr. GAINES of Tennessee. Is there any law saying that the carriers shall use such and such a strap?

Mr. MANN. There is a law providing that the straps for carriers shall be purchased by the Department, and that they shall be used under regulations of the Department.

Mr. GAINES of Tennessee. There is no law saying that a particular form of strap shall be used?

Mr. MANN. Oh, certainly not.

Mr. GAINES of Tennessee. That is governed by regulation?

Mr. MANN. Oh, no; the law provides that the Postmaster-General by contract shall purchase the straps and furnish them to the carriers.

Mr. OVERSTREET. And under that law contracts are made for four-year terms. A new contract was made this last fall or the first of the present year.

Mr. DRISCOLL. But this does not affect the making of that contract.

Mr. OVERSTREET. No; but the amendment is obnoxious to the rule which provides that you can not legislate on this bill.

Mr. DRISCOLL. How can it affect the rule or the action of the Department? The Department can buy these straps just the same and go on furnishing them just the same. All we ask is that the individual carriers be permitted to buy these straps or other straps if they want to pay for them and use them. It is simply an alternative. It does not change the functions or duties of the Postmaster-General. It simply says that in a particular case a man may buy a strap and pay for it. It strikes me it is entirely a limitation.

Mr. GAINES of Tennessee. Is there any law saying that the carrier must wear the straps which the Federal Government buys for him, or that he shall do it?

Mr. DRISCOLL. I do not think there is any such law. I have not found any.

Mr. GAINES of Tennessee. I think that helps to elucidate it.

The CHAIRMAN. The Chair understood the gentleman from Indiana to say that the law now required the use of certain straps.

Mr. OVERSTREET. The law, in effect, places the power in the hands of the Postmaster-General and directs him to make the purchase under four years' contract. This amendment permits the purchase by the carrier, notwithstanding the Postmaster-General's selection. The law is as follows:

The Postmaster-General may, whenever in his judgment the good of the service so requires, make contracts for the necessary supplies for the free-delivery service for a period not exceeding four years.

Under that law a contract has been made and the kind of strap has been chosen. Now, this amendment seeks to give to the carrier the right to choose another strap, a strap other than the one the Postmaster-General has purchased under the contract authorized by the law of March 2, 1889. In other words, Mr. Chairman, the effect of the law is that the Postmaster-General takes the responsibility, conferred upon him by the law, relative to the contracts for the straps and their distribution. The amendment seeks to give the carrier the privilege of selecting for himself, even at his own expense, whatever strap he may care to purchase. I can not read that amendment in any way at all without its being construed that, no matter what the law is, the carrier may select and pay for his own strap. There is nothing in that amendment which gives the approval even to the Postmaster-General. Regardless of the law, he may select and purchase whatever strap he pleases, while the law directs the Postmaster-General, under the contract, to purchase straps for the carrier. It may be in form a limitation, but it lacks the substance.

Mr. DRISCOLL. Mr. Chairman, the law does provide that the Postmaster-General may prescribe the kind of uniform that is used by the men, but it does not prescribe or say anything about the strap. The section that has been read simply provides that the Postmaster-General may buy supplies, but it does not mention straps. Congress has been appropriating for supplies year after year, and the Department has bought supplies year after year. Among those supplies are straps. The men furnish their own uniform, and, therefore, the Department prescribes the kind of uniform that they must wear; but it has never prescribed the strap except by buying it—a single strap worn over the right shoulder.

Mr. GAINES of Tennessee. Mr. Chairman, there is no law, or at least I have not heard of any, that says that a letter carrier shall wear the strap that the Government furnishes. I know of no law that says he shall not buy a strap and wear it. He may be a hunchback, he may be lame, he may have only one arm, or be otherwise deformed, and I say that law and conscience and fair consideration would not force him to wear any sort of a strap that the Government might buy. Let him go and buy what suits his own back, what suits his own shoulder, what suits his condition, and let him hang up in the garret the one that the Government buys that does not suit his condition. [Laughter.]

The CHAIRMAN. The Chair is ready to rule. The question is a fairly close one; but it seems to the Chair that there is this distinction between this case and the one which has been cited concerning the lettering of vehicles. In that instance there was no law requiring that vehicles should be lettered or prohibiting it; but it was in the discretion of the Department having charge of the vehicles. The proposition which in that case was sustained as in order, as a limitation upon the appropriation, did not control that discretion or change the law. It simply withheld the appropriation for vehicles that were not lettered.

The Chair understands that there is a law on the subject, which vests in the Postmaster-General the authority to provide the paraphernalia which shall be worn by letter carriers. The Chair thinks that this provision, if enacted into law, would be held, and quite properly be construed, by the Postmaster-General, as requiring him to permit the use of straps in the discretion of the carriers themselves, which he is not now required to do. If so, it would not be merely a limitation, but would give him a legal authority, which he does not now possess. The Chair therefore sustains the point of order.

The Clerk read as follows.

For facing slips, plain and printed, including the furnishing of paper for same; and for card slide labels, blanks, and books of an urgent nature, $60,000.

Mr. WATKINS. Mr. Chairman, I offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

After the words "facing slips," line 10, page 26, insert: "and slips for the distribution of weather forecasts on rural free-delivery routes."

Mr. OVERSTREET. Mr. Chairman, I make the point of order against that.

The CHAIRMAN. The Chair thinks it is clear that this is subject to the point of order, but will hear the gentleman from Louisiana if he desires to be heard.

Mr. WATKINS. Mr. Chairman, I suppose the Chair has considered the question, but I ask permission to divert from this and read something which I have hastily prepared.

The CHAIRMAN. Will the gentleman from Indiana reserve his point of order?

Mr. OVERSTREET. I reserve the point of order.

Mr. WATKINS. I desire to state, Mr. Chairman:

"WHAT IS TO COME."

I.

Upon this floor the other day
The honorable Mr. CLARK
Held Republicans to the light,
And made their party look quite dark.

II.

"Omnis Gallia in tres partes,
Divisa est." we heard him say;
Then into one of the parties
He plunged his two-edged sword to slay.

III.

The "Grand Old Party" is not dead;
The Elephant still has his trunk;
His goods are packed safely away,
Consisting of his flimflam junk.

IV.

At the bottom, prosperity;
On the top they are mostly nix;
All around is adversity,
In the middle of a bad fix.

V.

The tariff is to be reformed;
Hoarded gold is to be dug up;
And a lot of official pap
Will be thrown to the party pup.

VI.

Railroads are to be controlled;
Rebates come to a speedy end;
The thirty-million fine be paid;
The people have a trusted friend.

VII.

Before all this shall come to pass,
The Elephant's trunk, now so full,
Fastened with Democratic rope,
Will be given a hearty pull.

VIII.

His tail will have to get a twist;
He must be punched with a prod,
And must be punished fore and aft
With a stout Democratic rod.

IX.

A Cannon must be first shot off;
Fair banks must then be tunneled through;
The skies must change their azure Hughes,
And Billy Taft put up the dough.

X.

The people must all go to sleep,
Until Gabriel blows his horn;
Americans must sure forget
That William J. was ever born.

[Laughter on the Democratic side.]

The CHAIRMAN. Does the gentleman insist upon his point of order?

Mr. OVERSTREET. Yes.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For the purchase, exchange, and repair of typewriting machines, envelope-opening machines, and computing machines, and for the purchase of copying presses, numbering machines, and miscellaneous articles purchased and furnished directly to the postal service, $105,000.

Mr. WILLETT. Mr. Chairman, I move to strike out the last word. One day last week I listened with astonishment to the speech of the gentleman from Indiana [Mr. CHANEY]. As is the habit with a multitude of Republican politicians, they conceal from their view the needs of the people and the errors of their party, and then in beautiful, glowing generalities endeavor to beguile the simple voter into believing that black is white and that panic is joyful prosperity. This may have been possible under peculiar conditions in the past, but I am profoundly convinced that in the face of hard facts and dire need even the artful sophistry of Republican past masters can not longer deceive the people. Standing upon the floor of the House with a carefully prepared manuscript in his hand, showing that his remarks were the result of deliberate thought and not the flight of passing fancy, the distinguished gentleman from Indiana stated:

This Republican panic lasted three months; the Democratic panic lasted forty-eight months, just sixteen times longer than the Republican panic. The panic is over now and the country will soon be over the panic.

This statement, made in all seriousness, brought several Members of the House to their feet. The gentleman from Indiana was requested to state the exact date at which the panic terminated, as a great many people in the country labor under the delusion that it is still on. He answered that it ended just three months and one day from the time it started in; and he accounted for the fact that so many people throughout the country are still out of employment by stating that it was because of the necessity of these people making other arrangements, now that they have satisfied the money centers of New York, so that they can get the money with which to continue business. Then the following colloquy took place:

Mr. WILLETT. I will ask the gentleman if he does not consider that the large number of men now unemployed is one of the elements of the panic.

Mr. CHANEY. It is not one of the elements of the panic, but simply one of the results of the panic.

Mr. WILLETT. So, then, the gentleman will have us to understand, when he says that the panic ceased in three months after its inception or beginning, that the panic itself is separate and apart from the results and that we are now suffering the results.

Mr. CHANEY. I mean you to understand that I said that the panic is over and we will soon be over the panic.

Mr. WILLETT. That does not mean anything to me unless you connect the panic with results. A panic means nothing unless we have results. It is the results of the panic that are affecting the people of this country and that is what we are talking about. Now, if you do not mean the effect of the panic on the people, why do you not say so, and say that the results are still upon us and we are still suffering from them and that the cause has ceased?

Mr. CHANEY. I thought I had said something like that for the benefit of the gentleman. I simply said that the panic is over. There are a few places here and there where the effects of that panic will be felt until those people can adjust their conditions and get business going again.

Mr. WILLETT. And you, as a Member of this House, would stand up in front of the bread line in New York City, where thousands of men every night are trying to get stale bread, and tell them, "Gentlemen, the panic is over." Is that what you mean?

Mr. CHANEY. No; I would not go to New York at all, because we are very much afraid of that place.

Mr. WILLETT. You do not have to go to New York, you can go to any large city. But the condition in New York to-day is such as has never been seen in its history before.

Mr. CHANEY. I do not know about that.

Mr. WILLETT. That is what I want to find out, whether you know about it.

This colloquy fairly illustrates the state of mind of a large number of the Republican Representatives who would have the country understand, if it were possible, that the trouble is all over and it is simply a matter of trifling adjustment when prosperous conditions will return. How perfectly absurd it is for a public speaker, before an intelligent audience, to declare that the panic, the distressing effects of which every one of us feels, does not exist. And then, how unreasonable it is, when hard pressed, to sidestep the whole proposition by stating that the panic has ceased and terminated, but the results are still with us. A panic, in the common acceptance of the term, means more than the sudden collapse of public confidence. It means the continued unrest and lack of stability in financial affairs. What need we care for a panic if the bank in which our funds are deposited immediately opens, or the merchant with whom we deal continues to extend credit, or the firm with whom we are employed continues our employment? Panics may come and panics may go, but they will have no biting effect upon us; but if the bank in which our funds are deposited, along with a score of other banks in our city, closes its doors and refuses to honor our drafts and continues closed until this time; if the merchant with whom we deal refuses to extend to us credit, and if our employer is still unable to give us work, would you have me understand that the panic is over? The panic is still on; the full results of this panic are unknown; none but a prophet could tell what they will be. The crisis in some financial institutions may be past, but the panic, in all its unrest, in all its horror, and in all its heart-breaking reality, is still present in the workshop, the store, the office, and the home. Covering up with a multitude of words the extreme need of our constituents will not assist us in affording them relief. Using an expression which the creator of the panic delights to use, "Let us turn on the light," and see what havoc he has wrought. I am not surprised that the meddlesome Republican President and the time-serving politicians desire with all their hearts and brains to cover up and conceal the wrecks which a fantastic and mischievous Chief Executive has wrought. If what we observe in labor circles and in workingmen's homes is an indication that the panic has stopped, we can then understand something of the spirit of the Irishman's remarks when he said, after falling from the roof of a five-story building, that "he did not mind so much the fall as he did the stopping."

There seems to be a conspiracy of silence on the part of the Republican Members of this House on the subject of the cause and effect of the present panic. They have spoken so often to the text "With the Republican party is prosperity and with the Democratic party is panic" that they are at a loss for appropriate words to express their true feelings. They dare not attack the President for fear of his big stick. And why should they? In all fairness, Members who went home to their districts, each with a little piece of the "Roosevelt halo" pinned to the lapel of his coat, and appealed to their constituents to return them to Congress so that the Roosevelt halo could be restored to the President's brow perfect and complete—how can they, in all decency, now come out and condemn and abandon their preserver when he is reaping the reward of his own reckless misconduct? Two years ago business men in this country referred to the President's talk as oratory; now, facetiously, they refer to it as a display of cheap dentistry.

Notwithstanding the fact that the President is a usurper, in that he attempts to control all branches of government.

Notwithstanding the fact that he is imperialistic and arbitrary in his methods and manners, as evidenced by his reference to the constitution of Cuba, an instrument which our Government had helped to frame, on September 28, 1906, when he telegraphed to Secretary Taft, with reference to adjustment of Cuban affairs: "I do not care in the least that such an agree-

ment is unconstitutional." An ancient maxim of benevolent despotism was, "Let my subjects say what they like so long as I do what I like;" but even this privilege is not granted "my people," for we have learned in many different cases that he who differs from our President finds himself involved in great difficulties.

Notwithstanding the President has taken over the supervision of about the whole of life. Though not a lawyer, he criticises the decisions of the United States Supreme Court; though not a business man and never having been engaged in a profitable personal business, he undertakes to direct the most minute details of the business world.

Notwithstanding the President would have "my people" appeal to him personally on every subject. Should a trust be prosecuted? "Ask me," says the President, not the Attorney-General. Should we have other legislation with reference to railroads? "Ask me," and not Congress. Should football be played at the universities? "Ask me," not the faculty.

Notwithstanding his imperialistic methods, as evidenced by the un-American discharge of whole companies of American soldiers without trial, without proof of guilt—a thing which can hardly be realized as possible in America—it sounds more like the edict of an African chieftain or Russian despot than the command of an American President. As evidenced by the suspension of the Mississippi River steamboat pilot, which is also fresh in the minds of all American people and is another demonstration that illustrated the trend of our President's mind.

Notwithstanding the President has done more than all other Presidents and all other public men in the history of the country to shake the confidence of the people in our form of government, and has done more than any one man in our nation's history to destroy legitimate business, shatter confidence among the people, and bring utter panic into every countingroom, factory, shop, office, and home in the land, and has exhibited a greater degree of self-consciousness and egotism, which are the natural results of power and flattery, than any President who has occupied the White House.

Nevertheless, the clarion tongues of the great Republican party are silent; the people's rights may be trampled upon, but party interests must be protected. We hear no protest from them. Occasionally a reckless one steps out and cries: "Peace, peace!" but he soon learns there is no peace.

Since we have become a world power, as described by President Roosevelt, the characteristic conditions of imperialism have been appearing in our own country.

I will recite some of them: It magnifies the executive power; it acts upon the passions of the people; conciliates them in classes and localities by lavish expenditure; it occupies men's minds with display and amusement; it inspires a thirst for military glory; it captures the electorate by false assertions and illusory promises, and then, having by these means obtained control, it crushes opposition and extinguishes liberty. And the irony of the thing is this: That all this is done in the name of the people themselves and under the authority of their voice, so that the people, while boasting of their supreme power, are enslaved. Ask yourselves whether these conditions exist in our country. If the usurpations as I have described pass unchallenged by the people of America, they will soon create the force of precedent. Now is the time, and we are the people to watch with jealousy such beginnings, to indignantly attack them, and, if possible, to destroy them. Wiser words were never spoken than those of President Cleveland: "It is not the business of a government to support its people, but of the people to support the government." The people must fight their own battles for better conditions.

Every time they call upon that great central deity, the President, to fight an evil, they surrender their God-given right to grow strong by fighting it themselves.

By and by, if recent tendencies continue, they will surrender all their duties and all their rights, so dearly bought, to their rulers.

By and by the Government, like that of Germany, will dog the citizen's footsteps at every turn, provide him with old-age pensions, recompense him for all injuries received through negligence, destroy his manhood while alive, and bury him when dead.

After the colloquy that took place between the gentleman from Indiana and myself, and to which I referred a moment ago, I find that the gentleman from New York [Mr. BENNET] made some remarks referring to the financial situation in New York.

The gentleman is a Republican and represents one of the New York City districts and should be informed of the true situation in New York. His remarks indicate that he is entirely ignorant of the true situation as it there exists. He says that he has sent out 51,000 letters to his constituents, which letters I understand contained an expression of willingness on his part to assist his constituents in any way in his power, and that of the appeals from men out of work he received fewer than thirty. He also states, for the purpose of indicating further the true situation among the working people in New York City, that the Association for Improving the Condition of the Poor has investigated the condition of the homeless men and reports that less than 1 per cent of the homeless men in New York City would work if they could get it, and also, as a further indication of the situation in New York City, he states that for the month of January the postal receipts fell off about 6 per cent as compared with last year, and for the month of February, leaving out the extra day, that the receipts fell off less than 3 per cent, and then in the full flush of his manly independence he declares, "We are not asking any help in New York City or appealing for any charity and do not want anybody's sympathy and have not asked anybody for a public collection." How is that for Republican independence and Republican prosperity? I understand these declarations were greeted with loud applause on the part of the Republican Representatives in the House. Now, let us thoughtfully and deliberately analyze the statements made by my distinguished colleague, Mr. BENNET. In the first place, he says that he wrote 51,000 letters, and that he has received less than thirty applications for work from men who would work if they had it, and that he secured employment for these applicants. What is the logical inference to be drawn from this statement? The inference Mr. BENNET would have you draw is that in the city of New York all men who are willing to work have employment. The difficulty with this statement and the inference drawn from it is that it in no way gives a fair indication of the number of unemployed in the city of New York.

In my own district I have not had more than about fifty direct personal appeals for employment; but without the slightest exaggeration I say to you, as a result of careful investigation, that there are at least 10,000 men in my district who are able and willing to work, but are unemployed. It is therefore perfectly clear that the number of appeals made to him from New York personally is no fair indication of the number of unemployed in his district nor in the city of New York. He submits to us a report of the Association for Improving the Condition of the Poor upon the condition of homeless men. Any reference I made to the unemployed in the city of New York had no reference to the tramp or ordinary loafer found on the streets of a great city, but did have reference directly to men with homes, men with trades, and men who are willing to work, but could not find it, and these are the men who are numbered not by tens of thousands, but by hundreds of thousands in the city of New York to-day. I sat in the council room of the board of estimate and apportionment when representatives of the unemployed were before the mayor and board requesting that certain public improvements be commenced so that the great army of unemployed men who are on the streets of New York looking for work could find employment, and it was there stated that over 250,000 men were in the city of New York seeking employments. I have in my hand at least fifty letters from labor unions in the city of New York, and they tell the story that between 75 and 90 per cent of union labor in New York City is now unemployed. I desire to read extracts from a few of these letters to simply inform you as to the true condition.

The secretary of the Emmet Association of Rock Drillers and Tool Sharpeners says:

> The trade that we represent is in bad state at present. Out of 1,300 men we have about 150 men working at present, and the condition in the other trades is just as bad as in our trade, and the prospects are very poor. I have been talking to mostly all of the secretaries of different trades, and we figure that 187,000 men are idle in New York.

Mr. Daniel Harris, secretary of the cigar makers' joint label committee of New York, writes:

> In our trade there are about 3,000 unemployed and about 7,000 working about half time.

The secretary of the Stone Masons, No. 74, of New York City, writes:

> Out of a membership of 2,000 men there are less than 200 employed, and this condition has prevailed for four months past, with no prospects for change for better conditions. Other unions report 90 per cent of other trades are idle and the condition of their families the worst they have ever experienced.

Mr. William B. O'Neill, secretary of the Wholesale Dry Goods Teamsters' Local No. 708, New York City, says:

> Forty-five per cent of our members are unemployed, and such has been the condition of affairs for the last five months. Our organization in New York and vicinity consists of thirty local unions, and the same can be said of our affiliated locals. Men who have not been idle in twenty

years are walking the streets at the present time unable to find work. We received the same report from all our locals throughout the country, and from reports the prospects do not look any brighter at present.

Mr. E. J. Gibbons, secretary of International Brotherhood of Electrical Workers, says:

We have 2,000 men unemployed and have been for some time. We have never seen the conditions of labor in our branch so distressing as they are this year.

Mr. C. H. Bauscher, secretary of United Brotherhood of Carpenters and Joiners of America, Bronx Borough committee, says:

It has not been so dull in the entire building industry as it has been since last October since 1893. In consequence 60 to 70 per cent of the building trades mechanics and laborers have been and still are out of work. I will refer to the carpenters in particular. We have between 18,000 and 19,000 carpenters in our organization, and according to reliable information from the various carpenters' locals 60 to 70 per cent is a very conservative figure of our trades unemployed.

Mr. P. E. Farrell, secretary of the United Housesmiths and Bridgemen of New York City and vicinity, says:

Conditions have not been as bad in the building industry at this time of the year in over twenty years, and the outlook is very gloomy for the near future. Fully one-half, if not more, of the members of this organization of 4,000 are idle at present.

Mr. J. E. Pritchard, general secretary of the International Union of Pavers, Rammermen, Flaggers, Bridge and Stone Curb Setters, says:

We have in the neighborhood of 2,000 members and can safely say that in the past three months there has not been 100 of those members working. This does not include hundreds of other men not affiliated with this union who are also idle.

Mr. W. A. Coakley, president of the International Protective Association of Lithographic Apprentices and Press Feeders of New York, says:

Our association in this city has more members out of work at this time than they ever had for the past nine years (my term of office), and it has been so for the past four months, and what I say of this trade can be truthfully said of any other trade in this city.

Mr. Edward J. Duffy, general secretary of the United Association of Journeymen Plumbers and Gas Fitters, Local No. 498, of New York City, says:

This local union, with a membership of 1,000, has 35 per cent of its members out of work at the present time. This condition has prevailed in the plumbing and gas-fitting industry for the past six months, with no immediate prospect of a change for the better. I may add that not in ten years have there been so many unemployed in the building industry in this city.

Mr. M. Zuckerman, general secretary of the United Cloth, Hat, and Cap Makers of North America, says:

The number of unemployed in our trade amounts to-day to about 75 per cent.

I will not weary you with further citations of reports from other labor organizations, as those I have mentioned include a sufficient variety of trades to fairly show the distressing labor conditions in the city of New York. Of course, these reports give no record of the unemployed who are not members of labor organizations, but from the labor organization reports a fair inference can be drawn of the number of nonunion unemployed. The gentleman from New York would have us understand from the fact that the post-office reports indicate a falling off of only 6 per cent in January and 1 per cent in February that the business conditions were sound and unaffected by the financial depression which is now upon us.

The condition of these reports, upon a very slight investigation, shows that business houses which during the times of prosperity had very little advertising are, during these times of panic and difficulty, doing a very large amount of it, therefore increasing the returns of the Post-Office Department materially, thereby affecting any falling off because of bad business conditions. But how fruitless is such discussion in the face of these labor reports.

Before I take my seat, I desire to call the attention of the House to a little amusing incident which occurred a few days ago. A foreign-born citizen, one of the children of sunny Italy, who came to this country and is trying to make a home for himself and secure a standing in the community in which he lives, and one who also is the councellor of a great many of his own countrymen, had quite a considerable sum of money on deposit in one of the Brooklyn banks during the first stages of our financial difficulty. He was about to withdraw his money, but listening to the counsels of the President, he allowed his money to remain, with the result that the bank has since failed and the probability is that in the final adjustment he will lose considerable money. He had an interview with me and suggested that he had a proper case against the President of the United States, but I explained to him that it was impossible for him to sue the President; that the President was one of our citizens who practically says anything and does anything he pleases without personal responsibility.

I have been repeatedly asked which bill now before the House and Senate I approve as the measure best adapted to restore confidence among the business men and remedy our defective financial system. I am satisfied that there is no bill before Congress which, if enacted into law, would accomplish this result, but, on the other hand, I am assured by bankers all over the country that if any one of them was adopted conditions would be worse.

Remove the cause of the unrest, silence the ceaseless, senseless clamor for spectacular effect on the part of the man in the White House and quiet will be restored.

The business men of the country are like the inhabitants of a country village turned out to see and hear a passing show—new wonders captivate their attention, new feats of daring are being performed before their eyes.

Let the business world shake off the slavery created by the methods of one man during the past few years, assert their independence and disregard the Niagara of verbal protest made by the President against malefactors of great wealth, which has become a mania with him.

Tell him that we have a Department of Justice for the purpose of prosecuting malefactors of great wealth, malefactors of little wealth, and malefactors of no wealth.

Tell him that his high office must not be used for the striking down of any class of our citizens—rich or poor, high or low.

Tell him that the multitude of unemployed in all our large cities are calling their empty dinner pails "Teddy bears" as a token of appreciation for their creator.

Tell him that he is not like Washington or Lincoln; they brought order and rest out of discord, while he has produced discord and unrest out of peace and prosperity.

Tell him to step back out of the spot light in the center of the stage and give the people a chance. [Loud applause.]

The Clerk read as follows:

To defray expenses incident to the shipment of supplies, including hardware, boxing, packing, cartage, freight, and the pay of one carpenter and three laborers for assignment in connection therewith, $125,000.

Mr. OVERSTREET. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 27, after the word "dollars," in line 3, insert as a new paragraph, the following:

"To cover cost of installing shelving, files, and conveyors in the building occupied by the division of supplies in the city of Washington, D. C., $3,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For pay of letter carriers, substitutes for carriers on annual leave, clerks in charge of substations, and tolls and ferriage, rural-delivery service, $35,373,000: *Provided*, That not to exceed $12,000 of the amount hereby appropriated may be used for compensation of clerks in charge of substations: *Provided further*, That in the discretion of the Postmaster-General the pay of any carrier on a water route who furnishes his own power boat and is employed during the summer months may be fixed at an amount not exceeding $900 in any one calendar year.

Mr. MOON of Tennessee. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by inserting, after the word "year," on line 14, page 27, the following:

"*Provided further*, That a sum not to exceed $500,000 of this appropriation may be expended by the Postmaster-General, in cooperation with the Secretary of Agriculture, in improving the conditions of rural delivery routes to be selected by them for the purpose of ascertaining the possible increase in the territory which could be served by one carrier, and the possible increase of the number of delivery days each year, the amount required for proper maintenance in excess of local expenditure for rural delivery routes, and the relative saving to the Government in the maintenance of rural delivery routes by reason of such improvements: *Provided further*, That the State or county, or counties, which may be selected for improvement of rural delivery routes therein under this provision shall furnish an equal amount of money for the improvement of the rural routes so selected."

Mr. OVERSTREET. Mr. Chairman, I make a point of order against that. Does the gentleman from Tennessee [Mr. MOON] want to speak to his amendment?

Mr. MOON of Tennessee. Yes.

Mr. OVERSTREET. Then, I reserve the point of order.

Mr. MOON of Tennessee. Mr. Chairman, a few days ago in discussing this bill I stated the reasons why I thought this amendment ought to pass the House. On that occasion I said that in my opinion it was subject to the point of order, being new law, and the gentleman from Indiana [Mr. OVERSTREET]

now makes the point of order. I expressed also the hope at that time that the point of order would be withheld in order that this question, one of such importance as I think it is, could come before the House for settlement, beginning as it does a great internal system of public-road improvements. However, I am aware that it is against the rules of the House, and, if we be not mistaken in the fact, the point of order is well taken. I therefore will have to resort to that other method that I intimated on the day that I discussed this question, in order to obtain a hearing for the people, now denied by the technical rules of the House. I have never thought it a proper thing to discuss at any length an amendment or other proposition which is subject to the motion that has been made by the gentleman from Indiana—that is, to the point of order. I therefore will not take up the time in the discussion of the question, but will ask the gentleman from Indiana if he intends to insist upon the point of order before proceeding further?

Mr. OVERSTREET. Mr. Chairman, I desire to insist upon the point of order.

Mr. MOON of Tennessee. If the gentleman insists upon the point of order, I have nothing more to say at this time upon the question.

The CHAIRMAN. The amendment very clearly changes existing law, and the point of order is sustained.

Mr. FINLEY. Mr. Chairman, on page 27, line 6, after the word "million," I move to strike out the word "three" and insert the word "five."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 27, line 6, after "million," strike out "three" and insert "five," so as to read "five hundred."

Mr. OVERSTREET. Mr. Chairman, I am quite willing to accept that amendment.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. GRIGGS. Mr. Chairman, I offer an amendment, which is at the Clerk's desk.

The Clerk read as follows:

Amend by inserting at end of line 14, page 27:

"SECTION 1. That beginning July 1, 1908, there shall be a parcels post limited to 11 pounds on every rural route in the United States. Said parcels post shall be confined exclusively to the rural route upon which the parcel originates and its rural-route connections, and shall not extend beyond said route upon which it originates and routes with which said route connects directly, without the intervention of railway mail service, star route, messenger, or any other form of mail service.

"SEC. 2. That the rate of postage on such packages shall be 5 cents for packages weighing not more than 3 pounds, 7 cents for packages weighing not more than 5 pounds, 10 cents for packages weighing more than 5 and not more than 8 pounds, and 15 cents for all packages weighing more than 8 and not more than 11 pounds.

"SEC. 3. That the provisions of this act shall not apply to matter which is classified by law as first, second, and third class, nor affect existing rates of postage thereon; nor shall there be accepted for transportation and delivery, as mail matter, by rural mail carriers, any intoxicating liquors (ardent, vinous, spirituous, or malt), habit-forming drugs, explosives liquids liable to explosion by shock or jar or to spontaneous combustion, or any matter exhaling bad odor, or which from its nature or constituency is liable to contaminate or damage the mails.

"SEC. 4. That the compensation of rural carriers be increased to the extent of all receipts for such parcel-post service hereby established, on each route, respectively, not to exceed $300 per annum to each carrier, to be paid under such rules and regulations as may be established by the Postmaster-General.

Mr. OVERSTREET. I reserve the point of order on the amendment.

The CHAIRMAN. Against the amendment the gentleman from Indiana reserves the point of order.

Mr. GRIGGS. Mr. Chairman, a few days ago I submitted some remarks to the House in general debate on this question. It is unnecessary, therefore, for me to-day to take very much time in further discussion of it. This amendment is not exactly the bill as introduced by me in the House. It is rather a combination of two bills, one introduced by the gentleman from Tennessee [Mr. SIMS], from which the last two sections are taken, and one introduced by myself, which includes the first section, or composes the first section of this amendment.

Now, Mr. Chairman, I criticised in some degree bills offered by other gentlemen here the other day. I criticised the bills fairly. I said the language in one of the bills—that offered by the gentleman from Connecticut—was too loose; that it could not be understood by the courts and administered as the law by the Department. My friend from Connecticut has informed me since that he did not draw it, so I am very glad to take back the apparent criticism of the gentleman himself, but leave the criticism on the bill. The bill the gentleman offered required the size of packages to be of the size of a common suit case. I might call it the "suit-case bill" and not the "Henry bill" any longer. [Applause and laughter.]

I criticised the bill of my friend from Tennessee, or rather the first section of it, for being too general likewise, and I am very much delighted to hear since from him that he did not draw that section. Therefore another good lawyer has been saved to the house. [Laughter.] Something has been said in the newspapers about my criticism of these gentlemen and the looseness of their language. I meant no criticism of them. I merely wanted to suggest to them, and they know it is correct, that in order for a law to stand the test it ought to be like the pasture fences in Georgia—that is, "pig tight, horse high, and bull strong," and this amendment is that way. [Laughter and applause.]

Mr. SIMS. Mr. Chairman, as the gentleman from Georgia has admitted that the two best sections of his amendment were taken from the bill I introduced [laughter], I feel it my duty to make my proper acknowledgment to him. I wish, further, to state that the first section of the bill that I had introduced, which he criticizes, was drawn by an expert in such matters, and inasmuch as the gentleman from Georgia is one of the most famous experts in postal matters that I know of, I yield ready acceptance to his language. It is results, Mr. Chairman, I am trying to reach, and if the words used get the results, I do not care whether the one or other of the two be used.

But to the merits of the bill which I introduced and the bill which the gentleman introduced and which are now combined in this amendment. It simply provides for the establishment upon rural-delivery routes of a parcels post confined to the rural routes upon which the parcel is mailed, which was recommended as a part of the general recommendation of the Postmaster-General in his last report. I have received numbers of letters from parties opposing the bill. These letters usually come from retail merchants throughout the rural sections where these routes are. This amendment will not injure the retail merchants, but will be of great benefit to them, inasmuch as they will have the exclusive privilege of using the parcels post, and it will be a great benefit to the people who are patrons of these routes.

Mr. HUMPHREYS of Mississippi. What do you mean by "exclusive privilege?"

Mr. SIMS. When I say "exclusive privilege" I mean this, in reply to the gentleman from Mississippi, that the great department stores in the cities that are not situated upon these routes can not use them, and therefore the retail merchants who are situated upon them can only use them, and in that sense it is an exclusive use.

Mr. MADDEN. Will the gentleman allow me to ask him a question?

Mr. SIMS. I will in a moment. The opposition has come from retail merchants, as if it was an injury to them, when, in fact, it is of especial benefit to them.

Mr. FITZGERALD. Why does the gentleman wish to discriminate against the department stores in favor of the retail stores on the routes? Why not give all the privilege alike?

Mr. SIMS. My reply is that the opposition is made by retail merchants situated on these "roots," to use Republican pronunciation [laughter], when in fact this amendment is in their interest.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. SIMS. Certainly.

Mr. MADDEN. Does the gentleman believe it would be possible for a mail-order house, doing business outside of a particular route, to freight its goods to a town within the route, and then, by means of the route, to have them carried by mail to the people living on the route, and thereby destroy the business of the local merchant?

Mr. SIMS. Mr. Chairman, to ask what is a possibility is one thing; to ask what is practicable or profitable is another thing.

Mr. MADDEN. Does the gentleman believe it would be practicable?

Mr. SIMS. I do not believe the department stores can profitably take advantage of this legislation.

Mr. MADDEN. Does not the gentleman conceive that a bill like this would do the very thing that he seeks to prevent being done?

Mr. SIMS. Do what?

Mr. MADDEN. To give all the business within the mail route to the large mail-order houses in the big cities and take away from the merchants doing a local business all the business that they could otherwise do.

Mr. SIMS. I do not see how it would be possible under this bill?

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. I should like about five minutes more.

Mr. OVERSTREET. I move that all debate on the paragraph and amendments thereto close in five minutes.

Mr. JOHNSON of South Carolina, Mr. GRIGGS, Mr. GAINES of Tennessee, and others rose.

Mr. OVERSTREET. I made that motion for the purpose of seeing how many gentlemen would rise and how many amendments were in preparation.

Mr. GAINES of Tennessee. I hope the gentleman will not insist on that. This is an important matter, and we want to get as much light as possible.

Mr. MANN. The gentleman does not want to prevent the return of these gentlemen to this House, does he? [Laughter.]

Mr. OVERSTREET. I move that all debate on the pending amendment close in five minutes.

Mr. GAINES of Tennessee. I hope the gentleman will not do that. There are several amendments yet to be discussed.

The CHAIRMAN. The gentleman does not move to close debate on all amendments. The gentleman moves that all debate on the pending amendment close in five minutes.

Mr. OVERSTREET. That does not cut off any other amendment.

The motion was agreed to.

Mr. SIMS. I ask unanimous consent to continue my remarks for five minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent for five minutes. Is there objection?

There was no objection.

Mr. SIMS. Mr. Chairman, in further reply to the gentleman from Illinois [Mr. MADDEN], I can not conceive how the great department stores in his city could send their goods down into my district or the district of the gentleman from Georgia in such a way as to deprive the merchants there of the benefits intended to be conferred under this section.

Mr. GAINES of West Virginia. Would the gentleman favor a proposition that would permit the department stores to use the parcels post?

Mr. SIMS. I do not want them to use it upon equal terms with the local merchant, because it would destroy the local merchant. The Postmaster-General has not recommended such law.

Mr. GAINES of West Virginia. Then is not the whole proposition wrong? If it is right to apply to the people of one place, is it not right to apply to the people of another place? As far as I am concerned, I am opposed to this whole parcels-post business.

Mr. SIMS. There is a great difference between sending a package on a rural route extending not to exceed 25 miles for 5 cents and sending a similar package of equal weight from San Francisco to my district for 5 cents. A flat parcels post would discriminate absolutely against the local merchant.

Mr. MADDEN. Will the gentleman yield for another question?

Mr. SIMS. Yes.

Mr. MADDEN. Does the gentleman concede the right of mail-order houses to freight their goods to any town in the United States and then mail them at the post-office within that town at the reduced rate to any person living on a rural-delivery route?

Mr. SIMS. No, indeed; and I do not conceive that this amendment provides for that or makes it practically possible.

Mr. MADDEN. I beg the gentleman's pardon. I did not ask if this amendment provided for it or not. What I wanted to know was whether the gentleman believed that the mail-order merchant could do that under this law.

Mr. SIMS. I do not think so; such is not the intention.

Mr. MADDEN. Is there anything in the law to prevent any citizen of the United States, no matter where he is located, from sending through the mails anything that may be required by any citizen in any rural district?

Mr. SIMS. He can send it but he must pay the rate now prevailing for such a service; he could not get the benefit of the reduced rate under this bill unless mailed originally on the route.

Mr. MADDEN. If he sent it by railroad, by freight, to a town within the route, would he not then have the right to mail it from that town to any point within the route?

Mr. SIMS. Not as I understand it; that would be an evasion; but if he would have such a right we will offer an amendment so as to exclude it. Now, Mr. Chairman, another point. In the parcels-postal service, as recommended by the Postmaster-General, there is no recommendation for additional compensation for the rural carriers. If the service is established, the compensation ought to be reasonably and equitably increased. The bill I introduced, and above referred to, provides that they shall have all of the receipts on the route up to and not exceeding $300 per annum, to be paid under such regulations as the Postmaster-General may make. I would be opposed to putting so heavy a burden on the rural carriers, as recommended by the Postmaster-General, with no additional compensation or increase of salary. As it will be experimental, I thought it was best at first not to have a flat increase, but let the compensation rest on the fees received. I thought it better not to make a flat increase of so many hundred dollars a year, but rather provide that the receipts from the service, for the first year or two, be paid the rural carriers until the service was fully established. This will make the service self-sustaining while in its experimental stage. But, if after being tried, it was found to be self-sustaining, we can then give such a fixed increase of the salaries of carriers as may be warranted.

The CHAIRMAN. Does the gentleman from Indiana insist upon his point of order?

Mr. OVERSTREET. I insist on the point of order.

Mr. GAINES of Tennessee. Mr. Chairman, I would like to make an inquiry of my colleague.

The CHAIRMAN. Debate is closed by order of the House. Does the gentleman from Georgia wish to be heard upon the point of order?

Mr. GRIGGS. I never care to speak to the court when the court is with me. [Laughter.]

Mr. GAINES of Tennessee. I understood the Chair to say that debate was closed.

The CHAIRMAN. The debate is closed and a point of order is pending.

Mr. GRIGGS. I presume, by the question the Chair asked the gentleman from Indiana, that the Chair is with me on this question.

The CHAIRMAN. In order to make this perfectly plain, the Chair will again read the rule. Clause 2 of Rule XXI:

> No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriation for such public works and objects as are already in progress; nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

We have now under consideration a general appropriation bill, and to it this amendment is offered. The amendment makes no appropriation at all. It does change existing law in that it authorizes a new service not now authorized by law.

It has often been held that where there is no law upon the subject an amendment proposing to make law does change existing law, and is therefore in violation of the rule.

In its second section the amendment also changes existing law by making rates of postage on certain articles different from that fixed by the present law. The third section likewise contains provisions at variance with the present law, and, finally, the fourth section changes the existing law fixing the compensation of rural carriers. When such a point of order is made, the Chair must enforce the rule no matter how meritorious the proposed legislation may be. The point of order is therefore sustained.

Mr. GRIGGS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

> Insert in line 14, page 27, the following:
> "That from and after July 1, 1908, the drop-letter privilege now existing at post-offices not entitled to free-delivery service shall be extended to all rural routes. That this privilege shall be confined strictly to rural routes and shall not extend to the termini thereof. That the postage on all such letters shall be 1 cent for 2 ounces or fraction thereof."

Mr. GRIGGS. Mr. Chairman, at all post-offices where there is no delivery system there is a drop-letter privilege which gives to the people the right to send a letter through the post-office for 1 cent. This is exactly the privilege I wish to see extended to the patrons of rural routes. A rural route is nothing but a traveling post-office. The carrier sells stamps and money orders and registers letters and parcels. He does everything, in short, that any postmaster does. For these and other reasons, which I have not the time to enumerate now, I believe that this amendment ought to be adopted. This will only extend to the farmers along a rural route the same privilege as the town man now enjoys.

The CHAIRMAN. The postage is now fixed by existing law. This proposes to change it, and is therefore in violation of the rule which the Chair has just cited. The point of order is therefore sustained.

Mr. GRIGGS rose.

The CHAIRMAN. Does the gentleman from Georgia offer a further amendment.

Mr. GRIGGS. No, Mr. Chairman; that was the amendment to which I wished to speak.

The CHAIRMAN. Then I take it the gentleman from Geor-

gia asks unanimous consent to speak for the five minutes which he would have used, if the gentleman from Indiana had reserved the point of order. Is there objection?

Mr. TAWNEY. Mr. Chairman, debate has been closed.

The CHAIRMAN. Objection is heard.

Mr. GRIGGS. Mr. Chairman, I did not ask unanimous consent.

The CHAIRMAN. The Chair understood the gentleman from Indiana to reserve his point of order?

Mr. OVERSTREET. Not on this last point of order. It seems to me it is practically the same amendment. I desire to be courteous to the gentleman.

Mr. GRIGGS. The gentleman has made the point of order.

Mr. OVERSTREET. Yes.

Mr. GRIGGS. And he will not reserve it?

Mr. OVERSTREET. No; not at this time.

Mr. GAINES of Tennessee. Mr. Chairman, I hope the gentleman will reserve it until I can ask my colleague a question or two about the bill. The gentleman closed debate a few moments ago, and now here he is shutting off debate again.

Mr. OVERSTREET. I have been very liberal to the gentleman from Tennessee, I think.

Mr. GAINES of Tennessee. I know the gentleman has, because the gentleman from Tennessee has always tried to do something right.

Mr. BYRD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

After the word "year" in line 14, page 27, add:

"In passing upon petition for the establishment of a rural route, neither the fact that there are gates inclosing farms across the highway over which the same passes nor the fact that a part of the patrons may be supplied by the star-route service shall be considered in determining whether the route shall be established."

Mr. OVERSTREET. Mr. Chairman, on that I make the point of order.

The CHAIRMAN. Does the gentleman make the point of order or reserve the point of order?

Mr. OVERSTREET. I make the point of order.

Mr. GAINES of Tennessee. I hope the gentleman will reserve it.

Mr. OVERSTREET. We must finish this bill some time.

Mr. GAINES of Tennessee. It is an entirely new proposition.

Mr. TAWNEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TAWNEY. Mr. Chairman, is it not a fact that all debate on the pending paragraph and amendments thereto has been closed?

The CHAIRMAN. Only upon the amendment pending when the motion was made.

Mr. TAWNEY. I understood the motion of the gentleman from Indiana was to close debate on the paragraph and all amendments thereto.

The CHAIRMAN. That motion was changed to include a single amendment.

Mr. OVERSTREET. Mr. Chairman, I will reserve the point of order with this notice, that I shall insist upon continuing under the rules strictly, after the gentleman has spoken for five minutes, not only upon this, but upon all other amendments which I think are honestly subject to a point of order. I do this in the interest of the time of all gentlemen who are anxious to conclude this legislation.

The CHAIRMAN. The gentleman from Indiana reserves the point of order.

Mr. BYRD. Mr. Chairman, I think there is much in this amendment that should be considered. In the first place, I desire to state to the House that down South, especially in my State, we have what is called "stock-law" districts all over that country. One part of the county is in the stock-law section, and the other is out of it. This necessitates the construction of gateways on all roads crossing the boundary line between the two. In my own county there are a number of such districts. Now, the Department has adopted the unjust rule of denying the establishment of the rural service on highways obstructed by these gates, however necessary they may be for the protection of the crops, or however willing the carrier may be to assume the trouble of passing the gates, or however much the rural service may be needed on the route. In going a trip of 25 miles in length the carriers do not object to two or more of these gateways. Then why should the Department object? It certainly will not be contended that opening these gates would endanger the mail or materially impair the service. This is simply a fad of the Department, under which hundreds of routes have been turned down in the State of Mississippi, as well as in other States. Hence I can see no reason why the amendment to that extent should not be adopted.

The next proposition involved in the amendment is intended to cure another, I think, unjust rule of the Department. That is denying the rural service because a few of the patrons may be supplied by the star-route carriers. This often denies many people off the star route any kind of delivery service, while those on the route will not accept this kind of service, for the reason that nine out of ten of the star-route carriers in the South are unfit to handle the mail. The carrier is generally a thoughtless, ignorant negro or white boy, and the citizens along the route will not intrust them with the mail. Then, too, the star-route service does not give them many of the benefits resulting from the rural-delivery service. For instance, the star-route carrier can not sell postage nor can he register a letter nor can he sell money orders. In this manner it seems that the farmers who live in communities through which the star route passes are to be always denied the benefits of the rural-delivery service. Is this right? Can it be justified from any standpoint of reason?

In view of these facts, I do insist that my friend [Mr. OVERSTREET] having charge of this bill will withdraw his point of order and permit the adoption of this amendment.

Mr. GAINES of Tennessee. Mr. Chairman, I have lost a great many routes from the same reason down in my country. The gentleman has shut off debate, so we can not lay our complaints before the committee.

Mr. MOORE of Pennsylvania. Mr. Chairman, I send to the Clerk's desk to be read the following extract from an editorial article in a paper called "The Truth Seeker," published in the city of New York:

FOR A NATIONAL CONFESSION OF FAITH.

The New York Sun, which is one of Roosevelt's severest critics, basing its hostility to the President on the ground of his recreancy to the Constitution, calls on the National Congress to pass the bill introduced by Representative MOORE of Pennsylvania, for the restoration to our coin of the motto, "In God we trust," which Mr. Roosevelt caused to be removed.

With pious unction, which we never gave the Sun credit for, that newspaper says: "We hope that so much of the bill as aims to renew the former declaration of dependence upon divine Providence, and to replace on our coins of silver and gold the time-honored motto recently stricken therefrom by Executive order, will be reported promptly by Congress and be passed at the earliest possible opportunity by the House and Senate."

There is more in the Sun's article about "faith that is quickened in dark days of national trial," with the surmise that "even the wholly godless," who "must form an inconsiderable part of the entire population," will in Rooseveltian times welcome the reappearance of the old motto.

Here the Sun is altogether in error. Many of the godless, in view of his extreme religiosity and his boasted distribution of offices according to religious denomination, are not in any sense enamored of Mr. Roosevelt, but they look upon his removal of that unconstitutional, untruthful, and unwarranted deific motto from our coinage as one of the most sensible acts ever performed by a President. They do not trust in God. They know that nobody else does who is sane, and therefore they do not see why every coin issuing from our mints should carry forth to the world an official lie.

Mr. Chairman, there is much more of the same sort in the article referred to, but what has been read is sufficient for the purposes of this address. The whole tone of the article is one of defiance to the popular belief of the people of the United States in the existence of a Supreme Being. In addition to this article, since the introduction of my bill for the restoration of the motto to the coin of the country, have come a few—happily a very few—letters and circulars from atheists and freethinkers protesting against the recognition by the Government of the propriety of the motto "In God we trust."

At the same time, in greater volume, have come letters from sincere wellwishers of the institutions of the country, pleading for the restoration of the motto and expressing the fear that its removal by Executive order would be interpreted as evidencing a national depreciation of divine authority.

Firmly convinced of the error of those who have misconstrued the purport of the President's order, but in response to a wholesome public sentiment, the bill to which my name is attached was introduced. It was the third of many others directed to the same purpose. The first bill was presented early in the session by my colleague, Mr. JAMES, of Kentucky, a Democrat, and shortly thereafter Mr. SHEPPARD, of Texas, another Democrat, who supported his measure in a brilliant speech in this Chamber January 7, also submitted a bill. Democrats and Republicans alike from other sections, voicing the sentiments of their constituencies, presented similar measures, among them Mr. BEALE, of Pennsylvania, a Republican; Mr. ASHBROOK, of Ohio, a Democrat; Mr. WOOD, of New Jersey, a Republican, and, finally, for the purpose of concentrating into a composite measure the gist of the various bills, Mr. MCKINLEY, of Illinois, a Republican and chairman of the Committee on Coinage, Weights and Measures.

It is Mr. McKinley's bill that has been reported by the committee for the favorable action of this House. It embraces the

best features of all the bills offered by Republicans and Democruts alike. There is, therefore, no difference of opinion on political grounds. Nor, so far as I can learn, is there any evidence of a desire on the part of anyone to make political capital of the order of the President. On the contrary, the intent of the Executive seems to be thoroughly understood, more especially as the war-time law under which the motto was first placed upon the coin is not mandatory, but gives discretion to the Secretary of the Treasury.

It is worth mentioning, although the history of the motto has been admirably covered in the address of my Texas colleague, Mr. SHEPPARD, that a Pennsylvania minister—Mr. Watkinson—first urged the use of the motto in a letter to Mr. Chase, the Secretary of the Treasury in President Lincoln's Cabinet.

What—

He said, writing to the Secretary in 1861—

if our country were now shattered beyond reconstruction? Would not the antiquaries of succeeding centuries rightly reason from our past that we were a heathen nation?

It was a time of great trial, a time which called for a new declaration of faith, a time to which we may fairly apply these thrilling words of the lamented Lincoln:

We have been the recipients of the choicest bounty of heaven; we have been preserved these many years in peace and prosperity; we have grown in numbers, wealth, and power as no nation has ever grown; but we have forgotten God. Intoxicated with unbroken success, we have become too self-reliant to feel the necessities of redeeming and preserving grace; too proud to pray to the God that made us.

It was during such times and under such stress that Mr. Chase directed the superintendent of the mint at Philadelphia, a former governor of the Commonwealth of Pennsylvania, to devise a motto that would signify to every holder of our coin, whether it be used for the present or be preserved through the ages, that this is a God-fearing people, and thus it was the four words, "In God we trust," became the symbol of the faith of our imperiled nation.

The enabling act under which this significant public service was performed, the act of March 3, 1863, provided "it shall be lawful to cause the motto 'In God we trust' to be placed upon such coins hereafter to be issued as shall admit of such legend;" but it did not compel the use of the motto. The act of February 12, 1873, also left it within the discretion of the Secretary of the Treasury, while in subsequent legislation affecting coinage certain provisions have been construed to require specific authority upon the part of Congress to place the motto upon the coin.

It is with the hope that the discretionary power hitherto lodged in the Secretary of the Treasury may have the effect of law that I urge the passage of the bill as reported. Should such a measure be passed by this body of Representatives of the people and be sent on its way to the Chief Magistrate, whose order in this instance has been so unfairly and unwisely distorted, I have no doubt of the answer that will come from that high source to the unwitting challenge of the reckless few. I do not believe any bill, such as is proposed, which shall definitely fix the authority for placing the motto on the coin will fail of the President's approval.

That the President should pander to the atheist or the scoffer is unthinkable of one whose religious tendencies are so pronounced as his and whose faith in divine authority has been so often expressed in public and private utterance. That the scoffer should seize upon an order of the Executive, intended as much to maintain the integrity of religious sentiment as to facilitate and beautify the coinage of the country, is not surprising perhaps, except as it has served to challenge the fundamental principles underlying the strength and perpetuity of our nation.

Had we only to deal with the sacreligious, who, in their blindness, cry out their defiance of the Supreme authority, the question of having the motto on the coin might not invoke the serious attention of Congress, but in these days of enlightenment, when a Presidential deliverance is flashed simultaneously into every corner of the nation, when enterprising newspapers catch up the refrain and millions of minds are set in motion, to magnify or to minimize, the import of every word or act affecting the governmental function becomes portentous. It is because the agitation arising from the use or the nonuse of the motto has been carried into the thousands of churches and schools of every denomination—Jew, Gentile, Catholic, and Protestant—throughout the land that I believe it incumbent upon this body to pass upon this question promptly and with emphasis. I believe we should order the motto back upon the coin so that it may be heralded throughout the nations, as far as the coin of the United States shall circulate, and as long as it shall endure, that the American people reverently and unswervingly place their trust in Almighty God.

Mr. GRIGGS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WILLIAMS. Mr. Chairman, has the point of order been passed upon?

The CHAIRMAN. It has not yet been made, the Chair will say.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BOUTELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed joint resolution and bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. R. 69. Joint resolution granting authority for the use of certain balances of appropriations for the Light-House Establishment, to be available for certain named purposes;

S. 5656. An act for the enlargement and extension of the post-office building at Pawtucket, R. I.;

S. 5894. An act to provide for the completion of the enlargement of the Government building at Wichita, Kans., and for other purposes;

S. 5908. An act to amend an act authorizing the construction of a dam and bridge across the Missouri River in the State of Montana; and

S. 6028. An act to provide for safety of life on navigable waters during regattas or marine parades.

The message also announced that the Vice-President had appointed Mr. BAILEY and Mr. GALLINGER members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, entitled "An act to authorize and provide for the disposition of useless papers in the Executive Departments; for the disposition of useless papers in the Treasury Department."

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. HAUGEN. Mr. Chairman, I want to direct attention to the suggestions made in a very able and interesting address delivered by Mr. Meyer, Postmaster-General, at a banquet of the New England Postmasters' Association, Boston, Mass., October 12, 1907, a part of which I will read:

I want to draw to the attention of you gentlemen at this time certain features and inconsistencies in connection with the parcel-post service: In the first place, it does not seem to be understood by many of our people that we have a parcel post at present. The rate is 16 cents a pound, and the limit of weight 4 pounds. To illustrate the incongruities that exist: Any individual entering the post-office here in Boston or in any other city or town in the country, with two parcels, each weighing 4 pounds, can send one parcel to New York for 64 cents, while for the other parcel, which is addressed to some one in a foreign land and goes via New York, he will have to pay but 48 cents, for the reason that the rate to foreign countries is 12 cents a pound, while the rate to our own people is 16 cents a pound. * * * Therefore, I assume that our Representatives in Congress will realize that they can not afford to stand for a policy that compels our own people to pay 4 cents more on packages to people living in the United States (and even then permits them to send only 4 pounds) than on packages to people living in twenty-two foreign lands, for which they need pay only 12 cents a pound, and which may weigh up to 11 pounds. * * *

Two interests are opposing the extension of parcel post in this country—the express companies and the country retail merchants. The latter fear that the mail-order houses will derive a benefit to their own disadvantage. It is in connection with the country retail merchants that I desire to speak especially.

I propose to recommend the establishment of a parcel post on rural routes which will meet the objections of the small storekeepers and retailers. This will be a boon to our rural population and to the storekeeper, as the latter can receive his orders by mail or telephone and dispatch the desired merchandise by the rural carrier. The farmer will be saved from hitching up his horse and losing the time he needs for planting or harvesting his crops, and it will enable the storekeeper to increase his sales and meet the requirements of modern trade. If my recommendations are adopted, it will cost 12 cents a pound for the mail-order house to send parcels to the rural-delivery patron from any city post-office, while for delivery from the distributing office of the rural route, or if mailed by a patron of any rural route for delivery to a patron on the same route or at the distributing office of said route, the charge will be but 5 cents for the first pound and 2 cents for each additional pounds up to 11 pounds, or 25 cents for a package weighing 11 pounds.

This statement is indeed misleading: not that I charge the Postmaster-General with any intent to deceive or mislead, for I regard him as a gentleman of integrity, intelligence, ability, and actuated with the highest motives and with a determination to do justice to all, and I am not questioning his motives, but will endeavor to present the facts in the light that I see them. When we have all of the facts, I will venture to assume that Representatives in Congress will realize that they can afford to stand for a policy that compels people living in foreign lands to pay more than people living in our own country. The Postmaster-General's statement as to the sending of two pieces, each weighing 4 ounces, is correct in some cases, and the domestic rate in some cases is higher than the foreign; but in

the majority of cases foreign rates are the highest. In his excellent address to enlighten members of the New England Postmasters' Association and the country, he might have gone further by saying: "To illustrate the incongruities that exist, any individual entering the post-office here in Boston, or in any other city or town in the country, with two parcels, each weighing 1 ounce, can send one parcel to New York for 1 cent, while for the other parcel, which is addressed to somebody in foreign lands via New York, he will have to pay 12 cents, for the reason that the rate to foreign countries is 12 cents per pound or fraction thereof, while the rate to our own people is only 1 cent per ounce. Therefore the rate on the parcel addressed to somebody in foreign lands is 12 times as great as is the rate on the parcel addressed to New York." And he might have referred to the report of the Second Assistant for the year ending June 30, 1907, pages 25 and 26:

THE UNIVERSAL POSTAL UNION.

No additional countries have entered the Universal Postal Union during the past year.

FOREIGN PARCEL POST.

During the year additional parcel-post conventions have been negotiated with Bermuda (effective January 31, 1907) and Ecuador (effective February 28, 1907). The convention with Bermuda admits "parcels" up to 11 pounds, without limit of value, at the rate of 12 cents a pound; while the convention with Ecuador admits parcels up to 11 pounds, but limits the value of any one parcel to $50 and fixes the postage rate at 20 cents a pound.

The conventions concluded during the preceding fiscal year went into operation upon the dates fixed therefor, viz, Sweden, February 1; Peru, September 1; Denmark, October 1, 1906, respectively.

The postage rates for "parcels" are 20 cents a pound or fraction of a pound for parcels which require the use of the expensive transit across the Isthmus of Panama and 12 cents a pound or fraction of a pound for parcels which do not use that expensive transit.

It should be noted that the rates quoted above are for a pound or fraction of a pound. So that as much postage must be paid on a parcel weighing only an ounce as on one weighing 16 ounces, and as much on a parcel weighing 17 ounces as on one weighing 32 ounces.

Or he might have said: "If the two parcels referred to, weighing 4 pounds each, or 64 ounces each, or 128 ounces for the two, had been divided into parcels of 1 ounce each, and one-half of them directed to parties in New York, the rate on the sixty-four parcels would have been 64 cents to New York, and the postage on the sixty-four parcels addressed to London would be $7.68." According to the Second Assistant's report, rates on parcels addressed to foreign countries are not uniform. The rate to Bermuda is 12 cents per pound, and the rate to Ecuador is 20 cents per pound. The rate to Sweden, Peru, and Denmark is 20 cents per pound or fraction of a pound for parcels which require the use of the expensive transit across the Isthmus of Panama, and 12 cents per pound or fraction of a pound for parcels which do not use that expensive transit. So we find that rates on parcels weighing 1 ounce addressed to Sweden, Peru, or Denmark which require the use of the expensive transit across the Isthmus of Panama is 20 cents, or twenty times as high as the rate on parcels weighing 1 ounce addressed to New York. Why this incongruity in rates? Rates on mail matter between the United States, Canada, Cuba, Mexico, and Panama are fixed by treaty with each country and with all other countries by conventions of the Universal Postal Union. The last convention was held at Rome, 1906, and took effect October 1, 1907. The acts of those conventions are binding on these countries, but have nothing to do with domestic rates, they being fixed by Congress and the Department. The conventions are simply agreements as to international mail matter. The rate on parcels post is fixed with each country, or in thirty-five parcels-post conventions. The rate is generally 12 cents per pound or fraction thereof, the pound being the unit of weight. The rate is 1 cent per ounce. The rate on 5 ounces to the Philippine Islands is 5 cents and to London 12 cents.

Another statement made by the Postmaster-General, page 8:

Two interests are opposing the extension of parcels post in this country—the express companies and the country retail merchants.

The first I deny. Speaking for myself, will say that I have never been approached, directly or indirectly, for or against parcels post or any other proposition by any agent for any express company. Furthermore, the express companies have nothing to fear from competition with the Government. The business of express companies is conducted by business men and along business lines and is subject to control by the Interstate Commerce Commission. The post-office business is conducted by Congress and the Department, and, like all other business transactions of this Government, it is the more expensive. Express companies carry parcels weighing 100 pounds from New York to Chicago, a distance of 1,000 miles, for $3, and if the rates charged by the express companies are too high, it is then up to the Interstate Commerce Commission to fix a reasonable rate, as the law provides. The Government pays the railroad company an average of about 4.6 cents per pound, or $4.60 per hundred, for actual mail matter carried for an average haul of three or four hundred miles, ranging from 1 pound to carload lots, and sometimes trainload lots; and the average cost of handling all mail matter is about 17 cents per pound. The express rate on a pair of shoes from Boston to my home town, Northwood, Iowa, is from 23 to 27 cents per pair.

The postal rate on a pair of shoes weighing 2½ pounds would be 40 cents, exclusive of the weight of the box. It is therefore evident that the express companies have nothing to fear, and there is no reason why they should oppose it; but there is one powerful interest in favor of parcels post, and that is the railroad companies, as their profits for carrying an increased mail would be much larger than for carrying express, as the Government pays a much higher rate to the railroads than do the express companies, and it would mean millions of dollars to them. The Postmaster-General further states that he proposes to recommend the establishment of parcels post on rural routes, etc. I suggest that in his anxiety to help our rural population, to save the farmer from hitching up his horse and losing the time he needs for planting and harvesting his crops, and to enable the storekeepers to increase their sales and meet the requirements of modern trade, he can best accomplish that by reducing the cost of carrying the parcels rather than to increase the cost, as he proposes to do. Under the present law those people are well cared for. The carriers may carry merchandise for hire on request of patrons residing on their respective routes whenever the same shall not interfere with the proper discharge of their official duties, and under such regulations as the Postmaster-General may prescribe. My understanding is that the regulations of the Department restrict the carrier to carrying unmailable matter only. As you will see, the privilege of carrying parcels is left to the discretion of the Postmaster-General. If he will remove these restrictions, or if Congress will provide that all parcels shall be carried by the rural carrier for hire, and, if necessary, fix a maximum rate, the service can be had at a much lower rate than the one proposed, and these people can be just as well accommodated. This privilege was granted carriers at first, and until Congress and the Postmaster-General placed restrictions on the carriers, which was done with a view of insuring the people living in the rural districts a better service. It goes without saying that a carrier carrying a light load can and will give better and more prompt service than one carrying a heavy load. If additional packages are to be carried the carriers' compensation should be increased. Under such an arrangement the carrier would get the fee, and would therefore have no claim on the Government. But if the parcels are to be carried, and the fee paid the Government, the carrier will have a just claim for an increase of salary and of course would demand it, and in justice to him his salary would have to be increased. In my opinion the increase of salary would largely exceed the increase in receipts. If the Postmaster-General does not care to assume the responsibility of impairing the service by extending it through the removal of these restrictions, Congress can do it, if in its judgment it is deemed advisable. But the contention is that this arrangement will not reduce the deficit. Why should the farmer and country storekeeper make up a deficit not caused by him, but which is due to other causes, such as the carrying of certain mail matter at a loss, especially second-class matter, the franking privilege, and the exorbitant rates paid railroad companies.

I take it that the recent order as to second-class matter will cut down the deficit, if not entirely wipe it out. As to the franking privileges, if the documents sent out and the dissemination of this knowledge is not worth the deficit, why not discontinue it? Another way to reduce the deficit is by reducing the pay to the railroad companies. Congress and the Department reduced their pay some $9,000,000 last year; and notwithstanding the fact that Congress last year also increased the pay of clerks and carriers some $12,000,000, the deficit in the Post-Office Department has been decreased from $10,516,996 in 1906 to $6,350,237 in 1907. So, if the receipts increase as they have in the past, evidently there will be no deficit next year; but I do not believe that that will be necessary in order to wipe out the deficit. I read from a report from the Committee on the Post-Office and Post-Roads:

The Committee on the Post-Office and Post-Roads submits the following report in explanation of the bill recommending appropriations for the postal service for the fiscal year ending June 30, 1909:

The Post-Office Department in its estimates to Congress, as appears from pages 375, 376, 377, 378, 379, and 380 of the Book of Estimates, recommends for the postal service a total of $230,441,016.

The total amount carried by the bill, as now recommended, is $220,765,392, being $9,675,624 less than the original estimates of the Department.

The amount appropriated for the fiscal year 1908 was $212,091,193. The amount now recommended for the fiscal year 1909 exceeds the amount appropriated for the fiscal year 1908 by $8,674,199, an increase of 4.09 per cent.

The appropriation for the fiscal year 1908 was 10.65 per cent increase over the appropriation for 1907 (this increased per cent was largely occasioned by the increase in salaries of postal employees) and 11.66 per cent increase over the expenditures for 1907, which expenditures were $189,935,242.

The receipts for the postal service for the fiscal year 1907 were $183,585,005, which was 9.3 per cent increase over the receipts for the fiscal year 1906, which receipts were $167,932,783.

While the expenditures for the fiscal year 1906, amounting to $178,449,799, exceeded the receipts for that year by $10,516,996, still the receipts for the fiscal year 1907, amounting to $183,585,005, really exceeded the expenditures for the preceding fiscal year of 1906 $5,135,206.

The expenditures for the fiscal year 1907 amounted to $189,935,242, or $6,350,237 in excess of the receipts.

The average appropriation for eleven years shows an increase of 7.15 per cent, the receipts for the same period increased an average of 7.6 per cent, while the expenditures show an average increase of 6.83 per cent.

The reductions made by the committee in the last session in railway mail pay and railway postal car pay have shown good results, the saving in railway mail pay reaching almost $2,000,000, or 3.63 per cent; in the car pay a saving of nearly $1,000,000, or 9.65 per cent; by the withdrawal of supplies from the mails a saving of $800,000, or 1.77 per cent, has been effected.

But if a deficit is anticipated, I believe that a further reduction of $6,000,000 or $7,000,000 can be made without working a hardship to the railroads.

Now, a word as to the franking privilege. There seems to be much misunderstanding about it. Some seem to look upon the distribution of public documents and seeds as a Congressional graft; that it is in the interest of Members of Congress and Senators, and not for the diffusion of knowledge. As everybody knows, the CONGRESSIONAL RECORD and documents are printed, and every Department is required to make reports. We spend millions of dollars every year for scientific and practical research work; in gathering statistics and information of every kind, and reports are made as to the results of these investigations. Take, for instance, the Agriculture Department, with its corps of scientists, the ablest and most industrious in the world, pursuing their duties with fidelity and enthusiasm along their respective lines. What would all of this amount to if not published and given to the public, so that the people may know, have the benefit of the discoveries, the valuable work in general, and how the public moneys are appropriated and expended? If the documents are worth printing, they are certainly worth the price of distribution. How are they distributed? At present they are apportioned among Members and Senators. The practice may be wrong, but it is believed that Members and Senators are in a better position to place these documents where they ought to be placed than are the Departments. Lists are secured, furnished by reliable people in various parts of the districts, and care is exercised in sending such documents as is believed will prove of interest to the parties to receive them. Yearbooks are generally sent to the farmers, education reports to libraries and those especially interested in educational work, and so on. If the seeds and documents are to be sent out, some provision must be made for transporting them. I take it that it is not intended that Members and Senators should pay the postage; if they did, it would greatly exceed their salaries; if not franked, postage would have to be provided, and the cost to the Government would be exactly the same, if sent through the mail.

The policy of Congress has been to disseminate knowledge not only by the distribution of public documents, but by encouraging worthy and legitimate publications—the weekly, the semiweekly, the dailies, and other periodicals. It has given newspapers and magazines a rate of postage not with a view of making money out of transporting the periodicals, but for the diffusion of knowledge and happiness and to promote education, and in so doing it has had the welfare of our people at heart. Its object has been toward enlightenment and a march onward and upward. Are we now to take a backward step? If so, advance the rate on second-class mail matter and deprive the legitimate and worthy publishers of this low rate and discontinue the distribution of public documents. If this is done you will undoubtedly reduce the deficit. But can we afford to do it?

So much for parcels post, or this entering wedge to parcels post, and government ownership. I will dismiss the subject by saying that foreign rates on parcels post are fixed by parcels-post conventions, or rather by treaties. It is a reciprocal arrangement between two countries. I have shown that in a large majority of cases the rates on parcels sent through the mail to foreign countries are much higher than domestic rates, but if the foreign rates are too low—if too liberal concessions have been made—it is for the Executive or the Post-Office Department to correct the error, and not for Congress. I do not believe it just or feasible to adopt a plan that will compel the country storekeeper and farmer to make up a deficit which is not their fault, but which is due to other causes, but I do believe that the results desired by the Postmaster-General—that is, to extend the service—can be better accomplished by removing the restrictions on the carriers.

Now, a word as to the postal savings banks proposition. I read from Mr. Meyer's speech:

Another matter of great public interest which I shall recommend for the consideration of Congress is the postal savings banks system. * * * Our object is to bring hidden money to light—to instill life into it, and to lead it again into the channels of trade for the mutual benefit of labor and capital, and thus add to the prosperity throughout the land. * * *

It is proposed to bring this money into circulation by asking authority from Congress to place the deposits in the national banks of the country, not in a few financial centers, but in the banks of the district where the money has been deposited. I have been assured by prominent presidents of national banks that the Post-Office Department may count on receiving for such money turned over to them a rate of interest varying from 2 to 3 per cent. The Department would guarantee the depositor 2 per cent, or 1 per cent semiannually. Thus evidence is given to the savings banks that we are not in competition with them and that our business would in nowise affect their deposits, their rates being usually from 3 to 4 per cent. The amount of money in the United States is estimated to be $3,123,056,673, of which $1,010,700,000 is in the banks and $333,855,053 in the Treasury; the balance, $1,778,501,620, being in the hands of individuals and other sources. This last amount seems large at first glance, but when we think of the wages that people are earning to-day, and that if each person in the country had in his possession $10 in cash, $800,000,000 would be accounted for, or about half the amount.

Postal savings bank system, the Government guaranteeing bank deposits, and the parcels post are of course all steps in the direction of Government ownership and socialism, but I will not undertake to discuss Government ownership at this time, although that is a question that will have to be met sooner or later. Bryan and Hearst have declared in favor of it. Hearst will be the candidate of his party for President. Bryan will be the nominee of the Democratic party, and that means that the Democratic party will have to swallow not only Bryan, 16 to 1, but Government ownership, not on the installment plan, but in total. In view of our experience with Government ownership I am free to say that I am somewhat skeptical of the proposition. I have already referred to the cost of carrying on the post-office business. It is generally believed that that business could be carried on more efficiently and cheaply by an individual than by the Government. Besides, we have the Government Printing Office. Notwithstanding the fact that we have the largest and best mechanically equipped printing office in the world, with millions of dollars invested, the Government printing costs, in many cases, twice as much as under a contract system. I read from a newspaper clipping giving extracts from Havenner's report, an expert appointed by the President to investigate:

PRINTING COST HIGHER—GOVERNMENT OFFICE EXPENSE 2 TO 117 PER CENT MORE—REPORT MADE TO PRESIDENT—MR. HAVENNER DECLARES COST OF COMPOSITION HAS INCREASED NEARLY 40 PER CENT—INCREASE IN PRICE ADMITTED BY PUBLIC PRINTER, WHO SAYS REAL PRICES WERE NOT BEFORE KNOWN.

FROM THE REPORT.

"It is my opinion that the cost of printing has increased both apparently and actually within the past few months, without a corresponding increase in the quality of the product."

In exhibits submitted, the Department of State shows that the Government Printing Office charged $4.10 per thousand for embossing paper that had in other cases been bought by the Government under contract for $2 per thousand.

The Department of the Interior submits a table showing that there has been an increase of 51 per cent in the cost of printing specifications of patents in the first six months of this year, while there is an increase of only 15 per cent in the number of patents issued for the same period.

"An investigation could best be pursued by a committee composed of practical printers, who would also be conversant with the theoretical end of the business and familiar with the conditions under which Government printing is done."

That the cost of printing at the Government Printing Office for the various Executive Departments of the Government has increased during the administration of Charles A. Stillings, the present Public Printer, is shown in the report made to President Roosevelt by George C. Havenner, chief of the division of printing in the Department of Commerce and Labor.

The increased cost varies from 2 per cent to 117 per cent on various classes of matter, and the increases apply to every Department of the Government.

MR. HAVENNER AN EXPERT.

Mr. Havenner, who is an expert in the work of estimating the cost of printing, was directed by the President to make a careful examination into the cost of all classes of printing done for the Executive Departments, with a view of ascertaining the present cost as compared with the cost of the same classes of work heretofore. Mr. Havenner's investigation showed that the cost of composition, for instance, had increased nearly 40 per cent, notwithstanding that the best modern facilities are employed in the Government Printing Office. The cost of nearly every other line of work incident to the production of printed documents showed a like increase, and in some instances a very much greater increase.

In summarizing the results of this inquiry, Mr. Havenner says:

NO INCREASE IN QUALITY.

"It is my opinion that the cost of printing has increased both apparently and actually within the past few months without a corresponding increase in the quality of the product, notwithstanding that the tendency, owing to the increased use and efficiency of typesetting and other machinery, should be to decrease."

This is a fair sample of what we may expect with Government ownership. "Government Printing Office charging $4.10 per thousand for embossing paper that has in other cases been bought by the Government under contract for $2 per thousand." Think of it! This and other experiences ought to satisfy every enthusiast, but, as before stated, I do not care to discuss Government ownership at this time, but will briefly discuss this postal savings-banks proposition. The suggestion is that the Government is to accept deposits and guarantee the depositor 2 per cent, or 1 per cent, semiannually, and the money thus deposited shall be turned over to national banks in the same district at a rate varying from 2 to 3 per cent; and that as banks now pay from 3 to 4 per cent on deposit, it is safe to count on the banks accepting deposits on these terms. Of course banks would rather accept money on deposit and pay only 2 or 3 per cent than to pay 3 or 4 per cent, but where does the depositor come in? Where is the advantage to him, except that a safe place to deposit his money at a much lower rate of interest is provided for where safe banks can not be found? But how about the Government? It is to deposit the money in the very banks not considered safe by the depositors.

Is the Government in a better position to know the solvency of the bank than the depositor? As a general thing the Government knows less about the standing of a bank and banker than does the depositors. All the Government knows about it is the report made by the examiner. This report is published, and the depositor has the same information that the Government has, and besides he knows something about the character, integrity, and standing of the banker, also his financial standing outside of the bank and his capacity for meeting assessments if the bank should fail, which the Government knows nothing about. But some say let the Government deposit the money in banks in other districts. If so, where would the money go? Where are the Government funds generally deposited to-day? In Wall street and in the larger cities. Gentlemen, we have too much money deposited in Wall street now, and with our recent experience with Wall street the less money deposited there by the Government the better. Let the wild-cat Wall street speculator take care of himself without this Government coming to his support.

If postal savings banks are established, and the Government has any money to offer for deposit, of course the banks would rather pay 2 or 3 per cent for deposits than to purchase Government bonds for deposit as security for Government deposits, as is now required, as it would be more profitable to them, especially in localities where the rate of interest is high.

Take, for instance, where the interest rate is 10 per cent; if a bank has $105,000 available for loaning or investment and accepts a deposit of $100,000 under the present regulations the bank must purchase $100,000 of United States bonds. It has to pay a premium on an average of about 5 per cent. It first invests its $105,000 in United States bonds; it deposits these bonds with the Government and receives $100,000. Under the law it is permitted to loan $85,000 of this amount, and $15,000 must be held in reserve, but banks do not and can not loan up to the limit at all times, and the average reserve held is, say, 25 per cent. It can then only loan about $75,000. The interest on the $75,000 at 10 per cent would be $7,500. It gets 2 per cent on the United States bonds, or $2,000. Add the $2,000 to the $7,500 and it has $9,500 interest, while if it had loaned the $105,000, which was invested in the United States bonds at 10 per cent, it would have had in interest $10,500, a loss then of $1,000, besides the depreciation of the $5,000 invested in premiums on said bonds, which, of course, decrease in value as the time of maturity approaches. It, of course, gets some interest on the amount of the reserve deposited with its reserve agency, but it must also take the risk of fire and burglary or pay insurance on the amount held in the vault.

On the other hand, if a bank accepts $100,000 deposits from the Government and pays 3 per cent, against which no purchase and deposit of United States bonds is required, it can loan not only the $75,000 of this $100,000 deposited but it also has the $105,000 to loan, or a total of $180,000. The interest on $180,000 at 10 per cent would be $18,000. Deduct interest of 3 per cent paid on the $100,000 deposit, or $3,000, and it has left $15,000.

Therefore the net profit on the $105,000 and the $100,000 deposited by the Government under the present regulations which require a deposit of bonds, is $9,500; while under the proposed regulations if the bank pays 3 per cent on the $100,000 deposited by the Government, but is required to furnish no bond, the net profit on the $105,000 and the $100,000 is $15,000, or $5,500 more than under the present regulations, besides there are no bonds or premiums to depreciate.

Again, under the proposed plan, omitting the $105,000, a bank accepting $100,000 deposit and loaning $75,000 thereof at 10 per cent would receive $7,500 interest. Deducting the $3,000 interest it would be required to pay the Government, it would make a net profit of 4½ per cent, or $4,500, on the Government deposit. If the interest is low, say 6 per cent, of course the difference and profits would be less. For instance, on the first proposition, the interest on the $75,000 would be $4,500 and the interest on the United States bonds would be $2,000, or a total of $6,500; the interest on the $105,000, at 6 per cent, would be only $6,300, leaving a profit to the bank of $200 in place of a loss of $1,000 where the interest is 10 per cent. As to the second proposition, figuring interest on $180,000 at 6 per cent, the bank would get $10,800 interest. Deducting the 3 per cent interest paid the Government on the $100,000, or $3,000, it would leave $7,800, while the interest on $105,000 loaned at 6 per cent would be $6,300, leaving a profit of only $1,500. The bank would make $200 on the first proposition and $1,500 on the second. Omitting the $105,000, a bank accepting $100,000 deposit and loaning $75,000 thereof at 6 per cent would receive $4,500 interest. Deducting the $3,000 interest paid the Government, it would have a net profit of 1½ per cent, or $1,500, on the Government deposit. The bond-secured currency was devised for the purpose of selling bonds to carry on the war, and the bond-secured deposits to enable the Government to refund its bonds and to borrow money at a low rate of interest. By creating this demand for bonds, 2 per cent bonds are selling at a premium, which means a saving to the Government of at least 1 per cent, or $8,000,000, annually, in interest on its $800,000,000 interest-bearing debt. If a change in this regulation is to be made, and the money is to be deposited in banks, and no deposit of bonds as security for deposits is required, but interest is to be paid by the bank, what will be the result? If the Government keeps on deposit with banks on an average $200,000,000, and receives 3 per cent on said deposits, it will get $6,000,000 interest annually. If it has to pay 1 per cent, or $8,000,000 annually extra interest on its interest-bearing debt, the increase in the rate of interest will exceed the interest received on deposits by $2,000,000.

Viewing it from the standpoint of a banker, I take it that this would be very agreeable to banks and bankers, but why limit the deposits to national banks? Are not other banks entitled to as much consideration as national banks? Why class legislation? Why divert the deposits from one bank to another, or from one locality to another? If arrangement could be made for an equitable distribution of these deposits, and give to each community the use and benefit of money belonging to that community, and if the Government can be protected against loss, and if the depositor can be furnished a safe place to deposit his money, then I can see no objection to the legislation, and I know of no objection to it, and I believe the suggestion would meet with almost universal approval—certainly by bankers and people living in rural districts, were it not for this Government ownership feature of it and the fact that the Government generally makes a failure of all business undertakings, due to the red-tape, bunglesome, and unbusinesslike ways of transacting business, founded on political and not business methods.

And in making this statement I want to make myself clear. That is, in no way do I want to be understood as critising or reflecting on any Department, or anybody in any way connected therewith, or employed therein. We have in our Departments some of the most excellent people, men and women of integrity, industry, intelligence, and ability. I yield to nobody in admiration and appreciation of our conscientious, patriotic, and worthy President; but the Departments are not altogether responsible, as the business affairs of this Government come under two branches—the legislative and executive; and its success depends not only on the just and wise administration of laws, but upon the enactment of such laws as well.

The CHAIRMAN. Does the gentleman from Indiana [Mr. OVERSTREET] make the point of order?

Mr. OVERSTREET. I do.

Mr. GAINES of Tennessee. Mr. Chairman, will the gentleman state what his point of order is?

Mr. OVERSTREET. I will be courteous enough to the Chair to await the invitation of the Chair.

Mr. GAINES of Tennessee. I hope the gentleman will be courteous enough to the people of the United States, whom he thinks do not want this convenience.

The CHAIRMAN. The Chair will ask the gentleman from Indiana [Mr. OVERSTREET] to state his point of order.

Mr. GAINES of Tennessee. Yes; we want to know what it is now.

Mr. OVERSTREET. We are now proceeding in order. That was the desire which I had. Mr. Chairman, this provision

which is now under consideration is for pay of rural carriers under a permanent statute passed some time ago—I have forgotten the date.

The CHAIRMAN. The Chair merely desires the gentleman to state what the point of order is.

Mr. OVERSTREET. That it is contrary to existing law.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SMALL. Mr. Chairman, I desire to offer an amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend page 27 by adding, at the end of line 14, the following: "*Provided further*, That service by carrier on rural delivery routes shall not be suspended on legal holidays."

Mr. SMALL. I do not think, Mr. Chairman, it is subject to a point of order, as will be disclosed by what I shall say. At present carriers on rural routes observe as holidays New Year's Day, Washington's Birthday, Decoration Day, Independence Day, Labor Day, Thanksgiving Day, and such other days as are designated as holidays by proclamation or by the statutes of the several States. That is an unfair condition for the rural service of the country, and it exists only by regulation of the Postmaster-General or by special orders made from time to time in advance of these holidays. There is no similar instance under the Post-Office Department where such an inconvenience is worked as is worked on the rural routes. I have an instance in my mind of an every-other-day rural route, where the service was on Tuesdays, Thursdays, and Saturdays, and a holiday coming on Saturday, and therefore the patrons on that route had no service from Thursday until the following Tuesday. I say no such inconvenience is worked to the patrons of the Department in any other section, and it is an unfair discrimination against the good people who live on the farms. Take the cities, if you please, and they have on holidays at least one collection and one delivery—that is, where they have city carriers—and where they do not have city deliveries the post-offices are kept open a sufficient length of time for patrons to receive and deposit their mail, and the mails are received and dispatched as on ordinary days.

On all the railroads, steamboats, and on star routes throughout the country the mails are carried on holidays. The railway postal clerks are required to work on holidays; and it is unfair to those who live in the rural sections, and to whom the blessing of rural service has been brought, that they should be subjected to this inconvenience. Now, some may think that consideration of the rural carriers would justify them in voting against this amendment. No one feels a greater interest in the rural carriers than I. I have urged and voted for every increase in their salary. I voted to give them fifteen days' vacation with pay. I will continue to urge favorable legislation; but I will say that where there is one rural carrier there is an average of 75 to 200 patrons who are inconvenienced, and the interests of the many should be considered as superior to that of the few. The rural service was established for the benefit of all the people, and those who live on the farms are as much entitled to receive their mail as those who live in the city.

In addition to that, on all these routes there is one substitute, and that substitute may carry the mail upon this particular day, so that the regular carrier may observe the holiday. It is not that I and other Members may not feel an interest in the carriers; it is simply that I feel a greater interest in the hundreds of thousands of patrons upon these rural routes. Under a law which we passed last session, or two or three sessions ago, these rural carriers have fifteen days' annual leave with pay. I favored this and also the increase in salary, and will vote to further increase their pay; but I do say that upon these thousands of rural routes, with these hundreds of thousands of patrons upon these routes, they should receive their mail on every week day, regardless of whether it be a holiday or not.

Now, as to the point of order that has been reserved, and will probably be made, I wish to say that this is a regulation made by the Postmaster-General. It is made under no express or general authority of law; and I challenge anyone, the chairman of the committee, if he shall make the point of order, or anyone else, to point out any authority whereby the Postmaster-General is authorized to suspend service on these rural routes or elsewhere; and it is, besides, perfectly germane to the paragraph which we are considering. So that if these regulations were made without authority of law, express or general, and if it is merely the action of the Postmaster-General, then it is not in violation of the rules.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OVERSTREET. I insist upon the point of order.

Mr. SMALL. I desire to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman from North Carolina briefly on the point of order.

Mr. SMALL. I say, Mr. Chairman, that there is no authority of law for suspending this service on rural routes; that it exists by regulation, and in support of that proposition I have a letter from the Postmaster-General stating in express terms that it is not by statute, but by regulation of the Department. The only authority of law by which the Postmaster-General might make regulations is contained in Revised Statutes 396.

The CHAIRMAN. The Chair will ask the gentleman from North Carolina if there is any law requiring the Postmaster-General to do that which is required in his amendment?

Mr. SMALL. In my opinion, there is.

The CHAIRMAN. The Chair does not care to hear any further on the point of order. In view of the fact that this amendment makes law, there being none in existence, it is legislation on an appropriation bill and therefore in violation of the rule.

Mr. SMALL. The Chairman will pardon me a moment. In answer to that suggestion I desire to say it does not make law. It is simply an enforcement of existing law, which requires the mail on rural routes, whether it be a daily service or whether it be an every-other-day service, be carried at regular intervals. Therefore this amendment is only an enforcement of existing law, and can not change existing law. It is not new legislation.

The CHAIRMAN. The amendment is not in the nature of a limitation upon the appropriation. It appears on its face to be a new provision of law, and therefore in violation of the rule against legislation upon general appropriation bills. The Chair sustains the point of order.

Mr. JOHNSON of South Carolina. Mr. Chairman, I offer the following amendment, to come in at the same place.

The Clerk read as follows:

Provided, That carriers on rural routes more than 24 miles in length shall receive for each mile in excess of 24 $30 per annum in addition to the maximum pay now authorized by law.

Mr. OVERSTREET. I make the point of order against the amendment, that it is contrary to existing law.

Mr. JOHNSON of South Carolina. Will you reserve it for a minute?

Mr. OVERSTREET. I reserve the point of order.

Mr. JOHNSON of South Carolina. All I have to say is this: This is service on the mileage basis, the Department having fixed 24 miles as a standard. If a carrier travels less than 24 miles, then there is deducted from his maximum pay of $900 so much per mile. There are cases where, on account of rivers, roads, and local conditions, the carriers are obliged to make a circuit of 27, 28, or 30 miles in order to get back to the distributing office. All I ask is that those people who are traveling 27, 28, or 30 miles shall receive reasonable compensation for this extra work. That is all I have to say.

The CHAIRMAN. Does the gentleman insist upon the point of order?

Mr. OVERSTREET. I insist upon the point of order.

The CHAIRMAN. The Chair sustains the point of order, as the amendment clearly authorizes something not now authorized by existing law.

Mr. JOHNSON of South Carolina. I offer the following amendment, to come in at the same place.

The Clerk read as follows.

That rural carriers shall not be required to carry mail on the 25th day of December.

Mr. OVERSTREET. I make the point of order on that that it is subject to the same objection as the amendment offered by the gentleman from North Carolina [Mr. SMALL].

The CHAIRMAN. The point of order is sustained.

Mr. HOUSTON. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Amend on page 27 by inserting, after line 14, the words "*Provided*, That no part of said sum shall be used to pay for carrying in the mails any malt, vinous, or spirituous liquors, or intoxicating liquors of any kind, or any cocaine or derivatives thereof."

Mr. OVERSTREET. Is this the same as the other amendment, which applied to transportation over railroad routes?

Mr. HOUSTON. Yes.

Mr. OVERSTREET. I thought possibly the gentleman would let the matter alone so far as the farmer was concerned, and would permit liquor to be carried on rural routes for the benefit of the farmer.

Mr. HOUSTON. No, sir; I do not want it carried at all.

Mr. OVERSTREET. I have no objection to the amendment.

Mr. FOSTER of Illinois. Mr. Chairman, I have an amendment to offer to the amendment. I move to amend by striking out the last six words of the amendment—that is, the part referring to the carrying of cocaine on rural routes.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend the amendment by striking out the words "or any cocaine or derivatives thereof."

Mr. GAINES of Tennessee. I hope the gentleman, who is a practicing physician, will give us some reason for that.

Mr. FOSTER of Illinois. My reason for offering this amendment is that all over this country of ours where the mail is carried by rural delivery there are a great many country physicians who are living in the little villages away from the railroads and where there are no drug stores, and they are only accessible to their towns through these rural routes. A physician practicing in such a locality is now enabled to telephone to his druggist in the city in the morning and have a quantity of cocaine delivered to him when the mail carrier comes out during the forenoon. This is an important thing, as I can testify, having practiced medicine for a few years. Cocaine is an important medicinal agent as a local anæsthetic in the practice of medicine, and to be deprived of the privilege of securing it when he needs it is a hardship upon the country doctor.

Then there is a further reason why this amendment should be voted down, in so far as rural routes are concerned, where it was not in the other places in this bill. The great difficulty that comes from the use of cocaine and the great abuse that comes from it is almost entirely confined to the city, and does not exist in the country. There is practically none of it in the rural districts anywhere in this country to-day. So that the voting down of this part of the amendment would, I think, be of benefit to humanity and to physicians practicing in the country. For these reasons I hope my amendment will prevail.

Mr. MANN. Mr. Chairman, the other day when I offered the amendment in reference to cocaine I stated, after a conversation with my distinguished colleague from Illinois in reference to the matter, that I was quite satisfied the amendment as offered would not go into the law. While it was an item in the bill which left the House, it would not be in the law in that shape. I introduced in the House to-day a bill on the subject of the transportation of cocaine, at the request of parties who are giving considerable attention to it, the retail druggists. I take it that when this bill becomes a law if anything in reference to cocaine is in the bill (and possibly also the same might apply as to intoxicating liquors, although I express no opinion about that), it ought to make an exception in favor of licensed physicians, dentists, retail druggists, and probably the shipping from one manufacturer or wholesale druggist to another; and the provision ought to be a positive inhibition on the transportation of this article and similar articles by mail, with a penalty clause attached. It is perfectly evident that the Post-Office Department itself will not be able to tell whether the package contains cocaine unless it be marked "cocaine." I think the only effect of putting the provision in the bill is to indicate the attitude of the House that there ought to be, in a proper way, legislation upon this subject along proper lines, and whether this amendment now offered by the gentleman prevails or not—and I trust it will not—I hope that he will not insist upon it, so that the matter can be perfected and be in one place in the law, instead of in four or five different places.

Mr. PERKINS. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. PERKINS. The gentleman says that there should be some amendment by which the prohibition should be so limited that in case of drugs furnished to dentists and doctors they should be transported. How is it possible for the Post-Office Department to ascertain the source from which its mail packages come?

Mr. MANN. That is exactly what I said before the gentleman asked the question—that I did not think the provision in the bill, the way it is in, if it became a law, would practically amount to a great deal.

Mr. PERKINS. Then why should we put it in?

Mr. MANN. It will amount to a great deal if it remains in the bill as passing the House, because, if it becomes a law, it will contain an inhibition upon the subject of transporting these articles by mail with a penalty to enforce it, except to licensed physicians and people of that class who ought to be supplied. You could put a thousand provisions in here that no part of the money can be used for the purpose of transporting cocaine by mail, but, if there is no penalty in it, it amounts to nothing. It is only a direction to the Post-Office Department, which has no means of ascertaining whether cocaine is transported or whether intoxicating liquor is transported. It puts the provision into the bill as it passes the House in such a way that the committee in charge must either recede or strike out the provision as we put it in and put it in proper shape. I hope the gentleman will let this go with the rest, because the result will be satisfactory to the gentleman.

Mr. KÜSTERMANN. Mr. Chairman, I am opposed to the amendment, because it is not far-reaching enough. If we take it upon ourselves to say what shall be kept from the people, let us go a little further and keep patent medicines containing alcohol away from them. If I take a small glass of beer I do not get as much alcohol into me as I do when I take a teaspoonful of Peruna. [Laughter.]

Let me show you the amount of alcohol in these medicines taken from a letter that I received from the Bureau of Chemistry of the Department of Agriculture.

Here is Peruna, which contains 18 per cent of alcohol; Warner's Safe Cure, 15.12 per cent alcohol; Hostetter's Stomach Bitters, 39 per cent alcohol. There is something good for you people to use who oppose the drinking of alcohol in its original state. [Laughter.] Wine of Cardui contains 20 per cent alcohol. Lydia E. Pinkham's Vegetable Compound contains 18 per cent alcohol.

Now, while I am on the floor I wish to refer to the remarks made by my dear friend from Tennessee yesterday. He alluded to that beautiful part of the Lord's prayer, "Do not lead us into temptation." Now, if my friend's ideas are carried out that part of the Lord's prayer may well be stricken out, because there will be nothing left with which to tempt people.

I fully agree with my friend from Tennessee that we ought to try to make people temperate. We only disagree as to the method.

I want to build up people strong in character, able to resist temptation. He wants to build up a nation of weaklings and sissies, from whom we must keep everything that is not good for them or that might be harmful to them. [Laughter and applause.]

Mr. OVERSTREET. Mr. Chairman, I move that all debate on the paragraph and amendment thereto be now closed.

The motion was agreed to.

Mr. SMALL. Mr. Chairman, I have an amendment to offer.

The CHAIRMAN. The Chair will ask the gentleman from North Carolina if his amendment is to this paragraph?

Mr. SMALL. It is to the original amendment offered by the gentleman from Tennessee. This is an amendment to his amendment.

The CHAIRMAN. The question is first on the amendment offered by the gentleman from Illinois [Mr. FOSTER] to the amendment offered by the gentleman from Tennessee [Mr. HOUSTON].

The question was taken, and the amendment to the amendment was agreed to.

The CHAIRMAN. The gentleman from North Carolina [Mr. SMALL] now offers an amendment to the amendment of the gentleman from Tennessee, which the Clerk will report.

The Clerk read as follows:

Amend the amendment by adding thereto:
"Providing the same may be carried when it is to be used for medicinal purposes, and upon the prescription of a physician."

Mr. SMALL. Mr. Chairman, has debate closed?

The CHAIRMAN. Yes. The question is on the amendment of the gentleman from North Carolina to the amendment offered by the gentleman from Tennessee.

The question was taken and the amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment of the gentleman from Tennessee.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

That the appropriations herein made for the officers, clerks, and persons employed in the postal service shall not be available for the compensation of any persons permanently incapacitated for performing such service. The establishment of a civil-pension roll or an honorable-service roll, or the exemption of any of the officers, clerks, and persons in the postal service from the existing laws respecting employment in such service is hereby prohibited.

Mr. MANN. Mr. Chairman, on that I reserve the point of order. Is that a provision of the existing statute?

Mr. TAWNEY. The current appropriation bill.

Mr. OVERSTREET. That is the same as has been carried in several appropriation laws for postal service. There is no change of language in that paragraph.

Mr. MANN. That has been construed, then. There is carried in one provision of the bill something for taking care of people who are incapacitated.

Mr. HOLLIDAY. Not permanently.

Mr. MANN. Then you provide in another place they shall not be taken care of. That has received a construction, I take it, and that this provision does not conflict with the other provision.

Mr. OVERSTREET. To which provision does the gentleman refer?

Mr. MANN. You take care of the railway mail clerks who are incapacitated?

Mr. OVERSTREET. Yes.

Mr. MANN. Then you say here that the appropriations herein made for the officers, clerks, and persons employed in the postal service shall not be available for the compensation of any persons permanently incapacitated for performing such service. That is apparently in direct conflict with the theory of the other provision.

Mr. OVERSTREET. This refers to the permanent incapacity of the clerk, while the provision in the Railway Mail Service carries the salary of the clerk for one year, and in case of death pays his widow or heirs $1,000.

Mr. MANN. Suppose a railway mail clerk becomes permanently incapacitated?

Mr. OVERSTREET. He gets his salary for one year, and then he goes out of the service.

Mr. MANN. And this says that no portion of the money herein appropriated shall be used for the compensation of a person permanently incapacitated.

Mr. OVERSTREET. The construction is that it has never been decided that the clerk is permanently incapacitated until after the expiration of a year.

Mr. MANN. It has received that construction?

Mr. OVERSTREET. I do not say it has received it specifically, but that is my interpretation of it.

Mr. MANN. The gentleman will forgive me for calling attention to it, but our Committee on Reform in the Civil Service is listening now to many reasons why a civil-pension list should be established, and it had appeared to me that the arguments made before that committee were receiving great weight with most of the members of the committee. Of course it is not called a civil-pension list; it is called a retirement fund at the expense of the employees.

Mr. DOUGLAS. That is what it is.

Mr. MANN. I withdraw the point of order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

That hereafter the Postmaster-General shall each year prepare and submit in his annual report to Congress estimates of the revenue and expenditures in the postal service for the fiscal year current, and also for the fiscal year next ensuing at the time said report is submitted, together with a statement of the receipts and expenditures for the preceding completed fiscal year.

Mr. MURDOCK. Mr. Chairman, I move to strike out the last word. This is one of the concluding paragraphs of the post-office appropriation bill, which carries two hundred and twenty millions of dollars. Not since I have served in Congress have I seen a like bill go through the Committee of the Whole with like facility. No one has been denied the right to debate, no amendment has been shut off; but this bill, with the exception of a few minor paragraphs, goes through in its entirety. It will go from this committee to the House, and will go through the House probably without any contest at all. And after this bill leaves this committee it will be found that there will not exist the necessity of asking the help of the plenary power of the Committee on Rules; it will not be necessary to have a drastic special provision put upon it to force it through on special order without amendment or debate. And why? Because it was properly prepared as an appropriation bill—not carrying a great mass of new legislation subject to the point of order, new legislation that obscures and confuses the minds of Members as to values and purposes in the real appropriations.

It was prepared as an appropriation bill should be prepared. It came to this committee; it has gone through the committee with facility, with every Member who has watched its progress understanding it; and I think its history and even course here ought to demonstrate to every committee on appropriations of the House of Representatives the proper way in which to prepare a bill, and to change the custom in this House as regards appropriation bills so that the practice in the future would be that every piece of new legislation of great moment should come into this House and into this Committee of the Whole separately and on its own merits, and be considered here without confusing and without obscuring regular appropriations. I want to congratulate the men who are on the committee with me. I do not agree with them all the time. I do not always follow the chairman of the committee or the committee, but I do know how diligent, industrious, and hard working the chairman of this committee is and how hard worked that committee is, as hard worked a body of men as I have ever seen in or out of a legislature. I congratulate them on the near perfection of this bill, on its approval by this committee, its coming approval by the House, and I commend the course that has been taken here in the last three days to every chairman of every other appropriation committee of the House of Representatives. [Applause.]

The Clerk read as follows:

Hereafter for the purpose of facilitating the handling of mail on United States naval vessels, competent enlisted men may, upon request of the Secretary of the Navy, be designated by the Post-Office Department as "Navy mail clerks" and "assistant Navy mail clerks," and authorized to receive and open all pouches and sacks of mail addressed to the vessels, to make proper delivery of such mail, to receive matter for transmission in the mails, and to receipt for registered matter (keeping an accurate record thereof), to keep and have for sale an adequate supply of postage stamps, and to make up and dispatch mails in accordance with instructions.

Mr. MOON of Tennessee. On that section and the two following sections, being kindred sections, I make the point of order.

Mr. TAWNEY. I will ask the gentleman from Tennessee if the ground of his point of order is that this is new legislation?

Mr. MOON of Tennessee. Yes, sir.

Mr. OVERSTREET. Mr. Chairman, the remainder of the bill, with the exception of the last paragraph, is new legislation; but I think upon explanation the committee will appreciate that it is wise legislation, and I believe the gentleman from Tennessee will not then insist upon his point of order. There is no appropriation carried; no expense incurred. It undertakes to authorize, however, the proper officers of our war vessels——

Mr. PERKINS. Will the gentleman yield to a question? Will there not be expense incurred, but to be paid by the Navy Department instead of the Post-Office Department?

Mr. OVERSTREET. If the gentlemen will permit me to explain, I think I can make the matter clear.

Mr. MADDEN. Will the gentleman yield to a question? I wanted to ask the chairman of the committee whether he had advised the gentleman from Kansas that these paragraphs in the bill were late items of legislation?

Mr. MURDOCK. I want to say to the gentleman, if the gentleman from Indiana [Mr. OVERSTREET] will permit me, they are new legislation, and so far as I know they are meritorious legislation, but the purposes would be served a great deal better if they were brought in separately.

Mr. OVERSTREET. Now, Mr. Chairman, if I may be permitted to explain this paragraph, I would be glad to do so. There is now no provision at all for facilitating either the collection or distribution of mail addressed to the sailors and officers upon our war vessels. Registered mail and special delivery mail are often misplaced, and sometimes entirely lost, because of the lack of some system under which the sailors, officers, and other men upon these vessels may receive the mail. Many of these war vessels have many hundreds of men. These vessels touch only at a few ports. Mail addressed to the men must take its risk of reaching the vessels. Many times it is unknown where the vessels will put in, and the parties addressing the letters to the men and sailors and officers of the Navy are not advised as to how to get their mail to those men.

Now, these several provisions, the three or four paragraphs, merely install a system whereby a proper officer in command of the war vessel may delegate some man or men whose duty it will be to take charge of the mail, deliver it at the post for distribution to the points addressed, and to collect the mail addressed to the men on the vessels and see that it is delivered to them individually, and to receipt for registered mail and special-delivery matter. Provision is made under which these men must give bonds and be compelled to follow the rules and regulations of the postal service. It is recommended, indeed it is prepared, by the Navy Department, and sent through proper official channels to the Postmaster-General, and by the Postmaster-General transmitted to the committee with a recommendation for its passage. The expense, if any, answering my friend from New York [Mr. PERKINS], would be to the Navy Department in the event it should be found necessary to pay anything extra beyond what the men themselves would receive. I fancy, however, that it would only result in the men being detailed for this character of work for certain periods of time, and relieved from other duty, and not entail any additional expense.

Does the gentleman from Tennessee [Mr. MOON] insist upon his point of order?

Mr. MOON of Tennessee. Does the gentleman yield the floor?

Mr. OVERSTREET. Yes; I yield the floor.

Mr. MOON of Tennessee. Mr. Chairman, the provision in this bill for post-offices in the Navy is a rather crude and incomplete affair. It seems to me if that service is needed it would be better for us to pass a separate act, following out the rules of the House by not having any new legislation on appropriation bills in the way of amendment or otherwise. My

friend from Indiana for two or three days has prevented this House from having new legislation on this bill, and it has not been more than half an hour since he prevented me from securing a vote on an amendment that affects the rights and interests of twenty-five or thirty millions of people in the United States living in the country. I suggest to him that if he wants new legislation on an appropriation bill in violation of the rules of the House, there ought to be some reciprocity in his movement.

Mr. OVERSTREET. Will the gentleman yield for a question?

Mr. MOON of Tennessee. Certainly; for a question.

Mr. OVERSTREET. Does the gentleman regard it as fair and proper reciprocity to compare legislation which contains a provision for the distribution of mail to the officers and men on the battle ships to granting authority to build roads by the Government, at the expense of the Government, throughout the country?

Mr. MOON of Tennessee. Why, of course I do. [Laughter and applause on the Democratic side.]

Mr. OVERSTREET. I am not much surprised. [Laughter on the Republican side.]

Mr. MOON of Tennessee. Mr. Chairman, the gentleman's opposition to the legislation proposed by me a while ago has forced the friends of that measure, which I prepared, in order to have it placed in the bill, to go to the other end of the Capitol for relief. Now, it is possible that over there, where this rule is not maintained that I seek to invoke against him now, he may obtain the relief that he is asking. I have no objection to that. But when we go to the Senate, I would rather that we both go, and that he have one proposition and I have the other, and we will have better means of agreeing. I want him to feel the force of the rule as it affected us personally.

Mr. MANN. Will the gentleman allow me to interrupt him?

Mr. MOON of Tennessee. Certainly.

Mr. MANN. The gentleman has had long experience in this House. Does not the gentleman recognize the difference in the position of the chairman of a committee in charge of an appropriation bill making the point of order upon an amendment offered from the floor of the House in violation of the rules and inserting in a bill a provision which the committee has ordered inserted in the bill?

Mr. MOON of Tennessee. I take it that a member of the committee has as much right on this floor as the chairman of the committee.

Mr. MANN. Undoubtedly the gentleman has the same right to make the point of order.

Mr. MOON of Tennessee. I think when a bill comes from the committee a member has the right, when all points of order are reserved, to make the point of order.

Mr. MANN. Of course he has a perfect right to make the point of order, but the gentleman was talking about reciprocity. I simply wanted to ask, would any chairman of a committee on appropriations last fifteen minutes in this House unless Members understood that the chairman of the committee would protect the House from legislation offered as amendments on the floor of the House, by making points of order against them.

Mr. MOON of Tennessee. And when the chairman of the committee offers amendments in violation of the rule the Members of the House can protect the House.

Mr. MANN. That is perfectly proper.

Mr. OVERSTREET. Do I understand the gentleman to insist upon his point of order?

Mr. MOON of Tennessee. I insist upon the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Each Navy mail clerk and assistant Navy mail clerk shall take the oath of office prescribed for employees of the postal service and shall give bond to the United States in the sum of $1,000 for the faithful performance of his duties as such clerk, and when necessity arises therefor any assistant Navy mail clerk may be required by the commanding officer of the vessel upon which he is stationed to perform the duties of Navy mail clerk.

Mr. MOON of Tennessee. The same point of order is made to that as to the other section.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Navy mail clerks and assistant Navy mail clerks shall receive no compensation for their services from the Post-Office Department or postal service, but may be allowed additional compensation for such services by the Navy Department. Such clerks and assistant clerks shall be employees of the Navy Department and amenable in all respects to naval discipline, except that, as to their duties as Navy mail clerks and assistant Navy mail clerks, the commanding officers of the vessels upon which they are stationed shall require them to be governed by the postal laws and regulations of the United States.

Mr. MOON of Tennessee. I want to reserve the point of order on that.

The CHAIRMAN. The gentleman reserves the point of order.

Mr. KELIHER. I move to strike out the last word. It is understood——

Mr. MANN. I respectfully submit to the Chair, How can a gentleman move an amendment when a point of order is pending?

The CHAIRMAN. The point of order is well taken. An amendment can not be offered while a point of order is reserved.

Mr. MOON of Tennessee. I will make the point of order.

The CHAIRMAN. The Chair will state that, while that may be technically correct, the practice has uniformly been to permit gentlemen to speak to a pro forma amendment while the point of order is reserved. The gentleman from Tennessee now makes the point of order.

Mr. OVERSTREET. I concede the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

That if the revenues of the Post-Office Department shall be insufficient to meet the appropriations made by this act, a sum equal to such deficiency of the revenue of said Department is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to supply said deficiencies in the revenues for the Post-Office Department for the year ending June 30, 1909, and the sum needed may be advanced to the Post-Office Department upon requisition of the Postmaster-General.

Mr. KELIHER. I move to strike out the last word.

Mr. Chairman, I understand it is the intention of the chairman of the Committee on the Post-Office and Post-Roads, when this committee rises, to ask a separate vote upon the amendment voted into the bill upon the day before yesterday, whereby the committee increased or made provision for vitalizing the act which was passed last year that made provision for the $1,200 clerks in the city carrier service.

I want it understood that certain facts should be borne in mind. I believe it to be my duty to disabuse the minds of the members of the committee of the wrong impression that may have been left by a few statements made by the gentleman from Indiana [Mr. OVERSTREET], chairman of the Post-Office Committee, on the day before yesterday, in the course of his argument. In answering my charge that deception had been practiced, both upon the House and the carriers, the distinguished chairman stated that the committee had kept faith, and that they had but carried out the wishes of the father of the law, the First Assistant Postmaster-General. He said in that debate, quoting Mr. Hitchcock's statement before the Post-Office Committee last year:

All I ask as to the $1,200 grade is that it be authorized, and leave to Congress the determination of when and how many carriers shall be advanced into that grade.

Continuing, the gentleman from Indiana [Mr. OVERSTREET] stated:

Instead of there being the practice of deceit or subterfuge, the provision was made with eyes open, not only of the committee of conference, but the First Assistant Postmaster-General himself.

Later on he said:

By withholding the appropriation from the $1,200 grade we have violated neither the provisions of the law nor the intent of its framers.

Mr. Chairman, I disagree with the chairman of the committee when he makes that statement, and I want to impress upon this House with all the emphasis I can command that when this committee failed to appropriate a sufficient amount to provide $1,200 carriers, they did not carry out the recommendation of the First Assistant Postmaster-General. I respectfully call attention to the hearings of the Post-Office Committee on page 178. I now refer to the hearings before that committee this year, where the chairman asks Mr. Hitchcock, First Assistant Postmaster-General, if in an estimate he had submitted he, the First Assistant Postmaster-General, was not providing for an increase of 50 per cent of the carriers now in the $1,100 grade to the $1,200 grade. At one hearing Chairman OVERSTREET said:

It also includes, I observe, the promotion of 50 per cent of the carriers from the $1,100 to the $1,200 grade.

Mr. Hitchcock, in answer to that specific inquiry, said:

Yes; it was our plan to provide for the promotion of 50 per cent of the carriers in that grade.

Now, I reiterate that if the chairman of the Post-Office and Post-Roads Committee had not broken faith, if he were carrying out the wish of the man whom he says originally presented this proposition, the House would not have adopted this amendment against the protest of the gentleman from Indiana, but would have sustained the committee.

I understand that the supporters of the rural free-delivery service feel that the city carriers are being promoted far in advance of what they are worth when we give them what the law entitles them to; but I say this to those gentlemen, that when their proposition came up last year we provided $900 a year for the rural carriers, and they are getting that $900. We also provided $1,200 for our carriers, but our carriers are

not getting that $1,200. All this committee did when it voted the other day was to vitalize an act that you put upon the statute book last year. And, Mr. Chairman, if we, the friends of the city carriers, and you, the friends of the rural carriers, pull one against the other, your men will never get the increase which, I believe, they deserve, and our men will not get what the Congress contemplated giving and which the law now clearly provides. If you vote against us, we must, in order not to stultify ourselves, later vote against you. Consequently neither will get the increase that both deserve. I sincerely trust, in view of the fact that this statute providing $1,200 is the law of the land, that the House will not reject the amendment voted in by the committee, but will sustain us and give these men that to which they are entitled—$1,200 a year. [Applause.]

Mr. BURKE. Most of the arguments directed against this measure during the debate have been based upon the statement that raises have not been made in other branches of the public service to the extent contemplated by this amendment.

Objection to legislation should be based upon a healthier reason than that. Even if it were true that inequities exist in other Departments, that should not be used to justify a continued injustice to a body of men whose efficiency and whose worth are known to every business establishment and every home in the great cities of this country.

Last year we authorized the creation of this class; and while we left to a future Congress the duty of providing the cost to make the increase effective, we are now confronted with the duty to appropriate it and grant the increase or repudiate what every letter carrier in the great cities of this country had a right to regard as a promise.

In winter snows or under summer's burning suns, in the pelting rains or biting winds, the letter carrier, with the regularity of the seasons, is found bearing his burdens and performing his duties.

The Government tolerates no excuse, but demands always the presence of these men at their post of duty, and it is but fair that we should reward them in accordance with our promise and in keeping with justice.

Mr. OVERSTREET. Mr. Chairman, it is my purpose, when the committee rises and reports this bill to the House to ask for a separate vote upon the amendment by which the letter carriers of the $1,100 grade would be promoted to the $1,200 grade. The committee when it recommended this bill to the House concluded to make no recommendations for increase of salaries. When I presented the bill in the first instance to the committee, I stated that, without foreclosing against any future acts and without passing upon the merits or demerits of the several propositions, in opposing the increases of the city letter carriers we were merely keeping faith with the policy to make no increases of salaries. There are meritorious claims on the part of the fourth-class postmasters, in my judgment, of much merit; and yet the committee decided not to take up that question this year. I believe I have stated, and I repeat it, that, in my judgment, the clerks in the post-office of the eleven-hundred-dollar grade are more deserving of promotion than are the letter carriers of the eleven-hundred-dollar grade; and yet the committee, Mr. Chairman, has made no provision for a general increase of salaries of that class of employees. The slight increase of 15 per cent was in order that they might appoint from the eleven-hundred-dollar grade to the superintendents of the small stations at the rate of $1,200 per year. Therefore we have been consistent upon our part in calling the attention of Members to the policy of not promoting anybody, whether he is a letter carrier, post-office clerk, railway mail clerk, rural carrier, or fourth-class postmaster; each one of these several divisions of employees has his particular advocate and champion.

As to whether or not we have violated the classification act, whether or not we have failed to keep faith, whether or not it is necessary to vitalize some legislation, is not before this committee. The classification act halted arbitrarily the promotion of letter carriers at the eleven-hundred-dollar grade, and I reassert, and challenge contradiction, that the First Assistant Postmaster, who went before the committee urging that legislation, specifically stated that he did not ask annual promotion of the letter carriers to the twelve-hundred-dollar grade, but he recommended the establishment of the grade, leaving Congress to decide when they should be promoted by making that promotion from the increased appropriation.

Mr. KELIHER. Will the gentleman yield?

Mr. OVERSTREET. I prefer that the gentleman would not interrupt me now. The First Assistant Postmaster-General was very solicitous about this classification, and I do him the credit to say that it was very largely due to his championship of the legislation that it finally became a law. And yet he, in the original recommendation, halted arbitrarily the promotion of the carriers at the thousand-dollar grade and not the eleven-hundred-dollar grade, and Congress in passing the legislation advanced one grade the arbitrary automatic promotion.

Now, Mr. Chairman, I hope our friends from the large cities will not undertake in their zeal to gratify the desires of their constituencies and leave the impression that any of us is failing to keep faith with anybody. I claim just as much affection for and attention to the letter carriers of the Seventh Congressional District in Indiana as does the gentleman from Massachusetts; man for man they are the equal of the carriers in the Boston office, and I lament, Mr. Chairman, being obliged to oppose the urgent request of a number of my constituents in failing to make these promotions, but I must defend on behalf of the Government, whose services we are engaged in discharging. In view of the legislation last winter, one session ago, we went as far as was consistent when we increased the salary of these postal employees to the extent of $12,000,000.

I hope at no distant day in the future to see additional increase provided for them, but at this session of Congress, in my judgment, it is unwise to make the increase in salaries.

But, Mr. Chairman, it is a hundredfold more unwise to make a selection of one particular class of employees and increase their salaries and fail to increase the salaries of the others. I hope, Mr. Chairman, that we can keep faith with ourselves and the Government, and be sustained in our recommendation for the increase of salaries, either to all or let all wait until we can consider whether or not the conditions of business and the revenues of the country will justify the additional increase. [Applause.]

Mr. POLLARD. Will the gentleman yield for a question?

Mr. OVERSTREET. I will.

Mr. POLLARD. I would like to inquire how much of the appropriation bill of last year increased the salary of letter carriers in cities of the first class?

Mr. TAWNEY. Two million four hundred thousand dollars.

Mr. POLLARD. That applies to letter carriers in cities of the first class?

Mr. OVERSTREET. Yes. This amendment proposes an increase of salary of the eleven-hundred-dollar class, and they are all in cities of the first class and none of them are in cities of the second class.

Mr. SULZER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. An amendment is now pending.

Mr. SULZER. I move to strike out the last word of the amendment. I do this for the purpose of saying a few words for the letter carriers. For years, Mr. Chairman, I have been in favor of the demands of the letter carriers of the country for just wages, and in several Congresses in the past I had the honor to introduce their bill for an increase of pay, because, in my judgment, I believed that their salaries were then, and are now, inadequate for the services they perform. Last year, after a long and bitter fight, the matter culminated in an amendment to the law fixing the grades and the salaries for the same, and it was understood when that amendment was adopted that the letter carriers' pay in the highest grade, beginning last July, should be $100 a month or $1,200 a year. When the time came around, however, the Post-Office authorities said Congress had made no provision for the payment of the salaries of the men in the highest grade in accordance with the law. In other words, Congress failed last year to appropriate the money to pay the letter carriers in accordance with the law. The law is on the statute books, and all we are asking Congress to do to-day is to pay these men in accordance with that law. There is no increase of pay. That is no increase of salary. The Government, through Congress, has put this law on the statute books, and that law says that the letter carriers in the highest grade shall receive $1,200 a year. Now, the friends of the letter carriers say to the committee, and we say to Congress, let us appropriate the necessary money in accordance with law to pay these men's salaries, just the same as we appropriate the necessary money to pay the salaries of every other employee of the Government. The adoption of that law last year was in reality a contract between the Government and the letter carriers, and we can not violate it now without disregarding the law, doing injustice to the letter carriers, and breaking the promises we then made to them.

Mr. Chairman, I plead to-day, as I have pleaded in the past, for justice for the deserving letter carriers. Their request for living wages is the demand of humanity. My heart goes out to them. I can not refrain from making this appeal in their behalf for simple justice.

There is not a man in this House who does not know that I am telling the truth when I say that these letter carriers are the hardest worked, the most patient, the most honest, the most zealous, the most untiring, and the most efficient men to-day in the employ of the Government; and yet they get the poorest pay. They are paid to-day just about the same wages they were paid twenty-five years ago, and everybody knows that the price of the necessaries of life under the Dingley tariff law has gone up over 30 per cent during the last ten years, and the letter carriers' wages remain just about the same as they were twenty-five years ago. [Applause.]

The letter carriers and the post-office clerks, and every other person whose salary is fixed, do not get any benefit from the Dingley high-tariff law, for nearly all the necessaries of life they have to buy now they have to pay about 30 per cent more by reason of this Republican tariff law than they did ten years ago.

Now, I say $1,200 a year for a letter carrier who has worked for the Government for years honestly and faithfully, in all kinds of weather, carrying the mail in sunshine and rain, in storm and distress, in the cold of winter and the heat of summer, is little enough. No man can decently bring up his family and educate his children on any less. How poorly, how miserably the letter carriers are paid! And yet, take them all in all, they are courteous, long suffering, uncomplaining, honest, assiduous, and industrious. How few of our citizens ever think of their trials, their wants, their health, their families and the little ones at home. At present they do not earn enough, no matter how long they have been in the service of the Government or how many hours a day they labor, to keep body and soul together. And what do they get? A mere pittance a month that is not enough to economically support one man. Let us be honest. Let us be just. Let us be true to the dictates of our nobler impulses, and if we are, this amendment—so honest and so just and so earnestly desired—will be adopted. [Applause.]

Now, Mr. Chairman, I trust that when this question comes up to-day in the House, and the gentleman from Indiana [Mr. OVERSTREET] moves, as he says he will, to disagree with the amendment the Committee of the Whole House put in the bill to pay these men their salaries at $1,200 a year, that every man who is in favor of the law, every man who believes in justice, and every man who wants in good faith to keep the contract, will vote against the motion of the gentleman from Indiana [Mr. OVERSTREET] and vote with the friends of the letter carriers in favor of the amendment put in the bill by the Committee of the Whole House to pay the letter carriers $1,200 a year, in accordance with the law we passed last year. [Applause.]

Mr. OVERSTREET. Mr. Chairman, I think it is not necessary to prolong debate on this subject, but it is fair to the gentleman from Ohio [Mr. GOEBEL], who offered the amendment, that he should have a chance to speak upon it, and it is also fair that the opponents of the amendment should have the close, those offering it having the opening. I now ask unanimous consent that all debate on the pending paragraph and amendments thereto, which closes everything, be closed in ten minutes, and that the gentleman from Ohio [Mr. GOEBEL] have five minutes of that time and the gentleman from Minnesota [Mr. TAWNEY] the remaining five minutes.

Mr. GOLDFOGLE. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. GOLDFOGLE. Will the gentleman make it fifteen minutes, so that I may have a few minutes, and in that event I shall make no objection to his request?

Mr. SULZER. Mr. Chairman, I trust that the gentleman from Indiana will agree to that so that my colleague will have five minutes.

Mr. OVERSTREET. Mr. Chairman, I ask unanimous consent that the gentleman from New York [Mr. GOLDFOGLE] be permitted to speak for five minutes, that the gentleman from Ohio [Mr. GOEBEL] for five minutes, and that the gentleman from Minnesota [Mr. TAWNEY] for five minutes, and that then all debate close.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that all debate on this paragraph to the bill close in fifteen minutes, of which time the gentleman he has named shall, in the order he has named them, occupy five minutes each. Is there objection?

There was no objection.

Mr. GOLDFOGLE. Mr. Chairman, the last Congress created a $1,200 grade in the letter-carrier service. It failed, however, to provide sufficient appropriation to pay that maximum salary. The amendment we adopted the other day in this Committee of the Whole simply makes last year's legislation effective and gives life to the statute. It will give to the highest grade of carriers a salary of $1,200, which, in my judgment, they certainly earn, and which in common justice they ought to have.

Again and again, in years past, we have appealed in the name of fairness for this increase. For over a quarter of a century the salaries remained unchanged. Bills to increase the pay so as to make it commensurate with the work done and to meet the increased cost of living were laid aside and smothered to death in the committee. I joined others in earnest protest, but in vain. Amendments in various Congresses, some of which I offered, were ruled out or rejected. At last, compelled by public sentiment to increase the pay, Congress last year created the grade but withheld the money required to meet that increase, and now notice is served on us that the question will be tested in the House as to whether we shall provide the funds that shall vitalize the law.

Mr. Chairman, I rise to express the hope that every gentleman who believes in fair play will vote to retain the amendment in the bill. I am glad to say that I have been an earnest and consistent friend of the letter carriers. When two days ago we adopted the amendment I was gratified, for I felt that, though long delayed, justice was being done. The result of long and continued effort was at last at hand. The ineffective law of last year was to be given life. Yet to-day the distinguished gentleman from Indiana, the chairman of the Post-Office Committee [Mr. OVERSTREET], tells us it is unwise to make the appropriation. Why unwise? We created the grade. Surely every eleven-hundred-dollar man had a right to expect Congress would appropriate sufficient to cover the required increase. To withhold it now is not alone unfair and unwarranted, but seems to me to be a breach of faith.

These men are faithful in the performance of their work. They live in cities where the cost of living is high, where rents are on the increase, where the meager salaries they receive barely meet the cost of the actual necessities of life. This country is too large and too great to deal mean or niggardly with its employees, especially when they labor as hard and untiringly as do the postal men. They are in no pensioned class. When age comes on after years of service and earning capacity has ceased, the men are left, too oft, I regret to say, to their own sad plight. So then, let us deal fairly and uprightly with them. Do not let Congress tell them in one breath that they can be promoted to a $1,200 grade and in the same breath tell them it will not supply the necessary funds to make it good.

It will be unnecessary to discuss the matter further. I have so often argued the justice of the increase that I refrain from repetition. My time to discuss the matter is limited, but in the few moments allotted to me I do earnestly and urgently appeal to the membership of this House to retain the amendment. Pay these men what is just. Do not resort to subterfuge in withholding the money that the law contemplates shall be appropriated. And so I hope that if a vote is to be had on this matter again when we go back in the House the appropriation will be sustained, so that this deserving class of men may receive the salary that they so richly earn. [Applause.]

Mr. GOEBEL. Mr. Chairman, in reply to the remarks of the gentleman from Indiana [Mr. OVERSTREET], I desire to say I have no criticisms to make upon him nor upon the Committee on the Post-Office and Post-Roads. That committee honestly and conscientiously discharged its duties and agreed by a majority vote to report this bill. The committee was not unanimous so far as certain provisions contained in the bill are concerned, and one difference arose upon the proposition that we are considering to-day. I submit that when the Post-Office Committee had concluded to make no increase, that that committee can not rise higher than the Committee of the Whole House, that their recommendation can rise no higher than the recommendation of the Committee of the Whole House to be made to the House. I offered the amendments to increase the pay of the clerks in the Post-Office Department. The committee of the Whole House saw fit to disagree with me upon that proposition. I offered the amendment to allow expenses to the railway mail clerks, and the Committee of the Whole disagreed with me upon that proposition. I submit to the will of the Committee of the Whole upon those propositions. That committee, however, agreed with me upon the amendment to increase the pay of letter carriers. It would seem that if the gentleman wanted to carry out the wishes of the Committee of the Whole, he ought not to insist upon the House rescinding the action of the Committee of the Whole.

Now, then, let us see. Every opportunity was afforded the gentleman, and the Committee of the Whole has spoken upon these propositions. We are going now into the House, where the gentleman intends to ask the previous question and avoid

the further discussion upon the merits of this proposition, and intends to defeat this amendment. I said to you that we were not keeping faith with these employees in the Post-Office Department; that last year we said to them, "We are going to increase your salary," and we created the grades of $1,100 and $1,200, and we said, "We will make the appropriation in order that you may be raised into the $1,200 grade." In vain have I tried to get from the gentleman from Indiana [Mr. OVERSTREET] his reasons why this appropriation should not be made. All that he has said was that the receipts of the Department did not justify this raise.

Mr. HUGHES of New Jersey. Will the gentleman yield to a question?

Mr. GOEBEL. That was the only reason that was urged, except that the Committee on the Post-Office and Post-Roads had turned its face against every increase, whether right or wrong.

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Minnesota [Mr. TAWNEY] is recognized for five minutes.

Mr. TAWNEY. Mr. Chairman, the proposition we are now discussing is whether or not when a separate vote is demanded in the House on the amendment adopted by the Committee of the Whole, increasing the salary of the letter carriers for the first-class offices of the United States, we should vote for or against the proposed increase.

The principal ground upon which this increase is demanded by the gentleman from Massachusetts [Mr. KELIHER] and the gentleman from Ohio [Mr. GOEBEL], and other gentlemen who favor this proposition, is that the existing law divides the postal service outside the city of Washington into six grades, and that the sixth grade in the letter-carrier service has never been appropriated for, and therefore the maximum amount that anyone in that service can receive is $1,100 a year.

Now, the gentleman from Massachusetts [Mr. KELIHER] says he proposes to vitalize that law. Why did not Congress at the last session vitalize that law when it was enacted?

Mr. SULZER. The friends of that act thought Congress did do it.

Mr. TAWNEY. I submit, Mr. Chairman, that the provision referred to by the gentleman from Massachusetts does not bear the construction that he and the gentleman from Ohio contend for. It reads as follows:

That after June 30, 1907, clerks in offices of the first and second class, and carriers in the city delivery service, shall be divided into six grades, as follows: First grade, salary $600; second grade, salary $800; third grade, salary $900; fourth grade, salary $1,000; fifth grade, salary $1,100; sixth grade, salary $1,200.

Now, note this language:

Clerks and carriers at first-class offices shall be promoted successively to the fifth grade and clerks and carriers at second-class offices successively to the fourth grade.

That means, Mr. Chairman, that the question of when these carriers should be promoted to the sixth grade was left to the discretion of Congress. And any time that Congress should provide the necessary appropriation they could be advanced to the sixth grade, and not until then. All of the inferior grades, however, were advanced successively until they reached the fifth grade, and the compensation fixed by Congress for that grade is $1,100.

If you propose to increase or to vitalize this law in respect to the carriers in the first-class cities or in the offices of the first class, why do you not apply your provision for an increase of salaries to the clerks in these several post-offices—clerks who work from twelve to fifteen hours a day; clerks whose duties require a much higher degree of intelligence and education than is required of letter carriers? Why do you not extend your proposed increase to the railway postal clerks, or why did you vote down the amendment to increase the salaries of these, the poorest paid and hardest worked employees in the Government service? It is not consistency you demand or want, it is not the vitalization of existing law the gentleman wants; it is the vitalization of votes that gentlemen seek in urging this increase of salary to the carriers in the large cities of the country. No man can justify such discrimination against the large body of post-office employees, who are infinitely more worthy of consideration than are the carriers in our large cities.

If there is an aristocracy in the post-office service, so far as compensation is concerned, it consists of the letter carriers of the United States. They are receiving more compensation now and are working shorter hours than any other class of Government employees, either in the post-office service or outside of the post-office service outside of the District of Columbia. Mr. Chairman, we are about to make a favorable report to the House on this bill and recommend the passage of the largest appropriation bill that the Congress of the United States has ever passed. This bill exceeds the current law in the amount of $8,674,199. It carries, without this proposed increase of $1,185,000, an aggregate appropriation of $221,765,392. This fact alone, in view of diminished and diminishing revenues, should arrest the attention of this House, as it will the attention of the country. It should prompt Members to consider their duty to the Government before adding to the enormous aggregate of this bill.

Mr. Chairman, it can not be claimed that because we are unwilling to increase the salary of the class 6 carriers at this time we are doing any injustice to them at all. This Congress began the consideration of appropriations with the determination that under the existing revenue it would be impossible to provide any increases of salary for the employees in the civil establishment of the Government; and thus far we have adhered to this purpose. There has been no increases of salary in any of the appropriation bills that Congress has passed except in isolated cases where there were exceptional circumstances. To those who are disposed to criticise this House, let me call to their attention what we have done within the last twelve months for the letter carriers and post-office clerks in the postal service outside of Washington in respect to the increase of their salaries. At the last session we increased the salaries of the railway mail clerks $1,500,000. We increased the salaries of the rural free-delivery carriers $5,600,000; we increased the salaries of the clerks in post-offices $2,500,000; we increased the salaries of the letter carriers $2,400,000, making an aggregate increase for these several branches of the postal service of $12,000,000 at one session of Congress. And this bill carries an increase in salaries for letter carriers beyond the amount of this amendment of $1,300,000.

In conclusion, therefore, I submit that this House is not justified in increasing the deficit for the next fiscal year by adding to this bill $1,185,000 in order to increase the salaries of a now favored class of post-office employees.

Mr. OVERSTREET. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had directed him to report the bill H. R. 18347, the post-office appropriation bill, with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. OVERSTREET. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The question was taken, and the previous question was ordered.

The SPEAKER. Is a separate vote demanded upon any of the amendments?

Mr. OVERSTREET. I demand a separate vote on the amendment in lines 22 and 23, on page 14 of the bill.

Mr. GOEBEL. On that I demand the yeas and nays.

Mr. KELIHER. On that I ask for a call of the roll.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the vote will be taken on the remaining amendments in gross.

No other separate vote was demanded.

The other amendments were agreed to in gross.

The SPEAKER. The Clerk will report the amendment on which a separate vote is demanded.

The Clerk read as follows:

Page 14, in lines 22 and 23, strike out "26,650,000" and insert "27,825,000."

Mr. KELIHER. Upon that I demand the yeas and nays.

The question was taken, and the yeas and nays were ordered.

The question was taken, and there were—yeas 135, nays 126, answered "present" 11, not voting 116, as follows:

YEAS—135.

Adair	Burton, Del.	Douglas	Goulden
Alexander, N. Y.	Burton, Ohio	Draper	Graff
Allen	Butler	Edwards, Ga.	Granger
Ames	Calder	Ellis, Mo.	Greene
Ansberry	Calderhead	Ellis, Oreg.	Hackney
Anthony	Carlin	Englebright	Hammond
Ashbrook	Caulfield	Favrot	Harding
Barclay	Cockran	Fitzgerald	Hardwick
Bartlett, Ga.	Cocks, N. Y.	Focht	Harrison
Bates	Cole	Fornes	Hay
Bennet, N. Y.	Cook, Colo.	Foss	Hayes
Booher	Cook, Pa.	Foulkrod	Henry, Conn.
Brick	Cooper, Wis.	Gaines, Tenn.	Higgins
Brodhead	Dalzell	Garrett	Hill, Conn.
Broussard	Denby	Gill	Hitchcock
Burke	Denver	Goebel	Hobson
Burleigh	Diekema	Goldfogle	Howland

Hubbard, W. Va.	Livingston	Olcott	Sherley
Hughes, N. J.	Longworth	Olmsted	Sherman
Humphrey, Wash.	McDermott	Parsons	Sherwood
Johnson, Ky.	McGavin	Pearre	Slayden
Johnson, S. C.	McHenry	Perkins	Southwick
Jones, Wash.	McKinlay, Cal.	Peters	Sperry
Kahn	McKinley, Ill.	Porter	Sterling
Kelliher	McKinney	Pray	Stevens, Minn.
Kennedy, Ohio	McLachlan, Cal.	Prince	Sulloway
Kipp	Madden	Pujo	Sulzer
Knowland	Mann	Ransdell, La.	Taylor, Ohio
Küstermann	Maynard	Reynolds	Tou Velle
Law	Mouser	Richardson	Willett
Lawrence	Mudd	Roberts	Williams
Leake	Murphy	Rothermel	Wilson, Ill.
Lenahan	Nye	Ryan	Wood
Lever	O'Connell	Sheppard	

NAYS—126.

Adamson	De Armond	Hill, Miss.	Rainey
Aiken	Dixon	Hinshaw	Randell, Tex.
Alexander, Mo.	Driscoll	Holliday	Rauch
Bannon	Edwards, Ky.	Houston	Reeder
Bartlett, Nev.	Ellerbe	Howard	Rucker
Beale, Pa.	Esch	Howell, Utah	Russell, Mo.
Beall, Tex.	Ferris	Hull, Tenn.	Russell, Tex.
Bell, Ga.	Floyd	Jones, Va.	Sims
Birdsall	Foster, Ill.	Keifer	Slemp
Bonynge	Foster, Ind.	Kinkaid	Small
Boyd	Fuller	Landis	Smith, Cal.
Bradley	Fulton	Lewis	Smith, Mich.
Brantley	Gaines, W. Va.	Lindbergh	Smith, Mo.
Brundidge	Gardner, Mich.	Littlefield	Snapp
Burgess	Gardner, N. J.	Loudenslager	Sparkman
Burleson	Garner	McCreary	Spight
Byrd	Gilhams	McMorran	Stafford
Campbell	Godwin	Madison	Steenerson
Capron	Gordon	Marshall	Sturgiss
Carter	Gregg	Miller	Tawney
Chaney	Gronna	Moon, Tenn.	Taylor, Ala.
Chapman	Hackett	Moore, Tex.	Thistlewood
Clark, Mo.	Haggott	Morse	Thomas, N. C.
Clayton	Hall	Murdock	Tirrell
Cooper, Tex.	Hamilton, Iowa	Needham	Volstead
Cox, Ind.	Hamilton, Mich.	Nelson	Vreeland
Craig	Hardy	Overstreet	Wanger
Crawford	Haskins	Padgett	Wheeler
Crumpacker	Haugen	Page	Wiley
Darragh	Heflin	Patterson	Young
Davenport	Henry, Tex.	Payne	
Davis, Minn.	Hepburn	Pollard	

ANSWERED "PRESENT"—11.

Bowers	French	Jenkins	Watkins
Finley	Griggs	Langley	Weisse
Foster, Vt.	Humphreys, Miss.	Townsend	

NOT VOTING—116.

Acheson	Fairchild	Lafean	Pou
Andrus	Fassett	Lamar, Fla.	Powers
Barchfeld	Flood	Lamar, Mo.	Pratt
Bartholdt	Fordney	Lamb	Reid
Bede	Fowler	Laning	Rhinock
Bennett, Ky.	Gardner, Mass.	Lassiter	Riordan
Bingham	Gillespie	Lee	Robinson
Boutell	Gillett	Legare	Rodenberg
Brownlow	Glass	Lilley	Sabath
Brumm	Graham	Lindsay	Saunders
Burnett	Hale	Lloyd	Scott
Caldwell	Hamill	Lorimer	Shackleford
Candler	Hamlin	Loud	Smith, Iowa
Cary	Hawley	Lovering	Smith, Tex.
Clark, Fla.	Helm	Lowden	Stanley
Conner	Howell, N. J.	McCall	Stephens, Tex.
Cooper, Pa.	Hubbard, Iowa	McGuire	Talbott
Coudrey	Huff	McLain	Thomas, Ohio
Cousins	Hughes, W. Va.	McLaughlin, Mich.	Underwood
Cravens	Hull, Iowa	McMillan	Waldo
Currier	Jackson	Macon	Wallace
Cushman	James, Addison D.	Malby	Washburn
Davey, La.	James, Ollie M.	Mondell	Watson
Davidson	Kennedy, Iowa	Moon, Pa.	Webb
Dawes	Kimball	Moore, Pa.	Weeks
Dawson	Kitchin, Claude	Nicholls	Weems
Dunwell	Kitchin, Wm. W.	Norris	Wilson, Pa.
Durey	Knapp	Parker, N. J.	Wolf
Dwight	Knopf	Parker, S. Dak.	Woodyard

So the amendment was agreed to.

The Clerk announced the following pairs:

For the remainder of this session:

Mr. BOUTELL with Mr. GRIGGS.

Mr. CURRIER with Mr. FINLEY.

Mr. FOSTER of Vermont with Mr. POU.

Mr. KNOPF with Mr. WEISSE (both for increase).

Until further notice:

Mr. FRENCH with Mr. BURNETT (on carriers' salary, Mr. FRENCH in favor of increase, Mr. BURNETT against increase).

Mr. LANING with Mr. HELM.

For this day:

Mr. ACHESON with Mr. NICHOLLS.

Mr. BARCHFELD with Mr. CALDWELL.

Mr. BENNETT of Kentucky with Mr. CLARK of Florida.

Mr. BINGHAM with Mr. OLLIE M. JAMES.

Mr. BROWNLOW with Mr. CRAVENS.

Mr. CARY with Mr. DAVEY of Louisiana.

Mr. COOPER of Pennsylvania with Mr. GILLESPIE.

Mr. COUSINS with Mr. GLASS.

Mr. CUSHMAN with Mr. HAMLIN.

Mr. DAVIDSON with Mr. LAMAR of Florida.

Mr. DAWES with Mr. LAMAR of Missouri.

Mr. FORDNEY with Mr. LASSITER.

Mr. GILLETT with Mr. LEE.

Mr. HOWELL of New Jersey with Mr. REID.

Mr. HUFF with Mr. RHINOCK.

Mr. ADDISON D. JAMES with Mr. ROBINSON.

Mr. KENNEDY of Iowa with Mr. LEGARE.

Mr. WOODYARD with Mr. SHACKLEFORD.

Mr. KNAPP with Mr. MCLAIN.

Mr. MOON of Pennsylvania with Mr. MACON.

Mr. DURYEA with Mr. WALLACE.

Mr. MOORE of Pennsylvania with Mr. STEPHENS of Texas.

Mr. SMITH of Iowa with Mr. UNDERWOOD.

Mr. WATSON with Mr. SMITH of Texas.

Mr. COUDREY with Mr. WOLF.

Mr. CONNER with Mr. SABATH.

Mr. HALE with Mr. STANLEY.

Mr. MCMILLAN with Mr. WILLIAM W. KITCHIN.

Mr. HULL of Iowa with Mr. KIMBALL.

Mr. GRAHAM with Mr. CLAUDE KITCHIN.

Mr. DWIGHT with Mr. HAMILL.

Mr. FAIRCHILD with Mr. LLOYD.

Mr. BEDE with Mr. FLOOD.

Mr. POWERS with Mr. PRATT.

Mr. LOVERING with Mr. WILSON of Pennsylvania.

Mr. RODENBERG with Mr. RIORDAN.

Mr. MCLAUGHLIN of Michigan with Mr. LAMB.

Mr. DAWSON with Mr. WEBB.

Mr. LOUD with Mr. TALBOTT.

Mr. ANDRUS with Mr. BOWERS.

Mr. LORIMER with Mr. HUMPHREYS of Mississippi.

Mr. JENKINS with Mr. LINDSAY.

Mr. LAFEAN with Mr. CANDLER.

Mr. LOWDEN with Mr. SAUNDERS.

Mr. DUNWELL with Mr. WATKINS.

On this vote:

Mr. BARTHOLDT with Mr. SCOTT (on carriers' salary, Mr. BARTHOLDT in favor of increase, Mr. SCOTT against increase).

Mr. WALDO with Mr. LANGLEY (on carriers' increase, Mr. WALDO in favor of increase, Mr. LANGLEY against increase).

Mr. TOWNSEND with Mr. MCCALL (on carriers' salary, Mr. TOWNSEND against increase, Mr. MCCALL in favor of increase).

Mr. LANGLEY. Mr. Speaker, I desire to inquire whether the gentleman from New York [Mr. WALDO] has voted.

The SPEAKER pro tempore [Mr. SHERMAN]. He has not.

Mr. LANGLEY. I am paired with him, and if he were present he would vote "aye." I voted "no," and I will withdraw my vote.

The SPEAKER pro tempore. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. LANGLEY, and he voted "present," as above recorded.

Mr. OVERSTREET. Mr. Speaker, I suggest a recapitulation of the vote before it is announced, and ask for order.

The SPEAKER pro tempore. The gentleman is entitled to a recapitulation, but the Chair will say that the vote is not close.

Mr. SULZER. Regular order, Mr. Speaker.

Mr. OVERSTREET. I was informed that there was only a difference of two.

The SPEAKER pro tempore. The yeas are 136 and the nays are 126. The ayes have it, and the amendment is agreed to.

Mr. FITZGERALD. Mr. Speaker, I move to reconsider the vote whereby the amendment was agreed to and lay that motion on the table. The gentleman from Indiana is on the other side.

The SPEAKER pro tempore. The gentleman from New York moves to reconsider the vote and that that motion lie on the table.

The motion was agreed to.

The SPEAKER pro tempore. The question now is on the engrossment and third reading of the bill.

The question was taken, and the bill was ordered to be engrossed and read a third time; and being engrossed, was read the third time and passed.

PENSION OF WIDOWS AND MINOR CHILDREN.

The Speaker laid before the House the bill (H. R. 15653) "An act to increase the pension of widows of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, and to grant a pension to certain widows of the deceased soldiers and sailors of the late civil war," with Senate amendments.

The Senate amendments were read.

Mr. SULLOWAY. I move that the House nonconcur in the Senate amendments, and ask for a conference.

The motion was agreed to.

Mr. SULLOWAY. Mr. Speaker, one of the amendments in the bill affects a matter over which the Committee on Pensions has jurisdiction, and I hope that a member from the Committee on Pensions will be appointed as one of the conferees.

The SPEAKER. The Chair will announce the conferees later.

Mr. MADDEN. Mr. Speaker, I move to reconsider the vote by which the House nonconcurred in the Senate amendments to the widows' pension bill, and I move that the House concur in the Senate amendments.

The SPEAKER. The gentleman from Illinois moves to reconsider the vote by which the House disagreed to the Senate amendments and asked for a conference.

Mr. PAYNE. I move to lay the motion to reconsider on the table.

The SPEAKER. And the gentleman from New York moves to lay that motion on the table.

The question was taken, and the motion was agreed to.

PENSION BILLS.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent that bills now in order on the Private Calendar may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent that bills on the Private Calendar in order to-day may be considered in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none, and the gentleman from Rhode Island, Mr. CAPRON, will take the chair.

HENRY M'CALL.

The first pension business was the bill (H. R. 3510) granting an increase of pension to Henry McCall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry McCall, late of Company K, Fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

FRANK Z. CURRY.

The next pension business was the bill (H. R. 2395) granting an increase of pension to Frank Z. Curry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank Z. Curry, late second lieutenant of Company B, Third Regiment Georgia Volunteer Infantry, war with Spain, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "fifty" and insert "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

HARRY L. ORENDORFF.

The next pension business was the bill (H. R. 4226) granting a pension to Harry Orendorff.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harry Orendorff, late of United States Navy, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after "late," strike out "of" and insert "seaman."
In line 6, before "United," insert "U. S. S. Newport."
In line 7 strike out "thirty" and insert "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting a pension to Harry L. Orendorff."

JAMES BARBOUR.

The next pension business was the bill (H. R. 4326) granting an increase of pension to James Barbour.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Barbour, late of Company A, Third Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after "Infantry," insert "Texas and New Mexico Indian war."
In line 8 strike out "thirty" and insert "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

MARGARET C. STORTS.

The next pension business was the bill (H. R. 6543) granting an increase of pension to Margaret C. Storts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret C. Storts, widow of Charles H. Storts, late of Company I, Third Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the initial "H." and insert "Henry."
In line 7, after "Infantry," insert "war with Mexico."
In line 8 strike out "thirty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

LOUISA E. PRICE.

The next pension business was the bill (H. R. 7741) granting an increase of pension to Louisa E. Price.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louisa E. Price, widow of Edmund Price, late of Company H, Palmetto Regiment South Carolina Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 change "Volunteer" to "Volunteers."
In lines 7 and 8 strike out "Infantry."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

MAGGIE Z. TARTER.

The next pension business was the bill (H. R. 10837) granting a pension to Maggie Z. Tarter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maggie Z. Tarter, widow of William W. Tarter, Company H, Sixth Regiment United States Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after "Tarter," insert "late of."
Add to the end of the bill "and $2 per month additional on account of each of the minor children of said William W. Tarter until they reach the age of 16 years."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

SAMUEL W. BURT.

The next pension business was the bill (H. R. 10938) granting an increase of pension to Samuel A. Burt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel A. Burt, late of the Seminole Indian war, and pay him a pension at the rate of —— dollars per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Change the initial "A" where it appears in claimant's name in the title and body of the bill to "W."

In line 6, after "late of," insert "Captain Henry's company South Carolina Volunteers."
In the same line strike out "the Seminole" and insert "Florida."
In line 7, after "rate of," insert "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

NOBLE SAXTON.

The next pension business was the bill (H. R. 11457) granting a pension to Noble Saxton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Noble Saxton, late of Company H, Second Oregon Mounted Volunteers, 1855 and 1856, and Company A, First Battalion Oregon Volunteers, 1856, and pay him a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after "late of," insert "Captain Sheffield's."
In the same line strike out the initial "H" and insert "A."
In the same line, after "Second," insert "Regiment."
In line 7, after "Volunteers," insert "Oregon and Washington Territory Indian war."
Strike out all in line 7 after "Volunteers."
Strike out line 8.
In line 9 strike out all before the word "and."
In line 10 strike out "fifty" and insert "sixteen" and add to the end of the bill the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to Noble Saxton."

ANNA BORKOWSKI.

The next pension business was the bill (H. R. 11464) granting a pension to Anna Borkowski.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna Borkowski, mother of Frank Borkowski, late of Company D, Second United States Infantry, and pay her a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before "mother," insert "dependent."
In line 7, after "Second," insert "Regiment."
In same line, after "Infantry," insert "war with Spain."
In line 8 strike out "twenty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

MARY HUTCHINSON.

The next pension business was the bill (H. R. 14341) granting an increase of pension to Mary Hutchinson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Hutchinson, widow of Burrel B. Hutchinson, late of Company H, Palmetto Regiment South Carolina Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In lines 7 and 8 strike out "Volunteer Infantry" and insert in lieu thereof "Volunteers, war with Mexico."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

ELIZABETH NORTON.

The next pension business was the bill (H. R. 14680) granting a pension to Elizabeth Norton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Norton, widow of Charles F. Norton, late hospital steward in the Third Regiment Texas Volunteer Infantry, and pay her a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "in the."
In line 8, before "and," insert "war with Spain."
Also, in the same line, strike out "twenty-four" and insert "twelve."
Add to the end of the bill "and $2 per month additional on account of the minor child of said Charles F. Norton until she reaches the age of 16 years."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

WILLIAM H. JONES.

The next pension business was the bill (H. R. 15019) granting an increase of pension to W. H. Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of W. H. Jones, late of Hembry's and Swan's companies, Tennessee Volunteer Infantry, Indian wars, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Change the initial "W." in the title and body of the bill to "William."
In line 6, after "late of," insert "Captain Hembree's," and in the same line strike out "Hembry's."
In line 7 change "Volunteer" to "Volunteers."
In the same line strike out "Infantry" and insert "Cherokee and Florida."
In line 8 strike out "twenty-four" and insert "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

ALEXANDER IAUN.

The next pension business was the bill (H. R. 15547) granting a pension to Alexander Iaun.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander Iaun, late of Company L, Fourth Regiment Illinois Volunteer Infantry, war with Spain, and pay him a pension at the rate of $20 per month.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

DINAH E. SPRAGUE.

The next pension business was the bill (H. R. 15605) granting an increase of pension to Dinah E. Sprague.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dinah E. Sprague, widow of Ara Sprague, sergeant in Captain Peterson's company, war of 1812, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read as follows:

In line 6 strike out "sergeant in" and insert "late of."
In line 7, after "company," insert "New York Militia."
In line 8, after "twenty" insert "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

ADDIE W. FARQUHAR.

The next pension business was the bill (H. R. 15958) granting an increase of pension to Addie W. Farquhar.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Addie W. Farquhar, widow of Rear-Admiral N. H. Farquhar, United States Navy, and pay her a pension at the rate of $100 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the initials "N. H." In line 7, before "Farquhar," insert "Norman V. H." In line 8 strke out "one hundred" and insert "fifty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

AMERICA BRUCE.

The next pension business was the bill (H. R. 16028) granting an increase of pension to America Bruce.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of America Bruce, widow of Griffin Bruce, late of Captain Harvell's company, Tennessee Volunteers, Florida war of 1838, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Harvell's and insert "Howell's."
In the same line, after "Volunteers," strike out "Florida war of" and insert "Cherokee Indian disturbances."
In line 8 strike out "eighteen hundred and thirty-eight."
In line 9 strike out "twenty-four" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JOHN MOGG, ALIAS JOHN MOOR.

The next pension business was the bill (H. R. 17331) granting an increase of pension to John Mogg.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Mogg, alias John Moor, late of Company G, Eighth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after "Infantry," insert "Florida Indian war."
In line 8 strike out "thirty" and insert "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to John Mogg, alias John Moor.

JAMES KILBY.

The next pension business was the bill (H. R. 18029) granting an increase of pension to James Kilby, sr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pensions laws, the name of James Kilby, sr., late of Peedeer's company, North Carolina Volunteers, Cherokee Indian war and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

After claimant's name in the title and body of the bill strike out "senior."
In line 6, after "late of," strike out "Peedeer's" and insert "Captain Peden's."
In line 7 strike out "war" and insert "disturbances."
In line 8 strike out "twenty-five" and insert "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

PENSIONS AND INCREASE OF PENSIONS TO CERTAIN SOLDIERS AND SAILORS OF THE CIVIL WAR.

The next pension business was the bill (H. R. 18754) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Joseph H. Wagner, late major, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Douthitt, late of Company C, Eightieth Regiment Indiana Volunteer Infantry, and Company A, Eighth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ewell Plummer, late of Company D, Fourteenth Regiment, and Companies E and B, Twentieth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Walter K. James, late of Company L, First Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frederick B. Welty, late of Company C, Eleventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of J. George Spangenberg, late of Company A, Thirty-sixth Regiment Pennsylvania Volunteer Infantry, and Permanent Party, General Mounted Service, Carlisle Barracks, Pa., and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Larkins, late of Company G, Twelfth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. Fox, late of Company B, Seventh Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Julia Churchill, widow of William H. Churchill, late of Company B, First Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Oliver D. Pearson, late of Company C, Forty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alva C. May, late of Company E, Seventieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hiram K. Hazlett, late acting master, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eleazer Reynolds, late of Company B, One hundred and twenty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James T. Bonnifield, late of Company F, Seventh Regiment California Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William F. Primley, late of Company E, Ninth Regiment Illinois Volunteer Mounted Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James G. McNett, late of Company C, Forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William T. Justice, late of Company K, Fifth Regiment West Virginia Volunteer Infantry, and Company K, First Regiment West Virginia Veteran Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob Bachman, late of Company I, Eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Levi N. Gregory, late of Company I, Second Regiment Missouri Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Laurence Vanderbosch, late of Company G, One hundred and seventy-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Jones, late of Company L, First Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Freadreck Dicke, late of Company E, Twenty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frederick Gier, late of Company D, Ninth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Van Gorden, late of Company C, Ninety-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert L. Lindsay, late captain Company F, Fiftieth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Julia A. Harrington, widow of Walter S. Harrington, late of Company E, Twenty-seventh Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Rosa A. Peters, former widow of Ackerson Archer, late of Companies K and G, One hundred and seventy-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Andrew J. Moore, late of Company B, Fifth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George H. Akins, late of Company A, One hundred and forty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Yager, late of Company E, First Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Thomas Nelson, late of Company F, One hundred and ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Daniel D. Vail, late of Company L, Sixteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William J. Moon, late of Company G, Seventeenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Josiah Fowler, late of Company D, Sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas G. Bratten, late of Company A, Fifth Regiment Tennessee Volunteer Cavalry, and second lieutenant Company D, Fourth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George F. Knowlton, late of Company I, Fourth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Daniel W. Moore, late of Company A, First Regiment Michigan Volunteer Engineers and Mechanics, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary Bemus, widow of Franklin Bemus, late of Company F, Ninth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Charles Pinder, late of Company I, Eighth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Dagworthy D. Joseph, late captain Company C, Third Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William P. Crowell, late of Company H, Twelfth Regiment Indiana Volunteer Infantry, and second and first lieutenant Company K, One hundred and fifty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mathew H. Clarke, late of Company H, Eighty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William F. Parish, late of Company D, One hundred and seventy-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Theophilus C. Middlebrook, late first lieutenant Company I, Fourteenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Orator S. Holcomb, late of Company F, One hundred and thirty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Solomon W. Yeagley, late of Company G, One hundred and twenty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert Stokes, late of Company G, Fortieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Wilson D. Wright, late first lieutenant Company B, Fifth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward Williams, late of Company H, Twentieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Rhoda F. Thogmartin, helpless and dependent child of John H. Thogmartin, late first lieutenant Company I, Fourth Regiment Provisional Enrolled Missouri Militia, and pay her a pension at the rate of $12 per month.

The name of Jonathan Harp, late of Company E, Eighteenth Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William A. Fowler, late of Company F, Fifth Regiment New York Volunteer Cavalry, and Company H, Fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Agnes B. Miller, widow of Josiah Miller, late additional paymaster, United States Volunteers, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of William H. Davis, late of Company A, One hundred and fifty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Langenfeld, late of Company F, Second Battalion, Eighteenth Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph T. Prime, jr., late of Company E, Ninth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Christian A. Baldwin, late of Company H, Thirty-eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David S. Oliphant, late second lieutenant Company D, Thirty-fifth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jacob Fischer, late first lieutenant Company K, Sixty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Walton, late of Company C, Tenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas W. Coe, late of Company K, Eleventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Dallas W. Spencer, late of Company B, Forty-third Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob A. Hetrick, late unassigned, Third Regiment Pennsylvania Volunteer Heavy Artillery, and Company D, One hundred and eighty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James H. Russey, late second lieutenant Company A, Sixth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles Walker, late of Company B, Thirty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Luke Shinnerss, late of Company M, Fourth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isaac H. Daggett, late of Company F, Fifty-sixth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isaac E. Johnson, late of Company H, Fifth Regiment, and Company B, Seventh Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Clark Burget, late of Company E, Sixty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Dennis Hurley, late of Companies F and E, Twenty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James McMunn, late of Company A, Seventh Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David U. Quick, late of Company K, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Joseph W. Potter, late of Company C, Nineteenth Regiment, and Company C, Thirty-sixth Regiment, Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William T. Eager, late of Company A, Seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah C. Williams, widow of John S. Williams, late of Company E, Fourteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Samuel Richard, late of Company E, Twelfth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ezra B. Spoor, late of Company B, One hundred and thirty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Domer, late of Company D, Thirteenth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alfred Crites, late of Company A, Second Regiment Missouri Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Moak, late of Company B, One hundred and fifteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Coffee, late of Company D, Fourth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ann Quackenbush, widow of Albert Quackenbush, late of Company I, Twenty-fourth Regiment New York Volunteer Cavalry, and Company I, First Regiment New York Provisional Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Frederick Eckstine, late of Company D, Fifty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Button, late second lieutenant Company A, Twenty-second Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Back, late of Company D, Seventy-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Shevels, late of Company K, One hundred and twenty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas McCafferty, late of Company G, Fifty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George Hopper, late of Company A, Fortieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Berl P. Penny, late of Company A, Forty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Grodine Drake, former widow of Loraine L. Severn, late of Company B, Ninety-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Stephen Parker, late of Company H, Seventh Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Moses L. Grace, late seaman, Portsmouth Navy-Yard, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frederick Miller, late of Company B, One hundred and fortieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Consider H. Willett, late captain Company G, Second Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Andrews, late of Company D, Third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Moore, late of Company C, Forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Argo, late of Company E, Fifty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Levi L. Crane, late of Company C, Twenty-second Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Miller, late sergeant-major, Fifth Regiment, West Virginia Volunteer Cavalry, and first lieutenant Company H, Sixth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph M. Arnold, late of Companies H and A, Twenty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward S. Johns, late principal musician One hundred and forty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel C. Kirkpatrick, late of Company E, Eleventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William E. Dwyer, late of Company I, First Regiment Maryland Volunteer Infantry, and Twenty-third Company, Second Battalion Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George Myers, late of Company D, Thirty-eighth Regiment Ohio Volunteer Infantry, and Company E, One hundred and eleventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Cleophas Guerin, late of Company A, Third Regiment California Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Bertha C. Huntosh, widow of Charles G. Huntosh, late of Company B, Hatch's independent battalion Minnesota Volunteer Cavalry, and pay her a pension at the rate of $12 per month and $2 per month additional on account of each of the three minor children of the soldier until they shall arrive at the age of 16 years.

The name of James Hudson, late of Company K, Fifth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin F. Reed, late of Company L, Twelfth Regiment New York Volunteer Cavalry, and Battery G, Third Regiment United States Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John J. Fields, late of Company I, Fifth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel D. Kingsbury, late of Company C, Seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sidney S. Smith, late of Company B, Second Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Schenk, late first lieutenant and regimental quartermaster Seventeenth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Siegfried, late of Company D, One hundred and fifty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William F. Null, late of Company G, One hundred and thirty-fourth Regiment, and Company F, One hundred and forty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William E. Chick, late of Company I, Eighty-fifth Regiment, and Company I, One hundred and eighty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Deborah A. Sebastian, widow of James M. Sebastian, late sergeant-major, Seventh Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Harry C. Crary, late of Company L, Ninth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George Ramsey, late of Company C, Third Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph E. Jackson, late of Company K, Eighty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Beverly D. Hunt, late of Company D, Second Regiment Arkansas Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Theressia Neiss, widow of Jacob Neiss, late of Company I, One hundred and eightieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Wilbur F. Kellogg, late of Company E, Fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ann T. Holbrook, widow of Lyman C. Holbrook, late first lieutenant Company I, One hundred and eighteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Elijah H. Forbes, late of Company I, First Regiment Michigan Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles E. Hall, alias George Hogue, late of Company E, First Regiment Indiana Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Richard Carr, late of Company H, Sixth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Cyrus C. Skaggs, late of Company F, Fiftieth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Levi Guy, late of Company A, Forty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Williams, late of Company C, Eleventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. Chancellor, late of Company H, Twenty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $12 per month, the same to be paid to him under the rules of the Pension Bureau as to mode and times of payment without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The name of Erastus Mack, late first lieutenant Company E, Twenty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry M. Gibbs, late of Company I, Fifth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William R. Marsee, late of Company A, Forty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lawson D. Jernigan, late of Company C, and second lieutenant Company H, First Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William W. Smith, helpless and dependent child of William W. Smith, late of Company G, Thirty-third Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Isaac H. Pinkerton, late of Company K, Eleventh Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George M. Lally, late of United States ships North Carolina and Daylight, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mollie Smith, helpless and dependent child of George W. Smith, late of Company D, Sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Alfred Picklesimer, late of Company I, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary T. Jennings, widow of John Jennings, late of Company I, First Regiment New York Volunteer Marine Artillery, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Freeman Burk, late of Company H, One hundred and twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elijah Tharp, late of Company F, One hundred and fifty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry Fuerschbach, late of Company I, First Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lewis C. Hodges, late of Company K, Forty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Abbie C. Fleharty, widow of Perry A. Fleharty, late of Company B, Sixty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Martha Louise Fleharty, helpless and dependent daughter of said Perry A. Fleharty, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Abbie C. Fleharty the name of said Martha Louise Fleharty shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Abbie C. Fleharty.

The name of Gilbert F. Gould, late of Company G, Thirteenth Regiment, and Company M, Sixth Regiment, New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John J. Bell, late of Company E, Sixteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas D. Marshall, late of Company E, Second Regiment Arkansas Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel N. Clary, late of Company G, Twenty-sixth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Halestack, late of U. S. S. Rattler, Great Western, and Tyler, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James R. Dale, late of Company A, Fifth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David H. Mead, late of Company D, Thirty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

Mr. SULLOWAY. Mr. Speaker, I move to amend the bill on page 25, line 23, by striking out "thirty" and inserting "forty." It is a misprint.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 25, line 23, strike out "thirty" and insert "forty."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

JOHN SHAUGHNESSY.

The next business upon the Private Calendar was the bill (H. R. 5297) entitled "A bill to complete the naval record of John Shaughnessy."

Mr. MANN. Mr. Speaker, I want to make a point of order on the bill. However, possibly the bill had better be read, as the title does not disclose the nature of it.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby directed to so amend the naval record of John Shaughnessy, late landsman, United States Navy, on U. S. S. Brooklyn, as to show him honorably discharged, to date from October 9, 1864.

The following amendment was read:

Line 6, after the word "him," strike out the word "honorably."

The SPEAKER pro tempore. The Chair will state that under the rule this bill is properly up for consideration at this time.

Mr. MANN. If it is a bill to remove the charge of desertion it will be in order.

Mr. CALDER rose.

Mr. MANN. Is this the gentleman's bill?

Mr. CALDER. Yes.

Mr. MANN. I thought it was another bill. I withdraw the point of order.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

INCREASE OF PENSIONS TO CERTAIN SOLDIERS AND SAILORS OF THE CIVIL WAR.

The next pension business was the bill (H. R. 18930) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Noah N. Greer, late of Company F, First Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Greenwood, late of Company G, Forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John S. Cox, late of Company H, Fifty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William J. Nash, late of Company D, Twenty-fifth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William G. Sliger, late of Company D, Fifth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William A. Eagleson, late of Company C, Third Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel White, late of Company M, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Perry B. Wilson, late of Company K, Eighty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of David Woods, late of Companies H and A, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Harriett J. Cobbey, widow of Joseph E. Cobbey, late first lieutenant Company D, Seventy-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of John A. Phillips, late of Company F, Sixteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Carrie L. Poole, widow of Theodore L. Poole, late first lieutenant Company H, One hundred and twenty-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving, and $2 per month additional on account of a minor child of the soldier until such child shall arrive at the age of 16 years.

The name of David H. Moredick, late of Company B, Tenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Loucks, late of Company K, Two hundred and eleventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William E. White, late second lieutenant Company C, Seventy-first Regiment, and of Company G, Sixty-ninth Regiment, New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alexander N. Hart, late of Company H, Twelfth Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George Dorbert, late of Company F, One hundred and eighty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph K. Bradfield, late of Company B, Eighty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry S. Hubbard, late of Company F, Thirty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Commodore P. Barker, late of Company G, Eighth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John D. Reynolds, late of Company D, Second Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James W. Durling, late of Company F, Thirtieth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John Mahood, late of Company A, Forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alva Griswold, late of Company B, Twelfth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Haywood W. Weathington, late of Company C, Fourth Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John P. Swigert, late of Company G, Eightieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John J. Fordney, late unassigned, Third Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Johnson White, late of Company H, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The names of Edward B. Valerius and Louise M. Valerius, helpless and dependent children of Peter Valerius, late of Company G, One hundred and seventh Regiment Ohio Volunteer Infantry, and pay each of them a pension at the rate of $12 per month.

The name of Edwin E. Cleaveland, late of Company K, One hundred and thirty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. Martin, late of Company I, Tenth Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel T. Askey, late of Company F, Two hundredth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Daniel Seifert, late of Company H, One hundred and thirty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Casper Pixley, late of Company I, Sixty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry B. Crawford, late of Company B, Ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Myron L. Fales, late of Company K, First Regiment Vermont Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Richard W. Courtney, late of Company E, Sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Oscar A. Paddock, late of Company K, Tenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Richard Davis, late of Company E, Sixth Regiment California Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Orlando Cummings, alias Comans, late of Battery L, Second Regiment United States Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Owen Carroll, late of Company H, Third Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Belt, late of Company C, Twelfth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James P. Ferrell, late of Company C, Forty-eighth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David A. Davis, late quartermaster-sergeant, First Regiment Kentucky Volunteer Cavalry, and of Company K, One hundred and ninety-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James A. Hunter, late of Companies I and D, Second Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Hohenstein, late of Company B, Forty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Franklin Montgomery, late of Company K, Forty-eighth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Bragaw, late of Company F, One hundred and fifty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James M. Barnett, late of Company K, One hundred and twenty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Eberly, late of Company K, Thirty-first Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew Johnson Smith, helpless and dependent child of Henry Smith, late of Company H, Eighth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Josiah Lamb, late of Company B, Eighteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John B. Wood, late first lieutenant Company E, and captain Company G, Fifteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James E. Pangle, late of Company G, One hundred and thirty-fourth Regiment Ohio National Guard Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elijah W. Adkins, late of Company E, Third Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Julius D. Austin, late of Company A, Eighth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Austin L. Nichols, late of Company H, Eighth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles O. Thomas, late of Company F, Thirty-first Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles Otto, late first lieutenant Company C, Forty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John S. Thompson, late of Company I, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John M. Boyd, late of Company E, Sixty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William W. Angel, late first lieutenant Company D, Fifth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert Burris, late of Company F, Seventy-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry J. Kimball, late of Company B, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William E. Armstrong, late of Company I, One hundred and eighteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isaac N. Sandwick, late of Company B, Fourth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George E. Dee, late of Company H, One hundred and forty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Marshal S. Phillips, late of Company M, First Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Robert A. Gentry, late of Company D, Seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert Fargue, late of Company E, Fifty-seventh Regiment, and Company K, Sixty-first Regiment, New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob Hinkel, late of Ninth Independent Battery New York Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hiram P. Neyman, late of Company I, Thirty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George B. Bergen, late second lieutenant Company I, Thirty-eighth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Augustus Van Derveer, late of Company G, First Regiment New York Volunteer Engineers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Cordice R. Sprague, late of Company C, Twenty-sixth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John M. Armstrong, late of Company E, Sixth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nancy E. Conner, widow of Matthew B. Conner, late of Company H, Fourth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of David H. Bishop, late of Company D, Eighth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James M. Neil, late of Company E, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lewis A. Woodruff, late of Company A, Third Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry K. Sikes, late of Company G, First Regiment New York Volunteer Mounted Rifles, and Company G, Fourth Regiment New York Provisional Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Simeon Kysar, late of Company G, First Regiment Minnesota Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles C. Brown, late of Company B, Fiftieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Henry Hammond, late of Company E, First Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $15 per month in lieu of that he is now receiving.

The name of James T. Gill, late of Company H, Fifty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Patrick Breen, late of Company C, Second Regiment United States Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Ebenezer Watson, late of Company E, Thirty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles F. Perry, late of Company K, Thirty-eighth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Standish C. Stiles, late of Company I, Third Regiment Colorado Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Duesler, late of Company G, Twelfth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin C. Durham, late of Company K, First Regiment New York Volunteer Engineers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Paul Gettis, late of Company H, Seventieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Wilber S. Benjamin, late of Company D, Fiftieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Gustav Timble, late of Company L, First Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel W. Lapham, late captain Company K, Ninth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John F. Swaney, late of Company B, Fifty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James M. Pickett, late of Company G, Fourteenth Regiment, and Company L, Eighth Regiment, Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Underwood, late of Company A, One hundredth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Michael Guth, late of Captain Piquenard's independent company of Pioneers, Fourth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Smith, late of Companies K and A, One hundred and twenty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James A. McCoy, late of Company G, Seventh Regiment Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James M. Benjamin, late of Companies I and D, Second Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Gaertner, late of Company E, Twenty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry W. Elbridge, late of Company G, Thirteenth Regiment New York Volunteer Cavalry, and unassigned, Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary Spillane, widow of Michael Spillane, late of Company E, Twelfth Regiment, and Company E, Fifth Regiment, New York Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of John Welker, late of Company E, One hundred and twenty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William Lamon, late first lieutenant Company C, Fourth Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of America H. Adams, widow of William G. Adams, late of Company G, Sixth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Allen L. Adams, helpless and dependent son of said William G. Adams, this pension shall be reduced to $12 per month from and after the date of death of said Allen L. Adams: *And provided further*, That in the event of the death of America H. Adams the name of said Allen L. Adams shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said America H. Adams.

The name of Henry Allen, late of Fifth Independent Battery Illinois Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frances Crain, widow of Seburn S. Crain, late of Company G, One hundred and twenty-eighth Regiment, and Company C, Ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of William Crain, helpless and dependent son of said Seburn S. Crain, this pension shall be reduced to $12 per month from and after the date of death of said William Crain: *And provided further*, That in the event of the death of Frances Crain, the name of said William Crain shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Frances Crain.

The name of Oliver J. Williams, late of Company B, Fourth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John McNevin, late captain Company C, Seventy-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isaac Q. Barstow, late of Company M, Eleventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lewis Myers, late of Company G, One hundred and ninety-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Mead, late of Company I, Eighty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of N. Martin Curtis, late captain Company G, Sixteenth Regiment, and colonel One hundred and forty-second Regiment, New York Volunteer Infantry, and brigadier-general, United States Volunteers, and pay him a pension at the rate of $100 per month in lieu of that he is now receiving.

The name of John Murray, late of Company A, Fifty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elisha Cooley, late of Company H, Ninth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Rencher, late of Company E, Thirty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Levi N. Woodside, late first lieutenant Company G, First Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Andrew Barry, late of Company B, First Regiment Connecticut Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Adam Allen, 1st, late of Company K, Forty-fourth Regiment Ohio Volunteer Infantry, and Company K, Eighth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Roberts, late of Company K, One hundred and eighty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Deaver, late of Company B, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Wesley I. Bond, late of Company D, Twenty-ninth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John McIntosh, late of Company K, Nineteenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Shadrach Stacy, late second lieutenant Company M, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Cline, late of Company B, Sixty-ninth Regiment New York State Militia Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of John Plush, late of Company I, Fifth Regiment United States Veteran Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Louis Fricke, late of Company F, One hundred and twenty-first Regiment, and Company G, Sixty-fifth Regiment, New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Falls H. Castone, late of Company E, Sixth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Merritt D. En Earl, late of Company K, Ninety-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John M. Quay, late of Company K, Seventh Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Cavanagh, late of Company C, First Regiment Rhode Island Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert W. Hardin, late of Company H, Eighth Regiment Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Catherine Boykin, widow of Jabez Boykin, late of Company G, One hundred and twenty-eighth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Samuel Scott, late of Company B, Fifty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Seward Q. Payne, late of Company A, Fourth Regiment Iowa Volunteer Infantry, and second lieutenant Company B, Fourteenth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hilan Hoskin, late of Company I, Twenty-sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John T. Stasel, late of Company D, Tenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Bassett, late of Company E, First Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James W. Fisk, late of Company A, Thirty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alfred Harper, late of Company A, One hundred and seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lizzie Duncan, widow of Robert Duncan, late of Company H, Eleventh Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Isaac N. Greer, late of U. S. S. Juliet, Hastings, and Fawn, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frank E. Watrous, late captain Company F, Second Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of William Scott, late of Company D, Eighteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel R. Irwin, late first lieutenant Company C, Thirty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James P. Mallison, late of Company B, Forty-fourth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frank Marshall, late of Company K, One hundredth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hiram P. Worthley, late of Company G, Forty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate $24 per month in lieu of that he is now receiving.

The name of Benjamin F. McClure, late of Company G, Fortieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Jacob Gruenewald, late of Company C, First Regiment Missouri State Militia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James S. Everhart, late of Company H, Ninety-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John D. Landis, late of Company E, Fifty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Albert Blood, late of Company H, Third Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Alphonzo N. Nichols, late major and additional paymaster, United States Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward Blaisdell, late of Company B, Twenty-fourth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Willis W. Wilkison, late of Company H, Second Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. Hayes, late of Company G, Twenty-seventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Reuben V. G. Smith, late of Company C, Eleventh Regiment New Hampshire Volunteer Infantry, and Battery E, Second United States Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elijah Schoonmaker, late of Company E, One hundred and forty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

Mr. SULLOWAY. Mr. Speaker, I move to amend, on page 4, by striking out lines 3, 4, 5, and 6. The beneficiary is dead.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, strike out lines 3 to 6, both inclusive, being the pension of Joseph Loucks.

Mr. WILLIAMS. Mr. Speaker, reserving the right to object, may I ask what is the nature of the amendment?

Mr. SULLOWAY. The beneficiary is dead, and we drop the bill from the list.

Mr. WILLIAMS. I did not want the harmony of the proceedings to be interrupted by the gentleman from New Hampshire.

Mr. SULLOWAY. The harmony would not have been interrupted if the beneficiary had not died.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. SULLOWAY. Mr. Speaker, I also move to amend, on page 28, line 19, by striking out the word as it is spelled, namely, "Nichols," and insert the word "Nicholds."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

In line 19, page 28, make the spelling of the name "Nicholds."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

INCREASE OF PENSIONS TO CERTAIN SOLDIERS AND SAILORS OF THE CIVIL WAR.

The next pension business was the bill (S. 5254) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent children of such soldiers and sailors.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Nathan H. Tyler, late of Second Battery, First Battalion Maine Volunteer Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Chase M. Swain, late second lieutenant Company I, Twenty-sixth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Rebecca Kraus, widow of Samuel Kraus, late captain Company B, Seventh Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Joseph Logsdon, late of Company L, Fourth Regiment West Virginia Volunteer Cavalry, and Company A, Seventeenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isaac Wharton, late of Company H, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Gilbert A. Jordan, late of Company C, One hundred and second Regiment, and Company H, Sixteenth Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward C. Gearey, late lieutenant-colonel Thirty-second Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Anthony Grisvoi, late of Company G, One hundred and fortieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George A. Bucklin, late of Company C, Fiftieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Marshall H. Lewis, late of Company I, Fifth Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David S. Oliphant, late second lieutenant Company D, Thirty-fifth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Erastus Strickland, late of Company H, Tenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Franklin L. Felch, late of Company E, First Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Elizabeth Marshall, widow of Dustin Marshall, late of Company C, and first lieutenant Company A, Third Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The name of Sarah J. Mumford, widow of James R. Mumford, late of Company A, Fifty-second Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Jefferson Stanley, late of Company F, Thirty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nathan Dunkelberg, late of Company D, One hundred and seventy-second Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Luman N. Judd, late of Company I, Thirty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William M. Favorite, late of Company D, Eleventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles F. Shepard, late of Second Independent Battery Ohio Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Marilla Harvey, widow of Elijah E. Harvey, late captain Company B, Sixth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Bertha Zwicker, blind and dependent daughter of Charles Zwicker, late of Company G, Fifty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Frederick D. Winton, late of Company C, Twenty-fourth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Bridget Murphy, widow of Michael Murphy, late of Company E, One hundred and twenty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Edmund J. Graves, late of Company C, Fifty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alexander Russell, late of Company K, Eleventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Thurston, late first lieutenant Company G, Twenty-third Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas J. Postlewait, late of Company A, Sixty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hazen E. Soule, late of Eleventh Independent Battery Ohio Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary J. Logan, widow of Robert Logan, late of Company A, First Regiment District of Columbia Cavalry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Marcus J. Howland, late of Company F, Twentieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew G. Pringle, late of Company G, Twelfth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Johnston M. Watts, late of Company A, Second Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elbridge Stevens, late of Company C, Eighth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Richard Firn, late of Company D, Fifth and First Regiments California Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Irwin, late of Company H, Thirty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John G. Snook, late of Company B, Nineteenth Regiment Iowa Volunteer Infantry, and Company I, Ninth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph A. Clark, late of Companies H and K, First Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob M. Weekley, late of Company B, First Regiment Pennsylvania Reserve Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sarah A. Chitwood, widow of Richard G. Chitwood, late captain Company C, Osage Regiment, Missouri Home Guards, and Company G, Eighth Regiment Missouri State Militia Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Harrison Lovelace, late of Company K, Twenty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Harriet E. Whiton, widow of Lester Whiton, late first lieutenant Company D, Twenty-second Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The name of George A. Whitney, late of Company E, Sixty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lydia M. Salisbury, widow of Jonathan B. Salisbury, late of Captain Ramsey's Company K, First Regiment Ohio Volunteer Infantry, war with Mexico, and second lieutenant Company D, Hatch's Battalion, Minnesota Volunteer Cavalry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of John S. Lee, late of Company G, One hundred and twenty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John L. Francis, late of Company G, Eighth Regiment Pennsylvania Reserve Volunteer Infantry, and Company G, One hundred and ninety-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Gibson, late major, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary E. Kellogg, widow of Edward Josiah Kellogg, late of Company B, One hundred and twenty-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Mary J. Hammond, widow of Jehial P. Hammond, late of Company B, Seventy-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Dolson B. Searle, late of Company I, Sixty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James H. Conley, late of Company F, Fourteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Gage S. Gritman, late first lieutenant Company K, One hundred and sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry P. French, late of Company A, Ninth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Son, late of Company B, Thirteenth and Fifth Regiments Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Eunice P. Athey, widow of Morrison C. Athey, late of Company E, First Regiment Oregon Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Orlando S. Goff, late of Company D, and second lieutenant Company K, Tenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George E. Lounsberry, late of Company E, Thirty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary E. Ostheimer, widow of Simon Ostheimer, late of Third Battery, Indiana Volunteer Light Artillery, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Hannibal H. Whitney, late of Company F, Tenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edwin W. French, late captain Company C, First Regiment Connecticut Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jerome Crandall, late of Company K, Twenty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

On page 2 strike out lines 23 to 26, inclusive.

The SPEAKER pro tempore. The question is upon agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill was ordered to be read a third time, was read a third time, and passed.

PENSIONS TO CERTAIN SOLDIERS AND SAILORS OF THE REGULAR ARMY AND NAVY.

The next pension business was the bill (H. R. 19101) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Cecil I. Smith, late of Company D, Fourth Regiment Tennessee Volunteer Infantry, war with Spain, and pay him a pension at the rate of $10 per month.

The name of Miriam A. F. Jett, widow of Jesse T. Jett, late of Company A, Fourth Regiment Tennessee Volunteer Infantry, war with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of the minor child of said Jesse T. Jett until she reaches the age of 16 years.

The name of Allen A. Wesley, late surgeon, Eighth Regiment Illinois Volunteer Infantry, war with Spain.

The name of Richard M. Robinson, late of Company L, Fourth Regiment Illinois Volunteer Infantry, war with Spain, and pay him a pension at the rate of $15 per month.

The name of Henry W. Schroder, late of the United States Marine Corps, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles L. Berkheimer, late of Battery L, Third Regiment United States Artillery, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Mary R. Bryant, widow of James C. Bryant, late major, Third Regiment Kentucky Volunteer Infantry, war with Spain, and pay her a pension at the rate of $25 per month.

The name of Cornelius Meek, late of Company A, Second Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of $16 per month.

The name of Mattie B. Romsey, widow of Bradford T. Romsey, late of Company D, Second Regiment Mississippi Volunteer Infantry, war with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of the minor child of said Bradford T. Romsey, until she reaches the age of 16 years.

The name of Anna L. Gifford, widow of John H. Gifford, late of Company K, Fourth Regiment United States Artillery, and pay her a pension at the rate of $12 per month.

The name of Marion C. Turrill, widow of Brig. Gen. Henry S. Turrill, United States Army, and pay her a pension at the rate of $30 per month.

The name of Charles R. Barron, late musician, First Regiment United States Cavalry, war with Spain, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of James Parkerson, late of Captain Laffery's company, Tennessee Mounted Volunteers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Annie Lynch, widow of Michael Lynch, late of Company F, Fifteenth Regiment United States Infantry, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of the minor child of said Michael Lynch, until she reaches the age of 16 years.

Mr. LOUDENSLAGER. Mr. Speaker, I offer the following amendment:

The SPEAKER pro tempore. The gentleman from New Jersey offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 3, line 19, after the word "volunteer," insert "Cherokee Indian disturbances."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; was read a third time and passed.

On motion of Mr. SULLOWAY, a motion to reconsider the vote by which the several bills were passed was laid upon the table.

COLUMBIA HOSPITAL FOR WOMEN.

The SPEAKER announced the following appointments:

Directors of the Columbia Hospital for Women, Mr. BURTON of Delaware and Mr. FOSTER of Illinois.

COMMITTEE APPOINTMENT.

The SPEAKER announced the appointment of Mr. WATKINS to the Committee on Naval Affairs.

WITHDRAWAL OF PAPERS.

Mr. LOVERING, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Sallie D. Winslow, Fifty-ninth Congress, no adverse report having been made thereon.

PENSION APPROPRIATION BILL.

Mr. KEIFER. Mr. Speaker, I think it is rather late to go into Committee of the Whole House on the state of the Union on the pension appropriation bill, and I want to give notice that I will call it up the first thing in the morning.

SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 5894. An act to provide for the completion of the enlargement of the Government building at Wichita, Kans., and for other purposes—to the Committee on Public Buildings and Grounds.

S. 6028. An act to provide for the safety of life on navigable waters during regattas or marine parades—to the Committee on Interstate and Foreign Commerce.

S. 5908. An act to amend an act authorizing the construction of a dam and bridge across the Missouri River in the State of Montana—to the Committee on Interstate and Foreign Commerce.

S. 5656. An act for the enlargement and extension of the post-office building at Pawtucket, R. I.—to the Committee on Public Buildings and Grounds.

S. R. 60. Joint resolution granting authority for the use of

certain balances of appropriations for the Light-House Establishment to be available for certain named purposes—to the Committee on Appropriations.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 9205. An act to make the provisions of an act of Congress approved February 28, 1891 (26 Stats., p. 796), applicable to the Territory of New Mexico.

H. R. 16860. An act to establish a United States land district in the Territory of New Mexico to be known as the Tucumcari land district.

H. R. 16073. An act to authorize the town of Edgecomb, Lincoln County, Me., to maintain a free bridge across tide waters.

H. R. 16749. An act to amend an act entitled "An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Company," approved March 2, 1907.

H. R. 14043. An act to provide for the extension of time within which homestead entrymen may establish their residence upon certain lands within the limits of the Huntley irrigation project, in the county of Yellowstone, in the State of Montana.

H. R. 12803. An act allowing Chandler Bassett to perfect final proof in his homestead entry.

H. R. 2915. An act for the relief of John P. Hunter.

H. R. 16746. An act to authorize T. H. Friel or assigns to construct a dam across Mulberry Fork of the Black Warrior River.

ADJOURNMENT.

Mr. SULLOWAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 38 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of R. H. M. Mills, president of the board of trustees of the Methodist Episcopal Church South of Pine Bluff, Ark., against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting schedules of papers, documents, etc., in the files of the Department and of no further use in the transaction of the public business—to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. GOULDEN, from the Committee on the Merchant Marine and Fisheries, to which was referred to bill of the House (H. R. 225) to amend section 4463 of the Revised Statutes, relating to the complement of crews of vessels, and for the better protection of life, reported the same with amendment, accompanied by a report (No. 1226), which said bill and report were referred to the House Calendar.

Mr. DAWSON, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 16620) authorizing the appointment of dental surgeons in the Navy, reported the same without amendment, accompanied by a report (No. 1227), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. COUSINS, from the Committee on Foreign Affairs, to which was referred the bill of the Senate (S. 4112) to amend an act entitled "An act to provide for the reorganization of the consular service of the United States," approved April 5, 1906, reported the same with amendments, accompanied by a report (No. 1228), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HACKNEY, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 16743) for the removal of the restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes, reported the same without amendment, accompanied by a report (No. 1229), which said bill and report were referred to the House Calendar.

Mr. FOSS, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 7620) to establish a naval militia and define its relations to the General Government, reported the same with amendments, accompanied by a report (No. 1231), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BATES, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 7843) for the relief of Jabez Burchard, reported the same without amendment, accompanied by a report (No. 1232), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 8479) granting a pension to Malinda Jane Odell—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 13803) granting a pension to Vance V. Pearsall—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18094) granting an increase of pension to Jeremiah Sullivan—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. FLOYD: A bill (H. R. 19239) for a public building at the city of Eureka Springs, Ark.—to the Committee on Public Buildings and Grounds.

By Mr. MANN (by request): A bill (H. R. 19240) to amend an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, medicines, and liquors, and for regulating traffic therein, and for other purposes"—to the Committee on Interstate and Foreign Commerce.

By Mr. BRODHEAD (by request): A bill (H. R. 19241) providing for the purchase of an oil painting entitled "The death of Brevet Lieut. Col. Alonzo H. Cushing"—to the Committee on the Library.

By Mr. LANGLEY: A bill (H. R. 19242) to amend section 1 of an act entitled "An act granting pensions to certain enlisted men, soldiers, and officers who served in the civil war and the war with Mexico," approved February 6, 1907—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19243) to amend section 1 of an act entitled "An act granting pensions to certain enlisted men, soldiers, and officers who served in the civil war and the war with Mexico," approved February 6, 1907—to the Committee on Invalid Pensions.

By Mr. HARDING: A bill (H. R. 19244) making an appropriation for completing and adorning a monument on the site of Fort Hamilton, in the State of Ohio, and for the purchase of adjoining grounds to be used as a public park—to the Committee on the Library.

By Mr. FITZGERALD: A bill (H. R. 19245) to amend section 3 of an act entitled "An act to prevent obstructive and injurious deposit within the harbor and adjacent waters of New York City by dumping or otherwise, and to punish and prevent such offenses," approved June 29, 1888, as amended by the act of August 18, 1894—to the Committee on Rivers and Harbors.

By Mr. FRENCH: A bill (H. R. 19246) authorizing the sale of certain public lands to the State of Idaho—to the Committee on the Public Lands.

By Mr. HAUGEN: A bill (H. R. 19247) to provide for the labeling of cans, pots, tins, and other receptacles containing meat or meat food products when hermetically sealed and prepared for foreign or interstate commerce—to the Committee on Agriculture.

By Mr. STANLEY: A bill (H. R. 19248) for the further protection of interstate trade—to the Committee on the Judiciary.

By Mr. DWIGHT: A bill (H. R. 19249) to authorize the Secretary of War to furnish two condemned brass or bronze

cannon and cannon balls to the Admiral Meade Post, No. 40, Grand Army of the Republic, at Oxford, N. Y.—to the Committee on Military Affairs.

By Mr. FULLER: A bill (H. R. 19250) to create in the War Department a roll to be known as the volunteer retired list, to authorize placing thereon with retired pay certain surviving officers of the United States Volunteer Army, Navy, and marines of the civil war, and for other purposes—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BOWERS: A bill (H. R. 19251) to authorize the Secretary of the Treasury to convey certain lands to the city of Biloxi, Miss., for street purposes—to the Committee on the Public Lands.

By Mr. BROUSSARD: A bill (H. R. 19252) for the relief of Alphonse Lacour, heir of Armand Lacour—to the Committee on War Claims.

By Mr. CRUMPACKER: A bill (H. R. 19253) granting an increase of pension to Robert A. Dunlap—to the Committee on Invalid Pensions.

By Mr. DENVER: A bill (H. R. 19254) granting an increase of pension to Edward M. Curtis—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 19255) granting a pension to Jesse A. Hines—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19256) granting an increase of pension to Elbert F. Smith—to the Committee on Invalid Pensions.

By Mr. ELLIS of Missouri: A bill (H. R. 19257) for the relief of Isaac A. Meyer—to the Committee on War Claims.

By Mr. FRENCH: A bill (H. R. 19258) granting an increase of pension to Calvin Shoop—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19259) granting an increase of pension to John W. Potter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19260) granting an increase of pension to Henry H. Robinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19261) granting an increase of pension to David D. Sullivan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19262) granting an increase of pension to Charles E. Bowen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19263) granting an increase of pension to William Groves, alias Thomas Jackman—to the Committee on Pensions.

Also, a bill (H. R. 19264) authorizing the Northern Idaho Insane Asylum to purchase not to exceed two sections of land from the United States—to the Committee on Indian Affairs.

By Mr. FULLER: A bill (H. R. 19265) granting an increase of pension to Richard S. Hambridge—to the Committee on Invalid Pensions.

By Mr. FULTON: A bill (H. R. 19266) granting an increase of pension to Day Wheeler—to the Committee on Pensions.

By Mr. GARRETT: A bill (H. R. 19267) granting an increase of pension to John A. Soliday—to the Committee on Invalid Pensions.

By Mr. GILHAMS: A bill (H. R. 19268) granting an increase of pension to Andrew J. Foster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19269) granting an increase of pension to Jesse Batchelder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19270) granting an increase of pension to William Bronze—to the Committee on Invalid Pensions.

By Mr. GRAFF: A bill (H. R. 19271) for the relief of Edward H. D. Couch—to the Committee on War Claims.

By Mr. HACKETT: A bill (H. R. 19272) granting a pension to Julius C. Chappell—to the Committee on Invalid Pensions.

By Mr. HAMILTON of Michigan: A bill (H. R. 19273) granting an increase of pension to William G. Brooks—to the Committee on Invalid Pensions.

By Mr. HAMMOND: A bill (H. R. 19274) granting a pension to Orrin Nason—to the Committee on Invalid Pensions.

By Mr. HASKINS: A bill (H. R. 19275) for the relief of Rachel Parker—to the Committee on War Claims.

By Mr. JOHNSON of Kentucky: A bill (H. R. 19276) for the relief of the heirs of G. W. Upton, deceased—to the Committee on War Claims.

By Mr. JONES of Washington: A bill (H. R. 19277) granting an increase of pension to G. W. Manwell—to the Committee on Pensions.

By Mr. KINKAID: A bill (H. R. 19278) granting an increase of pension to Louisa George—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19279) for the relief of James Baxter, of Minatare, Nebr.—to the Committee on Claims.

By Mr. KNAPP: A bill (H. R. 19280) granting an increase of pension to George M. Brooks—to the Committee on Invalid Pensions.

By Mr. KNOWLAND: A bill (H. R. 19281) granting an increase of pension to John B. Jeffery—to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 19282) granting a pension to Fleming Litteral—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19283) granting a pension to Mary A. Muncy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19284) for the relief of H. Clay McKee—to the Committee on Claims.

By Mr. LAW: A bill (H. R. 19285) to remove the charge of desertion from the military record of August Merkle—to the Committee on Military Affairs.

By Mr. LEVER: A bill (H. R. 19286) granting an increase of pension to John Sanford Mott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19287) granting an increase of pension to Harrison Shobe—to the Committee on Invalid Pensions.

By Mr. LEWIS: A bill (H. R. 19288) to renew and extend certains letters patent—to the Committee on Patents.

By Mr. MADISON: A bill (H. R. 19289) granting an increase of pension to James M. White—to the Committee on Invalid Pensions.

By Mr. MOON of Pennsylvania: A bill (H. R. 19290) granting an increase of pension to George W. Payne—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 19291) for the relief of the estate of Alexander H. Keith, deceased—to the Committee on War Claims.

By Mr. O'CONNELL: A bill (H. R. 19292) granting a pension to Alexander A. Garvey—to the Committee on Invalid Pensions.

By Mr. OLCOTT: A bill (H. R. 19293) for the relief of the executors of the estate of Edward W. Southworth and others—to the Committee on Claims.

By Mr. PARSONS: A bill (H. R. 19294) to correct the military record of Harding Weston—to the Committee on Military Affairs.

By Mr. PEARRE: A bill (H. R. 19295) granting a pension to Ernest L. Tolson—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: A bill (H. R. 19296) granting an increase of pension to Jacob Dibert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19297) granting an increase of pension to Jacob P. Custer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19298) granting a pension to Elmer A. Rodkey—to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 19299) granting a pension to Edward W. Hall—to the Committee on Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 19300) to correct the military record of Daniel D. Mann—to the Committee on Military Affairs.

Also, a bill (H. R. 19301) to correct the military record of Horace Clapp—to the Committee on Military Affairs.

By Mr. SMITH of Missouri: A bill (H. R. 19302) granting an increase of pension to John Ware—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 19303) granting an increase of pension to Mary C. Newcomb—to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 19304) granting an increase of pension to Robert C. Watson—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 19305) granting an increase of pension to George B. Jones—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAIR: Petition of citizens of New York, for appropriation for relief of survivors of the *Slocum* disaster—to the Committee on Claims.

By Mr. ALEXANDER of New York: Petition of New York Credit Men's Association, for the bankruptcy law—to the Committee on the Judiciary.

By Mr. BRICK: Petition of citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. BROUSSARD: Paper to accompany bill for relief of Alphonse Lacour—to the Committee on War Claims.

By Mr. BURLEIGH: Petition of citizens of Fairfield, Me., for legislation for creating a national highway commission—to the Committee on Agriculture.

Also, petition of National Slack Cooperage Manufacturers' Association, for the bill providing for census of standing timber—to the Committee on Agriculture.

By Mr. CALDER: Paper to accompany bill for relief of heirs of Lewis Fredenick—to the Committee on Claims.

Also, petition of Washington Chapter, American Institute of Architects, against change of site of the Grant Memorial—to the Committee on the Library.

Also, petition of J. C. Lott, of Brooklyn, N. Y., for forest reservation in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of memorial and executive committee of the Grand Army of the Republic, Department of New York, against consolidation of pension offices—to the Committee on Appropriations.

By Mr. CAPRON: Petition of city council of Newport, R. I., for appropriation for Naval Training Station at Newport—to the Committee on Naval Affairs.

Also, petition of city council of Newport, R. I., for construction of next battle ship at a navy-yard—to the Committee on Naval Affairs.

Also, petition of city council of Newport, R. I., for appropriation to fortify Narragansett district—to the Committee on Appropriations.

Also, petitions of Exeter Grange and Westerly Grange, Patrons of Husbandry, of Rhode Island, for a national highway commission—to the Committee on Agriculture.

By Mr. CAULFIELD: Petition of St. Louis Council, No. 26, United Commercial Travelers of America, against the Sims parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. COOK of Pennsylvania: Petition of Philadelphia Board of Trade, for S. 28, for ocean mail service between the United States and foreign ports and to promote commerce—to the Committee on the Merchant Marine and Fisheries.

By Mr. DALZELL: Petition of Philadelphia Board of Trade, for legislation to rehabilitate the merchant marine—to the Committee on the Merchant Marine and Fisheries.

By Mr. DAWES: Petition of Presbyterian Church, 370 members, of Cumberland, Ohio, for Littlefield original-package bill—to the Committee on the Judiciary.

By Mr. DRAPER: Petition of memorial and executive committee of the Grand Army of the Republic, Department of New York, against consolidation of pension agencies—to the Committee on Appropriations.

By Mr. DUNWELL: Petition of Medal of Honor Legion of the United States, for H. R. 18698, relative to bestowal of medals of honor—to the Committee on Military Affairs.

Also, petition of memorial and executive committee of the Grand Army of the Republic, Department of New York, against consolidation of pension agencies—to the Committee on Appropriations.

By Mr. FITZGERALD: Petition of citizens of New York and vicinity for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of Grand Army of the Republic, Department of New York, of Buffalo, against consolidation of pension agencies—to the Committee on Appropriations.

Also, petition of Pacific Coast Lumber Manufacturers' Association, for power of Interstate Commerce Commission to pass on proposed rates before they become effective—to the Committee on Interstate and Foreign Commerce.

By Mr. FORNES: Petition of Herman Ridder, president of American Newspaper Publishers' Association, of New York City, relative to paper and pulp trust, for removal of tariff on white paper and wood pulp—to the Committee on Ways and Means.

Also, petition of Executive Committee of the Grand Army of the Republic, Department of New York, against consolidation of pension agencies—to the Committee on Appropriations.

By Mr. FOSTER of Illinois: Petitions of Local Union No. 481, of Mount Carmel, Ill., and Local Union No. 1188, United Brotherhood of Carpenters and Joiners, of Mount Carmel, Ill., against the Penrose amendment—to the Committee on the Post-Office and Post-Roads.

By Mr. FRENCH: Petition of Local Union No. 617, International Typographical Union, of Wallace, for removal of duty on white paper and wood pulp—to the Committee on Ways and Means.

By Mr. FULLER: Petition of D. C. Andress Post, Grand Army of the Republic, of Mendota, Ill., for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of Association of American Directory Publishers, for the Kittredge copyright bill—to the Committee on Patents.

Also, petition of Massachusetts State Federation of Women's Clubs, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. GARRETT: Paper to accompany bill for relief of John A. Soliday—to the Committee on Invalid Pensions.

By Mr. GILLETT: Petition of Hampshire County Pomona Grange, No. 8, assembled March 5, 1908, for a national highway commission—to the Committee on Agriculture.

Also, petition of citizens of New York and vicinity for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. GOLDFOGLE: Petition of United Mine Workers of America, for McHenry bill for bureau of mines—to the Committee on Mines and Mining.

Also, petition of Merchants' Association of New York, for pension for widows and children of Doctor Lazear and Major Carroll—to the Committee on Pensions.

Also, petition of Joseph Hart, for copyright legislation to protect musical composers—to the Committee on Patents.

Also, petition of Herman Ridder, president of American Newspaper Publishers' Association, for removal of duty on white paper and wood pulp—to the Committee on Ways and Means.

Also, petition of Traders and Merchants' Association of Baltimore, against the Aldrich and for the Fowler currency bill—to the Committee on Banking and Currency.

Also, petition of National Association of Clothiers, against the Aldrich and in favor of the Fowler currency bill—to the Committee on Banking and Currency.

By Mr. GOULDEN: Petition of executive committee, Department of New York, Grand Army of the Republic, against consolidation of pension agencies—to the Committee on Appropriations.

By Mr. HAMILTON of Michigan: Petition of J. B. Sweetland Post, Grand Army of the Republic, of Edwardsburg, Mich., for the Sherwood pension bill—to the Committee on Invalid Pensions.

By Mr. HAMLIN: Petition of Sylvester Cole and others, for the Sims bill—to the Committee on the District of Columbia.

Also, papers to accompany bills for relief of R. H. Tarron, Andrew J. Young, W. K. Whittaker, John Smith, George Russell, and Jacob W. Truxel—to the Committee on Invalid Pensions.

By Mr. HAMMOND: Petition of B. H. Wetzel and others of Monterey, Minn., against Penrose amendment—to the Committee on the Post-Office and Post-Roads.

By Mr. HAWLEY: Papers to accompany bills for relief of Milton Lee, R. Milo Cooper, and John Valentine—to the Committee on Invalid Pensions.

By Mr. HOLLIDAY: Petition of citizens of Morgan County, for prohibition in the District of Columbia—to the Committee on the District of Columbia.

By Mr. KEIFER: Petitions of Pearl Bethard and 3 other Republicans, J. H. Jenkins and 4 other Democrats, T. J. Creager and 2 other Independents, and Frank W. Gras and 5 other Socialists, praying for the Penrose bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of H. M. Todhunter and 12 other citizens; J. W. Johnson, of London, and 6 other citizens of Madison County, all of the State of Ohio, praying for the passage of a bill to create a national highways commission—to the Committee on Agriculture.

By Mr. KELIHER: Petition of Joint Conference Board of Allied Printing Trades, for abolition of duty on white paper and wood pulp—to the Committee on Ways and Means.

By Mr. KÜSTERMANN: Petition of residents of Green Bay, Wis., against Penrose amendment to postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. LINDBERGH: Petition of citizens of Becker and vicinity, Sherburne County, Minn., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. LINDSAY: Petition of Polish citizens, against the Polish expropriation bill by the Prussian Diet—to the Committee on Foreign Affairs.

Also, petition of O. D. Smith and others, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of headquarters, Department of New York, Grand Army of the Republic, against consolidation of pension agencies—to the Committee on Appropriations.

Also, petition of William J. Cash, of New York City, for copyright legislation to protect musical composers—to the Committee on Patents.

By Mr. LOUDENSLAGER: Petition of S. E. Layer and others, of New Jersey, for a national highways commission—to the Committee on Agriculture.

Also, petition of Elmer (N. J.) Grange, for creation of a national highways commission—to the Committee on Agriculture.

By Mr. McMORRAN: Petition of citizens of Port Huron, Mich., against the Penrose bill—to the Committee on the Post-Office and Post-Roads.

By Mr. MADDEN: Petition of citizens of New York and vicinity for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. MADISON: Petition of citizens of Beeler, Ness County, Kans., for prohibition in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MALBY: Petition of Bangor (N. Y.) Grange, for Federal construction of highways—to the Committee on Agriculture.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of Alexander H. Keith—to the Committee on War Claims.

By Mr. MOORE of Pennsylvania: Petition of Philadelphia Board of Trade, for S. 28, to provide for ocean mail service between the United States and foreign ports, and to promote commerce—to the Committee on the Merchant Marine and Fisheries.

By Mr. NEEDHAM: Petition of Soquel Grange, No. 349, against the Penrose bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Soquel Grange, No. 349, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Soquel Grange, No. 349, for investigation of conditions existing in the Santa Cruz Mountains, and especially in the vicinity of the Lomo Prieta Mountains, and, if practicable, establish a national forest reservation—to the Committee on Agriculture.

By Mr. PADGETT: Paper to accompany bill for relief of the Methodist Episcopal Church of Nolensville, Tenn.—to the Committee on War Claims.

By Mr. PATTERSON: Paper to accompany bill for relief of Vance V. Pearsall (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. PETERS: Petition of Boston city council, for battleship building at navy-yards—to the Committee on Naval Affairs.

By Mr. ROTHERMEL: Petition of Howard W. Body and other citizens of Berks County, Pa., in favor of S. 3152, for additional protection to the dairy interests—to the Committee on Agriculture.

By Mr. SHEPPARD: Paper to accompany bill for relief of William H. Taylor—to the Committee on War Claims.

By Mr. SPARKMAN: Petition of citizens of Florida, against the Penrose bill—to the Committee on the Post-Office and Post-Roads.

By Mr. SPERRY: Petition of Central Labor Union of Meriden, Conn., for battle-ship construction in navy-yards—to the Committee on Naval Affairs.

Also, petition of Local Union No. 287, of Waterbury, Conn., against Penrose amendment to post-office laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of North Haven, Conn., for a national highways commission—to the Committee on Agriculture.

Also, petition of Mad River Grange, of Waterbury, Conn., for a national highways commission—to the Committee on Agriculture.

Also, petition of Central Labor Union of Danbury, Conn., for battle-ship construction in navy-yards—to the Committee on Naval Affairs.

By Mr. STEPHENS of Texas: Petition of citizens of Delhart, Tex., against the Penrose amendment to postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. SULZER: Petition of James E. Macher, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petitions of Langdon Mitchell and R. R. Hanch, for protection in copyright bill for musical composers—to the Committee on Patents.

Also, petition of William J. Cash, against the Currier copyright bill—to the Committee on Patents.

Also, petition of organization of *General Slocum* survivors, for an appropriation for relief of survivors of the victims of the disaster—to the Committee on Claims.

By Mr. TOU VELLE: Petition of Presbyterian Church of Gomer, Ohio, for the Littlefield original-package bill—to the Committee on the Judiciary.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March 14, 1908.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

RELIEF OF TOBACCO GROWERS.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill H. R. 17520, and that it be considered in the House.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill and that it be considered in the House. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 17520) for the relief of tobacco growers.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was read, as follows:

A bill (H. R. 17520) for the relief of tobacco growers.

Be it enacted, etc., That subdivision 9 of section 3244 of the United States Revised Statutes, as amended by section 69 of the act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," approved August 28, 1894, is hereby further amended so as to read as follows:

"Every person whose business it is to manufacture tobacco or snuff for himself, or who employs others to manufacture tobacco or snuff, whether such manufacture be by cutting, pressing, grinding, crushing, or rubbing of any raw or leaf tobacco, or otherwise preparing raw or leaf tobacco, or manufactured or partially manufactured tobacco or snuff, or the putting up for use or consumption of scraps, waste, clippings, stems, or deposits of tobacco resulting from any process of handling tobacco, or by the working or preparation of leaf tobacco, tobacco stems, scraps, clippings, or waste, by sifting, twisting, screening, or any other process, shall be regarded as a manufacturer of tobacco: *Provided,* That unstemmed tobacco in the natural leaf and not manufactured or altered in any manner shall not be subject to any internal-revenue tax or charge of any kind whatsoever, and it shall be lawful for any person to buy and sell such unstemmed tobacco in the leaf without payment of tax of any kind: *Provided further,* That any person who sells natural leaf tobacco to manufacturers of tobacco, snuff, or cigars shall be deemed and considered a dealer in leaf tobacco and become subject to all the provisions, rules, and regulations of subsection 6 of section 3244, United States Revised Statutes, as amended by section 14, act of March 1, 1879, and also as amended by the act of March 3, 1883, and, further, shall be subject to all the provisions of section 3360, United States Revised Statutes, as amended by section 14, act of March 1, 1879, and of sections 3359 and 3391, United States Revised Statutes: *And provided further,* That farmers and growers of tobacco may sell leaf tobacco of their own growth and raising to manufacturers of tobacco, snuff, or cigars without being considered leaf dealers or manufacturers of tobacco and shall not be subject to the sections of the law and amendments thereof above named."

Mr. DALZELL. Mr. Speaker, just one word. This bill was passed in the last Congress and is reported to this Congress unanimously by the Committee on Ways and Means. The bill was drawn originally by the Commissioner of Internal Revenue, Mr. Yerkes, and the purpose of the bill, in short, is to relieve the farmer who raises tobacco from a status under the law of a manufacturer or dealer, and to relieve him, therefore, to that extent of tax.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

COMMITTEE ON EXPENDITURES IN THE DEPARTMENT OF JUSTICE.

Mr. MUDD. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution.

The Clerk read as follows:

Resolved, That the Committee on Expenditures in the Department of Justice is hereby authorized during the Sixtieth Congress to have such printing and binding done as may be required in the transaction of its business.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

HEARINGS ON THE PENSION APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent for a print of a thousand copies of the hearings before the subcommittee of the House Committee on Appropriations on the pension appropriation bill for the year 1909.

The SPEAKER. The gentleman from Minnesota asks unanimous consent for a print of a thousand copies of the hearings before the subcommittee of the Committee on Appropriations on the pension appropriation bill. Is there objection? [After a pause.] The Chair hears none.

BRIDGE ACROSS MOBILE RIVER, MOBILE, ALA.

Mr. TAYLOR of Alabama. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill.

The Clerk read as follows:

A bill (H. R. 17311) to authorize the Pensacola, Mobile and New Orleans Railway Company, a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line approximately east of the north boundary line of the city of Mobile, Ala.

Be it enacted, etc., That the Pensacola, Mobile and New Orleans Railway Company, a corporation existing under the laws of the State of Alabama be, and is hereby, authorized to construct, operate, and maintain a bridge, and its approaches thereto, across the Mobile River and its navigable channels, in the counties of Baldwin and Mobile, in the State of Alabama, at a point approximately east of the north boundary line of the city of Mobile, to be approved by the Secretary of War, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, and repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

BUREAU OF CORPORATIONS.

Mr. HARDWICK. Mr. Speaker, I rise to make a privileged motion.

The SPEAKER. The gentleman from Georgia rises to a privileged motion, which he will state.

Mr. HARDWICK. Mr. Speaker, I move to discharge the Committee on Interstate and Foreign Commerce from the consideration of the resolution which I send to the Clerk's desk, and ask for immediate consideration by the House of the resolution, now being privileged.

The SPEAKER. The gentleman from Georgia moves to discharge the Committee on Interstate and Foreign Commerce from the consideration of the following resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 286.

Whereas the act of February 14, 1903, establishing the Department of Commerce and Labor contains the following provision:

"SEC. 6. That there shall be in the Department of Commerce and Labor a bureau to be called the Bureau of Corporations, and a Commissioner of Corporations who shall be the head of said bureau, to be appointed by the President, who shall receive a salary of $5,000 per annum. There shall also be in said bureau a deputy commissioner who shall receive a salary of $3,500 per annum, and who shall in the absence of the Commissioner act as, and perform the duties of, the Commissioner of Corporations, and who shall also perform such other duties as may be assigned to him by the Secretary of Commerce and Labor or by the said Commissioner. There shall also be in the said bureau a chief clerk and such special agents, clerks, and other employees as may be authorized by law.

"The said Commissioner shall have power and authority to make, under the direction and control of the Secretary of Commerce and Labor, diligent investigation into the organization, conduct, and management of the business of any corporation, joint stock company, or corporate combination engaged in commerce among the several States and with foreign nations, excepting common carriers subject to 'An act to regulate commerce,' approved February 4, 1887, and to gather such information and data as will enable the President of the United States to make recommendations to Congress for legislation for the regulation of such commerce, and to report such data to the President from time to time as he shall require; and the information so obtained or as much thereof as the President may direct shall be made public.

"In order to accomplish the purposes declared in the foregoing part of this section, the said Commissioner shall have and exercise the same power and authority in respect to corporations, joint stock companies, and combinations subject to the provisions hereof, as is conferred on the Interstate Commerce Commission in said 'Act to regulate commerce' and the amendments thereto in respect to common carriers so far as the same may be applicable, including the right to subpœna and compel the attendance and testimony of witnesses and the production of documentary evidence and to administer oaths. All the requirements, obligations, liabilities, and immunities imposed or conferred by said 'Act to regulate commerce' and by 'An act in relation to testimony before the Interstate Commerce Commission,' and so forth, approved February 11, 1893, supplemental to said 'Act to regulate commerce,' shall also apply to all persons who may be subpœnaed to testify as witnesses or to produce documentary evidence in pursuance of the authority conferred by this section:"

Therefore be it

Resolved, That the President of the United States be requested, if not incompatible with the public interests, to communicate to the House all such information and data reported to him under the above provision of law and not yet made public by him.

Mr. HEPBURN. I raise the point of order against the consideration of that resolution. It is not privileged; and the privileged character of the resolution is destroyed by the preamble.

Mr. HARDWICK. I would like to be heard on the point of order.

The SPEAKER. The Chair will hear the gentleman from Georgia, briefly.

Mr. HARDWICK. I contend that the point of order the gentleman raises is not good against this resolution, for the reason that the preamble recites nothing but provisions of law, and then the resolution simply requests the President of the United States to give to this House such information as has been collected under that law.

The resolution is not subject to the point of order, and the preamble simply recites what is the existing law, so that the attention of the President may be directed to the precise information the House wants to get. I believe that a careful and fair examination of the resolution will compel the Chair to that opinion.

The SPEAKER. The Chair will hear from the gentleman from Iowa.

Mr. HEPBURN. It seems to me, Mr. Chairman, that the rule is not affected in any way by the character of the preamble or by the matter that it recites. It does recite, at least, a fact of legislation.

Mr. HARDWICK. Will the gentleman yield for a question?

Mr. HEPBURN. Yes.

Mr. HARDWICK. The gentleman would not think that because you recited the provisions of a law that had been enacted by Congress you were making a statement of fact.

Mr. HEPBURN. Undoubtedly, if you do it in the character and nature of a preamble.

Mr. HARDWICK. When you recite just what the law is?

Mr. MANN. Mr. Speaker, I can not recall exactly the wording of the resolution, but the law which was enacted provided that the President should make public such information as he should deem proper collected by the Bureau of Corporations. I take it that it is not within the province of the House, and hence it would not be a privileged resolution, to ask the President to do more than is provided by the law. Just what the form of the resolution is I do not now remember.

Mr. CLARK of Missouri. Mr. Speaker, I should like to ask the gentleman a question.

Mr. MANN. Certainly.

Mr. CLARK of Missouri. What harm is there in asking the President of the United States to give to Congress any information he may have, no difference how he got it, provided it is not incompatible with the interests of the public service?

Mr. TAWNEY. Because the law expressly provides that it shall not be given to the public.

Mr. MANN. I was discussing the point of order, as to whether this would be a privileged resolution.

Mr. CLARK of Missouri. This resolution does not do anything except recite the law, so that the President may know what he is being asked to do.

Mr. MANN. The President is supposed to know the law as well as the House.

Mr. CLARK of Missouri. That is a very violent presumption. [Applause on the Democratic side.]

Mr. MANN. My observation has been that the President is far better posted on the law than is that side of the House.

Mr. CLARK of Missouri. I think you have made very poor observations.

Mr. MANN. The gentleman may be looking toward the President, but I am looking more toward that side of the House. Perhaps we both observe the ignorance that we all have in reference to the law. Now, the law provided what the President should make public. It is wholly within the discretion of the President. The matter was well considered. Here is a proposition requesting the President to make public to the House information which (I suppose that is the object) he has not made public under the law, because in his compliance with the law he did not choose to make it public. The law which the gentleman recites contemplates the gathering of confidential information, not to be made public, and leaves it within the discretion of the President to decide what information shall be made public. Now, as I say, I do not remember the exact wording of this resolution——

Mr. WILLIAMS. Mr. Speaker——

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Mississippi?

Mr. MANN. I always do.

Mr. WILLIAMS. I thought the gentleman had completed his remarks, and I was claiming recognition from the Chair.

Mr. HARDWICK. I want to ask the gentleman from Illinois if he does not recall the fact——

The SPEAKER. To whom does the gentleman yield?

Mr. MANN. I yield to the gentleman from Georgia.

Mr. HARDWICK. I wish to ask the gentleman if he does not recall the fact that on January 29, 1906, the present occupant of the Chair ruled on a privileged resolution offered by the gentleman from Texas [Mr. GILLESPIE] that a resolution of this character was privileged?

Mr. MANN. While that may be true, I do not recall the fact, and I do not even recall the exact wording of the present resolution. Much less do I recall the exact wording of the resolution offered by the gentleman from Texas.

Mr. WILLIAMS. Mr. Speaker, this resolution merely calls

for certain information, and the preamble does nothing except indicate the character of the information called for, to wit, such information as has been collected under the operation of a certain law. Now, the parliamentary rule that if the resolution be privileged its privileged character can be destroyed by something in the preamble not privileged does not apply in this case, because the preamble merely makes that certain which is required to be made certain in asking for information, to wit, the character of the information asked for. And certainly there is a right to indicate the character of the information, the special sort of information demanded, by saying it is the information provided to be collected under a particular statute.

Mr. GAINES of West Virginia. Mr. Speaker, the gentleman from Georgia [Mr. HARDWICK] said a moment ago that on the 29th of January the Speaker held a similar resolution under the same law to be privileged. I am sure it would edify the House if the gentleman would cite the precedent.

Mr. HARDWICK. On January 29, 1906, a resolution was offered on this floor by the gentleman from Texas [Mr. GILLESPIE], calling on the President of the United States for all facts within his knowledge as to the existence of a combination between certain railroad companies in violation of the Sherman antitrust law. My recollection is that this resolution referred specifically to the very act establishing the Department of Commerce and Labor. The Speaker then indicated that the resolution of the gentleman from Texas was in order and was privileged, and while I do not think the point of order was insisted upon, the RECORD, page 1701, of that session will show that I am substantially correct in my contention that the Speaker then indicated that, in his opinion, the resolution was privileged.

The SPEAKER. Was the question raised as to the preamble or was there a preamble?

Mr. HARDWICK. No; there was no preamble. But I want to emphasize the contention I made in the beginning, that I have not undertaken to do anything except to identify the information I ask for. I simply have described the law under which it is collected, and then I ask for such information as he has under that law.

Mr. HEPBURN. Mr. Speaker, I would like to call the attention of the Chair to the resolution disconnected from the preamble, to show how exceedingly important the preamble is. The gentleman from Georgia says there is nothing in the preamble but a recitation of the law. If you were to strike out the preamble, there would be nothing left. Let me read the resolution:

Resolved, That the President of the United States be requested, if not incompatible with the public interests, to communicate to the House all such information and data reported to him under the above provision of law and not yet made public by him.

Now, strike out the preamble, and what is there left of this resolution? What matter is it that you want to report? It is an absurdity if you strike out the preamble, which shows its marked importance. It is the important thing. If you strike it out, you have nothing left that the President can act upon. It identifies the information you want, and without the preamble the resolution is meaningless.

Mr. FITZGERALD. Mr. Speaker, the point made by the gentleman from Iowa [Mr. HEPBURN] assumes that the mere fact that there is a preamble to a resolution destroys its privilege. Of course that is not so. Unless the preamble contains matter which, if contained in the resolution itself, would destroy the privilege of the resolution, the preamble does not destroy the privileged character of the resolution. If the resolution be privileged and it be proposed to strike out the preamble, it is very easy to amend the resolution itself so as to set forth specifically the law to which reference is made in the preamble.

But I desire to call the attention of the Chair to the fact that if, instead of this resolution being in the form of a preamble and resolution, the entire matter contained in the preamble were contained in the resolution itself, the resolution would not be subject to a point of order. The preamble does not recite any matter that is not privileged. It recites the law, perhaps with a little more verbiage than is necessary to identify it, but it recites the law under which certain facts are collected by a certain Bureau of the Government and communicated to the President.

This resolution merely asks that the facts collected under a certain Bureau of the Government and communicated to the President be communicated to this House, if not incompatible with the public interests. A resolution of inquiry directed to the President is privileged so long as it calls for some facts within his knowledge. A careful examination of the preamble itself discloses the recitation of no facts other than those that are required to point out specifically the character of the information desired by the resolution.

Mr. GAINES of West Virginia. Mr. Chairman, I understood the gentleman from Georgia [Mr. HARDWICK] to say that the precedent he referred to was contained in the proceedings of the House of January 26, 1906. I have sent for that volume and do not find it.

Mr. HARDWICK. It was January 29, 1906.

The SPEAKER. The Chair is prepared to rule. This resolution was introduced under clause 5 of rule 22, which is as follows:

All resolutions of inquiry addressed to the heads of Executive Departments shall be reported to the House within one week after presentation.

There is nothing specific in the rule that makes the resolution privileged, but there has been a long line of decisions respecting resolutions of this kind that fairly well settle this point of order, and it has been held in the rulings of the Chair from time to time that if there is anything in the resolution, or in the preamble, for that matter, because the resolution and the preamble would have to be voted upon separately, which is aside from the purposes of a resolution of inquiry, then that destroys the privilege. The gentleman from Georgia [Mr. HARDWICK] refers the Chair to a decision which was made in 1906, and which is to be found on page 1701 of the CONGRESSIONAL RECORD, of date January 29, and the Chair will ask the Clerk to read the resolution in the case referred to.

The Clerk read as follows:

Resolved, That the President of the United States be, and he is hereby, requested to report to the House of Representatives, for its information, all the facts within the knowledge of the Interstate Commerce Commission which shows or tends to show that there exists at this time, or heretofore within the last twelve months has existed, a combination or arrangement between the Pennsylvania Railroad Company, the Pennsylvania Company, the Norfolk and Western Railway Company, the Baltimore and Ohio Railroad Company, the Philadelphia, Baltimore and Washington Railroad Company, the Northern Central Railway Company, and the Chesapeake and Ohio Railway Company, or any two or more of said railroad companies, in violation of the act passed July 2, 1890, and entitled "An act to protect trade and commerce against unlawful restraints and monopolies," or acts amendatory thereof.

The SPEAKER. Upon this resolution it appears that no point of order was made. After some consideration, the resolution was amended from a technical standpoint by practically unanimous consent. There is an absence of preamble entirely in this resolution, and the only reference to law in the resolution is to be found in the language:

In violation of the act passed July 2, 1890.

The resolution under consideration abounds in preamble; there is much of quotation marks in it; and there is something in the preamble not in quotation. On page 2 of the resolution we find this language:

And to gather such information and data as will enable the President of the United States to make recommendations to Congress for legislation for the regulation of such commerce, and to report such data to the President from time to time as he shall require; and the information so obtained, or as much thereof as the President may direct, shall be made public.

Mr. HARDWICK. Mr. Speaker, I just want to call the attention of the Speaker to the fact that my contention is that the Speaker takes judicial cognizance of what the law is—that every bit of that preamble is the law as it is written.

The SPEAKER. Precisely. The gentleman so says, but suppose the gentleman is in error? These words that the Chair has read are not even in quotation marks; but if they were, after all, it is a question of fact as to whether the law is correctly quoted in the preamble.

Mr. HARDWICK. But, Mr. Speaker——

The SPEAKER. The Chair will hear the gentleman a little later on if he desires to be heard. If this resolution were before the House for consideration, the vote would have first to be taken upon the resolution itself, which is as follows:

Resolved, That the President of the United States be requested, if not incompatible with the public interests, to communicate to the House all such information and data reported to him under the above provision of law, and not yet made public by him.

If that resolution itself were adopted, it identifies nothing. In the opinion of the Chair it would be unavailing. But suppose the resolution is adopted, and then the vote comes upon the preamble, which professes to recite the law in part and in part not to recite the law. Let us assume that the preamble is voted down, as it might or might not be. The House would then be in the condition of having adopted a resolution that is unavailing. The resolution reported by the gentleman from Texas [Mr. GILLESPIE], which has just been read by the Clerk, and which was adopted by the House, was complete within itself. The Chair, from time to time, under the rule read a moment ago by the Chair, has held matter of this kind to be privileged, those rulings at all times being subject to ratification or rejection by the House, and that leads the Chair to the opinion that the value of the resolution is to call for in-

formation, and that it should be strictly construed in the interests of the privileges of the House in order that the rule may be preserved. Therefore the Chair is of opinion, for the reasons assigned, that the preamble destroys the privilege of the resolution.

Mr. HARDWICK. Will the Chair hear me just a moment before deciding finally?

The SPEAKER. Oh, with pleasure.

Mr. HARDWICK. In the first place, Mr. Speaker, the proposition that the Chair suggests would always be true whenever there was more than one section to a bill or resolution. If some of the sections were adopted and others were not adopted, the bill or resolution might not have any sense, but it is not to be assumed that the House will do that sort of a thing.

The SPEAKER. And yet the gentleman will remember that the matter is not divisible.

Mr. HARDWICK. I do not see the difference whether it is in the preamble or in two or three sections, but I shall not elaborate upon that. I am convinced myself that I am right about that, and of course if I can not convince the Speaker, that is my misfortune and not his fault.

But, Mr. Speaker, there is one other proposition. So far as the quotation of law is concerned, I have always understood it that the Speaker of the House or any court should take judicial cognizance of what the law is, and it is not a question of fact as to what the law is.

The SPEAKER. But the gentleman will notice that this preamble throws the burden upon the House to make an investigation of facts for itself as to whether the preamble correctly recites the law or as to whether the words not in quotations, heretofore read by the Chair, are a part of the law or whether they are aliunde to the law, and such an investigation, whether it be little or much, is a distinct matter to which the House should not be brought in considering a privileged resolution of inquiry. Therefore the Chair sustains the point of order.

LEGISLATION CONCERNING INDIANS.

The SPEAKER. The Chair directs the Clerk to read the following.

The Clerk read as follows:

The bills H. R. 18617, providing for the disposal of the interests of Indian minors in real estate in Yakima Indian Reservation, Wash., and H. R. 17717, to authorize the Secretary of the Interior to issue patents in fee to purchasers of Indian lands under any law now existing or hereafter enacted, were erroneously referred to the Union Calendar, and the Chair directs that the bills be placed upon the House Calendar, where they properly belong.

PENSION APPROPRIATION BILL.

Mr. KEIFER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill (H. R. 16268) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1909, and for other purposes.

The SPEAKER. The gentleman from Ohio moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the pension appropriation bill.

Mr. KEIFER. And pending that motion, Mr. Speaker, I desire to ask unanimous consent that the time given for general debate upon this bill be equally divided between the majority and the minority sides of the House, and that the gentleman from Mississippi [Mr. BOWERS] control one half of the time and that I may control the other half.

The SPEAKER. The gentleman from Ohio [Mr. KEIFER] asks unanimous consent that the time may be equally divided between the majority and the minority for general debate, and that the gentleman from Ohio and the gentleman from Mississippi control the time. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Ohio [Mr. KEIFER] that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the pension appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 16268), the pension appropriation bill, making appropriation for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1909, with Mr. TOWNSEND in the chair.

Mr. KEIFER. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. KEIFER. Mr. Chairman, I do not think it is necessary to have the report accompanying this bill read now. I do not propose at present to undertake to make any speech on the subject of this bill. It appropriates $150,000,000 for the purpose of paying all classes of pensioners. This is the largest pension bill ever reported in the Congress of the United States. It is in exact accordance with the estimate of the Pension Bureau. There are other appropriations in the bill relating to the cost of paying pensions, and there is a material reduction in such appropriations looking to the matter of changing the pension agencies. But I wish to say now that I expect to speak on that subject later and also that my colleague [Mr. BOWERS] on the committee, I understand, desires to do so later.

At present I yield forty-five minutes of time to the gentleman from Ohio [Mr. BANNON].

Mr. BANNON. Mr. Chairman, the history of the Republican party during the past half century has been the history of our country for that period; and the history of Ohio is the history of the Republican party. Ohio is proud of her history, her traditions, and her citizenship. Her leadership in the many varied fields of human endeavor has been conspicuous, and as an exponent of Republican principles and Republican doctrines that State is not surpassed by any of her sisters. Ohio is proud not only of the great men she has given to the world, but of the diversity of her resources. These have enabled that State to take its accorded rank in the history of our times. Ohio is endowed with a wealth of agricultural domain. Her broad and fertile valleys, her uplands, and her hillsides have reached such a state of development in agriculture that Ohio now stands third in the rank of States in the improvement of her farm lands, and we give to the foreign and domestic markets annually one of the largest crops of corn, wheat, oats, and other cereals produced by the States of this Union. In the production of sheep, cattle, horses, and, in fact, all farm products Ohio is well up in the list, and her record in agriculture is one of which the nation is proud. The value of all the farm property of Ohio is equal to the total value of farm property of the States of Alabama, Arkansas, Georgia, Mississippi, South Carolina, and North Carolina. The fifty-two Democratic Representatives in Congress from those States urge upon Congress and the country that the tariff is a system whereby the farmer of the South is taxed for the benefit of the manufacturers of the East and North. The Republicans of Ohio and their sixteen Republican Representatives always have and, I hope, always will repudiate that heresy. They accept the better and the more logical view of the question, which is that when the industries of America are running on full time and paying American wages to American workmen not only are these industries and their millions of employees prosperous, but the millions of Americans engaged in the pursuits of agriculture receive the highest prices for the products of their soil and their labor and participate in the prosperity enjoyed by all the country.

I will carry the comparison one step farther. The total value of all the farm property of the States of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia is equaled by two Western States—Illinois and Iowa; yet one hundred and two of the one hundred and nine Representatives from the States I first named, upon the ground that the tariff discriminates against the farmer, contend that the industries of the North and East should be crippled by a material reduction of the tariff on the products produced by them, while thirty Republican Representatives from the two States last named believe in the doctrine, "Plant the factory by the farm," upon the sound reasoning that the farm furnishes a very large percentage of the raw material fashioned by the factory into the finished products, and that those engaged in industrial pursuits are the best customers of those engaged in agriculture. This has become the settled policy of this country. It is a Republican policy. Under it manufacture has continuously moved westward and southward, and those sections of our country are destined to equal the North and East in manufacture.

The Democratic platforms of many Presidential campaigns not only declared for a tariff for revenue only, but even as late as 1904 denounced the Republican principle of protection as a fraud and a robbery. Yet under this very system of protection the States that furnish no votes in favor of protection, but do furnish the bulwark of the opposition to it, have shown most wonderful progress. During the decade from 1890 to 1900 the value of products manufactured in Alabama increased from fifty-one million to eighty million dollars, or one and a half times. In Arkansas the increase was from twenty-two million to forty-five million dollars, or more than double; in Florida, from eighteen million to thirty-six million dollars, or

twice as much; in Louisiana, from fifty-eight millions to one hundred and twenty-one millions, or more than double; in Mississippi, from nineteen millions to forty millions, again more than double; in North Carolina, from forty millions to ninety-five millions, doubled again and then some; in South Carolina, from thirty-two millions to fifty-eight millions; in Tennessee, from seventy-two millions to one hundred and eight millions; in Texas, from seventy millions to one hundred and nineteen millions; in Virginia, from eighty-eight millions to one hundred and thirty-two millions. Yet the Democratic Representatives from these States and the Democrats from these States upon every occasion denounce protection as a robbery, and this in the face of the magnificent record it has made for them.

The development of these States is an achievement of which we are all proud. They are no longer agricultural only, but are manufacturing States also, and with their diversity of interests serving them so well they should cease denouncing as a robbery the prime source of their progress. If protection is a robbery, it is wrong. To receive stolen goods, knowing them to have been stolen, is wrong. Denunciation of the robber does not justify the receiver of the stolen property, and the States I have named are there with the goods. [Laughter and applause on the Republican side.] In a speech on the floor of this House a Representative from the State of Georgia [Mr. HARDWICK] said, on February 12 last:

> Mr. Chairman, stranger than fiction, more marvelous than romance, has been the wonderful history of American industrial development. When this Government was established we were, commercially and industrially, the weakest of the weak. To-day we are the strongest of the strong. Then we were the poorest of the poor. Now we are the richest of the rich. Then we were almost entirely an agricultural people. Now we are not only the leading agricultural, but also the leading manufacturing nation of earth. In the production of all of the great food staples we are easily first. In the production of silver we lead the world. We are now second, and are rapidly advancing to the first place among the nations in the production of gold. In the production of most of the great raw materials we lead the world.

Yes! And he might have added that at the time this Government was established, and when we were commercially and industrially the weakest of the weak, the first tariff act was passed. That was in 1789. That act was approved by President Washington. It took effect on July fourth. In its preamble it specifies three things that made the levying of a duty on goods, wares, and merchandise imported necessary, and these were the support of the Government, the payment of our debts, and the encouragement and protection of our manufactures. Now, the fact that we have grown under this financial policy and have become what the gentleman from Georgia says we are is given as a reason by him for advocating a tariff which shall not be along protective lines. In other words, he advises us to leave the old and well-known channel, disregard the beacon lights which more than a century of experience have proven to point the true way to a safe and successful voyage, and enter upon a course which always has and always will be attended with disaster and the wrecking of the fortunes and opportunities of the American people. The principle of protection has been the policy of the Republican party since its organization, and it is its principle to-day.

But I started in to talk to you about Ohio. We are not only proud of Ohio in agriculture, but in her manufactures as well. With her great systems of water transportation on the north and south, her network of railways extending like a spider's web all over the State, her coal and iron, her central location, Ohio is one of the workshops of the world. In iron and steel Ohio has held second rank since 1870. From 1890 to 1900 Ohio's production of iron and steel doubled, and from 1900 to 1905 it increased 10 per cent. From Bulletin No. 58, issued by the Department of Commerce and Labor, giving the census of manufactures for 1905, I learn that the cost of both material and labor in Ohio blast furnaces increased materially. The quantity of ore used in 1905 over 1900 increased 22.4 per cent, but the cost of this ore increased 54.7 per cent; while the quantity of fluxing materials increased 16.9 per cent, their cost increased 34.3 per cent; and the quantity of the coke used increased 17.7 per cent, yet its cost increased 53.5 per cent.

There is a demand from all the Democrats and some Republicans for a revision of the iron and steel schedules of the Dingley law on account of the high price of those products. If the cost of labor and material increased, as they did, the product must necessarily increase in price. If the duties are decreased so that competition from abroad becomes profitable to the foreign manufacturer of iron and steel he will at once invade our market, and the result must inevitably be that either he will sell his products in large quantities in our market or the prices of the labor and the materials used in making these products will have to be reduced in order that the home manufacturer may meet and exclude his foreign competitor. The Republican party may be relied upon to protect this industry from foreign competition, thereby insuring to our workmen the standard of American wage and American living. If a lower level is established the hardship will fall most heavily on the wage-earner and upon the man who feeds him.

In foundry and machine-shop products Ohio ranks second; in her flour and grist mills, third; in the manufacture of boots and shoes, third; in railroad repair shops, seventh; in clay products, first; in planing mills, tenth; in carriages and wagons, first; in material for carriages and wagons, first; in furniture, fifth; in agricultural implements, third; in paper and wood pulp, sixth; in glass, third; in cash registers, first; in paints, fourth. In 1905 the number of wage-earners engaged in manufacture in Ohio was more than 364,000, and to them was paid as wages more than $182,000,000, and the value of the products of our manufacturing industries was more than $960,000,000. That labor participated in the prosperity enjoyed by all manufacturing industries is shown by the fact that while the percentage of increase between 1900 and 1905 of the number of wage-earners so engaged was 18 per cent and the value of the products 28 per cent, the total of the wages paid these employees increased 33 per cent. It is upon this magnificent record that the Republican party will successfully appeal to the electorate of Ohio in the next Presidential campaign.

No schedule in the tariff law is denounced by free traders so vehemently and at the same time so unreasonably as the iron and steel schedule. That industry is one of the most important in Ohio. The ninety establishments manufacturing iron and steel in Ohio produced in 1905 products equal in value to one-sixth of the total of all the industries of that State. That industry is first in rank in Ohio. In 1905 the value of the product of our blast furnaces was $40,862,451, and that of our steel works and rolling mills $111,996,673, or in all $152,859,124. More than 33,000 wage-earners were employed, to whom was paid more than $2,000,000 in wages. While there was a slight decrease in the number of wage-earners for 1905 as compared with 1900, about 1½ per cent, nevertheless the wages increased more than 12 per cent. Every manufacturer in Ohio engaged in this industry and every wage-earner employed in the furnaces, mills, and foundries knows that their interests are safe and will be protected by a Republican Congress and that their interests are jeopardized and in danger with Democracy in control. The furnace men, mill men, and foundry men of the Ohio Valley, of Cleveland, of Cincinnati, of Columbus, and of Youngstown remember too well the four years from 1893 to 1897, when their mills and foundries were idle and the fires of their furnaces were out. Deprived of their market, stagnation and disaster stared them in the face; and for the strong men willing to work there was none, and for their homes and families they were unable to supply the comforts and luxuries available to them during the past ten years.

In the nation this industry has made a most wonderful and marked growth. In 1861, when the Republican party first came into power, we were dependent upon Europe for our iron and steel. We had the ore, and we had the coal and the other materials necessary in this industry. By an adherence to our protective policy these plants increased in number and grew in size, so that to-day, instead of being dependent upon Europe for these products, we are ourselves furnishing them to the world. In 1887 our exports of iron and steel products were valued at $16,250,000; in 1897, $63,000,000; and in 1907, $200,000,000. Expressed in percentage for these twenty years, it is 1,131 per cent increase. Almost one-half of our exports for 1907 were machinery of various kinds. Our home market is supplied by our home industries, and the tremendous growth of this market is apparent to all. But the great growth of this industry, its marvelous extension and development, of which we are all so proud, has proven to be the source of the attacks made upon it; and because it has prospered, and because it has grown, and because it has been successful it is threatened with the infliction of a penalty by a very material reduction in the duty. Success and greatness always have brought and always will bring enemies. It is so in business, and it is so with men. Industries that become great in the world are the center of hostile criticism and attack, just as the public men who achieve distinction and honor bring upon themselves opposition, slander, and even hatred that otherwise would not be theirs. If the duties affecting this industry are to be revised, it must be done by its friends and not by its enemies, by Republicans and not by Democrats. The wage-earners in Ohio employed in these industries and the men engaged in operating them will again next November ex-

press their confidence in that party whose principles have made possible the development of this production, and they will do their part toward delegating the work of revision, if revision must come, to the Republican party.

The growth of the annual production of steel rails is one of the results of the Republican protective system. From an output of 2,277 tons in 1867, our production has grown to three and one-half million tons in 1907. The price has been reduced during the same period from $166 per ton to $28 per ton. The duty has been reduced from 45 per cent ad valorem in 1871, or an equivalent of $46 per ton, to $28 per ton from 1875, and then to $17 per ton from 1883, $13.44 per ton from 1890, and $7.84 per ton from 1894. Under the operation of the Republican protective system we have increased the production, reduced the price, and reduced the duty. Of our production of rails last year we exported 338,906 tons, or about 10 per cent. Now, the fact that this 10 per cent of steel rails produced in American mills by American workmen who were paid an American wage may have been sold abroad for 5 per cent less than the domestic price is seized upon by the Democratic party as a point for attack upon the iron and steel schedule and is urged as a reason why our tariff act should be a revenue measure only and not a protective measure. It forms the basis of Democratic attacks upon the United States Steel Corporation—the "steel trust," as they call it—and all other iron and steel industries.

In answer to them I would say that while the domestic price of Great Britain is $31.50 per ton, their export price is $25; in Germany the domestic price is $30 per ton and the export price $24; in France the domestic price is $31 and the export price is $25.50; in Austria the domestic price is $31 and the export price $25.50; in Belgium the domestic price is $30 and the export price $24; in the United States the domestic price is $28 per ton and the export price $26.60. The American railway buys rails from American manufacturers cheaper than the English railway buys rails from the English manufacturers; cheaper than the German railway buys from the German manufacturer; cheaper than the French railway buys from the French manufacturer; cheaper than the Austrian railway buys from the Austrian manufacturer, and cheaper than the Belgian railway buys from the Belgian manufacturer. [Applause.]

No manufacturer can calculate with exactness what quantity he can sell in a year or how much he ought to or can produce. The market may be strong or it may be weak. The accumulation of a stock of steel rails is neither practicable nor the exercise of good business judgment, and it is far better that our mills be kept busy on full time, paying the breadwinner of the family good wages and giving him steady employment, than to put out the fires, disorganize and disrupt the force, and deprive the wage-earner of his wage. An export discount of 5 per cent on 10 per cent of the production! What does it amount to? It does not cripple our railroads. They are not complaining. It does not influence freight rates. Ours are now the lowest in the world. Simply a small surplus is sold abroad. The home market, the home industry, and the home wage-earner are maintained. Besides, if there is a demand for the entire output for home consumption at $28 per ton, is any sensible being justified in presuming that the home market will not be first supplied? Would any business man sell for $26.40 that which he can get $28 for?

In iron and steel structural material the difference between the domestic and export price is in about the same proportion as that given for the countries I have just named for steel rails. But this question of export discounts has become what the lawyers call res judicata. It was submitted to the American people in 1900, again in 1902 and in 1904 and in 1906. The verdict was that there was nothing in it. Senator GALLINGER has pointed out that out of every three thousand dollar's worth of manufactures produced in this country one dollar's worth is sold abroad at a discount under the domestic price, and logically concludes it is better to do this and keep our industries busy on full time and our wage-earners in steady employment at good wages rather than to put out the fires, still the hum of industry, and deprive our people of work. [Applause on the Republican side.]

Mr. TIRRELL. I would like to inquire of the gentleman if in the course of his investigations he has not also discovered that after our foreign trade is fairly established abroad in any particular country that many of the industries to which he has referred are not receiving higher prices for their products than they are receiving here? In other words, if the foreign trade is not really better than the domestic trade in many of those industries that have been firmly established abroad by our manufacturers?

Mr. BANNON. That is undoubtedly true.

Another important industry in Ohio is the manufacture of fire brick and ground fire clay. That industry is dependent upon the condition of the iron and steel industry, because fire brick and fire clay are an important factor in the construction and repair of mills and furnaces. When the furnaces and mills are busy so are the fire-brick yards, and when iron and steel bring good prices so do the products of these yards. If the steel worker has steady employment at good wages, so does the fire-brick maker, and the protective tariff on iron and steel not only protects the former, but the latter as well. The friends of protection can and will give these intimately related industries fair treatment, and the enemies of protection will not. In November those engaged in the iron industry and in the fire-brick industry, in Ohio at least, will have the opportunity of saying whether they desire the tariff revised by its Republican friends or its Democratic enemies, and the result will be the same that Ohio has registered in every Presidential campaign for more than forty years. [Applause.]

One of the important Ohio agricultural productions is wool. For years the cry of free wool was heralded by Democracy all over this country. What a panorama they spread before us! Cheaper clothes for the farmer, the wage-earner, and for everybody. New woolen mills springing up everywhere, giving steady employment to countless thousands and dividends to the capital invested. Finally, in 1894, the Democratic party gave us a tariff law by the terms of which our manufacturers got free wool. And then the farmers of Ohio and Texas and California and New Mexico and Michigan and of the Northwest, the employees of the woolen mills of the North and East, and those having their money invested in these mills were duly impressed with the great prosperity which was to come to them from free wool, but which, however, failed to arrive. Many woolen mills were closed. Everybody wore their old clothes. They had no money with which to buy new ones. The employees of these mills were either out of work or employed on half time at reduced wages. The dividend check remained in the check book. With free raw material for the factory the factory was idle. The figures tell the story. In 1896 with free wool the farmer received from seventeen to eighteen cents per pound for the wool sheared from his flocks. In 1906, under a Republican protective tariff, he received from thirty-four to thirty-five cents per pound. That is the difference between protection and free trade to the farmer. Let us see how the factory is affected.

In 1896 we imported, under a Democratic tariff, woolen manufactures to the value of $53,000,000, but in 1906, under a Republican tariff, we imported woolen manufactures to the value of $23,000,000. In other words, under the Democratic plan wages necessary to produce $53,000,000 worth of woolen goods were paid to foreign workmen in foreign mills, while under the Republican plan wages on less than half of that importation were paid abroad. [Applause on the Republican side.] Under the Democratic system the wages were paid to the foreigner; under the Republican to the American. [Applause.] In 1896 we exported $913,000 worth of woolen manufactures, but in 1906 we exported more than $2,000,000 worth of this commodity. To state it another way. Under the Republican plan we paid American wages to American workmen upon more than twice as much woolen manufactures exported than we did under the Democratic plan. Under their scheme the farmer gets almost nothing for his wool; the wage-earner next to nothing for his labor, and the mill owner nothing at all for his investment. And these facts will be before the Ohio farmer when he goes to the polls in November. [Applause on the Republican side.]

Let us next consider another Ohio industry—the manufacture of boots and shoes. Ohio ranked fourth of the States of the Union in that industry in 1900 and third in 1905. During the latter year we manufactured more than $25,000,000 worth of boots and shoes, and paid to 13,890 wage-earners engaged in their manufacture almost five and one-quarter millions of dollars. Now, let us see how Democratic tariff revision would affect that industry. In the Fifty-ninth Congress the gentleman from Missouri [Mr. CLARK] said that if the Republican side would agree to remove the tariff on boots, shoes, and leather, coupled with a proposition for free hides, he would support it so quick it would make our heads swim, and such a measure would be passed by the House. The removal of the tariff on boots and shoes would bring the Ohio shoemaker in direct competition with the European shoemaker. The general average paid shoe lasters in Ohio in 1906 was $19.14 per week. In England it was about $7.50 per week. The wages paid the other operatives are in the same proportion. The cost of production in all foreign countries is less than ours—in Belgium the shoe workmen receiving from 84 cents to $1.08 for twelve hours' work. A special agent from the Department of Commerce and Labor, after an exhaustive examination abroad, reported last year

that "the American shoemaker is the best fed, the best paid, and the most skilled in the world." Democratic tariff revision of this schedule would bring those operatives down to the level of their competitors in foreign lands and destroy the rank now held by them in the world. It would do more. It would deprive the Ohio farmer of the tariff levied for his protection upon the hides of the tens of thousands of cattle raised by him. Verily, like the darky's coon trap, Democratic revision would catch them "a comin' and a gwine." I don't believe the Ohio farmer or the Ohio shoemaker will vote for Democratic revision next November.

I will not pursue this argument farther. If the national platform of the Republican party this year declares for tariff revision, then the voters of Ohio and of every State in the Union must say whether they desire revision by the friends of protection or by those who believe protection is a robbery; by a Republican Administration or by a Democratic Administration; by the party of William J. Bryan or by the party of Theodore Roosevelt. And when these same voters recall the longest four years in our history, those good old Democratic times from 1893 to 1897, when want and despair filled the land, it will not take them long to make up their minds. Republican principles bring better prices and better markets to the American farmer, the American merchant, and the American manufacturer; better wages and better homes and happier families to the American wage-earners; more commerce to the American railways and vessels; increased activity in the building trades and real estate and a better line of credits and accounts to the banker.

The gentleman from Illinois [Mr. RAINEY] in a speech in this House the other day, said the negroes in Ohio would vote the Democratic ticket next November and that Ohio would go Democratic. He fails to give the Ohio negro credit for any intelligence. Ohio negroes know what Democratic hard times are just as well as the white people do. They don't want a Democratic Administration any more than we do. They are no better prepared for it than we are, and they would suffer from it just as much if not more than we would. The gentleman from Illinois also asked what would become of the Republican party without the negro vote. I ask him what would become of the Democratic party if the negro were allowed everywhere in America to exercise his constitutional right to vote? [Applause on the Republican side.] I will tell you what would become of the Democratic party. The Socialists, Populists, or Prohibitionists would cast more votes than it would. [Laughter.]

I want to say something about the old soldiers of Ohio. That State furnished in the civil war of her citizens 340,000 men, or more than one-half of her adult male population and one-eighth of the Union Army. They fought on every great battlefield of the war and were always conspicuous for their bravery. Listen to the list of Ohio's generals: Grant, Sherman, McPherson, Sheridan, Noyes, Crook, Hayes, McClellan, Rosecrans, Custer, and those gallant old warriors who have survived them all and are now Representatives in Congress from the State of Ohio, SHERWOOD and KEIFER. [Applause.] Those brave soldiers, the fighting McCooks, were all from Ohio. The nation is liberal with the veterans of her wars, and is now protecting by generous pension laws those who preserved and protected the Union.

Ohio is proud of her sons in every walk of life. In this Congress, among the many who are Ohio born, I would mention Senators ALLISON, BEVERIDGE, CARTER, ELKINS, and SCOTT, and Representatives HULL, HEPBURN, CALDERHEAD, of Kansas, GARDNER, of Michigan, BEDE, NORRIS, of Nebraska, and STURGISS. Two members of the President's Cabinet are Ohioans. Seven of the justices of the Supreme Court of the United States have been from Ohio. Thomas A. Edison, whose great inventive genius has revolutionized the industrial and business world; Doctor Hall, whose contributions to arctic exploration is a part of the world's history, and George Kennan, who gave this country its first knowledge of Siberia, are Ohioans. William D. Howells and Albion W. Tourgée are from Ohio. So are Petroleum V. Nasby and Artemus Ward.

Alice and Phœbe Cary were Ohio women, and the poem entitled "Nearer Home," written by Phœbe Cary, has found a place in almost every book of hymns. To those of this House on the minority side of this Chamber who represent districts whose people study the question of protection to American industries and appreciate the great work the Republican party has done for the benefit of the entire nation I would commend for their earnest consideration the first verse of that poem:

> One sweetly solemn thought
> Comes to me o'er and o'er—
> I'm nearer home to-day
> Than I ever have been before.

[Laughter and applause.]

Twenty-four Cabinet officers were natives of Ohio. Whitelaw Reid is an Ohioan; Thomas Ewing, Thomas Corwin, Benjamin F. Wade, Joshua R. Giddings, and Salmon P. Chase were from Ohio. So was Allen G. Thurman, the noblest Roman of them all. That eminent statesman of our time, John Sherman, was an Ohioan. Two Vice-Presidents were from Ohio—Hendricks and Fairbanks—and Ohio has furnished a list of Presidents of whom that State and the country is proud: William Henry Harrison, Grant, Hayes, Garfield, Benjamin Harrison, and William McKinley. [Applause.] What a list of great Americans! The candidates for the next presidency have not yet been selected by the two great political parties. One county in Ohio offers three [laughter], one to the Democratic party and two to the Republican. The Democratic standard bearer will not come from Ohio. He will come from Nebraska. [Applause on the Democratic side.] They will go farther and fare worse. [Applause on the Republican side.] It is not for me in this House to predict the nominee of the Republican party. But whether he come from Indiana or Illinois, from Wisconsin or Pennsylvania, from New York or Ohio, there is one thing certain, and that is that Ohio will remain true to her traditions, true to her citizenship, true to her people, and true to the principles of the grand old Republican party, and will cast her electoral vote for the Republican nominee. [Loud applause on the Republican side.]

Mr. BOWERS. Will the gentleman from Ohio, before he takes his seat, permit me to ask him a question or two with reference to his remarks upon the iron and steel schedules? I understood him to justify the existing tariff on iron and steel products on the price of the raw material and the price of labor. Was I correct?

Mr. BANNON. No; you were not.

Mr. BOWERS. Did the gentleman say anything in his remarks with reference to the cost of the labor used in manufacturing these iron and steel products and the cost of the material?

Mr. BANNON. He did.

Mr. BOWERS. Did not the gentleman then base a justification for these schedules, to some extent, upon the cost of material and the cost of labor?

Mr. BANNON. Not entirely so.

Mr. BOWERS. Then upon what did the gentleman base it?

Mr. BANNON. I can not go back at this time and repeat my argument on that; but suffice it to say I showed that the price of material used in the manufacture of iron and steel had increased and that the wages paid to the men engaged in those industries had increased, and that consequently the price of iron and steel must necessarily increase.

Mr. BOWERS. Will the gentleman advise me, then, how he reconciles his remarks with this statement I take from the CONGRESSIONAL RECORD of May 24, 1906, as appearing in the remarks of the gentleman from Pennsylvania [Mr. DALZELL]:

> Mr. UNDERWOOD. Will the gentleman from Pennsylvania allow me to ask a question, not so much as to where we sell our goods, but how we make our goods? Can the gentleman from Pennsylvania name me any steel mill in the world that can make steel rails cheaper than they are made at Pittsburg? Can the gentleman from Pennsylvania name me any iron furnace in the world that can make pig iron cheaper than at Birmingham?
>
> Mr. DALZELL. I think not.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. BOWERS. I willingly yield him two minutes to answer me.

Mr. BANNON. Mr. Chairman, the gentleman from Pennsylvania explained that fully. I showed, and it is not necessary to repeat my remarks on the question of steel rails, that the American railway company buys its rails from American manufacturers cheaper than does the English railway company or any other foreign railway company from the steel-rail manufacturers of such countries. Pittsburg and Birmingham are not the only places in America where iron and steel are manufactured, but the cost of production there is much less than it is in other localities. In my district it costs more to manufacture iron and steel than in Pittsburg or Birmingham, and those industries must be protected.

Mr. GAINES of West Virginia. Can the gentleman from Ohio name any place in the world where the workingman, in an iron or steel plant, is paid as much as he is in Pittsburg and elsewhere in this country?

Mr. BANNON. Certainly not.

Mr. BOWERS. Or any other country where they do as much work per man.

Mr. DOUGLAS. That is true also, thank God.

Mr. BOWERS. I yield forty-five minutes to the gentleman from Missouri [Mr. HAMLIN].

Mr. HAMLIN. Mr. Chairman, the Republican party has been in control of every department of this Government since the 4th

day of March, 1897. In the legislative department you have had a large, safe working majority; in the Senate an overwhelming majority, and in this House your majority has ranged from 25 to 114. The executive department has, for most of this time, been unanimously Republican; but I think that your majority at the White House to-day is smaller than it ever has been, for there are some evident signs of Democracy visible there once in a while now.

In other words, there never has been a time since the 4th of March, 1897, when you could not have passed any law which you wanted passed, or repealed any existing law you might have desired to repeal. Your power in the nation has been full and complete, and with that power came the responsibility for the welfare, the happiness, and prosperity of the people of this nation. How well have you met that responsibility? Your first act on coming into power in 1897 was to pass the Dingley bill, the highest protective tariff law this country has ever seen, a law directly in the interest of the few and against the interests of the masses, a law which does not tax a man upon that which he possesses, but does tax him upon that which he does not possess but is compelled to have. In other words, you laid your hand heavily upon the man who toils and strives to produce the wealth of this nation, and then by taxing his necessities transferred the result of his labor into the pockets of the few, who are the beneficiaries under this law, and whose chief characteristics are to contribute liberally to Republican campaign funds to be used biennially by you to keep yourselves in power in this nation.

The few years prior to 1897 were dry years for the farmers. Crop failures were the rule; but in the year 1897 and succeeding years a kind Providence has smiled upon the farmers of this country in an abundance almost beyond comprehension, as evidenced by the fact that the surplus products of the farms have paid our indebtedness to foreign nations and turned the balance of trade in our favor to the extent of millions of dollars. And yet you were impious and arrogant enough to ignore the beneficence of a kind Providence, who sent the sunshine and showers, and tempered the seasons so as to make the corn and wheat and cotton to grow, blossom, and ripen in an abundance scarcely dreamed of, but you claimed the credit for all this was due to a Republican Administration. [Laughter on the Democratic side.] How often have you presumed upon the intelligence of the American people and played upon the prejudice of the devotees of your party by claiming that the credit for all that is good, either upon the land or in the seas, was due to a Republican Administration? How often have we been compelled to sit here and listen to your denunciation of the Cleveland Administration, the drawing of grewsome pictures of soup houses, bread riots, Coxey's army, and so forth, and then to hear you say that such things can not and will never occur under the "splendid and magnificent rule of the Republican party?" But how is it to-day?

Mr. PADGETT. Will it disturb the gentleman if I interrupt him?

Mr. HAMLIN. Not at all. I yield with pleasure.

Mr. PADGETT. I have here a clipping taken from the Washington Post a day or two since, which I will read:

19,200 FREIGHT CARS IDLE—B. & O. PROPERTY VALUED AT $19,200,000 NOT EARNING REVENUE.

[Special to the Washington Post.]

BALTIMORE, MD., *March 10.*

The Baltimore and Ohio has issued the following statement:

"Because of general business depression, the Baltimore and Ohio Railroad has 19,200 idle freight cars standing on yard and side tracks and in shops over the system, which includes the Baltimore and Ohio Southwestern Railroad, out of 87,500 cars. Never before in the history of the Baltimore and Ohio, the pioneer railroad of the country, was there near so many cars out of service at one time. At a valuation of $1,000 per car, this represents $19,200,000 of the company's money that is not earning any revenue."

The gentleman will notice that it says this is the first time in the history of the country when there were so many outstanding cars, etc.

Mr. HAMLIN. That is true.

Mr. PADGETT. Now, I want to call the attention of the gentleman to another statement. It is this:

PHILADELPHIA, *March 10.*

Several thousand unemployed men in this city will receive employment on public works, in all probability, in about a month, by the passage of the $10,000,000 loan. Councils will authorize the floating of the loan at the next meeting, and Mayor Reyburn will immediately advertise for bids.

Does not that beat soup houses? [Laughter on the Democratic side.]

Mr. HAMLIN. I thank the gentleman from Tennessee for interrupting me, and further on I shall present other statements along the same line.

Mr. BURKE. Will the gentleman from Missouri yield to me?

Mr. HAMLIN. I will for a question.

Mr. BURKE. Will the gentleman who has the floor, in view of the comments that have been made, indicate to the committee how many of the 19,200 freight cars were built during a Democratic Administration?

Mr. HAMLIN. I am going to discuss that feature of it a little later, if the gentleman will give me the opportunity. However, there is one thing certain, they are not being used under this Republican Administration.

Mr. BURKE. And will the gentleman also, during the course of his remarks, indicate where it has been claimed by the Republican party that these hard times would never occur under Republican Administration?

Mr. HAMLIN. I will endeavor to answer the gentleman.

Mr. PADGETT. At the present time they are occurring under Republican Administration.

Mr. BURKE. That is the difference between the gentleman and myself.

Mr. HAMLIN. I shall show by remarks made by certain Republican Members in this House that the language used by me is quoted correctly; that these panics would not occur under Republican Administration. I will also show that every panic that has visited this country within the last fifty years has occurred under Republican Administrations or as a result of Republican Administrations.

You have been in undisturbed rule in this country for the last ten years. What do you say now? What is the matter with the country? What is the sign we see over the doors in New York, in Philadelphia, in Toledo, in Buffalo, in St. Louis, and other large cities? We see at a glance that they are soup houses. Are they Cleveland soup houses? No; they are Republican soup houses. [Laughter and applause on the Democratic side.]

On the bank doors lately have been "Closed," and not "Opened." Coxey's army is mobilizing again, preparing to march on to Washington. Thousands of workingmen out of employment, tramping and begging for work. Are you going to be fair enough to take the responsibility of this condition upon yourselves; or are you going to charge this calamity up to Providence or the Democratic party, as you usually do?

Providence has certainly done His part, because there are millions of dollars of surplus farm products waiting to-day to go to market, and yet in the midst of this plenty we have one of the greatest industrial panics the country has ever seen. You have never missed an opportunity, either in this House or on the hustings, to boast that the prosperity through which we have passed was due entirely to the fact that the Republican party is in power. You have said these calamities could not come while you were in power.

The following extract from a speech delivered in this House during the Fifty-eighth Congress by the gentleman from Michigan [Mr. HAMILTON] will serve as a sample of your vain boastings. Let me read:

Eight years ago the Republican party marshaled its host in the shadows of industrial depression, in the shadows of closed factories and suspended banks.

And you, Mr. Chairman, have led us back into "the shadows of closed factories and suspended banks."

He says:

We were running in debt then at every tick of the clock, accumulating an overdraft in our Treasury.

How history repeats itself. Only a few weeks ago the eminent chairman of the Appropriation Committee vouchsafed the comforting (?) information that we were now facing a $100,000,000 deficit.

But let us go on. He said—

Fed by selling bonds.

Yes; your mighty hosts have made a complete circle, and you are back in the shadows whence you started, for you have within the last few months sold bonds, not to replenish a depleted Treasury, but infinitely worse, to bolster up rotten finance in Wall street. [Applause on the Democratic side.] Let me proceed—

and drained by an endless chain, recruiting Coxey's army and reading Coin's Financial School.

Mr. Chairman, how natural everything looks. Yes, Coxey's army is recruiting again, and we are reading, not Coin's Financial School, but ALDRICH'S and FOWLER'S financial school. [Applause on the Democratic side.]

Referring to the years prior to 1897, he says:

The years were lean and the earth was bare.

True, but these ten years in which your "marshaled hosts" have been leading us, the years have been fat and the earth laden with fruitage, and yet you moved in a circle, and we are again in the shadows under your leadership. Again he says:

Then no man trusted his neighbor if he could help it.

Now, Mr. Chairman, no city banker trusts another banker if he can help it. [Applause on the Democratic side.] He says:

A man with a dollar ahead would not loan his neighbor on first mortgage because, first, he was afraid of being called a plutocrat; and, second, because he was afraid his neighbor would pay him in depreciated money.

Mr. Chairman, no man ever heard of another being paid in depreciated money in the panic of 1893, but everybody has been paid, not in money at all, but in clearing-house certificates and other disgraceful and disreputable makeshifts in this Republican panic of 1907. [Applause on the Democratic side.]

Mr. BOWERS. Mr. Chairman, will my friend permit me to give him a name for that kind of currency?

Mr. HAMLIN. With pleasure. What is it?

Mr. BOWERS. Christian Science money. [Laughter on the Democratic side.]

Mr. HAMLIN. Just think you have not got the money and you have not got it. Is that the idea?

Mr. BOWERS. Yes.

Mr. HAMLIN. Then, Mr. Chairman, I accept the suggestion. Let us listen to the eloquent gentleman again. He says:

Out of the ruins of that time we have builded a shining edifice of prosperity and scattered laughter with a spendthrift hand, and yet nothing has happened; nothing but a Republican Administration.

God save the mark.

Mr. Chairman, may I not paraphrase the gentleman's last statement by saying that the prosperity through which we have passed these last few years, which was due entirely to the industry and frugality of our intelligent and energetic people, supplemented by a beneficent Providence who "scattered blessing with a spendthrift hand" until we have "builded a shining edifice," inhabited by a prosperous and happy people, extending from the Atlantic to the Pacific oceans, and from the Canadas to the magnolia groves of the beautiful Southland, and yet in the midst of this prosperity, without apparent reason or excuse, there came suddenly upon us a terrific panic, which has shaken the industrial world from center to circumference, turned homes of laughter into homes of tears, and hearts of hopes into hearts of despair, driven fathers from loved ones and sent them forth by the score and thousands, tramping over the country begging for work, and yet "nothing has happened; nothing but a Republican Administration?" [Applause on the Democratic side.]

It might be well to remind the gentleman of the old proverb, "Pride goeth before destruction and a haughty spirit before a fall." [Applause on the Democratic side.] Then, as a grand climax to his extravagant boasting, he says:

Now, from the offices of the stockjobber to the heights of political economy, it is everywhere apparent that we are prosperous.

Mr. Chairman, that the stockjobber has been prosperous is to the everlasting disgrace of the party in power [applause on the Democratic side], and as to the "heights of political economy," to which the gentleman referred, I can only imagine that he had reference to such conduct as that practiced by Mr. Cortelyou when as chairman of the National Republican committee he gathered in the thousands of dollars from the great insurance companies and trusts of the country as a campaign fund with which to carry the election of 1904. [Applause on the Democratic side.] Or he may have referred to that same gentleman's conduct in refusing to return to its rightful owners any of this ill-gotten money. This same Republican party, which has been so eloquently eulogized by my friend from Michigan, is still in power, but let us see if this prosperity "abideth with us still." Let me read:

HUNGRY CHILDREN IN RIOT SMASH PLATE-GLASS WINDOWS OF RESTAURANT TO GET DINNERS.

[Special to Washington Post.]

NEW YORK, *February 18.*

Fifteen hundred hungry school children, attracted by the prospect of a free hot dinner, were in a riot to-day in front of a restaurant at 272 Grand street, and before the police could restore order by assuring the little ones that all would be fed the plate-glass window was pushed in.

BREAD RIOT IN BUFFALO—GENEROUS GROCER DID NOT HAND OUT LOAVES FAST ENOUGH.

BUFFALO, N. Y., *February 1.*

The police force at West Seneca has been trebled to cope with the possibilities of an outbreak of lawlessness among the hundred idle and hungry foreigners formerly employed in the steel mills. A bread riot occurred last night.

[From Springfield (Mo.) Republican.]

LARGE NUMBER FED.

Calls for aid at soup houses are increasing every day. More than three hundred people were fed yesterday at the soup house being conducted by charitable organizations of the city. Though the place was open to the public only last Saturday, hundreds have applied for something to eat.

ROAD EMPLOYEES LEFT OUT—1,000 WERE AFFECTED BY RETRENCHMENT OF LAKE SHORE RAILROAD.

ELKHART, IND., *January 29.*

The Lake Shore Railway's big locomotive and allied shops, which had already been reduced to a four-day work, were put on a two-day work to-day. One thousand men are affected.

Many more such conditions could be portrayed, but I think it will be sufficient for me to read only one or two more. I here have a statement by Ex-Secretary of the Treasury Lyman P. Gage, a prominent Republican, recently made before the Committee on Banking and Currency in this House. He says:

In 1907 we were on the deep waters of prosperity, when everything ought to have floated serenely, but we bumped hard. We stove open the bottom of the ship. We met with first-class disaster.

Now, just one other little extract from a speech recently made by the Hon. Leslie M. Shaw, another late Republican Secretary of the Treasury and at present an aspiring candidate for the Republican nomination for President:

Over 300,000 freight cars standing empty on the tracks, 30,000 locomotives white leaded and out of commission, one-fourth of the population of several large cities idle, and for the first time under Republican Administration free soup houses in every industrial center; the price of farm produce naturally and materially depreciated, furnish an object lesson which ought to produce a measure of sober-mindedness on the part of the American people.

My friends, it would have saved you much humiliation if you had taken heed to the injunction contained in verse 12 chapter 10, First Corinthians, "Therefore let him that thinketh he standeth take heed lest he fall." [Applause on Democratic side.]

Mr. Chairman, I am by no means gloating over the adversity which has come upon the Republican party or the calamity which has befallen the country by reason of your mismanagement. God forbid! But I only want to remind you who have regaled us so often over the panic of 1893, which you unjustly charge to us, that the chickens have simply come home to roost. [Applause on the Democratic side.]

You are in a position to do much to correct this lamentable condition if you will. The President has earnestly recommended many remedial measures and asked you to take action. You have a majority of more than fifty in this House and an overwhelming majority in the Senate, and I am certain that I can assure you, if you will bring in any reasonable measure to relieve this distressed condition that there will not only be no opposition on this side of the Chamber, but we will vote for the measure as we did for the rate bill, and you will find us ready to help you to pass any of the kind of measures which will relieve the condition existing in the country to-day.

Why do you not bring in a bill here to provide for the guaranty of bank deposits, and in States where they have not already provided for the guaranty of these deposits let the State banks, if they desire to do so, come in under Federal supervision and be guaranteed the same as national banks, placing them on an equal footing with national banks, so that there can be no advantages had, and then, under the provisions of many bills pending in this House, this guaranty could be made on the part of the Government and yet it not stand to lose a cent, but when depositors all over the country place their money in the banks they will have the assurance that they can get it out again and not be compelled to take clearing-house certificates, or perhaps nothing at all? [Applause on Democratic side.] Do this and money will come out of hiding and confidence will be restored, soup houses will be closed, factories may be opened, and the country experience another degree of prosperity.

The President asks you to pass an employers' liability law. We ask you to do it. You claim to be the friends of the laboring men—that is, you make that claim during every campaign—and now you could pass that law unanimously if you can get the men upon your side of the Chamber to vote for it.

Why do you not pass a law limiting Federal courts in the granting of injunctions and providing for trials by jury in contempt cases?

You boast that the Treasury vaults to-day are bursting with money. If so, why do you not pass a law appropriating some of this money to aid the farmers in the building of good roads, the improvement of our inland waterways, and the erection of public buildings, and making other internal improvements, and thereby give idle men employment?

If you are not bound hand and foot to Wall street and allied interests, why do you not pass a law providing for the publication of campaign contributions so as to prohibit the raising of large campaign funds with which to debauch the voters of the country?

I introduced a bill here to amend section 2 of the act of June 27, 1890, in relation to pensions, which provides that every

man serving in a State militia organization for ninety days or more under the command of a regular commissioned officer of the United States Army, may be placed upon the same footing with the man who happened to be formally mustered into the service. Now, if it is right to grant pensions at all, undoubtedly this is a just measure. These men served right alongside of those who were formally mustered into the service, were exposed to as much danger, many of them served not only ninety days, but two or three years, they are now old and broken down in health, and yet you turn them out to die unpensioned, "unwept and unsung." Why do you not pass that bill? You could pass it to-day if you desired to do so.

I also introduced a bill to emancipate the postal employees of this Government. As it is now the Post-Office Department presumes to prescribe to the rural carriers, I understand, what manner of dress they shall wear when on duty, and under the rulings of this same Department a postal employee, when in the august presence of a Member of Congress or other Government official, must stand dumb; "as a sheep before her shearer," he "openeth not his mouth." No matter if he feels that he is being treated unfairly he must not mention his grievance to his Congressman, and if he should be bold enough to do so it will be at the risk of his position. In other words, when he enters the postal service under this free Government he leaves behind much of his American citizenship. Mr. Chairman, at the rate that the Post-Office Department has been regulating, it will not be long until it will be prescribing what the employees shall eat, when they shall retire at night, when they shall rise in the morning, and so forth.

To all of this "pollycoddle" I am opposed. Let us return to this army of loyal workers their full rights as American citizens.

Why will you not pass this bill?

There are many other good measures which you could pass between this and the latter part of next week, and we stand ready to help you. Why do you not do it? You have the power, and yours is the responsibility.

Is your refusal to pass these bills due to the fact that your party is owned body and soul by predatory wealth? Are you afraid to legislate in the interests of the people for fear you will antagonize some special interest? That you will not pass these bills which I have mentioned I am absolutely certain. Your policy is to do as near nothing as possible, adjourn and go home, and then tell the people how you have agonized for them, and how hard you will work if they will only send you back. [Applause on Democratic side.]

Mr. BURKE. Will the gentleman yield?

Mr. HAMLIN. Yes, with pleasure.

Mr. BURKE. The gentleman indicates, among other bills that ought to be passed, one providing for the publication of campaign contributions. I take it from the character of the gentleman's remarks that he is a lawyer, and I want some information. I would like to have the gentleman indicate just what kind of a bill this House or the Congress of the United States could pass that would be effective.

Mr. HAMLIN. There are two or three bills pending before the Committee on the Election of President and Vice-President to which I most cordially refer the gentleman, and I think that he could get the information that he desires by reading those bills. My time will not permit me to go into a detailed discussion of how a bill should be drawn or exactly how it should be worded in order to bring about that result.

Mr. BURKE. Will the gentleman permit this question?

Mr. HAMLIN. Yes.

Mr. BURKE. In view of the fact that he himself has indicated inability during the time allotted to him to outline a particular measure, and in view of the fact that Col. William J. Bryan, when before that committee, was also unable to outline an effective measure, by what right does the Democratic party saddle upon the majority of this House the burden of passing a measure which they themselves are unable to outline?

Mr. HAMLIN. I can only answer the gentleman in this way——

Mr. RUCKER. I will say to the gentleman from Pennsylvania that in a few days we will present a bill to you that will accomplish what is desired if you will help us pass it. There will be no question about it.

Mr. HAMLIN. I was going on to say that the gentleman's antipathy to the gentleman from Nebraska, Mr. William J. Bryan, is such that he doubtless would not be expected to understand him. I read the hearings before that committee, and it seems to me that the plan outlined by Mr. Bryan is so clear and so plain that it would be next to impossible for a man to misunderstand him.

I presume you are proceeding upon the theory that no difference what you do or fail to do here, on election day the rank and file of the Republicans will walk up to the polls and vote the ticket, but in this I believe you will be badly mistaken; that day has passed.

I stated a while ago that your evident policy is to do nothing. That this is true lies in the fact that this Congress met on the 2d day of December and adjourned for the holidays on the 21st, covering a period of eighteen working days, and out of the eighteen days you were actually in session just eleven hours and eight minutes, and nearly one-half of that time was taken up in organizing the House on the first day.

Your conduct on that day reminded me of the New Testament story of Peter and some of the other apostles. When adversity had come upon them in Jerusalem and their Master had been cruelly slain, and they were discouraged, disheartened, and despondent, Peter said: "I go a fishing," and John, James, Andrew, and Nathaniel said: "We go with thee." They thereupon deserted their post, turned their backs upon their plain duty, and hurried back to the Sea of Gallilee to resume their old trade of fishing. I have thought how like this reprehensible conduct was that displayed by you when we met on December 2, and this country in the throes of a terrific panic. [Laughter and applause on the Democratic side.]

You were in session only long enough to organize the House by electing its officers and then to transfer to the Speaker all the power possessed by the combined membership of the House, and then Uncle Joe said, "I go fishing," and straightway the gentleman from New York [Mr. PAYNE], and the gentleman from Pennsylvania [Mr. DALZELL], and the gentleman from New York [Mr. SHERMAN], and the gentleman from Minnesota [Mr. TAWNEY] said, "We go with you," and your manner of going was about this: [Renewed laughter.]

"Uncle Joe" got up, sniffed the fresh air, girded his "fisher's coat" about him, and started for the Mall; closely following him, with much effort to keep the pace, was the distinguished chairman of the Ways and Means Committee [Mr. PAYNE], and following on his heels was the alert and active gentleman from Pennsylvania [Mr. DALZELL], armed with a convenient report from the Committee on Rules, with which he had often before caught "suckers." [Laughter and applause on Democratic side.] Hard by in his wake was the bland and genial gentleman from New York [Mr. SHERMAN], chairman of the Committee on Indian Affairs, expressing envy for his wards, who had been free to roam the forest and ply the streams in quest of game, and closely following him was the ever pleasant and always courteous gentleman from Minnesota, the chairman of the great Appropriation Committee, with head bowed and brow knitted trying to figure out some explanation to the people of this country as to how it happened that under ten years of absolute, undisturbed Republican rule we are now facing a hundred-million-dollar deficit, and then followed the main procession of other Members on that side of the House in perfect order, so complete is the discipline over them, and we on this side were compelled to await in amazement your return before any legislation demanded by conditions existing in this country could be taken up and considered. [Renewed laughter and applause on Democratic side.]

Mr. Chairman, have I drawn the picture too strongly? No. As I said before, of the eighteen working days in the month of December last, you permitted this House to be in session actually, as shown by the official records, just eleven hours and eight minutes, and this country in the throes of a fearful panic, banks closed, factories closed down, soup houses being opened, thousands of honest men with families to support being thrown out of employment, and yet you were deaf to their entreaties. Yours is the responsibility. How well you are meeting it!

The gentleman from New York, chairman of the Ways and Means Committee, said in a speech delivered here recently that he had no doubt that the Republican platform adopted at Chicago this summer would declare in favor of revising the tariff, and the gentleman from Pennsylvania [Mr. DALZELL] more recently gave voice to the same fact, but what did they mean, or is that the usual ante-election statement? True, the gentleman from New York made this declaration in stentorian tones, but I was reminded of the little doggerel I read some time ago:

His voice was the voice of thunder, and his words were words of reproof,
And perhaps he really wondered why we did not stand aloof.
He thought he was being haughty and severe (and he did try),
But we knew he was only bluffing by the twinkle in his eye.

[Great laughter.]

Mr. Chairman, under your administration of affairs for the last ten years there has grown up in this country a system of corruption which appalls the world, and the correctness of this statement seems to have been vouched for by the gentleman

from Pennsylvania [Mr. DALZELL] in a speech he delivered in this House the other day, in which he said:

We had the lights turned on the methods of high finance, we had the lights turned on the speculations by the copper syndicate and other syndicates and the immense amount of water in capital stock, and the very moment that these things came into public view the breath of suspicion became manifest and the crisis came.

In other words, Mr. Chairman, the very moment that the light was turned on the corruption which has grown up under this Republican Administration the people were appalled and the panic came. And let it never be forgotten that you have only turned the light on a very small spot. If you would only take the lid off and turn the light on in all its effulgency, so that the people might know the real condition which has grown up under ten years of Republican rule in this country, they would with whip in hand rise up next November election day and drive you from this temple. [Loud applause on the Democratic side.]

It has become a stench in the nostrils of every honest man. It has forced your President to thunder against it as no President has denounced it since Andrew Jackson's time, and yet you are inactive. While predatory wealth was fastening its clutches upon the people, you sat supinely by and called it prosperity, and now that the result of your own neglect and mismanagement comes upon you to plague you, you stand appalled at the result of your own management and refuse to take up the gauge of battle and do service for the people, yet you expect to go out this fall and tell the "dear people" how anxious you are to help them.

Do you think they will believe you for a moment? I tell you they will be by you like the fisherman said of himself, sitting on the bank of the stream under the bridge, when he was accosted by a stranger standing on the bridge with the question: "Are you catching any fish?" "Well, I guess, yes; I caught forty big, fine bass out of this hole yesterday." "Do you know, sir, who I am?" said the man on the bridge. "No; who are you?" "I am the game and fish warden of this district, and by your own confession you have been violating the law." "Well," said the fisherman, "do you know who I am?" "No; who are you?" "I am president of the Roosevelt Ananias Club. I never told the truth in my life. No one ever believes a word I say." [Laughter.] Now, Mr. Chairman, you have the opportunity to help the people. If you fail to do it, no one will again believe a word you say.

I am telling you some cold facts, and the rank and file of the people of this country will indorse what I say, that yours is the responsibility and you will be held to account if you do not meet the demands placed upon you. I know you have already begun to speak of the late panic as if it were over, when the truth is thousands of men are now each day being thrown out of employment and others having their wages reduced, and the prices of the farmers' products all rapidly declining.

I have a statement here which was furnished me by a man in a position to know whereof he speaks, and he says, figuring on a basis of wages earned by 268,000 employees on forty-nine railroads west of the Mississippi in 1906, the decrease in wages to employees this year by reason of the panic in laying off men and reduction of hours worked, placed at only 8 per cent, which is a conservative estimate, makes the appalling decrease in wages paid to these employees run up into the millions of dollars per year. Stupendous, and yet, again, see what Mr. Mellin, president of the New Haven Railroad, said:

But the panic has affected business so seriously that we have found it necessary to reduce the service on our system, and since December 15 last 8,000 men have been dismissed and more are being discharged all the time for the same reason.

Now, in that same connection I have another clipping which I will read:

RAILROADS LAY OFF HALF MILLION MEN—AS MANY AS 150,000 OUT OF WORK IN SOUTHERN AND WESTERN STATES.

Officials of the Southwestern and Western railroads say that it would be almost impossible to estimate the number of employees they have laid off in the past sixty days. The forces of the mechanical, accounting, engineering, and clerical departments have been reduced an average of one-third, and it is expected that additional reductions will be made in the next month or so.

The railroads of the United States employ 1,600,000 men, and, according to reports, about 500,000 have been laid off in all branches of the service.

About 150,000 men have been laid off in thirteen Southern and Western States, as follows: Missouri, 15,000; Illinois, 25,000; Kansas, 15,000; Nebraska, 11,000; Arkansas, 5,000; Louisiana, 6,000; Texas, 25,000; Oklahoma, 5,000; Kentucky, 5,500; Tennessee, 7,000; Mississippi, 7,000; Georgia, 13,000, and Alabama, 9,000.

The Missouri Pacific and Iron Mountain System yesterday closed its shops indefinitely. At St. Louis 400 men were left without work; at Sedalia, Mo., 600; at Baring Cross, Ark., 1,200; at De Soto, Mo., 500; at Osawatomie, Kans., 300; at Atchison, Kans., 200, and Fort Scott, Kans., 300.

And yet it was announced, I understand, on the floor of this House, about a week ago, by the gentleman from Indiana [Mr. CHANEY], that the panic actually ended about the 1st day of February last, he presuming to give the exact time, saying that it lasted just three months and one day. I think he would have some difficulty in making these million men who are out of employment to-day believe that he was correct in his statement. At least I have not heard of any bonfires being built by these laboring men to ratify the ending of this terrible industrial panic. It may be that these poor fellows have not heard that the panic is over. [Laughter and applause on the Democratic side.]

Now, Mr. Chairman, I hold a letter in my hand which I shall ask the Clerk to read. It was written to me by a gentleman from my home city, a man I know well, and I know him to be reliable and one of the best men in my city. He is a locomotive engineer, belonging to what I regard as the bravest class of men on earth to-day, men who through either storm or shine, light or darkness, respond to the call of duty, and, standing with hand on throttle and brake, plunge through light or darkness with never a thought of their own safety or welfare, but whose only consideration is for the safety of the human lives on board the train they are pulling. These men not only deserve consideration at our hands, but the eternal and everlasting gratitude of the traveling public. Let us hear what one of these men has to say.

The Clerk read as follows:

INTERNATIONAL BROTHERHOOD OF LOCOMOTIVE ENGINEERS,
Springfield, Mo., February 1, 1908.

Hon. C. W. HAMLIN,
House of Representatives, Washington, D. C.:

DEAR SIR: I am requested by your friends, the railroad men of Springfield, Mo., to write you relative to conditions on the Frisco railroad—due to the panic—in hopes that you may introduce or assist in bringing some measure before the present Congress that will relieve conditions and give the wage-earner an opportunity to work so as to earn a living for himself and loved ones dependent on him for support. The Frisco shops only work eight hours per day, four days a week, at present, and were closed twelve working days in January. To-day one-third of the employees of the shops were let out indefinitely; while on the road freight business has fallen off so crews are only making one-half time. This is true of the entire system, and starvation is staring your friends, the railroad men, in the face. The company, owing to short working hours in shops and reduction of number of employees, is unable to keep engines in repair, the result being that when freight is offered for shipment the company is unable to handle it for lack of power. I learn, through our brotherhood, the same conditions prevail on all railroads, and good men are tramping over the country hunting for employment and not able to find any. Is there not some way for Congress to relieve this condition, or is it possible that the monied power is supreme—that the inclosed clipping from the St. Louis Post-Dispatch about J. P. Morgan is true? Must the wage-earner come to starvation in order that dividends can be paid on watered stock and the gamblers and stock speculators grow rich? We, your friends, appeal to you, believing that in this, our hour of need, you can help us out. Awaiting your reply, and trusting that Congress will better conditions,

I remain, yours, respectfully,

M. J. MURPHY,
Chairman Ozark Division 83,
Brotherhood of Locomotive Engineers,
849 North Main street, Springfield, Mo.

Mr. WILLETT. Will the gentleman yield?

Mr. HAMLIN. Yes; I will yield to the gentleman from New York.

Mr. WILLETT. I hold in my hand a letter which I received this morning from the New York Independent Council of World Workers. This council has been making an investigation in New York City of the unemployed, and it has just made a report to me which shows the actual labor conditions in New York City to-day. The report is as follows:

NEW YORK, *March 13, 1908.*

Hon. WM. WILLET, Jr.,
Member of Congress, Washington, D. C.:

Replying to your request of March 6, 1908, for the New York Independent Council, Independent World Workers, would state that, for your information, I can give you the following few figures that might be of some avail to you in refuting the argument of Congressman BENNET.

The following lists are the result of exhaustive search on the part of men familiar with the method of gathering facts of this character:

ORGANIZED MEN UNEMPLOYED.

	Number.
Building trades (32 represented)	70,000
Clothing and garment workers of all grades	20,000
Tobacco workers, all grades	18,000
Printing and allied trades, engraving, lithographing stereotyping	11,000
Longshoremen	8,000
Machinists, molders, etc	5,000
Railroad men, various branches	4,000
Furniture and piano workers	4,000
Boot and shoe workers, all branches	3,000
Teamsters and clerks	2,000
River and harbor employees	2,000
Diamond workers	500
Total	147,500

I do not include in this list hotel and restaurant workers, as they are but poorly organized, and, on the next page, I give you the unorganized unemployed.

	Number.
Department store employees (warehouseman, factory, laboratory clerks, drivers and other help)	70,000
Hotel and restaurant workers (all branches)	30,000
Office employees (various occupations)	25,000
Mechanics (almost all trades included)	110,000
City employees	10,000
Unorganized railroad workers	8,000
Transportation workers of all grades (clerks, etc.)	38,000
Ungraded laborers of all sorts, about	65,000
Unorganized total	356,000
Organized	147,500
Grand total	503,500

This enormous number exceeds by almost 400,000 the number usually unemployed in and about New York. It may also be taken into consideration that at this time of the year there is a great falling off of the number, but the number this year is steadily increasing. Wages of the employed are going down as a result of this great horde of unemployed, forced into competition for employment.

Should you wish more complete details and the sources from which they come, let me know.

Respectfully, yours, SAMUEL A. STODEL,
Fin. Sec'y N. Y. Ind. Council, I. W. W.

Mr. HAMLIN. Mr. Chairman, I thank the gentleman for giving us the benefit of that statement. It occurred to me while he was reading it and showing that there are over one-half million unemployed men in the city of New York alone, that in reply to the statement made by the gentleman from Ohio [Mr. BANNON], who spoke only a moment ago, when he asked the question what would become of the Democratic party if the darkies in this country were all entitled to vote, that I might ask him what will become of the Republican party when this army of 500,000 men refuse to vote the Republican ticket at the next election. [Laughter and applause on the Democratic side.]

Mr. Chairman, these appeals touch my heart. You have the votes and we on this side will help you pass any measure to relieve these distressed conditions. Will you do it? I know that when we on this side dare to raise our voices in behalf of the laboring men we subject ourselves to be denounced as demagogues. A few weeks ago my colleague [Mr. SMITH] dared to offer an amendment to the penal code in behalf of the laboring men, and the leader of the majority [Mr. PAYNE] took occasion to denounce his conduct as demagogic.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BOWERS. I will yield 10 minutes more to the gentleman.

Mr. HAMLIN. I deny the right of any man to denounce as demagogical the action of any Member to advocate what he believes to be right on the floor of this House. But I say to the gentlemen on that side, if to plead the cause of the farmers and laboring men on this floor is demagogic, then, thank God, such demagogery is as an angel robed in white when compared to that somber bird of hypocrisy which perches upon the Republican banner, as evidenced by your conduct here and upon the hustings. [Applause on the Democratic side.]

I believe it is not only the province of Members on this floor but of every sovereign citizen to criticise that which he believes to be wrong without having his motives impugned. A few years ago, because some people were bold enough to criticise the action of the courts, they were denounced as "dangerous and undesirable citizens," and yet in the last few months we find your President doing the same thing.

I yield to no man in my respect for the judiciary or the Constitution. In our courts I recognize our ultimate safety, but, unfortunately, it is too often the case in these latter years that men have been selected for judicial positions, not because of their extreme learning and preeminent traits of mind, but for their ability theretofore to manipulate political conventions, or, perchance, to have performed some especially shrewd work for the successful candidate on the winning ticket.

In other words, there are on the Federal bench throughout the land to-day many men who were placed there entirely through political "pulls," without regard to their fitness for the position they are to occupy, and after they were securely ensconced in their positions they seemed to think they must do the bidding of the influence which put them there. In other words, instead of becoming a part of the bulwark of our liberties under the Constitution they become the judicial bulwark of the party which put them in power. In many instances I believe the Federal courts of this country have gradually exceeded their authority under the law until I regard their conduct, especially in the indiscriminate use of the injunctive process, as a positive menace to the liberties of our people. I regard the attempt of a Federal district judge to set at naught, at his own sweet will, the action of the people of a sovereign State as extremely portentous and alarming. This Government was created by the States, the Federal courts are creations of the Federal Government, and undoubtedly the creature of the creature can not be greater than the creator. I believe when a State enacts a law for the regulation of its internal affairs any party aggrieved should have recourse to the courts of his State, and if not sustained there he may then appeal, if he desires to do so, to the court of last resort in the nation; but I do not believe that it is the province of any little Federal judge, whose qualifications as a lawyer are not sufficient, perhaps, to permit him to practice successfully in the inferior courts of his county, to ipso facto declare the State enactments unconstitutional, and therefore enjoin a sovereign State from enforcing its own laws. [Applause on the Democratic side.]

Mr. Chairman, there is much in the President's late message which I indorse, but I candidly believe if the occupant of the White House would quit fighting so many pen battles, and put the machinery of the Department of Justice in motion and invoke the criminal laws now on the statute books and put some of these fellows whom he has denounced so vigorously behind the bars, the country would the sooner recover its equilibrium and corruption would be wiped out. In other words, if we had a little more action and less talk on the part of the White House the country would be very much better off. [Applause on the Democratic side.]

I regard it as a shame that the business of this country is to be neglected simply because there is a national campaign impending. The public business is to be sidetracked because your time is consumed in trying to agree on a candidate for President on the Republican ticket. The gentleman from Ohio [Mr. BANNON] a while ago said it was not his privilege to name that candidate. I think in that statement he was absolutely correct. Neither do I believe it is in the province of any Republican in this House to name that candidate, because the President will attend to that part of it himself. [Laughter and applause on the Democratic side.] If you fellows will be real good, and behave yourselves and pass some of the legislation which he wants you to pass, he might let you have a small voice in naming the candidate for Vice-President, but not beyond that. [Renewed laughter.]

But I think, Mr. Chairman, it makes little difference whether you name the White House choice, or whether you name the circumstantial governor of New York and consequential candidate for President, or the Speaker of this House, or the presiding officer of the Senate—neither can by any possibility be elected in November. Your party has been weighed in the balance and found wanting. The people will on March 4, 1909, come into their own. [Applause on the Democratic side.]

We on this side are ready to go on with the work before Congress. Our candidate has already been named in the hearts of the American people, and it only awaits the meeting of the convention at Denver in July to publish to the world the name of the next President of these United States. [Applause on the Democratic side.]

With Bryan in the White House and CHAMP CLARK in the Speaker's chair [applause on the Democratic side], the people will not have to plead in vain for legislation in their behalf. Their demands will be heeded; they will not only have a friend at court, but they will have a friend in the court. [Prolonged applause on the Democratic side.]

Mr. BOWERS. Mr. Chairman, I yield to the gentleman from New York [Mr. SULZER] such time as he may desire.

Mr. SULZER. Mr. Chairman, for six months and more the entire industrial system of our country has been shaken and disturbed by the storm and stress of a great financial panic; values are unsettled, business is paralyzed, confidence is destroyed, industry is dormant, work is scarce, millions of honest toilers are out of employment, and their families suffering for the very necessaries of life. The cause to a great extent, we are told, is our deplorable banking and currency laws. It seems clear to me that at such a time the Congress should exercise extreme care in legislating to correct the evils in order to restore confidence. We should construct and enact legislation with a view to permanently eliminate the admitted mistakes, and at the same time make sure to protect the rights of the people. No slipshod emergency legislation will cure the glaring evils of existing banking and currency laws. Conditions will not improve until our financial policy is changed. Whatever is done in the matter now should be done carefully, deliberately, conservatively, and constructively with a view to permanency. Our banking and currency laws are inadequate, obsolete, and a disgrace to the nation—a veritable crazy quilt of patchwork—but nothing is offered by the Republicans as a safe and lasting remedy to take their place.

We have been in session since the 2d day of last December; we shall adjourn ere the 1st of June; yet nothing has been done, and it seems doubtful if anything of lasting benefit will be done. The Republicans are in control of both branches of Con-

gress; this panic is their panic; they are charged with the responsibility of constructing and passing legislation to remedy existing evils, and if they fail to meet the requirements of the hour they must be held accountable by the people. The so-called "Aldrich emergency currency bill," to allow a few favored national banks to issue $500,000,000 more bank notes, will not remedy the evil, but only accentuate it. The so-called "Aldrich bill" is another little patch on the banking crazy-quilt. It is not merely a makeshift, it is a miserable mistake, and in the end will do more harm than good. Its passage would indefinitely postpone further serious consideration of currency reform. The so-called "Fowler bill," for an asset currency, will not cure the evils. It is so complicated that no one seems to know exactly what it seeks to accomplish, but those who have studied it seem to agree that it would make matters worse instead of better, and ultimately bring about the greatest financial disaster the world has ever known.

The present display of fumbling and ignorance and incompetency on the part of the Republican leaders of Congress in regard to banking and currency reform is a lamentable commentary on their boast of constructive ability and capacity to inaugurate safe and permanent legislation. Suppose the Democrats had put forth a scheme for currency relief which the best banking opinion condemned and declared to be of doubtful legality, would not the Republican orators and newspapers, from one end of the country to the other, ring with denunciations of Democratic incapacity? While the people are starving, however, it is no time for political recrimination, and the thing for us to do now is to get together and prepare a bill for true currency reform of a permanent character and enact it into law. A great financial depression has overtaken us in the halcyon days of the Republican Administration, and we should initiate and pass legislation that will restore business confidence, go far to prevent a recurrence of the disaster, and place our banking and currency systems on a permanent basis.

Mr. Chairman, in my opinion, banking and currency reform are now the most important questions of the hour. We should adopt a governmental currency system that will work automatically and expand and contract with the demands of the country. Congress should act in this matter before we adjourn and place our banking and currency systems on a stable, businesslike, and permanent basis that will prevent in the future monetary panics and financial stringency. Every intelligent man who has studied the subject knows that we have the worst currency and banking laws of any civilized country in the world. Our banking laws are jug handled—against the people and for the national banks. Our currency laws are obsolete and inadequate—the merest kind of patchwork, a regular crazy quilt, a disgrace to our business intelligence, and an indictment against our legislative acumen and political sagacity. They must be changed and reformed along intelligent lines, in the interest of all the people, and based on the well-established principles of the currency and banking laws of all the other great powers, where runs on banks are practically unknown, hoarding of money unprofitable, financial stringency infrequent, and money panics of rare occurrence.

We are, sir, and ought to be, all things considered, the richest and most prosperous nation on earth. During the past summer I traveled over much of the domain of the United States—in the corn lands of the Mississippi, in the mineral lands of the intermountain States, and along the Pacific coast—and I never saw such abundant crops, such wonderful mineral resources, and such overwhelming natural wealth in all my life. It was a revelation to me, as it must be to all other travelers; and if the Congress would enact just laws for all the people, panics would be infrequent, poverty would be scarce, and we would be the happiest and the richest and the most contented people on earth.

Mr. Chairman, the Constitution declares that the right to coin and issue money is a governmental function, and, in my judgment, it should not be delegated to any bank. The national banks should go out of the Government business of issuing money, and the Government should do its own financial business and coin and issue all the people's money like other great countries. The right to coin and issue money is one of the highest attributes of national sovereignty. The Constitution so declares, and I reiterate that the Government should coin and issue all the money, and every dollar should be legal-tender money and worth 100 cents on the dollar here and everywhere. There should be no serious difficulty in framing a bill to meet these requirements to place our banking and currency systems on a stable, conservative, and permanent basis. It is of the highest importance to all the people. There should be no politics in the matter. It is a nonpartisan subject, but the Republicans in Congress apparently can offer no satisfactory remedy for the present evils. They do not respond to the demands of the people and meet the question in a broad and statesmanlike manner. For months they have wrangled over the subject while business languished, banks failed, industry halted, mills closed, and men and women and children starved.

Now, sir, I desire to emphasize the importance of the Republican leaders in Congress immediately taking statesmanlike action in this matter and bring in a bill that will be permanent as a remedy and along constitutional lines. The people want a more elastic currency, at all times responsive to immediate needs, and that will keep pace with the business and the growth of population of the country, meet every crisis, and when the crisis is passed the money should go back to the Government and be canceled, so that at the end of the fiscal year there will be no inflation, but the volume of the currency in circulation, subject to normal conditions, will be about the same, keeping pace, however, with the growth of population and the legitimate needs of our industrial people. In order to accomplish this there should be established, as a part of the Treasury Department, a central bank under the control and supervision of the Government through which all money shall be issued and in which all Government money shall be deposited, and all money issued by the Government through the central bank should be legal-tender money, whether gold, silver, or currency. The law establishing this central bank should provide that the Government shall have the right to issue gold, silver, and currency on time loans to the banks or to the people of the country on depositing with the central bank State or Government bonds to their face value and such other collateral as its officers may deem, in their discretion, ample, such as gilt-edge county and municipal bonds that have not defaulted in the payment of interest in ten years, for such amount of their face value as the central bank, in the discretion of its officers, shall deem safe and ample. All national-bank currency should be called in and canceled as speedily as possible and Government money put in its place. This would gradually retire the national bonds and in a few years wipe out the public debt. The basis of a national-bank currency is a national debt.

If the national-bank currency were called in and canceled by the Government and Government money put in its place, the national debt would soon disappear and the interest on it that the people now pay no longer be a burden to the taxpayers. A law along these lines will meet the demands of the people for a Government central bank and a more elastic currency, and all the money would be Government money—legal-tender money—and sufficient for the business needs of the people at all times. Money panics would no longer be profitable to the few; financial stringency at no time could long exist; the Government could promptly meet every monetary crisis, and the people would always have sufficient constitutional legal-tender money for all legitimate business purposes. In times of emergency the central bank would loan money to the banks and the people of the country on such securities as I have suggested, consisting of Government bonds, State bonds, first-class, gilt-edged county bonds, and municipal bonds of cities having a population of 100,000 or over which have never defaulted in the payment of interest. This class of security, in the nature of collateral for time loans for legitimate purposes, would seem to be safe and ample, but of course it would be at all times discretionary with the officers of the central bank just how much money, if any, to loan on the face or the market value of these hypothecated securities.

All the national banks of the country having business with the Government central bank should be subject to the control and supervision of the central Government bank, and in case a run were made on one bank all the other banks and the central bank should come to its rescue and prevent it from going into the hands of a receiver and the depositors from losing their money.

If a law of this kind were on the statute books, there would be an elastic legal-tender currency in the country to move the crops, meet every monetary crisis, and make it almost impossible for a financial panic, by hoarding money, to occur again. The remedy and the power would be in the control of the Government, and that is where it should be lodged. For instance, if a bank in New Orleans, or a bank in St. Louis, or Chicago, or San Francisco needed money to aid its depositors in marketing the crops, that bank would make application to the Government central bank for a loan for a definite time for the amount it needed, and give ample and safe security, as outlined, for the amount borrowed, and the central bank would then issue to the borrowing bank the money it needed for, say, one, two, or three months, or for such a time as the bank required it, at 2 per cent interest, with the understanding that the borrowing bank should not charge more than 6 per cent interest to those to whom it loaned the money; and, when the emergency was

over or the time matured, the securities would be taken up by the borrowing bank and the money loaned returned to the Government central bank and destroyed. If, however, the bank borrowing the money should fail to return the money and take up its collateral within the time stipulated, then the law should provide that the central bank shall have the right to increase the rate of interest so high that it can compel the return of the money loaned. By this means there would be at all times sufficient money in the country to transact the business of the people, keep pace with increasing population, and, at the same time, the Government would be receiving 2 per cent or more interest on its loans, and the national banks could not charge their customers more than 6 per cent interest. The central bank of the Government would make money for all the people, and the other banks would make sufficient to pay their stockholders reasonable dividends, and the farmers, merchants, miners, and business people of the country would be able to get the money they needed at all times for legitimate purposes at reasonable rates of interest. I believe this plan is feasible and practicable and honest and for the best interests of all the people. I know it has the approval of many of our leading economists and thinkers and disinterested financiers.

Mr. Chairman, our country is rich beyond the dreams of the most imaginative. We have ninety millions of population and one hundred and fifty billions of wealth, but we have the worst banking and currency laws ever devised by the human mind. Just think of it! To-day there are more than $200,000,000 of the people's money deposited by the Government in the national banks of the country and not drawing one dollar's interest, and these banks are loaning that money out to the people at from 6 to 20 per cent interest, and now these national banks have the audacity to demand that the Government give them the right to issue $500,000,000 more of national-bank notes. It is all wrong, and Congress must remedy the evil, and should do it before we adjourn. The prophecy of John C. Calhoun seems to have been fulfilled. Years ago he said:

A power has arisen in the Government greater than the people themselves, consisting of many and various and powerful interests combined into one mass and held together by the cohesive power of the vast surplus in the banks.

This mighty combination will be opposed to any change, and it is to be feared that, such is its influence, no measure to which it is opposed can become a law. The time indeed seems fast approaching when no law can pass nor an honor be conferred from the Chief Magistrate—the President—to the humblest worker without the assent of this powerful and interested combination, which is steadily becoming the Government itself to the utter subversion of the authority of the people.

Mr. Chairman, I am now, and always have been, opposed to the Government delegating away its constitutional powers to the national banks. In my judgment they already possess entirely too much power. They are doing precisely to-day, only to a greater extent, what the United States Bank did in the days of Andrew Jackson. The right to coin and issue money is one of the greatest prerogatives of the Republic. It should not be delegated to any national bank or to any monopoly. We should resist the encroachments to-day of national banks on the liberties of the people with the same zeal and the same courage that Jackson resisted the audacious claims of the United States Bank in his day. In Jackson's day there was only one Nick Biddle. To-day there is a Nick Biddle in almost every national bank in the land.

Now, sir, the Republican fallacy that we could not have a panic while the country was under a high protective tariff, a gold standard, and a Republican Administration has been exploded. The people are now looking to the Democratic party to protect them from the selfishness of predatory wealth. The people want monopolies in restraint of trade abolished. They are tired of paying more at home for American-made goods than foreigners abroad pay for the same goods. They want legislation that will prevent future panics by the establishment of a Government central bank of issue, and in which to deposit Government funds, in place of the Republican plan of permitting the national banks to issue more promises to pay money under the name of "asset currency." As Mr. Jacob Schiff, one of the world's great bankers, recently said in an able address before the New York Chamber of Commerce:

I do not wish to pose as a Cassandra, but if our currency conditions are not changed you will have, sooner or later, such a panic that will make all previous panics look like child's play. I do not mean to say that such a panic is imminent, but it will come ultimately unless our inelastic currency is reformed.

Mr. Chairman, a central bank of the United States, such as stands to-day in every other important financial and commercial nation of the world, affords the only sure method by which the surplus funds of the Government can be kept at all times for the use of the people, from whom they have been taken by taxation; while of more far-reaching importance still is the function of such an institution in serving as a bulwark of public confidence, and through the utilization of its power to control, or to largely control, money rates, abate to a large extent the pace of public speculation. Under our present banking system a few national banks, owned by a few men of great wealth, have it in their power to contract the currency at any time and produce a financial panic involving every interest in the country and affecting every workingman in the land. There never was devised by the ingenuity of man a more specious plan for robbing his fellowman than the national banking act. Said Salmon P. Chase, Lincoln's great Secretary of the Treasury, years afterwards, in an hour of regret:

My agency in procuring the passage of the national-bank act was the greatest financial mistake of my life. It has built up a monopoly that affects every interest in the country. It should be repealed. But before this can be accomplished the people will be arrayed on one side and the banks on the other in a contest such as we have never seen in this country.

And that great master of logic, John C. Calhoun, summed it all up when he said:

Place the money power in the hands of a combination of a few individulas and they, by expanding or contracting the currency, may raise or sink prices at pleasure, and by purchasing when at the greatest depression and selling when at the greatest elevation may command the whole property and industry of the community. The banking system concentrates and places this power in the hands of those who control it. Never was an engine invented better calculated to place the destinies of the many in the hands of the few.

We must return to first principles. We must obey the Constitution. We must legislate on this subject and all others for all the people and not for the benefit of the few and the national banks.

Mr. Chairman, now another matter. In connection with the Government central bank there should be established throughout the land postal savings banks, as in other countries. The people of the United States have absolute confidence in the integrity and financial soundness of the Government, and would deposit much of their earnings, now hoarded, in postal savings banks. It would amount to millions and millions of dollars in the aggregate every year. The Government should pay these depositors not more than 4 per cent per annum interest and issue against the deposits postal-deposit certificates, in various denominations, which should be legal tender for all private debts and payable on demand, with interest, at the Government central bank. The Post-Office Department, of course, would deposit this money in the Government central bank. In this way millions and millions of dollars which are now hoarded would come from their hiding places and ultimately be deposited in the Government central bank and by it kept in circulation through the other banks of the country.

Now, Mr. Chairman, this is all I desire to say on this important subject to-day. However, I indulge the hope that the Republican leaders of the House of Representatives will sidetrack the so-called "Aldrich bill" and the so-called "Fowler bill"—both in the interest of the national banks and against the rights of the people—and give heed to the sure and safe proposition for a Government central bank along the lines I have briefly indicated. The plan can be worked out and perfected, and if I can render any assistance, I shall be glad to do so; and in this connection I ask unanimous consent to print as part of my speech some data relating to the subject-matter.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

[From the New York Press, February 18, 1908.]

NO ALDRICH BILL, SAY THE BANKERS—NEW YORK STATE MEN ARE UNANIMOUSLY AGAINST IT—WANT ELASTIC CURRENCY—EMERGENCY CIRCULATION, BASED UPON GOOD COMMERCIAL PAPER, IS THEIR DEMAND.

That the membership of the New York State Bankers' Association is opposed to the Aldrich currency bill was made clear last night by the unanimous vote of the council of administration at a meeting held in the Union League Club.

Bankers from every city in the State attended this meeting. Charles Elliot Warren, the president of the State association, delivered an address praising the reforms suggested by Governor Hughes and Clark Williams, State superintendent, and pointing out the defects in the Aldrich measure. Cheers greeted his statement that the best asset of a solvent bank is sound commercial paper, and that a bond-secured currency means an issue that is nonelastic and based upon liabilities. His suggestion for a central bank was approved. Mr. Warren said:

"I believe that if the Aldrich bill becomes a law the best interests of the banks and the citizens of the country will not be protected. Strictly speaking, we do not want a bond-secured emergency currency, for a bond-secured currency amounts to a currency based on liabilities; for, to afford relief, banks who issue this currency must necessarily borrow bonds upon which the issue is based; for, to buy or purchase the necessary bonds out of their resources, banks would have their capacity toward relief of the business community lessened rather than increased by the process; in other words, it would cost, say, $100 for each $75 of currency issued under the conditions of the bill.

"The best method to provide an elastic currency is by the creation of a central bank, under the control of the Government, to perform the functions now imposed upon the United States Treasury and the subtreasuries. It should be the depository of the 5 per cent fund and

should be the bank of issue and deposit; in other words, a United States central clearing house, issuing, in lieu of clearing-house certificates, notes on bank assets, heavily taxed, with a necessary reserve fund and ample facilities for quick and prompt redemption. Each clearing house in existence to-day should be a branch or redemption agency of this central bank."

NEW YORK BOARD OF TRADE AND TRANSPORTATION,
New York, March 16, 1908.

Hon. WILLIAM SULZER,
House of Representatives, Washington, D. C.

DEAR SIR: By direction of this board I hand you herewith a copy of the report of our committee on finance and taxation in relation to the Aldrich bill (S. 3023) to amend the national banking laws, and request that you will present same to the House of Representatives and have it referred to the proper committee.

Yours, very truly,

FRANK S. GARDNER, *Secretary.*

EMERGENCY CURRENCY—SENATE BILL NO. 3023, ENTITLED "A BILL TO AMEND THE NATIONAL BANKING LAWS," INTRODUCED BY SENATOR ALDRICH—PETITION FROM THE NEW YORK BOARD OF TRADE AND TRANSPORTATION.

NEW YORK BOARD OF TRADE AND TRANSPORTATION,
New York, March 11, 1908.

To the members of the Senate and House of Representatives of the United States of America in Congress assembled:

Your petitioners, the New York Board of Trade and Transportation, urgently, but respectfully, request that Senate bill No. 3023, entitled "A bill to amend the national banking laws," introduced by Senator ALDRICH, be not passed for the reasons set forth in the following report of the board's committee on finance and taxation, which was unanimously adopted at the monthly meeting of the board held this day:

REPORT OF THE COMMITTEE ON FINANCE AND TAXATION.

At a meeting of the finance committee, held on Wednesday, the 4th instant, thoughtful consideration was given to United States Senate bill No. 3023, entitled "A bill to amend the national banking laws," introduced by Senator ALDRICH.

This bill provides for an emergency currency to be secured by United States, State, county, municipal, and high-grade railroad bonds, to be issued only in times of emergency. To be specific, the objectionable features of the bill are:

First. Its passage would postpone for an indefinite time further serious consideration of currency reform.

Second. It would add one more unwise provision to our already defective banking system, viz, the inducement it offers to banks to invest in railroad, State, county, and municipal bonds.

Third. Under the provisions of the bill the cost of taking out currency and putting it in circulation would be so heavy that the bill would probably be inoperative.

It is the judgment of your committee that the passage of this bill should be opposed by this association on the general ground that it would bring no benefit whatever to our defective currency system, but, on the contrary, would probably introduce an element of weakness into our banking situation.

Conservative bankers agree that investment in bonds by commercial banks is not in line of good banking, and that no emergency-currency measure should be adopted that would encourage banks to buy bonds for future use or that will make necessary the purchase of bonds in an emergency in order to obtain a currency supply. Everything a bank owes is payable on demand, and its assets at all times should be kept in the most liquid state possible.

The experience of banks in commercial centers, especially in reserve cities, and more especially in New York, is that once or twice each year there arises a condition in the money market which makes it almost impossible for them to maintain their lawful money reserve, and as a necessary precaution conservative bankers in midwinter, when harvest money returns, buy short-time paper maturing in the spring, and in the summer, when money is plentiful, paper maturing in the early autumn. The maturity of this paper enables them to augment their reserves during those seasons of the year when the pressure for money is the greatest, whilst any bond investment, or other form of long-time investment, would make it difficult, if not impossible, at such times for them to easily maintain their lawful money reserve.

If bank assets were kept in such liquid form that at all seasons of the year, without difficulty, banks could maintain their proper reserve, the necessity for an emergency currency would seldom arise.

The provisions of the bill would probably never be availed of except in the direct extremity. For stringency in crop-moving periods they would, in our judgment, be inoperative.

The purchase of bonds with its attendant risk of loss, the tax of 6 per cent, the locking up of probably from 15 to 25 per cent of the cost of the bonds, would make the interest charge on the currency received so high that no banker could be induced to take it out. Even in the face of approaching panic bankers would hesitate to pay so high a rate for money.

The risk of loss involved in the purchase of bonds for emergency purposes would be great, especially if bought during a panic when speculative prices prevail. If a 2 per cent United States bond as security for circulation should be worth from 105 to 110 in time of panic, what would a 4 per cent municipal bond or a 4 or 5 per cent railroad bond be worth for the same purpose? And what would the same bonds be worth after the panic subsides, when the bonds were no longer in demand? Commercial bankers who have in the past invested to any great extent in railroad and municipal bonds will generally agree that the loss on such investments, covering any ten-year period, has been much greater than on commercial paper, and that their bond investments in times of money pressure has made it very difficult for them to accommodate their commercial customers.

The purchase of bonds during an emergency, as security for circulation, would weaken the cash condition of banks unless at the same time they were using clearing-house loan certificates in settlement of balances between themselves, for the money required to purchase the bonds would be one-third greater than the amount of relief obtained, and would have to be paid for in lawful money through the clearing house.

For these reasons your committee recommend that the New York Board of Trade and Transportation enter its protest against the passage by Congress of the bill presented by Senator ALDRICH, and that the Committee on Finance be authorized to take such steps as in its judgment seems wise to oppose the enactment of such law.

Respectfully submitted.

ALEXANDER GILBERT, *Chairman.*
ALBERT PLAUT,
LOUIS WINDMULLER,
[L. S.] E. A. DE LIMA,
WM. S. GRAY,
GEORGE C. BOLDT,
Committee on Finance and Taxation.

A true copy:

WM. MCCARROLL, *President.*

Attest:

FRANK S. GARDNER, *Secretary.*

In submitting the report, Mr. Alexander Gilbert, chairman of the committee on finance and taxation, addressed the New York Board of Trade and Transportation as follows:

"Mr. PRESIDENT AND GENTLEMEN: Considering the attendant risk and loss, and the probability that the cost of currency would be at least 8 per cent and the amount of relief received one-third less than the amount required to purchase the bonds, I should hesitate before applying for any relief under the provisions of the Aldrich bill.

"The Aldrich bill provides that certain bonds shall be available as security for the currency to be issued under the bill's provisions. On the approach of a panic it is very probable that speculative dealing in the bonds would advance prices to such a high point that conservative bankers would hesitate to purchase them and take the risk of loss involved, especially if they desired to sell them after the panic should subside and the active demand should no longer exist.

"If we are to have nothing more than provision for emergency currency at the present session of Congress, then let us have a measure that will not be hampered and made impracticable by provisions which require banks to buy bonds in an emergency and take the attendant risk of loss; or to borrow bonds paying 2 per cent for the accommodation, which, added to the tax, will make the currency too expensive to take out; or to carry bonds as a part of their assets, which once or twice each year will make it difficult for them to maintain their reserves and accommodate their customers. Let us have a currency based upon assets already in possession of the banks; that can be put into circulation immediately without the slightest risk of loss; that will afford instantaneous relief, and having done its work can be quickly retired. Clearing-house loan certificates issued to banks on deposit of bank assets approved by the clearing-house committee, with a 25 per cent margin as collateral, and the joint guaranty of the clearing-house banks behind them, constitute the safest and most logical security for an emergency currency that can be offered.

"The business men of the country do not fully appreciate the great value of clearing-house loan certificates in time of panic; neither do the Members of the two Houses of Congress. Nine times during the history of the New York clearing house the associated banks have found it necessary to issue loan certificates. The aggregate amount issued during these nine different periods has been $266,000,000, all of which were retired within a period of four months without the loss of a dollar. Seventy-two per cent of the collateral was commercial paper and only 28 per cent other securities. During the recent panic about $100,000,000 were issued, and before the expiration of the four-months' period the entire amount will have been retired, the amount now outstanding being considerably less than $2,000,000.

"While this may not be pertinent to a discussion of the report of the committee on the Aldrich bill, I introduce it here to call attention to the fact that, since the subsidence of the recent panic, certain Members of Congress in their speeches on financial questions have charged the New York banks with having issued clearing-house certificates for purposes of stimulating stock speculation. Nothing could be further from the truth, as no body of business men in the country have a deeper interest in commercial conditions than the members of the New York Clearing House Association.

"The banks took out loan certificates, paid 6 per cent for the privilege, and loaned to their customers at the same rate. They spent large sums in the purchase of currency and the importation of gold in order to maintain cash payments, which were maintained to a very large extent, notwithstanding reports to the contrary.

"I now refer to these facts to show the country at large that the New York bankers appreciated the responsibility that was resting upon them, and acted promptly, intelligently, and conscientiously.

"If we fail at this time to adopt a currency system that will work automatically, and expand and contract in accordance with the demands of the country, it will be found that the issuance of clearing-house certificates will be the only thing that can be used to save the country when the next acute crisis comes."

[From the Philadelphia Inquirer, February 17, 1908.]

WE MUST HAVE CURRENCY LEGISLATION.

Under discussion in the Senate is a measure known as the Aldrich bill. It is a makeshift—nothing more nor less than that. It pretends to be nothing else. Yet there is some merit in it.

The merit lies in the fact that, in the absence of anything like a scientific method of issuing and circulating currency, it provides instant expansion of currency in times of great stress. That is all that it does do. The proposition is simplicity itself. If it had been in operation last fall there could not have been a stringency, because the banks could have supplied themselves with all the notes necessary to conduct business. Clearing-house certificates would have been unknown. Any depositor could have obtained his very last dollar without difficulty.

If this Aldrich bill were intended for all time and to be regarded as a permanent patch upon the crazy quilt which covers our financial legislation, then we should oppose it with might and main. A comprehensive currency system is needed, and badly needed. No makeshift like this Aldrich bill can be accepted in place of a comprehensive system. There is a wide demand for radical reform, and that reform has got to come.

But there is one great obstacle in its pathway—a lack of anything like unity. Bankers are divided among themselves, business organizations hold different views. The Trades League, of this city, for instance, indorses the Fowler idea of a bank asset currency. One expression of thought eliminates the Government entirely from the banking business. Another desires the Government to do everything. As for the Inquirer, it is inclined to agree with Senator LODGE that the proper thing to do is get into touch with the business methods of all the other great nations by adopting the central bank of issue plan.

Out of all these varying views something tangible will eventually emerge, but perhaps not until a commission of experts has made a complete study of conditions. Meanwhile something has got to be done at once to prevent a recurrence of the financial panic of last fall. An elastic currency is the one preventative in sight. That the Aldrich bill provides for. It is a stop gag, if you please, a plug, a dam, anything you may like to call it. If it can be amended and made better, all well and good, but Congress must make up its mind to one thing, which is that a failure to accomplish anything at all because of dissensions will not be condoned by the country.

[From the Philadelphia Item, November 29, 1907.]

OUR FINANCIAL TROUBLE WILL SOON END.

Congressman WILLIAM F. SULZER, of New York, has announced his purpose to introduce a bill in Congress along the lines marked out by the Item, namely, to provide as a part of the Federal Treasury Department a central Government bank, through which all the Government money shall be issued, and in which all deposits shall be made.

Mr. SULZER suggests that the Government charge 2 per cent interest on Government deposits in time of stringency, with the understanding that the banks so borrowing Government money shall not charge more than 6 per cent. In order to force payments of such loans by the Government he would empower the Government to increase the rate of interest to 10 per cent.

Mr. SULZER'S bill, so far as he makes it known, is all right. And if it contains a provision to issue additional legal tenders sufficient to *meet normal* business requirements and additional sums—not limited—at extra cost perhaps, if necessary, in times of stress, the entire programme will stop any future panics or stringencies before they begin, and put our nation's industries upon a sound and stable footing.

The New York Herald and a number of other prominent journals recently came out editorially advocating what the Item has long maintained, namely, that an issue of legal tenders has become imperative; that what the country wants is more cash, and not more Government bonds.

The Government reiterates that it has increased its circulation of cash from $23 to $33 per capita, round numbers, during the past ten years. But no calculation is made of all the gold that has gone out of this country for steamship freights and by way of emigrants sending and carrying it home during the past forty years, nor of the paper money burned up or destroyed in that time, nor many other ways well known to bankers by which money disappears from public use. So some estimate that to-day we only have from $11 to $16 per capita in circulation. Nobody knows what the sum is. But everybody knows there is not enough to go around to meet the average 7 per cent cash requirements of this nation in excess of the 93 per cent now used in the form of bank checks.

Congressman J. G. CANNON of Illinois, who will be elected Speaker of the coming session of the House of Representatives, says he will assist in currency legislation in the next Congress. He declares himself ready to aid the President in the forthcoming recommendations expected at the opening of Congress next month.

He adds that he will not permit political considerations to interfere with bringing to success the next session of Congress in the matter of legislation that may be needed.

This public word of Speaker CANNON is timely and to a large extent indicates that his following in Congress are to-day fully aroused to the quick necessity of remedial currency action.

Further than that, the recently published utterances, in no slow language, of Representatives and Senators from all over our big-crop districts, demanding instant cooperative Congressional effort for relief from the painful distress of their constituents, also shows the general temper of the next Congress.

An additional strong point for which our business public have good cause for congratulation lies in the fact that this is no partisan question. Democrats, Republicans, and independents are all in accord that something must be done for relief, and done quickly. This feature insures there will be no dilatory tactics employed; and if any obstructing elements are introduced, they will be of a nonpartisan character, which point will better enable our business public to know where to look for their cause.

Speaker CANNON said he was not committed to any plan; that there were very many measures for relief that would be introduced besides those from the Executive chamber and the Committee on Banking and Currency. He added that he is in favor of the passage of all legislation that the country needs, and in favor of doing it as quickly as it can be accomplished.

Continuing, he said: "The country has never been so prosperous as now. There are ten thousand million dollars' worth of products waiting to be marketed. These products are going to market, and there will, *in my opinion*, be no serious stagnation of business."

There is a vital point right here well worth the careful attention of all industrial and legislative cooperation, namely: If Congress will adhere strictly to the commercial business line in its main intent and purpose, above laid down in the next preceding paragraph, as distinguished from heeding certain opposing interests, who look upon the nation's welfare as entirely secondary to their own, our whole business community will have great cause for rejoicing.

The danger on this point is that "opposing interests," being better informed as to what they do not want, may override Congressmen, who, like Speaker CANNON, practically confess they know comparatively little about currency subjects.

Therefore a simple programme might advantageously be adhered to, such as an unlimited issue of full legal tenders for good security and the making of our Treasury a central bank of issue and deposit.

AN APPEAL TO THE PRESIDENT.

[The following article is an editorial by Hon. Thomas E. Watson, of Thomson, Ga., in his Weekly Jeffersonian, of November 14, 1907, and is worth your time to read and reread and then pass down the line to your neighbors who believe in sound, constitutional money of our fathers.]

Crazy for compound interest on ten times more capital than they had invested in their business, the national bankers built up a huge sky scraper whose foundation is the small end of the pyramid.

On one dollar of real money these greedy gentlemen, who railed against the "50-cent dollar," of constitutional silver money, based a credit currency of 10 to 1.

Crying fiercely for "sound money," they struck down the financial system of a hundred years.

Furiously denouncing the "free-silver cranks," they changed the Constitution of the fathers, without asking the consent of the States, and by a Treasury ruling, followed up by act of Congress, they illegally created a gold reserve, a gold standard, and a credit currency, when the supreme law of the land, as interpreted by the highest court, had established the system of gold, silver, and Treasury notes.

The gold and silver were to be coined on equal terms, and the Treasury notes were to be issued as needed.

Thus the elasticity feature was introduced into the original constitutional system of our fathers.

The precious metals were to be coined as they were dug from the mines and offered at the mints.

Treasury notes were to be issued in emergencies.

This Treasury-note feature gave to the original system all the elasticity that it was safe to give.

Thus Mr. Jefferson issued Treasury notes at the period of the Louisiana purchase.

Mr. Madison issued Treasury notes during the war of 1812.

President Jackson issued them after his overthrow of the national bank.

Mr. Lincoln issued them during the civil war.

But the national bankers dominate the Government, and these modest gentlemen have always bitterly opposed the Treasury notes.

Why?

Because they want their own notes to furnish the elasticity feature of the currency system.

Again why?

Because they want the compound interest on these notes of theirs. Could anything be more evident?

Out of sordid and grasping selfishness, therefore, the national banks set in to destroy the Treasury notes issued under Mr. Lincoln, and they caused to be burned up nearly two thousand million dollars of national notes before President Grant put his foot down and made them stop it.

In the place of the millions of destroyed Treasury notes the national banks at once slipped credit currency of various sorts.

Upon this they have earned enormously in compound interest.

They hate the Treasury notes that they have been persistently endeavoring to drive Congress into ordering the destruction of the remaining $346,000,000 of greenbacks which General Grant saved.

At the present time these sound-money gentlemen, who have brought the country to the brink of ruin, are clamoring for an "elastic currency," but they demand a monopoly of the rubber.

They must be permitted to furnish the elastics.

They must have the compound interest.

They must be invested with the tremendous power of expansion and contraction.

They must be left in such full control of the financial situation that every succeeding President must be made to feel that the New York banks hold the Government in their power, just as President Cleveland felt it:

"My God, Oates, the banks have got the Government by the leg!"

Think of a President putting up a poor mouth like that!

Humiliating to the last degree is a situation in which our Chief Executive trembles before the banks.

Recreant to his trust is the President who fails to use the powers invested in him by the Constitution to save his people in just such a crisis.

Away with the illegal, contemptible makeshift of clearing-house certificates.

They add insult to injury.

There is no law for them.

They are an outrage upon innocent millions of people whose money has been unlawfully used by high-finance criminals.

Give us the relief which the Constitution of the United States provides.

GIVE US TREASURY NOTES.

The Supreme Court declared that they came within the true intent and meaning of the Constitution. That decision has never been overruled. Therefore it is law.

You are not afraid of the New York bankers, are you, Mr. Roosevelt?

You will not echo the cowardly whine of Grover Cleveland, will you, Mr. Roosevelt?

A lusty young fellow, who persistently kept out of the war by hiring a substitute, as the robust, unmarried Grover Cleveland did, was not expected to have courage of the real sort, but you went where the bullets sang, Mr. Roosevelt.

You didn't dread the smell of powder.

You proved that you had grit.

Therefore you are not afraid of the "malefactors of great wealth," who have rioted in reckless methods.

You will face them, as Andrew Jackson did.

You will drive the national banks off the Government reservation.

You will take back into governmental control the sovereign prerogative of coining money.

No king ever allowed a subject to coin money.

That's a royal prerogative.

And our Supreme Court has said that when our fathers used the word "coin money" they meant create money, and that the money could be created out of any material the Government saw fit to adopt.

Here is the big stick with which to slay the monster panic.

Here is the club with which to hammer the insatiable dragon of compound interest.

USE IT, MR. PRESIDENT.

Don't let the bankers get you "by the leg."

Don't whine and surrender, as Cleveland did.

Don't have any secret midnight conference with J. P. Morgan, as Cleveland did.

Don't saddle the nation with debt, as Cleveland did.

Stand by the Constitution.

Follow the precedent of Andrew Jackson.

Drive the banks back to legitimate banking, and let all the paper currency be Treasury notes issued by the Government.

If $262,000,000 in bonds were legal, the same amount of Government paper, issued in small notes, will be equally so.

Our fathers put the elasticity feature into our financial system, Mr. President.

It was put there for a wise purpose.

It was intended for an emergency.

The time is here; the urgent need is here; the weapon lies at your hand. Seize it, Mr. President, and slay this monster of panic, which menaces the innocent millions.

[By A. E. Stilwell, president of the Kansas City, Mexico and Orient Railway Company.]

THE CRISIS AND THE REMEDY—AN OUTLINE OF A PLAN FOR CREATING AN ELASTIC CURRENCY.

A number of years ago I foresaw that sooner or later the country would inevitably suffer from the financial condition which now exists. The following plan occurred to me as being a feasible way of relieving the situation, and, after taking the matter up with President McKinley, who looked upon it with favor, I sent an outline to a number of prominent bankers, Senators, and Congressmen. They all agreed with me that the plan could be carried out with success, but as there was at that time no disturbance in business, they did not think it necessary to change existing banking methods, and the matter was dropped. I have thought over the plan continuously since that time, and I believe that if the idea embraced herein were put into operation, the banking interests of this country could be placed on a sound basis, so that we would have the best banking system in existence. This would result in restored confidence, and the present stringency would immediately be relieved.

THE PLAN.

Have Congress pass a bill incorporating the United States bank of discount, to be a bank of issue, with a capital of $300,000,000. The functions of this bank will be:

1. To issue circulation.
2. To discount with its capital the paper of national banks.
3. To insure the deposits in all national banks.

Have the national banks subscribe for the stock exclusively, and provide that the stock can be used with the United States Government in order to secure circulation, in the same manner that Government bonds are now used, every national bank to be required to invest one-fourth of its capital in the stock of this bank; provide that the stock shall draw interest at the rate of 3 per cent, and that if the interest is not earned (a remote contingency) the Government will make up the deficit.

The United States bank of discount will select one representative from the board of directors of the various national banks. This representative will be a resident of the city in which the bank is located, and it will be his duty to report to the United States bank of discount any irregularities which he sees in the management of the bank.

The United States bank of discount will have the right to examine all national banks, just as the Government does now, as this bank insures all of the deposits, and for this reason must know the risk that it takes. This examination simply adds to the safeguarding of the banking system.

The United States bank of discount will issue its currency in the following way only:

Every national bank will have credit with the United States bank of discount for an amount equal to its surplus and capital. This will encourage banks to pay in a large surplus, making an additional safeguard to the entire banking system. The credit may be used as follows:

When the crops are to be moved additional money is required. Suppose, for instance, a bank at Topeka, Kans., has a capital of a quarter of a million dollars, and this bank wishes to avail itself of the credit which it has with the United States bank of discount, the amount being equal to its capital and surplus, $450,000.

The Topeka bank takes to the Kansas City clearing house, which is the representative of the bank of discount in the section, $450,000 of bonds; the clearing house approves the collateral, and gives a certificate to the Topeka bank stating that it is entitled to $450,000 worth of bank notes to be issued by the United States bank of discount. The Topeka bank sends this certificate on to the United States bank of discount, and receives $450,000 of circulation paying at the rate of 5 per cent per annum while out. One-half of this issue must be retired in six months and the balance in one year, or the bank must be liquidated if it is unable to retire the issue in that time. When the bank wishes to pay off the $450,000, it sends this amount of national-bank notes (not gold or silver certificates) to the United States bank of discount, and its collateral is returned by the Kansas City clearing house on order of the United States bank of discount.

This plan immediately creates an elasticity to the currency of the country equal to the capital and surplus of all the national banks in the United States. It will be to the interest of the national banks to build up their surplus, in order that they may have a discount reserve at this bank.

Instead of keeping so much money in New York, they will buy high-grade bonds, such as the Massachusetts savings banks buy, and will keep these for the interest which they earn, knowing that they can be used at any time to secure currency. The United States bank of discount would publish each year a list of high-grade State, city, and railroad bonds in which all national banks could invest and hold to secure circulation when needed. This would create a market for a billion or more of high-grade bonds that the banks would buy and hold, first, for the interest, and second, as they are the basis for the issue of currency by the United States bank of discount.

One of the most important features of the United States bank of discount will be the insurance of all deposits in national banks. In the passbooks issued to depositors in national banks the following might be inserted: "In case this bank should suspend or fail the United States bank of discount will pay all depositors in full within ten days."

In case of suspension or failure the United States bank of discount will have the following ways of reimbursing itself:

1. The assets of the suspended bank.
2. The double liability of the stockholders.
3. The insurance fund created by collecting from each national bank one-fourth of 1 per cent of its average balances for the year. At the end of every three years the United States bank of discount will declare dividends equal to one-half of this insurance fund, which will be distributed to the national banks in proportion to the amount which each has contributed.

The national banks of each State will elect one director of the bank. These directors, in turn, will elect an executive committee, which will have the entire management of the bank.

It should be noted that this plan does not contemplate any change whatsoever in the present national banking methods or in the relation of the national banks to the subtreasury, but is an auxiliary plan, not calculated to cause the uneasiness which radical changes would be apt to involve.

THE RESULTS WHICH THIS BANK WILL ACCOMPLISH.

1. An elasticity to the currency, which will enable the banks to take care of the needs of the country during the time of moving crops.

2. A stability to the national banks, as they could at all times call upon the United States bank of discount for currency to the extent of their capital and surplus.

3. The insurance of all deposits would result in keeping a large amount of money in the banks which is now kept in safe-deposit vaults. This would add largely to the currency in circulation, and at the same time would prevent runs in time of trouble. This insurance of deposits in national banks is as important as fire or life insurance, as safe and proper banking facilities are a necessary element in the business world.

4. This bank could never become a monopoly, as it does business only with national banks, and not with the public. Its business will be limited to the issuing of its notes to the national banks for discount. The only business which it will carry on will be the making of loans to the Government and the insuring of the accounts of national banks.

5. This bank will be located at Washington, and will not be under the control of any one political party, but will be controlled by all the national banks of the United States.

6. It will receive no deposits except those of the Government.

7. The whole country can not then be made to suffer by the fighting among the men who have been caught in Wall street. Each bank will know what it can depend upon in time of need. It will not be affected by stock gambling, and will not be dominated by men who have been carrying on their business on a stock-gambling basis.

If this bank should be incorporated, I am convinced that it would solve the problem now confronting the country in regard to the banking system. If at the same time a bill could be passed in Congress making the short selling of stocks, wheat, corn, or cotton punishable by fine and imprisonment, one of the greatest menaces to the business interests of our land would be removed. The people who own the land and grow the crops ought to control the prices, and not the people who speculate for their own profit.

We have recently read in the papers that a New York man has made a profit of $5,000,000 by the short selling of stocks. The owners of the stocks did not make these low prices, but men who did not own them forced the owners to sell. When timid people see the stocks which they own rapidly falling in price, they are seized with fear and immediately dump their stocks on the market, thus giving an opportunity to other persons to sell short at a great profit. If it is a crime for one man to sell property which he does not own, but some day hopes to own, why is it not a crime to sell the cotton or corn which he does not own, and thus force prices down, compelling the man who owns the cotton or corn to sell at less than the real value of the commodity? Think of the great harm which can be done in times like these by rich speculators who have never done anything to build up the business of the country! The men who, knowing that some concern is struggling to continue its existence, take advantage of this extremity and begin to sell the stock short, are of the greatest harm to the business interests of the land. The stockholders, knowing that the company is having a struggle, begin to fear for the safety of their investment; they see the quotations of the stock going lower day by day, not knowing that the quotations are created by people owning none of the stock, so they immediately begin to dump the stock on the market, thus creating the opportunity which the stock speculator has been looking for. The officers of the struggling corporation have outstanding loans, with the company's stock as collateral, and in order to save their own credit they are compelled to refuse assistance which otherwise they could give to the company. As a result, the company fails because of the short selling of some unscrupulous speculator, who is only waiting, like a vulture, to devour the unfortunate. The protection of business which would result if such a method were punishable, as it should be, would be of inestimable value to the entire country.

A. E. STILWELL.

BROOKLYN, *December 9, 1907.*

DEAR MR. SULZER: I have read the paper you handed me, embodying your ideas for a Government bank and currency law. I agree that the people collectively should be saved the payment of interest on United States bonds to the extent that national currency is necessary, by paying off the former, retiring national-bank notes, and issuing Government notes as currency instead. But while the latter should be redeemable in lawful money, as are national-bank notes, they should not be made "legal tender." They would be accepted everywhere by the people without that quality. To replace national-bank notes—not legal tender—with legal-tender notes would be a great inflation of the "lawful money" volume in the interest of money lenders and financiers.

The recent increase of public debt, with over $200,000,000 on deposit in national banks, exhibited the unreliability of banks as Government depositories, and was little calculated to relieve conditions.

If Congress will lower the 25 per cent dam so as to permit a portion of the reserves to flow out legally during crop-moving time—somewhat as planned herewith—needed elasticity would be simply and practically provided, without further issues of any kind.

Yours, truly, O. H. SCHREINER.

Hon. WILLIAM SULZER, M. C.,
Washington, D. C.

Please notice Ex-Comptroller Dawes's remarks herewith.

Elasticity of currency and immediate relief to national banks may be given by modifying the law so that reserves shall thereafter be as follows:

	Per cent.
July and August	25
September and October	20
November and December	15
January	17½
February, March, and April (until after April settlements)	20
May	22½
June	25

Banks in central reserve cities would thus be able to loan between August and December $120,000,000, being two-fifths of reserves now required, to be fully restored as above by June.

Such an enactment would abolish rigidity of the reserves, give all needed elasticity during the fall season, and at once relieve the present strain upon New York banks especially by reducing the requirement for reserves.

If the banks in forty "other reserve cities" were compelled to retain their reserves "on hand in lawful money," they would, in like manner, by the Comptroller's abstract of reports, be prepared to contribute $142,000,000 in addition, which would make a total of elasticity at all reserve cities of $262,000,000.

OBJECTIONS TO THE ALDRICH BILL.

MY DEAR SIR: I wish to call your attention to a few of the glaring defects in the "Senate," or "Aldrich bill," that is now proposed as a panacea for panics.

First. It will discredit any national bank putting out such notes or even paying them out over their counters.

Second. This bill will not expand and keep pace with the growth and development of the country.

Third. It would give us at this time only $139,070,413.14 additional or emergency circulation instead of $250,000,000, as its authors announce, tying up an additional reserve with the 6,000 national banks that can never issue these notes to the amount of $110,929,586.86, depriving them and their customers of credits amounting to $554,647,934.30, and as the business and commercial wealth of the country increases the amount of emergency circulation benefits will decrease.

Fourth. The time such notes shall be issued and the amount of issue is too great a responsibility to be placed on any one man.

Fifth. The securities to be taken at 75 per cent of their market value as a basis for circulation, and in case a bank should fail and the Government not realize 75 per cent of the value of the securities, which, being a certain class of designated securities bearing a higher rate of interest, would command a greater premium and be subject to a greater shrinkage in value during a panic. The deficit would be a first lien upon the assets of the bank to the detriment of its creditors.

Sixth. Under this bill a bank with a capital of $10,000,000 and a surplus of $10,000,000 may be permitted to issue $20,000,000 of Aldrich notes and $10,000,000 of bond-secured notes by depositing the amount of its capital in United States bonds at a premium of 4 per cent, or $400,000 and $26,666,666.60 of other securities or $27,066,666.66 taken from the assets of the bank. Would this inspire public confidence in the bank issuing the 6 per cent Aldrich notes, which under the most favorable circumstances can not be issued at a less cost than 8 per cent?

Seventh. Under section 4 of this bill the tax received by the United States Treasury on the Aldrich notes is not to be used as a guaranty fund to redeem these notes, as many are led to believe, but is for the redemption of United States and other notes.

Eighth. Under section 9 of this bill it may be so construed that bond-secured notes may be retired before the other notes if for any reason the Comptroller of the Currency or Secretary of the Treasury might deem it advisable. This should not be permitted.

Ninth. There is danger of inflation through carelessness of redemption of the Aldrich notes by the payment into the Treasury of lawful money by the banks wishing to retire these notes and this money deposited with some depository bank, pending the return of these notes. Such money should be kept in the United States Treasury.

Tenth. The country banks have been criticised for hoarding cash, and yet under section 8 of this bill they are required to increase their legal reserve on hand from two-fifths to two-thirds of 15 per cent of their deposits, thus locking up $110,929,586.86 additional money.

Eleventh. The security for the Aldrich notes is United States bonds and certificates, railroad bonds (not street railway) paying 4 per cent on entire capital for five years past, city or county bonds of communities fifteen years in existence that have not defaulted for ten years in the payment of principal or interest, with a population of 20,000 as per last census.

Banks can not be expected to carry United States bonds, if this measure becomes a law, as they will not do it now. Had they done so we would have more circulation than this bill provides for.

I have no means of knowing, but dare say that there are not a half dozen railroads in the United States whose bonds could be accepted under this measure.

There are but 232 cities in the United States with a population, according to the last census, of 20,000 inhabitants or over, and how many of that may have defaulted in payment of either principal or interest during the past ten years we have no means of knowing. Under this measure there are thirteen States and Territories that do not have a city of 20,000 in them, and the following is the number of such cities in each State:

Alabama	3	Montana	1
Arkansas	1	New Hampshire	3
California	5	Nebraska	3
Colorado	3	New Jersey	15
Connecticut	7	New York	20
Delaware	1	North Carolina	2
District of Columbia	1	Ohio	15
Florida	1	Oregon	1
Georgia	4	Pennsylvania	20
Illinois	12	Rhode Island	4
Indiana	8	South Carolina	2
Iowa	10	Tennessee	4
Kansas	4	Texas	7
Kentucky	5	Utah	1
Louisiana	1	Virginia	6
Maine	3	Washington	3
Maryland	1	West Virginia	1
Massachusetts	28	Wisconsin	8
Michigan	9		
Minnesota	4		232
Missouri	5		

After carefully considering this, how many Members of Congress are there who have not a city in their district that could furnish such bonds, and why this discrimination against the smaller cities? Why is this measure so drawn that only a limited few railroad securities are acceptable, and why are the securities confined to such a limited list?

The securities required are such as are not carried by scarcely a bank of the country class, or those required to carry a 15 per cent reserve, and if this bill should become a law, instead of being of any benefit to them, it would be a positive detriment, as compared with the present law, and instead of preventing a panic, when its provisions are understood, it would more likely cause one, and leave the country banks entirely at the mercy of their customers, with an additional handicap in the way of a reserve, and a surer chance for Federal imprisonment for violation of the national banking act.

If the Members of Congress have the interest of their constituents at heart, and their future, they will vote "no" on this measure, as its passage would be worse than no legislation.

Yours, truly,

JOHN L. HAMILTON.

REFERRING TO THE ALDRICH BILL AND THE INCORPORATION OF CLEARING HOUSES UNDER A FEDERAL LAW.

[Letter read before a meeting of Group Eleven of the Iowa State Bankers' Association, held at Mount Pleasant, Iowa, February 22, 1908.]

QUINCY, ILL., *February 20, 1908.*

To the Hon. JOSEPH G. CANNON,
Washington, D. C.

DEAR SIR: I have been asked by friends, both east and west, to write to you in regard to the Aldrich bill now pending in Congress. You may think that I write from both a political and bankers' standpoint; I would rather have anything I might say considered in the interest of the borrowing class, and as an economic question.

Well-managed banks have earned and paid dividends even in the severest panics from 1837 up to this time. Other business interests are even more than banks adversely affected by a severe panic and sudden contraction of credits. With the increased production of gold we have at present a redundancy of currency—including, of course, the demand issues of the Government. Since last August there has been more money in the hands of the people than in the bank vaults. Should the Aldrich bill be passed as introduced, it will not meet the requirements in the movement of the crops or other situations in future panics. Bank members of the clearing-house associations will still have to take out clearing-house certificates, as has been done during every panic since the civil war and the introduction of Government paper issues.

I will state only a few reasons why I think the Aldrich bill is not likely to benefit business interests.

First. There is, as stated, a redundancy of paper issues and there is no necessity at present for an emergency circulation.

Second. Legislation should be nonpartisan and in the right direction, anticipating the future growth and needs of the country, both in respect to the development of domestic and foreign commerce. Neither the Aldrich nor the Fowler bills are receiving the indorsement of business men generally, especially in the South and West, where currency issues should be easily and quickly put out to assist the movement of crops and equalize the rates of interest; New York should be relieved of the annual strain upon her resources. Provision should also be made for an emergency circulation to be immediately issued through clearing-house organizations in every part of the country when a financial crisis is on. This, too, without encroaching upon bank reserves, and making it possible for banks not to contract credits. "We have had stringency in the money market every fall for forty years, and it has produced panic after panic." "The panic of last October only indorsed the lesson of the panics from 1857 to 1893, in demonstrating beyond denial that perfectly solvent banks, if isolated units, without cooperation, can not protect themselves and save themselves from failures without such suspension of payments as to produce demoralization in all the business of their customers."—Ridgely.

Third. The Aldrich bill limits its operation to national banks and on the security of bonds (held almost altogether in the East) representing fixed capital, exposing the country to increased issue of bonds and inflation of bank issues. The national banks in our country number, say, 6,500. There are nearly 20,000 banking institutions in the United States closely connected with banks comprising clearing-house associations. Their assets represent gold, silver, currency issues, banking-house properties, business paper (which does not fluctuate in value like bond issues of all kinds), real estate mortgage loans, and bonds.

Fourth. Taking a long view of the matter, no party can afford to force a financial measure through the present Congress with very general objections to a bill by the business interests in the South and West.

Fifth. If the Aldrich bill is to be forced through at this session of Congress, and the bill introduced by the American Bankers' Association is not to be considered, then let the Aldrich bill be changed and amended, by sections taken from Senate bill No. 108, providing for the incorporation of clearing houses under a Federal law and with power to issue currency to its bank members on the pledge of selected bank assets, and with clearing-house rules to enforce its retirement at any time.

The clearing-house associations in some States represent a larger banking power than any of the governmental banks of the world. Their issues would have, besides selected securities passed upon by the practical committees of clearing houses, the mutual guaranty of all the associated banks, and their clearing-house notes would be absolutely safe and under strict regulations for redemption at many centers, and when not needed would be redeemed even more rapidly than issued. Clearing-house associations have always caused early redemption of clearing-house certificates.

The true basis of sound banking is commercial paper, used as it is in governmental banks abroad, such paper representing circulating or liquid capital. In addition to the gold in their vaults, it was the basis of bank circulation in New England under the Suffolk bank system, which bank notes were, at the time of their issue, at a premium in the West.

The sections referred to, added to the Aldrich bill, would, as has been stated, afford the simplest and most effective means for giving elasticity to the currency, and consequent stability to commerce and trade. It would not require any changes or amendments to the national banking act; but it would be a supplementary measure, if not a rounding out of the national banking system, bringing the banking machinery of the country under Government supervision and control. There is centralization in the European system of banking, and the weakness of our system is decentralization. The incorporation of clearing houses under a Federal law, with authority to issue clearing-house certificates and notes, would, by combining the entire assets of its individual members, centralize their resources and, as hereinbefore stated, furnish facilities surpassing even the power of governmental banks in Europe.

Sixth. The Aldrich bill provides for an addition of five hundred millions to the volume of paper issues, and without any addition to the gold reserves of the banks. That is a dangerous power, in the direction of inflation. The smaller national banks in the South and West have already taken out circulation to the amount of their capital.

Custom-house duties and internal-revenue receipts taken from the lifeblood of commerce and deposited, as they are, with the subtreasuries instead of in banks, contributes toward the monetary stringency every fall, as well as at other seasons. Crops should be moved without our having to look to Washington for help periodically as well as in times of panic.

Seventh. Considering the bond deposits to secure these issues, it would lead to the organization of bond syndicates, speculative transactions, to the prejudice of agricultural sections of the country and resulting in more or less graft. It would not contribute to hold down interest rates, and even with the 6 per cent tax on emergency circulation, speculation would not be prevented, and call, as well as time money would go to high levels as it has reached in years gone by.

Eighth. With the surprising development of our country and its increasing public revenues, it can not be many years before the Government will be able to retire its bonded indebtedness, and such bonds can not therefore always be depended upon as a basis for national-bank circulation. The enormous growth of deposits and clearing-house transactions and their prospective increase in the West and South emphasize the value and use which should be made of clearing-house facilities as indicated. Take only two Western cities as an illustration:

The deposits in Chicago clearing-house banks in 1873 were	$28,651,000
In 1907 they were	561,932,000
These figures do not include nonmember deposits of	67,573,000
Chicago clearing-house exchanges in 1880 were	1,725,684,894
In 1907 they were	12,087,647,870
The Kansas City (a much younger city) clearing-house figures in 1881 were	420,100,554
In 1907 they were	1,649,375,013

The above figures were furnished to me by the managers of clearing houses in the cities named.

The issue of currency should be based upon business transactions, as it was before the civil war. Bank issues and their redemption would then respond automatically to the extension and contraction of business.

As it was thought the civil war could not be conducted on a specie basis (England's wars have been for over a hundred years), Treasury notes were issued and made a legal tender. Business transactions on the Pacific coast were always conducted on a gold basis. So long as Treasury notes are outstanding they will be a menace to sound banking principles, as they were in the seventies, when an inflation of Treasury notes was advocated in opposition to the resumption of specie payments.a Later on, in the nineties, when the standard of value was threatened by the purchase of silver, inflation was encouraged by the issue of silver certificates—another menace. In the present Congress a further issue of Government demand obligations may be advocated.

The fixed and irredeemable demand issues of the Government and bond-secured national-bank issues can never be made to respond to the conditions of trade; fluctuating market prices of bonds have always affected the volume of national-bank issues.

Comptroller Ridgely has recently called attention to the fact that "in 1891 the outstanding circulation of national banks reached the lowest point in the life of the system since 1865—only about $167,000,000, representing 10 per cent of the stock of money in the United States. There was very little variation from that percentage up to 1900, when the proportion increased to 13.23. On June 20, 1907, national-bank notes represented 19.38 per cent of the money in the United States."

In the panic last fall, and after the enormous withdrawal of money from the New York City banks, the necessity of wise precautions in the country at large were obvious to all interests. It was the action of the Clearing House Association of Chicago—after the suspension of money payments—which first issued clearing-house checks, and which were perfectly secured.

They met the demands of labor and trade and were used in other parts of the West. So you have an illustration of their value, and in times of the greatest stress. It is not, then, a theoretical proposition. A sound principle has been practically and successfully applied in your own State of Illinois. Do you say that these clearing-house certificates and checks were extra legal? Then let Congress now legalize their future issue. The remedy lies with the Congress of the United States.

Such a rounding out of the banking system as I have indicated, and all under Government supervision and control, would prevent a sudden contraction of credits and widespread panics, and thus protect all business interests.

In my opinion, the consideration and enactment of some such legislation as is indicated in this letter should precede any consideration of a central or "semi-Government bank," if that is thought to be desirable as part of a general reform.

As Charles A. Conant has well said: "Our present financial system is the outgrowth of Treasury needs of 1863. It handicaps this country in the contest with financial rivals as completely as an old side-wheeler of 1863 would be handicapped in the race across the ocean with the Lusitania or the Mauretania, or as the old wooden ship of the line would be outclassed under the fire of a modern battle ship."

Yours, respectfully,

E. J. PARKER.

[From the New York World, Friday, March 13, 1908.]

CENTRAL BANK THE CURE, SAYS NASH—PRESIDENT OF CORN EXCHANGE INDORSES VIEWS OF E. H. HOLDEN, CABLED TO THE WORLD.

William A. Nash, president of the Corn Exchange Bank, said yesterday, speaking of the cable dispatch to the World of E. H. Holden, the English expert in finance, holding that a central bank would go a far way toward curing the financial ills of the United States and referring to the Corn Exchange Bank as an example and to President Nash as the kind of a manager the banks need:

"It is evident that Mr. Holden has a clear understanding of the situation in this country. My own views as to a central bank are well known.

"The magnetic needle does not point more unerringly to the pole than the clearing-house certificates point to a great central bank, and, dodge this as we may, and probably will, finally we shall come back to it and hail it as the solution of all our difficulties.

"But such a bank must be organized properly or it will never gain public confidence. The Government must be represented in it, but the dominant power must reside in a board of directors, to which the most eminent bankers and business men shall be chosen. Let the clearing-houses of the great central reserve cities nominate those directors and you will have a governing body as influential and as respected as the Supreme Court of the United States.

"It is hardly necessary to say that political or partisan features in such a bank will be fatal. To give it authority and respect it must be divorced from party politics. Its creation will be a work of patriotism as signal as any we have ever performed as a people."

President Nash referred to the clearing-house certificates to illustrate his point of the need of a central governing power such as Mr. Holden advocates.

"They have been used eight times in the past half century," said he, "always with relief instantaneous, without loss, and with a period of existence from the first one put in circulation to the last one retired of about four months. As an emergency currency it is incomparable; as an asset currency it is the only one that I can conceive of that is not fraught with dangers greatly in excess of the benefits to be derived from it. The secret of the whole matter lies in the character of the men who manage it.

"I do not hesitate to say that an asset currency authorized on a 40 per cent or any per cent basis and intrusted to 5,000 banks all over the country will surely result in a cataclysm of disaster unparalleled in the history of the country. On the other hand, if we organize a permanent form of clearing-house certificate, so lately issued and so fitfully, we will provide the country in advance with a remedy. The whole proposition comes down to that of having a great central bank."

THE PEOPLE, REPRESENTED BY THE UNITED STATES MONETARY LEAGUE, APPEAL TO CONGRESS AGAINST ASSET, CREDIT, OR FLEXIBLE CURRENCY.

The proposed currency schemes, as fathered by the national-bank trust, the Bankers' Association, and sponsored by President Roosevelt, contains within it more elements of mischief, wrong, outrage, and dishonesty than is possible by any other Congressional enactment. So far-reaching, so terribly destructive of the best interests of the people, so promotive of debauchery, robbery, graft, and special privileges, it seems impossible to conceive of a United States Congress enacting into law such plain violations of all decency and equity. This scheme has been hatched by the so-called "great financiers," but most of them mere human leeches, vultures, who, for the past forty-four years, have plied their intellects and brains to study out ways and means for more adroitly plundering the innocent and unsuspecting and the whole nation. To such men, whose business and habits of life have been to gain wealth by their wits, has been delegated the "honor" of bringing forth a measure ostensibly for the good of the country. Great Heavens! What a thinly disguised scheme to, under the form of law, further and more effectually rob the productive industries of the people. And to more easily accomplish their vile purpose they make war upon the silver dollar and the greenback. This good money pays no tribute to the pirates; it is the last vestige of the people's free money, which every man, woman, and child knows is good. This money they would destroy, even though the people starve by it. They want to force the people to use their vicious substitute for money to gratify their greed for gold. And the President of the United States, supposed to hold his office only to promote the general welfare, shows himself to be the agent or attorney of the bank trust in its effort to destroy all the money of the people upon which the banks can not impose interest or control its use. (See his messages to Congress.)

These elementary propositions and principles of honest money are so simple in their application that it is impossible to believe that men of the intellectual capacity of public servants, whether legislative or executive, do not understand fully the intent and purpose of these closely allied schemes—asset currency and destruction of silver and paper money; and their course can be explained only on the hypothesis that they are ready to quiet their conscience, if any remains, by asserting that their conception of duty leads them to walk in the paths and by-ways commanded by the "captains of industry," the robbers of the producer; they who grow fat upon the labor of women and children, or by the creation of evidence of debt through the machinery of the printing press, the stock exchanges, and a subservient, facile Congress, as well as by an administration ready and anxious to do the bidding of that unholy exponent of greed and avarice—the national-bank money trust.

THE REMEDY, OR THE JUST WAY.

We hereby voice the demand of the people for plain, simple, equal justice to all; that Congress create money as authorized by the Constitution and validated by the Supreme Court, gold, silver, and greenbacks or Treasury notes, every dollar equal and a full legal tender for debt; and that money so created shall be paid into circulation for Government obligations and without the intervention of banks, leaving banks to do business on their own money, in the same manner as others do.

Respectfully submitted.

Jos. N. Stephens, national secretary United States Monetary League, 634 Seventeenth street, Denver, Colo.; Moses Hallett, Denver, Colo.; Arthur E. Pierce, 1320 Stout street, Denver, Colo.; L. H. Weller, vice-president, Nashua, Iowa; Roman J. Jarvis, vice-president, Benton Harbor, Mich.; Morton Alexander, State senator, Arvada, Colo.; James A. Best, Denver, Colo.; D. A. Rankin, Denver, Colo.; Geo. Mays, 1433 York street, Denver, Colo.; H. R. Pendery, Leadville, Colo.; C. G. Pitschke, Denver, Colo.; Nicholas Miller, Denver, Colo.; J. C. Jarnagin, vice-president, Warrenton, Ga.; D. A. Deitz, vice-president, Parkman, Wyo.; C. C. Kauffman, vice-president, Green Castle, Pa.; James Greene, vice-president, Thomaston, Conn.; H. M. Donnelly, vice-president, box 917, Providence, R. I.; E. E. T. Hazen, vice-president, Holyoke, Colo.

DENVER, COLO., *January 31, 1908.*

NEW YORK STATE BANKERS' ASSOCIATION,
New York City, February 26, 1908.

Hon. WILLIAM SULZER,
House of Representatives, Washington, D. C.

MY DEAR SIR: The New York State Bankers' Association has, through its council of administration, a body which represents the important banking interests of the whole State as well as the city of New York, taken an active interest in the prospective currency legislation which is now under consideration by both Houses of Congress.

Our association distinctly disapproves of the Aldrich bill as a whole, believing that if this bill becomes a law the best interests of the citizens of the country will not be subserved; that its ultimate results would be disastrous to our commercial interests; and, notwithstanding the manifest necessity for relief from the present situation, it would be preferable to have no legislation at all, rather than that this unwise measure become a law.

NOTE.—Executive Mansion, April 22, 1874. Herewith I return Senate bill No. 617, entitled "An act to fix the amount of United States notes and the circulation of national banks, and for other purposes," without my approval. * * *

(Signed) U. S. GRANT.

At a recent meeting of the council of administration the following resolution was unanimously adopted, namely:

"*Resolved*, That the bankers of the State of New York unqualifiedly disapprove of the provisions of the Aldrich bill; that they do not approve of a bond emergency currency; that they demand an elastic currency based on bank assets, as provided in the measure of the currency commission of the American Bankers' Association."

May I ask you to give me your views, saying whether you agree or disagree with the ideas above expressed. I inclose stamped envelope, and, awaiting your response, am,

Very truly, yours, E. O. ELDREDGE, *Secretary*.

THE MERCHANTS' ASSOCIATION OF NEW YORK,
February 15, 1908.

To Hon. WILLIAM SULZER,
House of Representatives.

DEAR SIR: We beg leave to call your attention to the inclosed report of our committee on bankruptcy and commercial law in condemnation of the Aldrich emergency currency bill, which report was accepted and approved by a unanimous vote of our board of directors.

We earnestly trust that, for the reasons set forth in the report, you will oppose the passage of the bill.

Respectfully, yours,

THE MERCHANTS' ASSOCIATION OF NEW YORK,
By S. C. MEAD, *Secretary*.

IN OPPOSITION TO ALDRICH CURRENCY BILL—REPORT OF COMMITTEE ON BANKRUPTCY AND COMMERCIAL LAW, THE MERCHANTS' ASSOCIATION OF NEW YORK—UNANIMOUSLY APPROVED BY THE BOARD OF DIRECTORS JANUARY 27, 1908.

To the board of directors of the Merchants' Association of New York.

GENTLEMEN: Your committee on bankruptcy and commercial law, to which was referred the subject of the reform of the currency laws, begs leave to report as follows:

Immediately after the subject came before the committee a careful and thorough study was undertaken, to which end conferences were held with Paul M. Warburg, esq., of Messrs. Kuhn, Loeb & Co., representing the central bank plan; Hon. Charles A. Conant, representing the plan of the currency commission of the American Bankers' Association; Victor Morawetz, esq., representing a plan for the extension of the clearing-house system; and Hon. CHARLES N. FOWLER, chairman of the Committee on Banking and Currency, of the House of Representatives.

As the result of our deliberations we present the following resolution, which has been unanimously adopted:

"*Resolved*, That this committee on bankruptcy and commercial law disapproves Senate bill No. 3023, entitled 'A bill to amend the national banking laws,' introduced by Senator ALDRICH, for the following reasons:

"1. They regard as essentially unsound the principle embodied therein, that a currency should be based upon fixed securities of any description. The note issues as well as the deposits of a bank are obligations payable on demand, and the bank should hold as security against such liabilities nothing but quick assets, such as actual cash, secured notes payable on demand, or commercial paper liquidating itself at par at the end of a short period of months. It is no safe function for a bank of deposit or issue to invest assets held against demand obligations in long-term notes, bonds or mortgages, the conversion of which into cash in times of stringency can only be accomplished at sacrifice of the principal, if at all. The policy which might reasonably create an artificial market for the national obligations in time of civil war can not excuse an extension of the same favor to State or municipal bonds and railroad mortgages in time of peace.

"2. The high tax which this bill proposes to levy upon the issue of emergency currency, and which in the last analysis would be paid by the borrower to the banks, when increased as it would be in practice at least one-third by reserve requirements, is not only unnecessary but oppressive; and in this and other States would provoke an immediate disregard of the statutes against usury. It is not becoming that a great nation should fill its coffers from the necessities of borrowers; and it is manifestly improper to pass one law which offers inducements to the violation of another."

It is the unanimous opinion of your committee, as evidenced by the signatures hereto, that rather than accept legislation of the character of the Aldrich bill, which we feel in its ultimate results would be most disastrous to the commercial interests of the country, it would be preferable to have no legislation at all, in spite of the manifest necessity of some relief to the present intolerable situation.

We therefore in accordance with this resolution recommend that the association disapprove Senate bill 3023, known as the "Aldrich bill," and that it take steps actively to oppose the enactment into law of this or any bill passed upon these principles.

Your committee, which is continuing consideration and study of other measures, will render an additional report in the very near future.

Respectfully submitted.

EDWARD D. PAGE, *Chairman*.
IRVING T. BUSH,
THOMAS W. ORMISTON,
H. R. KUNHARDT,
G. E. ARMSTRONG,
MARCUS M. MARKS,
J. H. KILLOUGH,
E. A. DILLENBECK,
ABRAHAM BIJOUR,
Committee on Bankruptcy and Commercial Law.

HOW THE "CARDS," I. E., MONEY, ARE "STACKED" BY OPERATION OF NATIONAL LAW—NONPOLITICAL BASIS OF PREDATORY WEALTH, DISCONTENT AND SOCIALISM.

The Comptroller of the Currency is "*charged with the execution of all laws relating to the issue and regulation of a national currency secured by United States bonds,*" and with general supervision of national banks.

Section 5191, United States Revised Statutes (act of June 3, 1864) formerly required every national bank to "*at all times have on hand, in lawful money of the United States,*" at least 25 per cent, or 15 per cent, as the case may be, of the amount *of its notes in circulation and* its deposits.

Section 5192 provides that three-fifths of 15 per cent reserves "may consist of balances due to an association, *available for the redemption of its circulating notes,*" from associations in designated cities, approved by the Comptroller.

Section 5195 provides that each association in any of the cities named in section 5151 ("other reserve cities," stated below) shall select an association in the city of New York, "*at which it will redeem its circulating notes,*" *and may keep* one-half of its lawful money reserve in *cash deposits* in the city of New York.

Act of June 20, 1874 (section 2), provides that associations shall thereafter—"not be required to keep *on hand* any amount of money whatever by reason of the amount of their respective circulations;" *but the moneys required to be kept at all times on hand shall be determined by the amount of deposits.* Also (section 3) that every association shall at all times keep and have on deposit in the Treasury of the United States, in lawful money, "*a sum equal to 5 per cent of its circulation*, to be held and used for the redemption of such circulation; *which sum shall be counted as a part of its lawful reserve.*" Also that so much of said national bank act "requiring or permitting the redemption of its circulating notes elsewhere than at its own counter, except as provided for in this section, is hereby repealed."

Act March 3, 1887, provides that whenever three-fourths in number of the national banks located in any city having a population of 50,000 shall make application to the Comptroller asking that the name of the city in which such banks are located shall be added to the list of cities named in sections 5191 and 5192, the Comptroller may grant such requests, and every bank located in such city "*shall at all times thereafter have on hand in lawful money*" an amount equal to at least 25 per cent of its deposits. Also (section 2) whenever three-fourths of national banks located in any city having a population of 200,000 shall make application asking that such city may be a central reserve city, like the city of New York, in which one-half of the lawful money reserves of banks located in other reserve cities may be deposited, as provided in section 5195, such requests may be granted. And that every bank located in such city "*shall at all times thereafter have on hand in lawful money,*" 25 per cent of its deposits.

Only Chicago and St. Louis banks have availed thereof.

Act of March 3, 1903, provides: That whenever three-fourths of banks located in any city having a population of 25,000 shall make application asking that the name of the city in which such banks are located shall be added to the cities named in sections 5191 and 5192, such requests may be granted, and every bank located in such city "*shall at all times thereafter have on hand in lawful money*" *25 per cent* of its deposits.

The foregoing synopsis shows that the laws governing and regulating national-bank reserves, *from first to last*, and as late as March 3, 1903, require the reserves *to be at all times kept* "*on hand in lawful money.*" The permission in section 5192 that *three-fifths of* 15 per cent reserves may consist of *balances due* from associations in designated cities, and in section 5195 that each association in designated cities may keep *one-half* of 25 per cent reserves in *cash* deposits in New York (*now* also in Chicago or St. Louis), were apparently intended to provide for redemption at such cities of circulating notes, and not to nullify the repeated demand of law above quoted, by enabling loan and disbursement of 75 per cent of such deposits. The requirement to so redeem was repealed by act of June 20, 1874, section 3, as above quoted.

The total of deposited reserves was less than $100,000,000 up to 1898, but has rapidly increased as follows from official reports:

September 20, 1898	$94,394,210.64
September 7, 1899	154,514,691.64
September 5, 1900	176,731,918.08
September 30, 1901	216,763,488.34
September 15, 1902	253,515,055.97
September 9, 1903	227,780,147.03
September 6, 1904	258,558,149.91
August 25, 1905	291,732,471.82
November 9, 1905	294,250,607.92
January 29, 1906	295,941,972.45

An increase of over 200 per cent in seven years, amounting at the latter date to *nearly one-half of all reserves required throughout the United States*, except at "central" reserve cities. Trusts, financial juggles, and stock-exchange transactions have grown apace therewith, because 75 per cent of such deposited reserves is continuously available to foster same. Transactions in shares increased during these years over 300 per cent.

These indisputable figures mark the growth of a monetary discrimination, thereby supplanting natural economic conditions and just flow of money, under which a just share of prosperity would accrue to all the people.

Boston and Philadelphia national banks, these not being "central" reserve cities, constantly contribute one-half of their reserves to the Wall street money market by depositing same in New York banks to obtain interest thereon, because they can not lawfully loan same at home.

Boston banks thus lacked at home November 9, 1905, $20,730,259.62.

Philadelphia banks thus lacked at home November 9, 1905, $33,598,623.25.

The act of June 20, 1874, as stated above, repealed the previous requirements to keep on hand 15 per cent or 25 per cent of notes in circulation and replaced same by a requirement to keep only 5 per cent thereof in the Treasury of the United States, "which sum *shall* be counted as a part of its lawful reserve" *against deposits*. But for this latter singular requirement the reserves deposited as stated would appear greater, as they really are, and on November 9, 1905, $314,501,483.61, and January 29, 1906, $316,782,814.88, *instead of as above*.

The designated cities are now as follows: "Central" reserve cities, New York, Chicago, and St. Louis.

"*Other reserve cities*"—Boston, Albany, Brooklyn, Philadelphia, Pittsburg, Baltimore, Washington, D. C., Savannah, New Orleans, Louisville, Houston, Dallas, Cincinnati, Cleveland, Columbus, Indianapolis, Detroit, Milwaukee, Des Moines, St. Paul, Minneapolis, Kansas City, Kans., Kansas City, Mo., St. Joseph, Lincoln, Omaha, Denver, San Francisco, Los Angeles, Portland, Oreg., Fort Worth, Dubuque, Wichita, Salt Lake City, Cedar Rapids.

"*Country banks.*" Under this head are included banks of the following cities of 100,000 to 350,000 population, viz: Buffalo, Newark (N. J.), Jersey City, Providence, Rochester, Toledo, Allegheny, Worcester, Syracuse, New Haven, Paterson, Fall River, Memphis, and Scranton. Also banks of 112 cities below 100,000 population and over 25,000 and of all smaller cities, etc.

The 283 banks in 35 "other reserve cities," as above, *though themselves reserve agents for "country banks,"* are permitted to deposit in banks of New York, Chicago, or St. Louis one-half of their own 25 per cent reserves.

The greater proportion of deposited reserves is with banks in New York City. Such money, being subject to recall by banks depositing same, is mainly loaned "on demand" and short-time loans to bankers and members of the New York Stock Exchange. Originally disbursed by national banks, it has begotten loans also by State banks, trust

companies, etc. *The reserves disbursed at New York average more than $100,000 for each of 1,100 members of the stock exchange;* and estimating by the proportion of loans and discounts in *all* banking institutions in New York *to their total cash held, each $100,000 cash* maintains more than $500,000 in loans. Thus over $500,000,000 in loans have been *unnaturally* and unjustly provided to enable corporate capitalizations to be toyed with, "watered," and "floated" by stock-exchange methods, the total of loans November 9, 1905, by *all* banking institutions in New York on stocks, bonds, etc., being over a billion dollars. The borrowings of single firms to carry stocks for their customers sometimes amount to upward of $10,000,000.

Means, opportunity, and incitement have been thereby provided for people of small means to risk their all on narrow margins, and for money dealers and the already rich to exploit the railroads, industries, and products of the country, by trusts, mergers, combines, corners, and false capitalizations, for their further enrichment.

Clearing-house returns from *105 cities* in the United States show that those at New York *alone,* owing to unnatural conditions and stimulated stock-exchange transactions, amount to *far more than all the rest combined.* (Financial Chronicle.) The manager of the New York Clearing House estimates them at 68 per cent of all.

Single memberships of the stock exchange have recently sold as high as $93,000.

Money in circulation was below $14, equivalent of gold per head of 35,000,000 population at the close of the civil war in 1865, and is now over $30 per head of 80,000,000 population. *The natural flow of so great an increase should have furnished the only source of surplus supply to the money market.*

The business of the stock exchange consists mainly of *hazards, which are essentially bets as to the future of prices,* and so akin to gambling that they should never receive the support of national law. But what a departure from just and equal laws do we behold! About $30 of money exists per head for the people at large, but under operation of the national banking law there stands subtracted therefrom an average of $100,000 or more per head for each of 1,100 members of the stock exchange. So that the stock exchange has the support of *discriminative* national law. *What wonder that its progeny of corporations and fabulous capitalizations dominate the country.*

Some classes of corporations are under rigid supervision, State or national, and can have no watered shares. Others, organized for transportation, communication, illumination, or production of constant necessities to family and business life, are not so controlled. Shares, and sometimes bonds issued by these, are greatly watered at will of those who organize or control them. Why this distinction between creatures of law? Lax and varying State laws are availed of for organization and false capitalization, because national law by unnatural concentration of money furnishes means to accomplish the wrong.

Thus exist two ways of acquiring capital: One for the *incorporated* few who can avail of unrighteous law for quick enrichment, the other for the great body of people *not incorporated,* who must toil for dollars, and live frugally, if they would accumulate even for "rainy days" or their declining years.

Artificial persons, i. e., corporations, or those who control them, should never have been permitted to assume or usurp acts and proceedings which natural persons, however numerously associated, can never collectively exercise; for the creator is thereby made secondary and tributary to the creature.

To print and issue false tokens of single dollars is *to counterfeit.* And they who do it are condemned to imprisonment. To print and issue false tokens of capital or multiplied dollars, in limitless amounts, is *to finance.* And they who do it, and gain most thereby, are lauded as ablest exemplars of success among men.

True capital is the friend and ally of labor of every class and grade, but false capital thus fastened upon corporations is its oppressor, and has estranged them, for the body of capital seeking income has been unnaturally and enormously increased thereby, enabling selfishness and greed to tax, oppress, and defraud the people.

The Interstate Commerce Commission finds that the interstate railroad system of the country is owned by much less than one-half of 1 per cent of the population. Congress is legislating to prevent favoritism and wrongs in their operation. But it can not be curative of the *underlying* wrongful cause enabling most of this unnatural and concentrated ownership, viz, *unnatural concentration of money, and credits* built thereon. *Better no compulsory reserves whatever than their wrongful disbursement and use at favored localities.*

The permissions enabling reserves to be deposited and loaned have converted the plain demand of the law as quoted above to its very opposite, and instead of being faithfully held *for the only justifiable purpose of law in* compelling the money to be withheld from local public use, viz, *to protect depositors,* they are made a tender for speculative money supply and basis for illegitimate ventures.

The high protective tariff has long been a bone of political contention, and Democrats denounce it as *father* of the trusts. But unnatural and lopsided distribution of money reserves and credits based thereon has been the *nourishing mother* of their great watered capitalizations.

A veritable hotbed for corporate syndicates, mergers, trusts, "corners," and monopolies has been thus provided, individual competition and opportunity thereby throttled and destroyed, and small industries of the many made profitless.

Even unnatural excesses in life insurance are traceable thereto.

Rich indeed is our country and great its seeming prosperity. But multimillionaires, and their colossal fortunes acquired as by a magician's wand, attest national injustice to be their foundation.

The plain intent and implication of law was, and is, that the reserves should be maintained *sacred and unimpaired* for the purpose for which they are everywhere compelled to be withheld. *Nowhere does there exist direct permission for loaning any portion of same.* Section 5192 implies the contrary by indicating *special* deposits. It is a monstrous travesty upon just law that thus (as on November 9, 1905) compels money to be continuously withheld by *5,770* banks throughout the country, and its use thereby denied at any of such *5,770* banks, to be afterwards concentrated and 75 per cent thereof loaned at 63 (practically fewer) other and favored banks.

Whether it be attributed to unjust and unequal law, or (with great reason) to its faulty execution, *such* is its practical operation, and the Government is thereby responsible for the baneful results.

What means the plain injunction of law, *frequently repeated,* that banks must *"at all times"* have their reserves *"on hand in lawful money?"*

What more effective method could be devised to enable flotation of excessive watered capitalizations, which have been an invariable purpose in creation of monopolistic trusts and corporations, railroad and industrial, and from which have resulted towering aggregations of predatory wealth which exact tribute by great incomes and absorb just earnings?

The great natural law of demand and supply, which alone should regulate the ebb and flow of the tide of lawful money, has, by permitted use of the reserves at favored cities, been overridden in favor of the few and already rich who could avail of such use. And the ocean of money thereby provided has enabled limitless "graft" from the people by the deals, syndicates, and capitalistic juggles of "high finance."

Let it be clearly understood that the deposited reserves came from 5,770 banks throughout the United States, being all except 63 banks in central reserve cities; that by each of these 5,770 banks its portion was withheld from local use by command of law for the only justifiable purpose of such command of law, namely, as a money reserve; that such command of law is an absolute denial of the loan or use of any portion of same at the 5,770 points of origination of the vast total, and, therefore, that the permissions to deposit, whereby 75 per cent of such deposits are loaned, principally in Wall street, constitute a preference in law or its administration for the use of this proportion of the money volume of the country.

SUCH UNJUST DISTRIBUTION OF MONEY HAS PRODUCED, AND WILL CONTINUE TO PRODUCE, UNJUST DISTRIBUTION OF PROPERTY AND WEALTH.

In vain will righteousness and justice between man and man be consistently inculcated so long as this root of national *un*righteousness and *in*justice continues to widen disparities and ripen its fruits of predaceous wealth and luxury on the one hand, and hard conditions of living and progress in the world on the other.

Substantial repeal of the permissions was recommended by Comptroller Dawes in his annual report December, 1900, to Congress, in which he discussed the danger, which had made itself apparent years before, of continuing the practice. Even a gradual repeal or correction, first making it apply only to Philadelphia and Boston banks, would probably distress Wall street. But there is a consideration more important to the people of this country than regard for stimulated Wall street prosperity, viz: *Equal laws and public justice, especially regarding the supply of money, which is the basis of credits, life blood of all undertakings, and measure of all values. Otherwise liberty fails and becomes a sham.*

National legislators especially, and American citizens everywhere, should understand that national law furnishes exclusive meat to fatten financial Cæsars.

O. H. SCHREINER.

BROOKLYN, N. Y., *March, 1906.*

Mr. LANGLEY. Mr. Chairman, in view of the prophecy which the gentleman from Missouri [Mr. HAMLIN] has just made as to forthcoming political events, I address the House with some trepidation. It is not my purpose to indulge in a discussion of political questions now, not that I would not be glad to do so, but because I prefer to discuss questions that are germane to the pending bill. For the time being we have had, I think, enough discussion of the tariff question and other political questions, and we have certainly had enough quotations from the Bible by the gentleman from Missouri [Mr. HAMLIN] to meet the spiritual needs of the House for the day. I want to remind him, however, in reply to his remarks regarding the failure of the Republican majority to enact certain pension legislation, that every pension act that has been passed since the civil war has been passed by a Republican Congress, and that every vote that was ever cast in Congress during that period against pension legislation was cast by some gentleman who did not belong to the Republican party and practically all of them by Democrats.

Mr. Chairman, no one can justly accuse the United States Government of not having dealt in a spirit of the broadest liberality with its soldiers and sailors, their widows and dependents. The latest statistical abstract shows that up to and including the year 1906 this Government had paid for pensions the startling sum of nearly three and a half billions of dollars. Add to that the amount paid during the fiscal year ended June 30, 1907, and the amount that will have been paid by the close of the current fiscal year, and we have the gigantic total of nearly three billions eight hundred millions of dollars that this Government has paid out for pensions. This is an exhibit unparalleled in the history of nations. And yet, Mr. Chairman, in spite of this splendid record there are some inequalities, some elements of injustice, in our pension system, that ought to be eliminated—some laches that ought to be remedied. To these I desire to address myself briefly to-day.

First of all I invite attention to the class of soldiers referred to by the gentleman from Missouri [Mr. HAMLIN], the militiamen of certain States, particularly the border States, who have not been provided for, but who are more entitled to pension than are thousands of those already on the rolls. In a great many instances, at least, these militia organizations were enlisted by authority of the United States, and although they were never mustered into the service of the United States, they cooperated with its armed forces and rendered actual and valuable service in the suppression of the rebellion. In my own State of Kentucky several battalions were organized and placed at the disposal of the Federal authorities and under the command of Federal officers, and in obedience to their orders often went beyond the confines of the State. They did guard

duty at bridges, on railroads, and with wagon trains, undergoing great exposure and many hardships. I could give the names of scores of these men who, by order of Federal officers, took push boats up and down the Big Sandy River, carrying supplies to the Union forces, and who, while engaged in the performance of that duty alone, rendered more arduous, more hazardous, and more valuable service to the Union cause than thousands who have title to pension under existing law.

These Kentucky militiamen served side by side with the soldiers of the Regular and Volunteer Armies of the United States. Many of them were killed in battle, many were made prisoners of war, and many contracted disabilities and received wounds and injuries in the line of duty. In fact, Mr. Chairman, I know personally that a great many of them did not understand their exact military status, believing that they were regularly in the service of the United States, and I know also that a great many of them were still under that impression until a great many years after the war had closed.

There is another reason, Mr. Chairman, why these Kentucky militiamen are entitled to the special consideration of the nation. It is a matter of history that at one time a supreme effort was made by the Confederate authorities to wrest Kentucky from her allegiance to the Union, and I believe it is generally conceded that but for these militia organizations that effort would have been successful. If it had been, who can tell what effect that action might have had upon her neighbor States, or, for that matter, upon the Union cause itself? I do not believe that you gentlemen of the North are lacking in appreciation of the service that was rendered the Union cause in these border States, but I do believe that you do not fully understand the conditions under which these men rendered that service. It meant something, Mr. Chairman, to be loyal to the Union there in those days—much more than it meant in the hills of New England. It meant ostracism—social and political—in many sections of these States, and sometimes worse even than that. If you would read Speed's History of the Union Cause in Kentucky, I do not believe that a single one of you would oppose the passage of a bill for the relief of these militiamen.

The United States Government has, in a measure, recognized its obligation for their services by reimbursing the States for their expenses in that connection, but it has not given the men themselves the pensionable status to which, in justice and equity, they are entitled. When I say that the service which these militiamen rendered to the Union cause entitles them, in justice and equity, to a pensionable status, I challenge any gentleman on this floor successfully to refute the statement.

I introduced a bill at this session for the purpose of providing a pensionable status for this long-neglected class of the Union's defenders. That bill is now in the hands of the Committee on Invalid Pensions. I prepared it after a most thorough consideration of the whole subject, and in doing so I was aided by the ten years' experience I had as an examiner in the Pension Office and as a member of the board of pension appeals. The bill referred to is as follows:

[H. R. 16095, Sixtieth Congress, first session.]

A bill to extend the provisions of the pension laws to officers and enlisted men of State military organizations who rendered military service to the Union during the war of the rebellion, and to their widows, minor children, and dependent parents.

Whereas the officers and enlisted men of military organizations of certain States who, while cooperating with the armed forces of the United States and acting under the command of United States officers, rendered actual and valuable service to the cause of the Union during the war of the rebellion and aided in its suppression; and

Whereas such officers and enlisted men and their widows, minor children, and dependent parents are barred from the benefits of the pension laws solely for the reason that such officers and enlisted men were never actually enrolled and mustered into the service of the United States: Therefore

Be it enacted, etc., That any officer or enlisted man of a State military organization who rendered service of the character set forth in the foregoing preamble and who is disabled by reason of injury received or disease contracted in the line of duty while rendering such service, and the widows, minor children, and dependent parents of any such officers or enlisted men dying of such injury or disease, shall be entitled to the benefits of the provisions of the pension laws embodied in Title IV of the Revised Statutes of the United States.

SEC. 2. That the provisions of the act approved June 27, 1890, entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," and of the amendments thereto, be, and the same are hereby, extended to such officers and enlisted men of the State military organizations referred to in the foregoing preamble who rendered service of the character therein set forth for a period of ninety days or more, and to their widows, minor children, and dependent parents.

SEC. 3. That the provisions of the act approved February 6, 1907, entitled "An act granting pensions to certain enlisted men, soldiers, and officers who served in the civil war and the war with Mexico," be, and the same are hereby, extended to the officers and enlisted men of State military organizations who rendered service of the character set forth in the foregoing preamble for a period of ninety days or more.

SEC. 4. That the Secretary of the Interior shall prescribe rules and regulations governing the character of evidence necessary to prove the service herein set forth: *Provided*, That a certificate of the adjutant-general of the State to which the military organizations belonged, showing the date of discharge therefrom, shall be accepted in lieu of the honorable discharge required by the provisions of the acts referred to in sections 2 and 3 of this act: *And provided further*, That the provisions of this act shall not apply to the case of any officer or enlisted man in which the evidence discloses any fact that would have barred him from an honorable discharge had he been in the military service of the United States at the date of his discharge from such State military organization.

Mr. Chairman, this bill does not go as far as I think it ought to go, nor as far as Congress will, in my judgment, ultimately go; but my purpose in framing it was to limit its provisions to cases which differed from those which are now pensionable only by reason of the fact that these militiamen were never mustered into the service of the United States. In every pension law that Congress has enacted the primary consideration has been the service rendered the nation. That is what this bill is based on. It merely extends the provisions of the general pension laws embodied in Title IV of the Revised Statutes to cases in which wounds or injuries were received or diseases contracted while these militiamen were thus rendering service to the United States under the command of its officers, aiding in the suppression of the rebellion, and extends the provisions of the acts of June 27, 1890, and February 6, 1907, to the cases wherein such service was rendered for a period of at least ninety days. If any gentleman on this floor can offer a valid reason why such a law as this should not be enacted, I would like to know what that reason is.

There is nothing novel, Mr. Chairman, in the proposition to give these militiamen a pensionable status. On the contrary, the recognition of the service of the militia soldier is coincident with the Government of the United States itself. Our first President strongly urged that pension be granted to all classes of soldiers, no matter whether regular, volunteer, or militia, the only consideration being that actual and loyal service had been rendered against the common enemy. The act of April 10, 1806, provided pensions for all soldiers, including the militia, and the act of April 12, 1816, granted pensions to rangers, volunteers, militia, and sea fencibles called into service during the war of 1812. The acts of March 16, 1802, and of August 2, 1813, gave half pay to the widows and minor children of men who served in the militia, and the act of July 4, 1836, extended these provisions to the widows of soldiers and militiamen who had died subsequent to April 20, 1818.

Coming down to later days, we find that Congress, by the act of March 25, 1862, provided pay, bounty, and pension for the Missouri Home Guards; and still later, Congress, by the act of February 15, 1895, made the same provision for the Missouri State Militia and the Provisional State Militia.

There being abundant precedent for pensioning militiamen who rendered service to the United States, why not pension these who rendered such valuable service in the suppression of the rebellion? I can only account for the failure to do so thus far on the theory that some gentlemen are fearful that it will entail too great an expense upon the Government. I beg to state that such apprehension is not well founded. There were only a few thousand of the men who rendered this kind of service for a period of ninety days, and not many could prove service origin of their disabilities. Nearly half a century has passed since that time, and most of them have joined their comrades on the other side of the river. Only a remnant is left to which this bill will apply. It would not open the pension gates very much wider; it would not impose any considerable additional burden upon the United States Treasury. But even if it did, these men helped to defend and preserve the Union and to make it possible for us to be the great and powerful nation we are to-day. We can not be too liberal with them. Above all, it would be a just recognition of a class of men who have already been too long neglected. The saving of a few million dollars each year should not outweigh these considerations.

The distinguished gentleman from Ohio [Mr. SHERWOOD], who has been pleading so eloquently here for the old veterans, called the attention of the House recently to the fact that over half of the $20,000,000 that will be expended annually under the act of February 6, 1907, will go to men who served ninety and one hundred days. Many of these were never in a battle and some of them never left the State in which they were enlisted.

Mr. GARDNER of Michigan. Mr. Chairman, may I interrupt the gentleman?

Mr. LANGLEY. Certainly.

Mr. GARDNER of Michigan. I do not think the gentleman wants to go on record permanently with the statement that not half of the men who were enlisted for, and served, ninety or one hundred days, ever left the States in which they were enlisted.

Mr. LANGLEY. If the gentleman from Michigan will permit me, what I said was that the gentleman from Ohio [Mr. SHERWOOD], in a recent speech in this House, made that statement. Personally I have never investigated the question far enough to be able to say on my own responsibility that what he said was true; but I recognize him as one of the distinguished representatives of the old veterans who has made a thorough investigation of the question, and I was simply quoting his statement. It seems to me that the time the statement was made by him on the floor was the time to challenge if it was not correct.

Mr. GARRETT. Is the gentleman sure that the gentleman from Ohio stated that? Are you stating it from hearing it or from the print?

Mr. LANGLEY. The gentleman from Ohio made the statement that approximately twelve of the $20,000,000 that will be expended annually under the act of February 6, 1907, will go to the ninety and one hundred day men.

Mr. GARDNER of Michigan. That is it; did he?

Mr. LANGLEY. And then I said that many of these—I do not say the majority of them—I said many—were never in a battle and some never left the State in which they enlisted.

Mr. GARDNER of Michigan. I understood you to say half.

Mr. LANGLEY. I did not intend to say half. The gentleman from Ohio made the statement——

Mr. GARDNER of Michigan. That was the point of my contention. I understood the gentleman to say that half of these soldiers never left their States.

Mr. LANGLEY. I said many of them did not.

Mr. GARDNER of Michigan. It is clearly an error. The gentleman did not mean to be understood that way.

Mr. LANGLEY. That is right; I did not.

Mr. BEALE of Pennsylvania. Mr. Chairman, I do not understand that it is a question about one-half or any part of these men to whom he referred that never left the State in which they enlisted.

Mr. LANGLEY. All I intended to say was——

Mr. BEALE of Pennsylvania. As I understand it, it was not necessary to suppress the rebellion for many of the men who went into the Army to leave the State in which they were born and enlisted.

Mr. GARRETT. It took lots of them to do it.

Mr. BEALE of Pennsylvania. I understand that. I am a Pennsylvanian, and I know that it was necessary for lots of them to do it; but I do not understand that that is in controversy at all.

Mr. LANGLEY. The point I was endeavoring to impress upon the committee, Mr. Chairman, is that a great many men who are now on the pension rolls rendered less service in the suppression of the rebellion than did these militiamen of Kentucky, Missouri, and other States. [Applause.] And I ask, why is it that they are not given a pensionable status if that is true? Personally, I do not care whether my bill or some other bill is passed. Several gentlemen of this House have agreed to go with me before the Committee on Invalid Pensions at an early date to urge that justice be done these men. Heretofore bills of that character have been consigned to eternal sleep in the committee to which they have been referred. I want to say now, whether I remain a Member of this House for a short or for a long period of time, I shall never cease my efforts and my appeals in behalf of these brave and patriotic men in Kentucky and elsewhere who helped to defend and preserve the Union until some legislation is enacted in their behalf. [Applause.]

Now, there is another element of injustice, in my judgment, in our present pension system. I refer to that provision of law as a result of which certain soldiers and their widows, minor children, and dependent parents are denied the benefits of the pension laws because these soldiers had a prior Confederate service or had aided or abetted the rebellion. Gentlemen well know that in certain sections of the country there were a great many men who were conscripted into, or by force of circumstances enlisted in, the Confederate service when their hearts were not with the cause, and that there were others who, although at the time they aided or abetted the rebellion or enlisted in its service believed that they were right, afterwards decided that it was their duty to help defend the Union, and who therefore enlisted in the Union service as soon as they could; and it is also a well-known fact that in States like Kentucky, North Carolina, and others that I could mention men very often made efforts for months before they could get through the lines to enlist in the service of the Union. When these former Confederates did finally enlist in the Union Army they rendered good and faithful service from then to the close of the war or until they lost their lives or were sent home on account of disability resulting from such service. Section 4716 of the Revised Statutes prohibited the payment of pensions to such persons or to their widows, children, or heirs. By the acts of March 3, 1877, and of August 1, 1892, this bar was removed in cases where the soldier while in the service incurred disability from wounds or injury received or disease contracted in the line of duty. By the joint resolution of July 1, 1902, the bar was removed, except as to the cases of persons who did not enlist in the Union service until after January 1, 1865. There is no difference between the case of a former Confederate soldier who afterwards entered the Union service on December 31, 1864, and the one who did not do so until after January 1, 1865. There is no point at which the line can justly be drawn.

These men not only risked their lives upon the battlefield and endured all the hardships of Army service to aid the Union cause, but they took the additional risk of being subjected to extreme cruelties, and even of being executed, in the event of their capture by the Confederates. The ban of disloyalty because of having voluntarily engaged in or aided and abetted the rebellion has been removed from every other class of our citizens. The men who fought in the Mexican war and afterwards on the side of the Confederacy have been given a pensionable status, and the same has been done for those who served in the Indian wars and in the war with Spain. Then why retain the limitation fixed by the joint resolution of July 1, 1902? Doubtless it will be contended that it should be retained for the reason that those who enlisted in the Union Army after January 1, 1865, did so because they saw the Confederate cause was lost. But is it just that we should thus judge their motives? Besides, as a matter of fact, we know that there are hundreds of cases in which this was not true, and we know, too, that in States like Kentucky, Tennessee, Missouri, and North Carolina there were many men who were seeking an opportunity long before January 1, 1865, to get from the Confederate into the Federal lines, so as to enlist in the Union Army, but who, by reason of the conditions surrounding them, did not succeed in doing so until after that date.

These facts, Mr. Chairman, emphasize the injustice of the principle upon which section 4716 of the Revised Statutes was based, and I for one am in favor of purging our pension laws entirely of any provision which creates a bar to pension on that account. Speaking for my own State, I assert that there are now no more loyal, law-abiding citizens in it than the great mass of those who were on the side of the Confederacy. We in Kentucky have outlived the prejudices and passions of the war. We are a reunited people, all proud of our great State and working toward a common destiny, and I feel that I am speaking the unanimous sentiment of my people when I state that this blot upon our splendid system of pension laws should be wiped out. [Applause.] I have introduced a bill in this House for that purpose, and I hope to see it enacted into law.

There is still another class of former Confederates who afterwards served in the Union Army who are barred from the pension rolls, although they rendered, I contend, just as efficient and faithful service to the Union as did many who have a pensionable status. I refer to the "United States Volunteers," which consisted of the First, Second, Third, Fourth, Fifth, and Sixth Regiments and the "First Independent Company."

It is a matter of history, with which gentlemen of the House are doubtless familiar, that most of the men of which these organizations were made up were deserters and refugees from the Confederate army and prisoners of war who had taken the oath of allegiance to the United States; that they enrolled themselves in the Union Army with the understanding that they were not to be sent to fight their former comrades in arms, among whom the great majority of them doubtless had relatives and friends; and that they were accordingly sent out for service on the frontier, although the records of the War Department show that a great many of them rendered other than frontier service after their enlistment in the Union Army. A number of these men were granted pensions pursuant to the construction which the Commissioner of Pensions placed upon the act of June 27, 1890, but this construction was afterwards reversed by the Assistant Secretary of the Interior, and, as a result, those who had been pensioned under the Commissioner's ruling were dropped from the rolls. The views of the Department, as a result of which these men are denied a pension under the act of June 27, 1890, and the act of February 6, 1907, are sufficiently indicated in the following quotation from the Assistant Secretary's decision of March 27, 1907, in the case of George W. Nelson:

It need not be argued at length that the purpose of releasing prisoners of war, of enlisting them "for frontier service," and of organizing them into regiments designated as United States Volunteer Infantry

was not with the design of employing them against their former comrades in arms. The fact that such was not the purpose of their enlistment is as apparent as the historical fact that they were not thus utilized as military organizations, but were exclusively employed in the Far West, in operations against the Indians, in the guarding of stage and mail routes, and in the protection of property, private and Government—a service rendered while the war of the rebellion was in progress (or, at least, near the end of it), but in utter irrelevance to it; a service which the conditions then existing would have required even though the civil war had never been fought.

When title to pension depends upon service in a certain war, two things are to be considered in determining the pensionable character of service—the purpose of enlistment and the nature of the service actually rendered. The latter, with few exceptions, is in pursuance of the former; indeed, it is of great probative force in determining the purpose of enlistment. When, therefore, it appears that a man enlisted "for frontier service" and was actually employed upon the frontier in a service entirely divorced, in character and in purpose, from the belligerent operations then in progress against a rebellious group of States—the "civil war" or the "war of the rebellion," by whichever term it may be or has been called—such a man can not be held to have rendered actual service in said civil war. And if title to pension depends upon service in said war, whether it be under the act of June 27, 1890, or the act of February 6, 1907, such a man has failed to show a pensionable status.

While these men did not take part directly in the suppression of the rebellion, they did render service in the United States Army during the war of the rebellion, and a character of service which, under the liberal construction that usually governs the administration of the pension laws, should be regarded as service in the suppression of the rebellion. If they had not rendered this frontier service, it would have been necessary to withdraw other regiments from the field for that purpose. I have had occasion to talk recently with several members of these regiments who reside in my district, and they have given me in detail the character of service they rendered, such as performing garrison duty, building forts, checking or suppressing Indian uprisings, guarding Government trains and wagons and telegraph lines, protecting the property of citizens and of the Government, and performing escort duty, protecting other Union troops in that locality, and so forth. Much of this service was just as essential to the success of the plans of the Union Army as was the service rendered by those operating directly against the enemy.

I do not think it just to exclude such cases from the provisions of the pension laws, and if the Department has correctly interpreted the language of the present law, which I seriously doubt, the law should be amended.

I have recently received a letter from an ex-Union soldier and former Confederate which gives point to what I have said, in that it shows the difficulties which some men who deserted the Confederate service in order to join the Union Army encountered in their efforts to do so, and illustrates the injustice of the limitations now embodied in the law. I will read a portion of this letter, substituting, for obvious reasons, fictitious names for those mentioned by the writer:

On January 3, 1865, one of the most cunning and daring mutinous plans ever concocted and carried to a successful termination that has happened in this, or in any other locality in this Southland, was committed. Nick Carter's novel writers could not do the story justice. It is a matter of history that there were Confederate prisons at Salisbury, Andersonville, and Columbia where Union prisoners were kept and from which some made their escape. As is known, there was a Third North Carolina Regiment in the Union Army which sent out recruiting officers. Thirty of these officers, from the prisons and also the regiments, were captured, and the jail at Asheville was full of them. Captain Smith, of an adjoining county and of Company C of that regiment, together with three or four other recruiting officers, were under sentence of death and were to be shot on January 5.

The rebel garrison at Asheville, under General Palmer, was about 1,000 strong. Early in December, 1864, one William Jones, of the Second North Carolina Regiment, who was our hero, came back and joined the Confederate forces where he knew men and had kinsfolk as noncommissioned officers, with whom he conspired to release the prisoners who were in the jail and stockade, and they were to make their way direct as they could to Knoxville, Tenn., where the Third North Carolina was to be completed. Three hundred of the garrison agreed to Jones's plan. They were all to arm themselves with the best guns and plenty of ammunition and provisions—January 3, 12 o'clock midnight—and meet at Smith's bridge over the French Broad River. B. F. Brown, Thomas Brown, Sam Roberts, Jim Brown, and some others of the conspirators were so arranged that they fell on the guard at the jail and prison stockade, while still others were put on picket post at the bridge. These guards swapped places with other guards, and at a given time the jail doors were opened, likewise the stockade prison; consequently, over 100 Union soldiers smelled fresh air for the first time in a good while. At the time appointed 300 Confederates with 100 prisoners were on the road to Knoxville. They were followed next day by rebels and overtaken 18 miles from Asheville, in the Spring Creek Mountains, where they fought all the afternoon, when several were killed, some wounded, some captured. The balance made their escape, finally reaching Knoxville, where some joined the Third North Carolina, some other regiments, just whichever regiment they hit first. Jones enlisted these men in December, 1864, but their enlistments were counted from the time their names went on the rolls, subsequent to January 1. Some of these scattered soldiers did not reach their regiments till probably March; others were taken by our men as prisoners and sent west of the Ohio River against their protests. Now, these men, who probably served four, five, or six months, are barred from a pension because their names did not go on the Union rolls until after January 1, 1865.

A similar scheme was laid by Anton Fritz, Bill Fritz, Harry Rogers, and twenty more of the garrison at Hendersonville, N. C., who dropped behind on a march, hit the woods, rushed ahead of the rebel troops who were on a raid for Union men, and gave battle to Gen. Bail Edney, killed him and others of his troops, and made their escape across the lines to join the Second and Third North Carolina, only to be taken by our men and sent across the Ohio River after being sworn into the service by John Rogers, who was a regular recruiting officer.

Now, Mr. Chairman, how can it be contended that any of the men who participated in these daring exploits, and who subsequently served in the Union Army, no matter where, have not an equitable title to pension?

There is still another class of soldiers who are unjustly denied a pension. I refer to those who are charged with desertion because of their failure to return to their commands, when as a matter of fact they had no more intention of deserting than had the bravest and most patriotic soldier of the Union. They can not have the charge removed under existing law, because the conditions upon which this law authorizes that action do not exist in their cases. Scores of cases have come to my personal attention wherein the soldier was sent on detached duty on verbal orders not recorded, or was granted a furlough, and was prevented by illness from returning to his command, or was cut off by the enemy or surrounded by other conditions which made it impossible for him to return; and I know of some cases in which they were prevented from returning by reason of their capture and confinement in rebel prisons. And yet they were charged with desertion, which charge still stands against them. Now, when they apply for the removal of the charge, they are met with an impossible requirement—proof that their failure to return was due to disability contracted in the service and line of duty.

It may be suggested that instead of amending the law relief should be had in such cases by special act; but gentlemen who have undertaken this know that it has been impossible for several years to get Congress to pass such an act. What Congress ought to do is to amend the law so as to empower the Secretary of War to remove the charge of desertion when it is satisfactorily shown that the soldier was unable, from any reasonable cause, to return to his command and be discharged. The charge of desertion is a very grave one and should not be retained upon the record against any soldier except upon proof most positive that it was justly made. I do not contend that the record made at the time by those charged with that duty should be lightly cast aside; but it is a fact which can not be refuted that the charge was often too carelessly made, and sometimes wholly without justification. If the laws governing the removal of the charge of desertion were amended so as to give the soldier the benefit of the reasonable doubt that is given in cases of offenses less serious than that of desertion, and if these laws were then construed according to the rules applicable to penal statutes, it would result in giving a pensionable status to many hundreds who are now unjustly deprived of it.

Thus far, Mr. Chairman, I have confined myself to a discussion of some of the elements of injustice which, in my judgment, based upon a careful study of and long experience in the administration of the pension laws, still exist in those laws.

I beg the indulgence of the committee now for a few moments while I advocate a more liberal pension law for all of the old soldiers.

The gentleman from Ohio [General SHERWOOD] has been advocating the passage of a bill which he introduced, providing that all soldiers of the civil war who served eighteen months at the front shall have a dollar a day pension. I am willing to go even further than that. I have introduced a bill providing that all who served ninety days in the suppression of the rebellion, including militiamen, shall have that rate of pension. Indeed, I would be glad to see the period of service required fixed at even less than ninety days. Suppose it would increase for the time being the annual appropriation for pensions. Are not the men who helped to save this Union entitled to the most liberal treatment at our hands? It is our duty to provide a rate of pension which will be sufficient to keep them comfortable and relieve them of the necessity of performing manual labor in their old age.

In view of the fact that there appeared to be so much opposition to giving all veterans a dollar a day, I introduced another bill, which is now before the Committee on Invalid Pensions and which fixes the rates as follows:

Fifteen dollars per month at 60 years of age;
Twenty dollars per month at 65 years of age;
Twenty-five dollars per month at 70 years of age; and
One dollar a day at 75 years of age.

While I would prefer that they should all get as much as a dollar a day, this bill would be much better than the present law, under which the great majority of them can only receive $12 per month, for the reason that they have not yet reached the age of 70 years, at which time they will be entitled to the fifteen-dollar rate. Twelve dollars a month! What does that mean? It means 40 cents a day—less than a great many of you pay for your luncheon—and yet you expect the old veterans with their disabilities, finding powerful allies in the infirmities of age; to support, clothe, and feed themselves and families upon this pittance. I for one am in favor of making our pension laws more liberal for the old veterans, whether they served eighteen months at the front or a less period of time.

I would not seek to detract in the least from the credit due the men who rendered the longer periods of service, but I think we have reached the point where we can afford to waive that question. I am sure that no veteran whose case is covered by this eighteen months' service bill would begrudge a single dollar that would be paid to those who rendered the shorter periods of service if they were allowed the same rate of pension.

I am also in favor of making an extra allowance to those who, in addition to undergoing the hardships of Army life, had to endure the suffering and horrors attending confinement in rebel prisons. I have introduced a bill for that purpose. The enactment of this bill would not involve the expenditure of a very considerable amount of money, and I am still hopeful that some measure of this kind will be passed. The bill reads as follows:

[H. R. 16094, Sixtieth Congress, first session.]

A bill for the benefit of Federal soldiers and State militiamen who were confined in Confederate military prisons during the war of the rebellion.

Be it enacted, etc., That any Federal soldier, or any member of a State militia organization cooperating with Federal troops, who, while engaged in the suppression of the rebellion, was captured by the enemy and confined in any Confederate military prison, shall be paid the sum of $2 for each day he was so confined in such prison; and in case of his death the payment shall be made to his widow if she has not remarried.

SEC. 2. That the Auditor for the War Department be, and he is hereby, directed to carry out the provisions of this act under such rules and regulations as the Secretary of the Treasury may prescribe.

I also desire to place myself on record as favoring still more liberal pension laws for the benefit of the soldiers and sailors of the Spanish-American war, and I would gladly avail myself of an opportunity to vote for a bill extending to them the benefits of the act of June 27, 1890, so that those who are unable to earn a support by manual labor could receive a pension, even though they could not prove that their disabilities were contracted in the service.

Gentlemen who view with alarm any suggestion of an increase in our pension appropriation should remember that, so far at least as it relates to the veterans of the civil war, it would only be a temporary increase.

I will insert in the RECORD the following table, showing not only the different classes of pensioners on the rolls, but, what is more to the purpose, the havoc that the Great Reaper is making in the ranks of the pensioners each year:

Pensioners on the roll June 30, 1907, and June 30, 1906.

	1907.	1906.	Gain.	Loss.
Revolutionary war:				
Widows		1		1
Daughters	3	3		
War of 1812:				
Widows	558	660		102
Indian wars:				
Survivors	2,007	2,173		166
Widows	3,201	3,367		166
War with Mexico:				
Survivors	3,485	3,984		499
Widows	7,214	7,488		274
Civil war:				
General law—				
Invalids	178,816	205,375		26,559
Widows	75,629	76,810		1,181
Minor children	599	662		63
Mothers	4,578	5,519		941
Fathers	873	1,097		224
Brothers and sisters	224	205	19	
Helpless children	489	479	10	
Act June 27, 1890—				
Invalids	349,283	461,078		111,795
Widows	180,539	175,237	5,302	
Minor children	4,032	4,167		135
Helpless children	292	274	18	
Act February 6, 1907	116,239		116,239	
Army nurses	542	579		37
War with Spain:				
Invalids	19,031	17,646	1,385	
Widows	1,100	1,094	6	
Minor children	316	298	18	
Mothers	3,090	3,061	29	
Fathers	527	512	15	
Brothers and sisters	11	9	2	
Helpless children	2	1	1	

Pensioners on the roll June 30, 1907, and June 30, 1906—Continued.

	1907.	1906.	Gain.	Loss.
Regular establishment:				
Invalids	11,076	10,648	428	
Widows	2,526	2,498	28	
Minor children	122	120	2	
Mothers	821	783	38	
Fathers	133	130	3	
Brothers and sisters	5	5		
Helpless children	8	8		
Total	967,371	985,971	123,543	142,143

Net loss, 18,600.

This table I want to supplement by the statement that during the fiscal year ended June 30, 1907, there was a decrease in the pension roll by death of 45,768. These figures are taken from the annual report of the Commissioner of Pensions. It is an entirely reasonable estimate that of this number not less than 40,000 were invalids, and most of these invalids of the civil war. The total number of pensioners on the roll at the expiration of the last fiscal year was, as you will note, 967,301, and the total number of invalids of the civil war on the roll at the same time was 528,099. If the total decrease by death be placed at an average of 30,000 a year only, which is a very conservative estimate, we shall have reached the end of that part of our pension list in less than twenty years.

These old veterans who fought for the Union are rapidly passing away. Three years from now a half century will have elapsed since the war in which they served began. It will be only a little while at the best that we shall be honored with their presence. With them the sun of life is fast sinking in the west. The hand of time bears heavier and heavier upon them as with feeble steps they approach the end. Would that I could have inscribed on the headstone that marks every old veteran's grave O'Hara's beautiful tribute to Kentucky's pioneers:

Rest on, embalmed and sainted dead!
Dear as the blood ye gave;
No impious footsteps here shall tread
The herbage of your grave;
Nor shall your glory be forgot
While fame her record keeps,
Or honor points the hallowed spot
Where valor proudly sleeps.

Yon marble minstrel's voiceless stone,
In deathless song shall tell,
When many a vanished year hath flown,
The story how ye fell;
Nor wreck, nor change, nor winter's blight,
Nor time's remorseless doom,
Can dim one ray of holy light
That gilds your glorious tomb.

Let us, while we have the opportunity, make the evening of their lives as comfortable, contented, and happy as a nation's bounty and gratitude can make it, that they may realize before they go that we appreciate to the fullest the priceless heritage they are leaving to us. [Applause.]

Mr. BOWERS. Mr. Chairman, I now yield to the gentleman from Illinois [Mr. FOSTER].

Mr. FOSTER of Illinois. Mr. Chairman, from the beginning of time, in the language of the Bible, there have been "wars and rumors of wars." Some great names adorn the pages of the world's military achievements. Alexander the Great had conquered with force of arms the world of his time while he was yet a young man. Julius Cæsar spread glory upon the banners of Rome by such splendid generalship as the world has seldom seen. Napoleon brought modern Europe to his feet with the might of his irresistible sword until his weapon was forever broken at Waterloo. [Applause.]

America has furnished some names that stand high in the record of martial accomplishments. Frederick the Great said that the operations of Washington in the Revolutionary war in his campaign of six weeks about Trenton were among the most glorious in the annals of military history. In our second war with Great Britain Commodore Perry cut down trees that grew along the shores of Lake Erie and in a few days made a fleet with which he conquered the enemy in one of the greatest naval battles of the world. In the civil war the first fight in the world between iron ships was fought at Hampton Roads in Virginia. This battle heralded an era in the naval warfare of the world and marked the end of wooden vessels of war. And to America therefore the world owes the modern battle ship of steel. [Applause.]

Although our civil war forms now a dark chapter in our national history, one that we all deplore, it nevertheless served to bring out some bright lights in the galaxy of military heroes. Grant, the silent, stolid, irresistible on the one hand, and Lee, the beneficent, gentle, farseeing on the other, form a pair of

generals that compare favorably with any of the great military commanders of history. And, again, the determined perseverance of Sherman in the North and the dashing bravery and at the same time the deep religious piety of Stonewall Jackson in the South add more luster to the triumphs of American military prowess.

But not to our generals alone is glory. The privates in the ranks—the men who marched with knapsack and musket—who endured the hardships of pestilence and hunger, who slept at night on the ground for a bed and with the canopy of the sky for a covering, who listened breathless for the sullen tramp of a midnight foe, whether they fought in the armies of the North or cast their lot with the fortunes of the South, are as brave as any soldiers who ever exposed themselves to the horrors of warfare. Tennyson asks of the English soldiery at Balaklava—

When can their glory fade?

But the glory of our American soldiers in the army of the North and in the army of the South is as enduring as the glory of the soldiers that the great poet has immortalized. And the battles of Shiloh and Cold Harbor and Gettysburg and the other mighty conflicts of the civil war gave birth to deeds as brave as any that occurred in the campaigns of the Greeks, the Romans, or the English. [Applause.]

We of Illinois feel a pardonable pride in the part our great State played in the tremendous days of the civil war. The great heart of Lincoln was nurtured on the wide and fertile prairies of Illinois. And to the actual ranks of the fighters Illinois gave Grant and that great volunteer soldier John A. Logan, besides the thousands of soldiers in the private ranks who fought as nobly and as bravely as ever soldiers fought. So, out in Illinois, we sing with a thrill of patriotic pride and recollection—

Not without thy wondrous story,
Illinois, Illinois,
Can be writ the nation's glory,
Illinois, Illinois.
On the record of thy years
Abram Lincoln's name appears,
Grant and Logan and our tears,
Illinois, Illinois.

[Applause.]

Mr. Chairman, it is true, as the gentleman from Ohio [Mr. KEIFER] has said, that this is the largest appropriation ever made by Congress for pensions. Yet I think there has been more need for larger appropriation than ever before. It is now more than forty years since the war closed, and these men are now all old and unable to engage in the active business of life, unable to perform any manual labor. Many of them have been crippled and diseased since they served in that great war and have been unable to accumulate much property, so that now they are unable to live comfortably unless the Government does help them with larger pensions, so as to furnish them with the necessaries of life. I do not think that it is right that these men should be left without means of support in their declining years. Many of them are now gone and those who remain stand with one foot in the grave and soon the last shot will be fired over the last grave.

Let us not forget these men who did so much for our country. It is all right to erect beautiful marble shafts pointing heavenward to the memory of these brave soldiers, but let us first provide for their comfort while living. It has been the policy of all governments to care for its defenders, and we should not forget ours. These men were not trained soldiers, but volunteered to do what they believed to be right and for the interest of the whole country. While I would not detract one iota from the regular soldiers who were thoroughly trained and prepared for war, still it has been necessary to depend largely on the volunteer soldiers in time of need. I shall not discuss the cause of that great war, for it indeed was great. Our soldiers went into the South and there met those of their own kind, just as brave and as firmly convinced that they were right, fighting for what they thought was best. But there are none there now, I believe, who are not satisfied with the result. If it should be necessary to call for volunteers again, I am sure no more loyal men could be found than are now in the South. We are indeed a united country and the flag of the Union is to-day honored all over this country of ours alike. [Applause.]

A man in his declining years with a faithful, hard-working wife, in many instances being too poor to own his own home, and compelled to pay rent for the house in which they live, many of them so afflicted as to be compelled to have the assistance of another person to attend to their wants, can not live on the small pension they receive. I hope we will not forget the needs of this class of men and will give heed to their just needs.

Many of these soldiers never applied for a pension until they were too old to longer work to support themselves, so that now they can not secure proof of disability due to service. These men should not be placed in the attitude of begging, but should be taken care of as a matter of duty of our Government. I am sure out of the abundance of our country we can well afford to look after these men in their old age. [Applause.]

Early in this session I introduced two bills having for their object the increasing of soldiers' pensions. One providing for paying all soldiers who had served sixty days and were honorably discharged a pension of not less than $30 per month. The other was an amendment to the act of February 6, 1907, so as to pay all soldiers who had arrived at the age of 62 years $12 per month; those 65, $15 per month; those 70, $20 per month; those 75, $25 per month, and those 80, $30 per month. The act of February 6, 1907, was a step in the right direction, but, Mr. Chairman, in my opinion, it did not go far enough. I had hoped that Congress might pass this amendment if it was not thought best to pass the one paying $30 per month.

The Pension Office is compelled to follow the law, and in the course of its execution has to be more or less technical, so, as a result, they are compelled to reject claims that ought to be passed.

In my judgment the present administration of the Pension Office is one of the best and most liberal ever had in all its history. I believe it is the desire to give as liberal a construction of the law as is possible in adjudicating the claims of soldiers, and yet it is necessary many times, I have no doubt, to refuse pensions to men who ought to receive either an original pension or increase of one already allowed. If any fault is to be found, it is not with the administration of the office, but that it is necessary to follow the law, which does not permit a more liberal construction.

It is true, Mr. Chairman, that this Government has been liberal to its soldiers of all wars, and the vast sum that has been appropriated from year to year has gone to relieve some veteran or his widow and children. I am sure that none of us regret that this money has been spent for this purpose. If such large appropriations must be continued for some years to come in order to relieve their wants and furnish them some comfort, I think it our duty to still do what we can for them. I hope that before this Congress adjourns there may be some more liberal law passed in the interest of the soldiers. [Loud applause.]

Mr. BOWERS. Mr. Chairman, I now yield forty-five minutes to the gentleman from Oklahoma [Mr. CARTER].

Mr. CARTER. Mr. Chairman, I do not desire to discuss a question of a partisan nature, but I want to call attention to a bill which I have introduced in this House and to present reasons as best I can showing the justice and necessity of such legislation.

This bill provides for the removal of certain restrictions upon the alienation of Indian lands in Oklahoma, and it shall be my purpose to show to this committee that these restrictions have proven in the past a constant and successful barrier to the progress and development of our State, a menace to the civilization and advancement of the Indian, and destructive of the very spirit of American liberty.

I do not rise for the purpose of criticising the acts of any man who has had to do with Indian affairs in the past. I have the highest regard for that able man who stands at the head of the House Committee on Indian Affairs, although I differ from him politically.

That mistakes have been made in handling the affairs of the Five Civilized Tribes in our State no one will dare gainsay. It is but human to err, and it is but natural that mistakes should have been made in settling conditions so anomalous as ours. So far as I am concerned, I am going to be generous enough to ascribe the cause of these mistakes to a misconception of the situation and to attribute such misunderstanding of the conditions to the dense and prolix complexities of the state of affairs with which these gentlemen were confronted.

I fully comprehend the many disadvantages that confront one in securing favorable consideration of a measure introduced by a minority Member. Without going into a discussion of the rules of the House, I will simply say that I understand it to be the policy of the majority to assume all responsibility for legislation, no matter which party is in power.

My remarks, however, should apply with equal force to a bill introduced by my colleague [Mr. MCGUIRE], and I want to say just a word in regard to his bill. The McGuire bill is good enough, so far as it goes, but, in my opinion, it falls short of the legislation needed in Oklahoma to-day.

This bill must not be regarded as embodying the exact ideas

of the Oklahoma delegation. It smacks too much of paternalism for that. This measure should be regarded as representing the limit to which the Interior Department would agree to go at this time. It is the result of an agreement with that Department gives a great measure of relief, and for these reasons I shall give it my unqualified support, in the hope that if my bill fails, then the removal of restrictions provided for by the McGuire bill will prove so satisfactory that there will be no objection to adopting the provisions of my bill at an early day.

PRESENT CONDITIONS.

Of one thing I am morally certain, and that is this, If the gentlemen on the floor of this House only had a thorough understanding of the conditions in Oklahoma, if they could only see these conditions in their true light and as they really exist, there would be no occasion for the presentation of my remarks to-day, for I feel sure you would pass the bill which I have presented without opposition and with very little comment.

As you all know, we have a new State out there. Our predicament was deplorable enough before our admission, but with the advent of statehood and the many burdens that come therewith, the conditions on the east side of that State, in what has heretofore been known as Indian Territory, will soon become almost intolerable.

All the lands in Indian Territory originally belonged to the Indians composing the Five Civilized Tribes and were inalienable and nontaxable. Indians, I say, Mr. Chairman. As a matter of fact, they are not real Indians as you understand that term. A great majority of them are mixed-blood Indians, with a small degree of Indian blood. Others, white men who have intermarried into the tribe, and a great number, about 15,000 as I remember, are negroes, freedmen, former slaves of these tribes, who have had lands allotted to them, so that the actual Indian, the real full-blood Indian, only represents a very small minority of these people. But, getting back to the land question, I will say that there are about twenty million acres of these lands, all inalienable and all nontaxable. To be more accurate, restrictions have been removed on about three million acres of these lands, leaving a residue not of twenty million, but of seventeen million acres on that side of the State, all nontaxable, and on which permanent improvements and home building are absolutely prevented, for the reason that title can not be made on account of these restrictions.

Such lands as have had restrictions removed are distributed over many of the counties on the east side, but I understand that in some of the counties no restrictions whatever have been removed. All of the land is inalienable and not one dollar in taxes can be realized from same.

The major portion of these lands have never been improved or put in cultivation, therefore produce no revenue whatever to anyone. Many of the Indians owning such lands have no funds with which to improve them, and the most inconsistent and ridiculous part of the whole system is that this very class of Indians, who are too poor to build improvements on their lands, are prevented from leasing these lands for a longer period than one year. Now, what I would like to have explained to me is how, in the name of common sense, such lands are ever to be made productive under the present system? The Indian without funds to improve his land is prevented from having it improved by leasing. So I think it can easily be understood how this very class of Indians which are incompetent must retrograde under the present law.

These conditions, of course, make our State a most undesirable abode for the man with a worthy ambition to build and own a home of his own.

Many of our best citizens have emigrated within the last eighteen months, pulled up bag and baggage, and left the State entirely. Why? For no other purpose than to seek a location where they can own a home and improve it.

Within the radius of the trade of my home town, Ardmore, I understand that 50,000 acres of land which had formerly been in cultivation, lay out and produced no crops whatever last year. Every town and every commercial interest in our State has felt the baleful influence of these restrictions, and the Indian himself is the worst discommoded of all.

Our State is in its infancy. It is in the formative period, when it needs to draw upon every resource and every fiber at its command. We have no public, State, or county buildings on that side of the State. No court-houses, no jails, no schoolhouses, and no improved roads. As a matter of fact, outside of the towns you can not even acquire title on which to build schoolhouses under the present law. My bill will remedy all of these conditions completely, while that of my colleague will ameliorate conditions, to a large extent, though not giving complete relief.

Now, mind you, Mr. Chairman, not a member of the Oklahoma delegation asks that the full-blood Indian be molested in his last home, but we do ask that such Indians as are civilized and competent be allowed to manage their own affairs without interference from the Federal Government, and that the progress of our State be not further retarded by such senseless restrictions on the acts of intelligent people.

HISTORY.

In order to thoroughly understand the unfairness and the creation of these unjust inhibitions on the rights of my civilized fellow-tribesmen, it will be necessary to go back a few years and recount briefly the history of these erstwhile wards of Uncle Sam.

By way of explanation, I wish to say that the word "civilized" in the term "Five Civilized Tribes" is by no means a hollow and meaningless expression. The Indians composing these tribes have been subjected to the beneficent influence of Anglo-Saxon civilization for centuries, by education, by religion, by intermarriage, and by all other means of direct association with the whites.

This very term, "Five Civilized Tribes," has been applied to these people for four generations, and for eighty years they have had regular constitutional forms of government, fashioned after the Government of the United States, by which they enacted a regular civilized code of laws, protecting their respective citizens in their property rights and punishing infractions of law and order.

Their school systems, operated entirely by the tribal governments, were the most liberal of modern times. They had what they called "neighborhood schools," similar to district schools in many of the States, and high schools with a regular prescribed curriculum, the completion of which merited and exacted a diploma. Not only were tuition and books provided without cost to the pupils or parents, but board, laundry, and medical treatment as well, and, in some schools, particularly the orphan schools, clothing and all other necessities were furnished at no direct expense whatever to the beneficiaries.

So that the Five Civilized Tribes have come to be in deed and in fact civilized. This is a bold assertion, Mr. Chairman, but I make it without fear of contradiction. I dare say there is as small a degree of illiteracy among some of these tribes to-day as among a similar number of people in the city of Boston, the very hub of civilization on this continent. [Applause.]

These Indians became dissatisfied with their environments during the early part of the last century and made application to their Great White Father, Andrew Jackson, for a change. This illustrious old patriot bade his children seek a new home in the wilds of the boundless West.

After searching about over the entire Western country it is no wonder that these children of nature chose the beautiful Indian Territory, with its richly productive soil, its mild, equable climate, its clear, running, crystal waters, and bountiful supply of wild game, where, as many of them thought, they would pursue their worship of nature so long as grass grew and water ran. But the Indian was quick to see the possibility of development in his country. He was early to see the advantage of raising cotton, corn, wheat, and live stock, rather than lolling in idleness and depending upon the uncertainty of the chase for a livelihood. So he invited his paleface brother to come in and assist in the development of what he called his "Land of the Fair God."

The white man came on horseback and in the prairie schooner at first. Then came his railroads and other modern means of transportation, and finally the palefaces swarmed in upon us from all sides, bringing with them their up-to-date agricultural, mining, and other machinery, their religion, their education, and their civilization, until finally the clouds of ignorance and superstition which once hovered over these people have been almost entirely dispelled, and this same Indian stands to-day in a great many instances as the very highest exponent of American civilization [applause] clamoring to have all disabilities removed from his rights and liberties and to be given full-fledged American citizenship. [Applause.]

Mr. CHANEY. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Oklahoma [Mr. CARTER] yield to the gentleman from Indiana [Mr. CHANEY]?

Mr. CARTER. I do, with pleasure.

Mr. CHANEY. I would like to ask the question if there has been an opinion expressed on the bill the gentleman has introduced, by the Secretary of the Interior.

Mr. CARTER. He has agreed to the bill which has been introduced by my colleague.

Mr. CHANEY. Has he expressed an opinion in behalf of the gentleman's bill?

Mr. CARTER. He has not agreed to all the provisions of my bill.

Mr. CHANEY. I am very much interested in the gentleman's speech and interested, too, in seeing that these people have the largest possible liberty consistent with their protection; and does the gentleman tell the House that all the restrictions respecting the alienation of lands and all these matters relating to transactions between man and man could safely be removed, and that they would not be gobbled up by persons who would take advantage of them?

Mr. CARTER. No, sir; I do not pretend to tell the committee that all the full bloods are competent, but many of them are. I will come to that in a little while. My bill provides that the restrictions shall be removed from all lands except the full-blood Indian's homestead, but that his homestead shall remain inalienable for twenty years.

ATOKA AGREEMENT.

The Five Civilized Tribes had made such rapid strides in civilization in their new home, and their country had been developed and settled to such an extent that by the closing years of this same century it again became necessary to modify their conditions, so that beginning with the year 1898 certain agreements were entered into with these several tribes looking to a complete change of the Federal relation with these people. These agreements were negotiated by authorized tribal commissioners and a United States Commission, commonly known as the Dawes Commission. They required the ratification of Congress and a majority of the popular vote of the tribe before they became effective. These agreements provided for a dissolution of the tribal governments within eight years, allotment of lands in severalty, and speedy settlement of all tribal affairs.

Among other things certain restrictions were placed upon the alienation of Indian lands, the provision for such restrictions being practically the same in all of the different agreements. I will read the provision in what is known as the Atoka agreement, made with the Choctaws and Chickasaws, which will suffice to reveal the intent of all:

All the lands allotted shall be nontaxable while the title remains in the original allottee, but not to exceed twenty-one years from date of patent, and each allottee shall select from his allotment a homestead of 160 acres, for which he shall have a separate patent, and which shall be alienable for twenty-one years from date of patent. The provision shall also apply to the Choctaw and Chickasaw freedman to the extent of his allotment. Selections for homesteads for minors to be made as provided herein in case of allotment, and the remainder of the lands allotted to said members shall be alienable for a price to be actually paid, and to include no former indebtedness or obligation, one-fourth of said remainder in one year, one-fourth in three years, and the balance of said alienable lands in five years from the date of patent.

That all contracts looking to the sale or incumbrance in any of the land of an allottee, except the sale hereinbefore provided, shall be null and void. No allottee shall lease his allotment, or any portion thereof, for a longer period than five years, and then without the privilege of renewal. Every lease which is not evidenced by writing, setting out specifically the terms thereof, or which is not recorded in the clerk's office of the United States court for the district in which the land is located, within three months after the date of its execution, shall be void and the purchaser or lessee shall acquire no rights whatever to an entry or holding thereunder, and no such lease or any sale shall be valid as against the allottee unless providing to him a reasonable compensation for the land sold or leased.

This provision is well enough, perhaps, for incompetent persons, but its application is every day proving a detriment to such civilized Indians as compose the majority of the Five Civilized Tribes.

The Atoka agreement was defeated at the first Choctaw-Chickasaw election, many of the more advanced members of the tribes opposing it on account of this very restriction provision. Another election was called, however, the importance of an early change in conditions urged, and this time the agreement was ratified by a small majority, in the main because it was thought the spirit of such agreement would be carried out, giving us a "speedy settlement of tribal affairs," and these matters of restrictions on land titles and taxation could be adjudicated prior to the advent of statehood.

Mr. BEALE of Pennsylvania. Will the gentleman allow an interruption?

Mr. CARTER. Certainly.

Mr. BEALE of Pennsylvania. In what way or by whom can these matters be determined as to whether they should have the privileges that you have said they should have?

Mr. CARTER. I do not believe I understand the gentleman's question.

Mr. BEALE of Pennsylvania. You say that under certain conditions they are to have the right of title. In one way you say it shall be done within five years and another within two years.

Mr. CARTER. I am coming to that in a minute. That law has all been changed.

Mr. BEALE of Pennsylvania. I beg the gentleman's pardon; I was only asking for information.

SUPPLEMENTAL AGREEMENT.

Mr. CARTER. Before the lapse of many years it was discovered that this Atoka agreement was inadequate and incompetent for the settlement of these affairs, and in 1902 another compact was entered into with the Choctaws and Chickasaws by the United States known as the "supplemental agreement." This supplemental agreement practically reiterated the retriction provision of the Atoka agreement, and the former procedure of enactment ensued. A strong fight was made against this agreement on account of this same restriction provision; but, as it gave to these tribes an opportunity to have expunged from their rolls certain persons whom they claimed had no rights, and provided for a per capita payment of a part of the tribal funds, it was ratified at the election.

ACT OF APRIL 26, 1906.

The conditions under these two agreements were most deplorable, but not to be compared to what was yet to be handed out to us by the act of April 26, 1906. Under these two agreements the Secretary of the Interior had not been prevented from removing restrictions on the alienation of lands other than homestead allotments, whenever, in his opinion, the Indian was considered competent to manage his affairs. So that one of these Indians, who had now come to be a sovereign citizen of the United States, supposedly with all the rights, privileges, and immunities attaching thereto, could, by debasing his manhood and pride to a degree of abject servility, by admitting his inferiority to other men, supplicate and beg the right to eat the bread which he possessed, and which was justly his to do with as he pleased.

This last act referred to not only denied a part of these people this small modicum of liberty, not only prevented them from presenting their humble request for the pursuit of their happiness as they saw it, not only declared that they should not be allowed to present their modest petition to have such restrictions removed when they were competent, but placed the additional inhibition on many that they could not even lease their land without truckling to some departmental official.

Now, this is not said in any spirit of antipathy or disrespect to any departmental official. I have the highest regard for many of those people. They are not to blame. The officials of no Department are to blame for this. The system is wrong, the law is wrong, and Congress alone has power to change that law.

But says some facetious Member, "CARTER, you have no kick coming. You may have your restrictions removed. Make your application, and the Secretary of the Interior would not dare refuse to remove your restrictions."

That is true as to a part of my lands only. What I want gentlemen of this committee to understand is that I and each member of my family have 160 acres of land which no power under heaven's canopy can give us authority to alienate except this Congress.

The Indian is very much of a human being. He is subject to all the impulses and foibles of other intelligent people, and, like any other intelligent man, he resents the idea of having to ask any man's permission to do as he desires with his own property. He can see no reason why he should be called upon to submit his plans to any man in order to get supervision over what is justly his, so he hesitates to ask the Secretary of the Interior to remove any supposed restrictions there may be upon his liberties as an American citizen.

Out West, Mr. Chairman, money is scarce and interest very high. Many times in the past have the individual financial interests of business men of Indian blood suffered for the want of cheap money, which is almost always available on such real estate security as this, and which they could easily have obtained but for the imposition of these restrictions. No man may attempt to prophesy what the vicissitudes of life will bring. We may even undergo greater privations in the future than in the past. We may even see the savings of a lifetime swept away for the want of a few dollars which could be obtained in this way; but it matters not what may transpire, let the very worst come to the worst, I for one shall never bend the knee to mortal man for any financial consideration. [Prolonged applause.] And the majority of them feel just as I do, sir.

Now, Mr. Chairman, do not misunderstand me. I know that we have grafters out there. I know that we have a few Indians who are incompetent, and I would not leave the last home of the full-blood Indian to the pitiless mercy of unscrupulous grafters. Far be it from that. No man has a more profound sympathy for these plain, artless people than I. No Member on the floor of this House feels more keenly his responsibility

to them that I. Why! They elected me to Congress. But for the Indian vote I might not be a Member of this honorable body to-day, and they elected me upon the very platform that is embodied in my bill—removal of all restrictions upon the alienation of Indian lands, except the full-blood Indian's homestead. [Applause.]

Mr. CHANEY. Will the gentleman yield for a question?

Mr. CARTER. Yes.

Mr. CHANEY. I beg to ask the gentleman what his bill does more than the bill which has had the recommendation or assent of the Secretary of the Interior?

Mr. CARTER. The bill of my colleague [Mr. MCGUIRE] provides for the removal of restrictions on all people not of Indian blood; upon all people whose quantum of Indian blood is less than one-half; upon the surplus lands of all people whose quantum of Indian blood is one-half or more; but it does not touch the full-blood Indian's surplus, while my bill provides for the removal of all restrictions, except upon the full-blood Indian's homestead.

Mr. FLOYD. Will the gentleman yield to me for a statement right in that connection?

Mr. CARTER. Yes; with pleasure.

Mr. FLOYD. As the gentleman is aware, I spent about two weeks in the Indian Territory last summer.

Mr. CARTER. I well recall that fact, and I think we were much benefited by the visit of the distinguished gentleman from Arkansas.

Mr. FLOYD. I want to call the attention of the House to two or three cases that were given to me by a prominent lawyer of Prior Creek. One was the case of a young lady who was a graduate of two literary institutions and also of the Conservatory of Music at Chicago. She could not dispose of her lands on account of this provision. Another case was one that appeals to the sympathy of every man, and that was this: A lady had three children; they were full bloods, and she had an allotment for herself and three children. This attorney told me that the land allotted to her was worth $50 an acre. She could not lease it on account of the restriction forbidding leasing. She could not sell it. She submitted a letter to her attorney, asking why it was that, with so much land, worth so much money, they could not get bread. The woman had to beg bread because the regulations prohibited her from selling her land or leasing it for more than one year to anybody. Nobody would undertake to go on and clear up those rich bottom lands, clear them of timber and put them in cultivation, on a one-year contract or an illegal contract.

This shows the far-reaching effect of these restriction laws. The first case mentioned restricts an Indian of the highest degree of education and intelligence, who is capable of managing her affairs as any other person. The second restricts a small ignorant class rich in lands and values, and by so doing keeps them in a condition of absolute poverty and want. The law is equally detrimental to both classes.

Mr. CARTER. That is true, and there are numerous instances of this kind. College graduates with one thirty-second Indian blood are subjected to these restrictions, and I know of a number of poor full-blood Indians who are incarcerated in the jails to-day in Oklahoma for minor offenses unable to make bond, yet owning an abundance of land which can not be hypothecated even at the price of their freedom. This restriction law respects neither intelligence nor want, and its wide scope reaches from the most intelligent mixed blood and white man, who resents dictation, to the helpless full blood impoverished by its application.

Mr. THOMAS of North Carolina. Will the gentleman yield?

Mr. CARTER. I will, with great pleasure.

Mr. THOMAS of North Carolina. How many acres did the gentleman say was allotted and could not be disposed of?

Mr. CARTER. All of it is restricted by a later act, which I will get to very soon.

Mr. THOMAS of North Carolina. I thought the gentleman said he had a certain number of acres himself that he could not sell.

Mr. CARTER. I will explain that fully in just a moment.

Mr. THOMAS of North Carolina. I thought I caught a statement from the gentleman of the number of acres.

Mr. FULTON. I think I can explain that.

Mr. CARTER. I expected to explain that later in my remarks, but I yield to my colleague.

Mr. FULTON. I was simply going to say that the gentleman from Oklahoma [Mr. CARTER] said that he could have the restrictions removed on his surplus lands, consisting of 160 acres, by applying to the Secretary of the Interior, but his homestead of 160 acres he could not sell in any manner any more than a full blood.

Mr. CARTER. The people of Oklahoma are not antagonistic to the Indian. They have been the recipient of many favors at the hands of the Indian people, and they are appreciative of the fact. They are the neighbors and friends of the Indians, and they themselves would be the loudest in their protests if the incompetent full bloods were left unprotected. If a full-blood Indian or any other person becomes homeless, he becomes a pauper and thereby incurs an undesirable expense for his subsistence, not upon the Federal Government, but upon the State in which he resides. So, Mr. Chairman, I do not think you need to have any fear on that score. The people of Oklahoma do not want the restrictions of any incompetent men removed.

Mr. BEALE of Pennsylvania. Will the gentleman yield for a question?

Mr. CARTER. I have only a limited time, and am attempting to make a consecutive argument, but will gladly yield when my remarks are concluded, if I have any time left. The majority of the Indians composing the Five Civilized Tribes can no longer be considered a savage and uncivilized people. They are civilized. They are enlightened. They are educated to a high degree, and I dare say that the stranger in Oklahoma to-day would find great difficulty in distinguishing the mixed-blood Indian from the white man, as a rule. So we believe the time has certainly come when we must distinguish between the competent and the incompetent Indian, just as we do between such classes in all other nationalities.

FULL BLOODS.

Now, Mr. Chairman, the full-blooded Indian is in reality the only real ward of the Federal Government, and my bill gives him ample protection. It provides that he may not sell his homestead allotment for twenty years, but that he may sell his surplus land and thereby procure funds with which to improve his homestead.

Under the provisions of my bill the Indian will receive a twofold benefit. In the first place, he will receive money with which to improve his homestead and make it productive. In the second place, when his surplus lands are sold, they will be sold to some home builder who will immediately begin the erection of his home and put his land in a high state of cultivation.

This land will lie adjacent to some full-blood Indian's homestead, and as this land is improved and put in a higher state of cultivation, just in that proportion will the full-blood Indian's homestead be increased in value, so that within a few years the full-blood Indian's homestead will be worth more than his entire allotment is to-day. This I believe to be the best protection ever offered to the full-blood Indian, for the reason that it gives him actual aid and assistance, while the present law simply strains at a purpose it fails to accomplish. It intimidates and prevents the honest home seeker from entering the market and paying a legitimate price for these lands, at the same time failing to prohibit the unscrupulous adventurer from getting possession of such lands and clouding the title to same for a merely nominal consideration.

Here is a point I want this committee to catch: The Indian in his primitive state was noted for an unwavering fidelity to his obligations. I can remember during my lifetime when an Indian's word was considered as good as his bond, but not so now. This system tends to destroy this, the most commendable feature of pristine Indian character, by plainly saying to the Indian, "Go sell your land and give a deed to it, then make application to have your act set aside, to be repossessed of your property, and upon the grounds of your incompetency we will sustain you in your dishonest contentions." Did you ever hear of such teaching to a simple, unsophisticated ward by its guardian? The Indian may be a little slow to get next to the white man's virtues, but he has abundant wit to catch on to his vices. [Laughter.]

Even the most ignorant full-blood Indian is by no means benefited by these restrictions. Much of the land allotted to the full-blood Indian is unimproved. These Indians, as a rule, are poor and have no funds with which to improve their lands. If they could only lease their lands, they might have them improved in that way, so that in a few years they would provide some kind of an income. Or better still, if they could only sell their surplus lands the proceeds of such sale might be applied to permanent improvements on their homestead, and I would not object to having my bill amended to that extent.

But, Mr. Chairman, there is one fundamental fact which we must not overlook in dealing with this proposition, and that is this: These Indians of the Five Civilized Tribes do not own their lands by the good graces of the Federal Government. They bought these lands and paid for them. These lands were accepted by them in lieu of much more valuable lands re-

linquished in the old Southern States. They had a fee-simple title to these lands for generations before allotment, the only reservation in the deed being that of escheat, which I presume would have operated without such provision in the deed. We have no moral right to prevent these people from using their property to the best advantage.

POVERTY.

The Choctaws and Chickasaws are reputed to be one of the wealthiest classes of people on the face of the earth, yet to-day, with all their boasted wealth, with all this glorious paternal supervision, many of the ignorant full-bloods among them can barely keep the wolf of starvation from the door, when as a matter of fact they are rich—but how? Rich in lands and moneys held out of their reach by the Federal Government.

"What profiteth a man if he owns the earth and yet starves to death?"

I tell you, Mr. Chairman, it is a crime to longer keep these people under such bondage. Many of them are growing old and will soon pass away; doubtless their condition of penury will hasten death. Then, in the name of humanity, nay, I will not make hypercritical appeals to your sentiment, but appeal to your fairness instead. In the name of that spirit of fairness which rests deep down in the bosom of every true-born American, let us see to it that these poor people are given an opportunity to enjoy the possession of some of their just rights before that dreaded reaper takes them to the great beyond. [Applause.]

TAXATION.

You have exempted the Indian's land from taxation, when the most casual glance into history will disclose the fact that it has always proven a mistake to exempt any certain class of people from taxation. It is a greater injustice to those exempted from this burden than it is to those burdened by such exemption.

History will show that such injustice as this has often led to cruel and wanton bloodshed. Whenever attempts have been made to exempt any certain class from taxation a prejudice has invariably sprung up against the exempted class by those who had to bear the burden, and this prejudice has been known to exist for years after the cause has been removed.

The only prejudice existing to-day against the Indian in Oklahoma is due to the fact that he will not contribute his part toward the support of the State. This prejudice is at present in its incipiency. As taxes become due and demands are made for payment it will grow and gather force, finally to the utter excommunication of the Indian politically, socially, and commercially.

To say the most of it, ownership of this world's goods is but transient and fleeting, while this prejudice would, I am sure, be permanent and enduring.

I had much rather have my child grow up moderate in means, yet efficiently educated and rich in the love and esteem of its neighbors, than that it should attain its majority lavish in wealth, but banished from its consorts into a small minority, to be scorned and despised, for a just cause, by its equals. [Prolonged applause.]

The Indian who has seriously considered this matter will have no word of protest against having his lands taxed. He must realize that this demand for an equalization of supporting the burden of the State is a just one, and for that reason can not be permanently withstood.

He would be short-sighted, indeed, if, simply for the purpose of saving a few paltry dollars taxation, he would allow a condition to exist which would create a prejudice not only detrimental to his own interests, but which would prove a menace to his children and his children's children.

The Indian expects all the burdens and benefits that come with your American citizenship. He will not object to paying his taxes if you will only make of him a citizen in fact as well as in name and eradicate these restrictions from his liberties.

The Indian believes, no matter what his political faith may be, in that eternal principle, "Equal rights to all and special privileges to none." And should stand firmly upon the proposition that "the man who is unwilling to bear his just share of the burden of supporting his Government is unworthy to live under and enjoy the blessings of a great Government like ours." [Applause.]

PURPOSE OF INDIAN OFFICE.

Undoubtedly the purpose of the establishment of the Indian Bureau in the Interior Department was to eventually make of the Indian an independent and self-reliant citizen, and to this end I take it has the Indian Office ever labored, educating and instructing the Indian in literature, in agriculture, and in all the different branches that go to make our cosmopolitan American citizenship.

This paternalistic attitude is well enough for the full-blood Indian, who, as stated before, is the only real ward of the Government, but when an Indian or any other person reaches the point of intelligence at which he is competent to think and act for himself any further attempt to supply the demands of his life or stand sponsor for his acts simply stimulates the indolence in the nature of that individual and destroys such independent and initiative character as you have been able to construct.

The intelligent mixed-blood Indians of our tribes have unmistakably attained the object of Federal supervision, to wit—intelligent, self-reliant citizenship. What such educated Indians as these need is to be let alone. Let the Federal Government loosen its hold. Remove their restrictions; make them free; give them a show, and I guarantee they will make good as American citizens.

KICKING KICKAPOOS.

The Kickapoo land frauds recently unearthed have been cited and exploited as an argument against the removal of restrictions for the Five Civilized Tribes. Such acts of loot and plunder as seem to have been committed on these poor, ignorant people are most reprehensible and warrant rigid punishment under the law; but the argument that this circumstance is any reason for the retention of restrictions on the lands of intelligent Indians is the sheerest kind of sophistry.

These Kickapoos are Indians of the very lowest degree of civilization and mentality, uneducated, and almost savage in instinct. They sold their lands to move to Mexico, and the very fact that they wanted to leave a great country like this and go to Mexico or any other place ought to have been sufficient notice that the Kicking Kickapoos were incompetent.

But seriously and in fairness these people can no more be compared with the educated mixed-breed Choctaw, for instance, simply because they are both of American Indian stock, than can the most ignorant, dog-eating Igorrote be compared to the shrewd, aggressive Jap because they are both of Asiatic-Malay origin.

To sum up briefly, I said I believe the imposition of these restrictions, according to existing laws, bad for the Indian; bad for the State of Oklahoma, and contrary to the spirit of American liberty. It is bad for the mixed-breed Indian, because it hampers the independence of an intelligent man; prevents him from using his property to the best advantage; teaches him to lean upon another; teaches him to be a tax dodger, and destroys his self-reliance, which we will all agree is the most potent element contributing to the composition of untrammeled American manhood. It is bad for the uneducated full blood, because it strains at a goal it has failed to reach; teaches him duplicity and knavery, which crimes he is not given to in his primitive state; denies him the funds with which to improve his lands, and cheapens the price of his lands by limiting the market to adventurous purchasers only.

It is bad for the State of Oklahoma, because during the embryonic period of this young Commonwealth it takes from its tax sheets almost one-half of the lands, prevents legitimate dealing in land, prevents permanent improvements on lands, prevents home building, and builds up a system of tenantry the like of which American civilization has never seen before. It is contrary to the spirit of American liberty, because it places restrictions on the rights and acts of competent and intelligent people, sovereign citizens of the United States, who are not charged with the commission of any offense whatever against either law or morals.

Not being versed in the law, it would be presumptive in me to attempt to discuss the legality or constitutionality of this question before this body of eminent lawyers. I do, however, ask the indulgence of the committee in calling to its attention certain Supreme Court decisions which I believe affect, vitally, this question.

In the case of The Cherokee Nation *v.* The State of Georgia (5 Peters, p. 1) Chief Justice Marshall delivered an opinion which I understand to be the first legal definition of the term "Indian tribes." Mr. Marshall stated, in substance:

Indian tribes are not foreign states, but must be regarded as domestic, dependent aliens.

This Supreme Court decision is reenforced by numerous other opinions, some of which are Jones *v.* Mehan (175 U. S., p. 1), Eastern Band of Cherokees *v.* United States (112 U. S., p. 288).

If these tribes are domestic, dependent aliens, it would naturally follow that each constituent element thereof is a domestic, dependent alien. But United States citizenship was conferred on all members of the Five Civilized Tribes by the act of March

2, 1901. Now, it seems to me that the term "dependent alien" is absolutely incompatible with United States citizenship, therefore restrictions might be maintained upon the liberties of Indians who are domestic, dependent aliens, but not upon United States citizens, and in view of these citations, it seems to me a very close question if such restrictions can really be legally and constitutionally maintained.

But that matters not, granting for the sake of argument that such provision should be upheld by the court. Grant that this provision may not be a technical legal violation of the Federal Constitution. Nevertheless, I believe that to restrict an intelligent man in such a manner as this is morally violative of the spirit of that provision of the Constitution which guarantees life, liberty, and pursuit of happiness.

If I am a sovereign citizen of the United States, of sound mind, and competent to manage my own affairs, you have no more moral right to single me out and place specific restrictions on the disposition I shall make of my effects on account of my Indian blood than you have to restrict an Irishman in the wearing of the green on St. Patrick's Day on account of his Irish blood, and I do not think this House would want to attempt to regulate that—not the New York City Members, anyway. [Laughter.]

In conclusion, I want to say, if you will remove these restrictions, if you will give Oklahoma an equal start with all the other States at the time of their admission, we will give you a sample of progress of which the parent Government may well feel proud. Our country will be filled with home seekers, worthy constituents of many of these gentlemen, who will build homes and convert the rich virgin soil into blossoming fields of grain and cotton.

The worthy pioneer will then have an opportunity to realize the ambition of his life. Consider for a moment the American pioneer. Consider this sturdy, stout-hearted yeoman who has helped to develop this country and make it fit to live in; who has taken his life in his hands, as it were, and hewn from the great primeval forests of the West his modest home far in advance of law and order, thereby making possible the existence of all the great States west of the Alleghenies and contributing to the magnitude and grandeur of this stately Republic. [Applause.]

Is not this worthy citizen entitled to some consideration at the hands of the Government he has helped to build and make great? Why, think you, has this sturdy citizen braved all the dangers of frontier life? Why has he undergone all the privations of the early settler? For the just and righteous purpose that he and his beloved little family might secure some hearth and fireside, humble though it be, that they could call home. [Applause.] If you remove these restrictions you do no less than justice by all, yet you grant to this steadfast citizen a life which will have a new meaning. He will move from the humble hut where he has been forced to live and pay rent in the past and begin the erection of a new home, all his own, paying tribute to none save his country and Almighty God. [Loud applause.]

It shall be our utmost endeavor and highest ambition to give to the parent Government an example of unalloyed devotion and loyalty; if in the troublous times of war it should become necessary to call for good men, brave and true, to battle for the rights of this great Republic, you will find that no State in this Union will respond more willingly than the infant State of Oklahoma. [Loud applause.] None shall be permitted to rally around the Old Glory more graciously and more patriotically than the sons of the Indians, "Land of the Fair God;" and in the piping times of peace we will endeavor to contribute to the National Congress, honest, patriotic members always, who will dare to do the right as they see it, no matter what their political faith may be. [Loud general applause.]

Mr. Chairman, I thank the committee for its considerate attention.

Mr. BEALE of Pennsylvania. I do not see how this body can refuse to give the gentleman all that his bill proposes.

Mr. KEIFER. I yield one moment to the gentleman from Pennsylvania.

Mr. BEALE of Pennsylvania. I would ask what it is that the gentleman would have and that they think they require for Oklahoma.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. BEALE of Pennsylvania. Then I will state, if I have the time, that if there is anything this House could do for Oklahoma, I am sure it will do it after the statements that have been presented by the gentleman from Oklahoma. [Applause.]

Mr. KEIFER. I now yield to the gentleman from South Dakota [Mr. HALL] one hour or such part thereof as he may desire.

Mr. HALL. Mr. Chairman, it is my purpose to discuss a question which I consider of the most vital concern to every Member in the Chamber and to the country at large, surpassing in its importance, perhaps, even the currency question and many other questions prominent in the public eye. It is not without considerable hesitancy that I undertake the discussion of so important a subject before this body, composed as it is so largely of men of greater legislative experience and ability than myself; but, on the other hand, I am encouraged and assured by the knowledge that if the facts and arguments which I shall present possess any inherent merit, the ability and powers of discernment of my auditors are such that they will be able to grasp the ideas, notwithstanding the imperfect manner in which I may present them.

Mr. Chairman, the general subject of my remarks is the preservation and protection of one of our most important national resources, one of our most indispensable national resources, the timber supply. And in the course of my remarks in connection therewith I propose to suggest certain remedies, including the removal of the import duty on all kinds of lumber, upon wood pulp, and upon paper, and also the correction of certain well-known irregularities existing in the lumber and paper trade.

In the early days of the session I introduced a bill in this House for the purpose of placing lumber upon the free list and for removing all import duties now imposed by statute——

Mr. SHACKLEFORD. May I ask the gentleman a question right there?

Mr. HALL. Yes, sir.

Mr. SHACKLEFORD. What has become of that bill introduced by you to put lumber on the free list?

Mr. HALL. It was referred to the Committee on Ways and Means.

Mr. SHACKLEFORD. Does the gentleman hope to get it out of that committee?

Mr. HALL. Yes; I am talking for that purpose now. [Laughter.] I am attempting to expedite it, perhaps.

A measure of that character is primarily essential for the purpose of affording relief to our already overburdened and fast-waning forests. In the second instance it is essential on account of its connection with and its bearing upon the lumber trade generally, as I shall hereafter show.

That there may be no misunderstanding, I will say that this bill is in no sense a free-trade measure; but, on the contrary, is in perfect accord and harmony with the Republican protective system, and is in the enforcement of announced Republican policies. Every Republican tariff act has contained a long list of articles on the free list. The Dingley Act contains a free list of some 238 articles and classes of articles.

The Republican protective tariff is so imposed that in the collection of the revenues for governmental purposes on imports it affords a proper measure of protection to American industries and American labor, so as to secure the domestic markets for the former and to furnish employment and preserve the standard of wages of the latter; but both the industries and the laborers employed in them are dependent upon the supply of raw material or resources. Hence, in the protection of the industries and labor of the country it sometimes becomes necessary in the first instance to look to the very foundation by protecting the resource from exhaustion, and in such case other means than the imposition of an import duty become necessary. It therefore follows that the full statement of the Republican doctrine of protection extends to resources as well as industries and labor, and in the logical order of their importance resources stand first because the industries and labor are dependent upon them.

Take, for example, the timber supply, which we all realize is so rapidly disappearing in this country. If it shall be exhausted, with it will fall not only the lumber industry, which is fourth in the order of importance in the United States, but also the hundreds and thousands of other woodworking industries and occupations that are dependent upon the timber supply for their operations—the carpenter and builder, the manufacturer of vehicles, cars, cooperage, veneering, the distillation of woods, and myriads of others which I will not undertake to enumerate. Suffice to say that they employ annually hundreds of millions of dollars in their capital and hundreds of thousands, if not millions, of laborers. These are all dependent upon the timber supply, and if it shall become exhausted, these industries must of necessity cease their operations and the laborers be discharged from employment. Such protection is

as far removed from the doctrine of free trade as the North Pole is from the South Pole.

At the opening of this session of Congress we had a practical illustration that this measure is in full accord and harmony with Republican principles, when our fearless, farsighted, and forceful President, who is perhaps one of the best, if not the best, exponent of modern progressive Republicanism, in his first message to this Congress recommended that the tariff be removed from all products of the forest, including wood pulp. Mr. Chairman, it has ever been the policy of Republicans to protect all industries and all laborers in America, and in so doing the present danger of deforestation should be promptly met by appropriate laws.

Notwithstanding the fact that during the last seven years the timber production of Wisconsin has decreased over 30 per cent, she is still the third State in the Union in lumber production, and at the last session of her legislature, a Republican legislature, wisely foreseeing the rocks upon which they were drifting, and desiring to preserve the industries of lumbering and the wood manufacturing establishments within their boundaries, was passed a resolution, which I will read:

Resolved by the assembly (the senate concurring), That we respectfully memorialize Congress to remove the tariff on lumber: And be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, and also to the Senators and Members of the House of Representatives from Wisconsin.

Mr. Chairman, the State from which I come is not a timber State. We are dependent for our supply of lumber upon other States which are more fortunately supplied. The people there have a vivid recollection of the hard times they experienced during the last Democratic Administration, and, as a natural consequence, the State is overwhelmingly Republican. At the last Republican State convention, held in 1906, one of the planks in the platform adopted recommends the removal of the tariff upon lumber, and to that proposition I stand pledged as a Republican.

A quarter of a century ago the respective doctrines of free trade and protection were in the experimental stage. Great Britain has been referred to by our Democratic brethren repeatedly as an example of the benefits of free trade, and they condemn the protective policies which were adopted in this country and in Germany. Since then we have had the opportunity to judge of the merits of these two respective policies, and, like other great economic principles, their merits have been discovered and proven by time and experience. In this country we have witnessed such progress and development as the fondest hopes of man could not anticipate. In Germany, while perhaps there has not been progress and development in so great a measure as in this country, yet that country has also prospered. The late Lord Playfair, who was chairman of ways and means and deputy speaker of the House of Commons in England from 1880 to 1883, expressed, in 1891, the following opinion of American fiscal policy:

If the Americans be right in principle, and if they be successful in practice, the whole policy of the United Kingdom is founded on a gigantic error, and must lead to our ruin as a commercial nation.

Concerning the outcome, I desire to now call to the stand a witness, not an American, not a German, but a distinguished English statesman, interested in the welfare and proud of the history of his own country, Sir Alfred Maloney, who, in the last issue of the North American Review, relates the experience of Great Britain under the free-trade policy and compares it with the experience of the United States and Germany under the protective system.

Until comparatively recently there has been no organization and little propaganda in favor of tariff reform, and until the late by-elections there has been no effort to educate the British masses on the subject which concerns not only their vital interests, but their actual right to existence. The free-trade doctrine, once firmly established, has operated like the fumes of some powerful narcotic, and England has drowsily slumbered while other countries have taken the opportunity to enrich themselves at her expense. * * * No one can maintain that the United States and the German Empire are not flourishing communities or that their financial system impedes the growth of industry. Yet the conditions of life in England do not differ so widely from theirs as to support the suggestion that what has tended to promote national prosperity in those countries would have a contrary effect in the British Isles. In the United States the standard of the industrial classes is much higher than in Great Britain, whether it be in wages, clothing, education, or housing accommodation. All this is the fruit of protection, and it accounts for the attraction of emigration, the stream of which impoverishes England while it enriches America. In poor old England competition between cheap foreign goods and domestic products and manufactures depreciates the value of labor and keeps on the border of starvation over 12,000,000 of the population.

Mr. Chairman, wherever there is a sufficient supply of raw material, then, of course, it is right and proper that a protective tariff should be imposed on all articles that can be manufactured in the United States, so as to afford a sufficient measure of protection to our industries and to secure to them the home market and to secure to laborers employment and sufficient wages. But where there is an insufficient supply of raw material then that rule does not obtain, and we must seek for such other and different measures as will have a tendency to preserve that supply.

The reproduction of trees, like other vegetable and animal life, is governed by the immutable laws of nature, which are less flexible than those of the Medes and Persians—by the same divine system which controls the planets in their unvarying and majestic courses in the heavens, a law which man may indeed conform to and take advantage of, but which he can not control or change. With the jaunty indifference of a fiddling Nero, the American people are witnessing the destruction, not only of a city, but of one of the most important and indispensable resources of the country.

Do we labor under the delusion, Mr. Chairman, have we become so intoxicated by the successes and bounties of the past as to imagine that we can successfully overturn the laws of nature and of nature's God? Are we laboring under the hallucination that as Cadmus sowed dragon's teeth in the ground and produced an armed body of men in a night, we, the American people, can sow seeds and raise a forest in a night? Have we so far forgotten our duty to ourselves, our posterity, and our country that we are going to sit here idly and permit our great resources, our timber supply, to fade away and be destroyed forever without protest? Mr. Chairman, we are consuming each year three times the annual growth of timber. We are treating the forests of this country as though they were a great cistern from which we can take three barrels of water a day, expecting the supply to last forever with an inflow of but one barrel a day. What we need is to so change our system concerning the timber supply and the forests of this country that they shall be as a flowing well, where the supply shall be equal to or in excess of the amount used at all times.

It is, indeed, a sad commentary upon the business sagacity of our country that we are thus violating one of the most fundamental business principles by not living within our income. The inevitable result under present conditions, unless we speedily change our course, will be the complete exhaustion of our forests. The restless energy and constructive genius of the Anglo-Saxon has worked a great transformation in this country in the last century. The marvelous development of this country, the result of that energy and of that genius, stands the marvel of all nations. His aggressiveness, however, is not only a potential constructive force, but a destructive one as well. With his ax he hews a way through the forest and with the product builds the homes, the schoolhouses, the factories, and temples of his God. But at the same time in his wake he is leaving a desolate wilderness of tangled underbrush and blackening stumps. He is a mighty builder in times of peace and a mighty destroyer in times of war. The results are being manifested more visibly, perhaps, on our timber supply than in any other resource that we have in this country. The first legislation for the purpose of establishing forest reserves was in 1891 under President Harrison's Administration, when by Congress the President was authorized to establish forest reserves, and President Harrison established the first one in the Yellowstone.

The first efforts along this line were subjected to criticism, and perhaps not unjustly so in some respects, because while these tracts were set apart, there were no provisions made for the protection of the trees; they were simply locked up and left to burn. But in 1897, during McKinley's Administration, another act was passed, which remedied these defects. Provisions were adopted whereby these forests could be used for grazing purposes, mining could also be carried on within their limits, and to a certain extent agricultural rights were recognized, and matured timber could be cut under proper restrictions. Some States, following the example furnished by the Government, and realizing the importance of the measure, have established State forest reserves, but the total area covered by forest reserves, State and national, is only one-fifth of the total timbered area in the United States, and the remaining four-fifths are owned privately. By the establishment of this nucleus of forest reserves we have made a start, but it comes too late, and something must be done to supplement the Forestry Bureau in its work. There is one man in particular to whom the people of this country owe a great debt of gratitude, and he is a man who, with untiring zeal and patient effort, has studiously directed his attention to the establishment of a scientific system of forestry in the United States, Mr. Gifford Pinchot, the Chief Forester. [Applause.]

Forestry was discussed two thousand years ago. It is nothing new. A résumé of the history of forestry would be interesting, but it would be tedious. I would, however, call your

attention to a short extract in one of the circulars issued by the Forestry Department concerning the progress made in one country, Germany, under a forestry system.

Mr. RAINEY. Mr. Chairman——

The CHAIRMAN. Will the gentleman from South Dakota yield to the gentleman from Illinois?

Mr. HALL. I will; certainly.

Mr. RAINEY. Before the gentleman enters upon a discussion of that phase of the question I want to inquire of him, inasmuch as he seems to be fair about the matter, if he does not think, in promoting forest preservation, it would be a good plan to take the tariff off of lumber so that we can destroy the forests of some other country and preserve our own?

Mr. HALL. That, sir, is a proposition I will reach in a few moments. I agree that it is one of the things that is very essential, namely, that we should extend the area from which we derive our timber supply by removing all barriers against the introduction of foreign lumber into the United States.

Mr. RAINEY. The gentleman will do something to accomplish that when he joins with us in our fight for tariff revision, and not until he does.

Mr. HALL. My friend, I certainly appreciate your good will——

Mr. HILL of Connecticut. May I interrupt the gentleman?

Mr. HALL. Certainly.

Mr. HILL of Connecticut. Former experience teaches me that the gentlemen on that side will fight just as strong for an article produced in their respective States as they will on this side, even cotton.

Mr. SHACKLEFORD. Just one question. Seeing the gentleman from Connecticut on the floor induces me to ask the gentleman who is addressing the House if he does not think it is altogether a lost motion to be discussing the removal of the tariff from timber as long as the Ways and Means Committee is organized as at present? Does he not know that the committee will not report any bill looking to that end at this session of Congress, and does he not know that the Speaker will not recognize any gentleman to make a motion to discharge the committee from its consideration?

Mr. HALL. I am sorry the gentleman is so pessimistic in regard to the situation. I believe that it is the firm desire and purpose, both of Republicans and of Democrats, to uplift humanity generally; to build up our industries and institutions; to protect our resources, and to promote the general welfare, the point of divergence between the parties being the methods adopted to attain these ends. And I believe that those in authority have that degree of patriotism that they will perform their duties in such a manner as in their best judgment will accomplish these results. I have confidence in the patriotism of every officer and every committee in this representative body. I believe that the principles that underlie the bill which I am advocating are such as will appeal to any reasonable man, and that is why I introduced the bill and why I advocate the measure.

I started a few moments ago, for the purpose of illustration, to call attention to the success of forestry in Germany. That country, like other European countries one hundred and fifty years ago, becoming alarmed at the disappearance of her forests, resolved to establish a system of forestry, not only for the purpose of furnishing a continuous wood supply but also for the purpose of protecting agriculture and stream flow, and, quoting from a circular issued by the Bureau of Forestry:

> Under this management the growth of the forest, and consequently the amount cut, has risen sharply. In 1830 the yield was 20 cubic feet per acre; in 1865, 24 cubic feet; in 1890, 52 cubic feet, and in 1904, 65 cubic feet. In other words, Prussian forest management has multiplied the rate of production threefold in seventy-five years. * * * If we were everywhere practicing forestry with a resulting improvement equal to that made in Prussia, our forests would be growing as much as we use.

The financial returns in Prussia are now nearly ten times what they were sixty years ago, and they are increasing more rapidly than ever.

In Saxony the yield arose 55 per cent between 1820 and 1904, under forestry management, and is now 93 cubic feet per acre, greater even than that of the Prussian forests. The net yearly revenue is $5.30 per acre. The yearly expense is $3 per acre.

Compare this, if you please, with the income of and expenditure on forests in the United States. In 1905 to 1907 both our expenditure on the forests and our income from them was but a fraction of a cent per acre. The longer the policy has continued, however, the more nearly does the Forestry Department become self-sustaining, and as the years advance it will become a source of considerable profit.

The forests of Wurttemberg yield an annual net revenue of nearly $6 per acre, and in Germany to-day the forests are in better condition than ever before, and under the present system of management is it possible for the German foresters to say with absolute certainty that the high yield and large returns which the forests now give will be continued indefinitely into the future.

In summing up the opportunities and possibilities of the United States in comparison with foreign countries, the Forestry Bureau says, in the circular which I have mentioned:

> In comparison with foreign countries, the prospects for forestry in the United States are particularly bright for the following reasons:
> (1) We start with the assurance that success may certainly be attained.
> (2) We have few of the handicaps which have trammeled other countries. We have no ancient forest rights and usages with which to contend or troublesome property questions to settle.
> (3) The results which other lands have achieved by long struggle, often with bitter costs, are free to us to use as we wish. We have, it is true, our purely national and local forest questions, but the key to many of them is somewhere in the keeping of the countries which have achieved forestry.
> (4) In variety, combined with value, our forests are without a parallel in the world. They produce timber adapted to the greatest variety of uses, so that, except to meet shortage, importations of wood are unnecessary. Furthermore, transportation facilities enable us to make every forest region available. Thus, by specializing our forest management, each kind of forest may be made to yield the kind of material for which it is best adapted, and the wastes due to compulsory use of local supplies may be practically eliminated.

The preservation of the forests is essential, not only for the purpose of preserving the timber supply, but is important for the protection of agricultural interests as well. These forests on the mountains and the hilltops act as great conservators of moisture gathered from the rains and from the melting snows, like enormous natural sponges, gradually distributing the water on the lower-lying country, irrigating the fields below. Now, when these great natural sponges are destroyed, when the forests are cut and burned down, the result is that with every heavy rain and with the melting snow, the water comes down the mountain and hill sides in torrents with a precipitous rush, causing erosion of the soil and great destruction, and finding its way into the streams and rivers causes great loss of life and property in the floods which we have read so much about, especially in the last ten or twelve years. Consequently, for those interests the preservation of the forests is quite essential.

The manner in which the timber is disappearing is shown by a comparison between the amount of timber that is now being cut and the amount which was previously cut. Statistics show that from 1899 to 1906, as one region was cut out and another one invaded, the cut in Pennsylvania has decreased 30.2 per cent, in Minnesota 23.4 per cent, in Georgia 36.4 per cent, in Kentucky 23.4 per cent, and in Wisconsin 30.7 per cent. Now, that decrease in cut is not due to a lack of demand for lumber, but on account of the diminished supply. That is proven by the fact that during all this time the prices of lumber have been steadily advancing. Furthermore, the onslaught on the forests of the Pacific States is indicated by the fact that during these same seven years the cut has increased in California 83.7 per cent, in Oregon 118 per cent, and in Washington 201.5 per cent.

I have roamed through the forests on the Pacific coast and admired their grandeur. It did seem to me as if those forests were inexhaustible, with their great trees towering toward the heavens. The Pacific coast is unparalleled with its great trees, and I may incidentally remark that it is also famous for its big men that it sends to Congress. [Applause.] Everything is done by extremes on the Pacific coast, and yet, when we calmly consider the fact that the demand for lumber in the United States is something enormous, we can appreciate what effect it will have upon these apparently inexhaustible forests upon the Pacific coast. The estimated stumpage of the State of Washington is 195,000,000,000 board feet; of Oregon, 225,000,000,000 board feet; of California, 180,000,000,000 board feet; an aggregate of 600,000,000,000 board feet. The annual rate of consumption of timber in the United States for all purposes, lumber, railroad ties, telegraph and telephone poles, cooperage, etc., aggregates about one hundred and twenty to one hundred and twenty-five billion board feet per year. Now, at this rate of consumption, if the timber were all to be taken from any one of these three States which I have mentioned, Washington, Oregon, or California, the forests of any one of these States would not last two years; and combining all three of these States, confining the cut to them, it would be exhausted in five or six years.

It is estimated that the amount of standing timber in the United States is between fourteen hundred and two thousand billion feet, and that the annual growth is between thirty and forty billion feet. Assuming a stand of fourteen hundred billion feet, an annual growth of thirty billion feet, and consumption of one hundred and twenty billion feet, the forests will be exhausted in less than sixteen years.

Assuming a stand of two thousand billion feet, exhaustion will be completed in a little over twenty-two years.

Again, assuming for the purpose of the argument the highest estimate of stumpage, two thousand billion feet, the lowest estimate of consumption, one hundred billion feet, and the maximum annual growth, forty billion feet, we will exhaust the forests in thirty-three years.

Conservative estimates between these two extremes fix the life of our forests, under present conditions and at the present rate of consumption, at from twenty-five to thirty years, and we must remember that the increase in population and development of the country will increase the consumption of timber proportionately.

I was much interested in the résumé of the industries and advantages of the grand old State of Ohio, the noble men that she has produced, and their achievements in the history of our country, as given by the distinguished gentleman from Ohio [Mr. BANNON] in his remarks a few minutes ago. I want to call attention, however, to the fact that in the State of Ohio the hard-wood lumber manufacturing establishments are doomed to destruction unless something is done to preserve these supplies.

The hard-wood lumber production in Ohio was reduced over one-half between 1899 and 1906. The decrease in products between 1900 and 1905, according to census reports, amounted to $7,212,345, or 57.4 per cent, and the rank of the industry in the State fell from the fourth to the twentieth place. The number of employees fell from 10,689 to 6,442, or 40 per cent.

Also in Indiana during the same period the lumber industry fell from the third to the eighth place, the value of products decreasing 27.1 per cent, the number of wage-earners decreasing 42.6 per cent, and the wages paid decreasing 36.6 per cent.

It will be seen by the foregoing statement that the supply of hard wood, as well as soft wood, is rapidly diminishing, and the effects of its scarcity are being already felt. The hard-wood timber cut in the United States in 1899, according to the census, was over eight and one-half billion feet, the exact figures being 8,634,021,000 feet. In 1906 it had fallen to less than seven and one-half billion feet, the figures being 7,315,491,000 feet, a decrease of 15.3 per cent. This decrease took place during a period when American industries sprang forward at an unparalleled pace and while there was the strongest demand ever known for every class of structural material, the prices of hard-wood lumber advancing from 25 to 65 per cent, showing beyond any question that the decrease in the amount cut was due to diminished supply and not to lessened demand.

Together, Illinois, Ohio, and Indiana produced 25 per cent of the hard wood in 1899. In 1906 they produced only 14 per cent. Their many woodworking establishments, which are now hard pressed for supplies, will exhaust the remaining remnants of hard wood within their borders in a very few years.

To illustrate the disastrous effect which the exhaustion of the hard-wood timber supply will have on the country, I will allude, for example, to the State of Illinois. In that State, which is only second to New York in hard-wood manufacturing industries, as shown by the census, $148,115,805 was invested in hard-wood manufacturing industries in 1905, almost one-fifth of the total capital invested in manufacturing in the State. It employed, as shown by the census reports, 59,844 wage-earners and turned out in that year a product valued at $139,970,590. Exhaustion of the hard-wood supply assuredly means the loss of these industries to the State, and what is true in Illinois is likewise in a measure true in many other States.

Not until we pause and consider that our reproduction of forest trees is so sadly neglected that we cut each year three times the annual growth; not until we realize that each year 125,000,000,000 feet of lumber is cut, a cut which means over 10,000,000,000 feet a month, over 333,000,000 feet a day, and over 13,000,000 feet each of the twenty-four hours of the day; not until we remember that by our tariff laws we are keeping out reenforcements to protect our timber supply from exhaustion, do we begin to realize the appalling fact that the sands which number the hours of our forests are falling fast; that from the snow-clad hills of northern Minnesota to the sun-kissed shores of the Gulf, from the wave-beaten rocks of Maine to California's Golden Gate, the cold steel of the tree butcher's ax is ringing the death knell of our once proud American forest tree. [Applause.]

Having thus called attention to the urgent necessity for prompt action to preserve our timber supply, I will venture the suggestion of the remedies which I consider essential and which will, in a measure at least, relieve the situation.

In the first place, I would reenforce for the present our timber supply, which is so greatly inadequate, by removing all barriers against the introduction of foreign timber, repealing all import duties on the products of the forest, including lumber of all sizes and dimensions, wood pulp, and printing paper, and placing them on the free list. It is manifest that until we establish a system which shall furnish a sustaining supply of timber sufficient to meet our demands we must draw a part of our supply from abroad, and it is imperative at the present time that we give this relief to our overburdened forests immediately.

Second. The present wasteful method of cutting trees privately owned without regard to protection of young trees or from forest fires should be stopped, and a minimum size of trees that may be cut should be prescribed, and proper measures to prevent the destruction of young and growing timber should be enacted by the several States in the exercise of the police power.

Third. By the establishment of artificial forests by planting seeds and setting out young trees where they can be, but are not now grown, and State legislation encouraging the same.

Fourth. For the protection of the small lumberman and to furnish him a fair and open market, with equal rights to all, and for the protection of the consumer of timber products from monopolistic systems and prices, I recommend, last, but not least, the uprooting and vigorous prosecution of two iniquitous trusts now existing in the United States—the lumber trust and the paper trust.

Not by any one of these remedies alone, but by all of them combined, can we hope to prevent our forests from extinction.

While the total timbered area in the United States exceeds that of Canada, the amount of timber per capita in Canada is probably ten or fifteen times greater than our own, and with proper relations existing between the two countries the importation of lumber into the United States from Canada would prove of mutual benefit to both countries.

Under the treaty of 1854 with Canada, logs and lumber were placed on the free list. In 1866 this treaty was terminated and a duty of 20 per cent placed on imports. In 1870 the duty on logs was removed, and since that time all logs have been on the free list. In 1872 a specific tariff was placed upon lumber, amounting to $1 per thousand feet on whitewood, hemlock, and sycamore, and $2 on white pine and other varieties. The Canadian authorities then retaliated immediately by placing an export duty on logs, which practically shut off from the mills along the border on the American side the supply of material from Canada. In October, 1890, the McKinley tariff went into effect, reducing the duty on white pine lumber from $2 to $1, under a tacit agreement with the Canadian authorities that their export duty on logs be abolished. August 28, 1894, the Wilson tariff went into effect, placing lumber on the free list with logs, except cedar and other enumerated varieties of wood and all cabinet woods. July 24, 1897, the Dingley tariff act went into effect, imposing a duty of $2 per thousand feet on white lumber and $1 on sycamore, basswood, and whitewood, as originally imposed in 1872. This was followed as before by retaliatory legislation on the part of Canada, which has practically put a stop to importation of logs from that country into the United States.

The history of tariff legislation shows that while both logs and lumber were admitted free from Canada no export duties or other restrictions on exportation of logs were imposed by that government, but that on each occasion when a high tariff was placed on lumber the Canadian authorities immediately retaliated by stopping the exportation of logs.

I express, I believe, the prevailing sentiment and desire of this country when I say that our relations with Canada should be most cordial and that reciprocity and not retaliation should be the aim of each country toward the other. Our geographical proximity, our common language, descent and religion, our interdependence in commercial and industrial relations create ties which bind us more closely to Canada than to any other country or dependency. I believe that no laws other than the natural ones of supply and demand and of business competition will ultimately be necessary to regulate our commerce with each other. But it requires the meeting of the minds of two parties to form a contract, and until such a treaty is made as will bring about a consummation of this relation of comity it is naturally incumbent upon the lawmakers of each to protect the interests of their respective countries ex parte.

Therefore, until such time as a satisfactory agreement can be reached between the two governments I will suggest that it might be advisable for this Government to enact automatic retaliatory duties upon Canadian manufactured products similar to those now contained in our statutes with reference to lumber and paper, but at the same time repeal all import duties now provided by law against their introduction so long as the Canadian government will permit logs and wood pulp to be exported to this country free of export duty or other restrictions, and pro-

viding, on the other hand, that in the event of the maintenance of export duties or other restrictions by Canada upon the exportation of logs and wood pulp, the President, by proclamation, may retaliate by imposing an ad valorem duty upon the manufactured products imported from Canada.

One of the remedies which I suggested a while ago for perpetuating our forests is regulation by State law of the manner in which timber shall be cut—that is, that a minimum size of tree that may be cut shall be prescribed and suitable provisions made to preserve the young and growing timber. This is a subject which is clearly within the police powers of the States, the timber supply being a subject deeply affected by the public interest.

Another remedy which I suggested was the encouragement of tree planting. In the past the raising of artificial groves was encouraged by the timber-culture laws of the United States. In some States, including South Dakota, provisions have been made by statute for the exemption of real property from taxation for a certain period where trees are planted, cultivated, and grown. Much is also being accomplished toward the desired protection of the forests by public sentiment, stimulated by forestry associations, and a great work is being accomplished along this line by the American Forestry Association, of which Hon. James Wilson, Secretary of Agriculture, is president.

I shall now discuss these two great trusts I have just mentioned, which occupy a position between and prey upon the independent lumberman and the producer of raw material on the one hand and the purchasing public on the other, constituting disturbing factors in commercial and industrial affairs—the lumber trust and the paper trust. The similarity of their methods and the fact that both deal in the products of the forest justifies me in considering them together; but, previous to doing so, I desire to draw a distinction between those trusts which I consider inimical to social and industrial life from those helpful organizations of capital which tend to build up our industrial and commercial institutions and interests.

Present day commercial and industrial conditions undoubtedly require the combination of individual capital into corporations, that being a method more convenient and safer for the investor than a copartnership—and there may, indeed, be associations of corporations for lawful and legitimate purposes, for example, where by such combination the cost of production of the article manufactured is decreased or expenses reduced; but there is another class of combinations the real purpose of which (whatever its ostensible purpose may be) is to stifle competition and exact exorbitant prices in some line of business or commerce. In order to gratify their demands for large dividends on fictitious capital, the prices which they fix, not being regulated by the natural laws of supply and demand nor restrained by healthy competition, constitute a confiscation of the purchasing public's money without giving just compensation or equivalent. Such a trust is an engine of oppression, a producer of commercial and financial disturbance, a menace to society, and should not be tolerated. It is this class which I condemn.

The lumber trust is probably the most thoroughly intrenched, well-organized, and subtle institution of its kind in the country, and its power is felt and its tribute levied throughout the length and breadth of the land. Its malevolent influences not only extend to the purchaser, but also to the independent lumberman. There are several so-called "lumbermen's associations" in the United States, each having jurisdiction over certain prescribed territory, and all of which act in concert, having one common head. This is the lumber trust, and it is within the power of a coterie of men, whom you can count on the fingers of one hand, not only to fix the prices at which lumber shall be sold at retail, but also to prescribe to whom the small lumberman may sell his product. As the distiller of petroleum, having a monopoly of the trade, can dictate the price of the raw oil to the producer and also the price of the refined oil to the purchaser, so this lumber trust thrives as an intermediary in the lumber trade, depriving the small lumberman of a fair market and exacting an exorbitant price from the consumer.

The methods of these associations are autocratic in the extreme. They issue periodical confidential blacklists to what they term the "regular" trade—that is, to the lumber dealers in and controlled by the trust, both wholesalers and retailers—giving a list of those who violate the ironclad rules which the association or trust lays down. The retail dealer is warned against buying lumber from a proscribed lumberman who sells his lumber to others than the so-called regular dealers; and, on the other hand, the lumberman who has the audacity to sell to any person or retailer other than the regular retailers in the trust is blacklisted if he continues that practice and warned that he must sell only to the regulars. An instance of the exercise of the power of this trust to prevent independent selling and buying was called to my attention last summer by a gentleman who while in northern Minnesota had made arrangements with the proprietor of a small sawmill for the purchase of a carload of lumber to be shipped later. Some time afterwards the car was shipped and he received his bill of lading. After waiting a reasonable length of time and the car not arriving, he attempted to trace it, but was unable to do so. He ascertained that the car had in fact been shipped, but that through some mysterious agency it had been stopped in transit and never reached its destination. As his only alternative he put in a bill to the railroad company for the value of the car of lumber, which was readily paid, but he never could ascertain what had become of the car of lumber. The fact was, as he well knew, that the lumber association, having control of that particular division, had prohibited that independent sawmill man from selling to anybody excepting the "regular" trade, as they term it.

Further, this autocratic system prescribes a minimum price at which lumber may be sold at retail, and if any retail dealer sells for less than that amount he is blacklisted and his supply shut off, and he will not be able to buy lumber anywhere. If some unsophisticated person starts an independent lumber yard in a town, he is at once notified by the association that he must conform to their rules, buying only from regular wholesalers and not selling below the minimum price fixed by them. If he should refuse to comply with their demand, he will soon find that he has been blacklisted and will be unable to procure the lumber necessary to conduct his business. Competition is in this manner entirely eliminated and a monopoly of the lumber business obtained. The price, both to the lumberman and to the purchaser, is fixed by this artificial law and not by the natural law of supply and demand and healthy competition. In the State in which I live there are agencies of old-line lumber companies, but there is no competition between them, all of them being regulated by the trust's rules and commands, and the builder desiring to have different yards figure on a bill of lumber will find when he comes to compare the estimates furnished him that there is little or no difference in the figures, and if he had possession of the minimum list furnished by the trust he could readily ascertain which one had come the nearest to it. While the trust imposes a minimum price on the retailer, there is no maximum. They can bleed the purchaser for as much as they please above the minimum price. The profits derived by the trust from this method of transacting business can be readily appreciated. They are in position to force the bona fide small lumberman down to the lowest notch when they purchase from him, and by maintaining this minimum price fixed by them at such arbitrary figure as they see fit they regulate from time to time the tribute which they shall levy upon the consuming public. Is it any wonder that recently it was learned that one man in this trust had accumulated quietly and inconspicuously a fortune which rivals that of the famed oil king?

We all know how the prices of lumber have advanced during the last ten years. They have increased from 50 to 100 per cent and even more. This is undoubtedly due to two causes: First, the natural cause, the decrease in supply; but more than that, it has been caused by the artificial law furnished by this lumber trust that can prescribe the prices at which lumber may be sold.

I read the other day of a small independent lumber concern in North Carolina that was forced into the hands of a receiver. Why? Was it because they did not have a market for their lumber? There never was a greater demand for lumber than there is to-day, but the trust limits the supply which can be put upon the market. It stands in this intermediary position between the producer and the consumer where it can say to the producer "you shall produce and sell so much and no more;" and then say to the consumer "you shall pay so much and no less." It stands in this position between the producer and the consumer and, as I say, it has exerted an unhealthy influence upon the country and is a disturbing factor in the industrial and commercial affairs of the country.

Mr. HILL of Connecticut. Will the gentleman from South Dakota yield?

Mr. HALL. I will.

Mr. HILL of Connecticut. The gentleman seems so familiar with these facts that I want to ask him if it can be possible that in Texas and Mississippi and Georgia and Florida and North Carolina such things can be going on?

Mr. HALL. All I can say to the gentleman in reply to that is——

Mr. HILL of Connecticut. That trusts are organized and directing the control of this industry and the citizens are saying and doing nothing?

Mr. HALL. There are a number of associations throughout the United States, it is said, who have control over certain territory. I think there are six or seven of these associations. They have a common head, where the circulars are printed and they furnish the supply. Now, these circulars are printed in the same type and the prices are substantially uniform, but different heads are placed on them for the different associations. I want the gentleman to understand this, that I do not claim that every lumberman's association is implicated in this trust combination.

Mr. HILL of Connecticut. I wanted to know if they existed in these Southern States—Arkansas and the others?

Mr. HALL. I do not reside in the South, and I can not state from actual observation. The best of my information is that this condition extends from the Eastern coast to the Western coast and from the Northern to the Southern boundary, and operates to the detriment of the independent producer just as much as it does of the consumer.

This trust, as I have said, is one of the most iniquitous, far-reaching, and monopolistic combinations in the United States. It is not only a disturber of commercial and financial conditions, but a most gigantic engine of oppression, and at the expense of the deforestation of our country, at the expense of the independent lumberman and the helpless purchaser, at the expense of the growth, development, and upbuilding of the country, is levying a tribute to enrich a handful of men beyond the dreams of Crœsus. This enormous power must be broken and this trust dissolved if ever the lumber trade, both from the standpoint of the producer and the purchaser, is to be placed upon a fair and legitimate basis.

A letter written by Mr. Herman Ridder, president of the American Newspaper Publishers' Association, to the Attorney-General under date of March 4, 1908, appears in the CONGRESSIONAL RECORD of March 6, calling attention to the paper trust and its disastrous effects upon publishers and the reading public and showing the manner of its operations and how it is waxing fat at the expense of that great hard-worked and brainy army of news and magazine publishers of the country—an army which is as essential for the protection of the liberties of the people and infinitely more essential for their enlightenment than our armies in the field and our floating forts upon the seas. My time being limited, it will be impossible for me at this time to exhaust this subject, but suffice to say that it appears that the International Paper Company is a trust in active operation that originated in 1898, absorbing twenty-four paper mills, producing about 80 per cent of the entire American output, capitalized for $55,000,000 on property which could probably be reproduced by a present investment of $15,000,000; that since its organization it has taken in other mills, and the purchasers of paper are paying extraordinary dividends on the watered stock of this concern.

Mr. Ridder says, and he is in a position to know, that the seven groups of the American Paper and Pulp Association connected with this trust cooperate to stifle competition, to increase prices, and to put an additional burden of $60,000,000 per annum upon the printing and publishing interests of the country without other justification than the power of combination. He calls attention to the records of proceedings, showing that a pool was formed under the chairmanship of one John H. Parks, their proceedings, among other things, containing an agreement to fix prices and to advance them—an advance that ultimately reached $12 per ton—restrictions of production and allotments of output by each of the twenty-four mills, divisions of 70 per cent of the proceeds of the pool, allowance to mills that shut down, imposition of penalty for shipment in excess of allotments, restriction of shipping to a special class, the fixing of commissions therefor, participation in the organization by members of the General Paper Company, who had been prohibited by a Federal court from participating in such combinations, and instructions to counsel to find a plan for conducting the affairs of the association in such manner as to defeat any attack made upon it by the Federal or State governments.

He further shows that at one of the pool meetings held in February, 1907, an advance of $3 per ton was ordered, another $3 advance in May, another one of $4 in August, and that in November a shut down of one week was ordered to restrict production, thus artificially stimulating the price. Mr. Ridder says:

> News-print paper mills that are not entirely modern are now making paper at figures that show a profit of more than $20 per ton on the paper prices just announced by the International Paper Company ($52.50 per ton). In other words, for paper delivered say, in New York, up-to-date mills are making a profit of more than 60 per cent on the cost of manufacture, delivery, and storage, and they are making a profit of 40 per cent upon a reasonable allowance for the capital required by a modern plant. * * * In 1905, when the International Paper Company was admittedly selling paper at $38 per ton, delivered on the sidewalk, it made a profit of $5 per ton, as shown by its annual report, indicating that the cost delivered on the sidewalk was $33 per ton, and that the cost at mills was averaging about $29 per ton. * * * These illegal combinations have imposed burdens upon consumers of all kinds of paper, and, if carried out as indicated by the published utterances of the leaders of the various groups, they will add at least $60,000,000 per annum to the cost of paper as compared with two years ago.

These facts speak for themselves.

Mr. TIRRELL. I would like to ask the gentleman if in that letter there are any facts to substantiate that statement, and also whether it has not been shown, and he has not admitted, that the facts as quoted from the remarks of the distinguished gentleman from Pennsylvania [Mr. DALZELL], obtained from the Bureau of the Census, were not entirely correct as to the prices of paper.

Mr. HALL. I will say in reply to the gentleman that all I know about the letter is what appears in the RECORD. It purports to be extracts from the letter and perhaps not the complete letter itself.

The distinguished gentleman from Massachusetts [Mr. TIRRELL] recently, in his remarks made in this House, stated that about one-third of the pulp wood is imported from Canada, and that "the trouble is there is not raw material here sufficient to keep the mills going." Further, he made several quotations from Canadian sources indicating their intention to impose an export duty on pulp wood so as to preserve the paper market to that country. Now, if we are in need of the raw material from Canada for our paper mills, clearly we should impose no import duty upon wood pulp; and if our paper manufacturers can, as stated by the gentleman from Massachusetts [Mr. TIRRELL], manufacture such a superior quality of paper, which outsells the Canadian paper, and the insignificant 15 per cent duty on paper is not necessary for the protection of the American paper mills, then that should be abolished.

This would not necessitate the abolition of the retaliatory features of the statute. While the facts stated by the gentleman show a great familiarity with the subject, conceding his premises and the facts as stated by him, I am unable to arrive at the same conclusion logically that he did, because he stated that the manufacturers of paper in the United States could produce paper more cheaply and of better quality than could be produced in Canada, and——

Mr. TIRRELL. Did I not add, provided the present law was continued by which our manufacturers were able to obtain pulp wood free from Canada?

Mr. HALL. I had not completed my remark. The gentleman stated that the 15 per cent ad valorem duty was insignificant and that the paper manufacturers of the United States did not require that insignificant 15 per cent duty for their protection, but he did advocate, as I recollect it—and if I misquote the gentleman I beg leave to be corrected—the retention of the wood-pulp tariff of about $1.66 a ton, or at any rate the portion of the tariff law which imposes a retaliatory or countervailing duty, which works automatically. Am I correct about this?

Mr. TIRRELL. Yes.

Mr. HALL. Now, I will ask the gentleman from Massachusetts [Mr. TIRRELL] if he, representing as his constituents the paper manufacturers, desires to be understood—I did not quite glean it from his remarks—that he advocates the retention of the present duty on wood pulp?

Mr. TIRRELL. As a retaliatory duty to secure free admission of pulp wood only.

Mr. HALL. In conclusion, I desire to urge and emphasize the necessity for prompt legislation by this body along the lines which I have indicated. The repeal of these tariff duties on the products of the forest does not necessitate any general revision of the tariff laws. This subject stands in a class by itself. The timber supply of the country can be preserved and assured, but only by prompt action on our part. This Sixtieth Congress is the pilot at the wheel of the ship of state and upon it now devolves the responsibility of its course. The breakers are already in sight and the dull boom of the swell on the rocks is heard admonishing us of our impending fate. Shall we continue on the present course to wreck and disaster, bringing upon our heads the reproach and anathemas of our countrymen and future generations? Shall we earn the contempt and ridicule of wiser and more provident sister nations? Shall we receive the criticism and condemnation of future historians for being improvident, unwise, and impractical? I trust not. Let us promptly crystallize into law at least one of the recommendations urged in the message of a wise, patriotic, and far-seeing President. Let us not, by looking only to the profits of to-day from the forests, be lulled to sleep by the fragrant incense burned at the shrine of Mammon, nor lured to destruc-

tion by the sweet-voiced siren who sings of delay because of self-interest or for political expedient, but let us arouse from this stupor of apathy, put the helm hard aport, and swept by the fair breeze of righteous public sentiment, guiding our course by the polar star of patriotic duty, sail into the harbor of safety. [Applause.]

Mr. BOWERS. Mr. Chairman, I yield fifteen minutes to the gentleman from New Jersey [Mr. HUGHES.]

Mr. HUGHES of New Jersey. Mr. Chairman, some time ago I introduced in this body the following amendment, which I now send to the Clerk's desk and ask to have read:

SECTION 1. That the act entitled "An act to regulate trade and commerce against unlawful restraint and monopolies," approved July 2, 1890, be, and the same is hereby, amended by adding to it the following section, to be known as "section 9:"

"This act shall not be construed to apply to any arrangements, agreements, or combinations between laborers made with the view of lessening the number of hours of labor or of increasing their wages, nor to any arrangements, agreements, or combination among persons engaged in horticulture or agriculture made with the view of enhancing the price of agriculture or horticulture products."

This is an amendment to what is commonly known as the "Sherman antitrust act," which became a law in the year 1890.

At that period the people of this country were very much wrought up over the conduct of certain great aggregations of capital, which had already begun to make their existence felt. These trusts, as they were beginning to be called, true to the very nature of their being and in accordance with the objects and purposes of those who had called them into existence, had, to a greater or lesser extent, succeeded in destroying their competitors, and while at that time only a few commodities were under their control, yet that control was such and the use they made of their power was such that the people came to fear the unseen operations of these combinations.

The attitude of the public mind on the subject found its expression in a number of bills introduced into State legislatures all over the country and in the Senate of Congress and in this House.

One of these bills was the act to which I have referred, introduced by Senator Sherman, of Ohio. The debates published in the CONGRESSIONAL RECORD plainly show to anyone who cares to go over the history of that period as reflected therein just what was in the minds of the legislators on this subject.

There can be no question but that this legislation was intended to reach the vast combinations of capital like the Western Union Telegraph Company, the beef trust, the Standard Oil Company and hundreds of others which now affect us, but were not then in existence. The debates also show that many of the Senators feared that the proposed legislation might be more far-reaching than it appeared to be on its face, and that in addition to curbing and controlling the trusts it might possibly be so construed as to include those organizations commonly known as "labor unions," the right of which to exist and operate up to that time had never been questioned, at least so far as Federal legislation was concerned.

In this connection I desire to call the attention of the House to the following language, uttered when the Sherman Act was under consideration, by Senator TELLER, of Colorado, in a colloquy with Senator George:

[Fifty-first Congress, first session, p. 2561.]

Mr. TELLER. There has recently been organized, in the Northern States more particularly, and I suppose it will spread all over the country, what is called a National League among the farmers, for the same identical purpose that the Farmers' Alliance has been organized for. Shall it be said that these organizations are forbidden by law? Is it possible that we are putting it in the power of some men to coerce and force the farmers to abandon these organizations? Does anybody believe that these organizations are inimical and hostile to the public welfare? On the contrary, does not everybody know that unless we can by some method increase the price of farm products in this country a great many farmers in the United States will be in bankruptcy and turned out of their homes?

* * * * * * *

Mr. TELLER. That is what I was saying. It seems to me that is the fact. While I am extremely anxious to take hold of and control these great trusts, these combinations of capital which are disturbing the commerce of the country and are disturbing legitimate trade, I do not want to go to the extent of interfering with organizations which I think are absolutely justifiable by the remarkable condition of things now existing in this country.

I believe this bill will go further than that. I believe it will interfere with the Knights of Labor as an organization. While I have never been very much in love with the Knights of Labor, because of some of their methods, yet their right to combine for their mutual protection and for their advancement can not be denied. While in many instances I think they have gone beyond what they should have done, beyond what was legitimate and proper, yet, on the whole, we can not deny to the laborers of the country the opportunity to combine, whether for the purpose of putting up the price of their labor or securing to themselves a better position in the world, provided always, of course, that they use lawful means. I do not believe the mere fact of combining to secure to themselves a half dollar a day more wages or greater influence or power in the country can be said to be an unlawful combination.

Mr. GEORGE. Will the Senator allow me to interrupt him there?

Mr. TELLER. Certainly.

Mr. GEORGE. The Knights of Labor, as I understand, are an organization composed of citizens of the different States of the Union, probably of every State of the Union. The object of that organization, as I understand furthermore, is to increase the price of their wages. Now, increasing the price of wages has a tendency, in the language of this bill, to increase the price of the product of their labor. Are they not also included, then, in the bill of the Senator from Ohio?

Mr. TELLER. When I said that the Knights of Labor were included I meant that they were included both in the civil provisions and in the criminal provisions. In my judgment, they are in both. I do not believe that anybody in the Senate proposes to go to that extent. It is suggested to me by a Senator near me that the Typographical Union would come in in the same way.

Mr. HISCOCK. And it would practically include all the trades unions.

Mr. TELLER. It would practically include perhaps all the trades unions in this country. Many of these organizations are corporations. If they are not, at least they will be termed "combinations" under this bill.

Senator TELLER, to further illustrate the point he was making, asked leave to insert and did insert in the RECORD a document headed, "Pathetic plea for aid—East End tailors of London petition the Queen for help—A hopeless set of workmen," which, with the permission of the House, I desire to have printed in the RECORD accompanying my remarks.

This paper set out the deplorable condition of a number of English workingmen who had been crushed by the remorseless sweating system of their time.

Senator TELLER, in the course of his remarks, asked the Senator from Ohio if it was the intention of the bill to have its provisions apply to men like these. Various other Senators also questioned the propriety of the legislation for the same reason.

Senator Morgan, referring to this subject, said:

There is a great deal of danger. I think I can see it in almost every direction in legislating upon questions of this kind. The Senator from Nevada [Mr. Stewart] has called attention to a very important topic in this connection. I do not know of anything that has a greater or a more direct impression upon our foreign commerce and our interstate commerce than the price of labor. There are combinations among our laboring men of various different fraternities continually being made for the purpose of raising the price of labor. The price of labor when raised by combination, or, if you please so to call it, by a conspiracy, or in the nature of a trust confided to the hands of some managing committee, some steering arrangement—combinations of that kind to raise the price of labor must necessarily increase the price of commodities in interstate commerce and international commerce, at least to the extent of the exports that we send abroad.

Now, while we are legislating against all such combinations and conspiracies that affect the price of commodities interchanged between the States of this Union, what are we to say to the men who, in their Knights of Labor and in their wheels and in all of their various organizations, meet together for the very purpose of raising the price of labor in the particular industry in which they are concerned or the price of labor generally? Labor is a commodity bought and sold every hour in the day. It is so much a commodity as that we forbid its importation here when it comes under contract; we treat it just as we would spurious medicines or base coin or something of that sort; we tax it as we do oleomargarine. We treat labor precisely as if it were a commodity, and it is a commodity that is imported into this country.

If we pass a law here to punish men for entering into combination and conspiracy to raise the price of labor, what is the reason why we are not within the purview of the powers of Congress in respect to international commerce? Who can answer the proposition as a matter of law?

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So insistent were the Senators on this point, which was perhaps the one most potently urged against the bill, that Senator Sherman, the author of the bill, took great pains to assure the Senators that they were in error, and I here quote from his remarks on the subject:

* * * * * * *

Mr. SHERMAN. Mr. President, all I desire is that this bill, the object of which I believe is approved by more than three-fourths of the Senate, should be treated like all other bills that have been carefully considered by a committee of this body and reported to the Senate. To attempt to defeat this bill by offering various other bills from other committees or from the other House on different branches of the same subject or on entirely different subjects, is not the proper way to deal with the work of a committee.

Now, let us look at it. The bill as reported contains three or four simple propositions which relate only to contracts, combinations, agreements made with a view and designed to carry out a certain purpose, which the laws of all the States and of every civilized community declare to be unlawful. It does not interfere in the slightest degree with voluntary associations made to affect public opinion to advance the interests of a particular trade or occupation. It does not interfere with the Farmers' Alliance at all, because that is an association of farmers to advance their interests and to improve the growth and manner of production of their crops and to secure intelligent growth and to introduce new methods. No organizations in this country can be more beneficial in their character than farmers' alliances and farmers' associations. They are not business combinations. They do not deal with contracts, agreements, etc. They have no connection with them. And so the combinations of workingmen to promote their interests, promote their welfare, and increase their pay, if you please, to get their fair share in the division of production, are not affected in the slightest degree, nor can they be included in the words or intent of the bill as now reported.

Senator George, despite the fact that Senator Sherman believed it unnecessary, then offered the amendment which was unanimously adopted by the Senate, and which I have again introduced and on which I am now addressing the committee.

Later on in the debates, in answer to a suggestion of some Senator, Senator Hoar, of Massachusetts, a State that has long

been renowned for the liberality and equity of its labor legislation, commented on the George amendment as follows:

Mr. HOAR. When you are speaking of providing to regulate the transactions of men who are making corners in wheat, or in iron, or in woolen, or in cotton goods, speculating in them or lawfully dealing in them without speculation, you are aiming at a mere commercial transaction, the beginning and end of which is the making of money for the parties, and nothing else. That is the only relation that transaction has to the state. It is the creation or diffusion or change of ownership of the wealth of the community. But when a laborer is trying to raise his wages or is endeavoring to shorten the hours of his labor, he is dealing with something that touches closely, more closely than anything else, the government and the character of the state itself.

The maintenance of a certain standard of profit in dealing in large transaction in wheat or cotton or wool is a question whether a particular merchant or a particular class of merchants shall make money or not, or shall deal lawfully or not, shall affect the State injuriously or not; but the question whether the standard of the laborer's wages shall be maintained or advanced or whether the leisure for instruction for improvement shall be shortened or lengthened is a question which touches the very existence and character of government of the State itself. The laborer who is engaged lawfully and usefully and accomplishing his purpose in whole or in part in endeavoring to raise the standard of wages is engaged in an occupation the success of which makes Republican government itself possible, and without which the Republic can not in substance, however it may nominally do in form, continue to exist.

I hold, therefore, that as legislators we may constitutionally, properly, and wisely allow laborers to make associations, combinations, contracts, agreements for the sake of maintaining and advancing their wages, in regard to which, as a rule, their contracts are to be made with large corporations who are themselves but an association or combination or aggregation of capital on the other side. When we are permitting and even encouraging that, we are permitting and encouraging what is not only lawful, wise, and profitable, but absolutely essential to the existence of the Commonwealth itself.

When, on the other hand, we are dealing with one of the other classes, the combinations aimed at chiefly by this bill, we are dealing with a transaction the only purpose of which is to extort from the community, monopolize, segregate, and apply to individual use, for the purposes of individual greed, wealth which ought properly and lawfully and for the public interest to be generally diffused over the whole community.

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Mr. HOAR. I put in the committee, if I may be permitted to say so (I suppose there is no impropriety in it), the precise question which has been put by the Senator from West Virginia, and I had that precise difficulty in the first place with this bill, but I was answered, and I think all the other members of the committee agreed in the answer, that "monopoly" is a technical term known to the common law, and that it signifies—I do not mean to say that they stated what the signification was—but I became satisfied that they were right and that the word "monopoly" is a merely technical term which has a clear and legal signification, and it is this: It is the sole engrossing to a man's self by means which prevent other men from engaging in fair competition with him.

Of course a monopoly granted by the king was a direct inhibition of all other persons to engage in that business or calling or to acquire that particular article, except the man who had a monopoly granted him by the sovereign power. I suppose, therefore, that the courts of the United States would say in the case put by the Senator from West Virginia that a man who merely by superior skill and intelligence, a breeder of horses, or raiser of cattle, or manufacturer, or artisan of any kind, got the whole business because nobody could do it as well as he could was not a monopolist, but that it involved something like the use of means which made it impossible for other persons to engage in fair competition, like the engrossing, the buying up of all other persons engaged in the same business.

Senator Sherman expressed himself as being perfectly satisfied with the George amendment, and asked the Committee of the Whole to insert it in the bill. He complained, however, of many other amendments which were adopted and charged that it was the intent and purpose of some Senators to so load down the bill with bad amendments as to insure its destruction.

Senator Sherman stated over and over again that his bill was extremely simple, was intended only to curb aggregations of capital, which were destructive of competition and oppressive to the people, and had no other object in view.

It was finally, against his wish and against his vote, together with that of many other Senators, referred to the Committee on the Judiciary of the Senate, and when it emerged from that committee it did not contain the George amendment, nor did it contain any language on the subject of labor unions, nor anything calculated to lead any person to believe that its provisions contemplated anything but the regulation and control of the so-called "trusts" of the time, which had furnished a reason and a necessity for this legislation.

The bill when it came to the House was passed hurriedly, as may be gathered from the statement of the gentleman from Illinois [Mr. CANNON], the present Speaker of this House.

Mr. CANNON. * * * Now, then, I want to say I believe this bill to be a good one; and I will be honest enough to say that I have not been able to give its provisions much consideration. I have not been a legislative drone this session of Congress; but after reading it and listening to the explanation of its provisions, it seems to me that it is a measure of great value, conservatively drawn, and discussed at the other end of the Capitol, and comes to this House with the unanimous support of the able committee presided over by the able gentleman from Ohio, Mr. Ezra B. Taylor. What does it do? It defines the combinations and conspiracies in restraint of trade among the several States and with foreign countries and declares them illegal. Then it furnishes a remedy:

First. It makes such combination or conspiracy a misdemeanor punishable by fine or imprisonment.

Second. It gives to any person injured by such combination an action for damages, and he can recover three times the damages sustained, with costs, including a reasonable attorney's fee.

Third. It invokes the equity side—the great restraining power of the court—and makes it the duty of the United States district attorneys, under the direction of the Attorney-General, to go upon the equity side of the court and invoke the strong hand of the chancellor, backed by the whole power of the United States, and cause the same to be laid upon any person or corporation in the United States that is violating, or about to violate, the provisions of this act, and compel him to halt—to refrain from or to cease violating the same.

Fourth. It forfeits to the United States any property owned under any contract or by any combination which is used in violation of the provisions of the act.

This is a short summary of the facts in connection with the passage of this very important legislation.

Everyone familiar with the events of recent times is aware that so far as the original purposes and objects of the bill are concerned, or at least so far as its administration is concerned, it has been a conspicuous and total failure. Where at the time of the passage of the act there was one trust in existence, there is at the present time a hundred, fattening themselves on the production of the people of this great nation.

While it seems it was not possible to reach combinations of capital through this legislation, no such difficulty has been experienced in applying its provisions to organizations of labor.

The labor unions of this country or the organized workingmen of this country, demanding as they do a fair share of that which they produce, have many and powerful enemies in high places throughout this land, but up to this time the bitterest of these has never contended that any legal barrier should be placed between the workingman and his right, in combination with his fellows, to withdraw from employment in order to enforce his demands. It seems now, however, according to the decision of the Supreme Court of the United States in what for convenience I will call the "Danbury hat case," this right is not only to be questioned but denied.

It seems that under the provisions of an act avowedly and specifically passed for the purpose of protecting the people of this country against the machinations of combined wealth an instrument is found to strike from the hands of these people the most powerful weapon they could wield to protect themselves against these attacks.

The facts in this case are as follows, and as gathered from the opinion of the Supreme Court: Plaintiffs were manufacturers of hats in Danbury, Conn., having a factory there and engaged in trade in other States; that they were dependent upon interstate trade to consume the product of their factory; the defendants were members of the United Hatters of North America; that defendants were engaged in a scheme to force the manufacturers of this class of hats, including the plaintiffs, to unionize their factory; that out of eighty-two manufacturers of this country, seventy had so organized their factories; that plaintiffs refused the demands of defendants, and defendants thereupon to enforce said demands caused its members to simultaneously withdraw from the employment of defendants, and that defendants thereupon gave notice to its members and friends throughout the country that it had done so.

This conduct on the part of the hatters' union the Supreme Court says brings it within the provisions of this act. This suit was started in the United States circuit court for the district of Connecticut, and I am informed is of such a character that the property of every individual member of that union is involved in the present suit. So much for the legislation and the decisions of the court on the subject.

Now, Mr. Chairman, the millions of laboring people of this country, every one of whom is more or less involved in this legislation and in this decision, are looking to this Congress for relief, and they have a right to expect relief from us. They have a right to expect relief from this Administration. The Republican party has been able to convince them in nearly all the elections of recent years that it was a sincere friend of the producing masses of this country. You have told them in season and out of season, on the stump throughout this country, and on the floor of this House, that your one great object and one care was to look after the welfare of the workingmen of this nation. You have excused the oppressive tariff on the plea that its exactions were necessary in order that good wages and satisfactory conditions might be secured to the laboring men of this country. I have seen gentlemen on the other side of the House almost in tears at the thought of what would ensue should any desecrating hand touch these sacred tariff schedules, and thus interfere with your special wards and protégés.

Mr. Chairman, in addressing myself to this subject at this time, I am exercising one of the few prerogatives that is left to a Member of this one-time deliberative body. Things have come to a pass, and the rules of this House are such, that we deliberate when we are told and we stop deliberating when we are told to stop deliberating. [Applause].

I introduced this amendment shortly after the decision of the Supreme Court in this case, and it was referred to the Committee on the Judiciary, that veritable Golgotha, bristling with the bones of bills embodying the wishes and desires of the people. The rules of the House provide no way in which I, a Member of this body, representing a sovereign constituency, can have an opportunity to lay this matter before the House for action.

Like any other legislator who has confidence in his measure I would regard it a privilege to be permitted to bring this matter before the House and discuss it with the other Members of this body. This privilege is denied to me, and therefore I am exercising one of the few prerogatives that is left and am attempting to call the attention of the committee, the House, and the country in the hope that the powers that be may be influenced to move in the matter. I can not leave this phase of the subject without calling the attention of the House to the fact that when the criminal code bill was under consideration in this body it then had an opportunity to pass similar legislation to this.

Section 19 of the criminal code bill provided that if two or more men should conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise of a right or privilege secured to him by the Constitution or laws of the United States they should be subject to a fine of $5,000 and imprisoned not more than two years and be ineligible to office.

The Members will remember that I, at that time, offered an amendment to that section providing in general language that it should not apply to combinations of persons agreeing to leave or enter the employment of another.

The same arguments were advanced against this amendment as were advanced in favor of the Sherman bill. It was held that the section could not possibly apply to the kind of combinations that the section dealt with. Vainly did the Members on this side of the House beg the majority to make assurance doubly sure by stating in unqualified language that the section did not apply, but the amendment was defeated and shortly afterwards the decision of the Supreme Court in the "Danbury hat case" showed that the provisions of the said section did apply.

You have posed for years as the shield and buckler of the laboring class and it looks to you now to make good your pretensions and to relieve them from this oppressive legislation, for which you so proudly claim the credit. They are, perhaps, beginning to realize that there is some slight inconsistency in your avowed friendliness for them, which has hitherto manifested itself in compelling them to purchase the commodities of life from the trusts in a protected market while forcing them to sell their labor in a market that is open to the competition of the world.

They are, perhaps, beginning to notice the inconsistency that shuts out from them what they eat and wear, and overwhelms them with what they sell—their labor. They are beginning to ask, perhaps, how it is that in the operations of an Administration so friendly to them a satisfactory eight-hour law can not be passed. They are beginning to wonder about the mysterious end of various and sundry bills to limit traffic in convict-made articles. They are even demanding to know why it is that from a Government, Republican in all its branches, they can not get anti-injunction legislation.

The gentleman from Pennsylvania a few days ago, at the beginning of his very able speech, took occasion to classify himself as one of those who believed in the policy of the President, and in the next breath he said, as though by an uncontrollable association of ideas, "We are about to enter on a Presidential campaign." I submit that fact to you, gentlemen, and Mr. Chairman, in connection with this legislation that I have been speaking about. I submit it to the Speaker, whose power and influence is admitted from one end of this land to the other; I submit it to his friend from Illinois [Mr. BOUTELLE], who put him in nomination here the other day for the Presidency, and I respectfully say to him that the fervent speech by the gentleman from Illinois [Mr. CANNON], from which he quoted, demanding the publication and distribution of public documents to the farmers and workingmen of this country, did great credit to that gentleman; but, Mr. Chairman, there are matters of much more moment to the farmers and workingmen of this country than the distribution of horse books and poultry bulletins can ever be, and I assert that more benefit can be done to these people whom every candidate for the Presidency is now so anxious to aid, by the passage of this legislation, than by the distribution of all the public documents that have been sent out in the last thirty-two years. [Applause.]

"Friends of the people are known by acts and measures and not by words." These words were uttered by Demosthenes three hundred and twenty-eight years before the birth of Christ, and were quoted with approval by a distinguished gentleman of our own time, who took occasion to remark that "words were good when backed by deeds, and only so."

Mr. Chairman, so far as those who toil are concerned, we have reached a crisis in the affairs of this nation. The working people of this country are law loving, law-abiding, and peaceful. No man who has not had the experience knows how they shrink from the thought of entering upon that last resort—the strike. They fully realize the consequences thereof. They know that the issue is always doubtful, and the result to them is bound to be trouble, privation, and, perhaps, suffering for themselves and those whom they love. But they know, Mr. Chairman, as you know, that it is their only effective weapon when all peaceful efforts have failed, and that without it they can not fail to sink to the level of those unhappy people who flocked to our shores to escape similar conditions.

In my judgment the American workingman in the coming campaign is going to demand of this Administration and of the Republican party an account of its stewardship. He is going to demand to be told who it is that has betrayed him. He is going to ask how it is that, with a flood of litigation threatening him on one hand and a flood of immigration overpowering him on the other, the weapons on which he relies to fight this unequal battle have been stricken from his hands; that the shield of his organization which is interposed to protect him from these evils has been torn away; and he will, perhaps, become at last aware of the fact that a great party, which has used him as a cloak behind which to hide the plunder of the people, has stabbed him in the back to prevent him from claiming his share of that which he produced. [Applause.]

APPENDIX.

OFFICE OF SECRETARY-TREASURER,
UNITED MINE WORKERS OF AMERICA,
Indianapolis, Ind., February 28, 1908.

Hon. WILLIAM HUGHES,
House of Representatives, Washington, D. C.

DEAR SIR: Inclosed herewith find copy of preamble and resolutions on the subject of the injunction in labor disputes, unanimously adopted by the nineteenth annual convention of the United Mine Workers of America, held in Indianapolis, Ind., January 21 to February 3, 1908.

We ask that you carefully read the same and give the subject-matter your earnest consideration.

Respectfully, yours,

JOHN MITCHELL, *President.*
W. B. WILSON, *Secretary-Treasurer.*

OFFICE OF SECRETARY-TREASURER,
UNITED MINE WORKERS OF AMERICA,
Indianapolis, Ind., February 28, 1908.

Hon. WILLIAM HUGHES,
House of Representatives, Washington, D. C.

DEAR SIR: Inclosed herewith find copy of preamble and resolutions relating to the principles of the McHenry bill, which were unanimously adopted by the nineteenth annual convention of the United Mine Workers of America, held in Indianapolis, Ind., January 21 to February 3, 1908.

We trust that this bill or a bill embodying these principles may receive your careful and favorable consideration.

Respectfully, yours,

JOHN MITCHELL, *President.*
W. B. WILSON, *Secretary-Treasurer.*

The special committee on injunctions reported the following preamble and resolutions to the nineteenth annual convention of the United Mine Workers of America, which were unanimously adopted:

We, your committee on government by injunction, after a thorough investigation of the subject, beg leave to submit the following for your careful consideration:

There is no one right for which the English-speaking people of the world have contended with greater zeal than that of trial by jury in all cases where alleged violations of the law have taken place and the life, liberty, or property of any citizen has been involved.

The peace of Wedmore, concluded between Alfred the Great and Guthram the Dane, in the year 878 A. D., provided that "If a king's thane be charged with killing a man, if he dares to clear himself, let him do it before twelve kings' thanes." The Magna Charta of Great Britain, wrested from King John because of the arbitrary methods of his judicial agents, declared that "No freeman shall be taken, or imprisoned, or dissoised, or outlawed, or banished, or in any way destroyed, nor will we pass upon him, nor will we send upon him, unless by the judgment of his peers." The Declaration of Independence gives as one of the causes of the separation from the mother country "for depriving us in many cases of the benefit of trial by jury." The Constitution of the United States and of the several States guarantees this right. Many wars have been waged, innumerable laws have been passed, judges have been impeached and deposed in order to maintain this sacred right which has long been recognized as one of the principal pillars in the structure of human liberty.

This course has been made necessary because experience has demonstrated that judges are human and prone to human errors, and while many of them may hear and determine such cases as come before them with conscientious care, there are those who do not hesitate to stretch or even break the law in their eagerness to promote the interests of those who are in a position to assist them in securing wealth, power, or notoriety.

All men are more or less influenced by their associations. Judges are like other men; they are moved by the same feelings, prejudices, or passions that influence ordinary citizens. Their associates are men of wealth and their social circle is one that few workingmen enter. Their discussions of economical and industrial questions are almost invariably with the rich and affluent, who view the whole field of human effort from the standpoint of an employer. Judges would be more than human

if they did not gradually, even though unconsciously, become tainted with the ideas of some of the employing classes which are so widely at variance with the standards of right and equity revered by millions of those who toil. With a knowledge of these facts wageworkers would be false to themselves, their families, and republican institutions if they failed to protest, with all the vigor and power they possessed, against any system of jurisprudence that can deprive a citizen of his liberty or property without the facts in his case having first been determined by a jury of his peers.

The broad scope that has recently been given to injunctions in labor disputes places an unlimited power in the hands of one man, and it makes no difference whether you call that man a czar or a judge, the result is the same. If he has a right to restrain a thousand men, the same right would apply to a million. If he can by law restrain a portion of the people, he can by the same law restrain the remainder and thus make himself dictator. Those who have not felt the heavy hand of this despotic system may feel secure in the enjoyment of "life, liberty, and the pursuit of happiness," but it is a false security. The power that can break the Constitution to crush the employees of a coal king or a railroad magnate—that can restrain the competitors of a trust or a syndicate—can destroy the business and curtail the liberties of any citizen whenever it suits the purpose of that power to do so.

Injunctions are not a modern innovation in the jurisprudence of the world, although their use in labor disputes is of very recent introduction. They can be traced into the remote past, and have been handed down to us from the days of absolute despotism, when the monarch, combining in his own person the legislative, judicial, and executive branches of government, issued his edict personally, or through his judicial agents, restraining persons from doing those things which were obnoxious to him.

In the early English practice, from which our system was derived, the court in chancery had the sole privilege of issuing injunctions, but it was only exercised in those cases where the property of the plaintiff was threatened with damage for which the statute or common law provided no adequate remedy. Upon this claim of the English courts our State and Federal judiciaries base their power to issue injunctions.

Injunctions in labor disputes are usually granted against violent or unlawful acts, for which the State or common law provides ample remedy, and is a clear violation of the right of trial by jury. They go far beyond the point of protecting the property interests of the plaintiff, and deny to the members of the trade union that has been restrained their constitutional right of public assemblage. They prevent us from going upon our own property to hold meetings, because it may happen to be near to or within sight of the property of our employers, although it would be difficult to imagine how it would be possible for us to own any property that is not adjacent to some other property. They deny us the right to talk to our fellow-citizens and endeavor to persuade them to cease working for the plaintiff, and injunctions embodying these orders are granted because it is alleged that if meetings are held, and the employees are induced to cease work, the property of the employer will be injured beyond any legal means of redress. That their property is entitled to the same protection that the property of other citizens receive can not be denied, but when an injunction is issued restraining the members of a union from in any manner interfering with an employee it carries with it the assumption on the part of the court that the employer seeking the order has a property interest in his employees, an assumption absolutely contrary to the letter of our Constitution and the spirit of our laws.

The only objects attained by their issue is to embarrass the wageworkers in their efforts to secure higher wages and better conditions of employment and to take out of the hands of a jury the right to hear and determine the facts in any case of violation, or alleged violation, of law.

The trade-unionists of our country never have, and do not now, ask for any immunity from the requirements of the law. We are now, and ever have been, defenders of law and order. We ask no special privileges at the hands of our Government. We seek only to secure for ourselves the same rights that are accorded to other citizens of our land, and we will not cease this agitation while the power remains in the hands of any one person, be he judge or layman, to issue an injunction revoking our constitutional rights to publicly assemble and freely discuss our grievances, and to deprive us of our liberty or property without the fact of our guilt having first been determined by a jury of our peers.

If the liberties of the American people are to be maintained; if we are to perpetuate a "Government of the people, for the people, and by the people;" if we would prevent a moneyed oligarchy from usurping the rights of the Republic, the power to issue and enforce injunctions in labor disputes must be taken from the courts. Persons must be punished for the crimes they have committed when a jury of their peers has determined their guilt, and under no pretense must they be deprived of liberty or property through the judgment, malignity, self-interest, or caprice of any one man.

If we desire relief from this condition that has grown upon us we must act in concert. We must first understand our needs and then put into effect the necessary machinery to get relief. We have nearly one-half million voters directly engaged in mining in the United States, who are distributed throughout the country in such proportions that we may determine the composition of Congress, and when we remember this fact we realize that if we do not secure remedial legislation the fault is our own. If we expect to secure relief, every laboring man must act, not by denouncing the courts or those who issue injunctions, but to demand of our Representatives in Congress to know where they stand with reference to the growing evil of government by injunction.

The American Federation of Labor has indorsed the Pearre bill intending to remedy this wrong. No measure can be more important than one necessary to protect the rights and liberties of the people. We therefore recommend the indorsement of the Pearre bill without amendments of any kind, and urge that every official and member of our organization write personal letters to their Congressmen and Senators urging the passage of this bill immediately.

We recommend that the United Mine Workers of America cooperate with any and all other organizations that may desire to cooperate with us in securing the passage of this measure, and we therefore recommend that the international officials be instructed to communicate with every national and international trade organization urging them to take similar action.

Respectfully submitted.

T. L. LEWIS, *Chairman.*
W. B. WILSON, *Secretary.*
JOHN P. WHITE.
JOHN H. WALKER.
JAMES CLARK.

Attest:
JOHN MITCHELL, *President.*
W. B. WILSON, *Secretary-Treasurer.*

Mr. KEIFER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. BENNET of New York, having taken the chair as Speaker pro tempore, Mr. TOWNSEND, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 16268, and had come to no resolution thereon.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 2429. An act granting pensions and increase of pensions to certain soldiers and sailors of the war with Spain and other wars, and to the widows of such soldiers and sailors.

LEAVE OF ABSENCE.

Mr. SLEMP, by unanimous consent, was granted leave of absence for one week from Monday, the 16th, on account of important business.

ADJOURNMENT.

Mr. KEIFER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 17 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for printing and binding for the Department of the Interior, was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FRENCH, from the Committee on the Public Lands, to which was referred the joint resolution of the Senate (S. R. 51) providing for additional lands for Idaho under the provisions of the Carey Act, reported the same with amendments, accompanied by a report (No. 1233), which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. COOPER of Wisconsin, from the Committee on Insular Affairs, to which was referred the bill of the Senate (S. 2210) to increase the salary of the United States district judge for Porto Rico, reported the same without amendment, accompanied by a report (No. 1234), which said bill and report were referred to the Private Calendar.

Mr. HOWELL of Utah, from the Committee on Claims, to which was referred the bill of the Senate (S. 534) to reimburse George W. Young, postmaster at Wanship, Utah, for loss of postage stamps, reported the same without amendment, accompanied by a report (No. 1235), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 6060) granting an increase of pension to Robert C. Yoost—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19118) granting a pension to Louise E. Eberle—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16814) granting an increase of pension to James A. Hicks—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 18172) granting an increase of pension to Giles A. Woolsey—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8950) granting a pension to James Meehan—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 19266) granting an increase of pension to Day Wheeler—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CRUMPACKER: A bill (H. R. 19306) providing for the purchase of the land on which the Census Office is situated, in Washington, D. C.—to the Committee on Public Buildings and Grounds.

By Mr. LANGLEY (by request): A bill (H. R. 19307) to amend sections 3285 and 3287 of the Revised Statutes—to the Committee on Ways and Means.

By Mr. GAINES of Tennessee: A bill (H. R. 19308) authorizing the Secretary of War to procure lock and dam sites for Locks B and C, located on the Cumberland River below Nashville, and erect and put in operation locks and dams at said sites—to the Committee on Rivers and Harbors.

By Mr. O'CONNELL: A bill (H. R. 19309) for the erection of a bust to the memory of Charles Thompson, first secretary of the Continental Congress—to the Committee on the Library.

By Mr. KAHN: A bill (H. R. 19310) to amend sections 617, 618, and 619 of the Code of Law for the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. SMITH of Michigan: A bill (H. R. 19311) to provide for the formation and disbursement of a public school teachers' retirement fund in the District of Columbia—to the Committee on the District of Columbia.

By Mr. FLOOD: A bill (H. R. 19312) to increase the limit of cost for the building of the United States post-office at Clifton Forge, Va.—to the Committee on Public Buildings and Grounds.

By Mr. FOSTER of Illinois: A bill (H. R. 19313) providing for the retirement of certain officers of the Navy—to the Committee on Naval Affairs.

By Mr. MANN. Joint resolution (H. J. Res. 154) directing the Secretary of War to cause to be made an examination and survey of the harbors and rivers at Chicago, Ill.—to the Committee on Rivers and Harbors.

By Mr. BEALL of Texas: Joint resolution (H. J. Res. 155) authorizing the Secretary of War to loan certain tents for use at the national convention of the Benevolent and Protective Order of Elks to be held at Dallas, Tex., in July, 1908—to the Committee on Military Affairs.

By Mr. HARDWICK: Resolution (H. Res. 302) requesting certain information from the President of the United States concerning corporations, etc.—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 19314) granting an increase of pension to John B. Mendenhall—to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 19315) granting a pension to Nora R. Willett and minor child—to the committee on Pensions.

By Mr. CHAPMAN: A bill (H. R. 19316) granting an increase of pension to David A. Nations—to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 19317) granting a pension to Alma P. Hilliard—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 19318) granting an increase of pension to Andrew J. Baldwin—to the Committee on Pensions.

Also, a bill (H. R. 19319) granting an increase of pension to Joseph R. Ralston—to the Committee on Pensions.

By Mr. GARNER: A bill (H. R. 19320) for the relief of the heirs of Esther McMullin and James McGloin—to the Committee on War Claims.

By Mr. HACKETT: A bill (H. R. 19321) to correct the military record of Dolphus A. Wiles—to the Committee on Military Affairs.

By Mr. HAMLIN: A bill (H. R. 19322) granting a pension to Vina Lindenbower—to the Committee on Pensions.

By Mr. HEPBURN: A bill (H. R. 19323) authorizing the appointment of W. S. Belden, late assistant adjutant-general of volunteers, a captain of cavalry, and providing that he be placed on the list of retired officers—to the Committee on Military Affairs.

By Mr. HIGGINS: A bill (H. R. 19324) granting an increase of pension to Ruth Targee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19325) granting an increase of pension to Clara Taylor Kinney—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 19326) for the relief of the heirs of Kinch Exum, deceased—to the Committee on War Claims.

Also, a bill (H. R. 19327) for the relief of the heirs of James W. White, deceased—to the Committee on War Claims.

Also, a bill (H. R. 19328) for the relief of the heirs of James Cummings, deceased—to the Committee on War Claims.

Also, a bill (H. R. 19329) for the relief of the heirs of Sarah A. White, deceased—to the Committee on War Claims.

Also, a bill (H. R. 19330) for the relief of George W. Raney—to the Committee on Military Affairs.

Also, a bill (H. R. 19331) for the relief of G. W. Brown—to the Committee on War Claims.

Also, a bill (H. R. 19332) for the relief of N. C. Dunn, of Lebanon, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 19333) granting an increase of pension to James H. Carr—to the Committee on Pensions.

Also, a bill (H. R. 19334) to remove the charge of desertion standing against Sherrod Delk, deceased—to the Committee on Military Affairs.

By Mr. KIPP: A bill (H. R. 19335) granting an increase of pension to Arthur Onderdonk—to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 19336) granting an increase of pension to Perry Tawney—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 19337) granting a pension to N. E. Rowland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19338) for the relief of J. William Burroughs—to the Committee on War Claims.

By Mr. LEVER: A bill (H. R. 19339) granting an increase of pension to Frederick Brodt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19340) granting an increase of pension to Wesley Amos—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: A bill (H. R. 19341) for the relief of the State of Georgia—to the Committee on War Claims.

By Mr. MILLER: A bill (H. R. 19342) granting an increase of pension to Robert McVey—to the Committee on Invalid Pensions.

By Mr. MURDOCK: A bill (H. R. 19343) granting an increase of pension to Nathaniel Seltzer—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 19344) for the relief of Mumford Smith, executor of James H. Cecil, deceased—to the Committee on War Claims.

By Mr. SCOTT: A bill (H. R. 19345) granting an increase of pension to George W. Moore—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 19346) for the relief of the legal representatives of John M. Lester, deceased—to the Committee on War Claims.

Also, a bill (H. R. 19347) for the relief of John Dillahunty—to the Committee on War Claims.

By Mr. SMITH of Arizona: A bill (H. R. 19348) for the relief of William Wooster—to the Committee on Claims.

By Mr. SMITH of Texas: A bill (H. R. 19349) granting an increase of pension to Andrew C. Woodward—to the Committee on Pensions.

By Mr. WATSON: A bill (H. R. 19350) granting a pension to Henry Held—to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 19351) granting an increase of pension to Daniel A. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19352) granting an increase of pension to Edwin S. Jacobs—to the Committee on Invalid Pensions.

By Mr. YOUNG: A bill (H. R. 19353) for the relief of James E. Saunders—to the Committee on Claims.

By Mr. HOLLIDAY: A bill (H. R. 19354) granting an increase of pension to Isaac Vannest—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANTHONY: Petition of Grange No. 1430, of Berryton, Kans., for national highway commission—to the Committee on Agriculture.

By Mr. BRADLEY: Petition of Little Britain Grange and Florida Grange, Patrons of Husbandry, of Orange County, N. Y., and Minisink Grange, Patrons of Husbandry, for H. R. 15837, for a national highways commission—to the Committee on Agriculture.

By Mr. BRICK: Petition of William Landon Post, No. 290, Grand Army of the Republic, for a volunteer officers' retired list (previously referred to the Committee on Invalid Pensions)—to the Committee on Military Affairs.

By Mr. BURKE: Petition of William H. Mercur, for H. R. 428 (national registration of automobiles)—to the Committee on the Judiciary.

Also, petition of James Kent, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. BURLEIGH: Petition of National Funeral Directors' Association, against custom of burial at sea—to the Committee on the Merchant Marine and Fisheries.

By Mr. CALDER: Petition of William J. Carle, for copyright legislation beneficial to musical composers—to the Committee on Patents.

Also, petition of Lord & Hewlett, architects, of New York City, favoring continuance of original plan of Washington—to the Committee on the Library.

Also, petition of Paul G. Gravenhorst, of New York City, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Paul E. Vernon & Co., of New York City, favoring the Fowler currency bill—to the Committee on Banking and Currency.

Also, petition of Ludlow & Valentine, of New York City, for location of the Grant Memorial so as to preserve original plan of laying out of the capital—to the Committee on the Library.

By Mr. CAULFIELD: Petition of St. Louis Chemical Society, for establishment of a Government fuel-testing plant at St. Louis—to the Committee on Agriculture.

By Mr. CHANEY: Petition of H. P. Herr, G. H. Williams, and others, of Washington, Ind., against the Penrose bill—to the Committee on the Post-Office and Post-Roads.

By Mr. COOPER of Wisconsin: Petition of Joseph Bailey Post, No. 138, Grand Army of the Republic, of Palmyra, Wis., against consolidation of pension agencies—to the Committee on Appropriations.

By Mr. COUDREY: Petition of Missouri conference of Seventh Day Adventists, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Missouri Manufacturers' Association, for a Government fuel-testing plant in St. Louis—to the Committee on Agriculture.

By Mr. CURRIER: Petition of Sidney C. Ellis and others, for the creation of a national highways commission—to the Committee on Agriculture.

By Mr. DAWSON: Petition of Scott County Grange, of Iowa, against option gambling in farm products—to the Committee on Interstate and Foreign Commerce.

Also, petition of Scott County Grange, for the Burnham bill, for establishment of a parcels-post system—to the Committee on the Post-Office and Post-Roads.

By Mr. DRAPER: Petition of W. A. Grimes and other citizens of New York, of the North Granville Grange, No. 1126, for a national highways commission—to the Committee on Agriculture.

By Mr. FITZGERALD: Petition of Adam Kekule and certain other citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. FOSS: Paper to accompany bill for relief of Leander F. Merrill—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of Gen. Thomas W. Scott, adjutant-general Illinois National Guard, for H. R. 14783, promoting efficiency of the militia—to the Committee on Militia.

Also, petitions of Union Grange, No. 811, and of Robert During and others, of Rockford, Ill., for a national highway commission—to the Committee on Agriculture.

Also, petition of American Publishers' Association, for repeal of duty on white paper and wood pulp—to the Committee on Ways and Means.

Also, petition of Travelers and Merchants' Association of Baltimore, for the Fowler currency bill—to the Committee on Banking and Currency.

By Mr. FULTON: Petition of voters and citizens of the Second District of Oklahoma, against the Penrose bill—to the Committee on the Post-Office and Post-Roads.

By Mr. GAINES of West Virginia: Paper to accompany bill for relief of estate of William H. Morris—to the Committee on War Claims.

By Mr. GILHAMS: Petition of citizens of Ligonier, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. GRAHAM: Petition of Henry Hubbard and Reade W. Bailey, for H. R. 428 (national registration of automobiles)—to the Committee on the Judiciary.

Also, petition of citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of Alumni Association of Stevens Institute of Technology, for H. R. 562, returning collateral inheritance tax to the institute—to the Committee on Claims.

By Mr. GRONNA: Petition of citizens of Carpenter, N. Dak., against the Penrose bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Woman's Christian Temperance Union of Rolla, N. Dak., for the Littlefield original-package bill—to the Committee on the Judiciary.

By Mr. HAYES: Petition of Local Union No. 577, International Typographical Union, of Santa Rosa, Cal., for removal of duty on white paper, etc.—to the Committee on Ways and Means.

By Mr. HIGGINS: Petition of citizens of Norwich, Conn., against the Penrose bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HILL of Connecticut: Petition of Windsor Locks Business Men's Association, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Kent Grange, No. 154, of Litchfield County, Conn., for a national highway commission—to the Committee on Agriculture.

By Mr. HITCHCOCK: Memorial of Omaha Clearing House, against proposed bills to prohibit dealings in futures on the grain market—to the Committee on Interstate and Foreign Commerce.

By Mr. HOLLIDAY: Petition of O. K. Grange, of Vigo County, Ind., for national highway commission—to the Committee on Agriculture.

By Mr. HOWELL of New Jersey: Petition of Irwin C. Van Der Bergh, of Hoboken, N. J., for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. HOWELL of Utah: Petitions of E. S. Grant and 30 other citizens of New Harmony; J. R. Johnson and 12 other citizens of Coyoto, and Robert D. Brown and 12 other citizens of Utah, against the Penrose bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of New York and vicinity for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. HULL of Tennessee: Paper to accompany bill for relief of J. W. White—to the Committee on War Claims.

By Mr. KIPP: Paper to accompany bill for relief of Arthur Onderdonk—to the Committee on Invalid Pensions.

By Mr. KNAPP: Petition of Hounsfield (N. Y.) Grange, for a national highway commission—to the Committee on Agriculture.

By Mr. LAFEAN: Petition of Socialist party of York, Pa., against the Penrose bill (S. 1518)—to the Committee on the Post-Office and Post-Roads.

By Mr. LINDBERGH: Petition of Charles M. Kechr and others, of Dixville, Minn., against Penrose bill—to the Committee on the Post-Office and Post-Roads.

By Mr. LIVINGSTON: Papers to accompany bills for relief of Benjamin F. Swanton and James B. Morris—to the Committee on War Claims.

By Mr. LOUD: Petition of Richfield Grange, against passage of the Penrose bill—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of Lyman B. Smith—to the Committee on Invalid Pensions.

By Mr. McKINLEY of Illinois: Petition of citizens of Urbana and Champaign, for battle-ship building in navy-yards—to the Committee on Naval Affairs.

By Mr. MALBY: Petition of Macomb Grange, of Fern, N. Y., for a national highway commission—to the Committee on Agriculture.

By Mr. MOUSER: Petition of citizens of New York and vicinity for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of N. F. Burwell and others, for a national highway commission—to the Committee on the Post-Office and Post-Roads.

By Mr. OVERSTREET: Petition of Joel Walters and others, of Indianapolis, Ind., for S. 1519, against "Sunday banking in post-offices"—to the Committee on the Post-Office and Post-Roads.

Also, petition of Joel Walters and others, of Indianapolis, Ind., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Joel Walters and others, of Indianapolis, Ind., for H. R. 4, against sale of intoxicants in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Emma Sparks and others, of Indianapolis, Ind., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. PADGETT: Papers to accompany bills for relief of A. Truett and estate of James H. Cecil—to the Committee on War Claims.

By Mr. PAYNE: Paper to accompany bill for relief of James B. Hart—to the Committee on Invalid Pensions.

By Mr. RICHARDSON: Paper to accompany bill for relief of J. H. Carter—to the Committee on War Claims.

By Mr. RIORDAN: Petition of Buffalo Credit Men's Association, for H. R. 13266, amending the bankruptcy law—to the Committee on the Judiciary.

By Mr. STEENERSON: Paper to accompany bill for relief of James Meehan (previously referred to the Committee on Pensions)—to the Committee on Invalid Pensions.

By Mr. SULZER: Petition of John T. Hudson, for H. R. 17300, establishing a department of labor—to the Committee on Labor.

Also, petitions of John Luther Long, of New York; John Corts, of Seattle and New York; H. Kellett Chambers, Alice E. Ives, and Alice Kauser, of New York, against their musical compositions and plays being used by talking-machine companies and pianola companies without compensation, and to right the wrong, urging passage of the Kittredge-Barchfeld bill—to the Committee on Patents.

By Mr. TIRRELL: Petition of F. M. Boutelle and others, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petitions of James B. Tuttle and others and F. M. Boutelle and others, for national highway commission—to the Committee on Agriculture.

SENATE.

MONDAY, *March 16, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

SENATOR FROM SOUTH CAROLINA.

Mr. TILLMAN. Mr. President, I send to the desk the credentials of Hon. Frank B. Gary, Senator-elect from the State of South Carolina. I ask that the credentials be read and placed on the table.

The credentials of Frank B. Gary, chosen by the legislature of the State of South Carolina a Senator for that State to fill the vacancy caused by the death of Hon. A. C. Latimer in the term ending March 3, 1909, were read and ordered to be filed.

Mr. TILLMAN. The Senator-elect is in the Chamber and ready to assume the duties of his office.

The VICE-PRESIDENT. The Senator-elect will present himself at the Vice-President's desk and take the oath prescribed by law.

Mr. Gary was escorted to the Vice-President's desk by Mr. TILLMAN, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

CLAIM OF ELLEN L. FAUNCE.

The VICE-PRESIDENT laid before the Senate a communication from the chief justice of the Court of Claims, transmitting a letter from the Assistant Attorney-General, John Q. Thompson, requesting the recall by the Court of Claims of its findings in the claim of Ellen L. Faunce, widow of Peter Faunce, deceased, *v.* United States, No. 10942, Congressional, C and F 82, in order to make a necessary correction therein, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

FRENCH SPOLIATION CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the findings of fact and conclusions of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Diana*, John Walker, master, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 5254) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent children of such soldiers and sailors, with an amendment, in which it requested the concurrence of the Senate.

The message also returned to the Senate, in compliance with its request, the bill (S. 903) to amend section 2, chapter 433, 30 Statutes at Large, entitled "An act to confirm title to lots 13 and 14 in square 959, in Washington, D. C."

The message further announced that the House had passed the following bills in which it requested the concurrence of the Senate:

H. R. 2395. An act granting an increase of pension to Frank Z. Curry;

H. R. 3510. An act granting an increase of pension to Henry McCall;

H. R. 4226. An act granting a pension Harry L. Orendorff;

H. R. 4326. An act granting an increase of pension to James Barbour;

H. R. 5297. An act to complete the naval record of John Shaughnessy;

H. R. 6543. An act granting an increase of pension to Margaret C. Storts;

H. R. 7741. An act granting an increase of pension to Louisa E. Price;

H. R. 10837. An act granting a pension to Maggie Z. Tarter;

H. R. 10938. An act granting an increase of pension to Samuel W. Burt;

H. R. 11457. An act granting an increase of pension to Noble Saxton;

H. R. 11464. An act granting a pension Anna Borkowski;

H. R. 14341. An act granting an increase of pension to Mary Hutchinson;

H. R. 14680. An act granting a pension to Elizabeth Norton;

H. R. 15019. An act granting an increase of pension to William H Jones;

H. R. 15547. An act granting a pension to Alexander Iaun;

H. R. 15605. An act granting an increase of pension to Dinah E. Sprague;

H. R. 15958. An act granting an increase of pension to Addie W. Farquhar;

H. R. 16028. An act granting an increase of pension to America Bruce;

H. R. 17311. An act to authorize the Pensacola, Mobile and New Orleans Railway Company, a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line approximately east of the north boundary line of said city of Mobile, Ala.;

H. R. 17331. An act granting an increase of pension to John Mogg, alias John Moor;

H. R. 17520. An act for the relief of tobacco growers;

H. R. 18029. An act granting an increase of pension to James Kilby;

H. R. 18347. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1909, and for other purposes;

H. R. 18754. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 18930. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 19101. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

The House pension bills received this day from the House of Representatives, as before stated, were subsequently read twice by their titles and referred to the Committee on Pensions.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Commercial Exchange of Philadelphia, Pa., praying for the enactment of legislation providing for a graded increase of pay to the officers and men of the Life-Saving Service, which was referred to the Committee on Commerce.

He also presented a memorial of the German-American League of San Francisco, Cal., remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of the Colorado State Forest Association, of Denver, Col., praying for the enactment of legislation to establish a national forest reserve in the Southern Appalachian and White Mountains, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Commercial Club of St. Paul, Minn., praying that an appropriation be made for the improvement of the upper Mississippi River, which was referred to the Committee on Commerce.

Mr. CULLOM presented a petition of sundry citizens of Illinois, praying for the enactment of legislation providing for the construction of all battle ships at Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Princeton, of the Woman's Christian Temperance Union of Canton, of the Woman's Christian Temperance Union of Armington, and of the Woman's Christian Temperance Union of Lexington, all in the State of Illinois, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

Mr. KEAN presented the petition of Irving C. Van Den Bergh, of Hoboken, N. J., praying for the enactment of legislation to establish a national forest reserve in the Southern Appalachian and White Mountains, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented petitions of sundry citizens of Newark, Wrightstown, Rancocas, and Middlebush, all in the State of New Jersey, praying for the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

Mr. PLATT presented a memorial of the Retail Grocers' Association of Brooklyn, N. Y., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Union No. 112, United Garment Workers of America, of Syracuse, N. Y., praying for the enactment of legislation providing for the construction of at least one of the proposed new battle ships at the Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented the petition of William Long, of Olean, N. Y., praying for the passage of the so-called "postal savings bank bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Buffalo Credit Men's Association, of Buffalo, N. Y., praying for the adoption of certain amendments to the national bankruptcy law, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Ancient Order of Heptasophs of Glens Falls, N. Y., remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Woman's Christian Temperance Union of Marcellus, N. Y., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

Mr. HOPKINS presented a memorial of the Vermilion Pharmaceutical Association of Danville, Ill., and a memorial of the Retail Merchants' Association of Peoria, Ill., remonstrating against the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Trades Assembly of Quincy, Ill., remonstrating against the passage of the so-called "Penrose bill," to exclude nonmailable periodicals from second-class mail privileges, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Retail Merchants' Association of Peoria, Ill., praying for the repeal of the law imposing a revenue tax of 10 cents per pound on colored oleomargarine, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the congregation of the Wesleyan Methodist Church, of Kirchwaukee, Ill., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of Joliet, Chicago, Springfield, Elgin, Quincy, McComb, Pontiac, Shelbyville, Decatur, Sparta, Clay City, Carmi, Jacksonville, Mattoon, Galena, Prophetstown, Newton, Ava, Fostertown, Mount Morris, and Rockwood, all in the State of Illinois, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

He also presented a memorial of Hiram McClintock Post, No. 667, Department of Illinois, Grand Army of the Republic, of La Grange, Ill., and a memorial of Ferris Post, No. 309, Department of Illinois, Grand Army of the Republic, of Preston, Ill., remonstrating against the enactment of legislation to abolish certain pension agencies throughout the country, which were referred to the Committee on Pensions.

Mr. WARREN presented a petition of the Chamber of Commerce of Honolulu, Hawaii, praying for the passage of the so-called "Army and Navy pay bill," which was referred to the Committee on Military Affairs.

Mr. JOHNSTON presented a memorial of sundry citizens of New Decatur, Ala., remonstrating against the passage of the so-called "Penrose bill," to exclude nonmailable periodicals from second-class mail privileges, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. NELSON presented memorials of sundry Army posts, Grand Army of the Republic, of Fillmore, Bemidji, Worthington, Slayton, Renville, Wells, Norwood, Plainview, Pelican Rapids, and Lake City, all in the State of Minnesota, remonstrating against the enactment of legislation proposing to abolish certain pension agencies throughout the country, which were referred to the Committee on Pensions.

Mr. DEPEW presented a petition of the International Brotherhood of Locomotive Engineers of New York, praying for the passage of the so-called "La Follette-Sterling employers' liability bill," which was referred to the Committee on the Judiciary.

He also presented a memorial of the memorial and executive committee, Department of New York, Grand Army of the Republic, of Buffalo, N. Y., remonstrating against the enactment of legislation proposing to abolish certain pension agencies throughout the country, which was referred to the Committee on Pensions.

He also presented petitions of Clintondale Grange, No. 957, of Highland; of North Granville Grange, No. 1126, of North Granville; of Minisink Grange, No. 907, of Unionville, all of the Patrons of Husbandry, and of Local Union No. 81, International Electrotypers' and Stereotypers' Union, of Deposit, all in the State of New York, praying for the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

Mr. GAMBLE presented a petition of Huron Division, No. 213, Brotherhood of Locomotive Engineers, of Huron, S. Dak., praying for the passage of the so-called "La Follette employers' liability bill," which was referred to the Committee on the Judiciary.

He also presented a memorial of the South Dakota Retail Hardware Association, and a memorial of the Retail Implement Dealers' Association of South Dakota, remonstrating against the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of J. S. Washburn, of Nashville, Tenn.; W. S. Lowry, of Jackson, Miss.; W. E. Bicknell, of Ohio City, Ohio; Charles Koons, of Philadelphia, Pa.; J. H. Krum, of Reading, Pa.; A. C. Shannon, of Toledo, Ohio, and R. C. Sporh, of Indianapolis, Ind., remonstrating against the enactment of legislation to further protect the first day of the week as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented the petition of Hayden P. Upton, of Rapid City, S. Dak., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors in prohibition districts, which was referred to the Committee on the Judiciary.

He also presented the petitions of David T. Thomas and sundry other citizens of Fedora; of Mrs. J. B. Knight and sundry other citizens of Wakonda, and of David J. Perrin, and sundry other citizens of Bellefourche, all in the State of South Dakota, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. LONG presented a petition of the Commercial Club of

Great Bend, Kans., praying for the passage of the bill (S. 5758) for the relief of John F. Lewis, which was referred to the Committee on Military Affairs.

He also presented a petition of the Woman's Christian Temperance Union, of Lenexa, Kans., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented memorials of sundry citizens of Goodland, Jewell, Lyons, Yates Center, Haddam, Iola, Rozel, Wheaton, and Winfield, all in the State of Kansas; of sundry citizens of Kansas City, Ashgrove, Clinton, Lochlin, St. Louis, Windsor, and Woollam, all in the State of Missouri; of sundry citizens of Ohio City, and Toledo, in the State of Ohio; of Charlotte and Spero, in the State of North Carolina, and of the Western Retail Implement and Vehicle Dealers' Association, of Kansas City, Mo., remonstrating against the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. FRYE presented a memorial of the Merchants' Association of Lewiston and Auburn, Me., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Dresden; of Seaside Grange, No. 171, Patrons of Husbandry, of Bristol, and of West Baldwin Grange, No. 374, Patrons of Husbandry, of West Baldwin, all in the State of Maine, praying for the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

Mr. STEPHENSON presented memorials of sundry citizens of Elkhorn, Berlin, and Neenah, all in the State of Wisconsin, remonstrating against the enactment of legislation to abolish certain pension agencies throughout the country, which were referred to the Committee on Pensions.

He also presented a petition of the Wisconsin Consumers' League, of Madison, Wis., praying for the enactment of legislation to regulate the employment of child labor, which was referred to the Committee on Education and Labor.

He also presented a memorial of the Wisconsin Retail Lumber Dealers' Association, of Milwaukee, Wis., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Milwaukee, Wis., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

Mr. BURKETT presented sundry memorials of citizens of Omaha, Nebr., remonstrating against the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HEMENWAY presented a petition of the Woman's Missionary Societies of the Central Church of New Albany, Ind., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors in prohibition districts, which was referred to the Committee on the Judiciary.

He also presented a petition of William Landon Post, No. 290, Department of Indiana, Grand Army of the Republic, of Knox, Ind., praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

He also presented a petition of Local Union No. 1371, United Mine Workers of America, of Chandler, Ind., praying for the enactment of legislation to regulate the employment of child labor, which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Mount Vernon, Ind., praying for the enactment of legislation providing for the construction of all the proposed new battle ships at the Government navy-yards, which was referred to the Committee on Naval Affairs.

Mr. DOLLIVER presented petitions of sundry citizens of Clear Lake, of the Federated Woman's Clubs of Akron, and of the Priscilla Club of Grinnell, all in the State of Iowa, praying for the enactment of legislation to regulate the employment of child labor, which were referred to the Committee on Education and Labor.

He also presented a petition of the Reformed Presbyterian Congregation of Morning Sun, Iowa, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of Local Division No. 642, Brotherhood of Locomotive Engineers, of Creston, Iowa, praying for the passage of the so-called "La Follette-Sterling employers' liability bill," which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Paton, Iowa, and a petition of the Farmers' Institute of Williamsburg, Iowa, praying for the enactment of legislation to empower the Interstate Commerce Commission to regulate the speed of all stock trains on interstate railroads, which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Farmers and Grain Dealers' Association of Gowrie, Iowa, praying for the enactment of legislation providing for the inspection and grading of grain under Federal control, which was referred to the Committee on Agriculture and Forestry.

He also presented sundry petitions of citizens of Dubuque, Iowa, praying for the enactment of legislation providing for the construction of all battle ships at the Government navy-yards, which were referred to the Committee on Naval Affairs.

He also presented memorials of sundry citizens of Sidney and Marshall County, in the State of Iowa; of Cameron, W. Va.; of Covington, Ky., and of Grey Eagle, Minn., remonstrating against the passage of the so-called "Penrose bill," to exclude nonmailable periodicals from second-class mail privileges, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Sioux City, Webster City, and Ottumwa, all in the State of Iowa, praying for the enactment of legislation to promote the efficiency of the militia, which were referred to the Committtee on Military Affairs.

Mr. SCOTT presented a petition of Typographical Union No. 146, of Charleston, W. Va., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

Mr. CLAPP (for Mr. KITTREDGE) presented a memorial of sundry citizens of Custer County, S. Dak., remonstrating against the enactment of legislation to prevent Sunday banking in post-offices in the handling of money orders and registered letters, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. LODGE presented a memorial of the Eastern Wholesale Dry Goods Association, of Boston, Mass., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

RELIEF OF TOBACCO GROWERS.

Mr. PAYNTER. I have in my hand a copy of hearings before the subcommittee on internal revenue of the Committee on Ways and Means, House of Representatives, Fifty-eighth Congress, second session, entitled "Relief of tobacco growers." I move that the hearings be printed as a document.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. CULLOM. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 16882) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes, to report it with amendments, and I submit a report thereon. I give notice that I shall call up the bill for consideration to-morrow morning after the routine morning business.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. DILLINGHAM, from the Committee on the District of Columbia, to whom was referred the bill (S. 4814) to amend section 491n of the Code of Law for the District of Columbia, reported it with amendments and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to, and the bills were postponed indefinitely:

A bill (S. 2992) to amend an act entitled "An act to amend an act entitled 'An act in relation to taxes and tax sales in the District of Columbia,' approved February 28, 1898.

A bill (S. 2990) making personal taxes in arrears a claim against the person owing such tax to the District of Columbia; and

A bill (S. 2030) to amend section 14 of the act approved July 29, 1892, entitled "An act for the preservation of the public peace and the protection of property within the District of Columbia."

Mr. SMOOT, from the Committee on Public Lands, to whom was referred the bill (H. R. 14434) to validate certain entries of public lands in the State of Colorado, reported it without amendment and submitted a report thereon.

Mr. FULTON. I am directed by the Committee on Claims,

to whom was recommitted the bill (H. R. 15372) for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker acts, to report it with amendments, and I submit a report thereon.

I desire to state that to-morrow morning, if possible, certainly at the earliest practicable moment, I shall call up the bill for consideration.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. CULBERSON, from the Committee on the Judiciary, to whom was referred the bill (H. R. 16874) to amend section 13 of an act entitled "An act to divide the State of Texas into four judicial districts," approved March 11, 1902, reported it without amendment.

BILLS INTRODUCED.

Mr. BORAH. I introduce a bill as a substitute for Senate bill 4996, which I ask may be read twice by its title and referred to the Committee on Military Affairs.

The bill (S. 6136) authorizing the Secretary of the Interior to issue patent to certain lands to Boise City, was read twice by its title and referred to the Committee on Military Affairs.

Mr. LONG introduced a bill (S. 6137) granting an increase of pension to William B. Jones, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 6138) granting an increase of pension to Stephen A. Johnson, which was read twice by its title and referred to the Committee on Pensions.

Mr. FRYE introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6139) granting an increase of pension to Charles A. Young; and

A bill (S. 6140) granting an increase of pension to Watson R. Gribben.

Mr. CRANE introduced a bill (S. 6141) granting an increase of pension to Catherine Sprague Miller, which was read twice by its title and referred to the Committee on Pensions.

Mr. KNOX introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6142) granting an increase of pension to Lucas B. Brewster; and

A bill (S. 6143) granting an increase of pension to Thomas Chase.

He also introduced a bill (S. 6144) for the relief of William S. Baude and others, which was read twice by its title and, with an accompanying paper, referred to the Committee on Claims.

Mr. HOPKINS introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6145) granting an increase of pension to Orrilla Pierce (with the accompanying papers);

A bill (S. 6146) granting a pension to Cornelia Foster;

A bill (S. 6147) granting a pension to Andrew T. Brewer; and

A bill (S. 6148) granting an increase of pension to Reuben H. Baird (with the accompanying paper).

Mr. RICHARDSON introduced a bill (S. 6149) granting an increase of pension to David Pollock, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 6150) to provide for the purchase of a site and the erection of a public building thereon in the city of Smyrna, Del., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. TAYLOR introduced a bill (S. 6151) for the relief of tobacco growers, which was read twice by its title and referred to the Committee on Finance.

He also introduced a bill (S. 6152) to improve the Cumberland River, which was read twice by its title and referred to the Committee on Commerce.

He also introduced a bill (S. 6153) for the allowance of certain claims of the people of Tennessee reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker acts, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 6154) to authorize the construction of a national road from the city of Nashville, Tenn., to the Federal cemetery, and thence by The Hermitage back to Nashville, and to aid the Ladies' Hermitage Association to maintain The Hermitage, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. SMOOT introduced a bill (S. 6155) to provide for an enlarged homestead, which was read twice by its title and referred to the Committee on Public Lands.

Mr. CARTER introduced a bill (S. 6156) providing for the opening of the Fort Keogh Military Reservation to settlement, and for other purposes, which was read twice by its title and referred to the Committee on Public Lands.

He also (by request) introduced a bill (S. 6157) to provide for a uniform and simultaneous weighing of the mails on railroad routes, and an equitable adjustment of the compensation for the carriage of such mails, which was read twice by its title and referred to the Committee on Post-Offices and Post-Roads.

Mr. GORE introduced a bill (S. 6158) granting an increase of pension to Joseph S. Works, which was read twice by its title and referred to the Committee on Pensions.

Mr. DIXON introduced a bill (S. 6159) to establish a permanent national bison range, which was read twice by its title and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. WARNER (by request) introduced a bill (S. 6160) to amend section 5 of an act entitled "An act to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes," approved March 19, 1906, as amended by act of Congress approved March 2, 1907, which was read twice by its title and referred to the Committee on the District of Columbia.

Mr. HEMENWAY introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 6161) for the relief of Rufus Neal; and

A bill (S. 6162) for the relief of W. C. Utz, administrator of the estate of Joshua Wiley, deceased.

Mr. PILES introduced a bill (S. 6163) to authorize the Secretary of the Interior to sell and dispose of the surplus unallotted agricultural lands of the Spokane Indian Reservation, Wash., and to place the timber lands of said reservation in a national forest, which was read twice by its title and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 6164) granting an increase of pension to Jeremiah Robbins, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GORE (by request) introduced a joint resolution (S. R. 70) for the enrollment of certain persons as members of the Osage tribe of Indians, and for other purposes, which was read twice by its title and referred to the Committee on Indian Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CRANE submitted an amendment proposing to appropriate $321,900 for the promotion of post-office clerks from the fifth to the sixth grade, Post-Office Department, intended to be proposed by him to the post-office appropriation bill, which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

Mr. BURROWS submitted an amendment proposing to increase the appropriation for assistant cashiers, assistant superintendents of delivery, and assistant superintendents of mails, etc., office of the First Assistant Postmaster-General, from $2,954 to $5,651, intended to be proposed by him to the post-office appropriation bill, which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

Mr. CARTER submitted an amendment authorizing the President to place on the retired list of the Army, with the rank of captain, any contract surgeon who has served at least thirty years, etc., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

AMENDMENT TO OMNIBUS CLAIMS BILL.

Mr. SCOTT submitted an amendment intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which was ordered to lie on the table and be printed.

HOUSE BILLS REFERRED.

H. R. 5297. An act to complete the naval record of John Shaughnessy was read twice by its title and referred to the Committee on Naval Affairs.

H. R. 17311. An act to authorize the Pensacola, Mobile and New Orleans Railway Company, a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line approximately east of the north boundary line of the city of Mobile, Ala., was read twice by its title and referred to the Committee on Commerce.

H. R. 17520. An act for the relief of tobacco growers was read twice by its title and referred to the Committee on Finance.

H. R. 18347. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1909, and for other purposes, was read twice by its title and referred to the Committee on Post-Offices and Post-Roads.

TRANSACTIONS OF NEW YORK CITY BANKS, ETC.

The VICE-PRESIDENT. The morning business is closed.

Mr. TILLMAN. I ask that Senate resolution 126 be laid before the Senate.

The VICE-PRESIDENT. The Chair lays the resolution indicated by the Senator from South Carolina before the Senate. It will be read.

The Secretary read the resolution submitted on the 12th instant by Mr. TILLMAN, as follows:

Resolved, That the Committee on Finance is hereby instructed to inquire and report—

First. Whether the national banks in the city of New York and elsewhere are in the habit, under the guise of commercial loans, of furnishing permanent capital for speculative or other enterprises; and if so, what legislation is necessary to prevent a continuance of such practice.

Second. Whether the Treasury Department had knowledge of the loans made by the National Bank of North America, of New York City, which are the subject of a suit by the receiver of said bank against Charles W. Morse, and of other similar transactions in other national banks.

Third. Whether national banks are now engaged, by themselves or through other organizations, in attempting to control or dictate the legislation of Congress upon currency matters.

Fourth. The committee is further instructed to ascertain what, if any, legislation is necessary to discourage or prevent the habit of persons holding the office of Comptroller of the Currency or other Treasury officials from making their offices a stepping-stone to employment by national banks.

Fifth. Whether national banks are using trust companies or other financial associations as agencies through which to transact business forbidden by the law governing national banks, and what legislation is necessary to prevent such an evasion of the statutes.

Sixth. Whether the national banks in New York City lent their credit to the stockholders by the certification or acceptance of checks during the years 1906 and 1907, and report whether or not such transactions involved any violation of the provisions of section 5200 of the Revised Statutes as to making excess loans.

Mr. TILLMAN. Mr. President, the most marked feature of American politics at this time is the dominating influence and control of the executive branch of the Government over the legislative, and, in a less degree, over the judicial branches. It has taken just forty-one years for the pendulum to swing from one extreme to the other. In 1867 Andrew Johnson, who held the Executive office, had grown weaker and weaker in the struggle against the fanatical and revolutionary forces which had gathered strength during the civil war, and immediately after he was shorn of all semblance of power and narrowly escaped impeachment. To speak more accurately, he was impeached, and on the trial failed of conviction by the pitifully small margin of one vote.

He was brought to trial on the flimsy charge of having put a construction on the law which empowered him to remove his own Secretary of War and appoint another. He had swung around the circle and made speeches, none of which were in any degree more aggressive or more denunciatory of men and things than our President now delivers to applauding thousands; but those speeches were used in the impeachment as an excuse for attempting to turn him out of office under the charge that they were treasonable. It is true they were not pressed in the trial and were finally dropped out of sight, but they were thought of sufficient importance to be put in the articles of impeachment.

Then the legislative branch was haughty, insolent, and tyrannical to the last degree in its use and abuse of power. Vetoes were overridden by two-thirds votes in both Houses and the Presidency was in eclipse. The President drew his salary and lived in the White House, signed commissions, but to all intents and purposes was a nonentity and exercised no influence or control whatever over legislation, and in every way the great office of President lost prestige and all semblance of control in our public affairs. With the election of Grant the pendulum began to swing the other way, and during the last seven years it has moved with such momentum that we have witnessed a condition never dreamed of by those wise framers of our Constitution, who declared so often that the three branches should be forever kept separate and distinct.

Now, the House of Representatives, coming directly from the people by popular vote, has under the rules adopted by its Members degenerated into little more than a recording machine to do the will of the Speaker and his lieutenants. Freedom of debate in the old and true sense has disappeared from that end of the Capitol and measures of the greatest importance are jammed through almost without discussion under the Reed rules under conditions which to say the least are discreditable. In the Senate a hardly less disgraceful condition exists. Servility and cowardice are the order of the day. Freedom of debate still obtains, but the shadow of the Executive hangs over all and the President's wishes are almost the only law. There is some show of resistance on matters affecting the multimillionaires and the great corporations. The President writes scolding messages and makes inflammatory speeches appealing to the unthinking and ignorant masses. He has the potent influence of the press at his command; he has used the newspapers and magazines in exploiting what he calls "my policies" with a skill and daring that compel admiration. With bated breath Senators denounce his radical ideas in private and oppose in every possible way the measures which he clamors for by the passive resistance of nonaction. No one of the dominant party dares lift his voice in opposition or denunciation, but the Executive influence is the only influence in evidence while the Senate cowers in silent resistance. The two-thirds majority in the Senate belonging to the President's party which the people of the country have sent to Washington is so different from the larger majority which hectored and tyrannized over Andrew Johnson, spitting on him with contempt and only stopping short of treading him into the mire, that the historian of the future must necessarily consider the reason of the contrast. Looking about to find the causes which have produced this remarkable revolution within the brief span of one man's life, seeking to discover the cause of the dangerous growth of the executive branch of the Government at the expense of the legislative, we find the explanation is easy.

The Constitution lodges the power of appointment in the hands of the President, and the immense patronage of the office, amounting to millions and millions of dollars, has furnished an instrumentality with which to coerce Senators and Congressmen to acquiesce and yield obedience to the Executive will. The theory that the Senate must "advise and consent" before appointments are made is of little or no moment when Senators show such want of courage and self-respect and bow submissively to the orders from the White House. The members of the minority party are, of course, largely ignored. Appointments in the South, where the Democracy retains control, are in the hands of "referees," who fill the offices for the sole purpose of maintaining political machines. The Senators of the dominant party are afraid to resist the Executive will, lest they themselves should fail to obtain the patronage of their States. This condition is aggravated by the dread of Republican Senators lest the popularity of the President with the people shall force them into retirement if they resist the behests from the White House. When a clash between Senators or Members of the House has come, the people have sided with the President in almost every instance, and the fear of retirement from office through Presidential influence enables Mr. Roosevelt to pursue the policy of hectoring and domineering, which are the strongest features of his character. But these conditions, however deplorable, are the results of cause traceable directly to the people themselves. The same political machine which placed the President in the White House has sent the 61 Republican Senators to this Chamber and the 249 Republican Members to the House. The "Grand Old Party" of Lincoln, Grant, and McKinley holds absolute sway, because the people have willed it so, and when Mr. Roosevelt indulges in his tirades on the stump against the abuses which are evident to all he never stops to tell the people that all these things have come about with Republican Presidents in the White House and Republican Congresses in control.

The people, poor simple souls, reading the special pleas and sophistical excuses of Republican editors are led to think the President alone is honest and patriotic. They believe religiously that the Senate is corrupt and the House debauched, and that the policies—"my policies"—which are so exploited in the press must prevail and become law before any relief can be obtained. Senators who do not agree with the Executive and who refuse to obey his will must be retired. Congressmen who resist Executive dictation must be replaced by those who will obey. The Republican masses must understand, however, that they themselves have nominated and elected the legislatures which have chosen Senators who are charged with corruption, and voted for Representatives in Congress who have shown themselves so unwilling or unable to cope with conditions and who are charged by the very men who voted for them with being the servile tools of "predatory wealth."

But if the Republican machines of the various States, dominated as they are by the favored classes who have grown rich under Republican rule, are expected to send purer and better men under Roosevelt's orders than they have sent heretofore, the people must realize that they themselves are expected to do the work. It all resolves itself at last into the question whether there is enough honesty, patriotism, and true Americanism left

in the Republican machine to purify itself, and can the people expect the relief which they have a right to demand until they shall turn the rascals out and place in office men who will represent them rather than the special interests which have been created by Republican class legislation.

The machinery of Government in the hands of the Northern masses has drifted under the control of the men who are guilty of the wrongs and infamies which Mr. Roosevelt denounces in such scathing terms. If you ask who passes the laws which are so defective, the answer is, The Republicans in Congress. If you ask who failed to pass the laws so necessary to remedy all these evils, the answer is, The Republican Congress. The people have been betrayed by those for whom they voted, and the remedy lies with the people and the people alone. The public conscience has been debauched by favoritism in Government in the interest of these very "predatory rich" who are so vigorously denounced by the President. The poor fools who are shouting his praises have so far failed to understand that the bad government which the Republican party has given the country is due solely to the ignorance and debauchery of the people. Misled and deceived by the newspapers which are owned by these same rich men labor organized and disorganized trails along behind the banner of Republicanism and shouts for Roosevelt and his policies. The millions who have been robbed are equally as enthusiastic as the millionaires who have been benefited. The capacity of the people to govern themselves wisely and protect their interests is seriously called in question by existing conditions.

The money gained by dishonest and unfair methods is used to control the machinery of nomination at Chicago. The price of negro delegates in the South rises day by day. The office-holding clique, manipulated and directed by a high official of the Government under Roosevelt's sanction and orders and reenforced by the millions in the hands of the relatives and friends of one of the candidates, is opposed in the struggle for the control of these Southern delegations by beneficiaries of Republican misgovernment who want to be left alone in the enjoyment of power and the benefits to their private fortunes which the existing conditions afford. It is a battle between predatory wealth on both sides, with the power and prestige of the President thrown into the balance in behalf of his favorite. Civil-service rules, "pernicious activity" of Government officials, bold and unblushing effort to dictate his successor in the White House or compel his own renomination for a third term are conspicuous factors of the situation. The necessity for keeping the negro vote in line compels the President to seek permission from Congress to annul his own deliberate action in regard to the Brownsville rioters. Having declared they were "out and would stay out" and that Congress need not bother itself about it, we are now asked in his latest message which has come to us, to pass a law which will enable the President to reinstate them when he shall become satisfied that they are innocent of the murderous assault upon the people of Brownsville.

In the mad rush to placate the negro vote we may expect to see before the Chicago convention meets, to quote a great New England newspaper, "the President reviewing the reenlisted negro battalion on the White House green, after which there will be luncheon at the Executive Mansion." The President's action in that matter was hasty and unjust, inasmuch as the innocent were punished along with the guilty, but it is a pitiable spectacle, all the same, to see the mad race for negro votes and the efforts to secure the Southern delegations to the Chicago convention.

Turning from this aspect of the case, let us consider some of the facts known of all men which can not be ignored in making up a judgment as to the President's shortcomings and responsibilities. Mr. Roosevelt is always loud-mouthed and even vehement in the proclamation of his own purity of purpose and patriotism. He has absolute faith in his own infallibility, and is apparently so drunk with power that he unconsciously lapses into the imperial "we" and sends cablegrams about "me and my people." But these things are of small moment—"vagaries of a noble and impetuous spirit"—and we could pass them by were it not for the existence of cold-blooded facts to show Executive responsibility for many of the evils which exist without dispute. The President clamors for changes in some old laws and enactment of new ones. The people, fretted and angry because of the wrongs to which they have been subjected, clamor with him. Some of these proposed changes are undoubtedly very desirable and necessary, but others appear to me to be most pernicious and dangerous. But of what use will it be to carry out these recommendations if the Executive himself fails to enforce the laws when enacted? If it be said there is no doubt but what he will do so, I point you to flagrant instances in which he has failed to enforce the laws we have and to assert that he should first compel obedience to the laws on the statute books before he asks for new statutes.

Here let me direct attention to the skill with which the President evades responsibility for abuses which he could correct under existing law, while at the same time arousing people almost to frenzy by his denunciation of them. I will give you a brief catalogue of the sins of omission and commission on the part of the Executive.

It is an old matter and it has been talked of here so often that I dislike to bring it up. Nevertheless, it stands as a glaring illustration of the accusations I am making or the indictment I am presenting. It is thoroughly well known that Paul Morton, as vice-president of the Santa Fe Railroad, in the rebate cases, laid himself open to indictment and liability to personal punishment, but the President peremptorially refused to permit Messrs. Judson and Harmon to prosecute, and Morton, then in the Cabinet, received a testimonial from both the Attorney-General and the President. Had the Executive been honest with himself and the people when he found a malefactor of great wealth in his own council, he would have acted like Cato and pressed the law to the limit regardless of the person.

Again, he approved, without a suggestion of opposition, the Elkins law, which had repealed the personal-punishment clause of the Sherman Act, and while the statute was reenacted in the rate bill, in no instance has it ever been pressed by the Executive to a successful issue or the imprisonment of a single malefactor been brought about under it.

Proclaiming the popular doctrine of having the Interstate Commerce Commission clothed with power to grant relief and fix a just and reasonable rate he surrendered to the railroad interests when victory was in his grasp, and the courts by injunction are left free to paralyze the orders of the Commission whenever they see fit.

He has favored in messages in the past, and we are told by the newspapers, will urge in the near future such changes in existing laws as will enable the railroads to make pooling contracts. He clamors against the oppression of combined capital while asking Congress to legalize it. If he has his way, we will soon see in this country such combinations as will produce the practical consolidation of all the railroads of the country.

In order to give the President's view of this matter, I quote from that famous message of January 31, which caused such a flutter in this Chamber and outside of it:

> In this connection I desire to repeat my recommendation that railways be permitted to form traffic associations for the purpose of conferring about and agreeing upon rates, regulations, and practices affecting interstate business in which the members of the association are mutually interested. This does not mean that they should be given the right to pool their earnings or their traffic. The law requires that rates shall be so adjusted as not to discriminate between individuals, localities, or different species of traffic. Ordinarily, rates by all competing lines must be the same. As applied to practical conditions, the railway operations of this country can not be conducted according to law without what is equivalent to conference and agreement. The articles under which such associations operate should be approved by the Commission; all their operations should be open to public inspection; and the rates, regulations, and practices upon which they agree should be subject to disapproval by the Commission.

In that same message, while pointing out the wrongs and burdens imposed on the people by overcapitalization, he, in effect, gives sanction to the past misdeeds of such men as Harriman, Morgan, et al., and would have the people submit to an "unnecessary and everlasting tax" because of the "innocent stockholders"—the dupes who have bought these watered stocks.

Again I quote, because I want to be entirely just and let the indictment, if I am making an indictment—I am merely using some plain-spoken comments—go to those who shall find my speech buried in the Congressional RECORD, along with what I have to say by way of accusation.

The President said:

> The Interstate Commerce Commission should be provided with the means to make a physical valuation of any road as to which it deems this valuation necessary. In some form the Federal Government should exercise supervision over the financial operations of our interstate railroads. In no other way can justice be done between the private owners of those properties and the public which pay their charges. When once an inflated capitalization has gone upon the market and has become fixed in value, its existence must be recognized. As a practical matter it is then often absolutely necessary to take account of the thousands of innocent stockholders who have purchased their stock in good faith. The usual result of such inflation is therefore to impose upon the public an unnecessary but everlasting tax, while the innocent purchasers of the stock are also harmed and only a few speculators are benefited. Such wrongs when once accomplished can with difficulty be undone; but they can be prevented with safety and with justice. When combinations of interstate railways must obtain Government sanction; when it is no longer possible for an interstate railway to issue stocks or bonds, save in the manner provided by the Federal Government; when that Government makes sure that the proceeds of every stock and bond issue go into the improvement of the property and not the enrichment of some individual or syndicate;

when, whenever it becomes material for guidance in the regulative action of the Government, the physical value of one of these properties is determined and made known—there will be eliminated from railroad securities that element of uncertainty which lends to them their speculative quality and which has contributed much to the financial stress of the recent past.

I pause here long enough, Mr. President, to direct attention to the fact that when the rate bill was under discussion in this body the Senator from Wisconsin [Mr. LA FOLLETTE] presented an amendment providing for the valuation of the railroads as a fundamental basis and necessary precedent to any effort on the part of the Interstate Commerce Commission to determine what was a just and reasonable rate. Did Mr. Roosevelt then send down any of these flamboyant messages urging us to take that necessary action? No, not one word. He was silent—dumb as an oyster. Now we are told that it may be necessary or that power ought to be granted to the Commission to make an appraisement of such property when in their judgment it is necessary.

I simply ask you as sensible men how you can undertake to say what is a reasonable dividend on railroad stocks and bonds unless you know whether those railroad stocks and bonds represent actual value or water? You are trying to lift yourself over the fence by your boot straps. No wonder the President receives such indorsement for his pretended earnest desire to see overcapitalization stopped! The country is flooded to-day with seven or eight billions of dollars of watered stock, and this message which I have just read, if it means anything, means that past misdeeds must go unchallenged; that the watered stock must be let alone for the benefit of the "innocent stockholders," the lambs, who have been seduced into the stock-gambling dens of Wall street; that the masses of the people, the business interests, must contribute of their hard-earned money to furnish dividends upon the face value of watered stocks.

In the same category of "keeping the words of promise to the ear and breaking them to the hope," if the newspapers are to be believed, he is even now planning a truce with these same rich "malefactors" and is ready to grant amnesty to all past trust offenders. In the most pronounced language he has denounced the combinations between labor organizations and the boycott, but on the eve of an election panders to this same vote by demanding changes in the law as interpreted by the Supreme Court. Organized labor is to be relieved from the prohibition of the Supreme Court's decision, but along with it must go the relief of capital, as is suggested by Mr. Roosevelt.

Once relieved, the "malefactors of great wealth" will combine and consolidate, the big ones will swallow the little ones, until we have one railroad system, or, at best, three railroad systems, with three multimillionaires or semibillionaires in control, while the people hurrah and rush madly after this last patriot. But, as I said, we were told in yesterday morning's newspaper that a very important conference was held at the White House between the President, the Attorney-General, and Messrs. Knox and Neill, and orders went forth that those three—not the President, but the three underlings—if I may apply such a term to the Attorney-General, are to prepare bills to be sent here to be introduced and passed at this session. What has become of the skill in lawmaking of the leaders of the Republican party that they are not fit to prepare such bills? Who is going to be the spaniel messenger to bring these bills from His Excellency and introduce them here for us to obey the orders from the White House? I am going to watch to see.

I want to warn organized labor that if it shall be seduced into believing that it will get relief from a law as laid down by the Supreme Court, it had better get the relief before the pooling bill passes, because, when once it shall come to pass that predatory wealth in the shape of the railroad octopus has gotten the permission of this Congress to combine, to consolidate, labor may whistle for its relief.

There are so many instances, Mr. President, of neglect of plain duty by the Executive in dealing with public affairs, in allowing plain statutes to be overridden, and the rights of the people to be ignored that I hesitate to prolong the catalogue. One very pronounced instance occurs to me for the moment. One of the striking features in the present Administration has been the setting apart of the public domain for forest reserves. We have been told in season and out of season that the lumber supply of this great country was on the verge of being exhausted, and that it was absolutely necessary to protect the forests in the interest of future generations. What have the President and his friends to say to the fact that the Southern Pacific Railroad Company to-day holds 2,000,000 acres of the finest forest land in the world under the grant to the Oregon and California Railroad Company, which would be forfeited if the laws were enforced and the land could be restored to actual settlement? That gigantic corporation, presided over by "my dear Mr. Harriman," has ignored the plain letter of the statute granting those lands to its predecessor—I mean the predecessor of the Southern Pacific—which required that they should be sold in not exceeding 160-acre lots to actual settlers at $2.50 an acre. The road, according to the report of the Attorney-General which was sent in here a couple of weeks ago, has benefited, I believe, to the extent of $8,000,000 or more in the sale of that land, and still holds 2,000,000 acres.

It is true that at last the Department of Justice is moving in the courts to see what will be the outcome of this lawlessness on the part of Harriman and the Southern Pacific, but nothing is being done about the Northern Pacific. There are millions of acres of public domain withheld from sale contrary to the terms of the grant, and actual settlers who want to buy and make a home are refused any consideration. Nothing is being done by the Executive in these other grants affecting the public domain which are held by these corporations, much of the land the most valuable in the West, with timber the finest on the globe. We shall see what we shall see later.

Before I pass on to the main subject that I shall discuss to-day—something relating to the finances, by the way—I want to say, Mr. President, in all solemnity, and if it were the last utterance of my life I would tell the American people, that the one national necessity of this day and time is the election of a Democratic President and Congress. Why? To enable the Republican majority in this body, intrenched as it is for at least four years, in spite of any whirlwind or revolution that may come, to prevent any radical or dangerous thing being done—to allow that Republican majority to substitute a backbone for the cotton string which grows up and down the spine of you gentlemen.

I want to come now, Mr. President, to a concrete instance of the President's shortcomings as a law enforcer, the most flagrant of all of the Executive neglects, a running sore and cancer on the body politic, hated by all good citizens and denounced by even the President himself, who anathematized it in bitter language in the celebrated message of January 31. Again, in trying to be entirely fair, I read from page 9 of the message:

I do not know whether is is possible, but if possible, it is certainly desirable, that in connection with measures to restrain stock watering and overcapitalization there should be measures taken to prevent at least the grosser forms of gambling in securities and commodities, such as making large sales of what men do not possess and "cornering" the market. Legitimate purchases of commodities and of stocks and securities for investment have no connection whatever with purchases of stocks or other securities or commodities on a margin for speculative and gambling purposes. There is no moral difference between gambling at cards or in lotteries or on the race track and gambling in the stock market. One method is just as pernicious to the body politic as the other in kind, and in degree the evil worked is far greater. But it is a far more difficult subject with which to deal. The great bulk of the business transacted on the exchanges is not only legitimate, but is necessary to the working of our modern industrial system, and extreme care would have to be taken not to interfere with this business in doing away with the "bucket shop" type of operation.

Mr. President, I hold in my hand copies of three sections of the Revised Statutes, which, if enforced, would to a large degree do away with stock gambling. The President says, if it is possible, it is desirable to have it done. He has not told Messrs. Neill and Garfield and the other headlights of legislation who are preparing bills for us to pass to look for any remedy for this pernicious and devilish practice; but he failed to see or is unwilling to try to enforce the law he now has, to which his attention has been directed, and which, if enforced, as I said a moment ago, would undoubtedly do away with the greater part of this abuse. In this connection, Mr. President, I will send to the desk and have read a copy of a letter sent to the President upon March 4, 1908. I can not at the moment put my hand on the letter. I have so much ammunition here that I have not got it in shape to shoot it like a Gatling gun, but I will shoot it after a while. [Laughter.] I now have the letter I was looking for, which is dated March 30, 1907. I ask that it be read from the desk.

The VICE-PRESIDENT. Without objection, the Secretary will read.

The Secretary read as follows:

NEW YORK, *March 30, 1907.*

To the PRESIDENT OF THE UNITED STATES,
Washington, D. C.

DEAR SIR: I trust you will not make any further statement as to your attitude toward the railway situation, for I believe the great majority of the people—those engaged in legitimate lawful business pursuits—heartily support your course.

Those who clamor so for a statement are the speculators who have created the conditions about which they so loudly complain. They have been arrogant, grasping, violators of law, and should be compelled to obey the law to the last letter as completely as the humblest citizen.

As Mr. Carnegie says, "A few gamblers in Wall street are the trouble," and "Wall street is not America." He is entirely right in this statement, except that there are many instead of few gamblers or speculators on Wall street, and these include the men most prominent in banking and business affairs, as well as the men and women who put up a margin of $100 to speculate in stock.

The truth is that speculation in stock is made too easy by the banks in New York City, which lend their credit in great volume to stock brokers.

And so far as the national banks here are concerned this credit is habitually furnished in plain violation of the national banking laws.

The credits granted to stock brokers by national and State banks in New York City will frequently aggregate $200,000,000 in a day's business. Much of this represents legitimate and necessary transactions in stocks and bonds, but much is purely speculation on margins. But whether legitimate or speculative these two transactions should be made strictly within the lawful limits of the national banking law, and this is not the case.

I do not wish any notoriety in this connection, but I am prepared, if necessary, to substantiate my statement in detail.

For twelve years I held responsible positions in the Comptroller of Currency's office, so I am very familiar with the requirements of the national bank act, and for over eight years I have had the experience of banking on Wall street.

With my very best wishes that you may have continual strength and courage faithfully to serve the public welfare, I am,

Yours, respectfully, GEO. M. COFFIN.

Mr. TILLMAN. Mr. President, I will simply take time enough to say that Mr. George M. Coffin was formerly a clerk in the Comptroller's office, was promoted to Deputy Comptroller, went to New York, and, like many other officials from that Bureau, became associated with a bank and was made president or vice-president of a bank over there. Without taking further time, I will simply ask permission to incorporate some testimonials from the various Comptrollers of the Currency under whom he served as to his qualifications and character. I do not want them read unless somebody attacks him.

The VICE-PRESIDENT. In the absence of objection the matter referred to by the Senator from South Carolina will be printed in the RECORD.

The matter referred to is as follows:

Extracts from letters as to the ability and character of Mr. Coffin, president of the Geo. M. Coffin and Parshall Company, public accountants and auditors, 115 Broadway, New York City.

Hon. W. L. Trenholm, Comptroller of Currency, 1886–1889—July 2, 1889:

"Your long training and experience in business before you came to Washington give you an immense advantage. It enabled you to take hold at once and conduct ably from the first moment the important divisions of the bureau which were successively placed under your control."

Hon. E. S. Lacey, Comptroller of Currency, 1889–1892, now president Bankers' National Bank, Chicago, Ill., June 25, 1892:

"In the discharge of the responsible duties devolved upon me during the past three years I have relied greatly upon your skill and fidelity and have never been disappointed."

Hon. A. B. Hepburn, Comptroller of Currency, 1892–1893, now president Chase National Bank, New York City, March 12, 1896:

"Accept my congratulations upon your well-deserved promotion (Deputy Comptroller). It ought to have come long ago, and I am very glad that Comptroller Eckels has done you justice, and at the same time done the banks under your supervision and the public service a favor in securing for them so good an executive."

Hon. James H. Eckels, Comptroller of Currency, 1893–1898, afterwards president Commercial National Bank, Chicago, Ill., February 16, 1898:

"I can not speak too highly of Mr. Coffin. He is a man of the highest integrity and the most faithful attention to duty. He, as chief of the reports division, was compelled to display a great deal of executive ability and look after the examiners who were examining the banks. I always found him a man of the utmost good judgment and of decisiveness whenever that was required."

Hon. Charles G. Dawes, Comptroller of Currency, 1898–1901, now president Central Trust Company, Chicago, Ill., August 8, 1898:

"I want to say that Mr. Coffin is a man of the highest tact, ability, discretion, and honesty. Should he leave the Treasury Department, we will experience a great loss. I write an unsolicited testimonial of my friend, Mr. Coffin, for whom I have come to entertain a high regard, as have those of my predecessors with whom he has served."

Hon. W. Dudley Foulke, Richmond, Ind., April 14, 1900:

"I regard him as a man of skill and of the highest character. I think, indeed, that his ability to deal with difficult financial problems is extraordinary."

Mr. TILLMAN. Section 5200, to which Mr. Coffin called the President's attention, and that a year ago, reads as follows:

SEC. 5200 (as amended June 22, 1906). The total liabilities to any association, of any person, or of any company, corporation, or firm for money borrowed, including in the liabilities of a company or firm the liabilities of the several members thereof, shall at no time exceed one-tenth part of the amount of the capital stock of such association, actually paid in and unimpaired and one-tenth part of its unimpaired surplus fund: *Provided, however*, That the total of such liabilities shall in no event exceed 30 per cent of the capital stock of the association. But the discount of bills of exchange drawn in good faith against actually existing values, and the discount of commercial or business paper actually owned by the person negotiating the same shall not be considered as money borrowed.

This, including the surplus, was under the act of June 22, 1906, which was passed at the instance of our friend, the chairman of the Committee on Finance [Mr. ALDRICH]. Here is a direct prohibition under the law that these national banking associations shall not lend to any individual or firm more than one-tenth of their capital stock and of their undivided surplus. How are you going to enforce that? Before I read the enforcing clause I will read section 5208, which deals with the other aggravated method or instrumentality by which stock gambling is fostered and encouraged and kept alive. Section 5208 reads:

It shall be unlawful for any officer, clerk, or agent of any national banking association to certify any check drawn upon the association unless the person or company drawing the check has on deposit with the association, at the time such check is certified, an amount of money equal to the amount specified in such check. Any check so certified by duly authorized officers shall be a good and valid obligation against the association; but the act of any officer, clerk, or agent of any association, in violation of this section, shall subject such bank to the liabilities and proceedings on the part of the Comptroller as provided for in section 5234.

Which simply means that the Comptroller under the law has the power and is required to institute proceedings in the circuit or district courts of the United States to close up such institutions when they break this section. But there is still another punitive clause much worse than the mere closing of the association and putting it out of business. Section 5239 reads:

If the directors of any national banking association shall knowingly violate, or knowingly permit any of the officers, agents, or servants of the association to violate, any of the provisions of this title, all the rights, privileges, and franchises of the association shall be thereby forfeited. Such violation shall, however, be determined and adjusted by a proper circuit, district, or Territorial court of the United States, in a suit brought for that purpose by the Comptroller of the Currency, in his own name, before the association shall be declared dissolved.

Here is a law with teeth in it. Section 13 of the act of July 12, 1882, provides—

That any officer, clerk, or agent of any national banking association who shall willfully violate the provisions of an act entitled "An act in reference to certifying checks by national banks," approved March 3, 1869, being section 5208 of the Revised Statutes of the United States, or who shall resort to any device or receive any fictitious obligation, direct or collateral, in order to evade the provisions thereof, or who shall certify checks before the amount thereof shall have been regularly entered to the credit of the dealer upon the books of the banking association, shall be deemed guilty of a misdemeanor and shall, on conviction thereof in any circuit or district court of the United States, be fined not more than $5,000, or shall be imprisoned not more than five years, or both, in the discretion of the court.

It is this section under which John R. Walsh was at last started to the penitentiary; but John R. Walsh had broken these other sections, namely, 5200 and 5208, probably a thousand times within the positive knowledge of the Comptroller of the Currency that he was breaking them before he was brought to book, and nothing but the disaster which followed from his lack of business judgment and disobedience to sound banking principles ever produced the catastrophe which caused the bank over which he presided to be declared bankrupt and put in liquidation.

How is this devilment carried out? I have here a brief from the court of appeals of the State of New York in which the method is outlined in full. I do not want to take the time to read it, but I will ask permission to incorporate an extract from it as a part of my remarks, and I will merely summarize it in what I shall say. Mr. President, may I have permission to have it incorporated in the RECORD?

The VICE-PRESIDENT. In the absence of objection, permission is granted.

The matter referred to is as follows:

[Extract from brief, court of appeals.]

The bank during the running of this account had been in the habit of giving the old firm a credit in said account of $75,000 in the morning, which the employees, who were witnesses, called a "temporary loan," which was expected to be paid off in the afternoon, and against this credit, if there was not in the account a sufficient credit balance brought over from the previous day, the bank certified the checks of the old firm which were presented early in the morning. At the beginning of the transactions between the old firm and the bank a printed blank stock note, which was put in evidence as Exhibit 29, was made and had been retained by the bank until produced at the trial. As is apparent from an inspection of this exhibit, no date, rate of interest, or collateral is mentioned, and but two of the numerous blanks in it are filled, one being the amount "$75,000" and the other being the signature of the old firm, and yet upon this piece of paper, which was never canceled, surrendered, nor renewed, but was kept in the bank's vaults as a continuing note, with no collateral security for it other than any possible excess of collateral which the bank might be holding at the time upon other specific loans to the firm, and without any entry in the bank's books of the terms of the loans, it is conceded that these daily credits or loans of $75,000 were given or made by the bank.

Mr. TILLMAN. It is along this line. The broker or gambler, knowing in the morning how much he will have to pay for his preceding day's work on account of the stocks he has bought the day before, and not having the money on hand, goes to the bank and gives a bogus note, or an actual note, without collateral—a dummy note, so to speak The bank officer accepts that and charges it to his credit and certifies his check, so that the broker may go on the stock exchange and buy more stocks for that day, and the process is repeated over and over and over again. The pirate—if I may call a stock gambler a pirate—the pirate will take his gun, his blunderbuss, his pistol, or his cutlass and go after you hammer and tongs and demand your money or your life, and leave you a chance to fight; but the stock-gambling pirate sneaks around, and

lambs from the country, from the West, the South, and elsewhere, are tolled into the stock exchange by flaming reports made day by day of the rise and fall in values and the immense fortunes which are possible, and they are the fellows who are fleeced through the instrumentality of the broker and of the bank, the bank furnishing the means, the broker being the instrument, and the stocks and bonds being bought on ficticious checks, which have no backing, no collateral, and nothing but trust in the honor and character of the broker to support them, and the law is trampled under foot. At 3 o'clock that evening the gambler goes to the bank with the stocks and bonds which he has bought that day and deposits them as collateral for his preceding day's work and to make good the checks which have been furnished him in the morning.

I have read the statute prohibiting this—section 5208. The Comptrollers of the Currency from 1888 down have time and again reported against these excessive loans, more than one-tenth, and against the certification of bogus checks or checks without collateral. The attention of the President was called to it. The Comptroller of the Currency has had his attention called to it. The President blandly says that "if it is possible to stop it, it ought to be done."

With the permission of the Senate I will incorporate such other evidence in the shape of exhibits as will make clear the process and make clear the results.

The VICE-PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

TOLD ROOSEVELT HOW TO CHECK STOCK GAMBLING—BY SIMPLY ENFORCING SECTIONS 5200 AND 5208 OF THE REVISED STATUTES OF THE UNITED STATES, WHICH, GEORGE M. COFFIN WROTE HIM, ARE DAILY VIOLATED BY EVERY LARGE NATIONAL BANK—BUT ADMINISTRATION HAS TAKEN NO ACTION—SOME INTERESTING LETTERS WHICH PASSED BETWEEN BANK PRESIDENT COFFIN AND COMPTROLLER OF THE CURRENCY RIDGELY SHOW CORRESPONDENCE ENDED ABRUPTLY WHEN WAY TO ENFORCE THOSE LAWS WAS INDICATED.

Since the World printed, last January 7, its now famous editorial against stock gambling and urging the employment of repressive measures against the evil the Wagner bill has been introduced in the State legislature, making it a crime to deal in securities on margins.

President Roosevelt in his message to Congress January 31, following the exposures in the World, denounced stock gambling. The President said in his message:

"I do not know whether it is possible, but if possible, it is certainly desirable that in connection with measures to restrain stock watering and overcapitalization there should be measures taken to prevent at least the grosser forms of gambling in securities and commodities, such as making large sales of what men do not possess and 'cornering' the market. * * *"

NO MORAL DIFFERENCE.

"There is no moral difference between gambling at cards or in lotteries or on the race track and gambling in the stock market. One method is just as pernicious to the body politic as the other in kind, and in degree the evil worked is far greater. * * *

"But if it is possible to devise a way to deal with it the effort should be made, even if only in a cautious and tentative way. It would seem that the Federal Government could at least act by forbidding the use of the mails, telegraph and telephone wires for mere gambling in stocks and futures, just as it does in lottery transactions."

If President Roosevelt is sincere in his desire to stop or check stock gambling George M. Coffin, former president of the Beaver National Bank, can not understand why he does not direct his Comptroller of the Currency, William Barret Ridgely, to enforce sections 5200 and 5208 of the Revised Statutes of the United States. President Roosevelt knows of the existence of these sections, and the fact that the whole structure of stock gambling rests on a continuous violation of them by practically every bank of importance in the down-town district of New York. Mr. Coffin wrote the President about these sections, of the fact that they were being daily violated, and he knows Mr. Roosevelt received his letter, for Comptroller of the Currency Ridgely wrote him saying that the President had turned Mr. Coffin's letter over to him.

VIOLATORS KNOWN.

Comptroller of the Currency Ridgely also knows of the existence of these sections and the fact that they are violated scores of times every business day in the year, and that his Department has never tried to enforce those laws or bring the violators to punishment. The facts were laid before him in a series of letters writen by Mr. Coffin. The World is enabled to print these letters and the letters written by Comptroller of the Currency Ridgely in reply.

This correspondence, which is presented below, makes a striking exhibit in view of the denunciatory character of the President's message on stock gambling. The day the message came out it was received with derision in Wall street, and with comments of this sort:

"The great American noise-maker is at it again."

"Just words; that's all."

That stock gambling can be suppressed and at least 80 per cent of it obliterated by a strict enforcement of sections 5200 and 5208 of the Revised Statutes is known, and has been known for years, by every bank president and almost by every bank employee down to the junior clerks, and also by the heads of all stock exchange brokerage houses, their managers, and clerks.

Section 5200 is a simple and lucid law. It limits the amount which a bank may loan to a single borrower to 10 per cent of the combined capital and surplus. If a bank has $1,000,000 capital and $1,000,000 surplus, or $2,000,000 in all, the maximum of the loans which it can have outstanding to the same borrower is $200,000.

Section 5208 prohibits overcertification. No national bank shall certify a check drawn by a depositor unless there is actually on deposit to the credit of that depositor an amount at least as great as that called for by the check.

FINE AND IMPRISONMENT.

Violation of either of these laws is punishable by fine and imprisonment. Just how these laws are violated every day without interference by the Comptroller of the Currency, and just how at least 80 per cent of the daily transactions of the New York Stock Exchange are absolutely dependent on violations of these laws, is shown in the correspondence between Mr. Coffin and the Comptroller of the Currency.

Mr. Coffin is probably the best-informed banker on the Federal banking laws in this city. He served twelve years in the office of the Comptroller of the Currency at Washington as Chief of the Division of Issue, as Chief of the Reports Division, which gave him supervision of the United States bank examiners, and as Deputy Comptroller. In 1898 he became vice-president of the Phenix National Bank in this city, and in March, 1907, president of the Beaver National Bank. Ill health compelled him to resign that position in July, four months later. Mr. Coffin and Comptroller Ridgely have always been warm personal friends.

The correspondence follows:

NEW YORK, *July 11, 1906.*

DEAR MR. RIDGELY: I believe your expressed intention to require the banks to live up to the letter of the new law in the matter of excessive loans will have the moral support of the great majority of directors, who are giving more attention to such matters than ever before.

MADE MORE LIBERAL.

And now that the question has been decided by the will of Congress, and that the law has been made more liberal, there ought to be, and I believe there will be, cheerful and general obedience to the law. In cases where there is still a disposition to violate or evade the law it has recently occurred to me the following argument might be used with good effect.

Every director every year takes an oath before a notary that he "will not knowingly violate or willingly permit to be violated any of the provisions of this title;" so that when any director joins in authorizing a loan in excess of the legal limit, or a director who is an executive officer makes such a loan, or willingly permits it to be made, he violates his oath.

Directors are doing a great deal of thinking these days, and such an argument coming from the Comptroller would, I think, carry great weight and be very effective.

Perhaps you have already used this argument, but in any event I beg to offer this as a suggestion for what it may be worth.

GEORGE M. COFFIN.

Mr. Ridgely's reply was prompt:

WASHINGTON, *July 12, 1906.*

MY DEAR MR. COFFIN: Your favor of the 11th instant is received. I am very much obliged to you for it, and for the suggestion you make, which is very much along the lines of what we are beginning to do in such cases.

I find that the efforts I have made for a year or two past to call the attention of the directors to the details and management of the banks have had a very salutary effect and resulted in investigations, which generally have an immediate and beneficial effect on bank management.

WM. BARRET RIDGELY.

JULY 13, 1906.

MY DEAR MR. RIDGELY: I have your letter of 12th instant, and note what you say.

The success of your past efforts in enforcing the plain provisions of the law ought to be very gratifying to you and encourage you for the future. You had to meet conditions created by the laxity of your predecessors. So far as my influence went in a subordinate capacity, I always maintained that it was the Comptroller's plain duty to enforce the law as he found it, but in the matter of excessive loans my chiefs never agreed with this view. Having been in the office and out of it, I realize fully how potent is the Comptroller's influence, and, wisely and lawfully used, it can accomplish wonders.

Just now, as no doubt you know, there is a great deal of introspection and self-examination going on in the seats of the mighty, and this is the psychological moment for insisting on obedience to law. Anything done in this direction will have the hearty support of a wholesome public opinion.

My continued interest in the Comptroller's office causes me to wish that the examiners' service was more effective than it really is. There are violations of law which only they can discover that, so far as I know, are never criticised by your office. But of these I would not care to write, preferring when I next have the pleasure of meeting you to discuss them orally. With best wishes and kind regards,

GEO. M. COFFIN.

WASHINGTON, *July 14, 1906.*

MY DEAR MR. COFFIN: I have received your letter of the 13th and read it with much interest. I shall always be glad to have any suggestions you can make in regard to the relations of this office with banks, and hope that you will feel free to write me fully at any time.

WM. BARRET RIDGELY.

NEW YORK, *July 18, 1906.*

MY DEAR MR. RIDGELY: Your letter of 14th instant has been duly received, in which you kindly say you will be glad to have any suggestion I may have to make, and as I do not know how soon I shall have the pleasure of meeting you I have concluded to write what I had in mind.

The violation of law to which I referred in my letter of 16th instant are those growing out of the certfication or acceptance of checks for brokers, and so far as I know are no more serious than violations of section 5200.

So far as I can ascertain these credits are granted daily on demand notes in regular form, proceeds of which are duly placed to credit of the broker making the notes, and against these credits checks are certified or accepted. As a rule the notes are sent in around 10 o'clock in the morning, and by 3 or 3.30 p. m. deposits are made, against which the demand notes are charged and the loans liquidated.

These loans bear no interest, yet so far as the bank making them is concerned they involve all the risks attaching to loans without any security whatever (as a rule) except the personal integrity and business judgment of the borrowers. While a loss is rare, when it does come it is for a large amount, as in the case of the Seventh National Bank a few years ago.

TAKE SUCH RISKS.

Of course, if bank managers wish to take such risks the responsibility is theirs, but they should be incurred within the limitations of law. Regarded strictly as loans, they should be made within the limits of section 5200, and I can see no reason why they should be exempt.

As a matter of fact and reality these transactions involve a lending of credit by the banks to their customers which the courts have declared to be unlawful. But the custom has persisted so long and such large interests are involved that my suggestions go no further than confining these so-called loans to the limits of section 5200. And now that the stock market is not very active, and we are on the eve of a crop movement, when it should not be active, I think the present time propitious to looking into the matter.

The only result will be to cause either a curtailment of these credits, which, in my opinion, would be wholesome, or to cause a shifting of these accounts from smaller banks to larger ones. At any rate the lesson of obedience to law in this respect would have a salutary effect on the business community.

My observation, since I have been in Wall street and know how things are done, is that banking funds are used entirely too freely for speculative purposes to the detriment of the legitimate business interests of the country, and clearing-house and other figures support this view.

All the machinery of banking is furnished to make speculation easy. The margin customer of the broker puts up 10 per cent of the stock bought, the broker puts up 10 per cent more to make the bank margin of 20 per cent, and the banks holding largely of the reserve funds of other banks furnish the remaining 80 per cent. New York City must be the great market for stocks and bonds, but the banks should not aid and abet speculation in violation of law.

On November 9, 1905, checks certified or accepted by national and State banks in the Wall street district aggregated nearly $200,000,000—nearly one-half the total exchanges of the next day, which were $400,000,000. Again in January and February, 1906, bank reports showed the same proportion. My interest in the national banking system and in the banking prestige of New York City leads me to lay this matter before you for your consideration.

If you think it worth looking into, I would suggest you make an investigation through your examiners here in the regular rounds of their visits. The violations never are shown in reports, because they always disappear before the close of business each day, but they exist nearly every day from the beginning of business until its close, in a form readily accessible to the bank examiners.

Unless it should be necessary I would prefer my name should not appear even to the examiners here in any investigation you make, for it might visit on me the animosity of great financial interests.

And if there is any point not made clear in this letter I shall be glad to supplement it at your request. As I have already said, the influence of the Comptroller with the Government behind him is immense, and I believe this is an opportunity where it can be exercised in a way most wholesome to the business interests of the country and, therefore, most creditably to your administration of the office.

GEO. M. COFFIN.

No answer came to this letter, which had specifically pointed out the violations that no Federal Administration has ever dared to stop since the stock exchange and Wall street became such tremendous financial and political powers. Mr. Coffin waited until July 25, and then wrote Deputy Comptroller T. P. Kane, asking him if Comptroller Ridgely had received his letter of July 18. On July 31 Mr. Kane wrote Mr. Coffin:

"The Comptroller was at the office during the period stated in your letter, and I understand replied to your letter."

GOT NO REPLY.

Mr. Coffin got no reply from Comptroller of the Currency Ridgely, and finally, March 30, 1907, wrote President Roosevelt. In this letter he referred to a statement made about that time by Andrew Carnegie that "a few gamblers in Wall street are in trouble." The letter to the President then said, referring to Mr. Carnegie:

"He is entirely right in this statement except that there are many instead of few gamblers or speculators in Wall street, and these include the men most prominent in banking and business affairs, as well as the men and women who put up a margin of $100 to speculate in stocks.

"The truth is that speculation in stocks is made too easy by the banks in New York City, which lend their credit in great volume to stock brokers.

"And so far as the national banks here are concerned, this credit is habitually furnished in plain violation of the national banking laws."

President Roosevelt handed this letter over to Comptroller of the Currency Ridgely, who answered it:

WASHINGTON, *April 4, 1907.*

MY DEAR MR. COFFIN: Your favor of the 30th instant, to the President, has been referred to me. I will be obliged if you will write me more specifically in what respect the national banking law is violated in the credits furnished stock brokers in New York City, and also make such suggestion as you may think advisable in regard to what ought to be done to correct the evil, if it exists.

Yours, very sincerely, WM. BARRETT RIDGELY.

NEW YORK, *April 6, 1907.*

MY DEAR MR. RIDGELY: Replying to your kind favor of the 4th instant, receipt of which I acknowledged yesterday, in which you request me to write you specifically in what respect the national banking laws are violated in the credits furnished stock brokers in New York City, and to make such suggestions as I may think advisable in regard to what ought to be done to correct the evil, if it exists.

NOT MORE FULLY.

I do not think I could present the matter more fully than I did in my letter of July 18, 1906, to you, a copy of which I herewith inclose. You may remember we had some correspondence at that time, and I do not know whether this last letter ever reached you, as I had no acknowledgment of it from you.

If I were able to add anything to what I said and suggested therein, I would present it as follows. It is a matter to which I have given a good deal of thought, and to my mind it presents itself in three aspects:

I. Section 5208, as you know, makes it unlawful for a bank to certify any check drawn upon it unless the drawer of the check has on deposit an amount equal to the amount of the check, and section 13, act July 12, 1882, makes such an act a misdemeanor and prescribes fine or imprisonment for any violation.

II. To evade the penalties prescribed by the above-cited sections, it is customary for banks granting certification to legalize these transactions by making them appear in the form of loans. These loans are represented by demand notes, bearing no interest and having no security except the name, reputation, and integrity of the makers of the notes.

In this view, any accommodations of this kind granted beyond the statutory limit of 10 per cent of capital and surplus of any bank is unquestionably a violation of section 5200. For instance, if a bank with $500,000 capital and $200,000 surplus grants a loan of $200,000 in this form to anybody it violates the provisions of section 5200, which limits the loan to $70,000.

Is there any reason why loans to brokers should be any exception to this prohibition of the law?

III. The certification or acceptance of checks drawn against such unsecured loans placed to the credit of a customer really amounts to the lending of its credit by the bank to such a customer, and in the case of Bowen *v.* Needles National Bank (94 Fed. Rep., 925), it was decided that a national bank has no such power; also in the case of Bowen *v.* Needles National Bank et al. (87 Fed. Rep., 430), it was decided that it is ultra vires on the part of a national bank to guarantee checks drawn on it by one having no funds deposited with the bank.

THE QUESTION.

The question here is: Does a customer who has the proceeds of a note without security and bearing no interest placed to his credit have funds deposited with the bank within the meaning of section 5208?

As to the way in which to go about the correction of this evil, if it exists, I have made suggestions in my letter of July 18, 1906, but I will write you further as to this as soon as I have the opportunity.

GEO. M. COFFIN.

No answer came to this letter.

NEW YORK, *April 12, 1907.*

MY DEAR MR. RIDGELY: I promised in my letter of the 6th instant to write you further on the subject of certification for stock brokers by the national banks here. As suggested in my letter of July 18, 1906, I should think the best way to take up the matter would be through the examiners here in the regular round of their work.

I have recently learned that one of your examiners here has resigned and presume that his place will be filled by a new one. It would be quite natural for the new examiner to look carefully into all the affairs of the banks here, and with a hint from you he might take up this subject specially and report his findings to you.

The examiner and his assistants are in any bank during the whole of a business day, and these transactions from beginning to end will be subject to their inspection in any bank in which they are undertaken.

TREATED AS LOANS.

They are usually treated as loans, so entered on the books, and are therefore readily accessible at any time to the examiner's inspection. If he finds any cases where section 5200 is violated, he can report them to your office, and this will give you the opportunity to criticise.

In this connection I would say that the work of an examiner here demands exceptional abilities, by reason of the tremendous interests and influences that are naturally at work in a great financial center like this. To cope with these forces the examiner ought to be a man of strong and unimpeachable character and undoubted ability as a banker and accountant.

While I have no criticism to make of the character of any examiner who has been in the service here during my stay in New York, I do not think they have exhibited the qualities of strength and thoroughness which the situation demands. I know of things overlooked that ought not to have been overlooked and of failures to carry out the ordinary printed instructions of your office which I myself prepared while in the office.

With this knowledge and conviction, I hope you will not consider me intrusive when I suggest that in selecting an examiner for the existing vacancy, if he is not already selected, you will bear in mind what I say. It is offered with a sincere desire to add to the efficiency of your excellent administration, and at the same time to bring the administration of the national banks of New York up to the highest level so far as it may be in your power to do this.

Yours, sincerely, GEO. M. COFFIN.

Again the Comptroller of the Currency failed to put himself on record in the matter of excessive loans to stockbrokers and overcertification of their checks.

NEW YORK, *April 25, 1907.*

MY DEAR MR. RIDGELY: As requested in your letter of the 4th instant, I wrote you with regard to certain matters on the 5th, 6th, and 12th instant, respectively, but so far have received no acknowledgment of any of these.

QUESTION OF DELIVERY.

Will you be good enough to drop me a line telling me whether or not the letters ever reached you, and oblige,

Yours, sincerely, GEO. M. COFFIN.

This brought a peculiar reply.

WASHINGTON, *April 29, 1907.*

MY DEAR MR. COFFIN: I have received your favor of the 25th instant in regard to the letters you wrote me relative to certain practices of the banks in New York.

I ask your pardon for not having formally acknowledged your letters, but expected to get time to investigate the law, etc., and write you fully in a few days and did not think it was necessary. I have been so rushed with other matters that I have not got down to this, but will write you further about it in a few days.

It does not strike me that this is a matter that a few days more or less will make any difference with.

Very sincerely, yours, WILLIAM BARRET RIDGELY.

Mr. Coffin acknowledged receipt of that letter by telling the Comptroller that as the practice had existed for forty years he presumed "a few days would not make any difference." Mr. Coffin ended the correspondence then and there and gave up hope of getting the Comptroller of the Currency to enforce the laws.

For those not familiar with the method of financing stock transactions by the stock-exchange brokers, it is said that no firm in the street—not the richest—has capital enough to pay for what its customers buy. A purchase of a thousand shares at 100 involves $100,000.

BROKER MUST PUT UP.

The customer may put up $10,000 as margin. The broker must put up the rest. He may furnish $10,000 out of his own resources and get the remaining $80,000 from the banks.

An active brokerage firm of moderate size deals in from 20,000 to 40,000 shares a day. A big firm, patronized by groups of big speculators, deals in 100,000 shares a day at times. In a bull market customers will stay "long" of a stock for days and weeks. Every day's trading at times requires fresh borrowing.

Every morning a brokerage house knows how much money it will be required to pay that day before 2.15 p. m., when the final deliveries of stock purchased the previous day are made. It may have to pay out $50,000, or as much as $500,000. It is the rule in Wall street to have all checks paid for stocks certified. A broker who pays out $50,000 or $500,000 in a day must see to it that his bank will certify his checks to that amount, even if his deposits do not amount to one-fifth of the sum required.

Up to the time the Seventh Ward Bank failed, eight years ago, it was the custom of all banks with stock brokers as customers to violate the overcertification section of the Revised Statutes of the United States without any pretense of legality. But President Kimball, of the Seventh Ward Bank, was fined $5,000 and stood a good chance of going to jail, and the other bank presidents became frightened.

A SUBTERFUGE.

They adopted a subterfuge by which a dummy deposit was placed to the credit of the borrower. This is the practice: A broker needing $200,000 sends notes to his bank early in the day for that amount. The bank goes through the form of discounting the notes and putting a fictitious credit of $200,000 to his account. When the checks the broker gives out during the day are presented at his bank they are certified. Then, later in the day, the broker puts in his own genuine deposits and the notes are canceled.

Without the banks acting as a bridge across which the buyer and seller of margined stocks may deal those transactions would be impossible. And to act as that bridge the banks break the United States laws every day in the year. It is profitable business for the banks. By keeping stock speculation going at high pressure constant employment for the banks' money is found and at better rates of interest than legitimate business can ordinarily afford to pay.

Any interference with this system would arouse the wrath of every important national bank in the city and the immense power of the New York Stock Exchange, which represents more wealth, perhaps, than any other institution in the world.

Mr. TILLMAN. Mr. President, I have here a résumé of former Comptrollers' reports coming down from 1888 when Mr. Trenholm was in the office to the present occupant of that office. They have all recommended legislation in regard to section 5200, and it is a matter of record that Mr. Ridgely, when the act of 1906 was passed, sent out a circular notifying the banks that he was going to enforce it. But all the same it has not been enforced. I ask that this be incorporated also as a part of the evidence which I am trying to bring forward here to show how stock gambling is conducted, the source of the money which is furnished the gamblers by the banks contrary to the law, and all that, so that those who want to find out can do so by studying the exhibits after they are printed.

The VICE-PRESIDENT. Without objection permission is granted.

The matter referred to is as follows:

RÉSUMÉ OF FORMER COMPTROLLERS' REPORTS.

An examination of all Comptrollers' reports from the year 1865, shows that while references to section 5200 were made and amendments thereof were suggested between 1868 and 1878 no Comptroller made any comments on the violation of this section until 1886 when Comptroller Trenholm called the attention of Congress to the matter and recommended an amendment of the law and penalties which would be likely to stop it. Trenholm renewed this recommendation in 1887 and in 1888, or every year of his administration and in 1888 says the law is "notoriously disregarded."

In 1888 Trenholm states that he has adopted the rule of sending notice to each director of a bank whose condition requires a letter to be addressed to the board.

Then Comptroller Lacey recommended amendment of section 5200 in 1889, 1891, and 1892 and also proposed restricting by law loans to officers and directors of national banks.

In 1893 Comptroller Eckels suggests restriction of loans to officers and directors and prints a copy of a letter he sent to directors with request for their united reply in cases where large accommodations were made to officers and directors.

In 1895 renews recommendation as to restricting loans to officers and directors.

In 1896 he gives "excessive loans" as one main cause of bank failures and renews recommendations as to restrictions of loans to officers and directors, and that directors should make one examination a year of their banks.

Comptroller Dawes in 1898 recommends amendments of section 5200 and states that on September 28, 1898, 1,124 banks, or one-third of the entire number of banks showed violation of this law in their sworn reports.

In 1899 he renews his recommendations and in 1900 renews them again, stating that on June 29, 1900, 1,575 banks out of 3,732 showed violations of section 5200 in their sworn reports.

Comptroller Ridgely (appointed October 1, 1901) in 1901 renewes Dawes's recommendations as to amending section 5200 and restricting loans to officers and directors, repeats that on June 29, 1900, over 40 per cent of the banks showed violations and says "it is therefore practically impossible to enforce a compliance with its requirements."

In 1905 he recommends amendment to section 5200 to make limit 10 per cent of capital and surplus, and this amendment became law on June 22, 1906.

Several Comptrollers say that never in a single instance had the penalty prescribed in section 5239 been enforced to stop the making of excessive loans, and Deputy Comptroller Kane, in a magazine article in December, 1903, says that the law (sec. 5200) is persistently violated and disregarded and that if the penalty (sec. 5239) were applied (in 1903) it would result in closing two-thirds of all the banks in the national system.

Mr. TILLMAN. Mr. President, one of the resolutions which has been read at the desk and to which I am speaking, the fourth one, says:

Fourth. The committee is further instructed to ascertain what, if any, legislation is necessary to discourage or prevent the habit of persons holding the office of Comptroller of the Currency or other Treasury officials from making their offices a stepping-stone to employment by national banks.

I have taken the trouble to search the record to dig up the facts, going back to the beginning, and I simply read and will incorporate in the RECORD a list of the men who have held high official positions in the Treasury Department, who have had direct supervision of national banks, and whose duty was to see the law enforced, who have graduated out of their offices into high positions with big salaries in the employment of national banks.

I take the highest first.

The first one who went to a bank or trust company was Charles S. Fairchild, president of a trust company in New York; then Lyman J. Gage, president United States Trust Company, New York; Leslie M. Shaw, resigned to become president of the Carnegie Trust Company.

Assistant secretaries: Hugh S. Thompson, comptroller of the New York Life Insurance Company; Frank A. Vanderlip, resigned to become first vice-president of the City Bank of New York, at which time Milton E. Ailes was private secretary to Secretary Gage. Milton E. Ailes resigned to become vice-president of the Riggs National Bank of this city.

But those are only sporadic instances. Here is the rich streak of ore, the pay dirt. I refer to the Comptrollers of the Currency, and every man here knows that the Comptroller of the Currency is the responsible official who has to deal with and supervise national banks and enforce the law. This is a list of those officers who have made their positions stepping-stones to employment, under the words of the resolution:

J. J. Knox, went out of Comptroller's Office in 1883 and became president of Bank of Republic, of New York.

H. W. Cannon, left Comptroller's Office in 1885 to become president of Chase National Bank, of New York.

W. L. Trenholm, left Comptroller's Office in 1888 to become president of American Surety Company, then North American Trust Company, of New York.

E. S. Lacey, left Comptroller's Office in 1891 to become president of Bankers' National Bank, of Chicago.

A. B. Hepburn, left Comptroller's Office in 1892 to become the president of the Chase National Bank, of New York.

J. H. Eckels, left Comptroller's Office in 1897 and became president Commercial National Bank, of Chicago.

C. G. Dawes, left Comptroller's Office in 1899 and became president of Central Trust Company, at Chicago, Ill.

Democrats and Republicans alike, all of them, apparently neglected their duty, their sworn duty, and ran the Treasury Department in the interest of the national banks, with the view, certainly with the result, that they are carefully taken care of for the balance of their lives; at least as long as they can make themselves useful to their employees. The United States Treasury has become an adjunct and an annex to Wall street. Its hundreds and hundreds of millions are poured over there when an emergency arises and deposited with the favorites of those in power, and as long as this Congress sits quiet and permits the laws to be trampled under foot by the national banks and permits the officers of the Government to prostitute their offices by encouraging gambling in violation of the law the President need not ask us for more legislation. He should turn his eye eastward from his office or send across the White House lawn to the Comptroller's office, read sections 5200 and 5208 and 5239 and the statute I read, enacted in 1882, and say, "Gentlemen, I am informed by a former official of the Government, at present a bank officer in New York, that if you will enforce these statutes you can stop stock gambling." Let him do that before he comes to the Senate with the information through the newspapers that some of his understrappers and flatterers—Neill, Garfield, and company—are going to write bills to be sent here for us to enact. Let him clean up before one door. Let the Executive make himself felt by enforcing one law before he asks for so many that are dangerous and radical.

Another one of these resolutions, Mr. President——

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Indiana?

Mr. TILLMAN. Certainly.

Mr. BEVERIDGE. Would the Senator mind naming some of the laws which the President recommends that the Senator regards as radical and dangerous and with which he disagrees?

Mr. TILLMAN. I disagree wholly with the doctrine that we should permit the railroads to pool.

Mr. BEVERIDGE. Will the Senator name another with which he does not agree, and which he regards as radical and dangerous?

Mr. TILLMAN. Well, for a man who is high-horsing all over the land, hurrahing about what he is going to do to predatory wealth, to have a conference with Morgan et al., ignoring the grave and reverend seigniors who were leaders of the Republican party when he was in his swaddling clothes, forgetting the men who made it what it is, kicking some of them out of office—let him carry out some of the laws on the statute books as a guaranty of good faith.

Mr. BEVERIDGE. The Senator has spoken of the President recommending so many laws which he regarded as radical and dangerous.

Mr. TILLMAN. I can not read all of this message.

Mr. BEVERIDGE. No; but in that message there is recommended an employers' liability bill. Does the Senator regard that as dangerous and radical?

Mr. TILLMAN. It would depend entirely on the phraseology of it. I think the Senator from Indiana might possibly frame one for which I would vote, although I would expect to find a rabbit's foot in it somewhere in favor of railroads, or trusts, or corporations. [Applause in the galleries.]

Mr. BEVERIDGE. If such crept in, I could depend upon the Senator from South Carolina finding it.

The VICE-PRESIDENT. The Senator from Indiana will suspend. The Chair will advise the occupants of the galleries that under the rules of the Senate applause is not permitted.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield further to the Senator from Indiana?

Mr. TILLMAN. With pleasure.

Mr. BEVERIDGE. Then the Senator agrees with the proposition that there should be an adequate employers' liability law. That is one of the chief recommendations of the President. Then, again, the President recommends a reasonable anti-injunction law. Does the Senator disagree with that?

Mr. TILLMAN. What is reasonable?

Mr. BEVERIDGE. Such as the President recommends.

Mr. TILLMAN. I do not know whether the President's recommendation is reasonable or unreasonable till I see it in print.

Mr. BEVERIDGE. Does the Senator regard any of the President's recommendations concerning labor legislation as radical and dangerous?

Mr. TILLMAN. Mr. President——

Mr. BEVERIDGE. I ask the Senator——

Mr. TILLMAN. Wait a minute, if you please. I believe labor has the right to organize, and I favor the recognition of that right, and I would if necessary fight to have it enjoy that right, and at the same time, while I believe that the laborers who are organized have a right to demand the power to jointly use their influence and votes to get redress and protect themselves, I will never yield, except with my life, to the doctrine that one man shall say to another, "You shall not work."

Mr. BEVERIDGE. I asked these questions—and I shall not pursue them further—because two or three times in his address the Senator had spoken about the many laws recommended by the President which were radical and dangerous and which, therefore, we were to infer, the Senator would disagree with. Yet, with the message before him, when he is asked to name the laws which are radical and dangerous, the Senator does not do it, but when two are mentioned that are thus recommended, the Senator agrees with the general principles.

Mr. TILLMAN. I just called attention in the preceding part of my speech to the fact that I thought the question of capitalization is one of the most vital in all the railroad-rate regulation. But the President was as dumb as an oyster when we might have done something with his help. Now he comes forward with a how-not-to-do-it programme, except to drum up votes?

Mr. BEVERIDGE. Does the Senator think that a how-not-to-do-it programme would drum up votes?

Mr. TILLMAN. The Senator from Indiana can ask more questions possibly than I could answer in a year.

Mr. BEVERIDGE. At this rate, I think so.

Mr. TILLMAN. Will the Senator point to anything in this message which is intended not to drum up votes?

Mr. BEVERIDGE. In the sense that the recommendations of the message are for the welfare of the American people, the help of American business, and the relief of American labor, of course they appeal to the people, and therefore get votes.

Mr. TILLMAN. And why has not the Republican Congress put these laws on the statute books heretofore?

Mr. BEVERIDGE. Will the Senator agree not to obstruct any attempt to put those laws on the statute books?

Mr. TILLMAN. It depends on which one you pick out. I am not going to give to a wild and radical man like the Senator from Indiana, who gets up here and gravely contends for the doctrine that Congress can regulate child labor in the States, the right to say what I shall vote for. I am a cornfield lawyer, but I have more sense than that. [Laughter.]

I was proceeding, Mr. President, to call attention to the fifth resolution, which we have under consideration:

Fifth. Whether national banks are using trust companies or other financial associations as agencies through which to transact business forbidden by the law governing national banks, and what legislation is necessary to prevent such an evasion of the statutes.

I hold in my hand a clipping from the New York Sun of February 25. I will read the headlines. "First National's new plan. To organize the First Security Company. Capital $10,000,000." I will ask to have it read from the desk, and let my friend, the Senator from Indiana, see what is going on. He is so busy looking out for vote getting just now that he is not paying any attention to the deviltry which is going on in New York under the laws we already have.

The VICE-PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

The First National Bank has formulated a plan for the organization of a security company to be known as the First Security Company, with a capital of $10,000,000. On receipt of the assent of its stockholders to the plan, the bank proposes to declare a special dividend of 100 per cent, amounting in the aggregate to $10,000,000, the dividend to be turned over to trustees and to supply the capital of the security company. The trustees will hold for the stockholders of the bank all the stock of the security company. The trustees are to be George F. Baker, president of the bank; the vice-presidents, and the cashier. A circular to stockholders explains the plan as follows:

"It is deemed to be for the interests of stockholders of this bank that a security company, such as has proved advantageous in the case of several other banks, should be organized for the purpose, in part, of transacting for its patrons *certain lines of profitable business which, though often transacted by bankers, are not expressly included within the corporate powers of national banks.* Among these are the *acquiring* and holding of *real estate, securities, stocks,* and other property.

"To this end it is desired to secure the assent in writing of our stockholders to a plan of organizing a security company under the name of the First Security Company, with a paid up capital of $10,000,000, the stock to be issued to and held by six trustees, who shall be the president, vice-presidents, and the cashier of the bank. These trustees *shall exercise* the powers of ownership of the stock, *shall elect* the same board of directors as that of the bank, *shall collect* all dividends, *and pay the same over to the bank for immediate distribution to its shareholders who have assented to this plan.*

"Upon receiving the assent of the stockholders, the bank purposes to make *a special dividend of 100 per cent ($10,000,000)*, to be received by the trustees and *to be* applied to the payment of the capital stock of the security company, which stock shall be held by the trustees for the benefit of the shareholders of the bank assenting to this plan."

The First National in its December report to the Comptroller of the Currency showed *$19,553,900 undivided profits.* The capital of the bank is $10,000,000. Practically, accordingly, the plan consists in a segregation of half of the undivided profits in a company with greater powers than are conferred on the national banks. A similar plan was carried out by the First National Bank of Chicago in the organization of the First Trust and Savings Bank.

The circular also says that the First Security Company will be organized in pursuance of an agreement between George F. Baker and other trustees and J. Pierpont Morgan and other stockholders. In this agreement it is provided that the directors of the security company shall be the same as the directors of the bank and that the dividends and other earnings of the security company shall be paid over to the bank for distribution among the stockholders of the bank. The stock in the security company is to change ownership only with a transfer of bank stock, so that at all times the interests of stockholders in the bank and stockholders in the security company will be identical. (The New York Sun.)

Mr. TILLMAN. It will be seen that one of these gigantic national banks in New York cold-bloodedly announces through the newspapers that it is organizing the trust company, the officers of the trust company to be the same as those of the bank, in order to have the trust company do things that the bank can not do, although it is the bank's own money. What are you going to do about that, you, Senator from Indiana, who is so anxious to know what is the matter here?

Mr. BEVERIDGE. What does the Senator from South Carolina propose to do about it?

Mr. TILLMAN. I have asked time and again that the Committee on Finance shall investigate these matters, and I can rely upon the great experience and wisdom of the members of that committee to propose some regulation which will prevent it, if they want to prevent it.

Mr. BEVERIDGE. Then the Senator——

Mr. TILLMAN. But the enforcement of the law as it is now would prevent it.

Mr. BEVERIDGE. Then the Senator complaining, himself proposes no regulation. He refers it to a committee in control of those on this side of the Chamber.

Mr. TILLMAN. The Senator from South Carolina has introduced too many resolutions and bills which have died stillborn in the pigeonholes of the Republican chairman of the committee, for him to undertake to worry his brains about providing brains for you. [Laughter.] But the enforcement of the law, as we now have it, will stop this deviltry.

Mr. OWEN. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Oklahoma?

Mr. TILLMAN. With pleasure.

Mr. OWEN. Mr. President, I suggest to the Senator from South Carolina that an amendment to the finance bill submitted for the express purpose of preventing national banks from using their deposits for gambling purposes would effectually meet the case.

Mr. TILLMAN. We will vote on all those amendments some time in the near future, and I will be prepared to back up my friend, the Senator from Oklahoma, in any constructive legislation which will stop those devils from stealing all the money that the South has and nearly all that the West can get.

I want to return to that stock-gambling feature, however, because I have some facts and some observations which I had prepared, but in the confusion of my manuscript and data here I did not use them a while ago.

My attention was called in connection with this recent panic to preceding panics and money stringencies, and, comparing the panic of 1907 with others, I find that in 1907, in October, only one small bank in Chicago failed, because there was no stock gambling going on there, while fifteen banking institutions in New York City, with an aggregate of over two hundred million dollars of deposits, either closed their doors or sustained very serious runs as the result of the loss of confidence in their management.

I have here a table of those banks from official reports, which I shall ask to insert at the proper place.

The VICE-PRESIDENT. Without objection, permission is granted.

Statement showing deposits of national banks, State banks, and trust companies in Greater New York which either failed or sustained serious runs about October 1, 1907.

National banks.	Net deposits Oct. 5, 1907.	Remarks.	Total.
National Bank of North America	$13,539,000	Failed	$34,172,600
New Amsterdam National Bank	5,086,000	do	
First National Bank (Brooklyn)	3,451,000	do	
Mercantile National Bank	12,096,600	Serious run	

State banks.	Net deposits Sept. 29, 1907.	Remarks.	Total.
Mechanics and Traders'	$18,779,000	Failed	$45,934,800
Oriental	10,685,000	do	
Hamilton	7,117,800	do	
Twelfth Ward	2,853,000	do	
Borough	4,143,000	do	
Brooklyn	2,357,000	do	

Trust companies.	Net deposits June 27, 1907.	Remarks.	Total.
Knickerbocker	$64,920,000	Failed	$172,681,000
Jenkins	3,422,000	do	
Williamsburg	8,325,000	do	
Lincoln	24,778,000	Serious run	
Trust Company of America	71,236,000	do	

Total deposits, $252,788,400.

Aggregate deposits, banks and trust companies, New York City, $2,000,000,000.

Mr. TILLMAN. Again these failures and runs caused the New York banks to issue clearing-house certificates and to suspend currency payments, and this action within twenty-four hours caused the clearing-house banks all over the country to follow the same course to prevent the withdrawal of the cash for shipment to New York, where currency commanded a heavy premium.

A friend has sent me an exhibit of clearing-house certificates of various shapes and characters and sizes and denominations. Of course I could not ask the Government Printing Office to incorporate them in my speech, but the curious on the other side who want to get acquainted with clearing-hosue certificates and the subterfuges to which the national banking system lends itself can examine these.

Mr. OVERMAN. Turn it around so that we can see.

Mr. TILLMAN. You are not interested. At least you are interested, but you are like bumps on a log sitting here and taking wisdom from Indiana and elsewhere. There is sheet after sheet, clearing-house certificate after clearing-house certificate, some of them with pigs behind them and every imaginable scheme of shinplaster money. These were dumped on the people of the country in place of good honest greenbacks, and then you call that fiat money. What is this? Pass it along among the brethren on your side [handing exhibit to Mr. BEVERIDGE]. The Senator from Indiana and his colleagues absolutely refuse to recognize their own offspring. [Laughter.]

The Senator from Rhode Island informed us the other day, with that snap of the lip which we all have learned to recognize as meaning business, that this would "never be tolerated again." Does the Senator mean there will be a President some time or other who will enforce the 10 per cent tax against State banks of issue or illegal issues or anything of that sort? I should like to have an answer.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Rhode Island?

Mr. TILLMAN. Certainly.

Mr. ALDRICH. I assume that the officers of the law will do their duty. I think they will. That is the reason why I undertook to make that suggestion. In this particular case there was a suspension not only of payments, but a suspension of law, a suspension of law, perhaps, that was justified by the crisis in which the country found itself.

Mr. TILLMAN. The suspension of law by the banks, followed by the suspension of law by the Secretary of the Treasury in issuing the bonds contrary to law. I will ask the Senator, if he will permit me, whether he is willing to commit himself to the assertion that the issue of Panama bonds and the 3 per cent certificates are both legal?

Mr. ALDRICH. Mr. President, the Committee on Finance, recognizing the things that have been done in the past which were only justified by the occasion, have presented to the Senate and to the country a measure which they believe will stop such transactions in the future.

Mr. TILLMAN. I am glad the Senator from Rhode Island has hopes. "Hope springs eternal in the human breast." While we have no assurance other than the word of the Senator from Rhode Island that this will never be tolerated again, I believe if the Senator will consent to the incorporation in his bill of some amendments which would seek to keep the reserves of the country banks in their own vaults, not send them to New York to be used by the national banks there as a basis for stock gambling, he will contribute very largely to a cessation of these evils and to providing a remedy which will be actual.

Here is what Comptroller Ridgely says with regard to this on page 70 of his 1907 report:

> On October 26 the New York clearing-house banks decided to issue clearing-house certificates for use in the payment of balances and to limit, if not suspend, the shipment of currency to out-of-town banks. In this the New York banks were followed by those of the other central reserve cities and most of the reserve cities. The result was at once to precipitate a most serious bank crisis and a famine of currency for pay rolls and other necessary cash transactions.

The Comptroller's report shows that on August 22, 1907, just preceding the New York panic, the national banks in that city held deposits made by other banking institutions to the great amount of $465,000,000, of which $259,000,000 belonged to out-of-town national banks.

At the same time New York banks had loaned out on stocks and bonds about $400,000,000, an amount nearly equal to what they owed to banks which were unable to draw out this money when they needed it to move the crops, because it was invested on the stock exchange.

The country banks had sent their money to New York; New York had loaned it to the brokers on these illegal certification schemes, and when the country banks said "We want our money," New York lifted its voice and said to the country people, "Issue your certificates or any other old thing; the emergency is here; and unless you will come to our help down we will go."

The Senator from Rhode Island said the emergency was so great that it was permissible to evade the law, to break the law, fail to enforce it, or whatever you call it.

History repeated itself, according to Comptroller Ridgely, who, in speaking of other panics on page 64 of his 1907 report, quotes from the Comptroller's report of 1884 in connection with the panic of that year as follows:

> There is little doubt that one of the causes which led to the local disturbances among the banks, national and State and private bankers of the city of New York, was their intimate relation in many instances with the New York Stock Exchange, and the fact that a large portion of the loans made by the banks and bankers of New York were based on the security of stocks and bonds, often speculative in their character, which are dealt in and regularly called at the stock board.

This unholy alliance between the banks and the New York Stock Exchange is as strong or stronger than it was in 1884, for, besides lending the reserve funds of out-of-town banks intrusted to their keeping on stocks and bonds, these national banks lend their credit besides to stock brokers often in violation of law.

Nearly one-half of the exchanges for the clearing-house banks in New York City consists of checks certified by stockbrokers,

and their published reports on August 22, 1907, show that ten national banks in New York with individual deposits amounting to $225,000,000 certified checks on that day to the amount of $121,000,000.

TABLE 1.

List of ten national banks in New York City which certify checks for stockbrokers, showing the "individual deposits" and "certified checks" of these banks on June 18, 1906, and May 22, 1907, dates of their reports to the Comptroller.

Name of bank.	June 18, 1906.		May 22, 1907.	
	Individual deposits.	Certified checks.	Individual deposits.	Certified checks.
Bank of New York	$12,206,000	$13,939,000	$12,332,000	$8,659,000
Mechanics National Bank of America	12,611,000	9,187,000	15,663,000	6,118,000
Phenix	4,124,000	3,022,000	6,401,000	1,542,000
National City	88,781,000	17,974,000	83,658,000	11,614,000
Gallatin	4,699,000	6,498,000	5,255,000	5,283,000
National Bank of Commerce	58,885,000	37,465,000	62,190,000	18,251,000
National Bank of North America	8,175,000	3,976,000	9,936,000	2,751,000
Hanover	22,081,000	19,309,000	24,206,000	11,486,000
Fourth	7,655,000	4,104,000	8,676,000	1,716,000
Seaboard	6,295,000	5,790,000	7,271,000	3,401,000
Total	225,512,000	121,264,000	235,588,000	70,824,000

The certifications on May 22, 1907, were greatly less, because the stock market was much less active than on June 18, 1906.

Some of these banks go through the form of "accepting" these checks instead of certifying them, imagining this pretense enables them to evade the law.

Most of them also adopt the subterfuge of discounting the unsecured demand notes of brokers on which no interest is paid and placing the proceeds of these notes to the credit of these brokers, certifying their checks against the credits, although the law plainly says that the certification of checks is unlawful unless the party drawing the checks has on deposit "an amount of money equal to the amounts specified in such check."

And the proceeds of these brokers' unsecured notes, bearing no interest, are imagined to be "money" on deposit.

The national banks in this way in reality lend their credit to the brokers, which the courts have declared the banks have no power to do.

One way to stop this investment of reserve funds of out-of-town banks in stock-exchange securities is to change the law as to reserve against deposits so as to compel the out-of-town banks to keep all their reserve in cash in their own vaults, where they can get it when needed, instead of sending it to New York and other centers to feed and stimulate stock speculation.

This would work very little hardship on the banks in the South and West, for they receive, as a rule, only 2 per cent interest a year on the portion of their reserve they now deposit in reserve cities.

Another check on speculation will be to compel the national banks which violate section 5200 as to excessive loans in certifying checks to obey the law in this respect, and to amend the law so as to compel them to certify checks for brokers only against good and sufficient collateral security.

As the practice now stands, a bank which can not lawfully lend more than $100,000 on the best collateral security will frequently lend $200,000 or $300,000 or more to a broker on his note without any collateral whatsoever and without any criticism from the Comptroller's office.

This lavish use of bank resources and credit for years has borne fruit by enabling Napoleons of finance through the medium of the New York Stock Exchange to market billions of dollars of almost worthless stocks and to place these in the hands of helpless investors who have exchanged hard-earned money for them, which has thus been diverted from the channels of legitimate business.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Maine?

Mr. TILLMAN. With pleasure.

Mr. HALE. Will the Senator address himself to the question of remedy? I admit—and the whole proposition that is before the Senate from the Committee on Finance is based upon the assumption—that the condition in New York, the action of the Government, everything that took place, is a thing to be regretted that it occurred. The action of the Government, the issuing of the Panama bonds, the deposits in the banks, were all unfortunate; possibly not legal, it may be not justifiable, but quite likely under the circumstances excusable.

The whole proposition of the Committee on Finance in the bill before the Senate, upon which the Senator is now addressing himself, is based upon the concession that all of these things, the resort to the clearing houses, the extra powers of the Government, were most unfortunate, and if to be made a precedent in the future, deplorable. The bill that is before the Senate is upon the basis of an attempt to prevent any such conditions hereafter. I do not know, nobody can tell, whether the bill is right, whether it will meet every emergency in the future, but the harangue of the Senator, the able speech of the Senator——

Mr. TILLMAN. Take the "harangue" back or take the last back, one or the other.

Mr. HALE. I used a word, Mr. President, which was not only in my mind, but I venture to say was in the mind of a great many other Senators. But I withdraw it.

Mr. TILLMAN. It is not objectionable to me at all. I do not mind it, but I just wanted you to stick to one form or the other, and not put up a mixture like that, for you split me in half. [Laughter.] Harangues can not be able speeches.

Mr. HALE. All of the portraiture and picturing of the condition in New York that the Senator and some other Senators have indulged in are in a degree justifiable, because they are unfortunate and to be lamented. Nobody realizes that so much as the Committee on Finance. Nobody recognized that situation more than the members of that committee in framing the bill.

While I do not of course expect that I can limit the Senator, and I do not want to, I wish he would address himself to some proposition that would be better to meet these very difficulties that the Senator encounters, and I encounter, that everybody encounters, and that the Committee on Finance encountered. The trial that the committee is making is to relieve not only the situation in the past, but to prevent it, so far as it can, in the future. Before the Senator closes I wish he would tell the Senate what he thinks would be a better bill than the one presented by the Committee on Finance.

Mr. TILLMAN. Mr. President, it would be very easy to do that. I will simply say the bill of the Senator from Texas [Mr. BAILEY] is a better bill than yours.

Mr. HALE. The Senator has plenty of time to do that.

Mr. TILLMAN. I say it is very easy to tell you what bill I think is better than yours. It is the bill introduced by the Senator from Texas; and there are various amendments pending introduced by one and another here on both sides which would improve the Aldrich bill vastly. I had the honor to introduce one to prevent the retirement of all the bank currency of the country at the will of speculators in New York in a night if they saw fit. You could get together and work on a scheme of limiting their retirement to $9,000,000 in one month. The Senator from Rhode Island has agreed to some modification or acceptance of that principle, with some modification, I suppose, which will bear on the emergency currency, if it shall be issued.

The Senator did not ask me to give my reasons for objecting to the Aldrich bill, but to suggest a better one. I have already pointed out in general phrase that I think the bill of the Senator from Texas is better. We can very often decide what ought not to be done, although we may not be so ready to suggest what ought to be done.

I have been trying to point out that the gambling in stocks and bonds by overriding the law by the national banks with the knowledge and consent of the Comptroller of the Currency and the President, too, should be stopped. That is a thing that would help the cause wonderfully.

As far as the issue of notes during an emergency is concerned, I have not given the subject very much consideration, because I have no responsibility in it except to criticise the work of gentleman on the other side. I have not devoted very much study to it, but I have an idea in my head that a scheme of interchangeable bonds, the Government issuing a bond which should bear on its face the proposition that whenever the holder of that bond sees fit to deposit it in the Treasury he shall be allowed to draw its face value in greenbacks, would be far better than this. Interchangeable bonds, I say, would be better than the Aldrich bill. Instead of having the banks use the bonds which they have bought, railroad bonds included, municipal and State bonds included, as a basis for deposit in the Treasury and drawing out the money of the United States from the Treasury guaranteed by this Government, why do you not let all the money bear the imprint of the Government? If the promise to pay, a bond, bearing 2 or 3 per cent interest is so good that it commands a high premium, why should not the promise to pay in gold on demand not be good for money? When you can answer satisfactorily why the one promise is good and the other not, it will be worth while to consider some other suggestions. But I throw it out as a suggestion that the most promising scheme to me to enable us to get more money

when we need it is to have an interchangeable bond, so that whenever any man who wants more greenbacks, and they are at a premium by reason of speculation or otherwise, he can go to the Treasury and deposit bonds and draw greenbacks on them.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Rhode Island?

Mr. TILLMAN. With pleasure.

Mr. ALDRICH. Does the Senator think it desirable to increase the public debt of the United States for that purpose?

Mr. TILLMAN. No, indeed.

Mr. ALDRICH. How does the Senator propose to issue bonds, and for what?

Mr. TILLMAN. If we have not got money enough, let us issue the greenback, and let the people get them in the order of business and then use them in banking. I do not see why we should be compelled to pay interest for the benefit of the bankers by issuing interest-bearing securities and then turn around and when the people have this one promise of the Government say you can not give them another promise of the Government. Call me greenbacker or fiat-money advocate, or whatever you see fit; the promise of the Government with the green on the back of it or the yellow or any other color you see fit on the front of it, with a promise to pay, is good enough for me. I do not care whether you like it or not.

Speaking about stock gambling and the profits of it and the men who have made great fortunes at it, we have had a remarkable exhibition here. It is a very remarkable thing in one sense. Before I go to that, the bankers, who are supposed to be in constant telephonic communication with the Senator from Rhode Island and in a way to dictate and boss his actions, object to his bill. I presented a letter from Mr. Forgan the other day, the high muck-a-muck of the Chicago clearing house, in which he objects, and there are other banking associations and high financiers who object to it. Why? They want asset currency. They are not satisfied with the half loaf which the Aldrich bill gives them, but they want the whole cake.

I, for one, believe that the holder of any type of bond which the Senator from Rhode Island says shall be security for emergency currency, whether he is a banker or a private citizen, should have the same right to go to the Treasury and deposit that bond and get those notes that any national bank has. What good excuse can you give to limiting this privilege to a few national banks? Nothing except the desire to further the interests of special classes who are the pets of the Government.

The VICE-PRESIDENT. The Senator from South Carolina will kindly suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 3023) to amend the national banking laws.

Mr. TILLMAN. Mr. President, I have just a little more to say, and then I am through.

I was just alluding to the attitude of one of the most famous financiers in this country, a man of wonderful genius in raking together millions and who during this panic is said to have "saved the country." His praises have been sung by magazine writers and others, and we have been told that but for his magnificent generalship and management the catastrophe would have been a thousandfold worse. I allude to Mr. J. Pierpont Morgan.

Mr. President, it is a notorious fact that Mr. Morgan has been a greater beneficiary of this system of gambling and stock watering than any other man in the world, perhaps, and when men come forward and press him to the front as being such a benefactor to the human family, and especially to the American people in the recent crisis, I simply get disgusted; that is all. I can not help myself, because I know he has been the beneficiary of these schemes over there and of this system and he is the head of institutions which have profited by it. He himself participated, through his brokers, in this rounding up of the lambs and shearing them. I will give you a few instances of some of his work.

The profits of this nefarious stock mongering have found their way into the pockets of the very men who, when the evil results of their fraud manifested itself, posed as "saviors" and "uncrowned kings," and are lauded to the skies when they were really trying to save themselves from the disasters which threatened to overwhelm them along with their deluded victims. One of these "saviors" had done more than any other of the money kings to deluge the stock market with watered stock. As far back as 1894 he had floated $120,000,000 of railroad stock, which, while freely bought and sold on the New York Stock Exchange, has never paid a dividend. In 1895 he floated $113,000,000 more railroad stock, which has never paid a dividend, and in 1902, in an effort to monopolize the ocean steamship trade, floated $100,000,000 more of the same kind of stock. These are only a few of the achievements of this "uncrowned king." With others of his kind he has created a Frankenstein monster, which, unsatiated by the blood of suicides and tears of heartbroken women, threatened to devour and consume his creators, who were able to quench his thirst only by torrents of gold poured out by the Federal Treasury. Morgan himself was in the deep water swimming when Cortelyou went to the rescue.

Now, Mr. President, in conclusion I want to ask the Senator from Rhode Island to remember that a year or more ago I tried to get him to investigate the Chicago situation, and pointed out the absolute disregard of law in the dealings of the Walsh bank and of Walsh himself. Mr. Walsh has since been tried and convicted, which indicates that he had broken the law. But he had absolution in one sense, because other thousands of them had broken the law, and Comptroller after Comptroller of the Currency had called attention to these shortcomings of the various national banks and bankers, and Walsh was made the scapegoat, so to speak, of the system, which is pernicious and dangerous and devilish, and ought to be stopped.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Rhode Island?

Mr. TILLMAN. With pleasure.

Mr. ALDRICH. I suppose the Senator from South Carolina will remember that the reasons given for not entering upon a Congressional investigation were that the question and all the transactions were pending before the grand jury in Chicago. Since that time Mr. Walsh has been indicted and convicted. It certainly is no part of the business of the Senate to take up a criminal case which is pending before a court and undertake to adjudicate it.

Mr. TILLMAN. Mr. President, the Senator will also recollect that the action of the clearing house in taking over the Walsh assets and settling with his depositors, involving a direct violation of the law, was the subject I asked to be investigated, not Walsh's own transgressions. It was with a view to having such remedial legislation, if it is required, or having attention directed to the fact that the laws as they are are not enforced, that I sought to have the Senate Committee on Finance act then.

Mr. ALDRICH. It was apparent to every intelligent man, I think, who investigated or considered the question of the Chicago clearing house that that transaction, instead of being discreditable, was very creditable to the banks in Chicago, and that it saved a financial crisis, not only in that city but in the country. I believe it was not only justified by but entirely within the provisions of the law.

Mr. HOPKINS. Mr. President——

Mr. TILLMAN. If the Senator's opinions are so pronounced and he is——

Mr. HOPKINS. Will the Senator allow me just a word?

Mr. TILLMAN. With pleasure.

Mr. HOPKINS. With reference to the action of the clearing house in Chicago and the aid that they rendered to the City National Bank, there is no person who is familiar with the facts and has a knowledge of the law who has ever contended that those banks violated the law. The subsequent events have shown that they did not lose a dollar. The money they advanced they took absolute security for and received the regular rates of interest. As I have stated, it has never been contended by those familiar with the facts that any bank in Chicago in coming to the rescue of Mr. Walsh's bank did, as stated by the Senator from Rhode Island, other than a patriotic and a just act.

Mr. TILLMAN. Mr. President, the Senator from Illinois has said all that once or twice before, and it was not worth while for him to come in now. I am not trying to hit a man who is down. Walsh is simply, as I said, a victim of a system which has grown up under the lax administration of the Treasury Department. He did what hundreds of other national bankers are doing every day in the year. I am only directing the attention of the Senator from Rhode Island, as the Senator who is the responsible head of the financial legislation of this body, to these facts and calling his attention to the iniquity and evils of stock gambling and lending money to one's self as a director, and other things, in violation of section 5208, and asking him to investigate and report what legislation, if any, is necessary to stop these things. If he finds that no legislation is necessary and the Senate shall adopt a resolution coming from his committee calling attention to the sections already on the statute

books which provide a remedy if the President would see that they are enforced, I will have accomplished my purpose; and that was all I had in view in undertaking to bring up the facts in regard to the Comptroller's office.

Now, I want to ask the Senator from Rhode Island, in conclusion, if he will not agree to let this resolution be passed by the Senate and go to his committee rather than have it referred to the committee, for I know when things are referred there it means that they are going to be laid out and buried.

Mr. ALDRICH. Speaking for myself, I shall not resist the passage of the resolution submitted by the Senator from South Carolina; and the committee, I have no doubt, if they are so instructed, will investigate to the best of their ability the subjects to which the Senator has alluded.

Mr. TILLMAN. I thank the Senator from Rhode Island; I thank the Senate; and apologize for my "harangue," or whatever you call it. If I shall have succeeded in directing attention to a very serious and grave condition in our financial matters, which is not considered in the Aldrich bill and to which we should direct ourselves in order to get a remedy, I will be content, and I hope that the next time somebody else gives us an "harangue" he will give as much good sense along with it.

Mr. BEVERIDGE obtained the floor.

Mr. TILLMAN. I ask, if the Senator from Indiana will permit me——

Mr. BEVERIDGE. Certainly.

Mr. TILLMAN. Although the morning hour has expired and the resolution has gone to the Calendar, I ask unanimous consent that it may be considered at this time.

The VICE-PRESIDENT. The Senator from South Carolina asks unanimous consent that the resolution submitted by him may be considered. Is there objection? The Chair hears none.

Mr. BEVERIDGE. Mr. President——

Mr. TILLMAN. If the Senator wants to address himself to the resolution, all right.

Mr. BEVERIDGE. No; I merely want to make some observations on the unfinished business.

Mr. TILLMAN. Then, let the resolution pass before it gets lost in the shuffle.

Mr. BEVERIDGE. I am heartily in favor of it.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

AMENDMENT OF NATIONAL BANKING LAWS.

The Senate, as in Committee of the Whole, resumed consideration of the bill (S. 3023) to amend the national banking laws.

Mr. BEVERIDGE. Mr. President, I am very glad indeed that the resolution has passed, and I am in hearty sympathy with it and every other resolution that has for its purpose the finding out of any facts upon any subject with which this body must deal.

I have been, as indeed the entire Senate has been, rarely entertained, as we always are, by the Senator from South Carolina, whose picturesque phrases and Carlylean diction make him one of the most attractive debaters in either House of Congress.

However, it was not alone to pay him this heartfelt tribute that I rose, but to note, Mr. President, a curious change in the Senator's state of mind. There is, perhaps, no study so engaging as the transformation of the opinions of public men forced by the exigencies of politics. Gladstone, it is said, went into public life as a High-churchman and ended as the advocate of church disestablishment.

He began his public career as an ultraconservative and ended as an ultraradical. He began as the defender of vested interests and closed his career in his last great speech in the Midlothian campaign by declaring that in forty years of public life he had always found vested interests wrong, although he started out in their behalf.

All these things we may expect as men progress in their public duties. But hardly anybody could have prophesied the change that has occurred in the Senator from South Carolina. Above all men in either party he has been considered the especial and particular tribune of the people. He came here in that capacity, and he has maintained his title. If anything was dear to him, it was "the masses."

And yet we find this apostle of the populace referring in his brilliant address to "the ignorant masses"—"the ignorant masses," those were his very words. He spoke of the people as "poor, simple souls"—"poor, simple souls," those were his words. Great heavens!——

Mr. TILLMAN. Republican people.

Mr. BEVERIDGE. What will be the consequence when that speech appears in South Carolina? [Laughter.]

Of course, Mr. President, I do not intimate that the heart of the Senator does not beat as true to "the ignorant masses," as he calls them now, as it ever beat; or that he is to-day less faithful to the soil than when he came here directly from it. Nor do I charge him, or any other Senator on either side, and especially upon that side, as a Presidential election approaches, with the motive of "playing politics." Oh, no; far be it from the minority to make an appeal to votes; far be it from the minority to "play politics" that may capture votes, although they need them badly now, and will need them worse in November.

But, Mr. President, assuming that this is upon the broader grounds, perhaps, of higher politics, the change is explained in the Senator's own language. It has become the fashion upon that side of the Chamber, as well as by a certain class, among whom are the stock gamblers of whom the Senator speaks, to denounce the President. The President, says the Senator from South Carolina, appeals to "the ignorant masses." The President, he asserts, talks to these "poor, simple souls;" and he resents either the President appealing to the people, whose Chief Magistrate he is, on the one hand, or his sending messages to Congress, which the Constitution commands him to send to the people's representatives, upon the other hand. What the Senator apparently would have the President of the United States do, if a Republican President, is to do nothing at all.

No doubt that would play in with the programme which the minority would like the President and the Republican party to map out.

The Senator from South Carolina compared the speeches of the President—with not one of which in their substance and ideas the Senator himself will disagree—to the speeches of Andrew Johnson. Why, Mr. President, every schoolboy, much more every informed man, knows that there is no comparison, but only contrast. One presented the grievances that he imagined he himself had sustained; the other denounces grievances which the people have really sustained; one were personal defenses of a discredited politician; the other are the appeals of a great publicist; one were the transient and evanescent utterances of a man who got nothing done, and the other are the great addresses of a statesman who has got more things done in his Administration than has any President since the civil war.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from South Carolina?

Mr. BEVERIDGE. I yield to the Senator.

Mr. TILLMAN. The Senator from Indiana listened to me with very little profit if he supposes for a moment that in my comparison of the speeches of those two Presidents I had any other motive than to draw attention to the subserviency of the Republican Senate now and the aggressive and tyrannical action of the Republican Senate then; to the cowardice of the present Senate and to the tyranny of the old Senate.

Mr. BEVERIDGE. And that is precisely the point to which I was coming.

Mr. President, why was it that Andrew Johnson had no influence with Congress and that Theodore Roosevelt has infinite influence with Congress? It is because one of them had not the confidence of the people, and the other one has the entire confidence of the people. It is one of the most beautiful, as well as one of the most beneficent workings of our popular form of government, that any branch of it that at any particular period best represents the people has the confidence of the people.

Why was it that in the last Democratic Administration its President lost the control of Congress almost as completely as did Andrew Johnson, and that the Senator's own party, together with his colleagues upon this side, had the confidence of the people? It was because they more accurately represented the people's thoughts, needs, demands, and aspirations. There is no subserviency upon this side of the Chamber to any power on earth, except to the public opinion of the American people. What the Senator thinks is subserviency to the demands of the President is only our Republican harmony with those demands which are nothing more than the demands of the American people.

Mr. President, strange to say, the Senator indulges—as politicians in search of an issue, no matter how able they are, must unfailingly indulge—in a paradox, one side of which destroys the other. The Senator described the President's power as coming from his appeals to "the ignorant masses," and in the same breath said that that power comes from his use of patronage. Was it the use of patronage, Mr. President, that impressed

Congress with the necessity of a single law that the President has recommended in the last seven historic years, the passage of which his recommendation helped to secure?

Was it the use of patronage that got through the law establishing the Department of Commerce and Labor, perhaps the greatest and most important piece of legislation that has been passed by an American Congress since the Constitution was adopted, with perhaps the single exception of the Platt amendment? The Senator denounces us for voting for the very laws which the Senator and his colleagues, seeking every excuse they could find for not voting for, yet were compelled to vote for?

Take all of these great laws, which are a part of this mighty structure of righteousness which the wisdom of the American people as voiced by the President has enacted into statutes by this Congress on both sides—does the Senator disagree with one of them? Would he repeal a single line of any of them? Does the Senator, speaking for his side, propose to go before the American people with the proposition to abolish the Department of Commerce and Labor? No. To repeal the railway-rate law? No. To repeal the pure-food law? No. To repeal the meat-inspection law? No. To repeal the irrigation law? No. To repeal or mangle a single one of those great laws which constitute the Republican legislative record, every one of which was passed upon the recommendation of the President made in his messages?

Mr. President, the Senator not only denounces the President of the American people for frankly speaking to the American people—although what harm there could be in that has not been suggested now and was never suggested before—but, following the lead of the distinguished Senator from Georgia [Mr. BACON], the President is denounced for sending messages to Congress. The President, it appears, must be denounced for something or other. The Senator from Georgia denounces him for holding conferences with experts in order that he may intelligently recommend legislation to us; the Senator from South Carolina denounces him for making appeals to "the ignorant masses" on the one hand, and sending messages to us on the other hand; the gamblers of Wall street to a man also denounce the President for that very law enforcement of which the Senator from South Carolina says the President has been neglectful of; and every man who has been guilty of unrighteousness throughout this whole country in one common chorus denounces the President for having caused the recent panic. So the Senator will see the company in which his words have placed him.

Why, Mr. President, I was not present in the Chamber the other day when the Senator from Georgia made his denunciation of the President for consulting with men who could inform him, who had studied the question, before he sent a message to Congress; but I heard the same thing voiced to-day with that peculiar vividness which characterizes the language of the Senator from South Carolina, and I wondered to what a desperate pass the Democratic party had come in the search of a campaign cry when they would abuse the President for informing himself before he makes recommendations and then denounce him for making recommendations after he has informed himself?

We hear, Mr. President, and justly hear, of the great constitutional learning of the Senator from Georgia, and the Senator from South Carolina has said that he is a corn-field lawyer; but nevertheless he understands the Constitution, and in my opinion the common people understand it better than some "constitutional lawyers;" but whether a "constitutional lawyer" or a "corn-field lawyer," no person can fail to understand this provision of the Constitution:

SEC. 3. He [the President] shall from time to time give to the Congress information of the state of the Union, and *recommend to their consideration such measures as he shall judge necessary and expedient.*

So we see that, in sending his messages to Congress as to what he deems necessary and expedient, the President has done only the duty which he gave his sacred oath to do when he became President of the Republic; and in consulting the men whose business it is to study the question about which he is sending his message to Congress, he is following that practical common sense about which the Senator from South Carolina talks so much. It would appear that the Senator is not a monopolist of that.

Why, if the President is going to inform us concerning the state of the Union, if he is going to recommend to our attention measures which he believes we should pass, it is not only the President's privilege but it is his bounden duty to consult every man whom he thinks can give him light upon the subject.

Does the Senator from Georgia or the Senator from South Carolina criticise the President for seeking information and wisdom from every source upon a grave matter of legislation which he is going to ask Congress to enact? Surely not, Mr. President, on second thought; not even in the passion of partisan bewilderment caused by the fact that Congress, under the lead of the President, is doing things which meet the approval of the American people, and therefore which those Senators know are going to capture the votes of the American people at the next election.

Mr. President, I referred a moment ago to the measures we have passed. They are so great, they are so permanent, they are so harmonious that they constitute a historic body of laws to which the man who writes the remainder of Von Holst's Constitutional History will give an entire volume. So great was their importance and so wise were they, Mr. President, that although every one of them was a Republican measure recommended by a Republican President, the other side was forced to give to every one of those measures their votes.

Mr. TILLMAN. He stole them from our platform. [Laughter.]

Mr. BEVERIDGE. Well, Mr. President, the Senator from South Carolina ratified the theft [laughter] instead of objecting to it. Of course, the Senator says now they were stolen from his platform. He must say something and what else is left for him to say? The Senator's charge of "theft" is an echo of the Senator's "peerless leader," to whom I shall come in a single moment. The Senator himself could not get those laws passed when the last Democratic Administration was in power.

Mr. TILLMAN. We have not had any.

Mr. BEVERIDGE. Was not Mr. Cleveland President?

Mr. TILLMAN. He was not a Democrat.

Mr. BEVERIDGE. What was he—a mugwump President?

Mr. TILLMAN. He was some kind of a thing; I do not know what. [Laughter.]

Mr. BEVERIDGE. Ah, Mr. President, if the Senator from South Carolina will not approve of a Republican President and denounces the only Democratic President his party has had since Buchanan, he is in a political predicament which calls for our sympathy, which he has. [Laughter.]

Again, not only does the Senator, or any other man upon the other side in either House of Congress, not disagree with or propose to repeal a single line of those great epoch-making laws that we have passed on the recommendation of Theodore Roosevelt, but he can not tell us of a single recommendation which the President now makes with which he disagrees. So, Mr. President, we see the attitude of the Senator, for which we all have pity.

He is in the painful position of belonging to a party that is about to go into a campaign and face the American people at an election where the Senator and his party have not one single proposition of the Republican party which they denounce to-day or against which they voted in the past. In that situation, Mr. President, we can not blame the Senator from South Carolina [Mr. TILLMAN] or the Senator from Georgia [Mr. BACON] or any Senator in search of an issue for opposing the President upon any pretext whatever.

Mr. President, the Senator from South Carolina tells us—and I think the American people will be rather interested to hear it—that Theodore Roosevelt is not only to be blamed for appealing to "the ignorant masses;" not only to be blamed for doing his constitutional duty and sending messages recommending laws to the Congress; not only to be blamed for consulting the most experienced and best-read and most competent advisers before he sends those messages, but he is actually to be blamed for the nonenforcement of the laws. The Administration of Theodore Roosevelt an Administration of nonenforcement of laws! Let the Senator ask the Wall street gamblers, of whom he talks so much, what they think about Theodore Roosevelt as to his nonenforcement of the laws.

Let him ask the Standard Oil officials what they think about Theodore Roosevelt as a nonenforcer of the laws. Let him ask the furious heads of the ruthless corporations that came to the point where they regarded themselves as above the laws of the Nation what they think about Theodore Roosevelt as a nonenforcer of the laws of the Republic. They will tell him that in all their lives they never had the statutes so rigidly enforced as they have been since Theodore Roosevelt became President; and it is a literal fact upon record that since he became President more suits have been brought under the Elkins law, more cases have been brought under the Sherman antitrust law, more actions have been commenced by the Department of Justice to dissolve trusts and overturn all villainous business than in any three former Administrations put together. That does not reflect upon former Administrations, because then the country was busy with different things. But the period arrived—and with it the man—which began the moral regeneration of American business and the writing into law of those statutes of common honesty on the one hand and their enforcement upon the other hand.

The Senator cited certain lands that the President might get for the American people; but he did not tell us how those lands should be gotten. Does the Senator expect us to spoliate property? What has been the actual fact concerning public lands? Since Theodore Roosevelt became President we have recovered for the American people, we have gathered into great reserves more of the public possessions, and, having done that, we have more completely secured them to the uses of the public than ever before in our history. If the Senator does not believe that, let him ask the land thieves of the Northwest. If he does not believe that, let him ask the timber robbers of the West. If he does not believe that, let him ask all those who are now compelled to pay for the use of the public domain, who before used it for nothing.

The fact is that the President has been criticised for his extreme severity in that matter by able and honest men who thought that in that particular he was going too far; and yet we are told by the Senator from South Carolina that one of the things for which the President can be criticised and denounced on the floor of the American Senate is not only that he has not enforced the laws against wrongdoers, but that he has left the public domain, of which he has recovered more than any other President, in the hands of the spoilers.

Mr. TILLMAN. Will the Senator from Indiana permit me?

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from South Carolina?

Mr. BEVERIDGE. Certainly, I do.

Mr. TILLMAN. Of course the Senator from Indiana chooses to garble and distort what I said, to ignore some points and put interpretations on others that are entirely foreign to their meaning; but in this matter of the public domain, I call his attention to the fact that the laying out of forest reserves and setting aside millions and millions of acres of land in those reserves is about the sum and substance of the President's exploits in regard to the public domain. There have been a few——

Mr. BEVERIDGE. What about the prosecution of the land thieves of the Northwest?

Mr. TILLMAN. How many of them have been prosecuted?

Mr. BEVERIDGE. Every one of them against whom the Government could find evidence to prosecute. The difference between the Senator and the President is that the President will prosecute anybody when he has the evidence to do so and the Senator would prosecute everybody, regardless of the evidence.

Mr. TILLMAN. The Senator would search for some evidence, which is on the statute books plain and clear, to the effect that these lands were granted to these railroads upon condition that they should be sold to actual settlers in area not exceeding 160 acres at $2.50 an acre. The President has known that, and never has made a move, never has written a message, never has recommended this servile Senate and House to do a thing to restore those lands to the public domain, notwithstanding the fact that for years and years during his entire term they have been withheld from sale by these railroad corporations, and people out there can not get any homes because the monopolists seized them from the Congressional grant.

Mr. BEVERIDGE. Mr. President, in the cataract of resolutions which the Senator has poured upon this Senate, why has he not included one upon that subject?

Mr. TILLMAN. The Senator has included one, and the Senate adopted it and brought the only information in here in regard to the public domain held by the railroads that has ever come here since I have been on this floor.

Mr. BEVERIDGE. Then, why has the Senator not introduced another resolution demanding of the Department of Justice that it shall proceed? It seems to me, Mr. President, that the Senator's rôle—and it is one which he occupies with great ability, and brilliancy, and entire honor—is the rôle of a complainer, the rôle of an objector, a man most essential in all Governments, it is true; but the chronic critic never builds, never gets.

Mr. TILLMAN. If anybody wants any more in the way of criticism than I have indulged in this session, he is a very big glutton. That is all I have to say. [Laughter.]

Mr. BEVERIDGE. But, Mr. President, it is not such criticism which could surfeit us; it is not profitless complaint that the Senator should give us. We are not gluttons for that. Let him once give us a resolution or information which constitutes real food for legislation, and he will find this side greedy for all he can supply. But the Senator throws in things that nobody can do anything with, and then occupies the time, most profitably to his party and the country, in being a general objector to everything that is done, no matter whether it is right or whether it is wrong.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from South Carolina?

Mr. BEVERIDGE. I do; certainly.

Mr. TILLMAN. The joint resolution instructing the Department of Justice to take such steps as in its judgment are necessary and desirable to protect the rights of the United States in the public domain, or in the land granted to the railroads in Oregon, is the work of the Senator from South Carolina, and the Senate adopted it.

Mr. BEVERIDGE. I congratulate the Senator upon it. Now, let him put one in directing the Department of Justice to proceed, and I will support him. That is the trouble. The Senator does not go far enough.

Mr. TILLMAN. Well, will the Senator get the Committee on Public Lands or the Committee on the Judiciary to support it? I do not want his individual vote. It is not worth a snap of beans. [Laughter.]

Mr. BEVERIDGE. It is worth one vote.

Mr. TILLMAN. With a two-thirds vote on that side, you know that the minority is powerless except to criticise.

Mr. BEVERIDGE. I do not object to the Senator's criticism. What I ask is that the Senator's criticism shall be fruitful. I have pointed out that the Senator has denounced the President for the very things for which the stock gamblers and wrongdoers of this country denounce him; on the other hand, I have pointed out that the Senator has complained of the President as a nonenforcer of laws, when he has enforced them more than any President that we have ever had; and I have pointed out that the Senator blames and attacks the President for sending to this Congress messages commending to the Senator laws which he approves, messages which the Constitution commands him to send to us, but which the Senator denounces him for sending.

Mr. TILLMAN. I have not attacked the President for anything of that kind. I was attacking the President for the statement in a newspaper yesterday that he had ordered bills drawn by some of his underlings up there to submit to us to pass. I want to know the spaniel Senator who will bring them in.

Mr. BEVERIDGE. Well, Mr. President, that term "spaniel Senator" has rolled three times from the tongue of the Senator from South Carolina. It is a Carlylean and Tillmanesque term, and I have no doubt that for several days the Senator has been concocting it. So let us watch for the "spaniel Senator" who shall dare to introduce a great measure of legislation demanded for the welfare of American business. Of course we can not expect the Senator from South Carolina to support it, because his attitude unfortunately seems to be, much as I admire and like him, that when the word "business" is mentioned, right or wrong, the Senator is up in arms against it. [Laughter.] Business is to the Senator a baneful word.

Mr. President, about the criticisms of the President, we have all read American history—not one of us perhaps more than another—and this one thing we know, that every great President this country has ever had, that every great leader of the American people who has made an assault upon intrenched privilege and insisted upon the rights of the American masses has been attacked. It was so with Washington. They charged him with wanting to become a king. They assailed him so that that great soul, who felt for nothing but for the welfare of the country in whose liberation he had led, actually said, "I wish to God I were dead and in my grave." They attacked him so that resolutions were passed when he ceased to be President, thanking God that George Washington no longer afflicted the country.

Then came the next great heroic figure among American Presidents, the greatest Democrat, excepting only Jefferson, the nation ever produced—a Democrat in name only, however, but in everything that constitutes the substance of Republican principles one of the first of great Republicans—Andrew Jackson. He was a despot, his maligners said; he was going to crush the liberties of the country, they declared. Last year I read, with that thrilling interest which such a perusal always inspires, of the attack upon that great popular leader made in this Chamber by Henry Clay; and later, another one made by Daniel Webster; and I could put them side by side in parallel columns with the attacks that are to-day made upon Theodore Roosevelt, and you would not have to change a word. "Jackson," said Clay, just as the Senator from Georgia and the Senator from South Carolina say of the President, "is usurping all the prerogatives of the legislative department." "Jackson," they declared, "is ruining American liberty." "Jackson," they said, "is paving the way for a despotism, and will ultimately seat himself upon the throne of kingly power." Does that sound familiar to gentlemen who are rehearsing, in rather fainter

echoes, the thunders of that great eloquence directed against Andrew Jackson years and years ago?

Then we come to Lincoln. Lincoln! What was the familiar name applied to him, who, his critics said, overrode the Constitution, and who, his maligners declared, was destroying the permanent liberty of the American people in trying to strike the shackles from the black slaves and to save the Union intact and unimpaired? The word, with its malignant echoes, still lingers in the atmosphere. "Tyrant" was the title that they pinned upon the breast of the great martyr, and finally, when Booth struck him down, the words upon the lips of the assassin were "Sic semper tyrannis"—Thus always to tyrants.

So, Mr. President, in these latter-day and feebler attacks upon Theodore Roosevelt we have seen no new spectacle; we are beholding no new drama. It is not an original production. Senators are reciting ancient rhetoric when they denounce that great man, who gathers into his breast the thoughts, the purposes, the hopes, the rightousness and aspirations of the American people—Theodore Roosevelt. All your speeches, gentlemen, have been made before—against Washington, against your own great leader, Jackson, and against Lincoln, that greatest humanist but One mankind has ever known. Mr. President, this is an old story. There is no veteran Senator here who has not heard it with his own ears.

But if we want to come to an autocrat; if we really wish to discuss kinship and subserviency, the Senator's own side furnishes an example of both, and a recent illustration illuminates that example. If there has ever been an intellectual tyrant, if there has ever been an autocrat of will, it is the man who twice was the Senator's candidate for President, and twice defeated, and is soon again to be the Senator's candidate for President, and again defeated—"the peerless one," William Jennings Bryan. He yields nothing in his opinions, even when events have proved him wrong. He announced himself in favor of free silver coinage at the ratio of 16 to 1, without the consent of any other nation in the world, and although this country and the whole earth have long since passed that curious episode in economics, still the Senator's leader clings to it with the stubbornness of a heroic morality, but with the fatuity of mistaken fanaticism.

Mr. Bryan, the Senator's political master, yields nothing with reference to any position he ever takes. I admire his courage. I like his humanity. But when the Senator talks of the autocracy of a man who never consults with anybody, who never yields to anything, not even to events, and who conquers all of his opponents in his own party with the force of his overwhelming and juggernaut will, he could have really had in mind only the candidate of his own party for President, Mr. Bryan, who in his overpowering determination is a righteous Abdul Hamid, a humanity-loving Ghengis Khan. Mr. Bryan is the best illustration of autocracy—let the Senator address himself, upon that subject, to his political captain and master.

We have heard about conferences at the White House. We have heard that the President of the United States actually had the audacity to inform himself from any source he could before making a recommendation to the Senate; and when, because they are wise for the whole people, we support measures that are thus well digested, we are called spineless and subservient.

Washington itself has recently witnessed a real example of subserviency in the Senator's own ranks, without any of the perfect reasons we have for harmony with the President. Recently the papers have been full of the fact that William J. Bryan was a burden upon the shoulders of the Democratic party; he was "the old man of the sea," whom even the broad shoulders of the Senator from South Carolina were unable to dislodge; and in the absence of the peerless one, Senators got together—so the newspapers informed us—and said, "Ah, wait until we see Bryan. We will tell him not to run." And then, feeding upon itself, this resolution grew.

The Senator from Rhode Island will remember that just before the last campaign there was a conference of certain plutocrats from New York, who financed the last Democratic campaign, in the office of a Senator on the other side, the purpose of which was to lay plans to rid the Democratic party of the peerless leader; and they did. They did, and it came to naught. With Parker, the "safe and sane" candidate of reaction, Democracy met its worst defeat. I would not, under any circumstances, do Mr. Bryan an injustice, pure and brave as I believe him to be; and as between Bryan and Parker, if I had to choose, I would either leave the country or take Bryan.

But Senators on the other side met gravely. The cares of state sat upon their brows. Their hairs grew grayer thinking of that tremendous moment when in their patriotic resolution and the fealty to their party they should meet this man and tell him not to run.

Mr. TILLMAN. The Senator seems to have ascertained about it.

Mr. BEVERIDGE. I know only what the newspapers said, just as the Senator from South Carolina knows from the newspapers about Roosevelt. I will give the Senator a chance to testify, because he was there. These men were there, and they were going to dispose of Mr. Bryan.

Mr. TILLMAN. I never attended—— [Laughter.]

Mr. BEVERIDGE. And he came; and everybody waited with bated breath to see this man, who so often had led to defeat the Senators who were so anxious to get a chance at the public trough. We waited with bated breath to see them unhorse him. We waited to see the spectacle of that proud leader prostrate, his sword broken, giving his surrender to the Senator from South Carolina, the Senator from Georgia, the Senator from Mississippi, and the other cohorts of wisdom who wanted to save the Democratic party by getting hold of that man who had been their leader and forcing him to yield. And Mr. Bryan came.

Mr. TILLMAN. Mr. President—— [Laughter.]

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from South Carolina?

Mr. BEVERIDGE. Certainly.

Mr. TILLMAN. Unless the Senator will stand sponsor for the story that the Senator from South Carolina attended a conference of that sort, he has no right to assert it.

Mr. BEVERIDGE. The only right I have——

Mr. TILLMAN. You have used my name. I stand here and tell you to your teeth that I have never attended any conference against Mr. Bryan.

Mr. BEVERIDGE. The Senator need not tell me to my teeth. He can tell me to my ears. [Laughter.] That is sufficient. I acquit the Senator.

Mr. TILLMAN. I do not believe any such conference was ever held.

Mr. BEVERIDGE. I do not know whether the Senator attended this conference or not. Let me describe it.

Mr. McLAURIN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Mississippi?

Mr. BEVERIDGE. Certainly.

Mr. McLAURIN. My name has been mentioned as one of the Senators who attended a conference of that kind. [Laughter.] I neither attended it nor did I know that there was such a conference held until the Senator from Indiana stated it. And while this is a beautiful speech he is making and I am enjoying it very much, I want to know what that has to do with the late panic we had, and how is it going to remove the danger of another panic?

Mr. BEVERIDGE. Oh, no! What the Senator really wants to know is what that has to do with money based upon cotton as security? [Laughter.] I know what is in the Senator's mind. We have two Senators issuing a general denial. "One by one the sparrows fall." [Laughter.]

Mr. McLAURIN. Money based upon cotton would be far better than the clearing-house certificates of the last panic.

Mr. BEVERIDGE. I think the Senator will agree with me that there is a form of currency better than both. But I would not rob the Senator of a single intellectual laurel which is rightly his as the originator of the novel scheme of having the American people issue their currency on what he says is that indestructible and indispensable necessity of civilization—the cotton of the South. He is entitled to the credit.

Mr. McLAURIN. I should like to know how my proposition to issue money on cotton in preference to money on railroad bonds has anything to do with proving that there was a conference between Colonel Bryan and certain Senators.

Mr. BEVERIDGE. I will come to that in a moment. I will put the Senator upon the witness stand. I am perfectly willing to receive, one by one, the general denial of every Senator upon the other side. It only shows that the fright they actually received when the "peerless one" got here still lingers with them.

I have no authority except the authority that the Senator from South Carolina says he has for criticising the White House conference. I have only the authority of the newspapers. But the facts are—and if they are not the Senators can deny them; I do not blame them for denying them, in view of coming events. The Senators want "to stand in." They want to be on harmonious terms with their candidate for the Presidency.

Mr. TILLMAN. Mr. President——

Mr. BEVERIDGE. If I had anticipated that this reference to the dinner at Newlands would have caused all this disturbance on the Democratic side, I never would have mentioned it. [Laughter.]

Mr. McLAURIN. Mr. President——

Mr. TILLMAN. I want to call the attention of the Senator

to the fact that in undertaking to place us in the attitude of currying favor with the man whom the Senator has already doomed to defeat his logic is fearful.

Mr. BEVERIDGE. No more fearful than the Senator's criticism.

Mr. McLAURIN. I want to say, with reference to my denial of the Senator's charge that I was in a conference the purpose of which was to dissuade Colonel Bryan from becoming the candidate of the Democratic party at the next election, had I sat still in my seat and permitted that to go unchallenged, it might have been taken as an admission on my part that it was true.

Mr. BEVERIDGE. I acquit the Senator——

Mr. McLAURIN. I deny it for that reason.

Mr. BEVERIDGE. I see from the book the Senator has in his hand that he has kept a diary upon this subject. [Laughter.]

Mr. McLAURIN. No, sir; I have no diary. I have a diary of the Republican party.

Mr. BEVERIDGE. The Senator would have to have an American history to have a diary of the Republican party.

Mr. McLAURIN. Let me get through with that reference to the diary. I have no diary here except the diary of the Republican party. I have the platform of the Republican party. In 1904 the Republican platform said:

The Democratic party during the same period—

That is, since the war—

has had complete control [of the Government] for only two years.

If that be true, as they claim, and I take it from their own testimony, then while they are claiming whatever of good things have happened under Republican administrations, may they not also be charged with the bad things that have occurred, including the recent panic?

Mr. BEVERIDGE. I will depend upon the Senator to charge the Republican party with anything and everything, whether there is foundation for it or not.

But since the Senator has read from the diary in my time, referring to the historic Belshazzar feast, when they saw the handwriting on the wall, will he kindly rise and take my time and tell the Senate and the American people what they did even during those two years? I wait for an answer.

Mr. McLAURIN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Mississippi?

Mr. BEVERIDGE. The only thing the Senator's party did during those two years that has become historic was the pulling down of the American flag in Hawaii, which a Republican President had to restore.

Mr. McLAURIN. I do not desire to take the Senator's time for anything. Whenever I desire to speak of the Democratic administration or the Republican administration I can speak of them in my own time.

Mr. BEVERIDGE. The Senator is welcome to mine if he can name a single thing during those years which the Democratic party did.

Mr. McLAURIN. I will say this, if it will satisfy the Senator from Indiana—keeping the Republican party out of control and out of graft for two years was worth something. [Applause in the galleries.]

Mr. BEVERIDGE. During those two years, such graft as Roosevelt exposed and punished in this Government existed then, and not one movement was made by the only Democratic President we have had since the civil war either to probe the graft, discover the grafters, or put them in prison, whereas during the present Administration, beginning with Machen clear down, the Republican Administration has pursued one undeviating policy—the pursuit of wrongdoers, no matter to what party or to what class they belonged; and when the Senator can show such a record as that he can go with more reason and hope for success before the masses of the American people.

The Senator certainly has learned through these long years of defeat that mere witticism, mere unfounded charges, mere rhetoric without facts back of them, without reason back of them, without laws passed, are not sufficient to secure the suffrages of the American people; and that is just what is the matter with the Senator's party.

But I am not going to be diverted, although I know the Senator would like to divert me, from what occurred in Washington at the Belshazzar feast. And I am speaking on the question of subserviency raised by the Senator from South Carolina. What happened when the great leader, the peerless one, the next candidate of the Democratic party, whom the Senators, as the newspapers said, wanted to get rid of, arrived in town?

It was common talk. All the correspondents had the story. They could not all be wrong at the same time about the same thing without being corrected about it. It was the subject of cartoons in the Washington papers. You were all going to tell Mr. Bryan to get out of it and save the Democratic party. He came. A dinner was given by one of the most charming hosts that Washington affords, the Senator from Nevada [Mr. NEWLANDS]. His beautiful home overlooking that splendid landscape was to be the scene of this sacrifice. That was to be the conference room where it was to be imparted to Mr. Bryan that, in the interest of the Democratic party, he must not run. We waited. We watched the papers. We wanted to see the outcome. And when Mr. Bryan arrived in town the double-barreled dinner of discontent was held and not one barrel went off. [Laughter.]

There was something the matter with the Senators. Their courage oozed. Why did it ooze? Talk about autocracy! Talk about subserviency! It oozed because they were not able to stand up against that really mighty will that for twelve years has dominated them, that man who has held them all in the hollow of his hand. Subserviency! What was the attitude of those Democratic counselors who, when he was absent, were going to dispose of Mr. Bryan when they finally found him present? Subserviency, Mr. President——

Mr. RAYNER. Mr. President——

Mr. BEVERIDGE. I am very glad to hear from the Senator from Maryland, who, I think, would be an excellent running mate with Mr. Bryan, and add very great weight to the ticket of Bryan and Rayner.

Mr. RAYNER. I decline the honor so unanimously tendered me. [Laughter.] I only want to say to the Senator from Indiana that I happened to be at this meeting, which he calls a "conference," and there is not a word of truth—not referring to his recital—in the statement that any one ever intended to ask Mr. Bryan to decline. There is not a single word of truth in it. If he builds his contention upon that foundation, the whole thing falls to the ground.

Mr. BEVERIDGE. It is the same kind of foundation that the Senator from South Carolina built his on.

Mr. RAYNER. If the Senator from South Carolina said what is inaccurate, that does not justify the Senator from Indiana in another inaccuracy.

Mr. BEVERIDGE. I quoted from the newspapers, and so did the Senator from South Carolina.

Mr. RAYNER. The principal thing that took place in that conference was a discussion between Mr. Bryan and myself—and the Senator from Indiana agrees with him fully on that—in regard to the child-labor bill.

Mr. BEVERIDGE. It is one great thing to the credit of Mr. Bryan, and I never have, even in the heat of the campaign when he first ran for the Presidency, denounced Mr. Bryan as unrighteous or insincere. He occasionally gets right, and when he gets right I believe in giving him credit for it. The human heart of that man wants to end the murder and ruin of tens of thousands of American children. He deserves the applause and not the condemnation of the American people for that. If he went to the country upon other planks as righteous as that, planks that would appeal to the hearts and firesides of the nation, he would stand a much better chance of carrying the next election than he ever will.

Mr. RAYNER. And pass an absolutely unconstitutional measure for the purpose of accomplishing that object?

Mr. BEVERIDGE. We will have that question up when we get to it, and if I am not able to show by the decisions of the Supreme Court the entire constitutionality of that measure, as well as by the laws now on the statute books, which even a corn-fed lawyer——

Mr. TILLMAN. Corn-field lawyer. [Laughter.] The Senator from Indiana has advertised himself through the magazines, or some of his overzealous friends have, as having been acquainted once with a yoke of oxen, having driven lumber wagons, and all that kind of thing. For a man who pretends to have been born on a farm to come here and talk about a corn-fed lawyer, when I said a corn-field lawyer, is simply a disgrace to his claim to be kin to the farm.

Mr. BEVERIDGE. Undoubtedly that was a slip of the tongue, but, since I have come to think about it, a slip of the tongue undoubtedly subconsciously suggested by the entire appropriateness of the title. [Laughter.]

Mr. TILLMAN. Undoubtedly; and I love corn bread immensely. [Laughter.]

Mr. BEVERIDGE. So it is all right. In any event I pay tribute to the Senator's common sense. That is what the term "corn-field lawyer" means—common sense.

I want to say to the Senator from Maryland—whose great learning no man, even among his constituents, respects more

than I do, but who sometimes takes a position so often taken by "constitutional lawyers"—where the word "constitutional" has quotation marks around it—that the Constitution is not a mysterious instrument, designed to prevent any human reform and all the progress of the people. It was not adopted by "constitutional" lawyers, but it was adopted by the people directly, and the so-called "cornfield lawyer" had more to do with it than all the "constitutional lawyers" who ever existed.

The Constitution is our fundamental law. It is what Marshall called it—not a contract between the States, but an ordinance of immortal national life marking out the great outlines of a government in terms so simple and so clear that the commonest of the common people for whom the Constitution was made can understand it. It is just this attitude of regarding the Constitution as some mysterious thing which is always being put up as a shield behind which some human wrong can hide that has brought the Constitution into all the disrespect that it has ever had at the hands of the American people.

Now, I come back to the Newlands dinner. The day came; the dinner was held; held in two sections, like a Pullman train. Whether or not the Senators—I take their word for it—had any intention of telling Mr. Bryan to retire, it was not carried out. However that may have been, however in complete error the newspaper correspondents of the Capital may have been about it, however wrong the whole country was about that, we must accept, and do accept, as they are, one by one filed in public in the Senate, the general denial of all the Senators upon the other side.

But, Mr. President, does any Senator upon the other side deny that, despite the constant counselings of the conservative and wise in their party, Mr. Bryan nevertheless will be their nominee? Would one of them dare question a single plank in his recent platform? No matter what may be their intellectual attitude, every one of them will follow that masterful will like good soldiers—I had almost said like subservient slaves.

Mr. TILLMAN. The Senator had better wait until after the Denver convention.

Mr. BEVERIDGE. Does the Senator doubt it?

Mr. TILLMAN. What?

Mr. BEVERIDGE. The outcome of that convention.

Mr. TILLMAN. Mr. Bryan may be the nominee, because I see nobody else in sight just now; but that does not mean that he is going to dictate the platform.

Mr. BEVERIDGE. Think of the distress of a party numbering millions that sees no man in sight big enough to be President except a man who has twice been nominated and twice defeated for the Presidency. [Laughter.]

Mr. TILLMAN. Whose platform has been stolen by the god or demigod whom the Senator from Indiana worships.

Mr. BEVERIDGE. There again is that question about the Democratic platform. The only complaint that the Senator from South Carolina really makes of us is that we have enacted into law something that they only talked about.

Mr. TILLMAN. We could not when the people would not give us the power.

Mr. BEVERIDGE. Why would the people not give you the power?

Mr. TILLMAN. Because you had debauched them with your special class legislation.

Mr. BEVERIDGE. Oh, then the most of the American people, according to the Senator's logic, are well affected and their prosperity helped by special class legislation.

Mr. TILLMAN. Of course.

Mr. BEVERIDGE. If that is the case, does not the Senator think the American people know what is good for them?

Mr. TILLMAN. Yes; and the American people are going to turn you and your gang out. [Applause in the galleries.]

Mr. BEVERIDGE. The Senator has repeated that prophecy for long years——

The VICE-PRESIDENT. The Senator from Indiana will suspend. The Chair will again admonish the occupants of the galleries that applause is forbidden under the rules of the Senate; and it is the duty of the Chair to enforce the Senate rules.

Mr. BEVERIDGE. I was just going to say that the Senator has made that prophecy heretofore. It puts me in mind of that famous poem of Poe's, you know—

Quoth the raven, "Nevermore."

Quoth the Senator, "Nevermore."

And not once has the prophecy come true. A prophet who has been discredited, notwithstanding the earnestness and multitude of his prophecies for eight long years, does not have much terror for us to-day.

The Senator said a curious thing, one upon which we can easily base the prophecy of the Senator that we are going to be turned out of power. He said nothing would be so good for the American people as the election of a Democratic President and House of Representatives, and then he gave the reason. The Senator will find it in the RECORD. He said, "because you Republicans have the Senate; and with a Democratic President and House of Representatives you Republican Senators will prevent any 'wild legislation'"—"wild legislation," the Senator said. "Wild legislation" proposed, I suppose, by the Democratic President whom the Senator foretells. The safety of the country, then, according to the Senator from South Carolina, consists exclusively in the fact that if they elect a Democratic President and House there still is, thank God, the Republican Senate to prevent them passing what the Senator calls "wild legislation."

Mr. TILLMAN. What does the Senator say about the other part of that statement?

Mr. BEVERIDGE. What was the other part of it?

Mr. TILLMAN. That it would give an opportunity for a backbone to grow up the spinal cord of those on the other side who now have nothing but cotton strings.

Mr. BEVERIDGE. The Senator used that term before; but I have just shown him what kind of backbone Senators on that side had when Mr. Bryan confronted them.

But harmony on this side with the President is not subservience. Agreement upon that side to Mr. Bryan when you really do not want him is subservience. What would the Senator have? Would he have the Republican Senate and House at war with the Republican President? That is what he would have as a partisan leader. But what he would have as an American patriot is that harmony between the Republican Senate and House and the Republican President which really exists. If the Senator thinks we are going into the next campaign or any campaign divided he is mistaken. We will rally around a single standard bearer and march, with the ranks closed, to victory, appealing to the people upon the record of laws passed and deeds done for the welfare of the people.

Mr. President, the Senator from South Carolina said what a splendid thing it would be for the American people if the Democrats were to elect the President and House. As he spoke I just thought of what would happen to the country. First of all, the Senator said the country would be safe, because we Republican Senators would prevent "wild legislation," and so the country would be safe. The inference from that is that the Democratic President would propose nothing but "wild legislation," and therefore, you proposing and we opposing, the country for four long years would have nothing done at all.

Mr. TILLMAN. Except the execution of the laws.

Mr. BEVERIDGE. Except the execution of the laws, which were never before in our history executed better, according to the records and by the number of suits brought and the convictions had. Does that appeal very well as a campaign cry to the American people? Four years with nothing done, with no legislation passed to help business, and nothing at all done except "wild legislation," to use the term of the Senator, proposed by the Democratic President and killed by the Republican Senate. If the Senator thinks he can go to the American people upon that platform I wish him joy of journey.

Mr. TILLMAN. Mr. President—— [Laughter.]

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from South Carolina?

Mr. BEVERIDGE. Certainly.

Mr. TILLMAN. Is it within the comprehension of the Senator from Indiana that in commonwealths like his own used to be, where the parties are so evenly balanced, both have to be on their good behavior and nominate none but clean, honorable men for office? Is it within the purview of his comprehension that with a divided Congress, one-half acting as a holdback, so to speak, and the other trying to press forward, a condition of compromise might be reached which would be wise and for the best interests of the country? Is that beyond his comprehension?

Mr. BEVERIDGE. Ah, Mr. President, then the Senator's platform in one brief hour has shifted. First, it was nothing doing, because "wild legislation" would be proposed which we would defeat; and, second, it is "compromise." If those two words emblazoned upon the Democratic banner will cheer his hosts to victory, I think it will be the first time that ever such a motto was put forth with such a result.

The Senator spoke about States being evenly divided and all that sort of thing. Is it not curious how States have ceased to be evenly divided? Is it not strange how the Republican majorities have rolled up, increasing year by year, in spite of the Senator's prophecy of defeat for us? Why, Mr. President, the people who gave those votes were what the Senator from South Carolina calls "ignorant masses," very "poor, simple souls," according to the Senator.

But, as a matter of fact, the American people are not the "ignorant masses," as the Senator now calls them. The combined intelligence and massed morality of the American people is the greatest force for wisdom and righteousness in all the world to-day or that history ever saw. I never shall forget when that man whose memory we all hold dear, and whom I regard as the greatest constructive legislator of the last half century, Senator Platt of Connecticut, told me this concerning these American masses. He said: "I can always rise in the American Senate and I can speak without faltering or fear; but whenever I rise to speak to an audience of American farmers, I never speak without hesitation and trembling."

They are not the "ignorant masses." They read and think, and they know what is best for them; and reading, thinking, and knowing what is best for them, they have for eight long years rolled up Republican majorities that have swept States out of the doubtful column and placed them permanently in the Republican ranks. It is the wisdom of the American people. it is the righteousness of the Senator's so-called "ignorant masses," it is their information that has given us the victory in the past, and it is those great qualities of popular virtue that will give us victory in the future.

Picture the Cabinet, Mr. President, if the Senator from South Carolina could have his wish. President, Mr. Bryan. Cabinet: Secretary of the Treasury, BENJAMIN R. TILLMAN, of South Carolina; Attorney-General, George Fred Williams, of Massachusetts; Secretary of War and Secretary of State, anybody who would take the job, with nothing to do. [Laughter.] Motto of the Administration: "Pull down business at home and pull down the flag abroad." [Laughter.] Because that is the sum and substance of the platform of the peerless one as recently announced in Nebraska, and to which the Senator subscribes.

Well, Mr. President, the country will have to face no such catastrophe. No; the people will continue marching forward, under Republican leadership, upon that ever-ascending path of wisdom, honesty, and righteousness which Theodore Roosevelt has marked out for them, and marching so they will march to victory. The Senator must postpone his prophecy for at least twelve years.

INDIAN APPROPRIATION BILL.

Mr. CLAPP. I call up the conference report on the Indian appropriation bill.

The Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 15219) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1909.

Mr. HEYBURN. Mr. President, I desire to call attention to two provisions in the report of the conference committee and to ask their consideration at this time before the adoption of the report. The Senate adopted what is designated in the reprint of the bill as amendment No. 59, which is found in the print of the bill on page 48.

Mr. CLAPP. Will the Senator kindly call attention to the page of the RECORD?

Mr. HEYBURN. The report not having been printed, I am obliged to refer to the CONGRESSIONAL RECORD.

Mr. CLAPP. But I ask what page of the RECORD?

Mr. HEYBURN. Page 3253. It is amendment No. 59, on page 48 of the bill as printed when it left the Senate.

Mr. CLAPP. I did not hear the number of the page of the RECORD.

Mr. HEYBURN. Page 3253, near the top of the second column.

Mr. CLAPP. I have it now.

Mr. HEYBURN. Mr. President, as the amendment left the Senate it provided, among other things, that the Secretary of the Interior should make the same arrangement with the Indians in regard to the irrigation of the land that he made with other persons. I desire to direct the attention of Senators to the change made in the conference report in this provision, as I regard it as very important in the interest of the Indians that they should be treated the same as white people are treated under the same circumstances.

Mr. CLAPP. There is such confusion in the Chamber I will ask the Senator again to state the number of the amendment.

Mr. HEYBURN. It is the fifty-ninth amendment. If the Senator has a copy of the print of the bill as it left the Senate it affords a more ready reference. The conference committee have added certain words to the amendment as it left the Senate which, in my judgment, would very seriously militate against the interests of these Indians and place them at the mercy of uncertain and unvarying conditions.

Mr. TELLER. It is the fifty-ninth amendment?

Mr. HEYBURN. Yes, the fifty-ninth, on page 48. The conferees have added the words that I shall read. After the word "make," which is said to be in line 10, but in the print of the bill as it left the Senate it is in line 20——

Mr. CLAPP. I think that is correct. It should be line 10, as the reference is to the line of the amendment, and not to the page of the bill.

Mr. HEYBURN. I understand; but I was making an explanation in order that Senators who have the RECORD before them could find it. In lieu of the provision that the Senate agreed upon, that these Indians should be treated as other people, the conferees propose to insert the words that the Secretary shall make—

Such arrangement and agreement in reference thereto as said Secretary deems for the best interest of the Indians.

Those words embody the very principle that the Senate expressed when it struck out the language which was stricken from the bill when it was up for consideration. In other words, it cuts the Indian out of consideration entirely. He is left with nothing to say but to acccept the judgment of the Secretary of the Interior.

I desire to recall to the attention of Senators the fact that this is dealing with allotted and patented lands belonging to the Indians. The bill, as it came from the committee and from the House, did exactly what the conference committee have done in effect—it left the Indians with nothing to say. But the bill as it came from the House did provide that these holdings should be cut down from 160 acres to 10 acres, then leaving the manner of the application of the water to the Department. However, the Senate struck out that provision, leaving the Indian allotments to stand as they were patented to them—at 160 acres—and allowing them to participate in the making of the contract or arrangement under which water should be furnished to the lands.

In proposing the amendment which the Senate adopted I considered it of very great importance that these Indians should have some say and be consulted as to the terms and conditions upon which the water of this reclamation project would be applied to their lands. I did not expect them not to contribute toward the exepense. In the amendment which we adopted it was provided that they should be dealt with just as other people were; if the application of water created a burden of $30 an acre upon the lands of the white man it would create a burden of $30 an acre upon the lands of the Indian. Whatever the terms might be, they should be the same because the title of the Indian is a fee-simple title just as is the title of the white man, and because the Government comes and forces (if I may use that term, which is a little strong) this improvement upon the Indian, and they should not be allowed to improve him out of his estate.

The original bill undertook to place the price of the application of the water at 150 acres out of 160 acres of land; in other words, to take all of the Indian's land but 10 acres. The Senate disagreed to that and amended the bill so that the Indian retained his 160 acres of land on the same terms and conditions as the white man retained his. That is justice, and it has met with the approval of this body, and it would meet with the approval of all fair-minded men.

The conference committee proposes to give the Indian no definite right, no right to participate in the determination of this question at all. It does not provide that it shall be upon such terms as the Secretary of the Interior and the Indians may agree upon, but it confines it to the Secretary of the Interior. That is not fair. If you treat the Indians in this way, Mr. President, you set an example for the Indians that would eventually result in their absolute destitution. That is what it would amount to, because they are not personally capable of managing themselves such matters of large business scope. It would be a shame to send a bill out of Congress that would refuse to recognize their right even to be consulted in dealing with this subject. The Secretary of the Interior might conclude that the measure which met his approval, taking 150 out of the 160 acres, was a fair way to deal with it. I do not propose to leave it to him to do it.

Mr. TELLER. Are not the 160 acres still left to the Indian in the bill?

Mr. HEYBURN. No; it gives the Secretary of the Interior the power, without consulting the Indians at all, to place any condition in land or dollars that he may choose. That is what I object to.

Mr. CLAPP. If the Senator will pardon me a moment, I think this matter can be very easily straightened out.

The bill as it came from the Committee on Indian Affairs provided that the Secretary could cancel allotments. There was a question whether it attempted to clothe him with that authority independent of the willingness of the Indian to consent to the cancellation.

Associated with that thought was the question of the area of the land which the Indian should retain. Under the irrigation law the land may be reduced by agreement to 10 acres, which is the lowest area permitted. The Senate amended the committee report so as to leave it a matter of agreement between the Indian and the Department, eliminating what I understood at the time and what I think the Senate generally understood was the objectionable feature, which sought to clothe the Secretary with the power to cancel these allotments irrespective of the wish of the Indian.

Mr. HEYBURN. May I ask the Senator a question here, because it is applicable at this point?

Mr. CLAPP. Certainly.

Mr. HEYBURN. Under the general irrigation law the Secretary of the Interior is given power to cut what are called the "units of land" down even to 10 acres. The Senator from Colorado has suggested to me that this would still prevent the Secretary from cutting down the area of the Indian, but I have in mind the general power which the Secretary possesses under the provisions of the reclamation act to cut these units down to 10 acres. I do not believe that in the case of these Indians he should be given that power, and it was with the reclamation act in view that I proposed the amendment originally.

Mr. CLAPP. Then, Mr. President, if we have not taken that power from him by our conference report, it is because we are unable to employ language that would take it from him. Under the bill as reported by the committee the question might have arisen, Was it not attempted to give him the power to do this as he saw fit? But in the amendment which is reported back in the agreement of the conferees it reads that he is authorized to make "such arrangement and agreement in reference thereto."

Mr. HEYBURN. "Thereto" relates back.

Mr. CLAPP. To the question of irrigation.

No authority is given the Secretary here, nor would we for one moment contemplate giving him the authority on his own part, without agreement with the Indians to say how much of the Indians' land should be taken in lieu of irrigation being placed upon the balance. But the language is—

Such arrangement and agreement in reference thereto as said Secretary deems for the best interest of the Indians.

Now, that involves, first, the consent of the Indian to the agreement, and leaves it optional with the Secretary to ignore the ordinary rule in regard to irrigation and agree to any amount that shall be left as the irrigable land of the Indian which the Indian is willing to agree to, whether it is 10 acres or the entire 160 acres. Instead of limiting the right of the Indian to contract it recognizes his right to contract; but as a matter of law the authority to the Secretary must come from Congress, and it is so framed.

Mr. HEYBURN. If the Senator will pardon me, the word "thereto," as I understand it, is the dangerous word in that sentence—

Such arrangement and agreement in reference thereto.

That refers back to the provision of this section contained in lines 14, 15, 16, and 17, which relate in express terms to the reclamation act and would carry the provisions of the reclamation act into this amendment. That is what I am afraid of.

Mr. CLAPP. No; it would if this clause were not in, but this leaves a latitude to the Secretary in dealing with Indian lands for irrigation that he does not have in dealing with the white man—to still protect the Indian so far as the Indian's consent must be obtained to the arrangement.

Mr. TELLER. To all parts of the arrangement?

Mr. CLAPP. To all parts of the arrangement.

Now, one step farther. It may be said that when an Indian takes his allotment and takes his right of citizenship he should be placed on the same plane with the white man. But the committee, out of extra caution, recognizing that it takes some time for the Indian to learn to safeguard against the demands upon his lands, took out of the $200,000 which is otherwise appropriated by the bill for the irrigation of Indian lands and gave the authority to the Secretary to use $12,000 a year of that sum for the purpose of aiding these Indians in the irrigation of their land.

It seems to me that from the Senator's own standpoint of safeguarding the interests of the Indian instead of leaving him and leaving the Secretary to the ironclad law that now exists we have still preserved to the Indian the right that no condition can be imposed except by his agreement. We have enlarged the right of the Secretary, and have for the time being safeguarded the Indian against losing his land by his inability to meet the demands upon it coming from the increased cost by reason of the irrigation.

Mr. HEYBURN. Mr. President, the Senator has said much to satisfy my mind as to the intent of the committee. Of course it will be admitted that this will repeal the restrictive clause in the bill providing for the allotment of lands against alienation by the Indian.

Mr. CLAPP. To the extent that the Secretary and the Indian make this agreement.

Mr. HEYBURN. It gives the Secretary the absolute power to repeal in effect the restriction against alienation by the Indian.

Mr. CLAPP. Could the Senator imagine any provision which would allow of an arrangement to take allotted land that is simply held at present under the trust allotment, not yet patented, and subject it to irrigation that would not involve a release of the restriction upon alienation as to the land in excess of that which the Indian retains?

Mr. HEYBURN. Yes.

Mr. CLAPP. I can not.

Mr. HEYBURN. I do not mean by that that I can. I understand what the Senator says in regard to it. I merely want it made clear in the RECORD here so there may be no question, if it comes up for subsequent consideration, as to the position of the Senate in regard to the bill. It does in effect to the extent that the size of the allotment may be cut down, repeal the prohibitive clause against alienation by the Indians, because it would give the Indian the right, through an arrangement with the Secretary of the Interior, to dispose of an unlimited proportion of this land. It is quite important in the enactment of this class of legislation that in the discussion of it it be made plain as to what the intent of the legislation was.

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. HEYBURN. Certainly.

Mr. CLAPP. I wish to call the Senator's attention to the fact that under the existing allotment law that power is vested in the Secretary.

Mr. HEYBURN. Not as to Indian lands.

Mr. CLAPP. As to allotments.

Mr. HEYBURN. Under the allotment law that power is vested in the Secretary except within the limitations expressed in the law itself.

Mr. CLAPP. But he is the judge of the limitation absolutely.

Mr. HEYBURN. But the Secretary may not, under the existing allotment law, allot 10 acres to an Indian.

Mr. CLAPP. Not to the extent of releasing restrictions upon any allotments as to alienation.

Mr. HEYBURN. That is, of course, upon conditions.

Mr. CLAPP. No; the only condition is the condition which the Secretary of the Interior himself determines.

Mr. HEYBURN. Well, the condition is in consideration of the act, and if the Secretary of the Interior finds that the condition exists he may do it.

Mr. CLAPP. Yes. The amendment which the Senate passed in express terms contemplated the exercise of this same power, because you can not work out an irrigation scheme or plan—I prefer to use that word—you can not work out an irrigation plan with allotted lands held in trust, unless it involves the release of that portion of those lands which no longer remain the property of the allottee. Under the amendment as it passed the Senate the Secretary is authorized to make the same agreement with such allottees as he makes with other persons. Unless that amendment carried authority to the Secretary to allow the Indian whose allotment of 160 acres was to become a part of the irrigation project to alienate that portion of it which he did not retain, it would be absolutely void.

Mr. HEYBURN. Mr. President, I had it in mind, in drawing that amendment, that the Indian should be allowed to release a certain portion of his land, but I wanted to place the limitation at the area that a white man retains. That was all. In using that language I meant that the Indian should have the same rights. I think myself that if the white people within that reclamation project are allowed but 80 acres, it would be fair enough to allow the Indian the same. I do not, however, want the Indian limited to 10 acres and the white man limited to 80 acres or to any greater area.

Mr. CLAPP. You can not limit it unless they agree to it.

Mr. HEYBURN. Well, they are fixing the units where the

land is to be taken up for reclamation where the title has not passed. Of course a great deal of this land is in that position, and land that will be taken up by the white man within this reclamation project will be taken up without any restriction as to units other than those which the law fixes.

With these explanations and with this consideration of record, I am not disposed to press an objection here that would send this bill back to the committee of conference for further consideration so far as this amendment is concerned.

Mr. TELLER. Mr. President, I believe the proper construction to be put upon this amendment is that put upon it by the chairman of the committee, and I wish to commit myself to that. I believe that is what is intended, and that is the way I hope the Department will rule.

Mr. HEYBURN. Mr. President, resting in that assurance, I have no further objection to make to the report of the conference committee in regard to that amendment; but the amendment found on page 3253 of the CONGRESSIONAL RECORD which pertains to the creation of the national park in the Coeur d'Alene Indian Reservation is of more importance, because there the conference committee have changed——

Mr. TELLER. What is the number of that amendment, I will ask the Senator?

Mr. HEYBURN. It is No. 35.

Mr. CLAPP. At the foot of page 22 of the bill.

Mr. HEYBURN. Yes. There the Senate adopted an amendment creating a national park of about 7,000 acres in north Idaho, covering a point particularly adapted for park purposes. The Senate amendment provided that the Indians should be paid a dollar and a quarter an acre for that land, which would amount to a comparatively small sum, but it left the title to that park in the Government of the United States. It is conceded both by the conference committee and by the Senate that that park is a proper subject of legislation, and that it is wise to have a park there. It covers three lakes, part of a mountain, and a part of a river, and its establishment is conceded everywhere to be a very desirable thing.

Mr. President, the conference committee have substituted a provision that the State may buy this land for a park. That would require action by the legislature of the State, and it would raise the question of whether the State may appropriate money for that purpose. When the constitution of Idaho was adopted it was intended to so frame it that the State could not engage in that kind of business; that money might not be appropriated for such a purpose. This would require a construction of the constitution of the State of Idaho that would allow the legislature to appropriate a sum of money for the purpose of purchasing from the Government of the United States this park. In the first place, I do not care to embarrass the acquisition of that park by any such question. In the second place, I do not believe in creating a park that shall be the property of the State. We have all had some experience, not only in those Western States but elsewhere, with parks and enterprises of that kind that belong to a State or are under the control of a State, as to the effect they have upon the internal affairs and management, political and otherwise, of the State. They are always a subject of political embarrassment. A park of 8,000 acres would call for administration and protection. Every legislature would be required to consider it, and the determination of the class of amusements and the manner of the use of such a park are often embarrassing questions. I want in Idaho one United States park.

Mr. TELLER. I do not want any in Colorado.

Mr. HEYBURN. You have one in Colorado.

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. HEYBURN. For a moment.

Mr. CLAPP. Mr. President, I think the Senator from Idaho has completely answered his own position in his statement here as to the power of the State under the Constitution. The conferees were confronted by this situation: Here was a proposition to buy a park and pay for it out of the Treasury of the United States. The conferees—without going into the details of the conference—could not maintain that provision in the bill. It being a Senate amendment, the Senate conferees, of course, could not of their own motion do that. It was suggested that we put the provision in this form, and then the Senators from the State of Idaho, if they saw fit to avail themselves of it, could do so; and, if they did not—we were not in a position to consult with the Senator at the time, he being out of town, for I myself made inquiry as to his whereabouts—and if they did not, all they would have to do would be for the State to decline to act under this provision, and the Senator then can try to get a bill passed creating a national park at national expense.

Mr. HEYBURN. We have already passed such a bill in the Senate.

Mr. CLAPP. As an amendment to this bill.

Mr. HEYBURN. We also passed it as an independent measure.

Mr. CLAPP. Well, Mr. President——

Mr. HEYBURN. If the Senator will permit me to interrupt him there——

Mr. CLAPP. Certainly.

Mr. HEYBURN. The question as to whether this is to be a national park or a State park is an important question; but it is also important that it be decided quickly, because I am advised by a letter to-day that the allotment of land to these Indians will commence on the ground not later than the 1st of April, which is only about two weeks off.

Mr. TELLER. They will not take this park, will they?

Mr. HEYBURN. The Indians are entitled now to locate their lands anywhere. Of course there is a large excess of land in this reservation. This is not a large band, and the Indian allotments will probably not exceed ten or eleven hundred. There is plenty of extra land, but some of the Indians might want to take allotments on the land on which it is proposed to locate this park. You can not control the selection of the Indian in taking his allotment, unless the law shall have segregated a portion of the land.

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. HEYBURN. Certainly.

Mr. CLAPP. The Senator certainly is no worse off than if the Senate conferees had receded from this amendment, which they would have been obliged to do under the circumstances. With this provision in the bill, they would hardly proceed to allotment, as the Senator from Colorado [Mr. TELLER] suggests. If we had simply receded, the case would have been no different practically from what it is now, without the power on the part of Idaho to act, except that this does temporarily suspend, or I think it would suspend, the allotment of those lands.

Mr. HEYBURN. Mr. President, I would inquire of the Senator from Minnesota whether or not, in his judgment, the adoption of this provision in this report would not stay action on the independent bill which we passed in the Senate and which is pending before the other House?

Mr. CLAPP. Supposing it would, if the Senate had receded from its amendment but one of two things could have resulted. We could have come back here for instructions, which would have delayed this matter, pending which allotments might have been taken, or we could have simply adopted the report on our receding from the amendment, which would have left the matter entirely out of the pale of this bill.

I tried to reach the Senator from Idaho [Mr. HEYBURN], as I always do a Senator from any State whose local interests are being affected in conference or in the preparation of a bill, but was unable to reach him, he being out of town.

Mr. HEYBURN. I was not in town on that day.

Mr. CLAPP. No; the Senator was out of town.

Mr. HEYBURN. I had gone to a neighboring city.

Mr. CLAPP. It seemed to me, then, that rather than recede it would be better to put this provision in; to suspend, so far as it would, operations there, leaving the representatives of that State, if they can, to secure the passage of such a bill as they desire through the other House.

Mr. HEYBURN. Then, Mr. President, I am not disposed to prolong this discussion under the statement made by the chairman of the committee. I am pleased to have made a record that will explain the reason the bill reached this position, because I had undertaken to secure legislation that would give us a national park in North Idaho. This provision would give us a State park, and we may get a national park through the bill which is pending in the other House.

Mr. DIXON. Mr. President, my attention has just been called to the fact that two or three items affecting the Indians in my State, which were inserted in the Senate as amendments, have been left out of the bill by the conferees; or, in other words, the amendments have been receded from. I do not know what the formal motion for me to make would be, but I apprehend it would be to disagree to the report of the Senate conferees as to certain amendments.

The VICE-PRESIDENT. The form of the question is, Shall the Senate agree to the conference report? And, of course, the negative of that would defeat the report.

Mr. CLAPP. Of course the Senator is aware—and I presume the same rule obtains in the other House—that no matter what may prompt a motion, it has to be as to the entire report. The amendments can not be separated.

Mr. DIXON. They can not be separated?

Mr. CLAPP. No; and I do not suppose that can be done in the House.

The VICE-PRESIDENT. The only question before the Senate upon the conference report is, Will the Senate agree to the report?

Mr. DIXON. And not to an individual amendment?

The VICE-PRESIDENT. Not to an individual amendment, or to any specific item.

Mr. DIXON. Then, Mr. President, I certainly am opposed at this time to agreeing to the conference report on this bill, especially directing my objection to the report as to Senate amendments numbered 49, 52, and 53.

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Minnesota?

Mr. DIXON. Certainly.

Mr. CLAPP. Before the Senator takes that position I want to suggest that our Calendar every morning here shows the announcement of some Senator who has given notice that he desires to speak. That forces me practically, out of courtesy, to defer action upon this report until after the speech or speeches of the day have been made. This matter has now lain over for several days and I fear that a roll call might disclose the want of a quorum. I certainly hope the Senator will not press the question under these circumstances.

Mr. DIXON. I would not press the question except for the reason that I think the entire report submitted by the Interior Department in reference to these matters has been overlooked in the preparation of the report of the conferees. Here are three different items especially recommended by the Commissioner of Indian Affairs and by the Secretary of the Interior, reported unanimously from the Indian Committee, and not a question raised on the floor of the Senate regarding them; and yet I find for the first time they have been disagreed to in conference.

Mr. CLAPP. As to the amendment providing for the employment of "line riders" in the Northern Cheyenne Indian Reservation, there is no impropriety in my stating that the Commissioner of Indian Affairs was present and furnished a written statement concerning all these items; but, notwithstanding his presence, it was impossible for the Senate conferees to retain them. The same is true as to the amendment increasing the salary of the agent at the Flathead Agency.

Mr. DIXON. As to the Flathead Agency I find that other amendments of similar nature have been retained by the conferees, especially those pertaining to agencies in South Dakota, in one instance the salary of the agent being raised from $1,800 to $2,200. Here is an agent in my State, in charge of one of the five most important agencies in Montana, receiving the pitiful compensation of $1,500.

Mr. TELLER. On what page is the amendment?

Mr. DIXON. It is Senate amendment No. 49 on page 35. The agent is stationed at a reservation that is just being opened, where there are 2,200 Indians with their land allotted and with property amounting to six or seven million dollars held in trust, with this man as the fiscal agent. There is a very strong recommendation for the adoption of the amendment and commendation of it from the Commissioner of Indian Affairs. The amendment only proposes to increase the agent's salary to $1,800.

Mr. CLAPP. Mr. President, in answer to that I will say that the Senate put an amendment on this bill which provides that the Government shall pay the cost of the bond which the Indian agent gives. The salaries of two or three agents had been raised prior to the adoption of that amendment, but after its adoption the conferees decided to take out amendments increasing the salaries of agents, as they figured that the difference in the cost of the bond would about equal the proposed increase of salary.

Mr. DIXON. I want to say in this connection that an amendment has been retained in the bill increasing the salary of an agent in South Dakota from $1,800 to $2,200 without any question being raised. In this case the agent has absolute charge of 2,200 Indians and their families and a trust fund of $8,000,000. All four of the Montana amendments, except the one in regard to the Fort Belknap Indians, have been stricken from the bill.

Mr. TELLER. They are all legislation.

Mr. DIXON. I do not think they are all legislation.

Mr. CLAPP. The Senator will bear in mind that one of the four was very probably legislation, although I was very favorable to it getting through on the appropriation bill because of the difficulty of passing it as a separate measure. But the conferees did the best they possibly could.

Mr. DIXON. Here is another item appropriating $30,000 for the purchasing of lands for a roving band of homeless Chippewa Indians known as "Rocky Boy's band." Both the Secretary of the Interior and the Commissioner of Indian Affairs submitted favorable reports on this item, but it has been stricken from the bill, and in lieu thereof the Secretary has been instructed to investigate the matter. I want to say in that regard that the report from the Secretary of the Interior, covering five or six pages, especially recited the fact that this matter had been investigated two or three years ago by a special agent of the Department, and that this very recommendation was made by the special agent and concurred in by the Secretary of the Interior. Now, the conference report proposes to strike out that amendment, which is No. 53, and to refer the matter back to the Secretary—to ask him to do what has already been done and what his report shows was done two or three years ago.

Mr. CLAPP. Mr. President, that is undoubtedly true from the standpoint of the Senator, but, unfortunately, the evidence before the committee rendered it somewhat difficult for the Senate conferees to make the point perhaps as strong as they might otherwise have made it. It was very incomplete, and failed to show the number of these Indians, as I recall; and, above all, while there was a recommendation that this money was to be appropriated, it failed to show any tentative proposition as to where these Indians could be placed. It was thought best by the House conferees to send this matter to the Secretary of the Interior for a complete report. With a tentative arrangement, then the money could be appropriated.

Mr. DIXON. But, if the Senator will permit me the suggestion, Senate amendment No. 53 makes the appropriation and instructs the Secretary. It authorizes him to locate these Indians wherever he can find convenient land and water, either on the reservation or off. It gives him carte blanche. As this investigation has already been made, I can not see what can be gained by again referring it to the Secretary.

I will not insist upon the amendment No. 54, relating to the Flathead Agency, because it contains matters of legislation; but the other three amendments, while they may appear to most Senators to involve but little, I assure you are each and every one important as regards the welfare of the Indians of my State.

I do not like to delay action on the report. I know we are getting crowded; but as to these three amendments my conscience would not be clear if I did not at this time move to nonconcur in the conference report and ask for further conference.

Mr. TELLER. I should like to suggest to the Senator from Montana that he will not accomplish anything by sending the report back now after the action the House has already taken. At least I have never known such an operation to succeed. I am very sure that he had better let the matter go and attempt to secure it in some other way. I think, so far as the salary of the agent on the Flathead Reservation goes, that that can be attended to in another bill. Of course, as to the wandering Indians of Rocky Boy's band it is very important to know where they are to be located. That is left to the judgment of the Secretary. He can locate them where he ses fit.

Mr. BURKETT. Mr. President, there is one class of amendments to which I should like to call the chairman's attention and ask for something of an explanation. I refer especially to amendment No. 57, known as the "amendment to capitalize the fund of the Winnebago tribes of Indians." I think perhaps there may be in the bill other amendments of the same character. This amendment was put in by the Senate. It speaks for itself. It is merely to pay some Indians what we owe them by treaty, and I should like to have the chairman explain, if it will not take too much time, why it is that we can not have retained in the bill an amendment so just in its nature and so necessary. Why are such amendments rejected? What is the reason for it? Are we to go year by year and simply have them turned down on the statement that the conferees could not agree, and therefore the Indian can not get his money? As a matter of fact, it simply means that the United States is repudiating its debts. That is all it means in plain, simple language. I want to know if we have got to continue that course. I presume, of course, the conference committee has done its full duty, but it does seem to me that we ought to know if we are going to have the matter go along here year after year and be put in the position of having the Government repudiate what is not only a just debt, but a debt toward its wards. If the Senator will explain the matter, I shall be very glad to know what the status of the amendment is and what we are to look for in the future.

Mr. CLAPP. Mr. President, I can not prognosticate what can be hoped for in the future. I am in favor of capitalizing these funds, and I do not think a dollar is any more this year than it will be next year; but, unfortunately in the exigencies of leg-

islation, we encounter those who do regard a dollar as larger to-day than perhaps it may be a year from now. One difficulty conferees always have to encounter is that a great many of these matters, if they are ever put on the bill have to be put on in the Senate; which leaves a great many amendments for the Senate conferees to defend.

I doubt whether the Senator meant that this amendment involved the payment of a debt. Instead of continuing the payment of interest it simply provides for the capitalizing of what we recognize every year in the payment of the interest. It must be said for our coconferees that where a matter came up—and there were two or three in the bill, I think—involving the honor of the Government in the recognition of a debt, notwithstanding this plea of postponing the capitalization of these funds, such items were very promptly accorded a place on the bill.

Mr. BURKETT. I do not think, Mr. President, that I misstated the facts about the matter.

Mr. CLAPP. What amendment is it?

Mr. BURKETT. It is amendment No. 57. The Senator seems to make a distinction between being willing to pay interest on a debt and paying the debt itself. I have had some debtors in my life that seemed to be willing to pay interest forever, but never pay the principal; and that is the position of the Government in this case. For half a century we have owed these Indians the money by treaty and we have been paying them the interest on it. The Indian has got to a place where he wants his principal, and he is entitled to have that principal. The Government has said by solemn decree that that Indian is a competent Indian; he is a citizen of the United States; he is able to handle his own business, and, as a matter of fact, many of the Winnebago Indinas are handling their own business.

There is one who is, I think, trying a case in the Supreme Court of the United States to-day—an Indian worth an eighth as much as all this fund of the Winnebago Indians, and he himself, by his own endeavors, has made it. I know another one of these Indians who is drawing a salary of $7,000 a year as manager of a manufacturing concern in Philadelphia. Perhaps the Senator says those Indians do not need the money proposed to be appropriated, but they are entitled to it whether they need it or not. For half a century or more the Government has owed the Indians this money.

Mr. CLAPP. The Senator will pardon me one question, because, if he states the matter correctly, I certainly do not understand the treaty. I do not understand that to-day we owe this money as a debt that is due. We have agreed to pay the Indians this interest from year to year. Now, as a matter of governmental policy, some of us are in favor of taking up those treaties and, instead of continuing the interest on them, to get the Indians to agree to accept the principal and close the treaty.

Mr. BURKETT. If the Senator will just read the amendment the Senate put in the bill it will show exactly what this proposition is.

Mr. HEYBURN. Mr. President, I should like to ask a question.

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Idaho?

Mr. BURKETT. Certainly.

Mr. HEYBURN. Senators are using the term "interest." Is it not a fact that this is an annuity, and that there is no principal behind it?

Mr. CLAPP. No, sir.

Mr. HEYBURN. Then there was a principal sum upon which interest was to be paid?

Mr. CLAPP. In this particular case $883,249.58.

Mr. HEYBURN. When was it to become due?

Mr. CLAPP. I do not recall.

Mr. CURTIS. If I may be permitted to interrupt, in the treaty with the Winnebago Indians of 1837 there is the following provision:

Ninth. To invest the balance of the proceeds of the lands ceded in the first article of the treaty, amounting to $1,100,000, and to guarantee to them an interest of not less than 5 per cent.

Mr. HEYBURN. Then there is a large principal, and now you are going to capitalize the interest and discard the principal?

Mr. CLAPP. No; we are going to capitalize the principal and pay it, if we can; but we are unable to get the necessary legislation.

Mr. CURTIS. If the Senator will allow me——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Kansas?

Mr. HEYBURN. Certainly.

Mr. CURTIS. The point is this: The Indians now have a paper credit; the Government of the United States owes them so much money, on which it pays interest at 5 per cent annually. Now, if this item goes through, instead of having a paper credit, there will be in the Treasury of the United States this amount of money to their credit, upon which we will appropriate no more interest in the annual appropriation bill, but upon which interest will be paid by the Government at 5 per cent until the debt to the Indians is discharged.

Mr. BURKETT. There is another provision, I will say to the Senator——

Mr. CURTIS. Then there is a provision here that upon application of any individual member of this tribe the Secretary of the Interior, if he deems the Indian competent to transact his own business, may pay to him his proportionate share of the tribal funds.

Mr. HEYBURN. I was looking at the amount of this item, to wit, $804,909.17. Is the $800,000 principal or interest?

Mr. CLAPP. It is principal.

Mr. HEYBURN. It is due these Indians?

Mr. CLAPP. No, sir; it is not due them as of this particular time. We are simply carrying it for them for an unlimited time. That is why I called the attention of the Senator from Nebraska——

Mr. McLAURIN. It is owing, but not due?

Mr. CLAPP. It is owing, but not due.

Mr. HEYBURN. I want to get at the status of this.

Eighth. To set apart the sum of $10,000 to defray contingent and incidental expenses in the execution of this treaty, and the expenses of an exploring party, when the said Indians shall express a willingness to send one to the country southwest of the Missouri river.

Ninth. To invest the balance of the proceeds of the lands ceded in the first article of the treaty, amounting to $1,100,000 and to guarantee to them an interest of not less than 5 per cent.

To invest the proceeds of the land. I do not suppose the Government of the United States invests it in anything. The Government does not invest money on interest. I suppose we owe the eleven hundred thousand dollars, and I suppose the interest has been kept up by the Government. So that this proposition here is to appropriate the sum of $804,909.17 by virtue of the act to which I have just called attention. There seems to be some discrepancy in the amounts.

Mr. CLAPP. If the Senator will turn to the top of this page, he will find that the House item, being the interest on $78,340.41, and over on the other page the interest on $804,909.17, at 5 per cent, were stricken out by the Senate, and in place of them we put in amendment 57, authorizing the Secretary of the Treasury to place this amount to their credit on the books.

Mr. HEYBURN. I had noticed that.

Mr. CLAPP. There is no discrepancy.

Mr. HEYBURN. The provisions of the House are stricken out and the Senate amendment is substituted. But it seems to me singular that we should quibble about the transfer of this money. The Government owes it. No time is fixed for its payment. But we are paying interest on the principal, and the principal is eleven hundred thousand dollars, and this is something less than $900,000. It occurred to me that there must be some way of accounting for the difference between those two sums.

Mr. McLAURIN. Mr. President, I desire to ask a question. If the Senate should disagree to the conference report, what would be the attitude of the matter then? Would it go back to another conference?

Mr. CLAPP. I do not know. It would depend upon what the House does, I suppose.

Mr. McLAURIN. Is there any probability of the Senate getting what it desires, if it should desire to change the report, by sending the report back to another conference? If not, then I want to say that all this debate as to what we want about it will accomplish nothing if the House will not agree to it.

Mr. DIXON. Will the Senator from Mississippi yield to me for a moment?

Mr. McLAURIN. Certainly.

Mr. DIXON. I do not know what the Senate has done on similar occasions, but I know in the House repeatedly we used to disagree to a conference report and send it back with instructions to the House conferees to insist on House amendment numbered so-and-so; and we as frequently got it as we lost it. I am so convinced that in this case two or three of these items have been merely overlooked——

Mr. CLAPP. I want to assure the Senator that those items were not overlooked. They were carefully gone over, and one of them with the Commissioner present urging the item.

Mr. DIXON. But will the chairman of the committee permit me to ask, How could it have been otherwise than overlooked, when the South Dakota agent is raised from eighteen hundred to twenty-two hundred, with the Flathead agent drawing only

fifteen hundred, three hundred less than any other agent in the Northwest in that Department, when the committee's report shows that he has more property and more Indians, outside of the Sioux in South Dakota, than any agent in the service? The miserable pittance of $300 is not added to his salary of $1,500.

Mr. CLAPP. That is very easily explained. The Senate conferees would hardly on their own motion recede from a Senate amendment, and if the House conferees made no objection to a Senate amendment, that amendment would be reported back here as agreed to, as a matter of course, while if the House conferees objected to another amendment and we had to encounter their objection and attempt to overcome it, we of course could only do that by indefinite postponement, and then perhaps not succeed. That accounts for the fact that one amendment may be rejected while another amendment, perhaps no more meritorious, or possibly even less meritorious, remains in the bill. We did not ourselves seek to strike out any of the Senate amendments.

Mr. DIXON. I would not for one moment say that.

Mr. CLAPP. We only yielded on those amendments where the House conferees did object to them. If they made no objection to the South Dakota amendment, very naturally it would remain in the bill.

Mr. McLAURIN. What I wish to say is that if there is no probability of a change being made in the report (I take it that the conferees did all they could to sustain the amendments put on the bill by the Senate) it is useless to discuss what we should like to have, because we have to take what results from the conference.

Mr. CLAPP. I suggest that the Senate conferees would not be in position to make a very strenuous fight in behalf of these amendments. Of course, what may be the result I can not foresee. I should regret to see the report go back, because every day I have had to postpone this matter out of courtesy to Senators who wished to speak. It would require a great deal of time.

Mr. CARTER. Mr. President, it is true the amount involved in the amendments about which disagreement has occurred in the conference is not in the aggregate large, but I think there is a principle involved in this proceeding which we can not well disregard.

In the first place, it appears amendments have been agreed to which set out this disagreement in bold lines of discrimination. All these amendments were recommended by the Department. Some were adopted, and others more meritorious, of the exact class, rejected. My colleague is a member of the Committee on Indian Affairs and seeks but a privilege which I think every Senator should have who is interested in an amendment, before it is disagreed to, if he shall elect to demand the privilege, to wit, to make a statement before the committee of conference. That is not a right.

Mr. TELLER. That is not a right.

Mr. CARTER. I do not assert it as a right, but I say it is a privilege which I think should be accorded to any Senator upon mere request. My colleague insists that these amendments have been regularly recommended; that there is nothing to investigate; that the amendment proposing further investigation as a substitute for the one rejected is but asking the Department to do again that which it has heretofore done, a mere repetition of proceeding. Therefore the substitute is of no virtue at all.

Now, my colleague insists that he be heard upon these amendments before the committee of conference, and I think the chairman will agree with me that that request is entitled to consideration. I believe upon a statement of the facts before the conferees they will agree to one, if not all, of these amendments as to which disagreement has been entered. There is one amendment involving a considerable amount of legislation upon which my colleague does not insist, but as to those not obnoxious to the rule of new legislation, merely involving matters recommended by the Department, I think there should be no question at all, and I believe the Senator in charge of the bill, the chairman of the committee, will agree that the request of my colleague is entirely reasonable and ought to be acceded to.

This session is yet young. We are not in the closing days. The Committee on Indian Affairs has but one great duty to perform in the course of a session, and that is to scrutinize, prepare, and secure the passage of this appropriation bill. There are yet sixty days remaining of the session——

Mr. CLAPP. Will the Senator pardon an interruption? That is true as to the committee, but the members of the committee have some work to do here, and this idea of sitting day after day waiting until the closing hours of each day is the matter I was referring to.

Mr. CARTER. I think this report can be disposed of within an hour if the matter is given a hearing.

Mr. TELLER. Mr. President, I will say to the Senators from Montana that I should have been very glad to have seen these amendments maintained, but I can not allow the statement made by the senior Senator from Montana to go unquestioned that it is a right, or even a custom, of Senators to appear before conference committees.

Mr. CARTER. I used the word "privilege."

Mr. TELLER. It is not a privilege. There are some conference committees which absolutely decline to hear anyone when they get into conference. My experience has been that very rarely indeed is anyone heard before a committee of conference. There may have been exceptions, and I think there have been, but they are very rare.

I am not going to object to the Senator from Montana appearing before the conference, because that is a question I do not have anything to do with. I do not wish to have it established here that anyone has a right to go before a conference committee. That the conference committee must settle for itself.

Mr. DIXON. Mr. President, just a word in support of what I apprehended was, in the press of business before the conferees, an oversight. Here is $30,000 for the Wandering band of Chippewa Indians. I personally know their condition. The matter was investigated two or three years ago. I know they are starving and hungry, dying by the score every year. It is merely a matter of humanity to purchase land for these one hundred Indians who were West from the reservation when the lands were allotted. How can I on this floor, or my colleague from Montana, consistently agree to this report when we know the bill carries $50,000 for the homeless Indians in California. The bill last year carried $50,000, if I recall it, for the homeless Indians in California. There is $50,000 in this bill——

Mr. CLAPP. The Senator will pardon me. The bill last year carried a hundred thousand dollars.

Mr. DIXON. A hundred thousand dollars, or whatever it was, and $50,000 this year.

Mr. CLAPP. But there was an incompleted plant that had been inaugurated, and the plea was made, and I think it a strong one, that a large amount of the money spent would be lost unless enough was appropriated to complete the plant.

Mr. CURTIS. The land had already been picked out.

Mr. CLAPP. The land had already been picked out and partly bought.

Mr. DIXON. I have on my desk a letter from, written within the last ten days, Chief Rocky Boy, of the Wandering band of Chippewas; and we are to buy the land for him and his children; about one hundred of them. The old man thinks this bill has already passed Congress, because I wrote him that it had passed the Senate, and that the item had gone into the Indian appropriation bill as an amendment, and I apprehended that no question would be raised about it. He said "But for this, I and my children, some of them, would be dead before snow flies this fall."

It is an emergency case, and I do believe, if the conferees had at least accorded some one the privilege of merely explaining the condition, there would have been no question by any gentleman either of the House or of the Senate as to amendment 53 remaining in the bill. I think it no more than right.

Mr. CLAPP. In view of the possible result of a call of the Senate, I will ask to have the matter passed over for the day.

Mr. DIXON. I will say to the Senator from Minnesota that, without comparing proceedings in the House and in the Senate—and I confess I know very little about the method of procedure here—I know in the House many times we have instructed the conferees as to matters in conference. Would it be anything out of the ordinary at this time for the Senate to insist upon the amendment and let us have one more conference with the House conferees and see if this amendment can not remain in the bill? It would take but a few minutes to do it.

I assure the Senators present that, than item No. 53, no more important provision for a band of a hundred homeless, illiterate people has been before the Senate in the Sixtieth Congress.

Mr. CLAPP. I did not want to cut off the matter by that suggestion, but I simply made it as a safeguard against any tendency of that kind. I have said all I care to say. It is for the Senate to determine. Occasionally conference reports are sent back for further conference.

Mr. McLAURIN. Mr. President, some days ago, upon the report of Senate bill 1036——

The VICE-PRESIDENT. Does the Senator from Mississippi rise to the pending report?

Mr. McLAURIN. I understood it had gone over.

Mr. CLAPP. No; I withdraw that suggestion.

Mr. McLAURIN. I did not observe that it had been withdrawn. I thought the matter had gone over until morning.

Mr. CLAPP. I suppose the parliamentary situation would require a vote on the report.

Mr. LODGE. Let the report go over.

Mr. CLAPP. That would not in the meantime make it the subject of further conference, which Senators desire.

Mr. LODGE. Oh, no. There has to be a vote to disagree to make it the subject of further conference. All the Senator has to do is to withdraw the report and let it go over until to-morrow, when there will be a full attendance of the Senate, and he can then dispose of it.

Mr. CLAPP. It might be disagreed to under present conditions.

Mr. LODGE. That is a different proposition. I did not understand that the Senator proposed that the Senate should disagree.

Mr. CLAPP. No; I do not.

The VICE-PRESIDENT. The question is on agreeing to the report of the committee on conference.

Mr. DIXON. Is there any reason why we should not pro forma disagree to the report and then bring it up to-morrow.

Mr. CARTER. I will say to my colleague that I think the matter can be disposed of now and a disagreement reached. I believe it is the present temper of the Senate to disagree to the report if the question is put.

The VICE-PRESIDENT. The question is on agreeing to the report of the committee of conference.

The report was not agreed to.

Mr. CLAPP. I move that the Senate insist upon its amendments, and request a further conference with the House, the conferees on the part of the Senate to be appointed by the Vice-President.

The motion was agreed to; and the Vice-President appointed as the conferees on the part of the Senate Mr. CLAPP, Mr. MCCUMBER, and Mr. OWEN.

PATENTS FOR CERTAIN PUBLIC LANDS.

Mr. McLAURIN. Mr. President, some days ago I asked for the immediate consideration of the bill (S. 1036) for the relief of locators of military bounty land warrants and surveyor-general's certificates, and the Senator from Colorado [Mr. TELLER] asked that it go over until the printing of the report. I understand that Senator now has no objection to the consideration of the bill.

Mr. TELLER. I have not any objection.

Mr. McLAURIN. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment to strike out all of the bill and insert:

Be it enacted, etc., That all patents heretofore issued on applications made for title to public lands between June 5, 1901, and June 20, 1907, with either military bounty land warrants, agricultural college land scrip, or surveyor-general's certificates, be, and the same are hereby, declared valid; and that all such locations, where the applications to locate were made between June 5, 1901, and June 20, 1907, with either military bounty land warrants, agricultural college land scrip, or surveyor-general's certificates, and upon which patents have not been issued, are hereby declared legal, and the Commissioner of the General Land Office is hereby authorized and directed to issue patents on all such locations: *Provided*, That they are otherwise in accordance with the rules and regulations in such cases made and provided.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The Committee on Public Lands reported an amendment to strike out the preamble and to insert in lieu thereof the following:

Whereas by the act of Congress of March 2, 1889 (25 Stats., p. 854), the lands of the United States, except in the State of Missouri, were withdrawn from sale by private entry; and

Whereas the Secretary of the Interior, on June 5, 1901 (Victor H. Provensal, 30 Land Dec., p. 616), and February 5, 1902 (Charles P. Maginnis, 31 Land Dec., p. 222), promulgated decisions authorizing the location of surveyor-general's certificates, agricultural college land scrip, and military bounty land warrants upon lands that had theretofore been offered at private sale, and therefore were subject to location with such certificates and warrants, notwithstanding the said act of March 2, 1889; and

Whereas the honorable Secretary of the Interior, on June 20, 1907 (Lawrence W. Simpson, 35 Land Dec., pp. 399 to 609), reversed the two decisions of his Department thus previously promulgated by it and rendered a new decision in which he stated "That there can be no property rights acquired in defiance of law. The only power of the Land Department to dispose of public lands * * * is by act of Congress. When it develops that a departmental construction is erroneous, the improper construction can not be further allowed and the will of Congress further overborne by the Executive;" and

Whereas on the 21st day of December, 1907, in the Roy McDonald land warrant test case, the ruling in said Simpson case was further modified so as to authorize the patenting of all entries and locations made with and under the warrants and scrip above described, the said opinion concluding as follows:

"In the light of the decisions above quoted I am fully impressed that my plain duty under the circumstances presented requires that recognition be given to all locations completed under the faith of, and in the light of, the holding of this Department, where the lands located had not been at the time of said locations reserved or appropriated to any particular purpose, and in which no question as to the right under the location is raised, except that the land located is without the limits of the State of Missouri. There should be included within this protection those who, prior to the decision of June 20, 1907, entered or located lands under the paragraph in the original Simpson decision, hereinbefore quoted, and you will give such orders or directions as will carry into effect the conclusions herein reached;" and

Whereas by reason of said respective decisions of the Interior Department many locations have been made and patents issued upon the faith of the rulings in the Provensal and Maginnis cases, and substantial rights and equities have accrued to the patentees and entrymen, which have been recognized and upheld by the latest ruling in the McDonald case supra; and

Whereas by reason of the diversity and conflict of the various rulings above recited, it is equitable and proper that the titles acquired under the decisions above referred to should be quieted and confirmed as against any future change in decision, or collateral attack: Now, therefore,

Mr. KEAN. I should like to ask why any preamble is necessary?

Mr. McLAURIN. I do not see any necessity for a preamble, but I do not see that it can do any harm.

Mr. KEAN. It seems to me to be most of the bill.

Mr. McLAURIN. Yes; it was most of the original bill, and a new preamble was put in by the Committee on Public Lands. As I said, I do not see any necessity for the preamble, but I can not see that it can do any harm.

Mr. KEAN. I ask that the preamble be stricken out.

The VICE-PRESIDENT. The question is on agreeing to the preamble.

The preamble was rejected.

The title was amended so as to read: "A bill for the relief of patentees and locators of military bounty land warrants, agricultural college land scrip, and surveyor-general's certificates."

CLAIMS OF ROMAN CATHOLIC CHURCH IN PHILIPPINE ISLANDS.

Mr. LODGE. I ask for the present consideration of the bill (H. R. 16143) to provide for payment of the claims of the Roman Catholic Church in the Philippine Islands.

The Secretary read the bill, and there being no objection the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to appropriate $403,030.19, to be paid to the Archbishop of Manila, in the Philippine Islands, as the representative (and trustee) of the Roman Catholic Church in the islands; and the acceptance of this sum to be in full satisfaction of all claims for use and occupation of the property of that church in the islands and for damages done thereto by the military forces of the United States prior to January 15, 1906.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LETTERS PATENT.

Mr. SMOOT. I am directed by the Committee on Patents, to whom was referred the bill (H. R. 15841) to amend section 4896 of the Revised Statutes, to report it with an amendment in the nature of a substitute, and I ask that it be substituted for the bill (S. 3971) to amend section 4896 of the Revised Statutes, being Order of Business 321 on the Calendar.

The committee amendment is in conformity with the wishes of the Senate in regard to a similar bill.

The VICE-PRESIDENT. Without objection, Senate bill 3971 will be indefinitely postponed and the House bill just reported will take the place of the Senate bill on the Calendar.

Mr. SMOOT. I ask for the present consideration of the House bill just reported by me. As I stated, the amendment conforms to the wishes of the Senate in a similar case.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. KEAN. Do I understand that this is a substitute bill?

Mr. SMOOT. It is exactly the same bill as the House bill with the exception of striking out the objectionable part to which the Senate objected the other day.

The VICE-PRESIDENT. The Secretary will read the amendment.

The SECRETARY. The committee proposes to strike out all after the enacting clause and to insert:

That section 4896 of the Revised Statutes be, and the same is hereby, amended so that the section shall read as follows:

"SEC. 4896. When any person, having made any new invention or discovery for which a patent might have been granted, dies before the patent is granted the right of applying for and obtaining the patent shall devolve on his executor or administrator, in trust for the heirs

at law of the deceased, in case he shall have died intestate; or if he shall have left a will disposing of the same, then in trust for his devisees in as full manner and on the same terms and conditions as the same might have been claimed or enjoyed by him in his lifetime; and when any person having made any new invention or discovery for which a patent might have been granted becomes insane before a patent is granted the right of applying for and obtaining the patent shall devolve on his legally appointed guardian, conservator, or representative in trust for his estate in as full manner and on the same terms and conditions as the same might have been claimed or enjoyed by him while sane; and when the application is made by such legal representative the oath or affirmation required to be made shall be so varied in form that it can be made by them. The executor or administrator duly authorized under the law of any foreign country to administer upon the estate of the deceased inventor shall, in case the said inventor was not domiciled in the United States at the time of his death, have the right to apply for and obtain the patent. The authority of such foreign executor or administrator shall be proved by certificate of a diplomatic or consular officer of the United States.

"The foregoing section, as to insane persons, is to cover all applications now on file in the Patent Office or which may be hereafter made."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

LANDS IN IDAHO.

Mr. HEYBURN. I ask unanimous consent for the present consideration of joint resolution (S. R. 68) providing for additional lands for Idaho under the provisions of the Carey Act.

The Secretary read the joint resolution and, there being no objection, the Senate as in Committee of the Whole proceeded to its consideration. It proposes to make available an additional 1,000,000 acres of arid lands within the State of Idaho, to be subject to the terms of the act of August 18, 1894, commonly known as the "Carey Act" as amended by the act of June 11, 1896, and the act approved March 3, 1901, and allows the State of Idaho, under the provisions of these acts, this additional area, or so much thereof as may be necessary, for the purposes and under the provisions of these acts.

Mr. McLAURIN. I should like to have the Senator from Idaho explain the purposes of the joint resolution.

Mr. HEYBURN. The joint resolution was unanimously reported from the Committee on Public Lands. I have here a telegram from the governor of Idaho, which, perhaps, will explain it as quickly as could be done in any other way. The telegram reads:

BOISE, IDAHO, *March 14, 1908.*

Hon. W. B. HEYBURN, *Washington, D. C.*

Map was filed and request made yesterday for segregation of 800,000 acres of Carey Act land in Owyhee County. This land is all unsurveyed. It is important that your bill providing for survey of all unsurveyed lands in Idaho should become law. Survey of lands in Snake River Valley should be given immediate attention or development and settlement will be greatly retarded.

F. R. GOODING.

I can make the measure plain in a moment. It does not grant anything to the State, except as a medium for the settlement of the land. The Carey Act is the name given to an act of Congress which provided that upon water being brought upon land, on an arrangement satisfactory to the State, the Government would deed the land to the State, to be disposed of to actual settlers only, in tracts not to exceed 160 acres to each settler. The Carey Act has been one of the best land acts ever passed, and I do not except the homestead act. In our State we have already settled up more than a million acres of land under the Carey Act. The other day the Senate granted us another million. That makes the second million. It is all practically ready to be taken up now. This is an application for the third million acres, and there are the business enterprise and the money behind this third million to settle it up. The Government of the United States is interested in the settlement of the land.

Mr. TELLER. It is more hopeful than the Reclamation Service.

Mr. HEYBURN. Yes; it is the best land act ever passed. It means actual settlement and speedy settlement.

Mr. SMOOT. Did I understand the Senator to say that this is the second million during the present session?

Mr. HEYBURN. Yes.

Mr. SMOOT. Unless I am mistaken, it was not passed at the last Wednesday meeting of the Committee on Public Lands.

Mr. HEYBURN. It was the unanimous report of the Committee on Public Lands, and it was thoroughly considered. I made quite a lengthy statement as to the conditions and circumstances before the Committee on Public Lands, and the joint resolution was unanimously reported.

Mr. SMOOT. Then I am mistaken, if that is the case. I understood that the question on the second million acres was under discussion before the Committee on Public Lands, but was not finally decided. But I may be mistaken as to that.

Mr. HEYBURN. The Senator is mistaken. Of course I should not have reported it unless I was instructed to do so. The report came up to me from the clerk of the committee in the usual way, and it was reported.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT OKLAHOMA CITY, OKLA.

Mr. GORE. I ask unanimous consent for the present consideration of the bill (S. 3530) to provide for the erection of a public building at Oklahoma City, Okla.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in section 1, page 1, line 11, after the word "dollars," to strike out "For the purpose aforesaid the sum of five hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be constructed on the site heretofore acquired for that purpose a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post-office, court, and other offices of the Government at Oklahoma City, Okla., the cost of said building, including said vaults, heating and ventilating apparatus, and approaches, not to exceed $500,000.

SEC. 2. That said Secretary of the Treasury is authorized and directed to acquire, by purchase, condemnation, or otherwise, any additional grounds for the site of said building which, in his judgment, may be necessary and desirable.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT FREMONT, NEBR.

Mr. BURKETT. I ask unanimous consent for the present consideration of the bill (S. 1072) to authorize the extension and enlargement of the post-office building at Fremont, Nebr.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in section 1, page 1, line 7, before the word "thousand," to strike out "seventy-five" and insert "fifty," so as to make the section read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause the post-office building in the city of Fremont, Nebr., to be extended and enlarged at a total cost to the United States of not to exceed $50,000, including all necessary changes in, additions thereto, alterations of, and repairs to the present building, and of the heating and plumbing systems therein, and drainage and approaches thereto, which may be incident to such extension and enlargement of said building.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SURVEY OF GALVESTON HARBOR, TEXAS.

Mr. BAILEY. I ask unanimous consent for the present consideration of Senate concurrent resolution No. 46.

There being no objection, the concurrent resolution was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause to be made an examination and survey of Galveston Harbor, as a whole, including Galveston Harbor, Galveston channel, Texas City channel, and Port Bolivar channel, in the State of Texas, for the purpose of establishing a broad, comprehensive, and systematic plan for the future extension, enlargement, and deepening of said harbor, so as to meet the growing needs of commerce, and to estimate the probable cost thereof.

Mr. KEAN. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 17, 1908, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *March 16, 1908.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Saturday, March 14, was read and approved.

RESTORATION OF MOTTO TO COINS.

Mr. MCKINLEY of Illinois. Mr. Speaker, I ask unanimous consent for the consideration of the bill H. R. 17296, and that twenty minutes of debate be allowed on each side, and the previous question called at the end of forty minutes.

The SPEAKER. The gentleman from Illinois [Mr. MCKINLEY] asks unanimous consent for the present consideration of the bill H. R. 17296, that there shall be twenty minutes of debate on a side, and that the previous question shall be considered as ordered to the final passage of the bill. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the motto "In God we trust," heretofore inscribed on certain denominations of the gold and silver coins of the United States of America, shall hereafter be inscribed upon all such gold and silver coins of said denominations as heretofore.

SEC. 2. That this act shall take effect thirty days after its approval by the President.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I suggest that the time be allowed to the gentleman from Illinois [Mr. MCKINLEY] on this side and to the gentleman from Tennessee [Mr. GAINES] on the other side, and that the request also include that the bill shall not be subject to be recommitted as would be the case in a motion to suspend.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Illinois [Mr. MCKINLEY] is entitled to twenty minutes, and the gentleman from Tennessee [Mr. GAINES] to twenty minutes.

Mr. GAINES of Tennessee. Pending that, I ask unanimous consent that general leave to print on this bill for five legislative days be granted to all Members.

The SPEAKER. The gentleman from Tennessee [Mr. GAINES] asks unanimous consent that general leave to print shall be granted upon this bill for five legislative days.

Mr. PAYNE. Mr. Speaker, I have no objection to that if the debate is confined to this bill.

Mr. GAINES of Tennessee. That is my motion—confined to this subject.

The SPEAKER. Is there objection? [After a pause.] The Chair hears no objection.

Mr. GAINES of Tennessee. Mr. Speaker, I yield ten minutes to the gentleman from Virginia [Mr. CARLIN].

Mr. CARLIN. Mr. Speaker, I rise in advocacy of the adoption of the committee's report recommending the passage of the bill providing for the restoration of the motto "In God we trust" to the coins of the United States. I congratulate the country and the committee upon the fact that this report comes to this House from the Committee on Coinage, Weights, and Measures by the vote of every Republican and Democrat of that committee. Immediately upon the assembling of the committee, after its appointment, I gave notice that I would press for legislation accomplishing this result. A subcommittee was appointed, consisting of Representatives PEARRE, WOOD, and myself. The subcommittee considered all of the various bills which were introduced, all aiming at the same object, and differing only in some minor details. The report of the subcommittee was unanimous for the restoration of the motto, and, as previously stated, so was the action of the full committee in adopting the report of the subcommittee. It is fair to state that from the very beginning of the consideration of the subject to the final conclusion of the committee there was never any difference of opinion. This action upon the part of the committee furnishes a lesson to the country and the world to the effect that this is a Christian nation, and that this body is composed of patriotic Americans who, regardless of party affiliations, fearlessly discharge a public duty when they are once convinced there is a duty to be discharged.

The President of the United States, in my judgment, acted not only unwisely in ordering that this motto be stricken from the coins but, I think, acted in violation of the spirit of the law as it was written; but be it said to his credit that he has in no way interfered with the action of the committee in the consideration of this question, but has left them free to exercise their own judgment in the discharge of their duty as they saw it.

I believe that the world already understands that we are a Christian, God-fearing, God-loving people, and it was not necessary to emphasize this fact by the statute which originally allowed this motto to be placed upon our coins. But it was done at a time when civil war was upon us; when the hand of brother was turned against brother; when the minds of men were enraged, and the settlement of problems was submitted to the arbitrament of arms, the result of which no man could at that time foretell. The battle of Manassas had been fought; the pride of the nation in its various sections had been aroused; the North and the South were arrayed against each other in bloody warfare; the stars and bars were floating over one section of the country, while the Stars and Stripes waved in another. The blood of America was boiling; cruel war had possession of the land.

It was at this time, viz, November, 1861, that a Pennsylvania minister advised the Secretary of the Treasury, Mr. Salmon P. Chase, "that this nation might perish and that there should be some evidence of the religious faith of its inhabitants preserved upon its coins." Adopting the suggestion of this divine, in April, 1864, in March, 1865, and in February, 1873, Congress enacted laws providing, in substance, that the words "In God we trust" might, at the discretion of the Secretary of the Treasury, be inscribed upon such coins as would admit of the motto.

We can not claim any unique distinction for having pointed, by the use of a motto, to the faith of our fathers. We were not the first nation to adopt a motto emphasizing its religious faith or belief, for with the establishment of Christianity as the Roman religion in A. D. 312, we are told that Constantine, in his march against Maxentius, claimed to have seen on October 12, A. D. 312, a vision of the cross in the sky. In order to perpetuate this vision he caused to be placed upon his coins the labarum, which was his military standard, the labarum representing the cross which was the monogram of Christ. Long before the establishment of Christianity as the Roman religion the pagan types had been for years reproduced upon the coins.

The Byzantine coins bore a cross, and afterwards other Christian designs were employed, among them Christ or the Virgin Mary, the latter being represented as upholding the walls of Constantinople.

History also records the fact that in 143 B. C. the Hebrews had a silver coin showing thereon a cup or chalice, meaning "A pot of manna." A year or so afterwards they issued a coin bearing a triple lily or hyacinth, which is supposed to have signified "Aaron's rod." There were also coins bearing the words "Jerusalem the Holy," which name came from the decree of Dentrius Soter, King of Syria, when he decreed in 162 B. C. that the city should be "holy and free." In the Gospel of Matthew it is called the Holy City, and we are told that the Arabs to this day call it by the name "El Kuds," meaning "The Holy."

A few years thereafter the Jews used upon their coins such reverential mottoes as "The redemption of Zion," "Eleazar, the High Priest," "First Year of the Redemption of Israel," "The Deliverence of Jerusalem," the series of ancient Jewish coins ending with the copper money struck at Jerusalem by the conquering Arabs. The latter issued coins at Jerusalem, bearing such inscription as "Mohammed, Apostle of God," and "Palestine." These are probably the first coins ever made that bore the sacred word "God" inscribed thereon.

The first silver groats of England were coined during the reign of Edward I, in 1273–1307, bearing the inscription, "Edward, by the grace of God," etc.

In 1344, Edward III of England caused to be coined the Florin, which bore in Latin the inscription "He shall be exalted in glory," and also the words "By the grace of God," etc. His son, the Black Prince, the Prince of Aquitane, issued a coin on which was the inscription "God the Just, Powerful, and Patient Judge."

James I of England issued the sovereign with this inscription in Latin: "Let God arise, let his enemies be scattered."

The unhappy Mary Stuart used upon her coin the motto, "By the grace of God." Upon her marriage with Henry, Lord Darnley, 1565, which step had been violently opposed by her ministers, Mary had struck a coin which bore in Latin, the following legend: "Whom God has united, no one shall separate." Darnley was afterwards murdered.

The virgin Queen, Elizabeth, used this motto upon her coins: "Elizabeth, by the grace of God, the rose without a thorn."

James VI of Scotland, in 1567 and 1625, inscribed upon his coins the motto: "Save thy people, oh Lord."

George III had the motto inscribed upon his coins: "By the grace of God," etc. Queen Victoria had placed upon her coins the mottoes: "God guides my steps," and also "Victoria, by the grace of God," etc.

In 1670 Louis XIV, King of France, ordered the coinage of

a large sum of money, on which coins was inscribed: "Louis XIV, by the grace of God King of France and Navarre, King."

Upon the coins of Portugal, as early as 1750, there was raised upon the same a cross, beneath which was the inscription "In hoc signo vinces."

As early as 1732 there appeared upon the coins of Russia the motto: "By the grace of God," etc.

The coins of Switzerland bore reverential mottoes as early as 1741.

In 1773 the coins of Bavaria bore reverential mottoes such as "By the grace of God," etc., and so it was with the 10-thaler piece of George IV of Hanover and of Charles William of Brunswick in 1805. On the coins of 1734, issued by the Duke of Brunswick and Luneburg, we find the same inscription.

Prussia, as far back as 1701, had inscribed upon its coins the motto, "By the grace of God," etc., and the coins issued by the Duke of Saxony in 1784 also bore an inscription with the same words.

In 1621 Johann, George II of Wettin and Saxony, put upon his coins the words "God and Fatherland." In 1686 his successor used upon his coins the motto: "By the grace of God," etc. One hundred years later, in 1790, we find Frederick Augustus III of Saxony using the same inscription upon his coins. In 1751 Wurttemburg had gold coins bearing the legend "With God and Time."

Upon the coins of Austria there were the words "By the Grace of God Emperor of Austria," etc. The Brabant sovereign of 1783 was inscribed "Charles VI by the grace of God," and so forth.

The double ducat of Hungary, issued in 1765, bore the inscription, "Maria Theresia by the grace of God," etc. On the ducat of Kremnitz of 1835 we find "Saint Maria, Mother of God, Patron of Hungaria."

From 1786 to 1792 the French coins bore the words, "By the Grace of God," etc. On a French silver coin of 1690 we find the same inscription, and also the words, "Christ reigns, conquers, governs." In the time of Louis XIV we find "Blessed be the name of the Lord" and "Oh Lord save the King" upon the coins of France. One of the French coins of 1643 was inscribed "Sit nomen Domini benedictum."

In 1789 the word "God" appeared upon the coins of Mogul Shah Allam, one of the princes of India.

After the Belgian revolution in 1790 Belgium issued a gold coin with the words, "Domini est Regnum," meaning "The Kingdom is the Lord's." In 1835 Belgium had a coin which bore the inscription, "God Protects Belgium."

In 1734 we find "By the grace of God," etc., upon the coins of Charles, King of Naples, and also upon those of Charles, King of Sicily, in 1738. On the coins of Italy in 1805–1814 appeared the words, "God Protects Italy."

Denmark, as far back as 1694, in the reign of Christian V, had the words, "By the grace of God," etc., inscribed upon the national coins. Christian VIII issued a coin in 1813 with the same inscription.

In 1824 and 1832 Brazil had coins which showed thereon a cross with the words, "In hoc signo vinces." A gold coin of Brazil of 1824 bore the words, "By the grace of God," etc.

It will be seen from the above that the Western Hemisphere had almost from the beginning of time represented upon its coins its faith in the Supreme Ruler of the Universe. The coins of this country do not seem, however, to have been a medium of giving expression to religious belief. The first appearance of any evidence of religious faith upon the coins in America seems to have been in 1682, when the colony of New Jersey adopted the coins of Mark Newby, which he had brought over from Dublin. On these coins was represented St. Patrick, the patron saint of the Emerald Isle, with the trefoil in his right hand and a crozier in his left hand, with the motto "Ecce Grex." Another one of these coins showed St. Patrick, his right hand outstretched, banishing serpents and reptiles, which are shown on the ground with the legend "Quiescat plebs."

During the reign of William and Mary there appeared the Carolina cent, which bore the inscription "God preserve Carolina and the Lords proprietors, 1694."

The New England token of the same year had thereon the words "God preserve New England."

In 1721–22 and 1767 the Louisiana cent was coined, bearing the inscription "Sit nomen Domini benedictum."

In my own State the Virginia half-penny of 1774 bore in Latin the inscription "George III, by the grace of God." From this time, covering a period of nearly one hundred years, during which period the independence of the colonies had been achieved, and, although religious freedom and human liberty had been established in what was destined to be the greatest nation of the earth, there does not seem to have appeared upon any of the money issued within this country any reference to a Supreme Being or to the fact that we are a Christian nation. It remained for Mormon Utah to make the first reference upon a coin to the existence of an Omnipotent Being. This was done in 1849, when Utah issued gold pieces in the denominations of $2.50, $5, $10, and $20, bearing the inscription "Holiness to the Lord." It was fifteen years thereafter, viz, in 1864, under the conditions which I have referred to, that the United States Government had inscribed upon its issue of 2-cent bronze pieces the motto "In God we trust."

In 1866 it was placed on the five, ten, and twenty dollar gold pieces, and on the 25-cent, 50-cent, and one-dollar silver pieces, and 5-cent nickel pieces. In 1873 it was placed on the trade dollar. It continued to be inscribed upon most of our coins until, by the recent order of President Roosevelt, it was stricken therefrom, and we come now, to-day, asking, by the passage of the bill under consideration, that this motto be restored. The demand for its restoration comes from every section of our land. In every Christian heart there beats the hope that you will by your action determine that the circulating coin of this country shall carry the knowledge that we are a Christian people; that we believe that, however strong men may grow, however powerful nations may become, there is a just, merciful, and eternal God, in whom the civilized world can faithfully and implicitly put its trust.

Mr. Chairman, we are a united people; civil war and strife are forever banished from our land; eternal peace on earth and good will toward men is the hope of every patriotic citizen. This is and will be as long as we are firm and steadfast in the teachings of the God of Israel, and I entertain the hope and belief that before the world has seen another century, Christian thought and Christian ideas will control the hearts and minds of all men and upon the wall of every home throughout the universe there will hang, for the enlightenment and encouragement of all who may follow, the sacred motto, "In God we trust." [Loud applause.]

Mr. GAINES of Tennessee. I yield five minutes to the gentleman from Kentucky [Mr. OLLIE M. JAMES.] [Loud applause.]

Mr. OLLIE M. JAMES. Mr. Speaker, the country is to be congratulated that our trust is again to be restored in God. The President of the United States made a great mistake in the judgment of the Christian people of this Republic, when, by order, he directed that the motto "In God we trust" should be removed from our coins. This country is not only a Christian nation, but we are engaged in sending to foreign countries and to distant people our missionaries to preach the religions of Jesus Christ, and we want our money so that when this gold that you say is so good goes across the ocean and is held in the hands of those who do not know of the existence of the Saviour of the world, we can say: "Here are the dollars of the greatest nation on earth, one that does not put its trust in floating navies or in marching armies, but places its trust in God." [Loud applause.]

It was said that there was fun made of this motto; that some men would take a dollar up and make fun of it because it had upon it "In God we trust." Two thousand years ago the Bible said there would be such men, because "The fool hath said in his heart 'there is no God.'" [Applause.] But that argument carried to the ultimatum, that evidences of Christianity must be removed because some people would make fun of them, would tear down every church in the land and pull up every altar in this Republic. [Applause.] I say that I congratulate the committee. It is not a political question, thank God, for us to admit that our trust as well as our treasure should be in Heaven.

I had the pleasure of introducing the first bill to restore this motto which has so long adorned our money. And I most heartily congratulate the Committee on Coinage, Weights, and Measures that they report unanimously in favor of restoring this motto. Mr. Speaker, the Christian legions of this nation will hail with delight favorable action upon this bill. "In God we trust" speaks the language of the fathers. Belief in a Supreme Being is breathed in the Declaration of Independence, lives in the Constitution, hallows the oath we take at the bar of this House. It inspired our soldiers to fight at Bunker Hill, to suffer at Valley Forge, to triumph at Yorktown. Mr. Speaker, this trust in God is the one trust in this land in which the poor are stockholders. Mr. Speaker and gentlemen, let us vote this motto back and we shall not have to rewrite the Star Spangled Banner. For we again can say with Francis Scott Key:

Then conquer we must,
Since our cause it is just,
And this be our motto—
"In God is our trust."
And the Star Spangled Banner
Forever shall wave
O'er the land of the free
And the home of the brave.

[Loud applause.]

Mr. McKINLEY of Illinois. I yield ten minutes to the gentleman from Wisconsin [Mr. KÜSTERMANN].

Mr. KÜSTERMANN. Mr. Speaker, I am against replacing the motto "In God we trust" on our coins, because I do not believe in any religion that in order to thrive needs *advertising*, nor do I believe in any person that always hangs out his shingle "I am a Christian."

My dear mother was very religious, and planted true religious principles into the hearts of her children; also taught us to always confide in God. But at the same time she warned us against those who always have religion on their tongue, very frequently expecting to gain some advantage thereby. Thus I have no love for the man who has always one eye turned skyward while the other one is seeking his neighbor's pocketbook. [Laughter.]

I despise the hypocrite, the policy man, the man who has no conviction of his own and is always afraid to tread on somebody's toes. I fully indorse every word contained in that beautiful prayer, lately offered by our worthy Chaplain:

Good Lord, deliver us, we beseech Thee, from the jingo, the demagogue, the bigot, and all other undesirable citizens, and give us instead the patriot, the statesman, the broad-minded, generous-hearted, manly man.

The good book does not seem to favor the advertising of one's religion. Let me read you the following Scriptural text:

Seventh Matthew, twenty-first verse:
"Not everyone that saith unto me, 'Lord, Lord,' shall enter into the kingdom of heaven; but he that doeth the will of my Father which is in heaven."

And again:

Sixth Matthew, fifth and sixth verses:
"And when thou prayest thou shalt not be as the hypocrites are; for they love to pray standing in the synagogues and in the corners of the street that they may be seen of men. Verily I say unto you, they shall have their reward.
"But thou, when thou prayest, enter into thy closet, and when thou hast shut thy door, pray to thy Father which is in secret; and thy Father which seeth in secret shall reward thee openly."

Those who have coins in their pockets bearing the inscription thereon "In God we trust," and then by their dealings show that they trust more in the almighty dollar and rely upon their shrewdness to get it from others, honestly if they can, "but get it anyway," as the Quaker said to his son, are not true Christians.

Now, if the advocates in favor of this motto on our coins of higher denomination actually believe that it will improve our people and make better Christians of them, then, to be consistent, let us also put "In God we trust" on our 1, 5, and 10 cent pieces, so as to extend the helpful influence of Christianity to the poor newsboy, the bootblack, and to all of those who are not as fortunate as those who possess the larger coins. [Laughter and applause.] And we might also put on the bills of large denomination, particularly the thousand-dollar bills, "Honesty is the best policy."

I fully indorse every single word our highly esteemed President has uttered in defending his action in this matter.

His religious tendencies have never been questioned, and as to his character the following beautiful lines of Pope seem to me very applicable:

Statesman—yet friend to truth! Of soul sincere,
In action faithful, and in honor clear;
Who broke no promise, served no private end,
Ennobled by himself, by all approv'd.

[Applause.]

The President says:

My own feeling in the matter is due to my very firm conviction that to put such a motto on coins or to use it in any kindred manner *not only does no good, but does positive harm*, and is in effect irreverence, which comes dangerously close to sacrilege.
A beautiful and solemn sentence such as the one in question should be treated and uttered only with that fine reverence which necessarily implies a certain exaltation of spirit.

Mr. SHEPPARD. May I ask the gentleman a question?

Mr. KÜSTERMANN. You may.

Mr. SHEPPARD. Has not the President said that he would not resent the restoration of the motto?

Mr. KÜSTERMANN. Not to me, sir. [Great laughter.]

Mr. SHEPPARD. The President has stated that he would not object to the restoration of the motto.

Mr. MOORE of Pennsylvania. Will the gentleman yield to me for a question?

Mr. KÜSTERMANN. Why, with the greatest pleasure. The gentleman from Pennsylvania is one of my dearest friends.

Mr. MOORE of Pennsylvania. The gentleman, being quick on the trigger, answered that the President did not say so to him; but if the gentleman will accept my word for it, the President has said that if this House passed this bill restoring the motto on the coins he will not veto that bill, believing as he does that the wholesome, moral, religious sentiment of the country is behind it.

Mr. KÜSTERMANN. The gentleman from Pennsylvania can best be answered by the closing words of the President on this subject:

He says:

If Congress alters the law and directs me to replace on the coins the sentence in question, the direction will be immediately put into effect; but I very earnestly trust that the religious sentiment of the country, the spirit of reverence in the country will prevent any such action being taken.

Mr. Speaker, we can all afford to stand up and be counted in favor of such true religious sentiment. Instead of having that motto on the coins, let the people show through their acts that deeply embedded in their hearts can be found that beautiful motto "In God we trust." [Great applause.]

Mr. McKINLEY of Illinois. I yield five minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Speaker, understanding that there was to be no discussion on this report, but having presented earlier in the session a bill to restore the motto to the coin, I submitted a few remarks on Friday last bearing upon this subject. In view of what has transpired this morning and the opportunity offered me by the chairman of the Committee on Coinage, Weights, and Measures to say a few words, I desire, particularly as bearing upon what has been said by my colleague from Wisconsin [Mr. KÜSTERMANN], to say that the President of the United States is a religious, God-fearing man, and that there was no intent on his part to shock the moral sentiment of the community in the order which removed the motto from the coin. Further than that, if, in the wisdom of this House, the motto shall be ordered back upon the coin, I feel entirely warranted in saying that the President will accept the dictum of this House and will not veto the bill.

I listened with interest to the remarks of my colleague from Wisconsin [Mr. KÜSTERMANN]. He trenches upon the ground that the average man in politics hesitates to enter. I did not introduce my bill for the purpose of currying favor with any religious sect, but because in my community there was a desire that it should be made known to the world generally that in this country we do trust in God. Since that bill was introduced and others have been introduced by gentlemen from various sections of the country regardless of politics, I have been impressed with the comments that have followed the discussion of the question. Men have been emboldened to write in defiance of all religious sentiment. They have hailed the removal of the motto as a revolt against the wholesome teachings of the ages. This we should not tolerate.

In the remarks submitted by me on Friday, I quoted from a newspaper editorial that takes a startling view of this question. Listen as I read this unsavory extract, seeking to make capital of the order of the President:

Those who do not believe in God in this country look upon his removal of that unconstitutional, untruthful, and unwarranted deific motto from our coinage as one of the most sensible acts ever performed by the President. They do not trust in God, they know that nobody else does who is sane, and, therefore, they do not see why every coin issuing from our mints should carry forth to the world an unofficial lie.

I am making no pretense in supporting this measure. I have my own views upon public questions; but when such a challenge is put forth, a challenge that enters into every home and fireside, which confronts you and me as we go into our closet in secret to perform that one act of humility which makes worth in man, then I feel it is time to rise and declare, even by law, that this is a God-fearing nation, and that Congress can do no harm in making that declaration emphatic.

Mr. Speaker, there is one thing in the lives of most of us in this House that is impressive. As we enter upon the important duties devolving upon us here as the representatives of the people, and listen to the words uttered by the blind Chaplain each morning, I question whether we do not feel better during the whole of the day for even that brief testimony of our dependence upon the Higher Power. If it is good for us to so humble ourselves as we enter upon the duties of the day, what harm can we possibly do by acknowledging to the world that God has a place in our institutions? It can hurt none; it will console and comfort many. [Applause.]

Mr. GAINES of Tennessee. I now yield two minutes to the gentleman from Texas [Mr. SHEPPARD].

Mr. SHEPPARD. Mr. Speaker, I have but little to add to what I have said on a former occasion on this subject. I desire merely to call attention to the fact that almost every infidel in the country has openly rejoiced over the removal of this

motto. Frequently Congress has been flooded with circulars from infidel societies, protesting against the restoration of this legend. It was recommended for the coins during the Administration of Abraham Lincoln, doubtless with his knowledge and approval. The fact that the infidels openly object to their restoration, the fact that their removal would be used as an argument to destroy reverence rather than to inculcate it, ought to prompt Congress unanimously to restore the words, "In God we trust." [Applause.]

Mr. GAINES of Tennessee. I now yield to the gentleman from Georgia [Mr. EDWARDS].

Mr. EDWARDS of Georgia. Mr. Speaker, it is with pleasure that I rise to express my approval of the work of the Committee on Coinage, Weights, and Measures in unanimously reporting the following bill:

[H. R. 17296, 60th Congress, 1st session.]

Report No. 1106. In the House of Representatives, February 17, 1908. Mr. MCKINLEY of Illinois, introduced the following bill, which was referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed. February 26, 1908. Referred to the House Calendar and ordered to be printed.

A bill providing for the restoration of the motto "In God we trust" on certain denominations of the gold and silver coins of the United States.

Be it enacted, etc., That the motto "In God we trust," heretofore inscribed on certain denominations of the gold and silver coins of the United States of America, shall hereafter be inscribed upon all such gold and silver coins of said denominations as heretofore.

SEC. 2. That this act shall take effect thirty days after its approval by the President.

The committee in this instance is to be congratulated upon its good work; and the whole country is to be congratulated upon the fact that the motto, "In God we trust," which was recently removed from certain of our gold coins, is so soon to be restored. I am glad that this motto, which has graced our coins for so long, is again to have its place upon the nation's money, for I am confident that this bill will pass the House by an almost unanimous vote. [Applause.]

This is no party measure. We may differ among ourselves upon party issues; there may be division of opinion among us as to great governmental questions; but there is no division here to-day upon this bill. We are united as one party, all favoring the return of this lofty sentiment to our coins. [Applause.]

The President made a great mistake in ordering the words stricken from our money. I do not charge, as some do, that the President is an infidel. Such charges are wrong and without foundation. I simply say that our President erred, as all men are likely to do. He has seen his mistake and like a fearless and courageous man, he has virtually admitted his mistake, and says if this bill is passed, he will not veto it. I think the President is a God-fearing man. I think in this matter he made a mistake and is now willing to help undo what he has done.

This is no sectarian question. The Methodist, the Baptist, the Presbyterian, the Catholic, the Hebrews, the Episcopal, in fact all churches, all creeds, who have a belief in God, are as one in the opinion that it was a great mistake to ever have removed this motto from our coins, and they are one in the sentiment that this motto shall be restored. [Applause.]

When it was announced, through the newspapers a few months ago, that this motto had been left off of our coins, I wrote an article criticising it that appeared in many of the papers of my State. I spoke my honest convictions then, and I speak them now. I am not ashamed to proclaim my faith in God. We need God-fearing men in all public positions. A man who is not sound in his belief in God has no right in high office, which is the gift of a God-fearing people. We represent God-fearing people, and we, their representatives, should be God-fearing representatives.

There has gone up a demand from the people of this great country that this mistake of our President shall be corrected, and these simple words with lofty meaning and sentiment shall be restored to our coins.

There is no reason why the late Augustus St. Gaudens should have stricken this striking sentence, so expressive of American reverence and faith, from the gold coins designed by him, and it is regrettable, indeed, that the President of this great God-fearing nation should have permitted it. There is, on the contrary, every reason why it should not have been stricken from our money. There is certainly no harm in having the motto on our money. It is a sentiment that the people love. It is a declaration not only to our people at home, but to all peoples, and to all nations, all over the world, that ours is a nation with a firm and steadfast faith in God. [Applause.]

That infidels all over the country openly rejoiced in the fact that the word "God" was stricken from our money is now a well-known fact. Certain societies, known to be infidelic, have been protesting by mail to Congressmen and Senators against the restoration of this sentence. The removal of this sentence from our coin did not depreciate its monetary value, but it depreciated its sentimental value. The removal of these words was a victory for infidelity. The restoration of them to our coin will be a blow to infidelity and a victory for the God-fearing people of this great nation. [Applause.]

Mr. Speaker, it will not be amiss for me to refer briefly to the circumstances under which the motto was first inscribed upon our coinage. In November, 1861, when one great section of this country was bitterly arrayed against another in war, a minister of Pennsylvania suggested to the Secretary of the Treasury that if the nation should perish no evidence of the religious faith of its inhabitants would be preserved upon its coins. This impressed the Secretary of the Treasury, Hon. Salmon P. Chase, and believing that no nation is strong, except in the strength of God, or safe except in His defense, and that the trust of the American people in God should be declared on the national coin, he requested the Director of the Mint to prepare a device with a motto, tersely expressing, in the fewest words possible, this national recognition. Legislation was necessary, as the mottoes and devices of our coins had been prescribed by the act of January, 1837, so in April, 1864, March, 1865, and February, 1873, Congress enacted laws providing in substance that "In God we trust" might be inscribed upon such coins as would admit of it. The motto thus had its origin and thus came to us upon our coins.

Thus the sentiment was born when we were a divided people. To-day, thank God! we are a reunited people forever. We are but one people, with but one country and one God, with an undying patriotism for our country and a steadfast faith in God. The American people are glad to honor themselves and their country by having God's name upon their coins. "We are fundamentally a religious people. We are distinguished by our devotion to religious and civil freedom." I dare say that every form of religious thought is represented in America, and yet we are one in the recognition of a supreme and all-wise God.

Early in January of this year I listened to an eloquent and impressive speech delivered by my friend from Texas. He so beautifully and ably said then just what I feel now and what I would like to say, had I the gift and ability to put it as he did; I am therefore going to quote from his words.

The opportunity to worship the omnipotent Father according to the conscience of the individual is the basis of American history, the corner stone of the American Commonwealth. There is an essential relation between God and freedom. Liberty as a permanent prerogative of the people was for all practical purposes an impossible conception before Abraham's proclamation of the one all-seeing God. After this proclamation men who had worshiped kings and idols came soon to realize that the God of the spirit was the only rightful sovereign. They came soon to understand that with the same spiritual Father men were brothers both here and hereafter. It followed immediately that men were spiritual and political equals, and liberty, equality, fraternity, dawned upon the human race. Thus God is the source of liberty and religious freedom the basis of political independence. Voltaire, the scoffer, the satirist, but above all the analyst profound, expressed this truth with evident application to the American Republic when, raising his withered hands above the grandson of Benjamin Franklin who had besought for the youth the aged philosopher's benediction, he whispered, "God and Liberty." It was the idea of the one God and the resultant conception of human brotherhood that made the Hebrew nation the world's first self-governing commonwealth and enabled it to embody the highest religious and civic ideals six centuries before Greece knew an alphabet and more than a thousand years before the Latins founded Rome.

These principles were the basis of the Mosaic code, a code which is to-day the framework of civilization and government, a code which enters elementally into the civil and criminal codes of all modern states, a code which taught the elevation of woman, the love of home, the sanctity of property and life, the observance of the Sabbath, charity, fraternity, representative government, systematic education, contempt for luxury and extravagance, equal rights, and rigid justice. These principles have made the Hebrew commonwealth a model and a light in the reformations, awakenings, and revolutions of the world. In the American Revolution arguments in behalf of independence and against all despotism were liberally drawn from Judaic literature and teaching. Throughout the colonies the Hebrew nation was cited as the ideal republic. On the day the Continental Congress declared our independence Franklin, Adams, and Jefferson were appointed to prepare a seal for the United States and for a device they selected a representation of Moses watching the Red Sea as it enveloped Pharaoh, adding beneath the picture the words, "Resistance to tyrants is obedience to God." It is of more than human import that the Hebrew commonwealth, embodying the ideas of God and liberty, was the chief example of the American patriots and that the United States, representing in the spirit underlying its institutions the Hebrew nation more closely than does any other country, was the first government since the final destruction of Jerusalem, seventeen hundred years before, under which the Hebrew people were admitted to unrestricted and coequal citizenship.

The beginnings of the United States were essentially religious, and a divine purpose may be seen in the events which made possible our country and its institutions. Surely there was omnipotent design in the fact that the invention of printing, the discovery of America, and the European Reformation took place within the same century. The printing press brought the Bible to the people, and they rose from the

serfdom of ages to stand before God as untrammeled children; before each other as brothers and as equals. With the Reformation began the movement to free the soul, the brain, the arm of man—a movement which culminated on this hemisphere in the Declaration of Independence and the Constitution of the United States. Despotism was assailed, and wars, commotions, persecutions raged through Europe. That this movement might reach fruition in a new world undisturbed by the errors and oppressions of the old, God pointed the frail caravels of Columbus to these virgin shores. It was of more significance than even Columbus dreamed that on landing at Salvador his first act was to kneel upon the soil and dedicate the infant continent to the King of Kings. Thus under the especial favor of Providence America began. I now propose to show that the finger of God may be traced in every crisis of American history and that the dominant note of American character has been an unfaltering trust in the wisdom and the justice of Omnipotence. [Applause.]

It is worthy of remark that every effort to exploit this country for sordid ends failed utterly; the adventurers in search of gold and notoriety came to grief. On the contrary, the valiant spirits who braved the trackless tides, the storms, the savages, the snows to establish in America a government of the free, who fled religious and political oppression to erect upon these shores the altars of religious and political liberty—the Puritan, the Huguenot, the Catholic, the Quaker, the Walloon, the Waldensian, the Covenanter, the Lutheran, the Cavalier, the Dissenter, the Highlander, the Moravian, the Jew—in fact, the hosts of earth's exiled and earth's wronged—flourished here under difficulties so tremendous, such pestilences, famines, massacres, and dissensions that their preservation and advancement can be attributed to no other source than the God whose worship they came to maintain in its original purity, whose freedom they were to transmit to posterity and eternity. [Applause.] Before commencing each day's work the colonists at Jamestown assembled in the little church to invoke the blessings of Jehovah. "Doubt not," they wrote their friends at home, "God will raise our state and build His church in this excellent clime." When, in 1619, the House of Burgesses, the first legislative body in America, was established in this colony one of its first resolutions was a recognition of God. When the little congregation of John Robinson in the north of England was driven by the minions and measures of intolerance to Holland to become immortal pilgrims in the cause of liberty and truth, they were animated by a deathless trust in God. Before landing on Massachusetts soil, after leaving Holland, they paused to compose upon the *Mayflower* our first written Constitution, and they began that remarkable document in the name of God. The first sentence summarizes the doctrines of God and freedom on which American institutions rest. Throughout colonial times the fires of faith and brotherhood were kept ablaze by Higginson, Hooker, Eliot, Mayhew, Williams, Davenport, Fox, Penn, Barclay, Keith, Whitfield, the Wesleys, Edwards, and other champions of an unshackled gospel, an unshackled manhood. They originated the religious revivals which have become so splendid a feature of American life. The first work of the first printing press in America, established in 1639, was a metrical version of the Psalms.

The life of Washington, the buttress of the Republic in its most perilous emergencies, shows instance after instance of divine intervention. One of the most notable of these was his preservation during the slaughter of Braddock's troops on the Monongahela in the French and Indian war. So marvelous was his escape that he at once accredited it to the Almighty. Writing his brother, Augustine, he said: "By the all-powerful dispensation of Providence, I have been protected beyond all human probability or expectation; for I had four bullets through my coat, two horses shot under me, yet escaped unhurt, though death was leveling my companions on every side around me." Indeed, his survival excited universal comment. One of the foremost clergymen of the time, Rev. Samuel Davis, voiced the general opinion when he referred to Washington, in a sermon shortly after Braddock's defeat, as "that heroic youth, Colonel Washington, whom I can not but hope Providence has hitherto preserved in so signal a manner for some important service to his country." [Applause.]

The first Continental Congress, with the assembling of which the Revolution morally began, was opened with prayer. On the second day the distinguished body met under the disturbing influence of a rumored bombardment of Boston. Indignation was on every brow, sympathy in every heart. The thirty-fifth Psalm, wherein David recites his wrongs and cries out for the shield and buckler of the Lord, was read by the Chaplain with such fervor and such effect that he broke into a thrilling prayer for the colonists and that John Adams afterwards expressed the belief that Heaven had ordained this passage to be read that morning. When the Chaplain concluded there was the silence of death. Then rose Patrick Henry, and, under the impulse of that tremendous moment exclaimed in part: "The distinction between Virginians, Pennsylvanians, New Yorkers, and New Englanders are no more. I am not a Virginian, but an American." [Applause.] With that sentence, inspired by more than human surroundings, the birth of American citizenship was complete, the germ of the American Republic was in flower. During the following year Henry expressed a similar sentiment when in his memorable address before the Virginia Revolutionary convention he said that there was a just God who would raise up friends to fight the battles of the colonists and welcomed liberty or death.

Ethan Allen crowded American history into a single sentence when he demanded the surrender of Ticonderoga in the name of the Great Jehovah and the Continental Congress. On Cambridge Common, the day before Bunker Hill, we see the president of Harvard praying among our troops. The colonists began the American Revolution with prayer, and before the war was over the British, too, had learned to pray. [Applause.] On assuming command of the Continental Armies, Washington expressed the most unqualified confidence in the Deity. So desperate was the situation at the outset of a struggle between a fledgling nation and one of the foremost powers of the earth, such the destitution, lack of discipline, lack of numbers among the colonials, that Washington wrote a friend in confidence: "We are now left with a good deal less than half-raised regiments and about 5,000 militia. * * * If I shall be able to rise superior to these and many other difficulties which might be enumerated, I shall most religiously believe that the finger of Providence is in it to blind the eyes of our enemies." Can we doubt the partiality of the Creator when we recall the unspeakable suffering, the disparity of strength, the bitter winters, the ragged uniforms, the bloody prints of shoeless feet, the poverty of state and individual, the inherent weakness of government, the treacheries and intrigues through which the patriot cause ascended to consummate victory?

Can we question the especial aid of the Ruler of all Worlds when we see the fog refuse to rise that August morning in 1776 until our Army had retreated from almost certain annihilation on Long Island, and then some five years later observe the dawning daylight drive the escaping Cornwallis back to Yorktown and surrender? Can we deny the interposition of divinity when in the gloomiest hours of the conflict we see the tattered Continentals retreat barefooted over frozen roads, crossing, when almost overtaken, the Catawba and the Yadkin, whose waters successively rose to delay their pursuers? Is it strange that after the decisive victory of Yorktown the Continental Congress immediately proceeded to a church and, after expressing public thanks to God, proclaimed a day of national thanksgiving, in which the entire country joined most fervently? Is it strange that Washington, on surrendering his commission, deemed it an imperative duty to commend the nation to the continued protection of Omniscience?

As the first act of Columbus on American soil was a recognition of Providence, it was remarkably fitting that nearly three centuries later the first act of the First Congress under the present system, after hearing the inaugural address of Washington, which glowed with expressions of gratitude to Heaven, was to assemble in a church and there unite in supplication to the Lord of all. Before the adjournment of that initial session Congress requested the President to recommend a "day of public thanksgiving and prayer, in acknowledgment of the many signal favors of Almighty God, and especially His affording the people an opportunity peaceably to establish a constitutional government for their safety and happiness." De Tocqueville, the great French historian and philosopher, who wrote the most accurate and remarkable analysis of American character yet given to mankind, observed after visiting the United States in the first half of the last century: "It never must be forgotten that religion gave birth to Anglo-American society." It is hardly possible to dissociate the miraculous growth of the American Republic in population, in territory, in material and spiritual strength, in world influence, and importance from the cooperation of an agency more than mortal. Especially is this true when we consider the questions of internal policy which, after threatening the existence of the country for seventy years, were not permanently settled until the altars of a reunited country had been christened in the blood of brothers.

When in the exciting hours of the Clay compromise of 1850 the strife of contending factions was angriest, Benton, his turbulence for once subdued, said, concerning the solution of the pending problem: "It seems to be above human reason. But there is a wisdom above human, and to that we must look." On leaving his home at Springfield, in February, 1861, for the assumption of the Presidency, when the signs of the storm through which he was to guide the imperiled nation were everywhere apparent, Lincoln voiced the traditional American trust in God when he said to the neighbors who had come to say farewell:

"My friends, no one not in my position can appreciate the sadness I feel at this parting. A duty devolves upon me which is perhaps greater than that which has devolved upon any other man since the days of Washington. He never would have succeeded except for the aid of Divine Providence, upon which at all times he relied. I feel that I can not succeed without the same divine aid which sustained him. I hope you, my friends, will all pray that I may receive the same divine assistance, with which success is certain."

Both sides in the appalling conflict which ensued, leaders and followers alike, Lincoln, Davis, Grant, Lee, McClellan, Jackson, and other mighty figures, exhibited a heroism in march and charge, in camp and Cabinet, a devotion to truth as each conceived it, that could proceed only from the most unlimited faith in the Infinite Preserver. [Applause.]

Both sides achieved eternal victories, the one having preserved the nation, the other having defied annihilation and challenged death for its conception of the right. [Applause.] When the assassination of Lincoln in April, 1865, had filled the world with gloom and dread and disturbances more violent than those of war seemed imminent, we hear the voice of Garfield as he lifted the American flag above the rioters in New York, "God reigns and the Government at Washington still lives." Immediately the country caught the spirit of this matchless appeal, and another crisis had been mastered. It was about this time, at the culmination of the period which established the unity and permanency of the Republic that Congress, as if by inspiration, ordered the sentence "In God we trust," a sentence summarizing the history and reflecting the character of the American people, to be inscribed upon the nation's coinage. For more than forty years it has there remained to remind us of our origin and the world of our faith. Who can doubt that its educational and ethical value has been immense? Who will not regret its displacement on certain coins to make way for the Gaudens design, a design which shows on one side a woman in savage headdress, on the other a Roman eagle in predatory flight—the one side a degradation of woman, the other a eulogy of war? [Applause.]

It is particularly appropriate that the inscription "In God we trust" should appear upon our national moneys. The coinage of a country is the most concrete and universal evidence of its sovereignty. Is it not fitting that this most elemental expression of government should contain a recognition of the power to which the Government owes its foundation, its growth, its glory? Again, the coinage is, as a rule, the first and most general token of government with which American children and foreigners seeking our citizenship become familiar. It enters fundamentally into the people's lives and thoughts and hopes. It is the vitalizing element in commerce, society, and government. Bearing the words "In God we trust," it would suggest to every child and every citizen the genius of American institutions; it would lead every foreigner to study American ideals in the light of a proper philosophy. [Applause.] It is a poor time to remove this motto when economic disaster shrouds the land, when the successful and the rich of yesterday are the suicides and paupers of to-day. For the reasons enumerated, I believe, Mr. Chairman, that the beautiful and stately sentence "In God we trust," so symbolic of American history, American aspiration, American faith, should be permanently inscribed upon the coinage of the United States. [Applause.]

God has undoubtedly watched over us and directed us to national greatness, and I firmly believe that it is because we are a God-fearing nation. We enjoy freedom's blessings at home, and through the work of Almighty God our blessings are going out to bless others in every land and in every clime. He has given it to us to be the miracle workers of the world's history. Rome's development and decline stretched through a period of twenty centuries, but Rome, when she was mistress of the world, was insignificant as compared with the United States of to-day.

The great powers of Europe have had fourteen or fifteen centuries of development, and even at the period which we fix as

their beginning their territory was inhabited. We are only one hundred years from the uninhabited wilderness, and are greater than any of them.

Our wealth is greater than that of the world was two generations ago. Some of us here to-day were alive when the combined world's wealth was not as great as that of this country is now.

In production and consumption we far surpass any other nation, and are gaining so rapidly that the children of to-day will live to see the United States produce and consume more than all the balance of the world produces and consumes now.

And all the balance of the world is rushing forward far more rapidly than ever before, the impetus being given largely by American invention and American example. It was a quiet old world when the new Republic was born a century and a third ago; but the infant, as it grew in strength, set new examples and circulated new ideas that have put the whole world in motion.

Our people have worked miracles at home and their influence has wrought them abroad. What did the world know of the rights of man until we taught them? Little Switzerland was pursuing her quiet way before American ideas attracted attention; and Poland, which was in some respects an elective government, seemed to exist only to show that an elective government was the worst possible kind. Great Britain was a limited monarchy, but everywhere else in Europe was complete despotism.

Now France is a Republic, and the power of the people is felt in every nation of Europe except Turkey. Even the autocrat of Russia has surrendered much of his power to a congress elected by the people; and, across the line in Asia, Persia has come into the family of nations that acknowledge the rights of the governed.

Japan proudly proclaims her indebtedness to the United States. Washington Irving represents Rip Van Winkle as sleeping twenty years. Japan had slept as many centuries when America bade her awake. She is now one of the powers of the earth, improving on her borrowed civilization until she stands abreast with the first. The torch that was lighted in America a century and a third ago has lighted others and still others until the whole world is aglow.

We are passing away, and some who are here now must pass without seeing the wonders of the future. The world has advanced more during the last three-quarters of a century than during the six thousand years of its previous history, and the forward impetus is greater than it ever was before. Our country leads and has contributed more than any other to the civilization of the present day. Other nations have produced as great thinkers; we have applied the ideas. While others theorize, we put their theories into practice. What the next fifty years will show no man can conceive, as no man fifty years ago could have conceived the wonders the last half century has brought to life.

We can not forecast invention, but we can form some idea of our nation's growth. We can judge it by the past. If our rate of gain in population during the last half of the nineteenth century should continue through the first half of the twentieth, more than a quarter of a billion people will live in the United States forty-two years hence. The South alone will then be more populous than any nation of Europe is now, except Russia, and as populous as any two nations of Europe, except Russia and Germany combined.

Our wealth in fifty years will be greater than the present combined wealth of the world, and our power will be beyond comparison with that of any other nation.

But if our successors should prove worthy of our predecessors this vast power will be a security instead of a danger to the balance of the world. The spirit of peace and justice has been the crowning glory of our Republic. No nation is so powerful as to inspire our fear; no nation so weak as to invite oppression from us. Our nation has been more forbearing to the weak than to the strong.

In its early youth our Republic assumed the duty of protecting its younger sisters on this continent. It was a nation of only 10,000,000 people that was back of President Monroe's declaration to the world that the powers of Europe must not extend their territory in this hemisphere. The 10,000,000 were enough to secure respect for the Monroe doctrine, but for which South America and Mexico and the West Indies would probably now be dependencies of European nations.

Let other nations glory in the wars they have fought and won. America's glory is in the wars she has prevented. Let others boast of the nations they have overcome. America can boast of the nations she has protected. Let other nations exert their influence through the crash of firearms and the gleam of steel; America wields a far more powerful influence by her appeals to reason and justice. She has force to use in self-defense if necessary, but as the years add to her strength the possibility of a need of defense becomes more and more remote.

Free men will often differ in opinions. No two will always agree. The differences between Americans resulted once in war. Considering the differences between the conditions, North and South, that war was inevitable from the beginning. The only wonder is that it was so long delayed. It has been fought, and it has resulted in a unification of conditions that leaves no further possibility of conflict.

The war is now remembered as a test of American manhood, and neither side need feel ashamed of the result. In fact, all Americans can share in the honor won on both sides, for it was won by Americans. Our Northern-born President never neglects an opportunity of claiming kinship to the men who wore the gray, and the only rivalry between the North and South now is as to which would be readiest to respond to the nation's call.

As a nation we have reason to feel proud of our past and satisfied with our present, and we can look forward to the future with a confidence that the realization of our national destiny will be far beyond the brightest dreams of the men who staked their all on the effort to found a government attributing its powers to the consent of the governed.

If we would continue as the greatest of the nations of the world we must continue our faith in God. The history of the nation that forgets God is sooner or later written in ruin. Let us therefore fight infidelity until it is literally stamped out of our country. Let us not retrograde, but rather let us go forward. Let us do nothing that smacks of national infidelity. Let us not put an "infidel money" out upon the world, but let us put out the coin that says to all the world "Americans are a God-fearing and God-loving people." I hope this bill will pass by a unanimous vote.

Mr. GAINES of Tennessee. Mr. Speaker, I now yield to the gentleman from South Carolina [Mr. ELLERBE].

Mr. ELLERBE. Mr. Speaker, it is not my purpose to make a speech, but I simply desire to read to the House a few lines, and every Member of the House will soon discover that I am not the author of them.

They are as follows:

A RECESSIONAL.

[After Kipling.]

God of the nation, known of old,
Supreme, all-powerful, and just,
No longer on our coins of gold
Dare we inscribe: "In Thee we trust."
Lord God of Hosts, forsake us not;
We have forgot, we have forgot!

Our fathers did not ask in vain
When, unashamed, they sought Thine aid;
Now, in our day of stress and strain,
We falter in our faith—afraid.
God of our country, long forgot,
Forsake us not, forsake us not!

We bowed before the shrine of wealth
And, drunk with riches, went astray;
Restore, O God, the nation's health
And lead it in the old true way.
In sorrow, shame, and vain regret
We plead that Thou will spare us yet.

Forgive our willful waste, our pride,
Our foolish pomp and wicked lust;
Once more be Thou the nation's guide
That we may say, "In God we trust,"
For thoughtless act and idle word,
Thy mercy on Thy people, Lord!

[Applause.]

Mr. GORDON. Mr. Speaker, it is, I trust, with no feeling of irreverence that I rise to oppose the restoration of the motto under discussion to our national coin. If you will place that motto over there in this Chamber so that every Member of this House can daily see and read it, if you will place it over here where the Speaker can see and read it [laughter and applause], if you will inscribe it over every door of the Capitol and over the entrance to every public building in this city, I will gladly support and commend your action. [Laughter and applause.] But when you inscribe it upon our coins it seems to me rather a show of conventional hypocrisy than of patriotic reverence. Who considers in his business dealing with his fellow-men whether God is approving or disapproving his act? Does he look at that motto on the coin and consider its sacred meaning as he takes money, by fair or foul means, from the pockets of his fellow-men? What is our coin but a medium of commerce? And what is commerce and what is business but the irrepressible and eternal conflict of human interests? It is a medium of secular, and not sacred, transactions. It is human interests of a severely material kind that we are dealing with in this dis-

cussion. [Applause.] Are financiers, speculators, and business men generally, impressed with the reverential sentiment contained in the words "In God we trust," inscribed on the coin they are handling? Is there one in every thousand who stops to read it, or who wants to read it, especially if he is contemplating a financial coup? Who considers its sacred significance in a business transaction? No one. And if so, does it not seem rather a device of hypocrisy and irreverence than of sincerity and veneration?

I repeat, if you will inscribe this motto above the Speaker's chair, where every Member of this House may see it from day to day, and over here on this side where the Speaker may see it, and upon the architrave of every public building in the country, upon the front of every church, and above the door of every schoolhouse throughout the land, we will say "Amen" and support you in that, but not in placing it upon what our Bible calls "filthy lucre," where it seems to me more of an irreverent conventionality than a genuine sentiment of devotional sincerity. If I believed it made men more reverent and honest by being on our coin, then I would say by all means restore it, not only to the coin, but inscribe it on our paper currency, for I do not know of anything that we need more of just now than reverence and honesty. Let us have less of empty pretense and more of solid sincerity. It thus appears to me to be a useless if not an irreverent ostentation upon our coin, and I agree with the President that this motto should be omitted therefrom.

Mr. McKINLEY of Illinois. I now yield to the gentleman from Maryland [Mr. PEARRE].

Mr. PEARRE. Mr. Speaker, having had the honor of being chairman of the subcommittee which prepared the minority report, which was unanimously adopted by the whole committee, I felt that it would not be necessary to add anything to what I said in that report. But there are one or two things to which I desire to advert which have been stated in the debate. Some gentlemen on the other side seem to take exception to what the President did, and find fault with the President by reason of the issuance of an order by which this motto was dropped from certain denominations of coin upon which it had previously been inscribed.

Now, Mr. Speaker, the President of the United States, in connection with that order, has given his reasons, and there is nothing in that order showing anything that partisanship or any hypercritical or hypocritical criticism can pervert, and I find nothing in that order which would indicate any suggestion of irreverence or lack of Christian spirit upon the part of the President when he took that action.

The President of the United States then and there registered not only his approval of the sentiment "In God we trust," not alone as an individual and personally, but also as a great public servant. He is a Christian man in every relation of life; and not only a Christian man, but a practical Christian man, both as an individual and as a public servant, and he has endeavored to impress Christian principles upon public affairs. To such an extent has he done this, Mr. Speaker, that some of his critics have suggested or pretended to think that the President of the United States had gone too far in trying to impress the Ten Commandments upon the legislation of this country. So much, Mr. Speaker, for the criticism which has been made upon the President of the United States for the order that he has issued. Thank God he has, Mr. Speaker, and in doing so has had the courage to declare for moral reform in the face of the most powerful interests.

There is another matter to which I wish to advert, which has arisen in this debate, and it is to this effect: The gentleman from Wisconsin [Mr. KÜSTERMANN] says, Why put it only upon certain denominations of the coinage; why not put this glorious motto, "In God we trust," upon the pennies and the dimes and the nickels, which are in the hands of the bootblacks and those who are poor and humble and unable to have large denominations of money?

He also suggests that upon the very large denominations of our paper money we should impress it—especially should we print it in large and glaring letters upon the thousand and ten thousand dollar bills, in order that those who in their greed for gold, in the struggle for wealth, have been trampling upon their fellow-men and forgetting the rights of the individuals and the duty of man to God, may have it brought to their attention. There is another objection to this bill, Mr. Speaker, which has been suggested—that made by the gentleman from Tennessee [Mr. GORDON]. He suggests that we should not impress this motto upon these various denominations of the coinage, but that we should emblazon it above the Speaker's desk, so that the Members of this House could see it, and that we should put it yonder before the Speaker, so that the Speaker may see it; and he says that if we will put it over our churches and our places of public business, then he will vote for it.

These gentlemen, therefore, favor the use of this motto to even a greater extent than proposed by this bill. It can be no real objection to this bill that it does not go far enough. This bill simply restores this law and the practice under the law as it obtained before the President's order was issued, and yet we are told certain gentlemen oppose this bill because it does not go far enough. The President's record, Mr. Speaker, on moral or Christian questions needs no defense at my hands. He has urged the incorporation of Christian principles in all legislation and in the administration of the laws. Under his great Administration there has been a wonderful moral regeneration in this land. How vain the effort, therefore, to attempt to squeeze partisan advantage out of this strictly nonpartisan matter. Restore the motto "In God we trust," so beautifully phrased by Maryland's patriot son, Francis Scott Key, who, in concluding his wonderful apostrophe to "The Star-Spangled Banner," the words and music of which thrill the blood of all true Americans in every clime, said: "And this be our motto, 'In God is our trust.'"

Mr. McKINLEY of Illinois. Mr. Speaker, I yield two minutes to the gentleman from Michigan [Mr. GARDNER].

Mr. GARDNER of Michigan. Mr. Speaker, in the recent successful efforts of the police of Chicago to ferret out the nesting places of anarchy in that city it was found that in the literature from which their children were taught there was an avowed purpose to banish God from the minds of the rising generation. Sir, I want to put myself on record as against the purpose of the anarchists in this as in all other respects. [Applause.]

The teaching influence and the rallying power of emblems and mottoes have been recognized in all ages and by all nations. As a rule, they concrete in material form or express in briefest language some great thought or purpose or movement until they become dear to the people adopting them. The origin of these mottoes and emblems is often of greatest interest and lends enduring influence and value.

The ignominious cross upon which was consummated the sublimest sacrifice in human history is to-day the emblem of hope to unnumbered millions of men in every quarter of the earth. The sacrificial wood upon which was pinioned the body of the Nazarene has been glorified by his followers, and the "*In hoc signo vinces*" moves in resistless march to the conquest of the world.

The flag of our country is emblematical of all we hold dear in our national life. Floating as it does over the halls of legislation, over the garrisons of our soldiers, the battle ships of our sailors, and the schoolhouses of our children, it is a constant reminder not only of a glorious past, but an inspiration to a still more glorious future, because it speaks the language of patriotic devotion and sacrifice to our common country.

The motto, "In God we trust," had its origin during the civil war. It is one of the heritages of that gigantic struggle, between two sections of a great people reading the same Bible and praying to the same God. Happily now we are a reunited country, and the heart of the people still goes out to the God of nations as of individuals. We of the North join hands with you of the South and say, your God is our God, as your people are our people. [Applause.]

The fathers who founded this nation had faith in God. It ill becomes their sons to even appear to turn back the hand upon the dial plate of time. Were it a question *de novo*, it would present a different aspect. But we can not now afford to have the childhood and youth of the nation infer, however erroneous that inference might be, that the Congress had repudiated the faith of the fathers or attempted to becloud that of their children. [Applause.]

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

The SPEAKER. The question now is on the passage of the bill.

Mr. GAINES of Tennessee. Mr. Speaker, on that I demand the yeas and nays.

Mr. HEFLIN. Mr. Speaker, let us have the yeas and nays.

The SPEAKER. As many as are in favor of having the yeas and nays will rise and stand in their places until counted. [After counting.] Thirty-eight gentlemen have arisen.

Mr. SHACKLEFORD. Mr. Speaker, I ask for the other side.

The SPEAKER. The gentleman demands the other side. As many as are opposed will rise and stand until counted. [After counting.] One hundred and thirty-five gentlemen have arisen. On this question the ayes are 38 and the noes are 135, a sufficient number, and the yeas and nays are ordered.

The question was taken, and there were—yeas 259, nays 5, answering "present" 4, not voting 120, as follows:

YEAS—259.

Adair	Douglas	Hughes, N. J.	Payne
Adamson	Draper	Hull, Iowa	Pearre
Aiken	Dwight	Hull, Tenn.	Peters
Alexander, Mo.	Edwards, Ga.	Humphrey, Wash.	Pollard
Alexander, N. Y.	Edwards, Ky.	Humphreys, Miss.	Pray
Allen	Ellerbe	James, Addison D.	Prince
Anthony	Ellis, Mo.	James, Ollie M.	Pujo
Ashbrook	Ellis, Oreg.	Johnson, Ky.	Rainey
Barclay	Englebright	Jones, Va.	Randell, Tex.
Bartlett, Ga.	Esch	Jones, Wash.	Ransdell, La.
Bartlett, Nev.	Favrot	Keifer	Rauch
Bates	Ferris	Keliher	Reeder
Beall, Tex.	Finley	Kennedy, Iowa	Reid
Bell, Ga.	Fitzgerald	Kennedy, Ohio	Reynolds
Bennet, N. Y.	Flood	Kinkaid	Richardson
Bennett, Ky.	Floyd	Kipp	Roberts
Bonynge	Fordney	Kitchin, Claude	Rucker
Booher	Foss	Knowland	Russell, Mo.
Bowers	Foster, Ill.	Lamar, Mo.	Russell, Tex.
Boyd	Foster, Vt.	Lamb	Ryan
Bradley	Fowler	Landis	Saunders
Brantley	French	Laning	Scott
Brick	Fuller	Lassiter	Shackleford
Brownlow	Fulton	Lawrence	Sheppard
Brundidge	Gaines, Tenn.	Leake	Sherley
Burgess	Gaines, W. Va.	Lenahan	Sherwood
Burleigh	Gardner, Mich.	Lever	Sims
Burleson	Gardner, N. J.	Lindbergh	Slemp
Burnett	Garner	Loud	Small
Burton, Del.	Garrett	Lovering	Smith, Cal.
Burton, Ohio	Gillespie	McCall	Smith, Iowa
Byrd	Glass	McDermott	Smith, Mich.
Calderhead	Goebel	McGavin	Smith, Mo.
Caldwell	Goulden	McGuire	Smith, Tex.
Campbell	Graff	McKinlay, Cal.	Southwick
Candler	Granger	McKinley, Ill.	Sparkman
Capron	Gronna	McKinney	Sperry
Carlin	Hackney	McMillan	Spight
Carter	Haggott	McMorran	Stafford
Caulfield	Hale	Madden	Stanley
Chaney	Hall	Madison	Steenerson
Chapman	Hamill	Malby	Stephens, Tex.
Clark, Fla.	Hamilton, Iowa	Mann	Sterling
Clark, Mo.	Hamilton, Mich.	Marshall	Sturgiss
Clayton	Hammond	Miller	Sulloway
Cole	Harding	Moon, Pa.	Sulzer
Cook, Colo.	Hardwick	Moon, Tenn.	Tawney
Cousins	Hardy	Moore, Pa.	Taylor, Ohio
Cox, Ind.	Harrison	Moore, Tex.	Thistlewood
Craig	Haskins	Morse	Thomas, N. C.
Cravens	Haugen	Mouser	Thomas, Ohio
Crawford	Hawley	Mudd	Tirrell
Crumpacker	Hay	Murdock	Tou Velle
Cushman	Hayes	Murphy	Townsend
Dalzell	Heflin	Needham	Volstead
Darragh	Henry, Tex.	Nelson	Vreeland
Davenport	Higgins	Norris	Waldo
Davidson	Hill, Miss.	Nye	Wanger
Davis, Minn.	Hinshaw	Olcott	Washburn
Dawson	Hitchcock	Overstreet	Weeks
De Armond	Houston	Padgett	Wheeler
Denby	Howell, N. J.	Page	Williams
Denver	Howland	Parker, S. Dak.	Wilson, Ill.
Diekema	Hubbard, Iowa	Parsons	Young
Dixon	Hubbard, W. Va.	Patterson	

NAYS—5.

Bartholdt	Gordon	Küstermann	Slayden
Cooper, Tex.			

ANSWERED "PRESENT"—4.

Jenkins	Longworth	Sabath	Weisse

NOT VOTING—120.

Acheson	Durey	Johnson, S. C.	O'Connell
Ames	Fairchild	Kahn	Olmsted
Andrus	Fassett	Kimball	Parker, N. J.
Ansberry	Focht	Kitchin, Wm. W.	Perkins
Bannon	Fornes	Knapp	Porter
Barchfeld	Foster, Ind.	Knopf	Pou
Beale, Pa.	Foulkrod	Lafean	Powers
Bede	Gardner, Mass.	Lamar, Fla.	Pratt
Bingham	Gilhams	Langley	Rhinock
Birdsall	Gill	Law	Riordan
Boutell	Gillett	Lee	Robinson
Brodhead	Godwin	Legare	Rodenberg
Broussard	Goldfogle	Lewis	Rothermel
Brumm	Graham	Lilley	Sherman
Burke	Greene	Lindsay	Snapp
Butler	Gregg	Littlefield	Stevens, Minn.
Calder	Griggs	Livingston	Talbott
Cary	Hackett	Lloyd	Taylor, Ala.
Cockran	Hamlin	Lorimer	Underwood
Cocks, N. Y.	Helm	Loudenslager	Wallace
Conner	Henry, Conn.	Lowden	Watkins
Cook, Pa.	Hepburn	McCreary	Watson
Cooper, Pa.	Hill, Conn.	McHenry	Webb
Cooper, Wis.	Hobson	McLachlan, Cal.	Weems
Coudrey	Holliday	McLain	Wiley
Currier	Howard	McLaughlin, Mich.	Willett
Davey, La.	Howell, Utah	Macon	Wilson, Pa.
Dawes	Huff	Maynard	Wolf
Driscoll	Hughes, W. Va.	MondeH	Wood
Dunwell	Jackson	Nicholls	Woodyard

So the bill was passed.

The Clerk announced the following pairs:

For the session:

Mr. SHERMAN with Mr. RIORDAN.

Mr. KNOPF with Mr. WEISSE.

Mr. FOSTER of Vermont with Mr. POU.

Mr. BOUTELL with Mr. GRIGGS.

Until further notice:

Mr. HILL of Connecticut with Mr. HOWARD.

Until Friday, March 20:

Mr. HOWLAND with Mr. ANSBERRY.

For the day:

Mr. KAHN with Mr. ROTHERMEL.

Mr. ACHESON with Mr. NICHOLLS.

Mr. BARCHFELD with Mr. CALDWELL.

Mr. CURRIER with Mr. JOHNSON of South Carolina.

Mr. CARY with Mr. DAVEY of Louisiana.

Mr. COOPER of Pennsylvania with Mr. TALBOTT.

Mr. HUFF with Mr. RHINOCK.

Mr. BINGHAM with Mr. LEGARE.

Mr. KNAPP with Mr. MCLAIN.

Mr. BIRDSALL with Mr. MCHENRY.

Mr. LORIMER with Mr. HUMPHREYS of Mississippi.

Mr. RODENBERG with Mr. WEBB.

Mr. POWERS with Mr. PRATT.

Mr. CONNER with Mr. SABATH.

Mr. COUDREY with Mr. WOLF.

Mr. DAWES with Mr. MAYNARD.

Mr. MCLAUGHLIN of Michigan with Mr. MACON.

Mr. MCCREARY with Mr. LEE.

Mr. LOWDEN with Mr. LEWIS.

Mr. FOSTER of Indiana with Mr. O'CONNELL.

Mr. LOUDENSLAGER with Mr. LAMAR of Florida.

Mr. LAW with Mr. KIMBALL.

Mr. LANGLEY with Mr. HELM.

Mr. LAFEAN with Mr. HAMLIN.

Mr. JENKINS with Mr. LINDSAY.

Mr. HUGHES of West Virginia with Mr. HOBSON.

Mr. HEPBURN with Mr. LIVINGSTON.

Mr. GREENE with Mr. HACKETT.

Mr. WATSON with Mr. LLOYD.

Mr. WOODYARD with Mr. GREGG.

Mr. GRAHAM with Mr. WILSON of Pennsylvania.

Mr. GILLETT with Mr. WILLIAM W. KITCHIN.

Mr. FOULKROD with Mr. WILLETT.

Mr. FASSETT with Mr. WILEY.

Mr. FAIRCHILD with Mr. UNDERWOOD.

Mr. DUREY with Mr. WALLACE.

Mr. DUNWELL with Mr. WATKINS.

Mr. HENRY of Connecticut with Mr. TAYLOR of Alabama.

Mr. COOK of Pennsylvania with Mr. ROBINSON.

Mr. CALDER with Mr. GODWIN.

Mr. BUTLER with Mr. GOLDFOGLE.

Mr. BEALE of Pennsylvania with Mr. GILL.

Mr. BANNON with Mr. FORNES.

Mr. ANDRUS with Mr. COCKRAN.

Mr. OLMSTED with Mr. BROUSSARD.

Mr. AMES with Mr. BRODHEAD.

The result of the vote was then announced as above recorded.

FORTIFICATIONS APPROPRIATION BILL.

Mr. SMITH of Iowa, by direction of the Committee on Appropriations reported the bill (H. R. 19355) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service and for other purposes, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with accompanying report, ordered to be printed.

Mr. SULZER. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from New York reserves all points of order on the bill.

CASES ON APPEAL FROM ALASKA.

Mr. ALEXANDER of New York. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill.

The Clerk read as follows:

A bill (H. R. 13649) providing for the hearing of cases upon appeal from the district court for the district of Alaska in the circuit court of appeals for the ninth circuit.

Be it enacted, etc., That hereafter all appeals, writs of error, and other cases coming from the district court for the district of Alaska to the circuit court of appeals for the ninth circuit shall be entered upon the docket and heard at San Francisco, in the State of California, or at Portland, in the State of Oregon, or at Seattle, in the State of Washington, as the trial court before whom the case was tried below shall fix and determine: *Provided, however,* That at any time before the hearing of any appeal, writ of error, or other case, the parties thereto, through their respective attorneys, may stipulate at which of the above-named places the same shall be heard, in which case the case shall be remitted to and entered upon the docket at the place so stipulated and shall be heard there.

The SPEAKER. Is there objection?

Mr. SULZER. Reserving the right to object——

Mr. HAYES. I object.

Mr. ALEXANDER of New York. Mr. Speaker, I move to suspend the rules and pass the bill.

Mr. KAHN. I demand a second.

Mr. ALEXANDER of New York. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from New York [Mr. ALEXANDER] is entitled to twenty minutes and the gentleman from California [Mr. KAHN] is entitled to twenty minutes. The gentleman from New York.

Mr. ALEXANDER of New York. I yield so much of the twenty minutes as he desires to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Speaker, the purpose of this bill is to provide that appeals from the district court of Alaska may be heard either at Seattle, Portland, or San Francisco, as the trial court in which the case is tried may fix or determine, unless it is stipulated to the contrary. The parties may agree to hear it at either one of the places. As the law exists to-day all these cases are heard in San Francisco, and the Alaskan litigants are compelled to pass through Seattle to San Francisco and return, a distance of about 2,000 miles, in order to present their cases. This bill is to make it so that appeals may be heard where it is to the best interests of and most convenient to the litigants. Every person coming from Alaska passes through Seattle. There is no direct connection between San Francisco and Alaska. The committee unanimously reported this bill this session and unanimously reported it at last session. It does seem to me there can be no objection on the part of anyone to the Alaskan litigants having their cases heard where it will be most advantageous for them. I yield back the time to the gentleman.

Mr. MANN. Will the gentleman yield to a question?

Mr. HUMPHREY of Washington. Certainly.

Mr. MANN. Is the effect of this bill simply to permit the trial court in the district of Alaska to designate either the United States circuit court at Seattle or San Francisco to hear the appeals?

Mr. HUMPHREY of Washington. Or Portland. I want to state this for the benefit of the House, that I negleced to state before that the circuit court holds a session at Seattle and Portland. They already go there, and it is no inconvenience to them to hear these appeals in either of those cities?

Mr. KEIFER. They are the same judges?

Mr. HUMPHREY of Washington. The same judges hold terms there.

Mr. MANN. And the same circuit, as I understand it?

Mr. HUMPHREY of Washington. The same circuit and the same judges.

Mr. KEIFER. The only difference is they do not pay their board in San Francisco if they go to Portland?

Mr. HUMPHREY of Washington. That is the only difference, except that San Francisco attorneys might not be represented when the appeals are heard in Seattle and Portland. That is all there is in the question.

Mr. STEPHENS of Texas. I desire to ask what the difference will be in the expense to the litigants in coming down from Alaska and stopping at Seattle or Portland rather than going to San Francisco?

Mr. HUMPHREY of Washington. It is a good deal. That is a matter you can not say definitely. I have received letters from attorneys who state it will amount to $1,500 to $3,000 a case.

Mr. SULZER. Will the gentleman yield to me for a question? I understand this bill has the approval of the leading members of the bar of Alaska?

Mr. HUMPHREY of Washington. It has met the approval of the members of the bar generally in Alaska and has met with the approval of the Alaska Club. I had letters on file with the Judiciary Committee from practically every attorney in Alaska approving this bill, but, unfortunately, those papers have been lost.

Mr. SULZER. Just another question. This bill also has the approval of the Delegate from Alaska [Mr. CALE], has it not?

Mr. HUMPHREY of Washington. Yes, sir.

Mr. SULZER. And it had been unanimously reported from the committee?

Mr. HUMPHREY of Washington. Twice.

Mr. SULZER. I understand it passed the House last session of Congress.

Mr. HUMPHREY of Washington. It passed the House by unanimous consent a year ago.

Mr. SULZER. Mr. Speaker, in my opinion this bill should pass. I am informed the legal fraternity, and the people generally, of Alaska favor it, and anything I can do in Congress to carry out their wishes I shall always be glad to do. As a matter of fact, at present practically all appeals from the district court of Alaska must be heard at San Francisco. There is no direct communication between San Francisco and Alaska, so that the litigant in Alaska, in order to attend the court of appeals in San Francisco, must pass through Seattle, both going and on his return, and travel at a considerable expense about 2,000 miles farther than if the case were heard at Seattle. There is now annually held at Seattle a term of the circuit court, and to hear such appeals there, as the best interests of the Alaska litigants might require, would be of little inconvenience to the court. It is the desire of the members of the bar and of the business interests of Alaska, I am informed, that some provision be made so that Alaska appeals need not be heard in San Francisco except in cases where the circumstances justify it. This desire of the people of Alaska was strongly urged before the committee by the Hon. THOMAS CALE, Delegate from that Territory. It is claimed by the attorneys of Alaska that if their appeals could be heard in Seattle it would enable them in many cases to attend to them in person, whereas at present they are compelled to employ San Francisco attorneys to represent them in the court of appeals. This is all I care to say, and I hope the bill will be passed.

Mr. KAHN. Mr. Speaker, it is true that this bill did pass the House at the last Congress, and it was reported unanimously from the Committee on the Judiciary. But the members of the California delegation at that time, not being fully informed upon the subject, made no objection. The situation is this: There are three terms of the circuit court of appeals in the city of San Francisco, and there is one term in Seattle and one term in the city of Portland.

The term in the city of Seattle is held in September, and I think continues for about two weeks. Then the court goes to Portland, and I think it holds a term there for two weeks; but its records, its library, and its principal place of business are in the city of San Francisco.

Mr. MANN. Will the gentleman yield for a question?

Mr. KAHN. Certainly.

Mr. MANN. Have they a library in San Francisco since the earthquake and fire?

Mr. KAHN. They have one, but it is not as good as the one that was destroyed by the fire.

Mr. MANN. I thought the gentleman was claiming a few days ago that the library was gone; that there was nothing but a few old text-books left.

Mr. KAHN. I stated that they have a library there, but it is not as good as the one that was destroyed by the fire.

Mr. DOUGLAS. Is there not a good law library in Seattle and another one in Portland?

Mr. KAHN. There is no doubt about that, but the court has its library in San Francisco.

Mr. DOUGLAS. I do not suppose the law in that library differs any from that in the Portland and Seattle libraries?

Mr. KAHN. It certainly does not. But the court has its offices in San Francisco. It goes up to Seattle once a year for a few days, and goes to Portland once a year. Its headquarters are in San Francisco.

The entire court is opposed to this legislation. The governor of Alaska told me personally that there was no demand from the bar of Alaska for this legislation.

Mr. HUMPHREY of Washington. He did not appear before the committee.

Mr. KAHN. But the governor told me that I might make the statement, that there was no demand for it from the bar of Alaska, and quote him to that effect. As far as the expense to litigants is concerned, it is practically insignificant, for this reason: The men who practice law in Alaska before the Federal courts there have their correspondents in Seattle, in Portland, in San Francisco, and in practically all the cities of the Pacific coast. They do not go down to those cities themselves, as a rule, but they send their papers to their correspondents. The questions heard before the circuit court of appeals are upon points of law raised at the trial of the case. It does not require the presence of the litigants when those questions come up in the circuit court of appeals. I say the lawyers in Alaska have their correspondents in San Francisco, and these latter argue the cases in the appellate court. Now, there is nothing in existing law to prevent a man having his case heard in Seattle. All that is required is to have the lawyers in the case stipulate that it may be heard in Seattle, and the court under existing law and existing regulations is bound to hear the case there. The gentleman will probably say that the lawyers do not stipulate to that effect. That is not the fault of the law. It is not the fault of the regulations. In conclusion, I submit

that it is unnecessary to pass this bill at this time. There is no demand for it from Alaska, so far as I have been able to hear, and I think the existing law meets existing conditions as well as might be expected.

I yield five minutes to my colleague [Mr. HAYES].

Mr. HAYES. Mr. Speaker, the gentleman from Washington [Mr. HUMPHREY] makes a great deal of the point of the expense to litigants going from Alaska via Seattle to San Francisco to have their appeals heard. Every lawyer knows that in a case of this kind the litigants do not attend the court. The questions that arise on these appeals are questions of law, and therefore the litigant does not go at all. This whole matter is nothing but an effort on the part of the attorneys of Seattle to get into a position where they can have a larger proportion of the business that comes from Alaska than they get now. That is all there is to it. It is not a question of the interest of the litigants. It is merely a question of the interest of the lawyers of Seattle.

Mr. DOUGLAS. If the court now sat in Los Angeles, would not the gentleman be in favor of moving it to San Francisco?

Mr. HAYES. I should not, under the circumstances.

Mr. DOUGLAS. It would be that much nearer.

Mr. HAYES. I will explain why I should not. If there was any hardship to litigants, if there was any extra expense attending this matter, then I should say there was a reason why this law should be changed, but there is nothing of that kind. It is only a question of whether the attorneys in Seattle shall get a larger proportion of the business than they get now or whether they shall not. That is all there is to it.

The reason why I say it should not be changed is the reason stated by my colleague. The court sits, as a rule, in San Francisco, and not in Seattle and not in Portland. Those are only side terms, and only held a few days once a year. So the court itself is greatly opposed to this. I have had personal letters from the judges of the court of appeals of our circuit, and they object to the passage of this legislation because it will be inconvenient for them. They have their offices in San Francisco, they have their records there, they have their library there, and not in Seattle or Portland.

Mr. STEPHENS of Texas. Will the gentleman yield for a question?

Mr. HAYES. Certainly.

Mr. STEPHENS of Texas. How is it that San Francisco has the trial of these cases instead of Sitka or some other place in Alaska?

Mr. HAYES. Because there is no term of the circuit court of appeals in Alaska.

Mr. STEPHENS of Texas. Would the gentleman object to a change in the law so as to give them a term in Alaska?

Mr. HAYES. I think it would be a great waste of public funds to send the judges up there.

Mr. STEPHENS of Texas. This is a court of appeals and it would be competent for Congress to authorize a term there.

Mr. HAYES. Oh, absolutely competent.

Mr. STEPHENS of Texas. If the business is sufficient, why should not there be a term there as well as at Seattle?

Mr. HAYES. There should be a term there if the business is sufficient to warrant it, but business is not sufficient to warrant it, in my judgment.

Mr. STEPHENS of Texas. How many cases are there from Alaska heard in San Francisco?

Mr. HAYES. I do not know, but it is not a very large number. The number of cases is not large, but they are often very important; they often involve great interests.

Mr. STEPHENS of Texas. What benefit is it to San Francisco not to have the court held at Seattle and Portland?

Mr. HAYES. The only benefit is that our attorneys get a larger proportion of business than they would if the cases were heard in Seattle.

Mr. STEPHENS of Texas. The hotels get the benefit of it.

Mr. HAYES. That is a very small matter.

Mr. PARKER of New Jersey. Will the gentleman permit a question?

Mr. HAYES. Certainly.

Mr. PARKER of New Jersey. Will it not be possible for the court of appeals to expedite appeals if they can order them heard in one place or the other where the next session is to be held?

Mr. HAYES. That is not the proposition here. The proposition is to give the trial courts the right to say where the appeal shall be heard. I would have no objection to letting the court of appeals decide where the Alaska appeals should be heard.

Mr. PARKER of New Jersey. Is it not right that the trial court should order the appeal to be heard where it can be heard the quickest, and that is what the bill provides?

Mr. HAYES. It can be heard the quickest in San Francisco, because the court is sitting there nearly all the time.

Mr. PARKER of New Jersey. Not always.

Mr. LAWRENCE. Will the gentleman yield?

Mr. HAYES. Certainly.

Mr. LAWRENCE. If this bill is to be passed by the House, I should say such action will be taken because the Members believe that it is for the benefit of the people of Alaska and because their interests require it. The gentleman from Washington, in commenting upon that line, said he had received letters or that letters were on file with the Committee on the Judiciary from practically every attorney in Alaska favoring the bill. I would like to ask the gentleman whether there is an almost universal desire on the part of the people of Alaska for this legislation? If so, I think their wishes should be heeded.

Mr. HAYES. In reply to the gentleman from Massachusetts I can only say that I do not want to dispute the word of the gentleman from Washington, but I can say that there are no letters on file with the Judiciary Committee now.

Mr. HUMPHREY of Washington. The gentleman will not say that there have not been those letters on file?

Mr. HAYES. No; but there are none there now. I can repeat what the governor of Alaska said to me—that there was no demand on the part of the attorneys or any other interest in Alaska for this legislation.

Mr. LAWRENCE. The gentleman from California has never seen any of these letters?

Mr. HAYES. I have not, and they are not on file with the committee.

Mr. WILSON of Illinois. Do I understand the gentleman from California to say that the court is in session in San Francisco oftener and longer than it is in Seattle?

Mr. HAYES. I say there are three terms in San Francisco and one of two weeks in Seattle and one of two weeks in Portland. The rest of the time the court is in session in San Francisco.

Mr. WILSON of Illinois. The court is in session in the three places all the time?

Mr. HAYES. Yes; practically.

Mr. WILSON of Illinois. And only four weeks out of the entire year in the other two States—Washington and Oregon?

Mr. HAYES. That is right; and therefore the appeals can be heard with more expedition and to much better advantage to the litigants in San Francisco than they can as an ordinary proposition in Seattle or Portland.

I say that instead of being a benefit to the litigant, it would be the reverse, if the trial court is allowed to fix the place where these appeals are to be heard.

The SPEAKER. The time of the gentleman has expired.

Mr. ALEXANDER of New York. Mr. Speaker, I yield two minutes to the gentleman from Washington [Mr. JONES].

Mr. JONES of Washington. Mr. Speaker, in reference to the question whether the people of Alaska desire this bill to pass or not, I simply desire to say this, that on yesterday I was talking with an attorney from Alaska whom I have known for a great many years. He stated that practically all of the interests and the attorneys in Alaska were in favor of this bill, except those having connections at San Francisco, and he stated that he was very anxious that a measure of this kind should pass, because very frequently attorneys there, and himself included, had to go to represent their clients at the court of appeals. It is true they might have their correspondents at San Francisco, but every lawyer knows that the attorney who tries a case in the trial court is better prepared to submit that case to a higher court than the man who knows nothing about the facts in the case. For that reason these people are very anxious for it.

This gentleman advised me that he expects to remain in Seattle until along about June, when he is going to San Francisco to the court of appeals to look after some cases for his clients. If those cases could be heard in Seattle, of course his clients would not have to go to the expense of that. It is true that clients do not have to go to San Francisco, but they have to pay the expenses of the attorneys, as every attorney knows, and that, it seems to me, would be a considerable item. It seems to me the only question is a question of convenience and economy to the people of Alaska, and giving permission to the trial court to say if these parties can not agree where it shall be heard, that it may be heard in Seattle or Portland, where these gentlemen admit the court holds a term of court. Sup-

pose a case is heard in Alaska. The time when the court of appeals will be at Seattle is known, of course, and if the trial court knows that it will be held there as soon as briefs can be prepared, he can designate that it be tried there, and this will expedite the transaction of business as well as save to the clients and attorneys considerable expense. It seems to me that there can not be any question about the justice of this legislation, and that it should pass, authorizing the court that tries the case, if the attorneys can not agree where it shall be held on appeal, to designate the place where the appeal may be held. This bill is not in the interest of Seattle or Seattle attorneys, but it is in the interest of the people of Alaska and for the convenience and economy of litigation.

The SPEAKER. The time of the gentleman has expired.

Mr. ALEXANDER of New York. I yield three minutes to the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON. Mr. Speaker, this bill has had consideration before the Committee on the Judiciary in this Congress and in the last Congress. Both sides to the controversy were heard very fully by the committee recently, and the Committee on the Judiciary unanimously reached the conclusion that the bill as reported ought to pass. They have rather a strange condition of affairs regulating the appeals from the courts in Alaska. As the law now is, a party litigant who has lost his case in an Alaskan court can go to an attorney upon the other side and ask him to permit him to take his case—or rather he must go to him and confer with him about where to appeal his case. This gives the absolute power on the part of the attorney residing in San Francisco to have every appeal from Alaska taken for trial to San Francisco. This bill seeks to remedy that situation, and it does so in this way: When a party to the litigation desires to appeal, he can confer with the attorney on the opposite side of the controversy, and they can agree possibly which court to take the appeal to; but in case the lawyers can not agree, then the judge who heard the case certifies to which court of appeals the case shall go. In other words, it takes this arbitrary one-man power out of the hands of the San Francisco lawyer and gives some power back to the lawyers in Alaska and to the lawyers elsewhere in that circuit, and gives power to the judge who tried the case to say where the appeal shall go in the event the attorneys do not agree. I think the bill ought to pass.

Mr. ALEXANDER of New York. I yield two minutes to the gentleman from Oregon [Mr. ELLIS].

Mr. ELLIS of Oregon. Mr. Speaker, I think the House understands this bill. It has been clearly stated by the gentleman who last spoke, the gentleman from Alabama [Mr. CLAYTON]. Terms of the United States circuit court are held in both Seattle and Portland. The situation at present is a matter much the same as a question coming up here for unanimous consent. If the attorneys on either side refuse to stipulate that the case go to Seattle or Portland, it necessarily goes to San Francisco. The large corporations in Alaska almost universally have retained lawyers in San Francisco, where the court is more often in session, and therefore if they lose a case in the Alaska courts they will object to its going either to Portland or Seattle simply by refusing to so stipulate, and compel the litigants to go to San Francisco for, or send, counsel there to contest the case. There are libraries in Seattle and in Portland, probably as good as any in San Francisco. As suggested by the gentleman from Ohio [Mr. DOUGLAS] a moment ago, they comprise the law books used in the courts of the United States and the reports of all the States. Therefore all the precedents are in either of those cities. If a client in Alaska is in litigation, his attorney, if from Alaska, must go to Portland or Seattle, and when he reaches Seattle he must go 800 miles farther to San Francisco, or from Portland 600 miles and that can be used as an excuse for adding a very material sum to the attorney fees. While it is not necessary for the client to be present during the hearing in the appellate court, most, if not all, litigants desire to have their case presented on appeal by one or more of the lawyers who tried the case in the trial court and who know something about the material facts involved, as it will the better qualify the attorney to present the points of law the court is to consider. It is nothing more than just and right that this bill should pass.

Mr. ALEXANDER of New York. Mr. Speaker, I reserve the balance of my time.

Mr. KAHN. Mr. Speaker, how much time have I?

The SPEAKER. Six minutes.

Mr. KAHN. I yield three minutes to my colleague [Mr. NEEDHAM].

Mr. NEEDHAM. Mr. Speaker, I think that every member of the California delegation has received communications from the United States judges at San Francisco protesting against this legislation, and it seems to me that they are entitled to be heard as much as anybody else in this matter, as they are perhaps interested as much as anybody else.

This bill, if it passes, puts it in the hands of litigants to stipulate where the case shall be heard, notwithstanding the convenience of the judges who are to hear the case upon appeal; and it seems to me that that is not a good practice. These cases should be heard in most instances where the judges reside, and the judges who are to pass upon these cases, as has been stated, reside in the city of San Francisco.

Now, in this report the Committee on the Judiciary make the statement, which is an absurd one, if I may denominate it as such, that there is no communication between San Francisco and Alaska. Now, if their knowledge of affairs upon the Pacific coast is not better than that——

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. NEEDHAM. Yes, sir.

Mr. HUMPHREY of Washington. I made the statement that there is no direct communication between San Francisco and Alaska, and I repeat that statement. There is occasionally a fishing boat that runs between San Francisco and Alaska.

Mr. NEEDHAM. There is a regular line of steamers between Nome and San Francisco, and steamers from Nome come direct to San Francisco.

Mr. HUMPHREY of Washington. Only fishing boats.

Mr. NEEDHAM. The gentleman is entirely mistaken about that.

Mr. HUMPHREY of Washington. I am not mistaken. There has not been a regular passenger vessel running between San Francisco and Nome in the last three years.

Mr. NEEDHAM. As a matter of fact, there are a number of vessels that come directly from Nome to the city of San Francisco, and most of this litigation comes from the city of Nome. The most important litigation we have had has come directly from the Nome region, and I take the floor, Mr. Speaker, in behalf of these judges who, it seems to me, should be heard and whose wishes should receive from this House some consideration.

I am sorry to be in the attitude of opposing our friends from Oregon and Washington in this respect. We have usually stood together on all matters of this kind affecting the Pacific coast; but, as I have said, it seems to me that the wishes of the judges should be respected in this particular matter.

I yield back the balance of my time.

Mr. KAHN. I yield two minutes to my colleague [Mr. SMITH].

Mr. SMITH of California. Mr. Speaker, I do not think it will take two minutes to say what I want to say in connection with the bill. The thing that impresses me most is this: That you are giving to the trial judge the right to say how the appellate court shall manage its business. I doubt whether that can be done. Let us say now, for instance, a case is tried in the district court of Alaska. That ends the jurisdiction and the control of the case so far as that judge is concerned. The minute the notice of appeal is filed, in all of the cases I have ever heard of, the trial court has absolutely nothing more to do. How can it be clothed with authority to say where the appellate court is going to hear the case after it has entirely lost jurisdiction of the matter? It is stated here that attorneys may often step in and regulate the affairs of the appellate court and say where it shall transact its business. I submit that is not the usual nor is it a very orderly nor a very dignified way for the business of the appellate court to be transacted to allow it to be ordered here and there and elsewhere as a judge who has lost jurisdiction over the case may say, or as the attorneys in the case may stipulate.

The SPEAKER. The time of the gentleman has expired.

Mr. KAHN. Mr. Speaker, how much time have I left?

The SPEAKER. One minute.

Mr. KAHN. The statement that has been made here about attorneys from San Francisco going to Alaska to try cases will, I think, upon investigation be found erroneous. As a matter of fact, the Alaska attorneys try all these cases in the district courts of Alaska. When an appeal is taken on questions of law, they send the papers in the case to their correspondents. They have their correspondents in all of the cities where the circuit court of appeals sits. As I have heretofore stated, the correspondent almost invariably argues the case before the circuit court of appeals. The attorney of record seldom appears before that court, so that there is not a particle of expense to speak of to a single litigant in Alaska. As a matter of fact, most of the litigation that is heard in the courts of Alaska arises out of disputes in which San Francisco parties are interested. They have much capital invested up there. It seems to me that it is only fair that the causes on appeal that come from there

should be heard in San Francisco. Now, the circuit court of appeals is made up of three circuit court judges; one resides in Portland, one resides in Los Angeles, and the third resides in San Francisco. The court goes to Seattle and Portland for a few days only to hear the causes there. All the rest of the time, practically eleven months in the year, it sits in San Francisco for the hearing of these causes, and they can better be heard there than anywhere else.

Mr. ALEXANDER of New York. I yield the balance of my time to the gentleman from Washington.

Mr. HUMPHREY of Washington. Mr. Speaker, the question has been asked about the attitude of the people of Alaska toward this bill. I hold in my hand a telegram from Ketchikan and another from Valdez, Alaska. The one from Valdez is signed by the judge of the court, the United States district attorney, many other officials, and almost the entire business interests of Valdez; the other, from Ketchikan, says, "All the members of the bar and the business interests indorse your bill." I have here a resolution passed by the Alaskan Club unanimously indorsing the bill. Just one word more about this bill. The trial court can fix the hearing of the appeal where it will be most convenient to the litigants. What objection can my friends from San Francisco have to that, if they want to do what is fair. If it is a contest between the lawyers of Seattle and San Francisco, as they assert, do those gentlemen want something that does not belong to them?

Mr. KAHN. Will the gentleman yield?

Mr. HUMPHREY of Washington. I can not; I have only one minute. I want to add that I have never received a letter from but one Seattle attorney in regard to this bill. It is not from the lawyers of Seattle, but the people of Alaska, that I have received indorsements of this bill, and it has been almost unanimously indorsed by the bar of Alaska, who say that it is desirable to have this bill enacted into law that they may have an opportunity for their appeals to be heard where it is most convenient to the litigants. I do not see how anybody can object. My friends from California have seen a new light on the subject. The gentleman from California [Mr. KAHN] one year ago, after this bill had been discussed before the committee and the same questions were presented, placed his "O. K." on it, and it was afterwards passed without objection.

The SPEAKER. The time of the gentleman has expired.

Mr. HUMPHREY of Washington. I ask unanimous consent to print these telegrams and resolutions in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The telegrams and resolutions are as follows:

SEATTLE, *February 7, 1908.*

W. H. HUMPHREY, M. C., *Washington, D. C.:*

All members of bar, official, and business interests here heartily indorse your bill for the hearing of appeals from Alaska at Seattle or Portland instead of San Francisco. Suggest you wire Juneau, where court is in session.

C. H. COSGROVE,
GEORGE IRVING,
J. R. HECKMAN & Co.,
A. P. SWINEFORD,
TONGASS TRADING CO.,
S. A. PLUMLEY (and many others).

SEATTLE, *February 7, 1908.*

W. H. HUMPHREY, M. C., *Washington, D. C.:*

Members of bar, judges, and other officials and business men join in indorsement of your bill to have Alaska appeals heard at Seattle or Portland instead of San Francisco. Have procured signed telegram of all officials, including district judge, and all business men recommending bill. Will send same by mail, or wire if desired.

W. T. SCOTT.

VIA SEATTLE, *February 8, 1908.*

W. E. HUMPHREY, M. C., *Washington, D. C.:*

We, members of the bar, officials, and business men of Valdez, heartily indorse your bill providing for Alaska appeals to be heard at Seattle or Portland instead of at San Francisco:

N. V. Harlan, United States district attorney; W. T. Scott, assistant United States attorney; L. V. Ray, assistant United States attorney; J. M. Lathrop, deputy United States marshal; O. A. Wells, clerk United States court; J. Y. Oystrander, attorney at law; T. J. Donohoe, attorney at law; Edmund Smith, attorney at law; Silas H. Reid, judge of third division, Alaska; J. A. Goodwin, attorney at law; W. T. Beeks, attorney at law; Harry R. Brown & Co., real estate; John H. Burton, druggist; J. A. Gerow, miner; A. E. Grigsby, steamship agent; E. D. S. Orr, mail contractor; J. A. Wilson, miner; P. G. Charles, transportation agent; R. P. Ferguson, manager Valdez Bank and Mercantile Company; Hand & Cooper, restaurant; S. A. Hemple, president Valdez Bank and Mercantile Company; Thomas Scott, assistant cashier Valdez Bank and Mercantile Company; John L. Hanson, Valdez Bank and Mercantile Company; John Lyons, attorney at law; John A. Casson, lawyer, Salem, Oreg.; Austin E. Lathrop, mine owner; A. C. Dowling, superintendent Rhode Island Consolidated Copper Company; Charles Hopper, mine owner; George J. Love, attorney at law; N. R. King, manager Red Cross Company; Mrs. C. M. King, Manager Red Cross Drug Company; Louis Schaeffer, bookkeeper; John Miller, miner; E. R. Gray, Kenai Lumber and Fuel Company; F. M. Brown, attorney at law; A. Watkins, jr., bookkeeper; J. C. Martin, merchant; S. A. Crandall, United States Commissioner; W. A. Johnson, miner and prospector; Julius Singer, manager Happy Jack Copper Mining Company; E. A. Ames, merchant; Adam Swan, real estate; Edwood Transfer Company; H. W. Miller, accountant; P. S. Hunt, photographer; Leslie & Panter Transfer Company; A. L. Levy & Co., bankers and merchants; Dan S. Kain, Oregon Susitna Mining Company; James Fish, contractor; A. G. Baker, public accountant; Simeon Pool, hotelkeeper; William H. Casewell, mine superintendent; F. M. Kelly, miner; E. E. Richie, attorney; J. A. Westmen, miner; Tom A. Parker, miner; J. R. Crittenden, contractor; J. H. Chaffee, cook; William H. Whittelsey, attorney; H. H. Hildreth, miner; G. A. Chandler, druggist; H. S. Waterman, assayer; F. J. Cameron, barber; C. H. Golden, barber; S. W. Mazur, barber; H. T. Whitley, merchant; J. A. Crawford, merchant; Danz Brothers, merchants; J. E. Wolf, merchant; R. H. Parker, miner; T. E. Dougherty, merchant; T. D. Winter, jeweler; J. G. Snyder, merchant; H. P. Whybrant, deputy United States marshal; W. T. Scott.

JUNEAU, ALASKA, *January 21, 1908.*

Congressman HUMPHREY.

DEAR SIR: Let me add my voice in support of your measure to have Alaska appeal cases heard in Seattle or Portland.

I am a San Francisco man, but in the interest of my Alaska clients, and in the interest of all Alaska, I urge this, the almost prohibitive expense, both in time and money, of going to San Francisco to try our appeal cases should be stopped. I feel satisfied could an expression of Alaskans be obtained it would be almost universally like my wish.

Yours, truly,

E. M. BARNES.

ALASKA CLUB.

This is to certify that at a special meeting of the Alaska Club, properly called and held at 12 o'clock noon on February 12, 1908, at the club rooms of said club, in the city of Seattle, Wash., and presided over by J. E. Chilberg, as president of said club, and at which W. M. Sheffield, secretary, officiated as such, the following resolutions were presented and unanimously adopted:

"*Resolved*, That this club, which is composed of Alaskans and those having interests in Alaska, and who are familiar with the conditions and needs of Alaska, does hereby unanimously indorse, approve, and recommend for passage H. R. 13649, introduced by Mr. HUMPHREY of Washington, and now pending before the first session of the Sixtieth Congress of the United States, entitled "A bill providing for the hearing of cases upon appeal from the district court for the district of Alaska in the circuit court of appeals for the ninth circuit," and we indorse as correct the statements in the report from the Committee on the Judiciary in favor of said bill, and earnestly request its enactment into law; and it is further

Resolved, That copies of this resolution, properly certified and attested under the corporate seal of this club, be transmitted to the Hon. THOMAS CALE, Delegate from Alaska, to the Hon. WILL E. HUMPHREY, Member of Congress from Washington, who introduced said bill, and to any other officials, Senators or Representatives in Congress who may be interested in the same.

In witness whereof, we have hereunto set our hands and affixed the seal of this club at Seattle, Wash., this 13th day of February, A. D. 1908.

J. E. CHILBERG, *President.*

Attest:
[SEAL.] WM. SHEFFIELD, *Secretary.*

The question was taken, and (in the opinion of the Chair), two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

STEAMBOAT CREWS.

Mr. GOULDEN. Mr. Speaker, I request unanimous consent for the present consideration of the bill H. R. 225. I ask that debate be limited to not exceed forty minutes, and at the end of that time the previous question be considered as ordered.

Mr. MANN. I think the gentleman better move to make his motion to suspend the rules.

The SPEAKER. The gentleman from Illinois objects. The gentleman from New York moves to suspend the rules and pass the following bill.

The Clerk read as follows:

Strike out all after the enactment clause and insert:

"That section 4463 of the Revised Statutes of the United States be amended so as to read:

"SEC. 4463. Any vessel of the United States subject to the provisions of this title or to the inspection laws of the United States shall not be navigated unless she shall have in her service and on board such complement of licensed officers and crew as may, in the judgment of the local inspectors who inspect the vessel, be necessary for her safe navigation. The local inspectors shall make in the certificate of inspection of the vessel an entry of such complement of officers and crew, which may be changed from time to time by indorsement on such certificate by local inspectors by reason of change of conditions or employment. Such entry or indorsement shall be subject to a right of appeal, under regulations to be made by the Secretary of Commerce and Labor, to the supervising inspector and from him to the supervising inspector-general, who shall have the power to revise, set aside, or affirm the said determination of the local inspectors.

"If any such vessel is deprived of the services of any member of the crew without the consent, fault, or collusion of the master, owner,

or any persons interested in the vessel, the vessel may proceed on her voyage, if in the judgment of the master she is sufficiently manned for such voyage.

"If the master shall fail to explain in writing such deficiency in the crew to the local inspectors within twelve hours of the time of the arrival of the vessel at her destination, he shall be liable to a penalty of $50. If the vessel shall have been insufficiently manned in the judgment of the local inspectors, the master shall be liable to a penalty of $100, or in case of an insufficient number of licensed officers to a penalty of $500.

"SEC. 2. That this act shall take effect on July 1, 1908."

The SPEAKER. Is a second demanded?

Mr. MANN. Mr. Speaker, I think we better have a second, and I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from New York [Mr. GOULDEN] is entitled to twenty minutes and the gentleman from Illinois [Mr. MANN] is entitled to twenty minutes.

Mr. MANN. I just demanded a second so that the gentleman might explain his bill, which has only recently been reported. I think no one knows anything about it except the gentleman and his committee.

Mr. GOULDEN. Mr. Speaker, House bill 225, accompanied by report 1226, amends section 4463 of the Revised Statutes, relating to the complement of crews of vessels and for the better protection of life.

That statute as it now exists is practically null and void, as the courts and the Department of Justice have declared it invalid. In 1892 this question came up in Norfolk, Va., as to the tug *Piermont*, before Judge Hughes, then sitting in the United States district court for the eastern district of Virginia. He ruled that the board of inspectors could not delegate its power to the local inspectors to fix the matter of crews of vessels. In 1903 a similar case arose and was referred to the Attorney-General, who gave an opinion practically upholding Judge Hughes. Hence the section 4463 could not be enforced and all fines on appeal had to be remitted. The proposed amendment unanimously reported from the Committee on Merchant Marine and Fisheries will make the statute a legal one, give the inspection service of the Government authority and make them responsible for the safety of passengers and property on the steamships of the country. The ill-fated *General Slocum*, in which more than a thousand lives were lost in 1904, and which occurred in the waters of my district, first called the attention of the country to this matter. As a member of the coroners' inquest, which sat for six days, I heard evidence showing the grossest criminal negligence of the officers and the board of directors of the Knickerbocker Steamship Company and the inefficiency and lack of knowledge of the officers and crews of the boats of that line, carrying from twenty-five hundred to three thousand passengers each. The mate on the *Slocum* was an unlicensed man and the crew roustabouts and loafers, picked up on the wharf, totally inadequate in number and without experience or character. When the vessel was beached on North Brothers Island they all jumped overboard and escaped, except the engineer, who stood by his post. Captain Van Schaick did the best he could with the poor crew, but he was made to suffer for the mean, miserly, incompetent management of the company, and is now serving a term of ten years in Sing Sing prison—that, too, at the age of 72. True, he was to blame for not insisting on a competent and efficient crew and proper devices for fighting fire and saving life. While the proposed bill does not, in my judgment, go far enough to safeguard human life on passenger vessels of the United States, it is a distinctive advance along right lines. Of necessity all legislation is more or less of a compromise; so it was with this measure. This is practically the fourth bill introduced by myself, and includes the one presented by my colleague from New York [Mr. RYAN], to whom the committee acknowledged their indebtedness. The salient features of that bill are engrafted in the pending measure.

This measure as now drawn meets with the approval of Mr. H. B. Walker, the president of all the Altantic coastwise and Gulf lines; of Capt. L. C. Nickerson, of the National Board of Steam Navigation; of Luther B. Dow, esq., general counsel of the American Association of Master Pilots; of Harvey D. Goulder, esq., counsel for the Lake Passenger Association; of Capt. William Livingston, president of the Lake Carriers' Association; of Mr. T. V. O'Connor, president of the licensed Tug Men's Association; of C. L. Warwick, national secretary of the American Association of Masters and Mates and Pilots; of Mr. J. J. Waters, of the Marine Engineers' Society; of the Commissioner of Navigation; of the Supervising Inspector-general, and others.

I would ask to have the report 1226 accompanying the bill read for the information of the Members of the House.

The Clerk read as follows:

The Committee on the Merchant Marine and Fisheries, to whom was referred the bill (H. R. 225) amending section 4463 of the Revised Statutes of the United States, having considered the same, report thereon with a recommendation that it pass with the following amendments:

Strike out all after the enacting clause and substitute the bill printed in italics.

The bill is reported after investigations by the committee covering three months, during which many representatives of steamship and steamboat companies and of organizations of licensed officers, engineers, seamen, and tug men of the seaboard, Great Lakes, and rivers were heard at length and questioned.

It is of the first importance that a bill shall pass at the present session of Congress fixing the number of licensed officers and crew necessary to the safe navigation of inspected vessels, and to secure that result the committee has confined itself to that subject. For this reason it was deemed best not to incorporate in the bill extraneous suggestions such as a statutory definition of "able seaman," somewhat after the British fashion, and similar matters not essential to this legislation, on which an expression of opinion is reserved.

The bill is approved by the Department of Commerce and Labor.

The bill is an affirmation of the principle of Federal control of navigation in an important respect, in which such control has been lacking, although essential, in the judgment of the committee and the Department of Commerce and Labor. Hitherto the laws have provided for the inspection of hulls, boilers, and engines, for life-saving and fire-fighting appliances, and for many of the mechanical details of a vessel. They have failed to provide adequately for the officers and crew necessary to man the vessel and to work its machinery and appliances. Section 4463 of the Revised Statutes, for which this bill is a comprehensive substitute, was enacted thirty-seven years ago, and imperfectly attempted to fix the number of officers and crews of passenger vessels. The Steamboat-Inspection Service has endeavored to supplement that law by regulations in the interest of safety, but these regulations have been declared invalid by the courts and by the Department of Justice.

The bill empowers the board of local inspectors of hulls and boilers to fix the complement of licensed officers and crew necessary for the safe navigation of each vessel of the United States, subject to Federal inspection, whatever be its type—freight, passenger, towing vessel, etc. Vessels under 5 net register tons are usually outside the statutory definition of a vessel of the United States, are too small to require Federal prescription of the crew, and are accordingly exempt from the requirement proposed.

The local inspectors are the officers who inspect annually, and oftener if need be, the hull, boilers, machinery, and equipment of each vessel subject to the inspection laws. They have an intimate acquaintance with the details of all inspected vessels in their respective districts, the trade in which they are employed, the hours of their navigation, the nature of the waters they traverse, and the amount of work on board. These local inspectors, accordingly, are the most competent Federal authorities to determine at all times the number of officers and men required on any given vessel.

The power bestowed by the bill upon the local inspectors is a large power, but the committee does not deem it practicable so to classify vessels by statute that the number of officers and crew could be fixed intelligently by act of Congress. To be just and practicable, such a general statute would have to be accompanied by a long list of statutory exceptions and special rules, which would have to be modified or added to, perhaps, at every session of Congress. In fact, the committee was requested to include in the bill special exemptions for freight vessels, a special twelve-hour rule for certain lake tugs, a rule for certain towboats on the Ohio, and other propositions were alluded to. Doubtless there was merit in some or all of these special suggestions, but the committee decided that such details can better be determined by local administrative officers knowing all the facts than by a committee of Congress. The powers vested in the local inspectors are safeguarded by an appeal from their determinations, first to the supervising inspector, and, if necessary, to the supervising inspector-general.

The bill, by bestowing upon local inspectors the power to fix the complement of officers and crew necessary to the safe navigation of any vessel, thereby also bestows in effect the power to regulate the number of hours of labor on shipboard. The bestowal of such a power of regulation, adapted to varying conditions as they exist on various types of vessels, in various positions on board such vessels, and on various waters, the sea, the lakes, and the rivers, marks a distinct advance in legislation in the interest of labor. Safeguarded, as proposed by the bill, that power can be exercised to secure justice both to labor and capital.

After a vessel has been inspected and the number of her officers and crew fixed, it is sometimes desirable by reason of change of conditions or employment to change the number of the crew. To meet such situations the bill provides that the change in the number of the crew may be made by indorsement on the certificate without requiring a new certificate and a new inspection throughout. Local inspectors may make this indorsement at other ports where a vessel may change her employment, as well as the local inspectors at the port of original inspection.

If for any cause a vessel about to depart is deprived of the services of an officer or other member of the crew without the fault of the master or owner, the vessel may proceed. The master, however, is required under penalty of $50 to report such shortage of officers or crew as soon as practicable. If on such a voyage the vessel be insufficiently manned for safe navigation as to licensed officers, the master becomes liable to a penalty of $500, or to a penalty of $100 if insufficiently manned as to others of the crew. By a general provision of law (sec. 5294, as amended by the acts of December 15, 1894; March 2, 1896, and February 14, 1903) the Secretary of Commerce and Labor is empowered to remit or mitigate such penalties in meritorious cases.

Section 4463 of the Revised Statutes now reads:

"No steamer carrying passengers shall depart from any port unless she shall have in her service a full complement of licensed officers and full crew, sufficient at all times to manage the vessel, including the proper number of watchmen. But if any such vessel on her voyage is deprived of the services of any licensed officer without the consent, fault, or collusion of the master, owner, or any person interested in the vessel, the deficiency may be temporarily supplied until others licensed can be obtained."

Mr. GOULDEN. I yield to my colleague from New York.

Mr. RYAN. I want to ask the gentleman a question, and before I do that I want to read a paragraph or provision in a

bill I introduced on January 13 at the request of Mr. T. V. O'Connor, president of the Licensed Tugmen's Protective Association (H. R. 13463). It is as follows:

Local inspectors shall, when issuing a certificate, specify therein or thereon the number, class, or kind of officers and crew required to navigate the vessel with safety at all times, but should the master or owner desiring to operate the vessel not more than twelve hours out of twenty-four in any one day, the local inspectors shall indorse on the certificate of inspection the number and class or kind of licensed officers and crew that are necessary for such reduced period of navigation.

Now, my question is this: Whether or not the bill as reported authorizes the local inspectors to give a certificate to the owner of a vessel who desires to operate it twelve hours out of the twenty-four in any one day as to the crew and the character of licensed officers provided for in the section I have read?

Mr. GOULDEN. In reply to the gentleman, I refer him to page 3, line 9, of the pending bill, which reads:

The local inspectors shall make in the certificate of inspection of the vessel an entry of such complement of officers and crew, which may be changed from time to time by indorsement on such certificate by local inspectors by reason of change of conditions or employment.

That covers it, does it not?

Mr. RYAN. But you do not mention there the case of where an owner of a vessel desires to operate it but twelve hours out of twenty-four in any one day. Now, why was not that provision made? I want to say that I favor this bill, but I trust the language of it will cover the point I make, which I consider one of the most important provisions of the bill.

Mr. GOULDEN. That is covered in the clause I read a moment ago, which gives the local inspectors the right and power to make that change and to define the number of hours they shall be on duty.

Mr. THOMAS of North Carolina. May I ask the gentleman a few questions?

Mr. GOULDEN. With pleasure.

Mr. THOMAS of North Carolina. In the first place, is this bill unanimously reported from the Committee on the Merchant Marine and Fisheries?

Mr. GOULDEN. Yes; unanimously reported from the committee.

Mr. THOMAS of North Carolina. Does this bill include vessels under 5 tons?

Mr. GOULDEN. No, sir.

Mr. THOMAS of North Carolina. They are exempted?

Mr. GOULDEN. Yes.

Mr. THOMAS of North Carolina. As I understand it, the bill provides that the local inspectors shall have the absolute power and right to say just how many officers and how many men in the crew a vessel over 5 tons shall carry.

Mr. GOULDEN. That is correct.

Mr. THOMAS of North Carolina. Does not the gentleman think possibly that is putting too much power in the hands of the local inspectors?

Mr. GOULDEN. No; as there is the right of appeal.

Mr. THOMAS of North Carolina. To whom?

Mr. GOULDEN. To the inspector-general, finally.

Mr. THOMAS of North Carolina. But even with the right of appeal, I want to ask the gentleman from New York—of course I am interested in the matter, because I represent in part a coast district—does not the gentleman think we are giving too much power to the local inspectors, who already have a great deal of power?

Mr. GOULDEN. No; I think not. You must place the power and the responsibility somewhere, and there is only one place to put it, and that is in the administrative department of the Government which has control of the matter. Some one must have the authority, and I know of no other place to put it.

Mr. THOMAS of North Carolina. Does the gentleman think this bill is in the interest of commerce and navigation, for the protection of life and property?

Mr. GOULDEN. Absolutely so; it admits of no question.

Mr. THOMAS of North Carolina. Is that the idea?

Mr. GOULDEN. That is the idea upon which this bill was framed and finally passed by the committee after a full consideration of the subject.

Mr. THOMAS of North Carolina. I had been a little apprehensive in reading it that possibly it conferred too much power upon the local inspectors.

Mr. GOULDEN. No; I think not.

Mr. DOUGLAS. It is better to have the power in the hands of public inspectors than to have it nowhere, or in the hands only of the owner and master.

Mr. THOMAS of North Carolina. I think there is a great deal in that, but as the gentleman can see, and as we all see who have read this bill, it puts a great deal of power in the hands of these local inspectors, and they already have a great deal of power. It may be a very good bill. This is the first opportunity I have had to examine it, coming up as it does in this way this morning.

Mr. GOULDEN. After giving it very careful attention, I will say to my distinguished colleague from North Carolina that I believe the bill is all right.

Mr. STAFFORD. Following the inquiry suggested by the gentleman from North Carolina [Mr. THOMAS], I should like to ask whether the committee gave any consideration to the proposition to vest the preparation of the regulations in the Secretary of Commerce and Labor, based upon the character of the vessel, so as not to vest this autocratic power in one individual and so as to provide more uniformity of regulation?

Mr. MANN. I have no doubt this is a very interesting conversation over there, but I am very much interested in this bill, and I should like to have the gentleman from Wisconsin come back on this side, so that we may hear what is being said.

The SPEAKER. The House is in exceptionally good order.

Mr. MANN. That is true.

Mr. STAFFORD. My question is whether the committee gave any consideration to vesting in the Secretary of Commerce and Labor the authority to compile regulations so as to have more uniformity? Under the provisions carried in the bill I can see nothing but a confusion in regulations, a difference in compliance with the law by reason of varying determinations by the local inspectors.

Mr. GOULDEN. We did give that serious consideration. We had four or five hearings by the committee, and gentlemen from all over the United States were heard, including gentlemen from the Lakes, and they favored this bill as finally agreed on by the committee. This is what they have suggested and recommended.

Mr. STAFFORD. Did the committee give any consideration to the question of having the Secretary of Commerce and Labor determine the smallest complement of men that would be required on a merchant vessel, rather than leaving it to the haphazard judgment of the local inspectors, who may have different views as to the needs of vessels and as to the safety which vessels require?

Mr. GOULDEN. The number of inspectors and the regulations would be fixed by the board.

Mr. STAFFORD. The board of inspectors have nothing to do with the fixing of these matters, the local inspectors fix them.

Mr. GOULDEN. The board of inspectors must prescribe rules and regulations. In my judgment, the bill puts the power and responsibility where it properly belongs.

Mr. STAFFORD. The local inspector has the right to determine the number of men required, and he prescribes the minimum number of crew and officers that must be on the vessel for the full protection of the lives of the persons and the vessel. I am seeking to ascertain whether the committee gave any consideration to the fact that the Secretary should compile some regulations making a minimum requirement according to the character of the vessel. I can not see why there should be the varying regulations in different ports of the country for vessels of the same character and tonnage. Under this bill you leave it to the varying judgment of the different local inspectors, and you will have no uniformity at all. The inspectors of each different port will be the determiner according to his individual ideas.

Mr. MANN. Mr. Speaker, I do not seem to have been able to get an explanation of what the bill will do, or a comparison between existing law and what the bill proposes in the time which has been occupied by the gentleman in charge of the bill. And now in the hope that I may get an explanation of that sort so that we may know what the bill is, I yield to the gentleman from Ohio [Mr. DOUGLAS] who has agreed to say what the bill will accomplish.

Mr. DOUGLAS. Mr. Speaker, I do not profess to be able to give to the House any very technical information in regard to this bill, but I listened to the hearings before the committee with a great deal of interest, and I felt convinced then that the bill was an entirely meritorious one, and I took considerable interest in a professional way in helping to lick it into shape.

Now, the statute of which this is an amendment by way of substitute provides that—

No steamer carrying passengers shall depart from any port unless she shall have in her service a full complement of licensed officers and full crew, sufficient at all times to manage the vessel, including the proper number of watchmen. But if any such vessel, on her voyage, is deprived of the services of any licensed officer, without the consent, fault, or collusion of the master, owner, or any person interested in the vessel, the deficiency may be temporarily supplied until others licensed can be obtained.

Mr. THOMAS of South Carolina. Will the gentleman from Ohio yield?

Mr. DOUGLAS. Certainly.

Mr. THOMAS of North Carolina. The statute which the gentleman has read says "no steamer carrying passengers," and so forth, and this bill uses the words "no vessel." Now, does not the bill give the right to local inspectors to say how many licensed officers and how many men in a crew you shall put on a sail vessel as well as a steamer, while the old law applied only to steamers?

Mr. DOUGLAS. I will answer the gentleman in the same way that the Commissioner of Navigation answered me when I put the query. His reply was that any vessel of the United States subject to the provisions of this title—that is, title in the Revised Statutes in which this section was found and to the inspection laws of the United States, was an expression that was perfectly well known and recognized in the Department and among navigators as one defining all steam vessels above 5 tons burden.

Mr. THOMAS of North Carolina. In other words, the bill only applies to steam vessels, and this language, "any vessel," would only apply to steam vessels?

Mr. DOUGLAS. Yes; subject to the inspection laws.

Mr. COX of Indiana. Mr. Speaker, I want to ask the gentleman this question, whether or not it is not a legal fact that inspectors have no control over sailing vessels at all?

Mr. DOUGLAS. None at all. The provisions of this title, being the language used in this bill, do not apply to sailing vessels at all.

Mr. COX of Indiana. I would like to ask another question, whether or not under the old law, section 4463, as it now exists, there is absolutely no power whatever in that section of the statute that enables the inspectors to insert in the certificate anything about the complement of officers?

Mr. DOUGLAS. That is exactly, Mr. Speaker, what this bill does. As the author of the bill said before the committee and as he said upon the floor of the House, the bill, in my judgment, does not go far enough, but it certainly is a step in the right direction, because it seems to me that the language of the old bill, simply that they should have a full complement of licensed officers and crew, was insufficient. Who was to decide what a full complement meant? Now, we take it out of the power of the owners to say what a full complement shall be and put it into the hands of an inspector of the Government.

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. Mr. Speaker, before yielding any further time I would like to call the attention of some gentlemen upon the committee who reported this bill to this fact: As the law now provides—I believe that law is held invalid—the number of the crew may be fixed by the regulations of the board. Is not that the case?

Mr. DOUGLAS. I have not been able to find any such law.

Mr. MANN. This bill proposes to leave to the local inspectors in the different districts the full authority to declare the number of licensed officers and the number of the crew. It may be one thing in one place and another thing in another place. The local inspectors may give preference to this or that man as to the number upon his vessel, for a consideration, and that is not an unheard-of anomaly in public affairs. He may put a captain out of business against whom he has any grudge.

Mr. COX of Indiana. I would like to ask the gentleman a question.

Mr. MANN. Oh, let me talk for just a minute. That side of the House has been talking now for twenty-five minutes, and we have gotten no information from them. I do not expect that you will get anything from me, but I hope that what I say may draw some information from somebody else on this bill. Here is a proposition permitting the local inspectors to fine a vessel as he pleases—$100 if the vessel shall have been insufficiently manned in the judgment of the local inspector. The master shall be liable to a penalty of $100, or a penalty of $500 in reference to the officers. That is conferring a bureaucratic power which does not exist, I dare say, anywhere else in the Government. It proposes to extend bureaucracy beyond the most imaginative conception of it in the past.

Mr. HUMPHREY of Washington. Will the gentleman yield for a question?

Mr. MANN. In a second. Now, if the gentlemen who have reported this bill can explain in what way the interests of the master, the interests of the owner, are guarded against the unlawful control by inspectors, who may or not be after graft, I would like to have some of them explain it, and I would be glad to yield some time for that purpose.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. MANN. Yes.

Mr. FITZGERALD. This bill provides there may be an appeal from the inspector when he fixes the number of licensed officers and crew that a vessel may have. Is there any provision that the gentleman has been able to find which provides for an appeal from the determination of the inspector fixing the penalty if the vessel comes in to a port and is, in the opinion of the inspector, inadequately manned?

Mr. MANN. Why, there is no appeal under this bill. Not only that, but the gentleman reminds me that the bill provides that the number of licensed officers and crew is to be fixed as may suit the judgment of the local inspectors. I do not know whether there are any licensed crews now or not. The gentleman from New York, in charge of the bill, complained that the *Slocum* was manned by roustabouts and that this bill would cure that trouble. I take it from that that this bill proposes that the crew shall be licensed. In that respect it is a change of existing law. They have changed the language of the law. The law as it now reads provides for licensed officers and a full crew. Perhaps the gentleman wants to get rid of the words "full crew," and therefore leaves out that term.

Mr. STAFFORD. What is in the law which would correct the conditions that were present in the case of the *Slocum* disaster, in case there was graft on the part of the owner or the master, as the gentleman suggests might happen, in collusion with the local inspector?

Mr. MANN. In order that that question might be answered, I yield two minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. DOUGLAS. Before the gentleman yields let me ask him a question. Does not the gentleman's whole argument depend upon the assertion that there is somewhere now in the statute a board provided for which shall make this regulation? The gentleman is misinformed. There is no such statute that I have been able to find. In other words, it is left now to the master.

Mr. MANN. I yielded to the gentleman four minutes of my time on that side, and now he wants to give the information which he did not give in his four minutes. I yield two minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. The object of this bill can be stated in two or three sentences. Heretofore the board in Washington, the supervising board of inspectors, had power to fix the numbers of the crew that a vessel shall carry. They delegated that power to the local inspector. The courts have recently decided that they could not delegate that power, and this bill is to give the local inspectors the power that they have been exercising for many years, that was attempted to be delegated to them by this supervising board. Now that is all there is to this bill. If any man feels himself aggrieved by the act of these inspectors he has the right to appeal to this board and from there to the Secretary of Commerce and Labor.

Mr. COX of Indiana. Does not this proposed bill try to give the identical relief that the local inspectors have been trying to give heretofore for the last ten or twelve years without any statute to back it up?

Mr. HUMPHREY of Washington. That is the object of this bill, namely, to enact into law what has been the custom for many years. Replying to the inquiry of the gentleman, and to the inquiry of the gentleman from Wisconsin [Mr. STAFFORD] also, in regard to the fixing of this power with the local inspector, I will say that it is impossible for the supervising board to sit here in Washington and tell how many men shall make a crew on a certain vessel out on Puget Sound, for instance, or down on the Gulf of Mexico. Each vessel varies according to conditions, according to the service, according to the run, and the local inspector is the one who fixes it. He is the only person that has sufficient knowledge to fix it, and he is the person that has been fixing it for many years.

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. Mr. Speaker, how much time have I remaining?

The SPEAKER. Six minutes.

Mr. MANN. Mr. Speaker, I yield three minutes to the gentleman from Indiana [Mr. Cox].

Mr. COX of Indiana. Mr. Speaker, as has already been stated by the gentleman from Ohio [Mr. DOUGLAS], and by the gentleman from Washington [Mr. HUMPHREY], for the past number of years there has been the lack of a proper statute to enforce this matter. The local inspectors have been undertaking, by rule or custom, as it were, to insert in the certificate of inspection the proper number or complement of officers and men. But it has been determined by the courts—by one Federal court, I believe, in the State of Virginia—and by the Attorney-General of the United States in an opinion, and possibly by the Secretary of the Treasury of the United States, that that could not be enforced because there was no statute that would compel or permit the local inspectors to insert the complement of men named in the certificate of inspection.

Mr. OLCOTT. Mr. Speaker, will the gentleman yield for only a moment?

Mr. COX of Indiana. Yes, sir.

Mr. OLCOTT. I would like to ask if the local inspectors have not now a right to inspect vessels that come to their particular jurisdiction?

Mr. COX of Indiana. I did not understand the question.

Mr. OLCOTT. Have not the local inspectors now the right to inspect vessels coming within their jurisdiction?

Mr. COX of Indiana. Surely. They have a right to do that, but they can not enforce any penalty.

Mr. OLCOTT. Does the gentleman mean to say that they have not any right to enforce the rules that they make on vessels now?

Mr. COX of Indiana. Exactly, because there is no statute now. They are powerless.

Mr. OLCOTT. Can not they compel a vessel to put a certain number of a crew on that vessel?

Mr. COX of Indiana. No; not under section 4463 as it now exists.

Mr. OLCOTT. I understand this bill is only to correct that condition of affairs?

Mr. COX of Indiana. Absolutely.

Mr. BENNET of New York. Is not the distinction this, that now there is an exact penalty fixed by statute that they can impose themselves, and under this bill the inspectors, if they find a vessel is not properly equipped, can say "You are fined," and then the Department can get it?

Mr. COX of Indiana. That is the fact.

Mr. BENNET of New York. Is not the same provision about fines in practically every section of the statute relative to navigation?

Mr. COX of Indiana. I understand so; yes, sir.

Mr. BENNET of New York. It is no new departure in that line at all.

Mr. FITZGERALD. Does the gentleman yield?

Mr. COX of Indiana. Yes.

Mr. FITZGERALD. The present statute provides the crews of these different vessels shall be well disciplined. Why is that language eliminated from this bill?

Mr. COX of Indiana. It was the opinion of the Inspector-General that it did not add anything or take anything from the bill. The bill, as prepared, has been passed by the committee and reported to the House, and has the approval of the Inspector-General.

Mr. FITZGERALD. This bill, as reported, merely forces the inspector and fixes the number of the crew, as it now exists. Why should not that crew be a well-disciplined crew? Why should not that language be in? The *Slocum* disaster would have been avoided if the crew on that vessel had been a well-disciplined crew. Under this bill there is no such requirement. It will be presumed that the owners and masters of vessels will employ only well-disciplined officers and men on the vessels. The local inspectors for years have been attempting to do just what this bill proposes; in other words, it proposes by law to give the local inspectors power to do that which they are now attempting to do by rules. The bill is a good, wise, sound measure, and ought to pass.

Mr. MANN. I yield two minutes to the gentleman from North Carolina.

Mr. THOMAS of North Carolina. I want to ask the gentleman in charge of the bill if this bill applies to motor boats?

Mr. COX of Indiana. It applies to all classes of steam vessels upward of 5 tons.

Mr. THOMAS of North Carolina. Then it would not apply to gasoline motor boats?

Mr. COX of Indiana. I do not know; I do not think it would.

Mr. THOMAS of North Carolina. Mr. Speaker, I have read this bill through as carefully as I could, and still think it puts entirely too much power in the hands of the local inspectors. Under the existing law no steamer can leave a port unless she has a full complement of officers and crew. The language used in the existing law is "steamer."

The committee's bill is very broad and very sweeping, applying to all vessels, large or small, and providing they shall have such a crew as the local inspectors determine. In other words, the local inspectors, when a steam vessel is sailing out of any port, may determine the number of officers and men, and it is left absolutely to the arbitrary power of these local inspectors. They pass also upon the number of men and not upon the qualifications of the men. No appeal, as I understand it, is given to the Secretary of Commerce and Labor. And the number of the crew is fixed by the inspectors in any port of the United States. I fear the bill goes too far, although I have confidence in the committee.

Mr. GOULDEN. It does not go far enough, in my judgment. The bill was a compromise measure, as stated before.

Mr. MANN. Mr. Speaker, after a fuller consideration of the bill, and recognizing, as has been brought out, without the passage of this law there is no law at present upon the subject; realizing, as I understand, that the opposition to the provisions came from the river-boat interests, and that that opposition has been withdrawn, it seems to me that the bill ought to pass. [Laughter and applause.]

The SPEAKER. The question is on the motion to suspend the rules and pass the bill with an amendment.

The question was taken, and (in the opinion of the Chair), two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

CONSULAR READJUSTMENT.

Mr. COUSINS. Mr. Speaker, by direction of the Committee on Foreign Affairs, I move to suspend the rules and pass the Senate bill S. 4112 with the amendments recommended by the committee.

The SPEAKER. The gentleman from Iowa moves to suspend the rules and pass the following bill with amendments:

An act (S. 4112) to amend an act entitled "An act to provide for the reorganization of the consular service of the United States," approved April 5, 1906.

Be it enacted, etc., That the classification of consuls-general and consuls in section 2 of an act entitled "An act to provide for the reorganization of the consular service of the United States," approved April 5, 1906, be, and the same is hereby, amended so as to read as follows:

"CONSULS-GENERAL.

"Class 1, $12,000: London, Paris.

"Class 2, $8,000: Berlin, Habana, Hongkong, Hamburg, Rio de Janeiro, Shanghai.

"Class 3, $6,000: Calcutta, Cape Town, Constantinople, Mexico City, Montreal, Ottawa, Vienna, Yokohama.

"Class 4, $5,500: Antwerp, Barcelona, Brussels, Canton, Frankfort, Marseilles, Moscow, Panama, Rotterdam, Seoul, Sydney (Australia), Tientsin.

"Class 5, $4,500: Auckland, Beirut, Boma, Buenos Ayres, Callao, Coburg, Dresden, Genoa, Guayaquil, Halifax, Hankau, Mukden, Munich, Singapore, Vancouver, Winnipeg, Zurich.

"Class 6, $3,500: Adis Ababa, Bogota, Budapest, Guatemala, Lisbon, Monterey, San Salvador, Smyrna, Stockholm, Tangier.

"Class 7, $3,000: Athens, Christiania, Copenhagen.

"CONSULS.

"Class 1, $8,000: Liverpool.

"Class 2, $6,000: Manchester.

"Class 3, $5,000: Amsterdam, Bremen, Dawson, Belfast, Havre, Johannesburg, Kobe, Lourenço Marquez, Lyon.

"Class 4, $4,500: Amoy, Birmingham, Chefoo, Cienfuegos, Fuchau, Glasgow, Kingston (Jamaica) Newchwang, Nottingham, St. Gall, Santiago, Southampton, Veracruz, Valparaso.

"Class 5, $4,000: Bahia, Bombay, Bordeaux, Colon, Dublin, Dundee, Harbin, Leipzig, Milan, Nanking, Naples, Nuremberg, Para, Pernambuco, Plauen, Reichenberg, Santos, Stuttgart, Toronto, Tsingtau, Victoria, Warsaw.

"Class 6, $3,500: Alexandria, Apia, Barmen, Barranquilla, Basel, Berne, Bluefields, Bradford, Chemnitz, Chunking, Cologne, Dalny, Durban, Edinburgh, Fiume, Geneva, Georgetown, Guadelajara, Mannheim, Montevideo, Nagasaki, Odessa, Palermo, Port Elizabeth, Prague, Quebec, Rangoon, Rheims, Rimouski, Rome, St. Petersburg, Saloniki, Sherbrooke, Vladivostok.

"Class 7, $3,000: Aix la Chapelle, Aleppo, Barbados, Batavia, Belgrade, Burslem, Calais, Calgary, Carlsbad, Colombo, Corinto, Dunfermline, Florence, Frontera, Ghent, Hamilton (Ontario), Hanover, Harput, Huddersfield, Iquitos, Iquique, Jerusalem, Karachi, Kehl, La Guaira, Leghorn, Liege, Madras, Malaga, Managua, Melbourne, Nantes, Nassau, Newcastle (New South Wales), Newcastle (England), Port Antonio, Punta Arenas, Port au Prince, Riga, Sandakan, Progreso, Seville, St. John (New Brunswick), St. Michaels, St. Thomas (West Indies), San Jose, Sheffield, Swansea, Sydney (Nova Scotia), Tabriz, Tampico, Tamsui, Trieste, Trinidad.

"Class 8, $2,500: Acapulco, Aden, Algiers, Antung, Batum, Belize, Bergen, Breslau, Brunswick, Cardiff, Chihuahua, Ciudad Juarez, Ciudad Porfirio Diaz, Cognac, Cork, Curaçao, Erfurt, Gothenburg, Hamilton (Bermuda), Hull, Jerez de la Frontera, Kingston (Ontario), Leeds, Madrid, Magdeburg, Malta, Maracaibo, Martinique, Matamoros, Mazatlan, Mersine, Nice, Nogales, Nuevo Laredo, Orillia, Owen Sound, Plymouth, Port Limon, Prescott, Puerto Cortez, Rosario, Roubaix, St. Johns (Newfoundland), St. Etienne, San Luis Potosi, Sarnia, Sault Ste Marie, Stettin, Swatow, Tamatave, Tegucigalpa, Teneriffe, Trebizond, Tripoli, Valencia, Windsor (Ontario), Yarmouth, Zanzibar.

"Class 9, $2,000: Aguascalientes, Asuncion, Bagdad, Bristol, Campbellton, Cape Gracias, Cape Haitien, Cartagena, Ceiba, Charlottetown, Cornwall, Durango, Ensenada, Fernie, Fort Erie, Gibraltar, Gorée-Dakar, Grenobel, Guadeloupe, Hermosillo, Hobart, La Paz, Limoges, Manzanillo, Maskat, Messina, Moncton, Niagara Falls, Patras, Port Louis, Puerto Cabello, Puerto Plata, Rouen, Saigon, St. Johns (Quebec), St. Pierre, St. Stephen, Salina Cruz, Saltillo, Sierra Leone, Sivas, Stavanger, Suva, Tahita, Tapachula, Turin, Turks Island, Venice."

SEC. 2. This act shall take effect on the 1st day of July, 1908.

Mr. HARRISON. I demand a second.

Mr. MANN. I demand a second. The gentleman from New York, I understand, is in favor of the bill.

Mr. HARRISON. As I am in favor of the bill, I yield to the gentleman from Illinois, who is opposed to it, I suppose.

Mr. COUSINS. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Iowa is entitled to twenty minutes, and the gentleman from Illinois [Mr. MANN] is entitled to twenty minutes.

Mr. COUSINS. Mr. Speaker, this measure contemplates the abolition of twenty-eight consulates that are thought to be unnecessary now, at a saving of $65,500, and the establishment of seventeen new consulates, at a cost of $49,500; also thirteen offices to be changed in grade, eleven officers at an increase in salary, making $64,500. The whole amount of the expense of this readjustment will be $64,500, a saving of $1,000 a year to the Government. The changes that are proposed to be made are fully discussed in the letter of transmittal of the State Department, and the reasons given seemed to your committee sufficient, and it is believed the service will be thereby greatly benefited. It will be remembered that a couple of years ago, when the so-called "consular reform bill" was passed, there were abolished several consulates deemed not then to be necessary, and there was also the abolition of the fee system; and I am pleased to say to the committee that as a result of that legislation an increase of more than $500,000 has been brought to the Government by return of fees. It is believed that this adjustment now proposed will very greatly improve the service, as well as amount to a saving, as I have said, of a thousand dollars a year in the total appropriation.

I reserve the balance of my time for the present.

Mr. MANN. Mr. Speaker, two years ago I demanded a second on a bill to reorganize the consular service. The gentleman then in charge of the bill informed the House that after a most careful consideration and long and exhaustive hearings, both on this side of the Capitol and the other side of the Capitol, and after long consideration by the State Department, they had ascertained just exactly how to classify the service. Thereupon the House passed the bill. That was two years ago. I do not know whether conditions have so changed throughout the world as to make necessary these proposed changes, or whether the committee two years ago was mistaken, but I notice that this bill passes the Senate with Melbourne in class 3, at $5,000. I suppose that was put in there on the recommendation of the State Department, which is consulted about these bills. But as it comes into the House, Melbourne is dropped from class 3 at $5,000 to class 7 at $3,000; and other changes of that sort are made here. I should like to inquire of the gentleman whether this bill meets with the full approval of the State Department, or whether they make recommendations along the lines now proposed.

Mr. COUSINS. Concerning Melbourne, I will say to the gentleman that it is proposed to have the principal office at Sydney, where the chief business is done, therefore leaving no necessity for an office of the $5,000 class at Melbourne.

Mr. MANN. And was that conclusion reached by the State Department since this bill passed the Senate?

Mr. COUSINS. Oh, no; we have had this proposition in the House ever since January, and have received no additional advice from the State Department as to Melbourne, Gibraltar, or Limoges, the three amendments that were put in by the Senate. They were not included in the letter of transmittal from the State Department, and it is not thought by the Committee that these amendments should now obtain.

Mr. MANN. Then the bill reported by the House, as I understand it, conforms with the recommendations of the State Department.

Mr. COUSINS. It is identical.

Mr. MANN. And the items inserted in the Senate in the way they were did not conform with the recommendations of the State Department.

Mr. COUSINS. I do not know what anyone in the State Department may have said to any member of that body.

Mr. MANN. But I mean the written recommendations.

Mr. COUSINS. No, not with the recommendations to the House Committee on Foreign Affairs.

Mr. MANN. Of course we understand that sometimes certain consuls have friendly relations with gentlemen who have influence on legislation at the other end of the Capitol.

Mr. HULL of Iowa. Is that desirable?

Mr. MANN. Sometimes desirable, not always. I yield ten minutes to the gentleman from New York [Mr. HARRISON].

Mr. HARRISON. Mr. Speaker, this is a bill for the readjustment of the consular service. By the bill twenty-eight useless consulates are closed, seventeen new offices are established where they are much needed, seven offices are transferred to other places, thirteen consulates are changed in grade, and eleven offices are increased in salary, altogether at an actual saving of $1,000 a year to the Government. The gentleman from Illinois expresses surprise that now, after the lapse of two years, we are again attempting to reorganize the consular service. If the gentleman will investigate the question a little further, I think he will find that it will probably be some years yet before we have our consular service on a par with the consular service of some other countries. A great deal of reorganization is still necessary.

Mr. MANN. If the gentleman will permit me, I opposed the bill two years ago because it did not reorganize the consular service and put it upon the merit system, but I do not see any difference between this bill and that bill in that respect.

Mr. HARRISON. I think the gentleman's criticism is well founded, and I should like to see a more thorough reorganization of the consular service myself. I have introduced two bills at this session, which are before our committee, providing for the appointment of a commission to sit here in Washington and examine this subject. There are several other bills before the Congress for that purpose, but in a way, speaking for myself, I am satisfied that this bill now before the House affords so much progress that I am glad to support it and lend it all the aid that I can. It does accomplish a considerable improvement in the consular service. Let me tell you in a brief way in just what respects the consular service, in my opinion, needs reorganization.

In the first place, the test of the importance of a consulate should be the amount of business done there. The salary should be proportionate to that, and all other considerations should be subordinated. Our consular service, as at present constituted, is sadly out of joint in these respects. For example, here is a table of promotions.

Suppose a man is appointed consul at Rheims, France, in class 8. His salary is $2,500. The fees collected at that office were $4,481, and the business done in that consular district, in 1905, which is the last year for which we have specific figures, was $6,030,000. This man, we will assume, has done well in the profession and he is promoted to class 7. He gets a consulate at Nantes, also in France, at a salary of $3,000. The fees collected there are $531, and the business amounts to $250,000. Suppose this man again gets a promotion, and this time he goes to class 6 at Lucerne. There he gets a salary of $3,500, and the fees collected are $645, and the business done in 1905 was $76,000.

Now, in a way this shows how unequal and ridiculous the present working of the consular system is. In a certain sense it may be considered to be nobody's fault; it is the growth of our foreign trade which is unequal in different countries, and we are subjected as time goes on to new situations. This bill makes some attempt to remedy these inequalities. The table of promotions which I have just discussed has been rearranged. Our bill raises the salary of the consul at Rheims to $3,500, and entirely abolishes the useless consulate at Lucerne. There is no doubt that a great many consulates are perfectly unnecessary, places where there is no longer any need of a consulate, and other places where there is nowadays great need for the establishment of new consular offices.

This bill takes up the recommendations of a former consul of the United States, Mr. J. Martin Miller, who resigned his post at Rheims last year after very efficient service, and who, on his return to America, made a very lucid and interesting statement of the needs of the consular service, which have been practically recognized in this bill before us. I am glad to see that the Department of State has accepted his recommendations and made the report which assisted the Senate in the preparation of this bill.

Let me show you now our consular situation in two European countries. Here is Saxony, a constituent part of the German Empire. At the present day there are eight consulates in Saxony, and in Switzerland six. Saxony is one-eighth the size of Pennsylvania, and in that little country there are eight consulates. In Switzerland, which is a little bit larger, there are six consulates. This bill cuts out four of the consulates in Saxony—Annaberg, Eibenstock, Glauchau, and Zittau—and it takes out one—Lucerne—in Switzerland.

In former times it was necessary for a foreign merchant who desired to import goods from a foreign country into the United States to appear before the United States consul in person and take oath as to the value of the goods he was to import. An Executive order on the 1st of last June rendered this no longer necessary. Now in any foreign country a foreign merchant desiring to export goods to the United States may send his invoice by letter or by messenger to the United States consul, and that is considered as a satisfactory appearance before him.

Mr. FITZGERALD. Will the gentleman yield?

Mr. HARRISON. Certainly.

Mr. FITZGERALD. Does not the law now provide that the exporter shall appear in person before the United States consul?

Mr. HARRISON. That was the interpretation of the law before the 1st of last June.

Mr. FITZGERALD. It is not the law now, but has been superseded by an Executive order.

Mr. HARRISON. It has been superseded by an Executive order, which is being followed by our consuls throughout all the countries. The result is to dispense with the necessity of more than one consulate in any small country. This bill does not go far enough. What is the use of leaving four consulates in Saxony when one will do? What is the use of leaving five in Switzerland when one will do?

A debate arose in the Committee on Foreign Affairs as to the consul at Lucerne. This post has been stricken out by the bill, but the Secretary of State in testifying before the Committee on Foreign Affairs said that this consulate and some others like it were necessary, because there were so many American tourists over there; that the consulate did practically no business, but it was necessary to be obliging and considerate and helpful to the American tourists.

Well, if that were to be the rule, we might as well have a consul posted like a policeman at every street corner in Paris and London, because there are American tourists in difficulties everywhere; but it is not intended that the consular system of this country shall be used for the purpose of helping out American tourists who want to know the address of the nearest place to get stockings or hats. The consular service is solely for the purpose of the promotion of the business interests of the United States and has nothing to do with social affairs.

The consuls of the United States, under the so-called "improvement of the consular system," are supposed to be blazing the trail of American manufacturers. In my humble opinion they have very little to do with blazing such a trail. American business firms who contemplate exporting to foreign countries do not consult our consuls in the well settled and established countries, but send their own agents over there to promote their own trade.

In fact, I think they are apt very often to avoid the American consulates, because of the fact that many of them have vice-consuls who are foreigners, who pry into our trade secrets and use them to the disadvantage of the American business man. Therefore, it is something of a humbug to say that consuls are blazing a trail for American business men, although I think that much good is being accomplished by our system of daily consular reports. The consuls are mere invoicing machines in many countries, but we are obliged to have an invoicing machine in every country, and therefore we have to have one consulate there. But we are not obliged under the new Executive order to have more than one consulate in each one of these countries. Let us take once more the case of Switzerland. Imports into the United States from Switzerland last year were nearly twenty-seven million of dollars. Exports from the United States to Switzerland were $612,000. It does not look as if those six consuls were blazing much of a trail for American commerce. What they are doing is to invoice for Swiss merchants who have goods sent to the United States.

There is another matter touched on in this bill which should be brought to the consideration of the House, and that is the question of the consuls-general. As the term now exists, the consul-general does not mean anything. He is a sort of grand panjandrum, with a little round button on top of his head, but for all practical intents and purposes his title means nothing. In each country we should have only one consul-general, who ought to be dignified with that title and occupy a position superior to the other consuls. In China we have about twelve consulates, and six of them are consuls-general. In Germany we have something like seven consuls-general. The Secretary of State in explaining this matter said that in some of the petty courts of the small German States, like Munich, it was advisable to have a consul-general, because he could more readily gain access to the court and could secure presentation for American citizens. That seems to me to be about as sensible, considering the present historical situation of the German Empire, as for foreign nations to have consuls-general at Albany and Harrisburg to secure introductions for foreigners to the governors of New York and Pennsylvania.

In my opinion the consular service should be so reorganized that only one consul-general should be in each country, and that one consul-general should have the supervision over the others. The commercial capital of each country should be the seat of our consul-general. However, this is not a matter to get excited about. If all these men want to wear feathers in their hats, let them wear them; but I think that more good could be accomplished in the service by reorganization along these lines.

The SPEAKER. The time of the gentleman has expired.

Mr. HARRISON. I ask the gentleman to yield me five minutes more.

Mr. MANN. How much time have I remaining?

The SPEAKER. Six minutes.

Mr. MANN. I yield three minutes to the gentleman from New York.

Mr. HARRISON. Mr. Speaker, I had occasion when the legislative appropriation bill was before the House to call attention of the committee at that time to a conflict of authority in the three Departments of this Government dealing with the development of our business interests abroad. The Department of Commerce and Labor has special agents abroad; the Treasury Department has special inspectors traveling in foreign countries; the State Department has five consuls-general at large, inspectors of the consular service, traveling all over the world, and rendering excellent service. They ought to have ten or fifteen. Just think what one of these men has to do. The consul-general at large who is at work in the continent of Europe to-day is obliged to inspect every consulate in Europe once every two years. For that purpose this leaves time enough for three days to each consulate, so that, on an average, he has to do all his traveling and his inspection of each consulate in Europe in only three days. The traveling alone is enough to exhaust any man. It is largely due to the work of these consuls-general at large that recommendations have been made for the abolition of the twenty-eight useless consulates which we wipe out by this bill. Therefore, I think that they are more than earning their salt. But, Mr. Speaker, these three Departments of our Government, the State, the Treasury, and Commerce and Labor should not be asking us for three separate appropriations for agents abroad. Consolidation of these various officials should be effected, both in the interests of economy and of efficiency.

Now, just one more point, Mr. Speaker. I would suggest a reorganization of the consular service, so that those who go into the service should be appointed not to specific posts, but to grades. This would not interfere with the Senatorial prerogatives of appointment, but would make it possible to send individuals to the posts for which they were personally fitted. It would also render possible a service based strictly upon merit, where patronage would play a less conspicuous part. New appointees should first take a course of instruction in the State Department, in the Department of Commerce and Labor, or in the Department of the Treasury. Men who are to be consuls should have the benefit of such instruction in our own country. They should then go abroad as vice-consuls, thereby displacing all foreigners who now hold those positions, and in the course of time they should become full-fledged consuls. They would thereby have the practical training in the Departments at home; they would have served their apprenticeship as vice-consuls before they were called upon to handle the great questions that may appear at any moment before a consul of the United States, and in the course of time, through merit solely, they would be promoted as consuls and eventually perhaps as consuls-general.

This would do away, moreover, with one of the worst features of our present system. I refer to the vice-consular evil. To-day the vice-consul belongs to either one of two classes: (1) A clerk in the office who is probably not good enough to be a consul, or (2) a merchant in the place where he is serving. In the latter event he is usually a native of the country where we employ him or a naturalized American citizen who has returned to the country of his birth to stay for good. He has secured appointment as vice-consul usually for the social prestige it gives him and works without salary. Under this system he can hardly be expected to serve our country as faithfully or efficiently as an American citizen, and too often he uses his position to discover American trade secrets and use them for his own benefit or that of his own fellow-countrymen.

Now, these suggestions are made, of course, not with the expectation that they will be acted upon by the House at this time, but since we are reorganizing the consular service we should do it with an eye to future possibilities of improvement. What we are doing to-day is an earnest of hope for the future, and I believe in a very short time the American consular system will rank with the American business intelligence as the most perfect and the most efficient in the civilized world. [Applause.]

Mr. MANN. Mr. Speaker, I yield the balance of the time to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, I desire to point out the fact that if the State Department had properly investigated the offices to be changed or abolished before the House passed the bill two years ago, this bill would probably be unnecessary. It is true that the Secretary of State says that the changes that have occured in the last year and a half have made this legislation necessary. Yet I desire to call the attention of the

House to three places, and they are selected at random, mentioned in the report which show that the changes have not taken place during the past year and a half; but the conditions existed when the bill two years ago was passed, as they exist now.

In Alexandretta, in Syria, "the work is inconsiderable," the Department says, "and the opportunities for advancing American trade from this place are small. As the business of the district is not done there," much could be accomplished by moving the office to another place. At Port Rowan, Ontario, the salary is $2,000 a year. Last year the office collected but $266, and the cost of maintaining the office was $2,199. At Utila, Honduras, the salary is $2,000, and there was collected last year $190. The Department says that there is no opportunity for consular work other than of a purely routine character, and no chance for the furtherance of American trade and interest. My opinion, Mr. Speaker, is that the Secretary of State in his letter gives the reasons why it is possible at this time, perhaps, to secure favorable action on this bill. He states:

I may add also that the changes suggested are not made with any intention or desire to legislate out of office any of the incumbents of the consulates listed for closing. The office recommended herein, together with several existing vacancies, will make it possible to transfer these officers to other posts and in many cases, where the records of the officers justify that course, to promote them to more important and higher grade offices.

In other words, everybody now in the service can be taken care of even if this bill be passed. I suppose one feature of the bill that should commend itself to the House is the fact that there is a saving of $1,000 a year in the amount of salaries paid. But, Mr. Speaker, in connection with the statement made by my colleague from New York [Mr. HARRISON] that the President by Executive order has superseded four sections of the Revised Statutes covering what is required of persons exporting from other countries to this country, and so that there might be no question whatever that the Revised Statutes require persons signing invoices to appear in person before United States consuls or consuls-general——

Mr. HARRISON. It is an interpretation of the law.

Mr. FITZGERALD. It is not, because section 1715 says:

No consular officer shall certify any invoice unless he is satisfied that the person making the oath thereto was the person he represents himself to be, that he is a creditable person, and that the statements made under such oath are true; and he shall thereupon, by his certificate, state that he was so satisfied.

In view of the statement that the President has issued an order that the person so signing these certificates shall not appear before the consuls, I shall ask permission to insert the three sections of the Revised Statutes that cover this point, so that it can be made apparent that the President has usurped power by declaring by Executive order that it shall be unnecessary to do what the statutes of the country require.

The SPEAKER. Is there objection?

There was no objection.

The statutes referred to are as follows:

SEC. 2853. All invoices of merchandise imported from any foreign country shall be made in triplicate, and signed by the person owning or shipping such merchandise, if the same has actually been purchased, or by the manufacturer or owner thereof, if the same has been procured otherwise than by purchase, or by the duly authorized agent of such purchaser, manufacturer, or owner.

SEC. 2854. All such invoices shall, at or before the shipment of the merchandise, be produced to the consul, vice-consul, or commercial agent of the United States nearest the place of shipment, for the use of the United States, and shall have indorsed thereon, when so produced, a declaration signed by the purchaser, manufacturer, owner, or agent, setting forth that the invoice is in all respects true; that it contains, if the merchandise mentioned therein is subject to ad valorem duty, and was obtained by purchase, a true and full statement of the time when and the place where the same was purchased, and the actual cost thereof, and of all charges thereon; and that no discounts, bounties, or drawbacks are contained in the invoice but such as have actually been allowed thereon; and when obtained in any other manner than by purchase, the actual market value thereof at the time and place when and where the same was procured or manufactured; and, if subject to specific duty, the actual quantity thereof; and that no different invoice of the merchandise, mentioned in the invoice so produced, has been or will be furnished to anyone. If the merchandise was actually purchased, the declaration shall also contain a statement that the currency in which such invoice is made out is the currency which was actually paid for the merchandise by the purchaser.

SEC. 2855. The person so producing such invoice shall at the same time declare to such consul, vice-consul, or commercial agent the port in the United States at which it is intended to make entry of merchandise; whereupon the consul, vice-consul, or commercial agent shall indorse upon each of the triplicates a certificate, under his hand and official seal, stating that the invoice has been produced to him, with the date of such production, and the name of the person by whom the same was produced, and the port in the United States at which it shall be the declared intention to make entry of the merchandise therein mentioned. The consul, vice-consul, or commercial agent shall then deliver to the person producing the same, one of the triplicates, to be used in making entry of the merchandise; shall file another in his office, to be there carefully preserved; and shall, as soon as practicable, transmit the remaining one to the collector of the port of the United States at which it shall be declared to be the intention to make entry of the merchandise.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken and (in the opinion of the Chair) two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

Mr. HARRISON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

MEDICAL DEPARTMENT, UNITED STATES ARMY.

Mr. YOUNG. Mr. Speaker, acting under the instruction of the Committee on Military Affairs, I move to suspend the rules and pass the bill (S. 1424) with the House committee amendments.

The SPEAKER. The gentleman from Michigan [Mr. YOUNG], by direction of the Committee on Military Affairs, moves to suspend the rules and pass the following bill, with the amendments reported by the commitee.

The Clerk will report the bill as amended.

The Clerk read as follows:

An act (S. 1424) to increase the efficiency of the Medical Department of the United States Army.

Be it enacted, etc., That from and after the approval of this act the Medical Department of the United States Army shall consist of a Medical Corps and a Medical Reserve Corps, as hereinafter provided; and the Hospital Corps, the nurse corps, and dental surgeons, as now authorized by law.

SEC. 2. That the Medical Corps shall consist of one Surgeon-General, with rank of brigadier-general, who shall be chief of the Medical Department; 14 colonels, 20 lieutenant-colonels, 100 majors, and 300 captains or first lieutenants, who shall have rank, pay, and allowances of officers of corresponding grades in the cavalry arm of the service. Immediately following the approval of this act all officers of the Medi- loss of relative rank in the Army, as follows: Assistant surgeons-general, shall be recommissioned in the corresponding grades in the Medical Corps established by this act in the order of their seniority and without loss of relative rank in the Army, as follows: Assistant surgeons-general, with the rank of colonel, as colonels; deputy surgeons-general, with rank of lieutenant-colonel, as lieutenant-colonels; surgeons, with the rank of major, as majors; assistant surgeons, who at the time of the approval of this act shall have served three years or more, as captains; and assistant surgeons, with the rank of first lieutenant, who at the time of the approval of this act shall have served less than three years as such, as first lieutenants; and hereafter first lieutenants shall be promoted to the grade of captain after three years' service in the Medical Corps.

SEC. 3. That promotions in the Medical Corps to fill vacancies in the several grades created or caused by this act, or hereafter occurring, shall be made according to seniority, but all such promotions and all appointments to the grade of first lieutenant in said corps shall be subject to examination as hereinafter provided: *Provided*, That the increase in grades of colonel, lieutenant-colonel, and major provided for in this act shall be filled by promotion each calendar year of not exceeding two lieutenant-colonels to be colonels, three majors to be lieutenant-colonels, fourteen captains to be majors, and of the increase in the grade of first lieutenant not more than 25 per cent of the total of such increase shall be appointed in any one calendar year: *Provided further*, That those assistant surgeons who at the time of the approval of this act shall have attained their captaincy by reason of service in the volunteer forces under the provisions of the act of February 2, 1901, section 18, or who will receive their captaincy upon the approval of this act by virtue of such service, shall take rank among the officers in or subsequently promoted to that grade, according to date of entrance into the Medical Department of the Army as commissioned officers.

SEC. 4. That no person shall receive an appointment as first lieutenant in the Medical Corps unless he shall have been examined and approved by an Army medical board consisting of not less than three officers of the Medical Corps, designated by the Secretary of War.

SEC. 5. That no officer of the Medical Corps below the rank of lieutenant-colonel shall be promoted therein until he shall have successfully passed an examination before an Army medical board consisting of not less than three officers of the Medical Corps, to be designated by the Secretary of War, such examination to be prescribed by the Secretary of War and to be held at such time anterior to the accruing of the right to promotion as may be for the best interests of the service: *Provided*, That should any officer of the Medical Corps fail in his physical examination and be found incapacitated for service by reason of physical disability contracted in the line of duty, he shall be retired with the rank to which his seniority entitled him to be promoted; but if he should be found disqualified for promotion for any other reason, a second examination shall not be allowed, but the Secretary of War shall appoint a board of review to consist of three officers of the Medical Corps superior in rank to the officer examined, none of whom shall have served as a member of the board which examined him. If the unfavorable finding of the examining board is concurred in by the board of review, the officer reported disqualified for promotion shall, if a first lieutenant or captain, be honorably discharged from the service with one year's pay; and, if a major, shall be debarred from promotion and the officer next in rank found qualified shall be promoted to the vacancy. If the action of the examining board be disapproved by the board of review, the officer shall be considered qualified and shall be promoted.

SEC. 6. That nothing in this act shall be construed to legislate out of the service any officer now in the Medical Department of the Army, nor to affect the relative rank or promotion of any medical officer now in the service, or who may hereafter be appointed therein, as determined by the date of his appointment or commission, except as herein otherwise provided in section 3.

SEC. 7. That for the purpose of securing a reserve corps of medical officers available for military service, the President of the United States is authorized to issue commissions as first lieutenants therein to such graduates of reputable schools of medicine, citizens of the United States, as shall from time to time, upon examination to be prescribed by the Secretary of War, be found physically, mentally, and morally qualified to hold such commissions, the persons so commissioned to

constitute and be known as the Medical Reserve Corps. The commissions so given shall confer upon the holders all the authority, rights, and privileges of commissioned officers of the like grade in the Medical Corps of the United States Army, except promotions, but only when called into active duty, as hereinafter provided, and during the period of such active duty. Officers of the Medical Reserve Corps shall have rank in said corps according to date of their commissions therein, and when employed on active duty, as hereinafter provided, shall rank next below all other officers of like grade in the United States Army: *Provided*, That contract surgeons now in the military service who receive the favorable recommendation of the Surgeon-General of the Army shall be eligible for appointment in said reserve corps without further examination: *Provided further*, That any contract surgeon not over 29 years of age at date of his appointment as contract surgeon shall be eligible to appointment in the regular corps.

SEC. 8. That in emergencies the Secretary of War may order officers of the Medical Reserve Corps to active duty in the service of the United States in such numbers as the public interests may require, and may relieve them from such duty when their services are no longer necessary: *Provided*, That nothing in this act shall be construed as authorizing an officer of the Medical Reserve Corps to be ordered upon active duty as herein provided who is unwilling to accept such service, nor to prohibit an officer of the Medical Reserve Corps not designated for active duty from service with the militia, or with the volunteer troops of the United States, or in the service of the United States in any other capacity, but when so serving with the militia or with volunteer troops, or when employed in the service of the United States in any other capacity, an officer of the Medical Reserve Corps shall not be subject to call for duty under the terms of this section: *And provided further*, That the President is authorized to honorably discharge from the Medical Reserve Corps any officer thereof whose services are no longer required: *And provided further*, That officers of the Medical Reserve Corps who apply for appointment in the Medical Corps of the Army may, upon the recommendation of the Surgeon-General, be placed on active duty by the Secretary of War and ordered to the Army Medical School for instruction and further examination to determine their fitness for commission in the Medical Corps: *And provided further*, That any officer of the Medical Reserve Corps who is subject to call and who shall be ordered upon active duty as herein provided and who shall be unwilling and refuse to accept such service shall forfeit his commission.

SEC. 9. That officers of the Medical Reserve Corps when called upon active duty in the service of the United States, as provided in section 8 of this act, shall be subject to the laws, regulations, and orders for the government of the Regular Army, and during the period of such service shall be entitled to the pay and allowances of first lieutenants of the Medical Corps with increase for length of service now allowed by law, said increase to be computed only for time of active duty: *Provided*, That no officer of the Medical Reserve Corps shall be entitled to retirement or retirement pay, nor shall he be entitled to pension except for physical disability incurred in the line of duty while in active duty: *And provided further*, That nothing in this act shall be construed to prevent the appointment in time of war of medical officers of volunteers in such numbers and with such rank and pay as may be provided by law.

SEC. 10. That all acts and parts of acts in conflict with the provisions of this act are hereby repealed.

The SPEAKER. Is a second demanded?

Mr. MANN. I demand a second.

Mr. YOUNG. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Michigan [Mr. YOUNG] is entitled to twenty minutes, and the gentleman from Illinois [Mr. MANN] is entitled to twenty minutes.

Mr. YOUNG. Mr. Speaker, this bill is entitled "An act to increase the efficiency of the Medical Corps of the United States Army." It proposes to do three things toward that end. In the first place, it gives a somewhat better flow of promotion than exists in the corps at present. It does this by increasing the number of officers of the higher grades in greater proportion than it does those of the lower grades. When the reorganization of the Army took place in 1901, an unintentional injustice was done to the Medical Corps of the Army. The same flow of promotion was not permitted there as existed in every other staff corps in the Army. Scarcely had that bill become a law when the effect became apparent. Officers, seeing that there was little chance of promotion in front of them, began to resign, and the resignations since the reorganization bill became a law have increased very largely over what they were previous to the passage of that law.

That is not the worst of it, because the men who resigned were the very best men in the corps. They were the class of men that is was most essential to retain. There was another thing about it. The Medical Corps in the Navy was so organized that there was a much better flow of promotion there, and there was a much better opportunity for promotion in that service than in the similar service of the Army. The result of it was that the Navy got all, or most, of the best men. The Army had to compete first with the Navy to get the kind of men it needed in the Medical Corps, and then, of course, it had to compete to some extent with the inducements of civil life. The result of that has been that the Medical Corps instead of improving as it ought to have improved has either stood still or gone backward.

Now, in order that the nation and the private soldier may receive the benefit of the increased inducements we have given here for a man to join the Medical Corps, and remain in it in better service, we have provided that examination upon promotion shall be carried clear up to the grade of lieutenant-colonel, so that the unfit may be eliminated. And I know it is the policy of the Medical Department to make these examinations more severe and exacting than they have ever been in the past. It is proposed, therefore, to give a better flow of promotion, so that better men may enter the Army, and then to see to it that the country gets the benefit of this better class of men. Then the other thing that the bill does of importance is to substitute for the present contract surgeons a reserve corps, into which men may go who are not in the Army upon passing an examination. They shall then be eligible to appointment in the Army upon passing another examination. It is believed that in this way interest can be created among the medical profession of the country to the peculiar advantage of the medical profession in the Army, and wherever you have these men upon the reserve corps little centers of influence will be created.

Now, the trouble in getting good service in the Army is not in obtaining good doctors. You may take from civil life physicians who can give medicine and diagnose a case just exactly as well as an officer of the Medical Corps of the Army. The difficulty is in finding men with the necessary knowledge of Army sanitation and of Army hygiene. The Army lives under such different conditions from those of men in civil life that where we have taken physicians from civil life and placed them in important positions in the Army the Medical Corps has almost always broken down. The service has broken down because of the want of knowledge of these men. They may be expert in their profession as to what is needed to preserve health, but they have not had experience in the Army. We had a conspicuous instance in the camp at Chickamauga during the Spanish-American war. You all know that a medical officer was in command there than whom perhaps no man stood higher in the medical profession of this country.

Yet, sir, the conduct of that camp in its sanitation could hardly have been worse. It was a disgrace to the American Army; it was a disgrace to the American nation. Many men died there whose lives ought to have been preserved. How much time have I used?

The SPEAKER pro tempore (Mr. DAVIDSON). The gentleman has twelve minutes remaining.

Mr. YOUNG. I will merely say that this bill increases to some extent the expense of the Medical Department. When it is in full operation it will increase that expense about $80,000 a year; but I believe it will actually be much cheaper for the people, because they will get much better service than under present conditions.

Mr. Speaker, I reserve the remainder of my time.

Mr. MANN. Mr. Speaker, I was in hope that the distinguished gentleman from Michigan [Mr. YOUNG] would be able to give a more full explanation of the bill, but I recognize the difficulties under which a gentleman labors when he calls up a bill like this for passage under suspension of the rules. This bill proposes to make the Medical Corps of the Army more top-heavy than any proposition that has every been offered up to date. It is proposed, with an Army now of less than 50,000 men——

Mr. HULL of Iowa. When it is recruited up, it will be 63,000 men.

Mr. MANN. And with a possible Army of how many men——

Mr. HULL of Iowa. A possible Army of 100,000 men.

Mr. MANN. With a possible Army of less than a hundred thousand men it is proposed to have 450 surgeons in the Army.

When the Committee on Appropriations last November was having a hearing in Panama, Colonel Gorgas, an Army officer detailed to the Canal Zone, made a comparison between the number of medical officers upon the Canal Zone and the number in the Army.

The Canal Zone is an unhealthy place. It requires a far higher degree of attention to secure good sanitation than do the Army headquarters in the United States. Colonel Gorgas testified that with a population which they serve, about equal to the Army of the United States, or more than the present Army, their entire medical corps was less than 100, and their efficiency is far greater than the efficiency in the Medical Corps of the Army has been. Yet here is a proposition to put into the Army 450 medical officers, 150 of whom will never have anything to do with the patients or the ill men in the Army; 150 men of high rank. It is a proposition merely to create 150 officers of high rank in order to have nice comfortable berths to which to promote men. Those are not the men who give medical attention. They are not the ones who wait upon the sick or take care of the men in time of war in the field. They are the places created above, to cause, as it is said, an incentive to men to come into the Army.

Mr. Speaker and gentlemen of the House—both sides of the

House—we have a great many propositions like this now pending before the House, a number of which have been reported. This is not the only bill of this character reported from the Committee on Military Affairs. Other bills of like character are reported from the Committee on Naval Affairs. The other day we passed in this body a bill to increase the pay of enlisted men in the Army. But if this bill now before us becomes a law, it is inevitable that the House will give the same degree of attention to the officers of the line in the Army that this gives to the officers of the medical staff, and we shall be forced to pass a bill which will give these other officers greater pay or greater chances for promotion.

Mr. YOUNG. Will the gentleman permit a question?

Mr. MANN. With pleasure.

Mr. YOUNG. Is not the gentleman aware that even with this change in the law there will be less chance of promotion in the Medical Corps than in any corps of the Army?

Mr. MANN. I do not so understand it. On the contrary, I am assured by officers of the line in the Army that this bill is notoriously unfair to them, and that if this bill goes through they will have the right to demand that they shall have increased pay or increased opportunities for promotion.

Mr. YOUNG. Then I wish to say to the gentleman that his information is absolutely misleading.

Mr. MANN. Well, I am not a member of the Committee on Military Affairs. I have always noticed that whenever any bill came before the House or before the committee, the men who were especially interested in that bill were active in pointing out why that bill should pass and some other bill should not pass; but I repeat what I have said, that I have been informed by officers of the line in the Army that the Medical Corps now have a better chance for promotion than the line officers; that promotion comes faster in the Medical Corps than it does in the line, and that if this bill passes they will ask, as they believe they have a right to demand, that other promotions shall be provided for them.

Mr. HULL of Iowa. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. HULL of Iowa. Is it not true that in all the staff corps of the Army promotion is better than in the line, in the permanent staff corps?

Mr. MANN. The gentleman from Michigan said it was not true about the medical staff, and now the chairman of the committee says it is true. That sustains my position. I think it is true.

Mr. HULL of Iowa. The gentleman is wrong in another proposition, that in the permanent staff corps it is better than the line, and always has been. In the Judge-Advocate's there is nobody starts there below major; and in the Inspector-General's nobody starts in below the grade of major. The same has been true in the Adjutant-General's corps. And yet the line does not start there. These men in the Medical Corps start below that grade.

Mr. MANN. These men start as first lieutenants.

Mr. HULL of Iowa. Take the Engineer Corps, they have a better promotion than the Medical Corps; so has the Judge-Advocate, and this largely equalizes the flow of promotions.

Mr. MANN. I do not know about that. This bill provides far greater promotions and more rapid promotions for the medical staff than now exists in the line. Not only that, it provides a far greater promotion of high officers than is provided for the line.

Mr. HULL of Iowa. That may be true.

Mr. MANN. It is true; the gentleman has not made the figures. There are under this bill 300 first lieutenants and captains, and there are half that number of majors and those having the rank of major. That is not true of the line of the Army. This bill proposes to give to the Medical Corps of the Army far greater advantage in the way of promotion and salaries than is given to the line. As far as I am concerned, I would always rather give promotion to the men who fight in the Army than to the men who talk and do staff duty.

Mr. YOUNG. Would not the gentleman like to give them a little protection from disease?

Mr. MANN. I would, but the 150 officers provided for in this bill who have the rank of captain will have mighty little to do with protection against disease. They are provided only to create places to promote to; they do not issue the medical prescriptions; they do not attend the patients in the Army; they do not do medical work; they are provided only for the purpose of having berths for other people to be promoted to.

Mr. PAYNE. And to make an easier flow of promotion.

Mr. MANN. That is exactly it. The whole object of it is the greater flow of people to the retired list. There is not a contract surgeon now who does not hope to get into the Army under this bill.

Mr. HULL of Iowa. There can not one get in under it unless he was under 29 years of age when he went in, and then he could only be commissioned a first lieutenant.

Mr. MANN. I will make an exception; there may be a few contract surgeons who do not expect to get in, but there are mighty few. The bill is drawn for the purpose of putting the contract surgeons into the Army, so as to put them on the retired list.

Mr. HULL of Iowa. Oh, no; oh, no.

Mr. MANN. The gentleman may say "Oh, no." I have examined the report and a large amount of literature that has been circulated in reference to it, and I have had, like the gentleman from Iowa and other gentlemen, letters from interested people on this bill which has been introduced. All the letters are from all the military hospitals in the country, and the patients in those military hospitals have been urged to write letters to Members of Congress in favor of this bill. They were written at the instance of medical officers, who ought to be attending to the patients, endeavoring to get them well. A greater lobby for a bill has not been seen around Washington for many years than has been in favor of this bill. Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG. Mr. Speaker, I yield three minutes to the gentleman from Virginia [Mr. HAY.]

Mr. HAY. Mr. Speaker, I could not attempt to speak on this bill in three minutes.

Mr. YOUNG. I yield five minutes.

Mr. HAY. Mr. Speaker, I have a great admiration for the gentleman from Illinois [Mr. MANN]. I think he does most excellent work in this House, but the speech he has just made demonstrates that it is impossible for him to know everything about every bill that comes up in the House. No one man can consider all the different bills that are reported from the different committees of this House and give fair consideration to those bills, and while the gentleman from Illinois is a great worker and does great good in the House, he has just demonstrated that he is ignorant in large measure of what he is talking about on the bill which is now being considered by the House. I am surprised that the gentleman from Illinois should cast a fling at the Medical Corps of the Army when he says that he wants to appropriate money for the men who fight.

That is a nice way to oppose a bill of this character. I venture to say that the medical profession has sacrificed more in lives and more fortunes than any other profession in this country for the benefit of the Army. I venture to say that they have shown themselves martyrs. I could recall, if I had the time, many men in the Medical Corps of the Army, notably that surgeon, Walter Reed, who gave his life that he might discover the way to properly treat yellow fever. These men never spare their lives on the firing line. In every battle of the great civil war men on both sides, Union and Confederate surgeons, were always found on the firing line. I have no time to go into details of this bill, but I say that this bill has been very carefully considered by the entire profession of the country, that it has the approval of that profession, that it has the approval of the Secretary of War and the approval of the President of the United States, that it has the approval of the Senate of the United States, that it has been considered by the Committee on Military Affairs in three separate Congresses and has been reported favorably each time, and I say that it is not for the gentleman from Illinois [Mr. MANN] in a short speech, in a space of ten minutes' time, to defeat its passage.

It certainly is beyond even his province to put forward arguments here against a measure which is intended for the benefit of the service of the Army of the United States, almost quite as much as it is intended for the Medical Corps itself. I want to call the attention of every Member of this House to the fact that the Ordnance Corps, the Engineer Corps, the Artillery Corps, have all been, since the Army organization act of 1901, increased in just this way—under a motion to suspend the rules. So I say, Mr. Speaker, that every reason demands the favorable consideration in this House of this bill, and I hope that the Members of the House will vote for a bill so meritorious in its terms and which has for its purposes the benefit of the American Army now and the American Army in the future if, unfortunately, we should have to go to war.

Mr. TAWNEY. Will the gentleman yield to a question?

Mr. HAY. Yes.

Mr. TAWNEY. Can the gentleman state to what extent this bill will increase the compensation of the Medical Corps of the Army?

Mr. HAY. About $40,000.

Mr. MANN. Mr. Speaker, I yield four minutes to the gentleman from Iowa [Mr. HULL.]

Mr. HULL of Iowa. Mr. Speaker, I want to say to the House that when the Committee on Military Affairs had up

the question of the reorganization of the Army in 1901 a majority of the committee insisted then that the Medical Corps was being discriminated against, and that it would be impossible to secure the right kind of young men in that corps unless they were given equal promotion with the other staff corps of the Army. At that time the Secretary of War insisted that we were mistaken. In less than a year after that time the Department admitted the Medical Corps should have better promotion. From that time to this we have tried to give a little promotion in order to induce the best class of young men to enter the Medical Corps. As it stands to-day the Navy doctor gets promoted from a lieutenant to a captain after three years' service; the Army after five years' service. That has caused Army surgeons to resign and enter the Navy within the last few years. We have a shortage in the Medical Corps to-day, because there are not sufficient inducements to enter that corps. We have to-day about 200 contract surgeons in the Army scattered all over the country. This bill abolishes the contract surgeons at $1,800 a year and puts in the first lieutenants at $1,500, so that there is a saving on that 200 of $300 each per year in the beginning. This is not an extravagant measure. The bill gives a flow of promotion, and I will state to my friend from Illinois [Mr. MANN] unless you do, you will never have your Medical Corps of the Army organized on the lines that will give the most effective service. This flow of promotions is not beyond the other staff corps. The gentleman is right when he says that it is a greater flow of promotion than the line, because they enter this as first lieutenants and in three years they are made captains, but from captain up they have to serve quite a long time before they get an additional promotion.

It is true that they get more rapid promotion, especially in the lower grades, but it is not as rapid promotion as has been given to other staff corps of the Army, and unless you do it and you should have another war you will suffer as we did before by not having the trained care of doctors understanding Army hygiene to care for the raw recruits when they are put into camp.

Mr. HITCHCOCK. Can the gentleman explain why it is that it is proposed to put contract surgeons upon the Army roll?

Mr. HULL of Iowa. It is not proposed unless they comply with the conditions. If a contract surgeon entered the Army before he is 29 years of age, which is the limit now, he can get into the Medical Corps, and if he has served ten years in there and passes his examination he is a better man to go into the lower grade and start up than any new man can possibly be, because he has had his ten years of training. An objection that one member of the Military Committee has to this bill is that it was not changed to provide the contract surgeon should be the nursery for the Medical Corps of the Army.

Mr. HITCHCOCK. I understand this bill is for the purpose of increasing the efficiency of the Medical Corps?

Mr. HULL of Iowa. Yes.

Mr. HITCHCOCK. And yet there seems to be a clause here providing for the retirement of contract surgeons.

Mr. HULL of Iowa. Not unless they entered the Army young enough and have given service enough so that they can be in the regular corps. It does not deal with the retirement of a contract surgeon as a contract surgeon. It only deals with him if he is commissioned in the Regular Army.

Mr. HITCHCOCK. Supposing that a contract surgeon, having served ten years in the Army and having entered before 29 years of age, he is eligible to appointment——

Mr. HULL of Iowa. As first lieutenant.

Mr. HITCHCOCK. Although he may expect to retire within six months?

Mr. HULL of Iowa. If he entered when he was 29 and served until he was 64, in my judgment you could not do an act of greater justice than to retire a contract surgeon who served that length of time.

Mr. HITCHCOCK. How many contract surgeons are there?

Mr. HULL of Iowa. One hundred and eighty-nine.

Mr. HITCHCOCK. And of that number many have been employed as contract surgeons for a great many years?

Mr. HULL of Iowa. No, sir. There is one that has been a contract surgeon for thirty-three years. I think there are not over eight or nine who have served over fifteen years.

Mr. HITCHCOCK. I thought this was partly for the purpose of stuffing the retired list.

Mr. HULL of Iowa. Not at all.

Mr. MANN. Mr. Speaker, it adds a great many in the end, as the gentlemen both know, to the retired list. The gentleman from Virginia [Mr. HAY], paying me a left-handed compliment, which I appreciate, said that I was ignorant of the provisions of this bill. Undoubtedly I think most everybody in the House is ignorant of most of the provisions of the bill, but, at least, I was not ignorant of one of the essential features of the bill, concerning which the gentleman must himself plead ignorance, because he was asked what would be the net increase of cost by this bill, and he replied $40,000 per annum.

Mr. HAY. I did not say that. I said $40,000 in the first year.

Mr. MANN. And on this occasion he must have been dealing in his vivid imagination. Why, the gentleman would not pretend, when asked a question as to how much this would increase the cost of the Army, the Medical Corps, to say what the increase would be merely the first year.

Mr. HAY. That is what I understood the gentleman from Minnesota [Mr. TAWNEY] to ask, and that is what I answered.

Mr. TAWNEY. I did not limit it to any year.

Mr. MANN. The gentleman from Minnesota [Mr. TAWNEY] did not mean that.

Mr. HAY. That is what I thought he meant.

Mr. MANN. The report itself does not indicate what it will cost. The report says for the year 1910 it will cost $80,000 more, but that will carry a large number of first lieutenants, all of whom in a short time, if they remain in the service, will have their salaries increased.

Mr. Speaker, we are met with a situation. We are going into a campaign. This side of the House will be charged with extravagance by the other side of the House. Times are hard. Hundreds of thousands of men in the country are out of work. Physicians and surgeons themselves will soon be suffering, if they are not now suffering.

I wonder whether this side of the House proposes to keep on increasing salaries and the retired list of the various branches of the Government; I wonder whether, if they do, that side of the House will be in a position where it can complain of the attitude of this side of the House. The charge will be made many times during the coming campaign that the Republicans control in Congress and in the Executive Office and have been grossly extravagant. But I notice that most propositions for what seems to me gross extravagance, as this one is, usually receive practically unanimous support from the Democratic side of the House. And I am going to watch with interest the rest of these bills as they come up to see whether gentlemen on the Democratic side, who always talk economy, will always vote for extravagant bills like this.

The SPEAKER. The time of the gentleman has expired. The gentleman from Michigan has five minutes remaining.

Mr. YOUNG. I yield two minutes to the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. Mr. Speaker, I regard this as one of the most important bills in the way of general legislation pending in the Congress of the United States. We are in a period of civilization where we are trying to build up something for humanity through medical science, and if we are going to discourage the medical branch of our Army we are going to do the worst possible thing, and we will do much to break down the great advancement in sanitation which we have entered upon and in which we have accomplished so much. The Medical Corps, under great embarrassments, have accomplished more in the last ten years in sanitation methods and discoveries in the United States than any other class of people in it, or than has been accomplished in any other country in all the ages past. It has done more to do away with hospitals and to keep people out of them in this country, by providing for sanitation, than any country in the world has ever done. The Army needs and deserves a compact, well-organized corps of medical officers. In my opinion this bill is fraught with great good for humanity and for the Army. [Applause.]

Mr. YOUNG. Mr. Speaker, the gentleman from Illinois has made a charge that this bill is top-heavy; that its only purpose was to give soft places to some of the favorites of the Department or of the committee. I wish to say——

Mr. MANN. I beg the gentleman's pardon. I did not make any such statement as that, that would reflect on the committee.

Mr. YOUNG. I withdraw that part of it if the gentleman does not want that inference drawn, although I think that was the only inference that could be drawn from the words he used. I wish to say that if the gentleman from Illinois is willing to take the responsibility—if he can influence this House—of leaving the Medical Corps of the Army in the condition that it is now in, I do not envy him that responsibility. Everyone who has studied this question at all knows that the losses from disease in the Army in time of war are very much greater than the losses from wounds. We have had it demonstrated in the war between Russia and Japan that such losses from disease are unnecessary.

Mr. WEEKS. Will the gentleman allow me to ask him a question?

Mr. YOUNG. I yield to the gentleman.

Mr. WEEKS. I understand this provides for 450 surgeons. How many are now in the Army—50,000?

Mr. YOUNG. Sixty-two thousand.

Mr. WEEKS. That is about seven surgeons to a regiment, is it not? Did you ever hear of a regiment that had seven surgeons?

Mr. YOUNG. These men are stationed at a number of posts. I have not time to go over the details of where these men will be stationed, but we are providing not only for the present, but for a nucleus for time of war. We know what a condition existed at the beginning of the Spanish war. Men died by hundreds who ought to have lived, and had they had adequate sanitary provision they would have lived. In the civil war the conditions were much worse; and I say, for one, I am not willing to take any part of the responsibility of perpetuating this condition any longer.

The SPEAKER. The time of the gentleman has expired. All time has expired. The question is on agreeing to the motion and passing the bill with amendment.

The question was taken, and the Speaker announced that, in his opinion, two-thirds had voted in favor thereof.

Mr. MANN. Let us have a division, Mr. Speaker.

The House divided, and there were—ayes 126, noes 15.

So, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

PROTECTION OF GAME IN ALASKA.

Mr. HIGGINS. Mr. Speaker, I move to suspend the rules and pass the following bill, with amendment.

The Clerk read as follows:

A bill (H. R. 14789) to amend an act entitled "An act for the protection of game in Alaska, and for other purposes," approved June 7, 1902.

Be it enacted, etc., That an act entitled "An act for the protection of game in Alaska, and for other purposes," approved June 7, 1902, be amended to read as follows:

"From and after the passage of this act the wanton destruction of wild game animals or wild birds, except eagles, ravens, and cormorants, the destruction of nests and eggs of such birds, or the killing of any wild birds, other than game birds, except eagles, for the purposes of selling the same or the skins or any part thereof, except as hereinafter provided, is hereby prohibited.

"Game defined: The term 'game animals' shall include deer, moose, caribou, mountain sheep, mountain goats, brown bear, sea lions, and walrus. The term 'game birds' shall include waterfowl, commonly known as ducks, geese, brant, and swans; shore birds, commonly known as plover, snipe, and curlew, and the several species of grouse and ptarmigan.

"Exemptions: Nothing in this act shall affect any law now in force in Alaska relating to the fur seal, sea otter, or any fur-bearing animal or prevent the killing of any game animal or bird for food or clothing at any time by natives, or by miners or explorers, when in need of food; but the game animals or birds so killed during close season shall not be shipped or sold.

"SEC. 2. Season: That it shall be unlawful for any person in Alaska to kill any wild game animals or birds, except during the season hereinafter provided: North of latitude 62 degrees, brown bear may be killed at any time; moose, caribou, sheep, walrus, and sea lions from August 1 to December 10, both inclusive; south of latitude 62 degrees, moose, caribou, and mountain sheep from August 20 to December 31, both inclusive; brown bear from October 1 to July 1, both inclusive; deer and mountain goats from April 1 to February 1, both inclusive; grouse, ptarmigan, shore birds, and waterfowl from September 1 to March 1, both inclusive: *Provided*, That no caribou shall be killed on the Kenai Peninsula before August 20, 1912: *And provided further*, That the Secretary of Agriculture is hereby authorized, whenever he shall deem it necessary for the preservation of game animals or birds, to make and publish rules and regulations prohibiting the sale of any game in any locality modifying the close seasons hereinbefore established, providing different close seasons for different parts of Alaska, placing further restrictions and limitations on the killing of such animals or birds in any given locality, or prohibiting killing entirely for a period not exceeding two years in such locality.

"SEC. 3. Number: That it shall be unlawful for any person to kill any female or yearling moose or for any one person to kill in any one year more than the number specified of each of the following animals: Two moose, one walrus or sea lion, three caribou, three mountain sheep, three brown bear, or to kill or have in his possession in any one day more than twenty-five grouse or ptarmigan or twenty-five shore birds or waterfowl.

"Guns and boats: That it shall be unlawful for any person at any time to hunt with dogs any of the game animals specified in this act; to use a shotgun larger than No. 10 gauge, or any gun other than that which can be fired from the shoulder; or to use steam launches or any boats other than those propelled by oars or paddles in the pursuit of game animals or birds.

"SEC. 4. Sale: That it shall be unlawful for any person or persons at any time to sell or offer for sale any hides, skins, or heads of any game animals or game birds in Alaska, or to sell, offer for sale, or purchase, or offer to purchase, any game animals or game birds, or parts thereof, during the time when the killing of such animals or birds is prohibited: *Provided*, That it shall be lawful for dealers having in possession game animals or game birds legally killed during the open season to dispose of the same within fifteen days after the close of said season.

"SEC. 5. Licenses: That it shall be unlawful for any nonresident of Alaska to hunt any of the game animals protected by this act, except deer and goats, without first obtaining a hunting license, or to hunt on the Kenai Peninsula without a registered guide, and such license shall not be transferable and shall be valid only during the calendar year in which issued. Each applicant shall pay a fee of $100 for such license, unless he be a citizen of the United States, in which case he shall pay a fee of $50. Each license shall be accompanied by coupons authorizing the shipment of two moose if killed north of latitude 62°, four deer, three caribou, three mountain sheep, three goats, and three brown bear, or any part of said animals, but no more of any one kind.

"A resident of Alaska desiring to export heads or trophies of any of the game animals mentioned in this act shall first obtain a shipping license, for which he shall pay a fee of $40, permitting the shipment of heads or trophies of one moose, if killed north of latitude 62°, four deer, two caribou, two sheep, two goats, and two brown bear, but no more of any one kind; or a shipping license, for which he shall pay a fee of $10, permitting the shipment of a single head or trophy of caribou or sheep; or a shipping license, for which he shall pay a fee of $5, permitting the shipment of a single head or trophy of any goat, deer, or brown bear. Any person wishing to ship moose killed south of latitude 62° must first obtain a special shipping license, for which he shall pay a fee of $150, permitting the shipment of one moose or any part thereof. Not more than one general license and two special moose licenses shall be issued to any one person in one year: *Provided*, That before any trophy shall be shipped from Alaska under the provisions of this act the person desiring to make such shipment shall first make and file with the customs office at the port where such shipment is to be made an affidavit to the effect that he has not violated any of the provisions of this act; that the trophy which he desires to ship has not been bought or purchased and has not been sold and is not being shipped for the purpose of being sold, and that he is the owner of the trophy which he desires to ship, and if the trophy is that of moose, whether the animal from which it was taken was killed north or south of latitude 62°: *Provided further*, That any resident of Alaska prior to September 1, 1908, may without permit or license ship any head or trophy of any of the game animals herein mentioned upon filing an affidavit with the customs office at the port where such shipment is to be made that the animal from which said head or trophy was taken was killed prior to the passage of this act. Any affidavit required by the provisions of this act may be subscribed and sworn to before any customs officer or before any officer competent to administer an oath.

"The governor of Alaska is hereby authorized to issue licenses for hunting and shipping big game. On issuing a license he shall require the applicant to state whether the heads or trophies to be obtained or shipped under said license will pass through the ports of entry at Seattle, Wash., Portland, Oreg., or San Francisco, Cal., and he shall forthwith notify the collector of customs at the proper port of entry as to the name of the holder of the license and the name and address of the consignee. All proceeds from licenses, except $1 from each fee, which shall be retained by the clerk issuing the license to cover the cost of printing and issue, shall be paid into a game-protection fund and shall be expended under the direction of the governor for the employment of wardens or the payment of other expenses for the protection of game in Alaska. And the governor shall annually make a detailed and itemized report to the Secretary of Agriculture, in which he shall state the number and kind of licenses issued, the money received, and how the same was expended, which report shall also include a full statement of all trophies exported and all animals and birds exported for any purpose.

"And the governor of Alaska is further authorized to employ game wardens, to make regulations for the registration and employment of guides, and fix the rates for licensing guides and rates of compensation for guiding. Every person applying for a guide license shall, at the time of making such application, make and file with the person issuing such license an affidavit to the effect that he will obey all the conditions of this act and of the regulations thereunder, that he will not violate any of the game laws or regulations of Alaska, and that he will report all violations of such laws and regulations that come to his knowledge. Any American citizen or native of Alaska, of good character, upon compliance with the requirements of this act, shall be entitled to a guide license. Any guide who shall fail or refuse to report any violation of this act, or who shall himself violate any of the provisions of this act, shall have his license revoked, and in addition shall be liable to the penalty provided in section 7 of this act, and shall be ineligible to act as guide for a period of five years from the date of conviction.

"SEC. 6. That it shall be unlawful for any persons, firm, or corporation, or their officers or agents, to deliver to any common carrier, or for the owner, agent, or master of any vessel, or for any other person, to receive for shipment or have in possession with intent to ship out of Alaska, any wild birds, except eagles, or parts thereof, or any heads, hides, or carcasses of brown bear, caribou, deer, moose, mountain sheep, or mountain goats, or parts thereof, unless said heads, hides, or carcasses are accompanied by the required license or coupon and by a copy of the affidavit required by section 5 of this act: *Provided*, That nothing in this act shall be construed to prevent the collection of specimens for scientific purposes, the capture or shipment of live animals and birds for exhibition or propagation, or the export from Alaska of specimens under permit from the Secretary of Agriculture, and under such restrictions and limitations as he may prescribe and publish.

"It shall be the duty of the collector of customs at Seattle, Portland, and San Francisco to keep strict account of all consignments of game animals received from Alaska, and no consignment of game shall be entered until due notice thereof has been received from the governor of Alaska or the Secretary of Agriculture, and found to agree with the name and address on the shipment. In case consignments arrive without licenses they shall be detained for sixty days, and if a license be not then produced said consignment shall be forfeited to the United States and shall be delivered by the collector of customs to the United States marshal of the district for such disposition as the court may direct.

"SEC. 7. Penalties: That any person violating any of the provisions of this act or any of the regulations promulgated thereunder by the Secretary of Agriculture or the governor of Alaska shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit to the United States all game or birds in his possession, and all guns, traps, nets, or boats used in killing or capturing said game or birds, and shall be punished for each offense by a fine of not more than $200 or imprisonment not more than three months, or by both such fine and imprisonment, in the discretion of the court. Any person making any false or untrue statements in any affidavit required by this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit to the United States all trophies in his possession, and shall be punished by a fine in any sum not more than $200 or imprisonment not more than three months, or by both such fine and imprisonment, in the discretion of the court.

"Enforcement: It is hereby made the duty of all marshals and deputy marshals, collectors or deputy collectors of customs, all officers of revenue cutters, and all game wardens to assist in the enforcement of this act. Any marshal, deputy marshal, or warden in or out of Alaska

may arrest without warrant any person found violating any of the provisions of this act or any of the regulations herein provided, and may seize any game, birds, or hides, and any traps, nets, guns, boats, or other paraphernalia used in the capture of such game or birds and found in the possession of said person in or out of Alaska, and any collector or deputy collector of customs, or warden, or licensed guide, or any person authorized in writing by a marshal shall have the power above provided to arrest persons found violating this act or said regulations and seize said property without warrant to keep and deliver the same to a marshal or a deputy marshal. It shall be the duty of the Secretary of the Treasury, upon request of the governor or Secretary of Agriculture, to aid in carrying out the provisions of this act.

"SEC. 8. That all acts or parts of acts in conflict with the provisions of this act are hereby repealed."

With the following amendments:

Strike out lines 1, 2, 3, 4 and the words "of game in Alaska" in line 5, on page 7, and insert the following: "clerk issuing the license to cover the cost of printing and issue, shall be paid into the Treasury of the United States as miscellaneous receipts; the amount necessary for the enforcement of this act shall be estimated for annually by the Agricultural Department and appropriated for, including the employment and salaries to be paid to game wardens herein authorized."

Also, strike out the words "and how the same was expended," in line 8, page 7.

The SPEAKER. Is a second demanded?

Mr. PERKINS. Mr. Speaker, I demand a second.

Mr. HIGGINS. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Connecticut [Mr. HIGGINS] is entitled to twenty minutes, and the gentleman from New York [Mr. PERKINS] is entitled to twenty minutes.

Mr. HIGGINS. Mr. Speaker, this bill amends the present game law of Alaska, which was passed in 1902. That law has been found to be very defective. Under it there has been no adequate protection of game and no diminution in the slaughter which has been going on. Under this bill a practical method is established for enforcing the law, for a report must be made to the Secretary of Agriculture as to the number of men who are employed as game wardens, the amount and kind of game that is killed, and a limit is placed upon the amount of game and the season in which that game may be killed.

So far as the seasons are concerned, this bill does not materially differ from the present law, and those seasons were agreed upon by the committee and reported upon in this bill upon the judgment of Doctor Merriam, Chief of the Biological Survey of the Department of Agriculture, than whom, I suppose, nobody has better information concerning the game in Alaska. The bill has been carefully considered and is unanimously reported by the Committee on Territories and, in our judgment, is an important measure to secure protection for the game in the greatest game preserve there is to-day on this continent, a matter in which, I am sure, we are all interested.

The revenue from the licenses will, in my judgment, be sufficient to more than carry out the provisions of this bill; but if not, the amendment offered makes it obligatory upon Congress to make the appropriation upon estimates furnished by the Secretary of Agriculture.

Mr. PERKINS. Mr. Speaker, I do not imagine that I shall at all oppose this bill. I am quite interested in the subject. I have not had an opportunity of reading the bill in advance, and I asked for a second in order that I might have a full explanation. With the permission of the gentleman, I should like to ask him several questions in regard to the bill.

Mr. HIGGINS. Certainly.

Mr. PERKINS. Glancing over the bill hastily, as I have, I could not fully grasp its provisions.

Mr. HIGGINS. The gentleman from Washington [Mr. HUMPHREY] introduced the bill, and he has been in Alaska and may be able to answer the questions more specifically than I can.

Mr. PERKINS. Then I will ask the gentleman from Washington, with his consent.

Mr. HUMPHREY of Washington. Certainly.

Mr. PERKINS. In the bill that was introduced last year, which did not become a law, there was a provision, as I remember, which seemed to be very objectionable, and which I think is not found in this bill. I think in that bill there was no attempt to impose any restrictions upon the natives. I do not find that provision in this bill, and I ask whether any such exception has been made.

Mr. HUMPHREY of Washington. I will say to the gentleman that there is no such provision in this bill. One of the reasons why I left it out was because of the knowledge I obtained last spring when I visited Alaska and was hunting there for about two months. I became thoroughly convinced that the game needed protection from the Indians, and that the Indians needed that protection for their own benefit. In other words, I found that the Indians were killing a great deal of game out of season, simply for the love of slaughter, and not using the game. Then when the time came when they needed it they found the game was very scarce. That is the reason there is no such provision in the bill now.

Mr. PERKINS. I am glad to have the gentleman's statement, because I suggested to the gentleman from Washington last year that the bill was deficient and that the greatest slaughterers of game to their own detriment were the Indians themselves. I am glad that the personal observation of my friend from Washington agrees with that view. I think that is the most important thing in the bill.

Now, I want to ask another question: This bill is general in its terms and restricts the amount of game that may be slaughtered by any one, whether he lives in Alaska or this country?

Mr. HUMPHREY of Washington. Yes; with one exception. The bill does provide that miners and prospectors may kill game for food. They will do it anyway, and no one wants to prohibit them.

Mr. PERKINS. In respect to the license, I do not exactly understand the provisions of the bill. Suppose an American not living in Alaska goes there and obtains his license upon the payment of $50, that allows him to kill a certain number of animals that are specified in the bill.

Mr. HUMPHREY of Washington. That is correct.

Mr. PERKINS. What portion of the animals can he export under that license, or must he have a separate license to take out any animals from that country?

Mr. HUMPHREY of Washington. He can bring out any except the heads of moose which are killed on the Kenai Peninsula.

Mr. PERKINS. By obtaining a $50 license he can bring out the head of a moose killed in the country except on the Kenai Peninsula.

Mr. HUMPHREY of Washington. Yes; except on the Kenai Peninsula.

Mr. PERKINS. And on that Kenai Peninsula nobody can kill moose until the year 1912?

Mr. HUMPHREY of Washington. No; no one can kill caribou until 1912, but they can kill moose; but they have to have a special license in order to bring out the head of a moose from there.

Mr. PERKINS. The provision as to close time until 1912 refers only to caribou?

Mr. HUMPHREY of Washington. Yes; and the reason of that is that there is a different variety of caribou on the Kenai Peninsula; they are almost extinct, and they want to stop the killing for a number of years.

Mr. PERKINS. In order for a person outside of Alaska to kill a moose on the Kenai Peninsula and bring out a head, he would have to take out a license of $50 and then a special license of $150.

Mr. HUMPHREY of Washington. That is correct.

Mr. PERKINS. Making a license in all of $200. But he could bring out the head of a mountain sheep or the head of a moose killed elsewhere for $50?

Mr. HUMPHREY of Washington. Yes.

Mr. PERKINS. Does not the gentleman think that a license of $200 for a moose killed on the Kenai Peninsula is too high?

Mr. HUMPHREY of Washington. I will tell the gentleman why that is done. The large moose is found only on the Kenai Peninsula, and it is quite a limited territory. If the gentleman will look on the map he will see that this peninsula is only about 100 miles square and deeply indented by various bays, so that you can get in by water very easily. And in addition to that they are building a railroad through the center of the peninsula, so that within a few years you can ride right into this great game country on the train. The great moose live only on this peninsula, and unless there are very strict laws in regard to it they will soon be exterminated. This moose is attracting sportsmen from all over the world. For that reason I think the law ought to be strict. One of the large heads of these moose will often bring $1,000.

Mr. PERKINS. The gentleman knows that in New Brunswick, where they have large moose, you can get a license for $50.

Mr. HUMPHREY of Washington. If the gentleman should go north of latitude 62, he can bring out under his general license the head of a moose. But there is no comparison between the moose on the Kenai Peninsula and those in New Brunswick.

Mr. PERKINS. Does the bill anywhere restrict the killing of the female game?

Mr. HUMPHREY of Washington. Yes.

Mr. PERKINS. What female?

Mr. HUMPHREY of Washington. You can not kill the female moose, but you can shoot the female caribou.

Mr. PERKINS. What is the reason of that?

Mr. HUMPHREY of Washington. The reason of that is that both males and females of the caribou have horns, and the hunter can not tell the male from the female.

Mr. PERKINS. He is not much of a hunter who can not tell the difference.

Mr. HUMPHREY of Washington. It takes a pretty good hunter unless you get close to them. Perhaps the gentleman gets closer to his game than the ordinary sportsman.

Mr. PERKINS. I get just as close as I can, always.

Mr. SULZER. Mr. Speaker, just an inquiry. Is there anything in the provisions of this bill that prevents a miner or a prospector or a native Indian of Alaska from killing game at any time for his food and maintenance?

Mr. HUMPHREY of Washington. No; it is specially provided in the bill that they may. There is a special provision in the bill to that effect—to kill it for food.

Mr. PERKINS. Can any resident kill it for food at any time?

Mr. HUMPHREY of Washington. No; not any resident, but any miner, prospector, or native.

Mr. PERKINS. I did not understand the gentleman to say that any Indian could kill game at any time of the year for food?

Mr. HUMPHREY of Washington. Yes.

Mr. SULZER. And he ought to have the right to do it.

Mr. PERKINS. The result is that very soon he will not have any food.

Mr. SULZER. Not at all. The Indians of Alaska would have ample food for hundreds of years to come if it were not for the white man coming in and killing the game.

Mr. PERKINS. My friend is not as familiar with the game situation as he is with other situations.

Mr. SULZER. I am very familiar with the game situation in Alaska. I have been there about a dozen times, and I have studied the conditions existing. I know what I am talking about.

Mr. PERKINS. I imagine the Indians up there are like the Indians in Wyoming.

Mr. SULZER. They are entirely different. Quite a different race.

Mr. PERKINS. I hope so.

Mr. HUMPHREY of Washington. I will read that provision in the bill. It says:

> Nothing in this act shall affect any law now in force in Alaska relating to the fur seal, sea otter, or any fur-bearing animal to prevent the killing of any game animal or bird for food or clothing at any time by natives and miners or explorers when in need of food; but the game animals or birds so killed during close season shall not be shipped or sold.

I think that ought to be in there.

Mr. SULZER. Yes; and I am glad that provision is in there. Now, is there anything in this bill that prevents the people of Alaska from killing eagles and shipping the eagles out?

Mr. HUMPHREY of Washington. No.

Mr. SULZER. I am glad of that, because the eagles in Alaska are too numerous and many ought to be killed. They are very destructive. They destroy the young game birds and animals.

Mr. HUMPHREY of Washington. They can be killed under this bill, and it is the only bird that can be, without restriction.

Mr. PERKINS. Mr. Speaker, I wish to say further that though there is some question about the details of this bill, I want to express my approval of the bill, because it seems to me that the administration in reference to Alaska and its game has not been characterized by any very high degree of wisdom. Last autumn I was very desirous to go and spend a little money for the benefit of Americans in Alaska in hunting there. The provisions imposed by the Department were such, in refusing to allow anyone to bring out trophies of any sort, that any American sportsman, instead of spending his money where he would prefer, in his own country, was obliged to go to Canada and spend what little money he had to spend among Canadians, for the benefit of Canadian guides. This seemed to me a very injudicious attempt to protect American labor engaged in this branch of business which, while not very important, is still useful. I congratulate the gentleman in producing a bill under which a sportsman can spend his money in his own country, and not in Canada.

I now yield five minutes to the gentleman from Colorado [Mr. BONYNGE].

Mr. BONYNGE. Mr. Speaker, the general provisions of this bill are undoubtedly wise and proper. I do not profess to know anything about what the game laws should be in Alaska, and I am entirely willing to take the judgment of the Committee on Territories upon that proposition. But there are some provisions of this bill that I do most strenuously object to. In carrying out a good purpose it does not seem to me to be necessary that we should violate all of our preconceived ideas of what should constitute crime under the law. Under the provisions of this bill—and I am advised by the gentleman who presents it under the law as it exists to-day—it is possible to make a crime out of a violation of a regulation either by the governor of Alaska or the Secretary of Agriculture. If such a regulation is violated, under the provisions of this bill a United States marshal or deputy anywhere in the United States may without warrant arrest the violator, and the punishment is not only forfeiture of whatever game he may have in his possession but he may be sent to the penitentiary for a period of three months and fined a large sum of money.

Mr. TAWNEY. Will the gentleman permit an interruption?

Mr. BONYNGE. Certainly.

Mr. TAWNEY. Do you know whether or not it is a fact that the Supreme Court of the United States has held that a man can not be tried and convicted for the violation of a regulation established or fixed by the head of the Department in pursuance of law?

Mr. BONYNGE. There was a case recently decided by the Supreme Court, and there seems to be some difference as to the proper interpretation to be placed on that opinion. There are those who contend that the court held that a violation of any regulation could not constitute a criminal offense. There are others who contend that if the regulation was made in pursuance of statute and in pursuance of the general provisions of law, that the violation of such a regulation might constitute a criminal offense. I have not personally examined the opinion, but whether we have the power to make such a law or not does not matter. Such a law is fundamentally wrong. This bill gives to the Secretary of Agriculture or to the governor of Alaska the right to make regulations with all the force of law, and to change them at his or their will. Consequently, what to-day may not constitute a crime may to-morrow constitute one, and by the violation of any such regulation you are permitting, by the terms of this bill, the marshal or a deputy marshal to arrest a man anywhere in the United States without a warrant.

Mr. PERKINS. Will the gentleman yield for a question?

Mr. BONYNGE. Certainly.

Mr. PERKINS. Does it not seem to the gentleman that perhaps his criticism is not just, because it says in section 7, "Any person violating any of the provisions of this act or any of the regulations promulgated thereunder?" Would it not necessarily be a regulation authorized by this act?

Mr. BONYNGE. Certainly; but I do not care whether it is authorized by the act or not, if the gentleman please. Here you are providing that the governor of Alaska or the Secretary of Agriculture may make regulations at will and change them as they see fit, making closed seasons in one portion of Alaska and open seasons in another portion of Alaska, changing those sections from time to time, just as the whim or the caprice of the Secretary of Agriculture or the governor of Alaska may prompt them to do; and for the violation of any such regulation, made either by the Secretary of Agriculture or the governor of Alaska, the man may be arrested anywhere in the United States without a warrant.

Now, no matter, gentlemen, how good the other provisions of this bill may be, how necessary they may be for the protection of game in Alaska, I submit to you that the rights of American citizens and the laws as they have come down to us ought not to be violated in regard to the personal liberty of citizens in this careless manner, even to protect the game of Alaska. There is something more involved in the passage of this bill with such provisions in it than the mere protection of game in Alaska. And if it be true that the law as it now stands contains such provisions as these, this is a good opportunity for us to say to the committee, that as you want to change the other provisions of the law regulating the killing of game in Alaska, see to it also that you change this vicious provision of the bill, and bring in a bill that not only protects the game in Alaska, but in doing so will not violate all of our ideas of what constitutes proper law for the protection of the liberty of citizens.

For the reasons I have suggested, Mr. Speaker, I am opposed to this bill in this form, and I trust that it may be defeated at this time, that it may go back to the committee and have this correction made before passing the House. [Applause.]

Mr. HIGGINS. Mr. Speaker, I have been very much interested in the gentleman's argument, and it would have come with better force if it was not that the present law has the same provision as that to which he refers. The existing law is not changed at all with respect to the criticism which the gentleman makes, and no good purpose can be served in defeating this bill for the reason that the gentleman so eloquently

gives. The nature of the matter herein legislated upon rather compels that the governor and the Secretary of Agriculture, who have the enforcement of this law, should have the power to make regulations.

I will now yield five minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Speaker, just a word in relation to what the gentleman from Colorado [Mr. BONYNGE] has said. I think that the gentleman has grown eloquent over the liberty of the citizen quite unnecessarily. This has been the provision of the law for a good many years, and I have not heard of anybody being outraged yet by it. I have not heard of any citizen that has been prosecuted for the violation of this rule, and the fact about it is I do not believe that that section of the bill—and I never have believed—that it could be enforced. This legislation is greatly needed. All bills are in a certain sense a compromise, and I had to accept some of these things that I never was in favor of in order to get it passed. I attempted to get it through last session and it failed. And I want to say a word or two in connection with that provision providing for arrests "in or out of Alaska." It is not a new provision. There are many instances where men have gone to Alaska and brought the heads into some port and then had a vessel to bring them out. They come to Seattle, Tacoma, or San Francisco with these trophies. There is no way to reach those people unless you give some power to arrest them outside of Alaska. This is also to reach the taxidermists of Tacoma, Seattle, and San Francisco. They are the greatest offenders against the game laws. They hire Indians and natives—anyone they can get to secure these game trophies for them. They get them in in some manner. This part of the bill ought not to be stricken out. It should stay in order to reach these men. The law is already in this shape and contains that provision.

The Secretary of Agriculture wants that section relative to regulations. If the Secretary of Agriculture should change the closed season for the Kenai Peninsula for a period of two years, which is as long as he can make the change for, the men who go there and violate that provision ought to be prosecuted. They will have an opportunity to find it out about such change. It will be promulgated by the Secretary of Agriculture.

Mr. OLLIE M. JAMES. How are the people to know what the law is? Will they have to hunt up the governor and find it out from him or the Secretary of Agriculture?

Mr. HUMPHREY of Washington. They would have to get a license, and when the man applies for a license he undoubtedly would be informed.

Mr. OLLIE M. JAMES. He would be informed as to the regulation that was first announced; but suppose the governor or Secretary changed his regulation after the man gets the license?

Mr. HUMPHREY of Washington. It is not reasonable to suppose that in the short hunting season—it is only a few weeks—he would promulgate a new order after issuing the license. I do not believe that any governor of Alaska would do anything of the kind, or that any reasonable man would.

Mr. OLLIE M. JAMES. You tell us the reasons for incorporating this provision of the law which you say can not be carried into effect is because the Secretary of Agriculture wants it. Have you got no better reason than that the Secretary of Agriculture wants to make it to offer the House for its adoption?

Mr. HUMPHREY of Washington. One reason I said was because the Secretary of Agriculture wanted it in, and Doctor Merriam thought it ought to be in there; and if it can be enforced it ought to be. I do not believe, however, that a man can ever be punished criminally for a violation of a rule issued by a governor or the Secretary of Agriculture. But I do ask that the bill pass, inasmuch as it in no way changes the present law, in order to get it over to the Senate. One of the greatest necessities is to protect the natives in Alaska, as well as the game. In the southeastern part of Alaska the natives are being rapidly exterminated. I found out on my last visit last year that it was produced largely by starvation. During the winter time the natives of southeastern Alaska are not able to get sufficient food, and one of the reasons is the game is being rapidly exterminated. I went there and saw this condition, and I came back resolved to do everything possible to get a bill through to protect not only the game, but primarily to protect the natives by protecting the game. For that reason, above all others, I hope the House will pass this bill and let it go over into the Senate, and if there is anything so obnoxious or vicious as some of them seem to think, perhaps the Senate committee will strike out that particular part.

Mr. BONYNGE. The gentleman from New York has two minutes, if he will yield it to me.

Mr. PERKINS. If I have any more time, I will yield the gentleman two minutes.

The SPEAKER. The gentleman has two minutes remaining.

Mr. PERKINS. I yield it to the gentleman from Colorado.

Mr. BONYNGE. Mr. Speaker, the last argument of the gentleman from Washington has prompted me again to ask for more time. The gentleman says we ought to pass this bill containing a provision which he admits can not be enforced, which he says ought not to be in the law, and the only reason he says we ought to pass it is to send it over to the Senate and let the Senate do the legislating for us. The character of this measure——

Mr. HUMPHREY of Washington. Well, I did not say that was the only reason.

Mr. BONYNGE. The only reason you urged.

Mr. HUMPHREY of Washington. I did not say that at all. I said that was one reason. I said it was a bad law, and I would not put it in the law if I could help it.

Mr. PERKINS. You recognized it as the law now.

Mr. BONYNGE. I understand it is the law now, and that it probably passed under unanimous consent, when no attention was given, perhaps, to this provision in the bill. But now, when attention is called to it, it is the duty of the House to determine whether or not it will deliberately enact a law containing those provisions. The question is whether or not this House approves of legislation of that character. What does the gentleman say as to the reason why he accepts this provision, which even he says does not meet with his approval? It is that the Secretary of Agriculture asks that this provision be in the bill. Has it come to the point that this House is going to adopt legislation which upon the floor of the House Members say they do not believe can be enforced, which they admit they do not think ought to be in the law, simply because some member of the executive department has asked that it be in the law? [Applause.] I do not believe, Mr. Speaker, that this House wants to go upon record in favor of that proposition. Stop and think for one moment just what this law permits.

The governor of Alaska, an appointee of the President, not an elective officer, is authorized by the provisions of this bill to make laws, is authorized to determine what are crimes, and a citizen of the United States violating an edict of the governor of Alaska may be arrested anywhere in the United States without a warrant; and the question is further presented now to the Members of the House whether they approve of such a law as that. The game of Alaska can be protected without such a provision, and I hope it will be. [Applause.]

Mr. HIGGINS. I yield five minutes to the gentleman from Minnesota [Mr. TAWNEY].

Mr. TAWNEY. Mr. Speaker, I want to emphasize what the gentleman from Washington [Mr. HUMPHREY] has said regarding the necessity for the enactment of some legislation for the protection of the game in Alaska, and especially the necessity of amending existing law for the benefit of the natives.

The Indians of southeastern Alaska have been self-supporting ever since the Government of the United States purchased that district; but by reason of legislation enacted by Congress much of their employment has been taken away from them, and even the opportunity of supplying themselves with the necessaries of life, in so far as these necessaries are furnished by the game of Alaska, has been to a large extent taken away from them. The conditions as described by the gentleman from Washington have not been overdrawn in the least, as I can state from my own personal knowledge.

The objection raised by the gentleman from Colorado, if it was an original proposition, would be entirely valid. I do not believe that the Congress of the United States should delegate to any administrative officer, I care not who he may be, the power to enact criminal legislation; but, Mr. Speaker, the provision against which the gentleman from Colorado is complaining is the law now, and that same provision is not only in the law governing the killing of game, or controlling and regulating the killing of game in Alaska, but that provision abounds in a great many statutes enacted by Congress.

My information is that the Supreme Court of the United States has held provisions of this kind to be merely nugatory; that they can not be enforced, for the reason that the Congress of the United States can not delegate to any administrative office the power of enacting criminal laws in the form of regulations. Therefore we are not changing any existing law by this provision, and if this bill does not pass that provision of which the gentleman complains will remain in the law and continue to be the law until some other legislation is enacted.

But in view of the existing law, in view of the fact that this provision is nugatory in any event, I do not think we ought to hesitate longer to enact wise legislation for the benefit especially of the natives of southeastern Alaska, who are starving, or on the verge of starvation, in consequence of their not being able to kill the game that roams through their forests of that great district.

Mr. PAYNE. Why not strike out this objectionable clause by unanimous consent?

Mr. TAWNEY. I would be willing to do that.

Mr. PAYNE. I wish the gentleman from Washington would suggest that. I should like to have a vote on the bill, but I will not vote for any such provision as that.

Mr. TAWNEY. I would suggest to the gentleman to strike out all after the word "act," in line 11, down to and including the word Alaska," in line 13, page 9. I do not think that the gentleman from Connecticut or the gentleman from Washington ought to hesitate to do that, because it will improve the bill and insure its passage.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the gentleman from Connecticut may modify his motion by an amendment striking out the lines indicated. The Clerk will report the amendment.

The Clerk read as follows:

On page 9, lines 11, 12, and 13, strike out the following words: "or any of the regulations promulgated thereunder by the Secretary of Agriculture or the governor of Alaska."

The SPEAKER. Is there objection?

There was no objection.

Mr. GAINES of Tennessee. Will the gentleman yield for an inquiry?

Mr. HUMPHREY of Washington. I have not the floor.

Mr. GAINES of Tennessee. The bill provides that the governor of Alaska shall issue the licenses. Why do you take it away from Secretary Wilson? The governor is away a great deal of time.

Mr. HUMPHREY of Washington. It is proposed that the governor's clerk can issue it. The governor has charge of this fund, and he looks after it and turns it in to the Secretary of Agriculture. I think it is better for the governor of Alaska to issue it.

Mr. GAINES of Tennessee. Does the law say that his clerk may issue it in the absence of the governor?

Mr. HUMPHREY of Washington. No; it says the governor shall do it; but I presume he will have a clerk to do it.

Mr. KENNEDY of Ohio. Will the gentleman yield?

Mr. HIGGINS. I will yield to the gentleman.

Mr. KENNEDY of Ohio. I understand it is moved to strike out language that makes reference to language on page 8.

Mr. TAWNEY. No; on page 9, from line 11 down to and including the word "Alaska," in line 13, "or any regulations promulgated thereunder by the Secretary of Agriculture or the governor of Alaska."

Mr. KENNEDY of Ohio. The only provision for regulation appears on page 8, where authority is granted the Secretary of Agriculture, as I understand it, to suspend these rules in the interest of collectors.

Mr. HIGGINS. I will say to the gentleman that it also provides that regulations may be made for restricting the employment of guides and fixing the rates of license, and there are other regulations aside from the license the gentleman refers to.

Mr. CUSHMAN. There is no objection to regulations being made if the violation of them is not made a crime or misdemeanor.

Mr. TAWNEY. These regulations can be enforced by withholding the license.

Mr. PERKINS. The regulations are mentioned on page 3, beginning at line 2.

The SPEAKER. The question is on suspending the rules and passing the bill with the amendment.

The question was taken, and two-thirds having voted in favor thereof, the rules were suspended and the bill as amended was passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, one of its secretaries, announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. R. 40. Joint resolution to provide for the transportation by sea of material and equipment for use in the construction of the Panama Canal.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 17277. An act for the relief of George S. Patten, of Williams, Coconino County, Ariz.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. R. 40. Joint resolution to provide for the transportation by sea of material and equipment for use in the construction of the Panama Canal—to the Committee on Interstate and Foreign Commerce.

CUTTING TIMBER ON THE MENOMINEE INDIAN RESERVATION IN WISCONSIN.

Mr. MORSE. Mr. Speaker, by direction of the Committee on Indian Affairs, I move to suspend the rules and pass the bill (S. 4046) to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests on the Menominee Indian Reservation in the State of Wisconsin, with amendments.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed, under such rules and regulations as he may prescribe in executing the intent and purposes of this act, to cause to be cut and manufactured into lumber the dead and down timber, and such fully matured and ripened green timber as the forestry service shall designate, upon the Menominee Indian Reservation in the State of Wisconsin.

SEC. 2. That the Secretary of the Interior shall, as soon as practicable, cause to be built, equipped, and operated suitable sawmills, equipment, and necessary buildings for manufacturing into lumber the timber cut under the provisions of this act, and there shall be employed such skilled foresters, superintendents, foremen, cruisers, rangers, guards, loggers, scalers, and such other labor, both in the woods and for operating sawmills, equipment, and necessary buildings, as may be necessary in cutting and manufacturing logs and lumber and in the protection of the forests upon said Indian reservation. The Secretary of the Interior in so far as practicable shall at all times employ none but Indians upon said reservation in forest protection, logging, driving, sawing, and manufacturing into lumber for the market such timber, and no contract for logging, driving, sawing timber, or conducting any lumber operations upon said reservation shall hereafter be let, sublet, or assigned to white men, nor shall any timber upon any such reservation be disposed of except under the provisions of this act. Whenever any Indian or Indians shall enter into any contract pursuant to this act, and shall seek by any agency, copartnership agreement, or otherwise to share in the same with any white man, or shall employ in its execution any labor or assistance other than the labor and assistance of Indians, such act or acts shall thereupon terminate such contract, and the same shall be annulled and canceled.

SEC. 3. That the lumber, lath, shingles, poles, posts, bolts, and pulp wood and other marketable materials so manufactured from the timber cut upon said reservation shall be sold to the highest and best bidder for cash, after due advertisement inviting proposals and bids, under such rules and regulations as the Secretary of the Interior may prescribe. The net proceeds of the sale of such lumber and other material shall be deposited in the Treasury of the United States to the credit of the tribe entitled to the same. Such proceeds shall bear interest at the rate of 4 per cent per annum, and the interest shall be used for the benefit of such Indians in such manner as the Secretary of the Interior shall prescribe.

SEC. 4. That the Secretary of the Interior is hereby authorized to pay, out of the funds of the tribe of Indians located upon said reservation, the necessary expenses of the lumber operations herein provided for, including the erection of sawmills, equipment and necessary buildings, logging camps, logging equipment, the building of roads, improvement of streams, and all other necessary expenses, including those for the protection, preservation, and harvest of the forest upon such reservation.

SEC. 5. That when the dead and down timber, and such fully matured and ripened green timber as the Forestry Service shall designate, shall have been converted into lumber, then the Secretary of the Interior is directed to make sale of such portions of the sawmill and manufacturing plant as will not, in his judgment, be needed for continuing operations on this reservation. The terms of these sales shall be fixed by the Secretary, and after the payment of the costs and charges of sale the net proceeds thereof shall be deposited in the same manner and for the same purposes as the net proceeds of the sale of the lumber aforesaid.

SEC. 6. That all acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Mr. FITZGERALD. Mr. Speaker, I demand a second.

Mr. MORSE. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. MORSE. Mr. Speaker, there are several reasons for the passage of this bill. This is a small reservation in northern Wisconsin. There are only ten townships in it. It is composed of 22,680 acres, and no part of this reservation has been allotted. A large part of it is covered with heavy timber. For some years these Indians have been allowed to cut 20,000,000 feet of timber every year and float it down the stream and in that way market it. This timber has been cut back away from the stream. A large part of the pine has been cut. What remains is back a distance from the stream, and a large part of it is very valuable hard wood.

A bill was passed last year providing for the cutting of this timber and the erection of sawmills on the reservation by private individuals. The timber was to be cut at an expense not exceeding $3.50 per thousand feet. The Secretary of the In-

terior advertised for bids for the building of these sawmills on the reservation, but on account of the fact that there was no guaranty that there would be a continuance of the cutting and on account of the further fact that the price sought was too low, no contract could be let. I neglected to say that about three years ago a cyclone passed through this reservation, blowing down about fifty, or at least many million feet of the finest hard-wood timber in the world.

The Indians, believing that these sawmills were to be built there this coming year, commenced logging this down and dead timber. They have now on the skids there on the reservation piled at three mill sites, where there are no mills, where there is no way of getting it out, about 50,000,000 feet of timber in logs. Now, this bill provides that the Secretary of the Interior may cause to be erected, not with our money, but with the Indians' money, of which they have about two and one-half million dollars in the Treasury, some small sawmills on this reservation, in order that the Indians may cut their own lumber with their own money. The Indians there are governed in their tribal relations by what is known as a business committee, composed, I believe, of seventeen of the most intelligent members of this little tribe.

This tribe, remember, has only some 1,400 people. This business committee is in favor of the passage of this bill, for the reason that the Indians in this way will be able to get all that they can out of their timber, but for the greater reason that they will be given employment. Remember the conditions. This reservation is not allotted. It is not cut over, much of it. There is no farm land that is cleared up on the reservation. There has been no incentive to do any clearing, to build any good buildings, because no one knew, if the reservation was to be allotted, whether or not he would get the particular piece of land on which his house was built. They have absolutely nothing to do during the summer. They have had heretofore work in the winter. Under the provisions of this bill the men who wish to work will be given employment in the summer months as well as the winter months. More than that, the object of all Indian legislation, as I take it, is to educate the Indian toward citizenship, to give him a chance to be able to take care of himself.

That is just exactly what we are attempting to do in this bill. We are attempting to educate these Indians along the line of the preservation of their own forests. You will notice that the timber is to be cut under the supervision of the Forestry Department. Down and dead and matured green timber only are to be cut under the provisions of this bill. No timber is to be cut excepting that which is marked or pointed out by the Forestry Department. It is said that possibly this is a step in a new direction, but you will remember that we are not using the Government's money. We are using the Indians' own money. They have in the Treasury now from this log fund $2,315,000.

Mr. GAINES of Tennessee. Will the gentleman yield for a question?

Mr. MORSE. Yes.

Mr. GAINES of Tennessee. Will the gentleman tell us where this timber is?

Mr. MORSE. It is in Wisconsin, on the Menominee Reservation. The timber is hard wood, pine, and hemlock. I reserve the balance of my time.

Mr. SULZER. I would like to ask the gentleman a question. Have the Indians of this reservation consented to this?

Mr. MORSE. They have, through their business committee.

Mr. SULZER. What compensation does the bill provide that they shall receive?

Mr. MORSE. That is fixed by the Secretary of the Interior.

Mr. SULZER. He fixes the compensation, the price that the people shall pay these Indians?

Mr. MORSE. Yes.

Mr. MANN. Will the gentleman yield for a question?

Mr. MORSE. Yes.

Mr. MANN. Can the gentleman say how many sawmills there will be necessary?

Mr. MORSE. I will say that it is the intention of the Department to build one fair-sized sawmill and two little portable mills.

Mr. MANN. Can the gentleman say what those will cost?

Mr. MORSE. Not exactly, somewhere from $50,000 to $60,000. That is my estimate.

Mr. MANN. That is for the three?

Mr. MORSE. For the three.

Mr. MANN. What will the large sawmill probably cost?

Mr. MORSE. The estimate that I have received is $50,000 for the large sawmill.

Mr. MANN. Is my understanding correct that this bill proposes that the Government shall build the sawmill and then turn the timber into lumber?

Mr. MORSE. Yes.

Mr. MANN. Even the lath and shingles, and all that?

Mr. MORSE. Yes; it is necessary nowadays to do that in order to save the slab. You cut a slab off a log, and that slab is cut up into shingles or laths.

Mr. MANN. This proposes that the Government shall go into the business of manufacturing all kinds of lumber out of timber.

Mr. MORSE. This proposes that the Government shall allow the Indians to go into that business.

Mr. MANN. The gentleman may be correct, but as I read it the Secretary of the Interior was going to do it.

Mr. MORSE. With the Indians' money.

Mr. MANN. Well, that may all be. It is with somebody else's money. I have often heard of people engaging in speculative enterprises with somebody else's money, and sometimes they have more experience than money in the end.

Mr. MORSE. That may be true. I will say to the gentleman that there is a report on file from the superintendent of logging, and he says there is enough down and dead timber to keep two good mills of from 25,000 to 30,000 feet capacity per day in operation almost indefinitely—in other words, for a great many years.

Mr. MANN. Then, why does not the Government advertise this down and dead timber, and somebody build sawmills and make it into lumber instead of the Government going into an industrial enterprise?

Mr. MORSE. This is on the reservation, and they do not want a gang of drunken white men in there corrupting the morals of the Indians, both men and women.

Mr. MANN. Is that the only reason?

Mr. MORSE. That is one of the reasons. Another reason is to educate them and give them a chance to earn their own living—to make citizens of them, in other words.

Mr. MANN. And that therefore the Government shall go into an industrial pursuit?

Mr. MORSE. That therefore the Government shall allow the Indians to go into an industrial enterprise with their own money.

Mr. PAYNE. We have always done that in regard to the Indians?

Mr. MORSE. Certainly.

Mr. PAYNE. I want to know if I am correct about this. A bill passed the House a year ago, and an amendment was put into the bill putting the pay per thousand so low for sawing that no one could be induced to go out to the reservation and put up sawmills for the purpose of sawing this lumber.

Mr. MORSE. I will say that particular bill originated in the other House. The price set was the price fixed by the superintendent of logging, and it was supposed at the time in all fairness that the price was high enough. But the people did not realize that there was no guaranty that the Government would allow the Indians to keep on cutting this timber.

Therefore we could not get them to build sawmills for one, two, or three years. That is the reason. The price was not high enough. That bill failed. There are 50,000,000 feet of timber, or thereabouts, in the log, lying there now. Now, unless something is done, as soon as the hot sun of summer comes these logs will check or rot and become valueless in a short time.

Mr. PAYNE. And the only question is whether this is the best method of preserving that timber and getting it to market?

Mr. MORSE. Yes, sir.

Mr. GAINES of Tennessee. I would like to ask the gentleman who cut the trees down or made these logs, and who are going to saw the logs up? Who felled the trees?

Mr. MORSE. A large number of these were blown down by a cyclone, and the Indians with some white men, who are working with them at this time, have gotten those logs onto skids—piles of logs.

Mr. GAINES of Tennessee. Have gotten them where?

Mr. MORSE. Onto skids; piled up into log piles.

Mr. GAINES of Tennessee. Who is going to do the sawing?

Mr. MORSE. That is what we are trying to provide now in this bill.

Mr. GAINES of Tennessee. I understand, but who is going to furnish the mill?

Mr. MORSE. The Secretary of the Interior is to construct a mill with the Indians' money.

Mr. GAINES of Tennessee. It is going to be the Indians' mill, then, is it?

Mr. MORSE. Yes, sir.

Mr. GAINES of Tennessee. They are going to own it?
Mr. MORSE. Yes, sir.
Mr. MADDEN. How many acres of land are there in this reservation?
Mr. MORSE. There are exactly 231,680 acres.
Mr. MADDEN. What would be the area of that?
Mr. MORSE. That is the area.
Mr. MADDEN. I mean the number of miles.
Mr. MORSE. There are ten townships.
Mr. MADDEN. That would be practically 60 square miles.
Mr. MORSE. Yes; that is right.
Mr. MADDEN. Sixty square miles. Just a moment. I want to ask how many million feet of timber are there?
Mr. MORSE. The Department has not estimated.
Mr. MADDEN. How do they estimate it will take several years to cut it out?
Mr. MORSE. The superintendent of logging went over the reservation and made a sort of guess at it.
Mr. MADDEN. He does not know anything about it.
Mr. MORSE. Why, no; in a general way. He was a "cruiser."
I hope the gentleman on the other side will use some of his time at this time.
Mr. YOUNG. Will the gentleman permit a question before he yields?
Mr. MORSE. Yes, sir.
Mr. YOUNG. Who is to manage this business—the Government or the Indians?
Mr. MORSE. The management will be under the general supervision of the Commissioner of Indian Affairs.
Mr. YOUNG. Then, do I understand that the Commissioner of Indian Affairs takes the Indians' money and builds the mill and runs the logging business, and if it is a failure charges the losses to the Indians and gives the Indians the profits if it is successful?
Mr. MORSE. We are the guardians of the Indian. We are simply giving him a chance in this method to develop in citizenship and education. I reserve the balance of my time.
Mr. FITZGERALD. Mr. Speaker, I hope this House will not pass too hastily upon this bill. It is of much more importance than Members would think from the explanation given. It may not be known, but the fact is that probably the most valuable timber lands in the United States to-day are owned by the Indians of the States of Minnesota and Wisconsin. Previously there has been permission given to cut part of the timber upon the reservations of the Menominee Indians. These Indians, while their lands have not been allotted, have worked in the past in cutting timber, and have been self-supporting. In 1890 an act was passed authorizing the agent upon this reservation to arrange to permit the Indians to cut a certain amount of timber, but there was a limitation placed upon the amount of timber that could be cut in any one year. The act provided that not to exceed 20,000,000 feet of timber should be logged and sold in any one year. Last year the Congress, upon the representation that there had been a severe wind storm which swept through the reservation, and as a result a large amount of timber was blown down in certain portions of the reservation, passed an act, chapter 3578, which authorized the cutting of the dead and down timber in certain townships in the reservation. It authorized the Secretary of the Interior to permit private individuals to go in and erect portable mills for the purpose of cutting the dead and down timber that was found in these certain townships. The bill that is now before the House is not at all akin to the legislation that has been had previously. This bill as it came from the Senate provided for the cutting of timber without any limitation upon every Indian reservation in the State of Wisconsin—without any limitation whatever, either as to the amount or character, and not limited to the dead and down timber or to the timber that was supposed to be dangerous if it were not taken out.
Mr. PAYNE. Does the gentleman refer to the bill pending now?
Mr. FITZGERALD. That was the bill that came from the Senate. The committee has changed it so as to make it apply only to the reservation of the Menominee Indians; and it is upon that reservation that most of the valuable timber of all the timber on the Indian reservations in the State of Wisconsin is to be found.
It is a little more frank in its declaration than the bill as it came from the Senate. This bill does what? It repeals the limitation of 20,000,000 feet of timber that may be cut and logged and sold in any year. It permits the cutting, logging, and sale of the dead and down timber not only in those townships upon the reservation through which this great wind storm swept and put down a number of valuable trees, but it permits the sale not only of the dead and down timber but the ripe, green timber in all parts of the reservation. It does more than that. It provides something which has never heretofore been done by Congress. It authorizes the Secretary of the Interior not only to erect sawmills but pulp works, and the Members of this House know that they do not make paper pulp out of dead and down timber that is suitable for timber.
Mr. MORSE. Will the gentleman yield for a question? Where does it say erect pulp mills?
Mr. FITZGERALD. In a moment I will read the gentleman's bill and then he will know what is in it. In section 3, on page 3, it says: "That the lumber, laths, shingles, poles, posts, bolts, and pulp wood."
Mr. MORSE. Pulp wood!
Mr. FITZGERALD. Pulp wood. I am aware of what pulp wood is made. All the young trees that can not be used for logging is usually cut for pulp. All the young trees that can not be cut into logs are cut down and made into pulp wood. It is said to be necessary to take out such trees in order to get at the trees that can be cut into logs.
The provision regarding pulp is an amendment of the House committee. The Senate did not go quite that far. This bill, in my opinion, is one of the most vicious of the many that I have seen affecting the cutting of timber upon Indian reservations. I know, as do other Members of the House who have served on the Committee on Indian Affairs, that the eyes of the lumbermen of this country have been fastened for years upon the timber growing upon the Indian reservations in the States of Minnesota and Wisconsin.
Mr. HACKNEY. Would not your proposition have this turned over to the lumber companies instead of having the Indians do it themselves?
Mr. FITZGERALD. I have not stated my proposition at all. I am just opposing this very vicious proposition.
Mr. STEPHENS of Texas. Is not the gentleman mistaken in his statement about the sale of wood pulp? Does it not say pulp wood?
Mr. FITZGERALD. Yes.
Mr. MANN. And other marketable materials?
Mr. FITZGERALD. Yes.
Mr. STEPHENS of Texas. Does not the gentleman favor the sale of pulp wood that otherwise would be wasted.
Mr. FITZGERALD. Yes; I favor the sale of pulp wood. But the legislation that has been had before has been careful to limit the amount of timber that could be cut and sold. In the act of 1900 it was limited to 20,000,000 feet a year. In the act of 1907 it was permitted to cut and log the dead and down timber in the townships that were struck by the cyclone, in addition to the 20,000,000 feet a year; but in this bill there is no restriction whatever, either upon the amount of timber that can be cut and sold, or the townships in which the dead and down timber and the matured, ripe, and green timber can be cut.
Mr. STEPHENS of Texas. Has the gentleman any objection to the manufacture of the dead and down timber by the Indians?
Mr. FITZGERALD. I should like to see the form in which the committee puts the bill.
Mr. STEPHENS of Texas. Would the gentleman rather let the timber lie on the ground and rot?
Mr. FITZGERALD. That depends. These Indians have had no trouble in cutting the 20,000,000 feet of timber a year on the reservation, and last year the only reason the law was changed was because in a few townships a great cyclone had swept over the reservation, and it was believed desirable that portable sawmills should be erected there in order to cut and log that timber and take it out, but that is not what is suggested here. It is suggested here to permit the cutting of timber without restriction. The experience of those who have watched these operations has been that once authority is given in that way the land in a short time will be swept clean by the lumbering operations and will be left fit for nothing at all.
Mr. STEPHENS of Texas. Will the gentleman yield for a question?
Mr. FITZGERALD. Yes.
Mr. STEPHENS of Texas. I desire to ask the gentleman if there can be any loss in using up the dead and down timber and putting it on the market, for pulp or otherwise, or the matured timber? Is it not a fact that when timber is matured if not used it will degenerate and become worthless?
Mr. FITZGERALD. I should like to hear what the Department says on this bill. In the report it says that the Department favors the bill, but it is a remarkable thing, which rarely happens, that the report of the Department is not quoted.

When the Committee on Indian Affairs report a bill they rarely fail to print the recommendation of the Department upon the bill. Whenever that happens I wish to say——

Mr. STEPHENS of Texas. The gentleman is mistaken as to the fact about that.

Mr. FITZGERALD. No; I am not. If I am I have the wrong report.

Mr. HACKNEY. If the gentlemen would look at the Senate report he would know what he was talking about.

Mr. FITZGERALD. I did not look at the Senate report. I looked at the report made by the House Committee and I was unable to find therein the report made by the Department of the Interior.

Mr. GAINES of Tennessee. Can the gentleman tell the House how much of the lumber cut on these reservations is shipped abroad and how much is shipped abroad generally from the United States?

Mr. FITZGERALD. No; I have no knowledge about that.

Mr. GAINES of Tennessee. It is a tremendous amount, I understand.

Mr. ESCH. Will the gentleman yield for a question?

Mr. FITZGERALD. Yes.

Mr. ESCH. The gentleman stated that there was no restriction in the bill as to the amount that could be cut. Does not section 1, where it says, "Such fully matured and ripened green timber as the Forestry Service shall designate," limit and restrict the amount?

Mr. FITZGERALD. There is no limitation. The act of 1890 provides that not more than 20,000,000 feet shall be cut, logged, and sold in any one year. I am unable to say whether there is information that would make it necessary that more should be cut.

Mr. STEPHENS of Texas. If there was 40,000,000 feet, would you let 20,000,000 feet be destroyed?

Mr. FITZGERALD. The gentleman knows too much about lumber to claim that if the timber were standing it would be destroyed, or, even if it were down, unless it were down for a considerable time. The dead and down timber, as a result of the cyclone, has been down nearly four years now. Nobody seems to be worrying that that will be destroyed. Everybody knows that it will not be destroyed. This is one of the places where prime timber is found, and I hope the House will not show any unusual haste in passing bills of this character unless the explanation is more satisfactory than the report shows. Mr. Speaker, I reserve the balance of my time.

Mr. MORSE. I yield two minutes to the gentleman from Missouri [Mr. HACKNEY].

Mr. HACKNEY. Mr. Speaker, I am very sorry to hear my friend from New York [Mr. FITZGERALD] criticise this bill the way he does. There can only be one of two things in his mind; if his ideas are followed out you either turn this timber over to the lumber companies, or you sit supinely by while the timber rots. That was the matter put before the committee and considered by the Indian Commissioner, and had the gentleman from New York been fair he would have looked at the Senate report and found a letter from the Secretary of the Interior——

Mr. FITZGERALD. If the gentleman will pardon me, I said that the report of the committee said that, while the Department favored the bill, the Department's report was not printed with the committee's report. The Members of the House should not be expected to look at reports of the Senate to find out what the House thinks of the bill.

Mr. HACKNEY. The gentleman made the statement only to reflect on the Indian Affairs Committee, and for no other purpose, because when I started to hand the gentleman the report he said he didn't want to see it. The fact of the matter is, this proposition comes here as a business proposition. Are we to allow the timber to rot? Are we to let the lumber companies go in and devastate these forests, or are we to take hold of it in a business way and take down the timber and such matured timber as shall be designated by the Forestry Service and manufacture and take care of it?

I was on the subcommittee that investigated this matter. I know that this is a good proposition. They have done good work in the past, and under the contract system, under the limitation that the gentleman speaks of; but the existing law is inadequate to meet the conditions confronting us. They have the down timber there now, and that must rot unless we allow the Government to take hold of it in a business way. Again, the Indian Commissioner wants to put these Indians to work instead of having the white men come in and do the work; he wants the Indians to have something to do. This matter has been handled in a business way and will be handled in a business way, and I say that is shown by the fact that they have over $2,000,000 to the credit of these Indians from sales of logs that might have been wasted in the past. The forests are in good condition and they will not be devastated if the plan of this bill is adopted, for in section 1 it is provided that they are to cut only such matured green timber as the Forestry Service may designate.

Mr. MORSE. I now yield two minutes to the gentleman from Wisconsin [Mr. DAVIDSON].

Mr. DAVIDSON. Mr. Speaker, just a word. This is purely a business proposition, as the gentleman from Missouri [Mr. HACKNEY] has just stated. Over $600,000 worth of timber, in the log, is in piles. It is exposed to fire, and if it remains in the pile during summer, through the hot season, it will not be worth the saw bill in the fall. Any man who knows anything about elm, basswood, birch, and maple logs knows that you can not leave them out of the water in the pile through the hot season and save anything out of them. Now, are you going to allow $600,000 worth of lumber, belonging to the Indians, to go to waste after $250,000 has been expended in cutting and piling it up? This territory had from 50,000,000 to 60,000,000 feet of timber blown down by a cyclone. There has been expended $250,000 under the law for cutting it and putting it in the pile, and that has come out of the Indian fund.

The law authorized the erection of sawmills under contract, the logs to be sawed at a price not exceeding $3.50 per thousand.

Owing, however, to labor conditions, the location of the timber, and the fact that the logs from this "blown-down" section would furnish employment for but two years, after which the mills would have to be removed, no contracts could be made for the erection of sawmills. Now, what is the result? Unless legislation of this kind is enacted soon—and it is an emergency matter—fifteen to twenty million feet of the logs now in piles, 8 to 10 miles from a railroad, will be lost. Unless boilers and other equipment of mills can be gotten in there while the ground is hard, it will be almost impossible to cut that lumber this summer. I hope the bill will pass.

Mr. MORSE. Mr. Speaker, I reserve the balance of my time.

Mr. FITZGERALD. I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, it is always urged in the passage of a bill that is of doubtful propriety that somebody is going to suffer if it is not passed at once. Whose fault is that, if that be the case? Not the fault of Congress. Not the fault of the House. Not the fault of the Government. I do not believe anybody will suffer if this bill does not pass. This bill proposes an absolutely new departure in the theory of government. It came to the House in the form wherein it provides that the Secretary of the Interior shall erect sawmills upon all the Indian reservations in Wisconsin. If it shall apply to all the Indian reservations in Wisconsin, why not to all the Indian reservations throughout the country? If it shall apply to Indian reservations, why not apply it to everything that the Forestry Service advocates this bill for—to put sawmills in every national forest reserve? That is the proposition that is before the House in this bill. This bill is amended in the House so as to take in only the Menominee Reservation, but the gentlemen are so anxious in this House—the gentlemen who will be the conferees—or will be so anxious, to take in the Menominee Reservation that when the bill comes back from conference it will come out including all the Indian reservations in Wisconsin; and then next session, or at a soon session, gentlemen in Minnesota or elsewhere will urge that the Government of the United States shall engage in industrial occupations in their State. Everybody in the House who is familiar with the national forest reserves knows that that Service is extremely anxious that they shall be permitted to say what timber shall be cut on the forest reserves; that they shall be permitted to cut it, to erect sawmills to convert it into lumber, and they want to go so far as that they may take the money in and pay the money out, as is now the case in the Reclamation Service.

Now, it seems to me that the House ought to vote understandingly on a proposition of this nature. If it were merely a matter for this Indian reservation, no one would care. If it were even necessary for the preservation of the lumber on this Indian reservation, it would be different. Why does not the Government in advertising make the same proposition to the private parties, to convert this timber into lumber, that it makes to itself? If the private parties can not afford to erect sawmills on this reservations, how can the Government afford to do it—at somebody else's expense, it is true. If the Government proposes to cut the matured timber on this reservation, why not make that proposition to private parties, and then they can have sawmills enough erected? The whole purpose

of this bill upon the part of the gentlemen in the Department—it is not the purpose of the gentleman advocating it on the floor, because the matter relates to his district—but the whole purpose of this bill is to get the Government committed to the proposition that the Government shall engage in industrial pursuits, that it shall make lumber out of timber that it owns, and commencing upon the Indian reservations on the ground that it is with the Indians' money that the Government commences it, as a sort of trustee, to follow it up with the proposition, which is a natural corollary, that the Government shall follow the lumber business on the national forest reserves. Now, if the House wants to engage in that, very well, but people ought to know what they are doing.

Mr. GAINES of Tennessee. Will the gentleman yield?

Mr. MANN. Yes.

Mr. GAINES of Tennessee. Does not the gentleman think it well for the Government to take the Indians' money and buy them a mill and teach them how to saw lumber—better than to have them idle?

Mr. MANN. Well, if it is the purpose of the Government, after furnishing all the money that the Indians live on, to then engage in industrial pursuits all through the country in order to educate the Indians, I think we better commence a different policy. I am not in favor of that policy.

Mr. GAINES of Tennessee. Does not the gentleman think that is a good idea?

Mr. MANN. It is easy enough for the Government to require that all the work shall be done by Indians if the sawing be done by private parties.

The SPEAKER. The time of the gentleman has expired.

Mr. GAINES of Tennessee. I wish the gentleman from New York would give me half a minute.

Mr. FITZGERALD. How much time have I left?

The SPEAKER. Two minutes.

Mr. FITZGERALD. But the gentleman from Tennessee is in favor of the bill, and I want to read this I have here.

Mr. GAINES of Tennessee. I am in favor of teaching the Indian how to saw logs and make lumber.

Mr. FITZGERALD. Mr. Speaker, these Indians have been doing that for more than eighteen years. Now, I shall read from the report of the Senate committee by one of the Senators from Wisconsin. It says:

> There still remains upon the Indian reservations of Wisconsin some fine bodies of timber. In fact, the only considerable stand of white pine still remaining are those upon the lands of the Indians. The timber upon the reservation of the Menominee Indians is the finest in the State. In addition to the pine, there are also large quantities of hard wood. The value of this timber is constantly increasing. The rapid disappearance of our forests increases the desire of the lumber and mill men to secure the timber from the lands of the Indians. In 1890 Congress authorized these Indians, under rules and regulations to be prescribed by the Secretary of the Interior, to cut and sell not to exceed 20,000,000 feet of this timber in any one year. This law provided that the timber should be logged under the contract system. Under it contracts were let to Indians and to white men. Because of the anxiety of the contractors to take out as much timber as was permitted under the law, white labor as well as Indian labor was employed in the logging operations. The Indian funds were used to finance these operations. The net proceeds of the sale of the timber was credited to the Indian funds. The Indian received some financial benefit, but the system does nothing to educate him in the practical work of manufacturing the timber into lumber nor in the preservation and perpetuation of the forest.
>
> Under the contract system there has been a constant breaking down of the character of the Indian, a lowering of his standards. This system has brought upon the reservations white loggers. This has been done in opposition to the desires of the Indians. In many cases they have protested against the system, pointing out that it inevitably resulted in the introduction of intoxicating liquors upon the reservation, the demoralizing of the men, and the debauching of the women. A system which does these things should not be continued. It has not only resulted in his moral degradation, but the contract system also tends to prevent the development of the Indian as an industrial factor. The forests are cut away under conditions which make for a reckless destruction and do not in any way teach the Indians to properly conserve their resources.

Under this bill all restriction is removed. All of the valuable timber on the reservation can be taken out, and white help is to be used. A casual examination of the letter of the Secretary of the Interior makes this clear.

Mr. MORSE. Now, in answer to the gentleman from New York [Mr. FITZGERALD], I want to say that the object of this bill is to conserve that timber. The object of this bill is to get for the Indians every dollar they can get out of it. As a matter of fact, no timber can be cut except under the supervision of the Forestry Department. The Government is furnishing trained foresters for that very purpose. Under the old contract system the white men went in there and cut the best and ruined more than they took out.

Under this system it will all be saved. Under this system this timber that has been growing and piling up there for generations will be used for the men who own it and for whom it was created.

The SPEAKER. The time of the gentleman has expired.

ENROLLED BILL SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 17277. An act for the relief of George S. Patten, of Williams, Coconino County, Ariz.

COMMITTEE ASSIGNMENT.

The SPEAKER announced the following committee appointment:

Mr. KELIHER, to the Committee on the District of Columbia.

VISITORS TO MILITARY AND NAVAL ACADEMIES.

The SPEAKER announced the following appointments as Visitors to Military and Naval Academies:

To the Military Academy:

Mr. CAPRON, Mr. CHANEY, and Mr. SHERWOOD.

To the Naval Academy:

Mr. STERLING, Mr. BATES, and Mr. WATKINS.

LEAVES OF ABSENCE.

Mr. FOSTER of Indiana, by unanimous consent, was granted leave of absence for ten days, on account of important business.

Mr. FASSETT, by unanimous consent, was granted leave of absence indefinitely, on account of illness in his family.

WITHDRAWAL OF PAPERS.

Mr. THISTLEWOOD, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Joseph G. Lanham, H. R. 25670, Fifty-ninth Congress, no adverse report having been made thereon.

CHANGE OF REFERENCE.

By unanimous consent change of reference was made of House Document No. 577, deficiency estimate for Alaskan boundary survey, from the Committee on Appropriations to the Committee on Foreign Affairs.

CUTTING OF TIMBER ON INDIAN RESERVATIONS IN WISCONSIN.

The SPEAKER. The question is on the motion to suspend the rules and pass the bill with the amendments.

The question was taken.

Pending the announcement of the result,

Mr. FITZGERALD. Division, Mr. Speaker. I wish to suggest it would require a quorum to pass this bill.

The House divided, and there were—ayes 42, noes 9.

Mr. FITZGERALD. Mr. Speaker, I make the point that there is no quorum present.

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

Mr. GAINES of Tennessee. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. GAINES of Tennessee. I ask unanimous consent, Mr. Speaker, to print some tobacco data in the RECORD.

Mr. PAYNE. That can not be done with no quorum present.

Mr. GAINES of Tennessee. Mr. Speaker, I am asking that it be done——

The SPEAKER. There is no quorum, and nothing can be done when there is no quorum.

Mr. GAINES of Tennessee. I stand by the Constitution, Mr. Speaker. I withdraw the request. [Laughter.]

The motion was agreed to.

Accordingly (at 5 o'clock and 35 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following Executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Harriet N. Lair against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Diana*, John Walker, master—to the Committee on Claims and ordered to be printed.

A letter from the Secretary of the Interior, recommending legislation for the purpose of controlling Indian allottees in respect to the education of their children and the use of intoxicating liquors—to the Committee on Indian Affairs and ordered to be printed.

A letter from the Secretary of War, transmitting, with a let-

ter from the Acting Chief of Engineers, report of examination of Bayou Plaquemine Brule, Louisiana—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Sophia*, Ambrose Shirley, master—to the Committee on Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. TAWNEY, from the Committee on Appropriations, to which was referred the joint resolution of the Senate (S. R. 69) granting authority for the use of certain balances of appropriations for the Light-House Establishment to be available for certain-named purposes, reported the same without amendment, accompanied by a report (No. 1238); which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. PARKER of New Jersey, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 10606) for the relief of Robert S. Dame, reported the same without amendment, accompanied by a report (No. 1237); which said bill and report was referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following title, which were thereupon referred as follows:

A bill (H. R. 3205) granting a pension to William Kral—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13761) granting a pension to Mary E. Fraser—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13764) granting a pension to Ernest T. Etchells—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19054) granting an increase of pension to George Young—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SMITH of Iowa, from the Committee on Appropriations: A bill (H. R. 19355) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes—to the Union Calendar.

By Mr. CAMPBELL: A bill (H. R. 19356) to amend an act entitled "An act to establish a Code of Law for the District of Columbia," relative to betting, gambling, bookmaking, pool selling, dealing in options, and bucket shops—to the Committee on the District of Columbia.

By Mr. JONES of Washington: A bill (H. R. 19357) to authorize the Secretary of the Interior to sell and dispose of the surplus unallotted agricultural lands of the Spokane Indian Reservation, Wash., and to place the timber lands of said reservation in a national forest—to the Committee on Indian Affairs.

By Mr. CUSHMAN: A bill (H. R. 19358) to establish a lighthouse and fog-signal station on Eliza Island, Bellingham Bay, State of Washington—to the Committee on Interstate and Foreign Commerce.

By Mr. MOON of Tennessee: A bill (H. R. 19359) to authorize and direct the Secretary of War to appoint a board of engineers to make certain examinations, estimates, etc., in the Tennessee River—to the Committee on Rivers and Harbors.

By Mr. LAWRENCE: A bill (H. R. 19360) for the erection of a public building at Westfield, Mass.—to the Committee on Public Buildings and Grounds.

By Mr. BATES: A bill (H. R. 19361) providing for the retirement of petty officers and enlisted men of the United States Navy—to the Committee on Naval Affairs.

Also, a bill (H. R. 19362) amending the national-bank act of 1864, for the better security of national-bank deposits—to the Committee on Banking and Currency.

By Mr. THISTLEWOOD: A bill (H. R. 19363) to provide for the safety and protection of travel on the Government roadway leading from Mounds, Mound City, and from the Cache River bridge to the national cemetery near Mound City, Ill., and to drain the ponds of stagnant water which exist along said Government road wherever said ponds of water have been caused by excavations made in the construction of the embankment upon which said roadway has been built—to the Committee on Appropriations.

By Mr. SMITH of Arizona: A bill (H. R. 19364) ratifying bonds of road district No. 1, Maricopa County, Ariz.—to the Committee on the Territories.

By Mr. COOK of Colorado: A bill (H. R. 19365) to provide revenue for the Government and to encourage the mining and shipping of manganese iron ore in the United States—to the Committee on Ways and Means.

By Mr. YOUNG: A bill (H. R. 19366) to authorize the Secretary of War to obtain possession of lands necessary for new locks with a separate canal at the falls of St. Marys River, Michigan, and for other purposes—to the Committee on Rivers and Harbors.

By Mr. PARSONS: Resolution (H. Res. 303) requesting the Secretary of War to transmit to the House certain information concerning Porto Rico—to the Committee on Insular Affairs.

By Mr. CLARK of Florida: Resolution (H. Res. 304) calling upon the Department of Justice for information—to the Committee on the Judiciary.

By Mr. SHACKLEFORD: Resolution (H. Res. 305) directing the Attorney-General to furnish to the House certain information concerning the United States subtreasury at St. Louis, Mo.—to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 19367) granting a pension to Edwin Kraemer—to the Committee on Invalid Pensions.

By Mr. BEALE of Pennsylvania: A bill (H. R. 19368) granting an increase of pension to James B. Jordan—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 19369) granting an increase of pension to Margarett L. Campbell—to the Committee on Pensions.

Also, a bill (H. R. 19370) granting an increase of pension to Susan T. Day—to the Committee on Pensions.

By Mr. BROWNLOW: A bill (H. R. 19371) granting an increase of pension to James F. Smith—to the Committee on Invalid Pensions.

By Mr. BURKE: A bill (H. R. 19372) granting an increase of pension to John W. Watkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19373) granting an increase of pension to James Bond—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19374) granting an increase of pension to Dallas Bumbaugh—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 19375) granting a pension to John W. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19376) granting an increase of pension to Willis L. Ham—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 19377) for the relief of the Dilworth Coal Company—to the Committee on Claims.

By Mr. DE ARMOND: A bill (H. R. 19378) granting an increase of pension to William L. Ward—to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 19379) for the relief of F. H. Lane—to the Committee on War Claims.

By Mr. GAINES of Tennessee: A bill (H. R. 19380) for the relief of J. T. Bell—to the Committee on War Claims.

By Mr. GRONNA: A bill (H. R. 19381) granting an increase of pension to Frances G. Webster—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 19382) to remove the charge of desertion standing against Henry Wallace—to the Committee on Military Affairs.

Also, a bill (H. R. 19383) granting a pension to Martha C. Rayfield—to the Committee on Pensions.

Also, a bill (H. R. 19384) granting an increase of pension to Andrew J. Dupes—to the Committee on Invalid Pensions.

By Mr. HAMILTON of Michigan: A bill (H. R. 19385) granting a pension to Jenette Babcock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19386) for the relief of George Davis—to the Committee on War Claims.

By Mr. HENRY of Connecticut: A bill (H. R. 19387) granting an increase of pension to Bela L. Burr—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 19388) granting an increase of pension to D. C. Westfall—to the Committee on Invalid Pensions.

By Mr. ADDISON D. JAMES: A bill (H. R. 19389) for the relief of George R. Harbison—to the Committee on War Claims.

Also, a bill (H. R. 19390) for the relief of Hollis C. Clark—to the Committee on Military Affairs.

Also, a bill (H. R. 19391) granting an increase of pension to Catharine May—to the Committee on Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 19392) for the relief of J. L. Claybrooke—to the Committee on War Claims.

By Mr. KINKAID: A bill (H. R. 19393) granting an increase of pension to William C. Couch—to the Committee on Invalid Pensions.

By Mr. McGUIRE: A bill (H. R. 19394) granting an increase of pension to Robert Case—to the Committee on Invalid Pensions.

By Mr. McKINLEY of Illinois: A bill (H. R. 19395) to correct the military record of John Healy—to the Committee on Military Affairs.

By Mr. MOON of Tennessee: A bill (H. R. 19396) for the relief of the estate of P. W. Key—to the Committee on War Claims.

Also, a bill (H. R. 19397) for the relief of the estate of J. K. Johnson—to the Committee on War Claims.

Also, a bill (H. R. 19398) for the relief of the estate of Erby Boyd—to the Committee on War Claims.

By Mr. PARSONS: A bill (H. R. 19399) granting an increase of pension to Henry Reens—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 19400) granting an increase of pension to Daniel A. Hurst—to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 19401) for the relief of the estate of Hardy H. Waters, deceased—to the Committee on War Claims.

Also, a bill (H. R. 19402) granting a pension to Mary A. Whitcomb—to the Committee on Invalid Pensions.

By Mr. SULZER: A bill (H. R. 19403) granting a pension to Katharine A. Muller—to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 19404) granting an increase of pension to John W. Marcum—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 19405) for the relief of Frank Roberts and the heirs of Ida Roberts McNeil, deceased, of Yazoo County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 19406) to remove the charge of desertion from the military record of William K. Grayson—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Chicago Woman's Club, opposing appointment by noncompetitive test—to the Committee on the Census.

Also, petition of National Association of Clothiers, asking for the passage of the Fowler bill—to the Committee on Banking and Currency.

Also, petition of Merchants' Association of New York, asking for the creation of a nonpartisan tariff commission—to the Committee on Ways and Means.

Also, petition of city council of Stillwater, Minn., asking for improvement of Mississippi River—to the Committee on Rivers and Harbors.

Also, petition of G. A. Williams and 11 other citizens of Texas, asking construction of war ships in Government yards—to the Committee on Naval Affairs.

Also, petition of German-American Alliance, against control of the liquor traffic by prohibitory enactments—to the Committee on the Judiciary.

Also, petition of Arthur Pock, of Orchard Lake, Mich., in favor of national highway commission—to the Committee on Agriculture.

Also, petition of W. H. Ridgely and 14 others, asking establishment of national highways commission—to the Committee on Agriculture.

Also, petition of Chamber of Commerce of Augusta, Ga., for improvement of Savannah River—to the Committee on Rivers and Harbors.

Also, petition of Liberal Alliance of Los Angeles, Cal., against Littlefield bill—to the Committee on the Judiciary.

Also, petition of John Newhouse and 30 others, asking passage of Sherwood pension bill—to the Committee on Invalid Pensions.

Also, petition of members of White Block Lodge, Brotherhood of Railway Trainmen, of Harrisburg, Pa., in favor of employers' liability bill—to the Committee on the Judiciary.

Also, petition of Commercial Exchange of Philadelphia, Pa., asking increase of pay of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, petition of A. T. Aiken and 32 others, for forest reservations in White Mountains and Appalachian Mountains—to the Committee on Agriculture.

Also, petition of city council of Guttenberg, Iowa, in favor of improvement of upper Mississippi River—to the Committee on Rivers and Harbors.

Also, petition of Retail Lumber Dealers' Association, asking improvement of waterways in the United States—to the Committee on Rivers and Harbors.

Also, petition of New York Credit Men's Association, against proposed repeal of national bankruptcy law—to the Committee on the Judiciary.

Also, petition of Illinois Manufacturers' Association, against legislation tending to modify the system of selling grain for future delivery—to the Committee on the Judiciary.

Also, petition of E. G. Rose and 20 others, against abolishment of pension agencies—to the Committee on Appropriations.

Also, petition of Vermilion County, Ill., Pharmaceutical Association, against a parcels post—to the Committee on the Post-Office and Post-Roads.

Also, petition of J. H. Schwertz, of Marshall, Ill., against Penrose bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Alfred Talbott, of Potomac, Ill., and 33 others, in favor of the Littlefield bill—to the Committee on the Judiciary.

Also, petition of Colorado Polytechnic Society, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Moses St. Peter, of St. Anne, Ill., against abolishment of the pension agency at Chicago—to the Committee on Appropriations.

Also, petition of non-Mormon women of Utah, in favor of constitutional amendment making polygamy punishable by fine and imprisonment—to the Committee on the Judiciary.

Also, petition of Mrs. Hattie Lownes, of Manteno, Ill., and 40 others, in favor of the Littlefield bill—to the Committee on the Judiciary.

By Mr. ACHESON: Petition of sundry citizens of Pennsylvania for S. 3152 (protecting dairy interests)—to the Committee on Agriculture.

By Mr. ADAIR: Paper to accompany bill for relief of John B. Mendenhall—to the Committee on Invalid Pensions.

By Mr. ALLEN: Petition of Jacob Rosenberg and 173 others, of the First District of Maine, people of the Jewish faith, against the Latimer and Burnett immigration bill—to the Committee on Immigration and Naturalization.

By Mr. ANSBERRY: Petition of Ring's Post, Grand Army of the Republic, of West Unity, Ohio, for the Sherwood bill—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: Papers to accompany bill for the relief of William R. Jenkins—to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of Samuel Madara—to the Committee on Invalid Pensions.

By Mr. BATES: Petition of William O. Hoffman, favoring the Fulton amendment to interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

Also, petition of Smith Leonard, of Local Union No. 225, of Meadville, Pa., against prohibition of intoxicants in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Summit Grange, No. 1079, of Erie, Pa., for a national highway commission—to the Committee on Agriculture.

Also, petition of Joseph A. Stern & Bro. and Tobacco Trade's Protective League of America, for the Tawney anticoupon bill—to the Committee on Ways and Means.

Also, petition of Carl S. Collins, for the Crumpacker Thirteenth Census employees bill—to the Committee on the Census.

Also, petition of Chamber of Commerce of Pittsburg, Pa., for H. R. 17979—to the Committee on Interstate and Foreign Commerce.

By Mr. BELL of Georgia: Petition of G. W. Kelley and others, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. BRADLEY: Petition of citizens of Ridgeburg, Orange County, N. Y., for the motto "In God we trust"—to the Committee on Coinage, Weights, and Measures.

By Mr. BURKE: Petition of Chamber of Commerce of Pitts-

burg, for H. R. 17979 (Esch bill), for full reports of accidents, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petition of Chickering Brothers, of Chicago, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. BURLEIGH: Petition of citizens of Maine, against Penrose bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of P. R. Friend and others, of Sedgwick (Me.) Grange, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of E. H. Tillson and others, of Augusta, Me., for national highways commission—to the Committee on Agriculture.

Also, petition of E. H. Tillson and others, of Augusta, Me.—to the Committee on the Post-Office and Post-Roads.

By Mr. BURTON of Ohio: Petition of the United Trades and Labor Council of Cuyahoga County, Ohio, for the enactment of legislation (1) placing the telegraph companies of the United States under governmental supervision, so that in any controversy an investigation can be had on request of any party involved; (2) compelling telegraph companies to show accurately on each telegram the time it was filed for transmission and the time it was received at office from which it was delivered; (3) to prevent telegraph companies from sending telegrams by mail received for telegraphic transmission; (4) for a general investigation of the telegraph companies relative to the justifiability of their increasing rates 20 to 60 per cent and decreasing salaries 10 per cent, and the conduction of their business during the telegraphers' strike (H. J. Res. 126)—to the Committee on Interstate and Foreign Commerce.

Also, petition of Polish citizens of Cleveland, Ohio, against the Polish expropriation bill enacted by the Prussian Diet—to the Committee on Foreign Affairs.

Also, petition of the Polish Alliance of Ohio, for the Bates resolution, relating to treatment of the Poles by the Russian Government—to the Committee on Foreign Affairs.

By Mr. CALDER: Petition of J. C. Meem, for H. R. 11336, relative to the militia—to the Committee on Militia.

Also, petition of Wilmer Atkinson, relative to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of New York Credit Men's Association, for present bankruptcy bill and amendments thereto—to the Committee on the Judiciary.

Also, petition of Griffith White Shoe Company, against the eight-hour bill—to the Committee on Labor.

Also, petition of the American Musical Copyright League, for the Currier copyright bill—to the Committee on Patents.

By Mr. CALDERHEAD: Petition of Travelers and Merchants' Association of Baltimore, for the Fowler currency bill—to the Committee on Banking and Currency.

Also, petition of Andrew Carnegie and other citizens of New York City, against extravagance in naval construction—to the Committee on Naval Affairs.

Also, petition of J. C. Jones & Co., for prohibition in the District of Columbia—to the Committee on the District of Columbia.

Also, petitions of R. D. Calkins, of Salina; Louis Hauseholdt, of Aurora; J. K. Whitman, of Salina; L. J. Smith, of Clyde; O. J. Lyon, of Sabetha; J. W. Harper, of Concordia; J. S. Watt, M. D., of Brookville; E. D. Hoyles, of Dwight; Fred. Neff, of Salina; G. H. Henry, of Talmage; S. Magaw, of Ames; J. W. Alexander, voters, and citizens of Minneapolis; voters and citizens of the Fifth Congressional District, and J J. Merillat, of Talmage, all of the State of Kansas, against the Penrose bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Massachusetts' State Federation of Women's Clubs, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of American Directory Publishers, for the Kittredge copyright bill—to the Committee on Patents.

Also, petition of O. V. Sewell, for H. R. 16640 and 16641—to the Committee on the Post-Office and Post-Roads.

Also, petitions of Western Retail Implement and Vehicle Dealers' Association, Chicago Lumber and Coal Company, and Biori & Grandmongins Dry Goods House—to the Committee on the Post-Office and Post-Roads.

By Mr. CLARK of Florida: Paper to accompany bill for relief of Adolphus N. Pacetty—to the Committee on Pensions.

Also, paper to accompany bill for relief of Horace O. Balch—to the Committee on Invalid Pensions.

By Mr. DALZELL: Papers to accompany a bill for relief of the Dilworth Coal Company—to the Committee on Claims.

Also, petition of sundry citizens of Thirtieth Congressional District of Pennsylvania, for legislation against the liquor traffic—to the Committee on Alcoholic Liquor Traffic.

By Mr. DAVIS of Minnesota: Petition of New York Cotton Exchange, for H. R. 534 (Davis industrial high school bill)—to the Committee on Agriculture.

Also, petition of Twin City Foundrymen's Association, of Minneapolis, Minn., against the anti-injunction and eight-hour bills—to the Committee on Labor.

Also, petition of citizens of Lonsdale, Minn., for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Red Wing Trades and Labor Council, against Penrose bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Red Wing Post, No. 75, and Lytle Post, No. 59, of Brownton, Minn., Grand Army of the Republic, against abolition of United States pension agencies—to the Committee on Appropriations.

By Mr. DIXON: Petition of John A. Peatter Post, No. 82, Grand Army of the Republic, Department of Indiana, for bill granting $30 per month to all soldiers and sailors of civil war—to the Committee on Invalid Pensions.

Also, petition of R. N. Mitchell and 40 other citizens of Jackson County, Ind., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DRAPER: Petition of Buffalo Credit Men's Association, for the present bankruptcy bill and any improving amendments thereto—to the Committee on the Judiciary.

By Mr. DUNWELL: Petition of Ludlow & Valentine, against change of site of the Grant Memorial—to the Committee on the Library.

Also, petitions of New York and Buffalo Credit Men's Associations, for the present bankruptcy bill and amendments thereto—to the Committee on Patents.

Also, petition of American Musical Copyright League, for the Currier copyright bill—to the Committee on Patents.

Also, petition of H. E. Miles, of Racine, Wis., for a permanent tariff commission—to the Committee on Ways and Means.

By Mr. ESCH: Petition of Chamber of Commerce of Pittsburg, Pa., for H. R. 17979, for full reports of all accidents on railways, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: Petition of Board of Trade and Business Men's Association of Norfolk, for acquisition of lands at Cape Henry, Va., for fortification purposes—to the Committee on Military Affairs.

Also, petition of New York Credit Men's Association, for improvement of bankruptcy law—to the Committee on the Judiciary.

By Mr. FLOOD: Petition of Chamber of Commerce of Richmond, Va., asking an appropriation for improvement of James River, Virginia—to the Committee on Rivers and Harbors.

By Mr. FOCHT: Petition of Milford Grange, No. 773, Patrons of Husbandry, of Juniata County, Pa., for a national highway commission—to the Committee on Agriculture.

By Mr. FORNES: Petition of Buffalo Credit Men's Association, for H. R. 13266 (bankruptcy act)—to the Committee on the Judiciary.

By Mr. FULLER: Petition of Morris & Co., of Chicago, Ill., for proper consular quarters in the Far East—to the Committee on Foreign Affairs.

Also, petition of C. H. Bloom, of Rockford, Ill., against the Penrose bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of D. A. Nicholson, of Marseilles, Ill., for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of G. L. Nevins Post, No. 1, of Rockford, Ill., against consolidation of pension agencies—to the Committee on Appropriations.

By Mr. GAINES of Tennessee: Paper to accompany bill for relief of J. T. Bell—to the Committee on War Claims.

By Mr. GOULDEN: Petition of New York Credit Men's Association, for the present bankruptcy bill and proposed amendments thereto—to the Committee on the Judiciary.

Also, petition of Standard Varnish Works, of New York, against H. R. 17824—to the Committee on Interstate and Foreign Commerce.

Also, petition of William J. Carle, for the Kittredge copyright bill—to the Committee on Patents.

Also, petition of J. E. Maher, of New York City, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. GRAHAM: Petition of Chamber of Commerce of Pittsburg, for H. R. 17979 (Esch bill), requiring reports of accidents, etc.—to the Comittee on Interstate and Foreign Commerce.

Also, paper to accompany bill for relief of David Hoag—to the Committee on Invalid Pensions.

Also, petition of sundry citizens of Pennsylvania, against the Penrose bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HIGGINS: Petitions of Emmet Literary Association and Ancient Order of Hibernians, of New London, Conn., against any arbitration treaty or alliance with England—to the Committee on Foreign Affairs.

By Mr. HILL of Connecticut: Petitions of Koerner Lodge, No. 368, and Schwaben Benevolent Society, of Bridgeport, Conn., against any prohibition laws—to the Committee on the Judiciary.

Also, petitions of Westport (Conn.) Grange and Bridgewater Grange, No. 153, for a national highway commission—to the Committee on Agriculture.

By Mr. HOWELL of New Jersey: Petition of State Military Board of New Jersey, against certain proposed amendments to the militia act—to the Committee on Militia.

By Mr. HOWELL of Utah: Petition of Firemen and Engineers of the Southern Pacific Railroad, for H. R. 17036 (La Follette-Sterling employers' liability bill)—to the Committee on the Judiciary.

Also, petition of Local Union No. 71, Stereotypers and Electrotypers, of Salt Lake City, for removal of duty on white paper—to the Committee on Ways and Means.

By Mr. HOWLAND: Petition of John T. Mauer and 7 other citizens of Brunswick, Ohio, for a national highway commission—to the Committee on Agriculture.

Also, petition of Polish people of Cleveland, Ohio, against Polish expropriation bill by Prussian Diet—to the Committee on Foreign Affairs.

By Mr. HUMPHREY of Washington: Petition of First Congregational Church of Snohomish, Wash., Joseph Weiss, pastor, for closing gates of Alaska Exposition at Seattle on Sundays—to the Select Committee on Industrial Arts and Expositions.

By Mr. ADDISON D. JAMES: Paper to accompany bill for relief of G. R. Harbison—to the Committee on War Claims.

Also, paper to accompany bill for relief of Catherine May—to the Committee on Pensions.

Also, papers to accompany bills for relief of William L. Paynter, P. J. Kirtley, and Maria L. Proctor—to the Committee on War Claims.

Also, paper to accompany bill for relief of Hollis C. Clark—to the Committee on Military Affairs.

By Mr. KINKAID: Petition of citizens of Broken Bow and Ernest Kaahn and others, of Sargent, Nebr., against the Penrose bill—to the Committee on the Post-Office and Post-Roads.

By Mr. KNAPP: Petition of Deer River (N. Y.) Grange, for Federal aid in construction of highways—to the Committee on Agriculture.

By Mr. KÜSTERMANN: Petitions of Polish citizens of Casimir and Milwaukee, Wis., and Polish Association of America, for the Bates resolution of sympathy of American people to Polanders in Russia—to the Committee on Foreign Affairs.

Also, petition of Business Men's Association of Green Bay, Wis., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. LANDIS: Petition of citizens of Lebanon, Ind., for prohibition in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Utah, for amendment of Constitution to prohibit polygamy—to the Committee on the Judiciary.

Also, petitions of residents of Lebanon and Howard County, Ind., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LAWRENCE: Petition of West Stockbridge and Alford Grange, and Highland Grange, of Huntington, Mass., for a national highways commission—to the Committee on Agriculture.

By Mr. LINDBERGH: Petition of citizens of Brainerd, Minn., against S. 1518 (Penrose bill)—to the Committee on the Post-Office and Post-Roads.

By Mr. LINDSAY: Petition of American Musical Copyright League, for the Currier bill—to the Committee on Patents.

Also, petition of J. Emmet O'Brien, M. D., for the Lorimer bill, to pension telegraph operators of the civil war—to the Committee on Invalid Pensions.

Also, petition of New York Credit Men's Association, for present bankruptcy bill and proposed amendments thereto—to the Committee on the Judiciary.

Also, petition of J. C. Meem, of Brooklyn, N. Y., favoring H. R. 11336—to the Committee on Militia.

Also, petition of Buffalo Credit Men's Association, for the present bankruptcy bill, etc., and proposed amendments thereto—to the Committee on the Judiciary.

Also, petition of Ludlow & Valentine, against change of site of Grant memorial—to the Committee on the Library.

By Mr. LITTLEFIELD: Petitions of Bear Mountain Grange, No. 62, of South Waterford, and C. A. Hall and other citizens of St. George and other towns of Maine, for a national highway commission—to the Committee on Agriculture.

By Mr. LOUD: Petition of Gratiot Lodge, International Association of Machinists, for battle ship building in navy-yards—to the Committee on Naval Affairs.

By Mr. McKINNEY: Petition of residents of Moline and Rock Island, Ill., against the Penrose bill—to the Committee on the Post-Office and Post-Roads.

By Mr. MOON of Tennessee: Papers to accompany bills for relief of P. W. Key, Erby Boyd, and J. K. Johnson—to the Committee on War Claims.

By Mr. NEEDHAM: Petition of Fred Betz, sr., and others, of Monterey, for battle-ship building in navy-yards—to the Committee on Naval Affairs.

Also, petition of A. Ross and others, against the Penrose bill—to the Committee on the Post-Office and Post-Roads.

By Mr. OVERSTREET: Petitions of J. R. Stephens and J. J. Halcomb, of Indianapolis, Ind., for a bill to aid the Lincoln Farm Association to build a national memorial to Abraham Lincoln—to the Committee on Appropriations.

Also, petition of W. D. Allison Company, against the eight-hour bill—to the Committee on Labor.

By Mr. PATTERSON: Paper to accompany bill for relief of Joseph G. Thorpe—to the Committee on War Claims.

By Mr. PEARRE: Petition of R. N. Edwards, and 14 others, of Elkhart Mines, Md., for H. R. 9086 (Sims bill), against intoxicants in District of Columbia—to the Committee on the District of Columbia.

By Mr. PRATT: Petition of H. M. Nevins, of Red Bank, N. J., against consolidation of pension agencies—to the Committee on Appropriations.

By Mr. STERLING: Petitions of Grand Army of the Republic posts of Gibson City and Saybrook, Ill., against removal of pension agency from Chicago—to the Committee on the Post-Office and Post-Roads.

By Mr. STURGISS: Petition of M. M. Martin, against Penrose bill—to the Committee on the Post-Office and Post-Roads.

By Mr. SULZER: Petitions of Grace Isabel Colbron and W. T. Price, of New York City, and Paul K. Driders, of Reading, Pa., for the Kittredge copyright bill—to the Committee on Patents.

Also, petition of American Musical Copyright League, for the Currier copyright bill—to the Committee on Patents.

Also, petition of Standard Varnish Works, against H. R. 17824—to the Committee on Interstate and Foreign Commerce.

Also, petitions of credit men's associations of New York and Buffalo, for the bankruptcy bill and amendments thereto—to the Committee on the Judiciary.

Also, petition of citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of Frederick E. Madhams, for a United States court of patent appeals—to the Committee on the Judiciary.

By Mr. THISTLEWOOD: Petition of citizens of Du Quoin, Ill., against intoxicants in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Du Quoin, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. THOMAS of North Carolina: Petition of Hayne Davis and other prominent citizens of North Carolina, for construction of an adequate navy—to the Committee on Naval Affairs.

Also, petition of citizens of Pamlico County, N. C., against the Penrose bill, amending postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. THOMAS of Ohio: Paper to accompany bill for relief of Lottie Durfee—to the Committee on Invalid Pensions.

Also, petition of Reuben Harmon, for S. 5122 (parcels-post law)—to the Committee on the Post-Office and Post-Roads.

By Mr. TOWNSEND: Petition of soldiers of Belleville, Mich., for the Sherwood bill—to the Committee on Invalid Pensions.

By Mr. WASHBURN: Petition of H. L. Wheeler and others, for a national highway commission—to the Committee on Agriculture.

Also, petition of 118 veterans of civil war, for repeal of section 3 of act of February 6, 1907—to the Committee on Invalid Pensions.

By Mr. WANGER: Petition of Daniel H. Rhoades, Elwood Bernd, and 10 other members of Local Union No. 6, International Association of Marble Workers, for the building of at least one of the new battle ships at Government navy-yards—to the Committee on Naval Affairs.

Also, petition of Radiant Lodge, No. 416, Brotherhood of Locomotive Firemen and Enginemen, of Mahoning, Pa., in favor of S. 4260—to the Committee on Interstate and Foreign Commerce.

Also, petition of Blue Mountain Lodge, No. 694, Brotherhood of Railway Trainmen, of Marysville, Pa., in favor of S. 4260—to the Committee on Interstate and Foreign Commerce.

Also, petition of Chemung Lodge, No. 229, Brotherhood of Railway Trainmen, of Blossburg, Pa., for S. 4260—to the Committee on Interstate and Foreign Commerce.

Also, petition of Chamber of Commerce of Pittsburg, Pa., to require common carriers of interstate and foreign commerce to make full reports of all accidents to the Interstate Commerce Commission, and authorizing investigation thereof by said Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of Pennsylvania Congressional delegation, in favor of a State conference to consider the results of the second Hague conference and to formulate propositions to be submitted to the third Hague conference—to the Committee on Foreign Affairs.

Also, petition of Radiant Lodge, No. 416, Brotherhood of Locomotive Firemen and Engineers, of Mahoningtown, Pa., for S. 4260—to the Committee on Interstate and Foreign Commerce.

By Mr. WOOD: Petition of Mercer Grange, No. 77, Patrons of Husbandry, of Hopewell, N. J., for a parcels-post law and postal savings bank—to the Committee on the Post-Office and Post-Roads.

Also, petition of J. H. Cuntz, of Hoboken, N. J., for H. R. 11562, for repayment of the collateral inheritance tax to the Stevens Institute of Technology, of Hoboken, N. J.—to the Committee on Claims.

Also, petitions of Somerset Grange, No. 7, of Middlebush; Whitehouse Grange, of Whitehouse, and Mercer Grange, No. 77, of Hopewell, Patrons of Husbandry, all in the State of New Jersey, for a national highway commission and Federal aid in the construction of public highways—to the Committee on Agriculture.

Also, petition of Allen C. Bakewelt, of New York City, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

SENATE.

TUESDAY, *March 17, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

REPORT ON ROAD BUILDING IN YELLOWSTONE NATIONAL PARK.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 6th instant, a report prepared by the engineer in charge of road building and improvement in the Yellowstone National Park on a survey made for a new road from the West Gallatin River to connect with the main traveled roadway in that park, which, with the accompanying paper, was referred to the Committee on Public Lands and ordered to be printed.

USELESS PAPERS IN THE EXECUTIVE DEPARTMENTS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Department of Commerce and Labor, transmitting a schedule of papers, documents, etc., not needed or used in the transaction of the current business of that Department, and which have no permanent value or historical interest, which was read.

The VICE-PRESIDENT. The communication will be referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The Chair appoints as members of the committee on the part of the Senate the Senator from Texas [Mr. BAILEY] and the Senator from New Hampshire [Mr. GALLINGER], and directs the Secretary to properly notify the House of Representatives thereof.

FRENCH SPOLIATION CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Sophia*, Ambrose Shirley, master, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bill and joint resolution:

S. 626. An act authorizing and empowering the Secretary of War to locate a right of way for, and granting the same, and a right to operate and maintain a line of railroad through the Three Tree Point Military Reservation, in the State of Washington, to the Grays Harbor and Columbia River Railway Company, its successors and assigns; and

S. R. 69. Joint resolution granting authority for the use of certain balances of appropriations for the Light-House Establishment, to be available for certain named purposes.

The message also announced that the House had passed the following bills with amendments, in which it requested the concurrence of the Senate:

S. 1424. An act to increase the efficiency of the Medical Department of the United States Army; and

S. 4112. An act to amend an act entitled "An act to provide for the reorganization of the consular service of the United States," approved April 5, 1906.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 225. An act to amend section 4463 of the Revised Statutes relating to the complement of crews of vessels, and for the better protection of life;

H. R. 13649. An act providing for the hearing of cases upon appeal from the district court for the district of Alaska in the circuit court of appeals for the ninth circuit;

H. R. 14789. An act to amend an act entitled "An act for the protection of game in Alaska, and for other purposes," approved June 7, 1902; and

H. R. 17296. An act providing for the restoration of the motto "In God we trust" on certain denominations of the gold and silver coins of the United States.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 15653) to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late civil war; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SULLOWAY, Mr. LOUDENSLAGER, and Mr. WEISSE managers at the conference on the part of the House.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 17277) for the relief of George S. Patten, of Williams, Coconino County, Ariz., and it was thereupon signed by the Vice-President.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the petition of Robert D. Kinney, of Philadelphia, Pa., praying for an investigation of certain rulings of the circuit and supreme courts of the United States, which was referred to the Committee on the Judiciary.

He also presented the petition of Robert D. Kinney, of Philadelphia, Pa., praying for an inquiry into the official conduct of John B. McPherson and James B. Holland, United States judges, which was referred to the Committee on the Judiciary.

He also presented the petition of Robert D. Kinney, of Philadelphia, Pa., praying for an inquiry into the course pursued by Hon. R. W. Archebold, United States judge, in case of Robert D. Kinney *v.* Commonwealth of Pennsylvania, which was referred to the Committee on the Judiciary.

He also presented the petition of Robert D. Kinney, of Philadelphia, Pa., praying for inquiry and relief regarding the course pursued by James B. Holland, United States judge, in the case of R. D. Kinney & Co. *v.* Burhorn & Granger, which was referred to the Committee on the Judiciary.

He also presented a memorial of Local Union No. 78, International Typographical Union, of Fort Wayne, Ind., remonstrating against the passage of the so-called "Penrose bill" to exclude nonmailable periodicals from second-class mail privileges, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of sundry organizations of Texas, New York, Pennsylvania, Ohio, Kentucky, Wisconsin, Massachusetts, Illinois, New Jersey, Iowa, California, Minnesota, and Michigan, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. GAMBLE presented petitions of sundry citizens of Huron, Forestburg, Gettysburg, Ree Heights, Hudson, and Tulare, all

in the State of South Dakota, praying for the enactment of legislation to limit the effect of the regulation of commerce between the several States and Territories in certain cases, and also remonstrating against the repeal of the present anticanteen law, which were referred to the Committee on the Judiciary.

Mr. FRYE presented a memorial of the Eastern Wholesale Dry Goods Association, of Boston, Mass., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Mystic Lodge, No. 2, Good Templars, of Portland, Me., and a petition of Cumberland District Lodge, Good Templars, of Portland, Me., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. PLATT presented a memorial of United Division, No. 292, Brotherhood of Locomotive Engineers, of Middletown, N. Y., remonstrating against the passage of the so-called "Penrose bill," to exclude nonmailable periodicals from second-class mail privileges, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Erie County Branch, American Federation of Catholic Societies, of Buffalo, N. Y., praying for an increase in the appropriation for the settlement of Catholic Church claims in the Philippines, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Olean, N. Y., praying for the passage of the so-called "postal savings-bank bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Owen Roe Club, of New York City, N. Y., remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a petition of Marion Grange, No. 214, Patrons of Husbandry, of Marion, N. Y., praying for the enactment of legislation providing for the establishment of a rural parcels post, and also for the creation of a national highways commission, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM presented a memorial of Hiram McClintock Post, No. 667, Department of Illinois, Grand Army of the Republic, of La Grange, Ill., remonstrating against the enactment of legislation to provide for the abolishment of certain pension agencies throughout the country, which was referred to the Committee on Pensions.

He also presented a memorial of the Retail Merchants' Association of Peoria, Ill., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Trades and Labor Assembly of Decatur, Ill., remonstrating against the enactment of legislation to prohibit the transportation of intoxicating liquors in prohibition districts, which was referred to the Committee on the Judiciary.

Mr. HOPKINS presented a petition of the Trades and Labor Assembly of Decatur, Ill., remonstrating against the enactment of legislation to prohibit the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of the Lake County Manufacturers' Association, of Waukegan, Ill., praying for the passage of the so-called "Fowler currency bill," which was referred to the Committee on Finance.

He also presented a petition of the Joint Advisory Board, Cigar Makers' Unions, of Chicago, Ill., remonstrating against the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. TALIAFERRO presented a memorial of sundry citizens of Franklin County, Fla., remonstrating against the passage of the so-called "Penrose bill," to exclude nonmailable periodicals from second-class mail privileges, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of Robert W. Simms, of Jacksonville, Fla., remonstrating against the enactment of legislation to prohibit the interstate transportation of intoxicating liquors in prohibition districts, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Lodge No. 257, International Association of Machinists, of Jacksonville, Fla., praying for the enactment of legislation providing for the construction of at least one of the proposed new battle ships at one of the Government navy-yards, which was referred to the Committee on Naval Affairs.

Mr. NELSON presented memorials of sundry posts, Grand Army of the Republic, of Jackson, Springfield, Minneapolis, Le Roy, Waseca, Rush City, Sauk Center, Duluth, Sherburn, Fairmont, Brownton, Moorhead, Crookston, Fulda, and Red Wing, all in the State of Minnesota, remonstrating against the enactment of legislation proposing to abolish certain pension agencies throughout the country, which were referred to the Committee on Pensions.

He also presented a memorial of the Foundrymen's Association of Twin City, Minn., remonstrating against the passage of the so-called "anti-injunction bill," which was referred to the Committee on the Judiciary.

He also presented a petition of the Commercial Club of St. Paul, Minn., praying that an appropriation be made for the improvement of the upper Mississippi River, which was referred to the Committee on Commerce.

He also presented a memorial of the Business Men's Association of Rochester, Minn., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Credit Men's associations of St. Paul and Minneapolis, Minn., praying for the adoption of a certain amendment to the national bankruptcy law, which was referred to the Committee on the Judiciary.

Mr. BEVERIDGE presented a memorial of Local Union No. 78, International Typographical Union, of Fort Wayne, Ind., and a memorial of Jarvis Lodge, No. 8, Amalgamated Association of Iron, Steel, and Tin Workers of America, of Terre Haute, Ind., remonstrating against the passage of the so-called "Penrose bill," to exclude nonmailable periodicals from second-class mail privileges, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Jarvis Lodge, No. 8, Amalgamated Association of Iron, Steel, and Tin Workers of America, of Terre Haute, Ind., remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of Tecumseh Lodge, No. 402, Brotherhood of Railroad Trainmen, of Lafayette, Ind., praying for the passage of the so-called "Rodenberg anti-injunction bill," which was referred to the Committee on the Judiciary.

He also presented a petition of Tecumseh Lodge, No. 402, Brotherhood of Railroad Trainmen, of Lafayette, Ind., praying for the passage of the so-called "La Follette-Sterling employers' liability bill," which was referred to the Committee on the Judiciary.

He also presented a memorial of the Commercial Club of Crawfordsville, Ind., and a memorial of sundry business men of Chrisney, Ind., remonstrating against the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Farmers' Institute of Clark County, Ind., and a petition of Pleasant Hill Grange, No. 2104, Patrons of Husbandry, of Wagner, Ind., praying for the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Emmet Club of Indianapolis, Ind., remonstrating against the ratification of the pending arbitration treaty between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Woman's Missionary Societies of Trinity Church, of New Albany, Ind., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors in prohibition districts, which was referred to the Committee on the Judicary.

He also presented a petition of Local Union, No. 196, International Typographical Union, of Logansport, Ind., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Lafayette, Ind., and a petition of sundry citizens of Connersville, Ind., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a petition of Post Q, Travelers' Protective Association of America, of New Albany, Ind., praying that an appropriation be made for the improvement of the rivers and harbors of the country, which was referred to the Committee on Commerce.

He also presented memorials of sundry citizens of Marion, Wolf Lake, Muncie, Sheridan, and Lebanon, and of Henry and Howard counties, all in the State of Indiana, remonstrating

against the enactment of legislation to prohibit Sunday banking in post-offices, in the handling of money orders and registered letters, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. du PONT presented a petition of West Brandywine Grange, Patrons of Husbandry, of Brandywine, Del., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. LODGE presented a petition of Fitchburg Grange, Patrons of Husbandry, of Fitchburg, Mass., and a petition of Oxford Grange, Patrons of Husbandry, of Oxford, Mass., praying for the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

Mr. RICHARDSON presented the petition of Rev. J. Howard Gray and 1,054 other members of the Wilmington Anti-License League and of the Woman's Anti-License Federation, of Wilmington, Del., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors into prohibition districts, which was referred to the Committee on the Judiciary.

He also presented the petition of J. W. Short and sundry other citizens, of Milford, Del., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DOLLIVER presented sundry petitions of citizens of Dubuque, Iowa, praying for the enactment of legislation providing for the construction of the next proposed new battle ship at one of the Government navy-yards, which were referred to the Committee on Naval Affairs.

He also presented a petition of the Montgomery County Medical Society, of Red Oak, Iowa, praying for the enactment of legislation granting pensions to the widows of Dr. James Carroll and Dr. J. W. Lazear, which was referred to the Committee on Pensions.

He also presented a petition of Local Grange, Patrons of Husbandry, of Davenport, Iowa, praying for the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Grange, Patrons of Husbandry, of Scott County, Iowa, praying for the enactment of legislation to prohibit gambling in "futures," which was referred to the Committee on the Judiciary.

Mr. LONG presented memorials of sundry citizens of Louisburg and Sabetha, in the State of Kansas; of Downs, Eldom, Harrisonville, St. Louis, and Queen City, all in the State of Missouri; and of Knights, Fla., remonstrating against the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of John A. Martin Post, No. 93, Department of Kansas, Grand Army of the Republic, of Topeka, Kans., praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of Beeler, Chautauqua, Fort Scott, Hatton, Kansas City, Lafayette, Laharpe, Manhattan, Ness, Oneida, and Rock, all in the State of Kansas, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. BURNHAM presented a petition of Local Grange No. 239, Patrons of Husbandry, of Plymouth, N. H., praying for the enactment of legislation to establish a national forest reserve in the Southern Appalachian and White Mountains, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of Local Grange No. 239, Patrons of Husbandry, of Plymouth, N. H., praying for the enactment of legislation for the creation of a national highways commission, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of West View Grange, No. 2034, Patrons of Husbandry, of Eldridge, Iowa, praying for the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of John V. Tussing and 21 other citizens of Basil, Ohio, and a petition of the Farmers' Institute of McFarland, Wis., praying for the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

Mr. WARREN presented sundry memorials of citizens of Cheyenne, Wyo., remonstrating against the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HALE presented a petition of the National Society of the Sons of the American Revolution, praying for the enactment of legislation to establish a record and pension office in the Navy Department, which was referred to the Committee on Naval Affairs.

THE UNITED STATES NAVY.

Mr. HALE. I present a memorial of the Peace Association of Friends of Philadelphia, Pa., remonstrating against the great addition to the Navy involved in the plan of authorizing at once the construction of four new battle ships and other cruisers and vessels for the United States Navy. I move that it be printed as a document and referred to the Committee on Naval Affairs.

The motion was agreed to.

AMENDMENT OF NATIONAL BANKING LAWS.

Mr. ALDRICH. I am directed by a unanimous vote of the Committee on Finance to report sundry amendments to Senate bill 3023, to amend the national banking laws, and I desire to make a very brief explanation of the purposes of the amendments.

The first amendment provides that no notes shall be issued upon any securities in excess of the par value of the bonds deposited.

The second amendment restores the $9,000,000 limitation on the monthly retirement of notes based upon United States bonds.

The third amendment strikes from the bill all provisions in regard to railroad bonds. When this paragraph was reached, it was passed over at my suggestion, with the statement that the committee would consider amendments to it.

The committee believed when the bill was reported, and they now believe, that it would be desirable to have for use as a basis for these emergency notes as large an amount as possible of available securities. But the committee find that questions are made and issues raised in regard to the use of railroad bonds which have no reference to the bill now under consideration—questions of the relation between the railroads and the public and as to the proper regulation of railroads and of the issue of railroad stocks and bonds. Under all the circumstances the committee have thought it better to ask the Senate to strike out the provisions which pertain to railroad bonds.

Mr. NELSON. Will the Senator from Rhode Island allow me to ask him a question?

Mr. ALDRICH. Certainly.

Mr. NELSON. Has the Senator offered any amendment in relation to bank reserves?

Mr. ALDRICH. No; the committee has that question still under consideration, and will report an amendment or amendments within a very short time.

Mr. CULBERSON. I ask the Senator from Rhode Island if it would not be well to have the bill reprinted as proposed to be amended by the committee?

Mr. ALDRICH. I think that is a very good suggestion. I ask that a reprint be made that will incorporate the amendments suggested by the committee.

The VICE-PRESIDENT. The Senator from Rhode Island asks that the financial bill be reprinted and that the amendments proposed by the Committee on Finance be incorporated in it. Is there objection? The Chair hears none, and it is so ordered.

TREASURY ACCOUNTS.

Mr. ALDRICH. From the Committee on Finance I report back with an amendment the bill (S. 4049) for the relief of Edwin U. Curtis, assistant treasurer of the United States at Boston, and I submit a report thereon.

Mr. LODGE. I ask for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was to strike out all after the enacting clause and to insert:

That the Secretary of the Treasury and the proper accounting officers of the Treasury Department be, and they are hereby, authorized and directed to credit in the accounts of the Treasurer of the United States the sum of $3,000, now carried in the accounts of the office of the assistant treasurer of the United States at Boston, Mass., and in the general account of the Treasurer of the United States as "unavailable funds" and representing a shortage found in June, 1907, in the amount of money belonging to the United States while in the custody of said assistant treasurer, the loss of said money having occurred through no fault or negligence on the part of said assistant treasurer, and said sum being the total amount carried in the statement of the Treasurer of the United States in his annual report for the year 1907 as "unavailable funds, office assistant treasurer of the United States at Boston, Mass." And for this purpose the said sum of $3,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing a credit in certain accounts of the Treasurer of the United States."

APPRAISER OF MERCHANDISE.

Mr. ALDRICH. From the Committee on Finance I report back with an amendment the bill (S. 624) providing for the appointment of an appraiser of merchandise for the customs collection district of Puget Sound, State of Washington, and I submit a report thereon.

Mr. PILES. I ask unanimous consent for the present consideration of the bill just reported by the Senator from Rhode Island.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was, in line 7, before the word "thousand," to strike out "four" and insert "three," so as to make the bill read:

Be it enacted, etc., That there shall be in the customs collection district of Puget Sound, State of Washington, an appraiser of merchandise, to be appointed by the President, by and with the advice and consent of the Senate, and with compensation at the rate of $3,000 per annum.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REPORTS OF COMMITTEES.

Mr. MARTIN, from the Committee on Claims, to whom was referred the bill (H. R. 12292) for the relief of A. E. Couch, reported it without amendment.

Mr. STEPHENSON, from the Committee on Claims, to whom was referred the bill (H. R. 6664) for the relief of Roman Scholter, reported it without amendment.

Mr. FULTON, from the Committee on Claims, to whom was referred the bill (S. 655) for the relief of Richard A. Proctor, reported it without amendment and submitted a report thereon.

Mr. WARNER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2986) to acquire certain land in Hall and Elvan's subdivision of Meridian Hill, in the District of Columbia, for a public park, reported it without amendment and submitted a report thereon.

MOBILE RIVER BRIDGE.

Mr. MARTIN. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 17311) to authorize the Pensacola, Mobile and New Orleans Railway Company, a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line approximately east of the north boundary line of the city of Mobile, Ala., to report it favorably without amendment.

Mr. BANKHEAD. It is very necessary that this bill should be passed at an early day, and I ask for its present consideration.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. OVERMAN introduced a bill (S. 6165) for the relief of the estate of Stephen Johnson, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. DEPEW introduced a bill (S. 6166) for the relief of Peter Claude, which was read twice by its title and referred to the Committee on Pensions.

Mr. KEAN introduced a bill (S. 6167) to provide for the purchase of a site and the erection of a public building at Passaic, N. J., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6168) granting an increase of pension to George Shelton;

A bill (S. 6169) granting an increase of pension to John Stuckey; and

A bill (S. 6170) granting an increase of pension to Robert W. McCullough, jr.

Mr. CLAPP introduced a bill (S. 6171) to allot to Indians land in former limits of Bois Fort Reservation, Minn., which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. KNOX introduced a bill (S. 6172) for the relief of Augusta W. Seely, which was read twice by its title and, with an accompanying paper, referred to the Committee on Claims.

Mr. HOPKINS introduced a bill (S. 6173) granting a pension to Charles O. Brown, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 6174) for the relief of Edward Livingston Keyes, which was read twice by its title and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. BRIGGS introduced a bill (S. 6175) for the relief of Capt. Thomas Mason, United States Revenue-Cutter Service, retired, which was read twice by its title and, with the accompanying papers, referred to the Committee on Commerce.

Mr. TALIAFERRO introduced a bill (S. 6176) granting an increase of pension to David Raulerson, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GORE introduced a bill (S. 6177) providing for the holding of the United States district and circuit courts at Ada, Okla., which was read twice by its title and referred to the Committee on the Judiciary.

He also (by request) introduced a bill (S. 6178) authorizing the heirs of Samuel Garland to file a petition in the Court of Claims of the United States, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. FORAKER introduced a bill (S. 6179) for the relief of Mary Sherman McCallum, which was read twice by its title and referred to the Committee on Claims.

Mr. STEPHENSON introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6180) granting an increase of pension to James Shaahan;

A bill (S. 6181) granting an increase of pension to Perry A. Hart;

A bill (S. 6182) granting an increase of pension to Carter J. Brazee;

A bill (S. 6183) granting an increase of pension to Charles H. Goss;

A bill (S. 6184) granting a pension to George W. Barber;

A bill (S. 6185) granting a pension to Emma C. Wiese;

A bill (S. 6186) granting an increase of pension to Royal E. Dake; and

A bill (S. 6187) granting an increase of pension to George W. Ellis.

He also introduced a bill (S. 6188) granting an honorable discharge to George W. Kelsey, alias George W. Smith, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. PERKINS introduced a bill (S. 6189) granting a right of way to the Southern Pacific Railroad Company across the Fort Mason Military Reservation in California, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. WARREN introduced a bill (S. 6190) authorizing a resurvey of certain townships in the State of Wyoming, which was read twice by its title and referred to the Committee on Public Lands.

He also introduced a bill (S. 6191) for the relief of Lawson M. Fuller, major, Ordnance Department, United States Army, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. TALIAFERRO introduced a joint resolution (S. R. 71) to provide for the removal of obstructions from the main ship channel, Key West Harbor, Florida, which was read twice by its title and referred to the Committee on Commerce.

STATE CONTROL OF LIQUOR TRAFFIC.

Mr. CLAY. I submit an amendment intended to be proposed to the bill (S. 28) to amend the act of March 3, 1891, entitled "An act to provide for ocean-mail service between the United States and foreign ports and to promote commerce." I ask that the amendment be read, printed, and lie on the table.

The VICE-PRESIDENT. The Secretary will read the proposed amendment.

The SECRETARY. Add as an additional section the following:

SEC. 2. That from and after the passage of this act all fermented, distilled, or other intoxicating liquors or liquids transported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein, shall, upon arrival within the borders of the State and before or after delivery to the consignee in such State or Territory, be

subject to the operation and effect of the laws of such State or Territory, enacted in the exercise of its police powers to the same extent and the same manner as though such liquids or liquors had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

The VICE-PRESIDENT. The proposed amendment will be printed and lie on the table.

AMENDMENT TO LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. FLINT submitted an amendment proposing to increase the appropriation for compensation and actual necessary traveling expenses of special agents to investigate trade conditions abroad, etc., Department of Commerce and Labor, from $35,000 to $50,000, intended to be proposed by him to the legislative, etc., appropriation bill, which was ordered to lie on the table and be printed.

AMENDMENTS TO OMNIBUS CLAIMS BILL.

Mr. BANKHEAD submitted an amendment intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which was ordered to lie on the table and be printed.

Mr. DICK submitted an amendment intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which was ordered to lie on the table and be printed.

Mr. McENERY submitted two amendments intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which were ordered to lie on the table and be printed.

COMMITTEE SERVICE.

Mr. CULBERSON. I am authorized by the Senator from Oklahoma [Mr. GORE] to ask that he be relieved from further service upon the Committee on Privileges and Elections.

The VICE-PRESIDENT. The Senator from Texas, on behalf of the Senator from Oklahoma [Mr. GORE], asks that that Senator be excused from further service upon the Committee on Privileges and Elections. Is there objection? The Chair hears none, and it is so ordered.

On motion of Mr. CULBERSON, and by unanimous consent, Mr. GORE was assigned to the vacancy upon the Committee on Agriculture and Forestry.

On motion of Mr. CULBERSON, and by unanimous consent, Mr. GARY was assigned to the Committees on the Census, Corporations Organized in the District of Columbia, Immigration, Manufactures, Pacific Railroads, Patents, Privileges and Elections, and Public Buildings and Grounds.

HOUSE BILLS REFERRED.

H. R. 13649. An act providing for the hearing of cases upon appeal from the district court for the district of Alaska in the circuit court of appeals for the ninth circuit, was read twice by its title and referred to the Committee on the Judiciary.

H. R. 14789. An act to amend an act entitled "An act for the protection of game in Alaska, and for other purposes," approved June 7, 1902, was read twice by its title and referred to the Committee on Forest Reservations and the Protection of Game.

H. R. 17296. An act providing for the restoration of the motto "In God we trust" on certain denominations of the gold and silver coins of the United States, was read twice by its title and referred to the Committee on Finance.

REORGANIZATION OF CONSULAR SERVICE.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4112) to amend an act entitled "An act to provide for the reorganization of the consular service of the United States," approved April 5, 1906.

Mr. LODGE. Mr. President, I move that the Senate disagree to the amendments of the House of Representatives, ask for a conference with the House on the bill and amendments, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to, and the Vice-President appointed Mr. LODGE, Mr. CULLOM, and Mr. BACON as the conferees on the part of the Senate.

MEDICAL DEPARTMENT OF THE ARMY.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1424) to increase the efficiency of the Medical Department of the United States Army.

Mr. WARREN. I move that the Senate disagree to the amendments of the House of Representatives, ask for a conference with the House on the bill and amendments, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to and the Vice-President appointed Mr. WARREN, Mr. SCOTT, and Mr. TALIAFERRO as conferees on the part of the Senate.

BETTER PROTECTION OF LIFE ON VESSELS.

The bill (H. R. 225) to amend section 4463 of the Revised Statutes, relating to the complement of crews of vessels and for the better protection of life, was read twice by its title.

Mr. FRYE. Mr. President, that is identical with the bill (S. 5787) to amend section 4463 of the Revised Statutes of the United States, being Order of Business 369. I ask unanimous consent that the Senate bill be indefinitely postponed, and that the House bill be substituted for it on the Calendar.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that Senate bill 5787 be indefinitely postponed and that the House bill just reported be substituted in its place on the Calendar. Without objection, it is so ordered.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CULLOM. I observe that notice was given a few days ago that the Senator from Wisconsin [Mr. LA FOLLETTE] would speak this morning immediately after the morning business. I do not know whether it is his purpose to do so or not. He does not seem to be in the Chamber. If he does not desire to take the floor, I wish to call up the legislative, etc., appropriation bill.

The VICE-PRESIDENT. The Senator from Wisconsin [Mr. LA FOLLETTE] does not appear to be in the Chamber.

Mr. CULLOM. I will ask the Senate to proceed with the bill and if he comes in I will give way.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 16882) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes; which had been reported from the Committee on Appropriations with amendments.

Mr. CULLOM. I ask that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the amendments of the committee be first considered.

The VICE-PRESIDENT. The Senator from Illinois asks that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the amendments of the committee be first considered. Without objection, it is so ordered.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, under the subhead of "Senate, Office of Secretary," on page 2, line 20, before the word "dollars," to insert "two hundred and fifty;" and in line 21, after the word "incumbent," to strike out "minute and journal clerk, and enrolling clerk, at $3,000 each; principal clerk, $2,750," and insert "enrolling clerk, $3,000; minute and journal clerk, executive clerk, and principal clerk, at $2,750 each," so as to read:

Office of Secretary: For Secretary of the Senate, including compensation as disbursing officer of the contingent fund of the Senate, $5,000, and for compensation as disbursing officer of salaries of Senators, $396; hire of horse and wagon for the Secretary's office, $700; assistant secretary, Henry M. Rose, $5,000; chief clerk, $3,250; financial clerk, $3,000, and $1,250 additional while the office is held by the present incumbent; enrolling clerk, $3,000; minute and journal clerk, executive clerk, and principal clerk, at $2,750 each.

The amendment was agreed to.

The next amendment was, on page 3, line 7, to reduce the number of clerks in the office of the Secretary of the Senate at $2,220 each from six to five.

The amendment was agreed to.

The next amendment was, on page 3, line 12, to increase the appropriation for the salary of the keeper of stationery from $2,120 to $2,400.

The amendment was agreed to.

The next amendment was, on page 3, line 17, to increase the total appropriation for the office of the Secretary of the Senate from $78,016 to $78,726.

The amendment was agreed to.

The next amendment was, on page 3, line 19, after the words "document room," to insert "(George H. Boyd);" in line 21, before the word "dollars," to strike out "five hundred" and insert "seven hundred and fifty;" and on page 4, line 3, before the word "dollars," to strike out "nine thousand nine hundred and eighty" and insert "ten thousand two hundred and thirty," so as to make the clause read:

Document room: For superintendent of the document room (George H. Boyd), $2,750; first assistant in document room, $2,000; assistant in document room, $1,600; assistant in document room, $1,440; clerk to superintendent of document room, $1,440; skilled laborer, $1,000; in all, $10,230.

The amendment was agreed to.

The next amendment was, in the item of appropriation for

clerks and messengers to committees, on page 4, line 13, to increase the appropriation for the salary of the clerk and stenographer to the Committee on Finance from $2,500 to $3,000.

The amendment was agreed to.

The next amendment was, in the item of appropriation for clerks and messengers to committees, on page 4, line 19, to increase the appropriation for salary of assistant clerk to the Committee on Commerce from $1,440 to $1,800.

The amendment was agreed to.

The next amendment was, on page 5, line 10, to increase the appropriation for the salary of the clerk to the Committee on Foreign Relations from $2,220 to $2,500.

The amendment was agreed to.

The next amendment was, on page 6, line 2, after the word "Tributaries," to strike out "Organization, Conduct, and Expenditures of the Executive Departments" and insert "Expenditures in the Department of State;" and in line 5, after the words "United States," to insert "Canadian Relations, Transportation Routes to the Seaboard."

Mr. DIXON. I merely rise to make an inquiry. The bill is being read for amendment?

The VICE-PRESIDENT. It is; and the amendments of the committee are being first acted upon.

Mr. DIXON. Will it be in order later on to offer amendments other than the committee amendments?

The VICE-PRESIDENT. The Senator will have that privilege.

The amendment was agreed to.

The next amendment was, on page 6, line 11, to increase the total appropriation for clerks and messengers to committees from $133,240 to $138,820.

The amendment was agreed to.

The next amendment was, on page 6, line 13, before the word "clerks," to strike out "twenty" and insert "twenty-two;" and in line 15, before the word "dollars," to strike out "thirty-six thousand" and insert "thirty-nine thousand six hundred;" so as to make the clause read:

For twenty-two clerks to committees, at $1,800 each, $39,600.

The amendment was agreed to.

The next amendment was in the item of appropriation for office of Sergeant-at-Arms and Doorkeeper, on page 6, line 24, to reduce the number of messengers at $1,440 each from forty-seven to forty-six.

The amendment was agreed to.

The next amendment was, on page 7, line 1, after the word "each," to strike out "two assistant messengers on the floor of the Senate, at $1,440 each" and insert "two messengers on the floor of the Senate, at $2,000 each."

The amendment was agreed to.

Mr. LODGE. I was called for a moment from the Senate Chamber and I had no idea the bill was coming up. We have gone by an amendment which I desired to take up, on page 3, superintendent of the document room. The amendment has already been passed by the Senate, I assume.

The VICE-PRESIDENT. It has been agreed to.

Mr. LODGE. As it has been agreed to, I can only return to it, of course, by unanimous consent.

The VICE-PRESIDENT. Without objection the amendment will be regarded as open.

Mr. LODGE. It is the amendment in line 20, page 3, for superintendent of the document room. The superintendent of the document room named in the bill, George H. Boyd, has been in the service of the Senate and in the document room for twenty-six years. He has come up through all the grades and has just received the promotion, on the death of Mr. Smith. He has been a very faithful and excellent servant of the Senate, as the Senate is aware. The document room, as every Senator knows, is of immense importance to the comfort of the Senate and to the progress of legislation.

Mr. Smith received $3,000, which was first given to him many years ago on account of his extremely good service. The superintendent of the document room in the House receives $3,000 a year. He gets $2,500 in this bill and $500 on the general deficiency bill. There are employed in the document room of the House eleven persons; the superintendent has eight clerks and two assistants. Our superintendent has only four. Of course the work of the two document rooms does not materially vary.

I have asked to return to the amendment because I want to propose that the salary shall be kept at what it has been, $3,000, and which is the same as the superintendent of the document room of the House receives. I see the committee has raised some other salaries here—the salary of the enrolling clerk and others—to which I have no possible objection. It seems to me that this salary ought to be put on the same basis. The officer is a faithful officer, who has been, as I have said, twenty-six years in the document room alone.

Mr. CULLOM. The committee raised the salary from $2,500 to $2,750, and that is about as large as we thought he ought to have at this time. He was put in the office only a little while ago, and it seems to me that we treated him very well and that the Senator from Massachusetts ought to be satisfied with that increase. If we intend to increase the salaries of all the clerks in the Departments or in the Capitol we will increase many thousands before we get through. I hope the Senator from Massachusetts will be satisfied with the increase that we make.

Mr. LODGE. It is not an increase that I am proposing. I am proposing precisely the same salary that the superintendent of the document room of the Senate has had before. This is a reduction from the salary that he has had, and there are other increases made here. I am only asking that the salary should be maintained at what it has been. The same salary that I ask is given in the House. I am asking for no increase.

Mr. CULLOM. The Senator will see that the House made it $2,500 and we increased it to $2,750.

Mr. LODGE. The pay of the employees of the Senate is fixed by the Senate, practically. The House does not settle what we shall pay our employees any more than we try to settle the pay of theirs. They pay their superintendent of the document room $3,000. I think that is a proper salary. We have paid our superintendent of the document room $3,000 for many years. In the natural course of promotion Mr. Boyd has received the place after, as I said, a service of twenty-six years. All I ask is that the salary should be retained.

Mr. CULLOM. We increased the salary of Amzi Smith, formerly the superintendent of the document room, because of his extraordinary value in that position and on account of the fact that he had been there a great many years. I think the Senate had better let the salary stay just where it is.

Mr. LODGE. I offer an amendment to increase it to $3,000—that is, to increase the amount fixed by the committee $250, leaving the salary what it has been for many years.

The VICE-PRESIDENT. The Senator from Massachusetts proposes an amendment to the amendment of the committee which will be stated.

The SECRETARY. On page 3, line 21, before the word "dollars," strike out "two thousand seven hundred and fifty" and insert "three thousand."

Mr. CULLOM. I simply desire to say again that the House put the salary at twenty-five hundred dollars; the Senate committee raised it to twenty-seven hundred and fifty dollars, and I hope the Senate will stand by the action of the committee.

Mr. HEMENWAY. Mr. Boyd has been receiving a salary of $2,500. The committee pay him a compliment in the bill by appropriating for him by name, so that he holds the place. It is quite a compliment to an employee of either the Senate or House to be appropriated for by name. We added his name and increased the salary that he has been receiving $250. The committee has given this matter very careful consideration, so as to keep it in line with other salaries, and the Senate, without very careful consideration, ought not to change the amount fixed by the committee.

If Mr. Boyd develops into such a man as Mr. Amzi Smith, who filled the position before Mr. Boyd was promoted to it, then at the next session of Congress his salary can be increased, but as we are now taking care of him by name in the bill and increasing his salary $250, it looks like it should satisfy the Senator from Massachusetts and other Senators, who, no doubt, understand that Mr. Boyd is really a man of unusual ability.

Mr. HEYBURN. I should like to make an inquiry. Suppose we appropriate the salary for this man by name, would the salary be available should the man cease to become the officer, and we be called upon to appoint some one else?

Mr. HEMENWAY. It would not be available in that case. The salary for this particular position, if Mr. Boyd should die, would have to be taken care of in the deficiency appropriation bill.

Mr. HEYBURN. I would inquire as to the wisdom of making an appropriation of that kind. This is a general appropriation bill, and the compliment might be extended through some less inconvenient method. I think we should make an appropriation for the office rather than for any man by name. We would not be in a very good position if the office should become vacant during a recess of Congress, and I think probably it would be just as well to strike out the name. I will move that the name "George H. Boyd" be stricken out.

Mr. HEMENWAY. I hope the Senator will not do that. I will certainly oppose striking out the name, because Mr. Boyd,

by reason of his long service, is entitled to be appropriated for by name, but he ought to be satisfied with the increase of $250 in salary that he gets in the bill without an additional increase.

Mr. LODGE. Mr. President, the case which the Senator from Idaho refers to occurred last summer, owing to the death of Mr. Smith. Under the existing law, Mr. Boyd simply took charge at the salary which he had as assistant, and it required action in the urgent deficiency bill to make an appropriation for the office of Superintendent of Documents. There was no difficulty in arranging that part of it. The Superintendent of Documents has already been named in the bill, as we name the Assistant Secretary of the Senate. I think that is a very proper thing to do, and I am glad the committee did it.

My only point is that I am not asking for an increase. I am not proposing to add one cent to what has been appropriated for the payment of this office for years. Since that additional salary was given to Amzi Smith years ago there has been an increase in all salaries and in living expenses very largely, and it seemed to me that there was no reason for bringing it below $3,000.

Mr. BACON. I ask the Senator how long it has been since the salary of $3,000 was given to Mr. Smith?

Mr. LODGE. I can not tell the Senator when Mr. Smith's salary was raised to $3,000, but it was done before I entered the Senate.

Mr. BACON. That is the point of my inquiry, whether $3,000 has been for a long time the recognized salary of the office.

Mr. HEMENWAY. If the Senator from Massachusetts will permit me, is ft not true that the salary was given Mr. Smith because of his long service and unusual ability? The salary was not intended to go with the office, but it was simply a compliment to a man of unusual ability.

I wish to ask the Senator from Massachusetts another question. As a matter of fact, does not Mr. Boyd by this bill receive an increase of $250 in the salary as compared with his salary received heretofore?

Mr. LODGE. He receives an increase of $250 over the salary fixed by the urgent deficiency bill three months ago.

Mr. HEMENWAY. And the salary that he has constantly received as an employee of the Senate.

Mr. LODGE. Certainly; but he has been promoted. He has a different office; he has been raised. He has been trained there under Mr. Smith and he has been there, as I have stated, for twenty-six years, which is good proof of faithful service and that he understands the business of the office. It seems to me, in view of what the House pays and what Mr. Smith received, doing precisely the same duties with a force not half as large as the force given in the House, that $3,000 is not an excessive salary and that there is no reason for giving the superintendent less than the office has received for many, many years.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Massachusetts to the amendment of the committee. It will be again stated by the Secretary.

The SECRETARY. On page 3, line 21, before the word "dollars," strike out "2,750" and insert in lieu thereof "3,000."

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. Does the Senator from Idaho propose an amendment to the amendment?

Mr. HEYBURN. I desire to withdraw the amendment in view of the action that has been taken.

The VICE-PRESIDENT. The proposed amendment to the amendment is withdrawn.

The amendment as amended was agreed to.

Mr. CULBERSON. I desire to know what became of the amendment on page 2 of the bill. Is the bill now being read for amendment?

The VICE-PRESIDENT. It is being read for the consideration of amendments, and the committee amendments are first considered.

Mr. CULBERSON. I should like to have it understood that the amendment at the bottom of page 2 may be reserved for consideration at a future time. I understand that that is a reduction of the salary of certain officers of the Senate.

Mr. CULLOM. It is not. The action of the Senate just now in disposing of the superintendent of the document room increases the salary from $2,750, as the committee had it, to $3,000, according to the vote. I think it was a serious mistake to do it, but it has been done, and I recognize the fact.

Mr. CULBERSON. The Senator from Illinois may be correct, but I do not read the bill in that way.

Mr. CULLOM. I refer to the superintendent of the document room on page 4.

Mr. CULBERSON. In line 20, the words "minute and journal clerk and enrolling clerk, at $3,000 each" have been stricken out and the words "enrolling clerk, $3,000; minute and journal clerk," and so forth, "at $2,750," inserted, showing that there has been a reduction.

Mr. CULLOM. Those amendments have been passed on and adopted.

Mr. CULBERSON. I understand. The bill is unexpectedly reached, and this amendment was adopted before Senators understood almost that the bill was being read. I simply requested that I might reserve an objection to this amendment for consideration at some other time.

Mr. CULLOM. The Senator will have a right to oppose the amendment when the bill gets into the Senate.

Mr. CULBERSON. I understand that, but I want it in Committee of the Whole also.

Mr. CULLOM. Well, that can be done, too.

The VICE-PRESIDENT. The Secretary will resume the reading of the bill.

The Secretary resumed the reading of the bill.

The next amendment was, on page 7, line 11, after the word "dollars," to insert "two skilled laborers, at $1,000 each;" and in line 12, before the word "skilled," to strike out "four" and insert "two," so as to read:

Messenger to official reporters' room, to be selected by the official reporters, $1,440; storekeeper, $1,800; upholsterer and locksmith, $1,440; four carpenters to assist him, at $960 each; janitor, $1,200; skilled laborer, $1,000; two skilled laborers, at $1,000 each; two skilled laborers, at $900 each.

The amendment was agreed to.

The next amendment was, on page 7, line 17, after the word "dollars," to strike out "assistant in press gallery, $900" and insert "superintendent of press gallery, $1,600; assistant superintendent of press gallery, $1,200," so as to read:

Laborer in charge of private passage, $840; two female attendants in charge of ladies' retiring room, at $720 each; two telephone operators, at $900 each; telephone page, $720; superintendent of press gallery, $1,600; assistant superintendent of press gallery, $1,200.

The amendment was agreed to.

The next amendment was, on page 8, line 1, to increase the total appropriation for office of Sergeant-at-Arms and Doorkeeper from $156,624 to $158,404.

The amendment was agreed to.

The next amendment was, on page 8, line 7, before the word "hundred," to strike out "four" and insert "six;" and in line 11, before the word "and," to strike out "eighteen thousand nine hundred" and insert "nineteen thousand one hundred," so as to make the clause read:

Post-office: For Postmaster, $2,250; assistant postmaster and mail carrier, $2,088; clerk, $1,600; seven mail carriers and one wagon master, at $1,200 each; four riding pages, at $912.50 each; in all, $19,188.

The amendment was agreed to.

The next amendment was, on page 8, line 23, after the word "dollars," to insert "assistant engineer and electrician, $1,800;" in line 24, before the word "assistant," to strike out "four" and insert "three;" on page 9, line 4, before the word "hundred," to strike out "two" and insert "four;" in line 7, after the word "dollars," to insert "one attendant for service in old library portion of the Capitol, $1,500;" and in line 9, after the word "all," to strike out "twenty-seven thousand six hundred and sixty-five" and insert "twenty-nine thousand seven hundred and twenty-five," so as to make the clause read:

Under Superintendent of the Capitol Building and Grounds: For chief engineer, $2,160; assistant engineer and electrician, $1,800; three assistant engineers, at $1,440 each; eight conductors of elevators, at $1,200 each; machinist and electrician, $1,400; machinist and electrician, $1,400; three firemen, at $1,095 each; five laborers, at $720 each; laborer in charge of Senate toilet rooms in old library space, $660; one attendant for service in old library portion of the Capitol, $1,500; in all, $29,725.

The amendment was agreed to.

The next amendment was, on page 9, line 12, before the word "annual," to strike out "twenty" and insert "thirty-two;" and in line 15, before the word "dollars," to strike out "thirty-six thousand" and insert "fifty-seven thousand six hundred," so as to make the clause read:

For thirty-two annual clerks to Senators who are not chairmen of committees, at $1,800 each, $57,600.

The amendment was agreed to.

The next amendment was, on page 9, line 23, after the words "one hundred," to insert "and fifty;" and in line 23, after the words "three hundred," to insert "and fifty," so as to make the clause read:

For postage stamps for the office of the Secretary of the Senate, $200; for the office of the Sergeant-at-Arms, $150; in all, $350.

The amendment was agreed to.

The next amendment was, at the top of page 10, to insert:

To enable the postmaster of the Senate to keep a constant supply of postage stamps for sale to Senators, $50.

The amendment was agreed to.

The next amendment was, on page 10, line 21, before the word "thousand," to strike out "seventy-five" and insert "one hundred and fifty," so as to make the clause read:

For miscellaneous items, exclusive of labor, $150,000.

The amendment was agreed to.

The next amendment was, on page 11, line 4, before the word "thousand," to strike out "twenty" and insert "twenty-five," so as to make the clause read:

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers to committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding $1.25 per printed page, $25,000.

The amendment was agreed to.

The next amendment was, under the subhead "Under Superintendent of the Capitol Building and Grounds, on page 15, line 25, after the word "each," to insert "attendant, $1,500, and watchman, $900, for service in old library portion of the Capitol;" and on page 16, line 3, before the word "hundred," to strike out "twenty-four thousand two" and insert "twenty-six thousand six," so as to make the clause read:

Attendant, $1,500, and watchman, $900, for service in old library portion of the Capitol; in all, $26,600.

The amendment was agreed to.

The next amendment was, in the item of appropriation for "Office of Doorkeeper" (House of Representatives), on page 21, line 1, after the word "dollars," to strike out "for the following for service in old library portion of the Capitol (transferred from Office of Superintendent of the Capitol) two attendants, at $1,500 each, and one watchman, $900;" and in line 6, before the word "and," to strike out "seventy thousand" and insert "sixty-six thousand one hundred," so as to read:

In all, $166,105.

The amendment was agreed to.

The next amendment was, on page 21, line 11, after the words "House of Representatives," to strike out "November 9, 1903," and insert "December 2, 1907," so as to read:

For the following minority employees authorized and named in the resolution adopted by the House of Representatives, December 2, 1907, namely, etc.

The amendment was agreed to.

The next amendment was, on page 22, line 23, before the word "preceding," to strike out "nine" and insert "eight," so as to make the clause read:

Successors to any of the employees provided for in the eight preceding paragraphs may be named by the House of Representatives at any time.

The amendment was agreed to.

The next amendment was, on page 30, line 18, after the word "dollars," to insert "assistant register of copyrights, $2,500;" in line 23, before the word "clerks," to strike out "four" and insert "five;" and on page 31, line 9, before the word "hundred," to strike out "seventy-five thousand three" and insert "seventy-nine thousand four," so as to make the clause read:

Copyright office, under the direction of the Librarian of Congress: Register of copyrights, $3,000; assistant register of copyrights, $2,500; chief clerk and chief of bookkeeping division, $2,000; chief of application division, $2,000; two clerks, at $1,800 each; five clerks, at $1,600 each; eight clerks, at $1,400 each; ten clerks, at $1,200 each; eight clerks, at $1,000 each; thirteen clerks, at $900 each; two clerks, at $800 each; ten clerks, at $720 each; two clerks, at $600 each; two messenger boys, at $360 each. Arrears, special service: Three clerks, at $1,200 each; porter, $720; messenger boy, $360; in all, $79,400.

The amendment was agreed to.

The next amendment was, in the item of appropriation for "Custody, care, and maintenance of Library building and grounds," on page 33, line 21, to increase the appropriation for the salary of "two telephone operators" from $600 to $720 each.

The amendment was agreed to.

The next amendment was, on page 34, line 6, to increase the number of charwomen in the Library building from 45 to 50.

The amendment was agreed to.

The next amendment was, on page 34, line 15, to increase the total appropriation for custody, care, and maintenance of Library building and grounds from $76,785 to $78,225.

The amendment was agreed to.

The next amendment was, under the head of "Executive," on page 36, line 15, after the word "dollars," to insert "five doorkeepers, at $1,400 each;" in line 16, before the word "doorkeepers," to strike out "eight" and insert "three;" in line 20, after the word "fireman," to insert "$900;" and in line 23, before the word "dollars," to strike out "sixty-eight thousand seven hundred and forty" and insert "sixty-nine thousand nine hundred and twenty," so as to read:

For compensation to the following in the office of the President of the United States: Secretary, $6,000; two assistant secretaries at $3,000 each; executive clerk, $2,500; executive clerk and disbursing officer, $2,000; seven clerks, at $2,000 each; one clerk of class 4; one clerk of class 4, who shall be a telegrapher; four clerks of class 3; two clerks of class 2; steward, $1,800; chief doorkeeper, $1,800; five doorkeepers, at $1 400 each; three doorkeepers, at $1,200 each; four messengers, at $1,200 each; five messengers, at $900 each; watchman, $900; one fireman, $900; laborer, $720; laborer, $600; in all, $69,920.

The amendment was agreed to.

The next amendment was, under the head of "Civil Service Commission," on page 37, line 11, after the word "For," to insert "Commissioner, acting as president of the Commission, $4,500;" in line 12, before the word "Commissioners," to strike out "three" and insert "two;" in line 18, before the word "clerks," to strike out "seven" and insert "eight;" in the same line, before the word "clerks," to strike out "fourteen" and insert "seventeen;" in line 20, before the word "clerks," where it occurs the second time, to strike out "twenty" and insert "twenty-one;" on page 38, line 1, after the word "laborers," to insert "messenger boy, $480;" and in line 5, before the word "dollars," to strike out "seventy-five thousand four hundred and ten" and insert "eighty-three thousand nine hundred and ninety," so as to make the clause read:

CIVIL SERVICE COMMISSION.

For Commissioner, acting as president of the Commission, $4,500; two Commissioners, at $4,000 each; chief examiner, $3,000; secretary, $2,500; assistant chief examiner, $2,250; two chiefs of division, at $2,000 each; three examiners, at $2,000 each; eight clerks of class 4; seventeen clerks of class 3; twenty-four clerks of class 2; twenty-nine clerks of class 1; twenty-one clerks, at $1,000 each; ten clerks, at $900 each; five clerks, at $840 each; one messenger; engineer, $840; one telephone switchboard operator; two firemen; two watchmen; one elevator conductor, $720; three laborers; messenger boy, $480; and three messenger boys, at $360 each; in all, $183,990.

The amendment was agreed to.

The next amendment was, on page 38, line 21, before the word "messenger," to strike out "assistant;" and in line 23, before the word "dollars," to strike out "seven hundred and twenty" and insert "eight hundred and forty," so as to read:

Rural carrier examining board: For one chief of division, $2,000; one clerk of class 3; two clerks of class 2; three clerks of class 1; three clerks, at $1,000 each; ten clerks, at $900 each, and one messenger; in all, $22,840.

The amendment was agreed to.

The next amendment was, under the head of "Department of State," on page 39, line 13, to increase the appropriation for the compensation of the Assistant Secretary of State from $4,500 to $5,000.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the office of the Secretary of State on page 40, line 3, to increase the number of clerks of class four from 15 to 16.

The amendment was agreed to.

The next amendment was, on page 40, line 16, to increase the total appropriation for the office of the Secretary of State from $246,400 to $248,700.

The amendment was agreed to.

The next amendment was, in the appropriations for contingent expenses, Department of State, on page 40, after line 20, to insert:

For an additional amount for the foregoing purposes, $5,000.

Mr. BURKETT. Mr. President, I should like to ask the Senator in charge of the bill why the amendment which has just been stated, on page 40, lines 21 and 22, is made in the peculiar way in which it reads?

Mr. CULLOM. Mr. President, the desire on the part of those who are interested in it was that we should increase the item in the preceding paragraph from seven to twelve thousand dollars. We concluded finally to give them $5,000 more, but to put it in a separate item, so that when the special reasons for the extra amount no longer exist they could drop back to the original amount for the next appropriation. The amendment is simply stated in a way to call attention to the increase for a special purpose, the immediate improvement of a few rooms, etc. It is exactly right.

Mr. BURKETT. Then, it is a special appropriation only for this year.

Mr. CULLOM. For this year simply, and we separate the item, so that it may be understood in that way.

The amendment was agreed to.

The next amendment was, under the head of "Treasury Department," on page 41, line 13, after the word "dollars," to insert "First Assistant Secretary of the Treasury, $5,000;" in line 15, before the word "Assistant," to strike out "three"

and insert "two;" and in line 24, before the word "hundred," to strike out "four" and insert "nine," so as to make the clause read:

TREASURY DEPARTMENT.

Office of the Secretary: For compensation of the Secretary of the Treasury, $12,000; First Assistant Secretary of the Treasury, $5,000; two Assistant Secretaries of the Treasury, at $4,500 each; clerk to the Secretary, $2,500; stenographer, $1,800; three private secretaries, one to each Assistant Secretary, at $1,800 each; Government actuary, under control of the Treasury, $2,250; examiner, $2,000; one clerk of class 4; four clerks of class 3; two clerks of class 2; four messengers, and one laborer; in all, $54,970.

The amendment was agreed to.

The next amendment was, on page 42, line 3, after the word "dollars," to strike out "inspector of electric-light plants, gas and fixtures for all public buildings under control of the Treasury Department, $2,250; assistant inspector of electric-light plants and draftsman, $1,800," and insert "engineer in chief of all public buildings under the control of the Treasury Department, $3,000; assistant engineer in chief of all public buildings under control of the Treasury Department, $2,750."

The amendment was agreed to.

The next amendment was, in the item of appropriation for the office of chief clerk and superintendent, Treasury Department, page 43, line 24, to increase the number of charwomen from six to eight.

The amendment was agreed to.

The next amendment was, on page 44, line 7, to increase the total appropriation for office of the chief clerk and superintendent, Treasury Department, from $195,410 to $197,590.

The amendment was agreed to.

The next amendment was, in the item of appropriation, division of customs, Treasury Department, on page 44, line 24, to increase the number of clerks of class 2 from two to three.

The amendment was agreed to.

The next amendment was, on page 45, line 2, to increase the total appropriation for division of customs, Treasury Department, from $38,380 to $39,780.

The amendment was agreed to.

The next amendment was, on page 47, line 2, after the word "messenger," to strike out "one laborer," and insert "two laborers;" and in line 6, before the word "dollars," to strike out "two hundred and seventy-eight" and insert "nine hundred and thirty-eight," so as to make the clause read:

Division of printing and stationery: For chief of division, $2,500; assistant chief of division, $2,000; four clerks of class 4; five clerks of class 3; three clerks of class 2; one clerk of class 1; one clerk, $1,000; two clerks, at $900 each; three messengers; one assistant messenger; two laborers; foreman of bindery, at $6 per day; four binders, at $4 per day each; and two sewers and folders, at $2.50 per day each; in all, $40,938.

The amendment was agreed to.

The next amendment was, on page 47, line 9, after the word "dollars," to insert "one clerk of class 3;" and in line 15, after the word "all," to strike out "twenty-seven thousand four hundred," and insert "twenty-nine thousand," so as to make the clause read:

Division of mail and files: For chief of division, $2,500; registered mail and bond clerk, $1,800; one clerk of class 3; five clerks of class 2; additional to one clerk of class 2, in charge of documents, $200; two clerks of class 1; one mail messenger, $1,200; six clerks, at $1,000 each; four clerks, at $900 each; two assistant messengers; one laborer; one laborer, $600; in all, $29,000.

The amendment was agreed to.

The next amendment was, in the item of appropriation for office of the Supervising Architect, on page 48, line 6, to increase the appropriation for the salary of the Supervising Architect from $4,500 to $5,000.

The amendment was agreed to.

The next amendment was, on page 48, line 26, to increase the total appropriation for office of the Supervising Architect from $81,300 to $81,800.

The amendment was agreed to.

The next amendment was, on page 51, line 8, before the word "clerks," to strike out "twenty-two" and insert "twenty-five;" in line 9, before the word "clerks," to strike out "eighteen" and insert sixteen;" in line 10, before the word "clerks," to strike out "fifteen" and insert "fourteen;" and in line 12, before the word "hundred," to strike out "one" and insert "eight," so as to make the clause read:

Office of Auditor for Navy Department: For Auditor, $4,000; Deputy Auditor, $2,500; law clerk, $2,000; three chiefs of division, at $2,000 each; ten clerks of class 4; nineteen clerks of class 3; fifteen clerks of class 2; twenty-five clerks of class 1; sixteen clerks, at $1,000 each; fourteen clerks at $900 each; one clerk, $800; one messenger; one assistant messenger; and three laborers; in all, $146,840.

The amendment was agreed to.

The next amendment was, on page 51, line 18, before the word "clerks," to strike out "twelve" and insert "thirteen;" in line 21, after the word "each," to insert "one messenger;" in line 23, before the word "four," to strike out "two assistant messengers" and insert "one assistant messenger;" and on line 25, after the word "all," to strike out "one hundred and sixty-eight thousand five hundred and eighty" and insert "one hundred and seventy thousand five hundred," so as to make the clause read:

Office of Auditor for Interior Department: For Auditor, $4,000; Deputy Auditor, $2,500; law clerk, $2,000; three chiefs of division, at $2,000 each; thirteen clerks of class 4; sixteen clerks of class 3; twenty-eight clerks of class 2; twenty-nine clerks of class 1; fifteen clerks, at $1,000 each; ten clerks, at $900 each; one messenger; one assistant messenger; four skilled laborers, at $720 each; six laborers; and one female laborer, $600; in all, $170,500.

The amendment was agreed to.

The next amendment was, in the item of appropriation for office of the Treasurer, on page 53, line 25, before the word "dollars," to strike out "one thousand eight hundred" and insert "two thousand;" on page 54, line 1, before the word "twenty-four," to insert "assistant clerk for the Treasurer, $1,600;" in line 6, after the word "each," to insert "ten expert counters, at $1,000 each;" and in line 8, before the word "expert," to strike out "fourteen" and insert "twenty," so as to read:

Office of the Treasurer: For Treasurer of the United States, $6,000; Assistant Treasurer, $3,600; Deputy Assistant Treasurer, $3,200; cashier, $3,600; assistant cashier, $3,000; chief clerk, $2,500; seven chiefs of divisions, at $2,500 each; two assistant chiefs of divisions, at $2,250 each; vault clerk, $2,500; principal bookkeeper, $2,500; assistant bookkeeper, $2,100; two tellers, at $2,500 each; two assistant tellers, at $2,250 each; one vault clerk, bond division, $2,000; clerk for the Treasurer, $2,000; assistant clerk for the Treasurer, $1,600; twenty-four clerks of class 4; eighteen clerks of class 3; sixteen clerks of class 2; coin clerk, $1,400; thirty-one clerks of class 1; seventeen clerks, at $1,000 each; fifty-six clerks, at $900 each; ten expert counters, at $1,000 each; ten expert counters, at $900 each; twenty expert counters, at $800 each.

The amendment was agreed to.

The next amendment was, in the item of appropriation for office of the Treasurer, on page 54, line 11, after the word "each," to strike out "mail messenger, $840" and insert "two mail messengers, at $840 each;" in line 13, before the word "messengers," to strike out "seven" and insert "twelve;" in the same line, before the word "assistant," to strike out "six" and insert "twelve;" and in line 14, before the word "laborers," to strike out "thirty-one" and insert "seventeen," so as to read:

Sixty-five expert counters, at $720 each; nine expert counters, at $700 each; two mail messengers, at $840 each; twelve messengers; twelve assistant messengers; seventeen laborers, etc.

The amendment was agreed to.

The next amendment was, on page 54, line 22, to increase the total appropriation for the office of the Treasurer from $436,200 to $452,920.

The amendment was agreed to.

The next amendment was, on page 55, line 6, before the word "expert," to strike out "fifteen" and insert "eighteen;" in line 8, before the word "expert," to strike out "twenty-one" and insert "twenty-four;" in line 13, before the word "hundred," to strike out "twenty-eight thousand four" and insert "thirty-four thousand one," so as to make the clause read:

For the force employed in redeeming the national currency (to be reimbursed by the national banks), namely: For superintendent, $3,500; teller, $2,500; bookkeeper, $2,400; assistant teller, $2,000; assistant bookkeeper, $2,000; three clerks of class 4; five clerks of class 3; seven clerks of class 2; twenty-five clerks of class 1; eighteen expert counters, at $1,000 each; twenty-four expert counters, at $900 each; twenty-one expert counters, at $800 each; eleven expert counters, at $700 each; one messenger; four assistant messengers; and three charwomen; in all, $134,140.

The amendment was agreed to.

The next amendment was, on page 56, line 4, after the word "thousand," to insert "five hundred;" and in line 6, after the word "dollars," to insert "Deputy Comptroller, $3,000," so as to read:

For Comptroller of the Currency, $5,500; Deputy Comptroller, $3,500; Deputy Comptroller, $3,000.

The amendment was agreed to.

The next amendment was, on page 56, line 20, to increase the total appropriation for office of the Comptroller of the Currency from $125,920 to $129,420.

The amendment was agreed to.

The next amendment was, on page 57, line 22, before the word "heads," to strike out "six" and insert "seven;" on page 58, line 1, before the word "clerks," to strike out "twenty-eight" and insert "twenty-nine;" in line 2, before the word "clerks," to strike out "twenty-four" and insert "twenty-three;" in line 3, after the word "one," to insert "additional to one clerk of class 1 as disbursing clerk, $200;" in line 6, before the word "messengers," to strike out "two" and insert "three;" in line 7, before the word "assistant," to strike out "nineteen" and insert "eighteen;" and in line 8, before the

word "dollars," to strike out "twenty-five thousand nine hundred and sixty" and insert "twenty-eight thousand seven hundred and thirty," so as to make the clause read:

Office of the Commissioner of Internal Revenue: For Commissioner of Internal Revenue, $6,000; deputy commissioner, $4,000; deputy commissioner, $3,600; chemist, $2,500; one first assistant chemist, $1,800; one second assistant chemist, $1,600; one third assistant chemist, $1,400; one fourth assistant chemist, $1,200; two heads of divisions, at $2,500 each; seven heads of divisions, at $2,250 each; superintendent of stamp vault, $2,000; private secretary, $1,800; twenty-nine clerks of class 4; twenty-three clerks of class 3; thirty-six clerks of class 2; thirty-six clerks of class 1; additional to one clerk of class 1 as disbursing clerk, $200; thirty-one clerks, at $1,000 each; forty-four clerks at $900 each; three messengers; eighteen assistant messengers; and twenty laborers; in all, $328,730.

The amendment was agreed to.

The next amendment was, on page 58, line 24, before the word "clerks," to strike out "three" and insert "four;" in line 25, before the word "clerks," to strike out "two" and insert "three;" on page 59, in line 1, after the word "each," to strike out "one clerk, $900," and insert "two clerks, at $900 each; one messenger;" and in line 5, after the word "all," to strike out "forty-six thousand one hundred" and insert "fifty thousand six hundred and forty," so as to make the clause read:

Office of Life-Saving Service: For General Superintendent of the Life-Saving Service, $4,000, and $500 additional while the office is held by the present incumbent; assistant general superintendent, $2,500; principal clerk, $2,000; title and contract clerk, $2,000; topographer and hydrographer, $1,800; civil engineer, $1,800; draftsman, $1,500; four clerks of class 4; five clerks of class 3; four clerks of class 2; five clerks of class 1; three clerks, at $1,000 each; two clerks, at $900 each; one messenger; two assistant messengers; and one laborer; in all $50,640.

The amendment was agreed to.

The next amendment was, on page 59, line 7, before the word "dollars," to strike out "four thousand five hundred" and insert "five thousand;" in line 8, before the word "dollars," to insert "five hundred;" in line 10, before the word "clerks" to strike out "three" and in sert "four;" and in line 19, after the word "each," to strike out "one helper, $900" and insert "two helpers, at $900 each," so as to read:

Bureau of Engraving and Printing: For Director of Bureau, $5,000; Assistant Director, $3,500; accountant, $2,500; stenographer, $1,800; four clerks of class 3; nine clerks of class 2; nine clerks of class 1; seven clerks, at $1,000 each; disbursing agent, $2,400; storekeeper, $1,600; assistant storekeeper, $1,000; clerk in charge of purchases and supplies, $2,000; ten clerks, at $900 each; four clerks, at $840 each; eleven clerks, at $780 each; nine attendants, at $600 each; two helpers, at $900 each.

The amendment was agreed to.

The next amendment was, in the item of appropriation for Bureau of Engraving and Printing, on page 60, line 5, before the word "laborers," to strike out "seventy" and insert "seventy-five;" and in line 7, before the word "hundred," to strike out "one hundred and ninety-four thousand one" and insert "two hundred thousand three," so as to read:

Seventy-five laborers, at $540 each; in all, $200,300.

The amendment was agreed to.

The next amendment was, on page 61, line 21, after the word "thousand," to insert "two hundred and fifty;" in line 22, after the word "dollars," to insert "principal clerk, who shall also perform the duties of law clerk, $2,000;" in line 24, before the word "clerks," to strike out "three" and insert "two;" and on page 62, line 5, after the word "all," to strike out "thirty-nine thousand seven hundred and eighty" and insert "forty thousand two hundred and thirty," so as to make the clause read:

Office of Surgeon-General of Public Health and Marine-Hospital Service: For Surgeon-General, $5,000; chief clerk, $2,250; principal clerk, who shall also perform the duties of law clerk, $2,000; two clerks of class 4; two clerks of class 3; private secretary to the Surgeon-General, $1,800; six clerks of class 2, one of whom shall be translator; six clerks of class 1; three clerks, at $900 each: one messenger; three assistant messengers; and two laborers, at $540 each; in all, $40,230.

The amendment was agreed to.

The next amendment was, on page 62, line 18, after the word "For," to insert "newspapers," so as to make the clause read:

For newspapers, newspaper clippings, law books, city directories, and other books of reference relating to the business of the Department, $1,000.

The amendment was agreed to.

The next amendment was, on page 63, line 7, after the word "dollars," to insert "of which amount $8,500 shall be used for the rent of the Small Building," so as to make the clause read:

For rent of buildings, $47,566, of which amount $8,500 shall be used for the rent of the Small Building.

Mr. DOLLIVER. Mr. President, I desire to ask what the amendment, on page 63, in line 7, proposing to make an appropriation of $8,500 is for? Provision is made there that $8,500 shall be used for the rent of the Small Building. What is that building rented for?

Mr. HEMENWAY. That building is rented for the Treasury Department.

Mr. DOLLIVER. For what purpose?

Mr. HEMENWAY. I do not know what particular branch of the Department, but I think a part of the Auditor's office.

Mr. DOLLIVER. I am informed, Mr. President, that it is intended to house in the Small Building a body of clerks who are now housed in the main building of the Treasury Department. The Small Building is a fire trap, unfit for the purpose for which it has been rented, in my judgment, and I offer a substitute for the committee amendment.

The VICE-PRESIDENT. The Senator from Iowa proposes to amend the amendment of the committee. The amendment to the amendment will be stated.

The SECRETARY. On page 63, line 7, after the word "dollars," the Committee on Appropriations reported an amendment to insert "of which amount $8,500 shall be used for the rent of the Small Building." It is now proposed to substitute for those words the following:

No part of which shall be available for the rent of any building unless the Supervising Architect shall certify to the Secretary of the Treasury that he has investigated the same and finds it reasonably free from danger from fire.

Mr. DOLLIVER. Mr. President, I understand that it is the intention of the Treasury Department to move the offices of the Auditor for the State Department from the Treasury Building and house nearly a hundred clerks in what is known as the Small Building on Fourteenth street. The Small Building is four or five stories high, apparently a cheaply built structure, with narrow wooden stairways. It looks like a fire trap in every sense of the word, and for that reason a place unfit to put our civil servants at work. I think it ought to be brought to public attention that a very serious wrong is being done in renting unsuitable and ancient brick buildings in this town for the purpose of housing Government employees, when everybody knows that every day of their service in such a place they are under a constant threat of fire.

Mr. BEVERIDGE. Mr. President, may I ask the Senator a question?

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Indiana?

Mr. DOLLIVER. Certainly.

Mr. BEVERIDGE. Is it not also true that, by reason of the occupancy of this building, very important public documents and archives will be required to be kept there?

Mr. DOLLIVER. Undoubtedly, the accounts of the State Department are to be housed there. I will say further——

Mr. WARREN. Do I understand the Senator——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Wyoming?

Mr. DOLLIVER. Certainly.

Mr. WARREN. Do I understand the Senator from Iowa to say that all the papers and documents of the State Department will be housed there?

Mr. DOLLIVER. Not all the papers; but the papers relating to the accounts of the State Department with the Treasury Department.

I will add that the first floor of this building, which is a narrow, high building, is occupied as a flower store, and the four stories, which are probably not suitable to any other business, are worked off on the Government by somebody, at a rental of $8,500 a year, which would indicate a value of $250,000, when the building itself could be constructed for practically three years' rent.

The matter requires attention, and I have drawn attention to it by offering an amendment that no part of the money appropriated to the Treasury Department for the rent of buildings shall be available unless the Architect of the Treasury certifies to the Secretary that he has investigated the premises and finds them reasonably free from danger by fire. I would have said "a fireproof building," but I do not desire to embarrass the Treasury Department, because many of the buildings which it rents are for purposes that may not require so strict a standard as that; and yet it seems to me that it is little short of a crime to take a hundred young men and young women and place them in that building under the circumstances, and it certainly is a waste of money to pay $8,500 a year for a building like that.

Mr. WARREN. Mr. President, the Senator from Iowa has evidently been misinformed. The committee, in providing for this building, is simply following an estimate duly made by the Secretary of the Treasury. I will send to the desk the estimate and a description of the building, and ask that they may be read.

The VICE-PRESIDENT. The Secretary will read as requested.

Mr. BURKETT. I should like to ask the Senator a question before those papers are read. Why is there specified in

the bill the name of this particular building, and why is the Department limited to this particular building with reference to spending $8,500 of this appropriation and not with reference to spending for rent all the rest of the large amount appropriated? Why is the rental of this building legislated for?

Mr. WARREN. I will say to the Senator from Nebraska that it is not an unusual thing. There are other places in this bill where the names of buildings are given; for instance, in the cases of the Mills Building, the Union Building, and others, the names are given, and a stated amount is appropriated for rooms in such buildings. In this particular case we followed the estimate as it was made, and I may say that we assumed that the Secretary of the Treasury had arranged practically for this building; that the tenants, as their terms expire, are refused renewal of leases with the expectation that Congress will provide, according to the estimate; that painting and other work is being done, etc.

As to the character of the building, I may say that the building was built especially strong; especially heavy and safe and fireproof, in order to accommodate the telephone headquarters, which formerly occupied it. I will not go further on that point just now, because the statement I have sent to the desk fully covers a description of the building.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested by the Senator from Wyoming.

The Secretary proceeded to read the papers, which are as follows:

[House Document No. 354, Sixtieth Congress, first session.]

ESTIMATE FOR RENT OF OFFICES OF AUDITOR FOR STATE AND OTHER DEPARTMENTS.

Letter from the Secretary of the Treasury, submitting an estimate of appropriation for rent of offices for Auditor for State and other Departments. December 16, 1907, referred to the Committee on Appropriations and ordered to be printed.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, December 11, 1907.

SIR: I have the honor to transmit herewith, for the favorable consideration of Congress, an estimate of appropriation for rent of additional rooms for the use of this Department in the Small Building, southeast corner of Fourteenth and G streets NW., for offices of the Auditor for State and other Departments, for the fiscal year ending June 30, 1909, $8,500.

Respectfully,
GEO. B. CORTELYOU,
Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Estimates of appropriations required for the service of the fiscal year ending June 30, 1909, by the chief clerk and superintendent, Treasury Department.

TREASURY DEPARTMENT.

Contingent expenses, Treasury Department, rent:

Rent of building, namely—

For rent of the second, third, fourth, and fifth floors of the Small Building, southeast corner of Fourteenth and G streets NW., Washington, D. C., including light, heat, janitor, elevator service, and repairs, for offices of the Auditor for the State and other Departments (submitted), $8,500.

NOTE.—Estimate for remainder of fiscal year 1908 submitted in urgent deficiencies.

TREASURY DEPARTMENT,
Washington, January 28, 1908.

The SECRETARY OF THE TREASURY.

SIR: An investigation of the sanitary conditions of the Treasury building reveals the fact that in the rooms occupied by clerks there is only an average of about 56 square feet of floor space available for use. This fact and the increasing business of the Department require that, in order to make room, the office of the Auditor for the State and Other Departments should be removed therefrom.

In the deficiency bill that is before the Congress at this time there has been provision made for eight or ten clerks and it is not known by the superintendent of the building where these clerks can be accommodated, without serious inconvenience to the working force in the divisions in which it is proposed to locate them.

A considerable increase is asked for in the legislative, executive, and judicial bill for the fiscal year beginning July 1, 1908, in the Treasurer's office, where the work is constantly increasing, owing to the enlarged output of the Bureau of Engraving and Printing. The redemption division is now very much overcrowded, as is also the issue division, where preparations are now being made for the installation of three new sealing presses to complete the issues of the Bureau of Engraving and Printing. There is no place at this time where these presses can be placed.

A committee was recently appointed to reassign the rooms in the Treasury building, to make proper accommodations for the clerical and working forces in the event that the office of the Auditor for the State and other Departments was removed. This committee reported the plan of reassignment, which, if carried out, will leave in the Treasury building only two small rooms for future demands.

A careful investigation was made of all buildings that might be rented by the Department, and it was decided that the building at the corner of Fourteenth and G streets, known as the "Small Building," owing to its location, its construction, its rooms, and its general facilities, was best available for the purpose.

This building is considered by competent builders to be one of the best in the city. The walls are of brick and cement, are 2 feet thick at the first floor, and 18 inches thick at the fifth floor, while an ordinary five-story building would be 12 inches thick. The building is five stories in height, and it is desired to rent the second, third, fourth, and fifth floors, and one room in basement.

The interior is of thorough construction and is fireproof, having heavy iron beams throughout each floor, with 9-inch brick arches between beams laid in cement, with only a 5-foot span. There is also a brick will between the rooms and hall throughout the entire building up and under the roof, which is of the same beam construction as the brick arches.

Each floor consists of one room 8 by 16 feet and one large room 25 by 60 feet, extending the entire length of the building. The ceilings are 10 feet 9 inches high. There are toilets on each floor, consisting of three bowls and two urinals, with slop sink.

The present floor space occupied by the seventy-seven employees of the office of the Auditor for the State and other Departments is 5,742. The Small Building has approximately 7,600 square feet. Besides the space occupied by the office force there would be available over 1,800 square feet of filing space for the accommodation of papers.

One fact which deserves consideration in the contemplated removal of an office from the Treasury building is the space which can be provided for files. In moving former bureaus file cases in use had to be materially cut down and rearranged, because of the method of modern construction to make rooms with comparatively low ceilings. In the Small Building, the ceiling being 10 feet 9 inches high, very little cutting or rearranging will have to be made, and the furniture now used can be transferred and advantageously placed.

The owners of the building contemplate expending about $8,000 to place this building in the condition which the Treasury Department requires, by painting the entire interior, by putting in new plumbing throughout, a new elevator, new iron stairways, new tile floor in vestibule, new floors, new electric lighting facilities, and furnish light, heat, elevator, and janitor service. When the repairs are made the building will be as nearly fireproof as a building can be made.

Respectfully,
W. W. LUDLOW, *Chief Clerk.*

SMALL BUILDING, 7,570 SQUARE FEET.

The second, third, fourth, and fifth floors of the Small Building contain on each floor one small room 8 feet by 16 feet and one large room 25 feet by 60 feet, with two bay-window projections 5 feet by 11 feet, making 1,738 feet, or about 7,000 square feet on the four floors, besides a file room in the basement 22 feet by 28 feet, or 618 square feet, making a total of 7,576 square feet. Allowing 5,742 square feet of floor space to be occupied by the office of the Auditor for the State and other Departments, there would remain for the storage of files 1,200 square feet on the fifth floor and 624 square feet in the basement, a total of 1,818 square feet.

The bureau referred to is divided into three divisions, viz, miscellaneous, judicial, diplomatic and consular, with the following number of clerks: Miscellaneous, twenty-six; judicial, twenty-two; diplomatic and consular, twenty.

The miscellaneous division now occupies two rooms, No. 372½, on the third floor, twelve clerks, and fourteen clerks in room No. 451, fourth floor. The judicial division is in room No. 369. The diplomatic and consular divisions have clerks in three rooms—seven in room No. 378, eleven in No. 379, and two in No. 451.

The advantage of the large rooms in the Small Building is that each floor would accommodate a division, except one, which would have to be divided on account of the Auditor, deputy, and law clerk occupying part of one floor.

MARCH 10, 1908.

SUPERVISING ARCHITECT,
Treasury Department, Washington, D. C.

SIR: Pursuant to your verbal instructions, the undersigned has visited the Small Building, Fourteenth and G streets, with a view to determining its fireproofness.

The building has heavy exterior and interior brick walls supporting steel beams with brick floor arches sprung between bottom flanges of beams. Beam flanges are exposed, as are also numerous tie-rods. Window and door frames, interior trim, floor covering, etc., are of wood. Rafters and sheathing are of wood, with tin roofing. New first-story stairs are of metal and slate; second-story stairs and those above are of wood. Elevator shaft is of wood and open woven-wire grilling. Short runs of electric wires from outlet to present fixture locations are incased in wood conduits. Each story above the first has windows in the east wall. Similar conditions as to windows in south wall in top stories. A fire escape runs the height of the building on the G-street front.

It is to be noted that the owner is putting in new stairs, flooring, new plumbing, painting walls, varnishing woodwork, etc. Probably the present wooden stairs and elevator shaft inclosure will be replaced with more nonflammable materials. I am informed that metal frames and wired glass windows can be put into the east wall, or that, should the Government desire the property, anything will be done to improve the property which the Government may suggest.

I am, sir, very respectfully,
R. B. HAYES.

OFFICE OF THE ENGINEER COMMISSIONER
OF THE DISTRICT OF COLUMBIA,
Washington, March 11, 1908.

Mr. W. W. LUDLOW,
Chief Clerk Treasury Department.

SIR: Replying to your letter of the 28th of January, 1908, I beg to say that an examination of the Small Building, southeast corner Fourteenth and G streets NW., shows same to be of fireproof construction, and of such structural stability as to be suitable for office purposes.

The apparent delay in answering your communication is due to the fact that it was found necessary to remove several of the floors of the building in order that a thorough examination could be made of all structural features.

Very respectfully,
JOHN P. HEALY,
Acting Inspector of Buildings.

Mr. WARREN (during the reading). I do not care for the further reading. However, it seemed to me but just, after the building had been attacked on the floor of the Senate and stated to be a fire trap, not fireproof, and so forth, that there should also be put in the RECORD a statement made by a committee which was appointed to investigate the building, together with report to Supervising Architect and report of inspector of buildings. I have no particular desire that the name of the building shall be included in the bill, but I do know it, per-

sonally, to be a desirable building and in no way such a building as my friend from Iowa has described.

Mr. DOLLIVER. If my friend the Senator from Wyoming will permit me——

Mr. WARREN. There was no pressure upon us to include name. We simply took the matter as it came to us from the Secretary of the Treasury in an estimate and inserted it as it came, just as we inserted the names of the Union Building and others.

Mr. DOLLIVER. Then, what objection——

Mr. WARREN. I have no objection to striking out the words "the Small Building;" but I did object to making a record here against the building of a good citizen of this city, which is not according to the facts as stated by those who have examined officially said building.

Mr. DOLLIVER. What, then, would be the objection to adding the suggestion of my amendment?

Mr. WARREN. I will say that it would be subject to the point of order. We are not legislating in the bill how the Government shall rent. We are simply providing the money. I will withdraw the name of the building and make the point of order against the amendment offered by the Senator from Iowa.

Mr. DOLLIVER. I do not think the point of order is good. The amendment is a mere limitation upon the expenditure.

Mr. SCOTT. Mr. President, I am very glad the Senator from Iowa [Mr. DOLLIVER] has brought up the matter of insecure buildings. A few years ago I was one of a committee to examine and make report on the old part of the public printing building in the city, and the report of the subcommittee was unanimous that the building was unsafe, and that it was liable to collapse with the weight then in it. Yet there has been nothing done, and time and again when you, Mr. President, were chairman of the Committee on Public Buildings and Grounds, and since have we tried to get the Senate and also the House to appropriate money to put up buildings suitable for the work and to subserve the convenience of the Government.

We are penny wise and pound foolish. This Government today is paying not less than 12 per cent on money invested by individuals in buildings to house the branches of the different Departments, when the Government can borrow all the money it wants at 2 per cent; and yet bill after bill is turned down for the reason, as claimed by Senators and Members of the House, that it is economy. It is foolish economy. There is not economy in it.

Mr. PERKINS. I desire to say to my friend, the Senator from West Virginia, that we are paying $412,000 per annum for rented buildings in the city of Washington.

Mr. SCOTT. Thank you.

Mr. CULLOM. Will the Senator from West Virginia permit me?

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Illinois?

Mr. SCOTT. I will be through in just a moment. I am in hopes that the discussion this morning will open the eyes of Senators to the condition, and that they will be more liberal in supporting the bills that come from the committee of which I have the honor to be chairman, in order to house the different Departments of this Government in this great city of ours. It is an outrage that the Government acts as it does. Look at the Department of Justice, housed in an old hotel building on a side street, and other Departments all over the city in rented structures, when this great Government has a surplus of money and ought to provide buildings for the different Departments.

Mr. CULLOM. I will take the liberty of asking that the words in line 7, beginning with the word "of," to the end of the amendment be stricken out. It will leave the words "Small Building" entirely out of the consideration of the Senate.

The VICE-PRESIDENT. Does the Senator from Iowa insist upon his amendment?

Mr. DOLLIVER. I do.

The VICE-PRESIDENT. The Senator from Iowa proposes an amendment, which will be stated.

The SECRETARY. On page 63, line 7, after the committee amendment, it is proposed to insert:

> No part of which shall be available for the rent of any building unless the Supervising Architect shall certify to the Secretary of the Treasury he has investigated the same and finds it reasonably free from danger from fire.

Mr. CULLOM. Mr. President, the point of order, I think, will lie against the amendment. I simply propose to strike out the amendment which the committee made to the bill. I think the point of order made by the Senator from Wyoming against the amendment offered by the Senator from Iowa is good; and if it is, that disposes of the amendment.

The VICE-PRESIDENT. The question will first come on the amendment to perfect the amendment.

Mr. CULLOM. I do not propose to perfect the amendment, but simply to strike out the words I have indicated.

The VICE-PRESIDENT. Will the Senator from Illinois restate his proposition?

Mr. CULLOM. My proposition is to strike out, in line 7 of the bill, page 63, beginning with the word "of," the balance of that line and all of the next line, which leaves the words "Small Building" entirely out of the case.

Mr. WARREN. That is in line with perfecting the bill by the committee, which should first be taken care of.

Mr. TELLER. Has an order been entered to strike that out? If so, it leaves the amendment of the Senator from Iowa pending.

The VICE-PRESIDENT. Is there objection to striking out the committee amendment? The Chair hears none, and it is so ordered.

Mr. TELLER. I think it would embarrass the Treasury Department to put on the amendment which the Senator from Iowa has proposed, and I make the point of order against it that it is legislation. I do not know but that the point was made by the chairman of the committee. I think it was.

Mr. CULLOM. I think the Senator from Wyoming made the point of order against the amendment of the Senator from Iowa.

Mr. TELLER. Let us have a ruling on that.

The VICE-PRESIDENT. The Chair is of opinion that the point of order is not well taken. The question is on agreeing to the amendment.

Mr. TELLER. I move to lay on the table the amendment of the Senator from Iowa.

The motion was agreed to.

Mr. WARREN. The insertion of the name of the building was entirely without request or application on the part of the owners of the building proposed to be rented. It was inserted merely upon the estimate as it came to the committee from the Secretary of the Treasury.

The VICE-PRESIDENT. The reading of the bill will be resumed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 67, line 19, after the word "each," to strike out "messenger, at $840" and insert "two messengers, at $840 each;" and in line 23, before the word "dollars," to insert "eight hundred and forty," so as to make the clause read:

> Office of assistant treasurer at Baltimore: For assistant treasurer, $4,500; cashier, $2,500; three clerks, at $1,800 each; two clerks, at $1,600 each; four clerks, at $1,400 each; bookkeeper and three clerks, at $1,200 each; five clerks, at $1,000 each; two messengers, at $840 each; three watchmen, at $720 each; in all, $34,840.

The amendment was agreed to.

The next amendment was, on page 67, line 25, after the word "dollars" to strike out "chief clerk and paying teller, at $2,500 each," and insert "cashier, $3,000; paying teller, $2,500," so as to make the clause read:

> Office of assistant treasurer at Boston: For assistant treasurer, $5,000; cashier, $3,000; paying teller, $2,500.

The amendment was agreed to.

The next amendment was, on page 68, line 13, to increase the number of clerks at $1,000 each in the office of the assistant treasurer at Boston from eight to ten.

The amendment was agreed to.

The next amendment was, on page 68, line 18, to increase the total appropriation for office of assistant treasurer at Boston from $46,710 to $49,210.

The amendment was agreed to.

The next amendment was, in the item "Office of assistant treasurer at Chicago," on page 69, line 4, after the word "dollars" to insert "one chief coin, coupon, and currency clerk, at $1,750," and in line 6, before the word "coin," to strike out "four" and insert "three," so as to read:

> Assistant paying teller, $1,600; one chief coin, coupon, and currency clerk, at $1,750; three coin, coupon, and currency clerks, at $1,500 each.

The amendment was agreed to.

The next amendment was, on page 69, line 14, to increase the total appropriation for office of assistant treasurer at Chicago from $72,400 to $72,650.

The amendment was agreed to.

The next amendment was, on page 70, line 6, before the word "dollars," to strike out "two hundred and fifty" and insert "five hundred;" and in line 17, before the word "dollars," to

strike out "twenty-eight thousand eight hundred and ninety" and insert "twenty-nine thousand one hundred and forty," so as to make the clause read:

Office of assistant treasurer at New Orleans: For assistant treasurer, $4,500; chief clerk and cashier, $2,500; receiving teller, and paying teller, at $2,000 each; vault clerk, $1,800; two bookkeepers, at $1,500 each; coin clerk, $1,200; six clerks, at $1,200 each; two clerks, at $1,000 each; porter and messenger, $500; day watchman, $720; night watchman, $720; typewriter and stenographer, $1,000; in all $29,140.

The amendment was agreed to.

The next amendment was, on page 74, line 18, before the word "thousand," to strike out "twelve" and insert "thirteen," so as to make the clause read:

For paper for interest, transfer, redemption, pension, and other checks and drafts for the use of the Treasurer of the United States, assistant treasurers, pension agents, disbursing officers, and others, $13,000.

The amendment was agreed to.

The next amendment was, on page 77, line 13, after the word "exceeding," to insert "two thousand," so as to make the clause read:

For incidental and contingent expenses, including new machinery and repairs, exclusive of that required for the refinery, expenses annual assay commission, melters' and refiners' wastage, and loss on sale of sweeps arising from the manufacture of ingots for coinage, and wastage and loss on sale of coiners' sweeps, and not exceeding $2,500 in value of specimen coins and ores for the cabinet of the mint, $85,000.

The amendment was agreed to.

The next amendment was, under the subhead assay office at Seattle, Wash., on page 81, line 8, before the word "thousand," to strike out "fourteen" and insert "sixteen;" and in line 9, before the word "dollars," to strike out "thirty thousand and twenty" and insert "thirty-two thousand," so as to make the clause read:

For wages for workmen, and not exceeding $16,000 for other clerks and employees, $32,000.

The amendment was agreed to.

The next amendment was, at the top of page 82, to insert:

That the appropriation for incidental and contingent expenses of the office of the governor of Alaska for the fiscal year 1908 shall be available for the purchase and repair of furniture in the governor's office and quarters at Juneau, Alaska, and for alterations and repairs of buildings occupied as office and quarters.

The amendment was agreed to.

The next amendment was, on page 84, line 25, before the word "dollars," to strike out "four thousand five hundred" and insert "five thousand;" on page 85, line 1, after the word "clerk," to insert "and assistant;" in the same line, before the word "thousand," to strike out "three" and insert "four;" in line 4, before the word "dollars," to insert "two hundred and fifty;" in line 7, before the word "dollars," to strike out "one hundred" and insert "two hundred and fifty;" in line 15, before the word "clerks," to strike out "fourteen" and insert "fifteen;" in line 16, before the word "clerks," to strike out "eighteen" and insert "nineteen;" in line 22, after the word "messengers," to strike out "one telephone switchboard operator, one assistant telephone switchboard operator" and insert "two telephone switchboard operators;" and on page 86, line 10, to strike out "forty-two thousand five hundred and sixty" and insert "forty-seven thousand one hundred and eighty," so as to make the clause read:

WAR DEPARTMENT.

Office of the Secretary: For compensation of the Secretary of War, $12,000; Assistant Secretary, $5,000; chief clerk and assistant, $4,000; private secretary to the Secretary, $2,500; clerk to the Secretary, $2,250; stenographer to the Secretary, $1,800; clerk to the Assistant Secretary, $2,250; clerk to the chief clerk, $2,100; disbursing clerk, $2,500; appointment clerk, $2,000; four chiefs of division, at $2,000 each; superintendent of buildings outside of State, War, and Navy Department building, in addition to compensation as chief of division, $250; chief telegrapher, $1,800; four clerks of class 4; four clerks of class 3; fifteen clerks of class 2; nineteen clerks of class 1; five clerks, at $1,000 each; one clerk, $900; one clerk, $720; one foreman, $1,200; carpenter, $1,000; chief messenger, $1,000; one carpenter, $900; one skilled laborer, $900; six messengers; seven assistant messengers; two telephone switchboard operators; two messenger boys, at $360 each; engineer, $900; assistant engineer, $720; one fireman; four watchmen; five watchmen, at $660 each; eight laborers; two laborers, at $470 each; hostler, $600; two hostlers, and one watchman, at $540 each; one messenger boy, $480; two elevator conductors, one at $600 and one at $470; four charwomen; in all, $147,180.

The amendment was agreed to.

The next amendment was, on page 87, line 12, before the word "of," to strike out "one clerk" and insert "two clerks;" in the same line, before the word "clerks," to strike out "five" and insert "six;" in line 14, before the word "two," to strike out "two clerks, at $1,000 each; two copyists" and insert "one copyist;" and in line 15, before the word "hundred," to strike out "eight" and insert "five;" so as to make the clause read:

Office of the Judge-Advocate-General: For chief clerk and solicitor, $2,250; one clerk of class 4; two clerks of class 3; two clerks of class 2; six clerks of class 1; one copyist; two messengers; and one assistant messenger; in all, $20,550.

The amendment was agreed to.

The next amendment was, on page 87, line 17, after the word "four," to insert "one clerk of class 3;" and in line 23, before the word "hundred," to strike out "twenty-five thousand eight" and insert "twenty-seven thousand four;" so as to make the clause read:

Signal Office: For chief clerk, $2,000; two clerks of class 4; one clerk of class 3; two clerks of class 2; four clerks of class 1; six clerks, at $1,000 each; three clerks, at $900 each; two clerks, at $840 each; one messenger; one assistant messenger; and one laborer; in all, $27,400.

The amendment was agreed to.

The next amendment was, on page 88, line 12, after the word "thousand," to insert "two hundred and fifty;" in the same line, after the word "dollars," to insert "two chiefs of division, at $2,000 each;" in line 14, before the word "clerks," to strike out "eleven" and insert "nine;" in line 16, before the word "clerks," to strike out "twenty-eight" and insert "fifty-four;" and in the same line, after the word "each," to strike out "fifteen clerks, at $900 each; ten clerks, at $840 each; one clerk, $720," so as to read:

Office of the Quartermaster-General: For chief clerk, $2,250; two chiefs of division, at $2,000 each; nine clerks of class 4; twelve clerks of class 3; twenty-six clerks of class 2; sixty-one clerks of class 1; fifty-four clerks, at $1,000 each; advisory architect, $4,000, etc.

The amendment was agreed to.

The next amendment was, in the appropriation for the office of the Quartermaster-General, on page 89, line 6, before the word "dollars," to strike out "one thousand eight hundred" and insert "two thousand," so as to read:

Electrical engineer, $2,000.

The amendment was agreed to.

The next amendment was, on page 89, line 15, to increase the total appropriation for the office of the Quartermaster-General from $271,740 to $275,970.

The amendment was agreed to.

The next amendment was, on page 89, line 18, before the word "clerks," to strike out "three" and insert "four;" in line 19, before the word "clerks," to strike out "five" and insert "six;" in the same line, before the word "clerks," to strike out "five" and insert "six;" in line 20, before the word "clerks," to strike out "sixteen" and insert "fourteen;" in line 21, before the word "clerks," to strike out "nine" and insert "eight;" in line 24, before the word "hundred," to strike out "seventy-three thousand four" and insert "seventy-five thousand three," so as to make the clause read:

Office of the Commissary-General: For chief clerk, $2,000; four clerks of class 4; six clerks of class 3; six clerks of class 2; twenty clerks of class 1; fourteen clerks, at $1,000 each; eight clerks, at $900 each; messenger; two assistant messengers; one laborer; in all, $75,340.

The amendment was agreed to.

The next amendment was, on page 90, line 9, after the word "dollars," to strike out "one messenger" and insert "two messengers;" in line 10, before the word "assistant," to strike out "eleven" and insert "ten;" in line 13, after the word "dollars," to insert "assistant chemist, $1,500;" in line 16, before the word "dollars," to strike out "and eighty-eight" and insert "two hundred and fifty;" in line 17, before the word "dollars," to strike out "one thousand eight hundred" and insert "two thousand;" in line 18, before the word "dollars," to strike out "one thousand eight hundred" and insert "two thousand," and in line 21, before the word "dollars," to strike out "sixty-four thousand five hundred and six" and insert "sixty-six thousand six hundred and eighty-eight," so as to make the clause read:

Office of the Surgeon-General: For chief clerk, $2,000; law clerk, $2,000; thirteen clerks of class 4; eleven clerks of class 3; twenty-six clerks of class 2; thirty-two clerks of class 1; ten clerks, at $1,000 each; three clerks, at $900 each; anatomist, $1,600; engineer, $1,400; assistant engineer, for night duty, $900; two firemen; skilled mechanic, $1,000; two messengers; ten assistant messengers; three watchmen; superintendent of building (Army Medical Museum and Library), $250; six laborers; chemist, $2,088; assistant chemist, $1,500; principal assistant librarian, $2,250; pathologist, $2,000; microscopist, $2,000; assistant librarian, $1,800; four charwomen; in all, $166,688.

The amendment was agreed to.

The next amendment was, on page 92, line 25, before the word "clerks," to strike out "eight" and insert "ten;" on page 93, line 1, before the word "clerks," to strike out "fifteen" and insert "nineteen;" in the same line, before the word "clerks," to strike out "thirteen" and insert "eighteen," and in line 3, before the word "two," to strike out "fourteen clerks, at $900 each," so as to make the clause read:

Office of the Bureau of Insular Affairs: For law officer, $4,500; chief clerk, $2,000; eight clerks of class 4; three clerks of class 3; ten clerks of class 2; nineteen clerks of class 1; eighteen clerks, at $1,000 each; two messengers; two assistant messengers; five laborers; two charwomen; in all, $87,400.

The amendment was agreed to.

The next amendment was, under the head of "Public buildings and grounds," at the top of page 95, to insert:

For second sergeant of park watchmen, $900.

The amendment was agreed to.

The next amendment was, on page 96, line 24, after the word "park," to strike out "policemen" and insert "watchmen," so as to make the clause read:

For purchase and repair of bicycles and revolvers for park watchmen and for purchase of ammunition, $300.

The amendment was agreed to.

The next amendment was, under the head of "Navy Department," on page 98, line 23, before the word "dollars," to strike out "four thousand five hundred" and insert "five thousand;" on page 99, line 1, before the word "disbursing," to insert "clerk to Assistant Secretary, $2,000," so as to read:

Office of the Secretary: For compensation of the Secretary of the Navy, $12,000; Assistant Secretary of the Navy, $5,000; chief clerk, $3,000; private secretary to Secretary, $2,500; clerk to Secretary, $2,250; clerk to Assistant Secretary, $2,000, etc.

The amendment was agreed to.

The next amendment was, on page 99, line 15, to increase the total appropriation for office of the Secretary of the Navy from $67,760 to $70,260.

The amendment was agreed to.

The next amendment was, on page 99, after line 16, to insert:

Office of the Solicitor: Solicitor, who shall perform the duties of the Judge-Advocate-General of the Navy in case of the death, resignation, absence, or sickness of that officer, $4,000; law clerk, $2,500; law clerk, $2,000; clerk of class 4; clerk of class 3; clerk of class 2; clerk, at $840; and messenger boy, at $600; in all, $14,740.

The amendment was agreed to.

The next amendment was, on page 100, line 10, after the word "class" to strike out "two" and insert "three," and in line 15, before the word "hundred," to strike out "one" and insert "three," so as to make the clause read:

Office of Naval Records of the Rebellion: For chief clerk, $2,000; one agent, to be selected by the Secretary of the Navy from the officers of the late Confederate navy, $1,800; three clerks of class 2 (including one transferred from Bureau of Yards and Docks); one clerk of class 3 (indexer); two clerks of class 1; two clerks at $1,000 each; two copyists; copyist, $720; one assistant messenger; necessary traveling expenses for collection of records, $100; in all, $17,340.

The amendment was agreed to.

The next amendment was, on page 100, line 25, after the word "For," to strike out "a solicitor, to be an assistant to the Judge-Advocate of the Navy, and to perform the duties of that officer in case of his death, resignation, absence, or sickness, $4,000; chief clerk, $2,000; one law clerk, $2,500; one clerk of class 4 (reduction of one transferred to Bureau of Construction and Repair); one clerk of class 3; one clerk of class 2;" on page 101, line 10, after the word "dollars," to strike out "one clerk, $840;" in line 11, after the word "messenger," to strike out "one messenger boy, $600;" and in line 14, before the word "dollars," to strike out "twenty-three thousand and sixty" and insert "eight thousand three hundred and twenty," so as to make the clause read:

Judge-Advocate-General, United States Navy: For one clerk, $1,300; two clerks of class 1 (including one transferred from Bureau of Supplies and Accounts); three clerks, at $1,000 each; one clerk, $900; one assistant messenger; in all, $8,320.

The amendment was agreed to.

The next amendment was, on page 101, line 16, after the word "dollars," to insert "one clerk, $2,000;" in line 17, before the word "clerks," to strike out "four" and insert "three;" and in line 25, before the word "hundred," to strike out "one" and insert "three," so as to make the clause read:

Bureau of Navigation: For chief clerk, $2,000; one clerk, $2,000; three clerks of class 4; six clerks of class 3; five clerks of class 2; six clerks of class 1; three clerks, at $1,100 each; thirteen clerks, at $1,000 each; five copyists; nineteen copyists, at $840 each; two assistant messengers (reduction of one transferred to Secretary's office); one messenger boy, $600, and five laborers (including one transferred from Secretary's office); in all, $75,300.

Mr. CULLOM. In behalf of the committee, I desire to offer an amendment which was overlooked.

I move to amend the amendment of the committee by inserting in line 16, after the word "dollars," the words "one clerk, $2,000," and striking out, in line 16, the word "three" before "clerks" and inserting "five," so as to read "five clerks of class four."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 102, line 9, after the word "dollars," to insert "bookkeeper and accountant, $1,800," and in line 21, before the word "hundred," to strike out "twenty-eight thousand seven" and insert "thirty thousand five," so as to make the clause read:

Bureau of Equipment: For chief clerk, $2,000; draftsman, who shall be an expert in marine construction, $2,000; bookkeeper and accountant, $1,800; one clerk of class 4; electrical expert and daftsman, $1,600; one clerk of class 3; one clerk of class 2; one clerk, $1,200; two clerks of class 1, draftsman for work in connection with depots for coal, $1,200; eight clerks, at $1,000 each; two copyists; one assistant messenger; one messenger boy, $600; one blueprinter, $600; one messenger boy, $360; and two laborers (including one transferred from Secretary's office); in all, $30,500.

The amendment was agreed to.

The next amendment was, in the appropriation for the Hydrographic Office, on page 103, line 21, to increase the number of engravers at $1,200 each from five to six, and in line 22, to reduce the number of engravers at $1,000 each from three to two.

The amendment was agreed to.

The next amendment was, on page 104, line 16, to increase the total appropriation for the Hydrographic Office from $102,000 to $102,200.

The amendment was agreed to.

The next amendment was, on page 105, after line 20, to insert:

"For a monthly Pilot Chart of the North Pacific Ocean, showing graphically the matters of value and interest to the maritime community of the Pacific coast, and particularly the directions and forces of the winds to be expected during the month succeeding the date of issue; the set and strength of the currents; the feeding grounds of whales and seals; the regions of storm, fog, and ice; the positions of derelicts and floating obstructions to navigation; and the best routes to be followed by steam and by sail; including the expenses of communicating and circulating information; lithographing and engraving; the purchase of materials for and printing and mailing the chart, $2,000."

The amendment was agreed to.

The next amendment was, in the appropriation for the Naval Observatory, on page 106, line 16, before the word "dollars," to strike out "one thousand eight hundred" and insert "two thousand;" in line 18, before the word "hundred" to strike out "six" and insert "eight;" and in line 21, after the word "dollars" to strike out "five assistants, at $1,200 each" and insert "three assistants, at $1,600 each; two assistants, at $1,400 each," so as to read:

Naval Observatory: For pay of three assistant astronomers, one at $2,400, and two at $2,000 each; one assistant in department of nautical instruments, $1,800; one clerk of class 4; one clerk of class 2; instrument maker, $1,500; electrician, $1,500; assistant, $1,400; three assistants, at $1,600 each; two assistants, at $1,400 each; librarian, $1,400, etc.

The amendment was agreed to.

The next amendment was, on page 107, line 6, to increase the appropriation for the Naval Observatory from $41,640 to $43,840.

The amendment was agreed to.

The next amendment was, in the appropriation for the Naval Observatory, on page 107, line 8, to increase the appropriation for miscellaneous computations, from $5,000 to $6,500.

The amendment was agreed to.

The next amendment was, on page 107, line 19, to increase the appropriation for repairs to buildings, fixtures, and fences, furniture, gas, chemicals, and stationery, etc., Naval Observatory, from $2,500 to $3,000.

The amendment was agreed to.

The next amendment was, on page 108, line 2, to increase the appropriation for fuel, oil, grease, tools, pipe, wire, and other material needed for the maintenance and repair of boilers, etc., Naval Observatory, from $7,500 to $8,000.

The amendment was agreed to.

The next amendment was, in the appropriation for the Nautical Almanac Office, on page 108, line 6, after the word "namely," to insert "one at $1,800;" in line 7, before the word "at," to strike out "Three" and insert "two," and in line 13, before the word "hundred," to strike out "two" and insert "four," so as to make the clause read:

Nautical Almanac Office: For the following assistants in preparing for publication the American Ephemeris and Nautical Almanac, namely: One, at $1,800; two, at $1,600 each; two, at $1,400 each; three, at $1,200 each; two, at $1,000 each; one copyist and typewriter, $900; one asistant messenger and one messenger boy, $420; in all, $15,440.

The amendment was agreed to.

The next amendment was, in the appropriation for the Bureau of Steam Engineering, page 108, line 20, before the word "of," to strike out "one clerk" and insert "two clerks;" in line 22, before the word "of," to strike out "one clerk" and nisert "three clerks," and on page 109, line 6, before the word "thousand," to strike out "twenty-three" and insert "twenty-seven," so as to make the clause read:

Bureau of Steam Engineering: For chief clerk, $2,000; one clerk of class 4; two clerks of class 3; two clerks of class 2; one clerk, $1,300; three clerks of class 1; one clerk, $1,100; three clerks, at $1,000 each; one clerk, $840; one assistant messenger; two laborers; two laborers, at $600 each; one messenger boy, $600; draftsman, $1,400; assistant draftsman, $1,200; stenographer and typewriter, $1,000; stenographer and typewriter, $900; in all, $27,980.

The amendment was agreed to.

The next amendment was, in the appropriation for the Bureau

of Ordnance, page 110, line 9, before the word "of," to strike out "one clerk" and insert "two clerks;" and in line 17, before the word "and," to strike out "thirty-one thousand three hundred" and insert "thirty-two thousand nine hundred," so as to make the clause read:

Bureau of Ordnance: For chief clerk, $2,000; ordnance engineer, mechanical draftsman, and computer, $3,000; draftsman, $1,800; assistant draftsman, $1,400; two clerks of class 3; two clerks of class 2; one clerk, $1,300; three clerks of class 1; one clerk, $1,100; five clerks, at $1,000 each; three copyists; two copyists, at $840 each; one assistant messenger; two messenger boys, at $600 each; two messenger boys, at $400 each; and one laborer; in all, $32,960.

The amendment was agreed to.

The next amendment was, in the appropriation for the Bureau of Supplies and Accounts, page 110, line 21, before the word "clerks," to strike out "six" and insert "eight;" in the same line, before the word "clerks," to strike out "six" and insert "five;" and on page 111, line 6, before the word "hundred," to strike out "one hundred thousand six" and insert "one hundred and two thousand four," so as to make the clause read:

Bureau of Supplies and Accounts: For civilian assistant, $2,500; two chief bookkeepers, at $2,000 each; four clerks of class 4; eight clerks of class 3; five clerks of class 2; fifteen clerks of class 1; eight clerks, at $1,100 each; twenty-four clerks, at $1,000 each; three clerks, at $900 each; eight copyists; two copyists, at $840 each; four assistant messengers (including one instead of one laborer transferred from Secretary's office); three messenger boys, at $400 each; one laborer; one messenger boy, at $600; and two laborers, at $600 each; in all, $102,420.

The agreement was agreed to.

The next agreement was, in the appropriation for the Bureau of Yards and Docks, page 111, line 20, before the word "dollars," to strike out "chief clerk, two thousand" and insert "chief clerk and civilian assistant, two thousand two hundred and fifty;" and on page 112, line 4, before the word "dollars," to strike out "eighteen thousand nine hundred and forty" and insert "nineteen thousand one hundred and ninety," so as to make the clause read.

Bureau of Yards and Docks: For chief clerk and civilian assistant, $2,250; draftsman and clerk, $1,800; one clerk of class 3; one clerk of class 2; one clerk of class 1; one clerk, $1,100; six clerks, at $1,000 each (including one transferred from Secretary's office); one assistant messenger; three messenger boys, at $600 each; and two laborers (including one transferred from Naval Intelligence); in all, $19,190.

The amendment was agreed to.

The next amendment was, on page 112, line 19, after the word "materials," to insert "Revised Statutes," so as to make the clause read:

For stationery, furniture, newspapers, plans, drawings, drawing materials, Revised Statutes, horses and wagons to be used only for official purposes, freight, expressage, postage, and other absolutely necessary expenses of the Navy Department and its various bureaus and offices, $40,000; it shall not be lawful to expend, for any of the offices or bureaus of the Navy Department at Washington, any sum out of appropriations made for the naval establishment for any of the purposes mentioned or authorized in this paragraph.

The amendment was agreed to.

The next amendment was, under the head of "Department of the Interior," on page 113, line 8, before the word "dollars," to strike out "four thousand five hundred" and insert "five thousand; in line 9, after the word "dollars," to insert "Assistant to the Secretary, $2,750; assistant attorney, $2,750; assistant attorney, $2,500; four assistant attorneys, at $2,250 each," so as to read:

Office of the Secretary: For compensation of the Secretary of the Interior, $12,000; First Assistant Secretary, $5,000; Assistant Secretary, $4,500; Assistant to the Secretary, $2,750; assistant attorney, $2,750; assistant attorney, $2,500; four assistant attorneys, at $2,250 each, etc.

The amendment was agreed to.

The next amendment was, in the appropriation for the office of the Secretary of the Interior, on page 113, line 23, after the word "each," to strike out "and six Indian inspectors at $2,500 each, heretofore provided for in the Indian appropriation act," so as to read:

Two special inspectors, whose employment shall be limited to the inspection of offices and the work in the several offices under the control of the Department of the Interior, at $2,500 each (in lieu of one special land inspector and five special inspectors at $2,500 each, etc.

The amendment was agreed to.

The next amendment was, on page 114, line 4, after the word "dollars," to insert "clerk in charge of publications, $2,250;" in line 10, before the word "clerks," to strike out "sixteen" and insert "seventeen;" and in line 11, before the word "clerks," to strike out "twenty-one" and insert "twenty," so as to read:

Clerk in charge of mails, files, and archives, $2,250; clerk in charge of publications, $2,250; four clerks, at $2,000 each; private secretary to the Secretary of the Interior, $2,500; thirteen clerks of class 4 (two clerks of class 4 transferred to Indian Office and one transferred to General Land Office); seventeen clerks of class 3; twenty clerks of class 2 (three clerks of class 2 transferred to Indian Office and two transferred to General Land Office), etc.

The amendment was agreed to.

The next amendment was, on page 114, line 21, after the word "operator," to insert "chief messenger, $1,000;" and in line 22, before the word "messengers," to strike out "nine" and insert "eight," so as to read:

Switchboard telephone operator; chief messenger, $1,000; eight messengers.

The amendment was agreed to.

The next amendment was, on page 115, line 5, to increase the appropriation for the salary of captain of the watch, office of the Secretary of the Interior, from $1,200 to $1,400.

The amendment was agreed to.

The next amendment was, on page 115, line 15, to increase the total appropriation for the office of the Secretary of the Interior from $263,590 to $283,900.

The amendment was agreed to.

The next amendment was, on page 115, line 16, after the word "dollars," to insert the following proviso:

Provided, That in the discretion of the Secretary of the Interior, persons employed June 30, 1908, as additional members of the Board of Pension Appeals may be transferred and appointed to places in the classified service of the Department of the Interior without reference to the "Act to regulate and improve the civil service of the United States," approved January 16, 1883.

The amendment was agreed to.

The next amendment was, on page 116, line 4, before the word "hundred," to strike out "six" and insert "eight;" and in line 11, before the word "hundred," to strike out "three" and insert "five," so as to make the clause read:

For employees, for the proper protection, heating, care, and preservation of the old Post-Office Department building, occupied by the Department of the Interior, namely: One engineer and electrician, $1,800; assistant engineer, $1,000; four firemen; three watchmen, acting as lieutenants, at $840 each; twenty watchmen; conductor of elevator, $720; fourteen laborers; nine laborers, at $480 each; three skilled mechanics (painter, carpenter, and plumber), at $900 each; in all, $39,580.

The amendment was agreed to.

The next amendment was, on page 116, line 23, before the word "special," to strike out "eight" and insert "two," and on page 117, line 7, before the word "thousand," to strike out "sixteen" and insert "four," so as to make the clause read:

For per diem in lieu of subsistence of two special inspectors, Department of the Interior, while traveling on duty, at a rate to be fixed by the Secretary of the Interior, not exceeding $3 per day, and for actual necessary expenses of transportation (including temporary employment of stenographers, typewriters, and other assistance outside of the District of Columbia, and for incidental expenditures necessary to the efficient conduct of examinations), to be expended under the direction of the Secretary of the Interior, $4,000.

The amendment was agreed to.

The next amendment was, in the appropriation for the Commissioner of the General Land Office, on page 117, line 20, after the word "dollars," to strike out "two chiefs of division at $2,400" and insert "one chief of division, $2,750; one chief of division, $2,400," so as to read:

Recorder, $2,000; one chief of division, $2,750; one chief of division, $2,400.

The amendment was agreed to.

The next amendment was, on page 118, line 16, after the word "dollars," to strike out "librarian of the law library of the General Land Office" and insert "clerk and librarian," so as to read:

One depositary acting for the Commissioner as receiver of public moneys, $2,000; clerk and librarian, $1,000.

The amendment was agreed to.

The next amendment was, on page 118, line 19, to increase the total appropriation for the office of the Commissioner of the General Land Office from $572,100 to $572,450.

The amendment was agreed to.

The next amendment was, on page 120, line 13, to increase the appropriation for separate State and Territorial maps, prepared in the General Land Office, from $1,250 to $2,000.

The amendment was agreed to.

The next amendment was, at the top of page 121, to insert:

For continuing the work authorized by the act approved March 3, 1891, and for the protection of the lives of miners in the Territories and in the district of Alaska, and for conducting such investigations in the Territories and in the district of Alaska as will increase safety and efficiency in mining, to be immediately available, $195,000: *Provided*, That the Secretary of the Interior is hereby authorized to accept for use in the investigations named above any site, buildings, equipment, or fund which in his judgment it may be proper to accept; such acceptance shall be reported to Congress, and shall not be considered as binding the Government of the United States beyond the appropriation made by Congress in any one year.

The amendment was agreed to.

The next amendment was, in the appropriation for the office of the Commissioner of Indian Affairs, on page 121, line 24, to increase the appropriation for the salary of the principal bookkeeper from $1,800 to $2,000.

The amendment was agreed to.

The next amendment was, on page 122, line 17, to increase the total appropriation for the Indian Office from $221,270 to $221,470.

The amendment was agreed to.

The next amendment was, in the appropriation for the office of the Commissioner of Pensions, on page 123, line 15, to increase the number of clerks of class 1 from 330 to 370.

The amendment was agreed to.

The next amendment was, on page 124, line 4, to increase the total appropriation for the office of the Commissioner of Pensions from $1,602,270 to $1,650,270.

The amendment was agreed to.

The next amendment was, in the appropriation for the Patent Office, on page 125, line 8, before the word "dollars," to insert "five hundred;" in line 9, before the word "dollars," to strike out "two thousand five hundred" and insert "three thousand;" in line 11, before the word "three," to strike out "two law clerks, at $2,500 each" and insert "two law examiners, at $2,750 each;" in line 13, before the word "hundred," to strike out "five" and insert "seven;" in line 15, before the word "hundred," to strike out "five" and insert "seven;" in line 16, before the word "hundred," to strike out "five" and insert "seven;" in line 17, before the word "dollars," to insert "four hundred;" in line 19, before the word "hundred," to strike out "one thousand eight" and insert "two thousand one;" in line 21, before the word "hundred," to strike out "six" and insert "eight," and in line 22, before the word "hundred," to strike out "four" and insert "five," so as to read:

Patent Office: For the Commissioner of Patents, $5,000; Assistant Commissioner, who shall perform such duties pertaining to the office of Commissioner as may be assigned to him by the Commissioner, $3,500; chief clerk, $3,000; 2 law examiners, at $2,750 each; 3 examiners-in-chief, at $3,000 each; examiner of interferences, $2,700; examiner of trade-marks and designs, $2,700; 42 principal examiners, at $2,700 each; 58 first assistant examiners, at $2,400 each; 68 second assistant examiners, at $2,100 each; 78 third assistant examiners, at $1,800 each; 100 fourth assistant examiners, at $1,500 each, etc.

The amendment was agreed to.

The next amendment was, in the appropriation for the Patent Office, on page 126, line 3, before the word "clerks," to strike out "ninety" and insert "one hundred;" in line 7, before the word "clerks," to strike out "eighty-five" and insert "one hundred;" in line 9, before the word "copyists," to strike out "one hundred and six" and insert "ninety;" and in the same line, before the word "copyists," to strike out "one hundred" and insert "sixty," so as to read:

Fifteen clerks of class 2; 100 clerks of class 1; skilled laborer, $1,200; 3 skilled draftsmen, at $1,200 each; 4 draftsmen, at $1,000 each; 100 clerks, at $1,000 each; messenger and property clerk, $1,000; 90 copyists; 60 copyists, at $720 each.

The amendment was agreed to.

The next amendment was, on page 126, line 20, to increase the total appropriation for the Patent Office from $1,131,310 to $1,194,610.

The amendment was agreed to.

The next amendment was, on page 127, line 15, to increase the appropriation for the salary of the Commissioner of Education from $3,500 to $4,500.

The amendment was agreed to.

The next amendment was, on page 128, line 5, to increase the total appropriation for the Bureau of Education from $55,500 to $56,500.

The amendment was agreed to.

The next amendment was, on page 128, line 9, to increase the appropriation for books for library, current educational periodicals, other current publications, etc., Bureau of Education, from $250 to $500.

The amendment was agreed to.

The next amendment was, on page 128, line 11, to increase the appropriation for collecting statistics for special reports and circulars of information, Bureau of Education, from $4,000 to $8,000.

The amendment was agreed to.

The next amendment was, on page 128, line 24, before the word "dollars," to insert "two hundred;" in line 25, before the word "hundred," to strike out "four" and insert "five;" on page 129, line 6, before the word "dollars," to strike out "eight hundred and sixty-four" and insert "one thousand;" and in line 14, before the word "dollars," to strike out "twenty-four thousand seven hundred and twenty-four" and insert "twenty-five thousand one hundred and sixty," so as to make the clause read:

Office of the Superintendent of the Capitol Building and Grounds: For Superintendent of the Capitol Building and Grounds, $5,000; chief clerk, $2,000; chief electrical engineer, $2,400; draftsman, $1,200; assistant draftsman, $800; one clerk, $1,500; stenographer and typewriter, $1,200; foreman, $1,500; compensation to disbursing clerk, $1,000; one messenger; person in charge of the heating of the Supreme Court and central portion of the Capitol, $1,000; laborer in charge of water-closets in central portion of the Capitol, $660; seven laborers for cleaning Rotunda, corridors, Dome, and old library portion of Capitol, at $660 each; two laborers in charge of public closets of the House of Representatives and in the terrace, at $720 each; in all, $25,160.

The amendment was agreed to.

The next amendment was, on page 130, after line 24, to insert:

For rent of rooms in the Union Building for Patent Office model exhibit, $19,500.

The amendment was agreed to.

The next amendment was, on page 131, after line 4, to insert:

For rent of additional office accommodations for the Geological Survey in the main building of the Survey, Washington, D. C. (formerly occupied by the Reclamation Service), $3,000.

The amendment was agreed to.

The next amendment was, on page 131, after line 8, to insert:

For rent of additional rooms to building used by the Engraving and Printing Division, which will provide two large well-lighted rooms with a total floor space 5,200 square feet; these accommodations being demanded by the increased work of the plant, $2,500.

The amendment was agreed to.

The Secretary continued the reading of the bill to page 132, line 2.

The VICE-PRESIDENT. The Secretary will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 3023) to amend the national banking laws.

Mr. ALDRICH. The Senator from Wisconsin [Mr. LA FOLLETTE] is now in the Chamber, and he has given notice of his intention to speak to-day. I do not know whether he desires to speak now or whether he will wait until the appropriation bill is completed.

Mr. LA FOLLETTE. I shall be glad to begin whenever the Senate is ready to yield me the time.

Mr. CULLOM. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Illinois?

Mr. LA FOLLETTE. Certainly.

Mr. CULLOM. This morning, when the routine morning business was completed, I inquired if the Senator from Wisconsin was present, as he had given notice that he desired to speak to-day. He was not here, and hence I called up the appropriation bill. It will be but a little while, I think, before the reading of the bill for action on the committee amendments will be completed. I will then be willing to allow the Senator to take the floor, if that course is agreeable to him.

Mr. LA FOLLETTE. I would like to begin as soon as possible.

Mr. CULLOM. I have no objection. If the Senator desires to begin now, I will let the bill go over until after he gets through with his speech.

Mr. LA FOLLETTE. The Senator is very kind, and I shall be glad to begin at once, if the Senator will permit the bill under consideration to go over.

Mr. CULLOM. All right.

AMENDMENT OF NATIONAL BANKING LAWS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3023) to amend the national banking laws.

Mr. LA FOLLETTE. Mr. President, what I have to say upon the pending bill is made more pertinent, if possible, by the unexpected announcement just now made by the chairman of the Finance Committee of the intention to amend it by striking out the provision for the use of railroad bonds as security for emergency currency.

The Aldrich bill in my view—and I use that term because the measure pending before the Senate bears the country over the name of its author—can not be fairly judged without considering the changes which have been wrought in the industrial and commercial life of this country within a decade, and the consequent changes that have taken place in banking within a few years.

It is to be expected that the remarkable industrial development of a country will induce corresponding growth in banking. To meet the increasing demand of expanding business new banks must be established, and established banks must make large additions to capital, surplus, and undivided profits. Such changes may be extraordinary, but they should be natural, measuring year by year the growing commercial development of the nation.

But something besides a normal growth of business and resulting demands upon our currency system requires attention in connection with this proposed legislation.

CONSOLIDATION OF BANKING AND "BIG BUSINESS."

Eighteen hundred and ninety-eight was the beginning of great industrial reorganization. Men directly engaged in production brought about in the first instance an association of the independent concerns which they had built up. These reorganizations were at the outset limited to those turning out finished products similar in kind. Within a period of three years following, 149 such reorganizations were effected with a total stock and bond capitalization of $3,784,000,000. In making these reorganizations the opportunity for a large paper capitalization offered too great a temptation to be resisted. This was but the first stage in the creation of fictitious wealth. The success of these organizations led quickly on to a consolidation of combined industries, until a mere handful of men controlled the industrial production of the country.

The opportunity to associate the reorganization of the industrial institutions of the country with banking capital presented itself. Such connections were a powerful aid to reorganization, and reorganization offered an unlimited field for speculation. It was a tremendous temptation.

It contributes nothing of value to this discussion to denounce individuals on the one hand or laud them on the other. I have compiled a list of about one hundred men with their directorships in the great corporate business enterprises of the United States. It furnishes indisputable proof of the community of interest that controls the industrial life of the country.

I shall ask, Mr. President, to have incorporated in the RECORD this list of about 100 men with their directorships. It discloses their connections with the transportation, the industrial, and the commercial life of the American people. This exhibit will make it clear to anyone that a small group of men hold in their hands the business of this country.

No student of the economic changes in recent years can escape the conclusion that the railroads, telegraph, shipping, cable, telephone, traction, express, mining, iron, steel, coal, oil, gas, electric light, cotton, copper, sugar, tobacco, agricultural implements, and the food products are completely controlled and mainly owned by these hundred men; that they have through reorganization multiplied their wealth almost beyond their own ability to know its amount with accuracy. It is not necessary to examine in detail the related events that have led to this marvelous concentration of business. The facts are well understood and generally recognized.

But the country seems not to understand how completely great banking institutions in the principal money centers have become bound up with the control of industrial institutions, nor the logical connection of this relationship to the financial depression which we have so recently suffered, nor the dangers which threaten us from this source in the future.

That there was a tendency on the part of the great banking associations to merge and combine could not be overlooked; and while financial and economic writers had directed public attention to the fact, and had even pointed out the opportunity and temptation for the use of this augmented power in connection with the promotion of the speculative side of business organization, they have been slow to believe that banking institutions could be so prostituted.

Nevertheless, most conservative authorities suggested and foreshadowed the dangers that unfortunately actually exist.

FINANCIAL BANKING RESPONSIBLE FOR MONEY STRINGENCY.

An English economist, writing in Littell's Living Age for December 26, 1906, concludes an analysis of the currency-reform programme proposed, respectively, by the committee of the New York Chamber of Commerce and the committee of the American Banking Association then under discussion, as follows:

Unfortunately, however, defective as the present currency system is, all the evils complained of are not due to its defects. In part they have resulted from the way in which the system has been worked. Thus the recent extreme stringency of money in New York would probably never have arisen if the banks, instead of preparing for the autumn demands, had not locked up their funds to far too great an extent in the financiering of Wall street. That the banks are to a large extent under the domination of the big financiers is well known, and the recent insurance investigations have shown how, under such domination, private interests may be made to prevail over those of the public.

In an address delivered before the Minnesota Bankers' Association at Lake Minnetonka, Thomas F. Woodlock, formerly editor of the Wall Street Journal, author of the Anatomy of Railway Reports, and now a member of the New York Exchange, gave this warning:

The one thing that stands out most prominent, in my judgment, with reference to Wall street banking is the danger of the concentration of banking powers in the hands of a few great speculative interests. We have clearly defined tendencies in Wall street, the ultimate effect of which is likely to be the creation of two or three powerful groups of banks. There is, for example, the so-called "Standard Oil" group of banks, headed by the National City; there is the so-called "Morgan Life Insurance" group, with the National Bank of Commerce and the First National Bank at its head. These two groups contain many of the most powerful banks in New York City, and together account for a very large proportion of the total volume of credit at the disposal of the public. * * * The connection between the management of the banks in New York City and the great financial and speculative interests is very close, and if we ever have serious banking trouble it will come from this fact.

In an article on the "Concentration of banking interests in the United States," written in 1905, Charles J. Bullock, professor of economics, Williams College, says:

Unlike the central banks of other countries, our largest institutions are closely connected with various industrial interests, so that they do not occupy an independent position. Their policy is not controlled with sole regard for the general welfare of our banking system; but they have been drawn into vast enterprises, into promotion or reorganization, often of a speculative character, and have displayed less, not more, than ordinary conservatism. The National City Bank stood sponsor for the Amalgamated Copper Company, and the First National Bank has lent its aid to the various undertakings with which Mr. Morgan has been identified.

Mr. President, I shall later call the attention of the Senate to these two great groups of banks referred to by Mr. Bullock, which are every day increasing their control of the banking business of this country, Standard Oil at the head of one and Morgan at the head of the other. I should like the Senate to remember that this writer, speaking simply as a student of economics and finance, singles out the heads of these two groups to illustrate the dangers of the association of banks with industrial promotion and speculative enterprises.

Continuing, Professor Bullock says:

It is to be feared that our financiers have not yet learned the difference between banking and the promotion of companies—

In reading this, I need not suggest to Senators that Professor Bullock, being at the head of the economics department of an old renowned Massachusetts college, would certainly be very conservative in all that he might write—

It is to be feared that our financiers have not yet learned the difference between banking and the promotion of companies; but until this distinction is better understood, New York City will not rival London as an international financial center. * * *

The concentration of banking power has now proceeded so far that discussion has inevitably arisen concerning the length to which it will be carried, and the possible dangers of the movement. In the counting room and upon the streets New Yorkers are still pondering upon these questions, and not infrequently printed remarks are made about the "money trust." If this expression were heard only in the region of the one hundredth meridian, its interpretation would be obvious, but within the sacred precincts of Wall street such words can not fail to produce a certain impression.

Mark you, Mr. President, I am quoting from recognized authority, not upon present conditions, but upon the situation as it presented itself to students of government finance three or four or five years ago.

WALL STREET JOURNAL ON FINANCIAL BANKING.

As early as in 1903 the Wall Street Journal, in an editorial entitled "Evolution of a strong financial oligarchy," thus strongly set forth the dangerous tendencies in banking:

In the New York money market there are now seven great groups or chains of banks, trust companies, and insurance companies. These groups in some cases represent common ownership, and in others such an alliance of interests that the very institutions are controlled practically under a common policy. The tendency is for the large banks to control by ownership several smaller banks, and to be in close alliance with one or more trust companies.

After giving a classification of the different groups with the amount of loans outstanding, this editorial shows that there is a close bond of business interests among the groups, so that they are often operated together. It says:

The two insurance companies are, for instance, united in the Western National Bank. Messrs. J. P. Morgan & Co. have affiliations with three of the groups, mainly that of the First National Bank, that of the Bank of Commerce, and, in a measure, that of the National City Bank. The Standard Oil Company is, of course, closely affiliated with the National City and the Hanover National groups. The seventh group, the largest in number of institutions though not in amount of loans, is the so-called "Morse group."

Let me say, Mr. President, that this described the beginning of bank consolidation. This editorial, written in 1903, speaks of seven organizations. There are far less to-day.

To return—and please note that I am still reading from the Wall Street Journal—

In many respects the evolution outlined in the foregoing features is more remarkable and perhaps more important than the great evolution in industrial finance of the past few years. It may be that the high organization of credit will tend to prevent panics in the time to come.

The Wall Street Journal was giving them the benefit of the doubt—

It may be that it will have quite the contrary result. In any event, it is clear that its effect for good or ill upon the destinies of those who are accustomed to use credit in their business will be very far-reaching.

Under the title "Perils of the money trust," the Wall street Journal again pointed out these dangers in the following language:

What is taking place is a concentration of banking that is not merely a normal growth, but a concentration that comes from combination, consolidation, and other methods employed to secure monopolistic power. Not only this, but this concentration has not been along the

lines of commercial banking. The great banks of concentration are in close alliance with financial interests intimately connected with promotion of immense enterprises, many of them being largely speculative. The bank credits of the country are being rapidly concentrated in the hands of a few bankers who are more interested in banking on its financial (watered stock) side than in banking on its commercial side.

Such concentration as this is dangerous in a political sense. The people have already been greatly disturbed by the concentration that has taken place in the industrial world. * * * But concentration in the industrial world is a far less menacing condition than concentration in banking. The men or set of men who control the credits of the country control the country.

And if this concentration continues at the rapid rate with which it has progressed in the past ten years there will surely come a time when the people, alarmed at the growth, will rise up in some vigorous measures to assert their power. Such an uprising would involve the most serious consequences and would likely be carried to the most unreasonable limits. There can be no doubt that further concentration of banking power in New York is the end in view of some of our leading bankers. They believe that there will be a further reduction in the number of banks and a further increase in the power of the big banks. That is one reason why this banking concentration needs to be studied and its consequences carefully weighed.

But there is still another reason why this development in modern banking is open to criticism. It is largely a departure from commercial banking. It is turning the power over bank credits into financial (stock promotion) channels. So long as the country is prosperous no immediate danger may be apprehended from such a development as that. * * * But it is always the unexpected that happens, and our panics are commonly ushered in by some unforeseen calamity and it is a fair inquiry to make whether banking conducted on a "department-store" principle, with credits concentrated in a few great institutions, and with these institutions having large interests in financial and speculative enterprises, would be in a position in such a moment of unexpected calamity to do more than to protect the financial and speculative interests with which it is allied. In such a contingency, what protection would be left for the great commercial interests of the country?

Does that not sound like a prophecy for the times through which this country and its commercial interests have just passed?

GROWTH OF FINANCIAL BANKING.

The closeness of business association between Wall street and the centralized banking power of New York can, unfortunately, be but imperfectly traced through the official reports. It would seem that the radical changes taking place in the banking business of the country, suggesting to the conservative, economic, and financial authorities the gravest possible dangers to our industrial and commercial integrity, might well have caused the Treasury Department to recognize the necessity of so directing its investigations of the national banks in the greater cities which are centers of speculation and to so classify their returns as to inform itself and the country definitely respecting such changes. This has not been done. Financial and economic writers have long complained of the form of classification of credits in Government reports. Eminent students of finance have given warning of the dangers arising from too close association of combined banking interests with Wall street. The report of the Armstrong committee established the connection, and yet the classifications in the official report of condition of these banks remains mixed as to securities, so that investigation is made vastly more laborious and unsatisfactory, if not altogether baffled.

It is, however, possible to find evidence which establishes the diversion of a large volume of the bank resources to securities which are the subject of speculative operation in the stock exchange.

The ratio of the aggregate investment in "bonds, stocks, and other securities" (not including United States bonds) to the total individual deposits of the national banks increased from 7.2 per cent in 1890 to 16.2 per cent in 1907. The ratio of "stocks, bonds, securities, etc.," to capital, surplus, and undivided profits held by the national banks of the United States increased from 12 per cent in 1890 to 42.9 per cent in 1907.

Official figures do not show the real condition. The reports from banks upon which statistics are based fail to make clear the actual investment in speculative securities, not only through classification, but they fail for another reason. Banks secure information in advance that reports will be called for at a given time. Indeed, such notice comes to them through news dispatches from Washington direct. This gives an opportunity to sweep out and patch up and put the house in order, and the opportunity is not neglected. There is another reason why the actual holdings of banks in such securities are not shown in more recent reports. These banks have either established connections with trust companies or have organized inside trust companies as a protection and convenience. The bank and trust company, though differently officered, will be found closely welded together in their directorates. These companies afford a convenient cover for the banks in many ways. Their securities can be borrowed and shuffled back and forth to make a good showing. The trust companies can handle securities which the banks can not touch. They can underwrite bonds and float loans for which the banks could not openly stand sponsor. They can deal with themselves in innumerable ways to their own benefit and the detriment of the public.

As the interests represented by the great banks use their customers, so they use to a less degree the various State, private, and savings banks which they control. The growth of financial banking appears even more marked when all classes of financial institutions are taken together. The ratio of stock and bond investments of national, State, private, and savings banks and trust companies to their total individual deposits, as shown by the reports of the Comptroller of the Currency, has increased from 8.9 per cent in 1890 to 28.2 per cent in 1907. The total holdings by advance and trust companies in these stocks and bonds, exclusive of United States bonds, amounted in 1907 to over $3,690,000,000. By reliable estimate, based on extensive investigation by an independent New York banking house, to which I shall have occasion to refer a little later, the holdings of the banks and trust companies were three years ago almost a billion dollars in railroad bonds alone.

The effect of the proposed legislation becomes more apparent as we investigate the grouping together of the great financial institutions holding these railroad bonds and other special securities and then trace their connection with the companies issuing these bonds.

Mr. President, the bare names of the directors of two great bank groups—the Standard Oil group and the Morgan group—given in connection with their other business associations is all the evidence that need be offered of the absolute community of interest between banks, railroads, and all the great industries.

There are twenty-three directors of the National City Bank (Standard Oil). There are thirty-nine directors of the National Bank of Commerce (Morgan). Examination of these directorates shows that the two groups are being knit together in business associations, suggesting their ultimate unification.

Subject to personal differences which may arise between powerful individuals of these different groups, resulting in occasional collision, they are practically a monopoly, and as far as the public is concerned, practically one group. The business partner of the head of the Morgan group is found on the directorate of the chief financial institution which heads the Standard Oil group. And one of the leading directors of the National City Bank (Standard Oil) is a member of the board of directors of the principal financial institution in the Morgan group.

The directors of the leading organizations comprising the two principal groups are bound together in mutual interest as shareholders in the various industrial concerns which have been financed by one or the other of these groups in recent years.

Remember that these sixty-two men who are directors of the two banks standing at the head of the two great groups are not additional to the list of less than 100 men to whom I have referred as controlling the industrial life of the nation, but a most important part of it.

LIST OF MEN WHO CONTROL INDUSTRIAL, FRANCHISE, TRANSPORTATION, AND FINANCIAL BUSINESS OF THE UNITED STATES, WITH THEIR DIRECTORSHIPS AND OFFICES IN VARIOUS CORPORATIONS.

The list includes directors of the two great banks at the head of the Standard Oil and Morgan groups and fifty other names.

Directors of the National City Bank of New York City (Standard Oil control).

EDWIN S. MARTSON:

President and director of the Farmers' Loan and Trust Company;
Citizens' Mutual Gas Company, director;
Detroit, Hillsdale and Southwestern Railroad Company, president and director;
Fort Wayne and Jackson Railroad Company, president and director;
New Amsterdam Gas Company, director;
New York Mutual Gaslight Company, director;
Queens Insurance Company of America, director; and
Standard Gaslight Company of the City of New York, director.

JAMES STILLMAN:

The Alliance Realty Company, director;
Amalgamated Copper Company, director;
American Safe Deposit Company, trustee;
The Audit Company of New York, director;
Baltimore and Ohio Railroad Company, director;
Bank of the Metropolis, director;
The Bowery Savings Bank, trustee;
Century Realty Company, director;
The Chicago and Alton Railway Company, director;
Chicago and Northwestern Railway Company, director;
The Citizens' Central National Bank, director;
Columbia Bank, director;
Consolidated Gas Company of New York, trustee;
Delaware, Lackawanna and Western Railroad Company, member board of managers;
East River Gas Company, director;
The Farmers' Loan and Trust Company, director;
Fidelity Bank, vice-president and director;
Fidelity Trust Company (Kansas City, Mo.), director;
The Fifth Avenue Safe Deposit Company, president and trustee;
The Hanover National Bank, director;

Industrial Trust Company, Providence, director;
Lawyers' Title Insurance and Trust Company, director;
The Lincoln National Bank of the City of New York, director;
The Lincoln Safe Deposit Company, trustee;
Louisiana Western Railroad Company, director;
Michigan Central Railroad Company, director;
Mohawk and Malone Railroad Company, director;
Morris and Essex Railroad Company, director;
The National Butchers and Drovers' Bank, director;
New York and Harlem Railroad Company, director;
New York and Ottawa Railway, director;
New York and Putnam Railway, director;
New York Central and Hudson River Railroad Company, director;
New York, Chicago and St. Louis Railroad Company, director;
New York Clearing House Association, member of clearing-house committee;
The New York Mutual Gaslight Company, director;
The New York State Realty and Terminal Company, director;
The New York Trust Company, trustee;
Newport Trust Company, director;
North British and Mercantile Insurance Company of London and Edinburgh, director in United States;
North British and Mercantile Insurance Company of New York, director;
Queen Insurance Company of America, director;
Riggs National Bank, Washington, director;
Rutland Railroad Company, director;
St. Lawrence and Adirondack Railway, director;
The Second National Bank, president and director;
Southern Pacific Railroad Company, director;
Syracuse, Geneva and Corning Railroad, director;
Terminal Railway of Buffalo, director;
Terminal Warehouse Company, treasurer and director;
Union Pacific Railroad Company, director;
United States Realty and Improvement Company, director;
United States Trust Company, trustee;
West Shore Railroad, director; and
The Western Union Telegraph Company, director.

SAMUEL SLOAN:

Chairman of board of managers of Delaware, Lackawanna and Western Railroad Company;
Bank of the Metropolis, director;
Cayuga and Susquehanna Railroad, director;
Chester Railroad, director;
Consolidated Gas Company of New York, vice-president and trustee;
East River Gas Company, of Long Island City, director;
The Farmers' Loan and Trust Company, director;
Greene Railroad, director;
Hanover and Newport Railroad Company, director;
Hopatcong Railroad, director;
Lackawanna and Montrose Railroad, director;
Manhattan Company, director;
Manhattan Railway Company, director;
Mechanics' Bank, Brooklyn, director;
Missouri Pacific Railway Company, director;
Morris and Essex Extension Railroad, director;
Morris and Essex Railroad, director;
Newark and Bloomfield Railroad, director;
New York, Lackawanna and Western Railway, director;
The New York Mutual Gas Light Company, director;
Oswego and Syracuse Railroad, president and director;
Passaic and Delaware Extension Railroad, director;
Passaic and Delaware Railroad, director;
Queen Insurance Company of America, director;
Sussex Railroad, director;
Syracuse, Binghamton and New York Railroad Company, director;
Texas and Pacific Railway Company, director;
United States Trust Company, trustee;
Utica, Chenango and Susquehanna Valley Railroad, director;
Valley Railroad, director;
Warren Railroad Company, director; and
The Western Union Telegraph Company, director.

EDWARD H. HARRIMAN:

Baltimore and Ohio Railroad Company, director;
The Brooklyn Heights Railroad Company, director;
Brooklyn Rapid Transit Company, director;
Central Pacific Railway Company, president and director;
Chicago and Alton Railroad Company, director;
Colorado Fuel and Iron Company, director;
Delaware and Hudson Company, member of the board of managers;
The Equitable Trust Company of New York, trustee;
Erie Railroad Company, director;
Guaranty Trust Company of New York, director;
Illinois Central Railroad Company, director;
Ilwaco Railway and Navigation Company, director;
International Banking Corporation, director;
Leavenworth, Kansas and Western Railroad, director;
Louisiana Western Railroad Company, president and director;
Mercantile Trust Company, director;
Morgan's Louisiana and Texas Railroad (and Steamship Company), president and director;
Nassau Electric Railroad Company, director;
New York, Susquehanna and Western Railroad Company, director;
The Night and Day Bank, director;
Orange County Road Construction Company, president and director;
Oregon and California Railroad Company, president and director;
Oregon Railroad and Navigation Company, president and director;
Oregon Short Line Railroad Company, president and director;
The Pacific Coast Company, director;
Pacific Mail Steamship Company, president and director;
Pere Marquette Railroad Company, director;
Portland and Asiatic Steamship Company, president and director;
Railroad Securities Company, president and director;
San Pedro, Los Angeles and Salt Lake Railroad, director;
South Pacific Coast Railway, president and director;
Southern Pacific Company, president and director;
Southern Pacific Terminal Company, president and director;
Texas and New Orleans Railroad Company, president and director;
Union Pacific Land Company, director;
Union Pacific Railroad Company, president, chairman of the executive committee, and director;
Wells, Fargo & Co., chairman of executive committee and director;
Wells, Fargo-Nevada National Bank, director; and
The Western Union Telegraph Company, director.

MOSES TAYLOR:

City Real Property Investing Company, director;
Clayton Fire Extinguishing and Disinfecting Company, vice-president and director;
Cornwall-Lebanon Railroad, director;
Cornwall Railroad, director;
Electric Properties Company, director;
Franklin Iron Company, director;
Knickerbocker Trust Company, director;
Lackawanna Steel Company, director;
Lake Champlain and Moriah Railroad Company, vice-president and director.
The Mines Furnace Company, director;
New Amsterdam Gas Company, president and director;
Shenandoah Steel Wire Company, director;
The South Buffalo Railway Company, vice-president and director;
Southern Steel Company, Gadsden, Ala., director;
Stony Point Land Company, director;
Sulphur Dioxide Fumigating and Fire Extinguishing Company, director;
Tilly Foster Iron Company, director;
Westchester and Bronx Title and Mortgage Guaranty Company, vice-president and director;
Westchester Trust Company, director; and
Witherbee, Sherman & Co., director.

C. H. DODGE:

Alamogordo and Sacramento Mountain Railway, director;
Almagre Mining Company, vice-president and director;
The American Brass Company, director;
Ansonia Clock Company, vice-president and director;
Atlantic Mutual Insurance Company, trustee;
The Brearley School (Limited), vice-president and director;
Cayuga and Susquehanna Railroad Company, director;
Columbia Bank, director;
Commercial Mining Company, director;
Copper Queen Consolidated Mining Company, director;
Dawson Railway and Coal Company, director;
Detroit Copper Mining Company, of Arizona, vice-president and director;
El Paso and Northeastern Company, treasurer and director;
El Paso and Rock Island Railway, director;
El Paso and Southwestern Railroad Company, treasurer and director;
Farmers' Loan and Trust Company, director;
The Golden Hill Corporation, director;
Greene-Cananea Copper Company, director;
Lackawanna Iron and Coal Company, director;
Montezuma Copper Mining Company, director;
Morenci Southern Railway Company, vice-president and director;
Nacozari Railroad Company, director;
National Railroad Company of Mexico, director;
New Mexico Railway and Coal Company, director;
New York Life Insurance and Trust Company, director;
The Old Dominion Company, of Maine, director;
Quincy Mining Company, director; and
United Globe Mines, director.

J. H. POST:

President and director of the National Sugar Refining Company;
The Alliance Realty Company, director;
American-Hawaiian Steamship Company, director;
Bank of Havana, member of New York committee;
Chaparra Sugar Company, treasurer and director;
Cuban-American Sugar Company, treasurer and director;
The Fajardo Sugar Company, director;
Guantanamo Sugar Company, vice-president and director;
London Assurance Corporation, trustee;
Mercedita Sugar Company, director;
The Nassau Trust Company, trustee;
New Niquero Sugar Company, president and director;
United States Realty and Improvement Company, director;
West India Land and Trading Company, director; and
Williamsburgh Savings Bank, trustee.

HENRY A. C. TAYLOR:

Cayuga and Susquehanna Railroad, director;
Delaware, Lackawanna and Western Railroad Company, member board of managers;
Farmers' Loan and Trust Company, director;
Industrial Trust Company, Providence, director;
Lackawanna Steel Company, director;
Morris and Essex Railroad Company, director;
New York Life Insurance and Trust Company, trustee;
Newport Trust Company, director;
Plaza Bank, director; and
The Second National Bank, director.

WILLIAM ROCKEFELLER:

President and director of Standard Oil Company;
Amalgamated Copper Company, director;
Anaconda Copper Mining Company, trustee;
Brooklyn Union Gas Company, director;
Central New England Railway Company, director;
Chicago, Milwaukee and St. Paul Railway Company, director;
Consolidated Gas Company of New York, trustee;
Delaware, Lackawanna and Western Railroad Company, member board of managers;
East River Gas Company of Long Island City, director;
The Hanover National Bank, director;
Harlem River and Portchester Railroad Company, director;
Hartford and Connecticut Western Railroad Company, director;
Lake Shore and Michigan Southern Railway Company, director;
Michigan Central Railroad Company, director;
Mohawk and Malone Railway Company, director;
National Transit Company, director;
The New England Navigation Company, director;
New York and Harlem Railroad Company, director;
New York and Ottawa Railway, director;
New York Central and Hudson River Railroad Company, director;
New York, Chicago and St. Louis Railroad Company, director;
New York Mutual Gas Light Company, director;
New York, New Haven and Hartford Railroad Company, director;

New York, Ontario and Western Railway Company, director;
New York State Realty and Terminal Company, director;
Pittsburg and Lake Erie Railroad Company, director;
Poughkeepsie Bridge Railroad Company, director;
Rutland Railroad Company, director;
St. Lawrence and Adirondack Railway, director;
Standard Oil Company of New Jersey, vice-president and director;
United Metals Selling Company, director;
United States Trust Company, trustee; and
West Shore Railroad, director.

HENRY C. FRICK:

Union Trust Company, Clairton, Pa., director;
Diamond Light and Power Company, secretary and treasurer;
City Deposit Bank, Pittsburg, director;
Union Insurance Company, director;
National Union Fire Insurance Company, director;
United States Steel Corporation, director;
Mellon's National Bank, Pittsburg, director; and
Union Trust Company of Pittsburg, director.

P. A. VALENTINE:

Armour & Co., vice-president and director;
Armour Grain Company, director;
Central Trust Company, of Illinois, director;
Chicago City Railway, director;
Chicago Junction Railway, director;
Chicago Warehouse and Terminal Company, director;
Continental National Bank, director;
Farmers' Loan and Trust Company, New York, director;
Fidelity Trust Company, director;
Illinois Tunnel Company, director;
Interstate National Bank, director;
Kansas City Electric Light Company, director;
Kansas City Railway and Light Company, director;
Metropolitan Street Railway, Kansas City, Mo., director;
National City Bank, New York, director;
National Packing Company, director;
New York Trust Company, director;
St. Louis Stock Yards Company, director;
Stock Yards Savings Bank, director;
Third National Bank, St. Louis, director;
Union Stock Yards Company, Omaha, vice-president and director;
Union Stock Yards and Transit Company, of Chicago, director; and
United States Leather Company, director.

CYRUS H. M'CORMICK:

Chicago and Northwestern Railway Company, director;
International Harvester Company, president and director;
Merchants' Loan and Trust Company, director; and
National City Bank, New York, director.

G. W. PERKINS:

Astor Trust Company, director;
Bankers' Trust Company, director;
Chicago, Burlington and Quincy Railway Company, chairman executive committee and director;
Cincinnati, Hamilton and Dayton Railroad Company, chairman board of directors;
Dayton and Union Railroad Company, director;
German-American Insurance Company, director;
Great Central Dock Company, vice-president and director;
International Harvester Company, chairman finance committee and director;
International Mercantile Marine Company, director;
Marquette and Bessemer Dock and Navigation Company, director;
New York Trust Company, trustee;
Northern Pacific Railway Company, director;
Northern Securities Company, director;
Pere Marquette Railroad Company, chairman board of directors;
Toledo Railway and Terminal Company, president and director; and
United States Steel Corporation, director.

FRANCIS M. BACON:

Atlantic Mutual Insurance Company, trustee; and
Seamen's Bank of Savings in the city of New York, trustee.

M. TAYLOR PYNE:

Cayuga and Susquehanna Railroad, president and director;
Commercial Trust Company of New Jersey, director;
Consolidated Gas Company of New York, trustee;
Delaware, Lackawanna and Western Railroad Company, member board of managers;
East River Gas Company of Long Island City, director;
Farmers' Loan and Trust Company, director;
Harvey Steel Company, director;
Lackawanna Iron and Coal Company, director;
Lackawanna Steel Company, director;
Morris and Essex Railroad Company, director;
New Jersey Zinc Company, director;
New York, Lackawanna and Western Railway Company, director;
Newark and Bloomfield Railroad, director;
Passaic and Delaware Railroad, director;
Princeton Bank, director;
Sussex Railroad, director;
United New Jersey Railroad and Canal Company, director;
University Power Company, vice-president and director;
Utica, Chenango and Susquehanna Valley Railroad Company, director;
Valley Railroad Company, director; and
Warren Railroad Company, president and director.

WILLIAM D. SLOAN:

Central and South American Telegraph Company, director;
Eastern Steel Company, director;
Fifth Avenue Trust Company, vice-president and trustee;
Greenwich Savings Bank, trustee;
Mahoning Coal Railroad Company, director;
United States Trust Company, trustee; and
W. & J. Sloane, director.

C. S. FAIRCHILD:

President and director of Atlanta and Charlotte Air Line Railroad;
Audit Company of New York, member advisory committee of stockholders;
Birkbeck Investment Savings and Loan Company of America, president and trustee;
British and American Mortgage Company (Limited), director;
Erie and Pittsburg Railroad Company, director;
Lawyers' Mortgage Company, vice-president and director; and
Svea Fire and Life Insurance Company, United States trustee.

JOHN W. STERLING:

Bond and Mortgage Guarantee Company, director;
Central Union Gas Company, director;
Citizens' Mutual Gas Light Company, of Long Island City, director;
Consolidated Gas Company, of New York, trustee;
Duluth, South Shore and Atlantic Railway Company, director;
East River Gas Company, of Long Island City, director;
Mutual Trust Company of Westchester County, director;
New Amsterdam Gas Company, director;
New York Trust Company, trustee;
Northern Union Gas Company, director;
Standard Gas Light Company, of the City of New York, director; and
Westchester Lighting Company, director.

HENRY O. HAVEMEYER (DECEASED):

The Alliance Realty Company, director;
American Coffee Company, president and director;
American Sugar Refining Company, president and director;
Brooklyn Cooperage Company, director;
Brooklyn Eastern District Terminal, director;
Brooklyn Elevator and Milling Company, director;
Colonial Safe Deposit Company, director;
Colonial Trust Company, trustee;
Great Western Company, president and director;
New Jersey and New York Realty and Improvement Company, director; and
Palmer Waterfront Land and Improvement Company, director.

STEPHEN S. PALMER:

President and director of New Jersey Zinc Company;
Bertah Mineral Company, vice-president and director;
Cayuga and Susquehanna Railroad, secretary, treasurer, and director;
Colonial Assurance Company, vice-president and director;
Consolidated Gas Company of New York, trustee;
Detroit, Hillsdale and Southwestern Railroad, vice-president and director;
East River Gas Company, of Long Island City, director;
Empire Zinc Company, of Missouri, director;
Empire Zinc Company, of Colorado, president and director;
Farmers' Loan and Trust Company, director;
Fort Wayne and Jackson Railroad, vice-president and director;
Green Bay and Western Railroad Company, president and chairman board of directors;
Harvey Steel Company, president and director;
Iola and Northern Railway, president and director;
Kewaunee, Green Bay and Western Railroad, president and director;
McDonald Land and Mining Company, president and director;
Mineral Point Zinc Company, treasurer and director;
New Jersey Zinc Company, of Pennsylvania, president and director;
New York Edison Company, director;
New York Mutual Gas Light Company, director;
Palmer Land Company, president and director;
Palmer Water Company, president and director;
Prime Western Spelter Company, president and director;
Princeton Bank, director;
Robins Conveying Belt Company, director;
St. Louis and Hannibal Railway, president and director;
Tefft Weller Company, director;
United States Realty and Improvement Company, director; and
Valley Railroad Company, director.

JACOB H. SCHIFF:

Bond and Mortgage Guarantee Company, director;
Columbia Bank, director;
Fidelity Trust Company, Philadelphia, director;
Fifth Avenue Trust Company, director;
Industrial Trust Company, Providence, R. I., director;
Morton Trust Company, director;
National Bank of Commerce, in New York, director;
Newport Trust Company, director;
Title Guarantee and Trust Company, director;
Western Union Telegraph Company, director; and
Woodbine Land and Improvement Company, vice-president and director.

Directors of National Bank of Commerce of New York City (Morgan control).[a]

T. H. HUBBARD:

A. and N. Realty Company, vice-president and director;
Acadia Coal Company (Limited), director;
American Light and Traction Company, chairman of executive committee, director;
Chattanooga Southern Railroad, vice-president and director;
Equitable Trust Company of New York, trustee;
Guatemala Central Railroad Company, president and director;
Guatemala Railway Company, director;
The International Bank, president and director;
International Banking Corporation, president and chairman board of directors;
Lookout Fuel Company, vice-president and director;
Mechanics' National Bank, director;
Metropolitan Life Insurance Company, director;
Mortgage-Bond Company of New York, director;
Philippine Railway Company, director;
Public Accountants' Corporation, director;
Sixty Wall Street, director;
Toledo, St. Louis and Western Railroad, vice-president and director;
Wabash Railroad Company, director;
Washington Building Company, director; and
Western Union Telegraph Company, director.

ADRIAN ISELIN, JR.:

Adrian Furnace Company, director;
Astor Trust Company, director;
Baloise Fire Insurance Company, resident trustee;
Bank of Savings in the City of New York, trustee;
Buffalo, Rochester and Pittsburg Railway Company, vice-president and director;

[a] The names of two directors are omitted as unimportant.

Central Trust Company, trustee;
City and Suburban Homes Company, director;
Cowanshannock Coal and Coke Company, president and director;
Fifth Avenue Trust Company, trustee;
Franco-American Financial Association, director;
Gallatin National Bank, director;
Guaranty Trust Company of New York, director;
Helvetia Realty Company, president and director;
Jefferson and Clearfield Coal and Iron Company, director;
Lackawanna Steel Company, director;
Manhattan Storage and Warehouse Company, secretary, treasurer, and trustee;
Mobile and Ohio Railroad Company, director;
National Railroad Company, of Mexico, director;
Neptune Realty Company, president and director;
New Rochelle Water Company, secretary, treasurer, and director;
New York Dock Company, director;
North British and Mercantile Insurance Company of London and Edinburgh, United States director;
North British and Mercantile Insurance Company of New York, director;
Pittsburg Gas Coal Company, vice-president and director;
Punxsutawney Iron Company, director;
Reynoldsville and Falls Creek Railroad, director; and
Southern Railway Company, director.

BRAYTON IVES:

President and director of the Metropolitan Trust Company;
Atlantic Safe Deposit Company, director;
Hecker-Jones-Jewell Milling Company, president and director;
Kanona and Prattsburgh Railway Company, president and director;
Metcalf Land Company, president and director;
Standard Milling Company, president and director;
United States Guarantee Company, director; and
Westinghouse Electric and Manufacturing Company, chairman board of directors.

OTTO H. KAHN:

Equitable Trust Company of New York, trustee; and
Morristown Trust Company, director.

LUTHER KOUNTZE:

United States Mortgage and Trust Company, vice-president and director.

J. PIERPONT MORGAN:

Ætna Insurance Company, of Hartford, Conn., director;
American China Development Company, director;
Carthage and Adirondack Railway Company, director;
Carthage, Watertown and Sackets Harbor Railroad Company, director;
Central New England Railway Company, director;
Clearwater and Raquette Lake Railroad, director;
Cleveland, Cincinnati, Chicago and St. Louis Railway Company, director;
Columbus, Hope and Greensburg Railroad, director;
Dunkirk, Allegheny Valley and Pittsburg Railroad Company, director.
Ellenville and Kingston Railroad Company, director;
First National Bank of the City of New York, director;
Fort Wayne, Cincinnati and Louisville Railroad Company, director;
Fulton Chain Railroad Company, director;
Fulton Navigation Company, director;
General Electric Company, director;
Harlem River and Portchester Railroad, director;
Hartford and Connecticut Western Railroad Company, director;
Jersey City and Bayonne Railroad Company, director;
Lake Erie and Western Railroad Company, director;
Lake Shore and Michigan Southern Railway Company, director;
Mexican Telegraph Company, director;
Michigan Central Railroad Company, director;
Mohawk and Malone Railroad Company, director;
Newburg, Dutchess and Connecticut Railroad Company, director;
New England Navigation Company, The, director;
New England Railroad Company, director;
New Jersey Junction Railroad Company, director;
New Jersey Shore Line Railroad Company, director;
New York and Harlem Railroad Company, director;
New York and Northern Railway Company, director;
New York and Ottawa Railway Company, director;
New York and Putnam Railroad Company, director;
New York Central and Hudson River Railroad Company, director;
New York, Chicago and St. Louis Railroad Company, director;
New York, New Haven and Hartford Railroad Company, director;
New York, Ontario and Western Railway Company, director;
New York State Realty and Terminal Company, director;
Niagara Falls Branch Railroad Company, director;
Ontario, Carbondale and Scranton Railway Company, director;
Pittsburg and Lake Erie Railroad Company, director;
Port Jervis, Monticello and Summitville Railroad Company, director;
Poughkeepsie Bridge Railroad Company, director;
Pullman Company, The, director;
Raquette Lake Railway Company, director;
Rhode Island Company (electric line), director;
Rutland Railroad Company, director;
St. Lawrence and Adirondack Railway Company, director;
Syracuse, Geneva and Corning Railway Company, director;
Terminal Railway of Buffalo, director;
United States Steel Corporation, director;
Wallkill Valley Railroad Company, director;
West Shore Railroad, director; and
Western Union Telegraph Company, director.

A. D. JUILLIARD:

Bank of America, director;
Central Trust Company, trustee;
Chemical National Bank, The, director;
Cossit Land Company, president and director;
Fifth Avenue Trust Company, The, trustee;
Girard Trust Company, Philadelphia, director;
Guaranty Trust Company of New York, director;
Morton Trust Company, director;
Mutual Life Insurance Company of New York, The, trustee;
New York Life Insurance and Trust Company, trustee;
North British and Mercantile Insurance Company of London and Edinburgh, United States director;
North British and Mercantile Insurance Company of New York, director;
Ohio Company of Associates, director;
Realty Associates, director; and
Title Guarantee and Trust Company, The, trustee.

G. G. HAVEN:

Atchison, Topeka and Santa Fe Railway Company, The, director;
Bank of America, director;
California Eastern Railway, director;
Fifth Avenue Trust Company, The, trustee;
Guaranty Trust Company of New York, director;
Gulf, Colorado and Santa Fe Railway, director;
Industrial Trust Company, Providence, director;
Morristown Trust Company, director;
Morton Trust Company, director;
New York and Harlem Railroad Company, director;
Newport Trust Company, director;
Pittsburg, Fort Wayne and Chicago Railway Company, vice-president and director;
Sonora Railway, director; and
Worcester, Nashua and Rochester Railroad Company, president and director.

JAMES N. JARVIE:

Bank of America, director;
Bloomfield Trust Company, director;
Central Trust Company, trustee;
Guaranty Trust Company of New York, director;
London Assurance Corporation, trustee;
Morton Trust Company, director;
Mutual Life Insurance Company of New York, The, trustee; and
Worcester, Nashua and Rochester Railroad, director.

FREDERIC CROMWELL:

Atlanta and Charlotte Air Line Railway Company, director;
Delaware and Hudson Company, The, member board of managers;
Fifth Avenue Trust Company, The, trustee;
Gill Engraving Company, director;
Guaranty Trust Company of New York, director;
Husted Realty Company, director;
Jefferson and Clearfield Coal and Iron Company, director;
Morris and Essex Railroad, director;
Morristown Trust Company, director;
Morton Trust Company, director;
Mutual Life Insurance Company of New York, The, trustee;
New York Dock Company, director;
Sixth Avenue Railroad Company, director; and
Worcester, Nashua and Rochester Railroad, director.

H. P. WHITNEY:

Clearwater and Raquette Lake Railroad, director;
Cuba Company, The, director;
Eastern Steel Company, The, director;
Electric Storage Battery Company, The, director;
Fifth Avenue Trust Company, The, trustee;
Fulton Chain Railroad Company, director;
Fulton Navigation Company, director;
Guaranty Trust Company of New York, director;
Guggenheim Exploration Company, director;
Long Island Motor Parkway (Incorporated), first vice-president and director;
Morton Trust Company, director;
Nassau County Bank, Mineola, N. Y., director;
Nassau Light and Power Company, director;
New York Loan and Improvement Company, The, director;
Newport Trust Company, director;
Plaza Bank, The, director;
Raquette Lake Railway Company, director;
Union Exchange Bank, director;
Washington Life Insurance Company, director;
Westchester Racing Association, director; and
Western Mining Company, director.

C. A. PEABODY:

President and director of Mutual Life Insurance Company of New York;
Astor Trust Company, director;
The Bank for Savings in the City of New York, trustee;
The Delaware and Hudson Company, member of board of managers;
The Farmers' Loan and Trust Company, director;
Fulton Trust Company, trustee;
The Gallatin National Bank director;
Illinois Central Railroad Company, director;
The Title Guarantee and Trust Company, trustee; and
Union Pacific Railroad Company, director.

C. H. ALLEN:

Vice-president and director of Morton Trust Company;
American Surety Company of New York, trustee;
Continental Rubber Company of America, treasurer and director;
Electric Properties Company, director; and
Washington Life Insurance Company, vice-president and director.

A. W. KRECH:

President and trustee of Equitable Trust Company of New York;
American Surety Company of New York, trustee;
Bank of Havana, member of New York committee;
City Investing Company, director;
Colorado Fuel and Iron Company, director;
Commercial Trust Company of Philadelphia, director;
The Distilling Company of America, director;
The Equitable Life Assurance Society of the United States, director;
The Mercantile Trust Company, director;
St. Bartholomew's Loan Association, director;
Union Exchange Bank, director; and
Wheeling and Lake Erie Railroad Company, vice-president and director.

P. D. CRAVATH:

American Surety Company of New York, trustee;
Commercial Trust Company, Philadelphia, Pa., director;
Electric Properties Company, director;
The Equitable Trust Company of New York, director;
Interborough-Metropolitan Company, director;
International Harvester Company, director;

The Lackawanna and Wyoming Valley Rapid Transit Company, director;
Mercantile Trust Company, director;
Morton Trust Company, counsel and director;
Standard Safe Deposit Company, director; and
The Standard Trust Company, director.

V. MORAWETZ:

Atchison, Topeka and Santa Fe Railway Company, The, chairman executive committee and director;
California Eastern Railway Company, director;
Guantanamo Sugar Company, director;
Gulf, Colorado and Santa Fe Railway Company, director;
International Paper Company, director;
Niagara Falls Power Company, The, director;
Santa Fe, Prescott and Phoenix Railway Company, director;
Norfolk and Western Railway Company, director; and
Southern California Railway Company, director.

P. MORTON:

President and director Equitable Life Assurance Society of the United States;
Continental Rubber Company of America, director;
Equitable Trust Company of New York, trustee;
Fifth Avenue Trust Company, The, trustee;
Great Western Cereal Company, The, director;
Iowa Central Railway Company, director; and
Mercantile Trust Company, The, director.

LEVI P. MORTON:

President and director of Morton Trust Company;
Equitable Life Assurance Society of the United States, director;
Fifth Avenue Trust Company, president and trustee;
Guaranty Trust Company of New York, director;
Homes Insurance Company, director;
Industrial Trust Company, Providence, director;
Newport Trust Company, director; and
Washington Life Insurance Company of New York, director.

W. G. OAKMAN:

President and director of Hudson Companies;
Alabama Great Southern Railroad Company, director;
American Car and Foundry Company, director;
Brooklyn Heights Railroad Company, director;
Brooklyn Rapid Transit Company, director;
Buffalo, Rochester and Pittsburg Railway Company, director;
Guaranty Trust Company of New York, chairman of board of directors;
Havana Electric Railway Company, director;
Hudson Improvement Company, president and director;
Interborough-Metropolitan Company, director;
Interborough Rapid Transit Company, director;
Jefferson and Clearfield Coal and Iron Company, vice-president and director;
Long Island Consolidated Electrical Companies, director;
Long Island Railroad Company, director;
Louisville and Nashville Railroad Company, director;
Morristown Trust Company, director;
Morton Trust Company, director;
Mutual Trust Company of Westchester County, director;
New York and Long Island Railroad Company, director;
New York and Queens County Railway, director;
New York City Interborough Railway Company, director;
Rapid Transit Subway Construction Company, vice-president and director;
Reynoldsville and Falls Creek Railroad, director;
Richmond Light and Railroad Company, director;
Rogers Locomotive Works, director; and
Subway Realty Company, vice-president and director.

T. F. RYAN:

President and director of Morton Trust Company;
American Tobacco Company, director;
Commercial Trust Company of Philadelphia, director;
Continental Rubber Company of America, director;
Fifth Avenue Trust Company, trustee;
Industrial Trust Company of Providence, director;
Mercantile Trust Company, director; and
Seaboard Air Line Railway, director.

J. H. SCHIFF:

(For his directorships see enumeration following his name in list of directors of National City Bank.)

G. W. YOUNG:

Acker, Merrall & Condit Company, director;
Alma Coal Company, director;
Anacostia and Potomac River Railroad Company, director;
Atlantic Securities Company, director;
Audit Company of New York, vice-president and director;
Brightwood Railway Company, director;
C. K. Davis Coal Company, director;
Casualty Company of America, director;
Cincinnati, Hamilton and Dayton Railroad Company, director;
City and Suburban Homes Company, director;
City and Suburban Railway Company, Washington, director;
Clarksburg Fuel Company, director;
Columbia Railway Company, director;
Commercial Trust Company of New Jersey, vice-president and director;
Continental Investment Company, vice-president and director;
Detroit, Toledo and Ironton Railway Company, director;
Fairmont Coal Company, director;
First National Bank of Bayonne, vice-president and director;
Georgetown and Tennallytown Railway Company, director;
Interborough-Metropolitan Company, director;
Interborough Rapid Transit Company, director;
Jersey City Trust Company, director;
Mechanics' Trust Company of New Jersey, vice-president and director;
Metropolitan Railway Company, Washington, D. C., director;
New Jersey and Hudson River Railway and Ferry Company, director;
Northern New Jersey Land Company, director;
Northern Railroad Company of New Jersey, director;
O'Rourke Engineering Construction Company, secretary, treasurer, and director;
Pere Marquette Railroad Company, director;
Perth Amboy Trust Company, director;
Potomac Electric Power Company, director;
Rapid Transit Subway Constructions Company, director;
Registrar and Transfer Company of New Jersey, president and director;
Registrar and Transfer Company of New York, director;
Third National Bank, Jersey City, N. J., director;
Union Gas and Electric Company, Cincinnati, vice-president and director;
Washington and Glen Echo Railroad Company, director;
Washington and Rockville Railroad Company, director;
Washington Investment Company, director;
Washington Railway and Electric Company, director;
Washington, Woodside and Forest Glen Railway and Power Company, director; and
Windsor Trust Company, director.

G. F. BAKER:

American Telephone and Telegraph Company, director;
Astor Trust Company, director;
Atlas Portland Cement Company, director;
Bankers' Safe Deposit Company, vice-president and trustee;
Bowery Savings Bank, trustee;
Car Trust Investment Company (Limited), London, director;
Central Railroad Company of New Jersey, director;
Chase National Bank, director;
Chicago, Burlington and Quincy Railroad Company, director;
Cincinnati, Hamilton and Dayton Railway Company, director;
Consolidated Gas Company of New York, trustee;
Continental Insurance Company, director;
Delaware, Lackawanna and Western Railroad Company, member board of managers;
East Jersey Water Company, director;
East River Gas Company of Long Island City, director;
Erie Railroad Company, director;
Farmers' Loan and Trust Company, director;
First National Bank of Chicago, director;
First National Bank of the City of New York, president and director;
Guaranty Trust Company of New York, director;
Industrial Trust Company, Providence, director;
Jersey City Water Supply Company, vice-president and director;
Lake Erie and Western Railroad Company, director;
Lake Shore and Michigan Southern Railway Company, director;
Lehigh and Wilkesbarre Coal Company, director;
Lehigh Valley Railroad Company, director;
Lehigh Valley Coal Company, director;
Liberty National Bank, director;
Manhattan Trust Company, director;
Michigan Central Railroad Company, director;
Mohawk and Malone Railway Company, director;
Montclair Water Company, director;
Morton Trust Company, director;
Mutual Life Insurance Company of New York, trustee;
New Jersey General Security Company, president and director;
New York and Long Branch Railroad Company, president and director;
New York Central and Hudson River Railroad Company, director;
New York, Chicago and St. Louis Railroad Company, director;
New York Clearing House Building, director;
New York Mutual Gaslight Company, director;
Newport Trust Company, director;
Northern Pacific Railway Company, director;
Northern Securities Company, second vice-president and director;
Pere Marquette Railroad Company, director;
Provident Loan Society of New York, trustee;
Spring Brook Water Supply Company, director;
United States Steel Corporation, director; and
West Shore Railroad, director.

C. T. BARNEY (DECEASED):

Albany Trust Company, director;
Alliance Realty Company, director;
American Ice Company, director;
Audit Company of New York, member of advisory committee of stockholders;
Bank for Savings in the City of New York, trustee;
Century Realty Company, vice-president and director;
Chelsea Realty Company, director;
Chemung Canal Trust Company, director;
Chihuahua Mining Company, director;
Coal and Iron National Bank of the City of New York, director;
Corporation Trust Company, New Jersey, director;
Cuba Railroad Company, director;
Deep Gravel Mining Company, director;
French-American Bank, member of American advisory board;
Good Land Cypress Company, director;
Hudson Mortgage Company, director;
Knickerbocker Safe Deposit Company, president and director;
Knickerbocker Trust Company, president and director;
Long Island Motor Parkway (incorporated), director;
Matawok Land Company, director;
National Bank of North America, director;
New Amsterdam National Bank, director;
New Amsterdam Safe Deposit Company, director;
New Jersey Terminal Dock and Improvement Company, director;
New York Loan and Improvement Company, president and director;
New York Mortgage and Security Company, vice-president and director;
Schenectady Trust Company, director;
Taylor Creek Ditch Company, director;
Title Insurance Company of New York, vice-president and director;
Trust Company of America, director;
United States Realty and Improvement Company, director; and
Westchester Trust Company, director.

E. J. BERWIND:

Atchison, Topeka and Santa Fe Railway Company, director;
Berwind-White Coal Mining Company, president and director;
Cuba Company, director;
Fifth Avenue Trust Company, trustee;
Girard Trust Company of Philadelphia, director;
Havana Coal Company, president and director;
Interborough-Metropolitan Company, director;
International Coal Company, president and director;
International Mercantile Marine Company, director;
Morton Trust Company, director;

Newport Trust Company, director;
New River and Pocahontas Consolidated Coal Company, director;
Ocean Coal Company, president and director;
Republic Iron and Steel Company, director;
Santa Fe, Prescott and Phoenix Railway, director;
Tennessee Coal, Iron and Railroad Company, director;
Tintic Company, director;
Virginia and Southwestern Railway Company, director;
Virginia Iron, Coal and Coke Company, director;
Wilmore Coal Company, president and director; and
Windber National Bank, director.

C. LEDYARD BLAIR:

Belvidere National Bank, director;
Commercial Trust Company of New Jersey, director;
Ellenville and Kingston Railroad, director;
Green Bay and Western Railroad Company, director;
Kewaunee, Green Bay and Western Railroad, director;
Lackawanna Steel Company, director;
Ontario, Carbondale and Scranton Railway Company, director;
St. Louis and Hannibal Railway, director;
Securities Company, director;
Sussex Railroad, director;
Sussex Realty Company, president and director;
United States Mortgage and Trust Company, director; and
Warren Railroad, director.

H. C. DEMING:

Equitable Trust Company of New York, trustee;
Fifth Avenue Trust Company, director; and
Mercantile Trust Company, president and director.

J. F. DRYDEN:

President and director of Prudential Insurance Company;
Commercial Trust Company of Philadelphia, director;
Equitable Trust Company of New York, trustee;
Fidelity Trust Company, Newark, vice-president and director;
Franklin National Bank, Philadelphia, director;
Mercantile Trust Company, director;
Union National Bank, Newark, vice-president and director;
United States Casualty Company, director; and
United States Steel Corporation, director.

J. B. DUKE:

President and director American Tobacco Company;
American Snuff Company, director;
American Surety Company, trustee;
Blackwell's Durham Tobacco Company, director;
British-American Tobacco Company (Limited), chairman board of directors;
Imperial Tobacco Company of London, director;
International Cigar Machinery Company, director;
Morton Trust Company, director;
Republic Iron and Steel Company of New Jersey, director;
Southern Cotton Oil Company, director;
Southern Power Company, director;
Union Bleaching and Finishing Company, director;
Virginia-Carolina Chemical Company, director; and
Wesson Company, director.

G. J. GOULD:

American District Telegraph Company of New Jersey, director;
American Telegraph and Cable Company, director;
American Union Telegraph Company, director;
Arkansas Midland Railroad, president and director;
Atlantic and Pacific Telegraph Company, director;
Bowling Green Trust Company, director;
Chicago Elevator Company, director;
Coal Belt Railway, president and director;
Colorado Fuel and Iron Company, director;
Colorado Midland Railway Company, director;
Continental Trust Company of Baltimore, director;
Davis Coal and Coke Company, director;
Denver and Rio Grande Railroad Company, chairman board of directors;
Eldorado and Bastrop Railway, director;
Farmerville and Southern Railroad, president and director;
Fort Smith Suburban Railway, president and director;
Galveston, Houston and Henderson Railroad Company, director;
Globe Express Company, director;
Gold and Stock Telegraph Company, director;
International and Great Northern Railroad Company, president and director;
International Ocean Telegraph Company, president and director;
Kansas and Arkansas Valley Railway, president and director;
Kansas City Northwestern Railroad Company, president and director;
Kansas-Missouri Elevator Company, director;
Little Rock Junction Railway, president and director;
Manhattan Railway Company, president and director;
Mercantile Trust Company, director;
Missouri Pacific Railway Company, president and director;
New York Mutual Telegraph Company, director;
New York Telephone Company, director;
Pacific Mail Steamship Company, director;
Pine Bluff and Western Railroad, president and director;
Pittsburg Terminal Railroad and Coal Company, director;
Rio Grande Southern Railroad, director;
Rio Grande Western Railway Company, chairman board of directors;
St. Louis, Iron Mountain and Southern Railway Company, president and director;
St. Louis, Watkins and Gulf Railroad, president and director;
Sedalia, Warsaw and Southwestern Railway Company, president and director;
Southern and Atlantic Telegraph Company, director;
Texas and Pacific Railway Company, president and director;
Utah Fuel Company, director;
Wabash, Pittsburg Terminal Railway Company, chairman board of directors;
Wabash Railroad Company, director;
Washington and New Orleans Telegraph Company, director;
West Virginia Central and Pittsburg Railway Company, director;
Western Maryland Railroad Company, director;
Western Pacific Railway Company, director;
Western Union Telegraph Company, vice-president and director; and
Wetherford, Mineral Wells and Northwestern Railway, president and director.

D. GUGGENHEIM:

American Smelters' Securities Company, president and board of directors;
American Smelters' Steamship Company, director;
American Smelting and Refining Company, president and director;
Continental Rubber Company of America, director;
Esperanza Mining Company, director;
Federal Lead Company, vice-president and director;
Gimbel Brothers (Incorporated), director;
Guggenheim Exploration Company, president and director;
Morton Trust Company, director;
National Lead Company, director; and
Nevada and Northern Railway Company, director.

V. P. SNYDER:

American Surety Company of New York, trustee;
Audit Company of New York, director;
Casualty Company of America, director;
Equitable Life Assurance Society of the United States, director;
Equitable Trust Company of New York, trustee;
Essex County Trust Company, East Orange, N. J., director;
Fifth Avenue Trust Company, trustee;
Mercantile Trust Company, director;
Merchants' Safe Deposit Company, director;
Morton Trust Company, director;
Union County Trust Company, of Elizabeth, N. J., director;
Union National Bank, Newark, director;
United States Mortgage and Trust Company, director; and
Washington Life Insurance Company, director.

H. H. VREELAND:

Bleecker Street and Fulton Ferry Railroad Company, president and director;
Bridge Operating Company, vice-president and director;
Broadway and Seventh Avenue Railroad, director;
Central Crosstown Railroad Company, president and director;
Central Park, North and East River Railroad Company, president and director;
Cuba Company, director;
Dry Dock, East Broadway and Battery Railroad Company, president and director;
Electric Storage Battery Company, director;
Empire City Safe Deposit Company, vice-president and director;
Forty-second Street and Grand Street Ferry Railroad Company, president and director;
Fulton Street Railroad Company, president and director;
Long Island Electric Railway Company, director;
Metropolitan Securities Company, president and director;
Metropolitan Street Railway Company, director;
New York and Long Island Traction Company, director;
New York and Queens County Railway Company, director;
New York City Railway Company, president and director;
Second Avenue Railroad Company, president and director;
Third Avenue Railway Company, president and director;
Thirty-fourth Street Crosstown Railway Company, president and director;
Twenty-eighth and Twenty-ninth Streets Crosstown Railroad Company, president and director; and
Twenty-third Street Railway Company, president and director.

JOHN CLAFLIN:

President and director of the H. B. Claflin Company;
American Exchange National Bank, director;
Associated Merchants' Company, president and director;
Atlantic Mutual Insurance Company, trustee;
Commercial Union Assurance Company (Limited) of London, director;
Commercial Union Fire Insurance Company of New York, director;
German Alliance Insurance Company, director;
German-American Insurance Company, director;
Home Insurance Company, director;
Hudson Trust Company, director;
New York Life Insurance and Trust Company, trustee;
New York Life Insurance Company, trustee;
Palatine Insurance Company, trustee; and
United States Trust Company, trustee.

FREDERICK STURGES:

New York Warehouse and Security Company, president and director; and
Seamen's Bank for Savings in the City of New York, trustee.

CHARLES LANIER:

American Cotton Oil Company, director;
Canal Louisiana Bank and Trust Company, director;
Cataract Construction Company, director;
Central and South American Telegraph Company, vice-president and director;
Central Trust Company, trustee;
Cleveland and Pittsburg Railroad Company, director;
Massillon and Cleveland Railroad, president and director;
Mutual Life Insurance Company of New York, trustee;
Pittsburg, Fort Wayne and Chicago Railway Company, president and director;
Southern Railway Company, director; and
Western Union Telegraph Company, director.

JAMES H. PARKER:

J. H. Parker & Co.;
Coal and Iron National Bank of New York, director; and
National Realty Company, president, treasurer, and director.

CHARLES H. RUSSELL:

Of the firm of Stetson, Jennings & Russell.

WOODBURY LANGDON:

Associated Merchants' Company, director;
Brighton Yarn Company, director;
Cannelton Coal Company, director;
Citizens' Central National Bank, director;
German Alliance Insurance Company, director;
German-American Insurance Company, director;
Hudson Trust Company, director;

New York Life Insurance Company, trustee;
New York Trust Company, trustee; and
Title Guarantee and Trust Company, trustee.

Directors of the industrial, franchise, and railroad organizations who are not included in the list of Standard Oil-Morgan bank directors given above.

JOHN JACOB ASTOR:

Astor Trust Company, The, director;
Delaware and Hudson Company, The, member of board of managers;
Illinois Central Railroad Company, director;
Long Island Motor Parkway (Incorporated), director;
Mercantile Trust Company, The, director;
Morton Trust Company, director;
New York Life Insurance and Trust Company, trustee;
Niagara Development Company, director;
Niagara Falls Power Company, The, director;
Niagara Junction Railway, director;
Plaza Bank, The, director;
Title Guarantee and Trust Company, The, trustee; and
Western Union Telegraph Company, The, director.

A. N. BRADY:

American Tobacco Company, The, director;
Bridgeport Gas Light Company, director;
Brooklyn Heights Railroad Company, chairman board of directors;
Brooklyn, Queens County and Suburban Railroad Company, chairman board of directors;
Brooklyn Rapid Transit Company, chairman board of directors;
Brooklyn Union Elevated Railroad Company, chairman board of directors;
Coney Island and Gravesend Railway Company, director;
Consolidated Car-Heating Company, director;
Consolidated Gas Company, of New York, trustee;
Consolidated Gas, Electric Light and Power Company, Baltimore, director;
Consolidated Telegraph and Electrical Subway Company, director;
Corn Exchange Bank, The, director;
East River Gas Company, of Long Island City, director;
Edison Electric Illuminating Company, of Brooklyn, president and director;
Electric Storage Battery Company, The, director;
Fort Wayne Gas Company, vice-president and director;
Central Rubber Company, director;
Havana Tobacco Company, director;
Hudson and Manhattan Railroad Company, director;
Hudson Companies, The, director;
International Cigar Machinery Company, director;
Kings County Electric Light and Power Company, president and director;
Kings County Lighting Company, vice-president and director;
Maryland National Bank, Baltimore, director;
Memphis Consolidated Gas and Electric Company, president and director;
Municipal Gas Company, Albany, president and director;
Nassau Electric Railroad Company, chairman board of directors;
National Commercial Bank, Albany, director;
National Surety Company, director;
New Amsterdam Gas Company, director;
New York Air Brake Company, director;
New York Carbide and Acetylene Company, vice-president and director;
New York Edison Company, The, president and director;
New York Mutual Gas Light Company, director;
Ohio and Indiana Consolidated Natural and Illuminating Gas Company, director;
People's Gas Light and Coke Company, Chicago, chairman board of directors;
Rubber Goods Manufacturing Company, director;
Tennessee Coal, Iron and Railroad Company, director;
Troy Gas Company, of Troy, N. Y., director;
Union Bleaching and Finishing Company, director;
United Electric Light and Power Company, Baltimore, director;
United States Cast Iron Pipe and Foundry Company, director;
United States Rubber Company, director;
Utica Gas and Electric Company, president and director;
Westinghouse Electric and Manufacturing Company, director; and
Williamsburgh Trust Company, director.

AUGUST BELMONT:

Alliance Assurance Company, of London, trustee;
American-Asiatic Steamship Company, The, director;
American China Development Company, director;
Audit Company of New York, The, acting president and director;
Bank for Savings in the City of New York, The, trustee;
Cape Cod Construction Company, president and director;
First National Bank of Hempstead, president and director;
Helvetia Swiss Fire Insurance Company, trustee;
Interborough-Metropolitan Company, chairman of board of directors;
Interborough Rapid Transit Company, chairman board of directors;
Kingston Consolidated Railroad Company, director;
Long Island Electric Railway Company, director;
Long Island Motor Parkway (Incorporated), director;
Long Island Railroad Company, director;
Manhattan Trust Company, director;
National Park Bank of New York, The, director;
New York and Long Island Railroad Company, director;
New York and Long Island Traction Company, The, director;
New York and Queens County Railway Company, director;
North American Transportation and Trading Company, director;
Phoenix National Bank, vice-president and director;
Rapid Transit Subway Construction Company, chairman board of directors;
Subway Realty Company, president and director;
Westchester Racing Association, president and director; and
Windsor Trust Company, director.

CHAUNCEY M. DEPEW:

American Safe Deposit Company, trustee;
American Surety Company, trustee;
Beech Creek Railroad Company, director;
Brooklyn Warehouse and Storage Company, director;
Buffalo Erie Basin Railroad Company, director;
Buffalo, Thousand Islands and Portland Railroad Company, director;
Canada Southern Bridge Company, director;
Canada Southern Railway Company, director;
Carthage and Adirondack Railway, director;
Carthage, Watertown and Sackets Harbor Railroad Company, director;
Central Dock and Terminal Railway, director;
Chesapeake and Ohio Railway Company, director;
Chicago and Northwestern Railway Company, director;
Chicago, St. Paul, Minneapolis and Omaha Railway Company, director;
Clearwater and Raquette Lake Railroad, director;
Cleveland, Cincinnati, Chicago and St. Louis Railway Company, director;
Columbus, Hope and Greensburg Railroad, director;
Delaware and Hudson Company, The, member board of managers;
Detroit River Tunnel Company, director;
Dunkirk, Allegheny Valley and Pittsburg Railroad Company, director;
Fulton Chain Railroad Company, director;
Fulton Navigation Company, director;
Gouverneur and Oswegatchie Railroad Company, director;
Hudson River Bridge Company, director;
Jersey City and Bayonne Railroad Company, director;
Lake Erie, Alliance and Wheeling Railroad, director;
Lake Shore and Michigan Southern Railway Company, chairman board of directors;
Mahoning Coal Railroad Company, director;
Mercantile Trust Company, The, director;
Merchants' Despatch Transportation Company, director;
Michigan Central Railroad Company, director;
Michigan, Midland and Canada Railroad Company, director;
Mohawk and Malone Railway Company, director;
New Jersey Junction Railroad Company, director;
New Jersey Shore Line Railroad Company, director;
New York and Harlem Railroad Company, director;
New York and Ottawa Railway, director;
New York and Putnam Railroad, director;
New York Central and Hudson River Railroad Company, chairman board of directors;
New York Central Niagara River Railroad Company, director;
New York, Chicago and St. Louis Railroad Company, chairman board of directors;
New York State Realty and Terminal Company, The, director;
Niagara Falls Branch Railroad, director;
Niagara Grand Island Bridge Company, director;
Niagara River Bridge Company, director;
Oswego and Rome Railroad, director;
Pine Creek Railway Company, director;
Raquette Lake Railway Company, director;
Rome, Watertown and Ogdensburg Railroad Company, director;
Rutland Railroad Company, director;
St. Lawrence and Adirondack Railway Company, director;
Spuyten Duyvil and Port Morris Railroad Company, director;
Standard Trust Company, The, director;
Syracuse, Geneva and Corning Railway Company, director;
Terminal Railway of Buffalo, director;
Tivoli Hollow Railroad, director;
Toledo, Canada Southern and Detroit Railway Company, director;
Toluca Electric Light and Power Company, director;
Utica and Black River Railroad, director;
Wallkill Valley Railroad Company, director;
West Shore Railroad, director;
Western Transit Company, director; and
Western Union Telegraph Company, The, director.

HENRY M. FLAGLER:

Vice-president and director of Standard Oil Company;
Cuba Company, The, director;
Florida East Coast Railway, president and director;
Jacksonville Terminal Company, president and director;
Morton Trust Company, director;
National Fuel Gas Company, director;
National Transit Company, director;
New York Transit Company, director;
Peninsular and Occidental Steamship Company, director; and
Western Union Telegraph Company, The, director.

JAMES C. FARGO:

American Express Company, president and director;
Chicago and Northwestern Railway Company, director;
Merchants Dispatch Transportation Company, president and director;
National Express Company, director;
United States Express Company, director; and
Westcott Express Company, president and director.

JAMES J. HILL:

Chase National Bank, The, director;
Chicago, Burlington and Quincy Railroad Company, director;
Chicago, Burlington and Quincy Railway Company, director;
First National Bank of Chicago, director;
First National Bank of the City of New York, director;
Great Northern Railway Company, chairman board of directors;
Manhattan Trust Company, director;
Northern Securities Company, president and director; and
St. Paul, Minneapolis and Manitoba Railway Company, director.

EDWIN HAWLEY:

American Exchange National Bank, director;
British Columbia Copper Company (Limited), The, director;
Colorado and Southern Railway Company, director;
Colorado Fuel and Iron Company, director;
Colorado Midland Railway Company, director;
Colorado Springs and Cripple Creek District Railway, director;
Des Moines and Fort Dodge Railroad Company, president and director;
European Time Table Distributing Company, treasurer and director;
Great Western Power Company, president and director;
Guaranty Trust Company of New York, director;
Iowa Central Railway Company, president and director;
Keithsburg Bridge Company, director;
Minneapolis and St. Louis Railroad Company, president and director;
Newport News Shipbuilding and Dry Dock Company, director;
Ocean Time Table Distributing Company, treasurer and director;
Standard Coupler Company, director;
Toledo, St. Louis and Western Railroad Company, director;

United States Light and Heating Company, The, vice-president and director;
United States Realty and Improvement Company, director;
Western Pacific Railway Company, director; and
Western Power Company, president and director.

JOHN R. HEGEMAN:

President and director Metropolitan Life Insurance Company;
Durland Company, The, director;
Fixico Mining Company, president and director;
Hamilton Trust Company, trustee;
International Banking Corporation, director;
Lincoln Traction Company, Nebraska, director;
Metropolitan Bank, director;
National Surety Company, director;
Northampton Portland Cement Company, director;
Randolph-Macon Coal Company, director;
Union Dime Savings Institution, trustee; and
Victor Chemical Works, director.

W. H. MOORE:

American Can Company, director;
Chicago and Alton Railroad Company, The, director;
Chicago and Eastern Illinois Railroad Company, director;
Chicago, Rock Island and Pacific Railroad Company, director;
Chicago, Rock Island and Pacific Railway Company, director;
Delaware, Lackawanna and Western Railway Company, director;
Evansville and Indianapolis Railroad, director;
Evansville and Terre Haute Railroad Company, director;
Evansville Belt Railway Company, director;
Fidelity Fire Insurance Company of New York, director;
First National Bank of the City of New York, director;
Kansas City, Fort Scott and Memphis Railway Company, The, director;
Kansas City, Memphis and Birmingham Railroad Company, director;
Keokuk and Des Moines Railway Company, director;
National Biscuit Company, director;
Peoria and Bureau Valley Railroad Company, director;
Price Flavoring Extract Company, director;
Rock Island Company, The, director;
St. Louis and San Francisco Railroad Company, director; and
United States Steel Corporation, director.

FREDERICK WEYERHAUSER:

Weyerhauser Timber Company, president;
Weyerhauser Syndicate, "head of," and
Known as "The Lumber King" (Who's Who).

D. O. MILLS.

Atlantic Coast Steamship Company, The, director;
Bank of New York (N. B. A.), director;
Bellingham Bay and British Columbia Railroad, director;
Cataract Construction Company, director;
Champlain Realty Company, director;
City and Suburban Homes Company, director;
Erie Elevator Company, president and director;
Erie Railroad Company, director;
Farmers' Loan and Trust Company, The, director;
International Paper Company, director;
Inyo Development Company, director;
Lackawanna Steel Company, director;
Lake Shore and Michigan Southern Railway Company, The, director;
Long Dock Mills and Elevator, director;
Manhattan Steamship Company, director;
Mergenthaler Linotype Company, director;
Metropolitan Trust Company, The, trustee;
Mohawk and Malone Railway Company, director;
Morton Trust Company, director;
National Bank, D. O. Mills & Co. (Sacramento, Cal.), director;
New York Central and Hudson River Railroad Company, director;
Niagara Development Company, president and director;
Niagara Falls Power Company, The, president and director;
Niagara Junction Railway, president and director;
North American Commercial Company, vice-president and director;
North Atlantic Steamship Company, director;
Provident Loan Society of New York, The, trustee;
St. Maurice Lumber Company, director;
Southern Pacific Company, director;
United States Trust Company, trustee;
Virginia and Truckee Railroad, president and director; and
West Shore Railroad, director.

C. H. MACKAY:

American Exchange National Bank, director;
Canadian Pacific Railway Company, director;
Commercial Cable Building Company, president and director;
Commercial Cable Company, The, president and director;
Commercial Pacific Cable Company, president and director;
Federal Sugar Refining Company, vice-president and director;
Long Island Motor Parkway (Incorporated), director;
Mackay Companies, The, president and trustee;
New York Life Insurance Company, trustee;
Pacific Postal Telegraph-Cable Company, president and director;
Postal Telegraph-Cable Company, president and director;
Southern Pacific Company, director; and
United States Mortgage and Trust Company, director.

C. W. MORSE:

Bath Trust Company, director;
Boston Insurance Company, director;
Butterick Company, first vice-president and director;
Century Realty Company, director;
Clyde Steamship Company, director;
Eastern Steamship Company, director;
Fifth Avenue Estates, director;
Fourteenth Street Bank, director;
Garfield National Bank, vice-president and director;
Garfield Safe Deposit Company, trustee;
Hudson Navigation Company, director;
Lincoln National Bank (Bath, Me.), director;
Mallory Steamship Company, director;
Mercantile National Bank of the City of New York, The, director;
Metropolitan Steamship Company, director;
National Bank of North America, The, vice-president and director;
New Amsterdam National Bank, vice-president and director;
New Amsterdam Safe Deposit Company, vice-president and director;
New York and Cuba Mail Steamship Company, The (Ward Line), director;
New York Mortgage and Security Company, director;
New York Produce Exchange Bank, director;
Title Insurance Company of New York, The, director;
Van Norden Trust Company, director;
Wall Street Exchange Building Association, vice-president and director; and
William Campbell Wall Paper Company, director.

A. E. ORR:

Associated Merchants' Company, The, director;
Bond and Mortgage Guarantee Company, director;
Chicago, Rock Island and Pacific Railway Company, The, director;
Continental Insurance Company, director;
Delaware and Hudson Company, The, member of board of managers;
Erie Railroad Company, director;
Federal Insurance Company, director;
Fidelity and Casualty Company, The, director;
Greenwood Cemetery, trustee;
Harper & Brothers, director;
Long Island Historical Society, president and director;
Mechanics' National Bank, vice-president and director;
New York Life Insurance Company, president and trustee;
New York Produce Exchange, Safe Deposit and Storage Company, The, trustee;
Queen Insurance Company of America, director;
Realty Associates, director; and
United States Trust Company, trustee.

OLIVER H. PAYNE:

The American Tobacco Company, director;
The Chase National Bank, director;
Chihuahua and Pacific Railroad Company, director;
The Chihuahua Mining Company, director;
Coal Creek Mining and Manufacturing Company, director;
Crœsus Gold Mining and Milling Company, director;
Great Northern Paper Company, director;
Havana Tobacco Company, director;
Interlake Pulp and Paper Company, director;
International Cigar Machinery Company, director;
International Railway Company, director;
International Traction Company, director;
Manhattan Trust Company, director;
New York Loan and Improvement Company, vice-president and director;
Standard Oil Cloth Company, director; and
Virginia and Southeastern Railway Company, director.

DANIEL G. REID:

American Can Company, director;
Astor Trust Company, director;
Bankers' Trust Company, director;
Chicago and Alton Railroad Company, director;
Chicago and Eastern Illinois Railroad Company, director;
Chicago, Rock Island and Pacific Railroad Company, director;
Chicago, Rock Island and Pacific Railway Company, chairman board of directors;
Continental Insurance Company, director;
Evansville and Indianapolis Railway, vice-president and director;
Evansville and Terre Haute Railroad Company, vice-president and director;
Guaranty Trust Company of New York, director;
Keokuk and Des Moines Railroad Company, vice-president and director;
Liberty National Bank, vice-president and director;
National Bank of Commerce, Denver, Colo., director;
The Rock Island Company, director;
St. Louis and San Francisco Railroad Company, director;
Second National Bank, Richmond, Ind., director;
Union National Bank, Richmond, Ind., director; and
United States Steel Corporation, director.

JOHN D. ROCKEFELLER:

American Linseed Company, director;
Delaware, Lackawanna and Western Railroad Company, member board of managers;
Standard Oil Company of New Jersey, director;
United States Steel Corporation, director; and
The University of Chicago, trustee.

H. H. ROGERS:

Amalgamated Copper Company, president and director;
Anaconda Copper Mining Company, vice-president and trustee;
Atchison, Topeka and Santa Fe Railway Company, The, director;
Atlantic Coast Electric Railway, vice-president and director;
Atlas Tack Company, director;
Brooklyn Union Gas Company, vice-president and director;
Chicago, Milwaukee and St. Paul Railway Company, director;
Farmers' Loan and Trust Company, The, director;
Guaranty Trust Company of New York, director;
Mutual Life Insurance Company, of New York, The, trustee;
National Bank of Fairhaven, director;
National Fuel Gas Company, president and director;
National Transit Company, president and director;
New Jersey and Staten Island Ferry Company, director;
New York Transit Company, president and director;
Richmond Light and Railroad Company, president and director;
Standard Oil Company of New Jersey, vice-president and director;
Staten Island Ferry Company, director;
Staten Island Midland Railway Company, director;
Tennessee Copper Company, director;
Union Pacific Railroad Company, director;
United Metals Selling Company, vice-president and director; and
United States Steel Corporation, director.

JAMES SPEYER:

Baltimore and Ohio Railroad Company, director;
Banco Mexicano de Comercio e Industria, director;
Central Trust Company of New York, trustee;
Citizens' Savings and Trust Company, Cleveland, director;
General Chemical Company, director;
German Savings Bank, trustee;
Girard Trust Company, Philadelphia, member of board of managers;
Guaranty Trust Company of New York, director;
Industrial Trust Company, Providence, R. I., director;

Lackawanna Steel Company, director;
Manhattan Company, director;
Maryland Trust Company, Baltimore, director;
North British and Mercantile Insurance Company of London and Edinburgh, director in United States;
North British and Mercantile Insurance Company of New York, director;
Provident Loan Society of New York, The, president and trustee;
Rock Island Company, The, director;
Societe Financiere Franco-Americaine, The, vice-president and director;
Title Guarantee and Trust Company, trustee;
Underground Electric Railways Company of London (Limited), The, director; and
Union Trust Company of New York, trustee.

CHARLES STEEL:

Adams Express Company, The, member board of managers;
Adams Land and Building Company, director;
Alabama Great Southern Railroad Company, director;
Atchison, Topeka and Santa Fe Railway Company, The, director;
Baltimore and Ohio Railroad Company, director;
Buffalo Creek Railroad, president and director;
Central of Georgia Railway Company, director;
Central Railroad of New Jersey, The, director;
Chicago and Erie Railroad Company, director;
Chicago, Indianapolis and Louisville Railway Company, director;
Cincinnati, Hamilton and Dayton Railway Company, director;
Erie and Jersey Railroad Company, director;
Erie Railroad Company, director;
General Electric Company, director;
Gulf, Colorado and Santa Fe Railway Company, director;
International Harvester Company, director;
International Mercantile Marine Company, The, director;
Lehigh Valley Railroad Company, director;
Lehigh Valley Railway Company, The, director;
National Storage Company, director;
National Tube Company, director;
New Jersey and New York Railroad Company, director;
New York, Susquehanna and Western Railroad Company, director;
New York Telephone Company, director;
Northern Pacific Railway Company, director;
Pere Marquette Railroad Company, director;
Philadelphia and Reading Railway Company, director;
Reading Company, director;
Santa Fe, Prescott and Phoenix Railway Company, director;
Southern Railway Company, director;
Standard Trust Company, director;
Toledo and Ohio Central Railway Company, director;
United States Steel Corporation, director; and
Wilkes-Barre and Eastern Railroad Company, The, director.

CHARLES M. SCHWAB:

Bethlehem Steel Company, director;
Bethlehem Steel Corporation, president and board of directors;
Carnegie Steel Company, director;
Chicago Pneumatic Tool Company, director;
Clyde Steamship Company, director;
Elgin, Joliet and Eastern Railway Company, director;
Empire Trust Company, director;
Greenwater Copper Mines and Smelter Company, director;
H. C. Frick Coke Company, director;
Minnesota Iron Company, director;
Montgomery-Shoshone Consolidated Mining Company, director;
National Bank of North America, director;
National Tube Company, Ohio, director;
National Tube Works Company, director; and
United States Realty and Improvement Company, director.

H. M'K. TWOMBLEY:

Buffalo Erie Basin Railroad Company, director;
Carthage, Watertown and Sackets Harbor Railroad Company, director;
Central New England Railway Company, director;
Central Railroad of New Jersey, The, director;
Chesapeake and Ohio Railway Company, director;
Chicago and Northwestern Railway Company, director;
Chicago, Indiana and Southern Railroad, director;
Chicago, St. Paul, Minneapolis and Omaha Railway Company, director;
Clearfield Bituminous Coal Corporation, director;
Cleveland, Cincinnati, Chicago and St. Louis Railway Company, director;
Columbus, Hope and Greensburg Railroad, director;
Delaware, Lackawanna and Western Railroad Company, member board of managers;
Detroit and Chicago Railroad Company, director;
Detroit River Tunnel Company, director;
Dunkirk, Allegheny Valley and Pittsburg Railroad Company, director;
Erie Railroad Company, director;
Fall Brook Railway, director;
Gouverneur and Oswegatchie Railroad Company, director;
Hudson River Bridge Company, director;
Lackawanna Steel Company, director;
Lake Erie and Western Railroad Company, director;
Lake Erie, Alliance and Wheeling Railroad, director;
Lake Shore and Michigan Southern Railway Company, The, director;
Lehigh and Wilkes-Barre Coal Company, director;
Lehigh Valley Railroad Company, director;
Mahoning Coal Railway Company, director;
Michigan Central Railroad Company, director;
Mohawk and Malone Railroad Company, director;
Monongahela Railroad Company, director;
New Jersey Shore Line Railroad Company, director;
New York and Ottawa Railway Company, director;
New York Central and Hudson River Railroad Company, director;
New York Central, Niagara River Railroad Company, director;
New York, Chicago and St. Louis Railroad Company, director;
New York Junction Railroad Company, director;
New York, New Haven and Hartford Railroad Company, The, director;
New York State Realty and Terminal Company, The, director;
Newport Trust Company, director;
Niagara Falls Branch Railroad, director;
Northern Ohio Railway Company, director;
Philadelphia and Reading Coal and Iron Company, director;
Philadelphia and Reading Railway Company, director;
Pine Creek Railway Company, director;
Pittsburgh and Lake Erie Railroad Company, director;
Reading Company, director;
Rutland Railroad Company, director;
St. Lawrence and Adirondack Railway Company, director;
Syracuse, Geneva and Corning Railway Company, director;
Terminal Railway Company, of Buffalo, director;
Tivoli Hollow Railroad, director;
Wallkill Valley Railroad Company, director;
West Shore Railroad, director; and
Western Transit Company, director.

F. W. VANDERBILT:

American Horse Exchange (Limited), director;
Buffalo Erie Basin Railroad Company, director;
Canada Southern Bridge Company, director;
Canada Southern Railway Company, director;
Carthage and Adirondack Railway Company, director;
Carthage, Watertown and Sacket Harbor Railroad Company, director;
Chicago and Northwestern Railway Company, director;
Chicago, St. Paul, Minneapolis and Omaha Railway Company, director;
Clearfield Bituminous Coal Corporation, director;
Cleveland, Cincinnati, Chicago and St. Louis Railway Company, director;
Delaware, Lackawanna and Western Railroad Company, member board of managers;
Detroit and Bay City Railroad Company, director;
Detroit and Chicago Railroad Company, director;
Detroit, Monroe and Toledo Railroad Company, director;
Detroit River Tunnel Company, director;
Dunkirk, Allegheny Valley and Pittsburg Railroad Company, director;
Elkhart and Western Railroad Company, director;
Fort Wayne, Cincinnati and Louisville Railroad Company, director;
Gouverneur and Oswegatchie Railroad Company, director;
Hudson River Bridge Company, director;
Kalamazoo and White Pigeon Railroad Company, director;
Lake Erie and Western Railroad Company, director;
Lake Erie, Alliance and Wheeling Railroad, director;
Lake Shore and Michigan Southern Railroad Company, The, director;
Lincoln Safe Deposit Company, The, trustee;
Mahoning Coal Railroad Company, director;
Michigan Central Railroad Company, director;
Mohawk and Malone Railway Company, director;
New Jersey Junction Railroad Company, director;
New Jersey Shore Line Railroad Company, director;
New York and Harlem Railroad, director;
New York and Northern Railway Company, director;
New York and Ottawa Railway Company, director;
New York and Putnam Railroad Company, director;
New York Central and Hudson River Railroad Company, director;
New York Central Niagara River Railroad Company, director;
New York, Chicago and St. Louis Railroad Company, director;
New York State Realty and Terminal Company, director;
Niagara Falls Branch Railroad, director;
Niagara Grand Island Bridge Company, director;
Niagara River Bridge Company, director;
Northern Central Michigan Railroad Company, director;
Ottawa and New York Railway Company, director;
Pittsburg and Lake Erie Railroad Company, director;
Pittsburg, McKeesport and Youghiogheny Railroad Company, director;
Pullman Company, director;
Rutland Railroad Company, director;
Shenango Valley Railway Company, director;
St. Lawrence and Adirondack Railway Company, director;
Spuyten Duyvil and Port Morris Railroad Company, director;
Sturgis, Goshen and St. Louis Railway Company, director;
Swan Creek Railway Company, director;
Syracuse, Geneva and Corning Railway Company, director;
Terminal Railway of Buffalo, director;
Tivoli Hollow Railroad, director;
Toledo, Canada Southern and Detroit Railway Company, director;
Wallkill Valley Railroad Company, director; and
West Shore Railroad Company, director.

W. K. VANDERBILT:

American Horse Exchange (Limited), president and director;
Beech Creek Railroad Company, director;
Buffalo Erie Basin Railroad Company, director;
Buffalo, Thousand Islands and Portland Railroad, director;
Canada Southern Bridge Company, director;
Canada Southern Railway Company, director;
Carthage and Adirondack Railway Company, director;
Chicago and Northwestern Railway Company, director;
Chartage, Watertown and Sackets Harbor Railroad Company, director;
Chicago, Indiana and Southern Railroad, director;
Chicago, St. Paul, Minneapolis and St. Louis Railway Company, director;
Chicago and State Line Railroad Company, director;
Cleveland, Cincinnati, Chicago and St. Louis Railway Company, director;
Detroit and Bay City Railroad Company, director;
Detroit and Chicago Railway Company, director;
Detroit, Monroe and Toledo Railroad Company, director;
Detroit River Tunnel Company, director;
Dunkirk, Allegheny Valley and Pittsburg Railroad Company, director;
Elkhart and Western Railroad Company, director;
Fort Wayne, Cincinnati and Louisville Railroad Company, director;
Gouverneur and Oswegatchie Railroad Company, director;
Hudson River Bridge Company, director;
Jersey City and Bayonne Railroad Company, director;
Joliet and Northern Indiana Railroad, director;
Jackson Coal Railroad Company, director;
Kalamazoo and White Pigeon Railroad Company, director;
Lake Erie and Western Railroad Company, director;
Lake Erie, Alliance and Wheeling Coal Company, director;
Lake Erie, Alliance and Wheeling Railroad Company, director;
Lake Shore and Michigan Southern Railway Company, director;
Mahoning and Shenango Valley Railroad Company, director;
Mahoning Coal Railroad Company, director;
Michigan Central Railroad Company, director;
Michigan Midland and Canada Railroad Company, director;
Mohawk and Malone Railway Company, director;
New Jersey Junction Railroad Company, director;

New Jersey Shore Line Railroad Company, director;
New York and Fort Lee Railroad Company, director;
New York and Harlem Railroad Company, president and director;
New York and Northern Railway Company, director;
New York and Ottawa Railway Company, director;
New York and Putnam Railroad Company, director;
New York Central and Hudson River Railroad Company, director;
New York Central Niagara River Railroad Company, director;
New York, Chicago and St. Louis Railroad Company, director;
New York State Realty and Terminal Company, The, director;
Niagara Falls Branch Railroad, director;
Niagara Grand Island Bridge Company, director;
Niagara River Bridge Company, director;
Northern Central Michigan Railroad Company, director;
Northern Ohio Railway Company, director;
Pine Creek Railway, director;
Pittsburg and Lake Erie Railroad Company, director;
Pittsburg, McKeesport and Youghiogheny Railroad Company, director;
Pullman Company, The, director;
Rutland Railroad Company, director;
St. Clair and Western Railroad Company, director;
St. Lawrence and Adirondack Railway Company, director;
Shenango Valley Railway Company, director;
Spuyten Duyvil and Port Morris Railroad Company, director;
Sturgis, Goshen and St. Louis Railway Company, director;
Swan Creek Railway Company, director;
Syracuse, Geneva and Corning Railway Company, director;
Terminal Railway of Buffalo, director;
Tivoli Hollow Railroad, director;
Toledo, Canada Southern and Detroit Railway Company, director;
Toronto, Hamilton and Buffalo Railway Company, director;
Wallkill Valley Railroad Company, director;
West Shore Railroad, director; and
Western Transit Company, director.

HENRY WALTERS:

Atlanta and West Point Railroad Company, director;
Atlantic Coast Line Company, The, chairman board of directors;
Atlantic Coast Line Railroad Company, chairman board of directors;
Belt Line Railway Company, The (Montgomery, Ala.), director;
Charlestown and Western Carolina Railway Company, vice-president and director;
Chesapeake Steamship Company, director;
Colorado and Southern Railway Company, director;
Columbia, Newberry and Laurens Railroad Company, director;
Cuba Company, The, director;
Fort Worth and Denver City Railway Company, director;
Lackawanna Steel Company, director;
Louisville and Nashville Railroad Company, chairman board of directors;
Milledgeville Railway Company, director;
Nashville, Chattanooga and St. Louis Railway Company, director;
New York Shipbuilding Company, director;
Northern Central Railway Company, director;
Northwestern Railroad Company, of South Carolina, director;
Old Dominion Steamship Company, director;
Richmond-Washington Company, director;
Safe Deposit and Trust Company, Baltimore, vice-president and director;
Southern Cotton Oil Company, director;
Virginia-Carolina Chemical Company, director;
Washington Southern Railway Company, director;
Western Railway of Alabama, director;
Western Union Telegraph Company, The, director; and
Wilmington Savings and Trust Company (Wilmington, N. C.), vice-president and director.

JOHN I. WATERBURY:

Manhattan Trust Company, president and director;
Alliance Assurance Company of London, trustee in United States;
American Telephone and Telegraph Company, director;
Audit Company of New York, The, director;
Chase National Bank, The, director;
International Mercantile Marine Company, The, director;
Louisville and Nashville Railroad Company, director; and
Norfolk and Southern Railway Company, director.

W. S. WEBB:

Addison Railroad, director;
Carthage, Watertown and Sackets Harbor Railroad, director;
Central Vermont Railway Company, director;
City Trust Company, director;
Commercial Cable Company, The, director;
Fitchburg Railroad Company, director;
Fulton Chain Railroad Company, president and director;
Fulton Navigation Company, president and director;
Honduras Syndicate, director;
Lake Shore and Michigan Southern Railway Company, The, director;
Mohawk and Malone Railway Company, director;
National Life Insurance Company, director;
Pullman Company, The, director;
Raquette Lake Railway Company, president and director;
Rutland Railroad Company, director;
Rutland Transit Company, director; and
St. Lawrence and Adirondack Railway Company, director.

E. F. C. YOUNG:

President and director, Joseph Dixon Crucible Company;
A. A. Griffing Iron Company, director;
Acker Process Company, vice-president and director;
American Graphite Company, president and director;
Bankers' Trust Company, director;
Bayonne Trust Company, director;
Bergen and La Fayette Trust Company, The, director;
Bowling Green Trust Company, director;
Brooklyn Annex, director;
Colonial Life Insurance Company of America, The, first vice-president and director;
First National Bank of Jersey City, president and director;
Hudson and Manhattan Railroad Company, director;
Hudson County Gas Company, president and director;
Liberty National Bank, The, director;
New Jersey Title Guarantee and Trust Company, first vice-president and director;
North Jersey Land Company, president and director;
Pavonia Trust Company, The, president and director;
Pennsylvania, New Jersey and New York Railroad Company, director;
People's Safe Deposit and Trust Company, Jersey City, director;
Public Service Corporation of New Jersey, director;
Shooter Island Shipyard Company, director;
Trust Company of New Jersey, Hoboken, vice-president and director; and
West Hudson County Trust Company, Harrison, N. J., director.

J. O. ARMOUR:

Armour & Co., president and director;
Armour Car Lines, director;
Armour Grain Company, director;
Chicago, Milwaukee and St. Paul Railway Company, director;
Continental National Bank, director;
Fort Worth Stock Yards Company, president and director;
G. H. Hammond Company, director;
Hammond Packing Company, director;
Hutchinson Packing Company, director;
National Packing Company, director;
Northwestern National Fire Insurance Company, director;
Omaha Packing Company, director;
Prussian National Insurance Company of Stettin, American trustee; and
United States Leather Company, director.

CHARLES DAWES:

Calumet Insurance Company of Illinois, director.
Central Trust Company of Illinois, president and director; and
Monroe National Bank, director.

JAMES H. ECKELS (DECEASED):

Allis-Chalmers Company, director;
American Surety Company of New York, director;
Audit Company of New York, member western board of control;
Bankers' Trust Company, New York City, director;
Chicago Union Traction Company, treasurer and director;
Commercial National Bank, president and director;
Commercial National Safe Deposit Company, director;
Hewitt Manufacturing Company, vice-president and director;
Lake View Trust and Savings Bank, director;
Oakland National Bank, director; and
Young Men's Christian Association, of Chicago, The, trustee.

JAMES B. FORGAN:

American Radiator Company, director;
Audit Company of New York, member western board of control;
Chicago and Alton Railway Company, The, director;
Chicago Title and Trust Company, director;
Equitable Life Assurance Company of the United States, The, director;
Fidelity and Deposit Company of Maryland, director;
First National Bank, president and director;
First Trust and Savings Bank, president and director;
Guarantee Company of North America, The, director;
Metropolitan West Side Elevated Railway Company, The, director; and
National Safe Deposit Company, president and director.

J. J. MITCHELL:

American Surety Company of New York, trustee;
Audit Company of New York, The, vice-president, chairman western board of control, and member of advisory committee;
Chicago and Alton Railway Company, director;
Chicago, Burlington and Quincy Railroad Company, director;
Chicago Edison Company, director;
Chicago, Rock Island and Pacific Railway Company, director;
Commonwealth Electric Company, director;
Economy Light and Power Company of Joliet, director;
First National Bank of New York, director;
Illinois Trust and Savings Bank, president and director;
Illinois Trust and Safety Deposit Company, director;
Kansas City Southern Railway Company, director;
Lackawanna Steel Company, director;
New York Trust Company of New York, director;
Northwestern Elevated Railroad Company, voting trustee;
Frank Parmelee Company, The, director;
Pullman Company, The, director;
Rock Island Company, director;
Union Elevated Railroad Company, director;
United States Brewing Company of Chicago, director; and
Western Union Telegraph Company, director.

NORMAN B. REAM:

American Trust and Savings Bank, The, director;
Baltimore and Ohio Railroad Company, director;
Brooklyn Rapid Transit Company, Brooklyn, director;
Central Safety Deposit Company, vice-president and director;
Chicago and Alton Railway Company, director;
Chicago, Burlington and Quincy Railroad Company, director;
Chicago Union Transfer Railway Company, director;
Colorado and Southern Railway Company, director;
Erie Railroad Company, director;
First National Bank of Chicago, director;
First Trust and Savings Bank, director;
Guaranty Trust Company, New York, director;
International Harvester Company, director;
Metropolitan Trust Company, director;
Mount Hope Cemetery Association, director;
National Biscuit Company, director;
National Safe Deposit Company, director;
New York Life Insurance Company, trustee;
New York Trust Company, director;
Pere Marquette Railroad Company, director;
Pullman Company, The, director;
Reliance Company, The, director;
Seaboard Air Line System, director;
Securities Company, director; and
United States Steel Corporation, director.

L. F. SWIFT:

Hollis Cold Storage Company, director;
Illinois Cattle Company, director;
Libby, McNeill & Libby, director;
Mechanical Manufacturing Company, president and director;
National Bank of the Republic, director;
National Leather Company, director;

National Packing Company, director;
North Packing and Provision Company, director;
St. Louis National Stock Yards Company, director;
South San Francisco Land and Improvement Company, president and director;
Springfield Provision Company, director;
State Bank of Lake Forest, Ill., director;
Stock Yards Bank, East St. Louis, director;
Stock Yards Savings Bank, Chicago, director;
Swift & Co., president and director;
Swift Fertilizer Works, director; and
Western Meat Company, president and director.

OLIVER AMES:

American Bonding Company, of Baltimore, member advisory board;
Ames Plow Company, president and director;
Ames Shovel and Tool Company, director;
Ames Shovel and Tool Company of Texas, vice-president and director;
Cabot Manufacturing Company, director;
Chicago and Northwestern Railway Company, director;
Easton Investment Company, vice-president, director, and treasurer;
Electric Corporation, director;
First National Bank of Easton, Mass., vice-president and director;
Fisher Manufacturing Company, president and director;
General Electric Company, director;
H. M. Myers Company, The, director;
Kinsley Iron and Machine Company, president and director;
Mercantile Trust Company of New York, director;
Metropolitan Storage Warehouse Company, president and director;
Mutual District Messenger Company of Boston, director;
National Shawmut Bank, director;
North Easton Savings Bank, trustee;
Old Colony Trust Company, director;
Oliver Ames & Sons Corporation, vice-president, treasurer, and director;
Oregon Short Line Railroad Company, director;
Provident Institution for Savings, trustee;
St. Louis Shovel Company, director;
Security Safe Deposit Company, director;
Union Copper Mining Company, president and director;
Union Pacific Railroad Company, director;
Washington Mills Emery Manufacturing Company, president and director;
Western Union Telegraph Company, director; and
Wright Shovel Company, vice-president and director.

T. JEFFERSON COOLIDGE:

American Bell Telephone Company, director;
American Trust Company, president and director;
American Telephone and Telegraph Company, director;
Bay State Trust Company, president and director;
Boston Elevated Railway Company, director;
Edison Electric Illuminating Company, of Boston, director;
General Electric Company, director;
Georgia Railway and Electric Company, director;
Lawrence Manufacturing Company, director;
National Bank of Commerce, vice-president and director;
Old Colony Trust Company, chairman of directors;
Seaboard Air Line Railway, voting trustee and director;
Suffolk Savings Bank for Seamen and Others, trustee;
Underground Electric Railways Company, of London (Limited), director; and
Western Telephone and Telegraph Company, director.

H. L. HIGGINSON:

American Smelting and Refining Company, director;
American Writing Paper Company, vice-president and director;
Campobello Island Company, director;
Eastern Audit Company, director;
Ganley Coal Land Company, president and director;
General Electric Company, director;
Granby Consolidated Mining, Smelting and Power Company (Limited), director;
National Shawmut Bank, director;
New Boston Music Hall, president and director;
New England Exploration Company, director;
Provident Institution for Savings, vice-president and trustee;
Smuggler Union Mining Company, vice-president and director;
Submarine Signal Company, president and director; and
Worcester, Nashua and Rochester Railway Company, director;

NATHANIEL THAYER:

American Bell Telephone Company, director;
American Telephone and Telegraph Company, director;
Bay State Trust Company, director;
Chicago Junction Railways and Union Stock Yards Company, vice-president and director;
City Trust Company, director;
Cushing Real Estate Trust, trustee;
Eastern Kentucky Railway Company, president and director;
Guarantee Company of North America, The, director;
Hamilton Woolen Company, president and director;
Kansas City Stock Yards Company of Missouri, director;
Massachusetts Hospital Life Insurance Company, director;
Merchants' National Bank, director;
Municipal Real Estate Trust, trustee;
New England Trust Company, director;
New York, New Haven and Hartford Railroad, director;
Old Colony Railroad Company, director;
Old Colony Steamboat Company, director;
Old Colony Trust Company, director;
Pere Marquette Railroad Company, director;
St. Louis and San Francisco Railroad Company, director;
St. Marys Mineral Land Company, president and director;
Suffolk Savings Bank for Seamen and Others, trustee; and
United States Steel Company, director.

THOMAS DOLAN:

The United Gas Improvement Company, president;
Fidelity Trust Company, director;
Finance Company of Pennsylvania, director;
The Electric Storage Battery Company, director;
Philadelphia Electric Company, director;
Cresson and Clearfield Coal and Coke Company, director; and
Welsbach Company, director.

P. A. B. WIDENER:

Cresson and Clearfield Coal and Coke Company, vice-president and director;
Land Title and Trust Company, director;
The Electric Storage Battery Company, director;
Philadelphia Rapid Transit Company, director;
Philadelphia Traction Company, director; and
Union Traction Company, director.

E. H. GARY:

United States Steel Corporation, chairman;
American Land Company, director;
Pittsburg, Bessemer and Lake Erie Railroad Company, director;
Carnegie Steel Company, director;
American Steel and Wire Company of New Jersey, director; and
National Tube Company, director.

SAMUEL REA:

Allegheny Heating Company, acting vice-president;
Allegheny Valley Railway Company, vice-president; and
Chartiers Railway Company, director.

A. J. CASSATT (DECEASED):

The Pennsylvania Railroad Company, president and director;
Philadelphia, Baltimore and Washington Railroad Company, president and director;
The Northern Central Railway Company, president;
West Jersey and Seashore Railroad Company, president and director;
The Philadelphia National Bank, director;
Commercial Trust Company, director;
Fidelity Trust Company, director;
The Western Saving Fund Society of Philadelphia, manager;
The Equitable Life Assurance Society of the United States, director;
Manhattan Trust Company (New York), director; and
Mercantile Trust Company (New York), director.

E. B. MORRIS:

Girard Trust Company, president and manager;
The Philadelphia Savings Fund Society, manager;
The Philadelphia National Bank, director;
Franklin National Bank, director;
Fourth Street National Bank, director;
Pennsylvania Fire Insurance Company, director;
The Mutual Assurance Company, trustee;
Commercial Trust Company, director;
The Pennsylvania Railroad Company, director;
Pennsylvania Company (Western lines of Pennsylvania Railroad), director;
Pittsburg, Cincinnati, Chicago and St. Louis Railroad Company, director.
The Pennsylvania Steel Company, director;
Maryland Steel Company, director;
Spanish-American Iron Company, director;
Cambria Steel Company, chairman and director;
Cambria Iron Company, director;
Mahoning Ore and Steel Company;
Latrobe Steel and Coupler Company, director;
The Keystone Watch Case Company, director;
Penn Traffic Company, director;
Estate of Anthony J. Drexel, trustee;
Estate of Asa Packer, trustee;
Estate of William Bingham, trustee; and
Estate of John Gilber, trustee.

JOHN S. KENNEDY:

Albany and Susquehanna Railroad, director;
Central Trust Company, trustee;
Chicago, Burlington and Quincy Railway Company, director;
Cleveland and Pittsburg Railroad Company, director;
Hudson Trust Company of New Jersey, director;
Manhattan Company, director;
New York, Chicago and St. Louis Railroad Company, director;
Northern Pacific Railway Company, director;
Northern Securities Company, vice-president and director;
Provident Loan Society of New York, The, trustee;
Title Guarantee and Trust Company, The, trustee; and
United States Trust Company, trustee.

WILLIAM G. ROCKEFELLER:

Brooklyn Union Gas Company, director;
Columbia Bank, director;
Lincoln National Bank of the City of New York, director;
National Fuel Gas Company, director;
New York Transit Company, director; and
Union Pacific Railroad Company, director.

DUMONT CLARKE:

American Exchange National Bank, president and director;
Adams Express Company, member board of managers;
Algoma Central and Hudson Bay Railway, director;
American Beet Sugar Company, director;
American Felt Company, director;
Audit Company of New York, The, director;
Caledonia Insurance Company, Edinburgh, trustee;
Commercial Cable Company, The, director;
Commercial Cable Company of Cuba, director;
Delaware and Hudson Company, The, member of board of managers;
Federal Sugar Refining Company, treasurer and director;
Fidelity and Casualty Company, The, director;
Home Insurance Company, director;
Lake Superior Corporation, The, director;
Lawyers' Title Insurance and Trust Company, The, director;
Little Falls and Dolgeville Railroad, director;
Long Island Consolidated Electrical Companies, The, director;
Long Island Railroad Company, director;
Mackay Companies, The, trustee;
Mutual Life Insurance Company of New York, The, trustee;
New York, Brooklyn and Manhattan Beach Railway Company, director;
New York Clearing-House Building Company, director;
Norfolk and Southern Railway Company, director;
Orange National Bank, director;
Press Publishing Company, trustee;
Swift & Co., director;
United States Mortgage and Trust Company, director;
United States Safe Deposit Company, director;

Vacuum Cleaner Company, director; and
Washington Life Insurance Company, The, director.

W. A. CLARK:

American Stone Company, president and director;
Black Butte Coal Mining Company, president and director;
Butte Electric Railway Company, president and director;
Clark Coal Company, president and director;
Clark-Montana Realty Company, president and director;
Colusa-Parrot Mining and Smelting Company, president and director;
Empire Cattle Company, president and director;
Henry Bonnard Bronze Company, vice-president and director;
Herald Publishing Company (Salt Lake City), president and director;
John Caplice Company, director;
Las Vegas and Tonopah Railroad Company, director;
Los Alamitos Sugar Company, president and director;
Los Cerritos Company, president and director;
Mayflower Consolidated Mining Company, director;
Mayflower Mining Company, president and director;
Miner Publishing Company (Butte, Mont.), director;
Missoula Light and Water Company, director;
Missouri River Power Company, director;
Montana Hardware Company, director;
Montana Land Company, president and director;
Moulton Mining Company, president and director;
Natural Mineral Water Company, president and director;
Nevada First National Bank of Tonopah, director;
Ophir Hill Consolidated Mining Company, president and director;
Original Consolidated Mining Company, president and director;
Original Mining Company, president and director;
Pyrenees Gold and Silver Company, president and director;
San Pedro, Los Angeles and Salt Lake Railroad, president and director;
Sunset Mining Company, president and director;
T. F. Miller Company (Jerome, Ariz.), director;
United Verde and Pacific Railway Company, president and director;
United Verde Copper Company, president and director;
Utah Realty Company, director;
W. A. Clark & Bro., president and director;
W. A. Clark Realty Company, president and director;
W. A. Clark Wire Company, president and director;
West Mayflower Mining Company, director;
Western Lumber Company, president and director; and
Western Montana Flouring Company, president and director.

Mr. LA FOLLETTE. The twenty-three directors of the National City Bank, the head of the Standard Oil group, and the directors of the National Bank of Commerce, thirty-nine in number, hold 1,007 directorships on the great transportation, industrial, and commercial institutions of this country.

Let me go a step further with respect to the Standard Oil bank in order to show how this mighty power that dominates the life of the American people to-day—and I will ultimately show its relation to the bill which has been reported here—notwithstanding the dexterous withdrawal of the proposition to incorporate railroad bonds into our currency system——

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Rhode Island?

Mr. LA FOLLETTE. I certainly do.

Mr. ALDRICH. I, of course, do not like to take up the time of the Senator from Wisconsin, but he may not be aware of the fact, and therefore I think perhaps I had better make the suggestion at this time. Among the first suggestions of opposition to this bill and the most earnest objection was that made by the National City Bank, of the city of New York, and Mr. Vanderlip, its vice-president, did at that time and has continuously since opposed the measure. This measure is opposed not only by the National City Bank of New York, but by all the banks in the city of New York.

I have before me, received this morning, a statement made by the chairman of the New York Clearing-House Association, saying it is better to have no legislation at all than to pass this bill, and stating the reasons why we should have a currency based upon the assets of the banks, and the reasons why he is in favor of a bill that is pending elsewhere. I know of no bank or bank man who is in favor of this bill. The fact is that the banks throughout the country are against it; and the Senator from Wisconsin has studied this situation to little effect if he has not found that out.

POWERS BEHIND THE LEGISLATION.

Mr. LA FOLLETTE. I will inquire of the chairman of the Finance Committee what is the position of Mr. Morgan upon this proposition?

Mr. ALDRICH. I do not know what Mr. Morgan's position is, but I do know that Mr. Morgan is a man of wide experience, a man of patriotism and of wise judgment, and I should feel highly gratified if I thought Mr. Morgan approved this bill in all its features.

Mr. LA FOLLETTE. Mr. President, perhaps in some indirect way the chairman of the Committee on Finance will be able to find out where Mr. Morgan stands. But his beaming countenance from the galleries of this Chamber while the Senator from Rhode Island was making his speech would rather indicate that Mr. Morgan, the head of one of these great groups, was not entirely adverse to the propositions embraced in this bill.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield further to the Senator from Rhode Island?

Mr. LA FOLLETTE. I do.

Mr. ALDRICH. I suppose the Senator from Wisconsin and every other Senator will agree with me that this proposition should be discussed upon its merits and be judged by what it is and what it proposes to do and not by the opinion of Mr. Morgan or anybody else as to the bill.

Mr. LA FOLLETTE. Let me say to the Senator from Rhode Island that you can not always tell the merits of a proposition solely from the printed lines. I shall show before I have finished that the withdrawal of the railroad-bond feature of this bill throws a flood of light over the intent and purpose of this legislation.

Let me say to the Senator from Rhode Island, further, that it is not impossible to conceive that this great organization which is controlling the industrial and commercial life of the American people, which is engineered and directed by the best intellects in America, might put out here and there newspaper interviews to make it appear if possible that there is no organized power behind this legislation.

I do not know Mr. Vanderlip, to whom attention has been called by the Senator from Rhode Island. He may be a most eminently fair man. I do know that he has given public expression to the fact that he is not in accord with this legislation. I do know that he is vice-president of the National City Bank. I do know that he is in favor of a central bank, and I do know that some other men connected with these great institutions are. Mr. President, there might be a choice. I can conceive that there may be more than one way in which the organized money power of this country can be strengthened. A central-bank system might be quite as useful, perhaps more useful, than the legislation proposed by this bill.

But I think the Senator from Rhode Island will have to do more than cite a few names to disprove the evidence which I shall present before I conclude showing that these few men whom I have named dominate and control the business and industrial life of this country against the interest of the great mass of the people, and that the effect of this legislation, if enacted, will be to build up and strengthen and fortify this mighty power at the expense of the people.

CONNECTIONS OF NATIONAL CITY DIRECTORS.

But let me revert to the directorate of the National City Bank, remembering that there are twenty-three directors.

Fourteen of the directors of the National City Bank are at the head of fourteen great combinations representing 38 per cent of the capitalization of all the industrial trusts of the country.

The railroad lines represented on the board of this one bank cover the country like a network. Chief among them are the Lackawanna, the Chicago, Burlington and Quincy, the Union Pacific, the Alton, the Missouri Pacific, the Chicago, Milwaukee and St. Paul, the Chicago and Northwestern, the Rock Island, the Denver and Rio Grande, the Mexican National, the Baltimore and Ohio, the Northern Pacific, the New York Central, the Texas and Pacific, the Erie, the New York, New Haven and Hartford, the Delaware and Hudson, the Illinois Central, the Manhattan Elevated of New York City, and the rapid-transit lines of Brooklyn. These same twenty-three directors, through their various connections, represent more than 350 other banks, trust companies, railroads, and industrial corporations, with an aggregate capitalization of more than twelve thousand million dollars.

That is a part only of what is behind the directorate of the National City Bank of New York, the head of only one of these groups.

RESERVES ARE MASSED IN NEW YORK.

It was inevitable that this massing of banking power should attract to itself the resources of other banks throughout the country. Capital attracts capital. It inspires confidence. It appeals to the imagination. Added to this the forces back of these controlling groups could offer tempting interest rates and, finally, the Federal legislation would almost seem to have been enacted to augment this power.

The law providing that 15 per cent of the deposits of a country bank should be held for the protection of its depositors conveniently permits three-fifths of the amount to be deposited in reserve city banks, and of the 25 per cent of reserve for the protection of depositors in reserve city banks one-half may be deposited with central reserve city banks. As there are but three central reserve cities, one of which, of course, is New York City, the alluring interest rates which these all-powerful groups

could offer inevitably tended to draw the great proportion of lawful reserves subject to transfer from the country and reserve banks.

Consider the number of country banks for which these larger banks are the approved reserve agents, and the way the system has been worked to gather up the money of the country by these big group banks can be understood. One Standard Oil bank is approved agent to receive deposits of lawful money reserves from 1,071 national banks scattered over the country. Another bank of the same group receives reserve deposits from 1,802 country banks, and another from 478. A leading Morgan group bank receives deposits from 909 outside banks, and another from 615, and still another from 1,233.

The system has been operated to gather constantly increasing millions, belonging to the depositors of other banks throughout the country, into the great national banks of New York.

In 1896 the Treasury Department began publishing the abstract of the condition of national banks in circular form five times a year. This statement shows the amounts due from the national banks of New York City to the other financial institutions of the country. From the date of the first circular, December 17, 1896, to the last report, February 14, 1908, the net balance due from New York City national banks to other national banks of the country had increased from $115,756,274 to $232,960,362, an increase of $117,204,088, or more than 100 per cent.

The power which the New York banks derive through these vast accumulations of the resources of other national banks strengthen their position so that they could draw in the surplus money of all the other financial institutions of the country, State, private, and savings banks and trust companies. The growth in the net balance due these institutions from the New York national banks in recent years is even more astounding than the increase of their deposits from the other national banks. Beginning with $58,461,256 in 1896, it grew to $227,088,130 in 1908, almost a fourfold increase. The net balance which the national banks of New York owed all the other financial institutions of the country increased in the same period of time from $174,217,530 to $460,048,493.

On August 22, 1907, the last call before the panic, the New York banks owed the other banks of the country a net balance of over $410,000,000. The report for December 3 shows a reduction of the balance to about three hundred and eighty-eight and a half million. With all the pressure that they could bring to bear on New York national banks, the other banks of the country were unable to withdraw in time of great need more than about twenty and a half millions, or about 5 per cent of their deposits in New York. They would have been unable to withdraw even this amount had not the Treasury increased United States deposits in the national banks of New York during this period over $47,000,000.

EVIDENCE OF SPECULATION BY BANKS.

The ability of these group banks of New York through their connected interests to engage in underwriting, to finance promotion schemes, where the profits resulting from overcapitalization represent hundreds of millions of dollars, places them beyond let or hindrance from competitors elsewhere in the country. Their ability to take advantage of conditions in Wall street, even if they did not create these conditions, forcing interest rates on call loans as high as 150 per cent, would enable them to command, almost at will, the capital of the country for these speculative purposes.

But one result could follow. Floating the stocks and bonds in overcapitalized transportation, traction, mining, and industrial organizations does not create wealth, but it does absorb capital. Through the agency of these great groups hundreds of millions of dollars of the wealth of the country have been tied up. Other hundreds of millions have been drawn upon to supply these great speculating groups in their steadily increasing Wall street business.

Direct evidence of the speculative character of banking in Wall street, not only by those houses which are familiarly recognized as speculative houses, but of the speculative banking which is done by national banks, is contained in the testimony of George S. Baker, president of the First National Bank of New York City, which was given before the Armstrong committee September 14, 1905. I shall refer to the banking connections of Mr. Baker later. The Armstrong committee secured the testimony of Mr. Baker for the reason that he was at that time a member of the directorate of the Mutual Life Insurance Company and of the finance committee of that organization. He was at the same time president and a member of the board of directors of the First National Bank of New York City.

I have traced this afternoon in what I have had to say the centralization of the industrial, transportation, and commercial business of the country. I have shown its relation to bank concentration. Now, Mr. President, I shall show from official records the relation of the control of these great banks to speculation in Wall street.

I quote from Mr. Baker's testimony, beginning on page 624 of the Armstrong report:

Q. Now, Mr. Baker, we all appreciate your position in the community and the value of your opinion on such matters as these, and we would be very glad to hear what you have to say as to the advisability of an insurance company going into syndicate operations.—A. Well, it generally enables the insurance company to get bonds at a cheaper price than it otherwise could.

Q. That would be the only justification?—A. I think that is the only thing that occurs to my mind now.

Q. Is it necessary for an insurance company, with the funds at its command to such an extent as the Mutual Life Insurance Company, to take bonds through syndicates? Couldn't it get them directly at ground-floor prices?—A. I don't believe they could, sir.

Q. Suppose it were known that the Mutual Life and the Equitable Life and the New York Life would take bonds directly from the railroad companies that wanted to borrow money, don't you suppose they could get as advantageous a price as they could through any banking house?—A. If it was a small issue, I think they could; but the recent issues you were speaking of—the Pennsylvania three-hundred-million loan—those three companies wouldn't want to take so large a block as the bankers could take.

Q. And, of course, if the bankers undertook the flotation they would want to control the entire issue?—A. Yes, sir.

Q. And it would be to the interests of the railroad company to make an arrangement satisfactory to the bankers?—A. They always seem to think so.

Q. The effect would be that the bankers would get the control of the issue, and then to get in, the insurance companies would have to deal with the bankers?—A. Practically.

It is to be borne in mind that in this transaction the bank controls the bond syndicate. It is to be borne in mind that the bank president of the national bank is alos one of the finance committee of the insurance company to be dealt with.

Q. That is about the way it usually is, isn't it?—A. Yes, sir. And the bankers generally let the insurance companies in on what might be called the hardpan business.

Q. They let them in if there is an original syndicate, afterwards a purchasing syndicate on the original syndicate basis?—A. That is a thing governed by the banks.

They might let them in and they might not. They are trading with themselves. The bankers are running this syndicate to get the profit out of it. They are on the official boards of the insurance companies with which they are dealing.

Q. The bankers consider it will help the flotation if institutions having a reputation for conservatism would help the thing by taking a large block?—A. I don't think they would let them in it if they didn't.

The whole transaction is shown to be, by the admissions of this witness, one of which self-interest is the controlling thing; and remember, Mr. President, that this witness is one of the custodians of the funds of a great national bank. He was asked by the examiner whether the relation of the Mutual Life Insurance Company to the matter did not enter into his thoughts at all. His answer was, "Not in the slightest degree."

To quote further from the testimony:

Q. In other words, it is an aid to the flotation to have a subscription from an insurance company, isn't it?—A. Yes, sir.

Q. It is a large help to the dealings between the bankers and other investors; it helps them on the public offerings?—A. Yes, sir.

Q. And then, when they are put on the public offerings and the insurance companies buy at the issue price, that is a great help to the market, isn't it?—A. Yes, sir.

Q. Now, the question has been mooted of late, although it apparently a little while back didn't receive any attention, as to the participation of those who deal with the mutual life insurance companies and refunds of other companies in syndicate operations that sell for their own benefit. You have heard practically the question that I have put to the other gentlemen upon the stand. Have you been a participator yourself in the syndicate?—A. Yes, sir.

Q. In syndicates in which the Mutual Life was also a participator?—A. Yes, sir.

Q. Did that in any way affect your judgment on any matter coming before you as a trustee of the Mutual Life?—A. Well, that came to me entirely through my business with the First National Bank, and never had any connections, either directly or indirectly, in any way, shape, or manner, with the Mutual Life.

Q. I see. You, as an officer of the First National Bank, were in a position to know of the syndicates and to get opportunities in syndicates?—A. Yes, sir.

Q. And the relation of the Mutual Life Insurance Company to the matter didn't enter into your thought at all?—A. Not to the slightest degree.

Q. At the same time the fact remained that you and the Mutual Life Insurance Company were participators in several syndicates together?—A. I presume that is the fact.

Mr. Baker later furnished a list of the syndicates in which he personally participated, and in which also the Mutual Life Insurance Company was a participant. The value of this testimony lies in the fact that it gives clear and unmistakable proof that the First National Bank was in the speculative market. It is followed immediately in the Armstrong report by the testimony of Frederick Cromwell, the treasurer of the Mutual Life Insurance Company. He says:

You were asking me, Mr. Hughes—I heard you asking them, and I think you did me—whether it was necessary to buy bonds of these

syndicates or whether we could not buy them from the railroad company. I think it is wise for me to say this—perhaps it is saying too much—that a few years ago I was convinced that we could buy of the railroad company. We had a peculiar relation with some of them, and were large stockholders, but I found it impossible. I might as well mention one instance. I went to my personal friend, Mr. Stuyvesant Fish. We had at that time four of their directors on our board. I said to Mr. Fish, "See here; this thing can not go along any further; it is time for us to buy our bonds of you directly——

Q. You are talking now of the Illinois Central?—A. Yes; the Illinois Central, and he said he could not afford to sell the Mutual Life bonds, and I could see the justice of his remark when he explained it, that it was a necessity for his railroad to do their business through banks en bloc, it could not afford to take them to single buyers, and he must keep up his associations with the bank.

Q. So the railroads must keep in with the banks in order to float their bonds?—A. They have to; yes, sir.

Q. And the insurance companies must keep in with the banks in order to get the investments they want at low prices?—A. Yes, sir.

Q. So the banks control the situation?—A. There is no question about it. I went once to the St. Paul Railroad and remonstrated very much because they had made an issue and did not let me know first, and I got a reply which was not at all satisfactory. You can understand their reasons. I can, at any rate. And I say that to defend my statement that we had to buy through the syndicate.

Q. What do you think their reason is?—A. To keep a market for the bonds. An attempt was made two or three years ago by the Pennsylvania Railroad to make a large flotation through its stockholders, and there never was, for its size, such a lamentable failure, and they went around with their hats in their hands to Kuhn, Loeb & Co. and Speyer & Co., and they put the enterprise through.

Mr. Baker's and Mr. Cromwell's apparent innocence of anything wrong in these transactions is perhaps more significant than the transactions themselves. The absence of any sense of business responsibility or of business integrity is more appalling than conscious and willful violation of the business standards of honorable men.

Mr. BEVERIDGE. Will it interrupt the Senator to ask him a question?

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Indiana?

Mr. LA FOLLETTE. Oh, certainly.

Mr. BEVERIDGE. Purely for information, as the Senator knows. Is it the Senator's position that the national banks ought not to be permitted to invest in any securities at all?

Mr. LA FOLLETTE. I am attempting, let me say to the Senator from Indiana, to present to the Senate the conditions actually as they exist—what the remedies may be is a matter for further discussion. I believe that the evidence is overwhelming of the connection of certain great bank groups, in which the greatest national banks of this country are a dominant power, with industrial and transportation combinations, the securities of which under this bill were to be made a basis of issuing circulating notes. I believe that the development of these connections and this relationship is a very important matter in the consideration of this legislation. Surely a national bank ought not to be allowed to underwrite or invest in securities of corporations in which the officers and directors of the bank are primarily interested and when the transactions are primarily for the benefit of such officers and directors, or others who may control them, and not for the benefit of stockholders or depositors of the bank.

Mr. BEVERIDGE. I shall not interrupt the Senator further. He is making a very lucid and powerful statement upon precisely the point he makes. The question did occur to my mind right in that connection, because it is a subject of considerable dispute as to whether banks ought to be permitted to invest in these securities at all, on the one hand, or whether, upon the other hand, they should be confined to receiving deposits and loaning them. I merely wanted to ask the Senator as to whether he had arrived at any conclusion at all on that point, and then I would follow it up by one or two other questions. But I will not interrupt the Senator. I will let the Senator go on with his statement.

Mr. LA FOLLETTE. I will say that the question suggested by the Senator will receive some further attention later on in my remarks.

Mr. President, the relationship between the legislation pending and the discussion which I am attempting to make focuses itself just at this point, that the control of these great banks is in the hands of these men who are interested in a speculative way in corporate securities and who, at the same time, are the custodians of the deposits, not only of individual depositors, but the deposits of reserve money of the banks all over the country.

BANKERS IN THE ALTON DEAL.

The Chicago and Alton deal is an instance of the participation by the men in charge of New York's great financial and trust institutions in Wall street flotation and stock-jobbing schemes. In that instance Mr. Harriman, as stated in his testimony a year ago before the Interstate Commerce Commission, got together three New York bank officers and directors, Mr. Mortimer Schiff, Mr. George J. Gould, and Mr. James Stillman, and organized a syndicate to acquire the stock of the Chicago and Alton Railroad.

Mr. Mortimer Schiff, of the firm of Kuhn, Loeb & Co., was a director of the Mercantile Trust Company, of the Provident Loan Association, and the United States Loan and Trust Company, one of the principal Standard Oil financial institutions. George J. Gould, the director of the National Bank of Commerce, the great Morgan institution, and James Stillman, the financier of the Standard Oil institutions, the president of the National City and the director of the Bank of the Metropolis, Bowery Savings Bank, Columbia Park, Farmers' Loan and Trust Company, the Fidelity Bank, the Fifth Avenue Safe Deposit Company, the Hanover National Bank, the Lincoln National Bank, the National Butchers and Drovers' Bank, the New York Trust Company, the Riggs National Bank of Washington, the Second National Bank of New York, and a member of the clearing house committee of the New York Clearing House Association. These, with Mr. Harriman, were members of a syndicate.

The syndicate was successful, and these gentlemen became, in the words of Mr. Harriman, "The Chicago and Alton Railroad." When they got control of the property the capital stock was $22,000,000 and bonded debt about eight and a half millions. They mortgaged the property and issued about $40,000,000 of bonds. As officers of the Chicago and Alton Railroad they sold these bonds to themselves at 65 cents on the dollar. Then as individuals they turned about and sold the bonds at a profit of about $300 apiece, principally to insurance companies and trust institutions which they controlled. Of the amount realized to the Chicago and Alton Railroad Company on the sale of the bonds Messrs. Harriman, Stillman et al. paid about seven millions to themselves, under the name of a 30 per cent dividend to stockholders.

Mr. Harriman sought to justify these operations before the Commission by pointing out that the previous management had made extensive improvements out of income. I quote from the testimony:

Mr. KELLOGG. Is it not a fact that from year to year, during the management of the prior Chicago and Alton, whatever had been charged against its income and spent upon the road had been closed each year by the board of directors?

Mr. HARRIMAN. I presume so, but under the former management the Chicago and Alton was drying up very fast, and so was the railroad itself.

Mr. KELLOGG. It certainly has not dried up since.

Mr. HARRIMAN. No, sir; it has not.

Mr. KELLOGG. There was water enough to satisfy anybody.

Mr. HARRIMAN. Yes; and business enough to satisfy.

Mr. KELLOGG. Would you think distributing $6,669,000 as a 30 per cent dividend to the stockholders, who had already had 8 per cent, would prevent it from drying up?

Mr. HARRIMAN. Combined with the other methods of financing which were adopted by the Chicago and Alton; yes.

The bonds issued out of these nefarious manipulations were made eligible for deposit to secure Government deposits.

Although the railroad-bond proposition has disappeared for the time being, I pause just a moment to repeat that the bonds growing out of these nefarious manipulations are not only eligible but large amounts of them have been accepted and placed in the Treasury to secure deposits of Government money. They are first-mortgage bonds, legal for savings bank investment in New York and Massachusetts. They would be eligible to secure circulation under this bill, as the bill stood and was contended for by its friends up to almost the present moment, as soon as the dividends could be fixed up. They are first-mortgage bonds at the rate of about $85,000 per mile, or about three times the average value of railroad property in the country.

FINANCIAL BANKING SUPPLANTING COMMERCIAL BANKING.

The plain truth is that legitimate commercial banking is being eaten up by financial banking. The greatest banks of the financial center of the country have ceased to be agents of commerce and have become primarily agencies of promotion and speculation. By merging the largest banks, trust companies, and insurance companies masses of capital have been brought under one management, to be employed not as the servant of commerce, but as its master; not to supply legitimate business and to facilitate exchange, but to subordinate the commercial demands of the country upon the banks to call loans in Wall street and to finance industrial organizations, always speculative, and often unlawful in character. Trained men, who a dozen years ago stood first among the bankers of the world as heads of the greatest banks of New York City, are, in the main, either displaced or do the bidding of men who are not bankers, but masters of organization.

The banks which were then managed by bankers as inde-

pendent commercial institutions are now owned in groups by a few men, whose principal interests are in railroads, traction, telegraph, cable, shipping, iron and steel, copper, coal, oil, gas, insurance, etc.

This subversion of banking by alliance with promotion and stock speculation is easily traced.

There was every inducement for those who controlled transportation and a few great basic industries to achieve control of money in the financial center of the country.

The centralization of the banking power in New York City would not only open the way for financing the reorganization and consolidation of industrial enterprises and of public utilities throughout the country, but would place those in authority where they could control the markets on stocks and bonds almost at will.

With this enormous concentration of business it is possible to create, artificially, periods of prosperity and periods of panic. Prices can be lowered or advanced at the will of the "System." When the farmer must move his crops a scarcity of money may be created and prices lowered. When the crop passes into the control of the speculator the artificial stringency may be relieved and prices advanced, and the illegitimate profit raked off the agricultural industry may be pocketed in Wall street.

If an effort is made to compel any one of these great "Interests" to obey the law, it is easy for them to enter into a conspiracy to destroy whoever may be responsible for the undertaking.

STORY OF THE PANIC.

I have placed before you the record evidence that less than one hundred men own and control railroads, traction, shipping, cable, telegraph, telephone, express, mining, coal, oil, gas, electric light, copper, cotton, sugar, tobacco, agricultural implements, and the food products, as well as banking and insurance. Does anyone question the overcapitalization of these consolidated corporations which cover the business of the country? Does anyone doubt the community of interest that binds these men together? Does anyone question their vital interest in maintaining their overcapitalization and protecting their stocks and bonds? Does anyone doubt their hostility to the declared policies of President Roosevelt, and the progressive movement throughout the country, and their readiness, nay, their determination, to make an end of it at any cost? Was this not made abundantly manifest during the summer of 1907? The White House was not far wrong when it gave out the information that a great fund had been pledged to block any third-term possibility.

To get the true perspective of more recent events, let us go back a little. If we would find the underlying cause for the convulsions that have taken place on the stock exchange, culminating in this demand for emergency currency and the acceptance of railway bonds as a basis for currency issue, follow the operations of these men and the great groups they have formed as traced in Wall street for the last three years. It is a blending of the control of business and legislation and politics.

In 1904 these financial groups joined in a big bull movement upon the stock markets. They had forced expansion in business everywhere. Their reorganization schemes had been repeated until the trading public was intoxicated with speculation. None of the sensational disclosures through investigations by committees and departments through the Interstate Commerce Commission, and the courts had yet taken place. Expansion was in the air. It was "good hunting." The times were right for a "great killing." The bull movement was carried through 1904 and into 1905 with great success. The call loans on Wall street collateral, nearly all of which were handled by group banks, reached high-water mark. But some of the lesser individuals fell into squabbles over the control and spoils of the Equitable Life Insurance Company. The fight waxed hot and reckless, and the country was startled with the revelations. The scandal spread. It involved the Equitable Life, the Mutual Life, the New York Life, the banks of the Morgan group, and banks of the Standard Oil group. Morgan and his associates made furious effort to suppress investigation, but the public demand forced it upon Governor Higgins, and the Armstrong committee began its work. It disclosed the relations existing between insurance companies and banks and railroads and industrial organizations, and the use of hundreds of millions of money held in trust upon which the big men of the big groups, bankers and all, were drawing, in violation of every principle of honesty in the administration of trust funds.

The effect of these disclosures upon the stock market could not be averted, though the good offices of the Treasury Department were sought and, to some extent, secured. There was scurrying to and fro.

Nineteen hundred and six had been ushered in. President Roosevelt was pressing upon Congress for railway rate legislation, urging that the wrongful aggressions of capital be curbed, urging his Department of Justice to prosecute violators of the law, announcing the novel doctrine that criminal statutes were for the rich as well as the poor, and throughout the country an awakened public conscience demanded an honest administration of the corporations controlling business and a release of the capital and surplus of the nation by the great controlling groups. The master organizations put forth all their efforts to stay the downward trend in Wall street and to stimulate a lagging market.

This is history, Mr. President. They forced dividend payments. They made them extravagant. The Baltimore and Ohio, the Pennsylvania, the Santa Fe, the New York Central, the Union Pacific, the other companies declared dividends lavishly. It was not so difficult. The traffic of the country paid for it all. The stock market responded and stocks took new high records. Determined to outface appearances, the groups ordered a new issue of stocks. In the last half of 1906 not less than $500,000,000 of railway stocks alone were thrown upon the market, dividend issues keeping step with stock issues. It was designed to betoken a carnival of prosperity. It was expected that the country investors would respond in the old way and their money be drawn into this financial center to prop it up. But the public did not come in. Railroad securities had fallen into disrepute. Watered when the roads were built, watered when they were merged into systems, watered again when the systems were grouped, railroad stocks and bonds were regarded by the public with a suspicion bordering on contempt. Morgan and Rockefeller and Harriman and Hill were almost daily making some new move in the great game, but the public had one answer: "It is water; more water."

Finally, in the early part of 1907, the foreign markets showing distrust in our securities, the resources of trust companies and banks likewise showing the strain, the deposit bill of March 4, 1907, was crowded through this body in the closing days of the last session, furnishing the money of the Government free of interest to the national banks. It was not a drop in the bucket. Stocks had to go down. The market collapse of March, 1907, came with a smash. Union Pacific dropped $40,000,000 in a single day. Reading, Amalgamated Copper, and Steel followed. Says one financial writer, in two days "stocks traded in on Wall street shrunk more than $1,800,000,000. What this means may be understood from the fact that it is equal to the value of the entire export trade of the United States in 1906."

But the country was prosperous. Its tremendous power of production, distribution, and consumption was again demonstrated. Credit readjusted itself. Commercial transactions took their accustomed way. The banks, engaged in what may well be termed "legitimate banking," resumed normal relations to commerce and trade.

In the meantime Wall street had been thinking. The loss of public support was a revelation to its financial bankers, underwriters, promoters, industrial chiefs, and brokers. But they had learned their lesson. It was burned into them as with a hot iron that the kind of business which they were conducting had forfeited the confidence of the country; that there must be new sources of money supply for critical periods in their operations, or their operations must cease. Not that the stock exchange has not its legitimate function in the business of the country. That is one thing. Conscienceless promotion schemes in which are employed the trust funds of banks and insurance companies to consolidate and control the industrial, transportation, and banking business of the country is another. And it is one of the perils of the high finance which has taken possession of business that once expansion and overcapitalization had been wildly indulged those in control dared not call a halt. They have climbed too high to hazard a stop or a look back, much less to undertake to reach a solid business basis.

But inflation and speculation must have its money supply. The country had refused further support. There was one thing left. The Public Treasury—the last desperate recourse. The want of elasticity in the currency system of the country was seized upon as a scapegoat and as a means to an end.

Mr. President, our currency system has its faults. Want of elasticity is one of them. But no currency system which any enlightened nation ever provided was invested with an elasticity which would, at the same time, be safe for current commercial demands and meet the inflation of values and the chicanery of financial banking to which the country had been treated for nearly ten years. Why, sir, in half that time securities were authorized approaching seven thousand millions, nearly one-third of which was authorized in 1907.

But it was necessary to prepare the country for such a scheme as fitted the requirements of the special interests repre-

sented in the great central groups of New York banks, trust companies, transportation companies, and independent organizations. The country must be given a shock. Country banks must be made to feel the pinch. The interests were angry. They had suffered from agitation, from investigation, and were otherwise humiliated. They had been fined, and other cases were pending. The President had spoken at Indianapolis, and it was evident that something respecting railway valuation was in his mind.' The situation warranted, nay, demanded, extreme treatment.

Sir, can any sane man doubt the power of a little group of men in whose hands are lodged the control of the railroads and the industries, outside of agriculture, as well as the great banks, insurance, and trust companies of the principal money center of the country, to give commercial banking and general business a shock at will? Having the power, did they not have reasons (purely selfish reasons, it is true), but reasons sufficient to cause them to exercise that power in their own interest? They could even turn it to their advantage financially. From 1904 to 1906 the interests had disposed of enough stocks at artificially created prices to make it profitable to drop these same stocks and bonds still lower, taking them in finally at a profit to themselves. Owning the controlling interest of their own securities, prices are largely a matter of manipulation. They can be lowered and raised at will, damaging only the outsider who is caught "long" or "short" for the time being.

Taking the general conditions of the country. it is difficult to find any sufficient reason outside of manipulation for the extraordinary panic of October, 1907. It is true that earthquake and war had destroyed some of the wealth of the world. But look for a moment at the general business condition of this country.

The agricultural production of 1907 was a little less than 1906, but the prices were better. The farm value of the total crop of 1907 exceeded that of the previous year by $482,739,929.

The year's business for the United States Steel Corporation was larger in 1907 than any other year in its history.

The operating railroads of the country reporting to the Interstate Commerce Commission showed an increase in net earnings for 1907 over 1906, amounting to $260,147,835, an increase in net earnings per mile of $239.

The balance of trade was with us. The excess of exports over 1907 was over $500,000,000.

Five hundred and sixteen national banks were organized for the year ending October 31, 1907, as against 455 for 1906.

The deposits in all banks aggregated $13,099,635,348, an increase over 1906 of $883,867,682. The gain in deposits of 1907 over 1906 was greater than for 1906 over 1905.

August 22, 1907, the aggregate of national-bank capital was $896,451,314, the highest point ever reached in the history of national banks.

The total amount of cash held by all banks reporting in June, 1906, was in round numbers one thousand million; in 1907 it was eleven hundred million, a gain for 1907 in round numbers of $100,000,000.

The total number of State, private, national bank, and trust company failures in 1904 was 122; in 1905, 79; in 1906, 45; in 1907, 41.

There were no commercial reasons for a panic. There were speculative, legislative, and political reasons why a panic might serve special interests. There were business scores to settle. There was legislation to be blocked and a currency measure suited to the system to be secured. There was a third term to be disposed of and policies to be discredited.

A panic came. I believe that it needs only to be followed step by step to show that it was planned and executed, in so far as such a proceeding is subject to control, after once in motion. Such a statement without support in facts warranting it would deserve condemnation. To withhold such a statement, to shrink from plain speech setting forth the facts in so far as they can be uncovered in the discussion of this legislation would be to shirk a plain public duty.

Mr. President, I will join in no denunciation of any honest business, whether conducted in Wall street or elsewhere. Neither will I forbear to present and discuss facts relative to speculation in Wall street, because it may be criticised as abuse for political reasons. The operations of Wall street, the greatest banking and money center in the Western Hemisphere which influences national credit, puts the national banking business of the country on the verge of financial demoralization, threatens to stampede Congress and force lopsided emergency legislation, ought to be closely scanned and fairly and fearlessly discussed.

On the one hand, no authority has been able to assign more than vague reasons for a financial panic in October, 1907. On the other hand, in the midst of general prosperity, increasing bank deposits, increasing bank capitalization, diminishing bank failures, increasing railroad business, increasing production of pig iron, that unfailing barometer of business vitality, Mr. Hill announces that it will soon be necessary for the Government to *lend its credit to railway companies;* President Ripley, of the Atchison, *predicts approaching business disaster and deprecates investment in States traveled by his lines;* the vice-president of the New York Central declares that "*no man of ordinary prudence would for a moment think of investing money in a business* (railways) *against which every man's hand from the President's down seems to be raised.*" This is but a sample of the prophecies of evil which may be gleaned from the pages of midsummer magazines and periodicals. Newspaper interviews with prominent railway officials designed to intimidate appeared here and there over the country from day to day. Subordinate railway officials and station agents looked solemn. Business was good. Trains were crowded, but something was "wrong." From the big manufacturer it reaches the smaller manufacturer. It began to be felt among the merchants, and commercial travelers were heard denouncing the President and all assaults upon property. The bank deposits were increasing, but the stock markets were bad.

The panic came. It had been scheduled to arrive. The way had been prepared. Those who were directing it were not the men to miss anything in their way as it advanced. It is worth while in following the progress of the panic at this point to recall the admonitions of Professor Bullock, Mr. Woodlock, Mr. Pratt, and other economic and financial authorities of the consequences which might result from concentration of banking power coupled with speculation and possible collusion.

For a few years there had been developing a minor financial group, now known as the "Heinze-Morse-Thomas group." It consisted of twelve banks and two trust companies, a consolidated steamship company, the Heinze United Copper Company, with his banking connections in New York and Butte, Mont. Compared with the Standard Oil and Morgan groups it was a small factor. But its steamship company was encroaching on Morgan's New York, New Haven and Hartford road in the coastwise traffic, and Heinze in a running fight had forced Standard Oil to buy him off at a cost reported at $10,000,000. Morgan was ready to show an affectionate interest in Morse, and Standard Oil was quietly lying in wait for Heinze. It all fitted together like a piece of mosaic. They could discipline the country, arrest further railway legislation, State and national, discredit Roosevelt, dispose of a third term, prepare Congress for emergency legislation, put Consolidated Shipping out of business, and pick up Heinze and United Copper on the way. Morse and Heinze were caught between the big groups.

Suddenly, in the first days of October, somebody (to use a Wall street phrase) began to "smash United Copper on the curb." The stock broke badly. Standard Oil was getting under way. Doubtless, never suspecting the source, Heinze, through his brother, a member of the stock exchange, and through brokers, bought and bought until United Copper went out of sight, carrying down Heinze's brother, one firm of his brokers, and involving the Morse-Heinze banks in the crash. Up to this point the panic had been well in hand, but with the revelations following hard upon clearing-house investigations, it slipped its bridle, and the situation assumed a serious aspect. But not for one moment did Morgan or Standard Oil miss the opportunity offered. Morse and Heinze were forced out. They were compelled to reorganize their directorships and substitute semi-dependent Standard Oil men as their successors. They were forced to sell their stocks for what they could get. Morgan attacked Morse's Consolidated Steamship Company stocks and bonds, and Morse was ultimately forced to surrender his steamship company combine, which he did. They went after the Knickerbocker Trust Company, Charles T. Barney, president, and close ally of Morse's. It was charged in New York that the interests deliberately started a run on the Knickerbocker. Morgan was appealed to for aid. Morgan, whose plaudits have been sounded here in this Chamber, was in a position to follow carefully every step and phase of this proceeding. In the first place, Mr. Morgan gave out, as reported in Wall street, that the Knickerbocker would be supported if it met the demands of the depositors who had started a run upon it. There was nothing in subsequent events to indicate that there was any sincerity in that promise, but an analysis of every step is convincing to the contrary. Support was not given; it was withheld. After the company, relying upon that pledge, had paid out millions, it was forced to close its doors, and Barney went to a suicide's grave. Barney was likewise a director in the Trust Company of America, a comparatively new institution, with a few System directors, giving the great groups a semi-interest in the institution, though they have not yet taken it over. The raid on

Heinze, Morse, Barney, et al., and the latter's directorate connections with the Trust Company of America, caused public suspicion to fall upon it. A strong run was started. This was not on the programme, but as the Vanderbilts, allies of the Standard Oil, were represented on the directorate of the Trust Company of America, Standard Oil was bound to offer some assistance. Though gold and bank notes were ostentatiously piled on the counters to impress depositors, and young Vanderbilt offered as an exhibit of resources and placed at the teller's window, the excited depositors persisted in demanding their money. Its distant relationship to the group was sufficient to save it in the end.

Conferences over the inside condition of this trust company, however, gave Morgan, owing to his group connections, information that the control of Tennessee Coal and Iron—stock control and pool stock—had been placed with the Trust Company of America by John W. Gates and his associates. In a Wall street panic there is always big game to be bagged. That is one of the uses of a panic. Morgan seized the opportunity for United States Steel. Standard Oil interests were identical with Morgan's interests in this, and he made it a condition of saving the Trust Company of America, that Gates and the Tennessee Coal and Iron pool sell to him at his price or the Trust Company of America should go on the rocks. The surrender was complete. United States Steel took over Tennessee Coal and Iron, thereby tightening its grip upon the most precious of all the national resources of the country. It was bad for the country, but the trust company was saved and Morgan was glorified.

The Westinghouse Company's experience affords another striking illustration of the useful purposes of a well-managed panic. Westinghouse was in the way of Standard Oil's General Electric. Members of the boards of directors of the Standard Oil banks were in a position to exert some influence at the critical moment most harmful to Westinghouse, and he went to the wall.

The panic was working well. The stock market had gone to smash. Harriman was buying back Union Pacific shorts, but still smashing the market. Morgan was buying in short steel stocks and bonds, but still smashing the market. The Morse group had been disposed of. Standard Oil had settled with Heinze. The Consolidated Steamship Company had surrendered to Morgan, and at the same time the interests were disciplining the people. The country banks were begging for their balances. Business was being held up. It was reported that the President had concluded to revise his message to Congress. Railway valuation would be "dropped or so modified as to be harmless." On the street and in the brokers' offices the strain of apprehension was intense. In the midst of a Wall street fight, when fear supersedes reason, it is difficult for those who are in it, but not directing it, to determine how much is real, how much is sham. Some of the guns are loaded only with blank cartridges to alarm; some are loaded with powder and ball to kill. The press set it all forth as it appeared on the surface. It portrayed the great financiers hurrying to and fro, setting a prop here, a prop there, holding midnight meetings in Morgan's library, seeking some way to avert the calamity that threatened prosperity and a nation's honor. It was a thrilling picture, but it was false. The reporters were not invited to the conferences of the inner circles where sat the men who controlled not only the great banking organizations of New York, but the transportation and business of the country, the men who were behind the panic and would stay its progress when it had served its purpose.

But the panic must be given a fitting finale, a dramatic finish.

Standard Oil had suffered a series of mortifying experiences and exposures that were beginning to tell upon the iron nerves of the men who for half a lifetime had seemed utterly hardened and indifferent to public condemnation.

Morgan and others had come out of the United States Steel bond-and-stock-conversion-performance, and the insurance scandals, badly scarred. Both Standard Oil and Mrogan were much in need of redemption with the general public. It would be a great stroke of business to wind this panic up with these gentlemen as the saviors of public credit. A carefully elaborated climax, with Morgan and the Standrad Oilers as the central figures would invest them with a halo of self-sacrifice and public spirit almost sublime.

The floor of the stock exchange was chosen as the scene for the closing act, October 24 the time.

The men who had created the money stringency, who had absorbed the surplus capital of the country with promotions and reorganization schemes, who had deliberately forced a panic and frightened many innocent depositors to aid them by hoarding, who had held up the country banks by lawlessly refusing to return their deposits, never lost sight of one of the chief objects to be attained. The cause of currency revision was not neglected for one moment. It was printed day by day in their press; it passed from mouth to mouth. The phenomenal interest rates were impressing the public in a way never to be forgotten. High interest rates should be made to plead for emergency money through the telegraph dispatches of October 24 in every countinghouse, factory, and shop in America. The banks refused credit to old customers—all business to new customers. Call loans for money were at last denied at any price. This put operators caught short or long on the rack. It spelled ruin.

For the first time since the panic began 11.30 a. m. arrived with everybody on the floor of the stock exchange wildly seeking money at any price. Interest rates which had for several days ranged from 20 to 50 per cent began to climb higher. Settlement must be made before 3 o'clock. Money must be forthcoming, or the close of the business day would see Wall street a mass of ruins and banks and trust companies on the brink of collapse.

How perfect the stage setting! How real it all seemed! But back of the scenes Morgan and Stillman were in conference. They had made their representations at Washington. They knew when the next installment of aid would reach New York. They knew just how much it would be. They awaited its arrival and deposit. Thereupon they pooled an equal amount. But they held it. They waited. Interest rates soared. Wall street was driven to a frenzy. Two o'clock came, and interest rates ran to 150 per cent. The smashing of the market became terrific. Still they waited. Union Pacific declined 10½ points in ten sales. Northern Pacific and other stocks went down in like proportion. Five minutes passed—ten minutes past 2 o'clock. Men looked into each other's ghastly faces. Then, at precisely 2.15, the curtain went up with Morgan and Standard Oil in the center of the stage with money—real money, twenty-five millions of money—giving it away at 10 per cent.

"Oh, uncrowned King!"

* * * * * * *

"None but himself can be his parallel."

* * * * * * *

"Even to the dullest person standing by,
Who fastened still on him a wondering eye,
He seemed the master spirit of the land."

And so ended the panic.

How beautifully it all worked out. They had the whole country terrorized. They had the money of the deposits of the banks of every State in the Union to the amount of five hundred million, nearly all of which was in the vaults of the big group banks. This served two purposes—it made the country banks join in the cry for currency revision and it supplied the big operators with money to squeeze out investors and speculators at the very bottom of the decline, taking in the stock at an enormous profit. In this connection, the operations of Morgan and the Standard Oil furnish additional evidence of the character of this panic. We have record proof of their utter contempt for commercial interests, not only for the country generally, but for legitimate trade in New York City as well. Had there been bankers with high ideals, bankers with devotion to commercial interests and patriotism for their country, in control of the centralized banks of New York City, the financial mistress of a continent, with a serious panic on, real in character, which had spread throughout the great business houses of the metropolis and to the centers of trade in the nation, bankers having to deal with that crisis, and pressed on the commercial side for money with which to protect the interests and the commercial honor of the country on the one hand, while the bulls and bears of Wall street clamored for loans to enable them to speculate off of the fears and misfortunes of their fellows on the curb and in the stock exchange—confronted, I say, with that dual appeal from the commerce of the country upon the one hand, and the speculators upon the other, bankers who were commercial bankers and not underwriting bankers, promoting bankers, and operating bankers would have cared first of all for the merchant, the manufacturer, and the commerce of the country. How was it with Morgan and the Standard Oil banks? Did they give aid and support to the distressed merchant and manufacturer? Did they say to the bulls and bears, "You shall be denied the funds of our banks to still further stimulate existing excitement?" Alas, no. They pursued the course of the speculating banker. They ministered to the needs of Wall street, quite deaf to the appeals of commerce. Their course was that of men who were playing with the credit of the country for a purpose. They curtailed their commercial loans in every possible way. They steadily increased their call loans on the street, bestowing favor in a way to promote their own interests, supplying their own private brokers, denying applications and forcing all other

brokers to a cash basis wherever it would turn the balance their way. The increase of call loans on collateral aggregated over fifty millions. They let great commercial houses, great manufacturing concerns, like the Westinghouse Company, down to ruin and dishonor, while they protected their speculative patrons. No better evidence could be asked to establish the character of this panic or the character of the men who were in command. By their fruits ye shall know them!

Mr. President, I find myself unable to conclude to-night what I have to say on the bill, and I ask permission to stop here and resume in the morning.

Mr. CULLOM. The Senator from Wisconsin has occupied the floor long enough for a man who has only recently been ill. As he desires to retire for the present, I will ask the Senate to resume consideration of the legislative appropriation bill.

The VICE-PRESIDENT. Without objection, the unfinished business will be temporarily laid aside.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CULLOM. I ask that we may proceed with the appropriation bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 16882) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes.

Mr. CULLOM. I did not observe when we acted upon the amendment on page 121 relating to Alaska. I promised one of the Senators that I would defer its consideration until he could be present.

Mr. CLAY. What amendment is that, I should like to ask the Senator from Illinois?

Mr. CULLOM. The amendment on page 121. The Senator from Indiana [Mr. HEMENWAY] is not present, and he may have observed that the amendment was agreed to. I desire that it shall not be taken up until he can be present.

The VICE-PRESIDENT. The amendment will be regarded as open and will be passed over for the present.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 132, line 4, before the word "thousand," to strike out "two" and insert "three;" in line 5, before the word "thousand," to strike out "seven" and insert "eight;" and in the same line, before the word "thousand," where it occurs the second time, to strike out "nine" and insert "eleven," so as to make the clause read:

For surveyor-general of the Territory of Arizona, $3,000; and for the clerks in his office, $8,000; in all, $11,000.

The amendment was agreed to.

The next amendment was, on page 132, line 11, before the word "thousand" to strike out "two" and insert "three," and in line 13, before the word "thousand" to strike out "thirteen" and insert "fourteen," so as to make the clause read:

For surveyor-general of California, $3,000; and for the clerks in his office, $11,400; in all, $14,400.

The amendment was agreed to.

The next amendment was, on page 132, line 21, before the word "thousand," to strike out "two" and insert "three," and in line 23, before the word "thousand" to strike out "nineteen" and insert "twenty," so as to make the clause read:

For surveyor-general of the State of Colorado, $3,000; and for the clerks of his office, $17,225; in all, $20,225.

The amendment was agreed to.

The next amendment was, on page 133, line 5, before the word "dollars," to strike out "three thousand six hundred" and insert "four thousand," so as to make the clause read:

For rent of office for the surveyor-general, pay of messenger, stationery, printing and binding, furniture and repairs, muslin for mounting plats, drafting instruments, record books, indexing volumes of letters, ice, telephone, post-office box rent and register stamps, books of reference for office use, typewriter, and other incidental expenses, $4,000.

The amendment was agreed to.

The next amendment was, on page 133, line 6, before the word "thousand," to strike out "two" and insert "three," and in line 8, before the word "thousand," to strike out "twelve" and insert "thirteen," so as to make the clause read:

For surveyor-general of Idaho, $3,000; and for the clerks in his office, $10,500; in all, $13,500.

The amendment was agreed to.

The next amendment was, on page 133, line 20, before the word "thousand," to strike out "two" and insert "three;" in line 21, before the word "thousand," to strike out "eleven" and insert "thirteen," and in line 22, before the word "thousand," to strike out "thirteen" and insert "sixteen," so as to make the clause read:

For surveyor-general of Montana, $3,000; and for the clerks in his office, $13,000; in all, $16,000.

The amendment was agreed to.

The next amendment was, on page 134, line 4, before the word "dollars," to strike out "one thousand eight hundred" and insert "three thousand;" in line 5, before the word "dollars," to insert "four hundred;" and in line 6, before the word "hundred," to strike out "six thousand eight" and insert "eight thousand four," so as to make the clause read:

For surveyor-general of Nevada, $3,000; and for the clerks in his office, $5,400; in all, $8,400.

The amendment was agreed to.

The next amendment was, on page 134, line 12, before the word "thousand," to strike out "two" and insert "three;" in line 13, before the word "thousand," to strike out "ten" and insert "eleven;" in the same line, before the word "thousand," where it occurs the second time, to strike out "twelve" and insert "fourteen," so as to make the clause read:

For surveyor-general of the Territory of New Mexico, $3,000; and for clerks in his office, $11,000; in all, $14,000.

The amendment was agreed to.

The next amendment was, on page 134, line 20, before the word "thousand," to strike out "two" and insert "three;" in line 21, before the word "thousand," to strike out "seven" and insert "eight;" and in line 22, before the word "thousand," to strike out "nine" and insert "eleven," so as to make the clause read:

For surveyor-general of Oregon, $3,000; and for the clerks in his office, $8,250; in all, $11,250.

The amendment was agreed to.

The next amendment was, on page 135, line 5, before the word "thousand," to insert "five hundred;" and in the same line, before the word "dollars," where it occurs the second time, to insert "five hundred," so as to make the clause read:

For surveyor-general of South Dakota, $2,000; and for clerks in his office, $5,500; in all, $7,500.

The amendment was agreed to.

The next amendment was, on page 135, line 12, before the word "thousand," to strike out "two" and insert "three;" and in line 14, before the word "thousand," to strike out "twelve" and insert "thirteen," so as to make the clause read:

For surveyor-general of Utah, $3,000; and for the clerks in his office, $10,000; in all, $13,000.

The amendment was agreed to.

The next amendment was, on page 135, line 20, before the word "thousand," to strike out "two" and insert "three;" in line 22, before the word "dollars," to strike out "seven thousand eight hundred" and insert "ten thousand," and in line 23, before the word "dollars," to strike out "nine thousand eight hundred" and insert "thirteen thousand," so as to make the clause read:

For surveyor-general of Washington, $3,000, and for the clerks in his office, $10,000; in all, $13,000.

The amendment was agreed to.

The next amendment was, on page 136, line 3, before the word "thousand," to strike out "two" and insert "three;" in line 5, before the word "hundred," to strike out "ten thousand five" and insert "eleven thousand seven," and in line 6, before the word "hundred," to strike out "twelve thousand five" and insert "fourteen thousand seven," so as to make the clause read:

For surveyor-general of Wyoming, $3,000, and for the clerks in his office, $11,700; in all, $14,700.

The amendment was agreed to.

The next amendment was, under the head of "Post-Office Department," on page 136, in line 25, to increase the appropriation for the salary of the disbursing clerk, office of the Postmaster-General, from $2,250 to $2,400.

The amendment was agreed to.

The reading of the bill was continued to the end of line 2 on page 137.

Mr. CULLOM. In line 1, page 137, I move to strike out "one stenographer, $1,600" and insert "two stenographers, at $1,600 each."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 138, line 11, to increase the total appropriation for the Office of Postmaster-General from $170,193 to $170,340.

The amendment was agreed to.

The next amendemnt was, on page 140, line 17, before the word "dollars," to strike out "four thousand five hundred" and insert "five thousand;" in line 19, before the word "dollars," to strike out "two thousand five hundred" and insert "three thousand;" on page 141, line 1, before the word "clerks," to strike out "twelve" and insert "fourteen;" in line 2, before the word "clerks," to strike out "forty-one" and insert "forty-

three;" in line 3, before the word "clerks," to strike out "twenty-eight" and insert "twenty-nine;" in line 4, before the word "clerks," to strike out "eighteen" and insert "twenty-one;" in line 6, after the word "messenger," insert "page, at $420;" in line 9, before the word "dollars," to strike out "twenty-one thousand eight hundred and ninety" and insert "thirty-four thousand three hundred and ten," so as to make the clause read:

Office Second Assistant Postmaster-General: For Second Assistant Postmaster-General, $5,000; chief clerk, $2,500; superintendent division of railway adjustments, $3,000; assistant superintendent division of railway adjustments and law clerk, $2,250; superintendent, division of foreign mails, $3,000; chief clerk, division of foreign mails, $2,000; chief, division of inspection, $2,000; chief, division of contracts, $2,000; chief, division of equipment, $2,000; fourteen clerks of class 4; forty-three clerks of class 3; thirty-five clerks of class 2; twenty-nine clerks of class 1; twenty-one clerks, at $1,000 each; six clerks, at $900 each; messenger in charge of mails, $900; seven assistant messengers; page, at $420; in all, $234,310.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the office of the Third Assistant Postmaster-General, on page 141, line 20, to increase the appropriation for the salary of the Third Assistant Postmaster-General from $4,500 to $5,000.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the office of Third Assistant Postmaster-General, on page 142, line 4, to increase the number of special agents, division of classification, at $2,000 each, from four to six.

The amendment was agreed to.

The next amendment was, on page 142, line 15, to increase the total appropriation for office of Third Assistant Postmaster-General from $254,770 to $259,270.

The amendment was agreed to.

The next amendment was, on page 143, line 8, before the word "clerks," to strike out "three" and insert "four," and in line 13, before the word "hundred," to strike out "seventy-three thousand three" and insert "seventy-five thousand one," so as to make the clause read:

Division of money orders: Superintendent, $3,500; chief clerk, $2,250; four clerks of class 4; seven clerks of class 3; eleven clerks of class 2; eleven clerks of class 1; ten clerks, at $1,000 each; ten clerks, at $900 each; one assistant messenger; and four laborers; in all, $75,110.

The amendment was agreed to.

The next amendment was, on page 143, line 16, before the word "dollars," to strike out "four thousand five hundred" and insert "five thousand;" in line 20, before the word "clerks," to strike out "three" and insert "four;" in line 24, before the word "clerks," to strike out "nineteen" and insert "twenty-five;" in line 25, before the word "messengers," to strike out "two" and insert "three," and on page 144, line 3, before the word "dollars," to strike out "forty-seven thousand three hundred and forty" and insert "fifty-five thousand six hundred and eighty," so as to make the clause read:

Office Fourth Assistant Postmaster-General: For Fourth Assistant Postmaster-General, $5,000; chief clerk, $2,500; superintendent, division of rural free delivery, $3,000; assistant superintendent, division of rural delivery, $2,000; four clerks of class 4; four clerks of class 3; twelve clerks of class 2; thirty-one clerks of class 1; stenographer, $1,600; stenographer, $1,200; forty-five clerks, at $1,000 each; twenty-five clerks, at $900 each; three messengers; one assistant messenger; two laborers; and two pages, at $360 each; in all, $155,680.

The amendment was agreed to.

The next amendment was, on page 144, line 5, before the word "dollars," to strike out "five hundred" and insert "seven hundred and fifty;" and in line 13, before the word "dollars," to strike out "six hundred and eighty" and insert "nine hundred and thirty," so as to make the clause read:

Division of dead letters: Superintendent, $2,750; one clerk of class 4, who shall be chief clerk; two clerks of class 4; eight clerks of class 3; ten clerks of class 2; twenty-nine clerks of class 1; forty-four clerks, at $1,000 each; forty-six clerks, at $900 each; one messenger; three assistant messengers; fifteen laborers; six female laborers, at $480 each; in all, $170,930.

The amendment was agreed to.

The next amendment was, on page 146, line 19, before the word "copies," to strike out "one thousand five hundred" and insert "three thousand," so as to make the clause read:

For the publication of copies of the Official Postal Guide, including not exceeding 3,000 copies for the use of the executive departments, $25,000.

The amendment was agreed to.

The next amendment, under the head of "Department of Justice," on page 148, line 8, after the word "Secretary," to insert "and Assistant;" in line 10, before the word "dollars," to strike out "two thousand five hundred" and insert "three thousand;" and in line 15, before the word "dollars," to strike out "one thousand eight hundred" and insert "two thousand," so as to make the clause read:

Private secretary and assistant to Attorney-General, $3,000; clerk to the Attorney-General, $1,600; stenographer to the Solicitor-General, $1,600; two law clerks, at $2,000 each; one law clerk of class 4; one law clerk in office of the solicitor of internal revenue, $2,000.

The amendment was agreed to.

The next amendment was, on page 149, in line 10, to increase the total appropriation for the office of Attorney-General from $238,500 to $239,200.

The amendment was agreed to.

The next amendment was, on page 152, line 10, to increase the appropriation for law books in the office of the Solicitor of the Treasury from $300 to $450.

The amendment was agreed to.

The next amendment was, under the head of "Department of Commerce and Labor," on page 154, line 3, before the word "thousand," to strike out "thirty-five" and insert "forty," so as to make the clause read:

For compensation at not more than $10 per day and actual necessary traveling expenses of special agents to investigate trade conditions abroad, with the object of promoting the foreign commerce of the United States, $40,000; and the results of such investigations shall be reported to Congress.

The amendment was agreed to.

Mr. FLINT. I have an amendment following line 3, page 154, that I should like to offer.

Mr. CULLOM. Will the Senator withhold his amendment until the committee amendments have been acted upon?

The VICE-PRESIDENT. The bill is being read for action upon the committee amendments.

Mr. FLINT. Very well.

The next amendment was, on page 154, line 8, before the word "dollars," to insert "two hundred and fifty;" and in line 17, before the word "dollars," to strike out "seven hundred and twenty" and insert "nine hundred and seventy," so as to make the clause read:

Bureau of Corporations: For Commissioner of Corporations, $5,000; Deputy Commissioner, $3,500; chief clerk, $2,250; clerk to Commissioner, $1,800; four clerks of class 4; four clerks of class 3; five clerks of class 2; nine clerks of class 1; thirteen clerks, at $1,000 each; eleven copyists; two clerks, at $840 each; two clerks, at $720 each; one messenger; one assistant messenger; three messenger boys, at $480 each; in all, $72,970.

The amendment was agreed to.

The next amendment was, on page 155, line 13, after the word "four," to insert "one clerk of class 3;" in line 15, before the word "clerks," to strike out "two" and insert "three;" and in line 19, before the word "dollars," to strike out "thirty-one thousand" and insert "thirty-three thousand six hundred," so as to make the clause read:

Bureau of Manufactures: Chief of Bureau, $4,000; assistant chief of Bureau, $2,500; chief of division, $2,100; stenographer to chief of Bureau, $1,400; two clerks of class 4; one clerk of class 3; two clerks of class 2; four clerks of class 1; three clerks, at $1,000 each; four clerks, at $900 each; three assistant messengers; one skilled laborer, $720; two laborers; in all, $33,600.

The amendment was agreed to.

The next amendment was, on page 156, line 4, to increase the appropriation to enable the Bureau of Manufactures to collate and arrange in the Bureau of Manufactures the tariffs of foreign countries in form for distribution to be printed in the English language, etc., from $5,500 to $7,500.

The amendment was agreed to.

The next amendment was, on page 157, line 23, after the word "dollars," to strike out "one clerk of class 4" and insert "two clerks of class 4;" in line 24, before the word "clerks," to strike out "three" and insert "two," so as to read:

Light-House Board: For chief clerk, $2,400; title and contract clerk, $2,000; accountant, $2,000; two clerks of class 4; one clerk of class three; two clerks of class 2.

The amendment was agreed to.

The next amendment was, on page 158, line 10, to increase the total appropriation for the Light-House Board from $48,320 to $48,720.

The amendment was agreed to.

The next amendment was, in the appropriation for the Census Office, on page 158, line 21, before the word "clerks," to insert "and fifty;" and in line 22, before the word "clerks," to strike out "ninety-two" and insert "thirty-two," so as to read:

Three hundred and fifty clerks of class 1; 132 clerks at $1,000 each.

The amendment was agreed to.

The next amendment was, on page 160, line 17, before the word "clerks," to strike out "eight" and insert "nine;" in line 18, before the word "clerks," to strike out "thirteen" and insert "fifteen," and in line 21, before the word "hundred," to

strike out "seventy thousand one" and insert "seventy-three thousand five," so as to make the clause read:

Bureau of Statistics: For chief of Bureau, $4,000; chief clerk, $2,250; chief of division, $2,000; five clerks of class 4; four clerks of class 3; stenographer and typewriter, $1,500; nine clerks of class 2; ten clerks of class 1; fifteen clerks at $1,000 each; six copyists; one messenger; one assistant messenger; two laborers; and one female laborer, $480; in all, $73,510.

The amendment was agreed to.

The next amendment was, on page 160, after line 22, to insert:

For payment of the services of experts, and for other necessary expenditures connected with the collection of facts relative to the internal and foreign commerce of the United States, $4,000.

The amendment was agreed to.

The next amendment was, under the head of "Judicial," on page 169, line 11, after the word "For," to strike out "messenger, $720," and insert "two messengers, at $720 each," so as to make the clause read:

For two messengers, at $720 each.

The amendment was agreed to.

The next amendment was, on page 169, line 18, before the word "dollars," to strike out "thirty-three thousand seven hundred and twenty" and insert "thirty-four thousand four hundred and forty," so as to make the clause read:

For three stenographers, one for the chief justice and one for each associate justice, at $900 each; in all, $34,440, one-half of which shall be paid from the revenues of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 171, line 6, before the word "dollars," to strike out "bailiff, one thousand five hundred" and insert "marshal, two thousand;" and in line 13, before the word "hundred," to strike out "fifty-five thousand eight" and insert "fifty-six thousand three," so as to make the clause read:

Court of Claims: For the chief justice of the Court of Claims, $6,500; four judges, at $6,000 each; chief clerk, $3,500; assistant clerk, $2,500; marshal, $2,000; one clerk, $1,600; two clerks, at $1,400 each; stenographer, $1,200; three clerks, at $1,200 each; one chief messenger, $1,000; three firemen; three watchmen; elevator conductor, $720; two assistant messengers; one laborer, and two charwomen; in all, $56,320.

The amendment was agreed to.

The next amendment was, on page 171, line 18, before the word "hundred," to strike out "two" and insert "six," so as to make the clause read:

To defray the cost of the employment of auditors and additional stenographers, when deemed necessary, in the Court of Claims, and for a stenographer at $1,600 for the chief justice, to be disbursed under the direction of the court, $6,000.

The amendment was agreed to.

The next amendment was, on page 171, line 24, after the words "Court of Claims," to strike out "from more rapid deterioration, on account of the leaky condition of the roof," so as to make the clause read:

For repairs deemed necessary to preserve the building occupied by the Court of Claims, under the direction of the Superintendent of the Capitol, $500.

The amendment was agreed to.

The next amendment was, on page 173, line 3, after the word "Sec. 3," to strike out:

"The appropriations herein made for the officers, clerks, and persons employed in the public service shall not be available for the compensation of any persons incapacitated for performing the service for which such person has been employed," and insert "The appropriations herein made for the officers, clerks, and persons employed in the public service shall not be available for the compensation of any persons incapacitated otherwise than temporarily for performing such service, and the heads of Departments shall cause this provision to be enforced," so as to make the section read:

SEC. 3. The appropriations herein made for the officers, clerks, and persons employed in the public service shall not be available for the compensation of any persons incapacitated otherwise than temporarily for performing such service, and the heads of Departments shall cause this provision to be enforced.

The reading of the bill was concluded.

Mr. BACON. As the committee amendments have been disposed of, I wish to make an inquiry. I gather from the casual glance I have been able to give over the bill as the reading has proceeded that there has been a very general raising of salaries of the higher officials of the Departments. Am I correct in that?

Mr. CULLOM. In part you are. I will make a statement. We found on an examination of the Departments, of Cabinet officers, and other men employed——

Mr. BACON. I am not speaking of officers of that rank. We raised their salaries something like a year ago.

Mr. CULLOM. I am not speaking of raising the salaries of Cabinet officers, but I was about to say that the testimony before the committee was that their forces were becoming less and less valuable for the reason that we always give them more force at a cheap rate and give them nobody entirely and thoroughly qualified for duty. Hence we adopted the policy of opening the way to promotions in the Departments so that they might be able to keep men who are qualified to discharge their duties.

Mr. BACON. I am not taking any issue with the committee as to the propriety of that course, and I simply asked that question for the purpose of propounding another. It is whether the committee has taken into consideration the propriety of raising the salaries of those who do not stand quite so high in rank as the officials who have received an increase?

I am speaking of the general clerical force in the different Departments. We began at the top and we have raised salaries very generally. We raised our own salaries some 50 per cent. We have passed a bill raising the pay of Army officers, and we have raised the pay of various officials of the executive departments. We could not raise the pay of the President under the law, but we have practically done so by not only giving him $25,000 to pay contingent expenses, miscellaneous items, which he himself has the control of, but we have also given him $25,000 to defray traveling expenses.

We have raised the pay of Federal judges; we have raised the pay of the clerical force of the two Houses, and now we are raising the pay of the higher clerical officials of the Departments. I should add that we have raised the pay also of common soldiers very materially.

The question in my mind is why we should stop at the pay of the lower classes of the clerical force of the executive department. It seems to me that they are entitled to consideration, as well as all other officers of the Government. I do not mention any of these increases in pay from that of the President down in any spirit of criticism; but, accepting all the increases and allowances as proper, which I concede them to be, in view of the increased cost of living and everything of that kind, the inquiry in my mind is why you should attend to the necessities of every other Department and all the grades of officials in every other Department of the Government, and why the lower clerical force in the various Departments should be omitted from that increase?

Mr. CULLOM. Is the Senator through with his inquiry?

Mr. BACON. Yes; that is the inquiry.

Mr. CULLOM. The fact I already stated, that in part we raised the salaries of higher clerks to give an opportunity to the lower clerks to come up. We thus open a way to promotion which has not been heretofore possible. When we have given a Department additional clerks heretofore we have generally put them in at the foot, at the very lowest price we could get them, and the result has been that nearly the whole force are at a lower rate of salary than they ought to be. The policy adopted by the subcommittee and the full committee has been to open a prospect for the people at a low salary to work up and get a salary that will be worth staying in the Department for.

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Nevada?

Mr. CULLOM. I do.

Mr. NEWLANDS. I ask the Senator from Illinois what is the general percentage of increase in the salaries of the employees of the executive department? Does the increase really amount to a substantial increase on the average in the pay of all the employees of the Government to the extent of 20 or 25 per cent?

Mr. CULLOM. It does not, Mr. President.

Mr. NEWLANDS. I think that such an increase is imperatively demanded.

Mr. CULLOM. To be a little more definite in reference to our own action, a Cabinet officer, or some one representing a Cabinet officer, comes before the committee and says, "Here is a position for which more salary must be paid; we can not get along without it; we can not keep the man;" and all that sort of an argument is presented to us. We give in such cases more salary when we become convinced that they ought to have it, but we have not acted upon any theory of giving so much additional per cent to any one.

Mr. WARREN. Will my colleague on the committee allow me to make a statement?

Mr. CULLOM. Certainly.

Mr. WARREN. We have not only provided, as the Senator has so well said, places at the top, which permit No. 3, to become No. 4, No. 2 to become No. 3, No. 1 to become No. 2, a thousand-dollar place to be raised to twelve hundred, a nine-hundred-dollar place to be raised to one thousand, and so forth,

but in some cases where there is a large employment of clerks we have made a change. For instance, we have put in fifty more clerks at $1,200, and some less at $1,000, which allows all those below to be promoted.

It is my opinion that we have increased to a greater extent those along the lower lines and many more in number than we have the upper.

Mr. BACON. The Senator from Wyoming is chairman of the Committee on Military Affairs, and it seems to me that he recognizes the fact that the rule which has been applied to the payment of officers and soldiers of the Army is not the rule which he has just stated as applied to the employees in the civil branch of the Government.

For instance, as I understand the Senator from Wyoming, the rule which has been adopted has not been to give a uniform increase to all the clerical force of the various Departments, but by making a provision for a higher class of clerical force there is opportunity for those who are now in the lower class to be promoted up to the higher class, where they will get an increase of salary. But at the same time, those who remain in the lower class do not have any increase.

When it came to the military branch of the service, and I fully approved of everything that was done in that regard, there was a uniform increase of salary in every grade from the Lieutenant-General down to the lowest private. If the same rule had been applied in that case as the Senator now says was applied in the civil service, of course the opportunity might have been given to privates to be promoted, and they would have the increased pay of a corporal, and in that way privates who are deserving might get an increase in the wages by getting a promotion, or a corporal might be promoted to be a sergeant, and the pay of a sergeant might have been increased, and so he would get the increased pay.

But, on the contrary, that was not the rule adopted. It was recognized that the necessity for increased pay was one which did not simply affect the meritorious class who might secure promotion, but it should be extended to all those in the military service. I am at a loss to see——

Mr. WARREN. Mr. President——

Mr. BACON. The Senator will pardon me until I finish the sentence; then I will yield with pleasure. If there is a recognition of the fact that conditions make living more costly and that therefore a larger rate of salary is required in order to pay the expenses of the various officials and employees of the Government, I am at a loss to see why we should stop short of giving an increase to all the employees of the Government instead of excluding a part of them.

Mr. WARREN. Mr. President, the Senator's comparison, as I think he will see in a moment, is not good. We have raised none of the civil employees of the Army or of those who are in other military service except as we have raised other clerks——

Mr. BACON. What does the Senator mean by civil employees of the Army?

Mr. WARREN. That is, the employees of the War Department.

Mr. BACON. I am not speaking of them at all.

Mr. WARREN. We have raised private soldiers, who are getting $15 and $16 a month, but we have not raised clerks in the War Department. If the Senator will reflect a moment, he will see that it is not a good way to make a general raise in this bill. To do that we ought to pass another bill whereby the present law fixing the pay of classes 1, 2, 3, 4, and so forth, would be regularly raised from the pay now provided by law.

Mr. BACON. I am not speaking about the civil employees in the War Department.

Mr. WARREN. I am not talking about that or any other Department. I am not talking about the War Department at the present time. I am talking about the executive department as a whole. The War Department we will dismiss for the moment. We are confined by laws which provide that clerks of class 4 shall receive a certain salary, those of class 3 a certain salary, others of class 2 another, and so on down. If you make a raise to a certain percentage of course you might make a different law.

We make a few more clerks of class 4, and in that way the promotion goes all down the line. The increase in the salary of one clerk of class 4 raises, we will say, six people below that grade. Then when you come to raise, as we have done in some cases, fifty or sixty in a lot, it not only raises that fifty or sixty, but it raises the fifty or sixty next below them, and fifty or sixty next below the others, and so on down to the lowest paid clerk, because the places are open, and more clerks are promoted under the civil-service rules and under the system of the Departments as to the record of efficiency.

Mr. BACON. I confess I can not see the logic of the reason at all. If it were true that promotion went along the entire line and reached every clerk, then of course the system by which that was done would be a matter of comparative unimportance, but if I understand it correctly there are a great many who will not be promoted.

Mr. WARREN. They will not all be raised simultaneously at one time, because new clerks are constantly certified in from the civil service to take the lower places, but by this rapid promotion, if they are not promoted now, they will very soon reach higher places.

Mr. BACON. But that is not certain as to all the clerical force. The principle upon which we have proceeded in legislating with reference to salaries has not been based upon the scale of merit in the order of promotion. It has been based upon the recognition, in the case of every official of the Government, from the President of the United States down——

Mr. WARREN. Oh, no, Mr. President; the Senator is entirely wrong when he says the pay of every official, from the President down, has been raised.

Mr. BACON. I said we could not raise the salary of the President, but we have done other things equivalent to it. Of course we have not violated the law intentionally in that regard. But it has been done as to all the higher officials where it could be done. It has been done in the case of the salaries of the judiciary of all ranks. It has been done in the case of the legislative department.

Mr. WARREN. As the Senator will remember, it was done in the case of the judiciary by a separate law. The law was changed.

Mr. BACON. I understand that.

Mr. WARREN. A raise was provided for the Cabinet officers, but not for the assistants, the Assistant Attorneys-General and assistant attorneys, and all of that line.

Mr. BACON. But that is being done now, I say.

Mr. WARREN. No.

Mr. BACON. There are in the bill a number of cases in which that is done, and if it is not done I will make the same criticism upon it that I am making upon the overlooking of the lower clerical force. I think we ought not to make any distinction, as we have recognized that in our own salaries a large increase was required by changed conditions, as we have recognized it in a large number of officials, and after it has been recognized so far as the Senate could recognize it in the Army from the Lieutenant-General down to the lowest private, and properly recognized, as the Senator knows, I approved of it and cooperated very cheerfully in the movement. It is going to be recognized in the Navy.

Now, why it should be recognized so generally and the clerical force of the Departments in Washington should all be omitted, I can not understand from the explanation given by the committee. It seems to me if it be true that the changed conditions made it proper that there should be this increase of salary generally throughout the civil and military departments of the Government as to all ranks in some cases and as to the higher ranks in others, it ought to be made general and the lower orders of clerks—I say lower, I mean lower in rank—should also have the same increase. It costs them the increased amount to live just the same as it has cost us the increased amount to live.

I of course can not offer an amendment. I say I can not offer it. I mean that I do not know in what form to put it. But if the bill is going over, and I presume it will, I hope that there will be a question submitted to the Senate in order that we may determine the matter. Of course if the Senate thinks otherwise, all right; but I do think that having recognized the fact that the increased cost of living made it proper that our own salaries should be raised and that the salaries of the higher officials should be raised, and now that the salaries of higher clerks should be raised, the same changed condition ought to induce us to do a like justice to the lower classes of clerks, who are not here to speak for themselves and have not many people to speak for them, who have to bear their burdens and endure their sufferings in silence.

Mr. CULLOM. I simply want to say to the Senator from Georgia that we are not dealing with that proposition. We are not simply raising the pay of a higher class of clerks.

Mr. BACON. I mean those higher than the lower class of clerks.

Mr. CULLOM. We have raised the pay of clerks who are getting $1,800, some at $1,600, some at $1,400, some at $1,200, some at $1,000, some even down to $720. We have raised the pay of all those classes of clerks more or less.

Mr. BACON. But the criticism I make is that that is done as to some. I say if it is necessary as to any it should be done as to all.

Mr. CULLOM. The main purpose we had in view was to supply the Department with a proper force to do the work.

Mr. BACON. If the Senator from Illinois will pardon me, we have recognized in a way we can not deny that there has been a changed condition in this country which has made the cost of living very much greater than it formerly was. We have recognized that in our own cases.

Mr. CULLOM. I understand that.

Mr. BACON. I say the same condition makes it more difficult for this lower class of clerks to live, and we ought to recognize it equally in their cases.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Colorado?

Mr. BACON. Certainly.

Mr. TELLER. The Senator from Georgia has it quite within his power, if he thinks that that ought to be done, to draw an amendment to give them 10 per cent or 20 per cent or 40 per cent increase of their present salary, and then the question can be settled by the Senate as to whether that is the right thing to do or not.

Mr. BACON. The trouble which presents itself to my mind is this: If there had been in the bill no increase of salaries in individual cases or in individual classes, then a 10 per cent increase, or whatever per cent might be deemed proper, might be suggested by way of amendment. But I do not know in what way I can draw the amendment so that it will harmonize with the action of the committee.

Mr. TELLER. I suggest to the Senator that all he need do is to draw his amendment so as to give every clerk and employee whose salary has not been raised in the bill 20 per cent or 50 per cent or whatever he wants to propose; and he can take the sense of the Senate on the question in that way.

Mr. WARREN. I doubt whether an amendment of that kind could be considered. The law fixes these salaries and it would be making an entirely new law in the appropriation bill.

Mr. TELLER. I should like to say to the Senator that the Senate has quite as much authority as we had as a committee to do it.

Mr. WARREN. Yes.

Mr. TELLER. If it can not be done by the Senate, then certainly it was not in order for the committee to bring it in.

Mr. BACON. I do not want to do anything which would be futile or without result. I make the suggestion, and if there is any such response on the part of the Senate as would indicate that it would meet with approval, I should be more than glad to do it.

Mr. WARREN. May I make a suggestion just there?

Mr. BACON. Certainly.

Mr. WARREN. The committee have simply raised the pay so far as the high places are concerned, where no regular statutory limit exists, and there have been very few cases except where it has been done by taking them from one number to the other, as from No. 1 to No. 2, No. 2 to No. 3 and so on, which of itself automatically raises the salary, but without changing the law. The few other cases have been where the responsibilities of the particular duty to which they are assigned has increased or has been considered to require a higher class or harder work than has been performed heretofore.

But after we had passed on a few that could be raised in that manner—and they were very few in number—then the disposition was to equalize as far as we could. Now, I submit that if a percentage were to be added, it would be much more just to add it to the bill as it is amended and now before us than in its original form, because if we were undertaking to equalize it, surely the Senator would not expect, in view of the vast number of employees—a great many thousand, in fact—that there would not exigencies arise that would justify a higher salary for some men than for those in other positions. I suppose he will understand, of course, there may be a class of employees who temporarily are paid, perhaps, more than they should receive in comparison with others. Therefore there should be somewhere some mode of equalizing one with another.

Speaking of the higher cost of living, I noticed with some pleasure the other day that Bradstreet's, who make a report regularly, state that living has gone down in the scale something like 12½ per cent, or that it costs 12½ per cent less to live now than it did at the time of our greatest prosperity. I do not vouch for the statement.

Mr. BACON. I suppose, however, the Senator would hardly recognize the propriety of reducing our own salaries 12½ per cent, having increased them 50 per cent on account of the increased cost of living.

Mr. WARREN. I do not think the Senator and I shall quarrel over that. If he desires a reduction, I will follow him.

Mr. BACON. No; I do not wish the Senator to misunderstand me on the subject. I was just asking the Senator's view. I do not know what may be the sentiment of the Senate on the subject, but if I may be permitted to do so and if it is not out of order at this time—I do not know whether it is or not—I will offer an amendment—I have no time to reduce it to writing, but I can state it and it can be read from the stenographer's notes—adding 20 per cent to the present salary of each employee or official in the Executive Departments of the city of Washington whose salary has not been raised by the present bill.

Mr. CLAY. Mr. President, will my colleague allow me to call his attention to the fact——

The VICE-PRESIDENT. Does the Senator from Georgia yield to his colleague?

Mr. BACON. I do.

Mr. CLAY. With the Senator's permission, I will say that I know, as a member of the Committee on Post-Offices and Post-Roads, as a certainty, that during the last six or seven years we have gradually increased the compensation of the employees of that Department every year. The present appropriation bill as it passed the House carried provisions for salary increases amounting to $1,200,000. I know we have frequently raised the salaries of clerks from $1,000 to $1,100 per year and from $1,100 to $1,200 per year. I believe, in order to reclassify the service, it would be essential to go over the whole list so as to ascertain what salaries have been increased. A sweeping increase of 20 per cent would give most serious trouble.

Observation and experience have taught me since I have been in the Senate that we are constantly besieged at every session of Congress by employees who desire to have their salaries increased. My colleague is seeking the very best interests of the country, as he always does, but I hardly believe that a sweeping increase of 20 per cent, regardless of classification and without looking into what has been done in the past, would be a wise course to be pursued at this time in this legislative bill.

I know that two years ago we added to the post-office appropriation bill $1,000,000 to increase the salaries of employees. We increased the salaries of rural letter carriers from $750 per year to $900 per year. We have also increased the salaries of the letter carriers in our cities and towns, and the post-office appropriation bill for this session provides for an additional increase of $1,200,000. At every session of Congress we have dealt with that subject. We have dealt with specific instances and certain classes.

Senators will find that all these employees are in the classified service, beginning at $720 a year and gradually working to $900, then to $1,000, then to $1,200 a year. This bill, I will say, with my colleague's permission, provides a number of increases, but they are principally for the assistant secretaries of Departments, such as the First Assistant Postmaster-General, the Second Assistant Postmaster-General, the Third Assistant Postmaster-General, and the assistants to the Secretary of State, and so forth and so on—increasing them from $4,500 to $5,000. I doubted the wisdom of the action of the Senate committee in doing so, but we have done it, and it has been agreed to.

I hope my colleague will not press his amendment this evening. Would it not be better to take it up later, to classify the salaries, and to deal with the question in a general bill?

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Nevada?

Mr. BACON. I do.

Mr. NEWLANDS. I should like to make an inquiry as to whether any bill is under consideration before the Appropriations Committee, or any other committee, looking to such a general increase in the compensation of the civil employees of the Government as was made in the case of Cabinet officers, the judiciary, and Congress itself? I will state in that connection that when the bill increasing the pay of Members of Congress was here under consideration, I then thought that we ought to take up the claims of the civil employees of the Government before considering the question regarding our own salaries. I certainly did not anticipate so long a delay in the consideration of that question. I realize that an appropriation bill is hardly the proper place to enter into general legislation of this kind; I believe such legislation should be considered in a special bill that will be fully discussed and considered by a committee before it comes to the Senate; but I do not understand that any action is being taken of a general nature regarding the civil employees of the Government. It was certainly my understanding when the bill for the increase of the salaries of Members of Congress was under consideration, that that measure would be speedily followed by a measure for general relief.

I wish to say that in the West, notwithstanding the increases

which the Senator from Georgia [Mr. CLAY] says have been made in the pay of postal employees, there is serious difficulty. The increase in wages has been large throughout the entire West, and the cost of living has been increased. It may be temporarily depressed now, but it has been almost impossible, or, at all events, it has been very difficult, for the Post-Office Department to maintain the high standard of efficiency among its employees that hitherto has prevailed. Men have been leaving the service; men have been leaving the post-offices in that region, and it has been almost impossible to secure proper service for the post-offices.

Mr. CLAY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Georgia?

Mr. NEWLANDS. Certainly.

Mr. CLAY. I will say to the Senator that in my section of the country we have not had any trouble in securing employees to faithfully discharge their duties in carrying on the work of the Post-Office Department. The applicants for positions of that kind have been so numerous that it is much more difficult to secure positions for them than it is to retain them in office.

Mr. NEWLANDS. That may be the case in the Senator's section, but I am sure that in the Western region and in the mountain region the difficulty does exist and men are leaving the service.

Mr. WARREN. Will the Senator allow me just a moment right there?

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Wyoming?

Mr. NEWLANDS. Certainly.

Mr. WARREN. I agree with the Senator from Nevada entirely as to the trouble in the Western post-offices. I will remind him, however, that the salaries of all those employees are carried in the post-office appropriation bill and nowhere appear in this bill. I agree with the Senator that they are getting too little money and that we are having great trouble in the post-offices in the West, especially in the larger offices, in getting men to do the work for the money that is paid.

Mr. NEWLANDS. My inquiry is not so much with reference to civil employees of the Government outside of Washington. My inquiry is with reference to the condition of the employees here. I think that their salaries ought to be increased, and substantially increased, and that we should not delay further consideration of this subject. I want to ask the chairman of this committee or others who may be informed whether there is any bill pending or likely to be considered at this session which will provide for a general increase of that kind?

Mr. CULLOM. There is no bill that I know of, either in the Senate or in committee, taking up the question of increasing the salaries of all employees of the Government in Washington and undertaking to regulate their pay. We have made a few increases in this bill. My view is, and it is the view, I think, of the Senator from Iowa [Mr. ALLISON], the chairman of the committee, that when the new Senate Office Building is completed, which will be by the next session of Congress, there will have to be a readjustment of the salaries of almost everybody about the Senate wing of the Capitol; and that will be good time to take up the whole subject of the Senate employees, to regulate their salaries according to what ought to be done, and to do it outside of the Appropriations Committee.

The Committee on Appropriations has had the pending bill under consideration, and the subcommittee has been at work on it for two or three weeks, trying to adjust the matter so that it would satisfy the Departments who have the responsibility of the work of the Administration and at the same time raise the salaries somewhat where we could properly do so in the interest of the Government.

I sincerely hope that the Senate will not undertake to destroy this bill or the work that has been done, and start out on a new enterprise of increasing and regulating salaries. That ought to be done in a separate measure without interfering with the work of the Committee on Appropriations. In regulating these salaries we have done the best we could with the light before us, the heads of Departments coming before us, stating their needs and necessities, and what they ought to have in order to properly run the Executive Departments of the Government.

Mr. BACON. Mr. President, if the Senator is through——

Mr. CULLOM. I am through.

Mr. BACON. There has been no disposition to destroy the bill, as suggested by the Senator from Illinois, or to interfere with it in any manner, shape, or form. The amendment which I have offered does not affect the amendments which have been put upon the bill by the committee or such increases in salary as have come over from the other House. It simply proposes that where this bill does not increase the salary of any of the civil employees in the various Departments there shall be added to their present salaries the amount of 20 per cent.

Now, in response to the suggestion of my colleague [Mr. CLAY], that already salaries have been raised in a number of instances, I will say that that but increases and accentuates the point which I am making, and that is——

Mr. CLAY. I will say to my colleague——

Mr. BACON. If the Senator will pardon me a moment—and that is, that we have already made these increases in salaries in so great degree in so many branches of the Government that it is an invidious distinction and an unjust distinction to leave out those who have not been included in the increases which have been made.

Mr. CLAY. I will say to my colleague that the salaries of all post-office employees during the last three or four years have been increased a certain per cent. They start out with a certain salary and receive increases as they become more efficient.

Mr. BACON. They are increased in the way that has been suggested, where a clerk of one class can be promoted to another class.

Mr. CLAY. I would say, then——

Mr. BACON. There has been no such increase of salaries generally as will reach all the civil employees of the Government.

Mr. CLAY. With the Senator's permission, under the Post-Office Department, originally where a maximum salary was fixed at $1,200, the committee came along and fixed the maximum at $1,300. Consequently, an employee who was drawing a salary of $1,200 could be advanced to $1,300, and one drawing a salary of $1,300 could be advanced to $1,400.

Mr. BACON. "Could be," of course, but not necessarily would be.

Mr. CLAY. They have been.

Mr. BACON. Not all of them by any means, but only a very small proportion of them.

Mr. CLAY. I beg pardon of the Senator. Ninety per cent of the salaries have been increased.

Mr. BACON. Then the other 10 per cent ought to be increased.

EXECUTIVE SESSION.

Mr. CULLOM. Mr. President, I think it is very clear that we shall not get this bill through to-night, and I understand it is very important to some Senators that we have a short executive session. I therefore move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, March 18, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 17, 1908.

PROMOTIONS IN THE NAVY.

I nominate the following-named ensigns to be lieutenants (junior grade) in the Navy from the 3d day of February, 1908, upon the completion of three years' service in present grade:

Ralston S. Holmes,
Fred H. Poteet,
Milton S. Davis,
Charles E. Brillhart,
James D. Willson,
John Rodgers,
Charles Belknap, jr., and
Daniel T. Ghent.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 3d day of February, 1908, to fill vacancies existing in that grade on that date:

Ralston S. Holmes,
Fred H. Poteet,
Milton S. Davis,
Charles E. Brillhart,
James D. Willson,
John Rodgers,
Charles Belknap, jr., and
Daniel T. Ghent.

Carpenter William O'Neill to be chief carpenter in the Navy from the 5th day of February, 1908, upon the completion of six years' service in present grade.

Second Lieut. Joseph A. Rossell to be a first lieutenant in the Marine Corps from the 25th day of February, 1908, vice Second

Lieut. William L. Burchfield, who failed to qualify for promotion and was suspended.

Pay Director Lawrence G. Boggs, on the active list of the Navy, to be a pay director in the Navy on the retired list with the rank of rear-admiral from the 5th day of April, 1908, the date upon which he will be retired in accordance with the provisions of an act of Congress approved June 29, 1906.

P. A. Paymaster David G. McRitchie to be a passed assistant paymaster in the Navy with the rank of lieutenant from the 30th day of July, 1906.

POSTMASTER.

MISSOURI.

Robert E. Ward to be postmaster at Liberty, Clay County, Mo., in place of Andrew J. Robison. Incumbent's commission expired November 17, 1907.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 17, 1908.

UNITED STATES ATTORNEY.

John McCourt, of Oregon, to be United States attorney for the district of Oregon.

PROMOTIONS IN THE NAVY.

Lieut. Commander Reuben O. Bitler to be a commander in the Navy from the 1st day of July, 1907.

Lieut. Commander Joseph L. Jayne to be a commander in the Navy from the 3d day of January, 1908.

Lieut. (Junior Grade) David Lyons to be a lieutenant in the Navy from the 30th day of July, 1907.

Capt. Melville J. Shaw to be a major in the Marine Corps from the 1st day of January, 1908.

POSTMASTERS.

KANSAS.

Joseph H. Smith to be postmaster at Downs, Osborne County, Kans.

NEW YORK.

Edward Reed to be postmaster at Glens Falls, Warren County, N. Y.

NORTH DAKOTA.

John W. Doles to be postmaster at Stanley, Ward County, N. Dak.

OHIO.

John F. White to be postmaster at Logan, Hocking County, Ohio.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March 17, 1908.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

GENERAL PENSION BILL.

The SPEAKER. The Chair announces the conferees on the general pension bill—Mr. SULLOWAY, Mr. LOUDENSLAGER, and Mr. WEISSE.

THREE TREE POINT MILITARY RESERVATION, WASH.

Mr. CUSHMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the Senate bill 626.

The bill was read, as follows:

A bill (S. 626) authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Three Tree Point Military Reservation, in the State of Washington, to the Grays Harbor and Columbia River Railway Company, its successors and assigns.

Be it enacted, etc., That the Secretary of War may authorize the Grays Harbor and Columbia River Railway Company to build a railroad and telegraph line through the Three Tree Point Military Reservation on Columbia River, and to that end may set aside for occupancy by said Grays Harbor and Columbia River Railway Company such ground, and no more, as is actually required for the necessary track, embankments, or trestles: *Provided*, That the ground so occupied shall remain the property of the United States under such police and other military control as the military authorities may deem it necessary to exercise: *Provided further*, That the said railway company shall compensate the United States for all timber that may be cut and shall pay such reasonable annual rental for such right of way as may be fixed by the Secretary of War: *Provided further*, That the location and grade of said railroad and other details of construction within the limits of the reservation, also all matters pertaining to the operation and maintenance of said railroad, shall be under such regulations as the Secretary of War may deem it advisable to establish in the interest of the military service and as a safeguard against fire to Government timber lands: *Provided further*, That nothing in this act shall be construed as authorizing the use of any portion of the reservation as a borrow pit for fills and embankments, unless specially authorized so to do by the Secretary of War and upon the payment of such compensation as may be fixed by him.

SEC. 2. That this act shall be null and void if actual construction of the road be not commenced within two years from date of approval hereof.

SEC. 3. That Congress reserves the right to alter, amend, or repeal this act.

The SPEAKER. Is there objection?

Mr. MANN. Will the gentleman yield for a question?

Mr. CLARK of Missouri. Mr. Speaker, what committee does this bill come from?

Mr. CUSHMAN. From the Military Committee.

Mr. CLARK of Missouri. Has the House Military Committee ever considered it?

Mr. CUSHMAN. It has been favorably reported by the House Committee on Military Affairs.

Mr. CLARK of Missouri. How much land does this take?

Mr. CUSHMAN. It sets aside for right-of-way purposes the usual width of a railroad right of way through the entire reservation.

Mr. CLARK of Missouri. How large is the reservation?

Mr. CUSHMAN. The reservation is located about 22 miles above the mouth of the Columbia River, and upon the banks of the river. There are about 2 square miles in the reservation. I think the reservation is about a mile and a half in length and about three-quarters of a mile in width.

Mr. CLARK of Missouri. I notice that you make provision to pay for the timber you cut off.

Mr. CUSHMAN. Yes.

Mr. CLARK of Missouri. And pay a rental?

Mr. CUSHMAN. Yes, sir.

Mr. CLARK of Missouri. Who fixes the rental?

Mr. CUSHMAN. The Secretary of War.

Mr. CLARK of Missouri. I guess he ought to know something about it.

Mr. MANN. Will the gentleman yield?

Mr. CUSHMAN. Certainly.

Mr. MANN. Is this bill in the form in which it was prepared by the War Department itself?

Mr. CUSHMAN. Exactly.

Mr. CLARK of Missouri. Is this bill unanimously reported by the committee?

Mr. CAPRON. It is.

Mr. HULL of Iowa. The bill itself is exactly as the War Department prepared it, and safeguards the interests of the Government in the reservation. In fact, it goes further than usual by requiring a rental to be paid for the land. We have granted in Oklahoma and other places rights of way for railroads without requiring any rent, reserving the right to have the tracks removed, as this does.

Mr. CLARK of Missouri. But where you grant the right of way you sell the land?

Mr. HULL of Iowa. They only get the right of way.

Mr. MANN. Has this military reservation ever been used for any purpose?

Mr. CUSHMAN. Not at all. It was reserved a great many years ago for a military reservation, and is still so reserved, but it has never been fortified.

Mr. MANN. What was the military reservation there for?

Mr. CUSHMAN. Simply because it was situated on the banks of the Columbia River. The Columbia River is a navigable stream, and the War Department a number of years ago established several military reservations, one at the mouth of the river, which is now fortified, another one 22 miles up the river, which has never been fortified and never been used as a reservation for military purposes, but is still reserved so it can be used for that purpose.

Mr. MANN. Under authority of law the President has set aside certain public lands for military reservations because it might be needed.

Mr. CUSHMAN. Yes; because it might be needed in the future.

Mr. CLARK of Missouri. Has any part of this road been built?

Mr. CUSHMAN. No; because they must first procure the right of way before they can build their road; but this bill specifically provides that this act shall be null and void if actual construction of the road be not commenced within two years from the date of approval hereof.

Mr. HULL of Iowa. I will state to the gentleman from Missouri that in these large military reservations unless Congress does grant the right of way it virtually blocks the people from beginning construction at all. They would have to go around some 20 or 30 miles.

Mr. CUSHMAN. The railroad is to run along the north bank of the Columbia River in the State of Washington.

Mr. CLARK of Missouri. Where does it start?

Mr. CUSHMAN. This road as surveyed is to start from the main line of the Northern Pacific Line and run from that point down the Columbia River to the ocean.

Mr. CLARK of Missouri. You have every reason to believe they are going to build the road?

Mr. CUSHMAN. I have, certainly.

Mr. CLARK of Missouri. It is not a speculative concern?

Mr. CUSHMAN. No, indeed.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading, and it was accordingly read the third time and passed.

On motion of Mr. CUSHMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

LIGHT-HOUSE ESTABLISHMENT.

Mr. TAWNEY. Mr. Speaker, I call up Senate joint resolution 69, granting authority for the use of certain balances of appropriations for the Light-House Establishment, to be available for certain named purposes, and I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the consideration of it and that it be considered in the House.

The SPEAKER. The gentleman from Minnesota asks unanimous consent for the present consideration of the joint resolution which he sends to the desk, and that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the same, and that it may be considered in the House. The Clerk will report the joint resolution.

The Clerk read as follows:

Resolved, etc., That the balances of the appropriations for the construction of vessels for the Light-House Establishment appropriated for in the acts of Congress approved April 28, 1904 (33 Stats., 468); March 3, 1905 (33 Stats., 1171); June 30, 1906 (34 Stats., 659, 660, 710, and 711), and March 4, 1907 (34 Stats., 1317, 1318, and 1319), are hereby made available for the pay of officers and crews, the payment of consular fees, port dues, and exchange, the purchase of provisions, rations, fuel, engineer stores and supplies, pilotage, water, laundry, and all other necessary incidental expenses in the transfer of the following-named vessels of the Light-House Establishment from Tompkinsville, N. Y., where they are to be delivered when completed, to their respective stations: Tenders for the twelfth light-house district, for the thirteenth light-house district, for the Pacific Ocean, for Lake Superior; relief light-vessel for the Pacific coast; Columbia River light-vessel, Oregon; Swiftsure Bank light-vessel, Washington.

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. Mr. Speaker, when there is an appropriation made for any particular purpose, for a year, the surplus of the appropriation that is not used goes back into the general fund of the Treasury, does it not, by automatic action?

Mr. TAWNEY. Yes; under the covering-in act.

Mr. KEIFER. Not in this case.

Mr. TAWNEY. The gentleman from Missouri is speaking of the annual appropriations. I will state for the information of the gentleman from Missouri and the other Members of the House that these are balances left over from appropriations that were made for the construction of vessels, and in submitting the estimates for appropriation for these vessels originally, they included $15,000 in addition, either because of the increased cost of constructing them on the Pacific coast, if they were constructed there, or to defray the expense of transferring them around to the Pacific coast if constructed on the Atlantic coast.

On the 28th of February last the Comptroller of the Treasury held that these balances were not available for the purpose of sending the vessels around to the Pacific coast. They were all constructed on the Atlantic coast. Now, the $15,000 included in the original appropriation, being a balance, is not available under his decision, for this purpose. It is necessary, therefore, to enact a law making these balances available for this purpose.

Mr. CLARK of Missouri. If the statute made that authorization originally, what sense is there in his ruling?

Mr. TAWNEY. The authorization did not specifically provide that this $15,000 should be used for that purpose, and I will say that heretofore the appropriations have been made in the same way, and the balances have been used for the transfer of the vessels to the Pacific coast, and that would have been done in this case but for the decision of the Comptroller.

Mr. MANN. This is for the transfer of the light-ships?

Mr. TAWNEY. For the light-ships.

The SPEAKER. Is there objection?

There was no objection.

The joint resolution was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. TAWNEY, a motion to reconsider the last vote was laid on the table.

CANNON FOR WINCHESTER, VA.

Mr. HAY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 18689) to authorize the Secretary of War to furnish two condemned brass or bronze cannon and cannon balls to the city of Winchester, Va.

The SPEAKER. The gentleman from Virginia asks unanimous consent for the present consideration of a bill which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to furnish to the city of Winchester, Va., two brass or bronze condemned field pieces or cannon, with a suitable outfit of cannon balls, which may not be needed in the service, the same to be used at the old headquarters of Gen. George Washington, which are now owned by said city, and to be subject at all times to the order of the Secretary of War: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

With the following amendment:

After the word "cannon," in line 5, add the words "with their carriages and."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. HAY, a motion to reconsider the last vote was laid on the table.

MONONGAHELA CITY BRIDGE, PENNSYLVANIA.

Mr. WANGER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13448) to authorize the counties of Allegheny and Washington, in the State of Pennsylvania, to change the site of the joint county bridge which now crosses the Monongahela River at Monongahela City, Pa., and to construct a new bridge across said river in the place of said present bridge upon a new site.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of a bill which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the counties of Allegheny and Washington, in the State of Pennsylvania, be, and they are hereby, authorized to construct, maintain, and operate a joint county bridge and approaches thereto across the Monongahela River at Monongahela City, in the State aforesaid, upon a site located at a distance of about 1,000 feet down the stream of said river from the existing bridge across the same, which connects Monongahela City, in Washington County, with Forward Township, in Allegheny County, and is now maintained by the said two counties jointly for the uses and purposes of general public travel. The said bridge hereby authorized shall be constructed in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and upon its construction shall take the place of and be substituted for the aforesaid existing bridge, which shall thereupon be torn down and removed.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following amendment:

At the end of section 1 add the following:

"*Provided*, That the new bridge hereby authorized shall be completed within eighteen months from date of approval of this act, and the existing bridge shall be completely removed within six months thereafter: *Provided further*, That this act shall not be construed as nullifying the orders of the Secretary of War, issued under date of October 10, 1906, to the commissioners of the counties of Allegheny and Washington, Pa., and the Williamsport Bridge Company, requiring the alteration of the existing bridge, but the said orders shall remain in full force and effect, and unless the new bridge is built and the present bridge is removed within the time specified in this act the aforesaid parties shall be liable to the penalties prescribed in section 18 of the river and harbor act of March 3, 1899, for failure to comply with the lawful orders of the Secretary of War."

The SPEAKER. Is there objection?

There was no objection.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. WANGER, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, one of its secretaries, announced that the Senate had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15219) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1909, disagreed to by the House of Representatives, had insisted upon its amendments, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CLAPP, Mr. MCCUMBER, and Mr. OWEN as the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3530. An act to provide for the erection of a public building at Oklahoma City, Okla.;

S. 1036. An act for the relief of patentees and locators of military bounty land warrants, agricultural college land scrip, and surveyor-general's certificates;

S. 1072. An act to authorize the extension and enlargement of the post-office building at Fremont, Nebr.; and

S. R. 68. Joint resolution providing for additional lands for Idaho under the provisions of the Carey Act.

The message also announced that the Senate had passed, with amendment, bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 15841. An act to amend section 4896 of the Revised Statutes.

The message also announced that the Senate had passed, without amendment, bill of the following title:

H. R. 16143. An act to provide for payment of the claims of the Roman Catholic Church in the Philippine Islands.

SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 1036. An act for the relief of patentees and locators of military bounty land warrants, agricultural college land scrip, and surveyor-generals' certificates—to the Committee on the Public Lands.

S. 1072. An act to authorize the extension and enlargement of the post-office building at Fremont, Nebr.—to the Committee on Public Buildings and Grounds.

S. 3530. An act to provide for the erection of a public building at Oklahoma City, Okla.—to the Committee on Public Buildings and Grounds.

S. R. 68. Joint resolution providing for additional lands for Idaho under the provisions of the Carey Act—to the Committee on the Public Lands.

ENROLLED BILL SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 16143. An act to provide for payment of the claims of the Roman Catholic Church in the Philippine Islands.

ALIENATION OF LANDS OF ALLOTTEES OF THE QUAPAW AGENCY, OKLA.

Mr. HACKNEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 16743, for the removal of the restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That from and after sixty days from the passage of this act all restrictions as to sale, incumbrance, or taxation on lands allotted to members of the various tribes of the Quapaw Agency, Okla., are hereby removed, except as to 40 acres of each allotment in the Quapaw, Peoria, Miami, Ottawa, Eastern Shawnee, Wyandot, and Seneca reservations and except as to 24 acres in the Modoc Reservation: *Provided*, That the Secretary of the Interior may, in his discretion, and he is hereby authorized, whenever he shall be satisfied that any allottee of said agency is competent and capable of managing his or her affairs at any time, to cause to be issued to such allottee a patent in fee simple for such portion of his or her allotment hereby reserved for sale, incumbrance, or taxation, and thereafter all restrictions as to sale, incumbrance, or taxation of said land covered by such fee-simple patent shall be removed: *Provided further*, That any sale, incumbrance, or contract for sale or incumbrance made or entered into by or on behalf of any allottee prior to the expiration of sixty days from the passage of this act or prior to the issuance of such fee-simple patent shall be absolutely null and void.

SEC. 2. That within sixty days after the passage of this act each allottee of the Quapaw Agency, the father, and in case of no father then the mother, and in case of no father or mother then the legal guardian, acting for the minor child, shall select the portion of each allotment hereby reserved from sale, incumbrance, or taxation and file with the Secretary of the Interior, the Commissioner of Indian Affairs, or the officer in charge of said agency a description thereof: *Provided*, That if no such selection shall be made as above provided, then the Secretary of the Interior is hereby authorized to make such selection for and in behalf of any allottee, and such selection when so made shall be conclusive evidence that such land is reserved from alienation, incumbrance, or taxation.

SEC. 3. That the Secretary of the Interior be, and he is hereby, authorized to sell all the tribal lands within the jurisdiction of the Quapaw Agency, and all agency, school, or other Government buildings on any reservation within the jurisdiction of said agency, at public auction or by sealed bids, under such regulations as he may prescribe; and he is hereby authorized to convey all lands so sold to the purchaser thereof by patents in fee. And all lands within such agency which have heretofore been reserved for agency, school, or other purposes shall, on approval of this act, revert to the tribe within whose reservation the lands are located and be sold as tribal lands as herein provided.

SEC. 4. That after the sale of all such lands as provided herein, the net proceeds of such sale, together with all funds belonging to such tribes from whatever source derived, shall be apportioned and paid pro rata, under direction of the Secretary of the Interior, to the members of each of the respective tribes.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, was read the third time and passed.

On motion of Mr. HACKNEY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

PRESENTATION OF STATUE OF WASHINGTON TO SMITHSONIAN INSTITUTION.

Mr. MANN. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 134, authorizing the presentation of the statue of President Washington now located in the Capitol grounds to the Smithsonian Institution.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the statue of President Washington, now located in the Capitol grounds east of the Capitol, be, and the same is hereby, presented to the Smithsonian Institution.

The following committee amendment was read:

Strike out in lines 5, 6, and 7 the words "to aid that institution in its efforts to establish a National Gallery of Art in the city of Washington."

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. Mr. Speaker, reserving the right to object, I want to ask the gentleman from Illinois some questions. Is it in contemplation to establish a museum of art down there the general nature of which is to be the same as the statue in front of the Capitol?

Mr. MANN. The amendment to the bill strikes out that portion of the bill. The Greenough statue, if the joint resolution passes, will probably be put in the new National Museum, not so much as an object of art, as an object of historic value. The history of the statue is rather interesting.

It is the result of a resolution passed by Congress in 1832. On February 16 of that year the House proceeded to the consideration of the following resolution, to wit:

Resolved, That the President of the United States be authorized to employ Horatio Greenough, of Massachusetts, to execute in marble a full-length pedestrian statue of Washington, to be placed in the center of the Rotunda of the Capitol; the head to be a copy of Houdon's Washington (in the capitol at Richmond) and the accessories to be left to the judgment of the artist.

On the consideration of this resolution, it was said by Mr. Jarvis, in charge of the resolution, that at the close of the Revolutionary war the Congress (ten States being present by their Representatives) had unanimously voted a statue of General Washington as a testimony of their esteem for his virtues and the services he had rendered to his country. In 1799 a resolution had passed unanimously for a monument instead of a statue. In 1800 the monument had been exchanged for a mausoleum:

This last resolution had in fact proved as fruitful as those which had preceded it. Several of the States had in the meanwhile showed their sense of Washington's virtues and services by erecting statues to his memory. The United States had done nothing but pass resolutions. When we looked around for the statue, the monument, the mausoleum they had ordered it was not to be seen. Those things existed nowhere but in the Journals of Congress. It was time that something more effectual should be done.

At the time this resolution was passed and the statue ordered it was the intention of Congress to place it over the vaulted tomb of Washington, which was to be constructed in the crypt of the Capitol, with an opening through the floor of the Rotunda. Washington's remains were then entombed at Mount Vernon under the control of private ownership. The death of the proprietor of the Mount Vernon estate had just taken place and it could not be known whether the tomb of Washington would eventually fall into the hands of a friend or stranger, and it was the hope of Congress that his remains might be removed to the Capitol building and entombed there.

While the original plan could not be carried through, because the owners of the Mount Vernon estate declined to permit the removal of Washington's remains, yet provision was made by Congress in 1840 for "a suitable foundation for supporting the colossal statue of Washington in the center of the Rotunda of the Capitol," and such foundations were actually laid and the statue was placed in the Rotunda.

But in 1843 Congress made an appropriation to remove the statue to the east side of the Capitol grounds, with a view of placing it "on a pedestal, under shelter, and in proper position."

When the Capitol grounds were improved under the direction of Frederick Law Olmsted in 1875 the statue of Washington was placed in the position it now occupies.

At the time that Greenough was selected by Congress as the artist it was stated, on the consideration of the resolution, that

he was considered as about to become the successor of Canova and of Chantry, and likely to become the greatest sculptor of his time. It was said that Mr. Greenough had no rival among his countrymen; that he stood alone and that there was, therefore, nothing invidious in the introduction of his name into the resolution. It was said by Mr. Dearborn in the House, on the consideration of the resolution, that he felt confident "when the work should have been completed the whole world would consider it not only as honorable to the country, but as conferring immortality upon the artist."

While the Smithsonian Institution has not formally agreed to take the statue, it is probable that that institution will be quite willing to accept the statue, to be placed in connection with the new National Museum.

The following indicates the opinion of Doctor Walcott, the Secretary of the Smithsonian Institution:

DEAR MR. MANN: In response to your request I have recently made a thorough examination of the Greenough statue of Washington, which is located on the plaza east of the Capitol. The statue is being injured by weathering, owing to the softness of the marble, and it should be protected both as an object of historical interest and of art.

If the statue is transferred to the custody of the Smithsonian Institution, I will endeavor, with the approval of the Regents of the institution, to provide a suitable place for it.

As the present granite base is inappropriate, provision should be made for a marble base in keeping with the statue, and also for the cost of moving and properly resetting the statue.

Very truly, yours,

CHAS. D. WALCOTT, *Secretary.*

HON. JAMES R. MANN,
United States House of Representatives,
Regent of the Smithsonian Institution, Washington, D. C.

The statue was located in the Rotunda, I think, in 1841. Two or three years after it was moved outside. It used to be covered every winter, but this winter it has not been covered. It is rapidly deteriorating where it is. Its principal worth is to maintain it as an object of historic interest. I hope we will be able to place it in the National Museum.

Mr. McCALL. Mr. Speaker, I want to say that the bill has my hearty indorsement as it was reported by the Committee on the Library. The gentleman from Illinois is a Regent of the Smithsonian Institution, and I want to ask the gentleman if he will take an interest in some other works of art in the vicinity of the Capitol and be willing to have them presented to the Smithsonian Institution?

Mr. MANN. Well, Mr. Speaker, while there are a large number of objects, so-called works of art, in and around the Capitol which ought to be embalmed in some place outside of the Capitol, I doubt whether the Smithsonian Institution would be willing to take all of them, even as historic objects. We might establish a collection of art freaks and fill it full from not a great distance from the Capitol, but this statue is on a different basis.

Mr. McCALL. I want to say on that point that this is regarded by artists as a superior work of art. It is the work of Greenough, who was a celebrated sculptor in his day. I understand the work is deteriorating, exposed to the action of the weather—the rain, the wind, the frost, and the sunshine—and that it is very desirable to have it protected in some way.

With reference to the figure, I will say that an old artist who is skilled in interpreting the meaning of works of art was asked what Washington was doing, what he meant by extending his hand, and the artist replied that he was reaching for his clothes, which were down in the Smithsonian Institution. [Laughter.] So it would seem proper that the statue itself should go there.

Mr. PAYNE. Mr. Speaker, I think the House will pass the resolution now. [Laughter.]

Mr. McCALL. I was hoping, Mr. Speaker, that we might get the gentleman from Illinois [Mr. MANN], in order to pass his resolution through the House, to consent to take, for instance, the statue of the distinguished Missourian, Tom Benton, which I understand the gentleman from Missouri [Mr. CLARK] is ashamed to look at as he goes through the chamber of horrors called "Statuary Hall," and then I hope also that the gentleman may take an interest in another statue which has recently been added to the collection. Since Curry was presented I think the collection can boast the most magnificent frock coat that America has yet produced. We have a number of others which I trust the gentleman will have his eye on.

Mr. MANN. Mr. Speaker, I may say to the gentleman that while the Smithsonian Institution and the National Museum are the resting place and the storehouse for various sorts of articles gathered from all parts of the world, representing almost every variety of human ingenuity, yet the line will be drawn on a large amount of art that is accepted at the Capitol, and they will refuse to take it, in my judgment.

The SPEAKER. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the joint resolution.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

LEASING ALLOTTED OR UNALLOTTED INDIAN LANDS FOR MINING PURPOSES.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 17301) to authorize the Secretary of the Interior to lease allotted or unallotted Indian lands for mining purposes, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That any mineral lands in any Indian reservation created by act of Congress, treaty, or Executive order which contain valuable minerals, petroleum, or other mineral products, or coal or saline beds, or lands containing clays, building or other stone of commercial value shall be subject to lease by the Secretary of the Interior on such terms and under such regulations as he may prescribe; and any such lands allotted to an Indian under any law or treaty, with restrictions on alienation, may be leased by the allottee, with the approval of the Secretary of the Interior, on such terms and under such regulations as he may prescribe: *Provided,* That the provisions of this act shall not appy to the Five Civilized Tribes.

With the following amendment:

Page 1, line 8, insert "for a term not to exceed twenty-five years."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I think the gentleman ought to make some explanation.

Mr. STEPHENS of Texas. Mr. Speaker, I will state to the gentleman for his information that this bill comes from the Committee on Indian Affairs with the unanimous report.

The report is as follows:

[House Report No. 1225, Sixtieth Congress, first session.]

LEASE OF ALLOTTED OR UNALLOTTED INDIAN LANDS FOR MINING PURPOSES.

March 12, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. STEPHENS, from the Committee on Indian Affairs, submitted the following report (to accompany H. R. 17301):

The Committee on Indian Affairs, to whom was referred the bill (H. R. 17301) to authorize the Secretary of the Interior to lease allotted or unallotted Indian lands for mining purposes, having examined the same, report favorably with the following amendment, viz:

After the word "lease," in line 7, page 1, insert the words "for a term not to exceed twenty-five years."

The bill as thus amended will read as follows, viz:

"*Be it enacted, etc.,* That any mineral lands in any Indian reservation created by act of Congress, treaty, or Executive order which contain valuable minerals, petroleum, or other mineral products, or coal or saline lands, or lands containing clays, building or other stone of commercial value shall be subject to lease for a term not to exceed twenty-five years by the Secretary of the Interior, on such terms and under such regulations as he may prescribe; and any such lands allotted to an Indian under any law or treaty, with restrictions or alienation, may be leased by the allottee, with the approval of the Secretary of the Interior, on such terms and under such regulations as he may prescribe: *Provided,* That the provisions of this act shall not apply to the Five Civilized Tribes."

This bill, except the amendment, was recommended by the Secretary of the Interior by letter dated February 6, 1908, which letter is as follows, viz:

DEPARTMENT OF THE INTERIOR,
Washington, February 6, 1908.

SIR: I am in receipt of your letter of the 18th instant, inclosing a copy of H. R. 121, entitled "A bill to subject the mineral lands on the Indian reservations in the United States and Territories to location, operation, development, and entry, and for other purposes," with request for a report embodying my opinion as to the advisability of the legislation proposed.

The title is significant of the purposes of the bill, which, if enacted into law, would authorize mineral locations on Indian reservations in the same manner as other mineral lands of the United States are subject to location, development, operation, and entry.

No provision is made in the bill for payment to the Indians for the lands which would be taken from them should the bill become a law. I believe this would be unjust to the Indians. Realizing, however, that the mineral resources of allotted and unallotted Indian lands should not remain idle and undeveloped, I had caused to be prepared a draft of a bill for submission to Congress, a copy of which is inclosed, which not only permits the leasing of Indian mineral lands in a reservation, but provides that any land allotted to an Indian under any law or treaty may be leased under such regulations as the Secretary of the Interior may prescribe.

H. R. 121 is objectionable in that if enacted into law it will authorize mineral locations to be made on any Indian reservation without restrictions.

Experience has shown that this is unjust to the Indians, as the inrush of prospective miners is always prejudicial to the Indians' interests, and, in justice to them, the Department should not recommend favorable action on any bill that would render them insecure in their homes. I therefore respectfully recommend that the inclosed draft of a bill be substituted for H. R. 121.

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

Hon. J. S. SHERMAN,
Chairman Committee on Indian Affairs,
House of Representatives.

"A bill to authorize the Secretary of the Interior to lease allotted or unallotted Indian lands for mining purposes.

"*Be it enacted, etc.,* That any mineral lands in any Indian reservation created by act of Congress, treaty, or Executive order which contain valuable minerals, petroleum, or other mineral products, or coal and sa-

line lands, or lands containing clays, building or other stone of commercial value, shall be subject to lease by the Secretary of the Interior on such terms and under such regulations as he may prescribe; and any such lands allotted to an Indian under any law or treaty, with restrictions on alienation, may be leased by the allottee, with the approval of the Secretary of the Interior, on such terms and under such regulations as he may prescribe: *Provided*, That the provisions of this act shall not apply to the Five Civilized Tribes."

Your committee further reports that the bill H. R. 121 (referred to by the Secretary in the above letter) was introduced in the House of Representatives by Mr. STEPHENS of Texas on December 2, 1907. Said bill is as follows, viz:

"A bill to subject the mineral lands on the Indian reservations in the United States and Territories to location, operation, development, and entry, and for other purposes.

"Whereas in the Indian reservations in the United States and Territories there are situated copper, gold, and other mineral veins; and

"Whereas the said Indians occupying and assigned to said reservations have no disposition to operate any of the said mineral lands, and interpose no objection to their operation: Therefore

"*Be it enacted, etc.*, That all of the mineral lands in the mountainous parts, aside from the agricultural sections, situated within the boundaries of the Indian reservations in the United States and Territories be, and the same are hereby, declared to be open for location, development, operation, and entry by the citizens of the United States, in the same manner and upon the same terms as other mineral lands of the United States are now subject to location, development, operation, and entry; and that all of said mineral lands in said reservations shall be subject to location, development, operation, and entry, and governed by the same laws, rules, and regulations the same as other mineral lands of the United States are now so subject to location, development, operation, and entry.

"SEC. 2. That this act shall take effect and be in force from and after its passage."

Your committee is of the opinion that it is very necessary that this bill should become a law, for the reason that there is now no law authorizing the sale or lease or development of the minerals on Indian lands, and such a condition is very undesirable. The Indians will not develop their mining lands, and the white man can not do so for the reason that there is now no law authorizing the development and working of mines on Indian lands; hence the necessity for the enactment of this legislation is very manifest and desirable.

It is a bill that has been substituted by the Interior Department—or rather, a draft was substituted for bill 121, and this entire bill was drafted in the Department, with the exception of the amendment. That amendment provides that leases shall not run longer than twenty-five years. I will further state that within the last ten years we have adopted the policy to allot tribal lands to the individual Indians all over the United States. These Indians are still regarded as the wards of the nation, and they can not lease their lands for any purpose, save agricultural purposes, for a period of not to exceed five years.

Mr. CRUMPACKER. Does the bill contemplate the leasing of the surface or the lands?

Mr. STEPHENS of Texas. The mines only, or rather for mining purposes only.

Mr. CRUMPACKER. I had the impression that the phraseology of the bill was broad enough to cover the leasing of the surface as well as the mines.

Mr. STEPHENS of Texas. I will state to the gentleman there is a separate statute for that, permitting the surface to be leased for agricultural purposes for a period not to exceed five years. That is the general law for the Five Civilized Tribes in Oklahoma.

Mr. MANN. This bill would cover both.

Mr. CRUMPACKER. It occurs to me that the phraseology of the bill under consideration is such as to cover both leases for agricultural and mining purposes. I doubted if the gentleman desired to have twenty-five-year leases made for agricultural purposes.

Mr. STEPHENS of Texas. I think, if the gentleman will permit me to read that section, he will see that he is in error:

That any mineral lands in any Indian reservation created by act of Congress, treaty, or Executive order which contain valuable minerals, petroleum, or other mineral products, or coal or saline lands, or lands containing clays, building or other stone of commercial value, shall be subject to lease, etc.

The language itself indicates nothing but mineral lands, and the minerals therein can be leased.

Mr. CRUMPACKER. I suppose the description "mineral lands" covers the lands themselves, and would include probably the surface as well as the mineral deposits in the general description.

Mr. MANN. If the gentleman from Texas will yield, might it not be absolutely necessary that the authority to lease the surface of the lands be given? Otherwise it would not be possible to make use of the mineral below—without some use of the surface lands.

Mr. CRUMPACKER. Of course the authority to lease the mineral deposits would carry with it authority to lease such rights of ingress and egress on the surface as may be necessary for a proper use of the mineral deposits or a proper development of the mines, but I understand there is a good deal of friction down in the State of Oklahoma at this time in relation to mineral lands. Squatters have located on considerable tracts of land on the surface and are refusing to pay rent or vacate.

Mr. STEPHENS of Texas. I will state that in the State of Oklahoma the Five Civilized Tribes country is exempted from the condition of this act.

Mr. CRUMPACKER. The gentleman is familiar with the difficulties they are having down there now in undertaking to enforce the collection of rents from squatters upon mineral lands, the deposits on which may have been leased heretofore. Are those lands entirely owned by what are called the Five Civilized Tribes?

Mr. STEPHENS of Texas. Yes; they are owned by the Indians, but this bill does not apply to the Five Civilized Tribes at all in that part of Oklahoma. It only refers to the Indians outside of the Five Civilized Tribes in Oklahoma. It does not apply to those tribes at all. There are special laws that govern the leasing of these Oklahoma lands.

Mr. CRUMPACKER. Is it the purpose of this bill to authorize only the leasing of the mineral deposits—of oil, coal, stone, and so forth?

Mr. STEPHENS of Texas. That is the exact purpose of the bill. And the leases are to be made by the Secretary, under the rules and regulations that may be prescribed by him.

Mr. CRUMPACKER. It is not contemplated now that under the provisions of this bill the surface of the land for agricultural or grazing purposes shall be leased by the Secretary of the Interior?

Mr. STEPHENS of Texas. It is not, and it could not be done, because the Secretary would not permit it.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. STEPHENS of Texas. Yes.

Mr. FITZGERALD. The gentleman states that this bill does not apply to the lands of the Five Civilized Tribes?

Mr. STEPHENS of Texas. It does not.

Mr. FITZGERALD. There is no such exception in the bill.

Mr. STEPHENS of Texas. There is, in the very last sentence, which reads as follows, viz:

Provided, That the provisions of this bill shall not apply to the Five Civilized Tribes.

Mr. SULZER. Just a question: Has this bill the approval of the Secretary of the Interior?

Mr. STEPHENS of Texas. It was drawn by the Secretary of the Interior (with the exception of the amendment limiting it to twenty-five years) in lieu of H. R. 121, introduced by me and copied in the report. I prefer my bill, but find it is impossible to pass it, and I am forced to accept this bill as the best I can get.

Mr. SULZER. And is it also satisfactory to the Indians?

Mr. STEPHENS of Texas. Certainly.

Mr. SULZER. Then it is satisfactory to me.

Mr. HAMILTON of Michigan. If the surface is occupied for the purposes of agriculture, and entry should be made for the purpose of development of mineral resources, is there any regulation as to adjustment in regard to the land occupied for the purposes of agriculture?

Mr. STEPHENS of Texas. The Secretary of the Interior has control of agricultural lands belonging to Indian tribes or individual Indians under such regulations as he may prescribe.

Mr. FITZGERALD. The lands are divided into agricultural and timber lands, so that mineral lands would not be considered agricultural lands at all?

Mr. REEDER. Did I understand the gentleman that under the general law as to the leasing of agricultural lands they may be leased for five years?

Mr. STEPHENS of Texas. In the Indian Territory the Five Civilized Tribes have the right to lease for five years. Outside of that they have not. And other Indian lands are leased for agricultural purposes under rules and regulations made by the Secretary.

Mr. REEDER. My understanding of the laws of the Five Civilized Tribes was that they may only lease their lands for one year.

Mr. STEPHENS of Texas. By legislation they have changed that very recently, I understand.

Mr. REEDER. Yes.

Mr. FULTON. To what part of Oklahoma does this bill apply?

Mr. STEPHENS of Texas. It does not affect the Five Civilized Tribes at all. It is the other Indians of the United States. It has no application to the Five Civilized Tribes, but would apply to any Indians outside of the Five Civilized Tribes.

Mr. FULTON. Does it affect all the Indians of the United States outside of the Five Civilized Tribes?

Mr. STEPHENS of Texas. Yes.

Mr. FULTON. It does not affect particularly the Indians in Oklahoma, then?

Mr. STEPHENS of Texas. No; it makes an exception of the Five Civilized Tribes, but does apply to all other Indians in the United States.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. STEPHENS of Texas, a motion to reconsider the vote by which the bill was passed was laid on the table.

GOVERNMENT FOR HAWAII.

Mr. HAMILTON of Michigan. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The SPEAKER. The gentleman from Michigan asks unanimous consent for the present consideration of the bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 10540) to amend section 73 of the act to provide a government for the Territory of Hawaii.

Be it enacted, etc., That the portion of section 73 of "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, which reads as follows: "And no lease of agricultural land shall be granted, sold, or renewed by the government of the Territory of Hawaii for a longer period than five years until Congress shall otherwise direct," is hereby amended to read as follows: "And no lease of agricultural land shall be granted, sold, or renewed by the government of the Territory of Hawaii for a longer period than twenty years, and in every such case the land, or any part thereof so leased, may at any time during the term of the lease be withdrawn from the operation thereof for homestead or public purposes, in which case the rent reserved shall be reduced in proportion to the value of the part so withdrawn, and every such lease shall contain a provision to that effect."

Also, the following amendment was read:

On page 1, line 12, strike out the word "twenty" and insert the word "fifteen."

Mr. FITZGERALD. Mr. Speaker, I reserve the right to object. I wish to ask the gentleman if the purpose of this bill is to permit the renewal of the leases held by the sugar men for a period of fifteen years?

Mr. HAMILTON of Michigan. The purpose of the bill is to increase the small holdings and to open up the lands to settlement by small holders. As the gentleman knows, now the lands are pretty generally held by large sugar-growing corporations and pineapple plantations. Under the provisions of the organic act leases of agricultural lands were not permitted to be granted, sold, or renewed for more than five years. Now, the gentleman knows from observation of that country that it is quite impossible for a man of limited means to go upon the wild lands or jungle lands and improve them within five years. It is necessary to remove large rocks and jungles, and perhaps make arrangements for irrigation; and it would take five years, and perhaps more, to prepare the land to grow a crop; and in the case of some crops, like rubber, as the gentleman knows, it would be impossible to get crops to produce in less than four or five years. So that the result has been that these lands have been pretty generally taken up and occupied by corporations, and men of small means have not been permitted by reason of these restrictions to enter upon these lands. The purpose of this bill is to broaden this provision and to increase the number of small holdings.

Mr. FITZGERALD. Is there any limitation on the number of acres that can be leased by any individual or corporation fixed in the organic act?

Mr. HAMILTON of Michigan. No; there is, however, under the general law a provision, and perhaps the gentleman may recall it.

Mr. FITZGERALD. I do not recall it.

Mr. HAMILTON of Michigan. For instance, a homestead lease of 8 acres, as provided under section 286 of the homestead laws. The lease shall not cover more than 8 acres of first-class agricultural land, 16 acres of second-class agricultural land, 1 acre of wet land, 30 acres of first-class pastoral land, 60 acres of second-class pastoral land, and 45 acres of pastoral and agricultural land. Now, the gentleman knows the method of survey there. They do not use the rectangular system of survey that we use here. It does not obtain there. The wet lands, the gentleman knows, are used for taro and rice. That term "wet lands" has a legal significance there. The lands above that are used for sugar growing and pineapples, and these are called "first-class agricultural lands and second-class agricultural lands, and so on up," and the gentleman understands about the lands further up.

Mr. FITZGERALD. My recollection is that there were very extensive holdings leased before our occupation. These leases are now beginning to fall in. Will it be possible under this bill for these large corporations to obtain a renewal of their leases for fifteen years?

Mr. HAMILTON of Michigan. I understand not. It is understood to be the purpose and design of the bill to prevent that.

Mr. MANN. I call the attention of the gentleman to this provision of the bill, which I think does away with the objection he has:

And in every such case the land, or any part thereof so leased, may at any time during the term of the lease be withdrawn from the operation thereof for homestead or public purposes.

Mr. CRUMPACKER. What I desire to know is what there is in the bill that prevents or restricts the releasing of these large holdings that are said to be held by corporations for a term of fifteen years?

Mr. MANN. There is nothing in the bill. The bill provides that even if the lease is made for a term of fifteen years they can take it away from the lessee at any time without remuneration for homestead and other public purposes.

Mr. CRUMPACKER. I do not believe much in the policy of the Government keeping the title to land and leasing it, as is done under the present system.

Mr. HAMILTON of Michigan. But under the present system the gentleman will perceive it is quite impossible to develop these lands. Vast areas there are simply jungle and rock.

Mr. MANN. I take it these lands are not of much value without some form of irrigation.

Mr. HAMILTON of Michigan. Absolutely of no value; and not only that, but there are great rocks there, and it requires the expenditure of large sums of money to get them and the jungle off the land.

Mr. CRUMPACKER. Are there considerable portions of the sugar lands leased to tenants?

Mr. HAMILTON of Michigan. Yes, sir; I so understand.

Mr. CRUMPACKER. These are in a high state of development?

Mr. HAMILTON of Michigan. They are highly developed.

Mr. CRUMPACKER. Do I understand that under this law those tenants may secure an additional lease for fifteen years?

Mr. HAMILTON of Michigan. I suppose the tenant might go on and agree to lease a certain amount of the land, but he would earn the rent. It would take him five years to get that land in condition to grow crops.

Mr. FINLEY. How many acres of land can he lease to any one person under the provisions of this bill and the general laws governing the subject?

Mr. HAMILTON of Michigan. That is what I was trying to call attention to. They have a peculiar system out there.

Mr. FINLEY. I understand that, but under this bill——

Mr. HAMILTON of Michigan. This was an amendment to the organic act, which the gentleman may remember went on in the House. I have forgotten who introduced the amendment; possibly the gentleman himself did. Now, there is a general law in regard to homestead leases in Hawaii, and then again there is what is called a "freehold"——

Mr. FINLEY. I am familiar with that.

Mr. HAMILTON of Michigan. This does not change that at all, as I understand.

Mr. FINLEY. Does the gentleman hold that under this bill only a homestead can be leased to any one person?

Mr. HAMILTON of Michigan. I do not think there is any limitation as to the amount of land that can be taken up.

Mr. FINLEY. That is the point. Now, is it not possible under that bill that one person might lease 5,000 acres, in the event that there is that much land there?

Mr. HAMILTON of Michigan. I do not think there is any limitation as to the area of the holdings, but if a person should proceed to lease that amount of land and improve it, subject to the right of the Government to proceed to take that and cut it up into homestead holdings, it would certainly be of great benefit. The law as to the number of acres is not changed in any respect.

Mr. FINLEY. I am familiar with the general law. The gentleman and myself helped to frame the organic law. Now, suppose a thousand acres or more of land was leased to one person and improved. When the time came and somebody wished to take that land or a part of it for homestead purposes, would he not have to compensate the holder of that lease for whatever improvements had been put on the land?

Mr. HAMILTON of Michigan. There is a provision in the bill to that effect.

Mr. FINLEY. I know there is, but I wish to bring it out.

Mr. HAMILTON of Michigan. Yes.

Mr. FINLEY. Now he would have to compensate. Then, would it not be better to permit homesteaders to take up the land in the first instance?

Mr. HAMILTON of Michigan. I did not catch that.

Mr. FINLEY. Would it not be better to permit homesteaders to take up these public lands in the first instance? Is it not true that holdings of real estate by individuals in Hawaii are very limited in acreage, and is not that one of the troubles there?

Mr. HAMILTON of Michigan. Not very limited, because the acreage is considerable. As to second-class land, they may have 16 acres.

Mr. FINLEY. I am speaking of the actual holdings.

Mr. HAMILTON of Michigan. Yes.

Mr. FINLEY. My recollection is that the average holdings of land by the people of Hawaii are very, very small.

Mr. HAMILTON of Michigan. No; I think the gentleman is mistaken. Balancing the small holdings against the large holdings, the average holding would be large. The difficulty in Hawaii is that the lands themselves in their natural state are very difficult to subdue to agricultural purposes. They are covered with immense rocks, the land is arid, and nearly all of it must be irrigated before it can be made productive, except that part of the island of Hawaii on the eastern side, where they have rains, and there they are raising sugar.

Mr. FINLEY. I have some knowledge of that.

Mr. HAMILTON of Michigan. It takes large capital; the rocks have to be removed and the jungle has to be taken off in order to get the land ready for the crops. They have to put on a steam plow to break the land up, and then water must be conducted from a long distance to the land, and the land must have irrigation, so that it is obvious that the land can not be held in large holdings by men of small means.

Mr. FINLEY. Is it not true that there is a very small area of wild land, of uncultivated wild land, in Hawaii?

Mr. HAMILTON of Michigan. There is an immense area of uncultivated, wild land there.

Mr. FINLEY. First-class land and second-class land?

Mr. HAMILTON of Michigan. I think there is of first and second class pastoral land, but not of first and second class agricultural land.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, was read the third time and passed.

On motion of Mr. HAMILTON of Michigan, a motion to reconsider the vote whereby the bill was passed was laid on the table.

EFFICIENCY OF THE PERSONNEL OF THE LIFE-SAVING SERVICE.

Mr. LOVERING. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 17710) to increase the efficiency of the personnel of the Life-Saving Service of the United States.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the Clerk read the amendment, which is the bill.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the Clerk read the proposed amendment. Is there objection?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That from and after the passage of this act the compensation of district superintendents in the United States Life-Saving Service shall be as follows: For the superintendents of the first, second, fourth, fifth, sixth, seventh, tenth, eleventh, twelfth, and thirteenth districts, $2,200 per annum each; for the superintendents of the third and ninth districts, $2,000 per annum each; for the superintendent of the eighth district, $1,900 per annum. That the pay of keepers of life-saving stations shall be $1,000 per annum each, and that the pay of the No. 1 surfman in each of the crews of the life-saving stations shall be at the rate of $70 per month.

SEC. 2. That every keeper of a life-saving station and every surfman in the Life-Saving Service of the United States shall be entitled to receive one ration per day or, in the discretion of the Secretary of the Treasury, commutation therefor at the rate of 30 cents per ration.

SEC. 3. That section 8 of the act of May 4, 1882, entitled "An act to promote the efficiency of the Life-Saving Service and to encourage the saving of life from shipwreck," is hereby amended to read as follows:

"SEC. 8. That if any keeper or member of a crew of a life-saving station shall hereafter die by reason of perilous service or any wound or injury received or disease contracted in the Life-Saving Service in the line of duty, leaving a widow, or a child or children under 16 years of age, or a dependent mother, such widow and child or children and dependent mother shall be entitled to receive, in equal portions, during a period of two years, under such regulations as the Secretary of the Treasury may prescribe, the same amount, payable quarterly as far as practicable, that the husband or father or son would be entitled to receive as pay if he were alive and continued in the Service: *Provided*, That if the widow shall remarry at any time during the said two years her portion of said amount shall cease to be paid to her from the date of her remarriage, but shall be added to the amount to be paid to the remaining beneficiaries under the provisions of this section, if there be any; and if any child shall arrive at the age of 16 years during the said two years, the portion of such child shall cease to be paid to such child from the date on which such age shall be attained, but shall be added to the amount to be paid to the remaining beneficiaries, if there be any."

SEC. 4. That all acts or parts of acts inconsistent herewith are hereby repealed.

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. Mr. Speaker, reserving the right to object, I would like to hear something about what the bill is.

Mr. LOVERING. Mr. Speaker, the bill is to increase the efficiency of the Life-Saving Service. It is a fact well known by those who live in the vicinity of life-saving stations and know about the work there that the service has become somewhat inefficient, owing to the class of men which they have been compelled to hire. The fact is these men should be experienced men. They are not experienced men now. There are about 2,000 men in the service, 500 of whom are inexperienced men, and to encourage enlistment of the better class of men and to maintain the service it is desirable that they should be offered some better inducement to come in.

Mr. CLARK of Missouri. How much do you propose to raise the wages?

Mr. LOVERING. The wages of the surfmen, which make up a large part of the bill, is to be at the rate of $9 a month, practically, which is equivalent to rations of 30 cents a day.

Mr. CRUMPACKER. That is, the only increase in the bill is to provide for the computation of rations?

Mr. LOVERING. It increases the salary of the superintendents about $200 each, and it increases the salary of the keepers $100 each, and it increases the salary of the first-class surfmen, who are practically lieutenants of the keeper, $100.

Mr. CLARK of Missouri. How much will it cost in all?

Mr. LOVERING. Two hundred and thirty thousand dollars.

Mr. CLARK of Missouri. Is this a unanimous report of the Committee on Interstate and Foreign Commerce?

Mr. LOVERING. Yes.

Mr. CRUMPACKER. The chief expense is the increase of the salary of the officers, is it not?

Mr. LOVERING. Oh, no.

Mr. MANN. The chief expense is in the rations being increased $9 a month.

Mr. CRUMPACKER. The surfmen are poorly paid under existing conditions, and there is no provision for the pensioning of surfmen.

Mr. MANN. They get two years' pay.

Mr. CRUMPACKER. This bill proposes to give a pension to the dependent mothers and children?

Mr. LOVERING. It extends it to the dependent mothers.

Mr. CRUMPACKER. I think the bill is along the right lines.

Mr. MANN. It is a very conservative bill.

Mr. MADDEN. I do not think the bill goes far enough.

Mr. RICHARDSON. Will the gentleman from Massachusetts state what change this makes in section 8?

Mr. LOVERING. Section 8 is existing law. It extends the benefit to the dependent mother. There are about 20 per cent of the men employed in this service who do not have wives, but they do have dependent mothers that prevent them from entering the service, and this takes care of the dependent mothers.

Mr. RICHARDSON. The only addition that is made to section 8 is the including of the dependent mother.

Mr. LOVERING. That is all; that is every word of it.

Mr. KÜSTERMANN. Mr. Speaker, I would like to ask the gentleman a question. I understand that provision is made so that No. 1 surfmen in each of the crews shall receive $70 per month. Does that apply to any of the other surfmen?

Mr. LOVERING. It does not. I will explain that to the gentlemen. The No. 1 surfman is liable to be called upon to take the place of the keeper at any time, and he is required to be of the very highest class of men that we have there. He is frequently and almost always, when occasion requires, promoted to the position of keeper. That man is raised $5 a month only.

Mr. KÜSTERMANN. I understand that the surfmen get $65 per month now.

Mr. LOVERING. Yes.

Mr. KÜSTERMANN. And they serve only eight months in the year.

Mr. LOVERING. They serve on the Pacific coast twelve months in the year. They serve on the Lakes eight months in the year, and they serve on the Atlantic coast ten months in the year.

Mr. MADDEN. Are they paid for the entire year?

Mr. LOVERING. They are paid only for the time they serve.

Mr. KÜSTERMANN. I desire to state that I have introduced a bill to give to the surfmen who work only eight months a year, and who receive only $65 a month, half of their regular

salary during the four months they are not employed, during which time they have very hard work finding employment. I think it would be but fair that they should be thus paid.

Mr. LOVERING. I can only say that I sympathize with the gentleman absolutely.

Mr. SULZER. Mr. Speaker, I only want to say a word. In my opinion, this is one of the most commendable bills which has ever been presented to this House. I know something of the life-savers of our country, and I know their story of self-sacrifice and heroism. It is one of the brightest pages in American history. These men deserve well of the Government. Their heroic deeds on our coasts speak in trumpet tones in their behalf. They are the life-savers of the Republic, and the hardest worked and the bravest and most efficient men in the public service. They should get more pay and more credit for what they do, and I will go as far as any man in the country in their behalf. I am their friend, and I want to help them, in Congress or out of Congress, in any way I can. All honor and all glory to our brave and heroic and noble life-savers. [Applause.] I hope the bill will pass.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. BARTLETT of Georgia rose.

The SPEAKER. Does the gentleman yield?

Mr. LOVERING. Yes.

Mr. BARTLETT of Georgia. Mr. Speaker, I don't know that there will be any opposition to this bill. I do not think there should be any. I myself was at first not inclined to agree to its passage, but after a full hearing and investigation by the committee, of which I am a member; after listening to witnesses, the men who appeared before the Committee on Interstate and Foreign Commerce, relate their services and their trials and their dangers and their saving of human life, and the small compensation they receive, I concluded that instead of extending and increasing the expenditures for the Army and Navy to kill people we could well afford to increase the pay of these men, and that we would spend our money to much better purpose in giving it to these men who in time of peace and at all times devote their energies and lives to the saving of human life from the perils and dangers of the sea. Nor do I believe the provision in this bill which takes care of the man who is injured in the service is in the nature of a civil pension. I think also it is right to extend the benefits of the present law to the dependent mother, for I believe Congress can well afford to extend the present law which provides for the wife and children of the man who has lost his life in the service to the dependent mother. The man who is injured in the public service in the business of saving lives should be provided for; and those who are dependent upon him, the wife, the child, or the mother, should be cared for. I trust the bill will pass. The men in the Service are at present but poorly paid; and this bill does but scant justice to the men in a branch of the public service whose chief duties are to save human lives. And the record of these men as shown to us demonstrate that many of them are heroes indeed. [Applause.]

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. LOVERING, a motion to reconsider the last vote was laid on the table.

LEAVE TO PRINT.

Mr. LOVERING. Mr. Speaker, I ask unanimous consent that Members have leave to print on the bill just passed for ten legislative days.

The SPEAKER. Is there objection?

There was no objection.

COMPLETING PEDIMENT OF HOUSE WING OF CAPITOL.

Mr. McCALL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 17983) for completing the pediment of the House wing of the Capitol, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the expenditure of $75,000, or so much thereof as may be necessary, be, and the same is hereby, authorized for the purpose of completing the pediment of the House wing of the Capitol by placing suitable statuary thereon, said expenditure to be made under the direction of the Speaker of the House, the Joint Committee on the Library, and the Architect of the Capitol.

With the following amendments:

Strike out the word "Architect" and insert the word "Superintendent."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

MANUFACTURE, ETC., OF ELECTRIC LIGHT AND POWER IN HAWAII.

Mr. KIMBALL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 16643) to ratify an act of the legislature of the Territory of Hawaii authorizing the manufacture, distribution, and supply of electric light and power in the district of Lahaina, county of Maui, Territory of Hawaii, which I send to the desk and ask to have read.

The Clerk proceeded to read the bill.

During the reading:

Mr. MANN. Mr. Speaker, I shall object to the consideration of that bill by unanimous consent.

Mr. HAMILTON of Michigan. Will the gentleman withhold his objection to let the gentleman explain the bill? It is an important measure. It has the unanimous support of the committee.

Mr. MANN. I have no objection to that, but I would object after the explanation was given. It is ridiculous to consider it by unanimous consent.

Mr. HAMILTON of Michigan. Possibly the gentleman, out of the abundance of his information, might be able to point out to the gentleman wherein it is unconstitutional.

Mr. MANN. I think anybody in the House could do it.

Mr. HAMILTON of Michigan. I think that is doubtful.

The SPEAKER. Objection is heard.

EXEMPTION OF HOSPITAL SHIPS.

Mr. COUSINS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 4377, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Iowa [Mr. COUSINS] asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (S. 4377) to carry into effect the international convention of December 21, 1904, relating to the exemption in time of war of hospital ships from dues and taxes on vessels.

Whereas a convention providing for the exemption of hospital ships in time of war from the payment of all dues and taxes imposed for the benefit of the State was signed at The Hague on December 21, 1904, by the plenipotentiaries of the United States of America, Germany, Austria-Hungary, Belgium, China, Korea, Denmark, Spain, Mexico, France, Greece, Italy, Japan, Luxemburg, Montenegro, the Netherlands, Peru, Persia, Portugal, Roumania, Russia, Servia, Siam, and Switzerland; and

Whereas the said convention was duly ratified by the Government of the United States of America by and with the advice and consent of the Senate thereof, and was proclaimed by the President of the United States May 21, 1907: Therefore

Be it enacted, etc., That hospital ships, concerning which the conditions set forth in articles 1, 2, and 3 of the convention concluded at The Hague on July 29, 1899, for the adaptation to maritime warfare of the principles of the Geneva convention of August 22, 1864, are fulfilled, shall, in the ports of the United States and the possessions thereof, be exempted in time of war from all dues and taxes imposed on vessels by the laws of the United States, and from all pilotage charges.

SEC. 2. That the President of the United States shall by proclamation name the hospital ships to which this act shall apply, and shall indicate the time when the exemptions herein provided for shall begin and end.

The SPEAKER. The Chair will state that, as the Chair understands it, this is a Senate bill. The request is to discharge the Committee on Foreign Affairs from further consideration of the bill, with the statement that a similar House bill has been reported and is on the Calendar, and the request is to consider the Senate bill?

Mr. COUSINS. It is to discharge the Committee on Foreign Affairs from further consideration of the bill H. R. 14931, which is identical with this Senate bill, and that the Senate bill be passed.

The SPEAKER. But that bill is on the Calendar and the Senate bill is before the Committee on Foreign Affairs.

Mr. COUSINS. The House bill has been reported unanimously.

The SPEAKER. Yes; but the Senate bill has been referred, as the Chair is informed, to the Committee on Foreign Affairs.

Mr. COUSINS. Precisely.

The SPEAKER. And now the request is to discharge the Committee on Foreign Affairs from the consideration of the Senate bill and consider the same, and that the House bill lie upon the table?

Mr. COUSINS. That is the request.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. COUSINS a motion to reconsider the vote by which the bill was passed was laid on the table.

PENSION APPROPRIATION BILL.

Mr. KEIFER. Mr. Speaker, I move that the House do now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the general pension appropriation bill.

The motion was agreed to.

Accordingly, the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the pension appropriation bill, with Mr. TOWNSEND in the chair.

Mr. KEIFER. Mr. Chairman, in pursuance of the original agreement, I now yield one hour of time, or so much thereof as he may need, to the gentleman from Ohio [Mr. KENNEDY].

Mr. KENNEDY of Ohio. Mr. Chairman, I congratulate myself upon the opportunity to address the House upon "St. Patrick's Day in the Morning." I presume the honor is accorded me because I so seldom trespass upon the patience of the House by talking from the floor.

Mr. Chairman, I have rarely in my service in this House claimed the privilege of talking upon this floor, and if you will indulge me briefly I wish to express some of the thoughts that have come to me touching the general good.

I feel profoundly the responsibility of being a Member of the Congress of the United States at a time so fraught with tremendous consequence both to our nation and to civilization.

I listened with very great interest to the eloquent panegyric pronounced the other day by the gentleman from New York [Mr. COCKRAN] on the President of the United States and his wonderful message. I concur with him fully in many of the things he said. It is gratifying to hear such unqualified approval of the attitude of this Republican Administration come from the other side of this House.

I can not refrain at this time from expressing my indignation at the criticism that has been heaped upon the President's head by the press and by certain public speakers who have attempted to characterize Roosevelt as the destroyer of prosperity, the cause of the recent financial troubles. It is said that he should have proceeded to work the wonderful revolution and reformation that is already assured in our business and political life in a quieter, gentler way. I read one article that went forward at some length to describe how the gentle and lovable McKinley would have proceeded to have reformed and brought under supervision the pirates that have raided our interstate commerce and levied unjust tribute upon our iron highways of trade and travel between the cities. It is said that he should have called them together and had a conference with them, remonstrated with them, showed them that it was inevitable, that these reforms would have to come, and that they would have seen the wisdom of his advice, and that all this mighty revolution would, under him, have been accomplished without any injury to business.

This could all have been done quietly, it is said, without angering anybody, and that the strenuous President now in the White House with his big stick has frightened business and terrified legitimate interests and is the cause of the panic; and every reactionary statesman in America, every advocate of graft, every defender of the old régime has become a calamity howler predicting disaster to business if we do not abandon the clear line of duty so plainly indicated in his message by this heroic, fearless champion of justice and honesty.

The mere statement of such unreasoning criticism brings a smile of derision to the face of every Member of this House who was a Member of the House when the rate bill was first proposed and while it progressed by slow stages toward its completion.

No one appreciates as does a member of the legislature himself the absolute necessity of the big stick and of the strenuous champion, the dauntless and fearless leader in the inauguration of this wonderful work which our President has commenced.

No one has a more profound admiration nor a deeper feeling of respect for the sainted McKinley than I. He was the most universally beloved and respected of all the citizens, living or dead, of my native State. His fame is the brightest jewel in the crown of the great district whose Representative upon the floor of this House I now have the honor to be. While admirably adapted to do the work that he did, he would have been utterly unable to accomplish what Roosevelt has achieved.

He had his work to do and he did it well. He has established forever and firmly fixed to endure, I trust, the great principle of American protection; but the work of this Administration required a big stick, a big stick that could not have been wielded by his gentle hands. Why, his best endeavors would not have produced even a ripple upon the seething pool of business and political corruption which the eloquent gentleman from New York so graphically described.

It is fresh in the memory of all of us, when the debates in the House were in progress, how many eloquent eulogies were paid to the efficiency of railroad-rate makers; how it was insisted that they had a monopoly of all the intelligence that was capable of fixing a rate upon the railroads, and what pathetic appeals were made to the House not to confiscate the stocks of widows and orphans invested in the railroads by Members of that House, who must have known that the money of widows and orphans was invested in the minority stocks of the roads, while in many instances the entire earnings of the railroads were given away in rebates to the interests which held the majority of the stock. Yet, if I remember aright, every Member of this House, except seven, after that provision had been pending for some time, was compelled by the "big stick" which had been transferred to their constituents at home, to vote for that bill.

The President has not been polite enough. He has been too strenuous. He has dared to speak the words "predatory wealth" and "rich malefactors," and the very utterance of these words has disturbed the trade of this country and brought on a panic. If his critics had lived two thousand years ago, what a storm of indignation they would have expressed when the Christ of Nazareth lashed the money changers indignantly from God's own temple! These money changers were business men, men of great consequence, in old Jerusalem. Doubtless they had concessions from those high in the government and should have been treated with more consideration and courtesy. The record does not disclose whether this conduct on the part of the Saviour produced a panic or not, but it undoubtedly did occasion some disturbance of business. But the world has not much cared.

Neither do the American people care whether the struggle for commercial and industrial liberty—this great, spontaneous movement in the direction of business honesty and fairer competition—caused the panic or not. They have set their faces toward its complete accomplishment.

Did ever the Anglo-Saxon race, when roused in the cause of justice and freedom, pause to count the cost? They will not now. This work must go on. No power on this earth can stop it. The victory is already assured. The organized forces of opposition to the policies of the President are falling into disorder and confusion and will soon be in full retreat. Before the next Presidential election the battle will be substantially over.

The eloquent gentleman from New York [Mr. COCKRAN] advocates the selection for President of a crusader, to use his own words. Yes, he wants a crusader, he says—the peerless leader.

I am reminded of a talk I once had with an old civil war veteran whose service had been with the infantry and he was greatly prejudiced in favor of that branch of the service.

The cavalry—

Said he—

are held away back out of danger while the battle rages, until the lines of the enemy are broken and they are flying from the field. Then the cavalry charge with bugles blowing, sabers flashing, all yelling like—like fury. They throw the enemy into hysterics and wind the whole performance up in a blaze of glory.

The crusade was the most stupendous exhibition of organized foolery recounted in all the annals of history. As a display of enthusiasm, although insanely misdirected, it was sublime.

And in this regard the peerless leader would be indeed a crusader. I congratulate the gentleman from New York on his simile. His candidate is not wholly without experience in the crusading business. It is scarcely eight years since his peerless crusader showed to the world what he could do in that line. You all remember the splendid enthusiasm, the wonderful concerted action of his first crusade. He, followed by over six million of the weak-minded, charged and yelled and crusaded over the country for free silver coined at a ratio of 16 to 1.

The esprit de corps of that crusade was as perfect as was that of the crusade which went in quest of the Holy Sepulcher. Whatever the peerless leader did, they all did. When he charged, they all charged. When he yelled, they yelled. When he shouted for free silver at the ratio of 16 to 1, they said "Sixteen to one!"

For enthusiasm and concert of action that demonstration has never been surpassed. We have in Sacred Writ, however, the story of a like devotion to a single idea, a like concert of multitudinous action on the part of that herd of swine, also possessed of the devil, that went charging and squealing down into the sea and were drowned. Why, my Democratic friends, for enthusiasm and devotion you can never beat that! They were all drowned, every mother's pig of them!

Do the gentlemen think the country would appreciate another exhibition? We all know that the peerless leader, the star performer, is now ready. If we may believe the current press, he is out himself billing the principal cities for the show.

Let us be serious and inquire where in the procession of events we are now. We have been engaged in a tremendous struggle against a commercial feudalism that has grown almost supreme in its imperial power. But look about you. The strongest of its embattled castles have already capitulated. The white flag is flying over many of those strongholds where once they took tribute from our interstate commerce. In their council chambers a mighty change has come. The shipper walks in standing straight up as an American citizen should. He is not to-day cringing and begging for the same rate as the most-favored shipper. He no longer leaves that presence with tears flowing down his face, while some insolent baron says, "Sell out or be ruined." He goes forth with a feeling akin to pity for the anxious men who are there soberly studying the Constitution and the rate bill.

The last authoritative utterance that comes to us from the Standard Oil Company, the strongest and oldest and of all the great corporations the most persistent offender, is an announcement to the public that it is ready to be good. Mr. Archbold, in his speech at the banquet in New York, advocated a national license for corporations, clearly conceding and declaring the legislative power and duty to control great interstate traders. In a former article he said that he favored complete publicity on the part of that company. What more does the public want? Graft, duress, and every form of extortion flees before the blazing light of publicity.

Now, what are we going to do with the Standard Oil Company and kindred organizations? We are nearing a reconstruction period, and everyone who soberly considers the signs of the times knows that the war is over. The President has transferred the big stick from his own mighty grasp to many millions of hands over this country, and has taught them how to use it.

If there is any doubt about this, gentlemen, I would point to Ohio, and there you may see with what relentless zeal that head is clubbed which opposes the President's policies in opposition to the people's will, no difference how that head may be crowned with past honors and dignities. Past service to the public, no matter how great, eloquence and ability universally recognized, can not interpose or save.

Nowhere in this great land of ours can criticism of the President, inspired by hate and spleen, win applause, save in the shadow of the stock exchange in Wall street.

From this time on, no political party can formulate a platform looking toward any recession, any reactionary movement, any going backward. The work of the next Administration will necessarily be a work of business reconstruction, and in determining what shall be done with the Standard Oil Company we should bear in mind that that great organization is one of the most splendidly devised business institutions that the world has ever known, capable of doing enormous good in the future. To destroy it utterly, while it might give amusement and passing delight to a charging crusader, would be an economic crime against society.

At this time it seems to me not inappropriate to glance backward to an almost complete analogy in history, and I trust the American people will be able to profit by the wisdom of their fathers.

Many chapters back in the great epic of civil liberty civil government rose from the ruins of the feudal system after a fierce struggle. When the power of the barons was broken no doubt there were many who advocated their utter destruction, but soberer counsel prevailed and they were not killed. They were spanked well, and when they manifested a disposition to be good they were given place in the new state and became honored and useful pillars in Liberty's reconstructed temple.

Such should now be the treatment accorded the predatory trusts. We must spank them until they consent to be good; formulate and enact such laws as will insure performance on their part.

This will be the work of the next Administration. And it can't be done by the Democrats charging and yelling under the leadership of a crusader. We have reached the time when it is more important to go right than to go fast. There is no danger that more seriously menaces the public good than misdirected zeal.

The President in nearly all of his public utterances has said this:

> It is as important to have a firm hand upon the brake as to wield the whip.

He has iterated and reiterated this warning to the American people until it appears that that marvelous, comprehensive mind must have had a premonition that the Democratic party would get full of enthusiasm and start to crusading again.

There is danger. At any moment Mr. Bryan may promulgate some idea that has got crosswise in his brain and stampede the whole Democratic herd. We must now address ourselves to the enactment of conservative legislation under the constitutional power to regulate commerce, having in view the establishment by law of the doctrine of the "square deal," comprehending absolute freedom of trade in our interstate commerce and the reestablishment of old-fashioned, generous competition among business men.

Having these things in view, the American people would do well to choose for their next President the great, constructive statesman, the profound constitutional lawyer.

He must bring to the public service ability and training for the task of the highest order. It is not an erratic enthusiast, talking of Government possession of railroads, that we need to lead us into untried paths of experiment, but an Executive of judgment and discrimination to advise legislation that will bring the railroads back to first principles, make them again to be public highways, public property under the control of public trustees serving all the people alike. The new legislation, imperatively demanded to make competition fair and restrain certain interstate traders called "trusts," must be formulated by those who at least are able to discriminate between the good and the bad, between the rich corporation which does right and the rich corporation which does wrong. This being admitted, we may eliminate every Democrat from the Presidential problem. For on that side of the House have you not railed against the tobacco trust and the United States Steel Company with equal virulence? With a like fury you would charge on both, because, forsooth, both are rich. The one is a pirate, sandbagging its competitors, driving them to the wall, and ruining them by every species of crime against competition that wicked avarice and cunning have been able to invent. The other has competed fairly and generously with every competitor in the same business. I know whereof I speak. The independent iron and steel works have prospered equally with those of the great corporation.

I know how strenuously you on that side of the House will combat this declaration of mine, that this great company has been fair in its dealings with all others in the iron business. It seems almost a party necessity for you to do so; for have you not in your party platforms declared for the destruction of the trusts, and promised the country to destroy them by administering to them free trade when you should come into power? You all know full well that your specific remedy, your trusticide, will not hurt the tobacco trust, nor the beef trust, nor the Standard Oil Company, nor the sugar trust, nor any of the monopolies, except by impoverishing the whole country and thereby rendering them less prosperous.

It is very, very important, that the next President must be one who will not deem it his duty to be unfriendly to any great corporation merely because it is rich.

Our next President should be a Republican. There are many names of great Republicans eminently qualified for the responsibility before the country. We Republicans are divided in our choice for President, but not divided in our admiration for or appreciation of those great statesmen who are now being loyally supported by their respective States for this great place.

In this spirit of enthusiastic appreciation for the splendid merits of all his rivals, my native State, Ohio, at the recent convention brought forward her favorite son and presented his name proudly to the nation. She unanimously urges him as the logical candidate to carry forward in unbroken sequence the great work of this Administration.

He is a great jurist, deeply learned in the science of the law; an accomplished statesman, knowing the needs of society and the legitimate scope and functions of civil government, and he has shown himself to be a great administrative officer. If he is nominated he will inspire the American people with a confidence that they have rarely ever felt in any candidate. He will carry his native State by the largest majority ever there polled, save only that marvelous vote given to President Roosevelt. He was an able and a just judge, an efficient governor-general of the Philippines, a great War Secretary, and if nominated and elected he will be a patriotic and efficient Chief Magistrate, bringing glory and prestige to the nation as his ancestors brought honor and renown to his native State. [Loud applause.]

Mr. KEIFER. I do not see the gentleman from Mississippi [Mr. BOWERS] present. I would like to have him consume some of his time.

Mr. BURLESON. I will act for the gentleman from Mississippi, and I yield thirty minutes to the gentleman from Kentucky [Mr. OLLIE M. JAMES].

Mr. OLLIE M. JAMES. Mr. Chairman, it is always a delight to hear a Republican speak, but it is quite an anomaly to hear a Republican try to explain a panic. We have heard so often from that side of the House an entirely different character of speech to the one heard to-day. Our friend, the gentleman from Ohio [Mr. KENNEDY], tells us that 6,000,000 weak-minded men followed the standard of Mr. Bryan. I want to say in reply to that, Mr. Chairman, that what Mr. Bryan advocated was a dollar which you said was worth only 50 cents. But as much as you denounced that, the Republican side of the House, from the Committee on Banking and Currency, has brought forward a bill here at this session, by unanimous report, with the exception of one, or perhaps two, Republicans, not to coin that despised and hated dollar worth only 50 cents, as you said, for which weak-minded men fought, as our friend declared, but wanting to foist upon the country a dollar worth only 5 cents in reality, and God Almighty only knows what prospectively it would be worth. It would all depend upon the condition of the market and the price the assets brought. [Applause on the Democratic side.] What must be the character of imbecility upon that side of the House, if we have weak-minded men, I should regret to say. In 1896 we fought for more money to meet the business needs of the country. Then the per capita was only $21. The Republicans said we had enough money. What the country needed, as they declared, was *confidence*, not more money. Yet, Mr. Chairman, with the discoveries of gold and the addition to our currency, we have now the great per capita of $35.60—more than any other country in the civilized world except France—almost an increase of 100 per cent over 1896. Yet the country is in a panic and the cry from all quarters is more money. What would have been the awful plight and wreck of our country and property values if we were at the per capita which you Republicans said was enough and an abundance staggers the imagination.

Soup houses, panics, Democratic adversity wrought upon the country have been the stock arguments heretofore of the Republicans in their speeches to which we have listened. Why, we have listened so often to the siren tones of that eloquent gentleman from Indiana [Mr. LANDIS], the most impassioned and brilliant orator upon that side, as he would shake that white head and tell us of the soup houses and of the idle men and of the reduced wages by reason of Democratic administration, and of how Republicans always brought prosperity. We hear no more a sound from that sweet lute. We hear no more the delightful tones of the gentleman from Pennsylvania [Mr. DALZELL] as he enswoons us when taking us upon a delightful excursion, which he personally conducts every Congress, unfolding to us the delightful panorama of the flaming furnaces and belching smokestacks, the hum and whir of busy machinery, happy men at work and contented with a full dinner pail, singing the sweet song of Republican prosperity. How is it now? No more do you hear him upon that most interesting subject. That nightingale, too, has been silenced. And instead we hear the sad story, which I shall read, a dispatch from his home:

SOUP HOUSE OPENS IN PITTSBURG, WHERE THE CRY OF DISTRESS HAS GROWN STRONGER—15,000 IDLE.

PITTSBURG, PA., *February 8*.—The cry of the unemployed daily grows more distressed in Pittsburg. There are 15,000 men idle, and the specter of the dreaded soup house again makes its appearance. The first soup house will be opened by the Salvation Army Monday morning, and unless there is some radical and prompt change for the better more places of this kind will be in demand before many days have elapsed.

The situation is not really alarming, but it is bad enough. Soup houses have been the dread of the business men and civic leaders, and every effort has been made to avoid them.

The Republican party forced to go into partnership with the Salvation Army to feed the unemployed in soup houses now! [Applause.]

But we heard also the speech about prosperity from our distinguished friend from Illinois [Mr. BOUTELL], when he enraptured us with the delightful strains that Democracy meant panic, that Republicanism meant prosperity. We heard him as he read from Southern newspapers telling about prosperity in Dixie land, and we listened with rapturous delight as he enumerated all the evidences of prosperity of our land. But that harp since then has ceased its strains, and the last time he was seen upon this floor he was reading the Holy Bible and trying to prove that Cæsar was entitled to certain tribute. [Laughter and applause.]

Why, the truth of it is, Mr. Chairman—

The harp that once, through Congress halls,
The soul of prosperity music shed
Now hangs as mute on Congress walls
As if DALZELL, BOUTELL, and LANDIS were dead!

[Great laughter and applause.]

But you have got the soup houses, gentlemen. The burden upon you is to explain it. Two million idle men begging for work, reduced wages for those fortunate enough to have employment—this is the melancholy story of the acme of Republican legislation.

Mr. Chairman, Secretary Taft, upon whose shoulders the mantle of Theodore Roosevelt is to fall, speaking at Columbus, August 16, 1907, used the following language:

A graduated income tax would also have a tendency to reduce the motive for the accumulation of enormous wealth, but the Supreme Court has held an income tax not to be a valid exercise of power by the Federal Government. The objection to it from a practical standpoint is its inquisitorial character and the premium it puts on perjury. In times of great national need, however, an income tax would be of great assistance in furnishing means to carry on the Government and it is not *free from doubt how the Supreme Court, with changed membership*, would view a new income tax law under such conditions. The court was nearly evenly divided in the last case, and during the civil war great sums were collected without judicial interference, and as it was then supposed within the Federal power.

This is an unusual announcement coming from such a profound source. Admitting, as he does, the equity and fairness of an income tax, he announces the strange and unusual doctrine that the fortunes of thousands of millions of this country and of the great corporations of this land, aggregating many billions of money, must escape taxation until some great national need is upon the land, permitted, as they are now, to place a sickle into harvests they have not tended, to gather from fields they have not tilled, rolling in opulence and luxury, that the taxgatherer must not visit them, but instead, he must frequent the cottage and the cabin and gather from the great plain people the revenue for the Government. This is a remarkable argument, sir, in view of the fact that these fortunes have grown with such rapidity and to such an abnormal size that they are called by the President himself swollen fortunes, though, perhaps, he might have more appropriately said stolen fortunes. [Applause.]

By what character of argument can he undertake to exonerate these men from aiding in some degree in bearing the burdens of government, which offers them such fertile fields for remuneration? But even in this the Secretary exposes a startling lack of knowledge of the history of the party whose standard he desires to bear. His party had an opportunity in time of great national need to place this income-tax law upon the statute books. In 1898 when this country was engaged in war with a foreign power, this opportunity was afforded his party. The Democrats in that Congress offered as an amendment to the war revenue bill an income-tax law that made the mighty fortunes of this land bear some part of the burdens of the Government. The poor man was then not only paying the taxes, giving freely of his treasure, but he was offering up his life upon the field of contest that others might enjoy the same liberty that his forefathers wrung from the army of Cornwallis. [Applause.] On April 29, 1898, the Democratic party in the House, by the minority leader [Mr. BAILEY], offered an income-tax bill, but the Republican party, true to its record, when the Democrats were trying to lay upon these men's accumulation of wealth an income tax, asking that out of their abundance they should give a pittance, the millionaires of the country cried out to the Republican party, those who had contributed thousands to prostitute the electorate and purchase the election, to remember their Creator in the days of their power that their time in office might be long, and with absolute unanimity they voted this measure down. [Applause and laughter on the Democratic side.] And what will the country say, the millions of American voters, when their attention is called to the fact that the probable nominee of the Republican party announces that they might do in the future what they have failed to do in the past? One of the causes of the war with Great Britain, when the colonies were marshaling their forces in armed conflict, was taxation without representation. The very converse of this proposition is true in America to-day. These men who hold these great fortunes, these great corporations whose wealth mounts into the millions, have representation, great representation, powerful representation, without taxation, and one is as unjust as the other. [Applause on the Democratic side.] Mr. Chairman, in the Fifty-eighth Congress, when speaking on this subject, I used the following language:

I say, Mr. Chairman, that we are glad to welcome the President to the Democratic platform. Many good planks are in it, and as he is now securely fixed in the Presidential chair for the term for which he was elected, no more to be a candidate, as he himself has declared, let him become the tribune of the poor, let him wield the righteous sword of the common people. I look forward to the time when he will send a message to Congress saying that he wants this House to reform the tariff and put all trust-made articles on the free list; that he will go further and say that all articles manufactured in this country that are protected by a tariff and sold to foreigners cheaper than to citizens of this country shall be placed upon the free list; that he will ask us to effectually destroy the trusts by denying them the right of interstate commerce, and saying that when the fact is ascertained in any court of competent jurisdiction that an article is trustized it shall not be sold outside of the State of its production; and that he will ask us to deny them the use of the United States mails; that he will take a fearless stand for the suppression of private monopolies.

All these planks are in the Democratic platform. We are willing to follow him along these lines. Let him send a message to this House saying that we ought to go back to the pristine days when the im-

mense fortunes of this country did not escape taxation, when the tax-gatherer visited the palaces of the rich as well as the hovels and cottages of the poor, and let him ask us to rehabilitate the income-tax law and place it upon the statute book, and see if the Supreme Court, with its change of personnel, has not changed its position upon this most equitable of all ways to defray the burdens of government. [Applause on the Democratic side.]

I indulged the hope here on February 8, 1905, that the President of the United States would send a message to the Congress asking for the rehabilitation of the income-tax law. I am gratified beyond measure to see that three years after that time the President did send to Congress a message asking us to pass an income-tax law and place it upon the statute books. But what answer has his party made to this request? You will look in vain to see any legislation of this character attempted by the Republicans, and what shall the country say of the Republican party, which, in power for eleven years in every department of the Government, has placed upon the bended backs of the toiling millions of this land the revenue burdens which they have borne, and are just waking up at the eleventh hour *to find out* that the Democratic party has been right on the question of the income tax. [Applause on the Democratic side.] Eleven years finds Mr. Roosevelt proclaiming and Mr. Taft asserting that the income tax is just, and yet these same gentlemen belong to a party, and doubtless indulged in it themselves, which denounced Mr. Bryan as an anarchist and a malefactor against his Government because he proclaimed a decade ago the righteousness of such a law and that it should be placed upon the statute books.

Mr. Chairman, the conduct of the Republican party of governmental affairs for twelve years demonstrates beyond controversy, to my mind, one thing, and that is if the word "hypocrite" should be lost to the English tongue, the word "Republican" would stand for it still. We have seen them change position upon every public question until the shuttlecock, in comparison, could not be mentioned in the same day. [Laughter and applause on the Democratic side.] One year they are standing pat on a tariff that is the acme of human production; the next year they are promising a reduction of it. They used to tell us that the tariff was not a tax paid by the consumer. Then, when driven from that position by the obvious proof that the monopoly or trust protected added the price of the tariff and made the consumer pay it, they announced the doctrine that it was only the difference in wages paid laborers in different countries as compared with Americans. For seven long years Theodore Roosevelt has been President of the United States. This tariff has needed reforming and with all his vaunted courage, he has not yet summoned himself up to that notch where he has challenged the aggregate monopolies of the country to a contest with the American people in favor of the destruction of their monopolies. But here, on the eve of a national campaign, we are told not only by this distinguished gentleman, but by his protégé, that the tariff will be revised after the election. Why not revise it now? Why have you waited all these years, with absolute control of the Government, to change this tariff law, which you now admit has produced the great monopolies of this country? Why wait until after the election? Is it because you are afraid for the American people to pass upon your conduct, or is it because you fear the trusts if you revise it in the interests of the people. [Applause on the Democratic side.]

Indeed, is it not because you fear the wrath of the people if the revision is not along lines favorable to them, and the tightening of the purse strings of the great trusts and monopolies if the revision of the tariff is not favorable to them? Article 460 of this Dingley tariff law which I hold in my hand places a tariff of 20 per cent ad valorem upon harvesters, reapers, cultivators, and thrashing machines, and these things which are used by the farmers to till the earth and woo from the soil the substance which feeds the world. You place a tariff tax upon them of 20 per cent ad valorem, but in your charity to the American farmer you put on the free list article 466, acorns, dried or undried, but not unground. [Laughter and applause on the Democratic side.] And again, the equity of this great production, upon which the Republican party has been standing pat, this model tariff law, places hats, bonnets, hoods, men, women, and children's clothing upon the taxed list of $2 per hundred and 20 per cent ad valorem. But to show your great kindness and charity to the American people (art. 596) you place leeches upon the free list. [Laughter and applause on the Democratic side.] Mr. Speaker, if there is a country in the world in which there are blood suckers and leeches, it certainly is the United States, and if there is any one thing upon which I would favor a prohibitive tariff as high as heaven, it would be on leeches. [Laughter and applause on the Democratic side.] But the magnanimity of the Republican tariff offers them to the American people without taxation. You place a tax of 6 cents a pound on tobacco that enables the trust to control the market and fix the price not only to the producer, but to the consumer as well. In article 684, out of the abundance of an overflowing heart, you put tobacco stems on the free list.

Mr. Chairman, I imagine I can hear a conversation that goes on in the rooms of the Ways and Means Committee between the chairman of the committee, the gentleman from New York [Mr. PAYNE], and the gentleman from Pennsylvania [Mr. DALZELL], when they were considering this Dingley tariff law, when the latter said to the former: "Well, we put clothing on the taxed list, we put farming implements on the taxed list, we put kitchen utensils on the taxed list, now what shall we put on the free list? The people have got to have something; they are getting pretty hot."

I can hear the gentleman from New York as his great heart wells up in his reply: "You say the people are getting pretty hot?"

"Yes," says Mr. DALZELL, "they are." "Well, let us put ice on the free list then." And this is what they did. [Prolonged laughter and applause on the Democratic side.] Article 578 places ice on the free list. Mr. Speaker, you absolutely do allow English ice to be imported into this country without taxation. I had always thought up to this time that notwithstanding the country had fallen upon evil days and many burdens had been visited upon it, such as the continued rule of the Republican party, that the Lord still loved us enough to send the winter to freeze our lakes, our ponds, and our rivers, that we might have ice without importing it. But the Republican party is wise; it peers far into the future, and if they knew they were given unbridled control of the Government for twelve years the monopolies and trusts would make it so infernally hot that water would not freeze, and, therefore, they put ice on the free list. In fact, sir, after putting every article in daily use in the homes of the land on the taxed side of the tariff law the Republican party turned and gave, in its great and unusual charity to the American people, one other thing. Article 623 places nux vomica on the free list. I presume that this was done because they knew that after the voters of the country had swallowed the Republican party and its principles, nux vomica would be very much needed. [Laughter and applause on the Democratic side.]

Mr. KEIFER. Mr. Chairman, if the gentleman will allow me, I would like to suggest——

Mr. OLLIE M. JAMES. Oh, I yield only for a question; my time is limited.

Mr. KEIFER. I wanted to ask the gentleman if he remembered that in previous tariff bills we had peanuts voted for unanimously on the Democratic side in the way of a high protective tariff, and also sumac, that grows in the poor hills in the region of Lynchburg, Va.

Mr. OLLIE M. JAMES. I suppose we voted for peanuts because we knew that if you Republicans continued in power, the people would be devilish lucky if they could get hold of anything at all. [Laughter on the Democratic side.]

Mr. KEIFER. And the Democratic party wanted to protect peanuts against the roasted peanuts of Spain.

Mr. OLLIE M. JAMES. Oh, I will be glad to discuss peanuts with the gentleman some other time. [Laughter.] But I want to call attention to some other things. Now when you come to reform this tariff, and my friend has talked about the Standard Oil, there are some things here on the free list that you ought to allow to remain sacred. This is a great production, this tariff bill, and I do not wonder that the distinguished leaders on that side halt considerably when we talk about revising it. Your charity, my friends, to the American people has been so great that in their interest and on their behalf I protest against your undertaking to reform this tariff; that is, unless you allow to remain sacred forever this free list. Think of it! Here is article 588, old junk. That is also placed on the free list. [Laughter on the Democratic side.]

Every farmer in the country and every laboring man that gets old junk can thank God there is no tariff tax upon that—that you have placed that on the free list. I do not wonder, as I said, Mr. Chairman, that this tariff bill is not to be touched; but I want to call your attention to the position of the Republican party when legislation of some real value is offered to the American people. You had an opportunity to vote upon different questions, and your record has been written. You can not change it. I know that you are trying to imitate Bryan, and I wish you would only do more of it, but your record has been written, and it is written in the CONGRESSIONAL RECORD of this country. Here was an amendment offered—you talk about trusts—here was an amendment

offered to you on June 2, 1900. This amendment was offered by Mr. Terry of Arkansas on behalf of the Democrats:

Whenever the President of the United States shall be satisfied that the price of any commodity or article of merchandise has been enhanced in consequence of any monopoly, as defined in this act, he shall issue his proclamation suspending the collection of all customs duties or import taxes on like articles of merchandise or commodities brought from foreign countries. Such suspension shall continue as long as such enhancement in price of such commodity or article of merchandise exists and until revoked by the President.

How did our Republican friends vote then? You talk about the Standard Oil! To-day the President of the United States, whom you elected—we did not put him in power—if that amendment had passed, would have the power, if he believed that were a monopoly, as he must believe, to take the tariff off of oil and let oil come in free. [Applause on the Democratic side.] He would have not only that power, but he would have the power to take the tariff off of steel, if he believed there was a steel trust controlling the price of that commodity. But when you had an opportunity to vote on these questions the Republican party looked to the trusts and the trusts looked to the Republican party, and when the Democratic party was about to lay the ax to the very root of monopoly, which would destroy it, the trusts cried out to you for protection, and the cry was not in vain. [Applause on the Democratic side.] Mr. Chairman, that the tariff is used as a fomenter and protector of trusts no man conversant with the history of this country can deny. Statistics show that there are more than two hundred trusts in this country that are made possible by the tariff. Who can give any just reason why the tariff should be allowed to protect a trust or monopoly which is so mercenary, so forgetful of the people in this Government which offers to them its protection? They manufacture goods here and send them across the ocean, pay the freight, and sell them to foreigners in an unprotected market and charge less than they do to our own home people. And yet, if this amendment had been the law, it could have been used as a sword to cut down monopoly, and millions of dollars would have been saved to the people.

Under the Dingley law, section 3, you provide that the President shall have the power, by proclamation, to impose a tariff upon coffee, tea, and vanilla beans when he becomes convinced that any articles of our manufacture are dealt with unreasonably. You were quite willing to give the chance and right to the President to raise the tariff when some manufacturer was being discriminated against by foreign countries, but you were unwilling to give the American consumers, the millions of our countrymen who have made this country great, the benefit of such a law in their interests when manufacturers in their own country had monopolized against them and were discriminating against them in favor of the foreign consumer. [Applause on the Democratic side.] It is not necessary, Mr. Chairman, to be sending long-drawn-out messages in pyrotechnic display before the country inveighing against dishonest methods—dishonesty in high places. With these I most cordially agree, yet the President, with a message of a dozen lines, could strike a blow for the American people that would be more effectual than a train load of such messages, if he will ask Congress to place upon the free list all articles that are manufactured or controlled by trusts in the United States. Why, only in this Congress, Mr. Chairman, when an amendment was offered by the gentleman from Nebraska [Mr. HITCHCOCK] providing that the agents of the United States in foreign countries should ascertain and obtain proof as to whether or not manufacturers in the United States were selling goods in foreign markets cheaper than at home the Republican party voted down the amendment and sustained the Speaker in ruling it out of order. We saw this illustrated in the Fifty-eighth Congress, when the Republicans voted to a man in favor of giving the armor-plate manufacturers a monopoly in armor plate for our Navy. An amendment was offered providing that not more than $398 per ton should be paid for armor plate.

The proof was incontrovertible that this profit was enormous and outrageous, and yet our Republican friends on the other side voted it down, and an amendment was offered providing that in case they were unable to purchase armor plate at these places the United States should manufacture it itself. That a monopoly existed in the manufacture of armor plate, there is no controversy, but the Republicans lined up in favor of the monopoly and voted down the amendment. When San Francisco had been wrecked by the great earthquake, when the hearts of the American people bled for these stricken people, when homes and fortunes of lifetime accumulation had been swept away, when Representatives on this floor opened the doors of the Treasury to provide for them, when alien people in distant lands gave of their substance to these people, a bill was introduced providing that those articles upon which a tariff appeared which would be needed in rebuilding this stricken city should be permitted to come into the country free of duty; but the Republican party was again to the rescue and voted it down. They were willing to take the people's money that had been gathered by taxation and give it to this city and these people, but the onslaught of monopoly and the iron hand of greed could not be loosened from the throat of this prostrate city. And so it was with Baltimore when that city was swept by flames, the glare of which could be seen from this Capitol, monopoly was permitted by the Republican party to feed upon these people in rebuilding that city.

We saw another evidence of the Republican party's friendship for the trusts when, on June 16, 1906, Mr. Sullivan, a Democrat from Massachusetts, offered the following amendment:

Provided, That no part of this provision shall be expended for material and supplies which are manufactured or produced in the United States, unless said articles are sold to the Isthmian Canal Commission at export prices, whenever such export prices are lower than the prices charged the consumer in the United States.

This was to deny the monopolies of the country the right to rob the Government in building the great Panama Canal. Yet, our Republican friends all rallied to the support of their Speaker, when he declared it out of order, and, on appeal by the Democrats, the Republicans voted to sustain him, and by that to allow the monopolies in this country to rob the Government in the sale of supplies in the building of this canal by charging more for them than they sell the same supplies to foreign purchasers for. Another evidence of the partnership that exists between the Republican party and the trusts was shown with striking force when the Democrats, on June 2, 1900, offered an amendment denying to any corporation, association, or joint stock company, operating or doing business in any State of the United States, the right of interstate commerce when it was organized and carried on for the purpose of controlling the manufacture or sale of any article of commerce; but our Republican friends again rallied to the support of the monopolies and voted this down. Another amendment was offered by the Democratic side denying to trusts and monopolies the use of the United States mails in aid or furtherance of their business or purpose to monopolize either the production or sale of any article of commerce, and the Republican party was again to the rescue of the trusts and voted this amendment down. So it is, Mr. Chairman. The whole history of the two political parties shows the Democratic side battling for the people against monopolies and the Republican party battling with monopolies against the people.

Why, Mr. Chairman, I heard the distinguished gentleman from Michigan [Mr. TOWNSEND], the other day, trying to prove that railroad rate legislation was a Republican doctrine. How did he prove it? By the declaration of his party platform? No. For in 1896 it was silent; in 1900 it was silent; in 1904 it was silent. That was a burning question then. A party is known by the principle it declares in its national convention and not by a bill introduced by some man here and yonder. But what are the real facts? The Democratic platform in 1896 demanded railroad rate regulation. As a crusader, it certainly brought forth good fruit. I care not who it was that took up this proposition so long as he fought along Democratic lines. The Republican party had the hearty support of the railroads in 1896 and 1900. I remember they had parades in Kentucky. They forced their men into them. They poured money from their treasury into the Republican fund to corrupt the voters. What was the result? They bought up the election for the Republican party. You came into power, and what did you do? Having been educated by the Democratic party, educated by Bryan, you heard the roar of discontent throughout the country by reason of discriminations and wrongs wrought upon the people of this country by the common carriers. You brought out the Townsend-Esch bill. What sort of a bill was that? Did it have the penitentiary penalty? It did not. I made a speech calling attention to this failure in the law and saying the only way to regulate the railroads was by providing a penitentiary penalty. The Hepburn bill came to this House without any such penalty. From my place upon this floor I offered an amendment providing for a penitentiary penalty, which Secretary Taft says is the only thing that vitalizes and makes powerful this law. How did you gentlemen vote? Every Republican upon that side of the House voted no. You wanted to fine them. You wanted the railroads to be speculating on the question as to whether they could steal more from the people than they could be fined by the courts. [Applause on the Democratic side.] I read from Secretary Taft's speech at Columbus, Ohio, of August 19, 1907. He says:

It is well understood that the Elkins bill was passed without opposition by, and with free consent of, the railroads, and that the chief reason for this was the elimination of the penitentiary penalty for

unjust discriminations. The abolition of imprisonment as a possible penalty was unfortunate. Experience has shown that a mere fine is generally not enough to deter a corporation from violation of the law, because it then becomes a matter of mere business speculation. The imprisonment of two or three prominent officers of a railway company or a trust engaged in giving or receiving secret rebates, would have a greater deterrent for the future than millions in fine.

By this utterance Secretary Taft shows that the imprisonment penalty is all that vitalizes and makes powerful or effective the railroad rate law. Yet he does not give the credit to the Democratic party. The Republican party voted down the amendment which I offered providing for this imprisonment penalty, and when the bill went to the Senate, Senator Stone, a Democrat, offered the amendment providing for the penitentiary penalty, and it was incorporated into the law. So, it was not the Republicans, but the Democrats, who made this fight in the interests of the people. [Applause on the Democratic side.]

What an indictment against the Republican party in Congress made by a man in whose hands you want to place your standard, saying the Republican party in the Congress of the United States brought forward a bill here to do what? Give the railroads immunity from punishment with the full consent and the approval of the railroad companies. [Applause on the Democratic side.]

Mr. Chairman, the Democratic party has announced to the country a new mode of warfare. It is—the people shall command and the leaders must obey. They have a leader; his name is upon every tongue; it is gravened on the heart of every Democrat. He has convictions and the courage to express them. He has stood for something, he has sown the good seed, and has raised in front of an army of the most merciless vultures the world ever saw the commandment "Thou shalt not steal." He is the one indeed who has never prostituted his giant intellect for money and never sold the love the American people bear him for corporation gold. [Applause on the Democratic side.] He cut the way through the wilderness of greed and was the pioneer. It's great to be a pioneer, Mr. Chairman; his path is always red with blood and wet with tears, but his name lives. The people of this Republic, at the coming election, are going to reward him, and the hand that will bear the Democratic standard is the same one that wielded the first sword in defense of the American people against organized greed. They only wait, sir, with restless anxiety the opportunity to elect that grand, that splendid, that matchless Democrat, William J. Bryan, President of the United States. [Prolonged applause on the Democratic side.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, one of its secretaries, announced that the Senate had passed without amendment bill of the following title:

H. R. 17311. An act to authorize the Pensacola, Mobile and New Orleans Railway Company, a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line approximately east of the north boundary line of the city of Mobile, Ala.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 4112) to amend an act entitled "An act to provide for the reorganization of the consular service of the United States," approved April 5, 1906, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. LODGE, Mr. CULLOM, and Mr. BACON as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 1424) to increase the efficiency of the Medical Department of the United States Army, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. SCOTT, and Mr. TALIAFERRO as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 46.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause to be made an examination and survey of Galveston Harbor as a whole, including Galveston Harbor, Galveston channel, Texas City channel, and Fort Bolivar channel, in the State of Texas, for the purpose of establishing a broad, comprehensive, and systematic plan for the future extension, enlargement, and deepening of said harbor so as to meet the growing needs of commerce, and to estimate the probable cost thereof.

PENSION APPROPRIATION BILL.

The committee resumed its session.

Mr. KEIFER. Mr. Chairman, I now yield to the gentleman from Illinois [Mr. PRINCE] one hour's time, or such part thereof as he desires to take. [Applause on the Republican side.]

Mr. PRINCE. Mr. Chairman, I am in favor of the pending measure. When the time comes to vote for it my vote will be found in favor of it.

I desire, however, this afternoon to speak upon another question that is not the question under discussion at this time. I desire to call the attention of the committee and of the country to the currency question. Prior to the civil war the stock of money and currency in this country was of two kinds—specie, which was the money, and State bank notes, which was the currency of the country. About one-half of the stock of currency and money in the country prior to the civil war consisted of State bank notes. The amount of circulation per capita at that time was a trifle over $13—I think, in exact figures, $13.65 per head. As I have said, a part of this currency was what we now call a credit or asset currency. In that portion of the State banks that issued currency based upon bonds many of the notes were never redeemed. That portion of the State banks that issued their notes upon the commercial credit of the country, that made a provision to redeem their notes over their own counters in gold, or made provision to redeem their notes at some redemption agency, never failed to make good their notes.

The war came, and we were compelled from necessity to adopt a different form, so far as our money and our currency were concerned. The Government, in the stress of war, issued demand notes, It issued United States notes, commonly known as "greenbacks." It later authorized the national banking system, and national-bank notes were issued and became a part of the stock of the money and currency of this country. In 1864, the period when the greenback ideas were most prevalent, when the greatest amount of United States notes were in circulation, we had then a per capita circulation of a trifle over $19 a head, and part of these notes were almost worthless. It took $2.85 of those United States notes to equal one dollar in gold. During that period specie payment was suspended. Only $25,000,000 of specie was in circulation, and that was upon the Pacific coast. The balance of our money and currency was of the kind of which I have spoken.

On March 2, 1908, the stock of money and currency in the United States consisted of gold coin $1,635,848,474. Almost one-half of our money and currency on the 2d day of March, 1908, was of gold coin or bullion, every dollar of which was worth 100 cents here or anywhere else in the world.

Our gold increased from January 1, 1879, up to March 2, 1908, seventeenfold. Our standard silver dollars to-day are $562,930,982. These silver dollars are worth 50 cents, intrinsically speaking; the other 50 cents is maintained by the faith and credit of the Republic. Likewise the subsidiary silver of $143,000,000. There is in circulation a trifle over $5,000,000 of Treasury notes of 1890, based upon the faith and credit of the country. There is in the stock of money and currency $346,000,000 of United States notes worth intrinsically not a farthing, but based upon the credit and faith of the Government and maintained at a parity by $150,000,000 of gold, making these notes worth 50 cents on the dollar and the other 50 cents based upon the faith and credit of the country, because there stands in the reserve funds of the United States $150,000,000 to maintain $346,000,000 of United States notes.

Then we come to national-bank notes. On March 2, 1908, there were $695,674,519 of national-bank notes, intrinsically not worth a farthing, based on the promise to pay of the United States, based upon the bonds, and the bonds are based upon the faith and credit of the United States.

We find that almost half of our stock of money and currency is asset currency, based upon the faith and credit of the United States, and has no intrinsic value. So far as the national-bank notes are concerned, they are about one and a half times or twice the amount they were in 1879. So that, to epitomize it, we have multiplied our gold, actual money, seventeen times since January 1, 1879. We have twice as much national-bank notes in circulation as we had in 1879.

We are confronted to-day with this question: As to how we can increase the stock of money and currency in the United States. It comes in from two sources. The one is through an increase of the specie, gold and subsidiary silver; the other is from an increase in the national-bank notes. There is no other way by which our stock of money and currency can be increased except in these two ways. Have we increased it, and, if so, how much? Turning to the records, I find that between August 1, 1907, and March 2, 1908, we added gold to our stock of money to the

amount of $169,679,736; subsidiary silver, a trifle over $13,000,000; national-bank notes, $92,000,000; total, $267,000,000.

There are now pending in different branches of the Congress measures seeking to enlarge this country's currency, not money—mark the distinction—the currency of the country, not its money, to the extent of about $500,000,000. I find that from August 1, 1907, to March 2, 1908, we have increased our stock of money and currency more than half of what we are seeking to increase it by measures pending in the different branches of Congress, of which more than half of it is actual money; the other proposed increase is nothing more nor less than currency based upon the faith and credit of the country.

On August 1, 1907, I find from a statement of the Secretary of the Treasury that the national-bank depositories held Government money to the extent of $145,000,000. On January 1, 1908, these same banks held Government money to the extent of $245,000,000. So that between the 1st of August, prior to the beginning of the supposed panic, up to January 1, 1908, the Secretary of the Treasury of the United States put his hand in the Treasury—the people's Treasury—and drew therefrom $100,000,000 and placed it in the depository banks of this country, for which he received not a penny of interest. I was amazed, gentlemen of the House, when I found that the great State of Illinois, third in population and wealth, holding within its borders the second city on this continent, in point of wealth, commercial influence, and business, had less money deposited in the 395 national banks of the State of Illinois on the 31st day of December, 1907, than the one, single, solitary Standard Oil bank in the city of New York had at that same time. Three hundred and ninety-five banks in Illinois had $13,000,000 of the Government's funds and one bank in the city of New York had over $17,000,000 of the people's money at that same time. I have heard it said that there was at least a semblance of favoritism on the part of somebody somewhere in putting this money into these banks at the expense of the great State of Illinois and the balance of the United States during this critical period from August 1, 1907, to March 1, 1908.

I have looked over every measure pending in the Congress. I have been unable to find a solitary bill which seeks to correct this manifest executive favoritism through the departments of the executive branch of the Government placing money to this extent in the banks at the expense of the balance of the United States. The Fowler bill seeks to correct it. It is the only bill that does correct it, and it is time to correct it now. It is time that this kind of discretion under the law is stopped by this Congress. It is time we should say, "Thus far shalt thou go and no further." And yet we find that one set of banks that might probably be called "system banks" has in the neighborhood of $30,000,000 of the public funds on deposit in those banks.

Mr. HAMILTON of Michigan. Will the gentleman allow me to ask him a question, simply for my own information? Has the gentleman any figures to enable him to state the amount of deposits in national banks, in State banks, in private banks, and in trust companies, say, on the 1st of October last?

Mr. PRINCE. I do not think I have it here at present.

Mr. HAMILTON of Michigan. I was trying to get that information, and I did not know but the gentleman might have it.

Mr. PRINCE. I may have it, but I do not now recall it.

Mr. HARDY. About $18,000,000,000.

Mr. HILL of Connecticut. Has the gentleman given consideration to all phases of the subject of the "equitable distribution" of deposits? Of course the gentleman does not want to be unjust to the Secretary of the Treasury. What is an equitable distribution? Does it mean that you shall take out of the commercial assets or funds of the city of New York, where three-quarters of the duties are paid, a proportionate amount of that money? Does it mean that as fast as the Treasury receives that money it shall distribute it in other parts of the country? Or does "equitably" mean that the money shall be deposited where it is collected or that it is to be deposited regardless of where it is collected, according to population or area or in some other way? I think the gentleman would say that it would be wholly unjust to take the money that is collected in the city of Chicago, for instance, in the way of customs, or in Peoria in internal revenue, and take that money away and distribute it and then compel those persons who are engaged in the transaction of business which requires the use of that money daily to pay for shipping it back again. Has the gentleman taken that into consideration?

Mr. PRINCE. I have meant to show this, that the national banking act, page 58, chapter 11, provides that—

All national banking associations designated for that purpose by the Secretary of the Treasury shall be depositaries of public money, under such regulations as may be prescribed by the Secretary.

There is not a word as to equitable distribution there. That is what I am contending against.

Mr. HILL of Connecticut. There is in the law passed last year.

Mr. PRINCE. Providing for equitable distribution?

Mr. HILL of Connecticut. Yes.

Mr. PRINCE. But he observes it in his own way, as he sees fit.

Mr. HILL of Connecticut. And let me say that there has been a commission appointed by the Treasury Department, under the direction of the Secretary of the Treasury, which has under consideration the question of what is an "equitable" distribution, and what it means.

Mr. PRINCE. Has that commission come to any conclusion yet?

Mr. HILL of Connecticut. I do not think they have made any report as yet, but the construction of those words "equitable distribution" is being considered, as to whether it means equitably in accordance with population or equitably on the basis of where it is collected.

Mr. PRINCE. I understand that, and the Fowler bill——

Mr. HILL of Connecticut. Until a conclusion is reached by that commission it strikes me it is hardly fair to blame the Secretary of the Treasury for depositing the money where it is received.

Mr. PRINCE. Would you stand up and defend the Secretary of the Treasury, or any executive official of any kind, in giving to one bank in the city of New York over $17,000,000 as against the whole great State of Illinois $13,000,000?

Mr. HILL of Connecticut. That would depend entirely on whether $50,000,000 or $75,000,000 had been collected in the city of New York from internal revenue and customs during the preceding week and a very much less amount had been collected in the State of Illinois, and it would also depend on another feature of the case, and that is whether the Illinois banks were ready to put up the bonds to take the deposits.

Now, the gentleman can take for an example the city of Peoria, which has an extremely large internal-revenue collection. I think it would be found almost impossible for the Peoria banks to secure bonds enough to put up security for all of the deposits of the internal-revenue payments in that city. All of these things must be taken into consideration by the Secretary, and the Secretary has gone to work since the passage of the law of last year and appointed a commission. They have been considering it, and the Comptroller of the Currency, coming from Illinois, is a member of that commission which is to determine what is a proper construction of that word "equitable," and I think the Secretary of the Treasury is entitled to immunity from criticism until that committee reports.

Mr. PRINCE. That might be so if House Document No. 714 did not disclose that in the city of New York on the 31st of December, 1907, there were $87,189,132.87 of the Government money in the different banks, as against $13,000,000 in Illinois. I commend to the committee a careful reading of Document 714, submitted by the Secretary of the Treasury under date of February 27, 1908, to the House. I think you will find a good deal of valuable information in it. You will find that in the District of Columbia, where no business, practically, is done, where apparently there seems to be no reason for any great amount of money, on December 31, 1907, the banks had $4,804,574.73, and that one bank, not distantly related to some I have referred to had $1,652,000 on hand, where there was no business whatever. If that is an equitable distribution, I think it is time that the Secretary of the Treasury and the commission got busy and made a report.

Mr. HAYES rose.

Mr. PRINCE. Now, I want to say this, and then I will yield to the gentleman. The Fowler bill puts it beyond question. That bill provides that it shall not have and keep on deposit in any one national bank an amount of money greater than 50 per cent of the capital thereof deposited in any national depository, and in that way there would be an equitable distribution, because equity means doing justice by forty-six States in the Union instead of doing a little overjustice to one State and the District of Columbia. [Applause.] Now I will yield to the gentleman from California.

Mr. HAYES. Does not the gentleman think he has done the Secretary of the Treasury an injustice in this—that it has been the policy of all modern Secretaries of the Treasury, at least since I have known anything about the operations of the United States Treasury, to place money where it was most needed during such times and such disturbances as we had from October to January last? I think possibly the gentleman may have lost sight of the fact that New York City was the

place where the greatest need was in the view of the Secretary, and that therefore he sent the largest amount of money to that place.

Mr. PRINCE. Well, let us look at that. That is a very proper suggestion and a question worthy of the consideration of the committee and the country. To the city of New York had gone the money from the different banks throughout the country. It had been sent there for speculative purposes, until there had been piled up in that city about the time of the financial trouble the reserve money of different banks throughout the country. There had been poured into the banks about one hundred millions of Government money. They had a large amount of the reserve money on hand, and there was a call on these institutions to send back into the interior some of the money it needed for current purposes. The truth is that the working balance of the Government at one time was reduced to about two and one-half millions of dollars, and it had been so very generous to others that it was almost in distress itself for means to carry on the business of the country and pay its running expenses. The money was called for, and the banks in New York City refused to send the money, refused to hand back the money that belonged to the people, refused to send it back to the banks that placed it there as a reserve, and refused to send it back to the Government, if the Government saw fit to ask for the money. Instead thereof the banks issued clearing-house certificates and handed these evidences of indebtedness to the people to be used by them as best they could in these times. They held on to the actual cash. What did they do with it?

They either themselves, directly or through their friends, used this actual cash, went into the market and bought the stocks at slaughtered prices. Does anyone deny it? If there is one, let him stand up here. Without a question these banks, holding the money that belonged to others, refusing to give them the money, issuing in place thereof their promise to pay, took the identical money, went out into the street, and bought the stocks at slaughtered prices and made an enormous amount of profit out of it. That was the condition of the country at that time, and in the train of such conduct followed woe, bankruptcy, ruin, suicide, and death, and I do not think the whole train is yet over, so far as the country is concerned.

Mr. GAINES of West Virginia. Do I understand the gentleman to say that the New York banks, when they were refusing to pay to their depositors the money of those depositors on their checks, were using that money to speculate with themselves?

Mr. PRINCE. I have not any doubt of it, sir.

Mr. GAINES of West Virginia. Is that merely a theory, or is it a fact?

Mr. PRINCE. The gentleman will be kind enough——

Mr. GAINES of West Virginia. I only asked the question because it seems to me that it is the duty of the officers who have charge of those things to proceed against any such banks and take away their charter, if such is the fact.

Mr. PRINCE. If the gentleman will be kind enough to look at these documents I have called attention to, he will see the class of securities and the kind of stuff that many of these banks to which I have referred had their money locked up in at that time and were buying; and from newspaper reports I found that when a resolution of inquiry along that line was offered in another body it was promptly sidetracked, because it would open up and show to this country the condition of affairs. That is the reason why I am one of those who believe it would be proper for this House to have a resolution of inquiry along that line.

I am frank to say that, in my judgment, observing the management of these banks, they have been, some of them, mismanaged, and I am frank to say that the Government inspection, through its bank examiners, is practically the same as worthless, because if there had been a genuine, thorough, and honest examination of banking, no such tale of woe, no such tale of mismanagement would have occurred as has just been chronicled in the courts of the city of Chicago, and a man who is aged and bent would not be to-day heading his way toward prison, for by proper investigation and management he would have been stopped. And I want to say further that the bill that I am seeking to advocate within my time is one that puts a stop to all such things as that and, beyond peradventure, saves the country and the banks and the depositors from any such mismanagement as has taken place in this country.

Mr. HAYES. Mr. Chairman, I have no wish to contest the gentleman's statement that many of these banks were mismanaged, or anything of that kind, but along the line of my former suggestion I want to ask if it is not true that in the city of Chicago there was less trouble during the recent so-called "panic" than in any other great city in the United States?

Mr. PRINCE. I think that is true.

Mr. HAYES. And if that be true, was not the Secretary of the Treasury justified in sending less money there than he sent to places where there was greater need, greater trouble?

Mr. PRINCE. No; I do not think so.

Mr. HAYES. I do.

Mr. PRINCE. Because, speaking for my own country, in the city where I live, a city of 25,000 people, our bankers never put a white flag over the banks. They paid all comers and goers, and if other banks had done likewise the country would have been better off, and instead of these clearing-house certificates, which were nothing more nor less than a red flag to the people, a note of distress—which, in my judgment, ought to be assessed a 10 per cent tax, for they were in the nature of notes, and I commend that suggestion to the Department of Justice, that they proceed along that line—I say in that section of the country because the people and the interior banks relieved them largely from that trouble was one of the reasons that Chicago was able to do what she did. But what can be said for poor Kansas City?

Mr. HAUGEN. Is it not a fact that a single dollar could not be gotten in New York without paying a premium, and that the money was carted into Wall street, and it was there for speculation and disposed of at a premium, and if the country banks got any money at all they had to pay a premium?

Mr. PRINCE. I have so understood. I have understood this, that a bank that had some money on deposit in one of those banks, when it called for $100,000 of its own money, was required to pay a premium of $3,000 in order to get it. I have not a doubt of that in my own mind; but if the gentleman were to ask me for proof, perhaps I could not give the specific instance.

Mr. HAUGEN. I have positive knowledge of the fact. I know they charged as much as 4½ per cent premium, and if you were to get the money at all you would have to pay from 3 to 4½ per cent premium. They paid but a small per cent of the amount called for.

Mr. PRINCE. Does the gentleman mean to say that a bank or individual that had money in those banks in calling for his own individual money was required to pay a premium in order to get his own money?

Mr. HAUGEN. Not a premium to the bank. He had to go to the broker, and the supposition is that the broker got the money from the bank.

Mr. MADDEN. Will the gentleman from Illinois allow me to ask the gentleman from Iowa a question?

Mr. PRINCE. Yes.

Mr. MADDEN. Do I understand the gentleman from Iowa [Mr. HAUGEN] to say that he has positive knowledge of specific instances where premiums were collected on moneys that were drawn from banks owned by those wishing to withdraw them?

Mr. HAUGEN. I get my information from reliable parties who have large pay rolls, for instance, and had money deposited in the banks. They demanded their money and were unable to get a single dollar of it. In order to get money and in order to pay their men they had to go and pay a premium on the amount of money they needed.

Mr. MADDEN. The gentleman says that he is making the statement from his knowledge of the situation. I do not believe it is fair to make any such statement as that to the country on hearsay.

Mr. HAUGEN. I have stated that the premium was not paid to the bank. It was paid to the brokers, and that was the only place where money could be obtained.

Mr. MADDEN. Why should a broker be able to get money out of the bank when you could not get it yourself?

Mr. HAUGEN. The broker, of course, gets his money from the bank.

Mr. GRONNA. May I ask the gentleman a question?

Mr. PRINCE. I yield.

Mr. GRONNA. I would like to ask the gentleman from Illinois [Mr. MADDEN] if he had any experience in banking during this crisis and if he had an account with the New York banks and whether he was permitted or not to draw his money?

Mr. MADDEN. I have had experience with banks in all sections of the country, and I want to say to the gentleman that no person could get all the money that he wanted during the crisis to which he now refers. But I know of no case where any person was obliged to pay any commission whatever for any money that he secured from any bank.

Mr. HAUGEN and Mr. KENNEDY of Iowa rose.

Mr. PRINCE. Mr. Chairman, I refuse to yield further.

Mr. HILL of Connecticut. Will the gentleman permit me to ask him a question?

Mr. PRINCE. Inasmuch as I have refused these gentlemen, I could not yield to the gentleman from Connecticut.

Mr. HILL of Connecticut. I do not want the gentleman to bear too hard on the consciences of some of the banks in New York. Some of them did their duty, and are almost entitled to the credit of being heroes during this panic.

Mr. PRINCE. I spoke of one bank, and then the gentleman forced me to go outside, and then I included the amount that was there on deposit. I have not singled out any bank specially, and do not want to do so. In fact, I do not think it is proper for a gentleman who is entitled to the floor to attack anyone outside that has no means of answering upon the floor. I think it is only parliamentary to attack a Member or someone that has a right to the floor, but it would be almost unpardonable, as I take it, on my part to assault anyone who has not the right of the floor, in order to answer me on the floor, and if I have been drawn into that I am going to modify my speech to that extent.

Mr. HILL of Connecticut. May I ask the gentleman to modify it to this extent: To take the document to which he referred a moment ago, and which was lying on the desk in front of him, but which I do not see now, which is the report of the Secretary in regard to the proceedings of the Treasury during the panic, and which shows that at the close of the panic, the banks of New York City, after having taken in $100,000,000 in gold from Europe, and in addition having issued a large amount of circulation, found themselves stripped of all of that and a good deal more, too, because they had sent it out to the country banks. They are entitled to that fair statement, and I ask the gentleman to embody in his remarks the statement taken direct from the report of the Secretary of the Treasury as to just the condition of the New York banks before the panic and the condition they were in afterwards.

Mr. PRINCE. There is no question that they paid some of the money, and it may be along the line as suggested by the gentleman from Iowa [Mr. HAUGEN], that they could get a good round premium when they sent that money out, and quite likely they did, or they would not have done it, perhaps.

Mr. McMILLAN. Will the gentleman yield to a banker to ask him a question?

Mr. PRINCE. Yes; if the gentleman will give me longer time.

Mr. McMILLAN. Does the gentleman know on what basis of value or security a clearing-house certificate is granted?

Mr. PRINCE. Yes. The different banks that enter into the clearing-house district are required to furnish ample security before certificates are issued to them.

Mr. McMILLAN. Does not the gentleman know that that is the best security that is obtainable for a loan?

Mr. PRINCE. There is no doubt about that.

Mr. McMILLAN. Why, then, would you object to the United States taking that in lieu of its loan when it is really the representation of the bone and sinew in the construction of our country? I am connected with four banks. I have paid out the largest pay roll in the last three months of any man on this floor, and I have never had to pay one cent of shave for the money whereby to pay my men, and everything I am connected with has paid every just demand for labor. If a man wanted to go to Wall street he could not get a dollar.

Mr. PRINCE. I am willing to answer questions, but I can not have the gentleman inject a speech into my remarks. There is no question but that the gentleman is correct in his statement that the basis on which clearing-house certificates are issued is of the very best kind. And along that same line comes the theory of the credit currency, that the commercial credit of the country is of the very best kind, and this only tends to prove the position we take in favor of a credit currency, only demonstrating beyond the possibility of a doubt that it is the best basis for the credit currency.

We know that the chairman of the committee [Mr. FOWLER], in season and out of season, for years and years, has been contending that this basis for clearing-house issues would be a good basis for credit currency, not asset currency, that had near by the touchstone of redemption which he provides for in his measure.

There are two schools of finance, as we observe it, in the bills that have been presented in this House and Congress. One honestly, intelligently, and patriotically—I am not criticising them for this—for a bond-based currency; the other does not believe in a bond-based currency. The people are divided upon that question; financiers are divided; we are in doubt upon that question. Is there any way that we can settle it? Is there anything to turn to to determine our policy? Take the history of the commercial countries of the world. Take the fact that the first-class commercial countries to-day on the globe outside of the United States have a credit currency. Is it not notice enough that there is something solid in the position that these countries take, and is it not ground, at least, of admonition to some people that there is some reason, some basis for the credit currency that is being advocated by the advocates of the Fowler measure? On one side stands part of the people of the United States; on the other side stands part of the people of the United States and all the balance of the commercial world. Where is the heavy artillery, where the strength of the business interests of the world, where the financial knowledge of men who are dealing with this question? Is it for bond issue and bond currency, or is it for credit currency with which the commercial countries agree?

Let us follow this bond-based currency a while. When did it start? Did we have it prior to the war? Partly, and partly not. That which we have that was bond based, the notes failed. That which was based upon the credit currency, like the Suffolk Bank system in New England, like the great Bank of Louisiana, never failed, but met their notes; and long after the war, when property was destroyed, when the bonds of the Confederacy went to pieces, when its government notes went to pieces, the State Bank of Louisiana, that had issued its notes, paid every one of them 100 cents on the dollar. Is that knowledge enough to cause people to open their eyes as to what are the facts of history of this country and the commercial countries of the world?

We went upon bond-based currency in stress of war, which currency during the war was worth but very little on the dollar.

We have pending in this House, and I read by the papers there is pending elsewhere, a bill to enlarge the bond-secured currency. The purpose of that bill is to add to the United States Government bonds State bonds, city bonds, municipal bonds, and bonds that are created by districts, like the drainage district, if you please, of the city of Chicago; like drainage districts throughout the country, or sanitary districts or any kind of a public district that is acting as a sovereign power and had given to it the right to issue bonds. That is to be the basis, with proper limitations, upon which to issue currency with a tax upon it. They say that currency based upon these bonds are of stable value and will be universally accepted, because there is something back of them, a bond which means something. Of these men I am not here to complain to any great extent. I do not think it is based upon the proper basis for a currency that will expand and enlarge and recede as business demands. I further notice that many of these bonds go down in value. I also notice in addition to that there has come to be a new school of financiers, who believe that these bonds should be added to. They say that if the whole sovereign power issues a bond and that is good as a basis of currency, that an integral part of the sovereign power when it issues a bond, it ought to be good enough to be used as a basis of currency when it meets the requirements of the law.

So that when you resolve it down to a bond that is issued by the sovereign power of the people, either an integral part of the whole or the whole, there may be some good reason for that kind of security. We meet with another school that goes this school a little better and wants to add to these sovereign bonds issued by the sovereign power, having the whole country back of it, having the taxing power of the people back of it, either the whole or an integral part, railroad bonds and interurban bonds.

Mr. MADDEN. I will say for the information of the gentleman that the bill has been amended by striking out railroad bonds.

Mr. PRINCE. When has it been amended?

Mr. MADDEN. To-day.

Mr. PRINCE. I have just been informed by my colleague, the gentleman from Illinois [Mr. MADDEN], one of the ablest and best men in the House, that that against which I am now contending has gone out of the bill, showing that if that action has been taken, they have acted wisely in that regard, at least to that extent.

Mr. MADDEN. To a slight degree.

Mr. PRINCE. To a slight degree; and yet they are moving along sane lines in taking out bonds which, during the panic we have been passing through, were reduced in value from 10 to 50 points from August up to the 1st of January of this year. I am glad to say that they have gone out, and I am inclined to think that more things will go out before the bill receives the signature of the President of the United States.

Mr. ADAIR. I should like to ask the gentleman, if it is true that these bonds have gone out, is it not a fact that all of the

bill has gone out, because there will not be a sufficient amount of other bonds to put up as security for the amount of currency to be issued?

Mr. PRINCE. I am very glad the gentleman asked me that question. I was coming to that in the discussion. I have been sitting for two or three years at the feet of the financial Gamaliel of this House, my colleague, the chairman of the Committee on Banking and Currency, the gentleman from New Jersey [Mr. FOWLER], have been reading much and have heard much from him. And in the course of the discussion and in the course of the reading I have wondered why it was that these latter bonds, which, according to rumor, have gone out of the Senate bill, were ever even considered as worthy of being a part of a financial measure. I read and studied, and finally found a distinguished statesman who had given utterance to this expression, that these bonds were included because the Secretary of the Treasury, under the law, had a right to use them for the purpose of securing the deposits of public money. Let us see what that is. On page 59 of the law I read this:

The Secretary of the Treasury shall require the association thus designated, being a depository, to give satisfactory security by the deposit of United States bonds and otherwise for the safe-keeping and prompt payment of the money deposited.

Mr. ADAIR. Now, I want to ask the gentleman if the Secretary of the Treasury has not been striking out the word "and" and inserting the word "or?"

Mr. PRINCE. As to that, Mr. Chairman, I do not know by what authority the Secretary of the Treasury or any other executive officer has the right to change any law enacted by Congress and signed by the Executive. I think it is high time that the law be obeyed by everybody and not changed by anybody.

Mr. ADAIR. I mean has he not in fact done it without asking any authority?

Mr. PRINCE. That is a question that the gentleman can answer as well as I can. The theory upon which bonds of this kind were accepted was that the law permitted it under the words "United States bonds and otherwise." I have not looked closely, so therefore I would not dare say. It may be that he would accept one Government bond for a hundred dollars and the balance in chips and whetstones to come under the words "and otherwise." I do not suppose he would dare go to the extent of having no United States bonds, and accept nothing but chips and whetstones and all kinds of other things, as you will see they have been accepting as security, if you will look at the report, to which I have heretofore referred.

They may be ample, they may be secure, but I am calling the attention of the House for the purpose of showing that one statesman expressed the views that that was the justification, or at least the semblance of justification, for including that kind of bond as a basis for circulation.

Mr. HINSHAW. Will the gentleman yield?

Mr. PRINCE. I will.

Mr. HINSHAW. As I understand it, and I will ask the gentleman if it is true, the chief difference between the bond-secured proposition and the Fowler bill is that in the bond-secured proposition these various kinds of bonds may be put up for the issuance of currency, whereas in the Fowler proposition there is no security whatever except the reserve fund in gold. What other difference is there, if the gentleman will state?

Mr. PRINCE. I am coming to that. If the gentleman will allow me to proceed along the line I am now on, I will answer him, and if I do not the gentleman can remind me of it before I close. I further read where another statesman has said—

That there were not enough State, county, town and other municipal bonds in sufficient number and amount to afford a basis for the superstructure such as was needed for the issuance of five hundred million additional emergency currency.

That, in substance, is the question of the gentleman from Indiana [Mr. ADAIR]. It was feared that if the additional emergency currency was limited to this class of bonds that a corner could be engineered upon them to the detriment of the country. I was inclined to believe there was great force in the argument. I read on, and later I found it stated by this same statesman "that there were over two thousand million dollars of these kinds of bonds now in existence that could be used for the purpose of issuing additional currency."

After reading this last statement I was clearly convinced that there was no shadow of reason—mark what I say—no shadow of reason why railroad bonds or street-car bonds should be had as a basis for currency. I am inclined to think that these last-mentioned bonds should have no place as a basis for currency, and the purpose of their being included is for some purpose other than being needed as a basis for currency circulation. I have wondered if there were not a little curly-headed fellow in the woodpile and if he were there for speculative purposes.

Mr. ADAIR. Will the gentleman give the name of this statesman?

Mr. PRINCE. I can not give the gentleman's name, but he says there were not enough of the bonds, and further on in the article he said there were two thousand million of these bonds, ample to base currency upon.

Now, this statesman was a gentleman familiar with the bill, and these are excerpts from remarks made elsewhere. I am speaking of what was in the newspaper. This gentleman, a member of the committee who framed the bill, gave as a reason that there were not enough of the bonds, and then stated that there were two thousand million dollars of them that could be used under the provisions of the bill. Now, if two thousand millions could be used under the provisions of the bill, will you tell me how many thousand millions could be used as the country develops, as towns and districts are growing, and as additional bonds would be issued from time to time to meet the current expenses and indebtedness of the country?

Now, I seem to be arguing and discussing a horse that is dead and gone. I congratulate the country that it has been stricken from the measure and that the country will now be presented with a different proposition; but to that amended proposition I am not much more favorably inclined than I was to it along the line it was first presented, except that one of the worst features has gone out of the bill as reported by my colleague.

What is the other currency feature? It is that which is advocated by the gentleman from New Jersey [Mr. FOWLER], and I name him because the bill is known by his name, and what, in substance, is it? He believes not in asset currency, but he believes in a credit currency. He believes that a bank should be permitted to issue currency upon the credits in a bank—a book credit, if you please, deposits—and when a person asks for money or credits or currency, that he can have either that he sees fit, and when the bank issues its currency notes, they go out into circulation. Now comes the question of the gentleman from Nebraska——

Mr. HINSHAW. I am not in favor of the so-called "Aldrich bill" as at present constructed. I do not want the inference to be drawn that I am. But outside of the assets of the bank proper, the assets the bank has within its vaults, what other security is there for the issuance of currency under the Fowler bill than the gold reserve?

Mr. PRINCE. That is right. That is a good proposition. That is a fair question. The gentleman asks me this. He says, under the bond-secured currency, before currency can issue a bond must be purchased or borrowed by the bank that seeks to issue the currency, and that bond, either purchased or borrowed, must be taken by the bank that wants the currency and given to the Secretary of the Treasury, and the Secretary of the Treasury holds in the vault the bonds, and he hands out the currency, and the currency in circulation is secured by the bond that is held by the Secretary of the Treasury. Now, you ask me what are the provisions of the Fowler bill on this question. The Fowler bill issues currency, and the gentleman asks me if there is any security placed in the hands of the Secretary of the Treasury. I answer you, "No." Then you say, "Will the holder of that kind of a note that has no security in the hands of the Government find that it is as good in his hands as that which is based on a bond which the Government holds to secure the note in hand?" I say, "Yes; it is just as good."

Mr. HILL of Connecticut. And better.

Mr. PRINCE. And better. You ask how that apparent paradoxical statement is true. Let me answer. The Fowler bill permits the bank to issue, under certain conditions, a note. That note is handed to the gentleman from Nebraska [Mr. HINSHAW]. That note in the hands of the gentleman from Nebraska calls for gold or lawful money. He can turn around a minute after he gets it and go to Mr. FOWLER, whose bank issued it, and say, "Give me gold for that note," and Mr. FOWLER hands it out. He can call for lawful money. Mr. FOWLER hands it out. Mr. FOWLER has made provision in that bill that the country of the United States shall be divided into twenty zones or territories, for the purpose of the convenience of redemption, and that there shall be a city within each one of those zones, where every bank that does business within that zone has money on hand to redeem its note in gold or lawful money. Mr. FOWLER, when he starts that kind of a bank, must keep within his own bank gold or lawful money to meet his issued note, which you have, or he has to have money in the bank where Mr. SPERRY is president, which is the redemption

bank—he has to keep money there, either gold or lawful money; so that if the note that you present gets into the bank of Mr. SPERRY, he will redeem it in gold or lawful money. Now, what is lawful money? Not national-bank notes, not this kind of notes, not gold certificates or silver certificates in the sense of law, but gold or silver or United States notes. The bond-secured currency has to be redeemed. The redeemer of bond-secured currency is the Government of the United States. You can take your national-bank note and exchange it for lawful money. You can take that lawful money to the Treasury of the United States and demand gold. You have a way to start the endless chain and bring the gold out of the Treasury to redeem your notes, and to-day there is placed upon the Government of the United States the burden of redeeming all greenbacks, of redeeming the silver and keeping it at a parity with gold, of redeeming the Treasury notes, of redeeming the United States notes, the greenbacks, of redeeming the present volume of 695,000,000 of national-bank notes; and if 500,000,000, or a billion more are issued by this so-called "emergency bill," you pile a billion more upon the gold that the Government has to maintain, and you start to running the endless chain that will force this Government to sell bonds in time of peace to keep our money at a parity.

Mr. MADDEN. Will the gentleman let me ask him a question?

Mr. PRINCE. Let me finish this. Does the Government agree to redeem the notes in the Fowler bill? No. Is there any further security? Yes. Five per cent of the deposits in his bank, taking the preceding six months—5 per cent of the circulation of all banks, of all the national banks, of the deposits in all the national banks—5 per cent of the deposits, 5 per cent of the notes, and 2 per cent of a tax while these notes are in circulation is placed in a fund to guarantee the prompt redemption of the notes so issued.

The burden of keeping the gold for redeeming the notes is upon Mr. FOWLER, not upon the Government. What would be the effect of his bill if it went into operation? There would be just two kinds of money and currency. The Government would go back to its original position and coin money and regulate the value thereof. It would have specie as money. The bank would then issue through banking operations the currency that would meet the demands of the people, and when the time came for the demand to cease the notes would go back into banks and cease to be in circulation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PRINCE. I would like to have a little more time.

Mr. KEIFER. Mr. Chairman, I yield twenty minutes more to the gentleman from Illinois [Mr. PRINCE].

Mr. PRINCE. The 5 per cent on the deposit notes, the 5 per cent on the notes, and the tax on the notes added together the first year would bring in $25,000,000. It is pretty hard to keep all of these figures in my head.

You ask if that is ample to redeem notes and pay depositors. That is a guaranty fund for the payment of the notes, for the payment of the depositors. The depositors are of three kinds: First, the individual depositor; second, the bank that deposits, and third, the Government deposits. Now, is this ample to meet all the requirements? It looks like a pretty large sum. How much is there? There might possibly be issued a billion dollars of this kind of circulation. The deposits in the savings banks, State banks, and national banks all together would be thirteen billion. There is fourteen billion. Would that be ample, asks the "Doubting Thomas?" Would that fund be ample to meet this great demand? Would 5 per cent be ample to meet it? The fund would eventually amount to about seven hundred million. The only way I can answer that is by showing what is the fact, what is the history of our country upon that question.

Let us go to 1873. I do not want to take the good years. I want to take the worst years this country has had, and that is the way to prove the case. If you can not prove it by the worst years, you ought not to try to prove it by the best years. Here is the report of the Comptroller of the Currency as to the losses of depositors in national banks, beginning with the year 1865 and ending with the year 1905. Let us take the panic of 1873. There were eleven banks that failed. For all the deposits of every kind and character, including individual deposits, including Government deposits, a tax of two-tenths or a trifle over two-tenths of 1 per cent on all the deposits would have met all the losses. And yet the Fowler bill provides a tax of 5 per cent. A tax of two-tenths of 1 per cent would have met all the losses of all the depositors of every kind and character, according to the report of the Comptroller of the Currency, in the bad year of 1873, when eleven banks failed. Is that a sufficient answer that the fund is large enough? Let us go a little further. Let us take another year that is even worse than that, if you please. Let us take the year of 1893. There were fifty-one bank failures in that year. A tax of twenty-four one-hundredths of 1 per cent on all the deposits in all the banks would have paid all the losses of all depositors, including Government deposits, for the year 1893, the worst year this country has had so far as bank failures are concerned, since 1865. The panic of this year does not at all compare with it. Very few banks failed during this panic.

Mr. GAINES of West Virginia. May I ask the gentleman a question?

Mr. PRINCE. Yes, sir.

Mr. GAINES of West Virginia. Is there any limit in the plan the gentleman favors on the amount of notes that the bank may issue?

Mr. PRINCE. Yes, sir.

Mr. GAINES of West Virginia. What is that limitation?

Mr. PRINCE. To its paid-up capital, and then if the board of managers in the zone see fit, and there is necessity for it, they can increase it, say, 100 per cent.

Mr. GAINES of West Virginia. Is it taxed?

Mr. PRINCE. It is taxed; and a deposit has to be put up against it.

Mr. GAINES of West Virginia. That is a guaranty fund, but not an emergency tax.

Mr. PRINCE. There is a reserve against it. We do not claim it is an emergency currency at all. I am frank to say to the gentleman that the moment the Congress of the United States proceeds to deliberately pass a bill that indicates its currency is not sound, that it has to have an emergency currency, it hoists a red flag over the Capitol and gives notice to the whole world that we can not depend upon our currency, that it is unsound somewhere, and we must have an emergency currency.

Is it not a very fine thing for the United States to put over the Capitol the red flag of distress when there is no need for it? I want to say, gentlemen, that there is ample money and currency to do the business of the country. There are $35.54 for each man, woman, and child in the United States, every dollar of which is worth 100 cents—twice as much as we had when we had greenbackism so rampant in our country.

Mr. PUJO. I understand the gentleman from Illinois advocates that feature of the bill guaranteeing deposits?

Mr. PRINCE. I do, sir.

Mr. PUJO. I understand that the deposits in all the banks, national, State, and savings banks, approximate thirteen billions, do they not?

Mr. PRINCE. Yes, sir.

Mr. PUJO. And the money will approximate something like three billions?

Mr. PRINCE. Yes, sir.

Mr. PUJO. Then you would have $10,000,000,000 on which to guarantee deposits that is nothing except a book credit guaranteed in the banks of this country?

Mr. PRINCE. Yes; I would have the deposits guaranteed.

Mr. PUJO. Is that a guaranty of deposits or a guaranty of ten-thirteenths of the credit represented by giving to some one credit in the bank of an amount for which he has made his note?

Mr. PRINCE. The chances are the bookkeeping would have to be readjusted so as to show the actual deposit, instead of having a lot of paper credit.

Mr. PUJO. Is not your argument in favor of guaranteeing the deposits in its last analysis that the Government of the United States supervises the bank, so that the depositors are given some measure of protection, because the inspectors go over the books, and that holds out under the law the safety of the depositors and those who do business with the national banks? Would not the same reason apply to one who would invest in a railroad bond, that his investment should likewise be protected?

Mr. PRINCE. I think not.

Mr. PUJO. Do we not regulate railways? Have we not an Interstate Commerce Commission?

Mr. PRINCE. I have answered you frankly; I answered that I am in favor of guaranteeing the deposits. That ought to be sufficient. Then let me go on and sustain my position.

Mr. PUJO. One more question.

Mr. PRINCE. Please let me go on.

Mr. PUJO. In support of another feature.

Mr. PRINCE. I must decline, because I have answered your question frankly. I do not believe in dodging any question. Now, on the question of deposits, let us see what shape we are in. Here are banks in the State of Illinois, a State bank on one corner and on the other corner is a national bank. When a man takes his money and puts it in the national bank, if he

deposits $100 in the bank the banker is required to keep $15 reserve against that $100. If his neighbor takes $100 and puts it in a State bank of the State of Illinois the banker does not have to keep a penny as a reserve on that $100 deposit.

Mr. MADDEN. Is my colleague quite sure about that?

Mr. PRINCE. I am quite sure, because a recent statement of the Comptroller of the Currency said that up to January 1, 1908, that was the law in Illinois.

Mr. MADDEN. The State banks do keep 25 per cent reserve, as a matter of fact.

Mr. PRINCE. As a matter of fact, they may do one thing, but as a matter of law they are not required to do it. And this is what you have. You will have the strong national or State bank holding up the weak State bank. Let me say to you that the first bank to put the white flag of surrender over its building was not a national bank.

Talk about your depositors, what security have they now? You take the State banks of Illinois, the third State in the Union, having within its limits the second city. Have those State banks a legal reserve? Not a penny have they to keep as reserve for any hundred dollars that may be deposited. The people of the country do not distinguish between a State and a national bank, and if there is a run on one of these banks and it fails, there is going to be a run on the other banks; and it is the strong national and State bank that has to come to the support of the weak State bank. It is the strong banks of the country that sustain the weaker banks. The strength of your chain is the weakest link in the chain. The State banking institutions are not required to keep a penny of reserve.

Mr. COLE. Has there been any experience in the history of any of the States on the subject of insuring deposits, levying a tax for that purpose?

Mr. PRINCE. As to that I can not answer.

Mr. COLE. And if so, has it been successful?

Mr. PRINCE. I am unable to answer that; but let me read this:

Reserves of banks and trust companies required by the laws of the different States down to January 1, 1908:
Illinois, no reserve requirement.

That ought to be clear enough.

Mr. HILL of Connecticut. Does not the gentleman know it to be a fact that the strongest bank in the world, the Bank of France, has no reserve requirement, but that it keeps the largest reserve of any bank in the world?

Mr. PRINCE. That is a central bank, and they operate in a different way than our State banks. Let us confine ourselves to the question at issue. I am talking about the banks of this country. There is a report here and a criticism of this bill by a gentleman, who, in my judgment, is the equal of any gentleman who sits on the floor of this House, and who has no superior in either branch of Congress, a man who has given you in his minority views the most succinct, the most telling, the strongest reasons that can be urged against the Fowler bill. I refer to my distinguished colleague and friend, the gentleman from Ohio [Mr. BURTON], and I commend his report to your reading. Now, what does he say on page 3, as to this question of a currency:

It may be conceded that this is the most correct principle for the issuance of currency.

What does he say on page 5:

Again, it should be noted that this measure does not contemplate the guaranty of deposits in savings banks, where the depositor is most liable to imposition, and where his loss would be most severely felt.

Have I put it too strongly myself? If I have, I am buttressed by a gentleman in whose judgment I have great confidence, and whose judgment is correct so far as that statement is concerned.

And let me go a little further. I read in the public press that one of the ablest and most erudite members of another body said that if we were to change our currency and were to start anew, most assuredly, to use his expression, the kind of currency we now have is the worst kind we could have.

Mr. VREELAND. I assume that the gentleman from Illinois favors the passage of the Fowler bill.

Mr. PRINCE. I do.

Mr. VREELAND. I assume from his argument that he thinks that State banks and savings banks and trust companies should be required by law to maintain an adequate reserve.

Mr. PRINCE. I do.

Mr. VREELAND. Will the gentleman explain to the committee how the Fowler bill will compel the maintaining of proper reserves by these classes of banks?

Mr. PRINCE. As to that, I can only say that, in my judgment, if the Fowler bill becomes a law, if the deposits of the depositor are guaranteed by these banks, as there is an ample fund to do, the chances are ninety-nine out of a hundred that the men who have money to deposit will deposit it in places where they know it is absolutely safe and where they can get it, rather than take any chances in putting it where they may or may not get it when they call for it; and I am inclined to think, and it is the theory of the bill, that these other banks in time will come under this system, and we will have one uniform general system, which will be under supervision and control and which will be managed in a way that no losses can occur to a depositor, a note holder, or anyone interested therein.

Mr. VREELAND. There are some 600 savings banks in New York and New England that are purely mutual, in which there is no stock, and it is evident that it would be impossible for them to turn into the national system. Will the gentleman explain what would become of those banks, with their two and a half billions of deposits and their two and a half millions of depositors?

Mr. PRINCE. So far as that is concerned, we have nothing to do with the savings banks in this bill. Those are excepted and are no part of this measure. I am inclined to think that if it should turn out that it is better to keep them, they will remain.

Conditions will open up to show the way just as it has in all conditions of that kind. If they are perfectly safe, I should say by all means continue where they are.

Mr. VREELAND. Will the gentleman tell us if the system of guaranteed deposits by the Government—I understand it is not in terms a guaranteeing of deposits, but it practically amounts to that, compelling the banks to pay a certain sum to guarantee the depositors—if that system should prove to be what the author of the bill hopes it will be, could the great savings banks of the East, which are mutual in their form, live side by side with the banks whose deposits are guaranteed by the Government?

Mr. PRINCE. I wish to say that there is not a word, a syllable, or a line in this bill which places the burden of guaranteeing a penny upon the Government.

Mr. VREELAND. I just stated to the gentleman not in terms.

Mr. PRINCE. Then let us leave out the question of Government guaranteeing deposits.

Mr. VREELAND. Well, put it that the funds required by the Government to be deposited, and we still have the question under the system of guaranteeing deposits, Can the mutual savings banks which exist in such great number, having deposits running up into the millions, exist side by side with the banks whose deposits are guaranteed?

Mr. PRINCE. If it is in the interest of the depositor and for his safety to have his money placed in the national banks rather than in the other banks, would the gentleman from New York insist that he should not have his interests conserved?

Mr. HILL of Connecticut. Will the gentleman from Illinois allow me?

Mr. PRINCE. Certainly.

Mr. HILL of Connecticut. I am just as much opposed to guaranteeing deposits as is the gentleman from New York, but let us be fair. There is no relation between the bill which the gentleman has reported from the Committee on Banking and Currency and the mutual savings banks. My State has one hundred and eighty-five millions of deposits in the mutual savings banks, but the State steps in and says what kind of investments shall be made. They are not doing a commercial business like the banks to which the gentleman refers and to which the bill relates. It is entirely an independent proposition, and the gentlemen ought to except them, as the bill does except them. Why mix them up; let us meet the question fairly and squarely. It does not do any good to compare them to the savings banks, because it does not relate to them.

Mr. PRINCE. Let us not try to muddle the water; let us not try to play the cuttlefish and ink the waters to escape the issue. Let us meet the issue. I state frankly that I am for the measure. I believe it is the best measure of any proposed, and that it will work to the interest of the country better than any other. It will meet the desires of the people, and the deposits of the people are safe under this system. I know currency will enlarge and expand and recede as the business interests demand. I know that the burden of maintaining and keeping that currency at a parity with gold will be placed upon the banks and not upon the Government; and I know that by no possibility under the Fowler bill can the endless chain be operated as it was under the Administration of President Cleveland, forcing this country in a time of peace to issue bonds to maintain a gold reserve.

Mr. MADDEN. Will the gentleman tell us how the banks are going to get the gold to maintain the notes at a parity with gold?

Mr. PRINCE. It is easy enough to get it.

Mr. MADDEN. Will the gentleman tell us how?

Mr. PRINCE. There is plenty of gold. Let me say to my colleague that the annual output from the mines of the world is $400,000,000. Seventy-five million dollars is used other than for coinage, and three hundred and twenty-five millions is added annually to the money coinage of the world. And let me say to the gentleman what occurs here in our own country. I have just received this from the Director of the Mint. The net excess of imports of gold over exports was $114,334,643 for eight months last past.

Mr. OLLIE M. JAMES. Will the gentleman yield for a question?

Mr. PRINCE. In just a moment. I remember in the discussion of the money question in 1896 that we all thought if we could add to the currency of the country, to the gold, about fifty or sixty million dollars, it was ample to meet the needs of the country, and yet during eight months of this last year, a part of which was a panic time, there was added to the volume of the currency, gold, not silver—I can give you the silver also for the same time; the net of silver excess of imports over exports was fourteen million, and of gold one hundred and fourteen million——

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARDY. I would like to ask the gentleman a question.

Mr. PRINCE. I will be glad to answer it if the gentleman will give me more time. Can he not give me just three minutes?

Mr. KEIFER. I yield the gentleman three minutes more.

Mr. HARDY. Is not every central banking system known to civilization, where there is a central bank with branch banks under it, a system of mutual guaranty of deposits in another form?

Mr. PRINCE. Yes, in effect; and what we want to do—and I am glad the gentleman has brought that to my attention, for I have been deflected from the course of my remarks. Here are 6,000 and upward of individual banks, and they will be combined in these zones. They will have a voice in the selection of the managers, and these managers will be in charge of these zones. These will coordinate, these banks, in twenty places. The banks in this zone will be under the direction of the Comptroller of the Currency, and in these respective districts there is coordination of the various banks, and they stand united as one central bank, and yet each one of them is an entity, each one of them has an individual standing by itself, maintaining its individuality and its individual strength, but coordinated as one for the benefit of the whole country. And that is one of the best features of the bill, and I earnestly ask the committee to read this bill. I ask you to read the report, I ask you to read the minority views and their report, and I ask you to read the views of the gentleman from Ohio [Mr. BURTON]. Do not be carried off your feet by the wishes of anybody. Read these measures, and if they can not stand the test, do not vote for them. I say to you, if you will read them and study them, you will be convinced that this bill—the Fowler bill—is the correct principle; you will be convinced it is the one that you should vote for, and I would not be surprised in the slightest degree, if this House will read the measure, that they will stand for this bill so far as this House is concerned.

Mr. OLLIE M. JAMES. The gentleman tells us that if this bill passes it will make it impossible to issue bonds like Cleveland did. Cleveland issued bonds to get money in a depleted Treasury. Please inform the House what effect it will have upon the issuance of bonds like those issued under this Administration, to get money in the Treasury, when we had $250,000,000 already there.

Mr. PRINCE. As to that I will say this: We had two hundred and forty millions—anyway, we had over two hundred millions—at the time that the Secretary, in his judgment, acting in good faith—no criticism of him in the slightest degree—thought it was wise to throw into the maelstrom in New York City an amount of money and stop, if he could, what appeared to be a panic, and I want to say that in those days he added $40,000,000 to the bonded indebtedness of the United States between August 1 and January 1, 1908.

Mr. OLLIE M. JAMES. Why did not he go out and buy bonds instead of selling them? He had money enough to do it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOWERS. I yield to the gentleman from New York [Mr. SULZER] such time as he may desire.

Mr. SULZER. Mr. Chairman, the recent decision of the United States Supreme Court in the case of the United Hatters of North America is of far-reaching importance and affects every workingman in our country. That decision practically holds that a labor organization is a trust and subject to the provisions of the so-called "antitrust law." I do not think this was the intention of Congress when the act was passed; but be that as it may my judgment is that this decision should be given the widest possible publicity, with the comments of the leaders of organized labor, to the end that all may know. So, Mr. Chairman, I send to the Clerk's desk and ask to have read in my time a very able and exhaustive and lucid commentary on the decision by President Samuel Gompers, an editorial by him in the American Federationist, and the decision itself.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

[Editorial from American Federationist, by Samuel Gompers.]

LABOR ORGANIZATIONS MUST NOT BE OUTLAWED—THE SUPREME COURT'S DECISION IN THE HATTERS' CASE.

On February 3, 1908, the Supreme Court issued the most drastic and far-reaching decision which it has ever handed down. This decision directly affects all labor, and hence the whole people. The case was that of the Loewe Company against The United Hatters of North America. The court invokes the Sherman antitrust law and under it decides that the Hatters are liable in damages according to the complaint of the Loewe Company. This action was first brought in the United States circuit court in the district of Connecticut under section 7 of the Sherman antitrust law. The lower court sustained the contention of the Hatters that they were not liable under the Sherman law.

The Loewe Company then carried the case by writ of error to the circuit court of appeals. The circuit court, desiring the instruction of the Supreme Court on the writ of error, put the question thus:

"Upon this state of facts can the plaintiffs (Loewe & Co.)[a] maintain an action against the defendants (Hatters) under section 7 of the Sherman antitrust law of July 2, 1890?"

The plaintiffs and defendants then joined in the application to the Supreme Court to require the whole record and cause to be sent up for its consideration. This application was granted.

The Supreme Court invoked not only section 7, but sections 1 and 2 of the Sherman antitrust act, and declared that: "In our opinion the combination described in the declaration (United Hatters) was a combination in restraint of trade or commerce among the several States in the sense in which those words are used in the act, and the action can be maintained accordingly."

The decree also states:

"And that conclusion rests on many judgments of this court to the effect that the act (Sherman antitrust) prohibits any combination whatever to secure action which essentially obstructs the free flow of commerce between the States, or restricts in that regard the liberty of a trader to engage in business.

"The combination charged (boycott by Hatters) falls within the class of restraints of trade aimed at compelling third parties and strangers involuntarily not to engage in the course of trade except on conditions that the combination (Hatters) imposes."

The sections of the Sherman antitrust law upon which the decision is based are as follows:

"SECTION 1. Every contract, combination, in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States or with foreign nations, is hereby declared to be illegal. Every person who shall make any such contract or engage in any such combination or conspiracy shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments in the discretion of the court.

"SEC. 2. Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons to monopolize any part of trade or commerce among the several States or with foreign nations shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments in the discretion of the court."

"SEC. 7. Any person who shall be injured in his business or property by any other person or corporation by reason of anything forbidden or declared to be unlawful by this act may sue therefor in any circuit court of the United States in the district in which the defendant resides or is found, without respect to the amount in controversy, and shall recover threefold the damages by him sustained and the costs of suit, including a reasonable attorney's fee."

We publish elsewhere in this issue the Supreme Court decision

[a] Parentheses and italics are ours in this editorial.

in full. The court attached the complaint of the plaintiffs in the margin of the decision, and it also quotes from their complaint in the body of the decision.

No more sweeping, far-reaching, and important decision has ever been issued by the Supreme Court. The Dred Scott decision did not approach this in scope and importance, for it only decreed that any runaway slave could be pursued if he made his escape into a free State and his return compelled by all the powers of the Government, to his owner to a slave State. Any person who assisted in the escape of a slave or who harbored him could be prosecuted before the courts for a criminal offense. That decision involved the few negro slaves who could make good their escape from a slave-holding State. The civil war annulled the decision of the Supreme Court and freed the slaves. It cost the lives of hundreds of thousands of brave men on both sides and emancipated from chattel slavery 4,000,000 slaves. No man now proudly points to that famous Dred Scott Supreme Court decision.

The decision of the Supreme Court in the Hatters' case involves every worker and every sympathizer with the ennobling work of the labor movement of our land. A study of this momentous decision reveals some strange peculiarities. Outside of the opening paragraphs quoted above, the decision has very little other than the citation of cases which are held to illustrate and support it. There are references to injunctions granted under the Sherman Antitrust Act and brief comment upon the citations, the decision gives an outline of the complaint incorrect in many particulars, especially in its summary of boycott proceedings by the Hatters. It quotes directly and at great length from the complaint (Loewe & Co.). The decision concludes thus:

"And then follows the averments (in Loewe complaint) that the defendants (Hatters) proceeded to carry out their combination to restrain and destroy interstate trade and commerce between the plaintiffs and their customers in other States by employing the identical means contrived for that purpose, and that by reason of those acts plaintiffs were damaged in their business and property in some $80,000.

"We think a case within the statute was set up and that the demurrer should have been overruled.

"Judgment (of lower court) reversed, and cause remanded with a direction to proceed accordingly."

Reference to the decision itself will show what precedents are quoted and what comments the court makes on them to show their alleged bearing on this case; but, in truth, not one of them in any degree parallels this case or sets any precedent that the layman can discover.

The Hatters' defense of the boycott, their explanation, and justification—for the boycott is admitted—appears nowhere in the decision.

As the complaint of the plaintiffs (the Loewe Company) is published in full with decision, it would seem only fair that the reply of the defendants (Hatters) should also have been reproduced.

As it is, the complaint of the plaintiffs is apparently taken by the court as a true and correct account of what happened, though it is in reality full of the most glaring inaccuracies and misstatements. We have not the space here to quote the complaint and point out its fallacies, but may do so in the future.

When the court quotes from the complaint it includes its errors.

Some of these we shall point out, for it is not right that what is destined to become so historic a decision should rest upon a faulty foundation of fact without protest.

The court, quoting from the plaintiff's complaint, directly, says that defendants were—

"engaged in a combined scheme and effort to force all manufacturers of fur hats in the United States, including the plaintiffs, against their will and their previous policy of carrying on their business, to organize their workmen in the departments of making and finishing in each of their factories into an organization, to be part and parcel of the said combination known as the United Hatters of North America, or as the defendants and their confederates term it, unionize their shops, with the intent thereby to control the employment of labor in and the operation of said factories, and to subject the same to the direction and control of persons other than the owners of the same, in a manner extremely onerous and distasteful to such owners, and to carry out such scheme, effort, and purpose, by restraining and destroying the interstate trade and commerce of such manufacturers, by means of intimidation of and threats made to such manufacturers and their customers in the several States, of boycotting them, their product, and their customers, using therefor all the powerful means at their command as aforesaid until such time as, from the damage and loss of business resulting therefrom, the said manufacturers should yield to the said demand to unionize their factories."

The Hatters had union agreements with seventy out of eighty-two manufacturers in the country. The Supreme Court says of this:

"That the conspiracy or combination was so far progressed that out of eighty-two manufacturers of this country engaged in the production of fur hats, seventy had accepted the terms and acceded to the demand that the shop should be conducted in accordance, so far as conditions of employment were concerned, with the will of the American Federation of Labor; that the local union demanded of plaintiffs that they should unionize their shop under the peril of being boycotted by this combination, which demand defendants declined to comply with; that thereupon the American Federation of Labor, acting through its official organ and through its organizers, declared a boycott.

The court takes the amazing view that even the very successful effort of the hatters' union to obtain and maintain industrial peace with employers is proof of unlawful conduct—that is, "conspiracy"—and under the Sherman antitrust law unlawful and punishable by being mulcted in damages and by fine and imprisonment.

As a matter of fact, neither the hatters nor any other trade ever attempted to "force all manufacturers against their will" to make agreements with the union. Common sense teaches that a voluntary agreement between an employer and a union must be a peaceful one.

All union agreements with employers are voluntary and mutual.

No union could, if it tried, force an employer to enter into an agreement with it. No union attempts such unbusinesslike tactics. The most any union has done is to decline to buy the products of a firm which declined to employ union men and grant the prevailing rate of wages, hours of labor, and conditions of employment. Supposing that they were exercising their constitutional right of free speech, union men have asked their friends and fellow-unionists not to buy such goods. A word as to this custom may not be amiss here.

No manufacturer, no retailer, has any vested right in the purchasing power of an individual or of the community; no court can confer upon him that right. The patronage or purchasing of goods depends on the whim of those who buy. A purchaser may decline to buy certain goods, for the most absurd reason or no reason; yet the person who has those goods to sell has no resource by which he can force the purchaser to buy them.

In illustration of this, witness the stock of goods which accumulate in every line of retail business, nothing wrong with the goods except that the whim of a passing fashion has decreed them out of date and the purchaser looks for novelty, or, on the other hand, the purchaser may decline to buy the article in fashion and insist upon the indulgence of individual taste, thus greatly disappointing the retailer who would like to dispose of stock on hand. We digress this much to show how completely the purchasing power is vested in inclination.

In the case in point the boycott by the hatters against the Loewe Company did not result in fewer hats being purchased by the community; therefore we can not see how there was any retraint of trade. The boycott, if effective, merely diverted the purchasers to some other make of hats. The volume of trade was the same, though for certain reasons some manufacturers may have sold more hats than others. We fail to see that the hatters did anything more than ordinary business competitors do when they try to divert business to themselves from other competitors by advertising. The hatters tried to divert the hat business to the products of union labor. Since their boycott neither obstructed nor decreased the total volume of trade, we fail to see how their action could be "a conspiracy in restraint of trade and commerce."

The Supreme Court in its decision specifically charges that the American Federation of Labor acting through its official organ and through its organizers declared a boycott.

THE COURT'S ERROR IN FACT.

The court is in error. The American Federation of Labor never indorsed or declared a boycott against the Loewe Company. In fact, no request for such action in any manner or form was ever made to the American Federation of Labor or its officers either directly or indirectly by the hatters or anyone else. The Loewe Company was never published on the "We don't patronize" list of the American Federationist. We invite the inspection of the files of the American Federationist and of our office records in proof of this. We feel it our duty in the interest of truth and accuracy to call public attention

to the error of the court in charging the American Federation of Labor with being a party to the action against the Loewe Company.

We can hardly believe that the Supreme Court itself realized the evil consequences which may follow this decision under its construction of the Sherman antitrust law, a construction never intended by Congress.

It may be like the falling pebble which dislodges the avalanche, bringing ruin and destruction upon all in its path. Should this be the result, it will follow from the nature and operation of the decision itself, not because of the protest of those affected.

We regard the members of the Supreme Bench as upright and incorruptible. We believe that in any decision handed down each judge honestly and conscientiously gives the opinion which he believes to be correct. We do not agree with those who charge the court with being influenced by sinister motives or under the domination of corporate influence.

But, while expressing our confidence in the integrity of the Supreme Court, we must also say that, being human, we do not consider it infallible in its judgments. We must accept them because, under our form of government, the Supreme Court is the highest legal tribunal. Right or wrong, there is no appeal from its decision. It is true that this is the only country possessing such a tribunal, and it is a subject for serious speculation whether we might not do better under some other form of procedure; but such speculation is useless so far as the immediate future is concerned.

We are proud of the institutions of our country and try to uphold them with all our power, but we do protest against the assumption of lawmaking power by the courts. In assuming such functions they invade the sphere of the legislative and executive, which must necessarily result injuriously to the very fabric of our Republic. Such action by the courts not being contemplated by the Constitution, there are no safeguards, no checks, as to what may be attempted. This assumption of power, even under the guise of construing existing law, is none the less dangerous, for decision of the court then becomes a law without the people ever having had an opportunity to take any part in the making or rejecting of it.

We trust it will not be considered lese majeste if we say that in our opinion the Supreme Court in this and other recent decisions affecting labor tends to revert to medieval procedure rather than make the application of legal principles to present the industrial situation. The conditions with all their complications are here and not of our making. Why should our highest tribunal ignore them and plunge the people into confusion and distress?

However, it is not so wonderful that the court takes this attitude.

The lifelong environment of the respected gentlemen who compose the Supreme Bench has been such that they have not been brought into personal contact with industrial problems. On the contrary, their associations have been largely with business and financial men and affairs. Naturally a man absorbs most of his point of view from his environment. It is quite understandable to us that justices of the Supreme Court should have little knowledge of modern industrial conditions and less sympathy with the efforts of the wage-workers to adapt themselves to the marvelous revolution which has taken place in industry in the past half century.

The language of the Hatters' decision makes it clear that the Supreme Court has not informed itself on modern economics. In its opinion the rights of hats seem to be greater than the rights of man. It seems to regard a hat as a sacred emblem of the rights of property; hence its protection is imperative. No effort, however, is made to protect the right of man to a fair return for his labor and the opportunity to labor under the prevailing conditions. In fact this decision goes to an unheard-of length in punishing the workers for the exercise of their rights.

We regret exceedingly that this is so. While again expressing our belief in the integrity of the court, we yet are convinced that it is the duty of this high tribunal to inform itself of the great principles underlying the economic conditions of our time. Were its members to do this, we believe they would perceive that a labor union can neither be a trust nor subject to trust laws. The decision refers to a book which seems to have suggested certain views. We would suggest that the members of the court read the chapter entitled "Some equivocal rights of labor," from the book Moral Overstrain, by George W. Alger. It will disclose the difference between essential remedies to relieve wrongs and the academic (?) rights which avail the workers nothing. While the union is not specifically declared a trust under this application of the Sherman Act, yet the Supreme Court construes for the punishment of the unions a law which was only intended to apply to illegal trusts. The wording of the law permits the penalty to attach whether the union is considered a trust, "or otherwise," so we can take our choice as to the nomenclature, but the penalties apply in any case.

From the fact that labor unions are declared punishable under trust penalties we feel that we should again point out how widely different is a labor union from a trust—for upon these vital and fundamental differences of the two are based the main reasons for our protest.

ORGANIZED LABOR NOT A TRUST.

The labor union is not a trust; none of its achievements in behalf of its members—and society at large—can properly be confounded with the pernicious and selfish activities of the illegal trust. A trust, even at its best, is an organization of the few to monopolize the production and control the distribution of a material product of some kind. The voluntary association of the workers for mutual benefit and assistance is essentially different. Even if they seek to control the disposition of their labor power, it must be remembered that the power to labor is not a material commodity.

There can not be a trust in something which is not yet produced.

The human power to produce is the antithesis of the material commodities which become the subject of trust control.

From its very nature the labor union can not be regarded as a trust, yet the Supreme Court seems not to have considered this vital distinction in arriving at its decision.

Public opinion is practically unanimous in recognizing the union as one of the most essential means of securing for the workman his rights, protecting him against injustice, and putting him in touch with all the best thought and most advanced movements of ethical forces of civilization.

The aims and purposes of our labor movement have often been stated before, but will bear brief restatement at this time, when the attempt is being made in many directions to so cripple the activities of our unions that they may be shorn of their usefulness.

Our unions aim to improve the standard of life, to uproot ignorance, and foster education; to instill character, manhood, and independent spirit among our people; to bring about a recognition of the interdependence of man upon his fellow-man. We aim to establish a normal workday, to take the children from the factory and workshop and give them the opportunity of the school, the home, and the playground. In a word, our unions strive to lighten toil, educate their members, make their homes more cheerful, and in every way contribute an earnest effort toward making life the better worth living. To achieve these praiseworthy ends we believe that all honorable and lawful means are both justifiable and commendable and should receive the sympathetic support of every right-thinking American.

If the workers are to be deprived of their opportunities for self-improvement and independence; if they are to be held at the will of the employer—and if this decision is enforced such might be the consequence—the industrial condition of our country would sink lower than that of slavery.

The slave owner was usually restrained from going to extremes in the treatment of his slaves by the fact that they represented property value to him, but if the industrial situation ensues indicated by this court decision, the wageworkers would be more under the control of the unscrupulous employer than was the slave under his owner.

We do not believe that the conscience and sense of justice of a large majority of employers will permit them to take advantage of the conditions possible under this decision. We believe that they and all good citizens will join with us in the earnest attempt to secure a remedy from Congress; but there is always the selfish, avaricious, conscienceless type of employer, and it gives us cause to think of the hardships and persecutions which such employers might inflict when their rapacity has the protection of a decree such as this recent one delivered by the Supreme Court.

At the time the Sherman antitrust law was passed we warned our members and the public that it was so drawn that we feared a construction would be read into it so as to apply it to our unions instead of to the trusts which it was intended to restrain.

The event which we feared has come to pass. The law has long been admitted to be of no value in restraining or really punishing trusts. Useless as an instrument of good, it has now been made an instrument of positive mischief, and perverted from its original intent.

We know the Sherman law was intended by Congress to punish illegal trusts and not the labor unions, for we had various conferences with Members of Congress while the Sherman Act was pending, and remember clearly that such a determination was stated again and again.

The judges of the Supreme Court should be aware of this, for

the legislation has been enacted within their knowledge and memory. While not expecting infallibility on the part of the court, we do think it should acquire and act upon current information as to the intent of such an act as the Sherman antitrust law.

We would have supposed that the debates upon this subject in Congress would have had some weight in assisting judicial interpretation of application of the law. It apparently did, but in a most misleading way. In this decision the court says that some effort was made when the Sherman Act was pending in Congress to exclude organized labor and agricultural labor from its operation, but because such a clause was not made a specific part of the law the Supreme Court seems to find its justification for now applying it to organized labor.

BRIEF HISTORY OF SHERMAN ACT.

We believe that this view of the case is not supported by the facts in connection with the history of the Sherman antitrust law and the efforts made to amend it since its passage. We propose now to give this history at some length by quoting from the CONGRESSIONAL RECORD.

The antitrust bill was presented to the consideration of the Senate on February 28, 1890. The text of the bill contained but three sections in strict reference to corporation business. The bill was brought up from time to time by Senator Sherman, and it was just as often laid aside by other Senators. A substitute for the bill was introduced by the Committee on Finance on March 22, 1890, and on March 25 it was moved by Senator Morgan to commit the bill to the Judiciary Committee. His motion failed at that time on a vote of 16 yeas, 28 nays. The discussion of the bill continued as it was reported by the Finance Committee, and on the same day Senator Sherman offered a proviso at the end of the first section of the bill reported by the Committee on Finance. He said: "I take this proviso from the amendment proposed by the Senator from Mississippi, Mr. George. I do not think it necessary, but at the same time, to avoid any confusion, I submit it to come in at the end of the first section."

Thus showing that Senator Sherman believed that the bill without the amendment excluded the laboring and agricultural organizations from the operation of the act. Indeed, in conference, he so expressed himself to the writer.

Amendment: "*Provided*, That this act shall not be construed to apply to any arrangements, agreements, or combinations between the laborers, made with a view of lessening the number of hours of labor or the increasing of their wages; nor to any arrangements, agreements, or combinations among persons engaged in horticulture or agriculture, made with a view of enhancing the price of agricultural or horticultural products."

Some discussion was had upon this amendment by Senators Plumb, Sherman, Ingalls, TELLER, Turpie, and Blair, and the word "their" was added between the words "of" and "own," in the last line of the amendment, so as to make it read "the price of their own agricultural or horticultural products," and with this single addition the amendment was agreed to.

Discussions continued, and on the following day, March 26, Senator Stewart, of Nevada, said:

"The original bill has been very much improved, and one of the great objections has been removed from it by the amendment offered by Senator Sherman, which relieves the class of persons who would have been first prosecuted under the original bill without the amendment. I am very much gratified that the Senator offered the amendment and that the Senate adopted it. The bill ought now, in some respects, to be satisfactory to every person who is opposed to the oppression of labor and desires to see it properly rewarded."

This amendment to the act was made while the Senate was sitting in Committee of the Whole.

The Senate resumed consideration of the bill on March 27, and when the amendment just referred to was reached, Senator Sherman rose and said: "That is an amendment offered by the Senator from Rhode Island [Mr. ALDRICH], and I call the attention of the Senate to it. In my judgment this amendment practically fritters away the substantial elements of this bill." Senator Blair corrected Senator Sherman and told him that the amendment referred to was one offered by himself and not by the Senator from Rhode Island.

A discussion followed, in which Senator Edmunds, of Vermont, participated. He opposed the amendment, but in the course of his remarks said:

"Well, here we are! I do not blame the farmers of the United States at all. On the contrary, I support them when everybody is turned against their interests in organizing themselves to defend them. But if capital and manufacturing industries begin to regulate, to repress, and diminish below what it ought to be the price of all labor everywhere that is engaged in that kind of business, labor must organize to defend itself."

Senator Hoar, of Massachusetts, followed Senator Edmunds in the discussion upon this amendment as it offered to protect labor.

"I wish to state in one single sentence my opinion in regard to this particular provision. The Senator from Vermont thinks that the applying to laborers in this respect a principle which was not applied to persons engaged in the large commercial transactions which are chiefly affected by this bill was indefensible in principle. Now, it seems to me that there is a very broad distinction, which, if borne in mind, will warrant not only this exception to the provisions of the bill, but a great deal of other legislation which we enact or attempt to enact relating to the matter of labor. When you are providing to regulate the transactions of men who are making corners in wheat, iron, and other products, speculating or when they are lawfully dealing with them without speculation, you are aiming at a mere commercial transaction, the beginning and the end of which is the making of money for the parties and nothing else. That is the only relation that transaction has to the state, but is the creation or division of much of the ownership of the wealth of the community, but when the laborer is trying to raise his wages, or is endeavoring to shorten the hours of his labor, he is dealing with something that touches closely, more closely than anything else, the government and the character of the state itself. The laborer who is engaged lawfully and usefully and accomplishes his purpose, in whole or in part, endeavoring to raise the standard of wages is engaged in the occupation the success of which makes republican government itself possible, and without which the republic can not, in substance, however it may in formation, continue to exist.

"I hold, therefore, that as legislators we may constitutionally, properly, and wisely allow laborers to make associations, combinations, contracts, agreements for the sake of maintaining in advance their wages, in regard to which, as a rule, their contracts are to be made with large corporations who are themselves but an association or combination of capital on the other side. When we are promoting and even encouraging that, we are promoting and encouraging what is not only lawful, wise, and profitable, but absolutely essential to the existence of the Commonwealth itself."

Further discussion followed, and Senator Walthall, of Mississippi, moved to refer the bill and the amendment to the Committee on the Judiciary, with instructions to report within twenty days, which carried by a vote of 31 yeas, 28 nays.

On April 2 the bill was reported out by the Committee on the Judiciary, but the amendment agreed to in Committee of the Whole was not included.

Though at the time we doubted the wisdom of that amendment being omitted, we were assured by several that under the reconstructed bill labor and agricultural organizations were not included.

On April 8 the bill passed the Senate as reported by the Committee on the Judiciary by a vote of 52 yeas, 1 nay. It passed the House on June 21, 1890, and was approved July 2, 1890.

In the Fifty-sixth Congress a bill was introduced known as H. R. 10539, intended to amend the Sherman antitrust law. During its consideration by the House Committee on the Judiciary, representatives of the American Federation of Labor requested the adoption of the following amendment:

"Nothing in this act shall be so construed as to apply to trade unions or other labor organizations organized for the purpose of regulating wages, hours of labor, or other conditions under which labor is to be performed."

The committee declined to accept this amendment; but when the bill was reported to the House, Representative Terry made the motion to adopt the amendment, which was agreed to, and the bill as amended passed the House by a vote of 259 yeas and 9 nays.

The bill then went to the Senate, but no action was taken; therefore it died on the expiration of that Congress.

Yet no one will pretend to say that both these quoted provisions excluding labor from the operation of the law were not the expression of the separate judgment of the Senate and of the House of Representatives, though not jointly enacted.

Does not this brief review of the history of legislation upon the subject of the Sherman Act clearly indicate what Congress had in mind when it enacted this legislation? And yet the Supreme Court assumes that, because both Houses did not jointly adopt a specific provision excluding the labor organizations from the operations of the antitrust laws, therefore they were included.

We must protest against the penalizing of the labor unions

under the carelessly worded provisions of an antitrust law, which we understand since the court's decision has resulted in the grand jury of New Orleans indicting seventy-two workmen under its provisions, while at the same time the most vicious and rapacious trusts flourish and wax great upon the "restraint of trade and commerce" which they are able to exert, yet not all the machinery of our Government or of courts seems adequate to bring these real trust offenders to the place where the Sherman antitrust law really applies to them. In the confusion caused by this misapplication of the Sherman law to the labor unions, the illegal and vicious trusts are likely to still further escape punishment. Thus they may profit by the injustice done to labor.

The trend of legislation in civilized countries, including our own, has been to remove the associated efforts of the wage-earners for their mutual and common protection from the ban of conspiracy or the implication that they are in unlawful restraint of trade. As a matter of fact, and laws have been passed by other countries and in our own specifically declaring that the organizations of workmen instituted for the purpose of regulating hours of labor and other conditions of employment and increasing wages were not to be held as conspiracies or organizations in restraint of trade.

CONGRESSIONAL RELIEF IMPERATIVE.

We expect that the present Congress will take prompt action to so amend or modify the Sherman law that there can be no question as to its application. We shall ask such enactment restoring the rights of unions and agricultural associations, so that the association of human beings for education and progress may never again be confounded with the sordid and material activities of trusts. We believe that the people as a whole will be with us in this effort.

And even should Congress grant the desired relief in this case we shall still advise the utmost political activity on the part of our workers and friends. This decision has shown us the necessity of eternal vigilance.

It is well that Congress is in session at the time this decision is handed down, for we can now make our appeal directly to it for relief. We confidently expect that Congress will appreciate the injustice which has been done directly to the workers and hence indirectly to all the people. We believe that Congress will understand how important a portion of the body politic is comprised by the workers and will grant us the attention and prompt action which the injury merits. Congress must of necessity declare itself either for or against us at this time, and should it fail to heed our request for justice we shall at once appeal to all the people to help us right our wrongs by electing Representatives pledged to the interests of the people.

Already some bills have been introduced seeking to amend the Sherman law. When a bill has been perfected which will remedy the injustice done to labor by the recent court decision, it will be presented to Congress for consideration and every effort made to press it to passage.

Instead of being disheartened by this decision of the Supreme Court our labor forces will only be cemented the more closely by the danger which threatens.

This decision will mean a greater awakening for labor than ever before. In fact we feel assured that the people as a whole will join with us in securing Representatives in Congress who will really represent the industrial, political, material interests of the masses. This work of safeguarding the interests and moral welfare of the workers and of all the people has already begun. It will be carried on with greater vigor since this decision shows the necessity of our being ably, firmly, clearly, and fully represented in Congress so that it will be impossible for the Supreme Court in future to ignore or misunderstand.

Our fellow-workers and the people as a whole will unite industrially and politically for the safeguarding and protecting of their interests. All need a more widespread knowledge of economic conditions and the trend of modern industry. In this effort we shall have the appreciation and assistance of all our people.

Another thing must not be forgotten. The union is a necessary and inevitable outgrowth of our modern industrial condition. To deny the union the exercise of its normal activities for the protection and advancement of its members and the advancement of society in general is to do a great injury to all the people.

This repression of right and natural activities is bound to finally break forth in violent form of protest, especially among the more ignorant of the people who, if penalized, as they may be under this decree, will feel great bitterness that they are deprived of the opportunity to improve their conditions by voluntary association.

LABOR NOT DISHEARTENED.

The work and methods of the trade unions and labor organizations are, by the very nature of their large numbers, an open book. All men may know the actions and the doings of the labor unions. The loyal labor papers publish broadcast the aims and progress of the labor movement. The unions appeal to the intelligence, the character, the manhood, the patriotism, and the humanity of the workers and our fellow-man for sympathetic and helpful cooperation. Do the opponents of labor organizations imagine that they can crush the spirit and independence of the men of labor?

Can they imagine themselves in the "Fool's Paradise" where they have succeeded in eliminating the organizations of labor from our public life and body politic, these unions which have done so much to protect and promote the rights and interest and well-being of the American workman? It is inconceivable, but were it at all possible and the organizations of labor driven out of existence, what then?

Does any one imagine that America's workers will submit to the injustice, the greed, and rapacity of unchecked corporate wealth without some form of resistance?

Kill the trade and labor unions of America; drive them out of existence by legislation and court decrees, and then each worker will be an irresponsible person, without association with his fellows, without opportunity for consultation, and without the constructive influence which open organization gives. Then will he seek his own redress in his own way.

Is such a chaotic condition desirable or preferable to the normal, rational, intelligent, peaceful organizations of labor of our time? We opine not. Such a condition must not and will not transpire.

The American labor movement is founded upon the inherent principles of justice and right. Its men are loyal—as loyal to the institutions of our Republic as can be found in any walk of life. The unions of labor have done so much for the material, moral, and social uplift of the toilers that they are indelibly impressed upon the hearts and minds, not only of the workers themselves but of every earnest, intelligent, liberty-loving, fair-minded citizen of our country.

The unions of labor will live. They can not be—they must not be—they will not be driven out of existence. Labor demands relief at the hands of Congress; demands it now.

It should be borne in mind that there is no law, aye, not even a court decision, compelling union men or their friends of labor to buy a Buck's stove or range. No, not even to buy a Loewe hat.

TO ORGANIZED LABOR AND FRIENDS.

It has seldom occurred that I have found it necessary to use the first person in addressing my fellow-workers and the people through the editorial columns of the American Federationist. What follows here refers to such an extraordinary circumstance and affects the labor organizations, their members, and our friends so fundamentally that I am impelled to address them in the most direct manner. The Supreme Court of the United States on February 3, 1908, rendered a decision in the case of the hat manufacturer Loewe against the United Hatters of North America, and decreed that the Loewe suit for threefold damages can be maintained under the Sherman antitrust law. The Supreme Court holds that the action of the hatters, as described in the complaint, is a combination "in restraint of trade or commerce among the several States" in the sense in which those words are used in the Sherman law.

A decision by the Supreme Court, the highest tribunal of the country, is law and must be obeyed, regardless of whether or not we believe the decision to be a just one.

We protest that the trade unions of the country should not be penalized under the provisions of the Sherman antitrust law. In fact, I know that Congress never intended the law to apply to the labor unions, but the Supreme Court rules that it shall apply to them; therefore, pending action by Congress to define our status and restore our rights by modifying or amending the Sherman law, there is no alternative for labor but to obey the mandate of the court.

Under this decision the publication of a "We don't patronize" list in the American Federationist, or any other publication, makes the organization and the individuals composing it liable to monetary damages and imprisonment (see sections 1, 2, and 7 of Sherman law quoted elsewhere). This being the case, I feel obliged to discontinue the "We don't patronize" list.

This course I pursue upon the advice of the legal counsel of the American Federation of Labor, as to the far-reaching character of the decision of the Supreme Court. This action is also advised by my colleagues of the executive council.

I have no words adequate to express the regret I feel at being obliged to take this action, especially as in the opinion of competent lawyers—and their opinion is shared by many other laymen as well as myself—this decision by the Supreme Court is unwarranted and unjust, but until Congressional relief can be obtained it must undoubtedly be binding upon us all. Were it only myself personally who might suffer, for conscience' sake I should not hesitate to risk every penalty, even unto the extreme, in defense of what I believe to be labor's rights. In this case of the adverse court decision, and indeed, in every other circumstance which may arise, I think those who know me do not question my loyalty, devotion, and willingness to bear fully any responsibility involved in the forwarding of the cause to which my life is pledged; but unfortunately, the terms of the decision are such that no one person, even though president of the American Federation of Labor and willing to assume entire responsibility, will be permitted to take upon himself the sole penalty of protest against what I and every member of every organization affiliated to the American Federation of Labor, and, indeed, every patriotic citizen must feel to be a most sweeping dragnet decision, making the natural and rational voluntary action of workmen unlawful and punishable by fine and imprisonment.

Personal willingness to bear the penalty would avail nothing in this instance to spare the other men of labor and our organizations from the penalties decreed to them by the Supreme Court; in fact, such an attempt on my part would involve a vast number of people who would be held equally responsible with me.

I would fail in performing my duty, though it is a painful one, did I not point out that under this decision each and every officer and member of every labor organization becomes liable for any violation of the decision by anyone, not only as to his organization but individually, to the extent of whatever his possessions may be.

I think our men of labor will agree with me that I have no right to expose them to the heavy penalty for disobedience under this decision of the Supreme Court.

I will say briefly here, as I do more fully editorially, that while obeying the decision of the court I feel most deeply that never in the history of our country has there been so serious an invasion of the rights and liberties of our people.

Under the court's construction of the Sherman law the voluntary and peaceful associations of labor that are organized for the uplifting of the workers, these unions, I say, are made the greatest offenders under the antitrust law.

It is almost unbelievable that our unions which perform so important a service in the interest of civilization and moral and material progress are to be accorded the treatment of malefactors. Yet the more carefully this decision is read the more absolutely clear does it become that our unions are to be penalized by it, as the most vicious of trusts were intended to be, yet the trusts still go unpunished.

I have a strong hope that Congress will promptly take heed of the injustice that has been done the workers, and will so amend or modify the Sherman antitrust law that the labor unions will be restored to the exercise of the powers and rights guaranteed to all our citizens under the Constitution.

It is not conceivable that Congress will turn a deaf ear to the rightful demand of the workers of the country for relief from this most amazing decision, but until such time as relief is assured, I am compelled, for the safety of our men of labor, to obey literally the decision of the Supreme Court; but this situation created by the court must be met. It will be met.

While abiding by this decision, I urge most strongly upon my fellow-unionists everywhere to be more energetic than ever before in organizing the yet unorganized, in standing together, in uniting and federating for the common good.

Be more active than ever before in using every lawful and honorable means, not only to secure relief from the present situation at the hands of Congress, but in the doing of everything which may promote the uplifting and noble work of our great cause of humanity. Like all great causes it must meet temporary opposition, but in the end it will accomplish all the more on account of the trials endured.

SAMUEL GOMPERS,
President American Federation of Labor.

[Editorial from American Federalist by President Samuel Gompers.]

The Supreme Court on January 23 decided that clause in the Erdman Act which provided that railroads might not discharge employees for belonging to a labor union was an interference with "feedom of contract." This means, in plain language, that corporations may have the freedom to blacklist men for being members of labor organizations.

Mark the inconsistency of the Supreme Court. In the hatters' case it declares that the boycott used by the workers is a conspiracy and punishable by heavy penalties. In the Adair case, brought under the Erdman Act, it gives a decision which will permit employers to use the blacklist as freely as they please and the wageworkers will have no redress.

Employers may use the blacklist, but wageworkers may not use the boycott. Both decisions are unjust to labor.

The boycott concerns only the manipulation of material products. The blacklist is the denial of the opportunity for a man to work. To blacklist a man—deny him the right to labor—is to deny him the right to live. Humanity was shocked at the discovery of the reconcentrado camps in Cuba, where the Spanish penned in their victims to die by slow starvation, before the Spanish war, yet the blacklist erects as real a barrier—though invisible—around the worker under its ban, and he is often equally condemned to the horrors of slow starvation for himself and his family. It must be remembered that the blacklisted man is often refused employment on any terms—and for what? Not that he is guilty of crime, but because he has associated with his fellows in a labor union. Much freedom of contract for the wageworkers forsooth under the operation of the blacklist!

We hope this decree will prove so repugnant to the country that no employer will be tempted to use it under the shield of the Supreme Court decision. It is another case for Congressional relief.

SUPREME COURT DECISION—DIETRICH LOEWE ET AL. V. MARTIN LAWLOR ET AL.

[February 3, 1908.]

On a writ of certiorari to the United States circuit court of appeals for the second circuit.

Mr. Chief Justice Fuller delivered the opinion of the court:

This was an action brought in the circuit court for the district of Connecticut under section 7 of the antitrust act of July 2, 1890, claiming threefold damages for injuries inflicted on plaintiffs by combination or conspiracy declared to be unlawful by the act.

Defendants filed a demurrer to the complaint, assigning general and special grounds. The demurrer was sustained as to the first six paragraphs, which rested on the ground that the combination stated was not within the Sherman Act, and this rendered it unnecessary to pass upon any other questions in the case; and, upon plaintiffs declining to amend their complaint, the court dismissed it with costs. (148 Fed. Rep., 924; and see 142 Fed. Rep., 216; 130 Fed. Rep., 633.)

The case was then carried by writ of error to the circuit court of appeals for the second circuit, and that court, desiring the instruction of this court upon a question arising on the writ of error, certified that question to this court. The certificate consisted of a brief statement of facts, and put the question thus: "Upon this state of facts, can plaintiffs maintain an action against defendants under section 7 of the antitrust act of July 2, 1890?"

After the case on certificate had been docketed here plaintiffs in error applied, and defendants in error joined in the application, to this court to require the whole record and cause to be sent up for its consideration. The application was granted, and the whole record and cause being thus brought before this court it devolved upon the court, under section 6 of the judiciary act of 1891, to "decide the whole matter in controversy in the same manner as if it had been brought there for review by writ of error or appeal."

The case comes up, then, on complaint and demurrer, and we give the complaint in the margin.

The question is whether upon the facts therein averred and admitted by the demurrer this action can be maintained under the antitrust act.

The first, second, and seventh sections of that act are as follows:

"1. Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal. Every person who shall make any such contract or engage in any such combination or conspiracy, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

"2. Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce among the several States, or with foreign nations, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

"7. Any person who shall be injured in his business or property by any other person or corporation, by reason of anything forbidden or declared to be unlawful by this act, may sue therefor in any circuit court of the United States in the district in which the defendant resides or is found, without respect to the amount in controversy, and shall recover threefold the damages by him sustained, and the costs of suit, including a reasonable attorney's fee."

In our opinion, the combination described in the declaration is a combination "in restraint of trade or commerce among the several States," in the sense in which those words are used in the act, and the action can be maintained accordingly.

And that conclusion rests on many judgments of this court, to the effect that the act prohibits any combination whatever to secure action which essentially obstructs the free flow of commerce between the States, or restricts, in that regard, the liberty of a trader to engage in business.

The combination charged falls within the class of restraints of trade aimed at compelling third parties and strangers involuntarily not to engage in the course of trade except on conditions that the combination imposes; and there is no doubt that (to quote from the well-known work of Chief Justice Erle on trade unions) "at common law every person has individually, and the public also has collectively, a right to require that the course of trade should be kept free from unreasonable obstruction." But the objection here is to the jurisdiction, because, even conceding that the declaration states a case good at common law, it is contended that it does not state one within the statute.

Thus, it is said, that the restraint alleged would operate to entirely destroy defendants' business and thereby include intrastate trade as well; that physical obstruction is not alleged as contemplated, and that defendants are not themselves engaged in interstate trade.

We think none of these objections are tenable, and that they are disposed of by previous decisions of this court.

United States *v.* Trans-Missouri Freight Association, 166 U. S., 290; United States *v.* Joint Traffic Association, 171 U. S., 505, and Northern Securities Company *v.* United States, 193 U. S., 197, hold in effect that the antitrust law has a broader application than the prohibition of restraints of trade unlawful at common law. Thus in the Trans-Missouri case it was said that, "assuming that agreements of this nature are not void at common law, and that the various cases cited by the learned courts below show it, the answer to the statement of their validity is to be found in the terms of the statute under consideration;" and in the Northern Securities case that "the act declares illegal every contract, combination, or conspiracy in whatever form, of whatever nature, and whoever may be the parties to it, which directly or necessarily operates in restraint of trade or commerce among the several States."

We do not pause to comment on cases such as United States *v.* Knight, 156 U. S., 1; Hopkins *v.* United States, 171 U. S., 578, and Anderson *v.* United States, Id., 604, in which the undisputed facts showed that the purpose of the agreement was not to obstruct or restrain interstate commerce. The object and intention of the combination determined its legality.

In Swift *v.* United States, 196 U. S., 395, a bill was brought against a number of corporations, firms, and individuals of different States, alleging that they were engaged in interstate commerce in the purchase, sale, transportation, and delivery, and subsequent resale at the point of delivery, of meats; and that they combined to refrain from bidding against each other in the purchase of cattle; to maintain a uniform price at which the meat should be sold; and to maintain uniform charges in delivering meats thus sold through the channels of interstate trade to the various dealers and consumers in other States. And that thus they artificially restrained commerce in fresh meats from the purchase and shipment of live stock from the plains to the final distribution of the meats to the consumers in the markets of the country.

Mr. Justice Holmes, speaking for the court, said:

"Commerce among the States is not a technical legal conception, but a practical one, drawn from the course of business. When cattle are sent for sale from a place in one State with the expectation that they will end their transit after purchase in another, and when in effect they do so, with only the interruption necessary to find a purchaser at the stock yards, and when this is a typical, constantly recurring course, the current thus existing is a current of commerce among the States, and the purchase of the cattle is a part and incident of such commerce.

* * * * * * *

"The general objection is urged that the bill does not set forth sufficient definite or specific facts. This objection is serious, but it seems to us inherent in the nature of the case. The scheme alleged is so vast that it presents a new problem in pleading. If, as we must assume, the scheme is entertained, it is, of course, contrary to the very words of the statute. Its size makes the violation of the law more conspicuous, and yet the same thing makes it impossible to fasten the principal fact to a certain time and place. The elements, too, are so numerous and shifting, even the constituent parts alleged are and from their nature must be so extensive in time and space that something of the same impossibility applies to them.

* * * * * * *

"The scheme as a whole seems to us to be within reach of the law. The constituent elements, as we have stated them, are enough to give to the scheme a body and, for all that we can say, to accomplish it. Moreover, whatever we may think of them separately, when we take them up as distinct charges, they are alleged sufficiently as elements of a scheme. It is suggested that the several acts charged are lawful and that intent can make no difference. But they are bound together as parts of a single plan. The plan may make the parts unlawful."

And the same principle was expressed in Aikens *v.* Wisconsin, 195 U. S., 194, involving a statute of Wisconsin prohibiting combinations "for the purpose of willfully or maliciously injuring another in his reputation, trade, business, or profession by any means whatever," etc., in which Mr. Justice Holmes said:

"The statute is directed against a series of acts, and acts of several, the acts of combining, with intent to do other acts. 'The very plot is an act in itself.' Mulcahy *v.* The Queen, L. R., 3, H. L., 306, 317. But an act, which in itself is merely a voluntary muscular contraction, derives all its character from the consequences which will follow it under the circumstances in which it was done. When the acts consist of making a combination calculated to cause temporal damage, the power to punish such acts, when done maliciously, can not be denied because they are to be followed and worked out by conduct which might have been lawful if not preceded by the acts. No conduct has such an absolute privilege as to justify all possible schemes of which it may be a part. The most innocent and constitutionally protected of acts or omissions may be made a step in a criminal plot, and if it is a step in a plot neither its innocence nor the Constitution is sufficient to prevent the punishment of the plot by law."

In Addyston Pipe and Steel Company *v.* United States, 175 U. S., 211, the petition alleged that the defendants were practically the only manufacturers of cast iron within thirty-six States and Territories; that they had entered into a combination by which they agreed not to compete with each other in the sale of pipe, and the territory through which the constituent companies could make sales was allotted between them. This court held that the agreement which, prior to any act of transportation, limited the prices at which the pipe could be sold after transportation, was within the law. Mr. Justice Peckham delivering the opinion, said: "And when Congress has enacted a statute such as the one in question, any agreement or combination which directly operates not alone upon the manufacture, but upon the sale, transportation, and delivery of an article of interstate commerce," by preventing or restricting its sale, etc., thereby regulates interstate commerce.

In Montague & Company *v.* Lowry, 193 U. S., 38, which was an action brought by a private citizen under section 7 against a combination engaged in the manufacture of tiles, defendants were wholesale dealers in tiles in California and combined with manufacturers in other States to restrain the interstate traffic in tiles by refusing to sell any tiles to any wholesale dealer in California who was not a member of the association except at a prohibitive rate. The case was a commercial boycott against such dealers in California as would not or could not obtain membership in the association. The restraint did not consist in a physical obstruction of interstate commerce, but in the fact that the plaintiff and other independent dealers could not purchase their tiles from manufacturers in other States because such manufacturers had combined to boycott them. This court held that this obstruction to the purchase of tiles, a fact antecedent to physical transportation, was within the prohibition of the act. Mr. Justice Peckham, speaking for the court, said, concerning the agreement, that it "restrained trade, for it narrowed the market for the sale of tiles in California from the manufacturers and dealers therein in other States, so that they could only be sold to the members of the association, and it enhanced prices to the nonmember."

The averments here are that there was an existing interstate traffic between plaintiffs and citizens of other States, and that for the direct purpose of destroying such interstate traffic defendants combined not merely to prevent plaintiffs from manufacturing articles then and there intended for transportation beyond the State, but also to prevent the vendees from reselling the hats which they had imported from Connecticut, or from further negotiating with plaintiffs for the purchase and intertransportation of such hats from Connecticut to the various places of destination. So that, although some of the means whereby the interstate traffic was to be destroyed were acts within a State and some of them were in themselves as a part of their obvious purpose and effect beyond the scope of Federal authority, still as we have seen, the acts must be considered as a whole, and the plan is open to condemnation, notwithstanding a negligible amount of intrastate business might be affected in carrying it out. If the purposes of the combination were, as alleged, to prevent any interstate transportation at all, the fact that the means operated at one end before physical transportation commenced and at the other end after the physical transportation ended was immaterial.

Nor can the act in question be held inapplicable because defendants were not themselves engaged in interstate commerce. The act made no distinction between classes. It provided that "every" contract, combination, or conspiracy in restraint of trade was illegal. The records of Congress show that several efforts were made to exempt by legislation organizations of farmers and laborers from the operation of the act, and that all these efforts failed, so that the act remained as we have it before us.

In an early case, United States *v.* Workingmen's Amalgamated Council (54 Fed. Rep., 994), the United States filed a bill under the Sherman act in the circuit court for the eastern district of Louisiana, averring the existence of "a gigantic and widespread combination of the members of a multitude of separate organizations for the purpose of restraining the commerce among the several States and with foreign countries" and it was contended that the statute did not refer to combinations of laborers. But the court, granting the injunction, said:

"I think the Congressional debates show that the statute had its origin in the evils of massed capital; but, when the Congress came to formulating the prohibition, which is the yardstick for measuring the complainant's right to the injunction, it expressed it in these words: 'Every contract or combination in the form of trust, or otherwise in restraint of trade or commerce among the several States or with foreign nations, is hereby declared to be illegal.' The subject had so broadened in the minds of the legislators that the source of the evil was not regarded as material, and the evil in its entirety is dealt with. They made the interdiction include combinations of labor as well as of capital; in fact, all combinations in restraint of commerce, without reference to the character of the persons who entered into them. It is true this statute has not been much expounded by judges, but, as it seems to me, its meaning, as far as relates to the sort of combinations to which it is to apply, is manifest and that it includes combinations which are composed of laborers acting in the interest of laborers."

* * * * * * *

"It is the successful effort of the combination of the defendants to intimidate and overawe others who were at work in conducting or carrying on the commerce of the country, in which the court finds their error and their violation of the statute. One of the intended results of their combined action was the forced stagnation of all the commerce which flowed through New Orleans. This intent and combined action are none the less unlawful because they included in their scope the paralysis of all other business within the city as well."

The case was affirmed on appeal by the circuit court of appeals for the fifth circuit. (57 Fed. Rep., 85.)

Subsequently came the litigation over the Pullman strike and the decisions In re Debs (64 Fed. Rep., 724, 745, 755; 158 U. S., 564). The bill in that case was filed by the United States against the officers of the American Railway Union, which alleged that a labor dispute existed between the Pullman Palace Car Company and its employees; that thereafter the four officers of the railway union combined together and with others to compel an adjustment of such dispute by creating a boycott against the cars of the car company; that to make such boycott effective they had already prevented certain of the railroads running out of Chicago from operating their trains; that they asserted that they could and would tie up, paralyze, and break down any and every railroad which did not accede to their demands, and that the purpose and intention of the combination was "to secure unto themselves the entire control of the interstate, industrial, and commercial business in which the population of the city of Chicago and of other communities along the lines of road of said railways are engaged with each other, and to restrain any and all other persons from any independent control or management of such interstate, industrial, or commercial enterprises, save according to the will and with the consent of the defendants."

The circuit court proceeded principally upon the Sherman antitrust law, and granted an injunction. In this court the case was rested upon the broader ground that the Federal Government had full power over interstate commerce and over the transmission of the mails, and in the exercise of those powers could remove everything put upon highways, natural or artificial, to obstruct the passage of interstate commerce or the carrying of the mails. But in reference to the antitrust act the court expressly stated:

"We enter into an examination of the act of July 2, 1890 (c. 647, 26 Stat., 209), upon which the circuit court relied mainly to sustain its jurisdiction. It must not be understood from this that we dissent from the conclusions of that court in reference to the scope of the act, but simply that we prefer to rest our judgment on the broader ground which has been discussed in this opinion, believing it of importance that the principles underlying it should be fully stated and affirmed."

And in the opinion Mr. Justice Brewer, among other things, said:

"It is curious to note the fact that in a large proportion of the cases in respect to interstate commerce brought to this court the question presented was of the validity of State legislation in its bearings upon interstate commerce, and the uniform course of decision has been to declare that it is not within the competency of a State to legislate in such a manner as to obstruct interstate commerce. If a State, with its recognized powers of sovereignty, is impotent to obstruct interstate

commerce, can it be that any mere voluntary association of individuals within the limits of that State has a power which the State itself does not possess?"

The question answers itself, and in the light of the authorities the only inquiry is as to the sufficiency of the averments of fact. We have given the declaration in full in the margin, and it appears therefrom that it is charged that defendants formed a combination to directly restrain plaintiffs' trade; that the trade to be restrained was interstate; that certain means to attain such restraint were contrived to be used and employed to that end; that those means were so used and employed by defendants, and that thereby they injured plaintiffs' property and business.

At the risk of tediousness, we repeat that the complaint averred that plaintiffs were manufacturers of hats in Danbury, Conn., having a factory there, and were then and there engaged in an interstate trade in some twenty States other than the State of Connecticut; that they were practically dependent upon such interstate trade to consume the product of their factory, only a small percentage of their entire output being consumed in the State of Connecticut; that at the time the alleged combination was formed they were in the process of manufacturing a large number of hats for the purpose of fulfilling engagements then actually made with consignees and wholesale dealers in States other than Connecticut, and that if prevented from carrying on the work of manufacturing these hats they would be unable to complete their engagements.

That defendants were members of a vast combination called The United Hatters of North America, comprising about 9,000 members and including a large number of subordinate unions, and that they were combined with some 1,400,000 others into another association known as the American Federation of Labor, of which they were members, whose members resided in all the places in the several States where the wholesale dealers in hats and their customers resided and did business; that defendants were "engaged in a combined scheme and effort to force all manufacturers of fur hats in the United States, including the plaintiffs, against their will and their previous policy of carrying on their business, to organize their workmen in the departments of making and finishing, in each of their factories, into an organization, to be part and parcel of the said combination known as The United Hatters of North America, or as the defendants and their confederates term it, to unionize their shops, with the intent thereby to control the employment of labor in and the operation of said factories, and to subject the same to the direction and control of persons, other than the owners of the same, in a manner extremely onerous and distasteful to such owners, and to carry out such scheme, effort, and purpose by restraining and destroying the interstate trade and commerce of such manufacturers by means of intimidation of and threats made to such manufacturers and their customers in the several States, of boycotting them, their product, and their customers, using therefor all the powerful means at their command as aforesaid, until such time as, from the damage and loss of business resulting therefrom, the said manufacturers should yield to the said demand to unionize their factories."

That the conspiracy or combination was so far progressed that out of 82 manufacturers of this country engaged in the production of fur hats 70 had accepted the terms and acceded to the demand that the shop should be conducted in accordance, so far as conditions of employment were concerned, with the will of the American Federation of Labor; that the local union demanded of plaintiffs that they should unionize their shop under peril of being boycotted by this combination, which demand defendants declined to comply with; that thereupon the American Federation of Labor, acting through its official organ and through its organizers, declared a boycott.

The complaint then thus continued:

"20. On or about July 25, 1902, the defendants individually and collectively, and as members of said combinations and associations, and with other persons whose names are unknown to the plaintiffs, associated with them, in pursuance of the general scheme and purpose aforesaid, to force all manufacturers of fur hats, and particularly the plaintiffs, to so unionize their factories, wantonly, wrongfully, maliciously, unlawfully, and in violation of the provisions of the act of Congress approved July 2, 1890, and entitled 'An act to protect trade and commerce against unlawful restraints and monopolies,' and with intent to injure the property and business of the plaintiffs by means of acts done which are forbidden and declared to be unlawful by said act of Congress, entered into a combination and conspiracy to restrain the plaintiffs and their customers in States other than Connecticut in carrying on said trade and commerce among the several States and to wholly prevent them from engaging in and carrying on said trade and commerce between them and to prevent the plaintiffs from selling their hats to wholesale dealers and purchasers in said States other than Connecticut, and to prevent said dealers and customers in said other States from buying the same and to prevent the plaintiffs from obtaining orders for their hats from such customers and filling the same and shipping said hats to said customers in said States as aforesaid and thereby injure the plaintiffs in their property and business and to render unsalable the product and output of their said factory, so the subject of interstate commerce, in whosoever's hands the same might be or come, through said interstate trade and commerce, and to employ as means to carry out said combination and conspiracy and the purposes thereof and accomplish the same, the following measures and acts, viz.:

"To cause, by means of threats and coercion, and without warning or information to the plaintiffs, the concerted and simultaneous withdrawal of all the makers and finishers of hats then working for them, who were not members of their said combination, The United Hatters of North America, as well as those who were such members, and thereby cripple the operation of the plaintiffs' factory, and prevent the plaintiffs from filling a large number of orders then on hand, from such wholesale dealers in States other than Connecticut, which they had engaged to fill and were then in the act of filling, as was well known to the defendants; in connection therewith to declare a boycott against all hats made for sale and sold and delivered, or to be so sold or delivered, by the plaintiffs to said wholesale dealers in States other than Connecticut, and to actively boycott the same and the business of those who should deal in them, and thereby prevent the sale of the same by those in whose hands they might be or come through said interstate trade in said several States; to procure and cause others of said combinations united with them in said A. F. of L. in like manner to declare a boycott against and to actively boycott the same and the business of such wholesale dealers as should buy or sell them, and of those who should purchase them from such wholesale dealers; to intimidate such wholesale dealers from purchasing or dealing in the hats of the plaintiffs by informing them that the A. F. of L. had declared a boycott against the product of the plaintiffs and against any dealer who should handle it, and that the same was to be actively pressed against them, and by distributing circulars containing notices that such dealers and their customers were to be boycotted; to threaten with a boycott those customers who should buy any goods whatever, even though union made, of such boycotted dealers, and at the same time to notify such wholesale dealers that they were at liberty to deal in the hats of any other nonunion manufacturer of similar quality to those made by the plaintiffs, but must not deal in the hats made by the plaintiffs under threats of such boycotting; to falsely represent to said wholesale dealers and their customers, that the plaintiffs had discriminated against the union men in their employ, had thrown them out of employment because they refused to give up their union cards and teach boys, who were intended to take their places after seven months' instruction, and had driven their employees to extreme measures 'by their persistent, unfair, and un-American policy of antagonizing union labor, forcing wages to a starvation scale, and given boys and cheap, unskilled foreign labor preference over experienced and capable union workmen,' in order to intimidate said dealers from purchasing said hats by reason of the prejudice thereby created against the plaintiffs and the hats made by them among those who might otherwise purchase them; to use the said union label of said The United Hatters of North America as an instrument to aid them in carrying out said conspiracy and combination against the plaintiffs' and their customers' intertrade aforesaid, and in connection with the boycotting above mentioned, for the purpose of describing and identifying the hats of the plaintiffs and singling them out to be so boycotted; to employ a large number of agents to visit said wholesale dealers and their customers, at their several places of business, and threaten them with loss of business if they should buy or handle the hats of the plaintiffs, and thereby prevent them from buying said hats, and in connection therewith to cause said dealers to be waited upon by committees representing large combinations of persons in their several localities to make similar threats to them; to use the daily press in the localities where such wholesale dealers reside, and do business, to announce and advertise the said boycotts against the hats of the plaintiffs and said wholesale dealers, and thereby make the same more effective and oppressive, and to use the columns of their said paper, The Journal of the United Hatters of North America, for that purpose, and to describe the acts of their said agents in prosecuting the same."

And then followed the averments that the defendants proceeded to carry out their combination to restrain and destroy interstate trade and commerce between plaintiffs and their customers in other States by employing the identical means contrived for that purpose; and that by reason of those acts plaintiffs were damaged in their business and property in some $80,000.

We think a case within the statute was set up and that the demurrer should have been overruled.

Judgment reversed and cause remanded with a direction to proceed accordingly.

Mr. SULZER. Mr. Chairman, that decision is the supreme law of the land, and a cynic has recently defined "the supreme law of the land" to be the last guess of the United States Supreme Court. In my opinion there is a great distinction between the legal responsibility of a corporation and a trades union. They differ widely. A corporation is an artificial person created by law, and what the State creates the State has a right to regulate. The trades union is a voluntary association of free individuals possessed of the same rights of action as belong to individuals and destitute of corporate rights and corporate responsibility. The judges and lawyers of England and America invented for labor unions the rule of corporate responsibility and sought to punish their acts as conspiracies in restraint of trade. This legal notion the English statute expressly abolished and made it lawful for an association of workingmen to do whatever is legal for an individual workingman to do. This wise legislation has been embodied in the laws of Pennsylvania, Michigan, and other enlightened Commonwealths. It has not yet been adopted by the Congress, but I feel confident that it will be and ought to be before this session adjourns, and then it must be recognized by the Supreme Court of the United States.

Mr. Chairman, just a few words more. I want to say that I am now, always have been, and always expect to be the friend of the toilers of the country. Anything I can ever do, in Congress or out of Congress, to promote their interests and protect their rights I shall do cheerfully. I believe in the rights of man and in the dignity of labor. All that we are and all that we hope to be we owe to the workers of our country. This decision of the Supreme Court seems to regard the rights of hats as superior to the rights of man. In my opinion a labor union or a trades union organized to promote the interests and protect the rights of labor is not a trust, never was a trust, and never will be a trust, in the true contemplation and construction of the provisions of the so-called "antitrust act of 1890." I shall not at this time, however, discuss this matter in detail. Mr. Gompers has done that in a masterful way, and my object in taking the floor to-day was for the purpose of placing his views regarding this sweeping decision in the CONGRESSIONAL RECORD; and I trust that the legislation now demanded by the American Federation of Labor in this connection and in other matters of moment may be enacted into laws before this session of Congress adjourns. Labor appeals to us now from one end of the country to the other. The question of the hour is, Will the Congress hear? Will the Congress heed? Will the Congress respond?

Mr. BOWERS. I yield thirty minutes to the gentleman from Arkansas [Mr. BRUNDIDGE].

Mr. BRUNDIDGE. Mr. Chairman, this being the long session of Congress, it is but natural and right that it should be expected to give due consideration to all matters of general legislation, and then to enact such laws as are demanded and needed by the country. But a very different policy from this we are given to understand has been agreed upon, which is that we are to hurry to their passage the appropriation bills, let all other legislation go, and adjourn not later than the 15th of May or sooner if possible. If this programme is to be carried out, and I doubt not but what it will be, it is significant in its meaning, for it means that all the needed legislation must necessarily wait until the next long session, which will be two years in the future.

No Congress ever had a better opportunity to pass both needed and beneficial legislation than this one has. Conditions seem to be exactly right, and they demand immediate action and not delay. From the Dakotas to Texas and from California to New York we have been overwhelmed with petitions, resolutions, and private letters from boards of trade, trades unions, farmers' unions, partnerships, and private citizens asking Congress to pass such laws as the business conditions and the industrial development of the country demand.

In addition to these the President has already sent us three messages, and I understand he is now busily engaged in the preparation of the fourth, which will be sent in in the next few days, urging Congress to pass needed laws. The greater part of the laws asked for in these messages are good and ought to be enacted. And if we persist in adjourning without passing them I sincerely hope that he will call an extra session before we get out of town, although I confess that I do not think he will do it. The future student of history will not waste much time in finding out what the first session of the Sixtieth Congress accomplished, but will find it a very interesting study to note the great number of things it left undone. Let me call attention to some of them, and my time will only permit me to do so briefly.

It is now plain that we are to have no river and harbor bill this Congress, and no money is to be appropriated for the improvement of our rivers and harbors this year. That this much-needed improvement is to be thus neglected is to be generally regretted, for never before has there been such a universal demand for river improvement as there is now from every quarter. There seems to be an enthusiasm and desire for river improvement never before known. The demand is to improve our rivers and thereby give us cheaper and better transportation facilities for our rapidly increasing productions. On the 26th of February the President sent a special message to Congress urging the necessity for river improvement, not next year or at some time in the future, but now, he says.

The report of the Waterways Commission, which he at the time transmitted, certainly shows the necessity for paying some attention to the message and its recommendations. It is shown by this report that we now have 25,000 miles of navigable rivers and 25,000 miles more that could be made navigable by proper improvement, not including canals and bays. With this splendid showing as to the number and length of these great natural highways of commerce, the startling information is given that while our rivers are the best, yet they are at the same time less used and more generally neglected than are those of any other civilized country in the world. Our attention is also called to the fact that much of the money heretofore appropriated for river improvement has been wasted, because of the fact that a sufficient sum had not been given to carry on successfully the work undertaken.

Nowhere can this almost criminal neglect of waterway improvement be more clearly shown and demonstrated than in my own State. The State of Arkansas has almost, if not quite, as many miles of navigable rivers as has any State in the Union. Yet the sum annually expended for their improvement by the Government is so small that Congress and everybody connected with it ought to be ashamed of it.

We are not even permitted to have an engineer to reside in the State, and all estimates made and submitted to the War Department and to Congress as to the character of the improvements to be made, and the amount of money to be expended therefor, must be made by an engineer who resides in another State.

The efforts of the entire delegation of the State to have a competent engineer sent to Little Rock have been unavailing, and we must still wait to see how much longer this injustice is to continue.

The next important legislation we are neglecting is the failure to pass a drainage bill. If one should be passed, as it ought to be, it would just now serve a double purpose. It would serve primarily to aid in navigation and greatly benefit the public health, and it would serve, in the second place, to redeem in many of our States thousands and hundreds of thousands of acres of the most fertile and valuable lands they have in them; would convert them from worthless, valueless swamps into magnificent farms and plantations. These lands would find their way upon the tax books and would aid in bearing the burdens of taxation in the different States and would add untold millions to the permanent and lasting wealth of this country.

We are further confronted with the fact that we are to have no employers' liability act passed. And this is another one of the pressing necessities for legislation that the President has called the attention of Congress to in one of his special messages and one I think that ought to be acted upon. For when we remember how difficult it is in the several States to have a good and sufficient employers' liability act passed by the State legislature, for the reason that the railroad companies have generally been enabled by some influence or in some manner to prevent it, it does seem to me that it is high time that Congress should set the splendid example by passing the act the President has asked to have passed, and yet everybody now knows that we are not even going to be given an opportunity to consider such a bill.

It is also a matter of common knowledge that there will be no public buildings bill this year, or if there is one, it is to be a very small and insignificant affair. My information is that there are bills pending before this Congress asking for public buildings in the different States that would require an expenditure of something like $80,000,000, and they, too, are not to be considered.

Towns and cities are to-day suffering for the lack of adequate and suitable public buildings. Communities without number are to-day deprived of a decent post-office building from which to get their mail and must continue to go to buildings which are inadequate, unsanitary, crowded to overflowing, and totally insufficient, but they must endure the ills and wrongs for two more years at least, for Congress wants to make a record this year for economy. Therefore we can have no public buildings bill.

Likewise it is reasonably certain that there will be no kind of legislation in behalf of labor. Some of their demands at least are meritorious and ought to be granted. For instance, the frequent and indiscriminate use and abuse of the injunction power by the Federal judiciary ought to be regulated and controlled and made so as to apply only to cases of violations of the law, and never used where it becomes the means of oppression and a menace to personal rights, individual liberty, and freedom.

The President has also asked that the power of the Interstate Commerce Commission be increased, to enable them more effectively to regulate and control railroad traffic, to correct existing abuses, and prevent, if possible, discriminations, not only in the matter of rates charged but also unreasonable and unjust delays in the handling of freight and furnishing cars; but this, like the rest, must wait two years more, or even longer, and the chances are good for a greater delay.

Finally, I presume that no man now believes that there is to be any currency legislation that will be of any benefit to the country. And after listening with much interest to the speech of the learned gentleman from Illinois [Mr. PRINCE], who has just concluded his remarks, I have thoroughly reached the conclusion that, while the Senate may pass the Aldrich bill, the House will reject it. And should the House pass the Fowler bill, it will meet its defeat in the Senate. With this action I am not displeased, for I am convinced that both of these bills are in the sole interest of the national banks and would be of no benefit or advantage to anyone else. If these bills, especially the Fowler bill, should pass, it would be the sounding of the death knell to all State banks and would compel them to retire from business, leaving the national banks entirely in control of all the currency of the country, a condition not desired and earnestly hoped will never occur.

But whatever else may be said of the present agitation of the money question, at least some good has been the result of it. For instance, the entire country has been brought to a realization of the fact that we now have the worst currency system in the world, and we are fast beginning to realize that the sooner the present partnership and unholy alliance existing between the United States Government and the national banks is dissolved the better for everybody concerned, except the banks. Under existing law a national bank must own an interest-bearing Government bond before it can issue bank notes, but when it does own such a bond it has the right, and has had ever since the currency law of March 14, 1900, to issue the full amount of that bond in notes that circulate as money, and from the very moment of the issue of these notes the bank is placed in the advantageous position of drawing interest both ways or drawing double interest on the amount invested in

the bond. First, it draws interest from the Government on the bond in a sum ranging from 2 to 4 per cent per annum, and, second, it draws interest from the people on the bank notes in a sum ranging from 8 to 10 per cent per annum; hence it is but natural that the banks should have a fondness for interest-bearing Government bonds and continue their desire to own them, as is shown by their increased holdings of the same from year to year. As evidence of this fact I shall here insert a letter and statement which I have only recently received from the Comptroller of the Currency, showing this phenomenal increase for the past four years. The letter is as follows:

TREASURY DEPARTMENT,
Washington, February 25, 1908.

Hon. S. BRUNDIDGE, Jr., M. C.
House of Representatives.

SIR: Your letter of the 24th instant, addressed to the Secretary of the Treasury, is referred to this office. In compliance with the request therein the following information in connection with bonds on deposit by national banks to secure circulation is furnished:.

	February 28, 1905.	February 28, 1906.	February 28, 1907.	February 25, 1908.
2 per cent, 1930	$429,024,300	$499,104,000	$495,820,700	$563,818,850
3 per cent	2,527,540	1,958,240	4,398,020	9,797,020
4 per cent	10,236,300	10,784,200	35,709,150	16,675,750
P. O., 2 per cent			17,028,080	34,459,280
Certificates, 3 per cent				15,436,500
Total	441,788,140	511,846,440	552,955,950	640,187,400

Respectfully,

T. P. KANE,
Deputy Comptroller.

From this statement it will be seen that the banks have increased their holdings of bonds over $200,000,000 in the past four years, which is a most remarkable and rapid increase. The Government is now paying these banks annually; in interest alone, more than $16,000,000 as a bonus for the privilege of permitting them to issue currency to the full amount of the bonds. It will be remembered that only last fall the Secretary of the Treasury sold $15,000,000 of bonds bearing 3 per cent interest. These were sold only to the banks, and on these we pay them annually $450,000 in interest, while they were only required to pay into the United States Treasury 10 per cent of the purchase price. Ninety per cent thereof was very generously left in their own vaults.

These are not all of the advantages they enjoy. As often as they demand it the Government rushes to their aid with a deposit of untold millions of the public funds, which they hold without the payment of one cent of interest. They seem to understand that it is the province of the Government to pay interest, but not to receive it.

It is a strange coincidence that during a panic these financial institutions can and do, in violation of law, refuse to pay their depositors the money due them, and at the same time always have plenty of gold to buy all the bonds offered and complain because the amount sold is not larger.

When we recall the fact that a money stringency always produces a panic, and a panic always produces another bond issue and a further increase of the interest-bearing public debt, the only surprising thing about the whole business is that we do not have panics more often than we do.

If Congress would only repeal the law making these interest-bearings bonds the basis of securing this bank-note currency, it would go a long way toward settling the currency question and would remove the greatest temptation for creating a panic that has ever existed. The fact is that under present conditions there is every reason why the banks should pay the Government interest and not one valid reason for the Government paying interest to them.

Mr. Chairman, I want it understood that the failure to correct these evils and all the responsibility therefor rest alone with the Republican majority of this House. A majority of the Democrats would be glad to vote for them, but the other side are determined that we shall have no opportunity to do so, at least at this session. I believe in economy, and there should be no extravagant expenditure of the public funds; but under present conditions what is most needed just now is a liberal and broad-gauged Congress, for with more than $260,000,000 idle in the Treasury and several hundred thousand men and women idle throughout the country at the same time, we have a condition clearly showing that something is radically wrong. The truth is that just at this time the Government needs the labor and labor needs employment. Then, why not give it to them by making these long-needed interual improvements? If we should do so, the panic would be at an end at once; everybody who wanted employment could get it, and business would once again resume its natural and uninterrupted course.

For the last few days we have been frequently told by our Republican friends that the panic was over; that it had only lasted ninety days, and there was now no longer depression in the business world. But the facts do not justify these statements, and no man can blind himself to the fact that the great army of the unemployed is increasing daily. It was only a short time ago that more than a thousand men marching through the streets of Philadelphia were clubbed and beaten by the mounted police when their only offense was going to see his lordship the mayor to ask for employment.

The railroads everywhere are discharging their employees by the thousands and reducing the wages of those they retain. Only last week the cotton mills of the New England States made a reduction of 10 per cent from the wages of a hundred and sixty-five thousand employees. We have returned to the days of the soup house, and the charitable associations of every great city are now taxed to their utmost to feed the hungry and clothe the naked, and this deplorable condition could all be changed if Congress would only pass the legislation needed. Then, why do we not do it?

The best reason yet given for the failure to do so is that this is the election year, and we must go before the country with a record made for economy and show how much the majority has saved to the Treasury by its refusal to legislate. The people must be again faked by this old-time worn confidence game of deception which is attempted to be worked just before each national election. Can and will it again succeed? is the question that must be answered next November. I am inclined to believe that the people will not allow themselves to be fooled again, but will wake up to a full realization of the facts as they exist. When they do they will find a Republican majority in both the House and Senate halting and retarding every progressive step, and by so doing they are day by day swelling the ranks of the idle and unemployed. Who can calculate or even estimate the misery and suffering that will necessarily follow the pursuit of such a policy, and if it is to continue may we not expect the great army of voters to rise early in the morning of the next November election and hasten to the polls and there register with their ballots their solemn protest against a further lease of power to a party who withheld relief from the needy at a time when the Treasury was fairly bursting with useless money and thus demonstrated its incapacity to govern more than 80,000,000 of progressive and intelligent people? If the conditions remain as they are the next election will prove to be a great surprise unless a change speedily comes. When the sun goes down that evening behind the western horizon you need not be surprised to find that it has gilded with its golden rays one of the greatest victories the Democratic party has ever won. [Loud applause on the Democratic side.]

Mr. KEIFER. I should like to ask unanimous consent that all Members who have spoken or who may speak in general debate on this bill may extend their remarks in the RECORD.

The CHAIRMAN. The Chair will say to the gentleman from Ohio that that can not be done in Committee of the Whole. It will have to be done in the House.

Mr. BOWERS. I yield thirty minutes, or so much thereof as he may require, to the gentleman from Arkansas [Mr. FLOYD].

Mr. FLOYD. Mr. Chairman, I desire to discuss the President's special message in connection with the trust question, with which it chiefly deals. I think all will agree that the President's recent message to Congress is the most forceful document that has yet emanated from the pen of that remarkable man in the White House. It is not my purpose to pass a general encomium upon it, as some have done, nor to criticise the motives of the President, as others have done. Conceding honesty of purpose to its author, I regard it and shall treat it as an able state paper, transmitted to Congress by the Chief Magistrate of the nation, reflecting his views upon grave questions of public concern which, in my judgment, call for the thoughtful and serious consideration of every member of this body, regardless of his party affiliations.

While I differ widely from the President as to the primary causes of the evils complained of, and also as to the means whereby these evils may be uprooted and destroyed, as I shall take occasion to point out in the course of my remarks, I certainly sacrifice none of my self-respect, or loyalty to my own party, when I say that I consider the aims of the President, as set forth in this message, highly commendable.

I heartily favor his recommendation for the passage of an

employers' liability act. I indorse and approve the bold stand he has taken in this message for the enforcement of the law. I commend him for his demand for honesty in high financial transactions; for his denunciation of those engaged in dealing in futures and "stock-gambling" schemes, and for his earnest recommendations for further legislation to curb existing evils in the body politic.

On the contrary, there are a number of specific recommendations for new legislation contained in this and former messages of the President which do not meet with my approval.

I can not agree with the President in his recommendation for a national incorporation law. Such a law would be repugnant to both the letter and the spirit of the Constitution, as that instrument has been interpreted for a hundred years, and would be subversive of the rights of the States. If under the new theory of constitutional interpretation advanced by Mr. Root, Secretary of State, such a law should be passed and upheld by the courts, it would prove a dangerous extension of Federal authority. It is not necessary to either destroy or stretch the Federal Constitution in order to suppress the trust evil. Ample power is lodged in Congress and in the legislatures of the several States, if rightly exercised, to wipe this monstrous evil from the entire domain of the United States. [Applause.]

I can not agree with the President in his recommendation to provide for a Federal license or tax for corporations engaged in interstate commerce. While there is probably no constitutional bar to such legislation, yet, in my judgment, the effect of it would be to perpetuate forever the trust evil in our industrial and commercial system.

Trusts, in the sense in which I shall use the term, are vast combinations of capital consolidated for the purpose of controlling prices or which in the conduct of their affairs operate in restraint of trade. All such combinations I regard as great evils. I do not possess that nice power of discrimination which permits me to follow the President in that delicate differentiation of thought which enables him to classify these great aggregations of capital, consolidated for purposes of monopoly, into good trusts and bad trusts. I regard all as bad. And that is the position of the Democratic party. Every corporation or combination of corporations enjoying a monopoly should have all its affairs subjected to the most rigid supervision, regulation, and control by law. If any such concern seeks to conduct its business and affairs in defiance of law, it should be destroyed. In no other way can the unoffending public be protected from the rapacity and greed of giant monopolies.

I can not agree with the President in his recommendation for an amendment to the Sherman antitrust law so as to enable the railroads, in certain cases, to enter into agreements and combinations now prohibited by law. This, in my opinion, would be a step in the wrong direction in our efforts to control and regulate the affairs of our great interstate railroads. This is based upon the fallacy aleady alluded to that we have good combinations and bad combinations. All combinations in restraint of trade are bad.

The chief value of the President's message, as I see it, consists not in the remedies proposed. Some of these are good, some are vague and uncertain, and others are of doubtful character, which, if enacted into law, might be far-reaching and dangerous in their tendencies. The chief value of the document is found in the fact that he, as President of the United States, in open defiance of large and powerful elements in his own party, grown arrogantly rich under and by virtue of existing conditions and laws, brings to the attention of Congress and the country in a forcible manner the chicanery, the frauds, the wrongful manipulations, and the dishonest transactions of high financiers in the management of great corporate concerns against the common rights of the whole American people.

Here I desire to call special attention to that portion of the President's message beginning with the paragraph on page 12, which is as follows:

The attacks by these great corporations on the Administration's actions have been given a wide circulation throughout the country, in the newspapers and otherwise, by those writers and speakers who, consciously or unconsciously, act as the representatives of predatory wealth—of the wealth accumulated on a giant scale by all forms of iniquity, ranging from the oppression of wageworkers to unfair and unwholesome methods of crushing out competition, and to defrauding the public by stock jobbing and the manipulation of securities. Certain wealthy men of this stamp, whose conduct should be abhorrent to every man of ordinarily decent conscience, and who commit the hideous wrong of teaching our young men that phenomenal business success must ordinarily be based on dishonesty, have during the last few months made it apparent that they have banded together to work for a reaction. Their endeavor is to overthrow and discredit all who honestly administer the law, to prevent any additional legislation which would check and restrain them, and to secure if possible a freedom from all restraint which will permit every unscrupulous wrongdoer to do what he wishes unchecked provided he has enough money.

Mr. Chairman, this is strong language indeed. Evil conditions are graphically described and forcefully portrayed. Wrongdoers in high places are fearlessly assailed and their business methods bitterly denounced by the Chief Executive of the nation. Yet the President has told us nothing new. The conditions described and the evils complained of by the President in this message were not unknown to the public. The Democrats, on the stump, through the press, in the halls of Congress, in their State platforms, and in their national platforms since 1896 have kept these conditions and evils constantly before the American people. They have pointed out and suggested numerous remedies therefor, some of which, I am glad to say, have found favor with the President. The subject of railroad-rate legislation affords an illustration in point. The demand for this character of legislation was embodied in the national Democratic platforms of 1896, 1900, and 1904.

The Democratic national platform of 1896 declares:

The absorption of wealth by the few, the consolidation of our leading railroad systems, and the formation of trusts and pools require a stricter control by the Federal Government of those arteries of commerce. We demand the enlargement of the powers of the Interstate Commerce Commission, and such restrictions and guaranties in the control of railroads as will protect the people from robbery and oppression.

The Democratic national platform of 1900 declares:

We favor such an enlargement of the scope of the interstate-commerce law as will enable the Commission to protect the individuals and communities from discriminations, and the public from unjust and unfair transportation rates.

The Democratic national platform of 1904 declares:

We demand the enlargement of the powers of the Interstate Commerce Commission to the end that the traveling public and shippers of this country may have prompt and adequate relief for the abuses to which they are subjected in the matter of transportation. We demand a strict enforcement of existing civil and criminal statutes against all such trusts, combinations, and monopolies, and we demand the enactment of such further legislation as may be necessary to effectually suppress them.

No such demand is found in the Republican national platforms for any of those years; and, while it is true that individual Members on that side of the Chamber had previously introduced bills upon the subject, the first demand for this character of legislation coming from a high, authoritative Republican source is to be found in the President's annual message at the first session of the Fifty-ninth Congress, when he recommended the passage of the railroad rate bill. This one important measure has given President Roosevelt more popularity throughout the country than any other act of his Administration, and yet it was in keeping with specific demands of three successive Democratic national platforms. The act itself was passed in Congress by a practically unanimous vote in both Houses, Democrats and Republicans alike voting for it, with the exception of seven Republicans in the House and one Republican and two Democrats in the Senate, who voted against it. Hence the charge often made, not without foundation, that the President has profited in popularity by the absorption and appropriation of Democratic ideas and Democratic policies.

Mr. Chairman, there are three distinct and separate views upon the trust question. I hold in my hand a book entitled "The Raid on Prosperity," written by Chancellor Day, of Syracuse University, of New York. In this book Chancellor Day discredits the President and his Administration in his efforts for reform, and seeks to discredit reform movements from whatever source. He defends industrial combinations and their management in their entirety. He devotes three chapters to the Standard Oil Company; defends it and justifies all its methods. According to this learned publicist, the men in control of the great corporations and trusts are not malefactors, but the greatest benefactors of mankind. Present industrial conditions are ideal, and especially beneficial to laboring men. The evils from which we suffer are not due to these corporations or to the men at their heads, but are solely due to agitators, disturbers, and demagogues. This view is clearly set forth in an address delivered by Chancellor Day before a bankers' association at Albany, N. Y., on the 8th of last month, which was reported in the Washington Post, from which I clip the following extract:

The trouble has not been that our great geniuses of commerce and manufacture have become malefactors. The world has no nobler men. The trouble has been that the muck and slime of the vilifiers have been flung over them.

What of our future? If you will stop the ravings of the demagogues; if you serve vigorous notice on the men who are defaming our business men and discrediting our trade by representing our products as the sum of all villainy in fraud and adulteration; if you will call to account the men who are depreciating our bonds and stocks in foreign markets by comparing our great center of brokerage and exchange with a den of thieves; if you will insist that our great railways shall have fair play in their efforts to make new adjustments and to meet the demand of a fabulously developing country; if the whole people will rise up out of suspicion, distrust, and ignorance concerning economic conditions and insist that no man shall have their votes or their following who defames his country, sixty days will put an end to these hard times,

and they will not return while we maintain our self-respect and insist that the rich and the poor shall live and work together in harmony under the guiding providence of that God who made them all.

BLOOD WILL FLOW.

But if you acquiesce and by silence consent to the infamous work of the scandal mongers and permit the widening of the chasm between our thrifty classes and the restless anarchistic Socialists; if you indifferently look on and utter no word of protest against an agitation that invites the anarchist to sharpen his dagger and that appeals to the poor to take the property of the rich with violence because it has been stolen from them; if you admit the justice and righteousness of these assaults upon the mighty forms of our finance, manufacture, and trade, and the estates of the successful in the development of our industries, I prophesy, as I did the panic more than a year ago from the same causes, that before another half decade blood will flow in our streets and the night rider's torch will light the heavens with its appalling glare.

Chancellor Day is an eminent man; he is at the head of a great institution of learning in the Empire State. He speaks not for himself alone, but for a class. By such utterances he reflects the views and sentiments of the greatly rich, with all their allied interests and with their tens of thousands of followers, beneficiaries, and sycophants. According to this view, all industrial combinations are good things and the men at their heads are all right.

The President in his message reflects the views of the reform element of his own party, of which he is the conspicuous head. According to this view, trusts may be classified into combinations that are beneficial and useful and combinations that are harmful; or, in other words, into good trusts and bad trusts. Those who entertain this view think that good combinations should be let alone and encouraged, but that something should be done to relieve the public from the oppression and wrongdoings of bad combinations. This view falls far short of the Democratic position upon the trust question. It is too narrow and circumscribed to comprehend within its scope some of the very worst forms of evil from which the American people are suffering to-day. It entirely ignores legalized frauds resulting from the operation of unjust and discriminatory laws. It also ignores evils that are inherent in and the natural outgrowth of every system of monopoly, entirely independent of the fact as to whether the men in control are well disposed or ill disposed. The Democratic party takes the broader and more comprehensive view of the subject than does the President and most of the reform members of his own party.

Now I desire to give you the Democratic view upon the trust question, not in my own words, but in the language of the last national Democratic platform:

TRUSTS AND UNLAWFUL COMBINES.

We recognize that the gigantic trusts and combinations designed to enable capital to secure more than its just share of the joint products of capital and labor, and which have been fostered and promoted under Republican rule, are a menace to beneficial competition and an obstacle to permanent business prosperity.

A private monopoly is indefensible and intolerable.

Individual equality of opportunity and free competition are essential to a healthy and permanent commercial prosperity, and any trust, combination, or monopoly tending to destroy these by controlling production, restricting competition, or fixing prices should be prohibited and punished by law. We especially denounce rebates and discrimination by transportation companies as the most potent agency in promoting and strengthening these unlawful conspiracies against trade.

So much for conditions; so much for theories.

Now, let us turn to the consideration of practical remedies. In order that we may provide appropriate remedies for any evil, we should first analyze the same and ascertain the nature, character, and extent of such evil. Brushing aside the glow of inflammatory declamation and pyrotechnical denunciation and considering the question in the light of logic and cold facts, this analysis becomes exceedingly plain and simple. The conditions complained of in the President's message and the evils resulting therefrom may all be classed under one general head of "corporate abuses." These corporate abuses may be divided into three general classes, namely: Abuses resulting from law violations, abuses arising from absence of or lack of proper laws of restraint, and evils resulting from bad laws.

First. I desire to call your attention to abuses resulting from violations of existing laws by the directors, agents, and officers of corporations who control their management.

The remedy for this class of evils is to punish offenders for violations of the law. If the penalties now prescribed are not severe enough to restrain the wrongdoers, amend the law and fix heavier penalties. I have no objection to imposing a fine upon the corporation also. This, however, should not be used as a reason or excuse for allowing the guilty agents to go free. Nor have I one particle of sympathy with that sentiment that excuses the subordinate for the violation of law committed in obedience to the commands of his chief or some other high officer of the corporation. I think that every man, however humble his position, ought to be made to understand and know that the mandates of the law of the land are higher than the mandates of any corporation chief, however great his wealth or however powerful his influence. I therefore insist that every officer and agent of a corporation, be his position high or low, who willfully violates any of the provisions of existing law, should be made to suffer the penalties prescribed for such offense. A few conspicuous examples of rich men in the penitentiary or in the common prisons would do more to break up this species of evil than an hundred $29,000,000 fines imposed upon the corporations themselves. [Applause.]

Second. I desire to call your attention to corporate abuses arising from the absence of laws on the statute books to properly prohibit and restrain directors, officers, and agents of corporations from doing things which are unfair, unjust, and morally wrong, to the detriment of the public in the organization of and in the conduct and management of their corporate affairs.

The remedy for all such abuses is to enact new laws to prohibit and restrain the wrongdoing, to fix adequate penalties for their violation, and to rigidly enforce such laws against all offenders.

Third. I desire to call your attention to corporate abuses arising from the operation of bad laws, the effect of which is to foster and build up monopolies and trusts with all their attendant evils. In this class are all laws granting special franchises, subsidies, and gratuities to corporations; also all laws the effect of which in their operation is to give special privileges and law-made profits to certain classes, such as our high protective laws now in force.

The remedy for this last-named class of abuses is to repeal or modify the bad laws.

It is significant that this form of evil seems to have escaped the serious attention of the President. It is idle to rail at men as rich malefactors and yet maintain in full force and effect upon our statute books a system of unfair, unjust, and discriminatory laws that have made them rich and taught them to be malefactors. Blinded by their loyalty to a bad party policy—the policy of protection—neither the President nor any considerable number of his party associates seem to be able to look around behind the great protective tariff wall they have builded with their own hands and see where the trusts are coming from.

The fatal defect in the President's message and in the general policies of his Administration in dealing with the trust question is that he does not seem to comprehend the very close and beneficial relation between the high protective tariff and the trusts. The high protective tariff system is the very paladium of all the trusts. It is the strong redoubt behind which those classes grown rich and insolent by special privileges are strongly intrenched and securely protected. The remedy, in my judgment, which would be more effectual than all others in curbing the trusts lies within the clear scope of Congressional legislation. The remedy I refer to is the immediate revision and reduction of the high tariff schedules under the Dingley law. Under the operations of this law hundreds of industrial combinations have been formed, until almost every commodity of daily use is manufactured and sold by a trust.

Trusts are everywhere. The high tariff is the arm of the law that upholds and supports them. Paraphrasing a couplet from Burns—

Combines are like poppies spread,
You touch the tariff, and their bloom is shed.

The remedy for any evil, to be effective, must be applied to conditions and laws that have made possible the existence of such evil. In this case the evils complained of are the accumulation of vast and unlimited fortunes, great aggregations of capital, and a dangerous concentration of wealth in the hands of a few men, whom the President characterizes as "rich malefactors." This condition arises from two principal causes, already referred to, which bear a marked relation to each other. The one cause arises from laws upon our statute books, the effect of which is to grant special privileges to the manufacturing classes, and thereby enables them to augment their gains by arbitrary prices, resulting in large profits. Such is the effect of the high-protective schedules of the Dingley law. The other cause arises from the absence of laws upon our statute books to properly control and regulate the affairs of great corporate interests and their management. In other words, the one cause is the high protective tariff; the other is the unrestrained combination and consolidation of different corporate interests under one head, known as a trust. These twin sisters of iniquity walk arm in arm for the accomplishment of evil and evil continually.

The object and purpose of the one is to cut off foreign competition. The object and purpose of the other is to eleminate and destroy domestic or home competition. Unite the two for the one common purpose of destroying all competition, as they

are to-day united in these United States, and you place the great toiling masses of the liberty-loving American people at the absolute mercy of a damnable coalition between legalized robbery and unrestrained greed. [Applause.]

Such is our exact condition to-day. The American people are ground down, as it were, between two millstones, and the wealth of the nation is rapidly, rapidly aggregating into the hands of a few. Who can gainsay it! The high tariff keeps out the foreigner; he no longer competes. The trust unites all concerns engaged in any one particular line of industry under one head or management, thus and thereby eliminating domestic or home competition, and in consequence thereof the America laborer, the American farmer, and all the great consuming classes of whatever vocation or calling are compelled to pay for every article of food or raiment of necessity or comfort the arbitrary and extortionate price fixed by the trust.

The Constitution guarantees free trade between the States. The trust annuls that provision of the Constitution, or renders it nugatory. We have in effect no free trade anywhere. The trust not only controls the wholesale price, but also fixes the retail price of goods sold by its customers, and enforces its mandates by a species of boycott.

Let me give you an illustration in point. The cotton-thread trust, or that concern which has gained control of all the spool cotton thread manufactured in the United States, last summer sent an agent to Bentonville, Ark., a town in my district of about 3,000 inhabitants, with many thriving merchants who have always competed with each other for business and for trade, to notify all these local merchants to raise the price of spool cotton thread to 6 cents per spool. Some of the merchants had been selling it at 5 cents per spool. One of the most prominent firms in town refused to comply with the demand, claiming the right to sell their goods at any price they saw proper to charge. The trust agent returned to the East, and in a few days this firm received a letter from the headquarters of the trust stating that unless they raised the price of spool cotton thread to 6 cents per spool no more spool cotton thread would be shipped to their firm. Feeling indignant at such treatment, this local firm replied that they had never purchased any goods from the firm making this unreasonable demand upon them; that they purchased all their spool cotton thread from a wholesale house doing business in their own town, and that they would continue to sell cotton thread to 5 cents per spool.

In a few days the wholesale house referred to received a communication from the agent of the trust forbidding them to sell any more spool cotton thread to this recalcitrant firm, and warning them that if they did so no more spool cotton thread would be shipped to the said wholesale house. Yet this is free America under the reign of the trusts.

But the evil does not stop there. Not content with destroying all forms of competition, these trusts dishonestly enhance their profits by degrading and cheapening the quality of every article and product manufactured and sold by them.

I received a letter just the other day from a constituent of mine, written at the request of his neighbors, calling my attention to certain frauds along this line, and appealing to me, as their Representative in Congress, to aid in the passage of some measure to give the people relief from such impositions. Hear his letter:

CHOCTAW, ARK., *February 4, 1908.*

J. C. FLOYD.

DEAR SIR: The good-food law is a good thing. I have been requested by a large number of old Democrats of this county to ask you to get up a bill to prohibit the false packing in shoes and harness. You know that if we false pack a bale of cotton or anything it is a heavy fine. We want pure shoes, pure harness, pure tobacco, pure flour, pure coffee. For the tin tags on tobacco we pay from 35 to 50 cents per pound, which is a fraud. We get shoes here with paper and felt soles; felt heels with one leather tap on them. This is the greatest expense that Arkansas has to contend with. Can Congress help us? Or will they do it?

W. J. COLVIN.

This is a humble petition. It was written neither for show nor for publication, and comes from a little settlement of farmers down in the mountains of Van Buren County, Ark., remote from railroads and the great centers of trade. These people are honest, hard-working people, and have their farms on a little stream known as the Choctaw; yet this letter sets forth simple and plain facts which show the low, mean, despicable methods to which these gigantic corporations resort in order to add millions to their already ill-gotten millions by frauds and impositions practiced upon the humble tillers of the soil. Can Congress help them? Or will they do it? What is the trouble? There are many avowed enemies of the trusts in the Republican party. Whenever we bring up this trust question our friends on the other side of the Chamber point with pride to the record of President Roosevelt and his vigorous fight against the trusts and trust methods. Yes; be it said to his credit, the President, breaking away from the stand-pat policies of his own party, has for seven years been waging a constant and sometimes bitter and acrimonious warfare against the trusts. Yet they have grown and multiplied.

And now the President tells us in this very message that they have recently banded together to work for a reaction; that they now seek to overthrow what has already been accomplished; to thwart further new legislation to curb and restrain them, and to bring about, if possible, a condition of affairs that will afford them absolute freedom from all restraint. The people of the United States appreciate the efforts of the President in his fight against the trusts; yet I think it may be truthfully said that never since Don Quixote had his celebrated encounter with the windmills has gallant knight, armed with sword and buckler, spurred and panoplied and plumed with all the equipage of glorious war, waged such persistent contest with such fruitless results. But let us deal fairly with the President. The fault is not altogether or chiefly with him. True, he has sometimes misapplied his blows. He has denounced men when he should have denounced men and systems. He has prosecuted corporations when he should have prosecuted corporations and men. The Standard Oil Company has been fined $29,000,000; the guilty agents of the corporation have been permitted to go free. The fine has not been paid and may never be paid, but if it is, what benefit comes to the public if the Standard Oil Company is permitted to recoup its losses by some other high stroke of finance that will bring to its coffers millions in excess of the fine? [Applause.]

I tell you that the principal source of these evils is in the system and in the condition of our laws rather than the result of wrongful acts of individual men. Rockefeller, Rogers, and Harriman will pass as all mortals must pass in this transitory world, but when these imperious Cæsars are dead and turned to clay others will rise up in their stead and do the same things that their fathers have done until we change and modify existing laws, until we make new laws to prohibit and restrain corporations from further acts of oppression, and until we make laws to suppress evils that are inherent in and the inevitable outgrowth of our present trust-controlled industrial and commercial systems.

The President in this and former messages has brought many matters to the attention of Congress and made many valuable recommendations which would prove beneficial if enacted into law.

The President has recommended an income-tax law. No effort has been made by the President's party to provide for an income tax by constitutional amendment or otherwise.

The President has recommended an inheritance tax. No effort has been made by the President's party to provide for an inheritance tax.

The President asked for an employer's liability act. He was given an unconstitutional measure.

The President asked for a railroad-rate law. He was given a railroad-rate law, but it has proven insufficient, and the President is now asking that the same be amended and strengthened in a number of particulars in order that the Interstate Commerce Commission may regulate more effectually our interstate railroads.

The President recommends that something be done to prohibit manipulations in stocks and stock-gambling schemes. Yet the leaders of the President's party seem to be doing nothing looking to the correction of these great evils.

Yet all the while the leaders of the President's party on the floor of this House have been loudly proclaiming that they indorse the President's policies. For neither the President nor anybody else claims that these are Republican policies. They are "his"—the President's policies. This thing has gone on until many people have been led to question the sincerity of the President himself in his advocacy of reform legislation. There are others who do not know what to think. They can not make up their minds as to whether he is a statesman and a genuine reformer or a politician of consummate skill, constantly fulminating his ideas of reform before Congress in brilliant messages, scintillating with the fire of patriotic fervor, as grand-stand plays before the American people. However that may be, it is true that very little has been accomplished; and very little will ever be accomplished without vigorous legislative action. We can not shift this great responsibility upon the President.

The responsibility is upon us as lawmakers. The remedy rests with the lawmaking power. The corporation is a creature of the law. A trust is a great corporation or a combination of corporations, and, hence, likewise a creature of the law. Neither the corporation nor the trusts have any inalienable rights. What the law creates the law can destroy, or can regulate, control, or restrain within limits. This should be done by the State

if the corporation is acting within the exclusive jurisdiction or control of the State, and by the National Government if acting within the scope of Federal authority. If the lawmaking power in the State or in the National Government neglects or refuses to do its duty, the ultimate remedy rests with the people. In that event it is for the people to rise in revolt against their own leaders and hurl from power any party that favors or fosters legislative policies which operate to give special privileges to the rich against the poor. Yea, more! It is for the people to rise up in their sovereign might and strike down any man, regardless of party, who stands for legislation in favor of the classes as against the masses.

I have already submitted to you the Democratic position upon the trust question. I insist it is the only correct position, and must ultimately triumph. Fellow-Democrats, let us rally to the fight with renewed energy. The Republican party has utterly failed to deal successfully with the trust evil. This special message of the President is tantamount to a confession of that failure. The relief of the people from present bad conditions can only be secured through Democratic success. The war is on for industrial supremacy in this country, and the Republican party is closely allied with the trusts. The issue is sharply drawn between plutocracy on the one hand, and democracy, or the people, on the other. The insolence and oppressions of the greatly rich, and the disasters resulting from a widespread money panic, make conditions ripe for a change in the national Administration.

But let no one imagine that such a contest can be easily won. Those who would combat these forces of error with their millions of hoarded and ill-gotten gold, with their tens of millions of allies and hired emissaries, should have the zeal of martyrs and the courage of true patriots. This is no new fight. It is the old, old struggle of the ages. It is the struggle of the greatly rich seeking to gain and maintain privileges by law, or tolerated under the law, opposed and resisted by the masses constituting the great body of the people. The issue plainly stated is whether the combines and trusts shall control the Government or whether the Government shall control the combines and trusts.

In such a contest and on such an issue the Democratic party can and of right ought to win. It has ever been the enemy of plutocracy and special privileges. It has ever been the friend of the poor and oppressed. It has ever been the champion of equal rights and equal opportunities.

The prospects for Democratic success were never brighter. President Roosevelt has split the Republican party on the trust question, as President Cleveland during his second Administration split the Democratic party on the money question. All that we have to do in order to win is to unite all our forces and stand firmly and unalterably by the time-honored principles of Democracy, and millions of patriotic Americans, to whom these principles are ever dear, will rally to our support in this great civic conflict and will crown our efforts with a glorious victory. [Loud applause on the Democratic side.]

Mr. BOWERS. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Chairman, the House being in the Committee of the Whole House on the state of the Union for the purpose of considering the annual appropriation for pensions, I desire to remonstrate and enter my protest on St. Patrick's day in the morning against existing laws governing the granting of pensions and the arbitrary and unjust rules and practices adopted by the Committees on Pensions.

It appears to me that the laws have been made to prevent, rather than give, pensions to that class of men who, by their heroism and bravery, made it possible for this nation to become the greatest of all nations.

No discretionary powers rest in the officials of the Pension Bureau. Technicalities are always in favor of the Government and against the poor soldiers, half of whom die trying to get that to which they are justly entitled.

All admit that every general law oftentimes works injustice. Pension laws should, however, be drafted out of a goodly mixture of gratitude, generosity, and justice.

Authority should be given the Commissioner of Pensions or a board of commissioners to pass upon all claims, according to the individual merit of each claim.

This authority rests in the hands of the Pension Committee. Likewise in the Invalid Pension Committee. But these committees have time to pass upon a few only of the many worthy and deserving bills introduced by the Members of Congress and referred to them.

If it is right, if it is just and fair for these committees to pass upon a few bills, why should not all of these bills be passed upon and accepted or rejected, according to the evidence and merit of the claimant?

During this session of the Sixtieth Congress in the neighborhood of 25,000 bills will be introduced in the House alone.

How many will be acted upon? Not so many likely as 2,000. What about those left in the pigeonhole?

Comrade Smith is helpless, blind, or partially so; perhaps paralyzed; possibly he has no property, no income except his pittance doled out by the Government.

A bill is introduced by his Congressman for his special relief. His bill happens to be one of the fortunate ones considered. By special act his pension is increased from $12 to $24, or even $30 per month; quite likely it should have been more. But it is an increase anyway, and his remaining days, but few at most, are made happier.

But how about Comrade Jones, who lives in the same town with Comrade Smith? He, too, is blind, helpless, no money, equally dependent and destitute.

His bill is not reached. He must continue to live on $12 per month or be carried to the county house. The Congressman is told that his case was not reached and he must wait until the next session.

Perhaps before Congress convenes again the old soldier, who, when his country called to him, left his home, his wife, his little ones, his aged mother, gave up pursuits full of promise to defend the flag and preserve the Union, dies.

He will not longer beg the Government to come to his relief, so sorely needed. He came to the relief of his country when the blood of the flower of our young manhood was so badly needed and so fearfully sacrificed, and dies unrewarded.

No; the old comrade's eyes are closed. After life's fitful fever he sleeps well.

He no longer clamors for or needs our aid and relief. A twenty-dollar headstone is generously set at the head of his grave. Possibly a flower is deposited on the little mound.

We close our eyes with satisfaction and boast of the splendid and generous care this great Government gives to its defenders.

Perhaps a century hence a costly monument may supplant the modest marker, a hothouse shelter the grave; but what does this avail the dead hero? A few dollars more each month while he was living would have meant far more than this tardy and unlimited expenditure after the final muster out. [Applause.]

No, Mr. Chairman, what we intend to do for the old soldiers ought to be done NOW.

We should not wait until all, or practically all, have answered the final summons. And they are fast dropping from the ranks, too, my colleagues. The gentleman from Ohio [General SHERWOOD], that valiant old soldier and statesman, told us the other day that 28,000 soldiers died last year; 80 every day; 1 every eighteen minutes. The old veterans will not be with us long.

And so I say that if one comrade is entitled to $24 or $30 per month by general or special act, then every other comrade in like circumstance and condition is entitled to $24 or $30 per month.

But how can this be done when one man must investigate and prepare the briefs on all of the bills referred to the Invalid Pension Committee? And one man to perform like service for the Pension Committee? It is simply out of the question.

I have no criticisms to make of Mr. Gauss, detailed by the Pension Bureau to examine the bills of the Invalid Pension Committee, or of Mr. Terry of the Pension Committee. In fact, I wonder how they go over the great mass of evidence and prepare as many bills for the committees as they do. I believe they are the hardest-worked Government employees in Washington to-day. At least three additional examiners should be detailed on the Invalid Pension Committee, that not only a few, but every bill, might be investigated and passed upon, to the end that every soldier would be treated exactly alike.

This is one of the conditions, Mr. Chairman, that I believe every Member will agree with me ought to be remedied. Fish should not be made of one and fowl of another.

As a new Member, I do not know how I can satisfactorily square myself with my soldier constituency. I have introduced forty-odd bills for special relief. I can not hope to get one-third of them passed. How about the others? Many will not be acted upon, equally as meritorious as those considered by the committee.

This is injustice to the Congressmen and injustice to the soldier. This, too, in a land where the Goddess of Justice stands blindfolded, that no distinction of the rights of any man, be he rich or be he poor, is supposed to be made. No wonder she stands blinded, for if sight were not obscured, she would weep big tears of shame that justice is so perverted.

The House has passed the widows' pension bill increasing from $8 per month to $12 per month the pensions of all widows who married soldiers prior to 1890.

Think of it. Eight dollars per month.

I received a letter yesterday, dated March 13, from a soldier's widow, Julia Dunaway, of Granville, Ohio, inquiring if it were true that Congress had passed a law increasing widows' pensions to $12 per month.

She says:

I am the mother of ten children. When my husband was living he got a pension of $100 per month and we got along very well. Now I get only $8 per month, and it is mighty hard to keep so many. I need all that I can get. Please tell me, is it true about our pensions?

Think of that, Mr. Chairman. A soldier's widow, the mother of ten children, drawing the munificent sum of $8 per month. This is an outrage. Any woman the mother of ten children whether she is a soldier's widow or not ought to get more than that. [Applause.]

The Senate wisely amended and passed this bill removing the marriage limitations. This is right; this is just. The wife who cares for her soldier husband during his last days, sure to be filled with suffering, nine chances out of ten a helpless invalid requiring untold care and attention, is entitled to a pension.

But the Senate did not go far enough. It makes this pension provision for widows of the wars up to and including the civil war only. Why exempt the Spanish war widows? This bill is now in the hands of a conference committee.

I hope this committee will still further amend the bill to include the widows and minor children of all wars.

I want to vote for this bill with such an amendment.

I want this House to pass the bill so amended. I believe the Senate will concur and I am sure the President will sign it.

I want a roll call had that every Member may go on record, that the friends of the heroes of this nation may be known and properly classified.

This, Mr. Chairman, brings me to a decidedly objectionable practice and rule.

I refer to the rules of the Pension Committee, to whom is referred all bills for special relief except those of the civil war.

This committee refuses to consider a Spanish war bill when the disabilities did not originate while in the service or can not be traced to such service.

This is an arbitrary and an unjust rule.

This rule does not prevail in the Invalid Pension Committee, I am glad to say.

The Pension Committee refuses to consider this class of claims and gives as a reason therefor that not until the act of 1890 were any pensions given to civil war veterans or veterans of other wars for disability without service origin.

This is strange precedent.

If it was right to pension a soldier in 1890 and since that time for disabilities other than of service origin, it was right to give such pensions before 1890.

If it is right to give civil war veterans such pensions, why not be fair to the Spanish war veterans?

I am told it is too soon; that the Spanish war veterans must wait because the veterans of other wars waited.

Because the veterans of wars previous to the Spanish war were not fairly and justly treated is that any reason why the rule should be continued and adhered to? Not in the least.

I ask indulgence for another personal reference to a case in my own district, the Seventeenth Ohio.

I refer to the claim of Herbert O. Kohr, of Uhrichsville, Ohio. He enlisted in Company B, First Batallion of Engineers, United States Army; served three years, reenlisted, and at the end of the second enlistment received an honorable discharge after six years of faithful service to his country. There is not a blot on his record.

Shortly after his discharge, while engaged on a public work at Oldwine, Iowa, a supposed dead dynamite fuse exploded. When his bleeding body was picked up, it was found that he had lost both eyes—not the sight only, but the eye balls were gone—one hand was off, and his face and body otherwise horribly disfigured; a wreck for life.

Before the accident he was a perfect picture of physical manhood. Now he is blind, helpless, penniless. A little lad leads this once stalwart soldier from house to house, from town to town.

He makes a precarious livelihood by selling a book that he has written since that accident. It is entitled "Around the World, or Six Years with Uncle Sam."

Yes; he was six years with Uncle Sam. Must he wait thirty years, if perchance he lives so long, to get a little something for six of the best years of his life?

He was in the battle of Santiago, he was in China during the Boxer uprising, and in the Philippines for many months. He risked his life and health, and for six long years was in arms, the greater portion of this time on the field of battle.

Now he is denied even a pittance from the Government he so faithfully and honestly defended. Why?

Because his disability did not originate in the service.

This is true. But for comparison let me refer to another case.

I know a veteran of another war who was in the service just ninety-one days. He was stricken with paralysis, and is now a Government beneficiary to the extent of $30 per month.

I am not opposed to pensions of the class to which I have referred. Not by any means. I doubt if any soldier ever got more than he deserved, and but few get as much.

I believe in pensions from the bottom of my heart.

I believe in pensions, first, because those who risked their lives in the defense of their country are entitled, in the days of their adversity, to the care and protection of the country they served so well. It is simple justice, not charity.

Second, because of the billion of dollars, or thereabouts, annually appropriated by the United States no part of it or all the rest of it does the country as much good as the one hundred and fifty millions distributed among the soldiers.

The merchant, the doctor, the editor, the preacher, and even the undertaker gets his share.

But to the claim of my poor blind Spanish war veteran. He is denied. He served six years, but because he happens to be a veteran of this war and not of some other war he must continue to live upon the charity of the public.

Six years ago Hon. John W. Cassingham, who then represented the district I to-day have the honor of representing, introduced a bill for the relief of Herbert O. Kohr. Two years ago my honorable predecessor, Judge M. L. Smyser, introduced a similar bill. The committee refused to consider these bills.

One of the first bills I introduced was for the relief of this poor, helpless, unfortunate man.

The chairman of the Pension Committee, the honorable gentleman from New Jersey [Mr. LOUDENSLAGER], he with the ever-present pink carnation in his coat lapel, fluffy cravat, and provoking twinkle in his eye, blandly but bluntly informed me that he would not permit the committee to recommend or consider this bill while he was chairman of the committee.

I interviewed many members of the Pension Committee. All agreed that this was a most worthy claim, but told me that I must get the consent of the chairman to consider the bill before a stone could be turned.

The poor soldier, who had worked his way to the Capitol, vainly appealed to be allowed to go before the committee, but he with pink complexion and enlarged heart still denied him.

I turned to the President of the United States. The blind soldier stood before the Chief Executive in mute silence. No lengthy appeal was necessary to enlist his sympathy and interest. A few simple words told the story of his life and service. The President realized the justness of the claim. President Roosevelt said Herbert O. Kohr ought to be pensioned, and that he would write the chairman of the Pension Committee and urge as strongly as he knew how a favorable consideration of this bill.

He did, and permit me to read the President's letter:

THE WHITE HOUSE,
Washington, January 31, 1908.

Hon. HENRY C. LOUDENSLAGER,
Chairman Committee on Pensions, House of Representatives.

MY DEAR SIR: The inclosed letter from Congressman ASHBROOK explains itself. I have seen Herbert O. Kohr, the man for whom the pension is asked. He served for six years in the Regular Army, both in the Philippines and in China, with an honorable record. He then went into private life; was engaged in a public work at Oldwine, Iowa, and while engaged in duty a dynamite explosion caused him to lose both eyes, his left arm, and otherwise maimed him, so that he is absolutely helpless for life. He is dependent upon charity. If we had proper laws as to employers' liability, a man thus disfigured by a dynamite explosion would be pensioned for life anyhow. As we have no such proper laws, I earnestly hope that the Pension Committee will grant him a pension. I would do the same for any man who has served well in the Army of the United States and who afterwards while working hard for his living is disabled for life by an accident which, if our laws were proper, would also mean that he was pensioned for life. I very earnestly press his claim.

Sincerely, yours,

THEODORE ROOSEVELT,
President of the United States.

What has been done or what will be done? It looks like for the present the obdurate chairman would rule, notwithstanding the merits of the claim; notwithstanding President Roosevelt wrote the chairman of the committee, "I earnestly hope that the Pension Committee will grant him a pension."

Herbert O. Kohr is not only honestly entitled to a pension, but every other soldier with like record and unfortunate condition.

Does not the President say:

I would do the same for any man who has served well in the Army of the United States and who afterwards, while working hard for his living, is disabled for life by an accident which, if our laws were proper, would also mean that he was pensioned for life.

The President is right in his advocacy of an employers' liability law, and I hope to be able to vote for this law.

But, Mr. Chairman, such a law passed now or at any other time in the future would bring no relief to the already unfortunate victims of accident and disaster.

Every soldier of all the wars and their widows and dependent children ought to be fairly, justly, and liberally dealt with.

To my notion the greatest curse of Congress is the code of rules, both in the House and in the committees. I recognize the necessity of rules for the transaction of business and the control of all bodies. But rules should not deprive a Member and his constituency of their inherent rights, nor should it serve to defeat the ends of justice. [Applause.]

The veterans of the civil war will soon be gone, the last camp fire will be out. While they are living let this Government provide for them sufficient, at least, that they may be comfortably housed, clothed, and fed.

If to do this it is necessary to cut out the building of a battle ship or two each year, a few public buildings, or even reduce the standing Army, do so. [Applause.]

I voted last Saturday to increase the pay of city carriers of a certain grade from $1,100 to $1,200, because I believe many, very many, subordinate salaries are entirely too low, although I felt that the increase more justly belongs to other grades and the faithful rural carriers, who must keep a team and make long hauls over good roads and bad for $900 per annum; while his big city brother will hereafter get $1,200 for lighter work and shorter hours.

But why did Congress rush to the relief of these letter carriers and remain indifferent to such meritorious bills as the Sherwood dollar-a-day bill?

Is it because the old soldier is looked upon as having less political influence?

Nearly every Member was in his seat when the amendment to increase the salaries of the city letter carriers was being considered.

When the gentleman from Ohio [General SHERWOOD] ably argued for the passage of his bill three-fourths of the Members were conspicuous by their absence. I admit that seven Republicans were present and heard the old warrior plead for his comrades. [Applause on Democratic side.]

This is a poor way to inspire patriotism. It leads us to inquire, Does it pay to be a hero?

Don't turn these old veterans out to die like a worn-out horse.

Give those who, by their sacrifices and bravery, made this nation great, rich, and powerful their just reward.

Should the war clouds ever again threaten us, then will the young men follow the example of their patriotic fathers and forefathers and rally around the flag as of old.

And so, Mr. Chairman, I appeal again that our pension laws and rules of the Pension Committees be so amended that all may secure and receive without further unnecessary delay that which is justly due them.

May the policy of a square deal be practiced as earnestly and as strongly as it is to-day preached. In conclusion I use the words of the President, "I earnestly press their claims." [Loud applause on the Democratic side.]

Mr. KEIFER. I yield to the gentleman from Idaho.

Mr. FRENCH. Mr. Chairman, the bill that I have introduced (H. R. 18790) provides for prohibition of immigration to the United States of Japanese and Korean laborers. Before offering any reason for the passage of the bill I desire to outline briefly the salient features of the measure. After that I shall offer a few words showing why the bill should become a law.

In preparing the bill I have followed as closely as practicable the wording of the Chinese-exclusion act and the amendments thereto. I have done this in order, if possible, to use language that has been interpreted by the Department of Commerce and Labor and by our courts. One section of the Chinese-exclusion act, providing for the imprisonment for one year of a Chinaman unlawfully within the United States prior to deporting him, I have omitted, because it was held by the Supreme Court to be unconstitutional. Several sections in the original Chinese-exclusion act have been omitted because the matters which they cover have been dealt with more satisfactorily in later amendments. The main features of the bill are as follows:

First. The prohibition of the immigration of Japanese and Korean laborers into the United States or the insular possessions of the United States, or from the insular possessions to the main land.

Second. The prohibition of any Japanese or Korean laborer returning to the United States who had departed, unless he had a lawful wife, child, or parent in the United States, or property therein of the value of $1,000, or debts of like amount due him and pending settlement. These provisions have been so safeguarded as to preclude abuses thereunder.

Third. It is provided that all Japanese and Korean laborers who may be entitled to remain in the United States at the time of passage of the act shall, within six months thereafter, obtain certificates of residence. This is the same provision that was required of Chinese laborers, and is plainly necessary in order that the spirit of the act may not be avoided.

Fourth. Provision is made in the bill for access to our country of Japanese and Korean merchants, professional men, students, and travelers, besides diplomatic representatives.

It will appear then that the object of the measure is to exclude from our country the great body of Japanese and Korean laborers to whom our doors are open so far as laws are concerned and to place these laborers and their families in the same class as the Chinese laborers. The purpose of the bill is to prevent a large oriental population coming to our shores and becoming a part of the population of the United States, and while the bill does not seek to limit the immigration of Japanese and Koreans absolutely, it does seek to limit the immigration of practically the entire number who are coming to our shores at the present time.

Nations are organized and perpetuated for the benefit of the people who make up the nation, and as people individually have problems to solve that have to do with their course of life, so nations have problems to solve which bear upon their perpetual well-being, and we must proudly assume that our nation's life is perpetual. Many acts of a nation are merely transitory and have but a passing effect upon the current events and development of the nation; other policies of the nation go to the very basic principles upon which the nation rests.

A tariff law operates indifferently and may be repealed or continued with slight effect upon the ultimate character of the nation; a financial policy may be changed by each succeeding administration; great Government improvements have to do with the facility with which business is handled, but not one of these questions strikes vitally at the highest good of any country. The question involved with respect to the immigration of people to our shores has to do with the character of our population, of our institutions, of our religious, ethical, social, and political life. Our country is going through a great formative period, and it is the duty of our nation to have a guard for not only our commercial and industrial well-being, but our people as well. More important than the construction of railways, the building of cities, or the reclamation of arid lands is the safeguarding of our population, and in safeguarding our population one of the primal things to which our minds must be directed is the blood that flows in our people's veins. Peoples of different color and widely separated racial tendencies do not live side by side under the same flag in peace and harmony.

It matters not the relative development of the races; it matters not that they are equal in all that makes for highest manhood and for purest womanhood; it matters only that their social characteristics are separated by a chasm so deep that it can not be bridged at the marriage altar, and their folklore stories mingled by a common fireside. Such is the chasm that separates the American people to-day from the people of the Orient. It is upon this ground that I believe they should be excluded from our shores in such a manner as will prevent any considerable number from ever claiming this their home. This can be done, I believe, by the exclusion of the laboring classes of the oriental countries. On the other hand, realizing the vigor, attainments, and traditions of these ancient people, realizing that they have broken the spell that has bound them as recluse nations during the centuries gone by, we may well afford to admit their scholars that we may learn from them, their students that they may learn from us, their merchants, if this can be done without abuse, that we may buy from them the product of their genius, and through whom we may in turn exploit the fruits of our own industrial thrift.

The relations between the United States and the nations of the Orient should be such that the utmost good will may prevail. We should ask nothing from them that we would not as cheerfully concede. As the years go by we will become more and more interdependent. Notwithstanding this, our growth should be side by side and not by mingling the population of America on the continent of Asia and the population of Asia upon the continent of America. It may be laid down as a cardinal principle that the greatest internal peace belongs to that nation whose people are homogeneous, while, on the other hand, distrust, unrest, and internal strife are the undoubted portion of the nation whose people do not blend.

Prior to the discovery of gold in California, following a policy of exclusiveness centuries old, the people of China, Japan, and Korea had hardly set foot upon our shores. Within four years after 1849 10,000 Chinese alone had landed in the United States, and by 1882, when the first definite act was passed restricting the immigration of Chinese laborers into our country, more than 100,000 Chinese and Japanese had found their way hither. At that time Congress listened to the voice of the West, and an act was passed suspending the immigration of Chinese laborers into the United States. We have followed the policy of excluding Chinese laborers ever since.

Notwithstanding the vigilance that we have exercised, and in view of liberal immigration laws as relate to Japan and Korea, there are to-day something like 300,000 people from China, Japan, and Korea in our midst, and if ready immigration were possible this number would multiply itself many times within the next few years. The tendency of the last quarter of a century warrants me in making this assertion. Going back no further than 1893 and following the immigration of Japanese into our country up to the present, the figures from the report of the Commissioner of Immigration of the United States are very striking:

Japanese immigrants.

1893	1,380
1894	1,931
1895	1,150
1896	1,110
1897	1,526
1898	2,230
1899	2,844
1900	12,635
1901	5,269
1902	14,270
1903	19,968
1904	14,264
1905	10,331
1906	13,835
1907	30,226

The most casual examination of these figures warrants the belief that the tendency is firmly established, and I believe that only by legislation on our part can further immigration be withstood. Remarkable as are the figures bearing upon the immigration of Japanese to our country, I do not think that they represent the true increase. Thousands of Japanese have doubtless come to our country of whose entrance no record has been made. They have come from Canada and Mexico. It has been estimated that the number of Japanese who have entered in this manner for many years equals the number who were admitted through the custom-house. Upon this question the Commissioner-General of Immigration of the United States says in his report for the fiscal year ending June 30, 1907:

> Japanese laborers in large numbers are, and have been for months, flocking to both Canada and Mexico. That in the vast majority of cases their intention (usually formed, it is believed, before embarking for the voyage over) is to enter the United States the Bureau is convinced. In other words, these laborers merely use foreign contiguous territory as a place of temporary sojourn while perfecting plans for proceeding to points in this country. Reports received from immigration officials located in Canada and along the Mexican border show beyond question that such is the case.

I find also in the report that Inspector Braun made to the Immigration Department under date of February 12, 1907, this remarkable statement in confirmation of the remarks which I have just made:

> I have stated before that to secure reliable data as to the number of immigrants coming into Mexico is very difficult, if it be not an impossibility, but I have been assured that during the last year and a half 8,000 Japanese and 5,000 Chinese have entered the Mexican Republic. To-day, however, there are not 2,000 Japanese and not 15,000 Chinese in all Mexico, although, according to a conservative estimate, more than 45,000 Chinese have come to Mexico, and few ever return from there. The Mexican-Chinese-Japanese transportation companies—steamers from all the Mexican ports—have not taken them home to the Orient. Where are the Japanese and Chinese that have come to Mexico and did not remain in that Republic? The almost irresistible conclusion is they found their way to the United States.

I believe that if a census could be taken to-day of the Japanese within our country the number would equal something like 175,000 people. The tendency among the Koreans is just the same. They have not come to our country in such large numbers as have the Japanese, but I believe a very conservative estimate would place their number at 15,000, and that most of these were admitted since the census of 1900.

The relative proportion of this oriental population when compared with the population of our own country is comparatively small, yet, in spite of this, resentment is felt toward them very generally by the sections of our country that have any considerable number of Asiatic people. This resentment is deep rooted and is not the passing sentiment of a restless day. The immigrants from Japan and from Korea, as well as most of the Chinese who came to our country prior to the passage of the Chinese-exclusion law, look upon our country as a place which will furnish men with immediate work at good wages, and probably with some remote or uncertain idea of making this their home. The immigrant from the Orient has lived in a country where he has received something like 10 or 15 cents per day for his labor. He is willing to work in the United States, and he is willing to accept for his labor the minimum wages paid to a white laborer, and even less. Certain handicaps that exist compel him to do this. He does not know our language; he is not as skillful at first as our own laborers. He is not supplied with a large amount of money and is compelled to earn the means for his subsistence.

The result is apparent. He establishes a scale of wages that he can with difficulty raise after he does know our language and after he has become proficient. He establishes a scale of wages far lower than the wages paid to white laborers for doing the same work. The Japanese and Korean Exclusion League, from estimates based upon the wages received by thousands of laborers in the city of San Francisco, does not hesitate to say that the wages which the Japanese receive are from 40 to 50 per cent lower than the wages received by white laborers doing the same character of work.

This is not the only way the presence of the oriental laborer is detrimental to the interest of the white workman. For years the American laborer has struggled for a shorter labor day. He has desired more time away from daily routine for himself or for his family. He has so far succeeded that the eight-hour day is becoming more and more universally recognized. From statistics prepared by the Japanese and Korean Exclusion League, covering thousands of Japanese workmen, it is shown that the Japanese laborer works from ten to fourteen hours per day, where the white laborer works about nine hours. No one can successfully maintain that such competition as this does not tend to lower the conditions of the white laborer.

The white laborer is not accustomed to living as the coolie laborer of the Orient lives. He demands better food and better homes. A single room will furnish all there is of home for six or eight or ten Japanese, Chinese, or Korean laborers, and this same squalid quarters would not be considered as worthy by the most modest American workman. Living in such quarters, working longer hours for lower wages, the coolie laborer is a menace to the great body of American workingmen and a great menace to the best interest of our entire people.

It has been urged that the coolie laborer does the work that the American laborer will not do. Yet such is not the case. The bright Japanese has entered the lists against workmen in almost every line of labor. There are tailors and there are printers; there are engineers and machinists. There are miners, clerks, shoemakers, barbers, jewelers, office boys, hotel and restaurant keepers, photographers, section hands, carpenters, painters, bricklayers, paperhangers, plasterers, gardeners and farmers, and scores and scores of other workmen who are Japanese, and they are in our own country and competing with our own labor.

It is no wonder, then, that the American laborer, no matter whether he is skilled or unskilled, looks upon the tremendous immigration from the Orient as constituting a grave danger to American ideals and American opportunities, not only for the present but for all time. If a halt is not called, what will be the condition within a few years of every trade throughout the West? What will be the condition of the laboring man, whether skilled or unskilled? If the workmen of the Orient are entering these various lines of work to-day, surely they will enter, by another short decade, the lists as competitors with our own workmen in tenfold degree.

I fully realize that what I have said will be met with counter argument by many people in our country, and especially throughout the East. There are those who urge most vigorously that any restriction is wrong. They urge that we should encourage the immigration of Japanese. They believe that we need the labor of these people. The latter part of January of this year a splendid body of representative men—the National Board of Trade—convened in our nation's capital. That body of able men adopted on January 22 a resolution upon this question, which I desire to call to your attention:

> *Resolved*, That the National Board of Trade is strongly opposed to any and all legislation intended to discriminate against Japan or her citizens; but, on the contrary, it is believed that every effort should be made to cultivate and promote the most intimate commercial relations between the two countries, and that all privileges now enjoyed by the most favored nations should continue to be extended to the Japanese.

This resolution would not have been adopted had the spirit of the resolution not been approved by a considerable number of business interests or of citizens of our country. The men who approved it, I fully believe, have looked upon but one side of the question. They have seen great opportunities for the unfolding of our industries. They have seen demand for labor. They have seen the need of men for railroad, mine, and factory.

But in their enthusiasm they have not seen the impoverished condition that inevitably would be brought to American labor within the quarter of a century already begun if their resolution were to be given life during the next twenty-five years. They have not seen that a race of people would be placed side by side with our own people, which would arouse enmity and passion and bring about internal strife and perhaps open war because of their unwelcome presence. They have seen quick action and immediate results; but they have not seen the suffering that they would entail upon two races contending each for higher social and political advantages as the years roll on into the countless decades of our glorious Republic.

The condition of a few to whom wealth has been granted bears little relation to the welfare of any nation. Our nation can not be higher than the general condition of the masses of our people. If the masses of our people are prosperous, our country is prosperous. If they are not prosperous, if they are not content, then in that degree does our Government fall short of the great responsibility that the people have reposed in our political institutions.

The time to solve this question is now; not next year, nor two years from to-day, but now. Every day that passes without action being taken the problem becomes more difficult. Every day will witness greater opposition to this legislation upon the part of interests that will be affected. Steamship companies will oppose this legislation with each succeeding day, because they will desire the traffic in the bringing of oriental people to our shores. Every year that passes without this legislation will make it increasingly more difficult to maintain cordial relations with our neighbors across the sea.

Every year that passes will bring additionally embarrassing political questions to the States which have oriental voters. It is not to be supposed that these voters could get the point of view that the American would have. It is not to be supposed that they would fail to use their ballot to produce practical results for themselves. Every year that passes will bring increased difficulties because of the public school situation. Every year will heighten the difference between the oriental laborer and the white laborer, and the white laborer can not be blamed for standing for the welfare of his own fireside. Last of all, every year that goes by without positive legislation looking to the checking of oriental immigration means the introduction into our midst of a people of a strange blood who throughout the centuries to come will retain their individuality and serve as the slumbering embers that will in the sometime burst into flames of international wars involving our own country and the nations of the Orient.

We may talk of friendly understanding and the willingness of the oriental nations to prevent the immigration of their people to our shores. I respect the sincerity of those who urge this course, but I have no confidence in the merits of such a policy. We can not leave this question to Japan and to Korea any more than thirty years ago we could have left the question of Chinese immigration to the Chinese Government. The present ministry may favor the policy, the succeeding one may oppose it, or if it favors it, the ministry may not prove itself efficient. During the last few days the people of Japan, by their votes, have asked for a new ministry. Who can tell the policy of the political leaders who will now assume control? Aye, if they have declared their policy, who can tell how faithfully that policy will be executed or what will be the policy in ten years from now?

Within the last two years the people of the West have been restless on this question. This restlessness has not been confined to the people of the United States; it has extended to Canada. Since Congress has been assembled the dispatches in our papers have told of this unrest from day to day. The very day the resolution was passed in our capital city by the National Board of Trade, favoring the immigration of Japanese, a representative of the parliament of British Columbia is reported as having declared that the Japanese of Vancouver were thoroughly armed, and that if steps were not taken to disarm them the citizens would arm themselves. This is but a straw, but it indicates the direction of the wind. Within the last two years the American people have witnessed a struggle that has gone on in San Francisco between the citizens and school authorities, on the one side, and the Japanese, on the other, over the question as to whether or not the Japanese should attend the public schools side by side in the same rooms, in the same classes, with our own boys and girls.

Within the year we have heard forecasts of war between our country and the Empire of Japan. Within the year we have seen 10,000 laborers in Vancouver, in British Columbia, descend upon the Japanese and Chinese quarters of that city, break in the doors and windows of fifty houses, and injure some of those who would defend. Within the year we have seen repeated instances of lesser violence, and local officers, for the maintenance of the peace, have been called upon more than once to protect our own people or the ones whose presence they resent.

These things are probably not great within themselves, but I speak of them for what they signify. The time has come when the Chinese or Japanese on the Pacific coast is not pointed out as the curious representative of an unknown race—a mere object of interest. That time has long passed by. The time has come when his presence excites resentment. The hand of the brown man is raised against the hand of the white. He lowers wages. He lowers the standard of living. In times of prosperity he awakens angry passions. In times of depression he arouses riots. Law-abiding for the most part, he has no love for any country but his own. He does not harmonize with our institutions. His blood could not be assimilated with our own because of race prejudice, nor would it be desirable were assimilation possible.

Why, then, should we give ear to any voice that pleads for the admission of these people to our shores? To admit them is to sow the seeds of violence and bloodshed for years to come. It may not be in our day, but it will be some time. Now, while it is within our power, we should work out a course that will mean peace for the present day and peace for the future years. Now, while this voice is heard asking leniency in our laws; now, while commercialism is asking for oriental labor; now, I say, is the time for our country to arouse herself from all lethargy and to say to all the world that for the advantage of a day we shall not bring a curse upon our land; we shall not sell our birthright for a mess of pottage. Our country has no spirit of hostility against Korea, China, or Japan. Our country has only highest hopes for those old peoples. We are proud of their intellect; we admire their love of native land; we glory in the success that the last century has brought to them. We deny them nothing that we are not willing that they should deny us. We wish them untold blessings through future years; but we want their unfolding to be on their own land. Loyal to American institutions, loyal to American labor, loyal to American blood, our country should sound a warning to the American people, to the Chinese and Japanese alike, that, however close our commercial relations may be, each race should leave the other free, under the guidance of almighty God, to work out its own great destiny.

I append herewith a copy of my bill, which is as follows:

A bill (H. R. 18790) prohibiting the immigration of Japanese and Korean laborers to the United States.

Be it enacted, etc., That from and after the passage of this act the coming of Japanese and Korean laborers to the United States be, and the same is hereby, prohibited; and it shall not be lawful for any Japanese or Korean laborer to come from any foreign port or place to any State or Territory or insular possession of the United States nor from any insular possession to the mainland of the United States.

SEC. 2. That the master of any vessel who shall knowingly bring within the United States or from any insular possession to the mainland of the United States on such vessel and land, or attempt to land, or permit to be landed any Japanese or Korean laborer from any foreign port or place shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than $500 for each and every such Japanese or Korean laborer so brought, and may also be imprisoned for a term not exceeding one year.

SEC. 3. That the two foregoing sections shall not apply to Japanese and Korean laborers who were in the United States on the passage of this act who shall produce to such master before going on board such vessel, and shall produce to the collector of the port in the United States at which such vessel shall arrive, the evidence hereinafter in this act required of his being one of the laborers in this section mentioned; nor shall the two foregoing sections apply to the case of any master whose vessel, being bound to a port not within the United States, shall come within the jurisdiction of the United States by reason of being in distress or in stress of weather, or touching at any port of the United States on its voyage to any foreign port or place: *Provided*, That all Japanese or Korean laborers brought on such vessel shall not be permitted to land except in case of absolute necessity, and must depart with the vessel on leaving port.

SEC. 4. That from and after the passage of this act no Japanese or Korean laborer in the United States shall be permitted, after having left, to return thereto, except under the conditions herewith enumerated:

No Japanese or Korean laborer within the purview of this section shall be permitted to return to the United States unless he has a lawful wife, child, or parent in the United States, or property therein of the value of $1,000, or debts of like amount due him and pending settlement.

The marriage to such wife must have taken place at least a year prior to the application of the laborer for a permit to return to the United States and must have been followed by the continuous cohabitation of the parties as man and wife.

If the right to return be claimed on the ground of property or of debts, it must appear that the property is bona fide and not colorably acquired for the purpose of evading this act, or that the debts are unascertained and unsettled and not promissory notes or other similar acknowledgments of ascertained liability.

A Japanese or Korean person claiming the right to be permitted to leave the United States and return thereto on any of the grounds stated in this section shall apply to the Chinese, Japanese, and Korean inspector in charge of the district from which he wishes to depart at least a month prior to the time of his departure, and shall make on oath before the said inspector a full statement descriptive of his family, or property, or debts, as the case may be, and shall furnish to said

inspector such proofs of the facts entitling him to return as shall be required by the rules and regulations prescribed from time to time by the Secretary of Commerce and Labor, and for any false swearing in relation thereto he shall incur the penalties of perjury.

He shall also permit the Chinese, Japanese, and Korean inspector in charge to take a full description of his person, which description the collector shall retain and mark with a number.

And if the said inspector, after hearing the proofs and investigating all the circumstances of the case, shall decide to issue a certificate of return, he shall, at such time and place as he may designate, sign and give to the person applying a certificate containing the number of the description last aforesaid, which shall be the sole evidence given to such person of his right to return.

If this last-named certificate be transferred, it shall become void, and the person to whom it was given shall forfeit his right to return to the United States.

The right to return under the said certificate shall be limited to one year; but it may be extended for an additional period, not to exceed a year, in cases where, by reason of sickness or other cause of disability beyond his control, the holder thereof shall be rendered unable sooner to return, which facts shall be fully reported to and investigated by the consular representative of the United States at the port or place from which such laborer departs for the United States, and certified by such representative of the United States to the satisfaction of the Chinese, Japanese, and Korean inspector in charge at the port where such Japanese or Korean person shall seek to land in the United States, such certificate to be delivered by said representative to the master of the vessel on which he departs for the United States.

And no Japanese or Korean laborer shall be permitted to reenter the United States without producing to the proper officer in charge at the port of such entry the return certificate herein required. A Japanese or Korean laborer possessing a certificate under this section shall be admitted to the United States only at the port from which he departed therefrom, and no Japanese or Korean person, except Japanese or Korean diplomatic or consular officers, and their attendants, shall be permitted to enter the United States except at the ports of San Francisco, Portland (Oreg.), Boston, New York, New Orleans, Port Townsend, or such other ports as may be designated by the Secretary of Commerce and Labor.

SEC. 5. That the Secretary of Commerce and Labor shall be, and he hereby is, authorized and empowered to prescribe the form and substance of certificates to be issued to Japanese or Korean laborers under and in pursuance of the provisions of this act, and prescribe the form of the record of such certificate and of the proceedings for issuing the same, and he may require the deposit, as a part of such record, of the photograph of the party to whom any such certificate shall be issued.

Any person who shall knowingly and falsely alter or substitute any name for the name written in any certificate herein required, or forge such certificate, or knowingly utter any forged or fraudulent certificate, or falsely personate any person named in any such certificate, and any person other than the one to whom a certificate was issued who shall falsely present any such certificate, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding $1,000 and imprisoned in a penitentiary for a term of not more than five years.

SEC. 6. That in order to secure the faithful execution of the provisions of this act every Japanese or Korean person, other than a laborer, who may be entitled to come within the United States, and who shall be about to come to the United States, shall obtain the permission of and be identified as so entitled by the Japanese or Korean Government, or of such other foreign government of which at the time such Japanese or Korean person shall be a subject, in each case to be evidenced by a certificate issued by such government, which certificate shall be in the English language, and shall show such permission, with the name of the permitted person in his or her proper signature, and which certificate shall state the individual, family, and tribal name in full, title, or official rank, if any, the age, height, and all physical peculiarities, former and present occupation or profession, when and where and how long pursued, and place of residence of the person to whom the certificate is issued, and that such person is entitled by this act to come within the United States.

If the person so applying for a certificate shall be a merchant, said certificate shall, in addition to above requirements, state the nature, character, and estimated value of the business carried on by him prior to and at the time of his application as aforesaid: *Provided*, That nothing in this act shall be construed as embracing within the meaning of the word "merchant" hucksters, peddlers, or those engaged in taking, drying, or otherwise preserving shell or other fish for home consumption or exportation.

If the certificate be sought for the purpose of travel for curiosity, it shall also state whether the applicant intends to pass through or travel within the United States, together with his financial standing in the country from which such certificate is desired.

The certificate provided for in this act and the identity of the person named therein shall, before such person goes on board any vessel to proceed to the United States, be viséed by the indorsement of the diplomatic representatives of the United States in the foreign country from which such certificate issues or of the consular representative of the United States at the port or place from which the person named in the certificate is about to depart; and such diplomatic representative or consular representative whose indorsement is so required is hereby empowered, and it shall be his duty, before indorsing such certificate as aforesaid, to examine into the truth of the statements set forth in said certificate, and if he shall find upon examination that said or any of the statements therein contained are untrue it shall be his duty to refuse to indorse the same.

Such certificate viséed as aforesaid shall be prima facie evidence of the facts set forth therein, and shall be produced to the Chinese, Japanese, and Korean inspector in charge of the port in the district in the United States at which the person named therein shall arrive, and afterwards produced to the proper authorities of the United States whenever lawfully demanded, and shall be the sole evidence permissible on the part of the person so producing the same to establish a right of entry into the United States; but said certificate may be controverted and the facts therein stated disproved by the United States authorities.

SEC. 7. That the master of any vessel arriving in the United States from any foreign port or place shall, at the same time he delivers a manifest of the cargo, and if there be no cargo, then at the time of making a report of the entry of the vessel pursuant to law, in addition to the other matter required to be reported, and before landing, or permitting to land, any Japanese or Korean passengers, deliver and report to the Chinese, Japanese, and Korean inspector in charge of the district in which such vessel shall have arrived a separate list of all Japanese or Korean passengers taken on board of his vessel at any foreign port or place, and all such passengers on board the vessel at that time. Such list shall show the names of such passengers (and if accredited officers of the Japanese or Korean or of any other foreign government traveling on the business of that government, or their servants, with a note of such facts), and the names and other particulars as shown by their respective certificates; and such list shall be sworn to by the master in the manner required by law in relation to the manifest of the cargo.

Any refusal or willful neglect of any such master to comply with the provisions of this section shall incur the same penalties and forfeiture as are provided for a refusal or neglect to report and deliver a manifest of the cargo.

SEC. 8. That before any Japanese or Korean passengers are landed from any such vessel the Chinese, Japanese, and Korean inspector in charge, or his deputy, shall proceed to examine such passengers, comparing the certificates with the list and with the passengers, and no passenger shall be allowed to land in the United States from such vessel in violation of law.

SEC. 9. That every vessel whose master shall knowingly violate any of the provisions of this act shall be deemed forfeited to the United States, and shall be liable to seizure and condemnation in any district of the United States into which such vessel may enter or in which she may be found.

SEC. 10. That any person who shall knowingly bring into or cause to be brought into the United States by land, or who shall aid or abet the same, or aid or abet the landing in the United States from any vessel, of any Japanese or Korean person not lawfully entitled to enter the United States, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be fined in a sum not exceeding $1,000 and imprisoned for a term not exceeding one year.

SEC. 11. That any Japanese or Korean person or person of Japanese or Korean descent, when convicted and adjudged under any of said laws to be not lawfully entitled to be or remain in the United States, shall be removed from the United States to Japan in the case of a Japanese, and to Korea in case of a Korean, unless he or they shall make it appear to the justice, judge, or commissioner before whom he or they are tried that he or they are subjects or citizens of some other country, in which case he or they shall be removed from the United States to such country: *Provided*, That in any case where such other country of which such person shall claim to be a citizen or subject shall demand any tax as a condition of the removal of such person to that country, he or she shall be removed to Japan or Korea as specified heretofore in this paragraph.

Any Japanese or Korean person or person of Japanese or Korean descent arrested under the provisions of this act shall be adjudged to be unlawfully within the United States unless such person shall establish, by affirmative proof, to the satisfaction of such justice, judge, or commissioner his lawful right to remain in the United States.

But any such Japanese or Korean person convicted before a commissioner of a United States court may, within ten days from such conviction, appeal to the judge of the district court for the district.

A certified copy of the judgment shall be the process upon which said removal shall be made, and it may be executed by the marshal of the district or any officer having authority of a marshal under the provisions of this section.

And in all such cases the person who brought or aided in bringing such person into the United States shall be liable to the Government of the United States for all necessary expenses incurred in such investigation and removal; and all peace officers of the several States and Territories of the United States are hereby invested with the same authority in reference to carrying out the provisions of this act as a marshal or deputy marshal of the United States, and shall be entitled to like compensation, to be audited and paid by the same officers.

After the passage of this act, on an application to any judge or court of the United States in the first instance for a writ of habeas corpus by a Japanese or Korean person seeking to land in the United States to whom that privilege has been denied, no bail shall be allowed, and such application shall be heard and determined promptly without unnecessary delay.

SEC. 12. That it shall be the duty of all Japanese or Korean laborers within the limits of the United States who were entitled to remain in the United States before the passage of this act to apply to the collector of internal revenue of their respective districts within six months after the passage of this act for a certificate of residence; and any Japanese or Korean laborer within the limits of the United States who shall neglect, fail, or refuse to comply with the provisions of this act, or who, after the expiration of said six months, shall be found within the jurisdiction of the United States without such certificate of residence, shall be deemed and adjudged to be unlawfully within the United States and may be arrested by any United States customs official, collector of internal revenue or his deputies, United States marshal or his deputies, and taken before a United States judge, whose duty it shall be to order that he be deported from the United States, as provided in this act, unless he shall establish clearly to the satisfaction of said judge that by reason of accident, sickness, or other unavoidable cause he has been unable to procure his certificate, and to the satisfaction of said United States judge, and by at least one credible witness other than Japanese or Korean, that he was a resident of the United States on the date of the passage of this act, and if, upon the hearing it shall appear that he is so entitled to a certificate, it shall be granted upon his paying the cost.

Should it appear that said Japanese or Korean had procured a certificate which has been lost or destroyed, he shall be detained and judgment suspended a reasonable time to enable him to procure a duplicate from the officer granting it, and in such cases the cost of said arrest and trial shall be in the discretion of the court; and any Japanese or Korean person, other than a Japanese or Korean laborer, having a right to be and remain in the United States, desiring such certificate as evidence of such right, may apply for and receive the same without charge. No person heretofore convicted in any court of the States or Territories or of the United States of a felony shall be permitted to register under the provisions of this act.

SEC. 13. That immediately after the passage of this act the Secretary of Commerce and Labor shall make such rules and regulations as may be necessary for the efficient execution of this act, and shall prescribe the necessary forms and furnish the necessary blanks to enable collectors of internal revenue to issue the certificates required hereby, and make such provisions that certificates may be procured in localities convenient to the applicants.

Such certificates shall be issued without charge to the applicant, and shall contain the name, age, local residence, and occupation of the applicant, and such other description of the applicant as shall be prescribed by the Secretary of Commerce and Labor, and a duplicate thereof shall be filed in the office of the collector of internal revenue for the district within which such Japanese or Korean makes application.

SEC. 14. That any person who shall knowingly and falsely alter or substitute any name for the name written in such certificate, or forge such certificate, or knowingly utter any forged or fraudulent certificate, or falsely personate any person named in such certificate, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding $1,000 or imprisoned in the penitentiary for a term of not more than five years.

SEC. 15. That the provisions of this act shall apply to all subjects of Japan and Korea and Japanese and Koreans, whether subjects of Japan or Korea or any other foreign power.

The words "laborer" or "laborers" wherever used in this act shall be construed to mean both skilled and unskilled manual laborers, including Japanese or Koreans employed in mining, fishing, huckstering, peddling, laundrymen, or those engaged in taking, drying, or otherwise preserving shell or other fish for home consumption or exportation.

The term "merchant" as employed herein and in the acts of which this is amendatory shall have the following meaning and none other: A merchant is a person engaged in buying and selling merchandise at a fixed place of business, which business is conducted in his name, and who, during the time he claims to be engaged as a merchant, does not engage in the performance of any manual labor except such as is necessary in the conduct of his business as such merchant.

Where an application is made by a Japanese or Korean for entrance into the United States on the ground that he was formerly engaged in this country as a merchant, he shall establish by the testimony of two credible witnesses other than Japanese or Korean the fact that he conducted such business as hereinbefore defined for at least one year before his departure from the United States, and that during such year he was not engaged in the performance of any manual labor, except such as was necessary in the conduct of his business as such merchant, and in default of such proofs shall be refused landing.

Such order of deportation shall be executed by the United States marshal of the district within which such order is made, and he shall execute the same with all convenient dispatch; and pending the execution of such order such Japanese or Korean person shall remain in the custody of the United States marshal and shall not be admitted to bail.

The certificate herein provided for shall contain the photograph of the applicant, together with his name, local residence, and occupation, and a copy of such certificate, with a duplicate of such photograph attached, shall be filed in the office of the United States collector of internal revenue of the district in which such Japanese or Korean makes application.

Such photographs in duplicate shall be furnished by each applicant in such form as may be prescribed by the Secretary of Commerce and Labor.

SEC. 16. That any violation of any of the provisions of this act, the punishment of which is not otherwise herein provided for, shall be deemed a misdemeanor, and shall be punishable by fine not exceeding $1,000, or by imprisonment for not more than one year, or both such fine and imprisonment.

Mr. KEIFER. I now yield to the gentleman from Ohio.

Mr. LANING. Mr. Chairman, I was not a soldier of the civil war, but that was no fault of mine. If I had been born a few years sooner I probably would have been one. Ordinarily the presumption of my knowing anything about the war would be against me, for I was a mere boy then. But I was old enough to remember its scenes and incidents with the vividness of a boy's recollection, and I fully realize the force of that terse and memorable saying of that old hero, "Uncle Billy Sherman," as he was familiarly called, that "War is hell." I as a boy saw the soldiers go out and return, and I saw the home life of the soldier's family, often fuller of sadness and hardship than his lot at the front, little dreaming that the time would come when I as a man might take part in the deliberations of the National Congress upon appropriations for pensions and other legislation for the relief of the suffering and wants of those who took part in that terrible conflict. But I am glad to have the opportunity at this time of expressing my sentiments as to shortcomings that to my mind appear in the methods of executing the pension laws and the wrongs that are seemingly being practiced upon those who, as they went out to defend the Stars and Stripes, had my interest and my sympathy.

The Government called into the Army and Navy millions of men to encounter the dangers of battle, the diseases of camp, and the hardships of military service, and it assumed the responsibility, and impliedly, if not directly, pledged itself to provide an adequate pension system that those who received disabilities and their widows and orphans might be properly cared for. The manner in which this responsibility has been met and the extent to which the obligation has been redeemed need no apology.

I hope I may not be considered out of place for speaking about the administration of the pension laws because of my brief service in this body and my slight opportunity for contact with the problem. But in my short career here I have observed what seem to me as grievous faults in the distribution of pensions, and the peculiar part that Congressmen are taking, in the procedure, which I offer to this House for its consideration.

This Government is now paying out annually for pensions about $140,000,000, distributing it to about 960,000 persons. About 900,000 of these cases arise out of the civil war. The beneficiaries each get, on the average, about $12 per month, and it is undoubtedly true that many of them are obliged to take less than in justice belongs to them. There must be, judging from my own correspondence, a great many old soldiers of the civil war who feel aggrieved at the exactions of the Government examiners who pass upon evidence filed in the Pension Bureau, shown by the frequency and extent to which more proof is called for to support claims; and it is not a great wonder to one who watches and becomes familiar with the process that many anxious but well-meaning applicants become discouraged over their experience in getting a pension in the regular way and besiege their Congressman for the help and advice he can give in surmounting the difficulties. And, considered from this view point, neither is it strange that already there have been introduced into this House at this session more than 12,000 bills for special pensions and at least 4,000 more in the Senate. This appeal to the Congress of the United States, that it give relief from the disparity that is practiced in passing out the pension money we appropriate, is a token of dissatisfaction that speaks in no uncertain or complimentary way.

In the Pension Bureau no applicant is supposed to be given the benefit of any doubt, but, on the contrary, all close questions are resolved against him. In that tribunal there is no presumption in his favor, but he must prove that he is entitled to the pittance he sues for by the clearest evidence and beyond a reasonable doubt. All the technicalities are seemingly invoked against the granting of pensions. All sympathy is barred, and even in the face of favorable reports from the Government boards of surgeons, who give personal examinations and rate the cases, applicants are turned down and increases denied with apparent heartlessness or cold-bloodedness. It is so easy to say that the disease or injury was not of "service origin," or that the disability has not "ratably increased from the pensioned causes," that such phrases have become stereotyped and are parts of form letters sent out to notify applicants of the rejection of their cases.

Slowness of closing up cases in the Pension Bureau is another cause of much complaint. An old soldier gets nervous when he has heard nothing about the progress of his case for several months, and when his claim has been allowed and he does not get his voucher for several months he becomes suspicious and alarmed.

Our daily mail brings us the evidence of this discontent in inquiries and complaints, and this not only swells our correspondence, but it entails upon us much work and loss of time in investigating the causes, remedying the faults, and reporting the results to the inquirers.

With every inquiry we make of the Bureau they are cautious enough to make us certify that it is not made at the request of a pension attorney or claim agent; but still an army of stenographers work at the job in our offices, and another of clerks and their helpers is kept busy in the Bureau of Pensions, looking up cases, searching the evidence, and defining their status. Greater expedition would, if it could be had, make the services of much of this extra force unnecessary, and the work of many of these Government employees could be turned into the direct channels of pension allowance.

But I have no fault to find with this Bureau, or complaint to make as to its efficiency. It is a mammoth institution, employing many people, most of whom have abilities ripened by long experience in the work. At its head is a patriotic gentleman, a former esteemed member of this body, having a high order of talent for the duties intrusted to him in this Department, and a warm friend of the old soldier. His administration of the office has been an acknowledged success. No one could have done better. With the handicaps that have arisen we may well say that it is a wonder that it has been so extremely and uniformly good. It is impossible to eradicate all friction and causes of complaint, and technical rules are necessary to stay the ravages that otherwise might be made on Uncle Sam's pocketbook.

And notwithstanding all the care and consideration that may be exercised and the equity that may be sought in distributing the pension fund, there have been many inequalities committed and much injustice unwittingly practiced in the pensions granted as well as those not granted.

All men do not look upon pension ratings from the same point of view, and when one of the soldier boys easily gets a pension of twenty-four dollars per month and his comrade can get but eight dollars, and that with difficulty, it excites suspicion and creates dissatisfaction. But thanks to the "age law," much of this grievance has disappeared. As a consequence, however, of the remaining disparity, complaints reach us, and we are asked to introduce special bills, to raise up the low spots, and thus restore equality in the distribution of this great national bounty.

And what Congress here does in this line invites to its Members still greater services of the same kind to perform. Our own action is like the appetite that grows by what it feeds upon. Each special bill we get, instead of allaying the demand,

brings us a call for a much greater proportion of new ones. The impossibility of reaching every bill in the committee puts a restraint upon the number we can secure, and often is liable to be misconstrued and to bring us unjust criticism and to detract from the credit due to what we do achieve in this line.

We all like to do what we can for our old soldier constituents and get for them a high-rated special bill. But such bills, though a labor of love, may be and are apt to be trouble breeders for us, because the House committee can not give us the opportunity of getting a hearing upon all of the bills we present, and we can not, with no fault of ours, serve equally all our needy soldier constituents.

And is there no remedy for the troublesome condition with which we are here confronted?

In the first place, there is no sense in compelling the old soldier to come to Congress for a special pension, for there ought to be a way to give him relief easier and better without it. I like the work I do for him and he is welcome to my services, to the best of my abilities. It comports with my sympathetic nature and it is with pleasure that I respond to his distress call. I have no aversion in the performance of this work for him. It is no task to me; but it appears to my mind that it could be better done, and more to the satisfaction of the beneficiaries, if a more constant, systematic, and businesslike method of disposing of special cases could supersede the present unfair, unfruitful, and troublesome one.

Some time ago I introduced a general bill to pension imbecile children who had reached 16 years of age at the death of the parent. The pension authorities, under it, can act when the case arises, and a result be secured, as in other regular cases, without the delay and trouble of getting a special act for the unfortunate, as they are now compelled to ask for. True, there are not many such cases—possibly 100 or so each year—but why compel each of them to appear before Congress for relief?

But this is only a step in the proposed right direction. There is, in fact, no valid reason why a method of procedure should be established compelling anybody to come to Congress for pension relief. Why could not a board of review or a commission of some kind, such as the Court of Claims, perform this function? If fifteen men, as a committee of Congress, can be trusted, why can not a similar or a much smaller number of selected civilians do it as well? We ought to have some confidence in the ability and integrity of our fellow-men who are not in Congress. Such a body, having the discretion to pass upon special cases, where full evidence to prove apparent facts can not now be obtained, and to make such awards as the merits of the cases disclose without regard to technicalities, the decisions being based upon humanity and justice, such as would be invoked by a committee of this body, would be a great relief to every Member of this House and a boon to every pension applicant.

Congressmen could then devote themselves more to the statesmenlike duties of studying up and mastering questions of government and finance and internal improvements and the many high and momentous affairs involved in this line of political life.

Such a board could sit frequently or constantly; suitors could go before it at any time, in person or by proof; cases could be disposed of as they come up in a timely manner, and it would be unnecessary to crowd into a few Congressional days a year's accumulation of cases, to be but poorly considered or half acted upon.

This would be a great relief to suitors, and complaints would be reduced to a minimum. Our time could be spent, as I have suggested, in performing higher functions, in passing general pension laws, leaving the administration of them to others having power to act as we would act through our committee, we reposing in confidence that the pension rights of our constituents were being guarded jealously, their cases dispatched with celerity, and administered with equity. I believe this would be a practical reform. It would certainly be an economizer of time, and produce results now impossible.

A successful manager of a great business never devotes his time to small affairs subordinates can do as well as he, but reserves himself for the higher duties which grow out of the performance of the details by others; and so here we ought to reserve our efforts and energies for the many higher, more strenuous, and complex problems that come to our branch of the Government.

But, in the next place, if this proposition be too utopian to be hoped for with prospects of realization, if the old soldier must still come to Congress and have his entreaties for relief placed before this body, it seems to me we can and ought to improve upon our methods, for now in many cases when he asks for bread we are giving him a stone.

There are probably but few people outside of Congress that know there are two pension committees in this body—the Committee on Pensions and the Committee on Invalid Pensions. They are alike in purposes, but differ in some of their practices.

The Pensions Committee, of which I have the pleasure of being a member and can speak from personal knowledge, considers every bill referred to it, if called for by its author, and recommends for passage every bill of merit.

The Committee on Invalid Pensions considers a part of the bills referred to it, and recommends a part of those considered. Now, I do not want to be considered as speaking disparagingly of this committee. With the number of bills it has before it, and the time it has at its disposal, it appears that this course is a consistent one.

But is there not here a demand for a broader and fairer method? Should not this committee, instead of equipping itself with but one expert to examine its thousands of cases, employ as many as are needed to write up all of them, so that instead of pursuing the policy of pigeon-holing all of the cases of each Member, except four or five he is allowed to select, give each and every bill an equal chance?

There were 2,523 special pensions granted during the Fifty-ninth Congress out of probably 25,000 asked for, and thousands of cases as meritorious, many of them, as those granted were never written up or considered by the Invalid Pensions Committee at all. And why should this discrimination be practiced? Why should not all claimants have the same fair treatment, the same as they are supposed to get before the Pension Bureau, the deserving ones being passed and those without sufficient merit being turned down? With such a course of procedure, Congressmen could go before their constituents without dissimulation, removed of all blame or suspicion of neglect of the old soldier's interest, and what is far better, obtain the proper pension for many who have no other means of securing it.

"Uncle Sam is rich enough to buy us all a farm;" and if so, is abundantly able to pay a good pension to every old soldier entitled to it. Love of country is not a matter of caprice only. You can instill into the minds of our youth a spirit of patriotism by inspiring a reverence for the flag and by reciting to them stories of heroes who laid down their lives to defend it. But real patriotism is born of example, and the Government must show the same devotion to the soldier's interests in time of peace that it wishes the soldier to return to it in time of war. Woe betide the country when it tramples his rights under foot and turns a deaf ear to his just appeals. A government loyal to the people will find loyal subjects, and they will quickly and cheerfully rally to its call when anyone assails its flag or attempts to despoil its institutions.

If Congress is to pursue its present policy, it should be fair to all and put itself in a position to promptly hear and determine all cases presented to it for allowance. It is the only creditable thing to do. If a method can not be worked out superior to the one now in vogue, let us make it an exact, methodical, effective process instead of a happy-go-lucky, catch-as-catch-can, go-as-you-please affair, without a determinate method or policy. There is no middle ground that can be occupied with credit to ourselves or with fairness to the old-soldier element of our constituency. And the Pension Bureau should employ a sufficient force to do all its work quickly. It means only a few more clerks, and they are plenty. As my observation goes, there is no end to the people that want to work for our good Uncle Sam. And I believe Congress is willing to make the appropriation big enough to cover all the needs of a prompt and decisive service.

The old soldier that has pitched his tent on "fame's eternal camping ground" has no need for a pension "over there." What little he wants he wants "down here below," and he is not now going to "want that little long." We ought not to tire out his patience with technicalities. The Halls of Congress should be no place for obstructionists or reactionaries as to pension legislation. We should all be "boosters" instead of "knockers" in the matter of passing all of these special bills that are just.

I am glad that it has been the policy of the Government, in raising money to pay pensions, to pursue such a method of indirect taxation that no one has esteemed it as a burden. That immense and almost incomprehensible sum of nearly $4,000,000,000 paid out for this item since the civil war has been raised, and the one hundred and forty millions now paid out annually passes into the Treasury and out into circulation without the complaint of high taxes from anybody. Think of it, that such an enormous expenditure could have been made annually for over forty years, the Government prospering all the time and the citizens never murmuring. Here is an example for financiering, fortitude, fidelity, and patriotism, the

like of which the world never saw before. No nation of the Old World can boast of a record anywise approaching it. [Applause.]

I am for "the old flag and an appropriation for pensions" big enough to treat all the soldiers alike. I think that for pensions we should sever the golden strings of the Government purse with the scissors of liberality. About the best money that the Government spends is its pension money. No finespun theories of finance are needed to figure out its effect on business. It goes into the hands of all classes of citizens, and into all the channels of trade. Thirty-five millions of dollars per quarter is paid out, and it meets the emergency currency situation about the best of anything that has yet been devised. It is more than the Government put into the banks to stop the panic, and if it could have paid out a year's pensions all at that time there would probably have been no financial distress. Our pension appropriation is not only a distributor of money but of happiness to many a household as well.

I hope that the money under the coming widows' pension bill may be speedily paid out to those who are to be its beneficiaries. This reminds me of another thing I hear frequently complained of; that is a delay in paying pensions to widows and orphans upon the demise of the husband and father. It does not seem to me to be just right that there should have been over 11,000 accrued pensions unpaid in the Pension Department at the close of the last fiscal year. When a husband dies, in many cases the widow, deprived of his support, is destitute, and needs quick service by the Government in placing in her hands what is due her, and such claims should be given absolute precedence over all others, and be adjusted with the least possible exaction as to evidence.

For my part I am sorry that the provision of the Sulloway widows' pension bill, now in conference committee, which was in it when it passed the House, extending its benefits to the entire soldiery of the Republic, was stricken out by the Senate, and I hope the House conferees will insist on the retention of the original provision.

The excuse for the amendment, given by the Senate committee in its report, is that nearly all of the widows of the soldiers of the regular Army and Navy and the widows of soldiers who served in the war with Spain are comparatively young women, not incapacitated by age. But this is not an equitable one. When a man is asked to enlist the promise is held out to him that in case he is killed, or succumbs to disease, or dies from wounds received, the Government will, by pension, aid in caring for his widow and orphans. Hence it has no right, by delay, to force such conditions upon them that the widow, to live, must toil and sweat over the washtub for years, endure hunger and poverty, and wear her life away until exhaustion overtakes her, and the children be kept from school and society, and be poorly clothed and fed, to aid her in obtaining a subsistence.

Early in life is when the husband's service would have been most valuable to his family, and this is the time when its absence should be compensated by a contribution from the Government. To wait until old age arrives to those who are compelled to wear their lives out prematurely by the hardships of widowhood forced upon them by the loss of husband in the Government service is practically a denial of help, and as a policy is both unpatriotic and unjust.

The Government's obligation begins immediately upon the occurrence of widowhood, and for this reason the support of these widows and orphans should not be put off until the wars and campaigns in which they served are an almost forgotten fact of history. Ten years ago the war with Spain occurred, and the widows of its soldiers are entitled to pensions now.

What is $8 or $12 per month to the sacrifice of the widow who gave her husband in the prime of life, and $2 per month for the support of the child that was made an orphan by the ravages of this war. And, then, why be obliged to wait for the pittance till the widow is old and is no longer able to provide her own means of subsistence, and the amount is needed to keep her from the almshouse or some other charitable institution or from being a burden to friends or relatives, who generally have enough to do to provide for their own necessities. To decline to contribute toward the care of these widows and orphans, not only in declining years, but while they are needy in earlier years, is base ingratitude and discreditable to both the Government and its chief legislative body. [Applause.]

There are several other general pension bills pending in the Committee on Invalid Pensions that should be passed to do justice to deserving old soldiers, and I hope the committee may soon see its way clear to present them to the House, as I shall be pleased to vote for them and for appropriations commensurate with their requirements. The Taylor bill for the relief of ex-prisoners of war, the Sherwood bill granting a service pension of $1 per day to those who served over eighteen months, and the Dawes bill placing certain volunteer officers on the retired list with pay, the same as those of the Regular Army officers, all measures introduced by my Ohio colleagues, meet my hearty approval.

Time and mortality are thinning the ranks of the old soldiers, and soon the places they have been wont to inhabit will know them no more forever. There were 31,000 deaths of surviving pensioners of the civil war last year, and this year they will undoubtedly reach 50,000. A regiment per week will spread their silent tents and bivouac with the dead "on fame's eternal camping ground." More than 60 per cent of the men and women now living never saw anything of the civil war, having been born since that great struggle, and soon an old soldier of that war will be a curiosity; and most of us, too, who have personal recollections of it, will have our names inscribed on the eternal rolls. Then, let us make the last days of the old soldiers and their dependents more comfortable, their going hence less foreboding, and the fate of those they leave behind less deplorable. [Applause.]

Mr. KEIFER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. TOWNSEND, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the pension appropriation bill, and had come to no resolution thereon.

SENATE CONCURRENT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, the following concurrent resolution was taken from the Speaker's table and referred to its appropriate committee as indicated below:

Senate concurrent resolution 46.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause to be made an examination and survey of Galveston Harbor, as a whole, including Galveston Harbor, Galveston channel, Texas City channel, and Port Bolivar channel, in the State of Texas, for the purpose of establishing a broad, comprehensive, and systematic plan for the future extension, enlargement, and deepening of said harbor so as to meet the growing needs of commerce, and to estimate the probable cost thereof—

to the Committee on Rivers and Harbors.

ADJOURNMENT.

Mr. KEIFER. I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 49 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of Commerce and Labor, transmitting a schedule of documents and papers not necessary for the transaction of the public business—to the Joint Select Committee on Disposition of Useless Papers in the Executive Departments and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for purchase of land adjoining the military reservation at Fort Des Moines, Iowa—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of War, recommending legislation to transfer to local authorities the right of way of the Cache River road to the Mound City (Ill.) National Cemetery, and also making recommendations as to other roads leading to the same cemetery—to the Committee on Military Affairs and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. PAYNE, from the Committee on Ways and Means, to which was referred the bill of the Senate (S. 514) to amend an act entitled "An act to prevent the importation of impure and unwholesome tea," approved March 2, 1897, reported the same without amendment, accompanied by a report (No. 1244), which said bill and report were referred to the House Calendar.

Mr. WILSON of Illinois, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of

the House (H. R. 350) for the establishment of a fish hatchery at Paris, Tex., reported the same with amendments, accompanied by a report (No. 1245), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 513) to establish a fish-cultural station in the county of Hickman, in the State of Tennessee, reported the same with amendments, accompanied by a report (No. 1246), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 3928) to establish a fish hatchery and fish-culture station in the State of Kansas, reported the same with amendments, accompanied by a report (No. 1247), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 3972) to establish a fish hatchery and fish station in the State of South Carolina, reported the same with amendments, accompanied by a report (No. 1248), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 4901) to establish a fish-hatching and fish-culture station in Jefferson County, State of Kentucky, reported the same with amendments, accompanied by a report (No. 1249), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 6131) to authorize the establishment of a fish-cultural and biological station on the Gulf of Mexico within the limits of the State of Florida, reported the same with amendments, accompanied by a report (No. 1250), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 7616) to establish a fish-hatching and fish station in the city of Green Bay, Brown County, State of Wisconsin, reported the same with amendments, accompanied by a report (No. 1251), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 11825) to establish a fish-cultural and biological station in the Territory of Hawaii, reported the same without amendment, accompanied by a report (No. 1252), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MOORE of Texas, from the Committee on Immigration and Naturalization, to which was referred the bill of the House (H. R. 16509) to amend section 12 of the naturalization laws, reported the same with amendments, accompanied by a report (No. 1253), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WILSON of Illinois, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 17138) to establish a fish-hatching and fish-culture station in Monroe County, State of Illinois, reported the same with amendments, accompanied by a report (No. 1254), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 17139) to establish a fish-hatchery and fish-cultural station in the State of Louisiana, reported the same with amendments, accompanied by a report (No. 1255), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 17707) to authorize William H. Standish to construct a dam across James River, in Stone County, Mo., and divert a portion of its waters through a tunnel into the said river again to create electric power, reported the same with amendments, accompanied by a report (No. 1256), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18350) to authorize the Missouri Central Railroad Company to construct a bridge across the Missouri River near the city of Glasgow, in the State of Missouri, reported the same with amendment, accompanied by a report (No. 1257), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18351) to authorize the Missouri Central Railroad Company to construct a bridge across the Missouri River near the city of St. Charles, in the State of Missouri, reported the same with amendment, accompanied by a report (No. 1258), which said bill and report were referred to the House Calendar.

Mr. RICHARDSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 18615) to authorize the Cairo and Tennessee River Railroad Company to construct bridges across the Cumberland River, reported the same without amendment, accompanied by a report (No. 1259), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18616) to authorize the Cairo and Tennessee River Railroad Company to construct a bridge across the Tennessee River, reported the same without amendment, accompanied by a report (No. 1260), which said bill and report were referred to the House Calendar.

Mr. KNOWLAND, from the Committee on Interstate and Foreign Commerce, to which was referred the resolution of the Senate (S. Res. 58) authorizing the Secretary to War to establish harbor lines in Wilmington Harbor, California, reported the same without amendment, accompanied by a report (No. 1261), which said resolution and report were referred to the House Calendar.

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 653) to authorize commissions to issue in the cases of officers of the Army retired with increased rank, reported the same without amendment, accompanied by a report (No. 1262), which said bill and report were referred to the House Calendar.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 5908) to amend an act authorizing the construction of a dam and bridge across the Missouri River in the State of Montana, reported the same without amendment, accompanied by a report (No. 1263), which said bill and report were referred to the House Calendar.

Mr. KNOWLAND, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 6028) to provide for safety of life on navigable waters during regattas or marine parades, reported the same without amendment, accompanied by a report (No. 1264), which said bill and report were referred to the House Calendar.

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the resolution of the Senate (S. R. 28) authorizing and directing the Secretary of War to donate certain cannon, with their accessories, to the State of New Hampshire, reported the same without amendment, accompanied by a report (No. 1265), which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House as follows:

Mr. HOWELL of Utah, from the Committee on Claims, to which was referred the bill of the House (H. R. 5461) for the relief of Lawson M. Fuller, major, Ordnance Department, United States Navy, reported the same without amendment, accompanied by a report (No. 1239), which said bill and report were referred to the Private Calendar.

Mr. CANDLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 8924) for the relief of the heirs of Abraham Jones, reported the same without amendment, accompanied by a report (No. 1240), which said bill and report were referred to the Private Calendar.

Mr. CLAYTON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 13928) for the relief of P. H. McDonough, of Bardstown, Ky., reported the same without amendment, accompanied by a report (No. 1241), which said bill and report were referred to the Private Calendar.

Mr. TIRRELL, from the Committee on Claims, to which was referred the bill of the Senate (S. 1729) for the relief of Alice M. Stafford, administratrix of the estate of Capt. Stephen R. Stafford, reported the same without amendment, accompanied by a report (No. 1242), which said bill and report were referred to the Private Calendar.

Mr. LAW, from the Committee on War Claims, to which was referred the bill of the Senate (S. 2886) for the relief of the legal representatives of the late firm of Lapene & Ferre, reported the same without amendment, accompanied by a report (No. 1243), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 18423) to correct the military record of Mark Tomlinson—Committee on Military Affairs discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 6312) granting a pension to Lewis A. Walker—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12835) granting an increase of pension to Charles May—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18658) for the relief of Thomas B. Tweedle—Committee on Military Affairs discharged, and referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. POWERS: A bill (H. R. 19407) establishing a light and fog-signal station on or near Clark Ledge, entrance to St. Croix River, State of Maine—to the Committee on Interstate and Foreign Commerce.

By Mr. SLAYDEN: A bill (H. R. 19408) to authorize the Secretary of War to donate to the Albert Sidney Johnston Camp, No. 1, Confederate Veterans, of San Antonio, Tex., not to exceed fifty obsolete Springfield rifles, bayonets, and bayonet scabbards for the same—to the Committee on Military Affairs.

By Mr. LINDBERGH: A bill (H. R. 19409) to amend the act of Congress authorizing the construction of a dam across the Crow Wing River, in the State of Minnesota—to the Committee on Interstate and Foreign Commerce.

By Mr. RUSSELL of Missouri: A bill (H. R. 19410) for a survey of Little Black River, Missouri—to the Committee on Rivers and Harbors.

By Mr. CALE: A bill (H. R. 19411) authorizing the incorporated town of Valdez, Alaska, to issue bonds to the amount of $15,000 for the purpose of constructing dams and dikes for protection against glacier streams—to the Committee on the Territories.

By Mr. JONES of Washington: A bill (H. R. 19412) authorizing the construction of a bridge across the Okanogan River, Washington—to the Committee on Interstate and Foreign Commerce.

By Mr. KIMBALL: A bill (H. R. 19413) for the construction of an addition to the United States post-office, public building, and court room in the city of Frankfort, State of Kentucky, and for repairs and alterations to the present building—to the Committee on Public Buildings and Grounds.

By Mr. GARDNER of Massachusetts: A bill (H. R. 19414) providing for the erection of a post-office building at Beverly, Mass.—to the Committee on Public Buildings and Grounds.

By Mr. PETERS: A bill (H. R. 19415) to repeal the application of the coastwise shipping laws of the United States to the traffic between ports in the Philippine Islands and between ports in the Philippine Islands and ports in the United States, and for other purposes—to the Committee on Insular Affairs.

By Mr. KEIFER: A bill (H. R. 19416) granting a pension to all persons who have lost their hearing from causes originating in the military service of the United States—to the Committee on Invalid Pensions.

By Mr. McCREARY: A bill (H. R. 19417) to amend an act entitled "An act for the protection of persons furnishing material and labor for the construction of public works"—to the Committee on the Judiciary.

By Mr. BRADLEY: A bill (H. R. 19418) granting condemned cannon for Stony Point State Park, New York—to the Committee on Military Affairs.

By Mr. OLCOTT: A bill (H. R. 19419) to amend an act entitled "An act to provide for the reorganization of the consular service of the United States"—to the Committee on Foreign Affairs.

By Mr. CRUMPACKER: A bill (H. R. 19420) authorizing a judicial review of law and facts in fraud-order cases—to the Committee on the Judiciary.

By Mr. MONDELL: A bill (H. R. 19421) to provide for the entry and sale of public lands containing coal—to the Committee on the Public Lands.

By Mr. KAHN: A bill (H. R. 19422) granting a certain right of way to the Southern Pacific Company—to the Committee on Military Affairs.

By Mr. BURTON of Ohio: A bill (H. R. 19423) to incorporate the Hungarian-American Federation—to the Committee on the District of Columbia.

By Mr. SLAYDEN: A bill (H. R. 19462) to amend section 5438 of the Revised Statutes—to the Committee on Military Affairs.

By Mr. EDWARDS of Georgia: Resolution (H. Res. 306) of sympathy for the Irish people in their struggle for home rule—to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 19424) granting an increase of pension to Henry McLean—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 19425) to remove the charge of desertion from the military record of Samuel V. Miller—to the Committee on Military Affairs.

By Mr. BARCHFELD: A bill (H. R. 19426) granting an increase of pension to Harris Hoover—to the Committee on Invalid Pensions.

By Mr. BARCLAY: A bill (H. R. 19427) granting an increase of pension to Richard L. S. Sheckels—to the Committee on Invalid Pensions.

By Mr. BEALE of Pennsylvania: A bill (H. R. 19428) granting an increase of pension to George Logan von Horn—to the Committee on Invalid Pensions.

By Mr. BOYD: A bill (H. R 19429) granting an increase of pension to William A. Barnes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19430) granting an increase of pension to Mathew Doyle—to the Committee on Invalid Pensions.

By Mr. CALE: A bill (H. R. 19431) granting an increase of pension to William S. Lewis—to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 19432) for the relief of J. C. Howell—to the Committee on War Claims.

Also, a bill (H. R. 19433) for the relief of the executors of the estate of Curtis Burr Graham, deceased—to the Committee on War Claims.

By Mr. CLAYTON: A bill (H. R. 19434) granting a pension to Mettie Blackwood—to the Committee on Pensions.

By Mr. DAVIDSON: A bill (H. R. 19435) granting an increase of pension to Rollin S. Burbank—to the Commitee on Invalid Pensions.

By Mr. GARNER: A bill (H. R. 19436) for the relief of Robert W. Prosser, of Valverde County, Tex.—to the Committee on Indian Affairs.

By Mr. HOUSTON: A bill (H. R. 19437) for the relief of Martha S. Murfree—to the Committee on War Claims.

Also, a bill (H. R. 19438) granting an increase of pension to Paul Kerr—to the Committee on Pensions.

By Mr. HUMPHREY of Washington: A bill (H. R. 19439) granting an honorable discharge to George W. Quimby—to the Committee on Military Affairs.

By Mr. JACKSON: A bill (H. R. 19440) granting an increase of pension to Mary M. Baker—to the Committee on Pensions.

Also, a bill (H. R. 19441) granting a pension to Sarah Rebecca Mobray—to the Committee on Pensions.

Also, a bill (H. R. 19442) granting a pension to Elizabeth A. Blades—to the Committee on Pensions.

Also, a bill (H. R. 19443) granting a pension to Elizabeth Brown—to the Committee on Pensions.

Also, a bill (H. R. 19444) granting a pension to Susan E. Bowman—to the Committee on Pensions.

Also, a bill (H. R. 19445) for the relief of Edward Boone and the heirs of William Boone—to the Committee on Claims.

Also, a bill (H. R. 19446) granting an increase of pension to Lumon Gee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19447) construing discharges of members of Company K, First Regiment Maryland Eastern Shore Volunteers, as honorable—to the Committee on Military Affairs.

By Mr. KENNEDY of Iowa: A bill (H. R. 19448) granting an increase of pension to George Ross—to the Committee on Invalid Pensions.

By Mr. McHENRY: A bill (H. R. 19449) granting a pension to Abraham Hess—to the Committee on Invalid Pensions.

By Mr. MADISON: A bill (H. R. 19450) granting an increase of pension to William C. M. Bishop—to the Committee on Invalid Pensions.

By Mr. PATTERSON: A bill (H. R. 19451) granting an increase of pension to Joseph Robinson—to the Committee on Invalid Pensions.

By Mr. SMITH of Texas: A bill (H. R. 19452) for the relief of Parker Burnham—to the Committee on Claims.

By Mr. STERLING: A bill (H. R. 19453) granting an increase of pension to William H. H. McDowell—to the Committee on Invalid Pensions.

By Mr. STURGISS: A bill (H. R. 19454) for the relief of Margaret A. Timberlake, administratrix of Richard Timberlake, deceased—to the Committee on War Claims.

By Mr. TAWNEY: A bill (H. R. 19455) granting an increase of pension to Adam Dotzenrod—to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 19456) for the relief of Adam Miller—to the Committee on Naval Affairs.

Also, a bill (H. R. 19457) granting an increase of pension to Jesse McBride—to the Committee on Invalid Pensions.

By Mr. TOU VELLE: A bill (H. R. 19458) granting an increase of pension to Erasmus B. Manahan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19459) to remove the charge of desertion from the record of John M. Jones—to the Committee on Military Affairs.

By Mr. WEEKS: A bill (H. R. 19460) granting an increase of pension to George A. Brown—to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 19461) to provide for the submission to the Court of Claims of the claims against the Mississippi Choctaws of J. J. Beckham, for services rendered and expenses incurred in the matter of the claims of the Mississippi Choctaws to citizenship in the Choctaw Nation—to the Committee on Indian Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Paper to accompany bill for relief of Jacob Grim—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: Petition of Peace Society of Friends of Philadelphia, against increase of the Navy—to the Committee on Naval Affairs.

By Mr. ALEXANDER of Missouri: Paper to accompany bill for relief of Jacob Clute—to the Committee on Invalid Pensions.

By Mr. BRADLEY: Petition of Division No. 292, Brotherhood of Locomotive Engineers, of Middletown, N. Y., against the Penrose bill—to the Committee on the Post-Office and Post-Roads.

By Mr. BURLEIGH: Petition of W. L. Rice, president of Lumbermen's Exchange of Philadelphia, for provision for taking census of standing timber in the United States—to the Committee on the Census.

By Mr. CALE: Paper to accompany bill for relief of William S. Lewis—to the Commitee on Invalid Pensions.

By Mr. CALDER: Petition of Arthur Cheatle, against the Penrose bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Buffalo Credit Men's Association, for present bankruptcy bill and all proposed amendments thereto—to the Committee on the Judiciary.

Also, petition of David S. White, for the Kittredge copyright bill—to the Committee on Patents.

By Mr. CHANEY: Paper to accompany bill for relief of John W. Smith, of Indian Springs, Ind.—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of John W. Smith—to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: Papers to accompany H. R. 9103, 9098, and 9099—to the Committee on Public Buildings and Grounds.

Also, petition of H. E. Kennedy, secretary Local No. 76, International Union of Shiprights, Joiners, and Calkers of America, against legislation prohibiting liquor traffic—to the Committee on the Judiciary.

Also, petition of sundry citizens of Florida, against the Penrose bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Florida State convention of postmasters, for parcels post, postal savings bank, and mail subsidy bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Savannah Pilot Association, against H. R. 4771 (Littlefield pilotage bill)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Jacksonville (Fla.) Board of Trade, for a better Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, petition of Rugz Brothers Canning Company, of Apalachicola, Fla., against the Mann bill to amend pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Lodge No. 257, International Association of Machinists, of Jacksonville, Fla., for battle-ship building in navy-yards—to the Committee on Naval Affairs.

Also, paper to accompany bill for relief of Salvador Costa—to the Committee on War Claims.

By Mr. COOK of Pennsylvania: Petition of Peace Association of Friends, of Philadelphia, against increase of the Navy—to the Committee on Naval Affairs.

By Mr. DAVIDSON: Petitions of Polish Newspaper Association and Rev. W. B. Palaczyk and others, representing 41,000 Polish-American citizens of Wisconsin, for adoption of the Bates resolution of sympathy and good will—to the Committee on Foreign Affairs.

By Mr. DRAPER: Petition of New York Credit Men's Association, for the bankruptcy law and proposed amendments thereto—to the Committee on the Judiciary.

Also, petition of Peace Association of Friends, of Philadelphia, against authorization of $60,000,000 for expenditures in the Navy for battle ships, cruisers, docks, etc.—to the Committee on Naval Affairs.

Also, petition of New York Board of Trade and Transportation, against the Aldrich currency bill—to the Committee on Banking and Currency.

By Mr. ELLIS of Oregon: Petition of Credit Men's Association of Portland, Oreg., against repeal of the bankruptcy act—to the Committee on the Judiciary.

By Mr. ESCH: Petition of editor of the Daily Kuryer Polski, of Milwaukee, Wis., favoring the Bates resolution of sympathy for the Poles in Prussia in their efforts for property rights in that country—to the Committee on Foreign Affairs.

Also, petition of Guard Rail Lodge, No. 168, Brotherhood of Locomotive Firemen, of North La Crosse, Wis., for the La Follette-Sterling employers' liability bill, and against the Knox bill—to the Committee on the Judiciary.

By Mr. FULLER: Petition of Art Institute of Chicago, for removal of duty on art works—to the Committee on Ways and Means.

Also, petition of Dekalb County, Ill., prohibition convention, for the Littlefield bill—to the Committee on the Judiciary.

Also, petition of Armstrong Brothers Tool Company, of Chicago, Ill., for the Fowler currency bill (H. R. 12677)—to the Committee on Banking and Currency.

Also, petition of Woman's Christian Temperance Union of Sandwich, Ill., against restoration of Army canteen—to the Committee on Military Affairs.

By Mr. GOULDEN: Petition of Louis F. Kuntz, of New York City, for H. R. 428, creating national registration for automobiles—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. GRONNA: Petition of citizens of Maddock, N. Dak., for the McCumber Federal inspection of grain bill and against speculation in futures in grain or other commodities—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Esmond, N. Dak., for defeat of the Penrose bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HAMILTON of Michigan: Petition of soldiers of Otsego, Mich., for the Sherwood bill—to the Committee on Invalid Pensions.

By Mr. HARRISON: Petition of New York Board of Trade and Transportation, against Aldrich currency bill—to the Committee on Banking and Currency.

Also, petition of National Association of Clothiers' Convention, against the Aldrich currency bill—to the Committee on Banking and Currency.

By Mr. HEPBURN: Petition of citizens of Clark County, Iowa, for H. R. 40 (prohibition in the District of Columbia)—to the Committee on the District of Columbia.

Also, petition of citizens of Clark County, Iowa, against religious legislation in the District of Columbia (H. R. 4897)—to the Committee on the District of Columbia.

By Mr. HIGGINS: Petition of Chamber of Commerce of New Haven for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on the Judiciary.

By Mr. HOWELL of Utah: Petition of 56 citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of Peace Association of Friends, of Philadelphia, against proposed four battle ships—to the Committee on Naval Affairs.

Also, petition of 250 citizens of Cedar City, Utah, against the Penrose bill (S. 1518)—to the Committee on the Post-Office and Post-Roads.

By Mr. HOUSTON: Paper to accompany bill for relief of Martha S. Murfree—to the Committee on War Claims.

By Mr. KAHN: Petition of San Francisco Labor Council, for H. R. 4064, regarding convict-made goods—to the Committee on Labor.

Also, petitions of Local Union No. 44, International Association of Marble Cutters, and Elevator Constructors' Local Union No. 8, both of San Francisco, Cal., for battle-ship building in navy-yards—to the Committee on Naval Affairs.

Also, petition of Irish Nationalists, of San Francisco, Cal., against arbitration treaty with Great Britain—to the Committee on Foreign Affairs.

By Mr. KELIHER: Petitions of Morris M. Comanday, Muasha Krautzman, Wolf Davis, and Theodore Herr Lodge, No. 17, I. O. U. H., of Boston, Mass., against educational test, increase in head tax, limiting number of immigrants to arrive in one year, and money-in-pocket feature—to the Committee Immigration and Naturalization.

Also, petition of Boston Associated Board of Trade, for an elastic and Government-guaranteed currency—to the Committee on Banking and Currency.

Also, petition of Brotherhood of Railway Trainmen of Boston, for the La Follette-Sterling employers' liability bill and Rodenberg anti-injunction bill—to the Committee on the Judiciary.

Also, petition of Boston Associated Board of Trade, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. KEIFER: Petitions of William Keon, George D. Hoerning, Dewold F. Buchannan, Edward McGuire, and, respectively, 25, 23, 28, and 24 others, in all 100 citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. LINDBERGH: Petition of Post No. 40, Grand Army of the Republic, of Sauk Center, Minn., against removal of the Milwaukee pension agency—to the Committee on Appropriations.

By Mr. McKINNEY: Petition of Arthur W. Marsh Post, Grand Army of the Republic, of Warsaw, Ill., against consolidation of pension agencies—to the Committee on Appropriations.

By Mr. McMORRAN: Petition of citizens of Port Huron, Mich., for battle-ship building in the navy-yards—to the Committee on Naval Affairs.

By Mr. MADDEN: Petition of citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of Charles May (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. PATTERSON: Paper to accompanying bill for relief of Joseph Robinson—to the Committee on Invalid Pensions.

By Mr. PAYNE: Petition of citizens of Cato, Cayuga County, N. Y., for a national highway commission—to the Committee on Agriculture.

By Mr. REEDER: Petition of Western Retail Implement and Vehicle Dealers' Association, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Nathan L. Fritts, for the Sherwood pension bill—to the Committee on Invalid Pensions.

By Mr. SHERWOOD: Petition of steam engineers of Toledo, Ohio, for battle-ship building in navy-yards—to the Committee on Naval Affairs.

By Mr. LOWDEN: Petition of city council of Galena, Ill., for improvement of the Mississippi River by a channel at least 6 feet in depth from St. Louis to Minneapolis—to the Committee on Rivers and Harbors.

By Mr. SPERRY: Petition of Chamber of Commerce of New Haven, Conn., for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. STEPHENS of Texas: Petition of G. M. Tirely and other citizens of Henrietta, Tex., against the Penrose bill—to the Committee on the Post-Office and Post-Roads.

By Mr. STURGISS: Paper to accompany bill for relief of estate of Richard Timberlake—to the Committee on War Claims.

Also, petition of citizens of Simpson, Taylor County, W. Va., against the Penrose bill—to the Committee on the Post-Office and Post-Roads.

By Mr. SULZER: Petition of Peace Association of Friends of Philadelphia, against increase of the Navy—to the Committee on Naval Affairs.

Also, petition of United Mine Workers of America, for a sixteenth amendment to the Constitution, for woman suffrage—to the Committee on the Judiciary.

Also, petition of E. S. Fleisinger, for the Kittredge-Barchfeld copyright bill—to the Committee on Patents.

By Mr. TIRRELL: Petitions of Louis H. Wezsel, Gaston Mors, Aaron Warkowstz, and Louis A. Cahn, and others, citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petitions of Henry J. Andrus and others; Starling Grange, No. 53, and Fred R. Frask and others, for a national highway commission—to the Committee on Agriculture.

By Mr. THOMAS of North Carolina: Petition of citizens of Grantsboro, N. C., against the Penrose bill—to the Committee on the Post-Office and Post-Roads.

By Mr. WANGER: Petition of Smoky City Lodge, No. 219, Brotherhood of Locomotive Firemen and Engineers, of Allegheny, Pa., for the La Follette-Sterling liability bill, the Rodenberg anti-injunction bill, and the Clapp free-pass amendment—to the Committee on Interstate and Foreign Commerce.

Also, petition of Jay E. Remley, legislative representative of Brotherhood of Locomotive Firemen and Engineers, in favor 11794, favoring Kittredge copyright bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of John Luther Long, for S. 2900 and H. R. 11794, favoring Kittridge copyright bill—to the Committee on Patents.

Also, petition of Peace Association of Friends, of Philadelphia, Pa., against building four new battle ships at a cost exceeding $60,000,000—to the Committee on Naval Affairs.

SENATE.

WEDNESDAY, *March 18, 1908.*

The Chaplain, Rev. EDWARD E. HALE, offered the following prayer:

The law of the spirit of life in Christ Jesus hath made us free from the law and of death.

* * * * * * *

For we know that if the earthly house of our tabernacle be dissolved, we have a building from God—a house not made with hands, eternal in the heavens.

* * * * * * *

We are always of good courage and are willing rather to be absent from the body and to be present with the Lord.

Even so, Father, come to us. We are Thy children. In life or in death, in strength or in weakness, we can always come to Thee for a Father's voice; we can always rest on a Father's arm.

Father, we ask Thy blessing upon those of his own household, who watched over his illness and who see his face in death. For ourselves, his associates here, we thank Thee for a life which he has given to the service of his country, and we ask Thee to bless us and lift us up, that we may all stand in the presence of our God and of this nation, that each man may consecrate life to heaven and to earth together. These two worlds are one world, and the law of the Spirit of Life makes us free from the fear of death.

Go with us where we go. Stay with us where we stay. We are praying for the Congress, for the nation, Father, for all who loved him and honored him, and for all who prize the government of law, in Christ Jesus.

Our Father, who art in heaven, hallowed be Thy name. Thy kingdom come. Thy will be done, on earth as it is done in heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us. Lead us not into temptation; but deliver us from evil; for Thine is the kingdom and the power and the glory, forever. Amen.

THE JOURNAL.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CULBERSON, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

DEATH OF SENATOR WILLIAM PINKNEY WHYTE.

Mr. RAYNER. Mr. President, it is with feelings of profound sorrow that I announce to the Senate the death of the Hon. WILLIAM PINKNEY WHYTE, the distinguished Senator from Maryland. He died last night at his home in Baltimore at 7 o'clock. I had observed within the last few weeks the plainest evidence of his failing health, but, knowing his speedy powers of recuperation, I had strong hopes that he would rally from the attack from which he was suffering. It was otherwise de-

creed, and, after a long life of remarkable achievements and singular usefulness to his State and to his country, he has passed away.

This is not the occasion to pay the proper tribute to his memory, but it behooves me to say that the State whose noblest aims and best traditions he has so truly represented will mourn him as it would mourn no other of its illustrious sons. From one end of Maryland to the other he will be missed from amongst us as perhaps no other man has ever been missed before. He was the idol of our people.

He was beloved by all classes of the community, and as I left my home this morning the city that he loved and with whose progress his own life was interwoven seemed to be cast down and pervaded with a full consciousness of the great loss that it has sustained. In his palmy days in certain departments of his profession he stood without a peer. In times gone by of great political turbulence and conflict he had no equal as an orator upon the hustings, and his popularity with every element of the people was unsurpassed in my day.

Back of it all there was that which is greater than learning and success and eloquence and popularity, and that was his stainless and unblemished character in public and in private life. It was an honor and a victory to die as he did. Conscious until within a moment of his death, it must have been a glorious realization, inexpressible in words, for him to feel that as he passed into the presence of his Maker he could look back upon a life dedicated to the performance of public and private duties in strict accord with the prompting of his heart and the dictates of his conscience.

Mr. President, genius and ability may perish without hardly a record of their work or a remembrance of their deeds, but a character like his never dies; it stands forth as a beacon light, shedding its rays upon the generations that are to come and casting its halo upon the shores of eternity.

Mr. President, I now send to the desk and ask for the immediate consideration and adoption of the following resolutions.

The VICE-PRESIDENT. The resolutions will be read by the Secretary.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. WILLIAM PINKNEY WHYTE, late a Senator from the State of Maryland.

Resolved, That the Secretary communicate these proceedings to the House of Representatives and transmit a copy thereof to the family of the deceased Senator, and that as a further mark of respect to his memory the Senate do now adjourn.

The VICE-PRESIDENT. The question is on agreeing to the resolutions.

The resolutions were unanimously agreed to; and (at 12 o'clock and 8 minutes p. m.) the Senate adjourned until to-morrow, Thursday, March 19, 1908, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March 18, 1908.*

The House met at 12 o'clock m.

The following prayer was offered by the Chaplain, Rev. HENRY N. COUDEN, D. D.

Eternal God, our Heavenly Father, in whose all-encircling love we dwell and through whose never-failing ministrations our existence is continued moment by moment, hour by hour. Guide us, we beseech Thee, by Thy Holy Spirit of truth to do Thy will, that we may build for ourselves characters which shall be an everlasting memorial to our Maker.

Again we are called upon to chronicle the passing away of one more of the Congressional family, whose long life and public career have gained for him an everlasting place in the history of his State and nation. Comfort his friends, colleagues, and family with the blessed promises of the Gospel of Jesus Christ, our Lord. Amen.

The Journal of yesterday's proceedings was read and approved.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Indian appropriation bill, to further insist on the disagreement to the Senate amendments, and agree to the conference requested.

The SPEAKER. The gentleman from New York asks unanimous consent that the House further insist on its disagreements to the Senate amendments and agree to the conference requested. Is there objection? [After a pause.] The Chair hears none. The Chair announces the following conferees: Mr. SHERMAN, Mr. MARSHALL, and Mr. STEPHENS of Texas.

JANITOR TO THE COMMITTEE ON WAYS AND MEANS.

Mr. CURRIER. Mr. Speaker, I offer the following privileged report from the Committee on Accounts.

The Clerk read as follows:

Resolution in lieu of resolution 279.

Resolved, That there shall be paid out of the contingent fund of the House for the services of a janitor to the room assigned to the Committee on Ways and Means, in the House wing of the Capitol, compensation at the rate of $60 per month, to commence from the time such janitor enters upon the discharge of his duties, which shall be ascertained and evidenced by the chairman of said committee.

The question was taken, and the resolution was agreed to.

TELEPHONE MESSENGER.

Mr. CURRIER. I also offer the following:

The Clerk read as follows:

Mr. CURRIER submitted the following—

"House resolution 280.

"*Resolved*, That there shall be paid out of the contingent fund of the House for the services of an additional messenger in charge of telephones on the floor of the House (east side) compensation at the rate of $1,200 per annum, payable monthly, until otherwise provided for by law."

The question was taken, and the resolution was agreed to.

On motion of Mr. CURRIER, a motion to reconsider the vote by which the several resolutions were agreed to was laid on the table.

DAM ACROSS JAMES RIVER, MISSOURI.

Mr. RUSSELL of Missouri. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 17707.

The bill was read, as follows:

A bill (H. R. 17707) to authorize William H. Standish to construct a dam across James River, in Stone County, Mo., and divert a portion of its waters through a tunnel into the said river again to create electric power.

Be it enacted, etc., That William H. Standish, of Reeds Springs, Stone County, Mo., his heirs and assigns, be, and they are hereby, authorized to construct, maintain, and operate a dam in the big bend of the James River in township 23 north, range 24 west, in the county of Stone and State of Missouri, across the said James River at said point. And that at the narrows in said bend he and they are hereby authorized to impound and by canal and tunnel to divert and conduct across said narrows such portion of the water in said river, through said tunnel, into said river again as may be necessary for electric-power purposes, all subject to and in accordance with the provisions of the act of Congress entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906.

SEC. 2. That the construction of said dam and tunnel shall be commenced within two years of the passage of said act, and be completed within five years from the date of the passage of this act.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments recommended by the committee were read, as follows:

In line 3, page 1, after the word "That," insert "the consent of Congress is hereby given to."

In lines 4 and 5, page 1, strike out "be, and they are hereby, authorized."

In lines 9 and 10, page 1, strike out "that at the narrows in said bend he and they are hereby authorized," and in line 10, page 1, after the word "impound," insert "at the narrows in said bend."

At the end of section 1 add the following:

"*Provided*, That the Secretary of War shall have at all times control of the use of the water, even to the extent of causing the persons, firms, or corporations taking advantage of the privileges granted herein, to cease using the water whenever the same may be necessary for navigation: *And provided further*, That should the United States in the work of improving the aforesaid river find it necessary to flood the aforesaid tunnels or in any way affect the flow of water through them, the owners or operators of aforesaid tunnels shall have no claim against the United States for damage on account of said flooding of the tunnels or said effect on the flow of water through them."

Strike out all of section 2 and renumber section 3 to section 2.

The SPEAKER. Is there objection?

Mr. FLOYD. Reserving the right to object, I want to ask some questions about the bill.

The SPEAKER. Does the gentleman yield?

Mr. RUSSELL of Missouri. I yield.

Mr. FLOYD. I will ask the gentleman to state if this bill affects the White River in Missouri or the James River?

Mr. RUSSELL of Missouri. It applies to the James River wholly within the State of Missouri.

Mr. FLOYD. I will ask you if this is in keeping with your original proposition, that the James River should be declared unnavigable?

Mr. RUSSELL of Missouri. It is not. That bill was rejected by the Committee on Interstate and Foreign Commerce; and this bill was at their instance prepared and unanimously reported favorably by that committee.

Mr. FLOYD. I will ask you if it in any way protects the navigation of the river?

Mr. RUSSELL of Missouri. It does; it gives the Government, through the War Department, absolute control over the flow of the water and the river, reserving the right at any

time they desire to do so to have the beneficiaries under this bill cease to use the water, in order that it may be used for navigation.

Mr. MANN. It is under the general dam act.

Mr. RUSSELL of Missouri. It is under the general dam law.

Mr. FLOYD. I will ask you if it requires the dam to be completed within a certain time, in keeping with the general law passed in June, 1906?

Mr. RUSSELL of Missouri. It does. It leaves the general law as it is. This construction must be begun in one year and completed in three years. It does not change the present general law in that respect.

Mr. SULZER. Mr. Speaker, reserving the right to object, I wish to ask the gentleman if this bill has been approved by the War Department.

Mr. RUSSELL of Missouri. It has been approved by the War Department, and I have their report here in my hand.

Mr. SULZER. And I understand it is unanimously reported from the Committee on Interstate and Foreign Commerce.

Mr. RUSSELL of Missouri. It is unanimously reported by the Committee on Interstate and Foreign Commerce.

Mr. SULZER. Now, one more question. If this bill should become law, would it in any way interfere with the navigation of the river to which reference is made?

Mr. RUSSELL of Missouri. It will not. The War Department has reserved the right to control the water for the purposes of navigation whenever they want to do so.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

On motion of Mr. RUSSELL of Missouri, a motion to reconsider the vote by which the bill was passed was laid on the table.

PENSION APPROPRIATION BILL.

Mr. KEIFER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of further considering the pension appropriation bill (H. R. 16268).

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the pension appropriation bill, with Mr. CHANEY in the chair.

Mr. KEIFER. Mr. Chairman, I now yield twenty minutes to the gentleman from Ohio [Mr. MOUSER].

Mr. MOUSER. Mr. Chairman, the atmosphere of this justly celebrated Chamber is yet vibrant with the thrilling eloquence of the distinguished gentleman from Kentucky [Mr. OLLIE M. JAMES]. He came, he saw, but failed to conquer.

In burning tones he denounced the principles and policies of the Republican party. His remarks were frequently and vigorously cheered by his followers, but they failed to make an impression upon this side of the House. Knowing him to be a zealous and enthusiastic follower of the distinguished Nebraskan, we refrained from criticism, believing that he was carried away by his cause. Twenty-four hours have passed since the delivery of that notable effort, but I am unable to find any Republican under conviction, and I am sure none have been converted. [Laughter on the Republican side.]

During this session we have heard with interest and pleasure many political speeches. Leaders of both parties have taken occasion to nominate candidates for the Presidency. The Democrats have presented Bryan many times. After the conclusion of their nominating speeches the business of the House was suspended while delighted and enthusiastic followers of "The Peerless" gathered around their eloquent colleagues and warmly clasped their hands and gladdened their hearts with honeyed compliments. It is not my purpose to nominate a candidate for the Presidency. Living in the great State of Ohio, I have full faith and confidence that the coming Republican national convention will place in nomination the man who is pledged to carry out the policies of Theodore Roosevelt. [Applause on the Republican side.]

The gentlemen on the other side of this chamber have been painting dark pictures of distress and calamity. Without impugning the honor of any of them, it seems to me that they have been endeavoring to convince the country that the nation is rapidly going to the "demnition bow wows;" that Republican policies are ruinous and monstrous, and that our party has been directly responsible for all the evils of the last fifty years. No one, not even a Democrat, seriously believes this. If there is anything in the power of suggestion, then it seems easy to conclude that incendiary and gloomy speeches universally published and sent to the homes of our people frighten business, paralize industry, and bring on a loss of that confidence so essential to prosperity.

We are too prone to criticise and denounce each other in this Chamber, where business should be conducted in an orderly manner and where the partisan spirit should be suppressed. [Applause.] In our loyalty and devotion to the interests of some distinguished political leader we forget important matters of legislation. As a Republican, I have the greatest respect for the oratory of Mr. Bryan. Indeed no one in this country possesses a higher ability along this particular line. [Laughter on the Republican side, applause on Democratic side.] If he has a marked inclination to run for the Presidency, we Republicans should not complain, for we have defeated him twice, and undoubtedly this will happen again.

Forgetting politics for a time, let Democrats and Republicans work harmoniously for the good of the country. We have heard some criticism of the great Speaker of this House.

These objections have come from those who undoubtedly hold him very high personally.

It seems to me that he has been eminently fair and just and his services have been invaluable to the country. [Applause.]

Having given utterance to a few thoughts and observations which have come to me during this session in this House, I shall proceed now to speak upon the present condition of affairs, and allude for a moment to the important measure under consideration.

It affects the comfort and well-being of hundreds of thousands of our very best citizens. It will bring to them a few of the material blessings of life and brighten their "fading days" with sunshine and peace. The munificence of this great Government arises from its deep appreciation and lasting gratitude for the boys who joined its martial ranks, marched in its valiant armies, and fought its glorious battles. Moved by the highest moral considerations and obligations, Congress will disburse to the worthy remnant of the Grand Army and to the Mexican and Spanish-American warriors the generous sum of nearly one hundred and fifty millions of dollars during the ensuing year. This seems like a prodigious amount of money, and yet distributed among so many it is but small compensation to each of the gallant and heroic men who sacrificed health, comfort, and happiness for the dangers, terrors, and sufferings of ruthless and deadly war.

When we consider the whole-hearted devotion, the unselfish and matchless service, of the brave soldiery of our country, we are wont to wonder why every worthy and true soldier's case is not made the special care and concern of this now united, rich, and powerful nation. As a Member of Congress I know there are cases of veterans living in penury and necessity, their lives darkened by the shadows of poverty and distress. Having ruined their health in the trying ordeals of Army life, they were unfitted to fight the battles of existence, and they are now compelled to live on a mere pittance.

This Government can not afford to be miserly and niggardly with its brave and dauntless defenders.

Just and generous statutes have been enacted within the last few years relieving and assisting many deserving men who were prevented from drawing pensions under the existing requirements of the old laws. Congress should continue its good work along these very just and worthy lines.

Since the close of the great civil war we have marched with gigantic strides to a condition of material prosperity, unmatched and unparalleled in the history of the world. From Appomattox to the present halcyon period of peace our country has marvelously progressed. We stand to-day a leading world power and the richest and most powerful among the nations. We are living in a remarkable age; an age of high advancement and education; an age of noble purposes and high ideals. We look confidently and hopefully toward a bright and enduring future. [Applause.] Through a series of bloody wars, through calamitous and trying experiences, we have finally emerged and become, indeed, a free and united nation.

He who looks with gloomy forebodings through pessimistic eyes at present conditions is indeed cynical and miserable. We have little regard for the prophet of evil who is constantly bewailing his country's fate and who sees disaster and ruin in everything. The tendency is upward. Along with our marvelous and astounding development we are gratified to know that the people are better morally.

A cursory review of the ages past will awaken an immediate appreciation of this great truth. Our churches and schools and a thousand other forces and agencies of this remarkable civilization and age are all leading the people toward higher planes

and to higher standards of citizenship. We have been permitted to witness many triumphs for the right, and we are sure there is a wonderful improvement in the business and political world. We may expect in this commercial age, in the land where all men of push, brains, and energy are seeking the richest laurels, that wrongdoing, selfishness, and vice will menace us. Shall this fact frighten us? No; the good far outweighs the bad; the majority of our citizens are honorable and upright and obey the law. One of the very best evidences of our advanced condition is the enactment of wise and beneficent laws against corruption and crime. The railroad-rate law, the pure-food law, and the successful prosecutions carried on under the Sherman law are forcible and gratifying examples of the spirit abroad in our land. In years past the masses were content to be led and directed. To-day they are influencing and directing.

In those days many rich criminals, surrounded and emboldened by wealth and power, insolently violated the law and trampled upon the people's rights. To-day the guilty rich and poor alike are brought to justice, and courts and juries fearlessly and honestly discharge their duties. In the recent past the public conscience seemed to sleep and lawbreakers robbed the guileless and innocent. Not long since men and corporations openly defied the law and thwarted the ends of justice.

Public sentiment seemed to condone and approve. To-day a veritable crusade is on, and questionable methods and reckless systems are being abandoned, and the business world has been benefited and improved thereby. When we consider the wise, corrective, and salutary reforms inaugurated, the just and effective laws enacted by the legislatures of our States and by the Congress of our country during the last few years, we are indeed gratified. I have not the time to specifically refer to these measures, yet it is most pleasing to consider them as guiding stars to a higher and grander destiny. We witness many striking examples resultant from this moral awakening. Many States in the South, and in fact in the whole Union, have adopted many wise and equitable measures for the betterment and advancement of society. [Applause.]

The lawbreaking and law-defying men of this country stirred the public conscience and brought on agitation, investigation, and revelation. An aroused intelligent people are invincible. Lawmakers dependent upon the suffrages of the people for place and honor are impelled to act in accordance with their wishes and demands.

For instance, let me advert for a moment to the railroad-rate legislation. It peculiarly illustrates the effect and potency of a healthy public sentiment. For years the railroads and large and wealthy shippers had entered into secret agreements whereby discriminating rebates and favors were granted over their weak and less powerful competitors. This unfair and unjust practice resulted ruinously to the small shippers and drove many of them out of business. The concessions unjustly granted glutted and enriched monopolies, and they heartlessly brought on disaster to their competitors and wronged the people generally. The inevitable result was that the people complained and protested, and the Elkins law was passed in response to their righteous entreaties. This statute, after a decision of our highest court, failed to bring full and adequate justice to those affected, and the people, in turn, demanded new and more rigorous legislation upon the question.

Our President, faithful to his high trust, eminently courageous, urged Congress to provide a remedy, and there was enacted the present law, which will probably cure the evil. What I have said concerning this legislation might truly be said of the pure-food law, the prosecutions against the trusts, the employers' liability bill, and other just and reasonable measures passed by the States and the nation. It is surplusage for me to add that laws are only enforced when people demand their enforcement. New measures of reform are passed when urged by an awakened, enlightened public sentiment. Officials in any station are constrained to act, to do things, when moved by the righteous petitions and demands of the true legislators—the masses in the factories, in the mines, on the farms, and in the business and professional world. There are exceptions to this rule, but they are rare. There are those thoughtful and considerate persons, with a fine sense of justice, who become leaders of their fellow-men, and this may be said of our Chief Executive, who has played an important part in bringing on a new era of decency and honesty. [Applause.] The present conditions have affected and injured only the few in the business and political world who have been guilty of misdeeds and who have hitherto successfully defied the law.

It is natural to expect that this offending class will protest, denounce, and defame. There is no doubt but what they are freely spending some of their ill-gotten millions in an endeavor to change the tide of public sentiment and to discredit the determined, unflinching, and incorruptible public men who have assisted in bringing on their exposure, discomfiture, and punishment. They cry "Socialist!" "Demagogue!" "Revolutionist!" They predict dire and widespread calamity to the country. Indeed, they seem to enjoy and glory in the present panicky condition. The people understand; they will not be misled nor deceived. The more they decry, criticise, and slander, the more popular will become the measures and policies upheld and supported by those who believe that the safety and perpetuity of the Republic depends upon the strict and honest enforcement of just and equitable laws. [Applause.] Indeed, the present state of affairs, the crusade against dishonesty and injustice, grew directly out of the reckless disregard of the principles of right and justice. It seems to me that an examination of the question will show that the present agitation and unusual activity of our lawmakers and chief executives, in the States and in the Union was prompted by the willful and criminal acts of those who flagrantly violated the very tenets of right and honor. If this be true, then the wrongdoer and offender should change his ways of business and institute a new and better condition of affairs.

I notice that the president of the great steel corporation has frankly acknowledged that he is in accord with the present policies and that they will be adopted hereafter in the control and management of this great concern. I presume this could be remarked of many other corporations in the industrial world. Let us disregard the violent and unjust criticism against honorable officials who are doing their duty under their oaths. Let us encourage honest business and assist it in every way in attaining greater success. Let us refuse to believe that the punishment and imprisonment of wrongdoers is responsible for the present condition of industrial depression. Let us believe that the great mass of our citizens will in the end profit immeasurably by weeding out and destroying the corrupt and depraved few who are a menace and a curse to the many. We may go further and reason that offended and offending classes, checked in their mad career for wealth and power, defeated and enraged, have by their unjust assaults upon the present Administration contributed to the temporary unrest and loss of confidence at present prevailing. Let us be optimistic and hopeful. These are inspiring words. The great producing millions are rich from the fruits of the last decade of our country's remarkable prosperity. Our nation is sound at the heart. When the present artificial spell is broken money will seek the channels of legitimate trade, the fires will be lighted in our furnaces, and our factories will resume full operation. Our laboring men, the most intelligent, the most enlightened, and the most skilled in all the world, will march with elastic step and cheerful countenances to our busy hives of industry. Honesty will guide and direct our matchless industrial enterprises, and peace and plenty will sing in the joyous homes of our happy people. [Applause.]

Mr. KEIFER. Mr. Chairman, I now yield fifteen minutes to the gentleman from Indiana [Mr. CHANEY].

Mr. CHANEY. Mr. Chairman, unlike some of the other gentleman, I want to talk on the bill before the House for consideration. We live in a time when there is an agreement upon some things, and there seems to be an agreement upon this question of appropriation for the pensions for the heroes of the United States, and I want to submit to this House the liberality with which the United States of America has taken care of its heroes. And this, too, by Republican Congresses and by Republican Presidents.

I desire to call attention to the fact that the bill now offered for passage appropriates for pensions for those who have long ago severed their connection with the Army and Navy, as a grateful recognition for their services to their country in the time when services were needed and when the country's life hung in the balance, the sum of $150,869,000. Compare these figures with the amount appropriated this session for the military and naval establishments of the Government—

The Army appropriation bill appropriates this time	$85,007,566.56
The Naval appropriation bill appropriates this time	103,967,510.43
Total for both establishments	188,975,076.99

The difference between the active military and naval needs of the Government and what is paid out for pensions is $38,106,076.99. The proposed widows' increase will reduce this difference to less than $25,000,000.

What a showing this is! And this, too, after having taken over the insular possessions and the guardianship of Cuba. The like of this is unknown in any other country in the world.

The number of enlisted men in the Navy is 38,848. The Army embraces at this time, in all branches, 63,412 enlisted men.

We have a moderate Navy and a small standing Army, and these establishments cost so little, comparatively, that we can

afford, and do afford, to pay to the country's aged defenders of the years agone a helpful sum to make their hands easy and their hearts light as they approach the "silent river."

This Republic does not forget its heroes.

This Government has disbursed in pensions, since the Revolutionary war, $3,598,015,723.69. Of this princely sum three and one-half billions have been paid out since June 30, 1865.

There was issued in bounty land warrants up to 1855 an acreage of 68,768,310, which served as a lump-sum pension to the soldiers who availed themselves of it.

The total number of pensioners now on the pension rolls is 967,371. Forty-five thousand seven hundred and sixty-eight of the brave men of the wars have answered the last roll call during the last fiscal year, and of this great mortality 31,201 were soldiers of Abraham Lincoln—nearly 2,000 more than in any preceding year of the country's history.

There were added to the pension rolls by special acts during the Fifty-ninth Congress 534 persons, and 5,848 persons had their pensions increased by special acts during that Congress. Six thousand three hundred and eighty-two private acts were therefore passed by the Fifty-ninth Congress. The additional amount of money carried by the special acts equals $902,061.

Since the beginning of the civil war 19,737 special acts have been passed, 12,362 of the beneficiaries of which are yet on the rolls, of the annual value of $3,502,650; but only about half of which is chargeable to these special acts, since the pensions are increases.

At the last session of Congress there was passed what is styled the "McCumber bill," which added to the pension rolls but 8,930 persons, and yet 322,177 persons were benefited by that act. That act increased the annual value of the pension rolls $17,548,671. This act did a great deal of good and helped a great many more men than it was supposed it would.

There is pending for passage at the present Congress, and which will doubtless pass, a bill giving to all lawful widows of honorably discharged volunteer soldiers a pension of $12 per month—and which, if same does become law, will add $14,000,000 to $15,000,000 more to the annual value of the pension rolls.

The average annual value of pensions now granted each soldier is $145.60, which is equal to a 4 per cent Government bond of $3,640.

The average annual value of pensions now granted each soldier in the regular establishment is $173.12, which is equal to the income from a Government bond, at 4 per cent interest, of the sum of $4,328.

Under the general law, civil war, the average annual value of pensions to each soldier is $204.20, which equals the income from a 4 per cent Government bond of the sum of $5,105.

The average annual value of pensions granted to each soldier under the act of June 27, 1890, is $112.32, which equals the proceeds of a Government 4 per cent bond of the amount of $2,808.

The average annual value of pensions granted to each soldier in the war with Spain is $127.19, which equals the proceeds from a bond of $3,180, drawing 4 per cent interest.

The average annual value of pensions granted each soldier under the act of February 6, 1907 (McCumber law), is $170.09, equal to 4 per cent on $4,252.

Mr. BATES. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. CHANEY. Yes.

Mr. BATES. Will the gentleman state again how many are drawing a full $12 under the act of June, 1890? I think the gentleman stated the number of pensioners, or, possibly, the amount.

Mr. CHANEY. I stated the amount paid, not the number of persons.

Mr. BATES. Will the gentleman kindly give the amount paid, again, under the act of 1890?

Mr. CHANEY. I think that the gentleman misunderstood what I gave. It was the number of persons under the McCumber bill which was added to the pension rolls—8,930—and the number of persons whose pensions have been increased—322,177.

Mr. BATES. Has the gentleman at hand the number of pensioners who have reached the limit of $12 under the act of 1890?

Mr. CHANEY. I have the amount at hand, and I will submit it with my remarks.

Mr. BATES. If it will not interrupt the gentleman, I would like to ask his opinion whether he does not believe that soldiers—veterans who have become disabled, totally disabled—ought to draw more than $12?

Mr. CHANEY. Yes; I will come to that in just a moment.

Mr. BATES. I have noticed that the Committee on Invalid Pensions this year are almost automatic in raising pensions from $12 to $24—the pensions of veterans who are totally disabled. Should not the general law cover such cases, so that Congressional aid would not need to be sought where a soldier, possibly who has served his full three years, who has been in many battles but was never wounded, possibly never had any hospital service and can not show disability in the service, but who yet is paralytic, or through rheumatism or disease of the heart is disabled and needs the assistance of others, and receives only $12? Does he not think that in the munificence and magnanimity and generosity of this Government the next move in the pension laws should be to raise all soldiers who are now totally disabled up to at least $24 a month?

Mr. CHANEY. I certainly do, and that will be the next effort of the Congress in that respect.

Mr. BATES. I introduced a bill in December last amending the act of 1890, that all soldiers who are totally disabled shall receive $24 instead of $12. It seems to me now an act of justice and almost of necessity that such provision should be made.

Mr. CHANEY. Yes; I think, as my remarks will continue, the gentleman will see the trend of our opinion in the committee. I want to carry this same matter a little further, about which I was talking.

A soldier who gets a pension of $20 per month, or $240 per annum, has an income from a Government 4 per cent bond of $6,000.

A soldier who draws a pension of $30 per month, or $360 per year, has an income from a Government 4 per cent bond of $9,000.

These pensions are the highest grade of Government bonds, and fortunate and honored is the man who has one.

This income is not taxable, and therefore enhanced in value by this fact at least $1.50 per hundred of the bond value of the pension granted in each case. If a soldier's $9,000 4 per cent bond were put upon the market, it would bring at least $9,135.

The McCumber Act of last winter awards a pension of $12 per month to every soldier when he arrives at 62 years of age; $15 per month at 70 years of age, and $20 per month at 75 years of age. This law ought to have fixed $15 per month at 65 years of age, $20 per month at 70 years of age, and $30 per month at 75 years of age. If this had been done, justice would have been pretty well served. The House Committees on Pensions called attention to this at the time the act was passed.

There is a class of men, however, not provided for by any law, namely, those totally disabled for the performance of manual labor from causes other than disabilities contracted in the service, and who are without other income than their pensions. Hundreds of these cases besiege us now. These cases are the necessity for private pension bills. There are so many of these cases that the Invalid Pensions Committee can not begin to meet the demand. Work as hard as we may and do, we can not do enough of this worthy service. The House Committees on Pensions called attention to these men when the McCumber bill was put upon its passage.

It has been a serious question for some time how to provide for this class of soldiers, who must sooner or later be provided for by some general law.

There are those who believe that a dollar-a-day law should be passed, and I am one of those who believe this might be done. I received a number of petitions from individual soldiers and G. A. R. posts to this Congress favoring a dollar-a-day law, and I submitted the same to the House for its consideration. The soldiers, however, are not agreed on the proposition. The gentleman from Ohio [Mr. SHERWOOD] claimed in a recent speech before the House to have a number of petitions from residents from certain of the soldiers' homes, and perhaps from a few individuals and G. A. R. posts, asking for the passage of a dollar-a-day law, and exhibited several of them during his remarks on that occasion, but he has never presented his alleged petitions to the House for its consideration, and must therefore be regarded as not, in reality, favoring the proposition.

There is one thing upon which the country is now agreed, at all events, that no soldier who served his country in the Army or Navy when war threatened its life or when foreign enemies assailed us shall ever suffer for the necessaries of life because of physical inability to earn a livelihood. We have lived and now live amid a wonderful civilization and a surprising progress, but we have not lived so fast nor grown so strong that we have forgotten, or ever will forget, the men who made it possible to enjoy the manifold blessings which are vouchsafed to the American people.

We appreciate full well the men who saved the country whole, whose chivalry and patriotism saved, under the providence of God, the nation born to duty and to destiny.

Already we begin to realize the prophecies in the "Battle hymn of the Republic." Dewey's guns in Manila Bay spoke the language of a righteous force and a glorious flag because of Appomattox.

There is no other country which dispenses to its heroes in the military and naval service with such liberal hand as the United States, and no other country depends upon a volunteer army to fight its battles and defend its name like that of the United States. No other country pursues the policy of a pension roll of honor like the United States.

In 1859 Russia established an emerital fund by donation from the imperial treasury of 7,500,000 rubles, and a subsequent supplementary gift of 2,400,000 rubles, aggregating 9,900,000, equal to $5,098,500, as the basis for a pension fund, which was placed at interest. To this is added assessments of 5 and 6 per cent on the amount of the officers' pay, and also the interest and profits from interest-bearing bonds belonging to the fund.

Those entitled to pensions under this fund are such persons as have served twenty-five years in the Army or Navy and have contributed to the fund for twenty years, except those wounded in battle and those who during their military service have become paralyzed, insane, or totally blind and not fit for further service, but necessitating the aid and attendance of another person.

The system is very complicated, lacks liberality, and falls short of justice to soldier and sailor. The officers take the bulk of the money thus bestowed and the rank and file are put off with a pittance.

Great Britain grants pensions for length of service and disabilities contracted in service, and in 1898-99, the last attainable data, there was appropriated on account of pensions £1,811,927, equal to $8,769,726.68.

Germany grants pensions for length of service and for disabilities in the service. In 1898 the pension appropriation was 91,000,000 marks, equal to $21,208,000.

France grants pensions upon retirement from active service and for wounds or disabilities contracted in the service. In 1898 the pension appropriation was 130,949,000 francs, equal to $25,430,295.80.

Brazil pursues a policy much like that of Russia, and in 1899 paid in pensions the sum of $663,000.

Belgium authorizes pensions for length of service, on age, and for disabilities contracted in the line of duty. In 1898 there was appropriated $941,426.

Austria-Hungary takes care of its military officers and men—

1. By the grant of life or temporary pensions.
2. By the grant of additional allowances for disabilities.
3. By admission to invalid homes.

In 1899 there was an appropriation for pensions of all kinds of 14,297,975 gulden, equal to $5,719,190.

The Argentine Republic pensions its officers and men for disabilities in service so long as they remain in the country.

In 1899 there was appropriated for pensions $1,299,540.

The military pension of Chile is considered a charitable institution, but pensions are granted after ten years' service, unless disabilities are contracted while in service. The pension appropriation for the year 1899 was 1,859,717.39 pesos, equal to $678,796.70.

Peru appropriated for pensions in 1898 £62,669, equal to $303,317.96.

Portugal appropriated in the same year $841,471.

Japan is most liberal of any of the foreign governments and grants pensions in every conceivable case. There is appropriated each year for pensions in Japan liberal sums.

All governments provide for the widows of soldiers and sailors and their dependent families.

The United States pays out on account of pensions nearly three times as much as Great Britain, Germany, and France combined.

The system followed by the United States is unlike that of any other country, since we provide for the soldier or sailor as generously as does any other country for disabilities contracted in the service and for wounds and other injuries in war, and also for the volunteer soldiers and sailors, whether they are disabled from the service or not, or even whether they are disabled at all, and in amounts in excess of other nations. We also provide for the widow and the orphan and the dependent father and mother.

Gratitude is an element of our pension system and our pension roll is one of honor and distinction.

In addition to money pensions there are numerous National and State soldiers' and sailors' homes, where the comforts of a hotel are provided for all those who choose to go there.

Act of July 14, 1862, embraced in sections 4692 and 4693, Revised Statutes of the United States, provides for a pension to all those of the Army and Navy who have suffered disabilities in the service, and their widows and children.

Act of July, 1866, extended to widows and children the pensions of deceased soldiers, and in certain cases to mothers of deceased soldiers.

THIRTEENTH STATUTES AT LARGE.

An act making appropriation for the payment of invalid and other pensioners of the United States for the year ending June 30, 1865 (p. 3).

An act to increase the pensions of revolutionary pensioners now on the rolls of the Pension Office (p. 39).

An act relating to the compensation of pension agents (p. 325).

An act supplementary to an act entitled "An act to grant pensions," approved July 14, 1862 (p. 387). Pensions to those who have lost both feet, both hands, or eyes; volunteers not enlisted, disabled by wounds, to have benefits of pension laws, and relating to the status of the widows and dependents of such volunteers, and relative to the payment of accrued pensions; granting title to enlisted soldiers disabled in the service, though not mustered in, and providing pensions for their widows and dependents; providing for proof of marriage in claims of widows of colored soldiers, and the repeal of inconsistent laws.

An act supplementary to several acts relating to pensions (p. 449).

This act provides for pensions for acting assistant or contract surgeons; if disabled by wound received or disease contracted while actually performing the duties of acting assistant or contract surgeon with any military force in the field or in transitu or in hospital; persons losing a hand or foot to have $20 per month; widows or children of certain officers and other persons to receive pensions.

An act supplementary to the several acts relating to pensions. (14 S. L., 56.)

This repeals section 5 of the act approved March 3, 1865, and provides pension of $25 per month for persons who while in the military or naval service or line of duty have lost the sight of both eyes, the loss of both hands, or have been permanently and totally disabled in same, or otherwise so permanently disabled as to render them utterly helpless, or so as to require the constant aid and attendance of another person; and a pension of $20 per month for persons, who, under like circumstances, lost both feet or one hand or one foot, or have been totally permanently disabled in the same, or otherwise so disabled as to be incapacitated for performing any manual labor; and a pension of $15 per month to persons who, under like circumstances, lost one hand or one foot, or have been totally and permanently disabled in the same or otherwise so disabled as to render their inability to perform manual labor equivalent to the loss of a hand or a foot.

Provides when heirs of persons entitled to invalid pension may receive same, and for the payment of pensions of officers dying after date of commission but before being mustered out.

Period of service to extend to the time of disbanding the organization to which the person belonged or until they are actually discharged for other cause than the expiration of service of the organization.

Enlisted men to be treated as noncommisioned officers or privates.

When children are abandoned by a widow or she is not a suitable person to have custody of them, pensions may be paid to the minor children.

When orphan brother or sister may receive pension.

No person to receive more than one pension at a time.

If claim for pension not filed in three years, pension to commence from the date of filing the last paper in the case by the party prosecuting the same.

Proof of marriage in claims filed by widows of colored soldiers.

An act increasing the pensions of widows and orphans, and for other purposes. (14 Stat. L., 230.)

This act extends the provisions of the pension law to provostmarshals, their deputies, and enrolling officers, and pensions widows of soldiers and sailors, and increases $2 a month each child under 16 years of age.

If during pendency of the claim for invalid pension the applicant dies, provides for the payment of the accrued pension.

Provides that a widow who has remarried may be paid pension to the date of her remarriage.

Act July 23, 1868 (15 Stat. L., 170)—appropriation bill:

Section 2: Interest on naval pension fund shall hereafter be at the rate of 3 per cent per annum, in lawful money, and shall be applicable exclusively to the payment of Navy pensions according to existing laws.

Act July 27, 1868 (15 Stat. L., 235)—an act relating to pensions:

Section 2: Pensions to be granted for wounds received or disease contracted only in line of duty.

Section 4: Widow entitled to receive $2 per month for each minor child under 16 years of age by former marriage of soldier, etc., dying since March 4, 1861, during the time such widow has the custody, care, and maintenance of such child or children.

Section 5: Widow or guardian not to be deprived of additional pension of $2 per month for each child under 16 years of age if the child is an inmate of charitable institution.

Section 6: As to commencement.

Section 8: Pensions not to be allowed to widows abandoning their children or being unsuitable persons to have charge of them, but children shall receive such pension.

Section 9: When person entitled to a pension has died since March 4, 1861, while an application for pension is pending, leaving no widow or child under 16 years of age, his or her heirs or legal representatives shall be entitled to receive the accrued pension to which applicant would have been entitled had certificate been issued before his or her death.

Section 10: Remarriage of widow or mother not to deprive her of right to pension for period before her remarriage.

Section 11: Pensions volunteers not enlisted, but disabled by wounds.

Section 12: Persons having but one eye, and losing that, given $25 per month.

Section 13: Pensions accruing after the war of the Revolution and prior to March 4, 1861, to be placed on same footing as provided in section 3, act of July 25, 1866, and Revolutionary widows to be paid $8 per month.

Section 14: Officers of the rank of captain in Army and lieutenant in Navy and of less rank who have lost arm or leg in service and line of duty, or in consequence of wounds received or disease contracted therein, shall be entitled to receive an artificial limb on same terms as privates in Army.

SIXTEENTH STATUTES AT LARGE.

An act construing certain acts therein cited in relation to pensions (16 Stat. L., 191) provides that amounts fixed by special acts granting pensions should not be increased or reduced by other laws.

An act to define the duties of pension agents and to prescribe the manner of obtaining a pension, and for other purposes (16 Stat. L., 193), provides that pension agents shall send by mail quarterly to a pensioner whose pension is paid at his agency a voucher, to be executed and returned by him to the agent, and when voucher is received at agency, to draw check to the order of pensioner for the amount due; that, if thought necessary by the Commissioner of Pensions, a pensioner may be required to receive his pension personally. Pensions to be paid only to the persons entitled thereto and prohibiting the recognition of a warrant, power of attorney, or other paper, for the purpose of having pension paid to any other person than the pensioner; provides for the payment of pensions to the guardians of persons laboring under legal disabilities.

An act granting pensions to certain soldiers and sailors of the war of 1812 and the widows of deceased soldiers (16 Stat. L., 441) provides a pension at $8 per month for the surviving officers and enlisted and drafted men in the militia and volunteers of the military and naval service who served sixty days in the war with Great Britain of 1812 and who were honorably discharged, and to the widows of such officers, and so forth, and providing for the proof required in such cases.

The act of 1890, for all soldiers and sailors who served ninety days or more in the war of the rebellion and were honorably discharged therefrom, although their disabilities may not have been contracted in the service, and for a pension to their widows, provided they were without income of over $250 per year—during Harrison's Administration.

Appropriation act of April 24, 1906, made the age of 62 years and over a permanent disability within the meaning of the pension laws.

Act of February 6, 1907, has been mentioned, and the benefits of this act were extended to those pensioned under the acts of June 27, 1890; February 15, 1895, and joint resolution of July 1, 1902, or the acts of January 29, 1887; March 3, 1891, and February 7, 1897.

In addition to pensions, land grants, and Soldiers' Homes, the United States cares for the sacred ashes of those who answer the last roll call by marking their last resting places with enduring tablets and in great national cemeteries, as follows:

WAR DEPARTMENT,
OFFICE OF THE QUARTERMASTER-GENERAL,
Washington, D. C., July 1, 1906.

List of national cemeteries, showing the number of interments in each, June 30, 1906.

Name of cemetery.	Interments.		Total.
	Known.	Unknown.	
Alexandria, La.	551	772	1,323
Alexandria, Va.	3,427	124	3,551
Andersonville, Ga.	12,794	925	13,719
Annapolis, Md.	2,304	204	2,508
Antietam, Md.	2,921	1,830	4,751
Arlington, Va.	15,751	4,625	20,376
Balls Bluff, Va.	1	24	25
Barrancas, Fla.	920	710	1,630
Baton Rouge, La.	2,559	532	3,091

List of national cemeteries, showing the number of interments in each, June 30, 1906—Continued.

Name of cemetery.	Interments.		Total.
	Known.	Unknown.	
Battle Ground, D. C.	43		43
Beaufort, S. C.	4,832	4,544	9,406
Beverly, N. J.	181	7	188
Brownsville, Tex.	1,480	1,379	2,859
Camp Butler, Ill.	1,013	356	1,369
Camp Nelson, Ky.	2,464	1,189	3,653
Cave Hill, Ky.	3,760	582	4,342
Chalmette, La.	7,159	5,745	12,904
Chattanooga, Tenn.	8,439	4,970	13,409
City Point, Va.	3,780	1,379	5,159
Cold Harbor, Va.	672	1,290	1,962
Corinth, Miss.	1,794	3,936	5,730
Crown Hill, Ind.	953	33	986
Culpeper, Va.	463	912	1,375
Custer Battlefield, Mont.	983	244	1,227
Cypress Hills, N. Y.	6,129	381	6,510
Danville, Ky.	349	8	357
Danville, Va.	1,175	156	1,331
Fayetteville, Ark.	482	782	1,264
Finns Point, N. J.	113	2,539	2,652
Florence, S. C.	209	2,801	3,010
Fort Donelson, Tenn.	163	512	675
Fort Gibson, Ind. T.	257	2,212	2,469
Fort Harrison, Va.	243	575	818
Fort Leavenworth, Kans.	1,941	1,549	3,490
Fort McPherson, Nebr.	478	353	831
Fort Scott, Kans.	634	125	759
Fort Smith, Ark.	869	1,485	2,354
Fredericksburg, Va.	2,508	12,802	15,310
Gettysburg, Pa.	2,005	1,631	3,636
Glendale, Va.	238	969	1,207
Grafton, W. Va.	643	620	1,263
Hampton, Va.	8,914	600	9,514
Jefferson Barracks, Mo.	9,172	2,932	12,104
Jefferson City, Mo.	401	411	812
Keokuk, Iowa.	725	43	768
Knoxville, Tenn.	2,311	1,067	3,378
Lebanon, Ky.	596	277	873
Lexington, Ky.	840	112	952
Little Rock, Ark.	3,474	2,370	5,844
Loudon Park, Md.	2,993	381	3,374
Marietta, Ga.	7,383	2,978	10,361
Memphis, Tenn.	5,203	9,017	14,223
Mexico City, Mexico.	765	750	1,515
Mill Springs, Ky.	354	368	722
Mobile, Ala.	843	229	1,072
Mound City, Ill.	2,632	2,732	5,364
Nashville, Tenn.	11,972	4,711	16,683
Natchez, Miss.	471	2,780	3,251
New Albany, Ind.	2,319	676	2,995
Newbern, N. C.	2,259	1,100	3,359
Philadelphia, Pa.	2,712	188	2,900
Poplar Grove, Va.	2,200	4,012	6,212
Port Hudson, La.	600	3,239	3,839
Quincy, Ill.	230	57	287
Raleigh, N. C.	639	572	1,211
Richmond, Va.	871	5,700	6,571
Rock Island, Ill.	290	20	310
Salisbury, N. C.	112	12,035	12,147
San Antonio, Tex.	1,289	284	1,573
San Francisco, Cal.	4,844	467	5,311
Santa Fe, N. Mex.	394	442	836
Seven Pines, Va.	163	1,225	1,388
Shiloh, Tenn.	1,240	2,377	3,617
Soldiers' Home, D. C.	6,802	291	7,093
Springfield, Mo.	1,029	740	1,769
St. Augustine, Fla.	1,693	73	1,769
Staunton, Va.	237	527	764
Stone River, Tenn.	3,819	2,333	6,152
Vicksburg, Miss.	4,094	12,769	16,833
Wilmington, N. C.	749	1,577	2,323
Winchester, Va.	2,102	2,387	4,489
Woodlawn, N. Y.	3,068	7	3,075
Yorktown, Va.	756	1,435	2,191
Total.	201,282	152,103	353,385

Of these interments about 9,300 are those of Confederates, being mainly in the national cemeteries at Camp Butler, Cypress Hills, Finn's Point, Fort Smith, Hampton, Jefferson Barracks, and Woodlawn.

Three thousand interments in 1906.

Two thousand interments in 1907.

Mr. HARDY. Mr. Chairman, I rise to discuss a question of universal interest, and, if I may be pardoned for saying so, of very little unanimity of opinion. There are three main schools of thought on the money and banking question represented in this Congress. The first proposes to retain, enlarge, and patch our present credit currency, and do no more. The second proposes to abolish our present credit currency, substitute a different credit currency, and establish a system of bank safety. The third school, to which I belong, proposes to leave our credit currency untouched, but to establish a system of bank safety or deposit guaranty. Two days ago I prepared this argument and wrote this paragraph: "There is a division in the ranks of the first school; one wing opposes, the other favors, repeal of all restrictions on the right of banks to retire their note circulation. One favors, the other opposes, including railroad bonds in the list of securities for the issue of emergency cur-

rency. This difference is so vital that it might justify classifying the opponents as of different schools were it not minimized and stress of battle so laid upon another difference between them as to perhaps result in ignoring the differences already stated and deciding the controversy between them upon the other difference, which is simply this: One contends that the credit currency of banks, ordinary and emergency, shall be issued by the Government as Government currency and delivered to the banks, and banks only, upon application and deposit of security; the other, that it shall be issued by the Government through the banks as bank currency upon application of the banks and security deposited by the banks, the currency in either case to be clothed with the same functions, to be controlled in volume and circulation by the banks, and to be redeemed by the Government. To have all these notes alike, in form as in substances, would be better, but I venture to say that this great battle, upon which constitutional learning and judicial research are exhausted, is one about which the banks do not care a baw-bee. To have a pitched battle or sham battle on this issue in one part of the field seems to me empty sound and fury 'et preterea nihil.' The people wage their fight—it may be a losing one—and call their leaders to the front in another part of the field to win for them safety of their deposits."

Since that writing—in fact yesterday—the papers tell us the leader of the majority in the Senate has consented and the committee of that body in charge of the Senate banking and currency bill have unanimously eliminated from it the feature which repealed the present restrictions upon the retirement of bank notes and the provision which included railroad bonds in the list of securities for the issuance to banks of emergency currency. For this action, I take it, we are to thank an aroused public opinion or the fear of public condemnation. If under the new currency measure too rapid contraction should produce falling prices and hard times—and perhaps the Senator from Wisconsin, who was insisting that railroad properties should be valued if their bonds were to become the basis of national currency—but whatever the cause of the action, it leaves the contention between the two wings of school No. 1 referred to simple and single; that is, whether our paper currency shall be issued in the name of the Government or in the name of the banks, but in either case to be alike in functions, redemption issuance, retirement volume, and circulation, and in all other respects. I have, sir, but one purpose, and that is to sustain the proposition that provides a sure guaranty of bank deposits.

Mr. Chairman, all nations have had what they called money, and all actual money has in itself had commercial value. In uncivilized nations commercial credit was unknown; all trade was by barter and actual transfer of the physical thing.

As soon as credit—commercial credit—is born to a nation an immense forward step is taken and thereafter business is transacted, trade is carried on, not by swapping commodities or by giving money for commodities only, but also by giving written obligations or credit in exchange for commodities.

The first stage of credit, like the first money, was crude and without system. Seashells, hides, iron, copper, silver, gold, was money, and personal notes and memoranda and agreements were the commercial credit, and the only commercial credit system. There was in fact for ages no system of either money or credit. They were equally insecure, uncertain, and crude. A coin or hide was uncertain as to its quantity or quality without scales to weigh or means to measure or test them surely and reliably. The note or credit obligation was not always certain as to its meaning and never certain as to fulfillment. For centuries money chaos reigned. Certain coins issued by private individuals acquired great reputation for their widely known worth and honesty, but in general money was a poor instrument of exchange so long as it rested solely on individual integrity, and therefore governments by the exercise of undoubted paternalism stepped in and took charge of all the coinage of money, fixing its quantity, its quality, and relative value, and stamping these upon it in the act of coinage. This, I apprehend, was all that the Constitution meant by giving Congress the power to "coin money and regulate the value thereof and of foreign coins." It also had the power to emit bills of credit, but this is another matter. At that time our own coins were few and it was better to have some constituted authority to fix the relation of foreign coins than not, so Government paternally assumed the authority. Our Government has long since abandoned that authority. Not very many ages ago governments were hardly more honest than individuals and often the royal treasury was replenished by deliberate government debasement of the coin while private dishonesty clipped and filed and mutilated it, so that many coins were hardly more fixed in value than a wild-cat bank note. But interest, if not honesty, at last brought laws and practices in all governments, securing honest coins and punishing and practically preventing private clipping and mutilating and counterfeiting, and rendering every coin as certain in value as in name. The merely securing, however, the certain weight and quality of all coins by the Government was not the end of the question. The unfortunate, perhaps unavoidably unfortunate language of our Constitution, very fit and proper at the time and for the purposes for which it was framed, gave rise to an idea, which became a fixed belief in many minds, that there was some mysterious talismanic power in government which could alter or fix the relative and real value of different coins and different metals by its mere stamp and declaration. So confused became ideas that learned men lost sight of the real origin and nature of money and the purely paternal functions of government pertaining thereto; and, misquoting the Constitution, often declared that the Government had the power to issue money, bestow its value, and overthrow all the principles affecting exchange, and so there grew up a school having men of no mean ability advocating purely fiat, irredeemable paper money.

There was hidden also in the language of the Constitution and in the money systems of many nations not only the seeds of this irredeemable paper money contention, but also the double and single standard and the metallic ratio controversy. The Constitution just as clearly authorized the fixing of a triple or quadruple standard as of a double standard and the establishment of a legal ratio between silver and copper as between silver and gold. The right to "coin money and regulate the value thereof and of foreign coins" surely gave as much authority to fix the ratio between gold and copper and brass and the ratio between American and foreign coins as between gold and silver only, but as I said before our Government soon dropped all pretense of regulating the value of foreign coins. It did so in fact as soon as the supply of our own money enabled us to trade without the use of foreign coin, which was much in vogue at the adoption of the Constitution. It never undertook to fix any ratio between gold and copper. The use, however, of both gold and silver alternately or contemporaneously by all civilized nations continued so long and persistently that a fancy grew into a conviction that there was something sacred or peculiar and inviolate about the money function of gold and silver, and everywhere there was the strange, illogical attempt to fix, or find and make stable the commercial ratio of value between the two by law. For nearly a century this effort troubled the statesmanship of the nations. As simple a thing as the question of intrinsic value muddled the statesmen of nations, but these controversies are now settled and the gold standard now prevails in all civilized lands.

Long before the money standard was settled the credit currency question assumed a dark aspect and at times overshadowed all questions of money proper. A certain man by the name of Law took up the shattered finances of France and, as with a magic wand, began to create fabulous wealth by the mere touch of a pen, and a mushroom era of bubble prosperity grew till it burst of its mere emptiness. A South Sea scheme in England, of like origin, growth, and ending, spread wreck and ruin in that country. Making money with pen and ink or printing press has a peculiar fascination that affects the heads of the sober and makes men drunk with the mad desire for gain. To come down nearly to our own generation: Before the war, banking in most if not all the States became very popular. It was so easy. A charter, a printing press, and office room, and the trick was done.

The money rolled in crisp, new notes, promises to pay, that floated out on all the winds of heaven, the farther the better. Then there were "flush times in Alabama" and elsewhere for the promoters; but the children of men were sore vexed and grieved, and some of the States are even yet valiantly paying by way of interest for the brief spell of lurid intoxication of paper prosperity enjoyed long years ago. While this era was winding to an unhappy finish, a darker terror than the goblin of greedy and gambling money and banking raised its awful form in the midst of our devoted land. With one foot upon the North and one foot upon the South it blew a blast, first north and then south, of deadly hate and strife.

Then bloody war laid low our noblest and best and ended in the canonization of two martyrs, one the chieftain of the North, struck down by the bullet of a fevered assassin, enshrined in all your hearts of the North, the other the chieftain of the South, sick and in prison and in chains for weary weeks and months for our alleged transgressions, no less enshrined in all of our hearts of the South.

But this aside. The war, through the wisdom of chance, put an end to wild-cat banking, but not an end to banking evils and errors. The Federal Government, as all governments have in time of stress, issued its bonds, also its legal-tender promis-

sory notes, and then to aid their bonds established or authorized the bank note based on bonds and practically prohibited all other bank notes.

But Government notes and bank notes depreciated. They were made legal tender, but no power has yet been found to make a promise not ready to be redeemed equal to the thing promised, and no power is needed to so make a promise ready to be redeemed.

With peace, the bank notes and Government notes began to approach to real money in value. At first, perhaps, no one in authority had made any study of these bonds, notes, and paper currency, except as war measures intended to strengthen the Government's credit and replenish its Treasury in time of need. The credit of our credit currency became an issue of prime importance, and the collection of a gold-redemption fund and resumption of specie payment was at last accomplished.

When all this had been done our financial system had two things of great worth: It had actual money of fixed value and it had a credit currency of equal and equally certain value. But with these two good things—good money and good credit currency—went the establishment of a banking system peculiarly our own. Since then silver has depreciated, and now we have a half credit money, silver, and a paper or wholly credit currency and a banking system with which the Government is almost hopelessly and inextricably mixed and tangled, and which at times has placed the Government at the mercy of the money changer whenever conditions arise which put in operation the mechanism of the endless chain so freely used from 1890 to 1893.

But this is not all or perhaps the greatest evil of our money and banking system. By the bond-secured bank-note system, and by the prohibitory tax on other bank notes, and the want of any banking system our commercial credit has been put in a strait-jacket, and the limbs of our giant commerce are bound with iron bands, or to change the figure, credit, which for a great commerce should have the freedom of the air to flow into every vacuum, is fixed and immovable, so that with more money and more credit currency than ever was before in our land, natural industry is to-day smothered and can not breathe because all our credit and money is locked fast in strong boxes and can not enter the currents of trade and industry.

Now, this, it seems to me, is all the fault of our system of banking, and banking alone, which by its insecurity has, without figure of speech, made every dollar of money stop still in the pocket of its possessor and absolutely destroyed the operation of credit.

All panics have their causes. Statesmanship can and should prevent the causes. There is a vast difference between hard times and a panic. Hard times is the winter's chill pinch; panic is the tempest's blast. The earth may not bring forth, the seasons may fail, pestilence may prevail, seven lean years may bring famine. This is hard times. Hard times may, too, in a less degree arise from the decreasing volume of money and consequent shrinkage of the price of labor and products of labor, and so be the result of a monetary system, as was the case from 1882 to 1896, but panic is the fearful child of credit alone. The cause of the panic of 1890 to 1896 seems clear to me. It was not, except remotely, connected with the tariff, but was connected with the long agitation of the question of standard money. It was not a Republican panic, except as Republican legislation and want of legislation had led up to it. It was not a Democratic panic. The ages had not settled the simple question that a standard was a standard and not two standards, or a double standard, or a triple standard. Vast millions of debtors owed vast billions of debts. A proposition was presented to establish, in name, a double standard, but, in fact, in the opinion of the creditor classes, a silver standard. Its agitation began about 1876, fostered by Republicans and Democrats alike. It grew under the operation of hard times brought about by the decrease of the circulating medium in comparison with the growth of commerce, $225,000,000 bank notes being retired from 1882 to 1891; and production increasing, prices fell lower and lower for ten years steadily; vast fortunes for the few, under tariff laws and trust and railroad manipulation, grew, while the masses struggled with the increasing burden of debt and poverty.

The struggle between the masses and the classes grew tense and violent, and great leaders on both sides presented with startling vigor appeals based on unquestioned conditions and made from undoubted honesty of convictions to the masses to adopt the double standard as a cure for the ills they knew they bore. These very appeals intensified their ills. The creditors became alarmed. Gold all retired or took flight, still further decreasing the circulating medium; debtors were pushed. To obtain and to hoard gold the "endless chain" was put in operation. The very credit of the Government toppled. Fear rode upon the winds and the panic was upon us. In the political contests that followed a strange spectacle was presented. One party paltered with the people, presenting a Delphic oracle for a platform and prating of an international commission and agreement for a double standard, not daring to defend even the right as they saw it; and the other party, even in an error, as I see it, bold, fearless, and honest, declared their faith and were led by a general, mistaken though I believed him to be, honest, fearless, brave as Pickett at Gettysburg, or the Old Guard at Waterloo. [Applause on the Democratic side.] Stranger still, all over the land in every great city, thousands and thousands of workingmen who could not and did not vote for him because they believed that to lower the money standard meant to lower their wage standard, followed and cheered that leader to the sky, because they knew and felt that his heart was of gold, and every drop of blood in his veins counted his devotion to the common people. [Applause on the Democratic side.]

The cause of that panic was plain, and its cure was also plain. When the fear of the creditor was gone the panic was over, and when the increasing production of gold and the increasing issue of bank notes expanded our currency, neither of which was even aided by any Republican policy, the wheels of commerce began to turn, prices began to rise, and the Republican party, coming into power, have blessed the tariff, fostered the tariff, retained the same old dangerous banking system, fostered the trusts, and fattened on corruption and its contributions to their campaigns ever since.

The campaign of the Democratic party in 1896 and subsequent events have demonstrated clearly the Democratic contention that an increasing volume of the circulating medium tends to promote prosperity and a contracting circulating medium means falling prices, and that demonstration made the Republican majority of a Senate committee yesterday consent to the elimination of a feature of their currency bill under which the banks could at will have contracted our national paper currency. Now, I believe that the volume of the circulating medium is the actual money plus the credit currency plus the bank credits of the country, convertible instantly into money, and any policy that takes away either of these destroys prosperity.

If you had had the courage that ought to attend power, and the wisdom that ought to attend authority, the statesmanship that ought to meet opportunity and demand, you would have long since given the country a sound banking system, under which no man could fear for the safety of his deposits, and the present panic could never have occurred. Had you done so you could have continued to denounce the Democratic party for the panic of 1893. And so great is the natural wealth, the boundless resources, and productive genius of our people and country that we as a people would have continued to prosper in spite of the tribute of $160,000,000 annually you make us pay to the American steel trust and the unnumbered millions to others of the favored classes under a system of laws designed to fatten the few and enslave the many. [Applause on the Democratic side.]

Instead of courage, instead of statesmanship, what did you do? Nothing. And what do you present us now? The Aldrich bill. I shall not discuss it much. Its advocates declare it only a makeshift, a patch. It adds more links to that endless chain that may be used to draw gold from the National Treasury for the benefit of Wall street on occasion. It provides still further to destroy the safety of the general depositor by absorbing the assets or tying up the assets of the banks for a speculative and peculative currency when it is issued. It extends and enlarges all the evils of the present system. It does not cure or ameliorate one evil. It does not strengthen, but weakens every bank that touches its favors. It does not meet or prevent or intend to meet or prevent any future panic. It pretends to intend to furnish an elastic currency. It only pretends, for no bank would ever use it except for sinister purposes or in desperate conditions. Except that Congress it looked to to do something, it would not stand a ghost of a show to pass. We want and need no greater volume of currency to-day than we have. We have more than ever before, and these banks could, but would not take out more. The gold supply is growing with our growth. What we need is a safe place to put it, and thereby multiply its beneficent power for credit expansion and for increasing the volume of circulation. You have forced the banks to do practically all their business with the average individual by the book and deposit system, and then not only failed to require good security for the deposits, but have taken away what security might have existed, not only by taking in pledge

their property in bonds to secure the bank notes, but by putting in banks for their own use the deposits of the Government's money without interest and taking the other assets of the banks to secure the Government for this voluntary advancement, while to the depositors you leave the leavings. In business, when one lends to a failing debtor and takes special pledge to secure him, to the detriment of the general creditor, the pledge is void, but under the present system and under the Aldrich bill you propose for the Government to do that very thing, and in effect you will lend banks the Government credit and money to promote speculative gambling, while you destroy the safety of the deposits of the great common people. But enough of the Aldrich bill.

The Fowler bill is different, and if the United States to-day were without a banking system or a paper currency, it would appeal to me strongly; but thrust on us now, even if the public did not mistrust it, I fear it would contract the currency in a dangerous degree and bring about the falling prices and hard times that go with a decreasing circulation, such as we had in all the eighties. Unjust, unfair, or unnatural contraction is no less to be feared and prevented than unjust, unfair, or unnatural expansion. It is true our standard is gold, and gold is the standard of the credits, but when the Government has put forth a permanent fixed paper currency, which in every respect is practically the equivalent of gold, does it not become equally with actual gold the basis or base of our credit system? The United States Treasury notes and bank bond-secured notes are such a fixed currency. And to retire them as fast as they could be retired under the Fowler bill would be an experiment of danger, if not of certain disaster. His answer to that is, perhaps, that they would be replaced by the credit currency notes of the banks, but that I doubt. The banks could under his bill issue credit notes to the amount of $4,000,000,000 if all our silver and gold were destroyed save $1,000,000,000, but would they? And if they did, would these notes command implicit trust of the people? I have never believed in the quantitative theory of money except in a relative sense. It is immaterial at any given date or time whether the entire money of the world, gold being the standard, amounts to one sum or another—that is, one hundred million or one million ounces of gold—if you could separate that date or time from all preceding time. Each commodity would be priced in gold under the same terms and would stand relatively to each other just the same, whether the gold supply were great or small. But all the world having debits and credits, and the mind and commerce of the world being adjusted to the present money volume, any sudden or even steady, but great, increase or decrease of that volume would have far-reaching effect. The gentleman from New Jersey wisely objects to a central bank, and few, I think, will seriously consider it. Eliminating the proposition to retire all bank notes and greenbacks and silver, there is left only of Mr. FOWLER'S bill as to banking the proposition to allow banks under rigid rules and inspection or supervision and system of organization and security to issue its credit notes to bearer and its deposit certificate to the special individual with equal and absolute guaranty of redemption. Now, I do not care much for the credit note to bearer, in fact, at this time, at least it would be dangerous, but I believe that if some plan is adopted making the bank's book credits absolutely safe commerce will take care of the details and perfect the bank-credit system. And furthermore, if the depositors' guaranty were ever incorporated in the banking system and it was found that the needs of commerce required the credit-note issue, that would surely follow.

There is no reason in equity or justice why any bank note should be more safe than any bank deposit. There is a possible reason in equity why the depositor should me more safe, because by depositing it in banks he lends his money to commerce and helps to turn the wheels while by taking it out in currency or gold he withdraws it and locks the wheels of industry, but both should be and can be made safe. A system with safe currency and unsafe deposits is lopsided and for a great nation inexcusable.

Why not, then, take a plan like Oklahoma's? The machinery and means of governing banks and providing a sufficient guaranty fund, provided in the Williams bill or the Oklahoma plan, may be all that is needed. I think it is, but if the principle be adopted the details will follow and be worked out. I believe the banks whose deposits are guaranteed should be commercial banks only and should never be allowed to pay over 2 per cent or some small interest on deposits. Savings banks and trust companies' customers should look out for themselves; they have made an investment. The object of the bank act being strictly on the paternal line and to provide only a safe depository for money in keeping with the principle and the necessity under which the Government assumes and exercises the right to coin money, it ought not to seek to cover other fields. It has been and will be objected that for the Government to undertake to make depositors secure in their deposits is paternalism. I grant it in all fullness, but so is the act requiring banks to deposit Government bonds to secure the holders of its bank notes; so and every whit equally so is the requirement that banks should hold a reserve to protect their creditors. So is the double liability of stockholders. Every restriction, limitation, and requirement put upon banks to-day by law to protect the depositor, and every bank bill introduced here, is paternal. Any man or set of men have the unrestricted right by nature to open up a bank, receive deposits, issue certificates of deposit and their promisory notes. Why, then, should the Government make all these restrictions and requirements and tax the private bankers' notes 10 per cent except on the principle of paternalism and to protect the people or depositors? If the Government has the right to tax the private bank's note issue, which seems not denied, it would have just as much right to tax deposit certificates. No man is more opposed to paternalism generally than I, or to encouraging the citizen to look to his Government for aid in fighting the battles of life.

Every man must learn to stand alone, to make his own contracts, meet his own wants; but there are many great things the individual can not do effectively. He can not build his own university, he can not carry his own mail, he can not build his own road to market, he can not provide his own standards of weights and measures, or his own coins and standards of value well, though men have in a measure done all these things. But another says it is socialism. It would be socialism if one bank was made to pay the debt of another for the benefit of the failing bank, but that is not the case. Each bank is made to join in payment of the debts of a failed bank for the good of all the banks that do not fail and for the good of the public. Each bank is given by the public a great privilege, and must therefore submit itself to all the restrictions and burdens imposed with the grant. It is not bound to accept the grant. If you can adopt a hundred burdensome measures by which to make banks keep deposits secure, can not you add yet one more and impose a small tax? Is it socialism to make all the requirements now made of the banks to protect the public? Is not the safety of deposits a great public necessity as much so as a safe currency? As much so as coining the money? Ought not the people be given safety for their money on deposit equal to the old sock, the trunk, or the strong box, without the effect of the strong box in withdrawing it from circulation? Any measure that will prevent sudden and great disaster to the whole public such as came upon us lately should be studied long before it is cast aside. The public schools have some taint of socialism. I think far more than the proposition to assess banks for security of depositors. For a long time good men and true opposed them because they taxed you to school my child, and you have no option but to be taxed. The reasoning looks sound, but a great and overwhelming cry arose. Humanity cried out for the poor in appeal to our charity, but a higher authority appealed to the lawmaker and for the protection of the public against the vice and crime of the ignorant. The rich are required to pay for the poor, not as charity, but for public and self-protection. A great necessity is upon us. Governments that adopt the central and branch banking system as we once did are not in this trouble, because all their banks are jointly liable. A central bank system is a system that assesses all banks to pay any failure, but we can not and would not adopt that, because we fear, and justly fear, its power; but the necessity for safety is with us as it is with France, Germany, and England. Over one-third of the great mass of bills introduced bear testimony to that fact, and, containing a guaranty plan, show that the people know their needs.

Even the distinguished gentleman, Mr. HILL of Connecticut, declares the guaranty proposition of Mr. WILLIAMS by voluntary acceptance could be had, but he says the banks will not accept it. I say they will. Let us pass that law. If they do not accept it no harm is done. The law is a dead letter. If they do accept, the law is good. The gentleman says no man can give a reason why banks more than life insurance companies should mutually insure each other's policies, but he is mistaken. Life-insurance companies are not bound together. The failure of one does not affect them all, and if there were no life-insurance companies, commerce would still prosper and maybe so equally well. Banks are a vast interdependent system, willing or unwilling. But in times of panic now, as he says, each pulls apart and strives to save itself, but if they had mutual guaranty they would pull together, as they sometimes do even now when they think deeply and wisely. He tells of rich men now getting control of a chain of banks and riding them at their

will unrestrained. It could not be done if all banks were linked together under proper laws. Governor Hughes has proposed additional limitations on banks loaning to each other's officers. On all sides come suggestions to make more safe the banking system and the bank depositors. Once for all, it should be accepted that banking as well as currency is a public or quasi public function and safe banks a public necessity. We have reached a point where the very public safety demands that the Government, in the interest of the whole people, see to it that the "state," the people, "take no harm." In the vast intricacies of commercial life depositors are hardly volunteer creditors. Deposits can scarcely be avoided, or if they could all business would be blocked; and yet in panic in the great city of New York one bank was as safe or unsafe as another. But why guarantee the depositors against the banks and not the bank against the depositor, says the gentleman. Surely the gentleman has thrown dust in his own eyes by his logical pyrotechnics. Why, sir, did the Government impose double liability? Why try in other ways to protect deposits? The bank loans on security, deliberately, voluntarily, and for a profit to one who has no duty to perform to the bank or to the public. No Government protection or inspector is needed or desired by the banks to aid or protect them in their loans. All Government restrictions on bank loans are made to protect the bank's creditor. Then with my earnest and able colleague from Texas [Mr. BURGESS] he strikes the wildest note of all when he says, first, that safety of deposits is very desirable, and next that guaranty of depositors or guaranty of deposits would promote an era of wild and unsafe banking.

Surely the depositor being guaranteed, the banker would feel no less desirous of protecting his own interest, and other bankers being likewise interested would be no less observant of their brother banker's conduct. The gentleman from Connecticut wants the United States to deposit its money but take security. Why? Because he wants Government money safe. As for me I had rather secure the savings and pennies of the poor than the surplus millions of the United States. How is it everyone wants to make United States deposits secure but not the common depositor? Is it simply because the Government is big enough and strong enough to demand it and the people can not help themselves? My colleague [Mr. BURGESS] has made a speech on this subject well worth perusal. Like so many others he falls into the use of the shiboleth, "emergency currency," some currency that will come when the crops ripen and go away when they are sold; and they seem to want this issued by the Government direct *to banks* or by the Government *through the banks* on a special deposit of security. Most advocates of the emergency currency have convinced themselves at least that every fall for the last ten years before the panic the country was on the verge of panic and escaped by a miracle, and that without their emergency currency we will verge some more every fall, and only escape by a miracle every fall until we do provide it. Now, I do not believe at all in this recurring miracle. I do not believe there was any more approach to a panic in the fall of 1900, 1901, 1902, 1903, 1904, and 1905, than there was of failure of the Bank of France. In 1906 there were clouds but they did not hover over any question kin to emergency currency. All during the spring of 1907 the clouds grew darker, and the East was borrowing from South and West. We had, or the banks had, the power to issue several hundred millions of currency of the kind these gentlemen urge—that is, secured currency, but it would not "emerge." It did not emerge when it was needed, nor would the Aldrich currency. I know it is considered, or said to be not decorum to speak of measures in the other branch, but I see no sense in that decorum. The wise men have told us that our present bank currency has a habit of emerging in the summer and retiring in the fall when the crop-moving banks call for it, and so Mr. BURGESS wants a commission to tell what is the matter. He is right this far. If we do not know anything we ought to do, appoint a commission, and they will do nothing and take a long time about it, and we can tell the people we have done something, and the people must wait. The commission of Mr. BURGESS is to gather up a mess of opinions and theories, such as we all have received in our mail, and will argue from many sides learnedly and long, as bankers have in conventions, but discover no essential fact not now known, and when this stress is over for the time the people will forget the commission.

It is only better than the Aldrich bill because it does nothing, no harm. It leaves the patient to live over his present attack by his natural strength, and does not weaken his system by the injection of more poison to make him less able to stand another attack. The high statesmanship of Messrs. BURGESS and HILL reaches the lofty conclusion that neither they, we, nor anyone else now know anything of the causes of this panic upon which to suggest any remedy. They father a school of silent wisdom that reminds one of the doctor who feels your pulse, looks wise, gives a bread pill, and tells you you have "periodical membratonitis" and slight "congestive emergiensis," and must wait further developments of the disease, in order to name it more specifically if you do not get well from the bread pill.

But further on, after urging a commission to tell us what to do, my colleague gets certain that we can do nothing; that we can not legislate values and credits and public confidence, nor do anything of good, but much of ill. Then why the commission? We have plenty of money, they say, and so do I. It is hoarded they say, and so do I, through fear of bank depositors, they say, and so do I. We can do nothing they say, and so do *not* I. We can pass laws that will make deposits safe and remove that fear. It took one panic to produce the law of specie resumption. It took another to bring about safe, sound currency, and it will take only one, I trust, to bring about a safe deposit and sound banking system. But if we do nothing now, we will do nothing later till a second panic compels it. I want to sum up, if I can, the various reasons against deposit guaranty. It is foolish, says my colleague, and doubtless he thinks so; but Mr. Bryan, Mr. Gage, Mr. FOWLER, Mr. WILLIAMS, Mr. CULBERSON, and the oldest, perhaps the best, at least the wealthiest banker of my town, and one of the best bankers of the town just south of me, and thousands of others think not. Let us let that be a stand off. But it would put in hodgepodge capacity and character with incompetency and rascality and lay a tax on all to protect the negligent depositor and rascally banker at the expense of the wise banker and careful depositor. I have partly answered this already. It is the cry of "paternalism," "socialism," made by the big and strong bank. It is the Gibraltar of the opposition to safe banking, sir. You do not throw capacity and incapacity into hodgepodge and tax both to support both. You bestow a privilege at a price. I maintain that 99 per cent of all deposits in commercial banks are involuntary, or placed without being influenced by question of safety in normal times. When high interest is offered by banks the depositor does and well may consider safety, but in all my life I never questioned the safety of any bank in my home town, yet deposited with only one. No bank depends alone or even largely on its safety in normal times to build up its business; they depend on friendship and business relations. That claim is hollow. In normal times 99 per cent of all banks are safe, and those that are not are as apt as not to be some old and trusted institution. Of the three biggest failures I recall in my State, two were old and trusted, one was new; all stood on their character and competency, without the paternal and socialistic inspection, regulation, or restriction.

I maintain that there is not a bank in existence that would not itself be more benefited by the safe guaranty of the deposits of all banks than it would be burdened by the tax, and these gentlemen must abandon their proposition or follow it to its logical end—free and unrestricted banking. They must stand for free bank notes, wild-cat bank notes, and deposits unprotected by reserve or double liability or other restrictions, or come with us to safe bank notes and safe-deposit obligations. The law says to every bank to-day, For the protection of all other banks and all the public you shall not give your note without making it secure (a great infraction of freedom), but you may receive all the deposits you please and promise all you please to the certain individual without making him secure. The note, you say, of each bank is secured by that bank alone, while this proposes that all banks shall make each deposit sure. I grant it; but I charge that in the present method of securing the note you have tied up an equal or greater amount of the resources of the banks issuing, and the notes issued are not issued on principles of banking at all, but are in effect an issue of Government notes. You have destroyed all real bank-note issue, and I charge that no real bank-note issue was ever safely made except on terms amounting to mutual and joint guaranty by many banks, as in the case of all central and branch banks or Government banks. The truth is, and we know it, our present bank notes are guaranteed by the Government, are Government notes. The Government devised a plan to make itself safe on these and prohibited all other. And all issuing banks jointly bear the expense of the system, whether they need inspection and restriction or not. Some are honest and capable and some are not, but all pay this expense and bear these restrictions and burdens, and this is what is proposed in the guaranty of deposits. "But," says my colleague, "it is the inalienable right of every individual in this country to get all the premium that character and capacity give him * * * and if he goes into the banking business he is a candidate for deposits." Why, then, do you forbid a solvent bank to issue its promise to bearer on his character? The truth is, commercial

banks should no more be allowed to receive deposits, without condition, limitation, or security, than to issue notes, and the right to impose these restrictions, limitations, and conditions is as clear in one case as in the other. We recognize this truth partly, but not wholly, as we ought.

Free banking means free notes and unsafe notes, free deposits and unsafe deposits, free competition and unsafe competition for deposits and for loans and for lending, with all kinds of interest paid to depositors, all kinds of security or no kind of security required of borrowers, and all kinds of risks taken by the banks; and any restrictions upon any of these inalienable rights are subject to all the invectives aimed by gentleman on this line against the guaranty of deposits. It is a great thrust to call a measure "socialistic," "paternal," but gentlemen must learn that no government is or can be free from all paternalism and all socialism. All government is compromise. All antitrust legislation may be socialistic, all public service laws, all protective tariff laws are paternal. Very many laws are one or the other or both. The true doctrine is to preserve to the individual all and every particle of liberty and individualism which it is not absolutely necessary to take away from him for the general good, and, in preserving this, I go as far as any man, but I would not go back now to the private schools, to wild-cat banks, to the repeal of all labor laws, to unrestricted hours of contract labor and child labor. Society has learned that the blow of the bludgeon is not the only means by which the strong strike down the weak and has banded itself together under a growing and higher law which guards and shields, protects and even helps the weak, the innocent and helpless, against the cunning and the strong. The statesman's task is to do all this and still build up the nobler man and give to the individual a high and still higher prize for personal genius and high emprise. But it is claimed that guaranty of national-bank deposits would create a panic, depositors in other banks rushing to guaranteed banks. Surely gentlemen have lost their balance when they object to a system because it might be so much better than all other systems that all other systems would vanish because of their weakness. Some gentlemen have a nightmare. Guaranteed banks would pay all kinds of interest and bid for unlimited deposits on the regular get-rich-quick plan. So would banks have done as to their practically Government guaranteed notes if the Government had permitted, but the Government did not permit it, and even supposing that a bank, because its deposits were guaranteed, ceased therefore to be honest and ceased to care for its own interest as a bank, still no one has offered to give any such privileges to the guaranteed banks, but all provide for limitations of interest rates and for even closer limitations and restrictions, inspection, and reserves than those under which banks now move. Gentlemen seem to fancy that the proposition is simply to assess all banks for the guaranty of all deposits and then turn all banks over to free lawlessness. Surely these gentlemen have neither read any of the bills introduced nor taken counsel of their own great wisdom, when they think that Congress in providing the one great safeguard would throw away all the other safeguards and the banker throw away all the care that the experience of a century has shown to be necessary to safe banking. Mr. Gage says the only restraint upon officers of banks really is the fear of loss, not to his depositors, but to his stockholders.

But these objections are answered so fully in the excerpt from the Springfield Republican, I will ask the Clerk to read it.

PROTECTING DEPOSITORS AS WELL AS NOTE HOLDERS.

[Springfield (Mass.) Republican.]

James B. Forgan, of the National City Bank of Chicago, has been quoted by William J. Bryan and others as having said in opposition to the policy of Government or joint guaranty of bank deposits that "it would make all banks safe, one just as good as another, and for that reason a man would go to any bank with his money." In an open letter to Bryan the banker says he never expressed himself in such terms. What he has said is that the plan would reduce all bankers to the same level, and there would be no reason why anyone should discriminate between one bank and another in making deposits, and he proceeds to observe:

"In my judgment the Government's guaranty would gradually but inevitably reduce the high standing and credit of the strong, conservative, and well-managed banks to the level of the weak, speculative, and poorly managed. * * * The rascal is invited to become a banker and to cover himself with a mantle of credit which otherwise it would be quite impossible for him to acquire, and which is provided for him by and at the expense of all the good banks of the country. This would not be a square deal. It would put dishonesty and reckless banking at a premium and remove from the banker all ambition to excel in his profession and to acquire that good name which Solomon says 'is rather to be chosen than great riches.'"

This is, of course, quite a different view from that which has been accredited to him, and it presents considerations which are to be given weight.

Yet the fact is to be admitted that the purpose of the existing national-banks act is to "make all banks safe"—to reduce them all to a dead level of equality, so far as the safety of depositors as well as note holders is concerned. Special security is accorded the note holders, as is generally regarded as proper, but the Government also undertakes to look after the safety of the depositor. When the bank act was under amendment in Congress back in the sixties, the mention was made to strike out the 100 per cent liability of stockholders on the ground that, as the note holders were amply secured by the Government bonds back of the notes, it was no business of the Government to look after the depositors. But the proposed amendment had no suport worth mentioning. It was considered that the Government should also provide for the safety of depositors, and this it undertakes to do, not only through enforcement of double liability upon stockholders, but through frequent Government examinations of the banks and through various restrictions of law upon loans, and so on.

Thus the question raised by the Government or joint bank guaranty of deposits is one involving no departure in fundamental principle from existing policy. It is a question simply whether the Government shall support its present purpose of protecting depositors with measures which may prove certainly effective, instead of indifferently effective, as is the case under existing law. We venture to say simply that this is a question not to be dismissed by a wave of the hand, but deserving of careful consideration. That bankers who have built up a reputation for integrity and conservatism should object to the proposed change is of course natural, but their attitude is to be accepted as no more weighty against the suggested reform than it would be against any and all policies of Government regulation of banks. Considered as an ordinary and highly competitive business, something might be said in favor of removing all public regulations from banking. Then all the more would honest and conservative bankers rise above their fellows and draw public confidence to themselves.

But the country has accepted the policy of close public regulation, after some experience with the let-alone policy before the civil war, and it will never go back to the policy of no regulation, no matter how much the regulative policy tends to reduce banking and bankers to a dead level of safety and general conduct. As a matter of fact, however, bankers would still find, under the deposit-guaranty plan, large room for the exercise of judgment and of an ambition to excel. Their first ambition now is to make their institutions large and also profitable to stockholders, and deposit guaranty would not materially affect the situation in this respect; while by creating in every bank a substantial interest in the sober conduct of other banks, the plan must result in a general improvement rather than in a deterioration in banking methods.

It is remarkable that all those who oppose the guaranteeing of deposits have found but one other means or suggestion of safety, and that is the central bank, which all fear, and which, besides, is a mutual guaranty in another form. Some who do not oppose the mutual guaranty, as far as I know, suggest the postal savings bank for the people. Doubtless a postal savings bank will appeal to many. Surely it will if some means is not found to clothe our banks with absolute safety and give to the people absolute trust in them. They will say about their deposits what they have said about their currency: "We will trust the Government." But even postal savings banks must further diminish the safety of the common bank deposit if such savings are redeposited with banks by the Government on special security in accordance with its present custom of making deposits. Postal savings banks would enter the Federal Government into a business line of at least doubtful constitutionality; would bring the Government in competition with its own people in business in a new field; would increase the number of Federal employees; increase the patronage of the party in power, and all for an unnecessary purpose if some other means of safety can be had for the depositor. Postal savings banks are absolutely safe. All the people know it, and if you do not succeed in guaranteeing bank deposits, postal savings banks will be established.

The leaders of the Democratic party have agreed upon a policy of deposit guaranty contained in the Williams bill, which may not be free from fault. It is voluntary, which, in my opinion, was unnecessary, but while that feature answers an objection, it will not, I think, in practice defeat the purpose or even cripple the measure, as all banks that may will gladly accept the provisions. It provides for liquidating the assets of failed banks before payment of depositors. This I think a serious defect which ought to be cured. It provides what it calls an "emergency currency," but what is in reality scarcely, if anything, more than a provision by which the central government is substituted for central reserve city banks, and holds for the individual banks that part of their reserve heretofore permitted to be placed in reserve banks, and the Government, instead of reserve banks, pays this portion of its reserve back to the individual bank in time of need.

The party or man or set of men who shall cause the establishment of a banking system which, without putting the Government into the banking business, will make every deposit as safe as every bank note is to-day will deserve and receive the thanks of all banks and the blessings of the people.

For the want of some safe place of deposit for the people's money, which would not take it all out of circulation, this panic has come upon us, and after all and as usual the plain people have suffered most. The cotton of my country has fallen $20 per bale, or, say, what was in their hands, in the aggregate $100,000,000. Other products of labor, I assume, in proportion. Hundreds of thousands of laborers of every class are idle and the wages of the employed have gone down, but the price of living has not gone down. Tariff-protected and trust-protected

commodities glut no markets. Lumber mills and steel plants shut down; their production ceases; their employees may tramp or beg or starve. The price of their product must be upheld. The worst of the calamity for this time, we hope, is passed, but can we provide against its return? We can. Then, will we do it? This panic is an indictment against the party in power in that, with the richest and greatest country on earth, it provided a bank system which was a stupendous failure. And that failure with an overflowing National Treasury, the greatest volume of money in all our history, and boundless riches in harvest, mine, and factory, produced a crash which Senator ALDRICH describes. Let me read his words:

Mr. President, the financial crisis from which the country has just emerged, which culminated in a serious panic in October, was the most acute and destructive in its immediate consequences of any which has occurred in the history of the country. The country was saved, by the narrowest possible margin, from an overwhelming catastrophe, whose blighting effect would have been felt in every household.

Although the total collapse was avoided, yet the injury to business amounted to thousands of millions of dollars.

He also declares that the most powerful aid to prevent the catastrophe was the clearing-house certificates, a violation of law and an aid which he thinks could not be used again. He also says, and truly, that the happy situation of an overflowing—and he might have added complaisant—treasury may not coincide with another panic. To do nothing now, or worse than nothing, is criminal. Making all bank notes safe was a great benefit to the people, a greater benefit to the banks. Making all deposits safe will be a great benefit to the banks, but a greater benefit to the people. We swallow the camel when necessary to aid great banks and financiers, but distinguished gentlemen never prone to balk at paternalism raise hands in holy horror and cry "paternalism" when it is proposed to make the people's money safe. If this Government is great and wise, we will never again hear of a long line of weak and helpless men and women pleading in vain for their pennies at the window of a broken national bank. [Prolonged applause on the Democratic side.]

Mr. Chairman, in extending my remarks I wish to include in the RECORD two letters from the bankers I have referred to—one from W. L. Murphey, of Mexia, Tex., a successful banker of more than twenty years' standing; the other from James Garrity, of Corsicana, Tex., the oldest and perhaps most eminent and successful banker of my home town; also parts of an article written by Gen. A. B. Nettleton, former Assistant Secretary of the Treasury:

THE FIRST NATIONAL BANK,
Mexia, Tex., December 3, 1907.

Hon. RUFUS HARDY, *Washington, D. C.*

DEAR SIR: I am in receipt of your letter of the 29th ultimo in reply to mine of a previous date. You ask me what I think of the Bryan proposition as to bank deposits being guaranteed by the Government. His ideas and mine agree on general lines, but I am not in favor of the "assessment" idea, but much prefer a straight tax annually based on the capital of each national bank, and if such tax or taxes should not at any time be sufficient to pay creditors of failed or suspended banks, then the "assessment" to make up the deficiency would be all right. For the first year or two it might be necessary to have an assessment, but my idea is that within a few years, say, from two to five years, the fund created by a straight tax would be much larger than would be necessary to pay creditors or depositors in failed banks. As I wrote you before, national banks now pay a tax on one-fourth of 1 per cent per annum on their circulation. This tax is really an unnecessary tax, so far as the Government really needs it. Abolish this tax and in lieu thereof tax national banks, say, one-fourth of 1 per cent on their capital stock at the start and as the fund grows larger then Congress at some future time could reduce the tax to, say, one-eighth of 1 per cent per annum. I never was much on "assessments," but prefer to know what is coming, to the exact amount, in the way of a tax, and "cut my cloth accordingly." I believe the tax plan as outlined would be far more satisfactory to the banks than the assessment plan would be.

Of course great opposition will develop to any plan presented by those that do not want such a bill passed, and the cry of "class legislation" will be urged, etc., but even if it is class legislation in favor of national banks, still the other "classes"—the common people—will be far more benefited, for the reason that they will never lose one cent hereafter by reason of failed banks.

And another thing to consider in passing such a bill is that more money will be in the United States than ever before. It will come from every quarter of the globe to be deposited in banks whose system is the best and the safest in the world, when such a bill is passed, if ever it is passed. The United States will literally "run over at the top" with money. I sincerely hope Congress will act on the proposition at this term and create a banking bill that will be perfect, when depositors are protected. That is the only flaw now in the national-bank act. With that rectified, Uncle Sam can sit back and say that his system can not be beaten.

Excuse me for this long letter. As you write that the days do not seem over "two hours long," it will take you the best part of the day to read this letter.

Assuring you of my continued friendship and high regard, I remain,
Yours, truly,

W. L. MURPHY.

THE FIRST NATIONAL BANK,
Corsicana, Tex., March 9, 1908.

Hon. RUFUS HARDY, M. C., *Washington, D. C.*

DEAR JUDGE: I have your favor of the 3d, and, in accordance with your request, I inclose herewith synopsis of my argument before the district bankers' convention at this place some time ago, which covers my views on the matter, though I have not taken the time to study up the details. I believe the matter is a very important one and that the people throughout the country will before long demand the absolute security of bank deposits.

With best wishes, I remain, very truly, yours,

JAS. GARITTY.

In saying that I heartily approve the guaranty or insurance of bank deposits, so that every bank in the country will be perfectly safe, so far as deposits are concerned, and that every depositor will feel and know to a certainty that he can get his money on demand from a sound or an unsound bank, those who know me and the concern that I represent will, I am sure, give me credit for not having any interested motive in advocating such guaranty. I do not know that it would be for the best interest of our bank, looking at the matter from the stockholders' standpoint alone, but I do believe that it would be greatly to the interest of the whole people, and the very best that could be done now or at any time for the prevention of panics.

The causes of our late panic have been fully discussed and ventilated in the papers and magazines, and, as usual, have created much difference of opinion among the various writers. But I assert, without fear of valid refutation, that the only thing that has or ever will cause a panic is the fear of the depositor that he will not be able to get his money when he demands it. If you satisfy him absolutely that he can get it on demand he will never withdraw any except for actual needs, and all bankers know that such demand can always be met with very little cash. A number of objections have been raised by men of high financial stand to the guaranteeing of bank deposits, but you will generally find that the objections come from those who deem themselves so strong that they will be able to control the bulk of the business that ordinarily would and should go to weaker rivals.

Their way of attack is to put up a straw man or plan that no one advocates and then proceed to demolish him. They say, for instance, that rascals would be invited to become bankers and will be enabled to cover themselves with a mantle of credit that they could not otherwise acquire, and they make this statement as if those who favor the guaranty of bank deposits advocate the same without providing for the proper regulation of the business. I am as much opposed as anyone to the guaranty of bank deposits until such safeguards are thrown around the business as will reduce to a minimum the opportunity of the dishonest to take advantage of such guaranty. We have always had rascals in all lines of business and always will, but the law can easily be so framed so that the number under the guaranteed plan will be less than heretofore instead of greater. In addition to the laws and regulations covering national and other banks at present, and such as may hereafter be found necessary, I would add the following:

First. Strict and frequent examination by expert examiners.

Second. Insured banks to pay no interest on deposits.

Third. Deposits to never exceed from six to ten times the capital paid in.

Fourth. Total amount of loans or investments of any kind not to exceed from six to ten times the capital paid in.

Fifth. Total reserve to be kept at home.

This would, I believe, make our banking system the strongest and best in the world, and since there would be but few, if any, failures, the cost of maintaining it would be insignificant. I am only outlining a general plan and do not presume to say that I have studied out all the details, for I have not had time to do so, and I do not believe that the party in power or the large moneyed institutions that control it are prepared to permit the enactment of such a law in the near future. If, however, several of the States should pass the guaranty law, the Central Government will, I believe, be forced to do the same, else national banks will be placed at a disadvantage compared with State banks whose deposits are insured. If deposits are fully secured there will, I feel sure, be no more money panics and no piling up of money in the large centers of business, which is often done for the purpose of furnishing money to gamblers on the stock exchange.

It occurs to me that the insurance or guaranty of bank deposits is the only remedy that has been proposed for the prevention of panics, such as we have just passed through. The Aldrich bill, for emergency currency, or the American Bankers' Association plan for asset currency, a large central bank, etc., are, in my opinion, mere makeshifts, and unnecessary now or at any time. With deposits absolutely secure we have all the currency that we need now or are likely to need for some time to come. A run upon a bank is the only thing that ever has or ever will start a panic, and if deposits were fully insured there would be no run upon a bank, and, of course, no panics. Money panics affect all business and all people, and though they may be but short lived so far as the actual demand for cash is concerned, the bad effects of it on all business is general, and often lasts for years. To my mind it is extreme selfishness on the part of large and strong banks to object to the absolute security of all banks, for the reason, they say, that it would reduce all banks to a level—the weak and incompetent the same as the strong and well managed. As a matter of fact, it does not do so, though the security be absolute so far as small banks are concerned, the large one will always have the advantage of large capital and deposits, and loaning large amounts of money. Banks make their money out of depositors, and they should certainly be willing and glad to pay the small amount that it would take to absolutely secure them. Forty-odd years of experience with national banks goes to show that it would require about one-twentieth of 1 per cent of the average deposits to pay the losses of all insolvent banks, and with such improvements as we would have in the law, and regulation of our banks under the guaranty plan, it would cost practically nothing. No bank or individual should be allowed to do a banking business unless they were willing and able to furnish absolute security for the depositors. And I believe that the business of a bank should be in a measure confined to the locality in which the bank has its headquarters, or at least this should be the case so far as small banks are concerned, and if they are only allowed to hold and use the amount of deposits proportioned to their capital, it will necessarily be so.

Some who object to the insurance of bank deposits declare that it is rank communism, when, as a matter of fact, the Government of the United States, under the present national-bank law, does to some extent guarantee depositors—such as the 100 per cent liability of shareholders, restricting loans to 10 per cent of capital and surplus, amount of reserve to be held at all times, examination by expert accountants, and frequent statements published under oath. All of these things help to guarantee the depositors, and they are all paid for by the banks just as the full guaranty would be paid for. If the national banks did not have the safeguards above named they would be no better than a private institution, and people would not have the confidence that they have in them. Any man with a thimbleful of sense should be able to frame a law that would make all banks absolutely safe, and surely none will deny that this is desirable. The trouble, and the only trouble, about the general agreement as to the insurance of bank deposits is because the kings and princes of finance do not believe that it is to

their interest that all banks should be absolutely safe so far as deposits are concerned. On the contrary, they want the public to believe that they only are safe and thereby attract from a distance the money that should be kept near home. But we know from late experience that big names and big capital alone will not insure honest management and absolute security; but insurance will. During the height of the late panic reputation and large capital counted for little. You had to put up or shut up. Everyone was from Missouri. Whenever the largest and best of our institutions put the lid on they were looked upon with more or less suspicion, and, if the truth must be told, banks were as much afraid of each other as depositors were afraid of them. They tell us that it is communistic to tax good banks for the faults and ignorance of the bad ones; but if this is so, why do we tax ourselves to provide police force to protect us against crime, also taxes for schools, roads, canals, and so forth. Surely these things are just as communistic as the tax on banks to secure the people who provide them with the funds out of which they make their living.

GUARANTY OF DEPOSITS MOVEMENT EXPLAINED—DEMAND OF PEOPLE AND PRESS DISCUSSED IN DETAIL—PLAN FOR LEGISLATION BY CONGRESS TO PROVIDE INSURANCE OF MONEY DEPOSITED IS OUTLINED.

[Gen. A. B. Nettleton, former Assistant Secretary of the Treasury, in Review of Reviews.]

The proposition to provide some general form of protection for bank depositors against loss from bank failures is not new, not suddenly born of recent fright and disaster. Certain experiments in this field were made in the remote past, but under conditions so crude as to furnish no useful basis of judgment. During the last dozen years a number of well-informed writers on financial subjects in the United States, including several practical bankers, have presented and advocated fairly well-digested plans to this end. In 1899 such a measure lacked but two or three votes of enactment by the legislature of Kansas. A group of about 100 State banks doing business in Georgia and Florida have a mutual depositors' guaranty fund of moderate amount, which is held in trust-bearing interest. The chartered banks of Mexico have long maintained a voluntary league among themselves, under the practical working of which all come to the aid of each in time of peril, whether from internal or external cause, with the result that no such bank has failed, and hence no depositor has suffered loss since the system was adopted under the advice of President Diaz.

The unprecedented business experience through which the American people have passed since September last has, like a flash of financial lightning in the night, revealed an amazing situation which commands universal attention. In the resulting earnest and widespread discussion of remedies for a condition which all concede to be intolerable, the hitherto neglected suggestion of bank-deposit insurance has, with apparent suddenness, acquired much prominence. The result is a very considerable and apparently increasing demand that some systematic and effective protection shall be thrown around bank deposits, not for the benefit and safety of depositors only but of the banks themselves and indirectly of the entire community as well.

OKLAHOMA'S PIONEER SYSTEM.

The pioneer action of Oklahoma has created wide interest. The deposit-insurance law of that State, enacted in December last and now in operation, provides for the simplest form of compulsory bank-deposit insurance by the banks themselves, the State assuming no pecuniary responsibility or risk. Periodical assessments are to be levied by the State on all banks in proportion to their average deposits for the previous year. The proceeds constitute the so-called "bank deposit guaranty fund," which is held in the custody of the State treasurer. As often as a bank fails all depositors are immediately paid in full from the guaranty fund. The State bank commissioner then liquidates the affairs of the failed bank, and from the proceeds of assets and from further assessments, if necessary, on the banks the guaranty fund is kept intact. The law provides a number of novel safeguards for the banking business of the State. For example, whenever the State bank commissioner obtains satisfactory proof that any bank officer or employee is dishonest, reckless, or incompetent, he may require and compel his resignation or his removal by the directors.

This law was passed by a nearly unanimous and wholly nonpartisan vote in the legislature, and with the apparent approval of the people generally.

THE BANKS AND THEIR DEPOSITORS.

The case in favor of the deposit-guaranty plan naturally starts by pointing out what is held to be the central and fatal defect of our otherwise excellent banking system, a defect which demands an immediate and effective remedy if we are to continue to do business.

Our complex and colossal business fabric rests upon the banks of the country; in turn, the banks depend for their solvency and continued usefulness upon a theoretical mutual confidence between themselves and their depositors, which in fact only exists during prosperous times, but suddenly disappears when needed in times of stress, and is replaced with keen mutual distrust and a destructive competitive scramble for currency, constituting the moving cause of all our severe financial panics.

Speaking broadly, 24,000 banks in the United States—national, State, and private—borrow in the form of deposits practically all the money the people possess and from time to time control, except that which they carry on the person or privately hoard. This huge volume of money, which is the commercial lifeblood of the country, is, with unimportant exceptions, thus borrowed by the banks with the agreement that it shall be repaid in cash on demand. Aside from certain Government and interbank deposits, the banks give no security in return, no evidence of the loan thus made to them save a memorandum entry by a bank clerk in a passbook held by the depositor.

By thus borrowing practically all of the people's cash and large additional aggregates of credit values, quite unnecessary to discuss here, they become plain debtors to their depositors in 1907 in the total sum of more than $13,000,000,000—an amount which is incomprehensible by any except statistical experts, and fivefold greater than all the real money, gold, silver, and paper in the country. These deposits, these sums borrowed by the banks from the men, women, and corporations of the United States, become legally the absolute property of the respective banks receiving them. In the absence of statutory limitation, which does not now exist, any bank may thus lawfully borrow, returnable on demand, twice, thrice, ten times the amount of its own paid-in capital, and then proceed to lend practically 75 per cent of the whole on the time notes, secured and unsecured, of business men and concerns, and partly on other evidences of debt. Thus they put beyond their reach, for periods ranging from thirty days to six months, a very large part of the entire volume of borrowed money, nearly all of which, as stated, they have agreed to return to depositors on demand and without previous notice. This situation is noteworthy. Obviously such a business policy, with its vast inverted pyramid of bank indebtedness, could only be justified as to its safety and practicability by the existence of some saving law of nature or of economics whose operation is certain and universal. Does such a law exist?

RECIPROCAL CONFIDENCE NECESSARY.

Here is the crux of the matter: If by courtesy the present banking system can be said to have a foundation, it consists of first, an unthinking confidence on the part of average depositors, numbering millions of all classes, vocations, and degrees of intelligence, that their money can be and always will be repaid on demand according to the bank's contract to that end; and, second, the confidence of bankers, supposed to be based on ascertained economic laws, that in practice and under the rule of averages only a modern rate and safe percentage of their depositors will ever in fact demand payment at the same time.

These twin assumptions, of depositors on the one hand and of bankers on the other, are manifestly reciprocal and interdependent. The soundness of the one would assure the soundness of the other; the collapse of one would explode the other, and the combination would be in ruins. What is the fact shown by a well-illumined line of experience? Only one answer can be given or attempted—the financial catamaran sails admirably in fair business weather; in times of tempest it goes to pieces absolutely.

COLLAPSE OF CONFIDENCE IN TIMES OF PANIC.

If, prior to the month of October, in the year of grace 1907, there was any doubt that our existing banking system has no other ultimate basis than the quicksand of twin fallacies herein referred to, and that it requires radical and immediate reform, that doubt has been rudely and effectively removed by the conclusive logic of events. Without warning, without precedent, without authority of law, most of our 24,000 banks, including practically all of those in the large cities, simultaneously went out of business without closing their doors or going into liquidation; they abdicated their banking functions without surrendering their charters; they failed to meet their current sacred obligations to their depositors, including other banks as well as individuals, by refusing for weeks to pay their valid checks when presented.

THE BREAKDOWN LAST OCTOBER.

It goes without the saying that no such spectacle was ever before witnessed anywhere. If 10 or 10,000 leading and solvent merchants and manufacturers should treat their matured obligations as our banks thus treated their depositors' valid checks, which represented demand liabilities of the banks, they would straightway land in the bankruptcy courts. Apprehending trouble before it arrived, the banks simply took the start of their demand creditors, including sister banks and individual depositors, and audaciously assumed the risk involved in heading off a strike of depositors by first themselves calling a strike against depositors. They feared that depositors, having lost confidence, were about to make heavier withdrawals than many banks could stand, and so adopted the only alternative that occurred to them.

Undoubtedly the immediate result of this financial coup was greatly beneficial, but the occurrence creates a situation and entails a responsibility which will probably give the nation little financial repose until it is met, and met in a right manner. The situation created is this: The phenomenal action of the banks, however effective in stemming one rising panic, was, of course, revolutionary in the sense that it was subversive of fundamental commercial ethics and time-honored banking practice, and constitutes a precedent which, if followed, must quickly produce universal financial chaos and disaster.

Is that precedent to be followed, and what is there to prevent such a course? If hereafter, when public confidence falters and bad financial weather threatens, our banks, encouraged to do so by their recent lucky experience, may run to cover in a similar manner, it may prove that the nation's recent escape from a severe panic was purchased at too great cost. The only ground on which the recent action by bankers can be justified or excused is that they were attempting to do business under an antiquated banking system, which they found to be unworkable under test; that they now admit its complete breakdown and are ready to join the rest of the community in measures to produce a satisfactory and enduring remedy.

Only by meeting this situation and responsibility squarely and promptly, and thus removing all seeming necessity for and temptation toward a reception of last autumn's tactics, can the banks of the country avoid what they can little afford—a grievous loss of public confidence and esteem. The banks, by their concurrent action, have advertised the final collapse of the old banking system. They recognize that its one fatal weakness is its dependence in time of strain upon a mutual confidence between banks and their depositors, which never exists when trouble is present.

DEPOSITORS MUST HAVE ASSURANCES OF SECURITY.

The advocates of deposit insurance believe they propose a plan which will perfectly cure this weakness and make our banking system the best in the world—best both for the people and for the banks themselves. They further believe that any bank-reform legislation which stops at providing a so-called "emergency" currency, whether secured or unsecured, would have no appreciable good effect when panic conditions again arise, since the new currency would almost certainly be hoarded by banks and people as fast as issued, under the impulse of general fright, and the measure would thus resemble an attempt to resist a tornado with a feather. Nothing will prevent or greatly mitigate future panics of financial fear but absolute knowledge on the part of bank depositors that their money is safe.

The present system is a scourge to the banks themselves. Every panic reduces their net earnings by a large percentage and for a period of years. No one has more reason to dread a money panic than has the bank manager. To him, at least, it is purgatory.

The present impracticable banking system, especially since the panic of 1907, stimulates and tends to compel and render universal and permanent the evil habit of private hoarding, with its danger to property and life through robbery, its withdrawal of vast sums from the banks and the channels of business. Deposit insurance would remedy all this. It would bring out many millions of dollars from places of hiding and thus swell bank deposits and benefit the whole community. This gain alone would more than compensate the banks for their trifling contribution to the annual cost of deposit insurance.

Four simple questions without answers are suggestive: Has any general bank panic ever occurred in this country which did not come directly from a loss of confidence by bank depositors in the security of their funds? Has any general commercial panic or business revulsion ever occurred which did not owe its origin and severity to a bank

panic? If all bank depositors were rendered permanently sure of the safety of their deposits, what causes could ever create anything approaching in importance and injury one of our general bank panics, with its resulting commercial collapse?

Already government, both national and State, has undertaken the duty of responsibility of regulating the banking business as a quasi public service and rendering it as honest and safe as practicable under the present faulty banking system. Deposit insurance is a logical broadening of that duty and responsibility in order, for the first time, to accomplish satisfactory results. The people must depend on government to compel a proper discharge of banking function in which lies their financial safety. The individual depositor is as helpless against money loss by bank failures as the individual passenger is against unnecessary railway wrecks.

It is a merit, rather than a fault, of the proposed change that it would render all banks equally sound and safe in the matter of deposits. That it would tend somewhat to lessen the overshadowing importance of the greatest banks and legitimately to increase the dignity and importance of the moderate-sized ones, would be rather a recommendation than a cause for criticism.

A judicious limitation placed by law upon the maximum amount of deposits which any bank should be permitted to accept (in other words, the maximum debt which it should be permitted to incur) in proportion to its unimpaired capital, and also upon the rate of interest which it should be allowed to pay on deposits and upon other like inducements to patronage, would effectively protect large and conservative banks from the unfair competition of dishonest or adventurous small ones. Besides, it is usually the high character and dependable personality of the men behind the bank which obtain and hold desirable patronage. Under a deposit-guaranty system flamboyant advertising and unbusinesslike inducements would not once in a thousand times attract or retain the custom of a depositor whose account was worth having.

Well-considered legislation providing for deposit insurance would naturally include other safeguards.

Mr. HULL of Tennessee. Mr. Chairman, during the past few months, in the recent but abandoned language of Republican leaders, "the country has been entering upon a new commercial era."

The American people are convinced that something is radically wrong with the business conditions of the country. This opinion has finally found lodgment in the minds of Republicans—an opinion, however, to which many of them seem reluctant to give full and candid expression.

The press reports the belligerent Senator from Ohio, in a recent speech relative to the state of affairs that has been pending, as saying:

All market values were affected. A decline began. In less than twelve months it amounted to an average of more than 33⅓ per cent of all railroad, industrial, and other stocks; a grand aggregate of more than $3,000,000,000.

Add to this huge sum several billions of dollars for shrinkage of other personalty and of realty, and we see some of the results of this panic.

In the total absence of any natural or other logical cause, the people naturally attribute the country's recent plight largely to fault in the administration of the Government's affairs—either to Congress's failure to enact wholesome legislation or to the pursuance of an unsound and unwise administrative policy by the executive department, or to both. Being in this state of mind, the American people are not content, are not prepared to see Congress meet and adjourn without devising some means of adequate relief and enacting it into law.

If this Congress should prove to be a "do-nothing" instead of a "do-something" Congress, and so withholds from the country such remedial legislation as its present exigencies require, it is probable that upon our adjournment the nation will witness a depression of greater severity and more widespread proportions, if possible, than we have been experiencing.

REPUBLICAN DOCTRINE OF RESPONSIBILITY.

This grave problem addresses itself especially to the thoughtful and serious consideration of the Republican majority. For, the distinguished Speaker of this House, addressing the last national Republican convention, upon the subject of responsibility, said:

You know, under our form of government, the party in power is held responsible.

The gentleman from Michigan [Mr. TOWNSEND] voiced the same sentiment on this floor during the Fifty-ninth Congress when he said:

The Government has been Republican in all its branches. That party must stand and answer for whatever of good or bad has been accomplished.

In its national platform of 1896, the Republican party urged the election of its ticket as the only step necessary or available to secure prosperity.

Its national platform of 1900 solemnly declared that the country's prosperity was due to Republican control of the Government.

In its last national platform, the Republican party reminded the country that it had been in complete supremacy since 1897, and modestly assumed entire credit for whatever degree of prosperity then existed. Through its platforms, its partisan press, and its public speakers the doctrine has been constantly proclaimed and uniformly maintained that Republican administration is the sole agent of prosperity, to the exclusion of all other agencies or contributing causes.

Further emphasizing its position that responsibility for the country's prosperity or adversity rests alone upon the party in power, and taking advantage of the unfortunate coincidence of a panic during Cleveland's Administration, which was inherited from its predecessor, the Republican party, in its platform of 1896, affirmed that Democratic control of the Government had precipitated a panic, and therefore the Government should be rescued from that party's hands. In its national platforms of 1900 and 1904, this charge as to panic was reiterated with brutal emphasis by the Republican party. That party has committed itself irrevocably to the doctrine that so long as the country continues prosperous the dominant party should retain control of the Government, but that when a panic comes it should be summarily expelled from power. Republicans have prescribed this standard by which parties shall be judged. Sternly have they required its obedience by Democrats. Having thus prescribed, our Republican friends should cheerfully take the dose of their own medicine, however bitter, that inevitably awaits them at the polls in November next. [Applause on Democratic side.]

Mr. Chairman, I desire to suggest a plank for insertion in the next national Democratic platform. It is a compilation of the stereotyped, copyrighted phrases contained in the various national Republican platforms extending back to the year 1896, and supposed to depict conditions under Democratic rule. They must have been drawn with prophetic eye, for they describe the present receding panic with remarkable precision and accuracy. Without contortion, save to substitute the party names, I here present from those platforms a comprehensive and graphic picture of the Republican panic of 1907–8:

The American people have witnessed the calamitous consequences of full and unrestricted Republican control of the Government. In the broad effect of its policy it has precipitated panic, blighted industry and trade with prolonged depression, closed factories, reduced work and wages, halted enterprise. Business is dead, industry paralyzed.

The country's capital is hidden away and its labor distressed and unemployed. The country is in evil plight, oppressed with misfortunes and doubtful of the future. The revenues are declining, the debt is growing, the standard of values is threatened and uncertain, hope is faint, and confidence is gone.

Every consideration of public safety and individual interest demands that the Government shall be rescued from the hands of those who have shown themselves incapable of conducting it without disaster.

[Applause on Democratic side.]

This sweeping indictment, which will be brought against the Republican party in the coming campaign, meets every requirement of Republican precedent, and before winter comes again, an impartial jury of American voters will report that it is amply sustained by the facts. [Applause.]

Mr. Chairman, notwithstanding Democrats' freedom from censure for the country's deplorable experience, every member of the minority is at all times ready to freely lend his unreserved cooperation in aid of suitable relief. No Democratic minority, when the nation faced a crisis, has ever obstructed the majority in any reasonable and legitimate effort to respond to the country's need. One of the first articles of the Democratic faith exacts unyielding devotion under all circumstances to the country's best interests. The practice of this faultless precept has made Democracy and patriotism synonymous terms.

Mr. Chairman, Republicans have claimed that the panic of 1892–93 was due to the prospect of an incoming Democratic Administration. This is untrue. But it is true that the present gradual disappearance of a worse Republican panic is due to the belief of the swift and certain advent of a Democratic Administration. [Applause on the Democratic side.]

THE CHIEF UNDERLYING CAUSE OF THE PANIC.

Mr. Chairman, the number of opinions advanced as to the cause of the present disaster has only been exceeded by the number of suggestions of relief.

It is said by many that the panic was not due to any one agency but is traceable to a number of contributing causes, among which is overtrading, overcapitalization, overexpansion of credit, defective financial laws, defective antitrust laws, overdose of prosperity, values too high, an unjust and unequal system of taxation, stock gambling and defective law as to bank reserves, insufficient railway-rate laws, unsound administrative policies, etc.

However, every person agrees that business has received a severe blow, and every one knows from whence that blow directly came—New York City.

A spokesman of the great moneyed interests recently made the startling admission that—

The financial condition of the country to-day is the worst any nation, civilized or uncivilized, has ever seen.

Ex-Secretary of the Treasury Gage, following him, said:

I agree that the system could not be worse. No more humiliating spectacle was ever seen than within the last six months, when 8,000 banks stopped business in a minute, as though at the ringing of a bell.

While the urgent necessity of remedying the immediate causes of the country's suffering should not for a moment be overlooked by Congress, yet it is of essential, vital importance that the chief cause of the immediate causes of our ills, the generating force that is constantly producing these intermediate causes, should be kept before the American people. In my judgment, the original underlying cause of the chief immediate causes of the panic is that species of vicious class legislation that has been on the statute books since the war, barring a brief interval, and which Republican Governor Cummings, of Iowa, has correctly characterized in this language:

All the robberies and thefts committed by all the insurance officers since life insurance was first originated do not amount to as much extortion as the Dingley bill for one year.

[Applause.]

Mr. Chairman, the trusts are intrenched behind the walls of the protective-tariff system. The flag of monopoly has always floated above the ramparts of protection.

During the first seventy years of the nation's history we had a system of taxation ridiculously low when compared with the subsequent Republican tariffs. The exigencies of war gave birth to a high protective tariff. Then it was that a long-standing, silent partnership was entered into between the beneficiaries of protection and the Government, the Republican party acting in the dual capacity of agent for both.

Prior to this time we heard no discussion about the masses and the classes, about the favored few and the oppressed millions, about the rapid and enormous concentration of wealth in the hands of a small number of persons, but all viewed the Government as did Jefferson when he said:

The equal rights of man and the happiness of every individual are now acknowledged to be the only legitimate objects of government. Modern times have the signal advantage, too, of having discovered the only device by which these rights can be secured, to wit, government by the people, acting not in person, but by representatives chosen by themselves.

Sad to say, the era of protection has put an end to the time-honored doctrine of equality before the law and nullified the Constitution. It has created in this country an exclusive privileged class and poured into its lap unearned wealth "beyond the dreams of avarice." It levies harsh and oppressive tribute upon the masses of the people from the cradle to the grave. It clothed a limited number with the hereditary caste of American nobility and translated them to the luxurious ease of baronial castles, gilded yachts, and sumptuous private cars, while it artfully and ruthlessly condemned the toiling millions to a life of servitude and vassalage. Yes; for more than forty years the sleepless monster of protection, clothed in the sacred livery of the law, has invaded every humble American home and exacted its "pound of flesh," until now ten of its pampered pets can, to use the apt language of Senator Depew, "paralyze the whole country, for they can control the circulation of the currency, and create a panic whenever they will."

I shall append to my remarks an extract from the Philadelphia North American, a paper that has never been Democratic, detailing the connection of certain institutions and persons with the present panic. Also an extract from the Washington Post, a pro-Republican paper, on "Standard Oil." Also an extract from that great Republican daily, the Chicago Journal, on "The West and the tariff bandits."

The impartial student of industrial and economic conditions must agree that the "colossal trusts," the "criminal rich," the "malefactors of wealth," and the possessors of "swollen fortunes" owe their existence chiefly to the operation of the Republican doctrine of protection.

So long as no fountain can be purified while a contaminated stream flows into it, so long can no kind of effort to curb and suppress trust violators succeed unless such effort strikes at the main source of their constant creation—the protective tariff. The country is in sad need of financial legislation, it is daily suffering the consequences of lax enforcement of the law, the railway rate law is in some respects grossly inefficient, but while Congress is responding to the wishes and needs of the people by dealing with these questions, the king of evils, our present tariff, should be given a place near the center of the stage.

Then what is the remedy? This Government can only be successfully conducted by means of political parties. To which of the two leading parties, then, can the American people look with most hope of relief? To the party whose policy constantly begets these giant octopuses, these Herculean Sampsons, or to the party whose glorious reign under the Constitution during most of the first seventy years of the nation's history will be pointed to by all the coming ages as a model government by a model people? [Applause on the Democratic side.]

REIGN OF CRIMINAL PLUTOCRACY, ALIAS THE REPUBLICAN PARTY.

The history of the Republican party is a history of hypocrisy, duplicity, and false pretense. While it has pretended to be a separate, self-subsisting entity, it is in fact as inseparably joined to the cohorts of privilege and monopoly as was Ephraim to his idols; one is the complement of the other. Forty-odd years ago the Republican party began a happy affinity with the privileged class. Since then each has considered itself the true affinity of the other.

In its last national platform the Republican party boasts that the Democratic party has had complete control of the Government for only two years of the previous forty-four years of the nation's history, and that the Republican party has held control of some one or more branches of the Government during the remaining forty-two years, which boast, when interpreted in the light of history, implies that for almost fifty years the criminal plutocracy, alias the Republican party, has had this unhappy country by the throat. During all this time its forces gave free rein to their unbridled appetites for gain and their wicked lust for power. The unexampled patience and forbearance of the American people under this trying ordeal of pillage and plunder reads like a story from the feudal ages in England. I emphasize the statement that Government rule during the last fifty years has been by the iron hand of the privileged, moneyed class, cloaked behind the velvet name of the Republican party; and this epoch will go down in history as the reign of the trust and the combine. [Applause on Democratic side.]

Not one instance can be found wherein a conflict of interest has arisen between the American people and the hosts of rapacity and greed in which the Republican party did not forsake the standard of the people and rush to the defense of privilege. [Applause on Democratic side.]

On the subject of taxation this party has always stood for the doctrine that taxation is a blessing to the poor, but a curse to the rich. Save in occasional instances, when laboring under the greatest pressure from outraged public sentiment, every act of this monopoly-ridden organization has been to swell and bloat the gains of the rich and pile up the burdens of the poor. This party has been long in conspiracy with the beneficiaries of class legislation to fasten the dreadful fangs of the "criminal rich" deeper in the struggling bodies of those who toil.

Mr. Chairman, the Republican doctrine of protection diverts business from natural and legitimate to artificial channels. It causes a rapid centralization of wealth in the hands of a few, who manipulate it in such a manner as to render business conditions constantly unnatural, uncertain, and unstable and to make panics possible at any time. Many fruitful causes of panic would be far removed by a return of the country to the old-fashioned Democratic doctrine of a revenue tariff. [Applause on Democratic side.] This would insure business stability, based upon sound and natural laws and consequent normal conditions.

REPUBLICAN PARTY A MERE TIMESERVER.

Since 1896 the Republican party has assumed so many inconsistent, antagonistic, and repugnant positions upon most public questions as to forfeit the people's confidence and respect. It has become famous as a trimmer, a temporizer, and a timeserver. In 1896 it declared in favor of gold monometalism, while in 1888, it had declared in favor of both gold and silver as standard money, and actually denounced the Democratic party for its efforts to demonetize silver.

In 1896 its platform condemned Cleveland's Administration in unmeasured terms, for "piling up the public debt in time of peace."

This charge was reiterated in its platform of 1904.

In 1907, with unblushing effrontery, in a time of profound peace, swallowing its own utterances condemnatory of this policy, the Republican Administration proceeded to heap upon the backs of the American people, already bending with overburdens, an increased public debt of many millions of dollars. [Applause on Democratic side.]

The Democratic party condemned this policy in its platform of 1896 and consistently condemns it now.

GOVERNMENT BY INJUNCTION.

In 1896 the Democratic platform criticised "government by injunction" as "a new and highly dangerous form of oppression by which Federal judges, in contempt of the laws of the States and rights of citizens, become at once legislators, judges, and executioners," and demanded legislation "providing for trials by jury in certain cases of contempt." This was reiterated in 1900.

In 1904 the national Democratic platform declared:

We approve the measure, which a Republican Congress has ever since refused to enact, relating to contempts in Federal courts and providing for trial by jury in cases of indirect contempt.

For these utterances the Democratic party has been severely criticised by Republicans generally, as advocating a doctrine revolutionary and socialistic.

The last two Republican campaign text-books were especially caustic in their comments—the text-book of 1904 denouncing this declaration as "most reprehensible and obnoxious." This reflects the consensus of Republican opinion. Yet a Republican President not long since administered to a Chicago Federal judge a rebuke more severe than any Democrat ever uttered.

In his recent special message to Congress the President sharply directs attention to the very abuses Democrats have complained of for twelve years, and intimates that a revolt against the whole injunctive process may occur unless these abuses are remedied. Furthermore, he adds:

If he (a judge) clearly fails to do his duty by the public in dealing with law-breaking corporations, law-breaking men of wealth, he must expect to feel the weight of public opinion, and this is but right, for except in extreme cases, this is the only way in which he can be reached at all.

Gathering inspiration from his subject, the President, speaking further of the writ of injunction, says that—

It has sometimes been abused heedlessly and unjustly, and that some of the injunctions issued inflict grave and, occasionally, irreparable wrong upon those enjoined. It is all wrong to use the injunction to prevent the entirely proper and legitimate actions of labor organizations in their struggle for industrial betterment, or, under the guise of protecting property rights, unwarrantably to invade the fundamental rights of the individual. It is futile to concede, as we all do, the right and necessity of organized effort on the part of wage-earners, and yet, by injunctive process, to forbid peaceable action to accomplish the lawful objects for which they are organized and upon which their success depends.

To whom does the President refer in this grave and serious charge? Does he refer to Judges Wood and Grosscup, who, in 1894, enjoined certain officers of the American Railway Union from using persuasion to induce railway employees to quit work? Or does he refer to Judge Jackson, of the United States district court of West Virginia, who, in 1897, granted a broad injunction against everybody, forbidding anyone from persuading the miners of that State to quit the employment of the contractors? Or is it possible that he indicts Judge William H. Taft for issuing an injunction in 1894 to prohibit men employed by the Northern Pacific Railroad from striking? The same judge, too, who in that year assailed the Pullman boycott with the writ of injunction and stated at the time that "the gigantic character of the conspiracy of the American Railway Union staggers the imagination."

The President's unqualified imputation rests upon every Federal judge. Then, will the laboring man shout for Mr. Taft in the coming campaign? A man who as a Federal judge, in the language of the message, "abused the writ of injunction heedlessly and unjustly" and "used the injunction to prevent the entirely proper and legitimate actions of labor organizations in their struggle for industrial betterment;" and who thus rammed the rod of judicial oppression, as a red-hot iron, down the throat of American labor. [Applause on the Democratic side.]

I congratulate the country, as well as the President, upon his conversion to the Democratic view. For, in 1896, Mr. Roosevelt, speaking of the "government by injunction" plank in the Democratic platform, said:

This represents a species of atavism—that is, of recurrence to the ways of thought of remote barbarian ancestors. Savages do not want an independent and upright judiciary. They want the judge to decide their way, and if he does not, they want to behead him.

Mr. Chairman, is it possible that the Darwinian theory is true, and has the President developed into a Republican or a Democratic "savage?" By indirection, the President is in the attitude of characterizing a part of the Ohio Republican platform adopted a few days since as "a species of atavism," and its authors as "barbarians" and "savages." For that platform favors "limitation in the exercise of the power of injunction, in order to prevent its abuse." The platform implies the existence of abuses. [Applause on the Democratic side.]

ARBITRATION.

The Democratic party has demanded in its last three platforms legislation embodying the principle of arbitration of differences between employers engaged in interstate commerce and employees. Only since the last national campaign has this doctrine found favorable expression in a President's message. The Republican party denied the people this legislation for a generation. It would not have found lodgment in any other Republican President's message.

RAILWAY RATE LAW.

Republicans are given to frequent vociferous expressions of self-laudation because of the enactment of the railroad law of 1906. The facts are that specific demand for this legislation was contained in each national Democratic platform since 1896. The platforms of the Republican party for this period were silent upon this great question and, although President Roosevelt as far back as 1901 in his annual message pointed out that the interstate-commerce law of 1887 was defective and inefficient, and urged Congress to amend it, and repeated this recommendation with added emphasis in each subsequent message, yet a Republican Congress stubbornly denied the country this relief until finally some of the majority in Congress, in fear of "the big stick" and smarting under the lash of aroused public sentiment, were enabled by the aid of a solid Democratic minority to give the people some of that substantial relief which the Republican party had obstinately withheld from them for ten years.

Both political parties are entitled to credit for this wholesome enactment—the united Democrats who supported it from sincere conviction, and the divided Republicans who reluctantly supported it in order to avoid the avenging wrath of the American people. [Applause.]

INCOME TAX.

In 1896, the Democratic party declared in favor of an income tax. Nine-tenths of that party favors such tax to-day.

In 1894, this later-day Republican party cast off the teachings of its great founders and arrayed itself solidly against this policy so eminently just and fair to all. Their campaign book of that year denounced it in the following language:

In this country an income tax of any sort is odious and will bring odium upon any party blind enough to impose it.

Again, I find this solemn warning:

Prepare for the funeral of the political party which imposes such a burden.

Just under this doleful exclamation, I insert the utterance of a conscience-stricken Republican President, contained in the last annual message to Congress:

A graduated income tax of the proper type would be a desirable feature of Federal taxation, and it is to be hoped that one may be devised which the Supreme Court will declare constitutional.

Listen also to this statement of Secretary Taft, in a speech at Columbus, Ohio, August 20, 1907. After stating that the Supreme Court had declared the income tax unconstitutional, he said:

In times of great national need, an income tax would be of great assistance in furnishing means to carry on the Government, and it is not free from doubt how the Supreme Court, *with changed membership*, would view a new income-tax law under such conditions.

The gentleman from Pennsylvania [Mr. DALZELL] twitted this side of the House with some supposed utterance of Mr. Bryan which, if true, is, from one view point, unorthodox. I imagine if he [Mr. DALZELL] should publicly express his private opinion of his President's position upon this, as well as some other questions, considerable toning down would be necessary to make it fit to print.

PATERNALISM.

Mr. Chairman, the most insidious foe to American government under the Constitution is this "new federalism."

The President is its chief exponent. It is one of "my policies." Since his effort to indoctrinate the country along this line the inquiry, "Are you for or against the Constitution?" has become quite common among the people. The President is paternally and eternally advocating doctrines so extremely federalistic and paternalistic as to cause the present generation to view his strange course with awe and amazement, and such as would have put to shame Alexander Hamilton himself. The following language of the President, contained in a speech delivered at Philadelphia, bears a striking resemblance to some of the recent fatherly suggestions of the Czar of Russia to his Douma:

We need, through Executive action, through legislative, and through judicial interpretation and construction of law, to increase the power of the Federal Government. If we fail thus to increase it, we show our impotence.

In awful contrast with this remarkable deliverance I wish to remind you of the love and reverence in which the Constitution and Government under its principles were held by the American Congress and the American people before the war.

I read from the memorable address of the Vice-President, delivered in vacating the old Senate Chamber to occupy the new one:

Is there an American who regrets the past? Is there one who will deride his country's laws or pervert her Constitution? * * * If there be such a man, let his memory descend to posterity laden with the execration of all mankind.

Concluding, he said:

And now Senators, we leave this memorable Chamber, bearing with us unimpaired the Constitution we received from our forefathers. Let us cherish it with grateful acknowledgments of the Divine Power who controls the destinies of empires and whose goodness we adore. The structures reared by men yield to the corroding tooth of time. These

marble walls must molder into ruins; but the principles of constitutional liberty, guarded by wisdom and virtue, unlike material elements, do not decay. Let us devoutly trust that another Senate, in another age, shall bear to a new and larger Chamber this Constitution, vigorous and inviolate, and that the last generation of posterity shall witness the deliberations of the representatives of American States still united, prosperous, and free.

Mr. Chairman, this was the spirit of the American people during the reign of liberty and law.

But, alas, the decadence of our national ideals have left many of the American people imbued with a spirit of admiration for a kingly government.

Emotional as the French, infatuated with regal splendor, lost to a sense of true Americanism, they delight to cringe before sordid wealth and to fawn at the feet of power. [Applause on the Democratic side.]

So long as a shred of the Constitution remains, Democrats will be found insisting, as one man, on the reserved rights of the States and demanding strict observance of the constitutional limitations upon Federal power.

PRETENDED TRUST SUPPRESSION.

Mr. Chairman, the gentleman from Pennsylvania [Mr. DALZELL] taunted Democrats with the alleged failure of Cleveland's Administration to properly enforce the antitrust law of 1890; but being unable to extract any comfort from its comparison with McKinley's Administration, he carefully omits the latter and cites the Roosevelt Administration. It is well he did, for President McKinley in his last annual message could only name two prosecutions of any importance that had been instituted under this law during his entire Administration. Harrison's Administration was even worse. The Democratic record on the question of trust evils and trust suppression antedates that of our Republican friends, commencing as it does in January, 1888, when a Democratic House of Representatives adopted a resolution that resulted in an exhaustive investigation and an elaborate report embodying all available facts as to trust operations and violations. From that date there has been no division among Democrats upon this absorbing question. Mr. Chairman, the public mind has derived a confused and exaggerated idea as to the real nature and extent of trust suppression by the present Administration.

Far more time and effort has been consumed in exploiting *proposed* and *threatened* prosecutions than has been devoted to *actual* prosecutions. Under the fostering and protecting wing of the Dingley law a dozen trust violators spring into existence even while the President is effervescing and threatening to prosecute one. Yes, the President loudly inveighs against the trust evils—*the evils of the protective tariff which he champions.* The American people are merely experiencing an optical illusion due to the pyrotechnic display of the President.

He assumed an attitude in his last annual message which he directly antagonizes in his recent special message. In the latter we find the following language:

> The apologists of successful dishonesty always declaim against any effort to punish or prevent it, on the ground that any such effort will "unsettle business."

In his annual message he himself adopts this same argument in support of the *parent* of "successful dishonesty," as follows:

> This country is definitely committed to the protective system, and any effort to uproot it could not but cause *widespread industrial disaster.*

In his annual message, 1901, he says:

> Nothing could be more unwise than to *disturb the business interests* of the country by any general tariff change at this time.

The President breathes out dire threats of punishment against the principals in the crime, but almost in the same breath he loudly demands that the *accessory before the fact* shall go free. By his own act, he neutralizes his efforts and renders his Administration powerless to suppress these open violators of the law.

After many years of glorious opportunity, few have been prosecuted, none are behind prison bars. Mr. Chairman, I emphasize the view that the doors of the jails and penitentiaries should open as wide to receive the criminal rich as the criminal poor. But why are the American people so credulous as to expect this character of relief from the Republican party?

How do they expect either of the component elements of that sweet, delectable trinity, the tariff, the trusts, and the Republican party, to rise up and slay the others? As quickly would the mother destroy her young. True, this elegant triumvirate, this e pluribus unum, comprises three nominally separate corporations, but all are operated under one and the same management.

It is a travesty upon common sense to expect the Republican party, which is the pliant tool, the shield-bearer, the toady, the lackey, the flunky of the trusts, to fight with them any other than a sham battle.

While in order to palter with public sentiment, they may at times assume a public attitude of feigned hostility, but when in seclusion they doubtless engage in the blissful pastime of bestowing upon each other that invention of modern society, the "soul kiss."

Try as he may the President can no more wrench them apart than he could clear the top of the Washington Monument on a Western broncho.

The Republican party is honor bound, in so far as honor can exist among certain classes, to love, cherish, obey, and protect the tariff and the trusts, "both in sickness and in health, until death doth them part."

THE PRESIDENT.

In a broad spirit of patriotism, Democrats have generously applauded every Democratic act and utterance of the President, but they have as vigorously condemned his many more Republican acts and Republican utterances.

Mr. Chairman, I am not one of those Democrats who think Mr. Bryan should place Mr. Roosevelt in nomination for President. While he has embraced, or seemed to embrace, certain Democratic doctrines, yet he has not thus far committed the Republican party to them. Instead he usually refers to them as "my policies." Again, who knows that this controversy between the President and "swollen wealth" is not a mere love quarrel, possible of early reconciliation and once more presenting the scene of—

> Two souls with but a single thought,
> Two hearts that beat as one.

They were in close embrace in 1904.

The President but seldom talks or acts like a Democrat. He does not wear a Democratic uniform. He must first renounce all Republican heresy, be baptized in the Democratic faith, and receive the baptismal name before I shall proclaim myself his follower.

True, a few blasts by him upon the Democratic bugle horn evokes applause from Democrats; but not to the bugler—only to the pleasing strains of Democratic music—is such enthusiasm due.

While the President has done many admirable things, for which he is accorded a due meed of praise, at the same time he has contributed more than all other influences of the past and present generation to the creation of a line of vicious and evil precedents that would be a lasting curse to the worst despotism in the world.

His contempt and utter disregard for the plain mandates of the Constitution have become proverbial.

The only problem with him is, not how to follow the Constitution as it was written, expounded, and construed by the fathers, but how to make the Constitution follow him on his journey to the north pole of paternalism. The poor old Constitution has been unable to follow the flag under Republican rule; still less is it able to follow the trackless trail of a rashly adventurous and constantly exploring President. He has ignored the other coordinate departments of the Government and treated them as mere subordinate appendages. He has disturbed and destroyed the equipoise in which the three coordinate departments have been held from the beginning—a balance so vital to the harmony and successful operation of our scheme of government under the Constitution. Democracy registers a loud protest against such flagrant Executive usurpation. No man entertaining these views can secure even standing room in the Democratic household.

Mr. Chairman, drunk with power, the Republican party has become inert and inefficient, corrupt and servile.

It has achieved its manifest destiny. It has neither reformed nor economized. It failed to look at the signboards and ran the car of prosperity onto a commercial turntable.

The real meaning of Republican mottoes and campaign slogans has finally dawned upon the American people. Their rallying cry of "protection and prosperity" is but another name for "power and plunder." Their motto, "Protection is panic proof," has all the time meant "Protection is proof of panic," and that campaign yell, "A full dinner pail," but presaged "empty stomachs."

ISSUES.

There is no loss for vital issues, sharp and well defined, in the coming campaign.

Suppression of lawless combinations and proper curbing of corporate wealth is an issue. So is the outrageous tariff, Executive usurpation, home rule and the guaranteed rights of the States, government by injunction, income tax, efficient railway

rate regulation, steamship and other subsidies, extravagant appropriations, legislation securing to labor its just rights, a sound financial system, maladministration of government. These are only some of the issues. On each of these questions Democracy will be found where it has always stood—by the rights of the people. It opposes the Government incorporation and control of all corporations doing an interstate business, for if the General Government once invades the rights of the States for one purpose it may then invade them at all times for all purposes. This party for the same reason favors the enactment of laws by the States, and not by the General Government, to prohibit employment of child labor. It is opposed to the Government ownership of railroads.

The Democratic party is conservative whenever conservatism will suffice; it is radical whenever radicalism is necessary to uproot deep-seated evils that afflict the country. It makes no war on wealth. While it declares eternal war on wealthy violators of the law, it guarantees to all law-abiding aggregations of wealth freedom from molestation. No party can be conservative on all policies all the time.

Mr. Chairman, the Republican party has not led a sinless life. It has debauched the public conscience and established a government of arbitrary power for one of clearly defined limited power, under which the rights and liberties of the people might find protection. It has no fixed doctrines save the protective tariff, blind subserviency to corporate wealth, and paternalism, and only a spirit of brigandage and commercialism binds it to these. Policies it espouses in one campaign it repudiates and denounces in the next. With it, what was orthodox to-day is blasphemy to-morrow. This party is constantly busy turning somersaults in a vain effort to serve its master, the "criminal rich," and at the same time avoid popular condemnation. Whether it nominates a radical or a conservative for the Presidency this year, it will adopt a platform of platitudes loud in their pretended condemnation of "predatory wealth" and in their mock professions of loyalty to the people's interests.

In stentorian tones will they indorse "my policies." To do otherwise would be to invoke annihilation. But if the conservative element supports the ticket nominated, the American people can be assured that after the election this party will throw off its thin disguise and again disclose its old set of policies, designed to shield the criminal plutocracy.

A Roosevelt, or radical, Republican would then become no more than a little, malignant pustule on the Republican elephant.

If, upon the other hand, it were possible for that party to be sincere in its professions and promises, the conservative element would not support the ticket nominated upon a radical platform, and defeat would inevitably result.

In craven fear of the coming day of the people's judgment, already comatose and moribund, this party is making one last desperate effort to prolong its miserable existence, either by buying the people with promises or bullying them with threats.

It says, "Although we have controlled the Government for many years, and although there is a crying, insistent demand for tariff revision, we decline to give relief during this or the next session of Congress; wait until after the election; the people can not be trusted; let them deliver first." In the meantime it will say to the protected favorites, "Give us a few millions for campaign purposes and after the 4th of next March we will revise the tariff *upward*," while it will say to the tax-ridden people asking it to correct its own evils, "Continue us in power, and after the 4th of March next we will revise the tariff *downward*." Unparalleled duplicity and arrogance!

The American people will spurn the insolent demand of this corrupt and decayed party for an uninterrupted lease on Federal power. They can only turn to the Democratic party for relief along all needed lines—a party that serves no one class but the whole people alike. This they will do. And when he, who has fought many battles for the people and not one against them, leaves his humble home on the plains of the West and comes here on the 4th of next March to preside over the destinies of this great Republic, he will receive more than a Roman welcome. Then will this Government return to the old-fashioned honesty and simplicity of its earlier days when, under the benign influence of Democratic rule, it blossomed into a great nation.

Mr. Chairman, we read with admiration of the golden age of English literature. Far down the centuries, future ages will look back to that happy and glorious period of American Government before the war, and pronounce the solemn verdict that it constitutes the golden age of human freedom and human government in the world's history. [Loud applause on the Democratic side.]

The following is from the Philadelphia North American of November 25, 1907:

THIRTY-SIX PER CENT PATRIOTISM.

If Secretary of the Treasury Cortelyou understood fully what he was doing last week, he proved himself unfaithful to his trust. If he did not understand the full meaning of his acts—and it is difficult for us to believe that he did—he proved himself incompetent to fill his present office.

The first thing necessary is that the people of the country should be made to understand exactly what has been done. Our purpose now is that explanation, in simple, definite terms. We shall not deal with suppositions, possibilities, or deductions, but with plain facts and simple mathematics.

The proposition made public by Secretary Cortelyou Friday night is for the banks of the country to make a payment into the National Treasury of $25,000,000 in cash, and a deposit of securities amounting to $75,000,000. These securities are to be given only as a pledge. The title to them will remain vested in the banks. The income from them will go to the banks.

It is apparent that the idea of a payment is eliminated from the $75,000,000 deposit. The nominal transfer is reduced to a mere matter of bookkeeping.

For the $25,000,000 payment Secretary Cortelyou agrees to turn over to the banks $100,000,000 of debt certificates, upon which the Government is pledged to pay to the banks 3 per cent interest, or $3,000,000.

Secretary Cortelyou next will receive these debt certificates back from the banks and hold them as security for the issue of $100,000,000 of national-bank note currency, which the bankers will loan to customers at present rates of from 6 to 10 per cent. Figured at the legal rate, the banks thus will receive a profit of 6 per cent on this currency, or $6,000,000.

Therefore the banks, upon a payment of $25,000,000, will receive under the Cortelyou plan 3 per cent interest on the debt certificates and at least 6 per cent on the currency, a total of $9,000,000. This profit of $9,000,000 on an investment of $25,000,000 yields a profit of 36 per cent.

This computation, however, is based upon the assumption that the $25,000,000 to be paid by the banks is the banks' own money. As a matter of fact, the money is the Government's, as the banks now hold nearly $250,000,000 of Government deposits, upon which they pay not one cent of interest.

Of course, Secretary Cortelyou would not father this outrage unless he thought it would accomplish some object. All agree that the business of the country is crippled, largely because of the lack of actual money in circulation. The sole avowed purpose of the Cortelyou plan is to force into circulation $100,000,000 of new bank notes.

But if Mr. Cortelyou were possessed of any knowledge of the subject, and were in addition a courageous and single-minded official, he could have accomplished the same thing in a shorter time without paying one cent of tribute to the banks or doing any one of them the slightest injustice.

It is plain that the mere act of taking $25,000,000 out of the national banks and placing it in the National Treasury does not increase the volume of money one dollar. If it did, Mr. Cortelyou need not have bribed the banks into the transfer, for these same banks already hold nearly $250,000,000 of the people's money, and the Secretary of the Treasury could have ordered $25,000,000 at any time from these banks.

The only relief Mr. Cortelyou hopes for is to come from the $100,000,000 new currency which the national banks will be induced to take out.

Now, it is a matter of common knowledge that throughout this crisis—a money stringency which had been foreseen for many months—the national banks have proved their utter lack of patriotism by refusing to issue more than $200,000,000 of currency, which they were entitled to take out by the size of their capitalization.

While manufacturers, merchants, and all business men were taxed, annoyed, and hurt, all these classes submitted uncomplainingly to embarrassment and loss for the sake of the general welfare. But the national banks, in cold blood, preyed upon the public misfortune by refusing to take out circulation, because they could make larger profits on the money of the people deposited with them in other ways than by buying the bonds needed for bank-note issues.

The sole feature of the Cortelyou plan for which commendation conceivably can be asked is that these banks will be induced to take out one-half as much extra currency as they are entitled to issue. Yet, as The North American pointed out days ago, the Secretary of the Treasury could have forced such issue at any time by serving notice upon the banks that they must take out the needed currency or he would withdraw the Government's deposits from those which persisted in refusal and deposit the amounts in the South and West, to move the crops.

Such a demand would have been both just and reasonable. It would have been met with violent protest, but with prompt submission. It would not have been necessary to withdraw a single Treasury deposit. The currency would have been taken out in every instance. It would not have hurt the banks. It would quickly have brought whatever relief this plan will bring. It would have been even less open to criticism on the score of being a measure of inflation than this plan. It would have increased or diminished credit exactly as this plan will do.

The chief difference in the two plans is that one would not have taxed the people for a huge sum of money with which to bribe the banks to do what is nothing more nor less than their clear and simple duty in the circumstances.

The North American realized some time ago that conditions had reached the danger point; that wicked and powerful influences were at work and tending to destroy the prosperity of the country.

In common with every person possessed of good sense and patriotism, we were willing to submit even to the doubtful experiment of applying a war measure in time of peace. We could not approve, but we refrained from censure.

For the general good, the press of the whole country with one accord adopted an optimistic tone and withheld criticism where ordinarily criticism would have been compelled. But to all things there is a limit.

The North American saw Wall street force the banks of New York, and through them the whole country, to suspend cash payments. We saw the New York Clearing House issue $100,000,000 of certificates which are illegal. We saw the banks everywhere refusing arbitrarily to pay back to depositors their own money. We saw the issuance of $50,000,000 of bonds, ostensibly to build the Panama Canal, when such was not the need or purpose of their sale. We saw the imposition of this tax upon the people, coupled with a $100,000,000 issue of debt certificates, at a time when the nation is not in debt, but, on the

contrary, has in banks $250,000,000. We saw these debt certificates declared the basis for a currency issue, and knew that ruling to be a strain upon the most elastic construction of the law.

Yet, seeing all these things, we kept silent. Our belief was that the ends sought might justify even these means; that the peace and happiness of the nation hung in the balance, and that the extraordinary measures used might defeat the schemes of public enemies working to wreck the national welfare.

Acts that in ordinary circumstances would have seemed well-nigh criminal to us we condoned. And we stand as ready to defend our course as we are to make this admission.

But now that Mr. Cortelyou offers to pay the banks 36 per cent to induce them to put forth currency which every instinct of justice, right, and good citizenship held them morally bound to issue without a bribe; when the Secretary of the Treasury does this thing at a time when his signature and ten brave words would have brought about the same result, without taxing the people one cent and without injustice to a single banker, our patience ceases.

When it comes to approving such an act, count The North American out. An offense that smells to heaven, as does this catering to Wall street, is too rank for our tolerance. * * *

The following is from the Washington Post of February 23, 1908:

MONOPOLY AND THE TARIFF.

The Standard Oil Company earns a quarterly dividend of 15 per cent on its capital, or 60 per cent per annum. One would think this concern can stand alone without the tariff crutch the Dingley law supplies it of 15 cents per gallon duty hid away in the "free" petroleum of the tariff schedules. So protective is this tariff that not one barrel of petroleum is imported from Russia to compete with Standard oil, though that monopoly sells to foreigners goods at 8 cents a gallon for which it charges our own people 11 cents.

The G. O. P. is now engaged in its grand quadrennial round-up of votes. It has a majority in both Houses of Congress, and the President is a Republican. If the Republican leaders should jam through both Houses House bill 16862, "to place petroleum, crude or refined, and the products of petroleum, crude or refined, on the free list," it would make more votes for the Republican ticket next November than all the other legislation the Sixtieth Congress is likely to enact at its first session. It can be done between the rising and setting of a single sun any day of the session. It can be done by unanimous consent any moment of any sitting of either House.

It was hoped, and so advised by the President, that wood pulp and print paper would be put on the free list. It will not be denied that the present duties on those articles, practically prohibitory, are oppressive, odious, and monopolistic; but Congress would as soon legislate against the tides of ocean this session as against the paper trust and the wood-pulp trust. Perhaps the Republican leaders are persuaded that they have votes enough already secured to carry the election in November.

It is now demonstrated to this generation, as the same thing was made plain to the country in 1873, that a highly protective tariff is no effective guard against a financial panic and an industrial prostration. * * *

The following is from the Chicago Journal (Republican):

THE WEST AND THE TARIFF BANDITS.

When the Dingley tariff was being framed Eastern trust magnates and money kings seized upon Congress and fixed the tariff schedules to suit themselves, so the masses of the people would have to pay them tribute. * * * The principle of protection must be maintained, but the tariff must be so altered that it will no longer bleed the West and South for the benefit of a few Wall street business bandits.

[Mr. WOLF addressed the committee. See Appendix.]

Mr. BOWERS. Mr. Chairman, I yield to the gentleman from Indiana [Mr. ADAIR].

Mr. ADAIR. Mr. Chairman, I believe there is no subject before this House that deserves greater consideration than legislation looking to the destruction of the many unlawful and vicious trusts now preying upon the people. Yet this House has been in session for more than three months, and, so far as I have been able to observe, no attempt has been made to interfere with the privileges they now enjoy. I therefore rise this afternoon to discuss the trust question, with the hope that I may be able to awaken and arouse such an interest as will result in the enactment into law of a bill I have introduced in the House to suppress trusts, pools, and combinations in restraint of trade.

I am here representing a large agricultural and manufacturing district, and the people I have the honor to represent have felt the cruel hand of the trust in the closing of factories and fixing of prices of both products and labor. It is universally recognized, Mr. Chairman, that gigantic trusts and combinations designed to enable capital to secure more than its just share of the joint products of capital and labor, and which have sprung up at an alarming rate under existing law, are a menace to beneficial competition and an obstacle to permanent business prosperity. It is also admitted that private monopolies are indefensible and intolerable. They destroy competition, control the price of all material and of the finished product, thus robbing both producer and consumer. They lessen the employment of labor and arbitrarily fix the terms and conditions thereof, and deprive individual energy and a small capital of their opportunity for betterment. They are the most efficient means yet devised for appropriating the fruits of industry to the benefit of a few at the expense of the many, and unless their insatiate greed is checked, all wealth will be aggregated in a few hands and the Republic destroyed. Individual equality of opportunity and free competition are essential to a healthy and permanent commercial prosperity, and any trust, combination, or monopoly tending to destroy these by controlling production, restricting competition, or fixing prices should be prohibited and punished by law. When permitted to exist and allowed to carry out the purpose of their organization, in whole or in part, they stifle legitimate enterprise, take advantage of labor, and prove a burden to the toiling millions. I concede, Mr. Chairman, the right of an individual, or an association of persons, or of a corporation to sell his or its labor, the product of his or their intellectual energy, or his or its property for the highest and best price that may be obtained in an open, free market, using fair and unquestionable methods. No one will question the right of persons, corporations, or associations to use their skill, intelligence, progressiveness, and energy in an honest way to advance their business enterprise and secure pecuniary profit.

No matter whether the profit is large or whether it is small, if it is honestly and fairly obtained it is not a matter of legislative concern. But when the methods employed to secure pecuniary profit are such as to deprive others from entering or engaging in a like business, they are unfair and hurtful to the public and deserve the condemnation of the people. There are those who contend that we already have an antitrust law and that no further legislation is needed. The Sherman Act of 1890 is the law referred to, and during the existence of this law more trusts have been formed than were ever known before in the history of our country, and not a single one has been crushed. It is true there have been some prosecutions and a few fines assessed, but what does the trust care for a fine? In the end the people have to pay it in the way of increased prices on the product controlled. I assert, Mr. Chairman, that the Sherman antitrust law, as it now stands, is acceptable to the trusts. It is just what they want. They know that under its provisions not a single trust can be destroyed, not a single violator of the law can be put in the penitentiary, and that the worst that could come to them under the provisions of that law would be the assessment of a fine, which, if ever paid at all by them, would be collected from the people through increased prices on trust-made goods. And whenever a more stringent law is proposed some representative of the trusts is always ready to insist that we have an antitrust law and that no further legislation is needed on the subject. That practically all the necessities of life are controlled by trusts no one will deny. That the prices fixed by them and which the people are compelled to pay are exorbitant and burdensome is admitted. Then why not pass a law that will dissolve every trust doing business in this country? It can be done. There is no question about it. Let us make this once more a Government of the people and by the people instead of a Government of the trusts and by the trusts, through the enactment of a law that would not only impose a heavy fine, but also imprisonment for anyone found guilty of entering into any agreement in restraint of trade. [Applause.]

The Sherman Act has been the law for eighteen years, and you can not point to a single instance where that law has been sufficient to destroy a single trust; but, on the contrary, they have multiplied until we now have more than 400 trusts with a combined capital of over $10,000,000,000, and these powerful corporations are not only robbing and plundering the people, but they are attempting to dictate, and have largely dictated, legislation affecting their interests. It is a noticeable fact that Members who are active against this special privileged class are seldom returned to Congress on account of the power they wield and the contributions they are able to make to procure their defeat. I have already been advised by friends that my position on public questions, and my effort in behalf of the common people since Congress convened on the 2d day of last December is displeasing to the corporations, and that if I care to be reelected I had better not advocate anything detrimental to their interests. This suggestion, however, does not deter me in the least, as I would rather serve one term as a Member of this House and have the satisfaction of knowing I had discharged my whole duty to the people than to remain in Congress the balance of my life as the willing tool of greedy corporations. [Applause.] Mr. Chairman, it is conceded that illegal combinations, trusts, and monopolies were never so numerous and powerful as at the present time. They control not only the manufacture and production of articles of necessity, general use, and consumption, the employment of labor, and the wages paid to it, but also control and fix the price these laborers must pay for the articles they necessarily use and consume in support of themselves and their families. Labor is hampered and impoverished. Such combinations naturally result in the formation of opposing organizations, and a resort to means or methods that often result in violations of the public peace. Oppression may be long endured, but sooner or later turbulence, violence, and pos-

sibly crime will result. There should be mutual confidence between capital and labor. They should work hand in hand for their mutual benefit and the growth and development of the nation. They should be willing to equitably divide the profits and share the losses of every business enterprise in which mutually engaged. Employer and employee should both be interested in the success of the business in which engaged, and neither have the moral or legal right to peril or destroy the property or property rights involved.

I am not an enemy of wealth. I want every man, rich and poor, high and low, old and young, to have the same privileges and opportunities and the same protection under the law. [Applause.]

Aggregated capital in the hands of honest men with honest notions and purposes is a blessing to labor and a help to mankind. In fact, modern civilization demands the employment of a vast amount of capital in carrying out our stupendous industrial enterprises. It is not the existence, but the abuse of corporate powers and combined capital that meets condemnation and denunciation and calls for remedial legislation. When combined capital in any hands abuses its legitimate powers, becomes oppressive, or assumes the form of gigantic monopolies, it becomes detrimental and dangerous to the nation. It then affects injuriously every citizen, unless it be the very few who fatten at the expense of the many. It then becomes greedy, extortionate, monarchial in its tendencies and practices, and invades the political field and legislative halls and seeks to corrupt both.

I contend, Mr. Chairman, that the future of this country depends upon the enactment of legislation that will give equal rights to all men and special privileges to none. [Applause.] Under our present system of tariff taxation and in the absence of effective antitrust legislation, stupendous trusts and combinations have sprung up, which have transferred a majority of the wealth of the country into the hands of a few trust magnates. It is an alarming fact that 4,000 men now own over 85 per cent of all the wealth of this country, and each one of the balance of the 89,000,000 people own an average of less than $500 in property. Government statistics, sir, show that fifty-one men, who have been the beneficiaries of the special privileges granted in the Dingley bill, now own $3,295,000,000 of this country's wealth. One thirty-fifth of the entire wealth of the United States is therefore concentrated in the hands of fifty-one men, and these men are to-day attempting to dictate legislation and discredit the present Administration, because the President has said some things that did not meet with their approval. Ah, Mr. Chairman, is not this a dangerous condition, and does it not demand immediate action? If this Government is to be preserved for the people, something must be done, and done quickly. Some time ago the President said something about the suppression of trusts, and immediately there went up a cry that he was disturbing business. The corporations were ready to take advantage of the fact that we are just now in the midst of a fearful panic; business is largely suspended everywhere; factories are closed; millions of men out of employment; a feeling of uncertainty and despair is sweeping the country, all of which is due to a lack of confidence in our business fabric, brought about by disclosures of dishonesty, corruption, and unlawfulness by our trust corporations. Is it not time, Mr. Chairman, we were repealing the Dingley tariff law, under which and by reason of which all trusts have been organized, and placing on our Federal statutes an antitrust law that is not a makeshift, but a law that means something; a law that will give the Government the right to put its violators in the penitentiary? [Applause.]

You will never suppress trusts under a law that gives only the right to assess a fine against the corporations, but when you add imprisonment you will make it effective.

Now, Mr. Chairman, I hold in my hand a copy of some statistics prepared by Prof. J. H. Shinn of this city, showing the organization and growth of a few of the many trusts and their method of doing business. I shall not take the time to read these statistics, but will ask to have them printed in the RECORD as a part of my remarks on this subject.

The paper referred to is as follows:

THE PRINCIPAL TRUSTS.

1. The Standard Oil Company of New Jersey, otherwise known as "The Standard Oil Company," or the Standard.

From the report of the Commissioner of Corporations of the petroleum industry, issued by the Department of Commerce and Labor on May 20, 1907, the following facts concerning this corporation are put in evidence over the signature of Herbert Knox Smith, the Commissioner of Corporations, and directed to the President of the United States.

This corporation started in 1867 as a partnership under the firm name of Rockefeller, Andrews & Flagler; in 1870 they took the corporate form of the Standard Oil Company of Ohio, with a capital of $1,000,000. At that time they controlled not more than 10 per cent of the refining business of the country. Within ten years from that date the process of combination under these interests had been so rapid that they admittedly controlled from 90 per cent to 95 per cent of this branch of the oil industry, and their control of the pipe-line business had increased with equal rapidity. In 1882 they concentrated their holdings under the Standard Oil trust, which included the entire stock of fourteen companies and a majority interest in twenty-six additional concerns. The capitalization of the trust was $70,000,000 and the appraised valuation of its property over $55,000,000. Nine individuals, acting as trustees of the trust, owned together on that date more than $46,000,000 out of the $70,000,000 of the trust certificates issued. These nine men, with their holdings, were as follows:

John D. Rockefeller	191,700
Henry M. Flagler	60,000
Charles Pratt	54,000
O. H. Payne	50,000
William Rockefeller	32,000
J. A. Bostwick	34,000
W. G. Warden	29,400
John D. Archbold	7,000
Benjamin Brewster	8,180
Total	466,280

In 1892 the trust was attacked legally and the trustees announced that the trust would be dissolved and a process of so-called "dissolution" took place. Mr. Smith is very careful to tell us, however, that this dissolution in no way affected the original control of the aforesaid individuals over the entire concern, because the stocks of each of the various subsidiary corporations were not returned to their original holders, but were allotted to the holders of trust certificates on a pro rata basis, with the result that the trustees who had previously held the majority of the trust certificates now held the majority interest in each one of the constituent companies.

In 1898 contempt proceedings were started against the Standard Oil Company of Ohio on the ground that it had not withdrawn from the trust. Thereupon, pending the decision, these interests selected the Standard Oil Company of New Jersey as a holding corporation for the constituent Standard companies and increased its common stock to $100,000,000 for that purpose. This company then gave its own stock in exchange for the stocks of such companies. This change, like the previous one of 1892, as was its obvious purpose, left the monopoly power of the Standard capitalists undisturbed. The same group of men who had been holders of a majority of the trust certificates, then of a majority of the stocks in the subsidiary companies, now became holders of a majority of the stock of the controlling New Jersey company.

The outstanding stock of the Standard Oil Company of New Jersey is about $98,000,000. It controls at least ten refining companies, four lubricating oil companies, three crude-oil producing companies, thirteen pipe-line and other transportation companies, six marketing companies, sixteen natural gas companies, and fifteen foreign concerns, besides having close affiliation with a considerable number of other concerns.

In 1904 it and its affiliated concerns refined over 84 per cent of the crude oil run through refineries; produced more than 86 per cent of the country's total output of illuminating oil; maintained a similar proportion of the export trade in illuminating oil; transported through pipe lines nearly nine-tenths of the crude oil of the older fields and 98 per cent of the crude of the mid-continent, or Kansas territory, fields; secured over 88 per cent of the sales of illuminating oil to retail dealers throughout the country, and obtained in certain large sections as high as 99 per cent of such sales. It also controlled practically similar proportions of the production and marketing of gasoline and lubricating oil.

Mr. Smith says:

"In brief, the history and present operation of these Standard interests show throughout the past thirty-five years a substantial monopolization of the petroleum industry of the country, a deliberate destruction of competition, and a consequent control of that industry by less than a dozen men, who have reaped enormous profits therefrom."

THE IRON AND STEEL TRUST.

The United States Steel Company was organized under the laws of the State of New Jersey in February and March, 1901, the trust buying outright all the companies forming the new combination. Moody's Manual for 1907 gives the capital stock of this trust, preferred and common, at $950,000,000, of which the constituent companies hold as follows:

1. Federal Steel, common and preferred	$99,000,000
2. National Tube, common and preferred	80,000,000
3. American Steel and Wire, common and preferred	90,000,000
4. National Steel, common and preferred	59,000,000
5. American Tin Plate, common and preferred	46,000,000
6. American Steel and Hoop, common and preferred	33,000,000
7. American Sheet Steel, common and preferred	49,000,000
8. American Bridge, common and preferred	61,000,000
9. Lake Superior, common and preferred	29,000,000
10. Shelby Steel Tube, common and preferred	13,000,000
11. Carnegie Company, common and preferred	160,000,000

In 1906 this trust declared a 7 per cent dividend on its preferred stock, amounting to $25,219,000, and a 2 per cent dividend on its common stock, amounting to $10,166,000. Moody's Manual gave the net profits available for dividends at the close of each quarter in the year 1906 as follows:

March 31	$22,371,000
June 30	24,536,000
September 30	23,543,000
December 31	27,767,000

In that year they declared four dividends of $8,846,432 each, and held a surplus undivided amounting to $97,720,714.

In the testimony taken before the Industrial Commission enough was proved to warrant the Commission in a unanimous finding that the capitalization of these combinations is usually a sum considerably above the value of the plants together with the patents they control. The Commission further says that in cases that are considered fairly conservative, the amount of stock issued, including both preferred and common stock, is from two to three times more than this value, while in not a few instances the capital stock seems to bear little relation to actual value of plants and patents.

THE SUGAR TRUST.

The Sugar Refineries Company, or the sugar trust, was organized August 6 and ready for work in November, 1887. It controlled practically all the sugar refining interests except two. Its authorized capital was $50,000,000. This trust was formed on the trustee basis, and upon suit being brought against it was reorganized as a single corporation in 1891, under the laws of New Jersey, with the same capital stock, under the name of the American Sugar Refining Company. In 1893 it bought out four Philadelphia concerns, which together produced about one-third of the total product of the United States, and a controlling interest in the Baltimore Sugar Refinery Company, and increased its capital $25,000,000. In 1896 Arbuckle Brothers, dealers in coffee, resolved to put up a sugar refinery in competition with the sugar trust. To throttle this the sugar trust bought a controlling interest in the Woolson Spice Company, of Toledo, Ohio, and entered upon the coffee business. The sugar trust was not able, however, to throttle the Arbuckle interest. Besides the Arbuckles, the competitors of the sugar trust are Claus Doscher, the Mollenhauer Sugar Refining Company, and the National Sugar Refining Company. The dividends run from 7 per cent to 12 per cent per annum. Mr. Havemeyer in his testimony said:

"I repeat that all this agitation against trusts is against merely the business machinery employed to take from the public what the Government in its tariff laws says it is proper and suitable they should have. It is the Government, through its tariff laws, which plunders the people, and the trusts, etc., are merely the machinery for doing it."

He said again:

"The true communism of pelf is the customs tariff bill. It says to the people, 'Here is the law we have enacted for your robbery. Do not complain of it, but do your utmost to attack and injure the machinery engaged in extracting from you what we legislate shall be taken from you.'"

He said again:

"Beyond a tariff for revenue and a tariff for equalizing against foreign bounties there is no excuse for giving to one industry a protection of 100 per cent, as against 4 per cent to another. The result is that the Government fleeces the community in the interest of some favored industry."

The sugar trust produces about 90 per cent of the total output of the country, and if run at full power could produce enough for the entire country and an excess of 20 per cent more.

OTHER IMPORTANT TRUSTS.

The following trusts are given in brief:

The American Locomotive Company incorporated in New York, with a capital of $50,000,000, a combination of ten companies.

The American Lumber Company, incorporated in New Jersey, with a capital of $8,000,000, and the control of the principal cities in the Union.

The American Pipe Manufacturing Company, incorporated in New Jersey, with $5,000,000 capital, and owning twenty-eight subsidiary companies.

The American Smelting and Refining Company, incorporated in New Jersey, with a capital of $50,000,000, controls 85 per cent of the lead and silver output of the country.

The American Tobacco Company, incorporated in New Jersey, with a capital of $180,000,000, controls practically the entire manufactured tobacco business in the country.

The Republic Iron and Steel Company, incorporated in New Jersey, with a capital of $25,000,000, controls a large number of companies in Pennsylvania, Alabama, Ohio, Indiana, Michigan, and Minnesota.

The United States Rubber Company, incorporated in New Jersey, with a capital of $40,000,000, has practical control of the whole country.

The American Cement Company, incorporated in New Jersey, with a capital of $2,100,000, controls the six largest companies of the Union.

The American Chicle Company, incorporated in New Jersey, with a capital of $6,000,000, controls the six great chewing-gum factories of the country.

The American Cotton Oil Company, incorporated in New Jersey, with a capital of $20,237,000, controls sixteen of the largest cotton-seed oil concerns of the United States.

The American Hide and Leather Company, incorporated in New Jersey, with a capital of $35,000,000, controls thirty-five of the great companies in the United States.

The American Ice Securities Company, incorporated in New Jersey, with a capital of $20,000,000, controls the output of three large ice combines, the American Ice Company, the Knickerbocker Ice Company, and the Consolidated Ice Company.

The American Linseed Company, incorporated in New Jersey, with a capital of $16,750,000, controlling 85 per cent of the linseed-oil business of the country.

The Allis-Chalmers Company, incorporated under the laws of New Jersey, with a capital of $25,000,000, controlling five great companies in four different States.

The American Can Company, incorporated under the laws of New Jersey, with a capital of $88,000,000, controlling absolutely thirty-two companies and leasing twelve more.

The American Car Foundry Company, incorporated under the laws of New Jersey, with a capital of $60,000,000, being a consolidation of the eight principal car companies of the country.

But why enumerate further? Enough has been indicated to show that the United States is, of all countries of the globe, the most trust ridden. We have trusts on ice, on flour, on steel, meat, on cotton, oil, and on almost every conceivable article of manufactured goods.

In fact, the United States Government seems to be an organization of the trusts, for the trusts, and by the trusts. Moody's Manual for 1907 reports 1,466 industrial corporations, with a combined capital of $9,849,833,000.

One thousand and fifty-one of them have less than $5,000,000 capital each, or a combined capital of $1,606,658,000. The other 451 have a combined capital of $8,243,175,000.

Hon. CHARLES LITTLEFIELD, in a speech delivered in the House of Representatives in 1903, enumerated and had printed in the RECORD a list of trusts in which he enumerated something more than 480 with a combined capital of $9,231,136,698. He also enumerated about the same number of local and natural monopoly trusts having a combined capital of $4,519,579,819, making a grand total of trust capital of $13,750,000,000, or an ownership of fully one-eighth of the entire property of the country.

GENERAL REFLECTIONS.

The burden of the testimony before the Industrial Commission given by trust witnesses was that the principal object in the formation of every trust was an increase of profits.

Commissioner Smith, in his report to the President, estimated the net earnings of the Standard Oil trust from 1882 to 1906 at $790,000,000, and added the significant words "possibly much more." He charged that such profits could not have been secured honestly, and denied that the trust had reduced prices, but that on the contrary it had forced them up. In the testimony taken by the Government to dissolve the Standard Oil Trust, begun in New York last September, it was shown that the Standard Oil Company of Indiana, a feeble little corporation with but a capital of $1,000,000, cleared as profits in the year 1906 $10,516,082, or more than 1,000 per cent. It paid dividends of $4,495,500, or more than 450 per cent.

In seven years the parent company, the Standard Oil of New Jersey, with a capital of less than $100,000,000, cleared $490,315,934, or $70,000,000 a year, and paid in dividends $308,359,403, or more than $48,000,000 per annum. In the twenty-six years since the formation of the trust the profits were proven to have been over $900,000,000, or nearly $40,000,000 per annum.

From the richest fifty-one men of the United States, it appears that six men of this group, the oil group, own together $960,000,000, divided as follows:

John D. Rockefeller	$600,000,000
William Rockefeller	100,000,000
H. H. Rogers	100,000,000
Flagler	60,000,000
Archbold	50,000,000
Payne	50,000,000

This oil group of multimillionaires owns approximately $1,000,000,000 of the country's wealth. Six men of this trust coterie own approximately one-hundredth of all the wealth, real and personal, of the United States.

Now, Mr. Chairman, the report of the Commissioner of Corporations shows that the history and operation of the Standard Oil Company during the past thirty-five years has been one of substantial monopolization of the petroleum industry of the country, a deliberate destruction of competition, and a consequent control of that industry by less than twelve men, who have reaped enormous profits and to-day own more than a one-hundredth part of all the wealth of the country. And what is true of the Standard Oil trust is also true of the steel trust, the sugar trust, the lumber trust, and hundreds of other trusts.

Commissioner Smith, in his report to the President, charged that such profits as had been made by the trusts could not have been honestly made, and that the trusts had not reduced prices, but, on the contrary, had forced them up.

I represent a large agricultural and manufacturing district, and I know the people of my district have groaned under the burden imposed by the trusts. Take, for instance, the item of lumber. Every farmer of my district knows what effect the tariff on lumber and the formation of the lumber trust has had upon prices they are compelled to pay.

An investigation by Commissioner Smith shows that during the past ten years the prices of all kinds of lumber have steadily increased and that the diminishing supply is not entirely responsible for the increase. During 1906 the price of hemlock advanced $2; white pine, $3; yellow pine, $4; poplar, $5. In the last ten years the average price of maple has increased 17 per cent; oak, 36 per cent; quartered oak, 49 per cent; yellow pine, 65 per cent; poplar, 70 per cent; spruce, 74 per cent, and hemlock, 86 per cent.

The lumber trust is the most complete of all the great combinations. It is operated without a holding company or any other outward indication of being a monopoly. It fixes the prices for all lumber.

The operations of the trust are conducted through the hemlock, pine, hardwood, and other associations. Every branch of the business is covered by an association. Representatives of the various concerns meet every month and fix prices. Lists are prepared and sent out to customers. All competition has been eliminated by the lumber trust, acting under a "gentlemen's agreement." The capital of the trust, according to the late census, is $611,000,000. Lumber constitutes the fourth largest industry in the United States, being only surpassed by the steel and iron, the textile, and the meat-packing industries.

It has been demonstrated by the Bureau of Corporations that price lists sent out from different localities are identical. They are printed in the same type, turned out by the same press, and issued from a common center. These lists show that prices are the same in Minnesota, Arkansas, Illinois, Texas, Indiana, Missouri, Louisiana, Ohio, and in the other States.

The profits of the trust are shown to have been enormous. The value per thousand feet board measure of standing yellow pine timber, based on the highest price at which the Government sold its stumpage last year, was $4. The average cost of cutting and hauling the logs to the mill is $3.50. Any reasonably equipped sawmill can put the lumber in the yard for $1. An allowance of $1.50 brings the cost of the finished product up to $10 per thousand. This same lumber sold on the market during the last year at prices ranging from $35 to $38 per thousand feet.

The difference between the cost of production and the retail price, from $35 to $38 per thousand feet, represents the cost of transportation, the legitimate expense of handling the business, and what is considered an exorbitant profit for the trust. Reliable data estimates the trust profit to be at least 200 per cent.

Now, Mr. Chairman, the farmers and other consumers of lumber are growing tired of being robbed year after year by this heartless lumber trust, and it is for this House to say whether the tariff on lumber shall stand and the trust be permitted to prey upon the people.

I believe, Mr. Chairman, that whenever any commodity falls in the hands of a trust it should be immediately placed on the free list. [Applause.] I doubt if you can find a Member of this House who will publicly defend the tariff on lumber or the powerful lumber trust, which controls the output and fixes the prices, yet you have permitted a bill I introduced in the House on the 17th day of January, repealing all duty on lumber, to lie in the Committee on Ways and Means without being reported, and I predict now it will never see the light of day. I confidently believe that if my bill to repeal the duty on lumber was submitted to a vote there is not a Member of this House would dare vote against it and then go home and face his constituents. There is one thing absolutely certain, if you did vote against it you would have to look to the trust for a job instead of the people you are now supposed to represent. [Applause.] So far as I am concerned, I want the RECORD to show that I am now ready and anxious to cast my vote for the repeal of the duty on lumber and the destruction of the lumber trust. If you deny me this opportunity to so vote, I shall see that my constituents are informed as to where the responsibility rests. I have carefully estimated the amount of lumber used by the people of my district, and I believe if you will pass my bill repealing the duty on lumber the people of my district will be saved more than $100,000 annually. And what is true of the lumber trust is also true of other trusts.

We are compelled to pay exorbitant prices for everything we buy. The trust greets the new-born babe as he sleeps in a trust-made cradle; it attends him through life, and when at last he dies he sleeps in a trust-made coffin. [Applause.]

Now, Mr. Chairman, what are we going to do about it? Shall we repeal the duty on all trust-made goods and pass an antitrust law that will put them out of business, or shall we permit the duty to stand, and the Sherman antitrust makeshift to remain as the law of the land, under which they have all been organized and have built up colossal fortunes off the sweat and toil of the common people? No! God forbid that we should be so derelict in duty. Let us proceed at once to take this Government out of the hands of the trusts and place it in the hands of the people. There is but one way to do it, and that is to repeal the Dingley tariff on trust-made goods and pass an antitrust law that will give the Government the right to put a few trust magnates in the penitentiary. When this is done we will once more have a Government of, by, and for the people, and every man will have equal opportunities under the law. [Applause.]

Mr. Chairman, I have introduced a bill in this House, known as H. R. 18775, now in the hands of the Committee on the Judiciary, which, if enacted into law, will give the Government the power to drive every trust out of existence. I believe this bill is as nearly perfect as can be drawn; but if it is not, the committee has the right and the power to amend it. It is drawn for the purpose of suppressing trusts, corporations, pools, and conspiracies in restraint of trade, and provides that any corporation organized under the laws of the United States of America, or under the laws of any other country, and which transacts any business of an interstate or international character, shall not enter into any pool, conspiracy, or combination in restraint of trade without becoming liable to the penalties prescribed by this bill.

It also provides that any foreign corporation violating the provisions of this act shall be excluded from doing business in this country, and in the event of a violation by a domestic corporation, organized under the laws of the United States of America, its charter will be forfeited. Surely this Government has the right to say to a foreign corporation violating our law that it shall not do business in this country, and also has the right to take away the charter of a domestic corporation when it disregards the laws of the Government from which it procures its right to do business.

It further provides that no corporation organized for the purpose of forming a trust shall have the right to injure legitimate competition by selling goods for less than cost, or by giving them away, and shall not sell them at a less price in one section of the country than in another for the purpose of crushing out competition. It further provides that any corporation, trust or combination violating any of the provisions of this act shall be fined in any sum not less than $3,000 for each day's offense, and each day the violation continues shall be considered a separate offense. It not only provides a fine such as I have mentioned, but it also adds imprisonment in the penitentiary for a period of from one to ten years.

The penalty prescribed, Mr. Chairman, is the thing that will make this bill effective. The fine alone is not sufficient. What does a trust care for a fine, so long as they have the power to collect it off the people by increased prices on trust-made goods? It is the fear of imprisonment in the penitentiary that will compel obedience to the law. We have been teaching our children that petit larceny is disgraceful and that grand larceny is respectable, by sending the man to the penitentiary who steals a few dollars, while the man who steals millions is allowed to go free. Ah, Mr. Chairman, what we need to-day is a law that will punish the big thief as well as the little thief. [Applause.] If the millionaire violates the law, clothe him in stripes and put him behind the bars, just the same as you do the man without property who violates the law. Compel every man, no matter whether he lives in a cabin or a brownstone front to obey the commandment "Thou shalt not steal." [Applause.] I believe this bill will destroy every trust now doing business in this country, and I hope the committee will give the House an opportunity of voting for or against it. If there is a better bill before the committee than the one I have presented, I ask that it be reported. It makes no difference to me whose bill it is, or whether it is of Democratic or Republican origin, if its provisions are sufficient to suppress trusts, I am ready to vote for it. All I ask, Mr. Chairman, is that the rights of the people be protected, and that the day of special privilege be brought to an end. [Applause.] Coming, as I do, from the plain people, whose representative I am proud to be, as far as within my power lies I make this appeal for the purity and honesty of our Government and for justice and fair dealing to the individual citizen.

If I had my way about it, I would destroy all industrial trusts conceived in sin and brought forth in iniquity, and on their ruins I would build "a mighty trust in God," with 89,000,000 people as stockholders, each drawing a dividend more valuable than the combined dividends paid by all industrial trusts during the history of their existence. When such a trust is firmly established we will not need laws restraining men from injuring each other. [Loud applause.]

Mr. BOWERS. I now yield to the gentleman from New York [Mr. GOULDEN].

Mr. GOULDEN. Mr. Chairman, I ask unanimous consent to have printed in the RECORD resolutions adopted by the memorial committee of the Grand Army of the Republic of New York City disagreeing with the recommendation of the Appropriation Committee in the matter of a single pension agency, which I heartily indorse. [Applause.]

The CHAIRMAN. Is there objection?

There was no objection.

The resolutions are as follows:

MEMORIAL COMMITTEE,
GRAND ARMY OF THE REPUBLIC,
New York, March 17, 1908.

To honorable United States Senators and
Members of House of Representatives:

The memorial committee of the city of New York, boroughs of Manhattan, Bronx, Queens, and Richmond, in meeting assembled, unanimously disagree with the proposition to discontinue the pension agencies throughout the country and the establishment of an agency in the city of Washington, and they do most earnestly urge in behalf of the comrades resident in our city that the United States Senators and Members of the House of Representatives from the State of New York use their influence and effort against the proposed law, and for a continuance of agencies as at present existing under the law.

GEO. B. LOUD, *Chairman.*
EDWARD J. ATKINSON, *Secretary.*

Mr. GOULDEN. Mr. Chairman, the time has not arrived, in the judgment of many well-informed persons, when this action can be adopted by Congress. The large sums paid out quarterly, covering every section of the country, aside from the justice and equity of the payments, is a splendid distribution of money. It goes with every artery of trade, and has done much to make our country prosperous.

I am opposed to removing the various agencies through which these vast sums are and have been so satisfactorily distributed and hope that they will be retained. [Applause.]

Mr. BOWERS. I yield to the gentleman from Pennsylvania [Mr. MCHENRY].

Mr. MCHENRY. Mr. Chairman, I beg your indulgence for a few moments this afternoon to call attention to H. R. 10556, introduced by me in the House of Representatives December 19, 1907, and referred to the Committee on Mines and Mining:

A bill (H. R. 10556) for the purpose of supplying relief and alleviating suffering incident to accidents in coal mines.

Be it enacted, etc., That for the purpose of supplying relief and alleviating suffering incident to accidents in coal mines within the territory of the United States there shall be organized in the Department of Commerce and Labor a bureau to be known as the "Bureau of Mines and Mining." Said Bureau shall consist of a Commissioner and such other employees as the work will require, with such limitations as Congress may from time to time prescribe.

The compensation of the Commissioner of the Bureau of Mines and Mining shall be $5,000 per annum; that of the principal assistant $2,500 per annum; clerks in the Bureau shall receive $1,800 per annum; the stenographer, $1,000 per annum, and a messenger $75 per month. These salaries and all other expenses of the Bureau of Mines and Mining shall be paid out of any money in the Treasury not otherwise appropriated, upon warrants drawn by the Secretary of the Department of Commerce and Labor in the usual manner.

The Bureau of Mines and Mining shall have power to investigate as to the causes and effects of all accidents in coal mines and to afford such relief as the exigencies demand and the funds provided in this bill permit.

SEC. 2. That for the purpose of alleviating the suffering and want in the families of miners who have been killed or injured by accidents in the mines, from whatever source, there shall be levied and collected from the owners and operators of coal mines a tax of 1 cent per ton on all coal mined within the United States on and after the passage of this act. Said tax shall be paid into the Treasury quarterly, and accompanying each payment there shall be a sworn statement of the mine operator as to the number of tons shipped from the mine the operation of which he directs during the previous three months.

The Bureau of Mines and Mining is hereby empowered to examine the books of any coal company or transportation company to determine the facts, in case of the allegation or complaint of fraud in the return, and in the event of the failure of any mine owner or operator, whether individual or corporation, to pay into the Treasury of the United States 1 cent per ton on the coal mined within the previous three months, the Bureau of Mines and Mining shall proceed to collect the said sum in accordance with the laws of the State in which the mine is located by legal process. Attorney fees, costs incurred in the process of collection, and a penalty of 100 per cent shall be added to the tax due if default in payment or false return of product compels resort to legal proceedings.

SEC. 3. That in case of the death or injury by accident of any employee of any coal mining operation in the United States while in the performance of his regular duties, a certificate of such death or injury shall be duly made out by the superintendent or manager of the mines. This certificate, which shall set forth all the facts in the case as far as obtainable, shall be signed by two reputable and responsible physicians and the mine inspector in charge of the mine where said accident shall have occurred and be sworn to before a notary public or justice of the peace.

The form of certificate shall be provided by the Bureau of Mines and Mining, and shall embody all details as to the manner of death or injury, the character, probable duration or permanency of the injury, number of persons dependent upon said employee, and a statement of the pecuniary and physical conditions of the family of such person.

On receipt of such information the Bureau of Mines and Mining shall issue a warrant equal to 40 per cent of the amount, which, in the judgment of the Commissioner of the Bureau, said claimant would be entitled to receive under the pro rata participation in the insurance fund and forward the same to the said beneficiary.

SEC. 4. That the Commissioner of the Bureau of Mines and Mining shall have full authority in the distribution of this fund in such manner as in his judgment shall appear to be fair and equitable to all participants. In making his estimate as to the amount of the emergency payment of 40 per cent he shall be governed by the average mortality statistics of the coal-mining industry of the United States during the preceding five years.

At the end of each fiscal year, which shall be made as of December 1, he shall convey to a commission, hereinafter provided for, all funds remaining in his hands after reimbursing the Treasury for all money drawn therefrom for emergency payments, compensation of officials and employees of the Bureau, and other expenses of maintenance.

Annually, on the assembling of Congress, the President shall name a commission consisting of the Secretary of Commerce and Labor, the Commissioner of the Bureau of Mines and Mining, two Senators, and three Representatives in Congress, whose duty it shall be to apportion and distribute the remaining part of the fund among the claimants approved during the preceding twelve months. Ten per cent of the entire amount collected during the year shall be set aside for emergency purposes in the beginning of the new year and to meet exceptional calamities: *Provided, however,* That this reserve shall not exceed $500,000, and no family shall receive more than $1,000 out of the fund: *Provided further,* That no person shall be eligible to participate in the relief fund provided in this act whose injury is not of a permanently disabling character or which shall have incapacitated him from the performance of his usual duties for a period of less than six weeks, and for such temporary injuries he shall not receive from the fund herein provided a sum greater than 50 per cent of the amount he would have earned at his regular employment during the time of his disability.

SEC. 5. That the commissioners appointed to apportion and distribute the fund shall receive no compensation for their labor, though actual expenses incurred in the performance of the duty shall be paid out of the fund.

SEC. 6. That the owner, manager, or operator of a mine in which an accident occurs shall not in any instance collect from the wages of any miner or other employee any part of the tax required by the provision of this act, and the violation of this section shall be deemed a misdemeanor, punishable by fine or imprisonment, at the discretion of the court.

I desire to bring to this Congress this afternoon a message from a class of people who seldom come here for favors and much less frequently get them when they do come; a class which ranks second in the production of our national wealth and through whose direct physical energy the commercial forces of our country are vitalized; a class whose labor contributes both to the comfort and prosperity of our people to such an extent as to merit the deliberation of this House in the interest of the coal miners of the United States.

While it is true that this bill carries a special interest, yet it is equally true that the interests and welfare of these miners are inseparably interwoven with the interests of our great American people, and I propose to prove—

First. That the bill comes within constitutional limits.

Second. It is sound in principle from an economic standpoint.

Third. It is right from a moral and humanitarian standpoint.

As to the need of the establishment of a Bureau of Mines and Mining, I beg leave to call your attention to the recommendations set forth in the President's message on the opening of the Sixtieth Congress, which reads as follows:

MINING.

A Bureau of Mines should be created under the control and direction of the Secretary of the Interior; the Bureau to have power to collect statistics and make investigations in all matters pertaining to mining, and particularly to the accidents and dangers of the industry. If this can not now be done, at least additional appropriations should be given the Interior Department to be used for the study of mining conditions, for the prevention of fraudulent mining schemes, for carrying on the work of mapping the mining districts, for studying methods for minimizing the accidents and dangers in the industry; in short, to aid in all proper ways the development of the mining industry.

The need of said Bureau is further emphasized in the annual report of the Department of the Interior, from which I quote as follows:

The figures given in this report indicate that during the year 1906 nearly 7,000 men were killed or injured in the coal mines of this country and that the number of these accidents caused directly or indirectly by mine explosions has been steadily increasing. It is also indicated that this increase has been due in part to the lack of proper and enforceable mine regulations; in part to the lack of reliable information concerning the explosives used in mining and the conditions under which they can be used safely in the presence of the gas and dust encountered in the mines, and in part to the fact that in the development of coal mining not only is the number of miners increasing, but many areas from which coal is being taken are either deeper or farther from the entrance, where good ventilation is more difficult and the dangerous accumulations of explosive gas more frequent.

The increase both in the number and in the seriousness of mine explosions in the United States during past years may be expected to continue unless, through investigations made in the United States such as have proved effective in other coal-producing countries, information can be obtained and published concerning the explosives used, the conditions under which they may be used safely in the presence of coal dust or gas, and the general conditions which make for health and safety in coal-mining operations. Such information, obtained through comprehensive and impartial investigations, may serve in this, as in other countries, as an intelligent basis both for legislative enactments and for agreements among persons associated with mining operations.

One after another of these terrible underground disasters awakens the sympathies of the nation and arouses an earnest desire that they may be entirely prevented. Experience in the deeper and more dangerous coal mines of Belgium and other countries not only indicates that these mine accidents may be reduced to less than one-third their present number in the United States, but also gives promise of results which in the future may at least approach complete prevention.

In extending my inquiries into this matter I have found a condition of accident mortality existing in the coal-mining industry of which the average citizen has but little knowledge. Our country has grown to such vast proportions and our race for dollars in this commercial age has become so intense that the loss of a life here or a hundred there produces but a passing thought except to those upon whom the burden of calamity directly falls. To such an alarming extent have these disasters grown, increasing in ratio as per thousand men employed each year instead of decreasing, which I shall conclusively prove by figures gleaned from reliable sources, that the fatalities in this line of industry have assumed such proportions as to merit the efforts of the National Government in the interest of humanity to bring to bear this instrument of the people, our Government, for the protection of our workingmen while in the pursuance of this hazardous employment.

We boast of our wonderful progress as a nation in a commercial way, but we seldom stop to count the cost, especially when that cost is estimated in human lives, and to those men who are now framing argument in their minds, conjuring illusions of paternalism, unconstitutionality, and innumerable other means known only to skilled legislators in accomplishing the defeat of a measure before this House, I ask you in all earnestness that before opposing this measure to give fair consideration to the facts which I shall now give you. I regret that I have not been able up to this time to procure full reports for the year 1907. During the past seventeen years the number of men killed in the coal mines of the United States is as follows:

1890	701	1900	1,493
1891	1,076	1901	1,594
1892	859	1902	1,828
1893	965	1903	1,794
1894	957	1904	1,999
1895	1,057	1905	2,097
1896	1,120	1906	2,061
1897	947		
1898	1,049	Total	22,840
1899	1,243		

Showing a total number of 22,840 men killed during this time, and I invite your special attention to the fact that during the past six years the number of fatal accidents have practically doubled over the preceding eleven years.

It will be urged by mine owners that this increase of fatality

is due to a greater number of employees, but I again invite your attention to the following schedule, which shows—

Number of men killed in the coal mines of the United States for each 1,000 men employed.

1895	2.67	1901	3.24
1896	2.79	1902	3.49
1897	2.34	1903	3.14
1898	2.59	1904	3.38
1899	2.98	1905	3.53
1900	3.24	1906	3.40

From these figures you will observe that in 1895 the ratio killed per 1,000 men employed was 2.67, and, wtih an almost continually increased ratio, reaching the enormous fatality of 3.40 per thousand in 1906, and with every probability that this rate will be increased when the data is collected for 1907.

We might be persuaded and willing to accept these conditions as unavoidable were it not for the fact that in European countries the number of deaths per thousand employees are undergoing a marked decrease instead of increase, as in this country. We are naturally unwilling to concede that Europe can surpass us in any form of business management or in the enactment of laws for the betterment of the common people, but as honest legislators we must accept facts and conditions as they are, and if those facts and conditions prove our own theories and practice to be wrong, we should have the courage to throw off our American egotism and adopt the practice of those countries who have the mortality of mine operation reduced. If it were merely a question of dollars the matter would not be one worthy of consideration by the House of Congress, but it is a question of human life and is therefore within the province of the National Government to take upon itself the performance of its obligation toward the well-being of our people.

The following figures show the number of men killed for each thousand employed in the coal mines of Belgium:

Gradual reduction in death rate since 1860 to 1906, from 3.28 to 1.02, or less than one-third the number of men killed as compared with earlier years.

Great Britain: Mortality rate from 1894 to 1906 reduced from 1.60 to 1.29 per 1,000 men.

Prussia: Mortality rate from 1880 to 1904 reduced from 2.94 to 1.80 per 1,000 men employed.

France: From 1901 to 1905 mortality rate reduced from 1.03 to 0.84.

The full significance of these figures can best be determined by an examination of this comparative summary of the—

Number of men killed for each 1,000 men employed—averages for five years.

France (1901–1905)	0.91
Belgium (1902–1906)	1.00
Great Britain (1902–1906)	1.28
Prussia (1900–1904)	2.06
United States (1902–1906)	3.39

I do not believe that any law or condition can be devised to remove entirely the loss of life through accidents in coal mines or in any other form of manufacturing activities, nor can men be protected by law against their own carelessness or of the carelessness or mistakes of their fellow-employees; but any person who is willing to investigate the reports of the physical conditions of the coal-mining industry of the world and leaves his mind open to conviction will be forced to the conclusion that, in so far as protecting the lives of their miners, the Europeans have progressed much more rapidly than we in the United States. In the further consideration of this subject it is well to carry our inquiry into the causes of mine accidents, and we find that in 1906 the causes of the fatal and nonfatal accidents in the coal mines of the United States were as follows:

Coal-mine accidents in the United States, 1906.

Accidents due to—	Killed.	Injured.
Gas and dust explosions	228	307
Powder explosions	80	215
Falls of roof and coal	1,008	1,863
Other causes	732	2,192

It will be noted that 50 per cent of all the fatal accidents and 39 per cent of all the nonfatal accidents were the result of falls of roof and coal, and that accordingly these are the most prolific sources of accidents in the coal mines of the United States. The following statement of deaths from this cause per 1,000 men employed shows how the United States compares with several of the foreign coal-producting countries in this regard:

Deaths from falls of roof and coal per 1,000 men employed.

Belgium	0.40
France	.47
Great Britain	.64
Germany	.92
United States	1.70

To extend our inquiry further into the causes of mine accidents or to suggest remedies would be superficial upon our part, as the suggestion of a remedy is subject-matter for the mine expert exclusively and the Bureau of Mines herein provided. I have merely invited your attention to the consideration of these figures to prove—

First. That there is evidently something wrong with our coal-mining industry.

Second. That what foreign countries have accomplished in reducing the fatal accidents of the coal-mining industry we ought to be able to accomplish in the United States.

Third. The appalling loss of life is sufficient to justify governmental aid.

But it is argued by gentlemen, and I believe with all sincerity, that a measure such as I propose is unconstitutional, and that Congress has power to levy tax only for the purpose of raising revenue. The fact is, however, that almost from the beginning Congress has been levying and Government officials collecting tax, not for revenue but for protection, and that in making the levy revenue was not even contemplated.

The protectionists justify high-tariff schedules on the ground that they contribute to the "common defense and the general welfare of the United States." The authority to tax is conveyed in the first paragraph of the eighth section of Article I of the Federal Constitution, which reads as follows:

The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

Mr. Chairman, I have never been quite able to bring my mind into acquiescence with an interpretation of this language to justify the imposing of vast burdens upon the majority of the people in order that unearned largesses may be paid to a few. It has always seemed to me that this is an atrocious abuse of the taxing power. Recently the President of the National Association of Manufacturers, a Mr. Van Cleave, in a statement made in this city, declared that "It is estimated by competent authorities that the graft, overcharge, and wrong done to the American public because of the present tariff reaches three million ($3,000,000) dollars a working day." This vast sum of money does not go into the Treasury of the United States. It goes into the pockets of the trust barons or into the vaults of the favored trusts.

Now, if it is constitutional and lawful that nine hundred million ($900,000,000) dollars may be collected annually from the earnings of American industry for the enrichment of a limited number of rich men, why is it not possible to collect a much smaller sum annually to relieve the wants and alleviate the sufferings of poor men in vastly greater number? If adding to the wealth of a few already rich promotes "the general welfare," it seems to me that educating and feeding the children of unfortunate men who have suffered death or permanent injury in coal-mine calamities will achieve the same result. It is universally agreed that education adds both to the value and standard of citizenship. It must be admitted that with the fathers of these families removed or disabled, it will be impossible for them to acquire the educational advantages essential to the highest standard of good citizenship. Therefore I hold, Mr. Chairman, that if Congress has power to levy and collect tariff taxes, not for revenue, but for "the protection of the American manufacturers," it has power to levy and collect a meager sum from a profitable industry to qualify a great host of children to exercise the highest duties of citizenship.

If it is held that the exercise of one of these taxing powers is constitutional, it must be admitted that the exercise of the other is equally valid. The education of the children of coal miners is of greater value to the country than the development of the vicious natures of the idle rich and the pampered sons of millionaires, and I shall insist that either taxation for protection of manufacturers be abandoned or that taxation for the alleviation of the sufferings of worthy unfortunates be begun.

To hide behind the Constitution and to plead paternalism has long been the playground of predatory interests. If you agree with me that the principles embodied in this bill are meritorious, and surely there is no gentleman in this House or any American citizen worthy of the name who would raise one word of objection to levying this paltry tax of 1 cent per ton on coal, even though he were obliged to pay the 1 cent per ton on the amount of coal he used. Then taking it for granted that you agree that the law would be a good law, and granted further that it may be unconstitutional in its present form, then I invite your cooperation to help amend the bill in order that it may pass favorably under the scrutinizing eye of the Supreme Court of the United States. In the last analysis the power of constitutionality rests with the Supreme Court, so the final interpretation of our laws is largely a question of human judgment. Take, for instance, the decision of the Supreme Court upon the question of the income tax; four of the distinguished members of the Supreme Court agreed that the

income tax was constitutional, five members of the court affirmed that it was not constitutional; thus we see a great principle of government resting upon the final determination of one man.

Had five members of the Supreme Court voted for the income tax instead of four, the income tax would have been declared constitutional and would now be a law, and placing a portion of the burden of taxation rightfully where it belongs. So, I repeat, that the interpretation of law and Constitution resolves itself more frequently into a question of human judgment rather than a technical knowledge of the law. If, however, the lawyers in this body, for whose opinion I have the most profound respect, agree that in its present form my bill is unconstitutional, then I am willing to have it changed, provided the three underlying purposes of the bill are not destroyed or are accomplished in another way.

First. The establishment of a bureau of mines and mining for the purpose of bringing to the aid of both mine owners and workers correct information from the scientific mine operators of the Old World, which up to this time has either not been available to the average mine owner or, if available, has not been applied.

Second. To provide moneys for carrying on this work and collecting said money from the industry itself without taking it from the people's Treasury, which represents, under our present system, real estate and tariff taxation and a direct toll upon the necessities of life and upon the producer.

Third. To provide money for the alleviation of suffering as the result of mine accidents and for the education of the helpless orphan children.

I frankly admit that the third section is the bone of constitutional objection, from the lawyer's standpoint. Remove it, if you think it necessary to preserve the constitutionality of the bill, provided that in doing so it is fairly understood by present Members and the American public that the money collected by this tax shall go into the General Treasury, and that this and future Congresses shall appropriate a sum equivalent to the amount collected for the purposes set forth in the bill. In any event, I ask that the bill be reported out for debate and vote in the House, and if there are any objections in the minds of gentlemen, let the Supreme Court decide the matter. We will have at least called to the direct attention of the States a suggestion for their consideration.

It has been urged that a measure of this kind is distinctly a province of the State, but, like every other form of insurance, the greater the numbers the lighter the burden. For instance, a half dozen men could not insure each other's life upon an economical basis, but several thousand men can enter into a form of mutual life insurance, except coal miners, who are debarred from insuring their lives in the ordinary commercial insurance companies, upon a basis that is economically sound and provide for their estate a future competence. So it is with the States as compared with the United States on a proposition of this kind. A great calamity in any one State, such as we have recently had in the past few months, both in Pennsylvania and West Virginia, would be amply provided for out of the general fund under this bill without placing a burden upon any individual, whereas the single State could not operate under this law so advantageously as through the medium of the Federal Government.

Now, we come to the old-time campaign cry of paternalism, and the bill is objected to by gentlemen because it is paternal. Did those gentlemen vote for the establishment of a Federal pure-food law, and if so, are they now sorry for having voted for it? It is paternal. Did the gentlemen who now object to paternalism, vote in favor of the Interstate Railway Commission, and if so, are they sorry that they supported the measure? It is directly paternal. Do gentlemen oppose this measure because of its paternalism, object to mail service, or establishment of parcels post, or postal savings bank, or of the tariff, all of which represent various phases of paternalism? The question for Members of Congress to determine in the near future is not whether we shall have paternalism, for it has been with us for a long time, but it is important for us to decide whether paternalism of the National Government shall be in the interests of the trusts and corporate wealth or in the interests of the common people who form the foundation of our Government, and from whose physical energy must come the production of all wealth.

The cry of paternalism holds no fear for me when applied to the general welfare of a great people, and when we come to count the cost of industrial production, there must be a new column entered upon our national balance sheet of the future, to record the number of lives sacrificed. The captains of industry, who have charge of the coal mines of the United States, doubtless have, through the combination of railroads and mines in violation of the law, been able to show larger profits than the European mine operator, but neither the stockholders nor the consumers of the coal know the cost of the production in human lives and suffering. I am now going to give you this information. For every one million tons of coal mined in the United States during the past five years a percentage of 6.04 human lives have been sacrificed per each million tons mined and this does not include the thousands injured, or enough human blood and tears to sprinkle every ton of coal we use.

A few weeks ago I called on a sick friend in a Pennsylvania hospital. He had been reading about the proposed miners' bill. He said to me:

> I hope you will use all the energy that God has given you to persuade your colleagues to enact this proposed measure into a law, for there is not a day or a night passes in this hospital but what some poor, mangled sufferer is brought here from the mines for treatment, and while the hospital authorities do the best they can to give them prompt and good attention, yet it remains a fact undeniable that because of the extreme poverty of many victims they do not receive the prompt and careful attention they would otherwise receive. The statement seems unbelievable, but so accustomed and hardened does the average hospital emergency staff become to the numerous mining accidents that a crushed limb or a broken body brings forth scarcely a word of comment or a heart throb of compassion.

Mr. Speaker, I have already occupied more time than I expected to in the presentation of this measure. There is one argument, however, upon which I have not yet touched. In the enactment of laws from a humanitarian standpoint the question of dollars is the basest of all forms of argument, but it necessarily becomes a part of every public question, and I feel that I can not with fairness to the subject forego a statement in this connection.

The time has come in the history of human events and in the progress of the American nation when greater emphasis must be fixed upon what has heretofore been a somewhat neglected, though the greatest, asset of our nation, and that is the lives and happiness of our men and women who toil.

A tax of 1 per cent per ton on all coal mined in the United States will produce an annual fund of $4,000,000, or sufficient to provide an insurance fund of $1,000 for the family of each man killed and about $300 for each person injured—based upon mine accident statistics of the past five years.

When we add to the natural mortality rate the additional death and accident rate of ten men in every thousand employed, we practically lessen the miners' chance of longevity by one-half. In other words the three score year and ten rule of the average is reduced to thirty-five years for the average miner's life, by reason of the life-sapping employment itself and the increased fatalities due to accidents. Thus we see the productive energy of a vast army of men cut off at an early age.

During the past seventeen years there have been over 75,000 miners killed and injured by accident, leaving over 100,000 children without protection. Had the law which I now propose been in force during this time there would have been collected about $40,000,000, or an average of about $500 for each person.

Now, I think gentlemen will agree with me that, with our mines so equipped with the life-saving apparatus and the scientific skill applied to mine management as to have reduced our mortality record to a par with the mines of Europe, the percentage of lives saved and injuries avoided would have given to the country an increase credit asset from the labor of these men to have repaid many times over on our national balance sheet the sum collected in this insurance tax.

Mr. Chairman, thus far I have confined myself to a practical and strict business presentation of the case and have studiously refrained from any sentimental expression in the advocacy of this measure. I can not, however, withhold an appeal for the helpless widows and children of these stricken coal miners.

True, the world is full of sorrow and suffering, and it is both impossible and impracticable that the National Government should undertake its alleviation. But here is a condition without a parallel both as to the need, the practicability, and justification of governmental protection.

Congress and State legislatures are much exercised over the enactment of laws for the prohibition of child labor. Where the father is living and in good health there can be no excuse for the employment of child labor; but where the father has been removed by death, either by natural or accidental causes, the widowed mother in many cases finds herself unable to supply the family wants from her own labor alone and she must choose between the ignominy of public charity or the necessity of placing her little ones out to toil.

We spend millions upon millions of dollars for the protection of favored industries that a few rich men may make more money. This bill asks for the collection of an annual fund of $4,000,000 that these 100,000 miners' children may be educated

to become useful citizens and that their growing youth may be spared the dwarfing influence of performing men's labor.

Let us help lift the embargo of child slavery from their young shoulders that their little souls may enjoy to some degree the freedom and beauties of childhood; that their little bodies and minds may grow straight and strong into noble citizenship, and bring to the widowed mother that help which she so greatly needs and which we can so easily give her.

Do this, and there will come an echoing response of gratitude from the hearts of the American people who feel a human interest in their fellows, and who know that the forces of American industry and of all productive energy, whether of the mine, the farm, or the mill, are so closely allied that any law which works a beneficent influence to any part or class of our productive organization without imposing a burden upon others reflects an indirect benefit to all mankind.

And from the miner and his family will come the daily silent prayer of thanksgiving for the blessings of a Government which holds the liberty and the life of her citizens as matters of first and lasting importance, instilling into the hearts and minds of all who toil a patriotic love of country second only to love of God and of home. [Loud applause.]

Mr. BOWERS. Mr. Chairman, I yield to the gentleman from Indiana [Mr RAUCH].

Mr. RAUCH. Mr. Chairman, I have listened for a long time to those who are older in years and service in the House than myself, hoping to hear more on certain subjects which I believe to be of considerable importance to the people of this country and which are likely to become questions of great concern to many Members in this body. With your indulgence, I wish to call your attention to certain facts which are undoubtedly within your knowledge, but which may not have received your careful consideration.

In accordance with that section of the Constitution which provides that—

> The President shall from time to time give to the Congress information of the state of the Union and recommend to their consideration such measures as he shall judge necessary and expedient—

Mr. Roosevelt sent a special message to the Senate and House of Representatives on January 31, 1908, recommending for their immediate consideration the following measures. He said:

> First. As regards the employers' liability law, I advocate its immediate reenactment limiting its scope so that it shall apply only to that class of cases as to which the courts say it can constitutionally apply, but strengthening its provision within this scope.
>
> Second. I also very urgently advise that a comprehensive act be passed providing for compensation by the Government to all the employees injured in Government service.
>
> Third. I again call your attention to the need of some action in connection with the abuse of injunctions in labor cases.
>
> Fourth. There should also be such action on laws to better secure control over the great business concerns engaged in interstate commerce and especially over the great common carriers.
>
> Fifth. The Interstate Commerce Commission should be provided with the means to make a physical valuation of any road as to which it deems this valuation necessary.
>
> Sixth. The law should correct that portion of the Sherman Act which prohibits all combinations—whether they be reasonable or unreasonable.
>
> Seventh. With measures to restrain stock watering and overcapitalization there should be measures taken to prevent at least the grosser forms of gambling in securities and commodities.
>
> Eighth. Moreover there should be no delay in supplementing the laws now on the statute books by the enactment of further legislation as outlined in the message I sent to Congress on its assembling.

Mr. Chairman, it is my purpose to show that the Republican majority of this House is not with the President; that certain elements in the Republican party are so hopelessly in opposition to other elements that it is impossible for them to carry into effect the recommendations made in this message; that if the people of this country ever expect to see the principles set out in this message enacted into law and on the statute books, operating as real reforms, they must look to the party that gave them birth.

That this Congress is not with the President is proven by the fact that there has been no attempt to enact his recommendations into law. That certain elements are diametrical in their opposition is proven by the utterances and accusations of each. Harriman and his crowd say that the President is responsible for the panic, and the President and his crowd say that the others are responsible for the panic. One crowd says it is the result of stock watering and stock gambling, and the other says it is the result of repeated expressions from the Chief Executive that has destroyed the confidence of the public in all stocks.

It is not our quarrel, and, to borrow an expression from the gentleman from Missouri, "It does not become an innocent bystander to say which is to blame." The charges are laid at the door of each. One is charged with bringing such conditions and practices into existence and the other with permitting them not only to exist, but to grow, accepting campaign contributions from their source. The one is for offering worthless securities for sale and the other, by ultrasensational statements, damaging the sale of all securities. The agitation that has shaken this country to its very center should result in something more promising than the terrible cloud of uncertainty which now hangs like a pall over us. A refusal to act only aggravates the situation. It causes hesitation by the merchant who has goods to buy; lack of confidence in the man who has money to deposit; hoarding by the bank that has money to loan; discouragement of labor, which can not hope to thrive, and misery to those whose employment is gone.

Mr. Chairman, we receive a message from the President saying that we are in immediate need of certain legislation in the way of reform. A Republican Congress sits in inactivity and Members are not even given an opportunity to vote on these measures. I believe that the people of this country have a right to know whether a Republican Congress stands for the thing which our President proposes, and they have a right to know not only how Members talk, but how they vote on these measures. [Applause.]

I do not see what good can come from a President sending messages to Congress picturing a state of society that is awful and urging that they enact certain laws, while this body sits idly by, the Republicans making speeches in favor of the President, yet refusing to accept his recommendations.

Mr. Chairman, he has proposed great things, but how many of his recommendations have been enacted into law? Under his Administration have the people found relief from what he has designated "Every form of violence, corruption, and fraud, from murder to bribery, and ballot-box stuffing in politics?"

Mr. Chairman, I regret that such a confusion of purposes exists. It may result in indefinite delay in bringing about the enactment of laws which we really need. At the present time the Republicans by their promises bid us hope, but by their actions they condemn us to despair. Nor does their picture of the future present a more pleasant view, because if the legatee of the President, Mr. Taft, should be installed at the White House he could not make a stronger demand in a message to Congress, nor could this body ignore it more completely.

Mr. Chairman, he speaks of the oppression of the wage-workers by predatory wealth, and says that he is trying to secure an "equal opportunity for all." If that doctrine finds its complete sense in the expression, "Equal rights to all and special privileges to none," it is a noble work, fit to occupy the lifetime of any man.

Men appear upon the stage of action and pass away. The principles of eternal justice remain forever. They are not born nor do they die. They have been inscribed on the banners of thousands of men who have fought the fight which the President now at the close of his second and last term claims to be fighting. History tells us that Thomas Jefferson had grown old in that fight before the President was born. Our own knowledge tells us that before he was known as a figure of such national importance the Democrats had secured astounding revelations that enabled him in his last days as Chief Executive of the United States to see and to speak of the usurpations of predatory wealth.

Mr. Chairman, I am with the President when he says turn on the light. The same light that discloses stock gambling and watering in Wall street should disclose the record of a Republican Congress in Washington. The same light that shows the violation of law and abuse of human right throughout the land should show how far Congress has gone to apply the remedies suggested to correct those abuses. The recommendations of the President are far-reaching and his demand for action immediate. He says that gambling and stock watering should be stopped. What record has Congress made on that subject with the exception of a few speeches? There should be one, because the business man, the banker, the farmer, and the manufacturer have a right to know if the money of this country is to be again enticed into investment in stocks of fictitious value, or whether it must find its investment in things of actual worth.

What record have we upon the law of injunctions? Bills have been introduced, but none reported on the floor of this House for a vote. He says there should be a modification of the law of injunctions. Has there been any? Has there been any bill of this kind reported on the floor of this House for a vote? Certain interests may know, but labor also has a right to know what the vote of this House would be on that question. Yet one remains as silent as the tomb and the other waits in vain for the relief that never comes.

He says that the Interstate Commerce Commission should have the means to make a physical valuation of a railroad. Has this question been decided by Congress? No. Yet even

the stockholder in a railroad has a right to know whether the basis of value of his stock is to be the earning capacity or the cost of production of this property.

Mr. Chairman, the President has said that "every one of these laws, if enacted, would represent a part of the campaign against privilege." Democrats have not opposed the passage of these measures.

Mr. Chairman, why should we not legislate against these evils? All is in readiness. We have had investigations and have secured facts that are a basis for legislation. Recommendations have been made by the Chief Executive of the United States. Bills have been introduced and referred to the various committees. Members have been waiting for an opportunity to ballot on these measures. Will that opportunity be given? [Loud applause on the Democratic side.]

Mr. KEIFER. I yield to the gentleman from New Jersey [Mr. HAMILL].

Mr. HAMILL. Mr. Chairman, in regard to the pending bill (H. R. 16268) I wish to express some views of my own in opposition to that portion of it which provides for the consolidation in Washington of the pension agencies located throughut the country, and wish also to present the views of others in opposition to the same portion of the bill. I sincerely hope the committee will reject this provision of the bill, and thus set the seal of its disapproval on a proposition to be parsimonious with a class of our fellow-citizens who deserve at the hands of their grateful fellow-countrymen a far different kind of treatment.

This measure affects 55,000 pensioners on the pension roll of the New York agency, through which payments are made to pensioners residing in the northern part of New Jersey, and this fact explains my particular interest in the measure before us. The total number of pensioners in the State of New Jersey is about 20,000.

These agencies were established for the convenience of the Government in handling the large volume of business in the Pension Department which could not be expeditiously discharged through one office. The system has been conducive to the prompt and efficient payment of the pensioner, and hence to his comfort, convenience, and needs.

While it may be true that the time will come when the change suggested will have to be made, it is extremely obvious that the time has not come yet and will not arrive for a very long period. There are as many pensioners on the roll to-day as there were fifteen years ago.

This attempt at economy seems ill timed, and the effect of it will be to upset and destroy a Department which is now in satisfactory running order, besides adding hardship to the old veterans themselves, whose past services should entitle them to generous treatment and many of whom would be thrown out of employment if this measure were enacted.

Recently the house of assembly in New Jersey passed a resolution opposing the change proposed, and the matter has been condemned by resolution by many Grand Army posts throughout the country.

I have here a letter written on the subject by the pension agent of Philadelphia, and, since it deals with the proposition in a well-ordered and exhaustive manner, I submit it for reading in preference to any remarks of my own, confident that if it is considered by the Members the proposed change will be seen to be detrimental and that it will be rejected by the committee. [Applause.]

I herewith append as a part of my remarks the following letter:

Letter of inquiry from Hon. Boies Penrose, United States Senator, relative to the abolition of pension agencies, and reply of St. Clair A. Mulholland, United States pension agent, Philadelphia, Pa.

UNITED STATES SENATE,
COMMITTEE ON POST-OFFICES AND POST-ROADS,
January 18, 1908.

Gen. ST. CLAIR A. MULHOLLAND,
United States Pension Agent, Philadelphia, Pa.

DEAR GENERAL: I inclose herewith a communication from the Secretary of the Interior to the Speaker of the House of Representatives, relative to the proposed reduction in the number of pension agencies, and, as you are an experienced officer of the Pension Bureau, I will be glad if you will give me your reasons why this proposed change by the honorable Secretary of the Interior should not be made.

Yours, truly,

BOIES PENROSE.

DEPARTMENT OF THE INTERIOR,
UNITED STATES PENSION AGENCY,
Philadelphia, Pa., January 25, 1908.

Hon. BOIES PENROSE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I have the honor to acknowledge the receipt of your letter of the 18th instant, inclosing a copy of a communication from the honorable Secretary of the Interior under date of December 13, 1907, addressed to the Speaker of the House of Representatives, designated as Document No. 352, in which the honorable Secretary submits a proposal to reduce the number of pension agencies from eighteen to one.

In compliance with your request to furnish a statement of my reasons why this proposed change should not be made, I respectfully invite your attention to the following facts, which appear to me to be conclusive in showing that consolidation and concentration of the pension agency service at Washington, D. C., by the reduction of the number of pension agencies from eighteen to one, will not result in more economic or more efficient execution of the laws pertaining to the payment of pensions. On the other hand, it will inevitably result in not only largely increased cost to the Government; but, what is equally important, it will impose upon the 900,000 pensioners peculiar hardships, delays, and inconvenience.

Objection is made to the proposed plan of the honorable Secretary of the Interior, as being (1) expensive; and (2) impracticable; and attention is respectfully invited to the following considerations:

1. The honorable Secretary asserts that the adoption of his plan would result in an annual saving to the Government of at least $200,000 and, perhaps, $25,000 more.

OBJECTIONS.

(*a*) The Secretary fails to furnish an exhibit whereby to show how such a saving would be possible. If it be possible to arrive at such a result, it surely is practicable to set forth in detail the facts and figures upon which such computation is based. This the Secretary significantly fails to do.

(*b*) The only possible reduction in the cost of paying pensions according to the plan proposed would be accomplished by the saving of the salaries of the eighteen pension agents, amounting annually to $72,000, and of $4,500 for rent paid by the New York agency. The first item to offset (at least, partially) this saving would be the necessary appointment of a number of high-salaried clerks (chiefs of divisions) who would be charged with the work and responsibilities of disbursing approximately $140,000,000 annually. Persons who would be competent to assume such responsibility would not be willing to do so without commensurate compensation. They would, in fact, if not in name, be pension agents. Each United States pension agent is now bonded in the sum of at least $75,000. The largest amount disbursed by any one pension agent for the year ended June 30, 1907, was $15,855,044.33. The Commissioner of Pensions is not a bonded disbursing officer of the Government. It is more than probable that, if he be asked to assume the added responsibilities of paying annually $140,000,000 for pensions, he will be granted additional compensation; or, if some other officer be designated to pay all pensions, a suitable salary would be paid such officer.

The second consideration to offset the saving of pension agents' salaries is the fact that the present per capita cost of *paying pensions* by the pension agencies now located outside of the city of Washington, D. C., is *less* by $302.73 per annum for each clerk employed than the per capita cost of *granting pensions* by the Bureau of Pensions. In other words, the clerks in these pension agencies receive an average annual salary of $977.99, whereas the clerks in the Bureau of Pensions receive an annual average salary of $1,280.72, a difference in economy in favor of the pension agencies of $302.73 for each clerk. If the 432 clerks now in the agency service should receive the same average salaries as are paid to clerks in the Bureau of Pensions it would cost the Government for clerk hire $125,425.60 more than it now does. Does the Secretary of the Interior anticipate that the clerks in the division of the Bureau to which should be assigned the payment of pensions will be paid per capita $302.73 per year less than clerks in other divisions? Surely the financial responsibility of *paying* pensions is immeasurably greater than that involved in merely *granting* them. The present practice of the Department of holding financially responsible the pension agents and their clerks for *erroneous payments*, while not holding the Bureau clerks responsible for *erroneous allowances*, is ample evidence of this. And justice demands that clerks assuming such financial responsibility should receive adequate compensation, as much, at least, as those who are relieved of such responsibility. Or does the honorable Secretary contemplate the possibility of disbursing $140,000,000 per year without placing the financial responsibility upon anybody? A revolutionary change, surely!

To summarize:

Average salaries paid to clerks in the Bureau of Pensions, per annum	$1,280.72
Average salaries in pension agencies, not including the agency at Washington, D. C., for clerk hire, per annum	977.99
Difference per capita	302.73
Increased cost for clerk hire annually in the payment of pensions at Bureau rate	125,425.60

(*c*) To further demonstrate the futility of the Secretary's plan to effect a more economical administration of the laws relating to the payment of pensions, attention is invited to the fact that the average annual per capita salary paid to clerks in the pension agency located in Washington, D. C., is $232.78 in *excess* of the average annual salary paid to clerks in the remaining seventeen agencies.

Average salaries paid to clerks in the Washington Pension Agency per annum	$1,210.77
Average salaries at other agencies	997.99
Difference per capita	232.78

And further, during the present fiscal year, while a large number of allowances under the act of February 6, 1907, was being made by the Bureau, the Washington Pension Agency, which received but one-half as many of such allowances to pay as a number of other agencies, was granted a detail of seven extra clerks from the Bureau, while the other seventeen agencies were required to do as much, and in some instances twice as much, work without a single extra clerk.

Surely these facts do not indicate that economy would result from such a plan as the Secretary proposes. *Computing upon the basis of the average annual salaries paid in the Bureau, the cost would be $48,925.60 greater than it is now, after eliminating all pension agents' salaries and $4,500 for rent paid by the New York City agency.* Economy, on the other hand, if it could be accomplished at all, would be accomplished by consolidating all the agencies outside of the city of Washington rather than in the Bureau of Pensions.

(*d*) Evidently the Secretary contemplates that additional saving may be accomplished by the introduction of labor-saving machines and a general revision and improvement of the routine work of paying pensions. This remains yet to be demonstrated. It is in only an experimental state at present; but this may be said, and said with confidence, in view of the facts and figures set forth above, that any reduction in cost of routine work by the use of mechanical devices or by improvement of methods can be as readily and as satisfactorily accom-

plished in the agency service, by those familiar with the work, as it can be in the Bureau, and at a lesser cost.

(c) With reference to the question of decreased cost to the Government, attention is also invited to the fact that the payment of all pensioners from Washington would involve an enormous increase in work (and consequent expense) at the post-office in that city. Making a moderate estimate for incidental correspondence, which would be very considerable, the payment of pensions by the Bureau would require the handling by the Washington post-office of 10,000,000 additional pieces of mail matter annually. This could not be done without greatly added expense to the Government. Nor would this be offset by decreased expenses at post-offices in cities where agencies are now located. The work of no one post-office would be much reduced, but the work of the Washington post-office would be greatly increased.

2. The Secretary states that equally *prompt* and *efficient* payment of pensions could be accomplished by the Commissioner of Pensions as by eighteen agencies.

OBJECTIONS.

(a) He does not assert that such payment by the Commissioner of Pensions could or would be any *more* prompt or efficient. Hence *there is no improvement anticipated.* The ability of the Commissioner of Pensions to even equal the agencies is, at best, problematical. It remains to be demonstrated.

(b) Even if payment of pensions can be accomplished as promptly and as efficiently by the Bureau, it can not be done as *economically.* The work now done by the Bureau is not, and how this could be does not appear.

(c) But it is exceedingly doubtful whether payment of pensions by the Bureau can be accomplished as promptly and as efficiently, even at increased cost, as by the agencies. The pensioners themselves are unanimous and earnest in their protest against such a plan. Their experience with the Bureau of Pensions, involving to their mind unnecessary delays and correspondence in prosecuting claims, etc., during a period of forty years, causes them strongly to dissent to such proposed change.

3. The Secretary asserts that "no inconvenience" would result from the proposed plan of paying all pensioners from the Bureau, or by one disbursing officer, instead of by agents, as now.

OBJECTIONS.

(a) Again he promises *no improvement.*

(b) While it is true that a portion of the pensioners are paid by agencies remote from their places of residence, as by the San Francisco agency referred to by the Secretary, yet the number being so paid is relatively small. The total number residing in Montana, Utah, Washington, and Wyoming, paid at San Francisco, as referred to by the Secretary, is only 14,418, not as many as reside in single cities where some agencies are located. Again, these States are not nearly so remote from San Francisco as they are from Washington, D. C. The Secretary calls attention to the fact that 10,000 pensioners living in the San Francisco agency district are paid at other agencies. The San Francisco agency district embraces nearly one-third of the whole area of the United States, viz: California, Nevada, Oregon, Idaho, Montana, Washington, Wyoming, Utah, and Arizona; and in addition, pensioners in Alaska, the Philippines, Hawaii, and other insular possessions in the Pacific Ocean are paid at this agency. So that these 10,000 pensioners, scattered throughout such a vast territory, are almost insignificant. And it may be observed that one reason for their continuing to draw from other agencies than San Francisco is because they are, in many instances, *nearer some other agency;* as, for instance, Topeka or Des Moines; and another reason is because, in order to be transferred to the San Francisco agency, it is necessary to conduct correspondence with the Bureau at Washington, make affidavit, etc., involving expenditure of time and money. Many of those living in California and paid by other agencies than San Francisco, are only temporary residents there, seeking restoration to health, etc.

4. The Secretary proceeds to set forth other considerations bearing upon and in support of the proposed abolishment of agencies. He enumerates as follows:

1. That a large amount of correspondence between the Bureau and the agencies would be saved.

2. That the printing of all vouchers for one disbursing officer, instead of for eighteen, would save expense.

3. That there is always danger of losing pension agents' accounts in transmission by mail.

4. That the work done by eighteen designated clerks can be done by six or eight clerks in the Bureau.

5. There is now a duplication of records involving unnecessary expense.

OBJECTIONS.

1. (a) The amount of correspondence between the Bureau and the agencies would be more than offset by the increased correspondence between the pensioners and the Bureau. Hundreds of personal inquiries are made monthly at pension agencies resulting in increased satisfaction to the pensioners and decreased expenditure of time on the part of clerks. One clerk can hear and answer a hundred inquiries personally made who could not read and answer twenty-five inquiries by mail in the same length of time.

(b) It is well known that the methods of conducting correspondence by the Bureau with pensioners are not as prompt or as economical as the methods in vogue at agencies.

2. The vouchers may now, and it is likely will be, printed uniformly without the pension agents' name or agency. Even if they are not, the cost is infinitesimal.

3. (a) Provision against loss of accounts in transmission by mail is made by registering all official mail matter, in conformity with the decision of the Comptroller of the Treasury rendered April 17, 1906, of which provision and precaution the pension agent whose vouchers were lost evidently did not take advantage.

(b) The possibility of such loss is so remote as to be hardly worthy of serious consideration.

(c) Accounts may be settled, as in this case they are to be, from other records in the agency.

4. The signing of pension agents' checks, now done by eighteen designated clerks, does not require the entire time of said clerks. They render other valuable clerical service in the agencies. No saving could be accomplished by a change here.

5. The Division in the Pension Bureau, or the one disbursing officer paying pensions, would certainly require official records (1) authorizing payments; (2) of payments made; and (3) of transmission of accounts to the auditor's office. The records would be practically the same as those now in use in the agencies.

In view of the foregoing facts, figures, and other considerations, it would appear that while the honorable Secretary of the Interior asserts that the adoption of his proposed plan of paying all pensioners from Washington would result in a more economical administration of the laws relating to the payment of pensions without involving any undesirable features, he has, nevertheless, failed to prove his contention; whereas, on the other hand and contrary to the Secretary's claim, such proposed change would inevitably result in greatly increased cost to the Government and in inconvenience and peculiar hardship to the large body of pensioners.

Finally, the system now in vogue is excellent. It is entirely satisfactory to the pensioners, and is conducted at a minimum cost to the Government; while the suggestions of the honorable Secretary of the Interior fail to promise improved efficiency or to prove reduction of expenses.

I have the honor to be,

Your most obedient servant,

ST. CLAIR A. MULHOLLAND,
United States Pension Agent, Philadelphia, Pa.

Mr. KEIFER. Mr. Chairman, I yield one hour's time, or such part thereof as he may desire, to the gentleman from New York [Mr. WALDO].

Mr. WALDO. Mr. Chairman, we have been discussing in committees of this House during this session the question as to whether any amendment is needed to the currency laws of this country, and, if any amendment is needed, what amendment ought to be made. It is now over forty years that the present system of currency has existed in this country. So far there has been no question as to the validity of any currency issued—no question as to any national-bank note being good. And yet, during all this time there has hardly been a year but the deficiencies of our currency system have been felt by the whole country. Every year whenever the crops are to be moved there has not been sufficient currency for that purpose in the South or in the West, and yet during all that time, so difficult is it to make any change in the currency system of the country, practically nothing has been done. At this time, although we might talk about it, we probably should do nothing, except for the tremendous financial disaster and panic that this country passed through last fall, largely, as is believed by all financial students, on account of the deficiencies of our currency system.

A large number of measures have been introduced into this House. The last time I investigated I think there were eighty-one measures in the House and in the Senate. Those measures are divided up into fifty-six House bills and twenty-five Senate bills. Of these, twenty-five are for the insurance of deposits; nine are for credit currency; fifteen are for emergency or bond-secured currency; three are for emergency cotton-secured currency; one is for a central-bank system; one is for a sovereign trust company; one provides for the issuance of two billion of United States bond notes; one provides that all United States bonds shall be legal tender; two provide that the national banks may loan upon real estate mortgages; one provides that all reserves shall be kept in the vault of the bank to which they belong; one provides for clearing-house districts, and there are twenty-one miscellaneous bills of various kinds.

There are perhaps only four of these measures that have had any serious consideration. The Senate bill, known as the "Aldrich bill," the "Fowler bill" here in the House, the bill which was introduced by Senator HOPKINS in the Senate and by Mr. MCKINNEY in the House—being the bill that was drawn, I think, by the Bankers' Association, practically the same bill that was introduced last year—and the bill that was introduced by Senator PLATT that provides for clearing-house districts; and I ought perhaps to mention the single bill that provides that all reserves of the banks must be kept in the banks to which they belong. These are, to my mind, the only measures that have received or can receive serious consideration from this House. Of course there are many people who believe, including the gentleman from Connecticut [Mr. HILL], that a central banking system is the only system which can be successful in the best way. But there has been so general, and is now so general, objection to any central system, any central bank, that will put the whole interests of the country not only under one control, but, if a central banking system is to be successful, as in other countries, it must be under Government control, that that system can not, I think, in the present temper of this House and the people of the country, be successful or be adopted. The clearing-house system of notes is the one, if not adopted into law, that will be used in case of emergency if we do not do something better. It is the system that this country had to adopt in the late stress. In all the great cities the clearing-house system is what saved the country from the greatest financial disaster we have ever had and perhaps that the world has ever seen.

The great trouble about our present system, especially in a question of the currency, is that there is no agreement or coordination in the banking system of this country, except in a few of the large cities where there are clearing houses. Every bank is for itself. It has no care for the welfare of its neighbor, and until some general system is provided by which all the banks are bound together and all must take care of each we shall always have financial troubles. So that I say that

the bill introduced here for clearing-house districts is the one that this country will certainly work under in case of a new emergency if we fail to pass some kind of legislation here this winter.

The two measures that are receiving the most serious consideration are, first, the Aldrich bill, providing for an emergency currency only; not intended, so far as I can hear or ascertain from anything that is said or from the bill itself, not intended to meet the continuous wants of the country; not intended to meet the annual demands for currency to move the crops, but merely to meet some such emergency as we had this last fall. It provides, or did provide, for the issuance of not exceeding $500,000,000 of currency, to be secured by State, county, and municipal bonds to 90 per cent of the market value of those bonds, and railroad bonds to 75 per cent of their value, the same to be deposited in the United States Treasury, and then provided for a graduated tax on the currency, secured by United States bonds, where the bonds did not draw more than 2 per cent, one quarter of 1 per cent half yearly; on currency secured by any other United States bonds, one-half of 1 per cent half yearly; on all other, one-half of 1 per cent per month, or 6 per cent per annum.

It is claimed that with a tax of this kind none of this emergency currency would be taken out except in time of panic or in time of great need by some railroad or some municipality when they are willing to pay at least 6 per cent interest, and they would have to pay more than that in order to induce any bank to take it out. So that either this measure is a bank-panic currency or is merely a scheme to sell railroad, city, county, and municipal bonds. It can only be useful in these two cases.

It seems to me that this measure is practically of no use to meet the purposes of the country. Every spring and summer there is accumulated in the great cities, largely in the city of New York, upward of $400,000,000, mostly the reserves of the Western, Southern, and country banks. Now, as long as these reserves remain in the banks that own them, not one hundred of that $400,000,000 can be loaned. It must be kept in gold or some other form of reserve, legal tender; but the moment that it goes into the reserve city, to New York, for example, all but 25 per cent of it can be loaned. I think that is so in all the great reserve cities; 75 per cent can be loaned the moment that it is deposited with the reserve bank.

Then in the fall, when these country banks need the money to move the crops, they send to New York to get the reserve money that they have sent there. New York has loaned out 75 per cent of this. It has to loan it out because it pays 2 per cent on the $400,000,000, and when the Western banks want the money the $400,000,000 has disappeared, either in loans on stocks and bonds or all kinds of enterprises in any part of the world where money can be loaned. And instead of the banks having for their use $400,000,000 of reserve money, there remains only $100,000,000, and if times are at all hard, the New York banks find it impossible to secure the money, and they must in any event call in four times as many loans as they have made on this reserve, at once causing what approaches a panic in New York City, Chicago, and more or less in St. Louis every year, as a result of this annual movement of the crops and other products of industry from the interior to the seaboard. Now, it seems to me there ought to be something done at this time to meet that difficulty.

The Aldrich bill does not pretend to meet any such difficulty. That bill is founded really upon a bill that was drawn by a savings bank man in Pittsburg. He sent that bill all over the United States, to almost every financial man, and while this was somewhat modified and perhaps polished up by a lawyer before it appeared in the Senate, yet in substance the Aldrich bill is the same thing as this Pittsburg man recommended to the whole country, and was intended by him not to meet the difficulties of this situation, but to make it so that savings banks and trust companies and State banks could take the State, municipal, and county bonds that they held as securities to Washington and trade them for currency to meet the demands of their customers in time of panic. That was the purpose of this bill, and, aside from furnishing a sale for railroad and municipal bonds, that is the only purpose that it can serve. It has in it no annual automatic increase and decrease of currency as the country demands it. There is only one system that this country has ever seen or that the world has ever seen that can meet the condition which occurs yearly, and many times a year in different places, the system for changing the credits of the banks into currency for the use of their customers. The credits of the banks to-day are about $13,000,000,000. All the currency of the United States, paper, gold coin, and everything, amounts, roughly speaking, to about $3,000,000,000. Of that about $1,000,000,000 is stored in the vaults of the United States Treasury, where it can not be used, and about $1,000,000,000 is in the pockets of the public, serving as pocket money, and about that amount stays in the pockets of the public. So that leaves actually only about $1,000,000,000 to meet the demands of $13,000,000,000 of credits, and until some means are provided by which the banks can turn some of this $13,000,000,000 of credit on their books into bank notes to meet the demands of their customers there must be trouble every year and in every locality whenever an extraordinary demand arises. In the cities where there are large manufactories and when the pay rolls are enormous there is practically a currency stringency, at times almost amounting to a panic, every time the pay rolls are made up. They must send all over the country to gather up enough currency to meet that demand, and yet within a week or two that money is all back in the banks and distributed over the country again.

When the panic arrived last fall the people came to their banks, came to the New York banks, to banks which were in the soundest condition, to get currency. Many of them who were not poor people and did not need the money to live on from day to day attempted to secure money, because they knew if they did not get it then they could not get it until the panic was over. But there was not any currency to be had. The New York banks alone needed more currency than this whole country contained, and there was no means by which they could get it. The only way by which they saved themselves from absolute bankruptcy was by the clearing-house banks getting together and issuing clearing-house certificates to meet this trouble.

In Pittsburg they had to go further. They were unable to get currency enough to pay their workmen, and they issued one and two dollar clearing-house certificates. They did that without any legal authority to issue it as money. They did it from the necessities of the case. It seems to me that there ought to be some legal means by which the banks could meet this difficulty. That is not because we care anything about the banks in this House, except as the instrument of attending to the business of the country and to make the exchanges of the country. It is because it is for the interest of the whole people that there should be some instrument by which the people can, when they desire, change the credit they have on the banks for currency that they can ship or use elsewhere; that there should be some instrument by which they can do it. There is none to-day; as soon as there is a demand for currency there is no currency; it does not exist.

The bill introduced by the gentleman from New Jersey [Mr. FOWLER] attempts to meet this difficulty, and extraordinary as it may seem, it meets here with the objection that it is something new; that it is going to make some great change in the financial system. It is true it does make a great change in our financial system, but it is not new and it is not untried in this country. The only banks we had prior to the civil war that were absolutely sound and were meeting the demands of their localities in the country were the banks that were based upon exactly this system, for example, the banks of Indiana, Illinois, Louisiana, and the banks of New England. If I recollect, the old bank in Goshen, N. Y., used to issue what was called a gold note that was at a premium anywhere in the United States, because it was redeemable in gold, a pure credit note issued against the credit of the bank.

Mr. GOULDEN. Will the gentleman yield to an interruption?

Mr. WALDO. Certainly.

Mr. GOULDEN. Did the bank at Goshen maintain a gold reserve sufficient to redeem the notes, or was it purely a question of public confidence?

Mr. WALDO. The best answer I can give the gentleman is that they always did redeem them; they always kept a sufficient reserve on hand so that there was never a demand for the payment of a Goshen note that it was not met.

Mr. GOULDEN. Why is it, if the gentleman can tell us, that we only see the necessity for more currency in the years in which the panics exist? Once every seven or ten years this shortage of currency seems to affect the country. Why is it that all these other years we are able to supply from the New York banks all the country banks want; what is the trouble?

Mr. WALDO. I think the question contains a false premise. I believe we have a currency scarcity every year in New York. It has occurred every year in my recollection. There has never been a fall when there was not a scarcity of currency in New York City, with the result that many commercial operations were stopped because the banks could not meet them. They were obliged to call in loans when they ought to be extending them, but they were obliged to call them in in order to meet the demands for currency of the Western and Southern correspondents.

Mr. GOULDEN. I want to say, and I think other business men will join with me, that we have never noticed it. It may be among the professional men, but, as a business man, I have never noticed that conditions of affairs in the city of New York in the twenty years that I have resided there, except in times of financial depression.

Mr. WALDO. I will say that this stringency, which amounts to a panic, does not arise every fall by any means; it is only a stringency that shows a deficiency in our currency system. I do not think there is a banker that I have talked with who has correspondents outside of the city, that will not say that that is so in the fall of every year.

Mr. GOULDEN. Does not the gentleman think it is largely the lack of confidence, and as we are doing business not upon a currency but upon the confidence of the public, does not the gentleman imagine that the credit system, the loans, checks, and drafts which become the people's currency, lacks that public confidence, and then the currency trouble occurs?

Mr. WALDO. I think that is not entirely so. Of course the checks and drafts system of the country takes the place of currency. It does it all the time. We could not do business without these checks and drafts. But notwithstanding that, every fall when New York City has to gather together from three to four hundred millions of dollars in currency, the banks of New York have to call in perhaps a billion dollars of loans in order to get that money to send to the South and West.

Mr. HAYES. Will the gentleman yield?

Mr. WALDO. Yes.

Mr. HAYES. I would like to state that as a business man I was engaged for a great many years in the iron and steel business, and that I have personal knowledge that this currency shortage occurs every fall without any reference to whether there are panic conditions or not. Men who are engaged in the iron business, which is the business barometer of the country, find it difficult to get the money necessary to carry on their operations during the latter months of the season, because of this shortage of currency. I wish also, if the gentleman will permit me, to ask him if he does not believe that he has erroneously included the banks of Illinois before the war in the same class with the system in New England and the banks of Indiana and Louisiana?

Mr. WALDO. No; I think not. There was one bank, if I remember——

Mr. HAYES. Perhaps one bank; but the banking system of Illinois was a bond system, and its currency was nearly always at a heavy discount.

Mr. WALDO. I understand that. I do not mean the whole banking system, but I mean one principal bank in that State. I do not remember the name.

Mr. HAYES. It was run by a Scotchman by the name of Smith.

Mr. WALDO. Yes.

Mr. McMILLAN. Mr. Chairman, I would like to interrupt the gentleman for a moment. I want to say that as a business man and a banker, having been associated with my brother Representative, that in all my business dealings in the city of New York I have never met a stringency of currency if my credit was good, and I have been a business man in the city of New York for thirty-five years and I have employed from 1 to 1,000 men. [Applause.]

Mr. GOULDEN. I will say that when I alluded to other business men I alluded particularly to my colleague, Mr. McMILLAN.

Mr. WALDO. I will say, in regard to that, that my colleague from New York may never have met that stringency himself because he has been able to make arrangements to meet the demands upon him, and I have no doubt that he has.

Mr. GOULDEN. His credit was good.

Mr. WALDO. His credit was good, but that does not meet the main trouble that is existing continuously, not only in New York but in the money centers in this country—the necessity of obtaining a large amount of currency every fall to move the crops.

Mr. HAYES. And move other things also.

Mr. WALDO. And move other things that have to be moved at that time. I think there is not a civilized country in the world that has not a credit system or some branch of a credit system, except the United States. Some of them have been in existence for many years. Even our little neighbor up here, Canada, has a credit system, and a gentleman of our committee, the gentleman from Maine [Mr. POWERS], informed the committee that whenever there was a shortage of currency, as there was often in his part of Maine, they secured all the credit money they needed from Canada, and it circulated like United States money through that portion of Maine near Canada. He was asked what became of it, and he said that as soon as they got through using it it went right back to the banks in Canada where it came from.

Mr. HAYES. And was redeemed?

Mr. WALDO. Was redeemed at once; that they never lost a dollar; that it never was any different, so far as value was concerned, in the readiness with which the people in that locality took it, from United States Treasury or gold notes or gold. It came out of the banks of Canada, not only when the demand was made for it by Canadians who lived in that vicinity, but whenever the neighboring Americans were short they went to these little Canadian banks and obtained all the money they wanted, paid their bills, and it went back again just as soon as use of it was through.

That is the history of the credit currency in this country. It is the history of it in Europe. If I recollect right the bank of Louisiana, which had a credit currency, not only withstood all the troubles for many years before the war, but never suspended specie payments, even during the war, and only suspended when the Union Army captured the city and compelled the bank to either go out of business or come under the national banking system. The Bank of France went through substantially the same experience when Paris was captured by the Germans. It went through wars before that—through revolutions. There never was a time when it was not ready to meet the demands of the country, and in such a time as this—that is, last fall—when our banks instead of extending their loans were contracting them, in a most desperate attempt to meet the demands for currency, the Bank of France, instead of doing that, made loans to merchants whose credit was good and whose business was in good shape; and that is what we ought to have been doing and what we could have done if we had a credit system.

Now, Mr. Chairman, that goes only to the system of currency. There can not be any reason why such a system of currency would not be as good as the present system. It would have behind it a gold reserve in the largest cities of 25 per cent, and it would be secured by a fund in the hands of the United States Government of over $700,000,000—many, many times the amount necessary to make good any losses that could possibly occur, according to the history of our country.

Then there is another trouble with our present system, aside from its inelasticity, and that is that it can not be obtained when it is wanted; it takes so long a time that the trouble is over before you can get it. We have never had any trouble so far to keep our bond-secured currency on a par with the lawful money of the country, because the country has been, as a general thing, in a prosperous condition, but we would not go through any protracted war before our United States bonds would fall off 15, 20, or, perhaps, 30 per cent. As a result of the Boer war the English consols fell off 26 per cent. If we had a war of any length of time with any country our bonds would certainly be at a discount of 20 to 30 per cent. Then where would the security for our currency be? It would be gone. Now, that is one objection. Another, and a more serious objection, is this, and which people generally can not seem to understand: The assets of the bank ought to be liquid. They ought to be either in the shape of reserves of the bank or in the perfectly good notes of the merchants—the business people of the locality.

The immediate result of this bond-secured system is something like this: Take a bank of $100,000 capital. It takes $100,000 of money and it goes to the Treasury here and has to pay in the $100,000 in reserve money, or what is equal to it, and it gets back not reserves, not money on which loans can be founded, which will be reserves against its depositors, but it gets back its own notes, no better than its own draft in principle, for it has deposited its own money in the hands of the United States Government, or what the money purchased, namely, the bonds. So the immediate result is that when it goes away, when it leaves New York or whatever other town the officers go from with this $100,000 of reserve money, and which, if it had been kept in the bank, would have enabled it to loan, according to the usual rule, $400,000, because that would be ample to meet $400,000 of loans, they must reduce their loans in consequence $400,000. The moment they deposit that in Washington they can not loan a dollar, not one single dollar, until they get reserves from some other place. Notwithstanding that they have $100,000 of their notes, of their own national-bank notes, they are not reserves, and they can not loan one dollar. The first thing they must do, if they want to loan that $100,000 when they get home to their bank, is to find somewhere $25,000 in gold or its equivalent. So that the very force and power, the very purpose of that bank, as an instrument of accommodation to the people of the locality, is gone

just the moment it obtains that currency. It must do something else before it can accommodate any man. It can not pay a dollar of its currency out until it has a reserve against it. So the people who have to put up the $100,000 must put up a surplus the next thing. Unless the reserve comes in as a deposit, they must put up a reserve themselves before they can use a single dollar of their own notes. Now, that is the main trouble with this system, that it puts a large percentage of the bank assets in the country now, about $700,000,000, into a long-term bond, where it is absolutely of no use to the commerce of the country, and when it ought to be in the banks for the use of the business men. It ought to be there, where it could be used for loans to accommodate the people of this country, and that $700,000,000 means four times, at least—anyway, it means that in New York City—four times as much, or two billion eight hundred million, here contracted by means of a bond-secured system. And the Aldrich, or the Thiers bill, as I call it, preferably, because that is what it is, does not attempt in any way to aid in that difficulty. On the contrary, it calls upon the banks of the country to look around and find more reserves, to part with the very reserves they have, in order to buy these bonds, and makes them that much worse off than they were before.

Now, there are other provisions in the bill reported by the House Committee on Banking and Currency that I believe are admirable features, but many of them are not necessary to the adoption of the credit system of currency, although they would be of great aid and ought to be adopted, in my opinion. There is no more reason why a bank should not be permitted to issue its note, provided it is currency that would be good in any part of the country, than there is that it should take the money and give a man credit on its books. They are absolutely the same in principle. One is simply a credit on the books and the other is a credit payable to bearer. That is all the difference. There is no reason why any bank should not issue its credit in one form as well as another, why it should not issue its note as well as its draft, provided it is guaranteed through some system of coordination, either by the banks themselves or by a deposit with the Government.

Mr. GOULDEN. Will the gentleman yield?

Mr. WALDO. Certainly.

Mr. GOULDEN. I should be very much interested, and I have no doubt that the committee would be, to know just wherein the Fowler bill is strong and wherein it is weak, what are its weaknesses and what its strength, if you can tell us briefly. I would like to hear that, because I believe the gentleman is a member of the Committee on Banking and Currency and therefore familiar with it. He can omit the weak points if he likes and tell us the strong ones.

Mr. WALDO. I would say, in answer to the gentleman's question, that I do not admit that there are any weak points in it.

Mr. GOULDEN. Then give us the strong points, please.

Mr. WALDO. The strong points of the Fowler bill are, first, that it permits the banks to retain their assets in their vaults for the use of the country and does not compel them to tie them up in long-term bonds, where they contract the loans that ought to be made to the merchants of the country, between two and three billion dollars. That is the first result of this system, and it is one of the most serious results. In the first place, it would make it possible for the banks to furnish at less cost currency for the use of the country at the time when a large amount of currency is needed—in the fall and summer. In the next place, it would permit them to guarantee the deposits, for if there is anything in the note being guaranteed, there is no reason why the deposit on the books should not be. The bank pays for the guaranty; nobody loses by this provision of the bill; the whole thing will be comparatively light on the banks. It will raise some $700,000,000, all of which is reserved, and in case of liquidation goes back to the banks, less any charges that may be made against the fund.

But another, and one of the most beneficial provisions in this bill, is the provision in regard to what might be called the clearing-house districts. They are called bank-note redemption districts, but they are really clearing-house districts. The country is to be divided into twenty districts, I think, in the bill as amended now. It is under the control of the Comptroller of the Currency to decide where the centers of these districts for the redemption of the notes shall be. Now, each one of these districts has a board of managers of its own. It is their business to investigate the condition of the banks in their district four times a year at least, and as much oftener as they see fit. That does not interfere with the examination of the banks by the Comptroller of the Currency whenever he deems it necessary. Each one of these districts must pay, in case of failure, one-fourth of any loss that accrues by reason of any loss of any bank of the district. So that instead of being a bank examiner or a board of examiners, that have no interest except so far as it may affect their personal standing in the examinations of these banks, they are a board of examiners, a board of managers, whose institutions must pay one-fourth of any loss that accrues through the failure of any bank to take care of its obligations. Now, the result of that would be, it seems to me, that no failures would occur, because the moment any bank got into trouble by the directors making loans that they ought not to, or otherwise by extravagant or foolish loans or investments, this board of managers have power to close them up and put in one of the members as a receiver.

Mr. McMILLAN. I would like to ask my colleague a question. Would not that be a step toward a bank trust?

Mr. WALDO. I think not.

Mr. McMILLAN. I think it is.

Mr. WALDO. On the contrary, it would prevent that very thing. I think it would prevent the linking together of a whole string of banks, as done under our present system. It would be under a board of managers. There would be no more liability of the linking of these banks, not so much as under the present clearing-house system.

Mr. GOULDEN. Does not the gentleman think that there would have to be twenty trusts formed in that event? Would there not be a division of power so far as a trust is concerned instead of a concentration of power?

Mr. WALDO. Certainly.

Mr. GOULDEN. Will not the gentleman tell the committee what the Fowler bill allows or permits as security to be used for a credit currency? What are the classes of security permitted under its provisions?

Mr. WALDO. There is no security for the credit currency. The credit currency is the same as the draft of the bank, except that it is issued by the United States Government, and is guaranteed by a fund raised on all the banks; and under the present bill it is estimated to be a fund of about $700,000,000. That would guarantee the notes. It will also guarantee the credits or deposits.

Mr. HAYES. I desire to call the attention of the gentleman to the statement he has just made, saying that the currency would be issued by the Government of the United States.

Mr. WALDO. That is incorrect. All that I meant is that it will be printed by the United States, so that it may all be in the same or practically in the same form as national-bank notes to-day, but it goes to the banks and is issued by them.

Mr. GOULDEN. Mr. Chairman, the gentleman is a distinguished member of the Committee on Banking and Currency; can he tell us how much of the proposed money can be securely and safely issued under the Fowler bill? Does he think it can be issued without limitation and always have it safe and secure?

Mr. WALDO. Suppose that the gentleman is running a bank himself, that his capital is $100,000, and that his deposits are $1,000,000. Now, it is necessary for him to pay off $100,000 in a time of trouble.

Mr. GOULDEN. At any time?

Mr. WALDO. In time of trouble, because that is the time we can not get it. You want the money. You can not get it from the banks, because they all need it. Under our present system they need it themselves. Under a credit system you would be authorized to pay out these notes. Under the bill originally, I believe you can only issue credit currency to the amount of your capital. The Aldrich bill provided for the issuance of emergency currency, including the bond-secured currency, capital and surplus, but the Fowler bill provides for its issuance only to the amount of its capital, except upon application to the board of managers, when you can issue whatever the board of managers think it safe for you to issue.

Mr. HAYES. Up to a certain limit.

Mr. WALDO. Yes; up to double the amount of the capital.

Originally I think there was no limit. In that case you would have your notes in your vaults, and when the demand came in for $100,000 you could issue that amount. Under the present system, in time of panic, you would have to buy it at 5 or 10 per cent, and like enough could not even get it at that. There were times when it could not be obtained even at that price. But that money would merely represent $100,000 in your book accounts. You owed it just as much before, and if you were an honest and safe banker it would be just as safe in one form as it was in another. If, on the contrary, there was any trouble with your bank, there would be $700,000,000 in the hands of the United States to guarantee that it would be good, and all the banks of your district would guarantee one-fourth of that before any draft could be made upon the amount in the hands of the Government.

Now, there is one thing more that I intended to say before

closing. There has been some suggestion that this might lead to recklessness in the banking business; that the directors would not be as careful as to loans that they made or in their investments, but it seems to me that this guaranty of the notes would have no such effect, and the guaranty of the deposits could have no such effect, because the people who are interested in the bank as a bank are the stockholders and the officers. And before one dollar can be taken from the guaranty fund or from the district the bank is totally wiped out. In other words, the stockholders must lose all their stock. They must also, under the law, lose as much more as the value of their stock, and the officers would be practically ruined in business and reputation before any attack could be made upon the guaranty fund, so that the bank would be practically in the same condition that it is now. That is the only thing that keeps a bank conservative and keeps it safe—the fact that the men who own the capital, and the officers, have their interest in the business of the bank, in its stock, and in its reputation, which in the case of many of our most successful bankers is practically all they have, because many of them are not wealthy men. The stockholders must lose all their interest in the banks and must pay up as much more, so that the same inducement to honesty, conservatism, and proper banking would exist under the Fowler bill as under the present law, it seems to me.

After all, while that is one of the important things, the most important thing for us to do to-day is to adopt some credit currency. It does not make so much difference in what particular form or under what particular bill it is if some measure of relief is afforded to the banking interests of this country and the people of this country by which they may obtain in currency when they need it the credits that are now on the bank books; that will obviate the real trouble in our banking system, aside from the other question. Those two things, however, must be in some way taken care of. We must have some legislation first that will allow a bank to issue its notes in place of the national-bank notes and still retain its cash in its vaults for the foundation of loans and for a reserve against deposits, and yet issue its notes against the credits that have come to it. Then, secondly, we must make some provision by which the banks are to be bound together in association and make all look after the honesty and conservatism and safety of each one.

Until those two things are done we are going to have trouble every fall, and whenever a financial crisis arises we are going to have a panic; and unless the banks get together at those times, as they did this last fall, and form clearing-house associations, and take care of the business of the country in practically the way that the Fowler bill provides that it shall be taken care of all over the country, by these districts, we are going to have serious trouble whenever times of depression come. And I trust that this House at least will not be frightened by any talk of the danger of change. It is not proposed to try any new thing. It is proposed to adopt a system of credit currency that has been successful and the only system that has been really successful in this country in its history; the only system that is successful or that obtains in the civilized world outside of this country, a system that has been tried hundreds of years, and whose workings are known just as absolutely as they will be after we have tried the system a hundred years, with the same benefits and the same success, I believe, that it has been tried in other countries.

Nothing can be done toward changing our currency system, to my mind, except following some such financial disaster as we have just passed through, and if we conclude to adopt the Aldrich bill, or some such measure, which does not attempt to change from a bond-secured currency to a credit currency, the same inertia that has obtained in this country ever since the adoption of the bond-secured system will continue until we meet another and perhaps a worse disaster. It seems to me that now is the time to act. We look over the history of the currency systems of the world and our country, and we find here offered one that has been successful, and the only one that has ever been successful in the history of the world. We recognize the dangers that we have just passed through, and barely escaped the worst financial disaster this country has ever known. Now we have an opportunity when the people are interested in it, when they feel the necessity of having something done. Now is the time when we can do something that will really change our system and put it on a proper basis, and unless we do it now it will rest until the next time we are in need.

I trust, gentlemen, that we may have the courage to look at this matter squarely, to try to understand it, and to see that we have nothing new before us—that we have offered in the Fowler bill the only successful currency system—and let us go ahead on that line and try to establish in this country, as there is already established in all civilized countries except this, a currency system that will be a benefit to all of our people. [Applause.]

Mr. KEIFER. I now yield, Mr. Chairman, to the gentleman from Pennsylvania [Mr. DALZELL].

Mr. DALZELL. Mr. Chairman, there are few subects of public discussion about which there is more unjust criticism—I might, without exaggeration, say, unjust abuse—than the rules of the National House of Representatives. The criticism and abuse come largely from Members of the House when in the minority, and from newspapers and magazine writers, and some others of whom, without unfairness, it may be said that they have very little knowledge or intelligent conception of what they are writing or talking about. Indeed, I think it may be truly said that there are comparatively few Members of the House itself, much less outsiders, who have any real knowledge of the rules. The rules are simple enough and entirely logical, but to the majority of Members of the House who have no special ambition to familiarize themselves with them they seem complicated.

There is nothing new in this protest against the rules. It is human nature to be uneasy under restraint, and in all Congresses, even among the first, when the membership was small and the rules were simple, complaint was heard as now from those who could not have their own way.

The rules of the National House of Representatives are not the conception of any one man or set of men; they are not the product of any one Congress or of any combination of Congresses; they are an evolution, the outgrowth of the parliamentary experience, necessities and exigencies of all the hundred years and more of our Congressional life. The book of rules contains no rule that had not a reasonable necessity for its adoption in the first instance and has not a like necessity for its continuance now. As a whole the rules are so made as to render possible the most expeditious accomplishment in the wisest way of the legislative business of our ninety millions of American people.

An impartial examination of them will show that the power of recognition popularly attributed to the Speaker as autocratic is grossly exaggerated; that that power, in point of fact, so far as the rules are concerned, is limited; and that the apparent restrictions upon individual initiative, so far as they exist at all, are due not to the rules, but to the character of the House as now constituted, and to the exigencies of the public business.

A brief review of the history of the rules will serve to demonstrate the truth of this statement.

There have been two revisions of the rules within the last thirty years.

In the Forty-sixth Congress (1880) the rules were revised under the direction of the Committee on Rules, consisting of Speaker Randall and Messrs. Stephens, Blackburn, Garfield, and Frye. The changes then made consisted mainly in dropping a number of rules that, by reason of changed conditions had become obsolete, in consolidating a number of others and changing their arrangement, and in the introduction of a very few new rules. The Committee in its report, which was unanimous, said:

> The objective point with the committee was to secure accuracy in business, economy of time, order, uniformity, and impartiality, and to prepare, if possible, a simple, concise, and nonpartisan code of rules, which would neither surrender the right of a majority to control and dispose of the business for which it is held responsible, nor, on the other hand, invade and restrict the powers of a minority to check temporarily, if not permanently, the action of a majority believed to be improper or unconstitutional, and to attain, if possible, the great underlying principle of all the rules and forms by which the business of a legislative assembly is governed, whether constitutional, legal, or parliamentary in their origin, viz, "to subserve the will of the assembly rather than to restrain it, to facilitate and not to obstruct the expression of its deliberate sense."

The rules then adopted remained in force until the Fifty-first Congress (1890), when they were revised by the Committee on Rules, consisting of Speaker Thomas B. Reed, Messrs. McKinley, CANNON, Carlisle, and Randall. By this revision, out of the total number of forty-seven rules, twenty-nine were allowed to remain unchanged, and in the remaining eighteen such changes as were made were only formal, except in four fundamental particulars. These related to (1) dilatory motions, (2) the counting of a quorum, (3) the number which should constitute a quorum in Committee of the Whole, and (4) the order of business. This last revision was found necessary in order to carry out the announced objects sought to be attained by the revision of 1880, viz, "Economy of time, order, and the right of a majority to control and dispose of the business for which it is held responsible."

Prior to this last revision, under then existing rules, the practice known as filibustering had grown to such an extent as to waste much valuable time and to threaten the power of the

majority to deal with the business of the country. By the use of the privileged motions "to adjourn to a day certain," and "to take a recess," and the practice on the part of Members of remaining silent and refusing to vote, thus breaking a quorum, it was in the power of the minority at any time effectually to obstruct the passage of any legislation. A motion to adjourn to a day certain was subject to two amendments, on each of which, as well as on the original motion, the yeas and nays could be ordered. The same was true as to the motion to take a recess; these motions could be repeated without limit, and thus days could be consumed in useless calls of the roll. In point of fact, in the Fiftieth Congress on one occasion the House remained in continuous session eight days and nights, during which time there were over one hundred roll calls on the iterated and reiterated motions to adjourn and to take a recess and their amendments. On this occasion the reading clerks became so exhausted that they could no longer act, and certain Members, possessed of large voices and strenuous lungs, took their places. If this was not child's play it would be difficult to define it. Then, again, when a measure to which the minority objected was likely to pass, the yeas and nays would be ordered.

The objecting minority Members, sitting in their seats, would fail to respond when their names were called, and when the count was made it would appear that there was no quorum present to do business, and thus the measure would fail. It seems now strange to realize that many eminent men acting as Speakers of the House maintained that for this manifest evil no remedy existed. It remained for the Speaker of the Fifty-first Congress, Thomas B. Reed, the greatest parliamentary leader in the history of English-speaking people, to make an end of this manifest absurdity. He declared that physical presence and constructive absence was impossible; that the quorum called for by the Constitution was a present and not a voting quorum; and so, on a certain historic occasion, he added to the names of those voting the names of those present and not voting and announced the result accordingly. He has no greater glory than that the principle he announced and put into practice has not only been indorsed by the Supreme Court of the United States, but also by his partisan foes when they came into power in the House, and by the practical results which recent years of wise legislation unobstructed by foolish tactics have put on the statute book. Under present rules the motion to adjourn to a day certain and the motion to take a recess are not privileged, and, furthermore, the Speaker is not allowed to entertain any dilatory motion. If a quorum has been ascertained by actual count to be present, a measure voted on passes or fails in accordance with the recorded vote, whether all Members have voted or not.

In the Committee of the Whole 100 now constitutes a quorum instead of a majority of the whole House. This is in the interest of the expedition of business.

Bills are now introduced by filing and not by presentation in the open House, and thus much time is saved. Business once entered upon is continued until concluded instead of, as under prior rules, being limited to a certain time for its consideration and then not having been concluded being sent to the graveyard of the calendar of unfinished business.

In the last Congress (Fifty-ninth) there were 386 Members (in this Congress there are 391), and there were introduced a total of bills and resolutions numbering 27,114. It goes without saying that not all of these bills could be considered, nor could all of these Members have a hearing. Theoretically, every Member of the House is the equal of every other Member; every constituency is entitled to equal recognition with every other constituency, but practically there can not be 391 Speakers; there can not be 391 chairmen of committees, nor equal recognition for debate given to 391 Members. The real purpose, then, to be accomplished by the rules is the selection from the mass of bills introduced those proper to be considered. There is no limitation on the right of a Member to introduce bills; as many as he likes and of whatever character he pleases. Every bill introduced goes to an appropriate committee for consideration, and whether or not it gets upon a House Calendar for action depends upon its being reported by the committee. It may never be reported, and, of course, if not reported can never be considered in the House. In the last Congress, of the 27,114 bills and resolutions introduced, there were 7,839 reported; the others remained in the pigeonholes of the various committees. Of the bills reported, 7,423 were considered and passed. Bills when reported go upon certain calendars of the House, according to the character of the bills.

1. Revenue and appropriation bills. These are few in number, not to exceed, perhaps, 20. They come from the Committee on Ways and Means, whose office it is to provide revenue for the Government, and from the Committee on Appropriations, and from the several committees having to do with the maintenance of the Government in its various arms, such as the Naval Committee, the Military Committee, and others. These bills when reported go to a calendar known as the Union Calendar, but they are highly privileged, as they ought to be, for without their passage the Government wheels would stop. They can be called for consideration at any time. They take precedence of all other bills, and the Speaker has no alternative but to recognize the Member calling them up. These bills are considered not in the House, but in Committee of the Whole; the Speaker leaves the chair and another Member takes his place.

2. Another class of bills are such as relate to some public purpose, but carry no appropriation, such, for instance, as bridge bills and the like. To a large extent bills from the important committees on the Judiciary and on Interstate and Foreign Commerce are of this class. These bills go on the House Calendar and are entitled to consideration in the morning hour. There being no privileged bills for consideration, the morning hour is the regular order. The Speaker must call the committees in their alphabetical order, and then the chairman of the committee which has the call is entitled to recognition by the Speaker, as of right. The House then proceeds to the consideration of such bill reported by the committee in question and then on the House Calendar as the chairman calls up, and continues its consideration until a vote is had, subject only to a possible interruption at the end of sixty minutes, to which I will refer hereafter. But even if interrupted, its consideration is continued thereafter, when business of that character is in order, until it is finally disposed of.

3. In addition to public bills such as I have enumerated, some carrying an appropriation and others not, there is another class of bills, the most numerous of all—private bills providing for the relief of private individuals or corporations. These have a Calendar of their own called the Private Calendar, and are in order on every Friday of each week. They are generally speaking, bills from the Committee on Claims, from the Committee on War Claims, and from the Committee on Pensions. As to these bills the Speaker has no independent right of recognition. When addressed by the chairman of the appropriate committee on a Friday he must recognize him, and unless the House declines to consider these bills the Speaker must leave the chair and nominate a Member to preside in his place. In the last Congress there were reported 6,834 private bills; 6,624 were passed, leaving 210 undisposed of.

There is another class of bills that, like private bills, have a day of their own under the rules, viz, District of Columbia bills. As is well known, there is no right of suffrage in the District of Columbia, and the Senate and House act as its select and common councils. District of Columbia bills are in order on two Mondays of every month. As to these bills, again the Speaker has no alternative but to recognize the chairman of the District Committee when, on his allotted day, he calls up his business.

4. A fourth class of bills provide for various matters of public concern and are such as involve a charge upon the Treasury. These go to the Union Calendar, and when considered must be considered in Committee of the Whole. At the end of the morning hour (sixty minutes) a motion may be made to go into Committee of the Whole for the consideration of bills on the Union Calendar or for the consideration of some particular bill thereon. This motion the Speaker is bound to entertain.

Then, a large part of the business of the House is done wholly outside of the rules, by unanimous consent. Some gentleman, for instance, arises in the House and, being recognized by the Speaker, asks "unanimous consent for the present consideration of the following bill." Unless objection is made the bill is considered and voted on. It is in connection with this practice and because of it that autocratic power is without any reason ascribed to the Speaker. But the rules have nothing at all to do with this. The applicant for recognition asks that all rules be set aside. To this any Member of the House may object. Why should complaint be made if the Speaker exercises his right of objection by refusing to recognize an applicant for recognition in any particular case? Because he is Speaker he is no less a Member of the House; no less a Representative of his Congressional district. If he were on the floor he could interpose an objection to any request for unanimous consent. Should he be less able to interpose that objection because he is in the chair? Certainly not. That the Speaker's power in

this regard is only, in the last analysis, that of a Member may easily be illustrated. During the latter part of the Fifty-fourth Congress, when Mr. Reed was Speaker, there was a Member from Nebraska named Kem who announced that he would object to any consideration of bills by unanimous consent. After the announcement, on the first day, the Speaker's room was crowded, as usual, with applicants for recognition. Mr. Reed promised to do the best he could, but recalled to his applicants Kem's threat to object. Still members persisted, one of them was recognized, and Kem objected. The next day the throng at the Speaker's room was not so great, but still of large proportions. Members had faith that Kem would not persist. Again Mr. Reed promised to do his best; again a recognition was had and again Kem objected. On the third day the Speaker's room was deserted, while an anxious throng surrounded the desk of Mr. Kem, and from that time on, Kem being persistent, the Speaker had peace; Mr. Kem was the autocrat, and the business of the House proceeded under the regular order.

There is no doubt that a great many measures of questionable character are passed by unanimous consent. Members can not keep the run of all bills reported, and are loath to object, both because ignorant of the merits of the particular measure proposed and because they may have measures of their own to be considered and they fear a reciprocity of objection. In a majority of cases the only real intelligent objection made to measures proposed for unanimous consent is that made by the Speaker, who has had opportunity to examine, as was his duty, the bill. On two Mondays in every month and during the last six days of a session a motion is in order to suspend the rules and pass bills, which requires for its adoption a two-thirds vote of a quorum. The object of this rule, of course, is to expedite business by getting rid of bills to which two-thirds of the House are agreed. But the demands for recognition to move to suspend the rules are so far in excess of any possible power of grant upon the Speaker's part that he is confronted by the embarrassing necessity of making a choice. There is no doubt that he performs his unpleasant duty with due regard to his obligation to the public service.

It is manifest that even under the methods provided by the rules for the consideration of all classes of business there must necessarily be measures of great public importance that, by reason of their late report from a committee or for some reason or another, can not be reached in the regular order of business. These are provided for by special orders reported by the Committee on Rules, which consists of the Speaker, two Members from the majority, and two from the minority. Like the rules themselves, the Committee on Rules is made the subject of much unjust criticism. Autocratic power is ascribed to it. But it must be recognized first that the existence of such a body is a necessity, and second that the only power it exercises is the power of the House. The Committee on Rules does not dictate, it simply suggests. Its report is of no consequence until it has been adopted by a majority. The fact that the committee's reports are uniformly adopted, so far from being any evidence of undue authority or power on the part of the committee, is evidence of the discretion of the committee in recognizing and making possible what the House wants to do. The real temper of the House upon any question at any given time, it may be assumed, is better known by the Committee on Rules than by any one else. The committee, so far from being the master, is the servant of the House. Of the 7,423 bills considered last year, only twenty-four were brought forward by the Committee on Rules.

All of these were of large national importance, and consideration of them was in accordance with the well-known desire of a majority of the House, as for instance, among others the following: The statehood bill, the immigration bill, Philippine tariff bill, pure food bill, railroad rate bill, bills relating to Isthmian Canal, and so forth.

While it is true that the authority of the Speaker as to recognition is very much limited, it would be useless to deny that he exercises a great power upon the business of the House. But this is not due to the rules in the first instance, but to the personality of the Speaker himself. Much of his power lies back of his office. It is because of his character, his experience, his service, his position as a party leader that he is Speaker. He comes to his high office because he is *primus inter pares*. A leader on the floor, he does not cease to be a leader when he becomes Speaker. One who was himself a distinguished Speaker of the House of Representatives, James G. Blaine, in that most eloquent eulogy pronounced upon his chief, President Garfield, said:

> There is no test of a man's ability in any department of public life more severe than service in the House of Representatives; there is no place where so little deference is paid to reputation previously acquired or to eminence won outside; no place where so little consideration is shown for the feelings or failures of beginners. What a man gains in the House he gains by sheer force of his own character, and, if he loses and falls back, he must expect no mercy, and will receive no sympathy. It is a field in which the survival of the strongest is the recognized rule, and where no pretense can survive and no glamour can mislead. The real man is discovered, his worth is impartially weighed, his rank is irrevocably decided.

Undoubtedly the rules contribute to the Speaker's power in so far as they place in his hands the appointment of committees. He can, by a judicious selection of committee membership, to a limited extent, shape legislation in advance to accord with his views. But, after all, his power in this respect is limited by a number of considerations. In the appointments to committees he must recognize the claims of localities, the qualifications and length of service of his appointees, and various other things. Above all things, he is interested in the success of his administration, in the standing of his party, and in his own reputation for fairness. What he does he does in the open, where all men can see. And, besides, how else could committees be selected in a House of so large a membership as the present House of Representatives? Caucus selection would mean selection by combinations representing localities or special interests; would turn over the power of the House to the States having large delegations. Caucus selection has been tried in the past, and abandoned as impracticable. Committees can best be selected by an authority that can with certainty be located and made to bear the burden of responsibility.

I know of nothing more interesting in the history of Congress than those passages which relate to the expedients to which the majority has been compelled to resort to obtain control as against obstructive tactics upon the part of the minority.

Early in our history unlimited debate was resorted to to prevent legislative action, and the result was the adoption of the previous question in the House. According to Mr. Calhoun it was adopted—

> in consequence of the abuse of the right of debate by Mr. Gardenier, of New York, remarkable for his capacity for making long speeches. He could keep the floor for days.

But Mr. Gardenier was only a type, and the adoption of the previous question marks the first step in our Congressional history taken by the majority toward securing its right to rule. The next step was the adoption of the hour rule, pursuant to which a Member of the House is confined to the use of one hour in debate.

It must be confessed that in a House constituted of so large a membership as the House of Representatives unlimited debate would be impossible, having any due regard to the dispatch of the public business. There is little if any complaint about the hour rule. Anyone familiar with the record of the last few Congresses will concede that notwithstanding the existence of the hour rule there has been practically no limitation on the opportunities for debate. All parties desiring to be heard have been furnished an opportunity, and when greater latitude as to time has been asked it has readily been granted by unanimous consent. The House will always listen to the Member who really has something to say.

With each decennial apportionment the House of Representatives increases in numbers. As the numbers increase in the very nature of things the importance of the individual Member decreases and the influence of a few increases. What the remedy for this is I do not undertake to predict, or what new or modified rules may in the future become necessary. But under present conditions the rules of the House of Representatives are as efficient as present wisdom and past experience have been able to devise "to subserve the will of the assembly rather than to restrain it, to facilitate and not to obstruct the expression of its deliberate sense."

Mr. BOWERS. Mr. Chairman, I now yield forty-five minutes to the gentleman from Alabama [Mr. HEFLIN].

Mr. HEFLIN. Mr. Chairman, more than three thousand years ago cotton was found growing in India, and Herodotus tells us that the natives called it "tree wool." He said:

> They made clothes of this tree wool and claimed that it exceeded in beauty and goodness the wool of the sheep.

In 1492 Columbus found cotton growing in the West Indies, and it is certain that cotton came to Jamestown with our fathers in 1607, for it was cultivated that year in Virginia. Pickett, in his history of Alabama, tells us that as early as 1728 cotton flourished in Louisiana, Mississippi, and Alabama.

How to separate the cotton from the seed was an important problem with our fathers, and this tedious task was performed with the fingers. So slow was the process that four pounds of lint per week was as much as a good hand could do. In 1788 there was great rejoicing in the South when a man in Philadelphia invented a machine for separating seed and lint, and this machine could turn out only ten pounds of lint per day.

Not until Ely Whitney, of Georgia, invented the saw gin in 1793 was this feature of the cotton problem solved. The first cotton gin operated by any power other than the hand was run by water in Fairfield, S. C., by James Kincaid, in 1795. For a long time spinning and weaving were done by individuals and families in their homes. They used the little hand carder, the one-thread spinning wheel, and the wooden loom. These were followed by the inventions of Cartwright, Watt, and others, the carding engine, the spinning jenny, and the power loom, all run by steam; and the manufacture of cotton became one of the most important industries in the world.

In 1784 we exported from the United States 8 bales of cotton to England, and this fiber had been separated from the seed by the hand. At Annapolis, Md., in a political convention, 1786, James Madison, of Virginia, the author of the Federal Constitution, said in a speech: "The United States will one day become a great cotton-producing country." [Applause.] We were then producing 5,000 bales.

Mr. Madison's prediction has come true. The South produces 80 per cent of the world's crop of cotton. This cotton belt is 1,450 miles long from east to west and 500 miles wide and has in it 448,000,000 acres. Nowhere in the world are sunshine and shower so mingled and measured out to the cotton plant as is the case in the beautiful South. [Applause.] Charles J. Haden, of Georgia, a splendid authority on the cotton plant, says: "Cotton is a child of climate more than of soil. This plant requires a certain average temperature during the young and tender period—a certain average temperature during the days of its development—and a certain other higher average temperature during the days of its fruition." "Coupled with these conditions," he says, "there must be a certain degree of moisture in the air. The hot winds from the south Atlantic crossing the gulf stream and meeting the colder air currents from the Appalachian chain produce this degree of moisture." "These facts have been proven," he says, "by a century of experiment and scientific research." Climatic conditions make the South the greatest cotton-producing country in the world.

The fact is established that here, and nowhere else in the world, can cotton be grown in abundance, and scientists tell us that the South will remain the great cotton-producing country until the Creator reconstructs the earth. Not only is ours the most favored country in the world for the production of cotton, but it is blessed above all others in ways and means for the manufacture of cotton.

While the first cotton mill in the United States was erected in Massachusetts in 1790, it has been demonstrated that nowhere in all the world can manufacturing be done so cheaply and profitably as in the South. As Phillip said to the eunuch, "Here is much water"—over there is the cotton field and yonder the mountains groan with millions of tons of coal. [Applause.]

In 1880 the amount of capital invested in cotton mills in the South was $21,000,000, and to-day we have invested in this important industry a little over twelve times that amount—$255,000,000.

Twenty-five years ago the South had only 600,000 cotton spindles, and to-day we have about 10,000,000 spindles. In 1890 there were 336 cotton mills in the South, and now we have over 600. Great Britain, or the United Kingdom, is the greatest cotton manufacturing country in the world and has 49,000,000 spindles. America stands next to the mother country with 26,000,000 spindles. Germany comes third with 9,000,000 spindles, Russia is fourth with 7,000,000, and France is fifth with 6,000,000 spindles.

In 1906 New England cotton mills consumed 2,349,478 bales of cotton, and in the same year our southern mills consumed 2,374,225 bales, 25,000 more bales than our northern mills consumed. This is a splendid showing for the South, when you remember that the North has nearly twice as many spindles as we have. There is one fact, however, connected with both that we applaud, and that is that both northern and southern mills consumed more cotton than ever before. We are the greatest cotton-producing people in the world, with the cheapest and best manufacturing facilities on earth. [Applause.]

Cotton mills are increasing rapidly in the South. In 1900 Massachusetts stood first, Rhode Island second, South Carolina third, New Hampshire fourth, North Carolina fifth, Connecticut sixth, Maine seventh, and Georgia eighth. Now, Massachusetts still occupies first place, but South Carolina is second, Rhode Island is third, North Carolina is fourth, Georgia is fifth, New Hampshire is sixth, Connecticut is seventh, and Maine is eighth.

England leads in exporting cotton goods, and Germany is second in the list; the United States is third, and France is fourth. Last year the United States imported more cotton goods than she sold or exported.

England, or the United Kingdom, exports every year more yards of cotton cloth than our American mills produce for both home and outside trade. During the calendar year ending December, 1906, the United Kingdom exported cotton manufactures to the value of $484,000,000, and the United States during the same period exported cotton manufactures to the value of $52,000,000, and yet we exported twice as much as we did in 1904.

In 1906 Great Britain sold China $50,000,000 worth of cotton goods, and we sold her $28,000,000 worth. China is indeed an inviting field. That dim old Empire, with its four hundred millions of people, is the most inviting of all the countries for our cotton trade.

United States Consul Anderson, speaking of our trade with China, said:

> The principal cause for slow development of trade with China is due to the lack of enterprise on our part rather than to anything that has been done or left undone by China. Naturally, China will buy the goods offered for sale in China, other things being equal; and the nation which does not offer an aggressive commercial campaign in its own behalf can not expect the trade.

Roy S. Anderson, who represents the merchants' guild at Sou Chow, China, has been on a visit to the southern cotton mills. Now, cotton reaches Chinese ports only by New York, where a commission is, of course, necessary. From the time it leaves the southern cotton mills and reach the Chinese merchant it is subject to no less than 7 commissions, and one of these as high as 100 per cent. As a consequence, Mr. Anderson says that he has seen common calico sold for 25 cents a yard in Sou Chow, China. By direct trade with our southern mills Chinese merchants can save the cost of 6 of these commissions, and this will enable us to sell calico to China cheaper than any other nation.

Special Agent Hutchinson suggests the sending of competent men to South America. He is enthusiastic over the outlook for a splendid cotton trade there. He says:

> The demand for cotton goods is large and increasing. There is a general awakening in the cotton trade everywhere.

England sold South America in 1906 $18,000,000 worth of cotton goods, while our cotton-goods trade amounted to only $3,000,000.

Mr. Chairman, our export trade in cotton goods has fallen off woefully. Here are some figures that tell the tale.

The total exports of cotton manufactures from the United States to foreign countries for the last three years are as follows:

1905 total exports	$43, 666, 080
1906 total exports	52, 944, 033
1907 total exports	32, 305, 412

In 1905 our exports to Japan of cotton cloths amounted to $1,154,274, and in 1907 our exports for cotton cloths amounted to only $140,000. This shows a decrease in our Japanese trade.

In 1906 all our exports of manufactured cotton cloths increased to practically all the foreign countries, and increased from $43,320,542 in 1905 to $52,181,860 in 1906.

In 1907 our exports to the countries above named decreased from $53,181,860 to $21,239,247, principally on the Chinese and Japanese trade. China decreased from $29,641,188 in 1906 to $5,714,191 in 1907.

The United Kingdom has the best cotton goods trade with China and Japan and we are second. Our trade abroad has been sadly neglected—that is, our trade in manufactured cotton goods. There is much that can and should be done along this line. Our manufacturers of cotton goods are and have been for the last two years manifesting more interest in their business than ever before. The fact that the producer is demanding a better price for his cotton than he formerly did is causing the manufacturers to look for broader fields and larger sales. We must send agents to the foreign field, learn their methods of doing business and the tastes and desires of the people, find out the kind of goods they want, and manufacture them. With England, Germany, and France active in these foreign countries, it is up to us to go after our share of this foreign trade, and not sit supinely down and expect it to come to us. Like the old darky who prayed for the good Lord to send him a turkey on Christmas. Twice he had gone down on his knees, pleading for the turkey to be sent him, but the turkey didn't come, and Erastus changed the form of his prayer, saying, before he prayed:

> De Lawd ain't agwine ter do nuthin fer you, what you can do fer yu'sef. Gude Lawd, gib me de power and de ambishun to move swif'ly, an' befo de moon gits up and de pepul begins ter stir, sen me fer de turkey whut I ben er prayin fer.

And before the clock struck 12 that night Erastus had stormed the roost of his white neighbor and carried home in sable triumph the choicest gobbler of the turkey tribe. [Laughter and applause.] Like old Erastus, if we want a fair share of this foreign cotton trade we must go after it. [Applause.]

Our exports of raw, or unmanufactured, cotton for the years 1905, 1906, and 1907 are as follows:

To all foreign countries in 1905, 8,337,964 bales; value, $379,965,014.

In 1906 the total exports of raw or unmanufactured cotton amounted to 7,050,356 bales, amounting to $401,005,921.

In 1907 the total exports of raw or unmanufactured cotton amounted to 8,708,469 bales, with a value of $481,277,797. It will thus be seen that each successive crop since 1905 brought increased millions of money to this country.

An increase of over $21,000,000 in 1906 over 1905, and an increase of $80,272,441 in 1907 over the amount received from foreign countries in 1906. Good prices for cotton help the whole country. [Applause.]

Mr. Chairman, there is another branch of the cotton industry to which I will now refer, and I wish to quote what Col. Robert J. Lowry, of Atlanta, Ga., said recently:

Now the cotton plant is a wonderful thing. The actual cotton staple is not all that the South gets from this product of the soil. The by-products of cotton have added millions to the annual income of the South. Take, for instance, last year, 1906. The total cotton crop, as I have previously stated, was 13,500,000 bales. This produced approximately 6,500,000 tons of seed. Sixty per cent of this appproximately was sold to the cottonseed-oil mills, or, say, 3,900,000 tons of seed. A ton of seed will yield approximately 40 gallons of cottonseed oil, about 800 pounds of meal, 700 pounds of hulls, and 35 pounds of lint. This yield, at prices ruling during last year, would be $21.77 per ton of seed. At $21.77 per ton last year the income from the cottonseed was $84,903,000.

The manufacture of by-products from cotton seed is comparatively a recent enterprise. Several cotton seed oil mills had been built in the United States as early as 1840, but it was as late as 1870 before the industry was considered as being of commercial importance. The statistics will afford a striking example of progress in this line, which would almost stagger one who had not watched its annual growth as it progressed. Before the advent of the oil mills, about the only value attached to cotton seed was for planting and fertilizing. From the raw cotton seed we get three distinctive parts from which the by-products are manufactured—that is, linters, hulls, and meats. From the linters—that is, the reginning to take up the adhering short cotton—we manufacture carpets, rope, and twine. With the hulls we can fertilize, or make paper, or we can feed cattle. Especially is this food desirable for cattle when mixed with cotton-seed meal. For a long time the hulls were considered as fit for only fuel or oil-mill engines, but when it was discovered that hull ashes possessed qualities of fertilization, then their commercial value was at once recognized. From the meat of the cotton seed we get, first, crude oil and cake and meal. From the cake and meal we get a good fertilizer, or, when mixed with hulls, a most excellent food for cattle. The crude oil, when passed through the first refining process, yields summer yellow oil and soap stock. This summer yellow oil is of varying quality and, of course, is subject to further refining to produce better soap stock, winter yellow oil, stearin, and summer white oil. From the soap stock we get soap, from the stearin we get butter oil, salad oil, and emulsion, and from the summer white oil we get lard compound.

The by-products of the cotton plant are continually on the increase, for experiments show us still further valuable characteristics of this most wonderful plant. A very high-class food known as white cottolene is made by mixing hog lard with highly refined cotton-seed oil. It is now believed that the cotton-seed meal can be properly manufactured into a nutritious food for human beings, being cheaper than flour and containing more of the fats necessary to the human system. Even confectioners have found that parched kernels of the cotton seed are valuable substitutes for peanut brittle and other candies.

Mr. Chairman, when I used to chop cotton and follow a mule around the row I never dreamed that it contained candy for children and food for men. [Laughter and applause.]

Speaking of experiments, it may be said in this connection that it has been but recently discovered that the yield of lint can be increased approximately 10 per cent by allowing the seed cotton, after picking, to rest a month or so before ginning. In other words, the lint continues to grow during these few weeks from the nourishment which the seed imparts to the lint. Intelligent farmers have recognized this as a scientific fact and are profiting by that knowledge. The South's cotton crop this year is estimated by Mr. Richard H. Edmunds, editor of the Manufacturers' Record, an eminent authority, at $900,000,000. If all of the cotton was allowed to rest, so to speak, for a month or two before ginning, you can readily see what the lint growth would mean in dollars as a further complement to the possibility of this wonderful cotton plant. Experiments are also being made with the cotton stalk and boll, which are believed to be a good paper stock.

Now, Mr. Chairman, a few more words about cotton.

Cotton is more widely used now than ever before and its uses are increasing every day. The high prices of wool, linen, and silk are causing cotton to be more widely used than ever. Many articles of dress and ornament formerly made of linen and of silk are now made of mercerized cotton. "Cotton," says Charles W. Dabney, former Assistant Secretary of Agriculture, "on account of its cheapness and its many excellencies, is rapidly superseding its several rivals," meaning, of course, wool, silk, and linen.

Cotton is substituted for woolen goods and can be manufactured into cloth so resembling wool that you have to apply the chemical test to tell the difference. The substitution of mercerized cotton yarn for silk has greatly affected the silk trade. The census of manufactures obtained by the Government shows that the business of the silk manufacturers is being invaded. Cotton is about to put the silkworm out of business, and in competition with this white fiber of the field the sheep shows traces of tire. [Laughter and applause.] The great increase in the consumption of artificial silk (mercerized cotton) is accounted for by its adaptability for braids, fringes, dress trimmings, etc. The consumption of cotton yarns by the manufacturers of woolen goods has also greatly increased.

A bale of cotton worth $50 when manufactured into sheetings and denims is worth from $200 to $600; when made into thread or lace it will bring from $1,500 to $2,000.

A bale of cotton worth $50 will bring the producer about twelve dollars and a half clear profit. The spinner upon an average, at the very least, makes $35 on the bale clear profit. On the principle of live and let live let's divide the profit and take $12 from the spinner and give it to the producer. Then the division of profits is more equal—the producer has twenty-four dollars and a half and the spinner twenty-three. This difference on a crop of 13,000,000 bales would amount to $100,000,000 to the producer. A Frenchman, familiar with cotton and its various uses, says that the "spinner realizes from forty to fifty dollars profit on every bale of cotton."

When cotton fares well in the market our people are prosperous and happy. Here are some figures that show what good cotton prices have done for our people. Total deposits in Southern banks in 1900, $375,000,000. Total deposits in 1906, $995,000,000. [Applause.] Cotton is the basis of credit in all the South's business transactions.

We have been taught that the law of supply and demand was as fixed and as certain of enforcement as the law of the Medes and Persians, but not so always. We have seen the cotton exchanges in the United States and Liverpool defy and set aside the law of supply and demand, and by their unholy practice obtain a cotton crop at destructive prices to the farmer. They have been the means of bankrupting the farmer and impoverishing his soil. The price he received for cotton did not afford a profit and its production being unprofitable, the farmer was rendered unable to care for his soil and improve it as he should have. These exchanges have robbed the Southern farmer every year of millions of dollars. The uncertainty that has ranged around the price of cotton and the constant fluctuation of the price and the lack of means by which the producer could be assured that his cotton would not be a drug on the market have kept him in a state of embarrassment and despondency. This evil of the speculator that has preyed upon our cotton industry so long must be destroyed. This gambling exchange is not a help but a hindrance to the producer. It is not a friend, but a dangerous enemy to the farmer. It is not a blessing, but a curse to the South. [Applause.]

That competition is the life of trade is and has always been a cardinal principle of the Democratic party. What the producer needs is an open market—open to the world. In order to obtain this he must fight anything and everything that hinders competitive buying. Like greedy vampires these leeches of the exchange fasten upon the producers and cotton dealers of the South in the harvest time, and they suck and drain our industrial life blood to feed their putrid veins. [Applause.]

Time was when the professional speculator, hoary in evil practice and corrupt methods, wanted us to crowd the market and part with our cotton at a low price he would publish thrilling, extraordinary stories about the cotton plant and its productive prospects in foreign countries. They would tell us of the discovery of a cotton tree—and this was always just before or about the time we commenced to sell cotton—sometimes it was in Australia, then in India, and the last one made its appearance, I believe, in Africa. They would try to frighten us into believing that these trees, wild in the woods, were heavily burdened with cotton and all that was necessary to be done was to shake the tree and the ground in an instant would be white as snow. [Laughter and applause.]

Or, they would fill the newspapers with stories to the effect that India was about to put us out of the cotton business, and when they deemed it necessary, they threatened us with large crops of cotton in China and Japan. They talked and wrote about it as if the cotton plant was a stranger in those parts and that the people there were just now making efforts to grow it, when the fact is India produced cotton and cotton goods over three thousand years ago, and the army of Xerxes wore uniforms made of cotton. The Greeks used a kind of cotton goods for saddle blankets three hundred years before Christ. Cotton sacks are mentioned in the tales of the Arabian Nights, and Cortez used cotton to stuff the jackets of his soldiers to protect them from the arrows of the natives.

Blankets made of cotton have been found in the ancient tombs of Peruvian mummies. In the heyday of the republic India

muslin made of cotton was worn and highly prized by the coquettish dames of Rome.

In the far-off time of the Pharaohs cotton was worn as headdress by the dark-eyed Egyptian women and prized for its beauty and its glory. It grew in sight of the Pyramids and cotton robes were worn by the priests of Egypt. Wicks woven of cotton burned in the temples of the Hindoo, and cotton constituted the holy pillows for the priests. It nodded its white plumes to Alexander the Great and his conquering armies. It flourished along the Ganges and bowed its white head in grief when heathen mothers offered up their infant offspring to the cruel gods of a false religion. [Applause.] Cotton is no stranger to the Old World. It came to America with our fathers, and its white fiber has been our constant companion and helpful friend. The cotton seed was not content until it found lodgment in Southern soil, and cotton did not assert his kingly prerogative until he took up his abode in the land of pure democracy and a Southern sun kissed his snowy crown and bade him clothe the world. [Applause.] Now we see a crowned old monarch, his arm entwined about a lovely woman at his side, and written beneath them, "King Cotton and his Darling Democracy," Here, king cotton reigns in snowy splendor, and his royal subjects are at last showing appreciation of their vantage ground in the world of agriculture and are manifesting signs of independence in their manufacturing industries, their commercial establishments, and financial institutions. [Applause.]

The producer is not going to rest until the cotton business is placed upon a level with the best regulated business concerns of the country. It requires money, labor and time to make cotton and the producer is entitled to a fair price for it. Manufacturing and mercantile enterprises are not left to the mercy of the speculator, but they are conducted upon the soundest business principles. Why, then, should not the cotton traffic upon which all these other industries depend be protected by law and conducted on sound business principles? Discussing the question of money to move the Southern cotton crop of 1907, a New York banker said:

It may be that the Southern Cotton Planters' Association will be successful this year (speaking of 1907) in holding back the staple from the market so as to prevent the sacrifice in values that in other years has been caused by rushing the crop to market in order to enable planters to pay their debts.

A. B. Coles, a banker, discussing cotton as collateral in the Southern Banker, said to the bankers:

Be diligent in the matter of knowing personally that the cotton is actually in existence.

The farmer does not object to this, but he does object to these exchanges selling cotton that is not actually in existence and by so doing destroy the price of cotton that is actually in existence. [Applause.] If we must have cotton exchanges, let's have them like the Bremen cotton exchange in Germany. Its members are not allowed to speculate in cotton futures, and this exchange is devoted entirely and expressly to handling spot cotton. It is against the laws of Germany for her citizens to speculate or gamble in staple commodities of any kind. Germany has thrown the arms of a righteous law around the great agricultural interests of her people, while the United States under the reign of the Republican party permits the speculator to fatten upon the substance of the great producing classes. [Applause on Democratic side.]

Mr. Chairman, I desire to read from an editorial in the Review of the London Magazine of Commerce. It is entirely germane to the subject under discussion and pays a high compliment to one who has spent the best years of his life fighting the "bull" and "bear" gamblers in options and futures. This is what it says:

THE ECONOMIC RUIN OF THE WORLD.

In every age there are a few men who have one great aim in view. They devote their lives to the end that they have set for themselves; they concentrate all their efforts on their chosen destiny; and neither cold opposition nor callous ridicule can swerve them from their path. History gives us many examples of the type. To this class of enthusiasts belongs Mr. Charles W. Smith (of England), who for thirty years has been endeavoring to obtain legislative restriction of international gambling in options, futures and warrants. The simple fact stands forth that gambling in fictitious commodities is an evil which has often dealt widespread ruin. Everybody admits that gambling in fictitious commodities is a pest with spasmodic eruptions of a very dangerous kind. Mr. Smith is doing yeoman service in educating the public into the existence of the evil.

Mr. Smith says:

Let the world's agriculturists' one united cry be, "Away with all fictitious international dealings in options and futures" and "Down with that enemy to humanity—the 'bear' operator—who for the past thirty years has been sucking our very life blood." Let each government also remember that agriculture is the national industry of every country; that it is the backbone of all countries; that land is the first and most important of all raw materials; that without a prosperous agriculture a nation must perish; and, lastly, that the world's agriculture is now of an international character, like its commerce and finance, and exerts everywhere a great influence on the destiny of nations.

And continuing he says:

We demand that the prices of the world's commodities shall in the future be governed by the economic laws of the world's supply and demand, and not as at the present and in the past, by bull and bear gambling operations in nonexisting products and by the manipulations thereof, for the sole benefit of the gamblers, through options and future contracts. Surely all governments will see there is nothing but absolute justice in these propositions. The course of prices for agricultural products should be fixed in the future, so far as is possible, through the medium of the producers.

Again Mr. Smith says:

The Austrian Government proposes that all gambling operations in options and futures of cereals, without the obligation of delivery, entered into by any persons residing in Austria, either on the Bourse of Budapest or those of any other foreign country, shall be treated as illegal, and the said operations come under the penal clauses of the Austrian bill. This is as it should be in all countries.

Listen to this appeal from the same high source:

Finally—

Says Mr. Smith—

I can only express a prayer that the governments of those nations who have not yet legislated will, in the interest of humanity, see that legislation is absolutely essential in order to support those who have already done so, not only in their own national and individual interests, but also in those of the world's. Let us checkmate the world's grave economic, moral, and spiritual perils, which bankers, capitalists, and market gamblers, through the medium of these international gambling operations, are slowly but surely bringing upon all God's creatures.

[Applause.]

Speaking of the evils of speculation in his own country, this great enemy of the gambling exchange said:

And the world will have to realize that these sentiments are applicable to all other nations. But it is through the unjust power of these international gambling operations in the world's stock, produce, and metal exchanges that these unscrupulous men of wealth have been enabled to become predatory, and thereby directly and indirectly to exploit all properties, including land and labor. The result is that all men's private properties have been turned into "gambling counters," and this in order to establish on the world's exchanges "a Monte Carlo without the music," at which the great international capitalists and market gamblers preside and hold the bank, to the jeopardy of one and all.

Further, it is by such deadly "bull and bear" international gambling weapons that these men have also cunningly and secretly obtained the key to the financial, agricultural, and commercial conquest of the world. I maintain I have ample justification in denouncing international financial and commercial gambling in "options and futures" as standing out as the greatest of all perils which the world has to contend with in the future, in connection with preserving the rights of property, as well as upholding the liberty and privileges of the people.

It is a matter of personal gratification, after nearly twenty years of laborious public work carried on all over the civilized world, to be able to place on record for the benefit of my fellow-countrymen how, notwithstanding the secret antagonism of the world's market capitalists and of the press which they control, the truth of the views I have been preaching. Let me briefly set forth for the benefit, especially of the British Government, the numerous examples of the ruin caused to Egypt during the past two years only by Bourse gambling, not only in stocks and shares, but also in cotton and other products.

In 1905 the Egyptian cotton manufactory was ruined. In 1906 the Egyptian Society of Sugar Refineries was declared bankrupt. In 1906–7 the Egyptian speculators lost enormous sums of money in gambling operations in "futures" of Egyptian and American cotton on the exchanges in Egypt and in Liverpool. Since 1906 there has been a prolonged period of financial depression, caused solely by overspeculation and rank gambling.

Mr. Chairman, comment is unnecessary. The truth of his contention is apparent to every Member of this House, and the evils of speculation, the suffering and want that have followed in its wake, are known to millions of producers in the South and in the West. Let this Congress meet the issue honestly and fearlessly, and grant the relief here asked for. [Applause.]

In 1900, there were 400 bucket shops and gambling exchanges in the United States. In six years the number increased to 1,000. Now there are shrewd market manipulators and a gang of gamblers backed by large interests who have designs on the cotton crop every year. Arrayed on that side are men of brains and men of millions. Let us not underestimate their strength, but rather let us admit that they are strong, unprincipled, and powerful. They are the trained soldiers of a warfare that has cost the South millions and millions of dollars—that has sown the horrors of debt and mortgage upon the homes and farms of our people. The Farmers' Union and the Southern Cotton Association routed these robbers in 1906 and carried out the scriptural idea of "Breaking the jaws of the wicked and plucking the spoil out of their teeth." [Applause.]

Mr. Chairman, I wish to call attention to an editorial which appeared last week in the Saturday Evening Post. Discussing speculation in commodities, it said:

First and last, a lot of money is made out of this gambling. Otherwise it would not continue. Whether the bull finally gets this money, or the bear, or simply the broker, does not matter. Whoever gets it does not earn a penny of it. He does not produce or transport or distribute a bushel of grain or a pound of cotton. He contributes absolutely nothing to industry itself. He merely sits outside and bets on it. So that the money that is made in speculation, whatever the amount and whoever receives it, is just so much scooped out of the wealth that the country produces, with no return on the scooper's part.

This editorial, though brief, properly characterizes the speculator and his nefarious profession. [Applause.]

Mr. Chairman, in some letters recently written to Mr. E. J. Cook, secretary of the Farmers' Union of Alabama, and published in the Farmers' Union Guide, is some interesting reading. These letters are written by members of the New York and New Orleans cotton exchanges. Evidently the New York man did not know what the New Orleans man was writing or had written, for the New York man says, "Our future market is robbed of its natural support by continued adverse legislation," while the New Orleans man says, "Restricted legislation has deprived this market of its natural support—the southern speculator—thereby transferring the balance of power to New York and Liverpool, whose interests naturally are always against higher prices." Both admit that cotton should bring 15 cents per pound, but they suggest that the way to do that is to let the exchange alone and let it have its way.

Now, the New York Exchange can say truthfully that the New Orleans Exchange is also naturally opposed to high prices—and all these exchanges now are, because they are dominated by interests that want cheap cotton. [Applause.]

In a speech delivered recently in New Orleans, the home of one of the cotton exchanges, Mr. Paul M. Potts, president of the Louisiana State Cotton Association, said:

The establishment of these cotton-future trading boards was a deathblow to the producers of cotton and the country merchants, because it enabled the speculator to carry 10,000 or more of bales of future cotton or paper contracts with the same amount of money invested that he would have to invest to carry 1,000 bales of actual or spot cotton, and the effect of it is to make spot cotton a drug on the market subject to the whims and caprices of the heartless speculator. New York futures to-day, October 25, 1907, are nearly 2 cents per pound under the price paid at interior points in the South for actual spot cotton.

It is a far graver question than ever the Louisiana Lottery dared to be. The lottery only injured directly the purchasers of lottery tickets, but the operations of the cotton gambling exchanges injure directly every man, woman, and child in the South who are dependent on cotton. [Applause.]

Mr. Chairman, there is no getting around the proposition here laid down. Mr. Potts strikes full in the face the great evil that now so sorely disturbs the cotton industry of the South.

The president of the Farmers' Union of the United States, Mr. Charles S. Barrett, of Georgia, said recently:

The time has come when the speculator and the gambler must be eliminated from the cotton trade, and the spinner must come direct to the farmer for his supply of raw material.

Mr. Harvie Jordan, of Georgia, president of the Southern Cotton Association, said in a speech some days ago:

Cotton exchanges have so grossly abused their privileges and have become so detrimental to legitimate trade that they can not now claim to have any lawful reason to exist, and should be promptly outlawed from every civilized community in both America and Europe.

Mr. B. Cameron, of North Carolina, president of the Farmers' National Congress, said to me a few days ago:

I regard speculation in farm products as the greatest evil with which the farmer has to deal, and I trust that your bill to prevent gambling in cotton futures will become a law.

Mr. Chairman, I bring to you and to this House these messages and expressions from the chosen leaders of the great army of American producers. I submit that these men, occupying high and responsible places in their organizations and in the confidence and esteem of those they represent, are entitled to be heard in the interest of just and fair legislation. Back of them is the producer, who denounces the gambling exchange, and he pleads with Congress for deliverance from its blighting curse. [Applause.]

Six months ago, Mr. Chairman, the cotton growers and cotton spinners of the world met in Atlanta, Ga., in the greatest cotton congress that the world ever saw. I was a delegate, representing the cotton growers of Alabama, and in that convention I introduced the following resolution:

Whereas the uncertainty that ranges around the price of cotton produced by speculation in cotton futures now indulged in by certain exchanges, causing the market to fluctuate many times a day, is antagonistic to the spinner, to the consumer, and the producer of cotton;

Be it resolved by the International Conference of Cotton Growers and Manufacturers in convention assembled, That we earnestly request the Congress of the United States and the Parliament of Great Britain to so regulate such exchanges doing an interstate and international business that gambling in cotton futures shall be prohibited and so that the seller in the exchange shall be compelled in good faith to deliver the cotton sold and the grade agreed upon at the time and place specified in the contract.

This resolution was referred to the committee on buying and selling. This committee was composed of spinners and producers. The members representing the spinners opposed it, and those representing the producers favored it. Chairman W. W. Welch, of Mississippi, a farmer, acting for the committee, reported it to the congress, saying:

Your committee recommends the adoption of Congressman Heflin's resolution to prohibit by law dealing in cotton futures.

I will here read from the Atlanta Constitution's report of the proceedings of that day:

Gambling in cotton futures and whether it was wise to adopt the resolution of Congressman HEFLIN was the question which consumed the greater part of the Wednesday morning session of the growers and spinners' conference.

Vigorous speeches on the question were made by both the growers and spinners. The growers, with one accord, indorsed the Heflin resolution, which was favorably reported by the committee on buying and selling cotton; but the foreign spinners, while condemning gambling in futures, were advocates of the cotton exchange.

Mr. Chairman, I was convinced at that cotton conference that the spinner had and held a very cordial relation with the cotton speculator. They could join us in condemning gambling in futures, but when the time came for action they stood by their old and trusted friend, the gambling exchange. My resolution calling on Congress and the Parliament of Great Britain to prohibit gambling in cotton futures in these two countries was unanimously indorsed by the Farmers' Union and the Southern Cotton Association; but the spinners were hard to enthuse on the subject, and they voted to postpone the matter for another year. Now then, to my mind it did and does appear that the spinners and the speculators are mutual friends.

Theodore Price, a well-known operator of New York, in 1905 denounced the South's effort to organize and hold her cotton for a fair price as an "oppressive trust." He said: "That this attempt will fail is a foregone conclusion." He further said: "The South's effort to organize and hold cotton was economical suicide." Well, Mr. Chairman, if that is suicide, the pity is that we didn't commit that particular kind of suicide long ago. Again we see spinner and speculator together, and Theodore Price addressed the cotton manufacturers in a convention in Philadelphia in 1906. He assured them that this movement to demand a fair price for cotton would accomplish nothing and sought to stimulate their faith in him and other speculators to manipulate the price, as they had done so often before.

Mr. Chairman, let us go back to the old days for a moment. Time was when cotton dealers in New York only bought and offered for sale cotton to arrive, and this cotton was actually on its way to New York. Then there was demand for cotton itself, and men bought it and sold it to the manufacturer and others who desired cotton. Here the law of supply and demand was the law of the cotton market. The producer then had an open market, and cotton, not margins, was in demand. How is it now, Mr. Chairman? They do not buy or sell cotton to arrive—cotton on its way to New York—but they offer for sale in unlimited quantities a fictitious stuff which they please to call cotton, and by so doing they injuriously affect the price of the real product. They substitute a sham sale for a transaction in real cotton, and this to the great injury of the producer. [Applause.] Time was when the cotton buyer in Liverpool would go directly to the South to the cotton fields of the United States and there ascertain from the farmers and cotton merchants the price of cotton, and he bought his cotton there and it was shipped to him at Liverpool. Then the producer had something to say about the price of cotton. Then the cotton merchant and the cotton manufacturer based all of their operations in the cotton market upon the cotton actually produced or to be produced and nothing else. [Applause.] How different now. The cotton merchant has been outlawed and the manufacturer has turned away from the producer of cotton to the gambling exchange. And this exchange, under present methods, handling fictitious stuff and dealing in margins, has been in operation for years to the detriment of the great army of cotton producers. [Applause.] You buy a paper contract, say for a hundred bales of cotton, you do not have to pay the full value of the cotton—in fact you are only required to put up anywhere from one to five dollars per bale, and on a hundred-bale contract with $100 you can affect the price of $6,000 worth of cotton. But one of the members of the New York Exchange says that—

this plan is good for the buyer, because he does not have to dig into his pocket at the outset and pay the full value of the cotton and saddle himself with interest, warehouse charges, insurance, etc.

Mr. Chairman, this declaration of itself is enough to convince any man that the cotton exchange as run to-day is not the friend of the producer. [Applause.] It does not consider the amounts invested in farm lands, in farming implements and expended for labor. None of these things concern the gambler in the exchange. They trade in contracts, and no cotton is demanded or delivered. The number of bales handled in a season is not measured by the number of bales actually produced in the United States, for the New York Exchange alone sells in a single season a hundred million bales—nearly ten times the amount of the real crop. They sell something that is not in existence—something that they do not own and hence can not deliver. Let your buyer of a hedge buy in good faith and expect

delivery, and let the seller sell in good faith intending to deliver. If these cotton exchanges were compelled by law to have behind every contract for future delivery the actual cotton to deliver, the producer could not and would not complain; but he does complain, because thousands of these paper contracts are of the wild-cat kind and represent no real values, and into outrageous competition with these the real producer is drawn.

Mr. Chairman and gentlemen, the producer must be relieved of the outrageous and destructive competition to which he is now subjected by the speculator who offers upon the exchange a fictitious product which he can not and does not intend to deliver. These gambling exchanges buy and sell a fictitious product, and the price that they fix is intended to determine the price of the entire cotton crop. This obnoxious method deprives the farmer of his right to a voice in fixing the price of this important product—a right which is accorded other producers. [Applause.]

The South wants an honest market and such prices as will follow the unhampered operation of the law of supply and demand. We want to return to the principle which is as old as commercial intercourse itself, and that is that the seller shall be compelled in good faith to deliver the commodities sold at the time and place specified in the contract. [Applause.]

If a man does not own a certain kind of property, but represents that he does and obtains money on it he can be punished for obtaining money under false pretenses. And this transaction in one sense only affects the party who loans the money and the party who practices the deceit. If a man obtains money or other thing of value, giving a mortgage on property that he does not own, he is guilty of a penitentiary offense and must wear stripes for his crime. And in this transaction only the mortgagor and the mortgagee are affected; and yet Congress permits the cotton gambler to obtain money by offering for sale something that he does not own and never expects to own, and through this evil performance in the speculators' exchange the real product upon which millions of people are dependent for a livelihood is injuriously affected. Is this treatment of the world's cotton producers fair and just? [Applause.]. Every buyer is the direct friend of the producer, for he buys, and under the free exercise of the law of supply and demand hopes to see the market sustained and advanced. To have this demand for cotton met with an artificial supply is antagonistic to the legitimate interests of the cotton industry and is a crime against the great body of cotton producers in this country. [Applause.]

The spinners are interested in seats on the New York Cotton Exchange. They are represented there—I mean spinners in this country and spinners in foreign countries, too—and vast millions are back of these men, and it is used from time to time to create a bear market, because the spinner wants to buy the raw material as cheap as possible and he has long since learned that the cotton exchange can be relied on as the handy instrument to accomplish this purpose. [Applause.]

Mr. SIMS. Will the gentleman permit me to ask him a question?

Mr. HEFLIN. Certainly.

Mr. SIMS. The cotton exchange is very hard on the bucket shops. I want to ask the gentleman if he thinks the bucket shops could last one minute without the cotton exchange to furnish quotations on which they bet?

Mr. HEFLIN. They could not. Mr. Chairman, the bucket shop is merely the crap shooter in the cotton game, while the exchange with a fixed hand is the stud-poker player in the great crime against the producer. [Laughter and applause.]

Here is the South Carolina law:

No dealing in futures permitted where the person contracting for the sale is not the actual owner, or agent for the owner of the commodity dealt in, or where it is not the intention of the seller actually to deliver, and of the buyer actually to receive. Penalty from $200 to $500, with possible imprisonment.

If I go into the exchange in the morning and can get a majority of the members, which is easy to do, as nearly all of them represent spinning interests, to join me in bearing the market, our success is assured and the producer is robbed. And this has been done without the use or the delivery of a single pound of cotton. The producer appears in the market with a hundred bales of real cotton to sell. Having counted the cost of production and knowing something of the demand for raw cotton and its value to the consuming world, he demands twelve and a half or fifteen cents per pound. Then your gambling exchange gets in its work, bears the market, and proposes to sell a hundred bales of something which it is allowed by law to call cotton for nine or ten cents per pound; and I submit that this criminal procedure, licensed by the law, is the deadly enemy of the producer and ought not to be countenanced for a day. [Applause.] The producer is entitled to fair prices and living profits. All that he asks Congress to do is to remove the licensed obstacle that stands between him and an open market—open at all times to everybody who wants cotton. Then the law of supply and demand will control. But now, when you have a few men constituting what they call a cotton exchange, with its limited membership of four hundred and fifty men, and every seat around the pit worth twelve thousand five hundred dollars, regulating the price of cotton always toward the bear side, the producer has no voice and no chance in the premises—he is an object of prey for their greed. The high licensed, close corporation millionaire club gather around the pit of the exchange, and there behind closed doors and in secret conclave the southern people are robbed—systematically robbed of a produce upon whose fair price depends the happiness and well-being of 26,000,000 people. [Applause.]

Mr. Arthur Marsh, member of the New York Cotton Exchange, says:

All the arteries of the cotton world lead not merely to New York, but to the very floor of the cotton exchange.

Yes, Mr. Chairman, and there behind closed doors they rob the South annually of millions and millions of dollars. We have seen this gambling in stocks and in products in New York lure money from legitimate channels, destroy legitimate business, paralyze commerce, and place southern and western producers at the mercy of those who would rob them of the fruits of their toil and cause the wails of a financial panic to be heard in all the States of the Union. [Applause.]

Employing the phraseology of another, let me say, "Why should we not be permitted to call upon the Government for aid as do the gambling-stricken banks when pressed by frenzied speculation?" The banks South and West help those directly engaged in gainful pursuits; their borrowers produce the merchandise that brings gold from its foreign hoarding place and that maintains the Treasury's reserve. Such aid would uplift the price of cotton, and every dollar thereby added is an American dollar—a dollar that circulates through the pockets of men whose sweat and sacrifice maintain the prestige of the Stars and Stripes. [Applause.]

New York, by governmental sanction, has become the financial tyrant of the United States. In the fall of 1907 eastern banks holding our securities failed and refused to let us have money already arranged for. Cotton speculators in New York urged southern bankers to withhold money from the farmer and force him to sell his cotton. Is it just or prudent that any one city or section should, by approval of the Government, financially dominate all other cities and sections? Shall the United States sublet, even in part, its prerogative that the regulation of money shall be by Congress, as provided in the Constitution? Can this Republic allow the first fruits of its soil to be exposed to the foreign bear or leave its protection to the mercy of speculators or the caprice of the banks of any city, or to the agony of an always possible Black Friday? In the name of the producers of the South and West I appeal for relief from the financial difficulties under which they now labor and for deliverance from the curse of gambling exchanges which doth now so sorely afflict us. For a long time these exchanges, intrenched by authority of the law and backed by many millions and undisturbed by anyone, flourished at the expense of the producer. The people knew that something was wrong, but they did not know just what it was. They saw the price of products rise and fall at the beck and call of the exchange, but the exchanges managed to have the price going down while the product was in the hand of the producer.

Mr. FITZGERALD. Mr. Chairman, will the gentleman from Alabama yield for a question?

Mr. HEFLIN. If it is short, I will.

Mr. FITZGERALD. I want to ask the gentleman if there ever has been any complaint of injustice done by the classification in New York?

Mr. HEFLIN. Yes, sir; a thousand times. [Applause.]

Mr. FITZGERALD. Has not the objection on the part of the cotton planters been more to the number of grades that have been established?

Mr. HEFLIN. The planter objects to the exchange and all of its nefarious practices. [Applause.]

Mr. Chairman, one of the chief advocates of the gambling exchange says that—

speculation is chief among the means by which modern life combats the uncertainties of the future.

When the fact is, this speculation as now carried on is chief among the means by which a few men who control large sums of money and who concentrate it at the place of the exchange deprive the producer of any voice in fixing the price of his produce. More than that, Mr. Chairman, speculation in farm products as now allowed is chief among the means by which a

coterie of nonproducers actually rob the producers, and by which a class of men with vast sums of money are threatening the great producing class with a condition of industrial slavery. The great agricultural interests of the United States cry out to Congress for frank recognition and equal rights with all other interests in all the marts of trade. Rome reached the zenith of her glory when she laid greatest stress and emphasis on her agricultural interests. When agriculture was exalted and became the first fruits of her consideration and care Rome was prosperous and happy, and never until the producer was ignored and agriculture neglected did she show any signs of decay. The agricultural classes of the United States beg you to remove from their path the gambling exchange which disturbs and destroys competitive buying. They plead for an open market—open to the world where all men who want cotton can bid and buy in the open. [Applause.]

One newspaper commenting on the effort to regulate cotton exchanges by Congress, says:

It will give a shock to the business interests of the country if the manufacturer of cotton cloth, or the millers, who often sell their product for future delivery at home or abroad at a time when they neither have cotton or wheat could not protect themselves by buying cotton or wheat for future delivery.

Mr. Chairman, it is not our purpose to disturb legitimate business; on the other hand, it is our purpose to encourage and protect legitimate business. If the manufacturer of cotton goods sells the output of his mills in advance and wants to be sure that he can get the cotton with which to manufacture the goods and meet his contracts, he can buy in good faith cotton for future delivery, and the legislation for which we ask will not affect him. But he must buy the cotton from people who intend to and who are capable of making the delivery. He is in the cotton business and wants and must have cotton. The grower is also in the cotton business; he employs his skill, expends his energies, and devotes his time to the production of this important crop, and when the cotton is produced it represents a year's toil, vast sums of money expended for land, labor, stock, and farming implements.

Unless the grower can sell his cotton for a fair and reasonable price he can not live decently and worthily. It costs more to produce cotton now than ever before. The legislation that we desire will not deprive the producer of the right to sell his cotton in good faith for future delivery. The cotton manufacturer has invested in his great enterprise vast sums of money. The farmer has invested in the great cotton-growing business vast sums of money. The grower and manufacturer must of necessity have an eye to the future. The producer is dependent upon the price and demand for raw cotton, and the manufacturer is dependent upon the price and demand for manufactured cotton goods, and the business of each should be left to the full and fair operation of the law of supply and demand. These men, growers and spinners, devote their money and their lives to the cotton business.

There is another class of men who are properly called cotton gamblers. They do not grow cotton and they do not spin or handle cotton in any way. They deal only in the speculative side of the market, where margins and paper contracts are substituted for actual cotton. The unfair and ridiculous competition to which this farcical performance subjects the grower deserves the condemnation of this House and of decent men everywhere. [Applause.]

The manufacturer must base his contract for future delivery of cotton goods upon his ability to secure a portion of the cotton crop to be grown out of the ground and not produced in chalk marks on the blackboard of a gambling exchange. [Applause.] The cotton gambler's contract is conceived in sin and born in iniquity. He bases his contract, not upon his desire or his ability to deliver cotton when sold, and the party with whom the sham sale is perfected does not expect or desire that actual delivery of cotton be made, and yet, by speculating in a fictitious product which they call cotton, the price of the real product is injuriously affected. I repeat, these men are cotton gamblers pure and simple. [Applause.]

The cost of production, the happiness and well-being of that great army of cotton producers in the South do not enter into their remorseless and thieving game. The man in the market with actual cotton for sale sees a fictitious product meeting the temporary demand for cotton, and his own product becomes a drug on the market. The price of cotton goods and the amount of the cotton supply coupled with the demand for both ought to and would shape the price of raw cotton if speculation in cotton futures were prohibited by law. The exchanges for a long time in spite of the bear market, which they created and upheld, succeeded in deceiving a great many of our people into believing that the cotton exchange, as operated in New York and New Orleans, were the friends of the producer. But now they are no longer deceived.

Before the South organized her producers the spinners contracted with the speculators for the year's supply of cotton; then the spinner did not care or bother about the cotton market. He had his cotton bought and the price agreed on. How did this leave the producer? In his unorganized condition he was helpless. The spinners who wanted cotton arranged with the speculator and retired from the scene, and the producer was left to the mercy of the speculator and the speculator was doing all in his power to buy the cotton as cheaply as possible. They contract to sell so many bales at a certain price, then they go to work to keep the price of cotton down. If they sold it for 7 cents and can buy it for 5 they have made 2 cents per pound on two-thirds of the crop, and should we make 11,000,000 bales it would be seventy-odd million dollars in the pockets of the gamblers. If 15 cents is a reasonable price for this cotton, and it is, the speculator backed by the spinner has robbed the producer of the difference between 5 cents and 15 cents on 11,000,000 bales, which is the enormous sum of $550,000,000.

We know the countries that need and must have cotton, and they know that we, and we alone, can grow cotton in abundance, and it is foolish to say that we must rely on cotton exchanges to exploit our cotton and tell us its value and cause us to have buyers.

This close corporation in New York called the cotton exchange deprives the producer of any voice in the conduct of the exchange. The cotton to be delivered by the exchange, or rather by any member, is submitted to the samplers and weighers of the New York Exchange. The producer has nothing to do with it; and upon all matters as to grade the members and their representatives act, and their decision is final. The members of the classification committee are salaried officers paid by the exchange, not by the producers, and the grade of cotton certified to is final and from it there is no appeal. So that all the dog-tail cotton in the country, once in New York and bearing a certificate of good character, a certificate issued by the exchange itself, serves their unholy purpose. [Applause.]

Mr. Chairman, I wish now to read a portion of the Agricultural Committee's report on the Hatch bill, which passed this House in the Fifty-third Congress, but was defeated in the Senate. The committee said in part:

The foundation principle of this bill, and that which runs all through it, is as old as the system of commercial trading, and for a hundred years or more in this country was not only the basis of all transactions but was honestly and universally adhered to; and that is that the seller shall be compelled in good faith to deliver the commodities sold at the time and place specified in the contract. Actual delivery was made the basis of all the original laws and rules of the boards of trade in this country as well as of Europe.

Every produce and every grain board of trade in the United States to-day has upon its rules the right of the buyer to demand and the obligation on the part of the seller to deliver what he agrees to sell for future delivery; and they always recognize this principle. They know, as every lawyer in the United States knows, that no contract without such a provision behind it can be enforced in any of the State courts of the Union or the United States courts. What the great body of the producers of the United States now complain of is that this principle is daily, hourly, and almost universally violated. Pretending to enforce a delivery of the commodity sold, they have invented ways and means, phrases and methods, to evade the plain provisions of their own laws, their own rules. This bill contemplates nothing that is not embraced in the rules of the boards of trade except that it will enforce the actual contracts made and absolutely prevent the open and flagrant violation of them. It provides that every contract made for future delivery of these commodities shall be terminated by an actual delivery, and not an evasive or simulative one, of the commodities sold. If the question is fairly presented it will be seen that only the speculative centers are affected by a measure of this kind. They have no interest in common with the producers. Inside the walls of their close-corporation structures they set up the mandate of markets, and no producer is permitted to approach the throne from which issue the edicts that destroy his prosperity. The producers, the shippers, the manufacturers, and the consumers alike are excluded from the daily sessions where the prosperity of the nation is made secondary to the manipulators of the price of food products.

It is simply amazing to me that Congress has permitted this condition of things to exist so long, for it is clear to every man who has given it any thought that the producer, under this system of speculation, is outraged and robbed. [Applause.]

Here is an exhibition of rascality and crime practiced and committed through the system of speculation now in vogue in New York:

NEW YORK, *June 19, 1906.*

The trial of E. S. Holmes, jr., formerly assistant statistician on the Department of Agriculture crop-reporting staff at Washington, who is charged with selling advance information about the crop reports of the Government, is arousing keen interest in Wall street. It will be recalled that in 1905 a serious charge was made by the Southern Cotton Growers' Association to the effect that the Department of Agriculture crop reports were being peddled out in advance to stock and cotton brokers and others. In other words, these reports were available to those desirous of operating on them at least twenty-four hours ahead of the official publications to the world at large. An official investigation was immediately demanded into the whole business, and is now being conducted at Washington. Mr. Louis C. Van Riper, the chief witness of the day, declared that Holmes had for a long time

provided to the well-known cotton operator and manipulator, Mr. Theodore H. Price, advance information as to crop estimates, and had been paid liberally for so doing. The witness even went so far as to assert that Holmes had had, at the time in question, over $50,000 for his services in this direction.

And now, in defending speculation, Mr. Theodore Price, of New York, says:

Solomon, reputed the wisest of men, said, "Where there is no vision the people perish." In all literature—

continues Mr. Price—

there is no justification of speculation so vivid or trenchant as this statement. The world's great things have been done by men who are willing to take risks and whose willingness was inspired by the picture of success which they kept constantly before their minds and their ambitions.

Mr. Chairman, Solomon in all his glory never dreamed that an exchange gambler would employ the above quotation in justification of his crime. [Laughter and applause.] This man Price is authority on "vision," "pictures," "risks," and "willingness" to undertake great things. I have in mind a picture now, and Theodore Price is a conspicuous figure in it. He is looking toward the Agricultural Department in Washington, and there is revealed to his "vision" valuable statistical crop information, and this man of "risks" and great "undertakings" invades the secret service of the Government and offers to buy statistical data prior to the day fixed by law for its publication. He bought and used this information in his gambling operations; but this man of "risks" and great "undertakings" did not stop with that measure of crime against the producer and against the Government—he paid money to Holmes, of the statistical department, not merely for advance information regarding crop statistics, but he had the statistics changed and made the Government report tell a lie to the world. [Applause.] The producer was in a woeful fix. The exchange was robbing him at New York and there was a thief in the Department at Washington giving out information to Price and his kind.

Mr. Chairman, let me give you a brief statement from the grower's side of this question. He says:

A decline of $6 per bale within less than a week represents a serious loss. The fact that values could be thus annihilated without any just or reasonable cause is a consideration of grave importance. A man may waste his property or lose it through ignorance or mistaken judgment, but when one's property is taken from him by unexpected assault he loses not only his property, but his rights. It is therefore of the first importance that the agency inflicting such a loss be discovered, and the remedy for the wrong be found and applied.

Mr. Chairman, these speculators do not own a pound of cotton. What right have they to offer for sale cotton belonging to the producers in the South? No man is allowed to sell or offer to sell without authority from the owner stocks or bonds belonging to a certain railroad. No man can sell or offer to sell any share in a given corporation without the authority from the owner. If a man who has no stock in a certain railroad should offer for sale some of the shares or stocks in the exchange, those who really own the stocks would object to and stop the performance which might injuriously affect their property. Then are you surprised that the cotton grower should complain when men who do not own or have any connection at all with real cotton offer cotton for sale? Is railroad property or shares in a corporation more sacred than property in farm products? [Applause.]

The fact is the New York Cotton Exchange is the rottenest cotton-dealing establishment in the world. The outcast and refuse cotton of the world is in good standing at this exchange and serves their unholy purpose. Harvie Jordan, president of the Southern Cotton Association, found on his trip abroad that 9,000 bales of American cotton had been shipped from Liverpool to New York to fill July contracts. It was such a dirty low grade cotton that it had been refused on the Liverpool Exchange. [Applause.]

The Members of Congress from the South called on the Post-Office authorities at Washington to issue a fraud order against the New York Cotton Exchange on the ground that it was not doing a legitimate business, and we asked that the use of the mails be denied them. It was further charged that the cotton sold on contracts on the floor of the exchange was never delivered at all and that the cotton delivered in any instance was not of the middling grade, or its equivalent, but a rotten commodity which can not be spun. It is only fit for making horse collars and mattresses. We have caught them in the act of rascality, and now, when we are trying to put them out of business, when we have exposed their methods to the world—about twenty members profess to have had a change of heart, and they, together with Theodore Price, claim to want a revision of grades and a change of rules. These new converts remind me of the fellow who runs a blind tiger in the community until just before the grand jury meets, pretends to get religion, escapes prosecution, and when court adjourns, lo! the haunts that knew him once claim him and hold him as of yore. [Laughter and applause.] We have seen in the New York Exchange and the New Orleans Cotton Exchange, on the same day, a difference of from one cent to a cent and a half a pound, the highest being at New Orleans and the lowest being at New York. It has been estimated that the New York Cotton Exchange has cost the South $75,000,000 a year. This tremendous drain has been going on for a long time. My bill would put a stop to this exchange and its evils and put its gambling members in the penitentiary where they ought to be. Price is not now a member of the New York Exchange, but has a representative on the floor always. So, where is the difference?

Mr. SMALL. Will the gentleman yield?

Mr. HEFLIN. For a question; my time is limited.

Mr. SMALL. I would like to know what legislation the gentleman thinks would accomplish the purpose of stopping this gambling.

Mr. HEFLIN. I am coming to that.

We must deny to the exchanges that gamble in futures the use of the telephone, telegraph lines, and the mails for gambling purposes, and wild speculating in cotton futures will cease. [Applause.]

Hereafter the producer is going to employ some business tact. He is going to count his own time, the cost of labor, and in fact the cost of everything that enters into the production of cotton; and then he is going to display a measure of intelligence by adding a little profit. Not until the producers asserted themselves through their organizations did the spinners ever talk of dealing directly with the producers of cotton. Never, until we branded these professional gamblers in cotton futures as enemies to the cotton growers did foreign spinners want to make our acquaintance and talk business with us. These spinners responded to the exchanges, and the exchanges made them perform like jumping jacks. They were ready to make any announcement about cotton, or trouble at the mills—anything that would serve their purpose. With these shrewd rascals in the exchange backed by the combined power of the spinners the producer was helpless until he organized. Now he stands up in the open, and by concert of action through his organizations demands that Congress destroy the cotton gambler. [Applause.] And many things testify to the fact that the producer as organized is becoming a power in the land. He has been able in two years to bring the foreign spinners across the seas and through the country down to the cotton belt for the purpose of getting acquainted with the producer of cotton, and to bring about a better relation between spinner and producer. In other words, by your assistance, we will cause the spinner to realize that he must look hereafter to the producer and not to the speculator for the price of cotton. How things have changed in the past two years. Not long ago the only discussion that we indulged in concerning cotton was, will the crop be large or small, and what do you suppose we'll get for it. How about it now? Conventions are being held at home and abroad by manufacturers and producers, and the subject they are discussing is cotton. The questions with us now are not so much as to whether the crop will be large or small, and how much will they give us for it, but the questions are, how shall we destroy the enemies of cotton, what is a fair and reasonable price, and how much shall we demand?

Mr. Chairman, all that the cotton producer asks is an open market free from the tricks of trade employed in the exchange. These cotton gamblers have their own bureau of information and they manufacture whatever is necessary to serve their purpose. Here is a sample. Not long ago Theodore Price sent out a letter saying that the cotton crop would be eleven million bales. The ink was hardly dry upon that circular until he issued another one saying the crop would be thirteen million bales. This man spends thousands of dollars a day sending messages over the country practicing in a new way the old, old game of "come into my parlor, said the spider to the fly." [Applause.]

The wool grower does not have an exchange to inform him of the value of wool, and yet he has prospered when the cotton grower was hard pressed and helpless in the hands of the exchange. No exchange stands in the market path of the hay crop, and yet the hay crop in the United States is of greater value than the cotton crop.

The gambling exchange has ruined more men in the South than we can ever know. It has robbed us of millions every year. It has destroyed homes once happy and prosperous. It has sent men raving to the madhouse and others reeling into the suicide's grave. [Applause.]

This cotton gambler has demanded a frightful sacrifice of manhood and honor. There is scarcely a community in the

South where you can not find the foot tracks of this remorseless monster. Gambling in cotton futures is one of the meanest forms of gambling—it ruins morally the speculator and destroys the price of a product upon which millions of our people depend.

Hon. William Jennings Bryan, that able and fearless champion of the people, said in a speech in New York a few days ago that—

> Measured by the number of suicides caused by the New York exchanges, Monte Carlo is an innocent pleasure resort by comparison, and the men who operated the Louisiana State Lottery never did a tithe of the harm that the grain gamblers, cotton gamblers, and stock gamblers of New York do every day.

[Applause.]

Mr. Chairman, cotton deserves better treatment than it is now receiving at the hands of the Federal Government. Cotton has done more to maintain America's credit abroad and to keep it on a sound financial basis than all other commodities combined. The failure of no one crop would so affect the world as the failure of the cotton crop. Millions of people would be thrown out of employment and millions more would suffer and shiver in the cold. Upon the cotton plant and its snowy offspring rests the financial structure of this Government. Destroy the crop one year and you will take out of circulation in the United States a hundred millions more money than the entire national bank currency of the United States. [Applause.] Destroy the crop for one year and you will paralyze the financial institutions of our country. In the catalogue of commodities, cotton is the master production—the most readily cashed and the most widely consumed among the great staples of the world. [Applause.]

Cotton is the only product in the kingdom of agriculture every pound of which is converted into money and every dollar's worth of which contributes to the financial wealth of the United States. Our raw cotton that goes abroad sends back to us five hundred million dollars of gold. This is more than the combined exports of all other agricultural products. [Applause.]

In view of the great service that cotton is now rendering the United States in bringing gold into our country and giving to us the balance of trade, I submit to this House that the great cotton industry of the United States is entitled to fair treatment at the hands of Congress [applause], and, Mr. Chairman, if you accord to it the fair treatment that we ask, you will continue the service of expert cotton agents in foreign countries, and you will destroy the power of the gambling exchange to fix the price of a produce upon which millions of people are dependent. [Applause.]

Let this Congress commission more men to go into the lands beyond the seas looking after our foreign trade and unfurling the banner of the cotton industry of the United States—displaying and urging the use of cotton goods. England, Germany, and France have by this character of service injured our trade, and in self-defense we must follow their example in the use of these expert agents. Do this, and as the rulers of old went to Solomon for wisdom these cotton-using countries will come to us for the wherewith to be clothed [applause], and the day will come when the United States will be not only first in the production of cotton, but first, as it should be, in the manufacture and sale of cotton goods the world over. [Applause.]

Mr. Chairman, the attention of the world is turned to the South when in the spring of the year the farmer prepares his soil and places seed in the ground. Sunbeams dance on the surface, refreshing showers seek and find their hiding place, and lo! germination begins. Little plants push the clods away and smile at the sun. Gentle zephyrs kiss their tender faces and breathe into them the message of their world mission. [Applause.] We hear the music of the hoe and the song of the happy plowman. Proud and graceful the little stalks stand mantled in leaves and ladened with squares. We look again and thousands of white blossoms are nodding welcome to the gold-belted bees. In a little while they are rosy red, then they assume a golden hue, and finally fade and fall, leaving behind them tiny green spheres. Basking in sunshine and reveling in shower, these flourish until autumn winds whisper to every full-grown boll "Open Sesame." [Applause.] Then the cotton stalk flings its fleecy fiber to the breeze and busy fingers pluck it from the boll. Now we hear the hum of the old cotton gin, the seed fall down on the floor below and lint comes out in swirls of snow. [Applause.] Yonder at the cotton factory, hard by the cotton field, we hear the tremulous voice of industry in the concert of whirling spindles wooing the fiber into cloth, and the finished product goes out upon the pulsating tide of a splendid commerce, and cotton is King—King of American exports—and in all its ramifications is basis for the greatest manufacturing interest in the world. [Prolonged cheers and applause.]

Mr. BOWERS. Mr. Chairman, I yield to the gentleman from North Carolina [Mr. SMALL].

Mr. SMALL. Mr. Chairman, I have received a memorial addressed to the delegation from North Carolina in this House, which I have thought of sufficient importance to incorporate in the RECORD, and I shall ask the Clerk to read it in my time.

The Clerk read as follows:

To the North Carolina Members of the Sixtieth Congress of the United States of America:

Convinced that it is an imperative duty of the United States to have an adequate Navy;

Believing that the conditions which confront a nation, not the opinions or preferences of its citizens, determine what is an adequate Navy;

Persuaded that a misapprehension is prevalent regarding this question, and regarding the relation of national armament and international arbitration to each other and to the peace and prosperity of the people, the undersigned respectfully suggest the wisdom of appointing a commission composed of competent persons, including:

An eminent international jurist.

A member of the Senate and a Member of the House of Representatives.

A member of the Pan-American Conference.

A member of The Hague Conference.

A leading representative of the commercial and labor organizations of the country, and such other persons as will make the commission truly representative of the interests affected, this commission being charged with the duty of fully investigating arbitration and armament in their relation to each other and to the national welfare.

Meanwhile your petitioners respectfully urge the granting of the request of the Navy Department for the battle ships deemed necessary, after careful and conscientious investigation by Admiral Dewey and others who have not hesitated to face every danger at the nation's command and who desire primarily to preserve peace and establish justice, not to wage war.

If the proposed commission should find that the Navy Department has overestimated present needs, subsequent Congresses can decrease their naval appropriations, whereas if a crisis comes before proper preparation is made the disastrous consequences of neglect can not be avoided by making tardy appropriations vastly in excess of what would have sufficed to meet and perhaps to ward off the danger.

Hayne Davis, president North Carolina Peace Society; James Sprunt, honorary president North Carolina Peace Society; Wm. F. Robertson, vice-president North Carolina Peace Society, captain Wilmington Light Infantry; Thos. H. Wright, secretary and treasurer North Carolina Peace Society; Louis Goodman, auditor North Carolina Peace Society; Wm. E. Springer, mayor of Wilmington, N. C.; J. A. Taylor, president Wilmington Chamber of Commerce; Walter Clark, chief justice of North Carolina; Francis D. Winston, lieutenant-governor; J. Bryan Grimes, secretary of state; James Iredell Johnson, mayor of Raleigh; A. H. Eller, former State senator; R. H. Battle; Fred A. Olds; Herbert W. Jackson; John Carri Springer; B. G. Worth; C. Van Leuven; Joseph H. Waters; T. R. Orrell; Alex S. Heide; W. H. Chadbourn; Thomas D. Meares; Rev. W. A. Snyder, pastor St. Paul's Lutheran Church; Rev. Fred D. Hale, pastor First Baptist Church; W. B. Cooper; D. L. Gore; W. M. Cumming; R. C. de Rossett; W. A. French, jr., member city council; Margaret Lovell Gibson, historian North Carolina Peace Society, and president North Carolina Federation of Woman's Clubs; Geo. Honnett, jr.; P. C. Graham, mayor of Durham; L. J. Brandt, mayor of Greensboro; E. J. Justice, speaker of North Carolina house of representatives; Charles E. Johnson, president Raleigh Chamber of Commerce; J. S. Manning; Julian S. Carr; George T. Winston; Ed Chambers Smith; Marshall de Lancy Haywood; Josephus Daniels; Johnston Pettigrew Chapter United Daughters of the Confederacy.

Mr. SMALL. Mr. Chairman, this memorial is signed, as will be seen by the officers of the North Carolina Peace Society and by a number of distinguished gentlemen of that State, by the chief justice of the supreme court, distinguished editors, and others, which therefore entitles it to respectful consideration. To those who may not have caught the drift of the memorial I may say that it dwells upon the question of national armament and international arbitration and states that the construction and maintenance of an adequate navy is not inconsistent with the purpose of the North Carolina Peace Society or with its parent, the International Peace Congress. This, I confess, is somewhat of a novel idea to me, that a peace society should at the same time encourage the increase of naval armament. But there are strong reasons urged in a letter addressed to me by the president of the State peace society, which I shall incorporate in my remarks and which is as follows:

THE NORTH CAROLINA PEACE SOCIETY,
Raleigh, N. C., March 15, 1908.

Hon. JOHN H. SMALL,
House of Representatives, Washington, D. C.

MY DEAR MR. SMALL: It gives me pleasure to hand you, as the honorary president of our society, having a seat in the House of Representatives, the accompanying memorial in favor of the naval programme submitted to Congress by the President and also of a commission to investigate thoroughly the question of national security and international peace and justice, through armament, arbitration, or otherwise.

The reasons for this memorial will suggest themselves, but I venture to emphasize a few of the principal motives that prompted its preparation.

Some of the organizations that have the cause of international peace and justice at heart feel it a duty to obstruct the way of their National Government in endeavoring to make such preparations for war as existing conditions seem to demand. This is true not only in Europe but to an increasing degree in America, and this fact compels some of those who take pleasure in advocating arbitration as a means of peace

and justice to come out in support of the Government in its efforts to provide adequate armament pending the effective establishment of arbitration as an actual and reliable system.

The apparent inconsistency in advocating both armament and arbitration disappears after even a casual analysis of these means of justice in their relation to each other and to national security and to international peace.

The North Carolina Peace Society has declared itself for adequate armament and effective arbitration, on the ground that it is the duty of American citizens, individually and collectively, to support the Government in both of these means of protecting the nation's rights in its relations with other powers.

Greatly as we regret the necessity of making any preparation for war, we recognize that the United States is in duty bound to maintain such an armed force on land and sea as will enable the nation to protect each of the States in the full, free, and perpetual exercise of all the rights reserved under the Constitution, to preserve, unimpaired, all the national rights and interests, and to execute a just policy in our foreign affairs.

Such preparation is the penalty we must pay for the condition of affairs which confronts the nation. Not to make this preparation would correspond to permitting your gas plant and fixtures to fall into bad repair as soon as you decide there is a better system for lighting and before you have installed such a system. Such action would be not only unwise but very dangerous. On the other hand, making proper preparation for emergencies, which may arise before we can install a reliable system of international arbitration, would help rather than hinder the prosecution of this necessary and laudable work. It will tend to preserve a temporary peace until the things that pertain to a permanent peace can be ascertained and put into effective operation the world over.

Without claiming to be acquainted with all the highly technical and complicated questions involved in a proper determination of whether the Navy now needs two, four, or four times four battle ships of the first class, we are convinced that, upon principle, every nation should have an unquestionably superior force in its own territory and in the waters adjacent to its possessions, provided the national resources make this possible; also that no pains should be spared, even by the most powerfully armed nation, to perfect as rapidly as possible a complete system of international law as a substitute for war in the international realm.

Inasmuch as facts, not personal opinions or preferences, determine what is adequate armament for any particular country and what is effective arbitration, the North Carolina Peace Society believes that the ships asked for by the President and by the Navy Department should be provided by Congress and that a commission should be appointed to investigate thoroughly the whole question of national security and international justice, in the light of what was done and what was left undone by the Second Hague Conference, and in the light of the events that caused the transfer of our entire navy power to the Pacific Ocean, and of such other facts, including the attitude of other governments to our vital interests, as may have a bearing upon the proper determination of a scientific naval policy for our country.

In proposing such a commission our society does not mean to reflect upon the competence of the members of the Naval Committees of the Senate and House or upon Congress. On the contrary, the innumerable duties devolving upon the Members of Congress call for a scientific and thorough investigation at this time of these two questions, so vital to the prosperity of our people and the peace of the world, by persons having the same ability and patriotism as the Members of Congress, but freed from the engrossing cares of office, which prevent even the most conscientious Members of Congress from giving to these questions the attention which their importance makes proper and which their complexity makes necessary.

Such a commission would seem to be incomplete unless it contains a representative of the Army and Navy, as well as a member of the Second Hague Conference and the Third Pan-American Conference. The addition of a member of the Senate and also of the House of Representatives would undoubtedly be of great service, on account of their experience in our National Legislature, upon which the responsibility of right decision must finally fall.

You will of course know what weight should be given to this memorial and whether it merits the attention of the House. It occurs to us that the Speaker will not be averse in such case to permitting the House to hear this memorial from his native State, though his impartiality in the conduct of the high office which he holds would prevent his giving it any consideration which its contents do not entitle it to. It contains names interwoven with the best endeavors of our State in the present and in the past, and I sincerely believe that it can be regarded as the sense of the representative people of North Carolina, who would be glad of an opportunity, in my judgment, to join with the signers in presenting it to Congress. The near approach of the time for final action on the Naval Committees' report prevents our giving them this opportunity.

Copies of this memorial and letter have been sent to Senator OVERMAN and to each of the North Carolina Members of the House, and they will no doubt be glad to cooperate with you in taking such action upon it as your judgment and their wishes may indicate as proper and expedient.

Assured of your cooperation in all ways proper to effectuate these ideas, and with best wishes, I beg to remain,

Very sincerely, yours,

HAYNE DAVIS, *President.*

I wish to say that I do not intend, Mr. Chairman, in submitting this memorial or any remarks I may make, to indicate the position of the delegation from North Carolina in this House. Speaking for myself, I may say that I shall not vote for four battle ships as I am at present advised, but vote for a maximum of two battle ships, which number, as I understand, will be recommended by the Naval Committee.

The distinguished names appended to this memorial and the proposition they submit are of sufficient importance, in my judgment, to submit to the House and to be incorporated in the RECORD.

Mr. KEIFER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CHANEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the pension appropriation bill, and had come to no resolution thereon.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. STEPHENS of Texas to withdraw from the files of the House, without leaving copies, the papers in the case of W. J. Chrisman, Sixtieth Congress, no adverse report having been made thereon.

To Mr. GARDNER of Michigan to withdraw from the files of the House, without leaving copies, the papers in the case of Frank D. Newberry, Sixtieth Congress, no adverse report having been made thereon.

ENROLLED BILL SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the SPEAKER signed the same:

H. R. 17311. An act to authorize the Pensacola, Mobile and New Orleans Railway Company, a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line approximately east of the north boundary line of the city of Mobile, Ala.

COMMITTEE RESIGNATION.

The SPEAKER laid before the House the following:

HOUSE OF REPRESENTATIVES,
Washington, March 16, 1908.

Hon. JOSEPH G. CANNON,
House of Representatives, Washington, D. C.

DEAR MR. SPEAKER: Assuring you of my appreciation of your kindness in appointing me upon the Committee on Naval Affairs, I hereby tender my resignation as a member of the Committee on Merchant Marine and Fisheries.

I am, with greatest respect,

Yours, truly, J. T. WATKINS.

The SPEAKER. Is there objection to relieving the gentleman from Louisiana from further service on the Committee on Merchant Marine and Fisheries?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, one of its secretaries, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4049. An act authorizing a credit in certain accounts of the Treasurer of the United States; and

S. 624. An act providing for the appointment of an appraiser of merchandise for the customs collection district of Puget Sound, State of Washington.

The message also announced that the Vice-President had appointed Mr. BAILEY and Mr. GALLINGER members of the joint committee on the part of the Senate, as provided for in the act of February 16, 1889, entitled "An act to authorize and provide for the disposition of useless papers in the Executive Departments," for the disposition of useless papers in the Department of Commerce and Labor.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. WILLIAM PINKNEY WHYTE, late a Senator from the State of Maryland.

Resolved, That the Secretary communicate these proceedings to the House of Representatives and transmit a copy thereof to the family of the deceased Senator, and that, as a further mark of respect to his memory, the Senate do now adjourn.

DEATH OF SENATOR WHYTE.

Mr. GILL. Mr. Speaker, it is with more than profound sorrow that I rise to call the attention of the House of Representatives to the resolution of the Senate which has just been read, announcing the death of the late Senator from Maryland, Hon. WILLIAM PINKNEY WHYTE, and to ask the House to adopt the resolutions which I shall presently send to the Speaker's desk. Mr. Speaker, Senator WHYTE believed in the simple life. He lived the simple life, and at his death or just prior thereto he requested that the funeral services should be of the most simple character. In accordance with that request we have omitted from the resolutions which we shall ask the House to pass the usual appointment of a Congressional committee to attend the funeral.

This, Mr. Speaker, is not the time to express our feelings as to our loss nor to speak of his life and his great public services. Some time later I shall ask that a day be set apart for that purpose. I present the following resolutions, which I send to the desk and ask to have read.

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow of the death of the Hon. WILLIAM PINKNEY WHYTE, late a Senator of the United States from the State of Maryland.

Resolved, That the Clerk communicate these resolutions to the Senate, and transmit a copy thereof to the family of the deceased Senator.

Resolved, That as a further mark of respect the House do now adjourn.

The SPEAKER. The question is on agreeing to the resolutions.

The question was taken, and the resolutions were agreed to.

Accordingly, in pursuance of the foregoing resolutions (at 4 o'clock and 24 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a statement of the French spoliation cases dismissed April 22, 1907, on motion of defendants, for want of prosecution—to the Committee on Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Shelby Grisham, administrator of estate of Daniel Thompson, against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Dan Thomason, administrator of estate of Joel Harrell, against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of R. M. Rogan, administrator of estate of F. S. Heiskell, against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Centurion*, Philip Greely, master—to the Committee on Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Samuel E. Fitzhugh, administrator of estate of Samuel H. Fitzhugh, against The United States—to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under cause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. RODENBERG, from the Select Committee on Industrial Arts and Expositions, to which was referred the bill of the House (H. R. 10530) to encourage the holding of an Alaska-Yukon-Pacific Exposition at the city of Seattle, State of Washington, in the year 1909, reported the same with amendments, accompanied by a report (No. 1267); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FERRIS, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 4922) providing for the platting and selling of the south half of section 30 township 2 north, range 11 west of the Indian meridian, in the State of Oklahoma, for town-site purposes, reported the same without amendment, accompanied by a report (No. 1270); which said bill and report were referred to the House Calendar.

Mr. PRAY, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 206) to extend the provisions of the mining laws of the United States to certain lands situated in the Bitter Root Valley, State of Montana, above the mouth of the Lo Lo Fork of the Bitter Root River, reported the same without amendment, accompanied by a report (No. 1272); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19463) granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 1266); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19475) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 1271); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 3631) granting an increase of pension to Charles M. Montgomery—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8381) granting an increase of pension to David Peters—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16353) granting a pension to D. G. Harrison—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19322) granting a pension to Vina Lindenbower—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BRADLEY, from the Committee on Invalid Pensions: A bill (H. R. 19463) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors—to the Private Calendar.

By Mr. GAINES of Tennessee: A bill (H. R. 19464) authorizing the use of 1½-ounce internal-revenue stamps for manufactured snuff—to the Committee on Ways and Means.

By Mr. McKINLEY of Illinois: A bill (H. R. 19465) to create a national university at the seat of the Federal Government—to the Committee on Education.

By Mr. HARRISON: A bill (H. R. 19466) to establish a court of patent appeals, and for other purposes—to the Committee on Patents.

By Mr. McLAUGHLIN: A bill (H. R. 19467) appropriating money for public building at Manistee, Mich.—to the Committee on Public Buildings and Grounds.

By Mr. FERRIS: A bill (H. R. 19468) authorizing the Secretary of the Interior to sell sites for schoolhouses, not exceeding 2 acres in quantity, to school districts in the State of Oklahoma—to the Committee on Indian Affairs.

By Mr. BYRD: A bill (H. R. 19469) to subject to the laws of any State or Territory all intoxicating liquors shipped therein by railroads, express companies, and steamship lines—to the Committee on the Judiciary.

By Mr. AIKEN: A bill (H. R. 19470) permitting the building of a dam across the Savannah River at Calhoun Falls—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 19471) authorizing the building of a dam across the Savannah River at Trotters Shoals—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 19472) permitting the building of a dam across the Tugaloo River at Hattons Ford—to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Kentucky: A bill (H. R. 19473) to amend an act approved March 3, 1897, entitled "An act to allow the bottling of distilled spirits in bond"—to the Committee on Ways and Means.

By Mr. SIMS: A bill (H. R. 19474) to erect an addition to the post-office and court-house building in the city of Jackson, State of Tennessee—to the Committee on Public Buildings and Grounds.

By Mr. DRAPER, from the Committee on Pensions: A bill (H. R. 19475) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors—to the Private Calendar.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER of New York: A bill (H. R. 19476) granting an increase of pension to John Engel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19477) granting an increase of pension to George W. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19478) to remove the charge of desertion from the military record of David Curry—to the Committee on Military Affairs.

By Mr. ANDREWS: A bill (H. R. 19479) granting a pension to Antonio Salazar—to the Committee on Invalid Pensions.

By Mr. BARCLAY: A bill (H. R. 19480) granting an increase of pension to William C. Robbins—to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 19481) granting a pension to Frank E. Laurence—to the Committee on Pensions.

By Mr. CALDER: A bill (H. R. 19482) granting an increase of pension to Alonzo D. Brown—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 19483) granting a pension to Guy R. Martin—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 19484) granting an increase of pension to John P. Terrell—to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: A bill (H. R. 19485) for the relief of George H. Wright—to the Committee on Claims.

By Mr. COOK of Pennsylvania: A bill (H. R. 19486) granting an honorable discharge to Charles Gardner—to the Committee on Military Affairs.

By Mr. COX of Indiana: A bill (H. R. 19487) granting a pension to George A. Cox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19488) granting a pension to Samuel B. Wellman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19489) granting an increase of pension to Mandalis Bailey—to the Committee on Invalid Pensions.

By Mr. DAWES: A bill (H. R. 19490) granting an increase of pension to John Smith—to the Committee on Invalid Pensions.

By Mr. DENVER: A bill (H. R. 19491) granting a pension to Ellen Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19492) granting an increase of pension to William J. Srofe—to the Committee on Invalid Pensions.

By Mr. FLOYD: A bill (H. R. 19493) granting a pension to Patrick F. Flaherty—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19494) granting a pension to Frances Brasel—to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 19495) to remove the charge of desertion from the record of George Forbus, alias George Davidson—to the Committee on Military Affairs.

By Mr. FULLER: A bill (H. R. 19496) granting an increase of pension to Ruhamah D. Sawyer—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: A bill (H. R. 19497) granting an increase of pension to Margie A. Morgan—to the Committee on Pensions.

By Mr. GILHAMS: A bill (H. R. 19498) granting an increase of pension to John Hanes—to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 19499) granting a pension to Jesse G. Smith—to the Committee on Pensions.

By Mr. HARDWICK: A bill (H. R. 19500) for the relief of the estate of William F. Youngblood, deceased—to the Committee on War Claims.

Also, a bill (H. R. 19501) for the relief of Lieut. James B. Fowler—to the Committee on War Claims.

Also, a bill (H. R. 19502) for the relief of William B. Brooks—to the Committee on War Claims.

Also, a bill (H. R. 19503) for the relief of John E. Herrod—to the Committee on War Claims.

By Mr. HAWLEY: A bill (H. R. 19504) granting a pension to Almon Shibley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19505) granting a pension to Elanor McDantt—to the Committee on Invalid Pensions

Also, a bill (H. R. 19506) granting a pension to Eleura J. Lewis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19507) granting an increase of pension to W. L. Deflaney—to the Committee on Pensions.

Also, a bill (H. R. 19508) for the relief of S. A. D. Hungate—to the Committee on Claims.

By Mr. HOWELL of New Jersey: A bill (H. R. 19509) granting a pension to Laura E. McChesney—to the Committee on Invalid Pensions.

By Mr. HUFF: A bill (H. R. 19510) granting a pension to Edith Patton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19511) granting a pension to Emily C. Bigham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19512) granting an increase of pension to Charles Roques—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19513) granting an increase of pension to George W. Mechling—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19514) granting an increase of pension to W. N. Baker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19515) granting an increase of pension to Maurice I. Covert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19516) granting an increase of pension to Andrew J. Artman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19517) granting an increase of pension to Robert Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19518) granting an increase of pension to Jacob Dewalt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19519) granting an increase of pension to Amos Kiehl—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19520) granting an increase of pension to John C. Stuchal—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19521) granting an increase of pension to John Williams—to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 19522) for the relief of the legal representatives of Samuel Fitz, deceased—to the Committee on War Claims.

By Mr. McGUIRE: A bill (H. R. 19523) granting an increase of pension to Jacob Amberg—to the Committee on Pensions.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 19524) granting a pension to Ishmael Comstock—to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 19525) for the relief of John C. De Lany—to the Committee on Claims.

By Mr. MURDOCK: A bill (H. R. 19526) to correct the military record of Lewis Cracraft—to the Committee on Military Affairs.

By Mr. NORRIS: A bill (H. R. 19527) granting an increase of pension to Cyrus S. Beers—to the Committee on Invalid Pensions.

By Mr. NYE: A bill (H. R. 19528) granting a pension to Tony K. Wilson—to the Committee on Pensions.

By Mr. PAYNE: A bill (H. R. 19529) for the relief of James G. Van Marter—to the Committee on Military Affairs.

By Mr. SHACKLEFORD: A bill (H. R. 19530) granting an increase of pension to George G. Robinson—to the Committee on Invalid Pensions.

By Mr. SMITH of Missouri: A bill (H. R. 19531) granting an increase of pension to John W. Snyder—to the Committee on Invalid Pensions.

By Mr. STURGISS: A bill (H. R. 19532) granting a pension to Willis B. Cross—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19533) granting an increase of pension to Elisha A. Hartman—to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 19534) granting a pension to Alfred Hayton—to the Committee on Invalid Pensions.

By Mr. WOLF: A bill (H. R. 19535) granting an increase of pension to Lionel O. Coleman—to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 19536) granting a pension to Elizabeth Foran—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 19537) granting an increase of pension to John H. Bratschi—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Brotherhood of Railway Employees, against passage of H. R. 15447, relative to investigation of controversies affecting interstate commerce, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. ADAIR: Petition of New York Board of Trade, against Aldrich currency bill—to the Committee on Banking and Currency.

By Mr. AIKEN: Paper to accompany bill for relief of R. Smith Bailey—to the Committee on War Claims.

By Mr. ALEXANDER of New York: Petition of Lodge No. 417, Brotherhood of Railway Trainmen, of East Buffalo, N. Y.,

for La Follette-Sterling liability bill, Rodenberg anti-injunction bill, and Clapp free-pass amendment, and against the Knox bill—to the Committee on the Judiciary.

Also, petition of Buffalo Credit Men's Association, for H. R. 13266, for the national bankruptcy law—to the Committee on the Judiciary.

Also, petition of Elisha L. Haywood Post, No. 542, Grand Army of the Republic, of Buffalo, N. Y., against consolidation of pension agencies—to the Committee on Appropriations.

By Mr. ASHBROOK: Paper to accompany bill for relief of John M. Stacking—to the Committee on Invalid Pensions.

By Mr. BATES: Petition of Randolph Grange, No. 190, Patrons of Husbandry, for Federal aid in building roads—to the Committee on Agriculture.

Also, petition of H. Akerley, of West Springfield, Pa., for the Crumpacker bill, relative to Thirteenth Census employees—to the Committee on the Census.

By Mr. BRADLEY: Petition of Chester Grange, Patrons of Husbandry, of Orange County, N. Y., for a national highway commission—to the Committee on Agriculture.

By Mr. BURKE: Paper to accompany bill for relief of James Bond—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: Petition of Massachusetts Institute of Technology, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. BURTON of Ohio: Petition of the Calvary Evangelical Lutheran Church, for the Littlefield original-package bill—to the Committee on the Judiciary.

By Mr. CALDER: Petition of North American Fish and Game Protective Association, for international control of the Great Lakes—to the Committee on Foreign Affairs.

Also, memorial of the senate of the State of New York, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. CAPRON: Petition of West Kingston (R. I.) Grange, No. 10, Patrons of Husbandry, for a national highway commission—to the Committee on Agriculture.

Also, petition of Northeast Manufacturing Jewelers and Silversmiths' Association, for the Gallinger amendment to the shipping act of March 3, 1891—to the Committee on the Merchant Marine and Fisheries.

By Mr. CAULFIELD: Petition of Central Trades and Labor Union of St. Louis, against prohibition legislation—to the Committee on the Judiciary.

By Mr. CHANEY: Petition of W. W. Clayston and others, of Lyons, Ind., for a national highway commission—to the Committee on Agriculture.

By Mr. CLARK of Florida: Paper to accompany bill for relief of John A. Tucker—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Susan A. Bell—to the Committee on Pensions.

Also, paper to accompany bill for relief of George W. Wright—to the Committee on Claims.

By Mr. DAVIS of Minnesota: Petition of St. Paul Credit Men's Association, for H. R. 13266 (amendment to national bankruptcy law)—to the Committee on the Judiciary.

Also, petitions of Allied Agricultural Associations of Pennsylvania and Builders' Exchange of St. Paul, for the Davis bill (H. R. 534)—to the Committee on Agriculture.

By Mr. DAWSON: Petition of John Schmidt and 17 other citizens of Muscatine County, Iowa, for a national highway commission—to the Committee on Agriculture.

By Mr. DRAPER: Memorial of the senate of the State of New York, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. DRISCOLL: Memorial of the senate and assembly of the State of New York, for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of Lamar (N. Y.) Grange, No. 588, for national highway commission—to the Committee on Agriculture.

By Mr. DUNWELL: Petition of Local Union No. 11, Amalgamated Sheet Metal Workers' International Alliance, of New York, for building a battle ship in Brooklyn Navy-Yard—to the Committee on Naval Affairs.

Also, petition of board of directors of Merchants' Association of New York, against the Gardner eight-hour bill—to the Committee on Labor.

Also, petition of Peace Association of Friends, of Philadelphia, against building four more battle ships—to the Committee on Naval Affairs.

Also, petition of New York Board of Trade and Transportation, against the Aldrich currency bill—to the Committee on Banking and Currency.

Also, petition of North American Fish and Game Protective Association, for treaty with Canada for international control of fishing interests on the Great Lakes—to the Committee on Foreign Affairs.

By Mr. FITZGERALD: Petition of Mercantile Association of New York, against Gardner eight-hour bill—to the Committee on Labor.

Also, petition of 330 citizens of New York, against building four battle ships—to the Committee on Naval Affairs.

Also, memorial of senate and assembly of New York, for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of North American Fish and Game Protective Association, for treaty with Canada for fisheries control on the Great Lakes—to the Committee on Foreign Affairs.

By Mr. FOSTER of Illinois: Petition of W. E. Bailey and 17 other citizens of Fayette County, Ill., against sale of intoxicants in the District of Columbia—to the Committee on the District of Columbia.

By Mr. FULTON: Petition of citizens of Oklahoma, against the Penrose bill—to the Committee on the Post-Office and Post-Roads.

By Mr. FULLER: Petition of C. H. Beach, adjutant of Potter Post, Grand Army of the Republic, of Sycamore, Ill., against consolidation of pension agencies—to the Committee on Appropriations.

Also, petition of Rich. O'Brien, ex-chief operator of Army of James and of Department of North Carolina, for Lorimer bill (H. R. 175)—to the Committee on Invalid Pensions.

Also, petition of Thomas Williamson, of Streator, Ill., against Penrose bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Missouri and Southern Illinois Division of National German-American Alliance, for repeal of the anti-canteen law—to the Committee on Military Affairs.

By Mr. GAINES of Tennessee: Paper to accompany bill for relief of Margie A. Morgan—to the Committee on Pensions.

By Mr. GRAHAM: Petition of citizens of New York and vicinity for relief of heirs of victims of the *General Slocum* disaster—to the Committee on Claims.

By Mr. GRANGER: Petition of Jason W. Gifford and others, of Tiverton, R. I., for a national highway commission—to the Committee on Agriculture.

Also, petition of William R. Metcalf and other citizens of New Mexico, against Penrose bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HAMILTON of Iowa: Petition of many citizens of Iowa, against the Penrose bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HAMILTON of Michigan: Petition of Berrien Center Grange, No. 14, for a national highway commission—to the Committee on Agriculture.

By Mr. HAMMOND: Petition of Builders' Exchange of St. Paul, Minn., for H. R. 534—to the Committee on Agriculture.

Also, petition of Twin City Foundrymen's Association, against anti-injunction and eight-hour bill—to the Committee on Labor.

Also, petition of Red Wing Commercial Club, of Red Wing, Minn., for Davis bill—to the Committee on Agriculture.

Also, petition of Minneapolis Credit Men's Association, for H. R. 13266—to the Committee on the Judiciary.

Also, petitions of city council of Stillwater, Minn., and Commercial Club of St. Paul, Minn., for improvement of Mississippi River—to the Committee on Rivers and Harbors.

By Mr. HAWLEY: Paper to accompany bill for relief of Samuel Hawken—to the Committee on Invalid Pensions.

Also, petition of residents near Goose Lake Forest Reservation, for placing said lands under administration of Forest Service—to the Committee on the Public Lands.

By Mr. HAYES: Petition of San Jose Chamber of Commerce, against the Hepburn amendment to interstate-commerce act (S. 125)—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Alviso, Cal., against the Penrose bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of San Francisco, against any treaty of arbitration with Great Britain—to the Committee on Foreign Affairs.

Also, petition of Sacramento Valley Branch of the Pacific Coast Hop Growers' Union, against any prohibitory legislation—to the Committee on Alcoholic Liquor Traffic.

By Mr. HILL of Connecticut: Petition of Hermannsachne Lodge and Schiller Lodge, F. L. H., of Stamford, Conn., against any prohibition legislation—to the Committee on the Judiciary.

Also, petition of Colebrook Grange, No. 82, for Federal co-operation in matter of good roads—to the Committee on Agriculture.

Also, petition of New Haven Chamber of Commerce, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of New Haven Chamber of Commerce, against Crumpacker census bill—to the Committee on the Census.

By Mr. HUFF: Petition of Rochester Business Men's Association, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, papers to accompany bills for relief of W. N. Baker, Emily C. Bigham, Maurice I. Covert, Charles Roques, George W. Mechling, Andrew J. Artman, Jacob Dewalt, Robert Moore, Amos Kiehl, John C. Stichal, John Williams, and Edith Patton—to the Committee on Invalid Pensions.

Also, petition of citizens of Butler County, Pa., for S. 3152 (additional protection to the dairy interests)—to the Committee on Agriculture.

By Mr. KNAPP: Petition of Three Mile Bay Grange, of New York, for Federal aid in building highways—to the Committee on Agriculture.

By Mr. LAWRENCE: Petition of master and secretary of Rowe Grange, No. 167, of Massachusetts, for a national highway commission—to the Committee on Agriculture.

By Mr. LLOYD: Petition of 105 citizens of Macon County, Mo., for prohibition in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LINDBERGH: Petition of Minnesota Farmers' Club, for H. R. 18204, relative to industrial education—to the Committee on Agriculture.

Also, petition of citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. LINDSAY: Petition of North America Game and Fish Protective Association, for treaty with Canada to protect fishing interests on the Great Lakes—to the Committee on Foreign Affairs.

Also, petition of New York Board of Trade and Transportation, against S. 3023 (Aldrich bill)—to the Committee on Banking and Currency.

Also, petition of Merchants' Association of New York, against Gardner eight-hour bill—to the Committee on Labor.

Also, petition of Ainshe B. Isaacs, for a copyright law to protect musical composers—to the Committee on Patents.

Also, memorial of senate and assembly of New York State, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. LITTLEFIELD: Petition of Simon Holden and other citizens of the State of Maine, for a national highway commission—to the Committee on Agriculture.

By Mr. LOWDEN: Petition of citizens of northern Illinois, for appropriation to deepen Rock River at and below the city of Dixon—to the Committee on Rivers and Harbors.

By Mr. LOUDENSLAGER: Petition of Anchor and Clayton granges, of New Jersey, for national highway commission—to the Committee on Agriculture.

By Mr. McKINNEY: Petition of Local Union No. 166, United Brotherhood of Carpenters and Joiners of America, for a postal savings bank—to the Committee on the Post-Office and Post-Roads.

Also, petition of John Burford Post, No. 243, Grand Army of the Republic, of Rock Island, Ill., against consolidation of pension agencies—to the Committee on Appropriations.

Also, petition of Illinois National Guard Association, for H. R. 14783—to the Committee on Militia.

Also, petition of Arthur W. Marsh Post, Grand Army of the Republic, against proposed inscription of the monument to Wirz—to the Committee on the Library.

By Mr. McLAUGHLIN of Michigan: Paper to accompany bill for relief of Ishmael Comstock—to the Committee on Invalid Pensions.

By Mr. MADDEN: Petition of citizens of New York and vicinity for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. MOUSER: Petition of citizens of New York and vicinity for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of First Presbyterian Church of Marion, Ohio, for the Littlefield original-package bill—to the Committee on the Judiciary.

By Mr. NORRIS: Petition of C. F. Schwarz, adjutant-general of Nebraska, for the Steenerson militia bill (H. R. 14783)—to the Committee on Militia.

Also, petition of Union Veterans' Union of Omaha, for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of T. M. Davis, against Aldrich and Fowler currency bills and in favor of McKinney bill (H. R. 15262)—to the Committee on Banking and Currency.

Also, petitions of Central Labor Union of Omaha, voters of Danbury, Nebr., and commandery I. A. M. Lodge, No. 587, of McCook, Nebr., against the Penrose bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Omaha Clearing-House Association, against legislation prohibiting national banks loaning funds to dealers in grain future sales, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. NYE: Petition of Post No. 120, of Maple Plain, Department of Minnesota, against abolition of pension agencies—to the Committee on Appropriations.

Also, petition of Twin City Foundrymen's Association, against the anti-injunction and eight-hour bills—to the Committee on the Judiciary.

Also, petition of St. Paul Credit Men's Association, for amendments to the national bankruptcy law—to the Committee on the Judiciary.

Also, petition of Oliver P. Morton Post, No. 171, of Minneapolis, Minn., against abolition of pension agencies—to the Committee on Appropriations.

By Mr. OVERSTREET: Paper to accompany bill for relief of Charles M. Montgomery (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

Also, petitions of Fred A. Gregory and Laurence E. Davis, of Indianapolis; Kahn Tailoring Company, W. E. Hayward, Noelke-Richards Iron Works, and W. H. Small & Co., for appropriation for the Lincoln Farm Association for memorial to Lincoln—to the Committee on Appropriations.

By Mr. PADGETT: Paper to accompany bill for relief of John H. Bratschi—to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of Margaret McGavock, E. Y. Andrews, and estate of Mrs. Martha B. Skillern—to the Committee on War Claims.

By Mr. POLLARD: Petition of Tailors' Union No. 273, of Lincoln, Nebr., against prohibition in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Union Veterans' Union of Omaha, Nebr., for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. REYNOLDS: Papers to accompany bills for relief of Jacob P. Caster and James A. McVicker—to the Committee on Invalid Pensions.

By Mr. SCOTT: Petition of 157 ex-Union soldiers of Ottawa, Kans., for the Sherwood bill—to the Committee on Invalid Pensions.

Also, petition of 240 voters of Second Congressional District of Kansas, against Penrose bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Lone Elm Grange, No. 152, of Anderson County, 12 citizens of Johnson County, 43 citizens of Endora, and Miami Central Grange, of Miami, all in the State of Kansas, for a national highway commission—to the Committee on Agriculture.

Also, petition of Western Retail Implement and Vehicle Dealers' Association, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. SMITH of Missouri: Petition of citizens of Bonne Terre, for the Littlefield original-package bill—to the Committee on the Judiciary.

By Mr. SPERRY: Petition of Chamber of Commerce of New Haven, Conn., in relation to the Crumpacker census bill—to the Committee on the Census.

Also, petition of Windsor Locks Business Men's Association, against a parcels-post law—to the Commitee on the Post-Office and Post-Roads.

Also, petition of citizens of Chester, Conn., for national highways—to the Committee on Agriculture.

Also, petition of chamber of commerce, for forest reservations in White Mountains—to the Committee on Agriculture.

By Mr. STURGISS: Paper to accompany bill for relief of Elisha A. Hartman—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of William B. Cross—to the Committee on Invalid Pensions.

By Mr. SULZER: Petition of North America Fish and Game Protective Association, for treaty with Canada for international control of fisheries interest in the Great Lakes—to the Committee on Foreign Affairs.

Also, memorial of the senate of the State of New York, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. THOMAS: Paper to accompany bill for relief of heirs of D. W. Bell—to the Committee on War Claims.

By Mr. WHEELER: Petition of George Woodside and 34 others, for S. 3152, additional protection of the dairy interests—to the Committee on Agriculture.

By Mr. WOOD: Paper to accompany bill for relief of Elizabeth Foran—to the Committee on Invalid Pensions.

Also, petition of J. Warren Fleming and others and Aausta L. Hart and others, for a national highway commission for construction of highways—to the Committee on Agriculture.

Also, petition of Local Union No. 301, Painters, Decorators, and Paperhangers of America, of Trenton, N. J., for construction of at least one battle ship at a navy-yard—to the Committee on Naval Affairs.

Also, petition of J. Warren Fleming and others, of Titusville, N. J., for a rural parcel post, as per S. 5122—to the Committee on the Post-Office and Post-Roads.

SENATE.

THURSDAY, *March 19, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Journal of yesterday's proceedings was read and approved.

CHOCTAW AND CHICKASAW INDIAN ROLLS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, by direction of the President and in response to a resolution of January 15, 1908, a list of the rolls of the Choctaw and Chickasaw Indians now in the possession of the Auditor for the Department of the Interior, etc., which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

DISPOSITION OF CHICKASAW FUNDS.

The VICE-PRESIDENT laid before the Senate a communication from the Attorney-General, transmitting by direction of the President, and in response to a resolution of the 3d instant, a report with reference to certain indictments formerly found against D. H. Johnston, P. S. Mosely, George Mansfield, J. F. McMurray, and Melvin Cornish, and later dismissed, in the matter of the Choctaw and Chickasaw nations of Indians, which, with the accompanying papers, was referred to the Committee on Indian Affairs and ordered to be printed.

FRENCH SPOLIATION CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a list of cases filed under the act of January 20, 1885, in the French spoliation claims and dismissed April 22, 1907, by the court on motion of the defendants for want of prosecution, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the findings of fact and conclusions of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Centurian*, Philip Greeley, master, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of Adelaide L. Spall, administratrix of George Sands, deceased, *v.* United States; and

In the cause of Barbara A. Melville, administratrix de bonis non, cum testamento anexo of William Shreve, deceased, *v.* United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bill and joint resolution:

S. 4377. An act to carry into effect the international convention of December 21, 1904, relating to the exemption in time of war of hospital ships from dues and taxes on vessels; and

S. R. 58. Joint resolution authorizing the Secretary of War to establish harbor lines in Wilmington Harbor, California.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 10540. An act to amend section 73 of the act to provide a government for the Territory of Hawaii;

H. R. 13448. An act to authorize the counties of Allegheny and Washington, in the State of Pennsylvania, to change the site of the joint county bridge which now crosses the Monongahela River at Monongahela City, Pa., and to construct a new bridge across said river in the place of said present bridge upon a new site;

H. R. 16743. An act for the removal of the restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes;

H. R. 17301. An act to authorize the Secretary of the Interior to lease allotted or unallotted Indian lands for mining purposes;

H. R. 17707. An act to authorize William H. Standish to construct a dam across James River, in Stone County, Mo., and divert a portion of its waters through a tunnel into the said river again to create electric power;

H. R. 17710. An act to increase the efficiency of the personnel of the Life-Saving Service of the United States;

H. R. 17983. An act for completing the pediment of the House wing of the Capitol;

H. R. 18689. An act to authorize the Secretary of War to furnish two condemned brass or bronze cannon and cannon balls to the city of Winchester, Va.; and

H. J. Res. 124. Joint resolution authorizing the presentation of the statue of President Washington, now located in the Capitol grounds, to the Smithsonian Institution.

The message further announced that the House insists upon its disagreement to the amendments of the Senate to the bill (H. R. 15219) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1909, agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. MARSHALL, and Mr. STEPHENS of Texas managers at the conference on the part of the House.

The message also transmitted to the Senate resolutions of the House on the death of Hon. WILLIAM PINKNEY WHYTE, late a Senator from the State of Maryland.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

H. R. 16143. An act to provide for payment of the claims of the Roman Catholic Church in the Philippine Islands; and

H. R. 17311. An act to authorize the Pensacola, Mobile and New Orleans Railway Company, a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line approximately east of the north boundary line of the city of Mobile, Ala.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of Local Union No. 286, International Typographical Union, of Marion, Ind., praying for the enactment of legislation to relieve trades unions from the provisions of the Sherman antitrust law, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Chicago, Ill., and a memorial of the Irish League of Boston, Mass., remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented a petition of the Indiana and Ohio conference of the Mennonite Brethren in Christ Church, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a memorial of the National Association of Clothiers, of New York City, N. Y., remonstrating against the passage of the so-called "Aldrich currency bill" and praying for the passage of the so-called "Fowler currency bill," which was ordered to lie on the table.

He also presented a memorial of Local Union No. 804, Brotherhood of Painters, Decorators, and Paper Hangers, of Marion, Ind., remonstrating against the passage of the so-called "Penrose bill," to exclude nonmailable periodicals from second-class mail privileges, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PLATT presented a memorial of the New York Board of Trade and Transportation, remonstrating against the passage of the so-called "Aldrich currency bill," which was ordered to lie on the table, and be printed in the RECORD, as follows:

NEW YORK BOARD OF TRADE AND TRANSPORTATION,
New York, March 11, 1908.

To the Members of the Senate and House of Representatives of the United States of America in Congress assembled:

Your petitioners, the New York Board of Trade and Transportation, urgently but respectfully request that Senate bill No. 3023, entitled "A bill to amend the national banking laws," introduced by Senator ALDRICH, be not passed, for the reasons set forth in the following report of the board's committee on finance and taxation, which was unanimously adopted at the monthly meeting of the board held this day:

At a meeting of the finance committee held on Wednesday, the 4th instant, thoughtful consideration was given to United States Senate bill No. 3023, entitled "A bill to amend the national banking laws," introduced by Senator ALDRICH.

This bill provides for an emergency currency to be secured by United States, State, county, municipal, and high-grade railroad bonds, to be issued only in times of emergency. To be specific, the objectionable features of the bill are:

First. Its passage would postpone for an indefinite time further serious consideration of currency reform.

Second. It would add one more unwise provision to our already defective banking system, viz, the inducement it offers to banks to invest in railroad, State, county, and municipal bonds.

Third. Under the provisions of the bill the cost of taking out currency and putting it in circulation would be so heavy that the bill would probably be inoperative.

It is the judgment of your committee that the passage of this bill should be opposed by this association on the general ground that it would bring no benefit whatever to our defective currency system, but, on the contrary, would probably introduce an element of weakness into our banking situation.

Conservative bankers agree that investment in bonds by commercial banks is not in the line of good banking, and that no emergency currency measure should be adopted that would encourage banks to buy bonds for future use or that will make necessary the purchase of bonds in an emergency in order to obtain a currency supply. Everything a bank owes is payable on demand, and its assets at all times should be kept in the most liquid state possible.

The experience of banks in commercial centers, especially in reserve cities and more especially in New York, is that once or twice each year there arises a condition in the money market which makes it almost impossible for them to maintain their lawful money reserve, and as a necessary precaution conservative bankers, in midwinter, when harvest money returns, buy short-time paper, maturing in the spring, and in the summer, when money is plentiful, paper maturing in the early autumn. The maturity of this paper enables them to augment their reserves during those seasons of the year when the pressure for money is the greatest, while any bond investment or other form of long-time investment would make it difficult, if not impossible, at such times for them to easily maintain their lawful money reserve.

If bank assets were kept in such liquid form that at all seasons of the year, without difficulty, they could maintain their proper reserve, the necessity for an emergency currency would seldom arise.

The provisions of the bill would probably never be availed of except in the direst extremity. For stringency in crop-moving periods they would, in our judgment, be inoperative.

The purchase of bonds, with its attendant risk of loss, the tax of 6 per cent, the locking up of probably from 15 to 25 per cent of the cost of the bonds, would make the interest charge on the currency received so high that no banker could be induced to take it out. Even in the face of approaching panic bankers would hesitate to pay so high a rate for money.

The risk of loss involved in the purchase of bonds for emergency purposes would be great, especially if bought during a panic, when speculative prices prevail. If a 2 per cent United States bond as security for circulation should be worth from 105 to 110 in time of panic, what would a 4 per cent municipal bond or a 4 or 5 per cent railroad bond be worth for the same purpose? And what would the same bonds be worth after the panic subsides, when the bonds were no longer in demand? Commercial bankers who have in the past invested to any great extent in railroad and municipal bonds will generally agree that the loss on such investments covering any ten-year period has been much greater than on commercial paper and that their bond investments in times of money pressure has made it very difficult for them to accommodate their commercial customers.

The purchase of bonds during an emergency as security for circulation would weaken the cash condition of banks unless at the same time they were using clearing-house loan certificates in settlement of balances between themselves, for the money required to purchase the bonds would be one-third greater than the amount of relief obtained, and would have to be paid for in lawful money through the clearing house.

For these reasons your committee recommend that the New York Board of Trade and Transportation enter its protest against the passage by Congress of the bill presented by Senator ALDRICH and that the committee on finance be authorized to take such steps as in its judgment seem wise to oppose the enactment of such law.

Respectfully submitted.

ALEXANDER GILBERT, *Chairman,*
ALBERT PLAUT,
LOUIS WINDMULLER,
E. A. DE LIMA,
WM. S. GRAY,
GEORGE C. BOLDT,
Committee on Finance,
New York Board of Trade and Transportation.

[SEAL.] WM. MCCARROLL, *President.*

A true copy.—
Attest:
FRANK S. GARDNER, *Secretary.*

Mr. PLATT presented a concurrent resolution of the legislature of New York, which was referred to the Committee on Military Affairs, and ordered to be printed in the RECORD, as follows:

STATE OF NEW YORK, IN SENATE,
Albany, Thursday, February 20, 1908.

By Mr. Davis. Concurrent resolution of the senate and assembly of the State of New York, requesting the Senators and Representatives of New York in the Congress of the United States of America to aid in the enactment of a law to create a volunteer retired list, upon which surviving officers of the United States Volunteer Army, Navy, and Marines of the civil war may be placed with retired pay.

Whereas it has been the policy of this country from the beginning to retain a small Regular Army, and in times of war to rely upon the patriotism of the people to rally as volunteers in defense of the national flag; and

Whereas it is a recognized fact that the civil war—1861 to 1865—forms the most sanguinary chapter in the history of the world; that the Regular Army, during that struggle, was maintained at about 25,000 officers and men, while the volunteers numbered more than 2,500,000 of officers and enlisted men; and

Whereas it is a recognized fact that the union of these States was preserved, and the national authority maintained by the patriotism, fortitude, and valor of the volunteers, to whom this great united people, now enjoying the inestimable blessings of a preserved Union, owe a debt of gratitude that can never be paid: Therefore be it

Resolved (if the assembly concur), That we request the Senators and Representatives of the Sixtieth Congress from the State of New York to aid in the prompt enactment of a law in effect creating a volunteer retired list, upon which may be placed with retired pay, upon application, the surviving volunteer officers of the Army, Navy, and Marines of the United States who served with credit during the civil war; such survivors now constituting a small remnant of that body of gallant men who led the Union forces to final victory: Be it further

Resolved (if the assembly concur), That in our opinion the precedents of Congressional legislation fully justify the enactment of this law, namely, the acts of 1828 and 1832, granting retired pay during life to the surviving officers and enlisted men of the Army, Navy, and Marines of the Revolution; the act of 1901 retiring Charles A. Boutelle, a volunteer officer of the Union Navy, with the rank and retired pay of captain of the Navy; the acts of 1904, 1906, and 1907 granting increased rank and retired pay to the officers of the Regular Army and Navy, based solely on the ground that they had "served with credit during the civil war;" and the act of 1905 providing for the retirement of two officers of volunteers, namely, Generals Joseph R. Hawley and P. J. Osterhaus, with the rank and retired pay of brigadier-generals: Be it further

Resolved (if the assembly concur), That in our opinion the surviving officers of volunteers of the Army, Navy, and Marines, who served with credit in the great war for the preservation of the Union, are entitled to receive from the National Government honors and emoluments equal to those which had heretofore been bestowed upon any officers who have served in time of war in defense of the country.

By order of the senate.

LAFAYETTE B. GLEASON, *Clerk.*

In assembly March 11, 1908. Concurred in without amendment.
By order of the assembly.

RAY B. SMITH, *Clerk.*

Mr. PLATT presented a petition of Allegany Grange, No. 848, Patrons of Husbandry, of Allegany, N. Y., and a petition of Bombay Grange, No. 924, Patrons of Husbandry, of Bombay, N. Y., praying for the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Branch No. 11, United National Association of Post-Office Clerks, of Buffalo, N. Y., praying for the enactment of legislation providing for an increase in the compensation of certain post-office clerks, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Chester Grange, No. 984, Patrons of Husbandry, of Chester, N. Y., and a petition of Lamson Grange, No. 588, Patrons of Husbandry, of Lamson, N. Y., praying for the enactment of legislation to establish a rural parcels post, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Olean, N. Y., praying for the passage of the so-called "postal savings bank bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of R. M. Starring Post, No. 523, Department of New York, Grand Army of the Republic, of Silver Creek, N. Y., remonstrating against the enactment of legislation to abolish certain pension agencies throughout the country, which was referred to the Committee on Pensions.

He also presented a petition of the Navy-Yard Clerks and Draughtsmen's Association, of New York, N. Y., praying for the enactment of legislation to classify and equalize the salaries of civil-service employees in the Navy Department, which was referred to the Committee on Appropriations.

He also presented a memorial of the National Association of Clothiers, of New York City, N. Y., remonstrating against the passage of the so-called "Aldrich emergency currency bill," which was ordered to lie on the table.

Mr. DILLINGHAM presented petitions of sundry citizens of Shoreham, Addison, Braintree, East Braintree, Brookfield, Northfield, Randolph, and Richford, all in the State of Ver-

mont, praying for the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BURNHAM presented petitions of Miller Grange, No. 34, of Temple; of Golden Rod Grange, No. 144, of Swanzey, and of Narragansett Grange, of Bedford, all of the Patrons of Husbandry, in the State of New Hampshire, praying for the passage of the so-called "Burnham rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

Mr. GAMBLE presented memorials of W. H. Armstrong, of Columbia, S. C., T. H. Jeys, of Spero, N. C., and F. T. Coyne and 26 other citizens, of Tampa, Fla., remonstrating against the enactment of legislation to further protect the first day of the week as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. LONG presented a memorial of Witter & McKee, of Havensville, Kans., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of sundry citizens of Alton, Anthony, Burlington, Colony, Fall River, Florence, Fort Dodge, Louisburg, Norcatur, and Richmond, all in the State of Kansas; of Clarksburg, Eldon, Garden City, Garrison, Gentry, Ironton, Kimmswick, Lockwood Mansfield, Mooreville, Nevada, Neosho, New Haven, Newburg, Reno, Sedalia, St. Joseph, St. Louis, Trenton, and Webster Grove, all in the State of Missouri; of Gorham, Me.; Soldiers' Home and Watrousville, in the State of Michigan; of Killbuck, Ohio; Luray, S. C., and of Seattle, Wash., remonstrating against the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. CULLOM presented a resolution of the city council of Dixon, Ill., which was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

Whereas the construction of the Hennepin Canal was undertaken for the purpose, among other things, of enabling the citizens of northern Illinois to have access by a water route to the Mississippi River and its tributaries and to the Great Lakes; and

Whereas said canal has now been completed and is ready for use for the purposes of navigation; and

Whereas the expenditure of but a small amount of money in dredging and deepening of a portion of Rock River at and below the city of Dixon will give to said city of Dixon all of the benefits accruing from said canal: Therefore be it

Resolved by the city council of the city of Dixon:

SECTION 1. That the Senators from the State of Illinois and the Member of Congress from this Congressional district be, and they are hereby, requested to use their efforts to the end that the Congress at its present session shall make an appropriation to be expended in the dredging and deepening of Rock River at and below the city of Dixon to a sufficient depth to make the same navigable.

SEC. 2. That copies of this resolution be sent by the city clerk of this city to the Hon. SHELBY M. CULLOM and the Hon. ALBERT J. HOPKINS, Senators from Illinois, and to the Hon. FRANK O. LOWDEN, Member of Congress from the Thirteenth Congressional District of Illinois.

BLAKE GROVER, *City Clerk.*

Mr. CULLOM presented a petition of J. T. Harahan Division, No. 602, Brotherhood of Locomotive Engineers, of Champaign, Ill., and a petition of Moreshade Lodge, No. 706, Brotherhood of Railroad Trainmen, of East St. Louis, Ill., praying for the passage of the so-called "La Follette-Sterling employers' liability bill," which were referred to the Committee on the Judiciary.

He also presented a memorial of the Montgomery Club, of Unionville, Conn., remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a memorial of John Buford Post, No. 243, Department of Illinois, Grand Army of the Republic, of Rock Island, Ill., remonstrating against the enactment of legislation proposing to abolish certain pension agencies throughout the country, which was referred to the Committee on Pensions.

He also presented a petition of the city council of Galena, Ill., praying that an appropriation be made for the opening of a channel of 6 feet in depth in the Mississippi River from St. Louis, Mo., to Minneapolis, Minn., which was referred to the Committee on Commerce.

Mr. TALIAFERRO presented a memorial of sundry citizens of Florida, remonstrating against the enactment of legislation giving the States police jurisdiction over wines and liquors shipped from one State into another, which was referred to the Committee on Interstate Commerce.

Mr. MARTIN presented a joint resolution of the legislature of Virginia, which was referred to the Committee on Coast Defenses and ordered to be printed in the RECORD, as follows:

Joint resolution in regard to naval coast-defense board.

Whereas the entrance to Chesapeake Bay is commercially and strategically of the very first importance, which fact has been fully recognized by the military authorities of the United States, so that the naval coast-defense board has repeatedly emphasized the necessity of securing this entrance against outside fleets, which, should it gain control of the sea, could establish, without coming under the fire of a single gun, a base on the shores of Virginia and have access to large quantities of valuable supplies of all kinds, thus paralyzing the vast commercial and industrial business in and around Chesapeake Bay; and

Whereas there is contained in the fortifications bill now pending before the Congress of the United States provision for the acquisition and fortification of the entrance to Chesapeake Bay: Be it

Resolved by the house of delegates (the senate concurring), That the United States Senators from Virginia are directed, and the Members of Congress from Virginia are requested, to use every effort to secure the necessary appropriations from the Congress, recommended in the fortifications bill, to enable the necessary, proper, and adequate protection and defense for the entrance to Chesapeake Bay.

That a copy of this resolution be forwarded to each United States Senator and Member of Congress from Virginia by John W. Williams, keeper of the rolls of Virginia.

Agreed to by the house of delegates, January 29, 1908.

Agreed to by the senate, February 1, 1908.

JNO. W. WILLIAMS,
Keeper of the Rolls of Virginia.

Mr. MARTIN presented a joint resolution of the legislature of Virginia, which was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

Joint resolution to distribute the surplus in the Treasury of the United States to the several States for the purpose of improving roads therein.

Whereas the question of improving the roads of the State is one in which our people are deeply interested, and realizing that the best solution of the question can only be reached by national aid, in addition to local and State aid: Be it

Resolved by the house of delegates of Virginia (the senate concurring), That our Representatives in Congress be, and are hereby, requested to support and, if possible, secure the passage of a bill introduced by Hon. H. D. FLOOD, known as H. R. 164, entitled "A bill to distribute the surplus in the Treasury of the United States to the several States and Territories and the District of Columbia for the sole purpose of improving the roads therein."

The keeper of the rolls will send a copy of this resolution to each of the Senators and Members of Congress.

Agreed to by the general assembly of Virginia, February 4, 1908.

JNO. W. WILLIAMS,
Keeper of the Rolls of Virginia.

Mr. MARTIN presented a joint resolution of the legislature of Virginia, which was referred to the Committee on Immigration and ordered to be printed in the RECORD, as follows:

Joint resolution to oppose in every possible manner the influx into Virginia of immigrants from Southern Europe.

Resolved by the senate of Virginia (the house of delegates concurring), That our Representatives in both Houses of Congress be, and they are hereby, requested to oppose in every possible manner the influx into Virginia of immigrants from Southern Europe, with their Mafia and Black Hand and murder societies, and with no characteristics to make them with us a homogeneous people, believing, as we do, that upon Anglo-Saxon supremacy depend the future welfare and prosperity of this Commonwealth; and we view with alarm any effort that may tend to corrupt its citizenship.

Agreed to by general assembly of Virginia, February 14, 1908.

JNO. W. WILLIAMS,
Clerk, House of Delegates, and
Keeper of the Records of Virginia.

Mr. OVERMAN presented a petition of sundry citizens of Marshall, N. C., praying that an appropriation be made to purchase and establish a cemetery for ex-Union soldiers in the vicinity of that city, which was referred to the Committee on Military Affairs.

Mr. GALLINGER presented petitions of the Woman's Christian Temperance Union of West Stewartstown, N. H., of sundry citizens of Westfield, Ind., and of Washington, D. C., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented the petition of Irwin B. Lintor, of Washington, D. C., praying for the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented memorials of sundry citizens of Toledo and Killbuck, in the State of Ohio; of Holly, Detroit, Pittsford, Watrousville, Osseo, and Berrien Springs, all in the State of Michigan; of Albion and Antigo, in the State of Wisconsin; of Spero and Hildebran, in the State of North Carolina; of Luray and Columbia, in the State of South Carolina; of Rome and Watertown, in the State of New York; of Gorham and Waldoboro, in the State of Maine; of Northfield, Vt.; of Erie, Pa; of Mansfield Center, Conn.; of Oklahoma City, Okla.; of Seattle, Wash.; of Richmond, Kans.; of Siloam Springs, Ark.; of Wright, Wyo.; of Elkhart, Ind.; of Windsor, Fla., and of Semmes, Ala., remonstrating against the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. PERKINS presented a memorial of E. Martin & Co., of San Francisco, Cal., remonstrating against the enactment of

legisation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of Soquel Grange, No. 349, Patrons of Husbandry, of Soquel, Cal., and a petition of sundry citizens of Los Angeles, Cal., praying for the establishment of a national forest reserve in the Southern Appalachian and White Mountains, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a memorial of the Chamber of Commerce of San Jose, Cal., remonstrating against the adoption of certain amendments to the interstate-commerce law, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of sundry citizens of San Francisco, Cal., remonstrating against the ratification of a treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. BURKETT presented a memorial of the United Irish League of America, of Boston, Mass., remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. CURTIS presented a petition of sundry citizens of Scranton, Kans., praying for the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Western Retail Implement and Vehicle Dealers' Association, of Kansas City, Mo., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Local Union No. 1009, United Mine Workers, of Osage City, Kans., remonstrating against the passage of the so-called "Penrose bill," to exclude nonmailable periodicals from second-class mail privileges, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Leavenworth, Kans., praying for the enactment of legislation providing for the construction of at least one of the proposed new battle ships at one of the Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented a petition of John A. Martin Post, No. 93, Department of Kansas, Grand Army of the Republic, of the State of Kansas, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

He also presented a petition of the Commercial Club of Great Bend, Kans., praying for the enactment of legislation to restore John F. Lewis to the United States Army with the rank of captain of infantry, and place him upon the retired list, which was referred to the Committee on Military Affairs.

Mr. BRANDEGEE presented a memorial of the Business Men's Association of Windsor Locks, Conn., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Chamber of Commerce of New Haven, Conn., and a petition of the Manufacturers' Association of Bridgeport, Conn., praying for the enactment of legislation to create a national forest reserve in the Southern Appalachian and White Mountains, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a memorial of the Chamber of Commerce of New Haven, Conn., remonstrating against the passage of the so-called "Crumpacker bill," providing for the employment of additional clerks for the taking of the Thirteenth and subsequent censuses, which was referred to the Committee on the Census.

He also presented memorials of the Emmet Literary Association, of New London; of the Ancient Order of Hibernians, of New London, and of the Montgomery Club, of Unionsville, all in the State of Connecticut, remonstrating against the ratification of pending treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. SIMMONS presented memorials of the Brown and Williamson Tobacco Company, of Winston-Salem; of the Whitaker-Harvey Company, of Winston-Salem, and of Bailey Brothers, of Winston-Salem, all in the State of North Carolina, remonstrating against the enactment of legislation to permit the sale of leaf tobacco for consumption without the payment of the internal-revenue tax, which were referred to the Committee on Finance.

Mr. HALE presented a petition of B. F. Clover and sundry other citizens of Maine, a petition of C. C. Cambo and sundry other citizens of Maine, and a petition of Peter E. Thompson and sundry other citizens of Maine, praying for the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CLAPP (for Mr. NELSON) presented a petition of sundry citizens of Minnesota, praying for the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HOPKINS presented a petition of the city council of Dixon, Ill., praying that an appropriation be made for the dredging and deepening of a portion of Rock River, at and below the city of Dixon, Ill., which was referred to the Committee on Commerce.

ADMINISTRATION OF INDIAN AFFAIRS.

Mr. CLAPP. I have a communication from the Commissioner of Indian Affairs, inclosing a draft of a bill containing various measures relating to the administration of Indian affairs now pending before Congress. I move that the communication be printed as a document and referred to the Committee on Indian Affairs.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. McLAURIN, from the Committee on Public Lands, to whom was referred the bill (S. 437) for the relief of D. J. Holmes, reported it with an amendment and submitted a report thereon.

Mr. SCOTT, from the Committee on Pensions, to whom were referred certain bills granting pensions and increase of pensions, submitted a report accompanied by a bill (S. 6192) granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and to certain widows and helpless and dependent children of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 148. Thomas H. Wilson.
S. 199. John R. Boso.
S. 223. John T. Ross.
S. 224. Nathaniel Davis.
S. 225. William Cody.
S. 232. George Franklin.
S. 239. Susan Coffee.
S. 617. Martin Covert.
S. 640. Dora A. Skinner.
S. 683. Dallas Bumbaugh.
S. 693. Charles Rote.
S. 695. Daniel Cunningham.
S. 838. Robert B. Smith.
S. 881. Thomas H. Dunham, jr.
S. 972. John Patrick.
S. 1428. Austin S. Bump.
S. 1489. John F. Blanchard.
S. 1504. Frederick Rice.
S. 1549. Mollie Tarvin.
S. 1651. Franklin Teets.
S. 1713. George P. V. Tritipoe.
S. 1721. Benjamin Woosley.
S. 2059. Benjamin Hammons.
S. 2064. Commodore P. Barker.
S. 2165. John W. Fox.
S. 2166. Samuel Wilhelm.
S. 2171. Thomas Austin.
S. 2196. David E. Hurlburt.
S. 2349. Spencer Rice.
S. 2426. Thomas G. Pratt.
S. 2463. John B. Reed.
S. 2575. Frank J. C. Tyler.
S. 2747. Archibald W. Collins.
S. 2928. Lemon H. Wiley.
S. 3063. Jane Hunt.
S. 3101. Adaline J. Richardson.
S. 3102. Stillman J. Perkins.
S. 3103. Martin A. Butterfield.
S. 3156. Martin V. Strine.
S. 3162. Harriet S. Robins.
S. 3179. Alexander C. Carman.
S. 3307. Constantine P. Berry.
S. 3326. Daniel Umstead.
S. 3331. Thomas F. Callan, alias Thomas Cowan.
S. 3413. Julia C. Danels.
S. 3517. Norman Lebo.
S. 3518. Samuel Dailey.
S. 3586. Menzo Wixson.
S. 3593. William M. Higby.

S. 3599. Isaac N. Stotts.
S. 3600. David L. Jones.
S. 3680. Mathias Ault.
S. 3685. Clara J. Swain.
S. 3780. John A. Houston.
S. 4126. Josephus Allen
S. 4164. John Medcalf.
S. 4207. John T. Hadden.
S. 4346. William M. Irvin.
S. 4408. Hannah E. Barber.
S. 4425. Margaret Clark.
S. 4476. John Coats.
S. 4517. Milford W. Oxley.
S. 4457. John M. Harris.
S. 4585. George H. Paddock.
S. 4603. Charles Henry Palmer.
S. 4607. Mary J. Collett.
S. 4608. Charles F. Still.
S. 4609. Shedrach M. Cordon.
S. 4610. Bradford H. Hall.
S. 4737. Joseph W. Pierson.
S. 4796. Thomas W. D. Horton.
S. 4841. John G. Hibbs.
S. 4846. Thurman H. Rodeheaver.
S. 4884. Henry C. Ferguson.
S. 4911. John Barr.
S. 4964. Anna O. D. Mickley.
S. 5024. Mory Mulliken.
S. 5081. Isadore L. W. Terry.
S. 5105. John Kugle.
S. 5114. Henry Beal.
S. 5148. Wilton C. Hall.
S. 5179. Imogen P. Stone.
S. 5180. Elizabeth M. Rutherford.
S. 5184. Peter A. Frey.
S. 5186. Margaretha S. Schaffel.
S. 5241. Amanda Ewing.
S. 5246. David Warner.
S. 5250. Philip Ward.
S. 5316. Minnie B. Jeffries.
S. 5368. Alonzo D. Holcomb.
S. 5371. George Hazzard.
S. 5406. William McCaw.
S. 5523. Lizzie Kapus.
S. 5533. Bridget Malloy.
S. 5535. Abbie W. Fessenden.
S. 5536. Darius A. Sweet.
S. 5540. Thomas J. Griffin.
S. 5571. George C. Simmons.
S. 5600. Martha M. Allen.
S. 5615. Joseph R. Thomas.
S. 5685. Emma S. Schletzbaum.
S. 5706. Eli Conn.
S. 5712. George H. Smith.
S. 5719. Elizabeth R. Allen.
S. 5720. John D. Lankton.
S. 5722. Robert F. Appleby.
S. 5723. Sarah B. Norris.
S. 5724. James A. Irvin.
S. 5739. Charles W. McCay.
S. 5755. Laura H. Snider.
S. 5811. Patrick P. Toale.
S. 5812. Hartford M. Harding.
S. 5830. Jacob Watson.
S. 5851. Andrew J. Moore.
S. 5863. Harry C. Gallaher.
S. 5965. Thomas J. Redman.
S. 5971. Ida R. Foss.
S. 6020. Timothy J. Sheehan.
S. 6046. Nelson E. Nelson.
S. 6056. Ira A. Taylor.
S. 6103. Abram Bickford.

Mr. SMOOT, from the Committee on Claims, to whom was referred the bill (H. R. 15070) for the relief of J. Edmund Strong, reported it without amendment and submitted a report thereon.

Mr. BOURNE, from the Committee on Fisheries, to whom was referred the bill (S. 5966) to establish a fish-hatching and fish-culture station for the hatching and propagation of shad upon or near the seacoast in the State of Georgia, reported it without amendment and submitted a report thereon.

YAKIMA INDIAN RESERVATION LANDS.

Mr. BROWN. From the Committee on Indian Affairs, I report back favorably without amendment the bill (S. 6135) providing for the disposal of the interests of Indian minors in real estate in Yakima Indian Reservation, Wash., and I submit a report thereon.

Mr. PILES. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HASTINGS STEAMBOAT COMPANY.

Mr. BURNHAM. From the Committee on Claims, I report back favorably without amendment the bill (S. 4427) for the relief of Hastings Steamboat Company, and I submit a report thereon.

Mr. PILES. I ask unanimous consent for the consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Hastings Steamboat Company, or its legal representative, $286.35 as full compensation to the steamboat company for loss and damages sustained by it on account of the steamer *Dauntless* having her stem struck and split by the U. S. S. *Cartwright* in the waters of Puget Sound on October 12, 1904, while the *Cartwright* was being operated under the direction and control of the United States Government and the *Dauntless* was lying motionless at the dock.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BOIS FORT INDIAN RESERVATION LANDS.

Mr. CLAPP. From the Committee on Indian Affairs I report back favorably without amendment the bill (S. 6171) to allot to Indians land in former limits of Bois Fort Reservation, Minn., and I submit a report thereon. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF RAMSAY CROOKS.

Mr. CLAPP, from the Committee on Indian Affairs, to whom were referred the bill (S. 1230) for the relief of the estate of Ramsay Crooks and the bill (S. 1231) for the relief of the estate of Ramsay Crooks, reported the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the claims of the estate of Ramsay Crooks (S. 1230 and 1231) now pending in the Senate, together with all accompanying papers, be, and the same are hereby, referred to the Court of Claims in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1883, and generally known as the "Tucker Act," and said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

BILLS INTRODUCED.

Mr. du PONT introduced a bill (S. 6193) to provide for the enlargement of the post-office and court-house building at Wilmington, Del., and for the acquisition of the additional land necessary therefor, which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. SMOOT introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6194) granting an increase of pension to William Passler, alias John Kropston; and

A bill (S. 6195) granting an increase of pension to James Henry Martineau.

Mr. MARTIN introduced a bill (S. 6196) to repair a portion of the roadway to the national cemetery at Staunton, Va., and to keep said portion of said road in repair, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. TALIAFERRO introduced a bill (S. 6197) granting a pension to Thomas J. Zipperer, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WARREN introduced a bill (S. 6198) to authorize the appointment of a United States commissioner for the Shoshone or Wind River Reservation, in the State of Wyoming, and for other purposes, which was read twice by its title and referred to the Committee on the Judiciary.

He also introduced a bill (S. 6199) to credit certain officers

of the Medical Department, United States Army, with services rendered as acting assistant surgeons during the civil war, which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. SUTHERLAND introduced a bill (S. 6200) granting a perpetual easement and right of way to Salt Lake City, Utah, for the construction, operation, maintenance, repair, and renewal of a conduit and pipe line and valve houses upon and across the Fort Douglas Military Reservation, which was read twice by its title and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. HEYBURN introduced a bill (S. 6201) for the relief of Annie Potts, administratrix of the estate of W. B. Pannell, which was read twice by its title and referred to the Committee on Claims.

Mr. DICK introduced a bill (S. 6202) granting an increase of pension to William S. McCormish, which was read twice by its title and referred to the Committee on Pensions.

Mr. BURNHAM introduced a bill (S. 6203) granting an increase of pension to Charles J. Hinds, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 6204) granting an increase of pension to George Robinson, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HOPKINS introduced a bill (S. 6205) granting an increase of pension to Charles E. Ferguson, which was read twice by its title and referred to the Committee on Pensions.

Mr. WARNER introduced a bill (S. 6206) for the relief of certain former members of the Twenty-fifth Regiment United States Infantry, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. SMITH introduced a bill (S. 6207) granting a pension to Clara Belle Barr, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 6208) granting a pension to Rachel F. Prince, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 6209) granting an increase of pension to Thomas Ashton, which was read twice by its title and referred to the Committee on Pensions.

Mr. BORAH introduced the following bills, which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6210) granting an increase of pension to Henry M. Barber;

A bill (S. 6211) granting an increase of pension to Cary P. Taplin;

A bill (S. 6212) granting an increase of pension to John F. Sacks; and

A bill (S. 6213) granting an increase of pension to Isaac Daniels.

Mr. McCREARY introduced a bill (S. 6214) for the relief of Ellenor Gibson Whitney, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 6215) granting an increase of pension to Lewis G. Johnson, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 6216) to provide for the formation and disbursement of a public school teachers' retirement fund in the District of Columbia, which was read twice by its title and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. CLAPP introduced a bill (S. 6217) to recover tide lands in Washington State claimed by Puyallup Indians, which was read twice by its title and referred to the Committee on Indian Affairs.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6218) granting an increase of pension to George H. Scongale; and

A bill (S. 6219) granting an increase of pension to Fred Reed.

He also (for Mr. NELSON) introduced a bill (S. 6220) granting an increase of pension to Simeon S. Goodrich, which was read twice by its title and referred to the Committee on Pensions.

Mr. DANIEL introduced a bill (S. 6221) giving jurisdiction to the Court of Claims to ascertain the interest of Anna M. Fitzhugh, and the value of such interest, in the wood taken from the estate of Ravensworth by the military authorities of the United States, which was read twice by its title and referred to the Committee on Claims.

Mr. SCOTT introduced a bill (S. 6222) for the relief of William H. West, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. HALE introduced a bill (S. 6223) to establish a record and pension office in the Navy Department, which was read twice by its title and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 6224) granting an increase of pension to Ira W. Wheeler, alias Charles Smith, which was read twice by its title and referred to the Committee on Pensions.

Mr. CURTIS introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6225) granting a pension to Mary A. Watkins; and

A bill (S. 6226) granting an increase of pension to Benjamin McElroy.

He also introduced a bill (S. 6227) directing the payment of certain Chickasaw warrants, and for other purposes, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. MARTIN introduced a bill (S. 6228) granting an increase of pension to Lucy Scott West, which was read twice by its title and referred to the Committee on Pensions.

Mr. BURKETT introduced a bill (S. 6229) granting an increase of pension to Tabitha E. Dumond, which was read twice by its title and referred to the Committee on Pensions.

Mr. TELLER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6230) granting an increase of pension to Thomas Townsend (with the accompanying papers); and

A bill (S. 6231) restoring to the pension roll the name of Lilla Stone Pavy.

Mr. HEMENWAY (by request) introduced a bill (S. 6232) to create a national university at the seat of the Federal Government, which was read twice by its title and referred to the Committee on the University of the United States.

Mr. BAILEY introduced a bill (S. 6233) directing the payment of certain warrants issued by the Chickasaw Nation of Indians out of the tribal funds belonging to said Indians now in the United States Treasury, which was read twice by its title and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 6234) for the establishment of a fish-cultural station in Texas, which was read twice by its title and referred to the Committee on Fisheries.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PERKINS submitted an amendment proposing to appropriate $700,000 to enable the Secretary of the Navy to establish a naval station at Pearl Harbor, Hawaii, intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. BANKHEAD submitted an amendment proposing to appropriate $500,000 to be expended by the Postmaster-General in improving the condition of the roads over which rural-delivery routes are to be established, etc., intended to be proposed by him to the post-office appropriation bill, which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

Mr. HEYBURN submitted an amendment providing that all public lands, reserved and unreserved, of the United States, now unsurveyed within the States of Idaho, Oregon, Montana, and California shall be surveyed without regard to settlement thereon, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. DICK submitted an amendment providing that payments of increase of pay for foreign service which have heretofore been made to officers and enlisted men of the Army serving on Army transports in the Philippine Islands shall be allowed by the accounting officers in the settlement of their accounts, intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. TALIAFERRO submitted an amendment providing for the establishment of a weather bureau station at Miami, Fla., etc., intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

AMENDMENTS TO OMNIBUS CLAIMS BILL.

Mr. ELKINS submitted three amendments intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which were ordered to lie on the table and be printed.

Mr. FOSTER submitted two amendments intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which were ordered to lie on the table and be printed.

THE COPYRIGHT LAWS.

Mr. SMOOT submitted the following resolution, which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Patents, or any subcommittee thereof, be, and the same is hereby, authorized and directed to investigate, in conjunction with the Committee on Patents of the House of Representatives, all matters pertaining to the copyright laws; to send for persons and papers; to administer oaths; and to employ a stenographer to report such hearings as may be had in connection with such investigation and have the same printed for its use; that the committee be authorized to sit during the sessions of the Senate, and that all expenses of such investigation be paid out of the contingent fund of the Senate.

PENSIONS AND INCREASE OF PENSIONS.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 5254) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent children of such soldiers and sailors, which was, on page 2, to strike out lines 23 to 26, inclusive.

Mr. SCOTT. Owing to the death of the beneficiary, after the bill passed the Senate, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

MEMORIAL ADDRESSES ON THE LATE SENATORS FROM ALABAMA.

Mr. BANKHEAD. Mr. President, as it will be convenient to myself and my colleagues, I desire to give notice that on Saturday, April 11, immediately after the routine morning business is disposed of, I shall ask the Senate to pause long enough to pay tribute to our distinguished predecessors, Mr. Morgan and Mr. Pettus, late Senators from Alabama.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. M. C. LATTA, one of his secretaries, announced that the President had approved and signed the following acts:

On March 16, 1908:

S. 1931. An act to grant certain land, part of the Fort Niobrara Military Reservation, Nebr., to the village of Valentine for a site for a reservoir or tank to hold water to supply the public of said village; and

S. 2948. An act to provide additional station grounds and terminal facilities for the Arizona and California Railway Company, in the Colorado River Indian Reservation, Ariz.

HOUSE BILLS REFERRED.

H. R. 10540. An act to amend section 73 of the act to provide a government for the Territory of Hawaii, was read twice by its title, and referred to the Committee on Pacific Islands and Porto Rico.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 13448. An act to authorize the counties of Allegheny and Washington, in the State of Pennsylvania, to change the site of the joint county bridge which now crosses the Monongahela River at Monongahela City, Pa., and to construct a new bridge across said river in the place of said present bridge upon a new site; and

H. R. 17707. An act to authorize William H. Standish to construct a dam across James River, in Stone County, Mo., and divert a portion of its waters through a tunnel into the said river again to create electric power.

The following bills were severally read twice by their titles and referred to the Committee on Indian Affairs:

H. R. 16743. An act for the removal of the restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes; and

H. R. 17301. An act to authorize the Secretary of the Interior to lease allotted or unallotted Indian lands for mining purposes.

H. R. 17983. An act for completing the pediment of the House wing of the Capitol, was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

H. R. 18689. An act to authorize the Secretary of War to furnish two condemned brass or bronze cannon and cannon balls to the city of Winchester, Va., was read twice by its title, and referred to the Committee on Military Affairs.

H. J. Res. 124. Joint resolution authorizing the presentation of the statue of President Washington now located in the Capitol grounds to the Smithsonian Institution, was read twice by its title, and referred to the Committee on the Library.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CULLOM. Mr. President, I rise for the purpose of making a brief statement.

I had expected that the honorable Senator from Wisconsin [Mr. LA FOLLETTE] would be present this morning and proceed at once to finish his speech. I understand that he will not be here before 2 o'clock, but will be here at that time and desires to proceed. I shall not bring up the legislative, executive, and judicial appropriation bill at this time, preferring to withhold it until after his remarks are completed. I yield to the Senator from Oregon [Mr. FULTON] to bring up his omnibus claims bill.

OMNIBUS CLAIMS BILL.

Mr. FULTON. I ask that the bill (H. R. 15372) for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, commonly known as the "Bowman and Tucker acts," be now taken up and proceeded with.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with amendments.

Mr. FULTON. I ask that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. FULTON. Mr. President, before beginning the reading of the bill, I desire to make a few statements explanatory of the rules that have been adopted in preparing this measure.

As the bill came from the House it carried appropriations aggregating $315,345.28. It now carries $2,299,601.82. This aggregate amount is made up of what has been classified in the bill as "Miscellaneous Court of Claims findings under the Bowman and Tucker acts," $985,747.12. All these claims are based on Court of Claims findings. They are either for the use and occupation of buildings and real estate or for stores and supplies taken for the use of the Army.

In preparing the bill the committee has followed in a general way these rules: First, they have not included any item where the court has affirmatively found that there has been laches in presenting the claim and that no excuse has been offered for the negligence or failure of the claimant to present it within the proper time.

In the matter of claims for the use and occupation of real estate, the committee have not allowed any claims where the value of the buildings was found when the buildings had been destroyed. A great many Senators whose constituents have claims of this character have felt that the rule of the committee was unjust in that particular. Where the finding was that a certain building had been used by the Army for a given period of time and then destroyed by the Army or torn down and the materials used, the court found the value of the building, but did not find the value of the materials that were used by the Army. The contention is that the claim should be allowed for the value of the building. The rule the committee have followed is simply to allow claims that were for such things as the Army actually used, which the Army otherwise would have had to purchase. Of course, in a case of that kind, if a building was torn down and the material taken and used by the Army, the only benefit the Army got was from the material, and we allow the value of the material.

On the ground of laches——

Mr. CLAY. With the Senator's permission——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Georgia?

Mr. FULTON. Certainly.

Mr. CLAY. I should like to ask the Senator whether the bill as originally reported to the Senate, which was afterwards recommitted to the Committee on Claims, is still in print? The bill as it originally came from the Committee on Claims included certain items which are not included in this bill, and in order to reach those items it will be necessary to have the first print. I have been unable to secure a copy of the bill as it originally came from the Committee on Claims of the Senate.

Mr. FULTON. I think the Senator can find it in the document room.

Mr. CLAY. I have not been able to do so.

Mr. FULTON. I am told that copies are there. It is in print.

When the committee first reported the bill in the amended form it carried a number of claims that were not properly there under the rules I have stated. The report and bill were re-referred to the committee and those claims were eliminated.

I realize, Mr. President, that constituents of Senators who

are interested in these claims have been misled. Claims appeared in the first print, and of course they assumed that the claim was allowed by the committee. They were eliminated in the second print, and it has led to misunderstanding on the part of their constituents. As far as I am concerned, I will state that I am perfectly willing that those claims which were reported in the print of the first report may be reinserted in this bill.

Mr. BACON. Mr. President, in this connection I will call the attention of the Senator from Oregon to a fact, to which he will recollect I called his attention, where there is a mistake in the first print in the case of St. Philip's Episcopal Church, Atlanta, and the sum was nineteen hundred instead of $800.

Mr. FULTON. I think that is corrected in the second print.

Mr. BACON. Possibly.

Mr. FULTON. With this statement, Mr. President, I will ask the Secretary to proceed with the reading.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Wyoming?

Mr. FULTON. Certainly.

Mr. WARREN. I observe that we are to proceed in the usual way, and the Senator has asked for the consideration of the committee amendments. There are some places where an initial is wrong or a name is wrong. I think it would be easier to correct that as we go along. I ask the Senator if it would embarrass him if I should call his attention to such defects as the reading proceeds?

Mr. FULTON. Not at all. Indeed, I would be very glad to have any Senator do that, because there may be some defects of that character in the print, which should be corrected as the bill is read.

Mr. FRAZIER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Tennessee?

Mr. FULTON. Certainly.

Mr. FRAZIER. I was not in the Chamber when the Senator was making his statement with reference to the second report, brought in in the way of correction of the first report. Did I understand the Senator to indicate his willingness as chairman of the committee to accept and have placed in the bill, as now being considered, those claims that were left out of the original print?

Mr. FULTON. I so stated, because I think that the claimants have been misled, and their claims having appeared in the first print, it would hardly be just to the Senators representing those States to decline to pay them. I think, indeed I know, that the claims are in violation of the rule the committee has established. Of course I do not know that that rule would receive the approval of the Senate, but I think it is a correct rule and a just rule.

I wish to make a further statement, however, in this connection. I think it is a wrong policy that has been followed in the past of sending these bills, at least in such large numbers, to the Court of Claims. Indeed, I have reached the conclusion, from the study I have given the subject as chairman of the Committee on Claims, that section 14 of the Tucker Act should be repealed and no more of this character of claims should be sent to that court. When I say claims of this character, I mean what we commonly call "war claims."

We have now come so far away from that period that it is almost impossible to get reliable testimony touching transactions that occurred during the war days. These bills go down to the Court of Claims. The Government is entirely helpless, because it is a practical impossibility for it to discover any witnesses who were familiar with the transactions. As to these claimants, I am not charging them with wholesale fraud, but the opportunity to perpetrate wholesale fraud on the Government is provided by this method of proceeding, and I have no doubt a vast number of these claims are in truth absolutely without any just and substantial foundation; but they go to the court. The court is bound by the testimony the claimant produces. The Government is helpless to produce any. The court is compelled to find that so much property was taken for the use of the Army, and that the claimant was loyal. The claims come back here, and there seems to be nothing left for Congress, or for the committee that has it in charge, at least, to do but to report the bill favorably, because they are favorable on their face on the finding of the court.

I was going to say it seems there is nothing left for Congress to do but to provide for their payment, but in view of the fact that so many years have passed since these transactions occurred, I think the practice of sending these claims to the Court of Claims should be discontinued. Therefore, before the pending bill is disposed of I propose to offer an amendment repealing section 14 of the Tucker Act. If that shall be adopted, there will be no provision of law for sending claims to the Court of Claims for findings of fact except under the Bowman Act, which does not give the court further jurisdiction of claims of this character. I shall offer the amendment, however, on my own responsibility. The committee has not approved it. Indeed, the question has not been presented to the committee.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Utah?

Mr. FULTON. Certainly.

Mr. SMOOT. I should like to ask the Senator from Oregon, the chairman of the committee, if I understood him properly in answering the question of the Senator from Tennessee [Mr. FRAZIER]. He stated that he, as chairman of the committee, is perfectly willing that the claims that were rejected on the first print, and not appearing in the second print, should be reinstated in the pending bill, and that he thought they ought to be paid.

Mr. FULTON. I stated as chairman of the committee that I am willing, as far as I am concerned, that they may be reinstated. As to whether they ought to be paid is another proposition. I think most of those claims were eliminated on the ground of laches. So far as the defense of the statute of limitations is concerned, as a rule I do not have very much sympathy with it, but in a case of this kind, where the facts depend upon a transaction that occurred so many years ago—where there is no record of it—I think that the Government is justified in asserting its defense of the statute of limitations and availing itself of laches. But it is quite likely, in fact I think entirely likely, that these claims where laches have been found are in the majority as just and as equitable demands against the Government as those where laches have not been found.

Mr. SMOOT. I wish to say to the Senator that as far as I am concerned I think it would be a very dangerous step to take. If we adopt that as a precedent and such claims are paid, I do not know where on earth it would end. I can not say how many items would be added to this bill in the House similar to those which were included in the first print. The Committee on Claims strictly mapped out the rules, and they were followed, and this would be a violation of those rules.

Mr. CLAY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Georgia?

Mr. SMOOT. I do.

Mr. CLAY. Mr. President, I do not know how it is with claims from other States, but I will say to the Senator that the claims relating to the four churches in Georgia were not stricken out on account of negligence or laches. The judgments were rendered in each case by the Court of Claims for the value of those churches, fixing their value, and the items were inserted in the first print of the bill. The bill was afterwards reconsidered and recommitted to the Committee on Claims, and those items were dropped out simply because they included the total value of the churches and improvements instead of only the material used, when they did not prove the value of each item of material. Where a church is proven to have been worth $400 and was entirely taken, then they refuse to pay that claim. To pay a claim where the item of lumber amounted to $400 is, in my judgment, absurd.

Mr. SMOOT. Mr. President——

Mr. FULTON. If the Senator from Utah will allow me right there?

Mr. SMOOT. Certainly.

Mr. FULTON. I think the Senator from Georgia takes the wrong view of this proposition.

Mr. SMOOT. Absolutely.

Mr. FULTON. The only thing for which the Government should be liable is that which was used by the Army. The destruction of property by an army in war time——

Mr. CLAY. That does not apply to a single one of these cases.

Mr. FULTON. There is no government in the world that pays for property destroyed by an army. The only thing for which the Government does pay is for the property used by the Army.

Mr. CLAY. The items to which I have reference I have proven were taken and used by the Army. They were taken and used for the purpose of building bridges.

Mr. SMOOT. Mr. President, we are perfectly willing to pay for property that was taken by the Army and used for the purpose of building bridges, but we do not want the Government to pay any more for the lumber that went into the bridges than the lumber was worth in the construction of the building.

Mr. CLAY. Then, if the Senator from Utah refers these

claims to the Court of Claims and the Court of Claims is authorized to fix the value of this material, how are we going to test the judgment of the court?

Mr. SMOOT. The Court of Claims fixes the value of the building, not of the material, and that is what we want to pay for—the material and its value, instead of the value of the building.

Mr. CLAY. I understood the chairman of the committee—and we ought to have a distinct understanding since this bill has been taken up—to agree that these items should be restored.

Mr. FULTON. I have.

Mr. SMOOT. The chairman has agreed.

Mr. FULTON. Let me say, if the Senator from Utah will allow me——

Mr. SMOOT. Certainly.

Mr. FULTON. So far as I am concerned I agree to it; I believe it should be done under the circumstances; and yet, of course, in the last analysis it is for the Senate to say whether or not it shall be done. It is not for me.

Mr. CLAY. As I understand the Senator from Oregon, then, heretofore the practice of the Senate has been, where a bill came from a great committee in regard to an item of this kind, to accept whatever the chairman of the committee, representing the committee, proposed to do. Do I understand from the Senator from Oregon that he is willing to accept these amendments, and under the arrangement the other members of the committee are to fight the amendments? Is that the rule that we are to adopt in this case?

Mr. FULTON. Does the Senator ask me if I have such an arrangement with the other members of the committee?

Mr. CLAY. I ask if the Senator from Utah is on the committee?

Mr. SMOOT. Yes, sir; I am on the committee.

Mr. FULTON. Does the Senator from Georgia suppose that I would stand here and make that statement——

Mr. CLAY. I do not think so.

Mr. FULTON. With a secret understanding——

Mr. CLAY. I did not say that.

Mr. SMOOT. In answer to the Senator from Georgia [Mr. CLAY], I wish to say that, so far as I am concerned, as a member of the committee, I have felt that under the rule which we adopted as a committee—and under that rule the pending bill was reported—we could not pay such claims as the ones which are advocated by the Senator from Georgia. It is not for me to say, except so far as I am personally concerned, that, if those claims are paid, then every claim similar to the claims from Georgia should be paid.

Mr. TELLER. Mr. President, I notice what the chairman of the Committee on Claims has said, that we can not pay for these churches, but may pay for the lumber which they contained.

Mr. SMOOT. That is exactly my position.

Mr. TELLER. Let me get through, if I am not taking the time of the Senator from Utah. If I am, I shall wait until he gets through.

Mr. SMOOT. I yield to the Senator.

Mr. TELLER. Mr. President, I have had a good deal of experience with the Committee on Claims. I was its chairman for a great many years, and a member of it, I think, for at least a third of the time I have been in the Senate. I can, if I am given the time, produce an abundance of evidence to show that the Senate has never adopted the rule stated by the Senator from Utah, but has always taken the position in the case of the destruction of a schoolhouse, a college, or a church, that the Government will pay for the building—will pay for the damage the institution has suffered. If the Committee on Claims have made a different rule, the Senate has never adopted that rule. As has been suggested to me, we have paid for Masonic buildings, and we have paid for all variety of buildings of that character not what the building was worth, but what it would cost to replace the building.

Mr. FULTON. Mr. President——

Mr. TELLER. That, I think, Mr. President, is a rule which becomes this great nation. When it attempts to make any payment of that kind, it should make the party whole, especially when it is a public institution either of learning or of religion. Such was, at least, for fifteen years of this Senate's history the rule, and if there has been any different rule adopted I have never heard of it.

Mr. FULTON obtained the floor.

Mr. MARTIN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Virginia?

Mr. FULTON. I will yield first to the Senator from Utah [Mr. SMOOT], who wishes to ask a question, and then I will yield to the Senator from Virginia [Mr. MARTIN].

Mr. SMOOT. I should like to ask the Senator from Colorado [Mr. TELLER] if he has ever differentiated between the mere destruction of a building by the Army and the destruction of a building for the purpose of obtaining the material in it?

Mr. TELLER. Mr. President, I never went into that question. The question was, Was this building destroyed? If it was a church, was it destroyed? If it was a college, was it destroyed?

The former Senator from Massachusetts, Mr. Hoar, made a very elaborate speech here upon that question originally, and we adopted his ideas. We paid for the school and the college buildings and the churches from that time on, as long as I had any connection with the Committee on Claims. I should think such a course as is now proposed would be disgraceful to this great nation of ours. Here is a church which has been pulled down and its material put into a bridge, perhaps, and now we say to these claimants, "You must come here and prove how much lumber was in your church."

Mr. President, no self-respecting nation would think of doing a thing of that kind. We are not obliged by the laws of war to pay for a church. Our Army can destroy a church if they choose and the laws of nations do not require us to pay for it. But we adopted a different rule, a rule consonant with our position at the end of a great war like that which closed in 1865. We said we did not make war upon institutions of that kind and that losses of that kind should be repaid. That was notably the case, Mr. President, as to William and Mary College. That was the case which Senator Hoar took up. There had been at least two or three reports against that claim. Senator Hoar took up the case, he then being a member of the Committee on Claims, presented it to the Senate, and carried it through. That case has been a precedent, so long as I was a member of the committee, for the action of the committee.

Mr. FULTON. Mr. President, there might be many reasons that would appeal to the Senate to pay for damage to William and Mary College and various other institutions of which I can think that would not apply in other cases, nor would the Senate wish to adopt them as the basis of a regular and invariable rule. In making up a bill of this character it is necessary to adopt some rule, to proceed along that line, and to adhere to it. I state again that we adopted a rule to pay only for that which the Army got and used and which was necessary to it. The destruction of property otherwise is nothing more than war. If we are to enter upon the policy of paying for everything that was destroyed during the war it will open up a mighty flood. But, of course, the Senators do not contend for that, I understand.

Mr. BAILEY. Mr. President——

Mr. FULTON. Just a second. The Senator from Colorado [Mr. TELLER] contends that we should pay for all of these buildings and that it has been the policy heretofore to do so. The Senator from Colorado, of course, is much better acquainted with the history of legislation and the practices of the Senate than I am——

Mr. MARTIN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Virginia?

Mr. FULTON. I yield to the Senator.

Mr. MARTIN. I would not interrupt the Senator, except that I am anxious to say something about these church claims before he goes on to any other matter.

Mr. FULTON. Very well.

Mr. MARTIN. Mr. President, if I understand the precedents in the Senate and the principles that have actuated the Senate, the Senator from Colorado [Mr. TELLER] has stated them correctly. We all realize that the Government does not pay damages resulting from acts of war or from the wanton acts of soldiers, even though those damages be inflicted upon loyal citizens, but in relation to church property, to the property of benevolent associations, religious associations, and educational institutions a different rule has obtained. Under the broad and enlightened leadership of the former Senator from Massachusetts, Mr. Hoar, Congress did pay for damages done to William and Mary College, at Williamsburg, Va., and in advocating the payment of that claim the Senator from Massachusetts laid down the broad and enlightened principle which I have just stated, that in time of war among civilized people church property, educational property, and the property of eleemosynary institutions should be held sacred and inviolate, and if the necessities of war or the exigencies of war led to the destruction of property of that kind a different rule should ob-

tain than that applied in other cases, and that while payment might not be made to individuals, in regard to other classes of property full reparation should be made.

The first case under that principle, which was advanced, I say, so ably, so generously, and so justly by the great Senator from Massachusetts, was the case of William and Mary College, in my own State. Since that time, so far as I know, that precedent has in no case been overruled by a vote of the Senate. It is true that the committee has excluded from the pending bill not only churches that have been destroyed by act of war—and I think the committee made a grave mistake in so doing—but it has gone further and excluded from the bill church property taken for the use of the Army, although the Army needed and had to have the church property. I say it is neither just nor logical to say that, although the necessities of the service are such as to require the Army to take possession of a church and use it, still the Government must not pay for what is so taken and used, but only for the material in it after it has been pulled to pieces. It is a metaphysical difference; it is not, in my opinion, founded in justice or in logic or in right.

Mr. FULTON. I ask the Senator if he is not familiar with the rule which has been adopted by the court in cases of this character? For instance, an apple tree is cut down and used for firewood. The court does not give to the claimant the value of that apple tree. It might be worth a hundred dollars, but the court gives to the claimant the value of the cord wood, whatever it may amount to.

Mr. MARTIN. Courts may do that in the Senator's State, but I hope never have done it nor will do it in mine.

Mr. FULTON. That is, I submit, a proper rule.

Mr. MARTIN. In my State if a trespasser goes into my orchard and destroys it, he has to pay the value of it as an orchard and not as cord wood.

Mr. FULTON. The Senator is talking about legal liability. That is one thing. What the Government does in the reparation of damages caused through war is another thing entirely.

Mr. MARTIN. But, Mr. President, in this case I am not applying the rules of law. The proposition before us is not restricted to the narrow limits of legal construction. It is a question of national policy and of humane warfare. I say that church property, educational property, and the property of eleemosynary institutions, when taken for Government use in time of war, ought to be paid for. The Senate has time and again acted on that principle, and I know of no reason why it should now depart from so just and so wise a policy. In this bill, however, the committee have not only eliminated claims for property destroyed, but they have gone further and eliminated cases where the claim was for a church taken for the use of the Army; and they have undertaken to differentiate and say that where the Army needed the church and the necessities of the service required that this sacred property should be invaded and appropriated, you must pay for it, not as it was when you took it but as it was after you had mutilated it and pulled it to pieces. I say that is a narrow differentiation. It is not just; it is not logical; it is not right. If you are going to pay for a property, pay for it as it was when you took it. You took it as a church edifice. When you took it it was fit for use by a congregation, and if you are going to pay for it at all, you ought to pay for it just as it was, and pay what it was worth at the time you took it. If your necessities required you to pull it to pieces, it will not do for you to say, "I pulled it to pieces, and I will pay for the material, but I will not pay for the value which it possessed at the time I appropriated it."

The committee, it is true, adopted that rule, but I think it was an unwise and an unjust rule, and I hope that the Senate will see fit to return to the policy and to the rule which has for so long a time been in force. These claims are not numerous. The claims of churches, of masonic lodges, and of educational institutions that have been excluded constitute but a very small item in the make-up of this bill, and I am much gratified to see that the chairman of the committee is not disposed to oppose their restoration to the bill.

In answer to the question of the Senator from Georgia [Mr. CLAY], I will say that there has not only been no understanding that the other members of the committee will antagonize that proposition which the chairman is not willing to antagonize, but, on the contrary, every member of the committee is free to do as he sees fit, and I for one see fit to appeal to the Senate to return to the wise and just rule which for a long time has been recognized in this body.

Mr. PILES. Mr. President, I did not catch all that the Senator from Virginia said, and I should like to inquire of the Senator whether the committee's report is in accordance with the findings of the Court of Claims?

Mr. MARTIN. These claims are sent to the Court of Claims, not for adjudication, but for findings of fact. The court in each case finds the facts.

Mr. PILES. What I am trying to get at now——

Mr. MARTIN. And in the cases which are under discussion the court found, for instance, that a church was taken for the use of the Army; that it was worth $1,500. If, however, the evidence showed that it was pulled down and the material used for building a hospital or a bridge or a fort, the committee refused to pay the value of $1,500, but desire the case to go back to the Court of Claims and have the Court of Claims make another finding and determine what the materials—the lumber, brick, etc.—were worth at the time and place they were used as lumber, brick, etc., and not as a church, with a view ultimately of paying the value of the material, but being unwilling to pay the value of the church.

Mr. PILES. I understand the proposition now, and I may say to the Senator from Virginia that I think he is absolutely correct in his contention. If the Government took the church as it stood as a church, it seems to me that the Government ought to pay for the church which it took.

Mr. MARTIN. I think that is unanswerable, Mr. President.

Mr. PILES. The people build churches, and the Government is the people, and in my judgment there is no use of our undertaking to say that when the people in time of war take a church they ought not to pay for it. I agree with the Senator exactly.

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from Minnesota?

Mr. MARTIN. I do.

Mr. CLAPP. Mr. President, I think we had better clear away this misunderstanding, because I can readily see where the position of the Senator will lead. Let me say that I am heartily in accord with the Senator from Virginia. In some of these cases it is proved that the church was taken by the Army. When that is proved it ends the controversy. In other cases it is proved that the church was destroyed without showing, perhaps, why it was destroyed. We then naturally conclude that it was destroyed because the Army wanted to use it, for we can hardly reach the conclusion that the Army would destroy a church unless it was either as a war measure in battle or for use. But the court in some of these cases, owing either to the carelessness of the attorneys or the indifference of the court, has failed to find specifically that the property after its destruction was used, or, in other words, that it was employed by the Army for the use of the Army, and that has led to this controversy.

I quite agree with the Senator from Virginia that that is a vague and shadowy line. We can not presume that our Army destroyed churches just out of wanton maliciousness. We must assume that where a church was destroyed it was either destroyed to prevent the spread of an epidemic, where a church had been used as a hospital for epidemic and contagious diseases, or that it was destroyed for the purpose of using the lumber for camps, for hospitals, or for bridge purposes. The mere fact that the attorneys who may have presented the case failed to obtain a specific finding, or the mere fact that the court in its indifference failed to make a specific finding, is no reason, to my mind, why we should differentiate. I, for one, believe—and it is matter of some embarrassment to hold counter to the attitude of the chairman of the committee in this matter—that we should not differentiate.

I do think one matter ought to be called attention to, and that is that the remarks of the Senator from Virginia, although subsequently, perhaps, modified, might possibly, as they will appear in the RECORD, seem to be a reflection upon the chairman of the committee. It is only due to say that the chairman, in taking this position on the floor to-day, whatever his own views may be, is acting in consonance with the action of the committee, and he himself ought to be relieved from any criticism on that score. Now, for one, as a Senator, I am ready to vote to abolish this effort to differentiate.

Mr. FULTON. Mr. President, I wish to say to the Senator——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Oregon?

Mr. CLAPP. Certainly.

Mr. FULTON. I wish to say to the Senator that while I am under great obligations to him for coming to my defense, yet I require none, because I plead guilty.

Mr. CLAPP. Just one moment——

Mr. FULTON. It is true that the committee held as the Senator says, but I felt and contended, and now hold, that that is the correct rule, and shall so contend before the Senate.

Mr. MARTIN. Mr. President, so far from meaning to reflect

in any way on the chairman of the committee, my remarks were to vindicate him from any intimation that he had been guilty of the slightest impropriety in this connection.

Mr. FULTON. I thoroughly understood the Senator from Virgina.

Mr. MARTIN. And I will say furthermore, Mr. President, that the Senator from Minnesota [Mr. CLAPP], who has maintained a broad and generous and just position in respect to these claims throughout the work of the committee, is, I think, slightly mistaken in the suggestion that any considerable number of these cases come within the class mentioned by him.

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from Minnesota?

Mr. MARTIN. Certainly.

Mr. CLAPP. I am glad the Senator called my attention to that. I did not mean to suggest that there was any great number. There are very few such cases. That is one reason why I am in favor of once and for all closing them out.

Mr. MARTIN. They are so few that the position taken by the Senator from Minnesota would on that ground alone be well justified. It would be hardly necessary to exclude a half dozen, say, or, at any rate, more than a very small number of claims for further investigation of the Court of Claims under this narrow idea.

I myself feel that I can go a little further than perhaps the Senator from Minnesota went, for I believe that even if destroyed by act of war or by order of the commander of soldiers, church property, educational property, and property of eleemosynary and benevolent associations ought, as contended by the former distinguished Senator from Massachusetts, be paid for by the Government. As I have said, such property should be considered sacred in time of war and be differentiated from property of every other kind, and whether destroyed or taken and used should be paid for by the Government.

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from Minnesota?

Mr. MARTIN. Certainly.

Mr. CLAPP. I certainly agree with the Senator from Virginia. I hardly feel it necessary to add that, so far as my attitude is involved in this discussion, I would be in favor of paying for church and school or any other property of that kind even though it were destroyed as a measure of war.

Mr. MARTIN. I am glad to have the full cooperation of the Senator from Minnesota.

Mr. BAILEY. Mr. President, will the Senator from Minnesota permit me to suggest to him that the destruction of church property is not war? It is vandalism; and I think the Senator could well assume that the Army of the United States did not destroy a church, college, or any eleemosynary institution out of wanton malice, but, when destroyed at all, it was destroyed for the purpose of appropriating the lumber or other material.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Oregon?

Mr. BAILEY. Certainly.

Mr. FULTON. There are many findings where the Army on either side was occupying a church or a college and the enemy in superior force came up and attacked the place. The Army being compelled to retreat, in order to prevent the enemy from coming in and having the advantage of the shelter of the edifice, destroyed it. Would not that be an act of war?

Mr. BAILEY. Mr. President, in an extreme case it might; but still it is such an act of war that in this enlightened age should be exempted from the operation of the rule. I can understand where a church house or a college might stand in the way of the fire of contending armies that either one or the other might have it destroyed in order to have a fair sweep for a charge or for its rifle range. In a case of that kind I would not call it vandalism to destroy a church house or a college, but I would call it not merciful, but just to pay for it after it had been destroyed, and particularly when destroyed by a great, opulent, and successful Government. If destroyed by a government whose hopes and ambitions perished in the shock of battle, then it is a loss that is irreparable, for there is none to repair it, but when destroyed as a means of contributing to the success of a great and triumphant army, then it seems to me that religious, educational, and benevolent institutions ought to be spared the horrors of war. Whether these claims are great or small, this Government itself is greater than the claims and just, as it must always be, it can afford and ought to pay them, and pay them without higgling over the amount.

Mr. FULTON. Mr. President, I do not wish to prolong this discussion. Of course the matter can be brought to a test some time during the consideration of the bill by submitting some claim to the Senate involving these questions. It is purely a matter of policy. If the Senate is willing to establish the precedent that, as a rule, claims of this character are all to be provided for and included in an omnibus bill, it is not a matter of any concern, of course, to the committee. But it does seem to me that the Government is doing all that it ought to be required to do when it voluntarily pays for the use and occupation of these buildings or, if it uses any of the material, pays for the material. If the claimants do not offer the proof and secure findings to show what the value of the material was, it is their own fault. But I am not going to continue this discussion, so far as I am concerned. I have explained the position I take on this question.

I wish, however, to state further that I am going to ask, as I said a while ago, the adoption of an amendment to repeal section 14 of the Tucker Act and prevent all claims of this character going to the Court of Claims hereafter.

That being done, I would favor bringing in a bill including all claims which had heretofore gone to the Court of Claims, where there has been a finding in favor of the claimant, except where laches have been found or the claim has been excluded because of the rule that we have just stated. I favor bringing in a bill providing for all of them, because I realize that the claimants have been misled very largely by sending those claims to the court. They think when the claim has gone to the court and the court has found that they lost so much there is then an obligation on the part of the Government to pay, without any regard to the circumstances under which the loss occurred.

Therefore sending these claims to the Court of Claims operates in a great many cases to mislead and delude the claimant, unless we shall accept it as a just claim against the Government, whenever the finding shows there was a loss, without regard to laches, without regard to loyalty, without regard to any other considerations that have controlled heretofore in the rejection of claims. But I hope we may proceed with the reading of the bill.

Mr. TELLER. Mr. President, this is a matter of some importance, in my judgment, involving more than a few dollars. It is a question whether we are to do justice. It is not a question of policy, as the Senator says. It is a question whether it is just and right; whether the people of this country have a right to demand of us a recognition that even in flagrant war there are certain things which are sacred and are not to be touched except when the very necessities of the Army require it. Those necessities may be to use the material to build a bridge for the military; it may be to prevent the success of the other army. Whatever will redound to the benefit of the contesting force may, according to law, be done. But a church is not to be destroyed willfully. As has been said, that is a vandalism. But if a church stands in the way and it is necessary to destroy it, you may destroy it just as you can the private house of a citizen; you may destroy it just as you would an embankment put up by the contending army.

We long since settled the proposition that we will pay for churches, not what the material cost, not what it was worth after it had been pulled down and then go to work and measure out plank by plank. That is beneath the dignity of this great Government of ours. The court says the church was worth $4,000, not for the material in it, perhaps, but $4,000 for the purpose for which it was erected. It would cost $4,000 to restore it.

Mr. FULTON. May I ask the Senator from Colorado a question?

Mr. TELLER. Certainly.

Mr. FULTON. What rule would the Senator adopt in a case where a building owned by a private citizen who was loyal to the Government was destroyed?

Mr. TELLER. The rule that has been adopted, that will be adopted, and ought to be adopted—to pay for the building; not the material in it.

Mr. FULTON. Would the Senator apply that to private citizens as well as to churches and such structures?

Mr. TELLER. I would, Mr. President. I do not say we have, but I would.

Mr. FULTON. I am free to say I can not see any reason why there should be a distinction.

Mr. TELLER. There was not any reason why we should pay under the law, perhaps. There was no law that required the Government of the United States to pay a loyal citizen who had lost his property during war. Yet we determined that was but a just and proper thing to do, and we have been paying thousands and thousands of dollars to loyal men. But churches, schools, hospitals, and all that class of institutions stand on a different basis, both in law and in morals and in equity. You

do not compensate a church when you pay what the material was worth. The policy of the Government has been to pay for the church. When we paid William and Mary there was no proof that the Army had violently assailed it or destroyed it. We found it damaged. The Army had occupied it. It was damaged by use. But we did not pay for the use. We paid for it on the ground that it was an institution that ought to be protected even in war.

I wish the Senator from Oregon would get the speech, which he will find in the RECORD, that Senator Hoar made on that proposition before the Senate. It is more than twenty years ago. It was within six or seven years after the close of the war. It was made when there was that feeling of resentment against the people in that section of the country which grew out of the war, which was inevitable and natural, and even then the Senate practically unanimously determined that that class of property should be paid for, not on the basis of the value of the material, but paid for on the basis of what it would cost to replace the structure. That is the law which we have established here in the Senate and in the House, and it has met the approval of the American people; and to say now that the court did not tell you how much the planks and the bricks were worth, but they said the whole building was worth $4,000, and that you can not pay for that—Mr. President, I will not characterize it, but that is not the law and that has not been the policy of the Senate nor of Congress, and it ought not to be the policy of any great government.

We can escape paying for anything if we see fit. But common decency, common respect for the opinion of mankind requires us to pay for these things. I have not the slightest doubt that when the matter is brought to the attention of the Senate the Senate will pay for every church and every schoolhouse destroyed.

Mr. PAYNTER. I should like to make a suggestion to the Senator from Colorado.

Mr. TELLER. Certainly.

Mr. PAYNTER. At the proper time I propose to offer an amendment to the bill looking to the payment for the value of salt and salt wells destroyed by the Federal Army. The owners were loyal people. One of the owners was a distinguished Federal soldier. The property was destroyed by the Federal Army to prevent it from falling into the hands of the enemy. Under the Constitution the Government is liable for property taken for public uses. I believe that property, whether taken by the Government in time of war or peace, should be paid for. That is, when taken and actually used by the Government or destroyed by the Government to prevent it from falling into the hands of the enemy.

Judge Wilmot, while a member of the Court of Claims, delivered an opinion on that question, and I think it supports the remarks of the Senator from Colorado. It was held in that case that when property was taken to prevent it from falling into the hands of the enemy it was taken for a public use. In support of that conclusion the court cited Vattel and Grotius. He also quoted from an opinion delivered by Chief Justice Taney, and claimed that the authorities cited supported his conclusion.

I have not had an opportunity to examine the authorities, but will do so before the bill is finally disposed of.

The VICE-PRESIDENT. The reading of the bill will be proceeded with.

Mr. CLARKE of Arkansas. Mr. President, there seems to be a diversity of opinion among Senators on this question, and I think it ought to be settled, because upon its settlement will depend very largely the length of time to be devoted to the consideration and passage of this bill. I therefore move that the bill be recommitted to the Committee on Claims with direction to insert all the claims for churches, schoolhouses, and eleemosynary institutions that were destroyed. That issue has to be met and determined some time before we know how we are to proceed. It seems to me that is the most direct and the speediest way in which we can get the judgment of the Senate on the proposition.

Mr. FRAZIER. I should like to understand the extent of the motion of the Senator from Arkansas.

Mr. CLARKE of Arkansas. It is merely to include those claims which have been reported upon favorably by the Court of Claims.

Mr. FRAZIER. Mr. President, I very heartily approve of the motion of the Senator from Arkansas. In all those cases the material of the building was used, and the only question involved is the question of the difference between the cost of the building as a building and of the cost of the material. There are other cases where the property was destroyed by fire, accident, or otherwise while in possession and control of the Government. It seems to me those cases ought to be included as well as those where the material was used.

Mr. FULTON. Mr. President, I trust that the motion will not prevail. It seems to me if the Senate wishes to adopt the policy of paying all these claims, they can be inserted here. If Senators have any claims which they think have been unjustly omitted from the bill, they can offer them on the floor. There is no occasion——

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Rhode Island?

Mr. FULTON. Certainly.

Mr. ALDRICH. I think the motion of the Senator from Arkansas is a little too sweeping. It seems to me each individual case ought to stand upon its merits. I hardly see how we can adopt a rule that the Government shall pay for all churches, schoolhouses, and so forth, damaged or destroyed, without any regard to the circumstances in each case. There might be——

Mr. CLARKE of Arkansas. If the Senator from Rhode Island will permit me, I limited the motion to the allowance of claims whose validity had been established by a judgment of the Court of Claims and where the extent of the damage and the loyalty of the claimant had been established. The first clause in the finding of facts uniformly is, that the church as an organization was loyal to the United States.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Arkansas yield to the Senator from Oregon?

Mr. CLARKE of Arkansas. Certainly.

Mr. FULTON. I call the attention of the Senator to the fact that, after all, it is a question of judgment as to whether or not the finding of the Court of Claims does establish the validity of the claim, and that must be determined as respects every particular claim. We can not do that in a wholesale way, as the Senator proposes. The Senate can take up any particular claims and pass on them. To recommit the bill to the committee with instructions to include them I suppose would be in order and proper. But this general instruction furnishes no guide to the committee, because it has to determine finally on each particular claim.

Mr. CLARKE of Arkansas. Mr. President, I have no preference about the mere method in which the question is raised to be determined. I simply want to take the judgment of the Senate at the outset as to what is to be done with claims such as those described by several Senators who have addressed the Senate to-day. If we must take up each claim and go over this same line of discussion again, we will be several days disposing of this bill, whereas if we know at the outset what the rule is, we can conform to it very readily.

Mr. CLAPP. Mr. President, I am in favor of putting these claims on the omnibus bill, but I think it would save time, instead of recommitting the bill, as we reach those items, to take them up. I think it is perfectly safe to say to the Senator that the sentiment of the Senate will be in favor of putting them on.

Mr. CLARKE of Arkansas. Let me say to the Senator that I have such confidence in his sense of fairness and in his familiarity with the method of procedure here that I will withdraw the motion and turn the matter over to him to suggest some expeditious way in which we can get the judgment of the Senate on this question. I withdraw the motion to recommit, Mr. President.

The VICE-PRESIDENT. The Senator from Arkansas withdraws the motion to recommit. The reading of the bill will be proceeded with.

The Secretary read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to claimants in this act named the several sums appropriated herein, the same being in full for and the receipt of the same to be taken and accepted in each case as a full and final release and discharge of their respective claims, namely:

The SECRETARY. It is proposed to strike out all after line 3, on page 2, and insert:

ALABAMA.

To William T. Hamner, of Tuscaloosa County, $805.

To Mary E. Haygood, heir of John M. Lawson, deceased, late of Lauderdale County, $920.

To Lewid F. Martin, administrator of Francis C. Martin, deceased, of Limestone County, $925.

To J. P. McClendon, administrator de bonis non of Meredith King, deceased, late of Jackson County, $700.

To John C. McDaniel, administrator of John W. McDaniel, deceased, late of Cleburne County, $790.

To J. C. Mason, administrator of the estate of Glorvinia Mason and John C. Mason, deceased, late of Limestone County, $3,990.

Mr. WARREN. That should be John O. Mason. An "O" should be inserted in place of the "C."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 36, line 22, it is proposed to strike out "C" and insert "O," so as to read: "John O. Mason."

The amendment to the amendment was agreed to.

Mr. TELLER. I understand that these items are stricken out and reinserted, and if so I do not see why they should be read over.

Mr. OVERMAN. Do I understand that the bill is now being read to pass upon committee amendments or that individual amendments may be offered at this time?

The VICE-PRESIDENT. It is being read for the consideration of committee amendments, and any amendments to committee amendments will be presented as the committee amendments are reached.

Mr. WARREN. The entire text of the bill is to be stricken out, so that it is really one amendment. There are several places where the spelling is incorrect or where a word has been left out which ought to be corrected. But, as a matter of fact, the entire proposition is one amendment.

Mr. CLAPP. In order that there may be no misunderstanding, and I think some of the Senators having amendments possibly do misunderstand it, I suggest that the rule is that the amendments they have spoken of to be offered shall not be offered until after the bill has been read for committee amendments. That is the rule, is it not?

The VICE-PRESIDENT. The committee may offer amendments as the reading of the bill progresses.

Mr. CLAPP. Yes; committee amendments, but the several amendments which have been discussed will be offered after the committee amendments are disposed of.

Mr. CLAY. When you reach a State, and the committee has offered certain amendments, and those amendments to the bill are adopted, will it not be in order then to offer such additional amendments properly coming in at that point as Senators may desire to offer?

Mr. CLAPP. It certainly might be if that was the understanding, and perhaps that would be the better plan.

Mr. CLAY. I think it would be the better plan. For instance, you strike Alabama, and a half dozen committee amendments have been adopted, and the Senators from that State desire to offer other amendments and to have them disposed of at that time. I do not know how the chairman feels about it, but that would be the proper way, it strikes me.

Mr. CLAPP. It is for the Senate to decide.

Mr. CLAY. Yes.

Mr. CLAPP. The suggestion was made upon the idea that many of the Senators having those matters under their charge, not anticipating probable action of the Senate in accepting them, might not be prepared at this reading of the bill to offer them. If the reading of the bill now is only for committee amendments——

Mr. McLAURIN. I think that is right.

Mr. CLAY. It is immaterial. I thought the custom was the other way.

Mr. CLAPP. No.

Mr. FULTON obtained the floor.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Texas?

Mr. CULBERSON. It is for a question only.

Mr. FULTON. Certainly.

Mr. CULBERSON. From line 4, on page 2, to line 5, on page 36, inclusive, appears, on a casual reading, to be an amendment of the Senate committee to strike out certain claims, beginning with Alabama and concluding with Wisconsin. I ask the Senator, and I ask him particularly in view of the suggestion of the Senator from Wyoming a moment ago, whether that is going to be regarded as one amendment or as a number of amendments. The whole matter between pages 2 and 36, Alabama to Wisconsin, is stricken out.

Mr. FULTON. I should say it is one amendment, but I suppose Senators would be entitled to a division of the question if it was desired.

Mr. WARREN. With the permission of the Senator from Oregon, I will say to the Senator from Texas that in order to throw the whole matter into an amendment it has been usual in omnibus bills to do exactly what the committee did here, striking out the first part and then reintroducing all or so much of it as they approve in another part of the bill, and then adding under each State heading as many more claims as the committee approve of, and I observe that in this printing the old matter is in roman while the new matter is printed in italics. Of course the stricken-out matter or any portion of it can be reintroduced by proper amendment.

Mr. FULTON. That was done to obviate the necessity of making so many amendments. Otherwise, in order to group the claims under the States, there would have to be, first, an amendment to insert each claim under the head of "Alabama," then another amendment for Arkansas, and so on clear down. But by pursuing the course here adopted, to strike out the whole House provision and then reinsert it as an amendment, with the different claims properly grouped according to States annexed, Senators will see it saves a great deal of work.

Mr. CULBERSON. My inquiry was whether this would be regarded as one amendment or as a number of amendments. I ask because I notice on page 32, under the head of "Texas," there is only one claim in the House text which was allowed, and that has been stricken out, and then on page 93 of the bill, under the head of "Texas," an entirely different claim is inserted. In other words, the House allowed one claim and the Senate committee disallowed that and allows another. Of course, if it can be considered that this is one amendment, all right; but I should like to know what the understanding is to be about it. If it is one amendment from page 2 to page 36, inclusive, to strike out, very well. If not, then what is it?

Mr. FULTON. I should treat it as one amendment. That is the way I have treated it. I do not pretend to guarantee that that is the correct parliamentary description or designation of it, but if the Senator has in mind the question whether he should reserve the right to move to reinstate the claims omitted, I will state that, so far as I am concerned, I think it would be in order to offer an amendment to insert those claims after the committee has got through offering its amendments.

Mr. CULBERSON. With that understanding, I reserve the right to move to add, on page 93, when that point is reached, the claim on page 32 under the head of "Texas."

Mr. FULTON. I hope it may be understood that after the bill has been read and the committee amendments adopted every Senator will have the right, which is reserved, if it is necessary to reserve it, to offer amendments either to restore items which were originally in the bill and have been omitted by the committee or to add others.

Mr. McCREARY. Mr. President, I notice that thirty-six pages of the bill seem to have been stricken out. There is on one page, not proposed to be stricken out, an item that concerns a church in Kentucky. I assume that I have a right whenever we reach Kentucky to offer an amendment to include that item. It seems to me that the whole of the thirty-six pages might go out on one motion and I suggest to the Senator from Oregon that we have just one vote on the thirty-six pages that are proposed to be stricken out. Then I suggest also, that when we get to a State and get through with the amendments proposed by the committee any Senator who wishes to offer an amendment be allowed to offer it. To illustrate: When you get to Kentucky, there are, say, fifteen or twenty amendments proposed by the committee. When you get through with the amendments proposed by the committee, let either of the Senators from Kentucky offer amendments. In that way, Mr. President, we will get along with the business.

If we have the entire bill read, which consists of about 200 pages, entirely through and then go back to these amendments, we will be here several days. I think the best way to proceed is to take up the bill and read it, and when we get through with Alabama let amendments be offered that any Senator desires to offer, and when we get to Kentucky and get through with the amendments proposed by the committee, then let the Senators from Kentucky offer such amendments as they desire, and when we get through with the reading of the bill we will be through with it.

Mr. McLAURIN. A Senator may not be ready.

Mr. McCREARY. It has been suggested by my friend, the Senator from Mississippi, that some Senator might not be ready. This bill will be under consideration even on that plan for several days, and he can get ready by to-morrow morning.

The VICE-PRESIDENT. In order to receive amendments as suggested by the Senator from Kentucky, it would be necessary to modify the unanimous-consent agreement heretofore made, so that the bill may be read for amendment.

Mr. McCREARY. Yes; that is the suggestion I make.

Mr. FULTON. I trust there will be no change of the rule.

The VICE-PRESIDENT. The Senator from Oregon objects to changing the agreement.

Mr. McCREARY. It is the desire of the Senator that we shall go on and read the entire bill?

Mr. FULTON. It has to be read at some time.

Mr. McCREARY. If read once and the amendments are offered as the reading proceeds, we would get through much quicker.

The VICE-PRESIDENT. The Secretary will proceed with the reading of the bill.

Mr. McCREARY. Is it understood that the bill is to be read entirely through and we are to pass upon the amendments offered by the committee, and that no Senator has a right to offer an amendment until we get through with the reading of the bill, unless it is an amendment to an amendment offered by the committee?

Mr. FULTON. That is the understanding.

The VICE-PRESIDENT. That is the agreement adopted by the Senate.

Mr. McCREARY. I understand.

The VICE-PRESIDENT. The Secretary will proceed with the reading of the amendment of the Committee on Claims.

The Secretary read as follows:

To J. W. Mitchell, administrator of the estate of Thomas J. Mitchell, deceased, late of Jackson County, $299.

To James A. Paulk, of Bullock County, $3,390.

To J. R. Roberson, administrator, with will annexed, of John P. Roberson, deceased, late of St. Clair County, $1,230.

To Charles O. Rolfe, administrator of the estate of Oscar A. Rolfe, deceased, late of Morgan County, $2,980.

To James M. Thomason, of Colbert County, $685.

To Cecilia R. A. Wheat, executrix of Moses K. Wheat, deceased, of county of Macon, $4,890.

To Henry Davis, of Madison County, $135.

To Belle F. Neil, administratrix of the estate of James Watkins Fennell, deceased, late of Marshall County, $1,330.

To Margaret J. Parks, of Jackson County, $1,068.

To the Primitive Baptist Church, of Huntsville, Ala., $909.

Mr. FULTON. After the word "Church" in line 21, page 37, I move to insert in brackets the word "colored." There seems to be two churches at Huntsville, one of which is a church of the colored people, and this is the one.

The amendment was agreed to.

The Secretary continued the reading of the committee's amendment, as follows:

To Samuel F. Ryan, of Marshall County, $2,712.

To the trustees of the Missionary Baptist Church, of Gravelly Springs, Ala., $725.

To the trustees of the Missionary Baptist Church, Huntsville, Ala., $1,760.

To the trustees of the North Alabama College, Huntsville, Ala., $7,600.

To trustees of Cumberland Presbyterian Church, colored, Huntsville, Ala., $220.

To Nannie H. Jones and Mary E. Hereford, of Madison County, children and heirs at law of John T. Jones, deceased, $800.

To John D. Hereford, Mrs. Fannie H. Jones, and Mrs. Martha J. Ormon, of Madison County, and William F. Hereford, of Japan (missionary), children and heirs at law of Fannie J. Hereford, deceased, daughter of John T. Jones, deceased, $400.

ARKANSAS.

To John W. Bean, of Washington County, $290.

To Joseph N. Bean, administrator of the estate of Joseph Bean, deceased, of Nevada County, $648.

To William A. Bethel, administrator of the estate of Martha Harrison, deceased, and Oliver P. Lister, of Jefferson County, $399.

To Sarah Brewer, widow and sole heir of John Brewer, deceased, late of Madison County, $232.

To J. M. Derreberry, administrator of the estate of Samuel B. Derreberry, deceased, late of Benton County, $715.

To J. H. Duke, administrator of the estate of Edmund F. Duke, deceased, of Prairie County, $3,705.

To Sam Edmondson, administrator of the estate of Isaac T Eppler, deceased, late of Sebastian County, $2,205.

To William H. Engles, of Washington County, $1,510.

To Richard D. Lamb, for himself and as administrator of Ira M. Lamb, jr., heirs of Ira M. Lamb and Caroline, his wife, both deceased, of Phillips County, $2,166.67.

To the Union Trust Company, administrator of the estate of Mary Lefevre, deceased, late of Pulaski County, $5,842.

To John B. Luttrell, of Howard County, $480.

To Maria Polk Johnston, James Polk, and Burns Polk, jr., heirs of Burns Polk, sr., deceased, late of Phillips County, $300.

To Manurvia J. Spake, formerly Manurvia J. Ross, of Johnson County, $780.

To William B. Rutherford, of Washington County, $890.

To John T. Sifford, executor of the estate of William T. Stone, deceased, late of Ouachita County, $2,640.

Mr. FULTON. At this point I move to insert:

W. F. Forbes, administrator of Archie B. Forbes, deceased, late of Brinkley, Ark., $2,600.

The amendment to the amendment was agreed to.

The Secretary continued the reading of the amendment, as follows:

To the First Baptist Church, Helena, Ark., $1,790.

To the trustees of the First Baptist Church of Pine Bluff, Ark., $1,960.

To the trustees of the Methodist Episcopal Church South, Clarksville, Ark., $400.

Mr. CLARKE of Arkansas. I move to amend the amendment by inserting the words "four thousand" between the word "Arkansas" and the word "four" on page 40, line 14.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 40, line 14, after the word "Arkansas," insert the words "four thousand," so as to read:

To the trustees of the Methodist Episcopal Church South, Clarksville, Ark., $4,400.

Mr. CLARKE of Arkansas. Mr. President, I move this amendment upon the authority of a finding of the Court of Claims in the matter of the trustees of the Methodist Episcopal Church South, of Clarksville, Ark. The allegation of the complainant in that matter is that the church, valued at something over $6,000, had been occupied by the Federal forces while stationed at Clarksville and was destroyed before the Army quit the vicinity. Clarksville was a military post maintained by the Federal Government during the years 1863, 1864, and 1865. Twenty-three counties in Arkansas fell into the hands of the Federals the latter part of 1863. Early in 1864 a State government was organized by the loyal citizens of that State, a constitution was adopted, and a full complement of State officers elected. The territory in which this church was located at the time of its destruction was therefore loyal territory. Its affairs were being administered by a State government chosen by the loyal citizens of that part of the State of Arkansas. The Confederate forces had possession of another part of its territory and maintained a separate State government.

The finding of the court is:

That the Methodist Episcopal Church South—

The beneficiary under this motion to amend—

of Clarksville, Ark., as a church, was loyal to the Government of the United States throughout the war for the suppression of the rebellion.

II. The evidence establishes to the satisfaction of the court that during the late war between the States, on or about December, 1863, the military forces of the United States took possession of the church buildings of the Methodist Episcopal Church South, of Clarksville, Ark., and used said church buildings as commissary storehouses until about May 19, 1864, when, on the approach of the Confederate forces, the said buildings were totally destroyed by fire, by proper military authority of the United States, to prevent the capture of the commissary stores contained in said church buildings.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Arkansas yield to the Senator from Oregon?

Mr. CLARKE of Arkansas. Certainly.

Mr. FULTON. Does not the Senator from Arkansas think that was an essential act of war, a military necessity?

Mr. CLARKE of Arkansas. It was an act of war.

Mr. FULTON. A military necessity? The church was filled with stores and supplies.

Mr. CLARKE of Arkansas. Let me read just one more sentence and then I will hear the Senator, because it raises the question I want decided by the Senate:

The said buildings at the time of the destruction were reasonably worth the sum of $4,000.

For the use and occupation of said buildings from December, 1863, to May 19, 1864, the evidence establishes to the satisfaction of the court that the same was reasonably worth the sum of $400, or in all $4,400, for which no payment appears to have been made.

Now I will hear the Senator from Oregon.

Mr. FULTON. I simply wish to direct the Senator's attention to the fact that the second findings show that the Federal forces—

used said church buildings as commissary storehouses until about May 19, 1864, when, on the approach of the Confederate forces, the said buildings were totally destroyed by fire, by proper military authority of the United States, to prevent the capture of the commissary stores contained in said church buildings.

I only suggest to the Senator that that was a military necessity.

Mr. CLARKE of Arkansas. I understand, and that raises the question we have been debating here this morning. Here was a church taken possession of by the Federal Army in territory over which the United States were not only exercising military dominion, but loyal citizens were absolutely maintaining a State government. Clarksville was made a base of supplies for the Federal Army that was scattered up and down the Arkansas River to maintain the ascendency of loyal authority, and upon the approach of the forces of the Confederates, who seemed likely to capture the place and appropriate to their own use the supplies assembled there, the proper military authority directed the destruction of the church and the supplies that were contained therein.

The case presented is one where a loyal organization, within the limits of loyal territory, suffered an injury in the interest of the prosecution of the war at the hands of its own friends. The question therefore presented is whether or not the qualified benevolence under which it has been the policy of this Government to restore educational, religious, and benevolent organizations that were confessedly not warlike in their purposes or in their teachings, should be applied in this particular case.

There is no question of destruction in enemy's territory. There is no question of uncertainty about the forces that destroyed it. The finding is fair and square. It was destroyed by the Federal forces while in possession of the edifice, de-

stroyed for the purpose of preventing any stores therein contained from falling into the enemy's hands. There can be no reason for drawing a distinction between that loss and one that happened in the State of Kansas, or in the State of New Hampshire, or in Massachusetts, or in a concededly loyal State. It raises directly the question as to whether or not the nonwarlike property of loyal adherents is to be destroyed and no compensation made for it.

It seems to me that, taken upon a basis of strict justice, the narrow doctrine of law books would sustain a claim of that kind, and when we add to that the benevolent purposes that have characterized the conduct of Congress heretofore we seem to have made a case that ought not to be seriously resisted.

I submit that the item ought to be increased as I suggest.

Mr. GALLINGER. Mr. President, I wish to make an inquiry of the Senator from Oregon, not concerning this proposed amendment, which will be acted on when the time comes, but concerning a broader question connected with the bill. The war closed forty-three years ago or thereabouts. Can the Senator from Oregon tell me approximately how many churches and eleemosynary institutions have been paid for by the Government since that time?

Mr. FULTON. No; I can not, Mr. President.

Mr. WARREN. I will say to the Senator from New Hampshire that there were a very few paid for until late years; that they were all or nearly all denied in the presentation that was made first to the War Department and then to the Claims Commission on the ground that churches were owned by associations of people; that some of each congregation or association must have been disloyal, and therefore for years they were ruled out. But the question came up in later years, and with the mellowing influences of time it was considered that no matter what may have been the feelings of those church members at the time, these church losses should be submitted to the Court of Claims for a finding of facts. The findings do not go into the matter of loyalty or laches, nor do they state that probably the members of the church were disloyal. So, while it seems as if a great many church claims were being now paid, there were few paid until, I think, within the last ten years.

AMENDMENT OF THE NATIONAL BANKING LAWS.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 3023.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3023) to amend the national banking laws.

Mr. LA FOLLETTE. Mr. President, in the observations which I submitted to the Senate upon the pending bill I directed attention first to the industrial reorganization which has taken place in the past few years, that, as it developed, centered in the hands of a limited number of men the control of the industrial and transportation combinations of the country.

I next directed the attention of the Senate to the fact that banking had likewise undergone a centralizing influence, and that there had resulted a community of interest among the centralized industrial and transportation organizations and the centralized banking institutions of the country. This monopoly of banking and business gave a few men financial control. There were no economic causes for a panic. There were speculative, political, and legislative reasons that made it important for these combined interests to bring on the crisis of October, 1907. I outlined the history of events, wrongfully conceived and executed, that brought the country to the verge of financial demoralization.

MORE EVIDENCE OF PANIC PLOT.

It is not always possible, Mr. President, to produce record evidence showing step by step the operations of these great powers. Since I concluded the other day there has come to my hand some additional evidence which I regard as important enough to submit to the Senate at this time.

This is a letter written by the auditor of the Washington Life Insurance Company to its New Jersey manager. It is made to appear as directing a compliance with "custom." It is false in that. It is not a custom, but an exceptional order directing the State manager of the company to cut down his bank balance and send money to New York. The letter is as follows:

NEW YORK, *June 12, 1907.*

Mr. E. A. WHITTIER, *Manager, Newark, N. J.*

DEAR SIR: It is the custom of our offices collecting as much in premiums as you do to remit each week a check on account of premiums collected. We would ask you to please do so in the future, sending us a check for amount in bank over $500, the checks sent to us being in amounts of even hundred dollars.

Very truly, yours, H. R. VERMILYE, *Auditor.*

Similar letters were sent generally to State managers of this insurance company throughout the country.

While I can not at this time produce the documentary evidence, I can say to the Senate with certainty that at least two other great New York insurance companies, controlled by identical or allied interests, at about the same time gave similar instructions to their State managers throughout the country. The instructions contained in these letters reveal, so long ago as June, 1907, the existence of a concerted plan to withdraw from outside banks and concentrate in New York money controlled by these insurance companies. This plan was conceived and inaugurated several months before there was thought or talk of panic and hard times, excepting the prophetic statements which were made by railroad presidents and the bankers allied with their interests.

The effect of this general withdrawal of insurance funds from local banks not only reduced the deposits and working credit of the banks in the country, but also greatly impaired the business of the companies themselves. The insurance report for 1907 of business done by the New York companies shows a decrease for that year of, in round numbers, $150,000,000. A large part of this decrease in business may be traced directly to the crippling of the financial backing of agents in the field.

To show that this policy injured the Washington Life, I desire to quote from a letter written by the National Newark Banking Company to Mr. Whittier, under date of September 5, 1907, in which it is said:

Please find inclosed the [name of maker] note for ——, dated September 4, 1907, which you offered to us for discount, and would say that in consideration of your comparatively small balance in the bank, that our board of directors do not think that your balance warrants as large a discount as the amount of this note.

The amount of this note represents the first premium of a policy of more than $25,000. Because of the company's reduction of its balance in Newark this agent was prevented from securing for the company this $25,000 of business.

When the well-ordered panic arrived, even this means was not getting the money out of country banks at a rate to suit the system. They wanted the money to come to New York instantly, so this is a sample of the orders that were sent to insurance agents:

NEW YORK, *November 1, 1907.*

E. A. WHITTIER,
185 Market street, Newark, N. J.:

Until further notice buy New York exchange in making remittance. Charge cost of draft in account.

JOHN TATLOCK, *President.*

The certified checks of the Newark bank could not do the business fast enough. Under the certified-check system the Newark bank would have the use of the money for about three days. Under the system which compelled the purchase of exchange and unnecessarily increased the expense of the insurance company the money would be taken out of Newark instantly and the Newark bank could have no use of it. First they crippled the banks, then they destroyed the ability of their agents to get business, and finally they deprived the policy holders of the accommodations to which they had been accustomed by denying them the concession to make loans upon their policy contracts except in accordance with the strict letter of the contract. It had been the custom to permit loans and to give cash-surrender values upon policies at any time during the year, although the policy contract guaranteed such loan or surrender values only at the anniversary of the policy or within thirty days thereafter. This telegram was sent out:

NEW YORK, *November 4, 1907.*

E. A. WHITTIER, *185 Market street:*

From this day no loans will be made and no cash values will be paid except in strict accordance with policy contracts.

JOHN TATLOCK, *President.*

The effect of all these devices was to concentrate money in New York and to cripple ordinary business by diverting or closing up some of the usual channels through which money for business was secured.

Mr. GORE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Oklahoma?

Mr. LA FOLLETTE. I do, sir.

Mr. GORE. I desire to ask the Senator two or three questions.

I desire to say, first, that I have listened with a great deal of pleasure and approval to the splendid speech of the Senator from Wisconsin. I trust he will regard it as not otherwise than a compliment when I say that, in my opinion, he is the best Democrat and the poorest Republican in the Senate and in the United States. If I were a Republican I should be willing to

support him for the Presidency; if he were a Democrat I should be willing to support him for the Presidency, so thin a veil stands between him and the throne.

As I understood the Senator's remarks, he regards the act of Mr. Morgan and Mr. Rockefeller in rushing to the rescue of the bulls and bears of the stock exchange as a little effort to redeem their false reputation in the eyes of the country and to stay the policy of the President and save a third term. Am I correct?

Mr. LA FOLLETTE. The Senator is entirely correct in my interpretation of that action upon their part.

Mr. GORE. As I understand, when the panic burst upon this country, or about that time, the Secretary of the Treasury had on deposit in the banks of Mr. Rockefeller and Mr. Morgan about $42,000,000 of the people's money. Is that correct?

Mr. LA FOLLETTE. I think that is approximately true.

Mr. GORE. Approximately, I mean. As I understood the Senator, it was with the people's money or with its equivalent that those gentlemen financed the tragic farce which they pulled off in the stock exchange.

Mr. LA FOLLETTE. With the people's money or its equivalent.

Mr. GORE. Now, Mr. President, I heartily agree with the Senator that Mr. Rockefeller and Mr. Morgan shook down upon this country a panic which had ripened to the point of falling. I agree with him that in order to locate the little sharks we must dissect the big sharks. I agree with him that in pulling off that comedy or that tragedy they were seeking to redeem their fallen fame in the eyes of the people of this country.

Now, then, we have come to this point. I want to enlighten myself, and I want the country to be enlightened, whether he and I agree with the nature and cast of characters. I want to ask the Senator if he does not think that President Roosevelt and Secretary Cortelyou were star actors in that performance, or at least congratulating admirers when the play was over?

Mr. LA FOLLETTE. I will wait until the Senator concludes. He may have other interrogatories.

Mr. GORE. I have only this further to submit. The letter written by the President to Mr. Cortelyou on the 26th of November ran like this:

WASHINGTON, D. C., *November 26, 1907.*

MY DEAR MR. CORTELYOU: I congratulate you upon the admirable way in which you have handled the present crisis—

I only presume that was because of depositing the people's money in the banks of Morgan and Rockefeller and issuing bonds subject to call. Then the President adds:

I congratulate also those substantial and conservative business men who in this crisis have acted with such wisdom and public spirit. By their action they have rendered invaluable services in checking the present panic.

My purpose was to fix the responsibility upon all the actors. I believe that Morgan and Rockefeller deserve the censure of the Senator from Wisconsin, but I do not believe they deserved the congratulations of the President of the United States, especially tendered to them upon an act the design of which was to defeat him for a third term.

Mr. LA FOLLETTE. Mr. President, of course it is not possible for me to influence the judgment of the Senator from Oklahoma. I deprecate the projection into my discussion of this question of the partisan spirit which the interrogatory or interruption of the Senator from Oklahoma carries with it. I know that in the course of the debate on this bill, politics—partisan politics—has made it seem worth while to assail the President and the Secretary of the Treasury for sending money to New York in that critical hour.

Mr. GORE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Oklahoma?

Mr. LA FOLLETTE. Permit me to conclude now my reply to the Senator from Oklahoma.

Mr. GORE. I thought the Senator had concluded.

Mr. LA FOLLETTE. Mr. President, whatever agencies were back of that panic, whatever purposes were behind it, the President of the United States and his Secretary of the Treasury were confronted with a serious situation. A panic was on! I do not know how the President regarded it. Sitting there, in the White House, a man who had faced all manner of dangers without the flicker of an eyelid, was confronted with this condition. A panic was on! I do not know what he thought about its inception; I do not know what he thought as to how much of it was sham and how much of it was real. It had reached a stage where legitimate business was put in peril, and grave responsibility fell upon him as the head of this great Government and upon his Secretary of the Treasury as the head of the Treasury Department. I do not know how he to-day, in the light of all that has happened since then to interpret the actions of those men in that hour, may regard them and their relations to the panic. At the time he was confronted with the panic. He must act. The business interests of the whole country were in danger. Besides, he was bound to consider that a session of Congress was at hand; a Presidential campaign was approaching; great policies, vital, as I believe, and as I believe he believes, to the perpetuity of representative government were involved. What was his first duty? Manifestly to direct his Secretary of the Treasury to do all that was possible to quiet alarm, to sustain faltering credit and ward off impending disaster. The plain obligation of the hour was to arrest the progress of that panic, no matter what motives or causes were behind it. So I assume he directed his Secretary of the Treasury to apply in part the aid of the Treasury Department where it would serve best to allay widespread distrust and prevent universal distress. Where else could that money have been sent to accomplish as much to avert general disaster?

Mr. BAILEY. Mr. President, will the Senator allow me?

Mr. LA FOLLETTE. I beg the Senator's pardon for just a moment. No matter what might have been the influences at work behind this panic, where was it necessary to apply the remedy, where was it necessary to turn on the hose? Where people were apprehensive there might be a fire or where the fire was raging?

Mr. BAILEY. Mr. President——

The PRESIDING OFFICER (Mr. BOURNE in the chair). Does the Senator from Wisconsin yield to the Senator from Texas?

Mr. LA FOLLETTE. Certainly.

Mr. BAILEY. I suggest to the Senator from Wisconsin that the fire was raging throughout the entire country, and in this state of mind the banks were refusing to pay cash over their counters to their depositors, because they could not get their money from New York. It seems to me that the Secretary of the Treasury might have distributed the money to the banks that could not collect from New York, rather than to give those banks more than their share, which they already had.

Mr. LA FOLLETTE. I am sure that my friend from Texas must see that while the country banks might need the money, their condition was not such as to threaten universal panic. But if the New York banks were to fail—and I am not defending them, but the contrary—and if the Senator had been present when I was addressing the Senate before, he would know that I assailed them.

Mr. BAILEY. I heard the Senator's address and I know that.

Mr. LA FOLLETTE. But, Mr. President, outside of motives, and entirely apart from the purposes of these men, I say to you that the imminent danger of bank failures and of the failure of brokers that would have produced bank failures was right there in New York. It started there, and unless averted, it would have spread the country over.

Mr. BAILEY. Mr. President, will the Senator allow me further?

Mr. LA FOLLETTE. I beg the Senator's pardon just for a moment. In my own State and in my own home I know that bankers were very anxious for the return of their deposits, but I know that they were not able to get them and that no failures resulted. I am very certain that if the banks of which they were correspondents in New York had gone into the hands of receivers or had closed their doors, the banks at home would have been compelled to close theirs. The fact that the President and the Secretary of the Treasury focused all the support of the Treasury that, in their judgment, was necessary to avert a crisis in New York, I believe, stayed a great calamity, commercial and financial, in this country.

Mr. BAILEY. Mr. President, if I may be permitted to borrow the Senator's simile again, if a fire were raging and it was a question whether I would save the property of those who started the fire or save the property of their neighbors, I would use my hose and water supply to protect my neighbors and let the property of the fellows burn up who started the conflagration. If it is true, as I am inclined to agree with the Senator from Wisconsin, that the New York bankers, or some New York interests, for selfish purposes undertook to teach the country a lesson, I think a good schoolmaster would have let them learn that lesson to their heart's content. Instead of scraping the bottom of the Treasury and sending what little money there was left over to their relief, I would have distributed it among the agricultural and industrial portions of the country, and I would have left Wall street at least to see how long it could get along without the help of the Treasury.

I regret that the Senator thinks there was any politics in this. I confess that I sympathize with the view of the Senator from Oklahoma [Mr. GORE]. I believe that if it be true that these

people brought this trouble on, they ought to have been left to work it out without the assistance of the Secretary of the Treasury to begin with and certainly without the cordial approval of the President to end with. So far as I am concerned, I want to see a financial system established under which New York's convulsions will not distress the balance of the country. But at the risk of appearing partisan, the Senator from Wisconsin will permit me to say that this awful condition which he has so graphically described, so far as it is the product of law and legislation and governmental action at all, is the product of Republican policies and Republican administration.

Mr. LA FOLLETTE. Mr. President, permit me to say to the distinguished Senator from Texas—whose abilities I greatly admire—that had he been charged with the responsibility he would have been a very bad schoolmaster indeed had he yielded to his sentiment instead of to his judgment.

Mr. President, it was not a question of punishing the parties in Wall street who had brought this panic on. It was a duty, when the panic reached a certain point, to take care of the commerce of the country. This was done by turning the hose directly on the conflagration and stopping the spread of the fire, regardless of who the incendiaries were. That is what presented itself to the President and to his Secretary of the Treasury.

Mr. GORE. Mr. President——

Mr. LA FOLLETTE. I beg the Senator's pardon, but I should like to be permitted to finish my answer.

The Senator from Oklahoma suggests that it was entirely wrong for the President, and I suppose it follows that it was quite wrong for the Secretary, in support of his action, to defend what occurred; that it was wrong for the President to say that the men he then believed had aided in arresting the panic were entitled to credit. I do not know, but it may be that President Roosevelt gave those gentlemen some expression of approval that subsequent consideration of their conduct in the light of all that happened might lead him to qualify. I do not know what was in the mind of the President of the United States at the time this panic occurred or what was in his mind during its different stages; but I do say that in directing the Secretary of the Treasury, as I assume he did, to respond to the critical situation which presented itself at that time in New York, right where the trouble had started and from whence it would spread all over the country, he did exactly what anyone with a sense of responsibility to the obligations of his office and the necessities of the commerce and credit of the country would have done.

Mr. GORE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Oklahoma?

Mr. LA FOLLETTE. I do.

Mr. GORE. Mr. President, I desire to disclaim the partisan spirit which the distinguished Senator from Wisconsin has been pleased to ascribe to me, I have never condemned the Republican party when I thought the Republican party was right—and occasionally it is right. I have never commended the Democratic party when I thought that the Democratic party was wrong—and occasionally it is wrong. I condemned Mr. Cleveland for the issuance of bonds and for the favors he bestowed upon and the favoritism he showed to this selfsame Morgan. Here and now, standing as a Democratic Senator, I condemn the last Democratic President of the United States for the favors and the favoritism which he showed to Mr. Morgan. Mr. President, I hope that I have the courage to condemn wrong, whether in the Democratic or in the Republican party. I trust that I can commend the right, whether in the Republican or the Democratic party. I have always assumed that the Senator from Wisconsin was one of those statesmen who would commend the right and condemn the wrong, whether in the ranks of his own party or in the ranks of the opposition.

Mr. President, I will go so far for the present with the Senator as to justify President Roosevelt in standing and delivering to these pirates and depositing with them the people's money when the dagger was thrust at his throat; but I can not excuse him for saluting the pirates as public-spirited benefactors. I will go so far as to agree with the Senator in excusing the President for calling in the services of the incendiaries who kindled the fire and to avail himself of their services to extinguish and arrest the conflagration; but I can hardly go so far as to excuse him for saluting them as the deliverers of the country. I think if those gentlemen deserve the censure of the Senator from Wisconsin, they do not deserve the congratulations of the President; but, as suggested by the distinguished Senator, possibly when the President is enlightened by the Senator's speech, he will join him and join me in condemnation of those pirates who shipwrecked the prosperity of this country.

MERIT, NOT POLITICS, THE GROUND FOR DISCUSSION.

Mr. LA FOLLETTE. Mr. President, I think it very much more important to do things than to spend the time of this body in criticising public officials for expressions of sentiment.

Now, Mr. President, I want, if possible, after this ebullition of partisan politics, to bring the attention of the Senate, Democrats as well as Republicans, back to the argument. First, however, I believe the members of the Senate will acquit me of having been, during the brief time of my membership in this body, partisan on legislation in which public interests were involved. Let me say, sir, that while I serve here, be it long or short, I will be found serving and voting according to my convictions of what the public interests of this country demand, rather than what may benefit the political fortunes of any political party. I certainly have said nothing up to this stage of the discussion of this measure to provoke from anybody an interruption seeking to elicit from me some criticism of the President of the United States. I am here to discuss a measure, looking at it as I see it, believing it to be the outcropping of a tendency in legislation to enact laws that serve the purpose of special interests rather than the public good—a tendency that is undermining the vital principles of free institutions. I am here to discuss this proposition on its merits as they appear to me, and not to support the policies of one political party or condemn the policies of another. No Senator has heard me, in the little that I have had to say on this floor, advert in any instance to political prejudice in order to influence action upon legislation, and while I am here I never will do so.

FINANCIAL BANKERS NEED INVESTIGATION.

I pass now, Mr. President, to resume my discussion of what is popularly known in the country as the "Aldrich bill," and I begin where I left off by saying that the "System" produced the panic of October, 1907. The wanton disregard of legal and moral responsibility shown by its Rockefellers, and Morgans, and Rogers, and Harrimans, and Ryans, and all the lesser men who do their bidding has produced conditions which set the door ajar, out of which, at their command, may issue financial disturbance at any hour, and out of which social disorder may come some day despite all their efforts to bar the way.

Think, sir, of the work these men have done, and then think of them in charge of Government-controlled banks and the custody of trust funds. Recall a few instances.

The Metropolitan Interborough Traction Company cleaned up, at the lowest estimate, $100,000,000 by methods which should have committed many of the participants to the penitentiary. The public and the stockholders were robbed alike. That dividends were paid with borrowed money purely to stock job the public is now known to a certainty. Stock was thus ballooned to $296 per share, which goes begging now at $35. The insiders robbed the company on construction of upwards of $40,000,000. Investigation has disclosed that $1,000,000 was spent as a "yellow-dog fund" for corrupting public officials. In 1886 Thomas F. Ryan was a poor man. In 1905 Henry D. McDonough, his official representative, estimated Ryan's fortune at fifty millions. The foundation of all his wealth and power was the Metropolitan Street Railway.

Now, mark this—and that is my only excuse for citing what is so well known to some of my Republican colleagues that they smile—the very men connected with this business, the men who originated it, are to be found among the directors of the big-group banks.

The Armstrong investigation revealed criminal dishonesty in the betrayal of sacred trust obligations by officials, finance committees, and trustees. These same men are found among the officers and directors of the big-group banks.

The investigations of the Interstate Commerce Commission exposed stock and bond operations so depraved in character that the guilty parties to the transactions were compelled to shield themselves by declining to be interrogated further until compelled by a court of law. These men are found among the directors of the big-group banks.

The courts had convicted men of violating the penal statutes over and over again, destroying rivals, establishing a monopoly control of business in defiance of law, the rights of property and public interest. The very men who ordered these corporations to commit the crimes are found among the officers and directors of the big-group banks.

Mr. President, does this record invite legislation to supply these banks with money direct from the Public Treasury whenever their operations shake the public confidence and make an excuse for emergency currency, the entire issue of which they can largely control through their extended organization of banks?

On the contrary, sir, I believe that it presents a situation demanding immediate investigation into all their operations. The

Senator from Arkansas [Mr. CLARKE] emphasized that in the brief, all too brief, but able and pertinent address which he made in this Chamber.

I say, sir, that, on the contrary, I believe it presents a situation demanding immediate investigation into all their operations. If the men who control those banks would misuse the trust funds of insurance companies, and would conduct other corporations for their own advantage in violation of Federal statutes, as proven by the record of the Armstrong committee and the Interstate Commerce Commission from which I have quoted, does not public interest demand a searching investigation of the management of the banks and trust companies under their control, particularly when so many of them are Government-controlled banks?

FINANCIAL PANICS UNKNOWN IN EUROPE.

Mr. President, in no other country than the United States are the banks allowed to absorb in speculation the capital belonging to legitimate trade.

England, France, and Germany have long recognized and maintained a distinction in banking that this country must recognize and maintain if our national business integrity is not to be destroyed.

European nations do not permit government banks to engage in promotion, but restrict them to the legitimate field of facilitating commerce.

Because of the strict separation of stock gambling from banking business the market centers of Europe do not know the fluctuations in interest rates common to New York; the rise and fall of stock markets do not affect the legitimate channels of business. Acute panics, such as we experience, are not known.

I know it has been assumed in this debate that panics are necessary evils, and it has been asserted that these same convulsions have taken place periodically in the great nations of Europe as well as in this country. But practical financiers, as well as students of the subject high in authority, offer different testimony.

That there should be rise and fall in national prosperity is in accordance with natural law. Ebb and flow are inherent to the life of the body politic as to the life of the individual. But that this young, healthy, growing country should go mad financially every few years is unnatural and unnecessary. Students of the subject agree that there is something radically wrong in our business methods and banking laws making possible this frequent recurrence of business epilepsy. It was plain to every thoughtful citizen that the recent panic had no relation to normal conditions. It was the good sense and sound judgment of the American people that averted national bankruptcy.

Mr. R. A. Seligman, professor of political economy, Columbia University, says:

> If we compare our economic history with that of Europe, we observe that acute financial crises have there almost passed away. England has had no severe convulsion since 1866, and in France and Germany also the disturbances are more and more assuming the form of periodic industrial depression rather than of acute financial crises.

ALDRICH BILL A MAKESHIFT.

Not one Senator has expressed the belief that the Aldrich bill is anything more than an expedient. The most that has been claimed is that it may tend to lessen the danger of a panic, because it is hoped it will tend to lessen the fear of one. But no one has contended that it will go to the root of the evil—eradicate the cause.

The Senator from Rhode Island, admitting that "our currency system may be fairly characterized as a piece of patchwork," declares that it "has not in the slightest degree checked the rising tide of a great nation's progress and prosperity."

That is, we have grown and prospered in spite of our failure to secure the manifestly needed improvement in our currency system. But, sir, how much of banking in combination with promotion, underwriting, speculation with trust funds, scheming to form great central groups where the surplus capital of controlled banks is loaned to the controlling bank—how much of all this, and more, might have been averted if the banking and currency laws a dozen years ago had been revised solely in the public interest?

Advocates of this bill have admitted that it is only a makeshift. The commercial interests of this great country, suffering from the evils of a succession of makeshift statutes, demand a thorough revision of our banking and currency laws to meet the evil practices which are undermining the integrity of bank management.

Mr. President, the best time to work out the solution of any problem of national concern is when it engages public interest sufficiently to secure thorough and intelligent discussion.

When could there have been a greater necessity or a more favorable opportunity for searching investigation and the forming of an enlightened judgment respecting the underlying causes of the recent panic; when a better opportunity for the Finance Committee to have summoned before it the foremost bankers, merchants, and financial scholars of this nation for conference? Why should it be determined—it would almost seem predetermined—that it is not possible at this time to enter upon the consideration of a comprehensive and thorough plan for banking and currency legislation, specifically directed to restore banking to its true function in the commercial transactions of the country?

The crisis of the panic of 1907 was passed. The map of the events causing it was before us. The country was alive to the importance of the questions involved. Why delay meeting the issue? Why postpone to some future Congress the plain obligation that rests upon this Congress?

By way of apology for this delay, it has been suggested in the debate that the only time to undertake this work was in time of industrial prosperity, confidence, and financial peace.

A thoughtful American public will ask, Why, then, has it not been undertaken before? Why the distinguished Senators in control of the Finance Committee have not been working on this question in the years past, which have been years of unrivaled prosperity and of financial peace? Will not the American public conclude that the dominant power in the Senate of the United States, for some reason, will revise the national currency system neither in time of panic nor in time of peace?

Nor will the American public be satisfied with the reason assigned by the Senator from Rhode Island why a thorough consideration of this question is not undertaken now. He says, "There is no considerable consensus of opinion on any general or special plan," and hence the committee concluded not to enter at this time upon a thorough reform of our currency legislation.

How long must we wait for a consensus of opinion? Must all views be first harmonized? Must all principle be first compromised? Dispute among interested bankers, expert authorities, and disinterested legislators there is and always will be. But is a dangerous and defective condition in our banking and currency laws to continue until protracted convulsion leaves us prostrate?

Must we wait until there is a "consensus of opinion" and an agreement of all differences, before legislation of greatest public moment can be considered in the United States Senate? Shall revision of the currency system, revision of the tariff, just and reasonable railway-rate legislation, legislation to prevent the wrongful use of injunction, legislation to strengthen the Sherman Act, to meet court decisions affecting the employers' liability law, all await this perfect "consensus of opinion?"

If that were to be the recognized rule, what license is there for putting this bill through under whip and spur? There is no consensus of opinion for this measure among merchants, manufacturers, commercial bankers, or with the general public. The students of governmental finance generally condemn it. There is consensus of opinion for this particular measure among the managers of great interests, and of the great speculating financial groups, of which J. Pierpont Morgan stands as the type.

But, sir, it has been the settled policy of legislative leadership for years to maintain conditions which are intolerable except to the few; to defer legislation respecting interstate transportation, and then when it is enacted, to make it plausible in appearance and hollow at heart; because those who have monopolized the natural resources of the country do not want it, to defer tariff revision until the manufacturers of more highly finished products, made desperate by oppression, join at last with the consumers of the country in open revolt; to prevent legislation looking to the preservation of our public lands and mineral resources, and to defer currency legislation which shall make a well-balanced system, responsive to the needs of the commerce of the country, and to enact from time to time various emergency statutes, limited in their scope, to serve only the larger banks identified with special interests.

RAILROAD BOND PROVISION.

Mr. President, I pass by and ask to have printed in the RECORD what I had prepared to say upon the railway-bond provision of the bill, because that provision has been dexterously whisked out of the bill. I might well discuss it as showing the character and real purpose of this piece of legislation.

Let me say, Mr. President, we are not through with the railway bond proposition. It will appear again and again, until finally it is overwhelmingly beaten with those who propose it or until it is worked in and engrafted upon the currency system of this country. Let no man on this floor make a mistake, for the public is not making any mistake with respect to this business.

I shall to-morrow offer a resolution to discharge the Committee on Interstate Commerce from the further consideration of a bill, which I have had all this session and practically all of last session before that committee, for the valuation of railway property, and in discussing that resolution at a time when the valuation of railway property is before the Senate I will say some of the things that I might have said to-day.

Mr. CLARKE of Arkansas. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Arkansas?

Mr. LA FOLLETTE. I do.

Mr. CLARKE of Arkansas. Does not the Senator from Wisconsin deem a discussion of the value of railroad bonds as security for the deposit of Government money relevant at this time, in view of the fact that the $250,000,000 of Government money placed in national banks without interest was secured in part by $185,000,000 of bonds other than Government bonds? An inspection of the securities pledged by each individual bank indicates that probably half of the amount is in railroad bonds.

Mr. LA FOLLETTE. Let me say in answer to the Senator from Arkansas that it is pertinent to discuss railway valuation with respect to this bill, notwithstanding the jack-in-the-box withdrawal of the railroad-bond provision. It is pertinent to discuss it not only as bearing upon the suggestion made by the Senator from Arkansas, but as bearing upon the stock jobbing and manipulation in railroad bonds and railroad stocks which produce panics, which it is contended this legislation will prevent, and it will not take, let me say to the Senator from Arkansas, very much persuasion to induce me to take it up. I am rather aching to do it. [Laughter.]

Mr. CULBERSON. Let us have it.

Mr. CLARKE of Arkansas. I hope the Senator from Wisconsin will do so, because I am sure if he treats it with the same breadth of comprehension that he has the other points, it will be most interesting.

Mr. LA FOLLETTE. It would be utterly impossible for me to do so and conclude to-day, but if I felt that I might have the indulgence of the Senate for another day I would take up railway valuation and discuss it.

Mr. CLARKE of Arkansas. I do not discover any disposition on the part of the Senate to limit the Senator's time or to unduly interfere with the progress of his argument. I should be glad to hear it, so far as I am concerned.

Mr. LA FOLLETTE. Well, since there is no outspoken dissent anywhere, I will do so; and I want to say to the Senate that I had not made any arrangement with the Senator from Arkansas for this. I will cover in a way the discussion of railway bonds as a basis for currency issue and as a basis for Treasury deposits and as a basis for and corrective of panics in Wall street. I suppose I will find myself before I get through with it discussing its appearance in the bill and its withdrawal from the bill as throwing a light upon this legislation which I believe ought to penetrate the minds of all the Senators upon this floor before they vote.

The bill proposed to accept interest-bearing bonds as a basis for securing additional circulating notes. It proposed that the Treasurer of the United States, with the approval of the Secretary, should accept State and municipal bonds and certain railroad bonds.

BILL PREFERRED RAILROAD BONDS.

Now, in order to distinguish the difference in the attitude of this bill toward municipal bonds and railroad bonds, just look at the difference in the test which was applied in the bill—although it may be pertinent for me to ask before proceeding further, as I was not here during the morning hour and do not know all that happened, whether the provision with respect to State, municipal, and county bonds is still in the bill.

It is interesting and instructive to compare the test this bill proposed to apply to railroad bonds as basis of security for currency with the test provided for acceptance of municipal bonds for the same purpose. Observe the test which it proposes to apply to determine the acceptability of municipal bonds:

First. No municipal bonds will be accepted unless issued by a municipality or district which has been in existence for ten years.

Second. No bonds of any municipality or district will be accepted where such municipality or district has, within a period of ten years, defaulted in the payment of any part of principal or interest on any funded debt authorized to be contracted by it.

Third. No bond of any municipality or district will be accepted where the net funded indebtedness exceeds 10 per cent of the valuation of its taxable property ascertained by the last preceding valuation of property for the assessment of taxes.

In the foregoing, evidence is given of a desire on the part of the committee to place the valuation of municipal bonds upon the true basis of and require that it shall have relation to the taxable, physical property back of such bonds.

Compare the care exercised in this case with the test to be applied in determining the character of the railway bonds proposed as a basis for additional circulating notes:

The Treasurer, with the approval of the Secretary, shall accept the first mortgage bonds of any railway reporting to the Interstate Commerce Commission, where such railway company has paid dividends of not less than 4 per cent annually on its capital stock for a period of five years previous to the deposit of such bonds.

In determining the acceptance of first mortgage railway bonds of reporting railroads as a basis for currency circulation, the sole test required under this proposed bill is the payment of 4 per cent dividends on the total stock issue continuously for five years.

OFFICIAL DISCRETION NO SAFEGUARD.

Under the terms of this bill it is very doubtful that the Secretary of the Treasury could exercise any discretion to reject any railroad bonds, whether watered or not, that might be offered to secure circulating notes, if they met these simple requirements. But, admitting that the bill confers that right and duty upon him, it would be impossible for him, under the pressure to which he is subjected in times of financial stress, involving industrial and financial calamity, and threatening the very integrity of the Treasury itself, to exercise his discretion with any degree of strictness against the admission of bonds which meet the tests prescribed in the law. At such times experience shows that legal restraint is not reenforced by the official discretion, but that such discretion must be exercised rather to discover means whereby legal obstacles may be surmounted and the bounds of legal restraint may be widened, because every care must be taken not to aggravate panic conditions, and everything possible, or admissible, under any construction of the laws, must be done to ward off impending national disaster.

During the recent panic the Treasury Department deliberately refused to inform itself, at the height of the panic as to the condition of national banks, although it must have felt unusual anxiety as to the condition of those banks. The reason the Department refrained from calling for the usual report of the condition of the banks during the month of November was because the result of such a call would have been to reveal conditions among national banks which would probably have embarrassed the Department and further weakened confidence and augmented the panic.

So great was the pressure upon the Department for relief that the deposit of Government funds with these banks was increased to the amount of $200,000,000, to the impoverishment of the Treasury itself, so that it became necessary for the Department to issue certificates of indebtedness to meet the expenses of the Treasury. The Treasury had this vast sum on deposit with the banks to help relieve the money stringency, and was afraid to withdraw even the small amount required to meet its current needs. Resort was had to the act of 1898, authorizing the issuance of interest-bearing certificates of indebtedness by the Treasury when necessary to meet expenses of government, and under an exercise of official discretion, which has been much criticized, certificates were issued to maintain government when we had $200,000,000 in Government depositories subject, in legal contemplation, to the orders of the Treasury. The Secretary's answer to criticism of this action shows that he believed he was forced to this action to preserve the integrity of the Treasury itself. In his response to Senate resolution 33, on this point, the Secretary (S. Doc. 208, 1-60, p. 19) says that it seemed to him—

> That it would be a strained construction of the act of 1898 and of his (the Secretary's) official responsibility to hold that it was his duty, in order to meet the current needs of the Treasury, to invoke a financial disaster by attempting to withdraw funds on deposit with national banks at a time when they were subject to severe strain in meeting the business requirements of the country, and when any additional act or policy tending to subject them to further pressure might make absolutely impossible, if it were not already so, the return to the Treasury of the funds required for meeting its obligations.

In other words, the Department was led to believe that an attempt to withdraw any portion of the $200,000,000 on deposit, and which the New York banks were lending at a hundred per cent, would have precipitated a crash in which the whole or a large part of the entire amount would be lost and the Treasury be bankrupted for the time.

As further illustration of the manner in which official discretion is forced by the exigencies of financial convulsions, attention may be directed to the action of the Treasury in exchanging Government bonds for railroad bonds as security

for Government deposits. In order that banks might have their United States bonds which they had deposited with the Treasury to secure deposits to use for issuing bank notes for circulation and to increase the supply of currency, they were invited by the Treasury to substitute municipal and railroad bonds to secure their deposits. The banks having on hand or being able to borrow railroad and municipal bonds very generally responded to this invitation, depositing large amounts of railroad bonds and thus leaving only a nominal amount of Government bonds to comply with the letter of the law, which requires that United States deposits shall be secured by United States bonds and otherwise. The construction of the law under which this was done, as well as the official judgment and discretion shown, have been the subject of serious adverse criticism, and it was doubtless realized at the time that such would be the case. But so great was the pressure of banks and so menacing were the perils of the hour made to appear that it was done. If the law was strained in construction, that was merely a regrettable incident. If censure was incurred, it could not be helped.

Promptly upon this invitation, the banks increased their deposits of municipal and railroad bonds in the Treasury from $87,232,022 on October 19, 1907, to $142,889,822 within a few days and to $200,856,628 by December 7, an increase of $113,624,606, or 130 per cent.

The proportion of these bonds which were railroad bonds is not shown by the statement submitted to the Senate by the Secretary of the Treasury.

Mr. CLARKE of Arkansas. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Arkansas?

Mr. LA FOLLETTE. Certainly.

Mr. CLARKE of Arkansas. I will say to the Senator that the Treasury Department did not advise the Senate of the character of the bonds accepted for the several loans made, but that information is given in a document furnished upon the request of the House of Representatives, Document No. 714 of the House of Representatives, and I will read a statement which I have come upon, just as I opened the book:

National Bank of Oxford, Oxford, Pa.; Delaware and Hudson Railroad; Atchison, Topeka and Sante Fe; Norfolk and Western; Central of Georgia; Erie Railroad; Greenbrier Railroad; Missouri Pacific; St. Louis, Iron Mountain and Southern; Wheeling and Lake Erie; Norfolk and Southern; Pennsylvania Railroad; St. Louis and San Francisco.

The loan of the banks was secured by these railroad bonds. There are numerous others stated here probably still greater than that.

Mr. LA FOLLETTE. Upon reliable information from another source, Mr. President, I can state that one New York bank, which had several millions of dollars of United States deposits, put up less than 10 per cent of its security in United States bonds. About half of the entire amount was secured by railroad bonds, some of which would not be accepted as investments for savings banks in New York and Massachusetts; some of which were not first mortgage bonds at all; some of which were largely secured by collateral liens; some of which are largely, if not principally, secured by the deposit of other railroad stocks and bonds; some of which are outstanding at the rates of twenty, twenty-five, forty, and fifty thousand dollars and upward per mile on the road covered as a first lien, while for some of them I am unable to find any quotations in the stock and bond handbooks for the New York Stock Exchange, and many of them show great fluctuations in market price, falling off during the recent panic, ten, fifteen, nearly twenty points, most of them over fifteen points, from prices attained in 1905–6.

That there should be a little letting down of the bars at such times is inevitable under present conditions. In the effort to get out circulation the tendency will be to accept everything that the banks offer in the way of bonds which can be admitted under any construction of the law.

I say, Mr. President, that this is worthy of the serious thought of Senators in considering the issue of bonds upon State and other municipal securities. The time when the law will be tested, when it will meet the severest strain, will be in the hour of great excitement, when all-powerful pressure will be brought to bear to influence the discretion of one man, or at most three, whose discretion alone will hinder projecting into the Treasury and the monetary system of the country securities that may be questionable in character.

SOME BONDS PROPOSED BILL WOULD ACCEPT.

I have taken occasion to investigate the nature of the security underlying a few bonds which would or might have been made the basis of currency circulation under this bill.

Some of these bonds are outstanding as a first lien at an average of twenty-five to one hundred thousand dollars per mile on the line covered. I will not say that these bonds in any case exceed the value of the underlying properties. But, bearing in mind that the average estimated value by reliable authority of all the railroad property of the United States is placed at $23,500 per mile, and that the average of the railroad properties in three States, by actual inventory, has been found to be less than this estimate, grave questions must arise when we find on any line of road whose value is not known first-mortgage bonds two or three times the estimated average value, bonds which would be admissible as the basis of circulation under this bill. The question is forced whether, in such cases, circulation may not be issued in excess of the value of the security, the real security, the tangible property back of the bonds.

Illinois Central Railroad 3 per cent and 3½ per cent bonds are first-mortgage bonds under the Massachusetts law and are carried by Massachusetts savings banks. This road has been paying dividends since 1901 at 6 to 7 per cent. Among the threes and threes and a half of this road are the St. Louis Division and Terminal first-mortgage gold bonds, which are a first lien on 239 miles of line extending from St. Louis, Mo., to Eldorado, Ill., with branches in Illinois. The total amount of outstanding threes and threes and a half under this mortgage is $13,375,275, or an average of $51,779 per mile for the line covered. This is more than twice the amount of the estimated average value per mile of all the railroads of the country.

Another Illinois Central three and a half per cent bond is the $22,729,000 Louisville division first-mortgage gold bonds, which are a first lien on 553 miles of line extending from Memphis, Tenn., to near Louisville, Ky., at an average of $41,100 per mile, nearly twice the average value of railroads in the United States.

Chicago, Burlington and Quincy three and a halfs and fours are first-mortgage bonds carried by Massachusetts savings banks. This road has paid dividends of 7 per cent since 1902. These bonds are outstanding to the amount of $85,000,000 as a first lien on 1,648 miles of line and terminals in Illinois, Wisconsin, Minnesota, Missouri, and Iowa. They average $51,578 per mile for the line covered, which is again more than twice the value of the average railway property. The total bonded indebtedness of the Pennsylvania system is $191,561,271. Of this amount $19,997,820 is represented by general mortgage sixes, which Moody's Manual says are "a first lien on 459.69, including main line, Harrisburg to Pittsburg; Pennsylvania line, York to Philadelphia; Pennsylvania and various smaller branches; also on the lease of the Harrisburg, Portsmouth, Mount Joy and Lancaster Railroad, extending from Harrisburg to Dillerville and Columbia, Pa." If these securities are held to be first-mortgage bonds within the meaning of the bill, they would have been otherwise admissible for deposit. They represent a bonded debt of about $43,473 per mile for the line upon which they constitute a first mortgage.

The Pennsylvania has paid dividends since 1901 at 6 to 6½ per cent. These bonds are admitted as first-mortgage bonds for savings-bank investment in Massachusetts and would, presumably, have been accepted as a basis for currency circulation under this bill.

The New York, Lackawanna and Western Railway is a part of the Delaware, Lackawanna and Western system, being operated by the latter company under lease and perpetuity. Under this lease the lessee company pays an annual dividend of 5 per cent on the stock of the leased company. There are outstanding among the obligations of the New York, Lackawanna and Western Railway twelve million first mortgage 6 per cent bonds, which are a first lien on 208 miles of road, Binghamton to International Bridge, N. Y. These bonds are carried as investments by Massachusetts savings banks, although they average $57,691 per mile, a sum almost two and a half times the average true value of the physical property of railroads in the United States.

The Lake Shore and Michigan Southern Railway, which is controlled through stock ownership and operated as a part of the New York Central system, has paid dividends since 1891, ranging from 6 to 10 per cent. A part of the bonded debt of this road is the $50,000,000 first mortgage 3½ per cent gold bonds, which are secured upon 879 miles of line owned and 224 miles of proprietary lines, in all 1,103 miles. That is an average indebtedness under this mortgage amounting to $45,331 per mile of line, which is approximately twice the average estimated value of railroads in this country, and is nearly twice the average in the States where railroads have been valued. Moreover, about 200 miles of this property lies in the State of Michigan. The average value of that part of this line, as determined by actual inventory, was only $19,180 per mile.

The Hannibal and St. Joseph Railroad is a part of the Chicago, Burlington and Quincy system, which has for several years past paid dividends at the rate of 7 per cent per annum.

The Hannibal and St. Joseph Railway has outstanding $8,000,000 consolidated mortgage 6 per cent bonds, which are first-mortgage bonds under the Massachusetts law, and are investments for savings banks in that State. These bonds are a first lien on 289 miles of line lying nearly all in the State of Missouri, averaging $27,647 per mile on the line covered, a sum in excess of the average value of railroad property.

The Erie and Pittsburg Railroad is operated as a part of the Pennsylvania system under a lease for nine hundred and ninety-nine years, by the terms of which the Pennsylvania Railroad Company guarantees a dividend of 7 per cent on the stock of the leased line. Of the indebtedness of the Erie and Pittsburg $393,000 general (now first) mortgage 3½ per cent gold bonds are outstanding as a first lien on 101 miles of line, extending from Newcastle to Girard Junction, and from Girard Junction to Erie, Pa. These are first-mortgage bonds for Massachusetts savings banks, and average $43,495 per mile for the line covered.

The Minneapolis and St. Louis Railroad was under investigation by the senate committee of the State of Minnesota. The value of its line in that State was placed at $18,600 per mile, and $2,600 per mile for equipment. Inspection of railroad manuals shows that this line has paid dividends in recent years as follows: 1901, 4 per cent; 1902, 5 per cent; 1903, 5 per cent; 1904, 2½ per cent. It has a total bonded indebtedness of $19,565,000 as of June 30, 1906, practically all of which, excepting $5,282,000 are first-mortgage bonds ranging from $10,000 to $35,000 per mile on the line covered by the mortgage.

The most important of the various mortgages is the first and refunding 4 per cent mortgage, of which $9,845,000 in bonds is outstanding secured as a first lien on 276 miles of line and a general lien on the rest of the property and also a deposit of some railroad stocks. In view of the prior first mortgages on the rest of the property, aggregating about $4,000,000 and ranging from $10,000 to $15,000 per mile, and a prior consolidated mortgage on the property of $5,282,000, it is plain that the principal security under this first and refunding mortgage is the 276 miles of line on which it is a first lien at about $35,000 per mile, or nearly twice the average value placed upon the company's lines by the Minnesota committee. These bonds would most likely have been accepted as the basis of circulation if the dividends were slightly increased, which can easily be done by increasing transportation rates if necessary.

Wisconsin, Minnesota and Pacific Railroad is controlled by the Chicago Great Western Railway through stock ownership. The Great Western has not paid dividends on all its stock. The manuals do not show what dividends are earned or paid by the Wisconsin, Minnesota and Pacific Railroad Company.

The report of the Sundberg committee of the senate of the State of Minnesota places the present cost of reproduction of this road at $16,000 per mile.

There are outstanding against this property $5,796,000 first mortgage 4 per cent gold bonds, which is an average of over $21,000 per mile on the total 271 miles of line.

Of course, if this road can show dividends of 4 per cent on its stock, its bonds could have been deposited under the proposed bill, and they would have become security for circulating notes in excess of the value of the security. Dividends are only a question of how much the public can be made to pay.

The Chicago, Rock Island, and Pacific Railway Company has a total bonded debt as of June 30, 1906, of $164,587,000. It has paid dividends recent years as follows: 1899 to 1902, 5 per cent; 1903, 7 per cent; 1904, 8¼ per cent; 1905, 6¼ per cent; 1906, 6 per cent. Of the bonded debt $12,500,000 first 6s constitute a mortgage on 764 miles of main line, Chicago to Council Bluffs, an average of $16,360 per mile for the line covered.

Sixty-one million five hundred and eighty-one thousand dollars general gold 4s are outstanding, secured by a first lien upon 2,403 miles of road and appurtenances, and also secured by a second lien on 764 miles, and collateral lien on 93 miles. We have here an instance of first-mortgage bonds at $25,626 per mile on the line covered. They are first-mortgage bonds for investment for savings banks and trust funds in New York, and would, presumably, be admissible under this bill, although they amount to more than the average value of railroad property in the United States on a line of road commonly regarded as below the average in character of construction, which runs through a section of country where the difficulties and cost of construction are generally supposed to be much below the average for the country as a whole.

The Philadelphia and Erie Railroad is operated by the Pennsylvania under a nine hundred and ninety-nine year lease. Dividends have been paid on common and special stock for several years past ranging from 4 per cent to 7 per cent. The bonded indebtedness consists of $19,823,000 first gold 4s, 5s, and 6s, secured by a first mortgage on 307 miles of line, and guaranteed by the Pennsylvania Railroad Company. They are first-mortgage bonds to the amount of about $64,570 per mile, for the line covered by the mortgage. I presume that these are first-mortgage bonds which would have been accepted as the basis of currency circulation under the proposed bill, although they amount to nearly three times the average value of railroad property.

New York Central and Hudson River Railroad refunding mortgage 3½ per cent gold bonds are accepted as first-mortgage bonds under the Massachusetts law and are carried by the savings banks of that State. Since 1900 this line had paid dividends at 5 and 6 per cent per annum. These bonds to the amount of $85,000,000 are outstanding as a first lien on 808 miles of line, and are additionally secured, it is said, on certain bridge stock and leasehold interests. On the tangible property covered by the mortgage the bonds outstanding average $105,098 per mile of line, or more than four times the average value per mile of railroad property in the United States.

As already stated, without a valuation of the physical properties of these roads, no one is able to prove that the amount of bonds outstanding in any of these instances exceeds the value of the property on which they are secured; but the presumption surely ought to prevail against them until an inventory establishes the facts respecting their value. In no case does the par or market value of railroad bonds raise any presumption as to the true value of the property upon which they are secured. For the Government to issue currency on these bonds as security without knowing anything about the value of the security would be a leap in the dark.

For us to pass laws here that lend Government credit to railroad financiering schemes that guarantee, in a measure, railroad securities and adopt railroad securities, good, bad, and indifferent into the currency system of the country, without either discrimination or investigation, could not be justified under any pretext of serving the public interest.

GOVERNMENT CREDIT FOR WATERED BONDS.

But, sir, waiving the question of the sufficiency of the test which this bill proposed as a protection to the Government in accepting railway bonds for currency issue, could it be just for other reasons of profound public interest to enace or even propose such legislation?

The ability of a railway company to pay a given dividend upon its stock depends directly upon the rates which it shall charge for transportation, which is the only commodity it has to sell to the public upon which it can realize returns out of which to pay dividends. The just basis for transportation charges is well settled. As a common carrier, the railway company is entitled to charge sufficiently high rates to pay operating expenses and a reasonably fair return upon the fair value of the property which it uses for the convenience of the public. This is the standard, and the only standard, by which to measure reasonable rates. To secure the application of this standard to the railway rates of the country has been the object of a struggle extending over many years. The courts have sanctioned it, the Interstate Commerce Commission has urged it upon the attention of Congress, and common justice to the public interest demands it. Tried by this standard, if a railway company has grossly overcapitalized its property, it can not rightfully impose upon the public a transportation charge to pay any return or dividend upon this fictitious capitalization. It does not signify that the public have not yet been able to secure the application of this standard to the rates of the country. Their cause is just, and its defeat from year to year has been accomplished only through the powerful influences which the great transportation companies of the country and those interested in their securities have been able to successfully exert in preventing legislation.

To-day we are confronted with the astounding proposition that Congress shall hold out a legislative inducement for the exactions of transportation charges which shall net a continuous 4 per cent dividend on railway capitalization. It is idle to say that this measure was limited in its scope; that it had reference simply to a limited issue of railway bonds as security. He is blind, indeed, who does not see the ultimate effect of a proposition which directly or indirectly raises a standard for the payment of a fixed dividend upon railway capitalization without regard to the value of the property. The certain effect of this action by Congress would be to stimulate every railway company within the purview of this statute to maintain the position of its bonds within the favored class, and every other railway company to qualify at the earliest possible moment for admission to the favored class.

Mr. President, let me urge upon the attention of Senators here this afternoon the relevancy of this discussion as bearing

upon the bill just as it stands to-day. Put municipal bonds into the Treasury as a basis of currency circulation, and at another session you will have railway bonds driving that wedge home and getting admission into the Treasury as a basis of circulation. It is not the first time in the history of legislation that the chairman of the Committee on Finance has brought forth a proposition here to work by legislative decree railway bonds into the Treasury Department as bearing upon the financial operations of that great Department of the Government.

PREMIUM ON RAILROAD RATE EXTORTION.

It is as plain, sir, as the noonday sun that the direct effect of this proposition would be to advance railway rate charges, and that it would identify the Government with a maintenance of rates in all cases where it had accepted railway bonds for currency circulation. Any legislation, Mr. President, is most dangerous which even temporarily throws the influence of those intrusted with the administration of government in the Executive Departments in opposition to general public interest. Railway bonds, once in the possession of the Treasury Department as security for circulation issued—an issue back of which is pledged the Government faith—must have, in greater or less degree, the active support of the Government to maintain the credit and standing of such security.

It is no answer to say, as did the Senator from Rhode Island in attempted reply to the criticism of the junior Senator from Michigan, that the Government could demand additional securities whenever railway bonds are discredited for any reason. Suppose, sir, that it would be futile to make such demand upon the banks which have pledged the securities in question. Suppose, for instance, that the group of twelve New York banks known as the "Morse chain" had acquired, together with their connections in other States, holdings of railway bonds, and had deposited those bonds with the Treasury Department, taking out circulation therefor. What response would meet the demands of the Secretary of the Treasury upon such a string of banks for other and better security? Such a demand made, much less enforced, might at a critical juncture precipitate financial disaster so vast in extent that our country could not recover from it in a decade. Why, sir, during the recent panic the Government did not dare to call even for the usual bank statements from national banks. Will anyone question that if this event occurred coincident with an effort to secure legislation which would place the railway rates of the country upon a just basis, in compliance with the legal and equitable standard, will anyone question that all the power of an Administration, whose Treasury Department had issued its circulating notes based upon railway bonds, which might be disqualified, would be exercised against such legislation?

Hence, logically, as a result of this railway-bond provision, we would put the Government in an attitude of temporary, if it might not develop into permanent, opposition to public interest.

The railway lobby, always powerful in maintaining its interest in legislation, would be further reenforced by such legislation. All holders of railway bonds, the prices of which would be enhanced by the operation of such a law, and all holders of railway bonds seeking admission to the favored market which such a law would make for the bonds of roads paying 4 per cent on fictitious, as well as legitimate, capitalization, would, with added incentive, mass their power and influence against any legislation seeking to regulate railway rates upon the basis of the actual value of railway property rather than upon the basis recognized by this bill.

Ah, but we were informed by the Senator from Rhode Island (who in the debate on this bill March 5 interrupted the junior Senator from Michigan to declare that "the twentieth section of the interstate-commerce act furnishes ample machinery to ascertain the character and the value of these bonds."

Mr. President, I deny that section 20 of the interstate-commerce act confers any such power upon the Interstate Commerce Commission.

Section 20 of the interstate-commerce act stood for nineteen years unchanged. It was never claimed by anyone to confer upon the Interstate Commerce Commission the ability to ascertain the value of the physical property of a railway company. That it is necessary to ascertain the physical value of railway property to determine the reasonableness of railway rates is approved by the courts, applied in at least two States, and is declared to be necessary by the Interstate Commerce Commission.

THE NEED FOR RAILROAD VALUATION.

In its report to Congress for 1906 it said:

Among the subjects which deserve the attention of the Congress is the need of a trustworthy valuation of railway property. *No tribunal upon which the duty may be imposed, whether legislative, administrative, or judicial, can pass a satisfactory judgment upon the reasonableness of railway rates without taking into account the value of railway property.*

Mr. President, the dictates of reason, the decision of the courts, the declarations of the Interstate Commerce Commission, make the valuation of the physical property of the railroad a basic fact in fixing reasonable rates. The ascertainment of reasonable rates will determine the dividend which shall be paid. If the property is grossly overcapitalized, that dividend, upon the establishment of a reasonable rate, may fall below 4 per cent. Without the value of the physical property of the railway, commission and court are alike powerless to determine the reasonable rate, the lawful rate. A road which maintains excessive rates may thus wrongfully pay 4 per cent dividends and more upon fictitious capitalization, and the Government, by way of rewarding its extortion, would place its bonds in the favored class of securities accepted for issuance of currency.

But the Senator from Rhode Island insists that "section 20 of the interstate-commerce act *as amended* by the 'rate bill,' so-called, furnishes ample machinery to ascertain the character and value of these bonds." Will the Senator from Rhode Island contend that section 20 was so amended as to enable the Interstate Commerce Commission to ascertain the value of the physical property of the railway companies of the country? I think not. All that anyone will claim for the amended section, in this particular, is that it will authorize the employment of "special agents or examiners" to exercise administrative supervision over the railway accounts. This is the substance and effect of the amendment to section 20 of the interstate-commerce act which may in any way aid the Commission in investigating with respect to railway bonds. Through its special agents the Commission can ascertain whether the accounts are honestly and properly kept according to the system which it has prescribed, whether the charges to operating expenses are properly made, and whether the dividends are correctly entered and paid over, and the amount of the same.

But, Mr. President, this does not determine the true value of the bond any more than the high interest rate of an excessive loan would be proof of the value of a first mortgage upon real estate. The value of the property covered by the mortgage determines the value of the security. The value of the physical property of the railway company is vital in determining the character and value of the first mortgage bonds upon the road.

But more than that. In its last annual report (advance copy) the Interstate Commerce Commission urges that they be authorized and empowered to make an inventory of the physical property of the railroads of the country, not only for the purpose of ascertaining the reasonableness of capitalization and the reasonableness of schedule rates, but "to make effective administration of the depreciation accounts" and "the correct interpretation of the balance sheet." With all that may be claimed for section 20 as amended, it appears that even as to the accounting of railroads a valuation of their physical properties was considered vitally essential.

The Commission says:

Before the close of the present fiscal year the Commission will be in a position to prescribe a standard form of balance sheet. The purpose of a balance sheet is to disclose the financial standing of a corporation, and this it does by placing in parallel columns a statement of assets and of liabilities. But in the case of railway companies the Commission is unable to *test the accuracy of the assets reported*, and there is no feasible means of providing such a test *other than by a detailed inventory of the property which the assets represent*. If Congress designed by the provision which it made for a prescribed system of accounts that the Commission should do what lies in its power to guarantee the sound financing of railways, the necessity for making an inventory appraisal of railway property can not longer be delayed.

From whatever point of view this question of valuation be regarded, whether of reasonable capitalization, of a reasonable schedule of rates, of effective administration of the depreciation accounts, or of the correct interpretation of the balance sheet, one is forced to conclude that an authoritative valuation of railway property is the next important step in the development of governmental supervision over railway administration.

But, Mr. President, suppose the Commission did not urge the valuation of the physical property of railways as a basis for ascertaining their reasonable capitalization and for determining the reasonableness of their rates; suppose the courts had never enunciated the relation of physical valuation to reasonable rates; nay, go further, suppose the Commission and the courts had declared for rates based upon fictitious capitalization, in the end there would be established a commission that would make valuation the determining factor in fixing the just standard of rates, and the courts would finally be compelled to revise their errors of judgment and announce the decree of justice.

If it is a confiscation of the property of a common carrier to make it serve the public for less than will maintain its property, pay its operating expenses, and give it a just return upon investment, it is equally a confiscation of the property of the public to fix a schedule of rates which pays 4 per cent or any other dividend upon fictitious railway capitalization. And, sir, to pass legislation which by indirection sanctions or encourages, or by implication recognizes as just, the payment of any dividend rate excepting one based upon the fair value of the property dedicated to the public use is a legislative crime.

What do Senators think would be the real purpose of working railway bonds into the currency system of the Government? What do Senators think would be the effect of naming railway bonds in the law as security for currency circulation? Perhaps the Senator from Rhode Island will say they are already there as security for Government deposits. If so, they are there only by dictum of an administration officer and, at that, only there as additional security for the return of a loan. They are not there by express legislative sanction. They are not there as a basis for a currency issue. But when they have once been specifically incorporated in the law, when once the Government invites the national banks of the country to invest in them for the patriotic purpose of averting financial disaster, these railroad bonds would become sacred paper. The good faith of the country would be pledged to defeat any legislation that suggests a disturbance of the 4 per cent dividend upon the stocks. The Senator from Rhode Island would be heard in solemn warning. We would be told that the bonds were bought by the banks, not to make money but to be held in readiness to protect the credit and commerce of the country; that bond markets are easily disturbed; that such security is delicate and sensitive; that legislation menacing dividends, even upon grossly watered stocks, would alarm the holders of these bonds and force them upon a falling market at great sacrifice, possibly producing panic, and leaving the banks but partially prepared to take out emergency currency.

WOULD BLOCK RAILROAD VALUATION.

Could any plan have been devised which would be more effective in blocking the way of legislation for valuation of the physical properties of railways and defeating the final reduction of rates to a just and reasonable basis? Coming as they do in the guise of reenforcement to failing credit, these bonds are made to appear as promoters of public interest. Let no Senator be deceived. The public will not be misled. There are many and moving reasons back of this railway-bond proposition.

The public has grown insistent for legislation that shall not only recognize an unreasonable rate as unlawful, and proclaim the right to reasonable rates as the amended interstate-commerce act does, but legislation which should clothe a commission with authority to ascertain the true value of railway property as the only means of determining reasonable rates, and then direct the commission to base rates upon the value so ascertained, which the amended interstate-commerce act wholly fails to do.

The public is insistent. Legislation for more than a quarter of a century has juggled with this question. It is opportune for us to remember that the struggle to secure reasonable rates started thirty-four years ago. A generation of men have gone to their graves since this contest began, and yet there is no Federal law under which a reasonable rate can be determined to-day. It is unnecessary to comment on the influences which have baffled all efforts to secure the legislation necessary to determine the gross overcapitalization of the railways of the country.

The citizen has acquired a clear understanding with respect to it. He can no longer be satisfied with statutes which assert that rates shall be reasonable, and which fail utterly to provide reasonable rates. He might be pacified for a brief time with railway-rate legislation which was heralded forth as a great progressive achievement, but he soon learned that it did not relieve him from the burden of excessive rates. In the mind of the citizen, one simple business proposition has found definite lodgment. He clearly understands that in order to determine the amount of profit in any business three things must be definitely known: First, the value of the property used in the business must be determined by inventory. Second, the annual cost of operating the business must be ascertained. Third, the annual income from the business must be ascertained. From these factors the percentage of net profits can be exactly determined. He applies these simple and sound business propositions to the common carrier. He knows that legislation provides that the common carrier should report the annual cost of operating its business and the income derived, but he knows also that legislation has failed to provide for taking an inventory of the property employed in the business of the common carrier, and that without that inventory from which to determine the value of the property no one can tell whether the common carrier is making a profit of 4 or a profit of 40 per cent upon the fair value of the property. From every hamlet and village of the country comes a demand for railroad valuation.

RAILROAD VALUATION DEMANDED.

Mr. BACON. Mr. President, with the permission of the Senator, I should like to ask him a question.

Mr. LA FOLLETTE. Certainly.

Mr. BACON. In view of the ephemeral, uncertain, and fickle character, to say nothing of the elastic features which the Senator ascribes to the railroad bonds, I wish to make an inquiry of him.

I understood the Senator, in response to inquiries of several Senators, to justify and applaud the action of the President and the Secretary of the Treasury in the concentration of the deposits in New York at the time of the acuteness of the panic, to the exclusion of the demands of the banks in the other parts of the country. In view of the character which he ascribes to the railroad bonds and the overvaluation of property that they represent, I desire to ask the Senator if he also approves and applauds the action of the Secretary of the Treasury in receiving bonds of that class as a security for the deposits of the money of the United States in the several national banks of the country?

Mr. LA FOLLETTE. I do not know, supposing the case, what I might have done in that situation.

Mr. BACON. If the Senator will pardon a further interruption—I am referring particularly now——

Mr. LA FOLLETTE. I understand.

Mr. BACON. To such a deposit as the Senator from Arkansas read from the report as one made in that particular case.

Mr. LA FOLLETTE. I will say this: I do not believe that such securities are within the law, excepting as securities in addition to Government bonds for such deposits. I do not believe that the law warrants the loaning of Government moneys upon that class of securities independent of Government bonds.

But, I might add, it is really not a distinction of great consequence whether the Treasury accepts all the security for United States deposits in the form of municipal and railroad bonds or whether it requires also a nominal amount of United States bonds, as may be done under the construction of the law which has prevailed for several years, which Congress has made no effort to change or preclude by amendment of the law.

TENDENCIES OF FINANCIAL LEGISLATION.

Now, Mr. President, if I may have the indulgence of the Senate a little further, I desire to come back to the consideration of the pending bill, and in order to interpret that bill and pass judgment upon it I believe it should be studied in the light of preceding legislation relative to banking and currency.

It seems to me that the tendency of legislation with respect to banking and currency has been to favor the great banking institutions having community of interest with the powers that control the industrial and transportation life of the country.

I want to call attention just for a moment to one phase of legislation in the mind of every Senator here as showing the operation of legislation written in the statutes away back many years ago.

The law as to reserves in national banks is so framed as to drain the reserves of the country banks to the reserve city banks and from the reserve city banks into the central reserve banks. As developed in operation it masses an excess of the banking reserves in Wall street, where it may be absorbed in speculation. Let me state a particular instance which I do not believe has been brought to the attention of the Senate in the debates here.

In 1904 the lawful money reserves of the national banks of the country increased fifty millions. Operations in Wall street for that year created extraordinary demands. The effect upon the reserves of the country was significant. Of the total increase of $55,000,000 in lawful reserves for that year the gain in the lawful money reserves of the national banks of New York City was $24,000,000. Out of this total gain of $24,000,000 in lawful money reserves for all the national banks of New York the four great national banks in the two groups, viz, the National City, the National Bank of Commerce, the First National, and the Chase National, absorbed $20,600,000. Thus 85 per cent of the gain of reserves in New York City and 38 per cent of the cash gain of all the national banks of the United States was gathered in by these four banks.

Is there a Senator on this floor who does not know that this aggravated the condition that finally put business in peril in this country last October? Is it not rather a striking thing that that was not one of the first things to which a majority

of the Finance Committee, shaping legislation, should have directed its attention in bringing in a bill before the Senate to cure or to meet the troubles that arose out of that period? It is true we are promised that at some time or other before we come to vote upon this subject some amendment will be presented with respect to reserves. But was that not one of the first provisions that should have appeared in this bill? Instead, a provision which seemed to recognize the defects was left out when it was reported back to the Senate.

While the operation of the banking law providing for the redepositing of reserves reduced the reserve strength of the banks far below what it would otherwise have been, it was still too much restraint for the banks. I am citing these old statutes simply to show the general trend of legislation, simply to show that it has seemed to move in the direction of beneficence to certain great interests in this country, going back even to an early time.

The national bank act of 1864 required that banks should keep reserve both on circulation and on their deposits.

By the amendment of June 30, 1874, it was provided that no reserve need be kept by reason of circulation and that the 5 per cent of circulation kept in the Treasury to retire circulating notes might be counted as a part of the reserve held against deposits. The net results of the provision for redeposit of reserves and the subsequent reduction of the reserve requirement of the law has been to leave the depositors without any protection whatever in the way of legal-reserve requirements on national banks.

No conservative or safe banker would undertake to conduct banking business with reserves no larger than are required by existing law. Such reserves would be insufficient to permit the conduct of current business. But it serves the purposes of financial and speculative bankers to be able to have practically a free hand with their reserves, and it is in the interests of the central reserve bankers to be able to collect the reserves of all the banks of the country for use in the stock market.

The legislation of one year ago emphasizes the especial care bestowed upon these large banks. When the Aldrich bill of March, 1907, was under consideration, the Senator from Minnesota [Mr. NELSON] led in an effort to prevent that legislation from bestowing a gratuity upon favored banks. He offered an amendment providing, among other things, for payment of interest upon the daily balances of the Treasury deposits in such banks. The Senator from Rhode Island opposed and defeated the amendment.

While the proposed tax was urged, upon the ground that it was but just that the banks receiving the public money for use in the regular course of business by such banks should pay a reasonable interest rate, I submit that it is worthy of consideration at this time for other important reasons.

PLAN FOR AN EMERGENCY FUND.

It is estimated that $200,000,000, in round numbers, is the amount required to move the crop in the fall of the year. This is an extra strain upon the money in circulation, producing a stringency and requiring an extra reserve supply as an offset to this temporary demand.

The profit to banks in securing the use of Government money free of any interest charge operates to keep the surplus moneys of the Treasury largely in the hands of national banks at all times. The imposition of an interest rate of 2 per cent or higher would tend to return such deposit money to the Treasury from time to time as demand for it declined and the profit of retaining it diminished. In other words, the circulation of the surplus moneys of the Treasury, which constitute the deposit funds for these banks, can be clothed with an element of elasticity by a properly adjusted interest rate, giving to such circulation an emergency character to meet exactly the varying demands of commerce. Such interest rate would return the money to the Treasury as a reserve, from which it could be drawn whenever the time came for moving the crops of the country.

I am not arguing that customs duties should be kept at the present rate for the purpose of furnishing such a surplus. But while the stand-pat interests of the country defeat tariff revision, and an excessive surplus is maintained, I submit that such surplus might be made to furnish an emergency currency if a tender regard for these particular banks did not prevent the imposition of a proper interest charge thereon.

Such an amendment to existing law would not furnish as large an emergency fund as is proposed in the pending bill. It would furnish as much money as anybody has estimated is required to meet the temporary demand arising when the crops are to be moved. Is not that the only legitimate demand upon which it can be claimed that an emergency currency should issue? It should not provide an emergency fund to meet the speculative needs of Wall street in a panic, such as the pending bill provides. Nor do I believe it to be a wise public policy to provide such a fund by legislation.

Mr. President, I do not know that it would be possible to pass a bill amending the act of March, 1907, subjecting the deposits of Government moneys to such an interest rate as would cause two hundred and twenty-two millions of Government money now in use by national banks to float back into the Treasury, as into a reservoir, to be drawn upon when the time comes to move the crop of 1908. I do know that under such a law the national banks would not be retaining this money for free use, as they are at present, and retiring their own circulation in order to save the tax of one-half of 1 per cent thereon.

Because there is at the present time no demand for the amount of money now in circulation, the small tax of one-half of 1 per cent upon the circulation of national banks is causing the retirement of such circulation substantially up to the limit of the statute, or in round numbers, $9,000,000 per month. Since January last, as stated by the Senator from Arkansas [Mr. CLARKE], the amount retired, added to that upon which applications for retirement have already been filed, would aggregate approximately for the first six months of the present year $50,000,000. Obviously, there is at the present time an excess of currency in the country, as indicated by the action of the banks and shown by the high per capita of $35 reported by the Treasury.

FOR BENEFIT OF SPECIAL INTERESTS.

Mr. President, a review of the currency legislation as suggested in the foregoing would lead any student to approach consideration of the pending bill with the expectation that it would be found partial in its character to the same favored interests.

It proposes an issue of 500,000,000 of additional notes to be issued to national banking associations, such issue to be based upon the securities named in this bill. What are these securities? State bonds, municipal bonds, and—as reported by the committee and advocated by the Senator from Rhode Island [Mr. ALDRICH]—railroad bonds.

Mr. President, by whom are such bonds held? Are they stable securities? Or are they fluctuating in character? If it should appear that such bonds are for any reason chiefly held by a limited number of banks, not available to the great majority of national banks, it would appear that the effect of this legislation, whatever its purpose, would be to confer a benefit upon those banks holding or controlling such securities which form their adoption as the basis for currency issue.

From the present attitude of the Senator from Rhode Island, one would be bound to believe that he considers municipal and railroad bonds as safe and stable investments for banks and a safe and stable basis for currency issue.

What was the opinion of the Senator upon this question one year ago when the Aldrich bill of that session to increase the free deposits of Government money for the group banks was pending in the Senate? At that time, as before stated, the Senator from Minnesota offered an amendment to require national banks to pay taxes upon Government deposits. His amendment was broader than that, and I do not believe that the full breadth of that amendment and its full scope and purpose have yet been brought to the attention of the Senate in this discussion. The amendment provided further that the Treasurer should accept as security for such deposits municipal and railroad bonds, as well as United States bonds, and named the New York and Massachusetts savings bank standard as a criterion. It was thought by the Senator from Minnesota that this amendment would enable banks which could not afford to purchase Government bonds at prevailing high premiums in order to secure Government deposits, to buy municipal bonds and railroad bonds, and, authorizing their acceptance by the Secretary of the Treasury, would thereby permit such banks to share in the benefit of the Government deposits.

In opposition to the amendment of the Senator from Minnesota [Mr. NELSON] the Senator from Rhode Island [Mr. ALDRICH] advanced a skillfully contrived argument embodying the following propositions:

1. That banks could not afford to buy Government bonds at prevailing market prices to secure United States deposits and pay 2 per cent interest on deposits.

2. That under the amendment all United States deposits would go to a few large banks in New York, Chicago, and other large financial centers, which alone carry securities of the kind named in the amendment.

3. That these securities, namely, municipal and railroad bonds, were so unstable in character that no prudent banker could afford to invest in them.

A REMARKABLE CHANGE OF FRONT.

The Senator from Rhode Island seemed quite indifferent to the fact brought out in that debate that the Secretary of the

Treasury was at that time already accepting securities of the class specified in the amendment of the Senator from Minnesota. While generously enlightening the Senate from the fullness of his knowledge and experience in the realm of finance as to just what class of banks held the specified securities and where they were located, the chairman of the Finance Committee, in reply to the all-important question of the Senator from Minnesota [Mr. NELSON] as to the character of the bonds then being accepted by the Treasury, contented himself with a weak "I am not advised"—just as he was "not advised" the other day of Mr. Morgan's attitude on the pending bill. It would seem that on a matter which had been officially announced to the banking world by the Secretary of the Treasury; which had been avowed in his official report; which involved most important questions of fiscal policy as well as a questionable construction of law; which was an important subject of legislation before the Senate and before the Finance Committee, and which the Senator himself dignified by an elaborate address—it would seem that as to a matter of this kind the chairman of the important Committee on Finance would have had some curiosity to know the real facts of the case.

It would seem that as the chairman of the Finance Committee he might have asked the Secretary of the Treasury about it. Coming from him it would not have been indelicate or embarrassing. He did not mind asking the Department to construct for him an elaborate computation to show that banks could not afford to pay interest on deposits.

But the Senator wanted to defeat the interest amendment, and to that end argued against the admission of other than United States bonds, because he could not show that the interest would be so burdensome if these banks were admitted to secure the deposits. He did not profess to know that precisely this character of bonds were already being accepted. Evidently he did not much care. He could argue against their admission, notwithstanding that they were already being admitted, as then stated and as subsequent inquiry confirms. The Senator did know that the banks holding this class of bonds were the big banks of New York and the great financial centers. These banks did not want any law authorizing the deposit of these bonds as security for Government money coupled with an interest charge. So far as the deposit of bonds was concerned, they didn't need any such law. They had the Secretary's "construction" of existing law, which enabled them to do that already.

In an argument directed mainly against the taxation of deposits, the Senator from Rhode Island informed the Senate that one purpose of the amendment offered by the Senator from Minnesota was to—

> Spread this money about. * * * His purpose being that there shall be what he would call, I suppose, an equitable distribution of the money deposited throughout the United States.

The Senator from Rhode Island [Mr. ALDRICH] contended that the amendment of the Senator from Minnesota would not accomplish this purpose, but the reverse. "Banks could not afford" to put up Government bonds and pay interest on deposits. The only banks having the other bonds mentioned were the "large banks of the great financial centers."

TESTIMONY FROM THE CONGRESSIONAL RECORD.

Continuing, the Senator from Rhode Island proceeded to show that small banks could not afford to hold Government bonds as an investment at all, or to buy them at a premium, as a pledge for Treasury deposits under the proposed law, and then pay a 2 per cent tax upon such deposits. He offered a Treasury computation to prove that it would result in loss.

The Senator from Minnesota was quick to see that the argument and the computation to show that the 2 per cent tax would result in loss applied only in fact to Government bonds and, interrupting the Senator from Rhode Island, said:

> Mr. NELSON. But that only relates, if the Senator will allow me, to the matter of Government bonds, and not to these other bonds.

That is to say, municipal and railway bonds.

To which the Senator from Rhode Island replied:

> Mr. ALDRICH. I understand. But do you suppose that a bank in your State or in any State is going to buy other bonds and take the chances of fluctuation? The Government bonds are sold substantially along a certain line. They vary very little in price. The risk of loss growing out of the purchase is infinitesimal as compared with other security.

Continuing his argument disparaging bonds other than Government bonds as suitable holdings for securing Government deposits, he said:

> Take the bonds of the State of Massachusetts, to which I have alluded. A few years ago they were selling far above par. Take the bonds of the city of New York; take the large amounts of bonds which have been issued by States and municipalities throughout the Union. In these days they are fluctuating widely, and no prudent banker could afford to buy bonds other than the bonds of the United States.

But, Mr. President, that was a year ago. Then the Senator from Rhode Island was laboring to defeat, and he did defeat, the amendment of the Senator from Minnesota to assess a 2 per cent tax on Government deposits with national banks. Such a tax would have tremendously reduced the profits of the great system banks which were to be so largely benefited. Quite a different proposition is presented to-day. The bonds which were then so "widely fluctuating" that no "prudent banker" could afford to invest in them are now recommended by the Senator from Rhode Island as "judicious investments."

The Senator from Rhode Island, in the course of his remarks in the Senate on February 10, 1908, in support of this bill, said:

> It is evident that the banks of the country might wisely and without difficulty or loss invest five hundred millions in first-class State, municipal, or railroad bonds. This investment would be an exercise of that care and management which should characterize institutions which have and expect to retain the confidence of the American people.

The bonds which the Senator from Minnesota was seeking to make a legal and statutory basis of acceptance by the Secretary of the Treasury were State and municipal bonds. They were State and municipal bonds measured by the terms by his amendment of the standard fixed by the Massachusetts and New York savings-bank statutes. Therefore it is to be presumed that they were State and municipal bonds of a high character. Why did it suit the purpose of the Senator from Rhode Island to denounce bonds of that character one year ago on this floor and defeat the amendment to tax bank deposits which, as has been shown, and which, as he made plain by his argument, went to these special banks very largely? Why, I say, did it suit his purpose to denounce bonds of that character as "widely fluctuating," as "such bonds as no prudent banker would ever invest in," and to-day present to the consideration of this body a proposition to make them the basis for circulation? For, mark you, if they once find legislative sanction for the bonds proposed in this bill as a basis for currency circulation, even emergency currency, it simply means that we shall ultimately have all kinds of bonds ingrafted upon our money system.

At another point in the course of his speech of February 10, 1908, speaking of "the municipal securities which are described in the bill," the Senator from Rhode Island says:

> These securities would form a part of the bank's best assets and would constitute from every banking standpoint a judicious investment.

Again, in the course of his remarks, the Senator speaks in the following strong terms in behalf of municipal and railroad bonds:

> The Congress, in my judgment—

And you may see foreshadowed here what is to come if you ever let these bonds in. Listen to this statement—

> The Congress, in my judgment, might properly, in the wise exercise of its supervisory control over the investments of national banks, require these institutions to invest a portion of their assets in this class of securities, and this without reference to their use as security for possible note issues or United States deposits. This requirement would be in the interest alike of the public and of stockholders.

Have we reached the point in this country where a few men hold control of such a mass of this sort of securities that you must be called upon to legislate into the national banking laws a compulsory statute that the banks shall make a competitive market for those securities?

The Senator's change of front since last year as to the investment character of securities of the classes mentioned in the bill is all the more noteworthy, particularly as to railroad bonds, by reason of the general disrepute into which they have since fallen. Not only did these railway securities fare badly at home in the recent Wall street panic, but they forfeited confidence in Europe as well.

OUR SECURITIES REJECTED ABROAD.

Mr. Stuyvesant Fish, in an authorized interview, commenting on the causes of the recent panic, refers to the discrimination of European bankers against "American finance bills," or what are known in Wall street as collateral loans.

He says this discrimination was aggravated by their seeing the uses to which the finances of certain American railroads had been diverted.

Within a few months the Bank of France has declined to make any advances on American finance bills, and the Bank of England, not only itself refused to discount American finance bills, but notified its customers that they must not do so. But the Aldrich bill proposed that the United States should issue five hundred millions of currency on these very securities rejected by these foreign bankers.

We have so expanded and watered the securities of this country that they have lost the confidence of European investors. A crisis had come where it became necessary to rehabilitate them in the markets of the world. Foreign bankers refused to loan on American railroad securities unless the United States would

guarantee the securities. That is the report of the financial review of the year on foreign markets. So we have before us this bill, which proposed a Government guaranty of these securities to the extent of adopting them into our currency system.

That these securities have fallen into ill repute, instead of being a warning to the Government to let them alone, is the real motive back of this bill. He is blind who can not see the potency of such legislation to restore market values to securities which have lost the confidence of the public at home and abroad. That it would be the effect of this legislation to give better standing to railroad securities—yes, that it was the purpose of this legislation to give better standing to railroad securities—was admitted by the Senator from Rhode Island [Mr. ALDRICH] on the 10th of February.

It seems to me, Mr. President, that this goes only one step further than the proposition to compel by law the banks to invest in a certain class of securities. We have passed, of course, the time of land grants for railroad companies. Here is something to take the place. In the speech of the Senator from Rhode Island on the 10th of February he said:

> In theory and by existing legislation, railroad companies are quasi public corporations under strict governmental control and regulation. Immense amounts of money will be required in the near future in the development of various parts of the country, especially in the South and West. Anything which the Government can do within the limits of absolute safety and without cost to itself to give a better standing to the railroad securities which must be issued to provide railroad facilities in sections of the country that existing roads do not reach should be done without hesitation.

Here is a bald admission that this legislation was to affect railroad securities not yet in existence. Roads were to be encouraged to build because railroad bonds were to be so favored as to make it more and more profitable to push railroad building and railroad bonding.

When Government bonds were made the basis for national-bank issue it was avowedly for the purpose of enhancing their market value. It had that effect. It would have like effect upon these securities. Who would derive that benefit?

WHERE THE BONDS ARE HELD.

Complete statistics of the investment by banks in railroad bonds, or of the extent and distribution of such investments are not available. An extensive inquiry into this matter was, however, made in 1905, by J. S. Bache & Co., bankers and brokers of New York City. The inquiry was conducted by their Mr. Cornwall, who writes at length about it in the Annals of the American Academy of Political and Social Science for last September.

I submit it as throwing a flood of light upon the railroad-bond proposition that was in this bill, and by that light we may be better able perhaps to interpret some of the provisions left in the bill.

Letters of inquiry were addressed to about 7,000 banks and trust companies throughout the country, the list embracing every such establishment with a capital of $50,000 or more in the United States. About 4,000 replies were received. These returns were tabulated, and on the basis of the returns of the banks reporting the holdings of the banks not reporting were estimated according to the total amounts of their deposits. In this manner Mr. Cornwall believes that the total railroad-bond holdings by banks in each State were "arrived at with substantial accuracy." And it would seem, in view of the large number of the returns, that much reliance might be placed upon these estimates.

According to Mr. Cornwall's estimates, there were held at that time by banks and trust companies of the United States railroad bonds to the total amount of $913,051,000. It is interesting to note that substantially 75 per cent of the total amount is held by the banks and trust companies of New England and the Eastern States. The bulk of this, as would be expected, is found in New York and Pennsylvania. From the figures of Mr. Cornwall I have constructed the following table:

Railroad bonds held by banks and trust companies.

	Amount.	Per cent of total for United States.
New England States	$94,260,000	10.33
Eastern States	587,830,000	64.40
Southern States	6,602,000	.72
Middle Western States	147,151,000	16.10
Western States	944,000	.13
Pacific States	76,234,000	8.32
United States	913,051,000	100
New York City	206,345,000	22.6
New York State and city	294,842,000	32.3
Pennsylvania, including Philadelphia	207,728,000	22.7
New York and Pennsylvania	502,570,000	55

These figures are significant. In the aspect of the question urged by men whose experience and position qualify them to judge, including the chairman of the Finance Committee of last year, that banks which had not already a supply of these bonds on hand would not be able to buy and carry a supply of them to have for use in emergencies under the proposed law, these figures as to the distribution of the present holdings are of significance as clearly localizing the direct benefit in booming the prices of these bonds which was expected to follow the enactment of the proposed bill.

It is, of course, from those localities where railroad bonds are held that application will be made for circulating notes to be issued on such bonds for circulation. The banks which have the bonds will be the ones to get the notes when money is high and emergency notes are worth the getting.

As shown from the best sources of information which I found available, 75 per cent of the railroad bonds are held by banks in New England and Eastern States, and only 25 per cent is distributed throughout the West, Middle West, and the South. I have been unable to obtain information which places bank holdings of municipal bonds at more than 25 per cent of the total estimated outstanding issue.

Mr. Cornwall's estimate on this class of securities, however, shows, although in a less degree, this same tendency to concentration of the bank holdings of municipal bonds that prevails with respect to railroad bonds. Banks of New England and the Eastern States hold 42 per cent of the total amount held by banks of the entire country. With the highly organized banking system, the perfected community of interest between national banks and other financial institutions in this section, the entire holdings will be at the command of the big group banks for circulation purposes. In the cities of Boston, New York, Philadelphia, Chicago, and St. Louis it is estimated that over 27 per cent of all the bank holdings of municipal bonds are held.

These cities constitute the headquarters of the operations of the money trust and are dominated by it to the extent that whatever securities of this kind might be held by them would be at the disposal of the trust for circulation purposes. In like manner through its branches in the lesser business centers it will draw in much of the balance. Its power to command any securities in the country at will is practically unlimited. With the securities in hand its control of the currency system of the country is powerfully augmented by this bill. In saying that the holdings of the municipal and railroad bonds of the country are in the hands of the great banks of New York and the other financial centers I am only repeating the statement made in this Chamber a year ago by the Senator from Rhode Island, the distinguished chairman of the Finance Committee. How these great banks are organized and dominated and the nature of the business in which they are engaged I have demonstrated here.

That neither railroad nor municipal bonds are in the possession or within the reach of the commercial bankers of the country there can be little doubt. Reason and testimony alike make it quite conclusive that commercial banking requires reserves to be held in a more quickly convertible class of securities than long-time bonds of any character.

That this is a bill which will operate for the benefit of the speculative, financial bankers is proved to a demonstration. That it will not serve the legitimate business interests of the country is equally evident. That its effect and operation would be to set the money trust up in a regular business of conducting panics for profit will appear to anyone who will give it candid study in the light of existing conditions.

At this point, Mr. President, I beg to introduce a few comments by careful commercial bankers and business men in criticism of the proposed bill. They at least show that there is no "concensus of opinion" even among bankers favoring this legislation.

BANKERS WHO DISAPPROVE OF THE ALDRICH BILL.

E. A. Potter, president of the American Trust and Savings Bank, of Chicago, said:

> In order to get additional circulation under the proposed plan, it is necessary to deposit with the Government bonds of a certain class. This would impose upon national banks in this section, for instance, the burden of going into the market to get bonds. Under the circumstances I do not feel that such a scheme would give the relief the Aldrich bill purports to furnish.

George M. Reynolds, president of the Continental National Bank, of Chicago, says:

> I do not approve of the Aldrich bill, because I think it is cumbersome and likely to delay too long by red tape the needed relief in emergencies.

E. A. Hammill, of Chicago, president of the Corn Exchange National Bank, says:

> I do not like the measure brought out by Senator ALDRICH. * * * I feel that the ALDRICH plan would favor Eastern bond houses and banks, especially those of New York and Boston.

C. A. Latimer, vice-president of the Northern National Bank, Ashland, Wis., says:

It is radically wrong to accept railroad bonds as security. It would upbuild the individual by legislative enactment. It practically puts the responsibility for the issue of new notes upon the Comptroller of the Currency. It gives too much power to one man, or at best to but three men. Money used for the purchase of bonds would be largely depositors' money. The process would lessen the deposit or security and tend to cause unrest, instead of a feeling of confidence.

A. A. Dye, one of the officials of the First National Bank at Tyndall and of the First National Bank at Springfield, both in South Dakota, says:

Not one country bank in a hundred has any State, municipal, or railway bonds. If Government aid must be backed by bond security, it can come through the large banks only. In that case what little help the country banks would derive must be secondary. They would be forced to borrow of the central banks at the high rate for money established by the hard-pinched gamblers of the East, or get no help in times of stringency.

We have had a very recent experience to teach us what the schemes of Government aid through its deposits amounts to, so far as country banks are concerned. Not one dollar so placed during the panic ever reached the banks in our part of Dakota, and it was weeks after such Government aid before we could get the Eastern banks to return even our own deposits. They were evidently needed to loan to Wall street gamblers at high rates of interest. Under the hypocritical pretense of getting funds to send West for the movement of the crops, Eastern banks sought money to replace the reserves they had loaned to speculators. * * * There could not have been a better illustration of the futility, not to say injustice, of a scheme of relief that reached only one class of banks.

N. B. Van Slyke, president of the First National Bank of Madison, Wis., is one of the oldest bankers in the United States, whose opinions command respect among bankers, I undertake to say, throughout the country.

Mr. Van Slyke says:

I beg leave to say that the provisions of Senate bill 3023 would not meet the problem attempted to be solved. Its "elastic" feature might expand to meet emergencies in Wall street, where bonds, stocks, and other securities are owned or can be borrowed to deposit for additional currency. But its contraction would be quite another thing, tax or no tax. Country banks, however apparently inactive at this time, believe that the banks in the great moneyed center should restrict their loans to their own legitimate means without calling upon the Government, as they frequently have, to help them in their shortage occasioned by excessive loans.

If banks will confine themselves to the just and proper sphere of promoting legitimate trade rather than loaning on margins for speculative purposes, there would be no need of an "emergency" currency, which in itself only palliates without cure.

John L. Hamilton, chairman of the currency committee, American Bankers' Association, say of the Aldrich bill:

The securities required are such as are carried by scarcely a bank of the country class, or those required to carry a 15 per cent reserve; and if this bill should become a law, instead of being of any benefit to them, it would be a positive detriment as compared with the present law, and instead of preventing a panic, when its provisions are understood, it would more likely cause one and leave the country banks entirely at the mercy of their customers, with an additional handicap in the way of a reserve and a surer chance for future imprisonment for violation of the national banking act. If the Members of Congress have the interests of their constituents at heart, they will vote "no" on this measure, as its passage would be worse than no legislation.

Hon. Lyman J. Gage, ex-Secretary of the Treasury, on February 19, 1908, on his appearance before the Committee on Banking and Currency of the House of Representatives, was asked the following question by a member of the committee:

If you were president of the First National Bank of Chicago and the Aldrich bill passes, would you buy bonds with the possibility that you might want to use them, or would you wait until the time came and then depend upon purchasing them?

Mr. Gage answered as follows:

In the case of the First National Bank of Chicago I should not buy any, because they have got too many now. They have got an overstock. If I were in a country bank—if I may step aside from the particular case of the First National Bank—if I were in a country bank where I stood pretty close to the producers, where the goods of commerce originated, small factories, and where capital is scarce, and where my function as a banker was necessary to the welfare, industry, and happiness of that locality, I would take my chances on going broke before I would take $100,000, if you please, if that was my proportion of this supposed relief, and tie it up in bonds, thus leaving my constituents without the facilities I can not furnish them, and so taking from them the use of my banking power for an indefinite period of time.

Referring to the Aldrich bill, Mr. Gage said, in another connection:

I am opposed to the measure originating in the Senate.

Ex-Secretary of the Treasury Leslie M. Shaw, in November, 1907, said:

No bond-secured circulation can be elastic. It is possible, and, in fact, probable, that the national banks of New York City, Boston, Philadelphia, Chicago, and possibly one or two other cities, though I do not know where they are located, could borrow the necessary State and high-class railroad and municipal bonds on which to secure supplemental circulation in time of emergency. I know, however, that banks in some of the cities above named have had difficulty within the past few months in borrowing the bonds with which to secure deposits of public money. It will be recognized that a deposit of $100,000 of public money secured by bonds costing $110,000 is of no advantage if the bank receiving the deposit is compelled to buy the bonds, and the right to issue $100,000 in bank notes unavailable as reserve would be no boon to a bank that should find it necessary to purchase the bonds at a somewhat larger sum in reserve money.

If one will take occasion to examine, he will discover that the banks with available bonds which can be used as a basis for supplemental circulation are very few, indeed. Those that do have them, hold them as quick assets to be sold as the needs of public business may require. The right to hypothecate them as security for circulation would be of no advantage when their market value in reserve money is in excess of the amount of bank notes obtainable thereon. Let no one deceive himself into the belief that the right to issue supplemental high-taxed currency secured by a deposit of State, municipal, or railroad bonds would be of any advantage except to such institutions as can borrow the bonds on their own credit or on a pledge of other collateral. To 99 per cent of the banks it would be unavailable.

The Trades League of Philadelphia, one of the most conservative bodies in America, with a membership of 3,000, representing every variety of banking, industrial, mercantile, and manufacturing activity, unanimously adopted a report of its special committee on banking and currency, from which I quote the following:

In our opinion the Aldrich bill would be of no substantial benefit to the manufacturing, commercial, or agricultural interests of this country, although it might to some extent have favored financial interests from the maximum penalties of a currency panic, and incidentally would also impart a fictitious value to the bonds specified, and we therefore oppose its passage.

Resolved, That the Trades League of Philadelphia is unalterably opposed to the passage of the Aldrich currency bill, for the reason that it provides for additional bond-secured currency based upon a deposit of State, municipal, and railroad bonds, which country banks do not generally possess, and imposing a rate of interest which few commercial banks can afford to pay, thereby creating a fictitious value for certain bonds, favoring special financial interests, and ignoring the agricultural, manufacturing, and commercial needs of the country.

The board of directors of the Merchants' Association of New York, representing some of the largest mercantile houses of the world, unanimously approved the report of its committee on bankruptcy and commercial law, from which I quote the following:

It is no safe function for a bank of deposit or issue to invest assets held against demand obligations in long-termed notes, bonds, or mortgages, the conversion of which into cash in times of stringency can only be accomplished at a sacrifice of the principal, if at all. The policy which might reasonably create an artificial market for the national obligations in time of civil war can not excuse an extension of the same favor to State or municipal bonds and railroad mortgages in time of peace.

The high tax which this bill proposes to levy upon the issue of emergency currency, and which in the last analysis would be paid by the borrower to the banks when increased, as it would be in practice at least one-third by reserve requirements, is not only unnecessary but oppressive, and in this and other States would provoke an immediate disregard of the statute against usury. It is not becoming that a great nation should fill its coffers from the necessities of borrowers, and it is manifestly improper to pass one law which offers inducements to the violation of another. It is the unanimous opinion of your committee * * * that rather than accept legislation of the character of the Aldrich bill, which we feel in its ultimate results would be most disastrous to the commercial interests of the country, it would be preferable to have no legislation at all, in spite of the manifest necessity of some relief to the present intolerable situation.

Now, Mr. President, with the indulgence of the Senate, I will rest here in what I have to say upon this bill, and will resume at 2 o'clock to-morrow, when the unfinished business of the Senate is reached.

Mr. ALDRICH. Probably it has escaped the attention of the Senator from Wisconsin that to-morrow the whole day has been devoted, by unanimous-consent agreement, to the shipping bill.

Mr. LA FOLLETTE. It did, I will say to the Senator from Rhode Island, and therefore I will ask, if the day is taken by the shipping bill, that I be permitted to resume the discussion of this bill on Monday at 2 o'clock, when the time for taking up the unfinished business arrives.

Mr. ALDRICH. I hope we may have a session on Saturday, but I shall not press the matter now. I had thought we might get through, or largely through, the discussion of the bill this week.

STEWART & CO.—REFUND OF COTTON TAX.

Mr. BRANDEGEE. I ask unanimous consent for the present consideration of the bill (S. 3843) for the relief of the legal representatives of Stewart & Co. and A. P. H. Stewart.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to audit and adjust the claims of Stewart & Co. and A. P. H. Stewart, agent, for internal-revenue taxes collected on Government cotton between January 1, 1865, and January 1, 1866, and which have not been heretofore refunded, and for this purpose, any statute of limitation to the contrary notwithstanding, sections 989, 3226, 3227, and 3228 of the Revised Statutes of the United States are hereby made applicable and available with the same force and effect as if protest and demand for payment had been made within the time prescribed by those sections, and the amount, not exceeding $11,208.04, when ascertained as aforesaid, and not heretofore refunded, shall be paid to legal representatives of A. P. H. Stewart and Charles A. Weed, out of the permanent

annual appropriation provided for similar claims allowed within the present fiscal year.

Mr. KEAN. Let the report be read in that case.

The VICE-PRESIDENT. The Secretary will read the report.

The Secretary proceeded to read the report submitted by Mr. STEPHENSON from the Committee on Claims, January 30, 1908.

Mr. KEAN. I have myself completed the reading of the report. I see the reason for this delay.

Mr. CLAY. Did the Senator from New Jersey ask to dispense with the reading of the report?

Mr. KEAN. I was going to ask that the reading be dispensed with.

Mr. CLAY. As the bill will probably be a precedent in the future, I think it will be frequently referred to, and if all the report is not read it ought to be inserted entire in the RECORD.

Mr. KEAN. I have no objection to that. I call the attention of the Senator from Georgia to the reason why this claim was not paid before. It is thus stated in the letter of the Acting Commissioner of Internal Revenue:

Had these claims been presented prior to June 7, 1873, they could have been considered in this office without further legislation. It is understood that this delay in presenting the claims was due to the fact that the claimant supposed that a letter written by his attorney to this office in July, 1871, was sufficient to save the bar, and to the further fact that he relied for evidence in support of the first-named claim on the case of The United States *v.* Harrison Johnson, decided by the United States Supreme Court at its October term, 1887.

Mr. CLAY. With the Senator's permission, if I understand the bill correctly, it is to refund a certain cotton tax illegally collected.

Mr. KEAN. That is its purpose.

Mr. CLAY. I did not rise for the purpose of objecting to the bill. Not only this tax ought to be refunded, but there are many others of a like nature that ought to be refunded, and in all probability they will be refunded in the future. This tax has been declared to be illegal and unconstitutional. I think the remainder of the report filed by the committee ought to be inserted in the RECORD. I do not ask that it be read.

Mr. KEAN. I have no objection, but I want to say that I can not agree with the statement the Senator has just made that a great many of the other tax claims ought to be settled.

Mr. CLAY. I hope the Senator will be able to see the light some day and agree with me on that question.

The VICE-PRESIDENT. Without objection, the entire report will be printed in the RECORD.

The report is as follows:

The Committee on Claims, to whom was referred the bill (S. 3843) for the relief of Stewart & Co., beg leave to report the same back with the recommendation that it do pass.

The bill is aimed to refund taxes paid on cotton in 1865, said cotton having been purchased from the Government, whereas the statute, section 177, act June 30, 1864 (13 Stat. L., 223), provided that all cotton sold by or on behalf of the Government shall be free and exempt from duty.

The bill has the recommendation of the Commissioner of Internal Revenue and the Secretary of the Treasury.

Favorable reports have been made on the bill in the Senate in the Fifty-fourth, Fifty-fifth, and Fifty-sixth Congresses and by the House in the Fifty-third and Fifty-fourth Congresses, and passed the Senate in the Fifty-fourth Congress.

Your committee adopt as its report the report on an identical bill in the Fifty-fourth Congress, said report being as follows:

[Senate Report No. 1396, Fifty-fourth Congress, second session.]

The Committee on Claims, to whom was referred the bill (S. 3500) for the relief of Stewart & Co., A. P. H. Stewart, agent, having had the same under consideration, beg leave to submit the following report:

A similar bill was introduced in the House of Representatives and referred to the Committee on Claims during the first session of the Fifty-fourth Congress, Report No. 839, which contains a full statement of the facts in the case.

Your committee beg leave to adopt said report as part of their report, and recommend the passage of the bill.

The committee beg leave to refer to the attached letter from the Treasury Department and make it a part of this report.

The report referred to is as follows:

[House Report No. 839, Fifty-fourth Congress, first session.]

The Committee on Claims, to whom was referred the bill (H. R. 506) for the relief of Stewart & Co. and A. P. H. Stewart, requiring the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to adjust the claims of Stewart & Co. and A. P. H. Stewart for taxes paid on cotton between January 1, 1865, and January 1, 1866, beg leave to report as follows:

That the bill be amended by striking out, in lines 6 and 7, the words "Weed, Witters & Company, and C. A. Weed & Company," and that as amended they recommend the passage of the bill. They submit herewith, as a part of their report, a letter from the Acting Commissioner of Internal Revenue of date February 4, 1896, as follows:

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., February 4, 1896.

SIR: Yours of the 30th ultimo, inclosing a copy of House bill No. 506, for the relief of Stewart & Co. and others, and asking for a statement of facts in the cases, is received.

House bill No. 506 proposes to authorize and require the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to audit and adjust the claims of Stewart & Co., A. P. H. Stewart, agent; Weed, Witters & Co., and C. A. Weed & Co. for internal-revenue taxes collected on Government cotton between January 1, 1865, and January 1, 1866 (the bill reads, however, "between January 1, 1865, and January 1, 1865"), which have not heretofore been refunded, and it makes applicable to the allowance and payment of said claims, any statute of limitation to the contrary notwithstanding, certain sections of the Revised Statutes.

There are on file in this office the following unpaid claims, viz:

Stewart & Co	$3,486.64
A. P. H. Stewart, agent	7,721.40
Weed, Witters & Co	203.27

All of which are barred by the statute of limitation, section 3228, Revised Statutes.

The facts in each of the cases are as follows, viz:

First. As to the claim for $3,486.64, filed in this office July 9, 1894, the evidence tends to show that Messrs. Stewart & Co. were dealers in cotton in Mobile, Ala., and in the course of business as such dealers purchased 383 bales of cotton, weighing 174,332 pounds, which had been captured by the United States and was sold to them on account of the Government, and that, notwithstanding the fact that the statute, section 177 of the act of June 30, 1864 (13 Stat. L., 223), provided that all cotton sold by or on behalf of the Government "shall be free and exempt from duty," Mr. Stewart was required to pay and did pay to the United States a tax thereon of 2 cents per pound, amounting to $3,486.64.

Second. As to the claim for $7,721.40, filed March 7, 1893, the records of this office show that A. P. H. Stewart, agent, paid from September 13 to 25, 1865, both days inclusive, a tax of 2 cents per pound on 402,156 pounds of cotton, amounting to $8,043.12, 4 per cent of which, $321.72, has been refunded as having been paid on tare of cotton. Mr. Stewart alleges that the whole of this 402,156 pounds was Government cotton. If this is a fact, no tax should have been collected on it, it being exempt under section 177, act of June 30, 1864, above referred to.

Had these claims been presented prior to June 7, 1873, they could have been considered in this office without further legislation. It is understood that this delay in presenting the claims was due to the fact that the claimant supposed that a letter written by his attorney to this office in July, 1871, was sufficient to save the bar, and to the further fact that he relied for evidence in support of the first-named claim on the case of The United States *v.* Harrison Johnson, decided by the United States Supreme Court at its October term, 1887.

The claim of Weed, Witters & Co. for $203.27, filed May 18, 1889, is for the refunding of 4 per cent of taxes paid by them on cotton at New Orleans. It is alleged that this tax was collected upon the gross weight of the bales, no allowance being made for tare. This claim can not be considered, for the reason that it was not presented in time. It is not claimed that the cotton on which this tax was paid was Government cotton, and the bill (H. R. 506) as it reads would not authorize its consideration.

The claim of C. A. Weed & Co., filed in this office May 18, 1889, asked the refunding of $1,384.81, tax alleged to have been paid on tare of cotton. This claim was allowed for $615.06, the full amount to which it appeared the claimants had overpaid taxes. This was not Government cotton, and the bill as it reads would not authorize its reconsideration.

I feel disposed to say that the circumstances connected with the first two claims embraced in the bill appear to have been such as to render it proper that the claimants, Stewart & Co., and A. P. H. Stewart, agent, should be relieved from the operation of the statute of limitation and allowed to prosecute the claims as if they had been filed in time.

To the extent that they were required to pay taxes contrary to the provision of law, above mentioned, they should undoubtedly have relief.

Respectfully, yours,

G. W. WILSON,
Acting Commissioner.

Hon. CHARLES N. BRUMM,
Chairman Committee on Claims, House of Representatives.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CULLOM. Mr. President, I expected to be able to call up the legislative, executive, and judicial appropriation bill this afternoon. The hour has become so late that I have concluded not to do so, and in view of the fact that to-morrow, by unanimous consent, the Senate is to consider the shipping bill, I will not bring up the appropriation bill to-morrow, but on Saturday I shall ask leave to call it up and have it brought to a conclusion.

PUBLIC BUILDING AT INDEPENDENCE, MO.

Mr. WARNER. I ask for the present consideration of the bill (S. 5516) providing for the erection of a public building at Independence, Mo.

The Secretary read the bill, and there being no objection the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Buildings and Grounds with amendments, which were, on page 1, line 10, after the word "herein," to strike out "appropriated" and insert "authorized to be expended;" on page 2, line 8, before the word "thousand," to strike out "seventy-five" and insert "eighty;" in line 10, before the word "feet," to strike out "thirty" and insert "forty;" and in line 11, after the word "alleys," to strike out "No money appropriated for said building or for additional site for same shall be available until a valid title shall be vested in the United States to all the site acquired," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected on the site heretofore there acquired, a substantial, commodious building and approaches with fireproof vaults, heating and ventilating apparatus, suitable for the use and accommodation of the United States post-office and offices of the Government at the city of Independence, in the State of Missouri: *Provided*, That of the money herein authorized to be ex-

pended the said Secretary may, in his discretion, expend a sum not exceeding $5,000 in the purchase of additional ground for the site of said building. The said building, with the said approaches and appliances, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, including any sum which may be expended in the purchase of additional ground as herein provided, shall not exceed in the aggregate the sum of $80,000. The said building shall be unexposed to danger from fire by an open space of at least 40 feet on all sides, including streets and alleys.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TITLE TO CERTAIN LAND IN THE DISTRICT OF COLUMBIA.

Mr. CARTER. Mr. President, some days ago in the course of a discussion of what is known as the "Bieber matter," I read from a report of the Committee on Public Buildings and Grounds of the House of Representatives. I read from the report as applicable to section 21 of the act. The report as read in connection with that section was accurately quoted. The section was as stated, and the report applied to it.

The chairman of the Committee on Public Buildings and Grounds of the House of Representatives informs me that in conference the numbers of the sections were changed, and that in consequence the committee was not subject to the stricture placed upon it by the phraseology of the report as applied to the law. The chairman has fully explained what he understands to be the fact, and I ask that his statement be incorporated in the RECORD. I am very glad that his explanation shows that the Committee on Public Buildings and Grounds is not, as I believe they were not, subject to any reflection whatever in connection with it, but acted in good faith.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., March 17, 1908.

Hon. THOMAS H. CARTER,
United States Senator, Washington, D. C.

MY DEAR SENATOR: In the course of your remarks on the Bieber land grants on the floor of the Senate you called attention to a discrepancy in the numbers of the sections between the act and the report on the bill. If you will kindly send to the Senate document room for a copy of H. R. 20410 and Report No. 5011 of the first session of the Fifty-ninth Congress, you will find the numbers in the bill and the report agree.

The report states: "Section 20 authorizes the sale of certain real estate in the city of Washington, D. C."—this being the Bieber grant, corresponding exactly with section 20 of the bill.

Then the report states: "Section 21 authorizes the acquisition of certain triangles in the city of Washington," corresponding exactly with section 21 of the bill.

It evidently did not occur to you that the numbers of the sections might have been changed in conference, though if you had examined the report more carefully you would have discovered that the reference to "certain real estate in the city of Washington" was contained in the lines immediately above those you quote. The error into which you have fallen—inadvertently, I am sure—was that you compared the report with the law print of the act instead of with the bill (H. R. 20410) on which the report was made.

Since your statement relating to this particular phase of the question is the only one reflecting on the committee and its chairman, who wrote the report (inasmuch as the inference may be drawn from your statement that the Bieber land grant had not been mentioned in the report, and that it was the intention of the writer of the report to mislead), I hope that in justice to myself, as well as the committee, you will make the correction due us in the same public manner as your original statements were made.

Yours, very truly,

RICHARD BARTHOLDT,
Chairman Committee on Public Buildings and Grounds.

JOSEPH SCHREMBS.

Mr. SMITH. I should like to have the bill (S. 3452) for the relief of Joseph Schrembs considered.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to reimburse Joseph Schrembs $262.20, which amount was paid by him, under protest, to the surveyor of the port of Grand Rapids and covered into the Treasury, as duty unlawfully assessed and collected by the surveyor on four cases of statuary for the use of St. Mary's Church, Grand Rapids, Mich., December 16, 1902.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MILITARY POST AT FORT SHERIDAN, ILL.

Mr. FRAZIER. I ask for the present consideration of the bill (S. 5665) for the purchase of land for the use of the military post at Fort Sheridan, Ill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Military Affairs with amendments, which were, on page 1, line 4, after the word "of," to strike out "an 11-acre" and insert the letter "a;" in line 7, before the word "said," to insert "and containing 11.5 acres, more or less;" and on page 2, line 1, after the word "land," to insert the following proviso:

Provided, That the purchase price to be paid for said tract shall include a settlement in full of all claims for damage to said tract and to all other property belonging to the same owner and adjacent thereto.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to enter into negotiations for and purchase of a triangular tract of land adjacent to and adjoining the military post at Fort Sheridan, Ill., and containing 11.5 acres, more or less, said tract of land having a frontage on the west shore of Lake Michigan, in the county of Lake, State of Illinois. The sum of $36,707.50 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for payment of said tract of land: *Provided*, That the purchase price to be paid for said tract shall include a settlement in full of all claims for damage to said tract and to all other property belonging to the same owner and adjacent thereto.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RIVER IMPROVEMENTS IN NORTH CAROLINA.

Mr. SIMMONS. I ask for the consideration of the concurrent resolution reported by me from the Committee on Commerce on the 6th instant.

There being no objection, the concurrent resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause surveys and examinations to be made of Neuse River from Pamlico Sound to Kinston, N. C.; of Trent River from its junction with Neuse River to Trenton, N. C.; of Tar River from Pamlico Sound to Washington, N. C.; of Pasquotank River from Albemarle Sound to Elizabeth City, N. C.; of Roanoke River from Albemarle Sound to Weldon, N. C.; of Chowan River from Albemarle Sound to a point opposite Winton, N. C., with a view to improving the navigability of all said rivers and providing channels of 10 feet depth, so as to conform the depth of said rivers from their mouths in said sounds to the points specified with the depth of the canal authorized by the river and harbor act of 1906, to connect the waters of Pamlico Sound and its connecting sounds with the Atlantic Ocean at Beaufort, N. C.

PUBLIC BUILDING AT ALBANY, OREG.

Mr. FULTON. I ask for the present consideration of the bill (S. 1770) to provide for the purchase of a site and the erection of a public building thereon at Albany, in the State of Oregon.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Buildings and Grounds with amendments, on page 2, line 1, before the word "thousand," to strike out "one hundred" and insert "fifty," and after line 18 to strike out from line 19 to line 15 on page 3, in the following words:

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States postoffice at Albany, in the State of Oregon, the cost of said site and building, including said vaults, heating and ventilating apparatus, and approaches, complete, not to exceed the sum of $50,000.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who will then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the result of said examination and of his recommendation thereon and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MERIDIAN HILL PARK.

Mr. SCOTT. I ask for the present consideration of the bill (S. 2986) to acquire certain land in Hall & Elvan's subdivision of Meridian Hill, in the District of Columbia, for a public park.

Mr. KEAN. Let me ask the Senator from West Virginia a question. This is a bill to establish a public park in the District of Columbia.

Mr. SCOTT. It is, and it is a bill that has passed the Senate I am sure twice, if not three times. It is a unanimous report after the committee looked the ground over and investigated it. The park is to be established on Meridian Hill, at the head of Sixteenth street. I do not believe there is a Senator on the floor who will look the conditions over and consider the present price at which the ground can be bought and what we would probably have to pay for it later who would not be willing to have the bill go through. I only hope that we can get the item on the appropriation bill. We have passed a similar bill three times.

Mr. KEAN. I notice that it is a bill reported by the Committee on Public Buildings and Grounds to establish a park in the District of Columbia.

Mr. SCOTT. Yes; all those park bills have been referred to the Committee on Public Buildings and Grounds at the present session.

Mr. KEAN. May I ask how much money is involved in the bill?

Mr. SCOTT. About $400,000.

Mr. KEAN. I think it had better go over.

The VICE-PRESIDENT. Objection is made to the present consideration of the bill.

ESTATE OF HENRY WARE, DECEASED.

Mr. FOSTER. I ask for the present consideration of the bill (S. 1560) for the relief of the estate of Henry Ware, deceased.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the legal representative of the estate of Henry Ware, deceased, the sum of $18,732, said sum to be in full payment for all injury and damage that was done to said decedent and his property due to the seizure, detention, and partial spoliation of 758 bales of cotton, the property of said decedent, and for $15,700 which said decedent was compelled to pay to said officials of the United States in order to get possession of part of said property. And there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $18,732.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COURTS IN TEXAS.

Mr. CULBERSON. I ask unanimous consent for the present consideration of the bill (H. R. 16874) to amend section 13 of an act entitled "An act to divide the State of Texas into four judicial districts," approved March 11, 1902.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SECOND DESERT-LAND ENTRIES.

Mr. DIXON. I ask unanimous consent for the present consideration of bill (H. R. 16078) providing for second desert-land entries.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that any person who prior to the passage of this act has made entry under the desert-land laws, but from any cause has lost, forfeited, or abandoned the same, shall be entitled to the benefits of the desert-land law as though such former entry had not been made, and any person applying for a second desert-land entry under this act shall furnish the description and date of his former entry. But the provisions of this act shall not apply to any person whose former entry was assigned in whole or in part or canceled for fraud, or who relinquished the former entry for a valuable consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CERTAIN LAND ENTRIES IN COLORADO.

Mr. GUGGENHEIM. I ask unanimous consent for the present consideration of the bill (H. R. 14434) to validate certain entries of public lands in the State of Colorado.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that no entries or filings for lands in township 5½ south, of ranges 42, 43, 44, 45, and 46 west, in the State of Colorado, shall be canceled or held invalid because they were not allowed, made, or perfected in the proper land district.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT POCATELLO, IDAHO.

Mr. HEYBURN. I ask unanimous consent for the present consideration of the bill (S. 124) to establish a Government building at the town of Pocatello, county of Bannock, State of Idaho.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other Government offices in the city of Pocatello and State of Idaho, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of $125,000.

SEC. 2. That proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

SEC. 3. That proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who will then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary as the result of said examination and of his recommendation thereon and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed site.

SEC. 4. That the building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the purchase of a site and the erection of a building thereon at Pocatello, in the State of Idaho."

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After two minutes spent in executive session the doors were reopened, and (at 5 o'clock and 7 minutes p. m.) the Senate adjourned until to-morrow, Friday, March 20, 1908, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March 19, 1908.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

CORRECTING NAVAL RECORD OF LIEUT. HILARY WILLIAMS.

Mr. BUTLER. Mr. Speaker, I move to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 10416) and to recommit the same to the Committee on Naval Affairs.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill, the title of which the Clerk will report, and to recommit the same to the Committee on Naval Affairs.

The Clerk read as follows:

A bill (H. R. 10416) to correct the naval record of Lieut. Hilary Williams, United States Navy.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

HARBOR LINES IN WILMINGTON HARBOR, CAL.

Mr. McLACHLAN of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate joint resolution 58.

The SPEAKER. The Clerk will report the same.

The Clerk read as follows:

Joint resolution (S. R. 58) authorizing the Secretary of War to establish harbor lines in Wilmington Harbor, California.

Resolved, etc., That the Secretary of War is hereby authorized to fix and establish pierhead and bulkhead lines, either or both, in the inner harbor of San Pedro, otherwise known as Wilmington Harbor, Cal., beyond which no piers, wharves, bulkheads, or other works shall be extended or deposits made except under such regulations as shall be prescribed from time to time by the Secretary of War.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Mr. Speaker, reserving the right to object, I will ask the gentleman if this is a unanimous report of the committee?

Mr. McLACHLAN of California. It is unanimously reported by the committee and has passed the Senate.

Mr. WILLIAMS. And meets the approbation of the Department?

Mr. McLACHLAN of California. It was prepared in the War Department.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The joint resolution was ordered to be read the third time, was read the third time, and passed.

CUTTING OF TIMBER, ETC., ON INDIAN RESERVATIONS IN WISCONSIN.

Mr. MORSE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4046), with an amendment, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent for the present consideration of the following bill, the title of which the Clerk will read, the bill having been read on a former day, with an amendment which he proposes.

The Clerk read as follows:

An act (S. 4046) to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests on certain lands reserved for Indian reservations in the State of Wisconsin.

The amendment was read, as follows:

After line 10, on page 1, insert the following:

"*Provided*, That not more than 20,000,000 feet of timber shall be cut in any one year: *And provided further*, That this limitation shall not include the dead and down timber on the north half of township No. 29, range No. 13 east; the north half of township No. 29, range No. 14 east, and the south half of township No. 30, range No. 13 east, on the Menominee Reservation in Wisconsin."

The SPEAKER. Is there objection?

Mr. WILLIAMS. Mr. Speaker, I would like to have some explanation of this bill.

Mr. MORSE. This is a bill which has passed the Senate, and is the bill which we had up for consideration on Monday afternoon under suspension of the rules. There was objection on account of the fact that there was no limitation upon the amount of timber which could be cut under the act, and I have put in this provision:

Provided, That not more than 20,000,000 feet shall be cut per year outside of the three townships that the cyclone went through.

This bill, as the gentleman will remember, provides for the cutting of this timber into lumber by the Indians on the reservations.

Mr. WILLIAMS. Any discretion vested in the Department?

Mr. MORSE. Yes.

Mr. FITZGERALD. I will state to the gentleman from Mississippi this bill was up under the suspension of the rule on Monday, and I was one of those who opposed it, and the gentleman has framed an amendment that covers the objection of those opposed to the bill at that time.

Mr. WILLIAMS. Mr. Speaker, I shall not object to this particular bill, but I want to give notice hereafter where in connection with matters of this sort a discretion is left in the Departments I shall object. There ought to be laws fixing these things, and there ought to be no discretion left in these Executive Departments.

Mr. MANN. Mr. Speaker, if the gentleman will yield, this bill was up on a motion to suspend the rules on last suspension day. I objected to the passage of the bill as well as I could on that day, because I did not believe in the object of it. But after a discussion, such as could be had in the House, there not being a quorum present, a large proportion of those who were present voted in favor of suspending the rules. The bill would probably be passed on a suspension of the rules on the next suspension day, but to make the bill effective at all, if it has to go into force it ought to go into force as speedily as possible. Therefore, so far as I am concerned, I do not object.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The title was amended.

The bill as amended was read a third time; and being read the third time, was passed.

On motion of Mr. MORSE, a motion to reconsider the vote by which the bill was passed was laid upon the table.

GOVERNMENT OF CANAL ZONE.

Mr. RYAN. Mr. Speaker, I desire to present a privileged report.

The SPEAKER. The gentleman from New York [Mr. RYAN] presents a privileged report, which the Clerk will read.

The Clerk read as follows:

Resolved, That the President of the United States be, and he is hereby, requested to inform this House, if not incompatible with the public interests, by what authority of law he has exercised the functions of government in the Panama Canal Zone since the date of the expiration of the Fifty-eighth Congress, or by what right or authority the executive, legislative, and judicial functions in the Zone have been performed since that date.

Mr. RYAN. Mr. Speaker, I desire to yield twenty minutes of the time to the gentleman from New York [Mr. HARRISON].

Mr. TAWNEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TAWNEY. Is this submitted as a privileged report?

The SPEAKER. The Chair so understands it.

Mr. RYAN. A privileged report from the Committee on Interstate and Foreign Commerce.

Mr. CRUMPACKER. It does not inquire for fact, Mr. Speaker. The resolution directs the President to prepare a law brief for the Congress, justifying certain conduct he is supposed to have taken in relation to the government of the Panama Canal Zone. It is not an inquiry for fact at all. It asks the Chief Executive to give his opinion in respect to the law or to state his views of the law that justifies a certain course of government. I make the point of order that it is not privileged.

The SPEAKER. The genleman from Indiana [Mr. CRUMPACKER] makes the point of order that the resolution is not privileged. The Chair will hear from the gentleman from New York [Mr. RYAN].

Mr. RYAN. Mr. Speaker, I simply desire to say on that point that the resolution is a resolution of inquiry, requesting the facts as to how the present government of the Canal Zone is conducted. The President of the United States, I understand, is willing, or ought to be willing, to give this information.

Mr. MANN rose.

The SPEAKER. Does the gentleman yield to the gentleman from Illinois?

Mr. RYAN. I yield.

Mr. MANN. Mr. Speaker, pending the point of order I ask unanimous consent that the resolution may be considered now.

The SPEAKER. The gentleman from Illinois asks unanimous consent that, notwithstanding the point of order, and pending the same, the resolution be considered now. Is there objection?

Mr. CRUMPACKER. Mr. Speaker, I have no disposition to object to the consideration of the resolution, but I do not want to consider it as a privileged resolution.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. MANN]? [After a pause.] The Chair hears none.

Mr. RYAN. Mr. Speaker, I now yield twenty minutes to the gentleman from New York [Mr. HARRISON].

Mr. HARRISON. Mr. Speaker, there is an old and well-established saying that "Every person who has power comes to the abuse of it." Lest it may be considered that the resolution now before the House deals with a mere dry or technical question, I wish to make it clear at the beginning of my remarks that I charge the President of the United States with exceeding his authority in the manner in which he has conducted the government of the Panama Canal Zone since the expiration of the Fifty-eighth Congress; and I charge the Republican majority of this House with negligence and carelessness in their conduct of the Government.

Mr. TAWNEY. Will the gentleman from New York permit an inquiry?

Mr. HARRISON. Certainly.

Mr. TAWNEY. Would it not be far more appropriate to submit your charges against the Administration, or against the President, after the President has submitted his answer to the resolution of inquiry which the House is ready to adopt?

Mr. HARRISON. The President called for the opinion of the Attorney-General, which I am willing to submit to the House.

Mr. TAWNEY. I assume the gentleman from New York knows now what the answer of the President will be, and is discussing the answer in anticipation of what the answer will contain.

Mr. HARRISON. I do not know, but I am quite ready to submit to the House the opinion of the Attorney-General upon which the President has acted.

Mr. TAWNEY. I submit that it would be more appropriate to discuss the report when the President sends his answer than to discuss the matter before the President has had an opportunity to answer.

Mr. HARRISON. The President proceeded upon the advice of the Attorney-General; and if the gentleman wishes, I am quite ready to have read before the House the advice of the Attorney-General upon which the President proceeded.

Now, this is a very anomalous condition in the Canal Zone. The President of our Republic is maintaining on American territory a little empire. Imperialism began in our history about the time of the war with Mexico, but it had not been contemplated by the founders of the Republic nor even by those who conducted the Government down to the most recent times that here, within the boundaries of our own territory, we should set up an imperium in imperio in times of profound peace. I will read for the instruction of the House the law under which the government of the Panama Canal Zone was established. This is the act of April 28, 1904, and reads:

That until the expiration of the Fifty-eighth Congress, unless provision for a temporary government of the Canal Zone be sooner made by Congress, all the military, civil, and judicial powers, as well as the power to make all rules and regulations necessary for the government of the Canal Zone and all the rights, power, and authority granted by the terms of said treaty with the United States, shall be vested in such person or persons and shall be exercised in such manner as the President shall direct for the government of said Zone to maintain and protect the inhabitants thereof in the free enjoyment of their liberty, property, and religion.

Now, at the time this measure passed the House it was advanced by those in charge of the measure that it followed the precedent established when the Louisiana purchase was made, and when the Florida purchase was made from Spain. Therefore they maintained that it was entirely proper for us to put the government of this new territory entirely into the hands of the President of the United States pending the formation by Congress of a suitable government for that territory. It was understood at the time when this measure went through the House that Congress would subsequently frame laws for the government of the Panama Canal Zone. That is why this delegation of power to the President was specifically limited. Now, returning to our historical precedent, that was what occurred after the Louisiana purchase and the acquisition of the territory of Florida. In each instance, within a year, a regular form of government was provided by Congress. Meanwhile in each case, express authority had to be given to the President to govern that territory until Congress established specific laws.

Mr. STAFFORD. Will the gentleman yield for a question?

Mr. HARRISON. With pleasure.

Mr. STAFFORD. Do I understand the gentleman to contend that the Congress has not provided by law for the government of the Isthmian Canal, and therefore the President is censurable because Congress has neglected doing that?

Mr. HARRISON. I can answer that both yes and no. Congress has neglected up to the present doing that. And the President is continuing——

Mr. STAFFORD. Then wherein is the President censurable for continuing authority expressly granted by Congress, even if it has been the practice in cases of other acquisitions for the Congress at a certain time to provide necessary laws?

Mr. HARRISON. If the gentleman will allow me to develop my argument, I hope to answer that. I do not maintain that the President is censurable because he has continued to preserve law and order in the Panama Canal Zone, but I do maintain that the nature of the legislation formulated by Executive order and administered by those on the Canal Zone entirely exceeds his authority, and I do maintain that he is censurable for allowing this evil to exist and allowing government by Executive order to be continued.

Mr. STAFFORD. The Attorney-General has supported his position by reason of the delegation of the original power that gave him authority to administer the government of the Zone, as he is now doing.

Mr. HARRISON. I have said before that he had taken the advice of the Attorney-General, and I am quite prepared to have it read before the House, but in my humble judgment it does not entirely dispose of this thing in the way the gentleman seems to imagine.

There never was any justification or any precedent for giving the President the entire powers of government in this Canal Zone in the way it was done in the Fifty-eighth Congress. At the time of the Louisiana purchase it was necessary to give the President great powers like this, because the settlers along the Mississippi and Ohio rivers were almost at the point of war with the Spanish authorities at New Orleans over the right of deposit at the mouth of the river and the right of navigation of that river.

It was an act of military necessity, and anybody who has read the description of that day in New Orleans when the French flag was run down and the Stars and Stripes was unfolded beneath the blue sky of Louisiana, to be met by sullen looks and muttered threats from the crowd assembled on the plaza, will realize that it was more than an imaginary possibility that war might thereafter have immediately occurred.

Nobody, so far as I am aware, has maintained that there was any military necessity for giving the President this authority in the Panama Canal Zone. It was evidently intended by Congress that before the expiration of the Fifty-eighth Congress a code of law should be framed for the Canal Zone. Why it was not done will no doubt be explained to you by the gentleman from Illinois [Mr. MANN]. I understand that it was due to a conflict of opinion between the two branches of this legislature as to the kind of government to give the Panama Canal Zone. However that may be, the situation was clearly understood by the people down there on the Canal Zone themselves.

In the report of the Isthmian Canal Commission for 1904, at page 70, the Commissioners thought that "until otherwise provided for by law" the status quo should be maintained.

In their report for 1905, on page 29, the report says:

After the publication of the Commissioners' last report and before the authority of the Commission to exercise legislative power *ceased to exist*, laws were passed, etc.

And on page 73, Governor Magoon says:

The situation requires the *restoration* of the legislative power granted by Congress in the act of April 28, 1904.

In other words, it was clear in the minds of the Canal Commission that their power of government granted by the Fifty-eighth Congress had expired, and that the Isthmian Canal Commission no longer had authority under the act of April 28, 1904, to govern the Zone.

The Attorney-General and not the Congress was thereupon consulted by the President, as to the President's right to continue to govern the Panama Canal Zone. I assume that the gentleman from Illinois [Mr. MANN], in reply to my remarks, will give you the gist of the Attorney-General's decision. Briefly speaking, it is that Congress on December 21, 1905, by giving the President authority to call upon the officials of the Panama Canal Zone for reports as to what they were doing in the government and construction of the canal, thereby continued the power given by the Fifty-eighth Congress to make legislation.

As to that I take issue. I maintain that whatever right or power the President had upon the Panama Canal Zone in the way of making laws, with no express extension of the rights given to him by the Fifty-eighth Congress, was merely the right of the Executive of a de facto government; that the analogy for this situation if any, must be found in a discussion of the military governments set up in our past history by the United States upon the acquisition of our new Territories, that such right does not extend to the enactment of substantive law; that such right, especially in the premises, does not extend to a repeal by the President of all measures of local autonomy or self-government established by the Isthmian Canal Commission during the Fifty-eighth Congress and under the authority of law. Here was no case of military necessity, but active legislation by an Executive in time of peace, after laws had already been established by Congress.

Now, the power of de facto governments in this country, although forming no precedent, in my opinion, evidently gave rise to this situation. Beginning with the Louisiana and Florida purchase, which I have already discussed, this power lay dormant until the time of the war with Mexico. The time of the strict constructionists had passed, and a different era had been inaugurated in the United States. The spirit of expansion was abroad; the blood of the American people was fired with the possibilities of the boundless West. In those times and under those conditions we entered upon our war with Mexico. We moved into the Territory of New Mexico and of California, and while there the military governors set up a form of government for those new Territories. I wish to make it perfectly plain that those were military governments and not civil governments; that although Governor Kearny——

Mr. CHANEY. If the gentleman will allow me, I understood him to say that imperialism began with the war with Mexico.

Does the gentleman mean by that to say that that is another of the Democratic planks that we have adopted in the administration of affairs?

Mr. HARRISON. The gentleman is putting me, as a Democrat, upon two horns of a dilemma; but I have attempted to explain in the last few moments how the spirit of imperialism first seized the people of the United States, and I for one will say, as a Democratic Member of this House, that I would not give up a foot of territory gained by the United States. [Applause.] What I call "imperialism" in this discussion is imperialism in the government of our conquered territories, the holding of those territories with apparently no view to the future autonomy of the people there.

Now, if the gentleman will allow me to proceed. Governor Kearny, in New Mexico, established what he called a "permanent" form of government, although he was but a military governor. He attempted to set up a civil government, but the President especially disavowed any responsibility for or any approval of such an act. Presidents Polk and Taylor believed that with the conclusion of peace the military government thereupon must cease and that a de facto government was inaugurated ex necessitate rei. President Fillmore believed that even a de facto government terminated when the people of the Territory of New Mexico came together and framed a form of government for their own Territory. However that may be, it was all done under military government until the time when Congress stepped in and made a form of government for the Territory.

Mr. KAHN. Will the gentleman yield?

Mr. HARRISON. Certainly.

Mr. KAHN. Is not the gentleman somewhat in error in respect to California?

Mr. HARRISON. I am about to come to California now.

Mr. KAHN. I thought I heard the gentleman mention the State of California.

Mr. HARRISON. In California there was what Admiral Stockton called a "civil government." So far as the means of communication of those days are concerned, California was a couple of months away from the seat of government at that time, and what went on there was not very strictly under the supervision of Congress. With all due respect to Admiral Stockton, the civil government which he set up was a sort of opera bouffe, and was destroyed by a rebellion in California within a few weeks.

Thereupon there were other attempts to form a civil government. There was a man commissioned by the military government to act as civil governor of California, but as a matter of fact, all the time it was nothing more than a military government, whatever they might choose to call it.

Mr. KAHN. Will the gentleman yield again?

Mr. HARRISON. I will.

Mr. KAHN. As a matter of fact the military government suggested that a State convention be called for the purpose of framing a constitution. That convention met, they framed a constitution, and all the officers for the State were elected under that constitution, and the military governor turned over all power to that State government. That State government was in full force when Congress, on the 9th of September, 1850, admitted the State into the Union.

Mr. HARRISON. The statement of the gentleman from California is correct. I merely contend that the government was maintained by the military and derived all its power from the military, although it was called a civil government. And upon that I wish to read to you a decision of the United States Supreme Court in a case considered by them which goes to the essence of the whole matter. This is the case of the *Admittance*, an American vessel, in the United States Supreme Court.

The courts established or sanctioned in Mexico during the war by the commander of the American forces were nothing more than the agents of the military power to assist it in preserving order in the conquered territory and to protect the inhabitants in their persons and property while it was occupied by the American arms. They were subject to the military power and their decisions under its control whenever the commanding officer thought fit to interfere. They were not courts of the United States and had no right to adjudicate upon a question of prize or no prize. And the sentence of condemnation in the court at Monterey is a nullity and can have no effect upon the rights of any party.

Now to proceed with the question of the acquisition of territory. Hawaii was annexed by joint resolution. In terms it was provided that five commissioners should go to Hawaii and attempt to frame a code of laws to be adopted by Congress. These five commissioners proceeded to Hawaii to investigate the situation and to ascertain, if possible, what kind of laws would suit the persons there.

About two years elapsed before enactment by Congress of the code for Hawaii. In the meantime President McKinley, far from attempting imperial powers over Hawaii, specifically refused, referring to the refusal in his third annual message, to allow any disposition of public lands in Hawaii to be made or any election to be held giving political rights to the people there. This was a strict construction that would have suited the days when the west Florida debates were in this House. It would have met the views of those who debated the form of government to be established in the Louisiana Purchase, but it was not the status assumed by the same President when we took control of the Philippine Islands. Now, the state of affairs in the Philippine Islands is assumed by those who have discussed this subject to answer the contention that imperial powers in the hands of the President have throughout our history only been granted as an act of military necessity and pending the establishment in the territory of a government framed by Congress. It is said in answer to this that the first Philippine Commission that went from Washington to the Philippines to establish a civil government there did so while the military was still in the islands.

That is entirely true, but the members of that Commission went down there instructed by the President that the military was in power, their authority was to be respected until relieved by act of Congress, that the Commissioners were not to interfere with them and were to look to and ascertain what laws would probably be advisable when Congress came to act. Now, acting under that authority the civil commission of the Philippines was merely an advisory board, although laws recommended by them were promulgated by the military until the partial establishment of peace in those islands. At that time Governor Taft was there, and Congress thereupon, under the Spooner Act, specifically authorized the President to assume the control and government of those islands until Congress should further act, and Governor Taft was inaugurated as the first civil governor of the Philippines; and, moreover, in the Spooner Act Congress specifically ratified all acts of the administration and the military governor up to that time in the islands. That disposes, in my opinion, of the suggestion that the "insular cases" have any bearing upon the question of the present anomalous condition in the Panama Canal Zone.

The SPEAKER. The time of the gentleman has expired.

Mr. RYAN. I yield ten more minutes to the gentleman.

Mr. HARRISON. I maintain, Mr. Speaker, that none of the military or de facto governments of the United States in newly acquired territories furnish any precedent for the present condition of affairs in the Canal Zone. Here a civil government had been established by Congress, and lapsed by expiration of time; and yet the Executive has continued to make or break laws at will.

The old theory of government was that as soon as a country incorporated any new territory the boundaries of the old country opened up and let in the new territory as part and parcel of the old, subject to its laws and to its Government. No student of the United States Constitution will maintain for a moment that that position is tenable here, or ever has been in the United States. On the contrary, a specific enactment of laws is and always has been necessary for any territory which we might secure by conquest or otherwise. A general principle adopted by the military governor was always to suspend for the time being the political laws which he might find in the new territory, but to administer all local laws, until Congress could act and establish a regular form of government.

Now, the action of the military governors of our new possessions, subsequently ratified by Congress, forms no precedent for the enactment of substantive law by the President to-day on the Canal Zone, especially since the course of the President there has been to repeal legislation theretofore enacted by the Isthmian Canal Commission under authority of Congress. I do not wish to be understood as saying that I disapprove of any of the laws which the President has enacted on the Panama Canal Zone. They are excellent laws, the very best that could be made, but the only pity is that the President did not leave it to Congress to do instead of doing it himself.

I am going to read briefly the titles of the more recent Executive orders, promulgating laws down there on the Zone. On November 17, 1906, there is a new organic act for a commission, creating a general counsel as administrative head, instead of the former governor of the Zone. Here is a new marriage law, promulgated by the President "under authority of law vested in me." Here is another Executive order, of March 13, 1907, "under authority vested in me by law"—what law and what authority, I would like to know?—"it is ordered that the following amendments be made to the penal code."

Among other things, grand larceny is fixed when the property is of the value of $10 and upward, and embezzlement of the property of the United States or of the Canal Commission is made punishable by imprisonment in the penitentiary for not

more than ten years, which seems to me to impose a considerable discretion in the judge. Here is a new immigration law for the Zone, which is chiefly remarkable because it contains some of the simplified spelling which we applaud so much. Here is an Executive order of March 13, 1907, and this I consider particularly important abolishing municipal government on the Zone and replacing it with four administrative districts, each ruled over by a tax collector. The first Isthmian Canal Commission established on the Zone five municipal districts. It was the intention of Congress, as expressed by the Executive, to give the people of the Panama Canal Zone as much autonomy as was consistent with their nature and with the surroundings. Here, of his own motion, the President abolishes it all. "By authority vested in me by law"—what law?—the President has destroyed all forms of local autonomy, and has set up four administrative districts, presided over by tax collectors. Here is another Executive order—one of January 6, 1908—reorganizing and defining the duties of the Commission. That is all right; it probably makes for the betterment of the Commission. Here is another one of January 9, 1908, establishing three judicial circuits. That is purely technical. Here is another one making begging, vagrancy, and drunkenness misdemeanors.

Here is another one authorizing common carriers to sell articles left in their possession, and here is one of February 6, 1908, which is of the greatest importance, establishing jury trials in criminal cases in the Panama Canal Zone. Where the person accused considers it desirable he may be tried under the old system, but if he desires he may now be tried under the American jury system. There is a man down there now who was sentenced to death nearly a year ago, who was tried by a judge of the Panama court sitting down there, with two assistant judges of the small municipal courts. This man was tried and condemned to death by three judges under the old Spanish system, and this aroused so much abhorrence and so much disgust in the United States that this new Executive order was promulgated, establishing trial by a jury in criminal cases. Now, these are good laws. They are all important and satisfactory, excepting, in my opinion, the one which abolished local self-government, but it was not within the President's prerogative or privileges by Executive order to enact any of these substantive laws in time of peace.

His representatives are not down there as military governors, nor has the authority given to him by the Fifty-eighth Congress extended beyond the life of that Congress. When that Congress delegated authority to legislate to the President that authority expired with the Fifty-eighth Congress by express limitation, and on the closing day of that Congress the House of Representatives extended to the time of the meeting of the Fifty-ninth Congress only the power to make use of the appropriations theretofore made for the Isthmian Canal Commission. Then, upon the assemblage of a new Congress, nothing was done, except that the House did recognize, on December 21, 1905, the fact that a de facto government existed down there by allowing the President to call for reports from those who were governing the Canal Zone.

We all recognize that there must be some form of government on the Zone or anarchy will prevail, and the President is within his rights and authority in maintaining a government down there, but I insist that under all the authorities and from all the historic precedents of this country, the President has no right and no authority to enact substantive law, nor has he any right or authority to abolish laws which had been theretofore established upon the Zone by the Isthmian Canal Commission acting as the servants and with the authority of the Congress of the United States.

Now, it seems to me, Mr. Speaker, in the development of imperialism some of the finer sensibilities of the American people are becoming blunted. When we overlook the sacredness of self-government, when we intrust to a man whose imperial tendencies are only too well known all rights and authority over the life, liberty, and happiness of many thousands of people, when we do it simply because we are derelict ourselves in passing new laws to meet the situation, this seems to me to be an occasion for which America may be ashamed. Now, I am asked, What was the President to do? He was to do two things. In the first place, he was not to enact laws by Executive order and without authority; and in the second place, a little more healthy use of the big stick would have resulted in the enactment by Congress of legislation specifically covering this question in the Panama Canal Zone. One further thing. I realize that the most important thing to be done by the Panama Canal Commission is to dig the canal——

[Here the hammer fell.]

Mr. HARRISON. I ask one minute in order to complete the sentence.

Mr. RYAN. I yield two minutes to the gentleman.

Mr. HARRISON. The important thing in the Canal Zone is to dig the canal. We have no desire to embarrass the Administration in that matter, but we have a desire to see that, so far as possible, all the people who are now under the broad ægis of the American Government will have so much of self-government as is possible for this Congress to give them, and that they shall not be left to the care of a civil dictator simply because the Congress is slipshod and careless in not remedying this evil. I for one regret that it became possible for the President to be put in this situation, but I regret that, being in this situation, he did not right the wrong and did not insist upon having the Congress enact a form of government for the Panama Canal Zone. [Applause.]

Mr. RYAN. I would ask the gentleman from Illinois how much time he desires?

Mr. MANN. Five or ten minutes.

Mr. RYAN. I yield ten minutes to the gentleman from Illinois [Mr. MANN.]

Mr. MANN. Mr. Speaker, I do not rise to defend the President. He needs no defense. I rise only to state the facts and to compliment and praise the President. An emergency confronted him, and he met it fully and fairly within his constitutional prerogatives.

Mr. Speaker, when the gentleman from New York [Mr. HARRISON] introduced his resolution he doubtless believed that the President was acting without constitutional authority in the government of the Canal Zone. I have listened with interest to his remarks and I am inclined to believe that he now thinks the President has acted wholly within his constitutional authority in carrying on the Canal Zone. In my opinion, the President is not entitled to receive any censure, but, on the contrary, to every meed of praise for his conduct of government in the Zone.

We acquired the Canal Zone and by legislation directed the President to take possession of the territory. If we had enacted no further legislation, that would have unquestionably given to the President the authority to carry on the government of the Zone. It would have been either government or anarchy. It could not be presumed that Congress when it directed the President to acquire and take possession of the territory intended to turn the inhabitants there over to a condition of anarchy. It must be presumed that the Congress intended the President to preserve law and order. Congress did enact in 1904 the provision authorizing the President—following the old law concerning the Louisiana purchase—until the end of the Fifty-eighth Congress to govern the Zone. No further legislation has been had by Congress since, except at the beginning of the Fifty-ninth Congress we directed the persons in authority in the Zone, under the direction of the President, to make certain reports and estimates to Congress. The President was met with a situation that by direction of Congress he had taken possession of the territory of the Zone, and there Congress paused. It did not direct him by what method he should govern the Zone. It left the President to govern the Zone under his authority or let anarchy prevail upon the Zone. It may be, although I doubt it, that the gentleman from New York [Mr. HARRISON] would have had the President keep his hands off the government and let anarchy prevail.

I appeal with confidence to every right-thinking man of this country, regardless of party or partisanship, whether that person would believe it the duty of the President of the United States to govern the Zone, or to let anarchy prevail where we were endeavoring to carry on a great work of construction. Without government it is impossible to carry on the work of construction.

The President submitted the matter to the Attorney-General of the United States, who, in a long opinion, which I shall ask leave to print in the RECORD, upon another long statement of the case by the counsel for the Isthmian Canal, advised the President that he not only had the power to govern the Zone—that it not only was his duty under his constitutional authority to govern it, but in the necessary exercise of that authority he also had the power to change from time to time the law which might be prevailing upon the Zone. He has exercised that power in a way which no one criticises. The gentleman from New York [Mr. HARRISON] criticises his assuming power to exercise the right of change of law, but does not criticise the law which has been changed. Does the gentleman from New York undertake to criticise the President because he provides that upon the Zone there shall be a jury trial in certain cases? Does the gentleman from New York criticise the President be-

cause a man was sentenced to be hung without a jury trial, or because the President now provides that a man can not be sentenced to be hung without a jury trial? Which dilemma does the gentleman from New York take? In one breath he was criticising the sentencing of a man to be hung without a trial, and in the next breath criticising the President for changing the law so that the man might have a trial by jury.

Mr. WILLIAMS. Mr. Speaker——

Mr. MANN. I yield to the gentleman from Mississippi.

Mr. WILLIAMS. In that connection, does the gentleman think the President did any more, when he declared that he should not be hung without a jury trial, than to declare that the Constitution of the United States, guaranteeing the right of trial by jury, applied to the Zone? Therefore in that particular case did the President make a law or merely declare that the fundamental law of the United States applied to the Zone?

Mr. MANN. Mr. Speaker, it is perfectly clear, I think, in the opinion of anyone who has given special study to the subject, that the Constitution of the United States does not apply to the Canal Zone. I believe there is no question about that on either side of the aisle.

Mr. WILLIAMS. I would like to ask another question.

Mr. MANN. Certainly.

Mr. WILLIAMS. If the Constitution of the United States does not apply to the Canal Zone, then how is it possible for the President himself, a creature of the Constitution, to apply it to the Canal Zone?

Mr. MANN. Well, Mr. Speaker, on that matter I refer to the decisions in the Porto Rico and Philippine cases. It may be a long process of reasoning, but it is plain enough for me to understand that, while the President is controlled by the Constitution, certain territory which he may control is not covered by the Constitution. That is a plain proposition.

Mr. WILLIAMS. The gentleman admits that the President is controlled by the Constitution, although he denies that the Zone is. Now, I will ask the gentleman these two questions in one: First, what part of the Constitution confers upon the President of the United States the legislative power; and, secondly, what part of the Constitution confers upon Congress the power to confer upon the President legislative power?

Mr. MANN. Well, Mr. Speaker, we have discussed these matters a good many times. I discussed this very identical matter with the gentleman from Mississippi when we passed other of these canal bills, I believe, for which he finally voted, although I am not quite sure about that. It is too long a proposition for me to enter upon, that kind of an academic discussion, and it is purely an academic discussion.

Mr. WILLIAMS. The gentleman admits that the President is bound even in the Canal Zone by the Constitution. That is all I want.

Mr. MANN. I think that the Executive, that is created by the Constitution, is bound at all times, as the gentleman is, in his official capacity, by the Constitution.

Now, Mr. Speaker, not desiring to delay the House, I simply wish to say that in this connection the President met the situation with that degree of good judgment which he has always exercised in dealing with a difficult proposition, and for what he has done we ought to give to him the credit which the people give generally to him upon questions. In his government of the Canal Zone and in connection with our Government there he has reflected honor upon himself and credit upon our Republic.

Mr. Speaker, I ask unanimous consent to have printed in the RECORD a letter of the counsel of the Isthmian Canal, the letter or opinion of the Attorney-General, the various Executive orders which have been made by the President with reference to the Canal Zone, not including the order putting into effect the Code of Civil Procedure, which is a bound volume of something over 200 pages that simplifies the law there. I ask unanimous consent to have these documents printed in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The papers are as follows:

DEPARTMENT OF JUSTICE,
Washington, January 30, 1907.

The SECRETARY OF WAR.

SIR: I have received your letter of the 21st instant, submitting for my opinion "the question whether by section 2 of the act of April 28, 1904, the President, as distinguished from the Isthmian Canal Commission, is prohibited from putting into effect by Executive order needed rules and regulations for the government of the Canal Zone, and, as a corollary thereto, whether he has lost the power to modify any rules and regulations established by the Isthmian Canal Commission prior to the expiration of the Fifty-eighth Congress."

To answer this question it is necessary to consider the section of the act mentioned in your letter immediately preceding the one to which you especially refer. This section (section 1) of the said act, so far as it is material to the present question, is as follows:

"That the President is hereby authorized, upon the acquisition of the property of the New Panama Canal Company and the payment to the Republic of Panama of the $10,000,000 provided by article 14 of the treaty between the United States and the Republic of Panama, the ratifications of which were exchanged on the 26th day of February, 1904, to be paid to the latter Government, to take possession of and occupy on behalf of the United States the Zone of land and land under water of the width of 10 miles, extending to the distance of 5 miles on each side of the center line of the route of the canal to be constructed thereon, which said Zone begins in the Caribbean Sea 3 marine miles from mean low-water mark and extends to and across the Isthmus of Panama into the Pacific Ocean to the distance of 3 marine miles from mean low-water mark, and also of all islands within said Zone, and in addition thereto the group of islands in the Bay of Panama, named Perico, Naos, Culebra, and Flamenco, and, from time to time, of any lands and waters outside of said Zone which may be necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said Canal, or of any auxiliary canals or other works necessary and convenient for the construction, maintenance, operation, sanitation, and protection of said enterprise, the use, occupation, and control whereof were granted to the United States by article 2 of said treaty."

Articles 2 and 3 of the treaty between the United States and the Republic of Panama mentioned in this section are in the terms following:

"ART. II. The Republic of Panama grants to the United States in perpetuity the use, occupation, and control of a Zone of land and land under water for the construction, maintenance, operation, sanitation, and protection of said Canal of the width of 10 miles extending to the distance of 5 miles on each side of the central line of the route of the Canal to be constructed; the said Zone beginning in the Caribbean Sea 3 marine miles from mean low-water mark and extending to and across the Isthmus of Panama into the Pacific Ocean to a distance of 3 marine miles from mean low-water mark, with the proviso that the cities of Panama and Colon and the harbors adjacent to said cities, which are included within the boundaries of the Zone above described, shall not be included within this grant. The Republic of Panama further grants to the United States in perpetuity the use, occupation, and control of any other lands and waters outside of the Zone above described which may be necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said canal, or of any auxiliary canals or other works necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said enterprise.

"The Republic of Panama further grants in like manner to the United States in perpetuity all islands within the limits of the Zone above described, and in addition thereto the group of small islands in the Bay of Panama, named Perico, Naos, Culebra, and Flamenco.

"ART. III. The Republic of Panama grants to the United States all the rights, power, and authority within the Zone mentioned and described in Article II of this agreement and within the limits of all auxiliary lands and waters mentioned and described in said Article II which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, or authority."

It appears from these sections that the United States acquired in perpetuity "the use, occupation, and control" of the so-called "Canal Zone" and also "all the rights, power, and authority within the Zone mentioned * * * which the United States would possess and exercise if it were the sovereign of the territory." Unquestionably these provisions of the treaty imposed upon the United States the obligations as well as the powers of a sovereign within the territory described, and it is no less obvious that among these obligations was that of providing a government for the territory in question; for the purpose, in the language of the second section of the act of Congress approved April 28, 1904, of "maintaining and protecting the inhabitants thereof in the free enjoyment of their liberty, property, and religion." This obligation has been recognized by the Supreme Court of the United States in repeated decisions, among which I need only refer to American Insurance Company *v.* Canter (1 Peters, 512) and Cross *v.* Harrison (16 Howard, 164).

It being, therefore, the duty of the United States to provide a government for the territory over which its control, with all the incidents of sovereignty, was established by the terms of the treaty, in the absence of any provision by Congress to effect this object, the President would be authorized and obliged, by his duty as Executive head of the nation under the Constitution, to discharge the obligation thus resting upon the nation; and if Congress had taken no action whatever on the subject, the right of the President to thus administer the territory controlled by the nation would not be open to question. In fact, however, Congress, by the first section of the act above noted, authorized the President "to take possession of and occupy on behalf of the United States" the territory generally known as the "Canal Zone" and covered by the terms of the treaty. This authority to take possession of and occupy would of itself imply the authority to govern, in so far as government was needful to secure the safety and welfare of the inhabitants of the territory occupied, whether such inhabitants dwelt there at the time of its cession or came there for lawful purposes and with the consent of the United States afterwards.

The second section of the act approved April 28, 1904, which is particularly mentioned in your letter, is as follows:

"That until the expiration of the Fifty-eighth Congress, unless provision for the temporary government of the Canal Zone be sooner made by Congress, all the military, civil, and judicial powers, as well as the power to make all rules and regulations necessary for the government of the Canal Zone, and all the rights, powers, and authority granted by the terms of said treaty to the United States shall be vested in such person or persons and shall be exercised in such manner as the President shall direct for the government of said Zone and maintaining and protecting the inhabitants thereof in the free enjoyment of their liberty, property, and religion."

In my opinion, this provision is to be considered as declaratory only of what would have been the rights and duties of the President if it had not been enacted. It is true that by its terms its effect is limited to the duration of the Fifty-eighth Congress, but I do not understand this as meaning that Congress intended the Canal Zone to be without any legal government after the period fixed. Such a conclusion would be, in my opinion, wholly inadmissible, in view of the universally recognized duty on the part of any civilized power to provide a government for all territory under its control; and the limitation of time mentioned in this section must be interpreted, in my opinion, as inserted merely to show that, during the period of its own lawful existence, and unless led to hold differently by succeeding events, the Fifty-eighth Congress intended that the powers of government, which it might have lawfully exercised over the Canal Zone, should be exercised, by its authority and under its delegation, by the President or such officers or persons as he might employ for the purpose. That Congress did not intend, or expect, the President's authority over the Canal Zone to end

at the time mentioned in the second section of the act approved April 28, 1904, seems clear by the provision in the act approved December 21, 1905 (34 Stats., 5), making appropriations to continue the construction of the canal, to the effect that "the President shall annually cause to be made by the persons appointed and employed by him in charge of the government of said Canal Zone * * * estimates of expenditures." By this provision Congress recognized the President as authorized to govern the Canal Zone and appoint and employ persons to take part in that government. Evidently, then, Congress did not consider the power expressly conferred upon the President by section 2 of the act of Congress approved April 28, 1904, as terminating at the time mentioned in that section.

In the case of Wilson *v.* Shaw, recently decided by the Supreme Court of the United States, several acts of Congress are referred to as ratifying, by recognition, previous acts of the Executive in the acquisition of the Canal Zone and the construction of the canal. If it were necessary to do so, the terms of the act approved December 1, 1905, above quoted, might be relied upon as a ratification by Congress of the President's assumption of authority over the Canal Zone subsequently to the end of the Fifty-eighth Congress. In my opinion, however, no such ratification was necessary; and, in the absence of action by Congress distinctly denying him that right and establishing by law a state of anarchy in the Canal Zone, the President would have the power to administer this territory merely because control, with the incidents of sovereignty, over it was possessed by the United States, and no other provision for its orderly government had been made.

It is hardly necessary to add that this authority on his part involves the right and the power to modify or repeal any laws previously existing within this territory, whether originally enacted before or after its acquisition by the United States. Laws, whatever their form, continue in force after the authority which enacted them has ceased to exist only by the consent of the succeeding authority to their continuing validity implied from its failure to modify or repeal them; so soon as the new governing power considers them no longer appropriate to attain the ends of government, it has the inherent right to change or annul them, unless its authority in this respect has been expressly curtailed. There is nothing in the act approved April 28, 1904, or in any other act of Congress relating to this subject-matter, which discloses any purpose on the part of the Congress to give to determinations of the Isthmian Canal Commission a peculiar permanency, or to exempt them from modification or rescission in the discretion of the President.

I therefore answer your question in the negative, and advise you that, in my opinion, the President may now, directly or through the persons appointed and employed by him to govern the Zone and build the canal, adopt needed rules and regulations for the government of the Canal Zone, and that he has not lost the power to modify any of the rules and regulations established by the Canal Commission prior to the expiration of the Fifty-eighth Congress.

Respectfully,

CHARLES J. BONAPARTE,
Attorney-General.

JANUARY 4, 1907.

SIR: In order to facilitate the construction of the Isthmian Canal, it has become important to put into effect at once certain rules and regulations for the government of the Canal Zone upon subjects not now covered by any formal legislation, and to modify in certain respects the existing rules and regulations decreed by the Isthmian Canal Commission prior to the expiration of the Fifty-eighth Congress.

To illustrate: There is at the present time no law or decree in force allowing marriages to be celebrated by Protestant ministers; allowing mortgages and transfers of real property to be properly recorded; making the embezzlement of Government property a crime, or the desertion of wife and children a misdemeanor; there is no adequate code of civil procedure; and the organization of the police courts is in many respects unsatisfactory.

Upon the other hand, certain rules and regulations passed by the Commission prior to the expiration of the Fifty-eighth Congress threw into disorder the whole subject of police, sanitary, and fiscal administration in so far as they depend upon and are supported by ordinances prescribing offenses and fixing penalties. Owing to a regulation passed by the old Commission within the period named it is scarcely a matter of doubt that many of the current ordinances regulating the raising of revenues, the conduct of saloons, dance halls, and public resorts, and the entire subject of nuisances and sanitary protection, are invalid. Other subjects might be mentioned, including that of salaries, many of which were fixed by regulations of the old Commission and have since been increased or lowered in the administration of the Commission's affairs. The cases mentioned, however, are sufficiently typical to present the question which I now submit for your consideration—that is to say, whether the President, as distinguished from the Commission, has not full power to put in effect all necessary rules and regulations relating to these subjects which are so intimately connected with the construction of the canal and the maintenance of law and order upon the Isthmus.

By section 2 of the act of April 28, 1904, it is provided—

"That until the expiration of the Fifty-eighth Congress, unless provision for the temporary government of the Canal Zone be sooner made by Congress, all the military, civil, and judicial powers, as well as the power to make all rules and regulations necessary for the government of the Canal Zone, and all the rights, powers, and authority granted by the terms of said treaty to the United States shall be vested in such person or persons, and shall be exercised in such manner as the President shall direct for the government of said Zone and maintaining and protecting the inhabitants thereof in the free enjoyment of their liberty, property, and religion."

It is doubtful whether the Commission itself, to whom, under this act, at one time the President had authority to delegate his powers, can now legislate upon the subjects above mentioned. It has, however, been assumed—a view in which a number of eminent lawyers upon the Isthmus have concurred—that although under the terms of the above provision the President no longer has authority to delegate to the Commission his inherent powers to provisionally govern the external territory known as the "Canal Zone," which he holds in trust for the people of the United States pending Congressional action, he has not himself been deprived of that power, and may, therefore, until the Congress affirmatively act upon the matter, pass such rules and regulations as are required to promote the construction of the canal and to maintain law and order upon the Isthmus. This conclusion may be said to rest upon the following considerations:

The right of the President to administer territory held through a military occupation or by treaty cession pending the establishment of a temporary government by the Congress arises ex necessitate rei, that a condition of anarchy may not prevail—a necessity which, in the absence of Congressional action, equally exists in the Canal Zone to-day.

Similar powers have been exercised by the President with respect to Louisiana (2 Stats., 245), with respect to New Mexico (Leitensdorfer *v.* Webb, 20 How., 176), with respect to California (Cross *v.* Harrison, 16 How., 164), with respect even to domestic territory occupied by Federal troops (The Grapeshot, 9 Wall., 129), with respect to Porto Rico (Dooley *v.* United States, 182 U. S., 222), and with respect to the Philippine Islands (32 Stats., 691, sec. 1; Dorr *v.* United States, 195 U. S., 138). The power has usually been derived from the war powers of the President, but it seems to be equally a part of the treaty-making power. Thus, in Downes *v.* Bidwell (182 U. S., 244, 279) the court declared that the power to acquire territory by treaty implied the power to govern such territory; and in the same case Mr. Justice Gray (p. 345) declared that, "in conquered territory, government must take effect either by the treaty-making power or by that of the Congress of the United States."

Nor does the power of the President to legislate, whether it be derived from his war powers or the treaty-making power, cease with the mere military occupation.

In Downes *v.* Bidwell (p. 346) it was said by Justice Gray:

"In the absence of Congressional legislation the regulation of the revenues of the conquered territory, even after the treaty of cession, remains with the executive and military power."

Cross *v.* Harrison (16 How., 164, 192) is clear upon this point. Speaking with respect to the Territory of California, the court said:

"The Territory had been ceded as a conquest, and was to be preserved and governed as such until the sovereignty to which it had passed had legislated for it. That sovereignty was the United States, under the Constitution, by which power had been given to Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States, with the power also to admit new States into this Union, with only such limitations as are expressed in the section in which this power is given. The government, of which Colonel Mason was the executive, had its origin in the lawful exercise of a belligerent right over a conquered territory. It had been instituted during the war by the command of the President of the United States. It was the government when the territory was ceded as a conquest, and it did not cease, as a matter of course, or as a necessary consequence of the restoration of peace. The President might have dissolved it by withdrawing the Army and Navy officers who administered it, but he did not do so. Congress could have put an end to it, but that was not done. The right inference from the inaction of both is that it was meant to be continued until it had been legislatively changed."

In Leitensdorfer *v.* Webb (20 How., 176) dealing with the Territory of New Mexico, it was decided that the Executive authority of the United States properly established a provisional government which ordained laws and instituted a judicial system, *all of which continued in force after the termination of the war and until modified by direct legislation of Congress* or by the Territorial government established by its authority.

The case of the Philippine Islands is perhaps the most obvious precedent. The Philippine Islands were acquired by cession under the treaty of Paris, executed December 10, 1898, and ratified April 11, 1899. The government of those islands was at first purely military, but civil government, with legislative powers, was established by Executive decree, dated April 7, 1900. It was not until March 2, 1901, that Congress specifically declared the civil power to govern the Philippines to vest in the President, and not until July 1, 1902 (32 Stats., 691), that a temporary civil government was established by an act of Congress, and in that act the establishment of a civil government by Executive order was fully approved.

The power of the Congress and of the President with respect to the administration of the outlying territory of the United States is in many respects analogous. In both cases it is best founded upon the great law of necessity. This doctrine was early announced in Sere *v.* Pitot (6 Cranch, 332), where Chief Justice Marshall declared that "The power of governing and legislating for territory is the inevitable consequence of the right to acquire and to hold territory." See likewise Dorr *v.* United States (195 U. S., 138, 140). It has, indeed, long been a question whether the Congress, with respect to such outlying territory, has, under the Constitution, any express power of government. In Dred Scott *v.* Sandford (19 How., 293, 441) it was held that section 3 of Article IV of the Constitution, providing that "Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States," was not intended to apply "to territory which the Government might afterwards obtain from a foreign nation." Although in subsequent decisions the power of Congress with respect to outlying territories seems to have been sometimes attributed to the territorial clause, Scott *v.* Sandford has not been expressly overruled upon this point, and the conclusion of Justice Brown in De Lima *v.* Bidwell (182 U. S., 196), that this power is derived "not necessarily from the territorial clause of the Constitution, but from the necessities of the case and from the inability of the States to act upon the subject," is perhaps the most satisfactory statement of the law. But while the respective powers of Congress and the President may be said to be analogous with reference to their source, no conflict can exist between the two departments. The functions of the President with respect to recently acquired territory precede intervention by Congress, and terminate when Congress affirmatively acts; but not until then. During the period of Congressional inaction the President may exercise powers that are at least equal to the necessities of the case (Justice Brown in Dooley *v.* United States, 182 U. S., pp. 2, 3, 4), and may extend to a modification of all existing laws (Leitensdorfer *v.* Webb, 20 Wallace, 176, 177).

In Downes *v.* Bidwell, Mr. Justice Gray says:

"The civil government of the United States can not extend immediately, and of its own force, over territory acquired by war. Such territory must necessarily, in the first instance, be governed by the military power under the control of the President, as Commander in Chief. Civil government can not take effect at once, as soon as possession is acquired under military authority, or even as soon as that possession is confirmed by treaty. It can only be put in operation by the action of the appropriate political department of the Government, at such time and in such degree as that department may determine. There must of necessity be a transition period."

The "transition period" of which the learned justice speaks still prevails in the Canal Zone, and, in the absence of any affirmative Congressional legislation whatsoever upon the subject, the powers of the

President would still seem to be adequate to the enactment of whatever rules and regulations are necessary to establish an effective administration of the law.

It being entirely clear that the President was authorized to acquire the Canal Zone, and "jurisdiction to make such police and sanitary rules and regulations as shall be necessary to preserve order and preserve the public health thereof" (act of June 28, 1902), and the police powers, it should be observed, have been held to be "nothing more or less than the powers of government inherent in every sovereignty to the extent of his dominions" (License Cases, 5 How., 504, 583), or the "particular right of a government," as expressed in Railway Company *v.* Smith (173 U. S., 684, 689), it follows that he had full powers to establish therein a provisional form of government which should be effective until Congress should itself establish as a substitute therefor a temporary form of government.

Section 2 of the act of April 28, 1904, can not be deemed to destroy or to diminish this power, inasmuch as such a construction, in the absence of the establishment by Congress of any form of government, would utterly destroy the President's right to maintain law and order upon the Zone, and would in effect incapacitate him from his very duty of constructing the canal, with which he is expressly charged by the Congress. That section must receive a reasonable interpretation, and no other reasonable interpretation seems possible than that the act merely intended to restrict to a limited time the President's authority to delegate to the Canal Commission his admitted powers of legislation. At the expiration of that time, although the power of the President to delegate this power might be deemed under the terms of this act to have ceased, his own original powers nevertheless remained intact.

It can not be contended that the grant to the President during a certain period of time of authority to delegate the powers of government, or even to exercise them in such manner as he deemed fit, was inconsistent with the continued existence of those powers in the President independently of such grant, or that it operated as a limitation upon powers which he might otherwise possess. This contention has, indeed, been often advanced when Congress has ratified or approved acts which without such ratification or approval would have been valid, but has never been seriously regarded. In Lincoln *v.* United States (202 U. S., 484, 499), in reply to a similar argument, the court declared: "The instances are many where Congress, out of abundant caution, has ratified what did not need, or what was afterwards found out not to have needed, ratification." The mere fact, therefore, that the act of April 28, 1904, by implication may seem to confer upon the President the power to legislate, does not mean that in the judgment of Congress that power did not otherwise exist, nor does it express the design of Congress to restrict or limit a power which it has always conceded.

To place a construction upon this section that would deprive the President of his long-established power to administer government in territory acquired with Congressional approval, pending the establishment of at least a temporary form of government by Congress, leads at once to an absurdity. The act provides that until March 4, 1905, all the military, civil, and judicial powers, as well as the power to make all rules and regulations necessary for the government of the Canal Zone, shall be vested in such person or persons as the President shall direct. A literal construction of this clause, making it an absolute limitation upon the previously existing Presidential power, and terminating that power outright, would inevitably lead to the conclusion that the government of the Canal Zone is still vested in the person or persons designated by the President to exercise governmental powers prior to March 4, 1905, and can at the present time be vested in no other persons whatsoever. Inasmuch as very few of the persons who discharged the military, civil, and judicial powers in the Canal Zone by express direction of the President prior to March 4, 1905, remain in office, there could be no persons to-day upon whom the powers previously exercised by them could be legally devolved. Is it not therefore clear that the necessity of the case, as well as the language of the statute itself, inevitably points to the conclusion that the limitation of time contained in the act of April 28, 1904, was intended to apply only to the President's power to delegate to others his rights to pass rules and regulations for administering the law in the Canal Zone, and not to destroy his inherent rights—a part of his constitutional duty, indeed—to pass all such necessary rules and regulations, or else that the act is merely a confirmatory act which, at least so far as the President acting directly is concerned, neither adds to nor subtracts from his previously existing powers?

If the President has authority to decree necessary rules and regulations for the administration of law and government within the Canal Zone, this right would necessarily involve the right to set aside a rule and regulation passed by his deputies; for otherwise his deputies would have exercised a power superior to that of the source from which the power was derived.

The act of April 28, 1904, it is therefore submitted in conclusion, should be regarded either as not covering the case submitted at all, or as merely a confirmatory and enabling act, and be construed accordingly.

Very respectfully,

RICHD. REID ROGERS,
General Counsel.

The SECRETARY OF WAR.

EXECUTIVE ORDER.

The Executive order of April 1, 1905, is hereby changed as follows:

The Commission will hold quarterly sessions the first week in February, May, August, and November, of each year, on the Isthmus of Panama, and will continue each session as long as public business may require. Further notice of such meetings shall not be necessary to their regularity. The Commission may hold special sessions at the call of the Chairman. Four members shall constitute a quorum and the action of such majority shall be the action of the Commission.

The Commission, under the supervision of the Secretary of War and subject to the approval of the President, is charged with the general duty of the adoption of plans for the construction and maintenance of the Canal, and with the execution of the work of the same; for the purchase and delivery of supplies, machinery and necessary plant; the employment of the necessary officers, employees and laborers, and with the fixing of their salaries and wages; with the operations of the Panama Railroad Company and Steamship Lines as common carriers; with the utilization of the Panama Railroad as means of constructing the Canal; with the Government and Sanitation of the Canal Zone and with all matters of sanitation in the cities of Panama and Colon and the harbors thereof; with the making of all contracts for the construction of the Canal or any of its needful accessories; and with all other matters incident and necessary to the building of a water-way across the Isthmus of Panama, as provided by the Act of Congress. June 28, 1902.

The Executive Committee, as provided for in my Executive Order of April 1st, 1905, is hereby abolished.

In order to promote the greatest harmony between the heads of Departments, and to secure results by the most direct methods, the following organization shall be created:

The organization shall consist of the Chairman and the following heads of Departments: Chief Engineer, General Counsel, Chief Sanitary Officer, General Purchasing Officer, General Auditor, Disbursing Officer, and Manager of Labor and Quarters. The duties of each shall be as follows:

1. The Chairman shall have charge of all Departments incident and necessary to the construction of the Canal or any of its accessories.
2. He shall appoint the Heads of the various Departments, subject to the approval of the Commission.
3. The Head of each Department shall report to and receive his instructions from the Chairman.
4. He shall have charge of the operations of the Panama Railroad and Steamship Lines.
5. He shall perform such other duties as may be assigned to him from time to time by the Secretary of War.

A minute of every transaction of the Chairman shall be made and one copy of the minutes shall be forwarded to the Secretary of War and another copy transmitted for the consideration of the Commission at its next meeting.

The Chief Engineer shall have charge of:

1. All engineering work relating to the Canal and its accessories.
2. All construction work on the Isthmus of Panama.
3. The operation of the Panama Railroad so far as same relates to Canal construction work.
4. The custody of all the supplies and plant of the Commission upon the Isthmus.
5. In the absence of the Chairman from the Isthmus, the Chief Engineer shall act for him in all matters requiring prompt attention, such action to be reported to the Chairman for his action, but the action of the Chief Engineer shall be in full force and effect until disapproved by the Chairman.

The General Counsel shall have charge of:

1. All legal matters pertaining to the Commission, whether in the United States or on the Isthmus of Panama.
2. The administration of civil government within the Canal Zone, and shall exercise, through a local administrator, the authority heretofore vested in the Governor of the Canal Zone.

The Chief Sanitary Officer shall have charge of:

1. All matters of sanitation within the Canal Zone, and also in the cities of Panama and Colon, and the harbors, etc., so far as authorized by the treaty, Executive Orders and decrees of December 3, 1904, between the United States and Panama, relating thereto.
2. The custody of all medical supplies needed for sanitary purposes.

The General Purchasing Officer shall have charge of the purchase and delivery of all supplies, machinery, and necessary plant.

The General Auditor shall have charge of the general bookkeeping, of property accounts, of statistics, of administrative audit of the Commission, and of the accounting, bookkeeping, and audit of the Government of the Canal Zone.

The Disbursing Officer shall have charge of time keeping, of preparation of pay rolls and vouchers, and of payment of same.

The Manager of Labor and Quarters shall have charge of the employment of all necessary labor secured from the West India Islands or Central and South American countries; of the general personal records of all employees; of all quarters, and shall assign same to all employees of the Commission or of its contractors; and of the operation of all Commission hotels and mess houses.

APPOINTMENT OF OFFICERS.

All officers and employees shall be appointed, and their salaries shall be fixed, by the Head of the Department in which they are engaged. Their appointment and salaries shall be subject to the approval either of the Commission, or, if the Commission is not in session, of the Chairman.

The employment of laborers where the contract of employment is made in the United States, shall be negotiated and concluded by the Chairman of the Commission. Where the employment of laborers is effected upon the Isthmus, or outside of the United States, it shall be conducted under the supervision of the Chief Engineer, subject to the approval of the Chairman.

CONTRACTS.

Contracts for the purchase of supplies, involving an estimated expenditure exceeding $10,000 shall only be made after due public advertisement in newspapers of general circulation, and shall be awarded to the lowest responsible bidder, except in the case of emergency, when, with the approval of the Secretary of War, advertising may be dispensed with. In the making of contracts for supplies or construction involving an estimated expenditure of more than $1,000, and less than $10,000, competitive bids should be secured by invitation or advertisement whenever practicable.

REPORTS.

The Head of each Department shall make a report upon the work and operation of his Department to the Isthmian Canal Commission from time to time and as often as may be required by the Chairman of the Commission.

The Chairman of the Commission will make a report to the Secretary of War, setting forth the results accomplished by each Department of the work, at least annually and as often as he may deem advisable or the Secretary may require.

The Secretary of War will make to the President a report at least annually, and as often as he may deem advisable or the President may require.

All Executive orders relating to the subject of the Panama Canal, excepting so far as they may be inconsistent with the present order, remain in force.

THEODORE ROOSEVELT.

Effective this date, Nov. 17, 1906.

T. R.

EXECUTIVE ORDER.

Under authority vested in me by law it is ordered:

That marriages in the Canal Zone may be celebrated by any minister of the Gospel in regular standing in the church or society to which he belongs, by the judge of any court of record, or by any municipal or district judge.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *March 13, 1907.*

EXECUTIVE ORDER.

Under authority vested in me by law it is ordered:

1. The Canal Zone, Isthmus of Panama, shall be divided into four administrative districts, to be known as Ancon, Emperador, Gorgona, and Cristobal. The districts of Ancon and Emperador shall be coextensive with the present municipal districts of Ancon and Emperador. The district of Gorgona shall be composed of the present municipal district of Gorgona and that portion of the municipal district of Buenavista lying south and east of a straight line passing through the center of the Panama Railroad Company's bridge No. 38 over the Agujeta River, and intersecting the boundaries of the Canal Zone with an inclination of forty degrees east of the magnetic meridian. The district of Cristobal shall be composed of the present municipal district of Cristobal and that portion of the municipal district of Buenavista lying north and west of a straight line passing through the center of the Panama Railroad Company's bridge No. 38 over the Agujeta River, and intersecting the boundaries of the Canal Zone with an inclination of forty degrees east of the magnetic meridian.

2. In each district there shall be appointed a tax collector, who shall discharge the duties of the present municipal treasurer and Board of Assessors. He shall be charged with the collection of license taxes, the assessment and collection of all *ad valorem* taxes, the preparation of head lists for work upon public improvements and the issuance of citations and collection of commutation taxes thereunder, the keeping of the Civil Register, the collection of rents from public and municipal property, the execution of leases thereof under direction of the Collector of Revenues, and in the proper case with the approval of the chief executive of the Canal Zone, the execution of deeds therefor. He shall also represent the municipality in all necessary litigation affecting municipal property within his district and shall from time to time discharge such other duties of a public nature as may be assigned to him by the duly authorized authorities of the Canal Zone. He shall keep books or rolls showing all assessments made, taxes and rents due, and collections made, and shall give such bond as may be required of him. He shall report to the Collector of Revenues and deposit all funds as he may be required with the Treasurer of the Canal Zone.

3. The existing regulations concerning the assessment and collection of taxes and the enforcement of tax liens shall be followed and applied by the Tax Collector so far as the same are not inconsistent with the terms of this order. Unpaid taxes of every character shall constitute a personal claim against the person against whom they are levied, and taxes upon real property shall, in addition, until paid, constitute a lien upon the realty. With respect to *ad valorem* taxes or other taxes levied by assessment, an appeal shall be allowed to the Circuit Judge for the district following a procedure to be prescribed by the Circuit Judges, by the owner or occupant in all cases where the assessment may be thought to be unduly high, and by the Collector of Revenues in all cases where it may be thought to be unduly low, when compared with assessments made upon similar property similarly situated elsewhere in the Zone. For the purpose of equalizing assessments in the several districts the three circuit judges shall once a year sit as a Board of Equalization.

4. There shall be appointed in each district a District Judge, who shall exercise all the authority now exercised by the Municipal Judges, and shall discharge such other duties as may from time to time be imposed upon him by law or executive order. There shall also be appointed for the whole Zone a fifth District Judge, to be known as the Senior District Judge, who shall sit wherever required of him and who shall once a month preside at and keep minutes of a conference of all the District Judges at which matters of common interest pertaining to their office shall be discussed. Any District Judge may temporarily be assigned to sit in any other district. Fines and fees shall be accounted for to the Collector of Revenues and paid in to the Treasurer of the Canal Zone.

5. Public works and improvements in the several districts shall be under the charge and direction of a Superintendent of Public Works appointed for the whole Zone, who shall also have charge and direction of slaughter house and market inspectors and shall discharge such other duties of a public character relative to the various districts as may be assigned to him.

6. Accounts shall be kept by the Collector of Revenues with each district and public improvements shall be distributed among the several districts with due regard to the revenue derived from each district. Rents derived from municipal property shall in all cases be expended upon public improvements or schools within the district from which it is collected.

7. Ordinances regulating police, sanitation and taxation, and any other matters now regulated by ordinance, may be enacted, and existing ordinances may be repealed, by the Isthmian Canal Commission, with the approval of the Secretary of War. They may be made operative throughout the Zone or confined to any particular district.

8. The municipal councils and all other municipal offices now existing under the laws of the Canal Zone are abolished.

9. The district officers herein provided for shall be appointed and their salaries fixed by the chief executive of the Canal Zone, subject to approval by the Commission.

10. The rules and regulations of the Isthmian Canal Commission compiled under the title of "Laws of the Canal Zone" in so far as they are inconsistent with this order, are modified and repealed.

Effective April 15th, 1907.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *March 13, 1907.*

EXECUTIVE ORDER.

Under authority vested in me by law it is ordered:

Section 179 of the Penal Code of the Canal Zone is amended so as to read as follows:

"SECTION 179. An assault is punishable by fine not exceeding twenty-five dollars, or by imprisonment in jail not exceeding thirty days."

Section 181 of the Penal Code of the Canal Zone is amended so as to read as follows:

"SECTION 181. A battery is punishable by fine not exceeding one hundred dollars, or by imprisonment in jail not exceeding thirty days, or by both such fine and imprisonment."

Section 209 of the Penal Code of the Canal Zone is amended to read as follows:

"SECTION 209. Every parent of any child or husband of any wife lawfully chargeable with the support or maintenance of any child or wife who abandons or willfully omits, without lawfully excuse, to furnish food, shelter or medical attendance to such child or wife is guilty of a misdemeanor.

Section 342 of the Penal Code of the Canal Zone is amended to read as follows:

"SECTION 342. Grand larceny is larceny committed in either of the cases:

"1. When the property taken is of the value of ten dollars and upwards.

"2. When the property is taken from the person of another.

"3. When the property taken is a horse, mare, gelding, cow, steer, bull, calf, mule, jack or jenny.

"4. When the property taken is the property of the United States, Isthmian Canal Commission or Government of the Canal Zone."

Section 368 of the Penal Code of the Canal Zone is amended so as to read as follows:

"SECTION 368. Every person guilty of embezzlement is punishable in the manner prescribed for feloniously stealing property of the value of that embezzled; and where the property embezzled is an evidence of debt, or right of action, the sum due upon it or evidenced to be paid by it shall be taken as its value: *Provided*, That if the embezzlement or defalcation be of the property or public funds of the United States, Isthmian Canal Commission, or of the Government of the Canal Zone or of any municipality, city or village of the Canal Zone, the offense is a felony, and shall be punishable by imprisonment in the penitentiary for not more than ten years; and the person so convicted shall be ineligible thereafter to any office or employment of honor, trust or profit with the United States, Isthmian Canal Commission, or Government of the Canal Zone."

Section 16 of the Code of Criminal Procedure is amended to read as follows:

"SECTION 16. District judges shall have original jurisdiction in all cases of misdemeanor wherein the fines that may be imposed may not exceed one hundred dollars or imprisonment in jail may not exceed thirty days, or both. They shall have jurisdiction of the Circuit Court in cases of violation of Zone or District ordinances."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *March 13, 1907.*

EXECUTIVE ORDER.

Under authority vested in me by law it is ordered:

1. All marriages heretofore celebrated in the Canal Zone, by a minister of any religious society or denomination authorized by the forms and usages of his society or denomination to perform marriages, or by any judicial officer of the Canal Zone, shall be valid, anything contained in the laws of the Republic of Panama heretofore extended to the Canal Zone to the contrary notwithstanding.

2. Any judicial officer of the Canal Zone or minister of any religious society or denomination in good standing shall be authorized to celebrate marriages within the Canal Zone; provided that the contracting parties shall first have procured a marriage license of the circuit clerk of the circuit in which the marriage is to be performed. But no such license shall be issued unless the clerk is satisfied from the oaths of the parties and by other available evidence that the man to be married is not less than seventeen and the woman not less than fourteen years of age, and that no legal impediment to the marriage is known to exist.

3. The judicial officer or minister performing the marriage ceremony shall certify that fact upon and return the marriage license to the circuit clerk issuing the same, for registration. The circuit clerk shall be entitled to collect a fee of two dollars, gold, for issuing and recording the return of each marriage certificate.

4. Any judicial officer or minister within the Canal Zone violating the provisions of this order shall be guilty of a misdemeanor.

Effective June 1, 1907.

THEODORE ROOSEVELT

THE WHITE HOUSE, *May 31, 1907.*

EXECUTIVE ORDER.

Under authority vested in me by law it is ordered:

1. On and after July 1, 1907, the purchase of materials and supplies for the Isthmian Canal Commission shall be transferred to the supervision of the Chief of Engineers of the Army, who shall maintain a Purchasing Department in the offices of the Isthmian Canal Commission in Washington.

2. Officers of the United States shall draw no additional compensation for services rendered in connection with the Purchasing Department of the Isthmian Canal Commission.

THEODORE ROOSEVELT

THE WHITE HOUSE, *July 1, 1907.*

EXECUTIVE ORDER.

Under authority vested in me by law it is ordered:

1. Offices for the convenient execution of its business within the United States shall be maintained by the Isthmian Canal Commission in Washington.

2. The following officers and employees of the Commission and their necessary force of assistants shall be provided with quarters therein: the General Counsel, General Purchasing Officer, Disbursing Officer in the United States, Assistant Examiner of Accounts, Appointment Clerk, Chief of Record Division, and Chief Draftsman.

3. The General Purchasing Officer shall provide the necessary offices and their appointments, and shall have general charge and custody of the same and of the discipline of the clerical force. Appointments in the United States of Commission employees shall be made by him, subject to the rules of the civil service law and of the Commission. He shall have charge of the records and archives of the offices, and of the distribution of correspondence.

THEODORE ROOSEVELT

THE WHITE HOUSE, *August 15, 1907.*

EXECUTIVE ORDER.

Under authority vested in me by law it is ordered:

1. That on and after August 15, 1907, the positions of General Auditor and Local Auditor be abolished.

2. That there be appointed for the Commission upon the Isthmus an Examiner of Accounts, and in Washington, D. C., an Assistant Examiner of Accounts.

3. The duties of the Examiner of Accounts on the Isthmus shall be:

(a) To inspect and examine all vouchers prepared and paid by the Disbursing Officer on the Isthmus.

(b) To inspect from time to time the accounts of all officials of the Commission on the Isthmus charged with the care of the funds or property of the Commission, and to annually verify property accounts by an inventory of all property.

(c) To semi-annually, or oftener if public interests seem to require, count the cash in the hands of disbursing officers and other officials on the Isthmus intrusted with the custody of funds of the Commission or of the Canal Zone Government.

(d) To check up from time to time as the interests of the Commission seem to require, through inspectors to be appointed by him, the returns of laborers and employees working by the day or upon an hourly basis in any of the several departments or divisions of the Commission. Inspectors now charged with similar duties under the Disbursing Officer shall be transferred to the jurisdiction of the Examiner of Accounts.

(e) To check from the appointment records the pay rolls of employees engaged upon a monthly or yearly basis.

(f) To examine periodically the general books of the Commission kept by the Disbursing Officer.

(g) To keep a record of claims payable to and of accounts and bills receivable by the Commission, and to check against the same collections made by the Disbursing Officers. It shall also be his duty to direct the attention of the Disbursing Officers from time to time to unsettled claims, accounts, or bills receivable by the Commission, and to urge their collection. Statements of all claims due the Commission or bills and accounts receivable shall be promptly transmitted by the department whence they originate to the Examiner of Accounts, in order that he may have an independent record of the claims, accounts and bills receivable with the collection of which the Disbursing Officer is charged. The original evidence or documents supporting such claims, accounts, or bills receivable shall be transmitted to the Disbursing Officer for collection.

(h) All vouchers for accounts payable or receivable shall be examined and checked by him as soon after payment as practicable. He shall, also, at a later period and as promptly as possible after transmission to him of the Disbursing Officer's account current, certify thereon his administrative examination of and transmit the same, together with accompanying vouchers, to the Auditor for the War Department, for final audit. He shall not, however, keep duplicate sets of vouchers or of the documentary or other evidence from which the vouchers are prepared, but may keep a voucher register.

(i) If he dissents from any voucher paid by the Disbursing Officer, he shall note his exceptions and submit the same to the Disbursing Officer for correction, before the latter's account current is made up. If an agreement shall not be arrived at between the Examiner of Accounts and the Disbursing Officer, a statement of the unadjusted differences shall be transmitted by the Examiner to the Auditor for the War Department, with the Disbursing Officer's account current.

(j) He shall also audit the accounts of the Canal Zone Government.

(k) He shall be appointed by and report to the Chairman of the Isthmian Canal Commission, and it shall be his duty to call the attention of the Chairman to any irregularities in the accounts or books of any officer or employee of the Commission.

4. The duties of the Disbursing Officer on the Isthmus, in addition to the payment and disbursement of the funds of the Commission upon properly prepared vouchers, shall be:

(a) To assemble the original documents, papers, and other evidence from which the vouchers are prepared.

(b) To collect all claims due the Commission or accounts and bills receivable.

(c) To keep property accounts with the various officers upon the Isthmus charged with the cutsody or use of property.

(d) To keep the general books of the Commission, which shall properly classify all expenditures made by the Commission and apportion expenditures and the cost of labor and supplies among the several departments in the proportion in which they are used by the several departments.

(e) To furnish access at all times to his books, original papers, and documents, to the Examiner of Accounts and his representatives.

(f) To distribute expenditures made by the Commission under the proper appropriation heads.

(g) His books shall show the amount expended by each of the several departments during each calendar month and from the beginning of the work, and exhibit comparative statements of expenditures for the same calendar month of the previous year.

(h) His books shall likewise contain an exhibit of the work done by each department of the Commission, and by the Commission as a whole, and shall show the comparative cost of doing similar work between corresponding annual dates and between the several departments.

(i) In the total cost of the work, as performed by the several departments and by the Commission as a whole, account shall be taken of the general expenditures of the Commission, whether on the Isthmus or in the United States.

(j) He shall transmit weekly abstracts of the general books to the Disbursing Officer at Washington, in order that duplicates of the same may be kept in the United States.

(k) Requisitions for public funds shall be submitted to the Examiners of Accounts, for notation.

5. The Assistant Examiner of Accounts, so far as the requirements of the work in the United States demand or permit, shall perform for the Commission in the United States similar duties to those performed by the Examiner of Accounts on the Isthmus, and shall likewise inspect the accounts of Special Disbursing Officers not employed on the Isthmus, which shall be forwarded to him at Washington for that purpose before transmission to the Auditor for the War Department. Abstracts of approved expenditures by the Special Disbursing Officers shall be periodically transmitted by him to the Disbursing Officer upon the Isthmus, for entry in the general books.

6. The Disbursing Officer in the United States, so far as the requirements of the work in the United States demand or permit, shall perform duties corresponding to those of the Disbursing Officer on the Isthmus, except that the general books kept by him shall only be duplicates of the general books kept by the Disbursing Officer on the Isthmus. He shall weekly transmit to the Disbursing Officer on the Isthmus abstracts of all payments, disbursements, and collections made by him and statements of approved vouchers outstanding.

7. The original documents from which the vouchers are prepared shall be transmitted to the Auditor of the Treasury for the War Department by the several Disbursing Officers, with their accounts current, through the Examining Officers. Duplicates of such documents, however, shall be retained in the offices of the several Disbursing Officers, as part of the records of the Commission.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *August 15, 1907.*

EXECUTIVE ORDER.

Under authority vested in me by law, it is ordered:

That Title XIV of Act No. 14 of the Penal Code of the Laws of the Canal Zone be amended, effective January 15, 1908, by adding thereto the following section:

SECTION 293–A.

SUB-SECTION 1. Every vagrant or person found within the Canal Zone without legitimate business or visible means of support; and

SUB-SECTION 2. Every mendicant or habitual beggar found within the Canal Zone; and

SUB-SECTION 3. Every person found within or loitering about any laborers' camp, mess house, quarters, or other Isthmian Canal Commission building, or any railroad car, or station, or other building of the Panama Rail Road Company, or any dwelling or other building owned by any private person, without due and proper authority and permission so to be; or peddling goods or merchandise about any laborers' camp or mess house during hours when laborers are ordinarily employed at work, or in or about places where groups of men are at work; and

SUB-SECTION 4. Every person found in the Canal Zone in an intoxicated condition or under the influence of liquor; and

SUB-SECTION 5. Every person who shall, in the Canal Zone, engage in any kind of disorderly conduct or breach or disturbance of the peace; shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed $25, or by imprisonment in jail not to exceed 30 days, or by both such fine and imprisonment.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 9, 1908.*

EXECUTIVE ORDER.

Under authority vested in me by law, it is ordered:

1. In all criminal prosecutions in the Canal Zone wherein the penalty of death or imprisonment for life may be inflicted, the accused shall enjoy the right of trial by an impartial jury of the district in which the crime shall have been committed, to be chosen as follows:

2. The clerk of the circuit court, the district judge, and the collector of revenue for the administrative district within the circuit in which the crime shall have been committed, shall constitute a jury commission for that circuit. In the second judicial district, the district judge and the collector of revenue to be members of the jury commission shall be designated by the circuit judge, upon this order becoming effective, and annually thereafter, or as often as a vacancy may occur in the jury commission.

3. Prior to the first day of the term of any circuit court, upon application of the prosecuting attorney, or by direction of the judge of the circuit in which the crime shall have been committed, the jury commission shall assemble and select the names of sixty male residents of the Canal Zone, between the ages of twenty-one and sixty-five years, in good standing and in full possession of their ordinary faculties, who shall have resided within the Canal Zone for not less than three months previously, and who shall be able to read, write, and understand the English language. Attorneys at law, physicians, ministers of an established religion, members of the military, naval, and police forces, and officers of the Commission of the rank and above the rank of resident engineers, shall be exempt from jury service. The names of the persons so selected shall be written by one of the commissioners upon slips of paper, folded so as to conceal the names, in a uniform manner, and placed in a jury box.

4. Upon the first day of the term, unless an adjournment of the trial beyond the term shall be granted, the judge shall select from the jury box the names of thirty jurors to constitute the panel for the trial of the defendant. The said jurors shall thereupon be summoned by a written notice, served upon them by the marshal of the court, to attend at the trial of the defendant upon a day named. If it appear that any of the jurors whose names have been selected are absent from the Canal Zone, or incapacitated from other cause from attending as jurors, the judge, upon the application of the marshal, shall draw the names of other jurors and direct their summons until a panel of thirty jurors shall be assembled.

5. Upon calling the case for trial, twelve jurors shall be called to try the defendant in the order in which their names shall have been first drawn for summons by the circuit judge. Either side shall have the right to challenge any juror for cause, and, in addition thereto, the defendant and prosecuting attorney shall each have the right to challenge arbitrarily six of the said jurors. If the original panel of thirty shall be exhausted without securing twelve impartial jurors to try the defendant, the names of other jurors shall be drawn by the circuit judge from the jury box and such jurors summoned until the jury shall have been completed.

6. The jury so selected shall, under the instructions of the court, and in conformity with the procedure prevailing in the Federal courts of the United States, determine whether, under the facts as proved, the defendant is guilty or not guilty. They shall conduct their deliberations in secret, and shall return a verdict of guilty or not guilty, which must be unanimous. Sentence shall be pronounced by the court.

7. The circuit judge shall have the discretion to require the jury to be together and apart from the public from the time they are sworn until their verdict shall be returned. If they be kept together, suitable provision shall be made by the marshal of the court for their subsistence and lodging. The jurors shall be allowed a fee of two dollars for each day actually summoned to court and engaged in the trial of a criminal action. The cost of subsistence and lodging of the jurors and the fees for the jurors' attendance shall be paid from the Treasury of the Canal Zone, upon a voucher duly approved by the circuit judge.

8. It shall in all cases be optional with defendants to be tried before a jury as provided for in this order, or under the procedure prescribed in Section 171 (Act 15) of the Laws of the Canal Zone. The accused shall, however, in person or through his attorney, file a written statement with the clerk of the circuit court before which his trial is to take place, on the first day of the term for which the trial is set, stating the procedure by which he desires to be tried. The procedure having been once selected by the accused cannot thereafter be changed, but must be followed with respect to any future trial of the accused for the same offense.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 6, 1908.*

Mr. HARRISON. Mr. Speaker, I would ask my colleague to yield me about three minutes more. I do not want to detain the House longer than that.

Mr. RYAN. I yield to my colleague, the gentleman from New York.

Mr. HARRISON. I regret, Mr. Speaker, that I failed to make myself clear to the gentleman from Illinois. So I take

the liberty of reiterating the gist of what I said before. In answer to him, and in answer to the brief of the Attorney-General, which is being filed as a part of his remarks by the gentleman from Illinois, I maintain that they have not disposed of the real question here involved. The substance of what the Attorney-General says is: That the power to govern conferred upon the President by the Fifty-eighth Congress, when we took possession of and occupied the Canal Zone, which is the power given him in the first section of that act, implied authority to govern in so far as government was needful to secure the "safety and welfare of the inhabitants." I have said several times in the course of my remarks that the President was obliged to maintain a de facto government down there or anarchy would have resulted, but beyond securing the safety and welfare of the inhabitants there he had no right to go.

He had no more right to do anything beyond the power given to him still earlier in the Spooner Act of 1902, namely, to secure the police and sanitary welfare of the Zone. But he has, in these Executive orders I have read, exceeded his authority in establishing substantial laws and abolishing laws of the Isthmian Canal Commission enacted by authority of Congress. Now, the Attorney-General seems to think that the solemn act of the House of Representatives limiting the President's power to govern to the life of that Congress was merely a "declaration" of a right already existing in the President. This seems to me utterly untenable. We have not yet reached that period of self-abasement. The right of legislation is by the Constitution vested in the Congress, not in the Executive. When we delegate to him that power for a limited space of time it is to be strictly construed.

The SPEAKER. The time of the gentleman has expired.

Mr. RYAN. I have nothing to add to what has already been said.

Mr. TOWNSEND. I would like to ask the gentleman to allow me to have some time.

Mr. RYAN. What time have I remaining?

The SPEAKER. Thirteen minutes.

Mr. RYAN. I yield five minutes to the gentleman.

Mr. TOWNSEND. Mr. Speaker, I had intended saying something on this resolution at the proper time, but the gentleman from Illinois, it seems to me, has practically covered the ground. However, this matter is an entirely practical business proposition, but I am convinced that this discussion would have been more harmonious, more in keeping with proper procedure for the House in obtaining information, if the discussion had arisen at the time the information asked for was furnished by the President. But one thing has been established clearly, it seems, by the gentleman from New York; that is, we are on the Isthmus, and it is admitted we are there for the purpose of constructing the canal, and the gentleman admits here—I believe I am stating nothing that he will deny, when I say that he admits that there must be order on the Zone and that the President has proceeded wisely in the exercise of the power to accomplish that end.

Mr. HARRISON. Will the gentleman yield for a question?

Mr. TOWNSEND. Certainly.

Mr. HARRISON. I do not suppose the gentleman heard my remarks or else I have failed lamentably to make myself clear, for I do not admit what he has just said and never have.

Mr. TOWNSEND. If the gentleman does not revise his remarks in the RECORD, I think it will appear that he has stated that the President has acted as wisely as the House could have done if the Congress itself had determined that matter.

Mr. HARRISON. I think the gentleman will recollect that I said some of those laws were very wise laws, and I commend very highly the one establishing jury trial, and put that in my own bill for the government of the Canal Zone.

Mr. TOWNSEND. I gave the gentleman credit for stating a fact. I supposed that would be conceded by all the Members of this House. Now the gentleman seeks to arraign the President because he has not compelled the House and the Congress to act in this matter. That was the conclusion, or one of the conclusions, which he reached in this discussion. And yet gentlemen are arising on that side of the House frequently, complaining of the influence which the President exercises over this body. For myself, Mr. Speaker and gentlemen of the House, it seems to me if there is anything to be done, if the gentleman from New York and other gentlemen are complaining that the exercise of authority on the Isthmus has not been in accordance with the wishes of the people of the United States, it does not lie in our mouths now to complain, because we have done nothing in the premises. Now, Mr. Speaker——

Mr. HARRISON. Is not the gentleman a member of the Committee on Interstate and Foreign Commerce, which has jurisdiction?

Mr. TOWNSEND. I am. The Committee on Interstate and Foreign Commerce has had this matter before, and on its own motion, practically. It realized that here was a question which was new, so far as the legislative policies of this Government were concerned. It recognized the fact that there were matters in the process of evolution there, that conditions were being worked out, upon which the legislature could not at present intelligently act. I trust I am not asking undue credit for our committee when I say that it tries to act intelligently upon all questions which are brought before it. We have studied this subject carefully, and we believed it was in the interest of this country and in the interest of the canal that these problems should be worked out in the best way possible, and we have not reached that point yet when I, the humblest of the members of the committee, can suggest to this House any policy which I would recommend that it should adopt. Therefore I say it seems to me, inasmuch as the burden of the argument of the gentleman at least admits that the power has been exercised wisely, it does not lie with us to criticise at this time our own act, perhaps, or failure to act in the premises.

Mr. HAMILTON of Michigan. I should like to ask the gentleman a question, inasmuch as he is upon the committee which has had consideration of this question. The right of sovereignty involves the right to govern men and things. Now, sovereignty in this country is threefold; that is, our governing power expresses itself through three branches—the executive, the legislative, and the judicial. What authority is conferred upon the Executive to exercise legislative power?

Mr. TOWNSEND. I do not believe that the Constitution confers any direct legislative power, or, rather, the right to delegate direct legislative power. It seems to me that all the decisions have practically established this. In the case of the Isthmian Zone a new problem is presented, and no precedent is found. This Government does not own the strip, nor is it an ordinary lessee. It is in possession for a special purpose. In a sense it is foreign territory; in another sense it is subject to the United States Government. A canal is to be constructed.

The Zone must be governed in an orderly manner. Congress charged the President with full responsibility of the enterprise. It dissolved the Commission. It passed no law for the government of the strip. The power conferred upon the President from the nature of things must be a continuing one until Congress relieves him. He has promulgated rules or regulations necessary, as his critics must admit, for the prosecution of the great work in hand.

Gentlemen may call this legislation if they will, but I call it regulation for the temporary management of an evolutionary enterprise in a district or territory whose status has not yet been fixed by law. If the President had done otherwise than he has done, the very gentlemen who criticise him now would condemn him for failure to perform a clear and lawful duty to the country.

Mr. RYAN. I yield to the gentleman from Mississippi [Mr. WILLIAMS] five minutes.

Mr. WILLIAMS. Mr. Speaker, I am glad to hear the admission from one of the most fair-minded men on that side of the House this morning, to the effect that the President of the United States even in the Canal Zone, or anywhere else when exercising his authority, is subject to the Constitution of the United States—the instrument which gives him the only authority that he has or any other President of these United States ever had. That is all that has ever been contended for by me or by others. The President being a creature of the Constitution, can not be "applied" anywhere except where the Constitution "applies" him. Now, Mr. Speaker, we are not complaining here, as the gentleman from Michigan [Mr. TOWNSEND] a moment ago said, "because the President did not compel the Congress to legislate;" we are complaining, on the contrary, because Congress not having legislated, the President of the United States usurped the power to legislate. Being a creature of the Constitution, he is not only not given by the Constitution any legislative power, but he is absolutely forbidden to exercise any, and Congress itself is forbidden to confer upon him any, by that part of the Constitution which makes the legislative, executive, and judicial branches of this Government separate, coordinate, and independent.

My friend from Michigan [Mr. TOWNSEND] has made the argument of the poet—

> For forms of government let fools contest;
> That form is best which is administered best.

He has made the argument of the mob engaged in a lynching bee. The gentleman from Illinois [Mr. MANN], contrary to his previous legislative history, has also made the argument of a mob engaged in a lynching bee. His only argument has been that the necessary legislative power of the Government not having been sufficiently exercised by the legislative branch there arose a "necessity" that the President should exercise

it, Constitution or no Constitution, power or no power, right or no right, authority or no authority. The man who is engaged in a lynching bee simply says, "This man is guilty, he deserves death, and the law does not mete it out to him, and therefore I will."

This is a government of law and not a government of persons. This is a government of prescribed regulation and not a government of contingencies or of real or fancied necessities. It carefully avoids "necessity, the tyrant's plea." It says "Within certain bounds ye shall walk, and outside shall ye not tread at all." The people say that to the Government in the fundamental law—their prescribing voice.

My friend from Michigan [Mr. TOWNSEND] says that he would not call these legislative acts promulgated by the President legislation at all; he would call them "rules"—upon the general principle, I reckon, of a violation of Shakespeare's maxim, which would run that a rose by some other name smells sweeter than a rose by its own name. [Laughter and applause.] Everybody knows what legislation is. Everybody knows what execution of legislation is. Everybody knows what the construction of legislation is. Everybody, therefore, understands the nature of and the difference between the legislative, Executive, and judicial powers, and everybody knows that nowhere under our form of government is the Executive permitted to become the legislative power of the United States. The people themselves in adopting the fundamental law prescribed and uttered in tones of thunder to all creatures of the Government, from the President down to the lowest tidewaiter, "Your duties are confined to those of an executive; you have no legislative power, and we will not permit even Congress to confer any upon you."

This Republican party has made a shameful failure, and now it attempts to excuse itself on the ground that Congress, having made a failure, to wit, a failure to legislate, the President must be excused for having committed a crime, to wit, a usurpation; to wit again, a usurpation of legislative power. [Applause on the Democratic side.]

Mr. RYAN. Mr. Speaker, I have nothing to add to what has already been said. This is a unanimous report of the Committee on Interstate and Foreign Commerce. I believe the House should know by what authority the President is exercising the functions of government in the Canal Zone, and I trust this resolution will pass. I ask for a vote.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

CONSULAR SERVICE.

Mr. COUSINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 4112) to amend an act entitled "An act to provide for the reorganization of the consular service of the United States," approved April 5, 1906, and move that the House insist upon its amendments and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Iowa asks unanimous consent to take from the Speaker's table a Senate bill with House amendments and agree to the conference asked by the Senate. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Iowa that the House insist upon its amendment and agree to the conference asked for by the Senate.

The question was taken, and the motion was agreed to.

The Chair announced the following conferees on the part of the House: Mr. COUSINS, Mr. LANDIS, and Mr. HOWARD.

PENSION APPROPRIATION BILL.

Mr. KEIFER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of further considering the pension appropriation bill, and pending that motion, I would state that it has been understood that general debate will close with a few remarks on the bill by the gentleman from Mississippi [Mr. BOWERS] and further remarks by myself, not occupying in the aggregate more than one hour and a half, and I ask unanimous consent that with those provisions, debate be closed in that time.

The SPEAKER. The gentleman from Ohio asks unanimous consent that all general debate upon the pension appropriation bill close at the conclusion of remarks by himself and by the gentleman from Mississippi [Mr. BOWERS], not to exceed one hour and a half in the aggregate. Is there objection?

There was no objection.

The SPEAKER. The question now is on the motion of the gentleman from Ohio that the House resolve itself into the Committee of the Whole House for the further consideration of the pension appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the pension appropriation bill, with Mr. TOWNSEND in the chair.

Mr. FLOOD. Mr. Chairman, I send to the Clerk's desk and desire to have read a concurrent resolution of the general assembly of Virginia, adopted on February 14, 1908.

The Clerk read as follows:

Joint resolution to oppose in every possible manner the influx into Virginia of immigrants from southern Europe.

Resolved by the senate of Virginia (the house of delegates concurring), That our Representatives in both Houses of Congress be, and they are hereby, requested to oppose in every possible manner the influx into Virginia of immigrants from southern Europe, with their Mafia and Black-Hand and murder societies, and with no characteristics to make them, with us, a homogenous people, believing, as we do, that upon Anglo-Saxon supremacy depend the future welfare and prosperity of this Commonwealth, and we view with alarm any effort that may tend to corrupt its citizenship.

Agreed to by general assembly of Virginia February 14, 1908.

JNO. W. WILLIAMS,
Clerk House of Delegates and Keeper of the Records of Virginia.

Mr. FLOOD. Mr. Chairman, I heartily approve of this resolution and desire to submit some remarks in support of it. I have always believed it was wise to encourage immigration, if the immigrants were of the proper class. Virginia and the entire South needs immigration; her mineral resources can not be developed with the labor now available; her manufacturing interest needs an influx of labor; her agricultural interest is crying out for more labor. But while this is true, I am thoroughly satisfied that she had better suffer for a lack of the necessary number of laborers than introduce into her midst the class of immigration against which this resolution is directed.

The question is often raised as to whether the founders and fashioners of our scheme of government would be equal to the problems which confront us to-day.

Whatever decision the question might receive as a merely academic one—for one problem they attempted no solution, for they did not anticipate its emergency in pressing and practical shape—I mean the conversion of our territory into the dumping ground of the nations. They could have no prevision of the great steam-propelling caravansaries of the sea; of the great trunk lines across the continent; of the abolition of space by the telegraph. Their forecast was of a steady and normal access and increase of population. And, indeed, the immigration to our shores during the entire first century of our life as a nation was salutary and encouraging and was of our own stock. Practically all the immigrants who came to this country before 1880 were from northern Europe. They were of Celtic and Teutonic origin; or, I might say, they were of the strong historic peoples, the authors of the civilization of northern Europe—of the land of Shakespeare and Gladstone, of Emmet and Burke, of Goethe and Bismarck.

Would that we had gone on at this wholesome pace; that we had not gone into the recesses of "all sorts and conditions of men" to meet the immediate clamor of a hustling, a restless, and a feverish age.

The rock upon which one nation splits stands in the mid course of every ship of state. The ruthlessness and the recklessness of riches have ever piloted the ship upon the reef, the shoal, or the rock. The lessons of history have a mournful monotony. The Roman Republic, the nearest akin to ours, had a most auspicious outlook; and for five hundred years, in steady and homogeneous development, she was the light of the world; but in a single century she destroyed the very genius of her civic life and institutions. First, she conquered Carthage; then one by one all the ring belt of the Mediterranean; and then imported hordes of alien peoples within her own confines.

No American can read the story of the decadence and downfall of Rome without anxiety and solicitude for their own mighty Republic.

What graver problem can confront us as a people, looking to future results and reasoning upon the analogies of the experiences of other peoples, than the perpetual influx of hordes of heterogenous foreigners in to our already congested cities?

The year 1906 was the banner year for immigration into America, there having arrived here for the fiscal year ended June 30, 1906, 1,100,735 of all classes. The largest numbers came from countries as follows:

Austria-Hungary	265,138
German Empire	37,564
Italy	273,120
Russian Empire	215,655
England	49,491
Ireland	34,995
Japan	13,835
West Indies	13,653

The distribution of these immigrants as to numerical preponderance was in the following order: New York, Pennsyl-

vania, Illinois, Massachusetts, New Jersey, and Ohio. It is a fact that two-thirds of the immigrants to this country settle in the Atlantic or Middle Western States, already thickly populated, and the proportion of foreign-born to native population in many of the cities of that section has already become startling.

Hear these figures: In Fall River, Mass, the native-born population constitutes only 14 per cent of the entire population, while 86 per cent of it is foreign born. In Milwaukee only 17 per cent is native born and 83 per cent of it is foreign born. In New York, Chicago, Detroit, Paterson, and Cleveland only about 25 per cent of the population is native born, while three-fourths is foreign born.

Speaking generally, we have thirty-eight cities of over 100,000 population. Of these only eleven have a native element of over 50 per cent.

And the foreign elements are not assimilative necessarily. Take our two most cosmopolitan and progressive cities, New York and Chicago, and both contain colonies of Italians, Poles, Finns, and Hungarians. These people follow only the natural and inevitable law of kindred and congenial peoples, flocking together and assimilating.

When a plethora of people shall dominate a land so diverse in climate and interest as is our land, the real question is, What shall the harvest be? Our gravest, most judicial, and best minds are already pondering the problem with seriousness and solicitude.

The question then may be not what is the Constitution amongst friends; may it not rather be, What are the Constitution and Union amongst such diverse, separated, and potential interests?

I am glad the South is a homogeneous people. I believe the day will come when it will prove to this great Republic a shelter in the time of storm.

North and South Carolina have almost no foreign element. Georgia almost none; Mississippi but little; Virginia, Arkansas, and Tennessee no significant admixture. On the other hand, North Dakota is 75 per cent foreign; Minnesota is a close second, while more than half the population of Wisconsin, South Dakota, Utah, Montana, Michigan, Illinois, California, New York, New Jersey, and Rhode Island is foreign, counting in each case the native born of foreign parentage.

The South desires immigration, and home seekers from the Northwest principally are coming in to help build up the waste places, and to identify themselves with the country. This is desirable, normal, and healthful.

We are anxious for and welcome such immigration as this. We also welcome to our midst immigration from northern Europe of those people who are of our blood. We need and desire immigration to build up and add to the prosperity of the Southern States, but we want it to come in orderly procession and not pellmell. We want people who will build their homes upon our hills, who will mix their blood with our blood, and who, honoring our Constitution and reverencing our God, will preserve untarnished the straight and simple beliefs in which we have been reared.

Patriotism in any real and natural sense is centrifugal. It begins with the home as the center, and its widening spread is concentric. Home, neighborhood, county, State, nation; whatever tends to subvert this order is illogical and unnatural. It is the fancy of the doctrinaire and the dreamer, and involves a menace rather than a blessing.

Is a large aggregation of indefinite people merely, as such, a theme to incite enthusiasm and create a patriotic glow? The access of patriotic interests and pride proceeds in arithmetic, not geometric, ratio. "We, the people," should be an assimilative people, always tending to homogeneity. And this can not be produced by leaps and bounds.

Is it not of the very essence and wisdom of statesmanship to conserve something for ourselves and our children? To make some provision for natural increase and expansion?

Let this heterogeneous influx continue for twenty-five years, and we may repeat the experience of Rome.

We are growing and developing too rapidly for the permanent good of our country. Hotbeds are for exotics. The steady recurrence of the seasons is nature's sure law for normal development. Our ambassador to England congratulated the United States on Thanksgiving Day of the past year, with the prediction that before another Presidential term is ended we shall have 100,000,000 population. A more important question than that of numbers is, Who will these added millions be?

We are too prone to vaunt our prowess. Doubtless the greater number of people we have to work, the more money will flow into the pockets of the favored few, and the more luxurious and sensuous will be our life. But the important question for us to consider is, What will be the effect of these numbers upon the great body of the American people?

By the history we have made we are the "foremost nation in the files of time," but materialism and commercialism will not maintain our place. The voices of the past which have made this Capitol vocal with lofty and inspiring memories admonish us to the contrary. The faith of our fathers was a living faith. I do not think we shall attain to a higher.

A great scholar and thinker has characterized the mission of the three great ancient, historic peoples—the Hebrews, to teach man his relations to his Maker; the Greeks, to teach man to analyze and to understand himself; the Romans, to teach him his relationship to the state. And we are the heirs of all these.

I would prefer to see our country go along more gradually, unfolding the lessons of self-government, demonstrating that we know how to conserve and to perpetuate this legacy, so fostering and stimulating by our own course the vitality of the blessed doctrine of "peace on earth, good will among men" that other nations will be constrained to emulate us. [Applause.]

Mr. BOWERS. Mr. Chairman, the measure under consideration is the largest pension appropriation bill that has been reported to this body since the year 1894, the increase being due, of course, to the operation of the McCumber Act, passed February 6, 1907, which not only gave a pensionable status to all soldiers who had reached a given age, thus making age a disability within the meaning of the invalid-pension law, but also increased the amount of pension with the increase in age, thus adding greatly to the annual value of the pension roll.

It is not due to any increase in the number of pensioners, for they have steadily declined in number during the last several years, the decrease for the last three years being 36,825, owing, of course, to deaths.

All this is demonstrated by the letter of the Commissioner of Pensions to the chairman of the subcommittee, Mr. KEIFER, from which I read:

> The total number of certificates issued under the McCumber Act prior to January 1, 1908, is 281,475, which increased the annual value of the pension roll $15,018,300.

The amount which any bill carries for the payment of pensioners is a matter of mathematical calculation. The Department knows from its rolls the number of claimants and the amount of each, as well as the probable additions or decreases during the year. All that is needed, therefore, is to cast up the account and the result is arrived at. It is already fixed by law, and nothing is to be gained or elucidated by discussing it; but there is one phase of this bill which presents an opportunity to accomplish a practical economy and saving of more than $200,000 per annum (the amount saved being increased each year) in the administration of the Pension Bureau that ought to be adopted, and to which I desire briefly to address myself.

I refer of course, Mr. Chairman, to that feature of the bill which consolidates all the pension agencies, now scattered all over the country, into one central agency by omitting the appropriations for all of such agencies save one, and I desire for a moment to go into the history of the movement which culminated in this provision. Gentlemen will no doubt recall that the bill reported at the last session of Congress reduced the number of pension agencies from eighteen to nine. When the matter was considered in the House this body not only indorsed that proposition, but went further and struck out the appropriation for all of the agencies except one, and the bill in that shape went to the Senate, which restored the agencies that were dropped. In conference the Senate provision prevailed and the agencies were permitted to stand, but there was added to the bill this proviso or rider:

> *Provided*, That the Secretary of the Interior shall make inquiry and report to Congress at the beginning of its next regular session the effect of a reduction of the present pension agencies to one such agency upon the economical execution of the pension law, the prompt and efficient payment of pensioners, and the inconvenience to pensioners, if any, which would result from such reduction. This provision shall not be construed as interfering with or limiting the right or power of the President under the existing law in respect to reduction or consolidation of existing agencies.

Acting under that request from Congress, the Secretary of the Interior has addressed a letter to the chairman of the Appropriation Committee which leaves no doubt as to the position of the Interior Department on this question and presents the case in a way which, in my judgment, is absolutely unanswerable.

Mr. ALEXANDER of New York. Will the gentleman allow a question?

Mr. BOWERS. Yes, a question.

Mr. ALEXANDER of New York. What examination did the committee make in complying with the request of the House about making an inquiry?

Mr. BOWERS. Why, the committee had a very full hearing on the effect of this consolidation or unification, and came unanimously to the conclusion that the good of the service and the economical administration of the pension laws demanded it.

Mr. ALEXANDER of New York. A hearing of whom?

Mr. BOWERS. A hearing at which the Commissioner of Pensions and the Secretary of the Interior and others from the Pension Office were present.

Mr. ALEXANDER of New York. Who were your "others?" Will you please name them?

Mr. BOWERS. Mr. Thompson, chief of the division of finance of the Pension Bureau——

Mr. ALEXANDER of New York. Have you named all who came before you?

Mr. BOWERS. All that I now recall.

Mr. ALEXANDER of New York. Did you subpœna or ask the opinion of a single agent throughout the country?

Mr. BOWERS. We did not. We did not think it was necessary, and we did not expect to get entirely unbiased opinions from them. I am speaking for myself alone on this last point; I do not care to commit any other gentleman on the committee to it, but I preferred the opinion of people other than those whose offices were to be abolished.

Mr. ALEXANDER of New York. Did you invite from them any opinion as to economy, promptness, or efficiency?

Mr. BOWERS. We did not; but we have received some opinions from them in the shape of letters, which I will proceed to discuss. And now, with all due deference, I must decline to yield further. I have answered the gentleman frankly and fully. I am trying to make a consecutive argument on this proposition, and I shall be glad to answer any questions any gentlemen may put on the subject, but I request them to withhold them until the conclusion of my remarks. I will have time to answer then, and I think when I have finished that probably the questions can be more intelligently put and answered, and that less time will be consumed in doing so.

The Secretary of the Interior, in his letter, says:

1. *Economic execution of pension laws.*—The annual expenditure on account of the payment of pensions, including the salaries of pension agents, clerk hire, contingent expenses, and the printing of vouchers and checks, is approximately $550,000, an average cost per pensioner of 55 cents per annum. It is estimated that after a consolidation has been completed and in perfect working order, all pensioners could be paid by the Commissioner of Pensions or one disbursing officer, located in the city of Washington, with an annual expenditure of, at most, $350,000, a saving of 20 cents per annum per pensioner, or $200,000. After the first year of the consolidation, I am of the opinion that the appropriation for the expense of paying pensions could be safely reduced at least $25,000 more.

And also says:

2. *The prompt and efficient payment of pensioners.*—If all pensioners are paid by the Commissioner of Pensions, or one disbursing officer, provision should be made for a division of the pensioners into three groups, one group to be paid each month, as at present, and all pensioners could be paid as promptly by the Commissioner of Pensions, or one disbursing officer, as by eighteen agents.

And right here at this point I want to say that the Interior Department and the Commissioner of Pensions have evidenced their faith in this proposition by asking that an appropriation for the payment of clerk hire and for the administration of this part of the Pension Bureau be reduced $100,000, and the actual saving which is brought about by this bill amounts to practically $200,000 for the first year alone. Further on in this same report the Commissioner says:

There are certain other conditions to which attention should be invited if all pensions should be paid by the Commissioner of Pensions, or one central disbursing officer located in this city. The records would be readily accessible for reference by the Bureau. A large amount of extra correspondence is now required to furnish information to correspondents relative to the payment of pensions. The Bureau must first obtain such information from the pension agents, and a great deal of time is consumed in securing this information, especially from agencies located in distant cities.

All vouchers now required by pensioners are printed by the Government Printing Office in this city and forwarded to the different pension agents, there to be prepared and mailed to the pensioner with checks for the preceding quarter. All checks now used by the pension agents are likewise printed in this city. A considerable saving would result in the cost of printing vouchers and also in the cost of printing checks if such vouchers and checks were prepared for one agency rather than for eighteen.

All paid vouchers must be forwarded by the pension agents to the Auditor for the Interior Department in this city. There is always danger of the loss of such vouchers in the mails. Many vouchers of widow pensioners under the general law and under the act of June 27, 1890, were recently lost in transit from one of the pension agencies to the Auditor in this city. No trace of the missing vouchers has as yet been discovered. The pension agent has since died, and his accounts can not be settled for many months on account of the lost vouchers.

One of the objections that is urged to this plan, Mr. Chairman, is that it will delay the pensioners in the receipt of their quarterly payments. There is absolutely no foundation for that contention, beyond the fact that when the change is made the initial payment may be delayed a few days. But it will start a new ninety-day period, and every pensioner will receive his pension quarterly within ninety days after the receipt of his original payment; and there will practically be no delay even on this initial payment, except on the Pacific coast, where a delay of four or five days may be suffered in the payment of the first quarterly installment after the change has gone into operation, but there will be no delay thereafter. Now, the advantages which are to be gained are these:

First. A reduction in the appropriation for clerical force or clerk hire of over $100,000.

Second. The elimination of all unnecessary correspondence between the central Pension Office here and the various agencies throughout the country.

Third. A saving in printing and stationery, the amount of which not only will be reduced, but the printing can be uniformly done for use all over the United States, instead of having separate printing for each of the eighteen agencies.

Fourth. The elimination of an expensive system in the shape of duplication of records. In the existing system the record of every pension that is paid is kept here, and a similar record is kept in the pension agency from which the payment is made. This duplication of records will be eliminated by the consolidation of that is here proposed.

Fifth. The prevention of the loss of vouchers, and on this particular point both the Secretary of the Interior and the Commissioner of Pensions called attention to the fact that a large number of vouchers sent en bloc by one of the pension agencies to the Department here was lost in transit, and that great confusion has resulted in the settlement of that pension agent's account, which had not been, up to the time of this hearing, and I do not think has been since, adjusted.

Sixth. Items of rent and inspection. These may be considered small items, but it will take at least $1,500 per year out of the bill for the inspection of agencies, for no inspection will be needed if it is all done here in the central Bureau, and $4,500 per annum for rent for the quarters which the pension agency occupies in the city of New York will also be eliminated.

Seventh. We will have the advantages of the Bureau being under one roof, in one building here, which the Commissioner of Pensions declares is sufficient to accommodate and house all of these agencies and their clerical force, as well as a complete supervision over them, with the prevention of the delays incident to correspondence, and the confusion, errors, and delay incident to the work and force being divided and located at widely distant points.

Eighth. The elimination of seventeen officers, pension agents, whose salaries are $4,000 a year each. The saving on this point alone is $68,000.

This consolidation will therefore save $100,000 for clerk hire, and that would have been further reduced but for the fact that the expense of making the change would necessarily create an expense greater at the outset than will be incurred in the future; and this appropriation for clerk hire will be still further reduced, if this goes into operation, by the next bill reported on the subject. Sixty-eight thousand dollars' decrease in the pension agents' salaries and $6,000 for rent and inspection make a total of something like $174,000; and but for the fact that I stated a moment ago, namely, that these changes will involve during the first year some extra expenditures, the appropriation for stationery and incidental expenses would have been decreased $10,000, and such a decrease will be carried by the next pension bill, always assuming that this plan goes into operation.

Now, I wish to ask, at the close of my remarks, Mr. Chairman, to insert certain extracts from the letter of the Secretary of the Interior on this subject, and from the testimony of the Commissioner of Pensions and the Secretary of the Interior in the hearings before the committee. I will not take time to allude to that now, but will append them at the end of my remarks. Now, let us consider for a moment some of the other objections that have been urged against the adoption of this plan, and just here I want to say that so far as this particular plan or scheme is concerned, it is safe from any point of order. It does not constitute legislation on an appropriation bill. It is simply a failure to appropriate for more than one agency. The objections to which I now come, I read from the letter of Gen. St. Clair A. Mulholland, United States pension agent at Philadelphia, to Senator PENROSE, a letter which I presume has been universally distributed among the Members of the House—I know I received this through my mail. His first complaint is that no specific statement is made as to where and how the reduction in expenses will be accomplished.

Why, Mr. Chairman, the Secretary and Commissioner of Pensions have set forth where the saving will be made. They have told you that this will pare off in the next year $100,000 from the appropriation for clerk hire, with an additional saving

in the future, and have called attention to the other items mentioned by me. His objection is "that it would increase rather than diminish the amount of clerk hire," and he works that out by making a computation as to the comparative amounts paid here and elsewhere, showing that the average amount paid in the Pension Bureau—not the Washington pension agency—is more than the average amount paid the clerks in the offices of the pension agents. Manifestly there is no force in that proposition. The work in the pension agencies is largely, if not entirely, clerical. In the Pension Bureau it is very largely expert, requiring a large number of high-priced, expert men. If bringing these agencies in and bringing a part of the employees into the city of Washington is going to operate to increase the salaries of the clerks brought in, there might be something in his point. But the high-grade, expensive clerks are those who pass upon the issuance and the granting of pensions, and not the men who do the clerical work relating to the payment of vouchers; and the sum which will be paid to these clerks will be the same that they are now receiving in the various agencies where they are now at work.

May I ask how much time I have consumed?

The CHAIRMAN. The gentleman has consumed twenty-five minutes.

Mr. BOWERS. I might again repeat on this proposition that the Secretary of the Interior and the Commissioner of Pensions, on this decrease of clerical hire, have proven their faith by their works in that they have requested a reduction in these items. In addition to the matters of saving which I have mentioned, there will be a vast advantage gained by reason of the unification of methods and unification of administration, such as can come about only by gathering these various agencies together under one head.

At present there is a vast discrepancy not only in the method of administration—that is, in the office methods used, the way in which the clerical force is handled, and the method of doing things in each particular agency—but also in the cost of administration in these agencies, as measured by the number of pensioners paid from each. And in several the number of pensioners has fallen below the point at which the offices can be economically administered, and the abolition of such agencies is another point to be considered in arriving at a conclusion about this matter.

Again, with this unification of method, the Secretary of the Interior and the Commissioner of Pensions will be enabled to introduce a large number of labor-saving devices, which economize greatly on the cost of administration and which can not be economically introduced except where there is a very large amount of work to be done, and can not be put into operation in these smaller pension agencies where now the cost of administration has mounted up above that which the Department and the committee think warranted by good practice and good government.

It is idle to contend, in my judgment, that this plan is going to result in the slightest injury to a single soldier or a single person now on the pension roll. We can say that with the lights before us, without treating it as an experiment.

As a matter of fact, the naval pensioners are paid from only a very few agencies. There are eighteen pension agencies in the United States, and of that number only five or six pay naval pensions. These send their vouchers out to the naval pensioners in the remote parts of this country. They are received back in due course of time, and there has never been the slightest complaint as to that method of administration.

If that be true, if it be true that this plan or a modification of this plan has caused no trouble with reference to the payment of naval pensioners, has brought no ill results, has caused no inconvenience, is it not equally true that if there be a consolidation of all of the pension agencies in the city of Washington, no harm can come to any of the pensioners of the United States, except the trifling inconvenience, too small to be considered, of the delay of a few days, in no event to exceed five or six even in the remotest parts of the Pacific slope, in the receipt of their first voucher after this goes into effect?

Just a word as to how it will be put into effect, and I am done. The pensioners are divided into groups, as every gentleman no doubt knows. There are four groups. In one group the payments are made March 4, June 4, September 4, and December 4. In another they are paid January 4, April 4, July 4, and October 4, and so on.

The proposition of the Pension Commissioner is, as soon as this act goes into effect, to call in the outside agencies, as follows, which I quote from his testimony:

> In the case of the agencies which make payment on the 4th day of next April, we would wait until after that April payment had been made by the agencies, and then we would immediately call them in, bringing here their books, their clerks, and all that would be necessary to bring, so as to have them here in time to issue for the next payment in July from this Office. For those agencies that pay in May, we would wait until the May payment had been made, and then we would call them in, so that they would be ready to make their next payment from here. That would enable us to effect the consolidation without any delay or inconvenience. We could simply keep the matter going, keep step, without any trouble. It would be necessary to bring some clerks from each agency, possibly all of them to start with, until we could get matters adjusted. The appropriation to start with could be reduced $100,000 on the item of clerk hire for the first year anyway, and it would be more than that after we got the thing adjusted and running in good shape.

And you will specially note that he says all this can be done without the slightest friction and without the slightest delay in the payment of pensioners, except that resulting from the increased time which it takes to carry a letter from the city of Washington to the Pacific coast or to other points which are nearer to pension agencies as they are now established than to Washington.

So, Mr. Chairman, I say that good administration and economy both imperatively demand the adoption of this plan, which results in a saving of about $200,000 immediately, and which will result in an additional and larger annual saving in the future. [Applause.]

Mr. LAWRENCE. Will the gentleman yield?

Mr. BOWERS. Certainly.

Mr. LAWRENCE. In the course of the gentleman's speech he stated the amount that it now costs us to pay the pensioners through the different agencies and he also stated the amount which he estimates it will cost under the plan which he proposes. Will the gentleman be willing to repeat those figures?

Mr. BOWERS. With a great deal of pleasure. I will read again from the letter of the Secretary of the Interior.

Mr. LAWRENCE. So the supposition upon which the gentleman and his committee are acting is that there will be a saving to the Government of about $200,000 a year?

Mr. BOWERS. Certainly.

Mr. LAWRENCE. It seems to me that that is a material reduction in expense and one which should be favored, providing there goes with it promptness and efficiency of administration. It would not, however, be commendable economy if such reduction results in inefficient service and in serious inconvenience to pensioners. If I understand the gentleman correctly, the investigation by the committee resulted in an assurance that there would be practical and efficient administration, as efficient as now exists under the different agents.

Mr. BOWERS. The statements of the Secretary of the Interior and the Commissioner of Pensions were positive and unequivocal on the proposition that there could be absolutely no inconvenience to anyone, and no delay save the initial delay in the transmission of the first letter containing the first voucher, immediately after this plan goes into effect. It would simply establish a new ninety-day cycle, and every pensioner would receive his voucher in ninety days from the date he received the former.

Mr. LAWRENCE. Am I correct in the statement that there are now eighteen pension agencies?

Mr. BOWERS. Eighteen.

Mr. LAWRENCE. Can the gentleman tell me the average number of clerks employed?

Mr. BOWERS. I have not that information.

Mr. LAWRENCE. Can the gentleman tell me how large a force it will be necessary to have at the Pension Office in Washington to carry on the work here.

Mr. BOWERS. I think the bringing of the agents to Washington will result in a material diminution of the force. There have been several estimates made, unofficial, I believe, on that point, and the prevailing impression seems to be that the force will be reduced about 50 per cent.

Mr. LAWRENCE. Is it expected that the Pension Department can do the work with the force it now maintains?

Mr. BOWERS. Oh, no. It is expected that they will bring in as many of the clerks who have been employed in the various agencies as may be needed for that purpose.

Mr. LAWRENCE. The gentleman referred to the opinion of the Commissioner of Pensions, in whose judgment I may say I have great confidence. Was the Commissioner unqualifiedly of the opinion that there will be as efficient and prompt service under the administration from Washington as exists under the administration through the different agencies?

Mr. BOWERS. He could not have stated it more strongly. He says in his testimony before the committee:

> As far as I personally am concerned, it would be better for me if the agencies should remain just as they are, as their consolidation would make me additional responsibility and labor; but looking at it from a business point of view, and as if it were my own business, I would consolidate them instantly, or as soon as it could be done. It would be more economical for the Government; it would work better than to have these agencies scattered all over the country. The work would go smoother, mistakes could be corrected quickly, information obtained at once, and the records be kept in better shape.

Mr. LAWRENCE. I was somewhat impressed by the question of the gentleman from New York [Mr. ALEXANDER] as to the people whom you interrogated before your committee. He asked if any pension agents were summoned before the committee.

Mr. BOWERS. None were summoned, none asked to come.

Mr. LAWRENCE. I wanted to ask the gentleman if any pension agent asked to appear before the committee?

Mr. BOWERS. If they did I never heard of it.

Mr. TIRRELL. Will the gentleman from Mississippi yield for a question?

Mr. BOWERS. With the permission of the gentleman from Ohio [Mr. KEIFER], I will yield. I am encroaching upon his time.

Mr. TIRRELL. I am in full sympathy with the proposition of the gentleman. I would like to have him state, if he can, if there is any special benefit to the pensioner in having these local agencies; does he derive any special benefit therefrom?

Mr. BOWERS. None whatever. On the contrary, the consolidation reduces the probability of mistakes. Certainly the pensioner will not be hurt by this measure, and I may say that since this discussion began I have heard Members say that they have received many complaints of delays, errors, and inconvenience resulting from the present system.

Mr. DAVIDSON. Will the gentleman answer a question?

Mr. BOWERS. I will be very glad to answer any questions so long as I do not encroach too much on the time of the gentleman from Ohio.

Mr. DAVIDSON. I would like to have the gentleman answer this objection that is made: That a great many vouchers executed by old soldiers are improperly executed, and by reason of that fact have to be returned, all of which would consume much time, and if the soldier resided a number of hundred miles from Washington it would delay the payment of his pension.

Mr. BOWERS. My understanding about that is that the number of vouchers in which any mistake is made in the execution by the claimant is so small as to be a negligible quantity, about one in a thousand, I am advised. After this, if a mistake is made, of course they will have to go back; but, as suggested a moment ago, that is so small a quantity as to cut no figure whatever in this equation.

Mr. DAVIDSON. That is what I wanted to find out—about how many were incorrectly made.

APPENDIX.

Hearings conducted by the subcommittee, Messrs. J. Warren Keifer, Washington Gardner, W. P. Brownlow, E. J. Bowers, and L. F. Livingston, of the Committee on Appropriations, House of Representatives, in charge of the pension appropriation bill for 1909—Statement of Hon. Vespasian Warner, Commissioner, accompanied by Mr. A. H. Thompson, chief division of finance, Bureau of Pensions—Consolidation of pension agencies.

Mr. GARDNER. In case of consolidation, has an estimate been made including the saving in stationery and other necessary expenses?

Mr. KEIFER. I would suggest that Commissioner Warner state specifically his plan of consolidation, and the estimates that would be required in case of the consolidation. We will hear you, Mr. Commissioner, in your own way about that.

Commissioner WARNER. If there is a consolidation here in Washington we should be given time to effect it, though we would call the agencies in as fast as possible. In the case of the agencies which make payment on the 4th day of next April, we would wait until after that April payment had been made by the agencies, and then we would immediately call them in, bringing here their books, their clerks, and all that would be necessary to bring, so as to have them here in time to issue for the next payment in July from this office. For those agencies that pay in May, we would wait until the May payment had been made, and then we would call them in, so that they would be ready to make their next payment from here. That would enable us to effect the consolidation without any delay or inconvenience. We could simply keep the matter going, keep step, without any trouble. it would be necessary to bring some clerks from each agency, possibly all of them to start with, until we could get matters adjusted. The appropriation to start with could be reduced $100,000 on the item of clerk hire for the first year anyway, and it would be more than that after we got the thing adjusted and running in good shape. There would also be a reduction of $72,000 on account of the salaries of agents; but it would be necessary, unless you required the Commissioner of Pensions to sign vouchers, to have a disbursing officer do that, and to give bond. As far as I, personally, am concerned, it would be better for me if the agencies should remain just as they are, as their consolidation would make me additional responsibility and labor; but looking at it from a business point of view—and as if it were my own business—I would consolidate them instantly, or as soon as it could be done. It would be more economical for the Government, and it would work better than to have these agencies scattered all over the country. The work would go smoother, mistakes could be corrected more quickly, information obtained at once, and the records be kept in better shape.

Mr. KEIFER. What have you to say on the subject of delay, if there would be any, in the matter of paying pensioners?

Commissioner WARNER. There would be very little delay. There would be some delay on the first payment, for instance, for the pensioners living in California or on the Pacific coast. The first payment might be delayed a few days, but, in my opinion, not to exceed five; that is, they would get their first payment five days later than if the payment had been made from San Francisco. But after the first payment is made they will receive their money every ninety days—that is, with an interval of ninety days between the payments, just as at present—so that there will be no delay excepting in the places on the Pacific coast and at great distances, and then only in the first payment; otherwise there would be no delay at all.

Mr. KEIFER. You say, Mr. Commissioner, that there would be no delay excepting on the first payment. Would there not be some delay in sending in the voucher after pay day came—that is, after the voucher was passed upon here, would there not be delay in sending the check back?

Commissioner WARNER. That is true; it would take time to send in the voucher; that is true; but there would be the same interval between the payments after the first payment. They would then receive their pay every ninety days.

Mr. KEIFER. But there would be a delay. The pensioner would have to send his pension voucher on a certain date, and it would have to come here and be passed upon and the check sent back. The delay would be the difference between the two different times occasioned by the time consumed in the mails.

Commissioner WARNER. Yes; but only for the first time. After that he would receive his pension every ninety days. The first payment would be postponed about ten days on the Pacific coast—that is, he would receive it ten days later than he would otherwise receive it, but after that he would get it just ninety days from that time.

Mr. GARDNER. What delay would there be to pensioners living east of the Mississippi River.

Commissioner WARNER. The mail east of the Mississippi River would arrive in twenty-four hours, and then it would take twenty-four hours to get the check back. There would also be twenty-four hours consumed each way at Chicago. There would be one more day consumed to Milwaukee. Chicago, Detroit, Indianapolis, Louisville, and New York would require twenty-four hours.

Mr. GARDNER. All New England could be reached in twenty-four hours.

Commissioner WARNER. Oh, yes; that is my understanding.

Mr. GARDNER. Substantially all places in New England could be reached in twenty-four hours, though there might be some remote places where it would take longer. How would it be for Texas?

Commissioner WARNER. That is west of the Mississippi River.

Mr. THOMPSON. The naval pensioners in Texas are now paid from this city.

Commissioner WARNER. Yes; and we have never had any complaint from the naval pensioners.

Mr. BOWERS. As I understand it, the result of that delay would be the initial delay on the first payment, and it would establish a new ninety-day period.

Commissioner WARNER. Yes; that is it.

Mr. GARDNER. And the first delay east of the Mississippi River would hardly be perceptible?

Commissioner WARNER. No.

Mr. KEIFER. Is there anything further that you want to say on the subject of these agencies?

Commissioner WARNER. I have nothing to say; they have been running very satisfactorily and the agents have been taking care of the business in good shape. We have no fault to find with any of them.

Mr. GARDNER. Your idea, in case of the consolidation, is to use as many of the clerks now employed by the several agencies as would be necessary to conduct the business.

Commissioner WARNER. Oh, yes. We will want the same clerks. We would bring the majority of them from each agency here with their records so as to have them go right to work. In the Pension Bureau proper we have no more clerks than we need, and we have no one to spare to put in the agencies to do that work. I do not expect to have any clerks to spare as I never fill any vacancies in the Bureau. If there is a vacancy by death, resignation, or dismissal for cause, I do not fill that vacancy. I have complied with the provisions of every appropriation act without being compelled to dismiss a single clerk, and yet our force is 312 less than it was when I took charge of the office. There have been no dismissals except for cause. If I filled vacancies I would be compelled to dismiss. Under this arrangement the clerks feel better, they feel more secure in their places, and they are more happy and contented.

Mr. KEIFER. Do you think it will be practicable to remove the clerks from San Francisco, Topeka, and Knoxville, for instance, to Washington to do this work?

Commissioner WARNER. Oh, yes; they would be glad to come.

Mr. KEIFER. At least as many of them as you need.

Commissioner WARNER. Yes. We ask for an appropriation of $10,000 to effect the transfer of the property and the clerks. We will have to have an extra appropriation of $10,000 for that purpose, but we reduce our appropriations $172,000 on account of agents and clerk hire.

Mr. GARDNER. How long, in case it should be decided to make this consolidation, would it be before the consolidation could be made complete?

Commissioner WARNER. I should think that we ought to have it complete in six months.

Mr. THOMPSON. Take the first group; they pay in April. As the Commissioner has stated, we would bring those in here immediately after the April payment and get ready for the July payment, which could be made from the Bureau. The next group would pay in May, and we would bring them right in and get ready for the next payment from here.

Mr. BOWERS. Then the whole transfer would practically be complete before this appropriation went into effect.

Commissioner WARNER. But we could not commence making the payments until July, when the act would go into effect.

Mr. THOMPSON. The agents draw their salary up to the 1st of July. We would have to get the agencies in here and be ready at that time.

Mr. KEIFER. But it is probable that it would take some months after the beginning of the new fiscal year to effect the consolidation.

Commissioner WARNER. If you make the $10,000 appropriation immediately available, then we could commence consolidation at once.

Mr. BOWERS. The transfer would then be completed earlier, and the reorganization would be carried for some months in this year. I should think that the reorganization could be cared for out of the appropriation made for clerk hire.

Mr. KEIFER. Would there be any other incidental expenses in transferring the agencies here?

Commissioner WARNER. Nothing that I know of.

Mr. THOMPSON. No expense, excepting the shipment of the records in here from the different cities, though we would probably have to

buy some furniture, because the furniture has been furnished by the Treasury Department to agents that are located now in Government buildings, and it belongs to that Department.

Commissioner WARNER. But I think that would not amount to much.

Mr. KEIFER. Mr. Commissioner, will you make a summary of what you think would be necessary to put in our appropriation bill for the next year, or to be made immediately available; and also the appropriation that will be necessary to carry out the plans that you advocate? If you will make such a summary, we will incorporate it in this record.

Commissioner WARNER. We can do that.

Mr. BOWERS. On the first page of Document No. 352, regarding the proposed consolidation, the following language is used: "The annual expenditure on account of the payment of pensions, including the salaries of pension agents, clerk hire, contingent expenses, and the printing of vouchers, checks, is approximately $550,000, an average cost per pensioner of 55 cents per annum. It is estimated that after a consolidation has been completed and in perfect working order all pensioners should be paid by the Commissioner of Pensions, or one disbursing officer, located in the city of Washington, with an annual expenditure of, at most, $350,000, a saving of 20 cents per annum per pensioner, or $200,000. After the first year of the consolidation I am of the opinion that the appropriation for the expense of paying pensions could be safely reduced at least $25,000 more."

Mr. KEIFER. What I was after, Mr. Commissioner, and Mr. Bowers' inquiries are in the same direction, is this: Would we make any mistake if we undertook to provide for your plan of consolidation? We should have all of this in the form of a memorandum.

Commissioner WARNER. We have an amendment already drawn.

Mr. THOMPSON. Yes; you asked me to prepare something showing what would be necessary to add to this bill to make it effective.

Commissioner WARNER. I will read this amendment that we have prepared. [Reads]:

"*And provided further*, That on and after July 1, 1909, all sums appropriated for the payment of Army and Navy pensions and fees of examining surgeons shall be disbursed by the Commissioner of Pensions through a disbursing clerk to be designated by him with the approval of the Secretary of the Interior. The disbursing clerk thus designated shall be required to give bond, with good and sufficient surety, for such amount and in such form as the Secretary of the Interior may approve.

"The Commissioner of Pensions is hereby authorized and directed, with the approval of the Secretary of the Interior, to arrange the pensioners, for the payment of pensions, in three groups, as he may think proper, and may from time to time change any pensioner from one group to another as he may deem convenient for the transaction of the public business. The pensioners in the first group shall be paid their quarterly pensions on January 4, April 4, July 4, and October 4 of each year; the pensioners in the second group shall be paid their quarterly pensions on February 4, May 4, August 4, and November 4 of each year; and the pensioners in the third group shall be paid their quarterly pensions on March 4, June 4, September 4, and December 4 of each year. The Commissioner of Pensions is hereby fully authorized, with the approval of the Secretary of the Interior, to cause payments of pensions to be made for the fractional parts of quarters created by such change, so as to properly adjust all payments as herein provided.

"In case of sickness or unavoidable absence of the disbursing clerk from his office, the Commissioner of Pensions may, with the approval of the Secretary of the Interior, authorize the chief clerk of his office or some other clerk employed therein to temporarily act as such disbursing clerk.

"And with the approval of the Commissioner of Pensions and the Secretary of the Interior the disbursing clerk may designate and authorize the necessary number of clerks to sign the name of the disbursing clerk to official checks.

"The official bond given by the disbursing clerk shall be held to cover and apply to the acts of the person appointed to act in his place.

"The sum of $10,000 is hereby appropriated, to be immediately available, to meet the expenses of carrying into effect the changes herein provided for."

Mr. BOWERS. You have not suggested, Mr. Commissioner, just exactly how much, in case this consolidation goes into effect, this estimate for clerk hire and so forth can be safely cut.

Commissioner WARNER. I think it would be safe to cut it $100,000. I think possibly it could be cut much more, but that is safe.

Mr. BOWERS. You have the expense of the reorganization, of course, to bear out of the clerk-hire appropriation.

Commissioner WARNER. Yes.

Mr. THOMPSON. And there is also the extra work involved in making the consolidation.

Commissioner WARNER. I think it would work smoother than you imagine; that is, I think in the work of bringing the agencies in, and changing the location, everything would go smoothly.

Mr. GARDNER. Will you have plenty of room in the Pension building?

Commissioner WARNER. Thank you for that suggestion. We will have room in the event that we are allowed the entire Pension building for pension purposes; that is, if they surrender us the whole building. We have the board of appeals in there now of the Secretary's office, and one room is occupied by the Indian Office. If those rooms were restored to us we would have plenty of room.

Mr. KEIFER. That could be done without any legislation.

Commissioner WARNER. Yes. I think the Secretary would do that.

Mr. KEIFER. I notice that there has been some effort made to secure part of that building for the purpose of storing away old patent models. Do you think that they ought to be there?

Commissioner WARNER. I do not want them in there, but if the Secretary wants them, then I do. Anything he wants I am for.

Mr. GARDNER. Your thought is that everything strictly connected with the operation of the Pension Bureau should be put under one roof?

Commissioner WARNER. All under one roof.

Mr. GARDNER. So that the Bureau would have ready access to all of the papers in case questions arise.

Mr. WARNER. Yes. It will be a great convenience to have all of the pensions paid from that building. In case we want to know anything about a change of residence of a man who has been paid from a San Francisco agency, or any change regarding his condition whatever, we would be able to get that information at once. As it is now we have to write a letter and wait for the reply, for we must first communicate with San Francisco. We would be able, in the event of the consolidation, to get any information in regard to any of these cases within a few minutes, no matter whether it related to a pensioner on the Pacific coast, in Iowa, or anywhere else.

Mr. GARDNER. Besides the New York office, where you rent rooms, is there any complaint about any of the quarters in other places where these agencies are now located?

Commissioner WARNER. Occasionally we hear some complaint about the amount of room that they have, the conveniences, and so forth, though I could not specify the agencies at this time.

Mr. THOMPSON. The Columbus agency was very much crowded. Congress has made an appropriation for a new building there, and pending the completion of that building the Treasury Department has rented a building and is giving us sufficient room.

Commissioner WARNER. I would like to say that there is not a more pleasant or a more healthful office building in the United State for clerical work than the Pension building here in Washington. Every room has an outside exposure; we have large corridors inside, with a very large court, making substantially two outside exposures. It is the healthiest and pleasantest office for clerical work that I know of.

Mr. GARDNER. Your judgment is that this consolidation would be ideal for handling the whole pension business, for the adjustment of pensions, the concentration of the correspondence, and everything connected with them? You believe that putting it all in that building is the best possible arrangement?

Commissioner WARNER. Yes, sir.

Mr. GARDNER. You could not suggest anything more perfect for the operation of the whole pension machinery?

Commissioner WARNER. No; it would all be in a nutshell instead of being scattered all over the United States as it is now with eighteen different agencies. The pensions would all be paid from here the same as the interest on the public debt.

Mr. BOWERS. And would there not be some saving in the matter of duplication of records? As it is now, a record has to be kept in both the central Pension Office and in the branch offices.

Commissioner WARNER. A great saving; yes. As it is now, the certificate is recorded here, then it is sent out to the pension agency and it is recorded there, and there is considerable duplication all the way through. Under the consolidation arrangement we would have it all in one office, and that would be the end of it. It would save clerk hire, time, and labor. If this were a private business no business man would hesitate ten seconds in coming to a decision as to what he would do. He would consolidate it. While with an official like myself, in the Government service, and for whom it is going to make additional work, he would not be very anxious for it, and personally I do not care anything about the consolidation, yet in the interest of the Government I think it would be a very good thing.

Mr. KEIFER. Are all naval pensions paid from here—from the Washington office?

Mr. THOMPSON. The Washington agency pays the District of Columbia, Maryland, Delaware, Virginia, West Virginia, and all pensioners residing in foreign countries. In addition to that it pays the naval pensioners from the Knoxville district, which comprises all of the Southern States as far west as Texas. Naval pensions are also paid by the Chicago, the San Francisco, Boston, New York, and Philadelphia offices.

Mr. KEIFER. But the other pension agencies do not pay naval pensions?

Mr. THOMPSON. No.

STATEMENT OF HON. JAMES R. GARFIELD, SECRETARY OF THE INTERIOR.

Mr. KEIFER. Mr. Secretary, we have examined this question of consolidation, and have heard the views of the Commissioner upon it. He has outlined the plan and offered his suggestions as to certain reductions in appropriations and so on, in case the plan of consolidation is agreed upon. We would like to hear from you now, if you have any suggestions to make.

Secretary GARFIELD. I have gone over this matter very fully with Commissioner Warner, and he has told me the conditions in his office. I have likewise had the reports from different inspectors, who have been going over matters with the Commissioner's officers and with the agents in the field regarding the conditions.

As a general proposition, it seems to me that it would be wise administration to consolidate these agencies into one agency here at Washington. The reasons that lead me to reach this conclusion in brief are: That by the concentration and centralization of the handling of this work here in Washington, with the present organization in the Pension Office, and with the possibility of the introduction, as we could then, of certain mechanical devices for the handling of these hundreds of thousands of vouchers and certificates, we could, without interfering at all with the expedition with which the pensioners receive their claims, transact all of that business here and mail the checks to the various parts of the country, receiving the vouchers quite as quickly as it is now done under separate agencies. The laws as they now stand have done away, of course, with much of the difficulty in the general administration of the settling of claims and passing upon claims. The office is nearer up to date than it ever has been before in the history of this work. The pension appeals are absolutely current, they being passed upon almost immediately. The transaction of business within the office is of such a character that the Commissioner has been able, as he has doubtless told you, to reduce the force in accordance with the requirements of the appropriation bill, and he looks forward to a still further reduction of force.

The saving, as we figure it, will be something over $200,000, and I believe it will be even more than that when we put into effect all of the systematized business methods that can be put into effect if this work is brought here. I believe that the saving would be nearer $350,000 a year, in administration, and without any loss to the pensioners in expeditiously receiving their pensions, and without in any way interfering with the handling of the present business in the settlement of claims presented. Of course the great saving will be immediately in the salaries, but in the cost of maintaining the different agencies there will be likewise a very large saving. The Commissioner has found that there are differences in method obtaining in some of the agencies. These differences in method have resulted in a very great increased cost in some agencies as compared with the cost in other agencies, and by adopting the best methods that have been evolved in all of the agencies and applying them to the one central agency we can reduce the cost of administration per pension to the point that will be, I believe, lower than at present exists in the main offices. That is typical, is it not?

Commissioner WARNER. Yes.

Mr. KEIFER. And where they pay most of the pensions.

Secretary GARFIELD. Yes. And the cost to the pensioner is less than in any one of the other agencies. It resolves itself simply down to

this proposition: Of doing business by the wholesale, where you can do it cheaper, with better administration, and can do it more efficiently than through the agents throughout the country under our present system. And the present handling of mail through the rural free delivery is such that it really makes no difference where these checks are mailed from so far as the ease with which the pensioner obtains his check is concerned.

Of course there are constantly arising cases of offices where the number of pensioners has gone away below the point that warrants economical administration. The lowest agencies are those in New Hampshire and in Maine, and they are down to about 15,000 or 16,000 each, are they not?

Commissioner WARNER. One is 16,000 and one 17,000.

Secretary GARFIELD. And below the number that results in efficient and economical administration, and if we begun by dropping off those—of course you gentlemen will appreciate the difficulty of taking one and not taking another. It seems to me that we ought to do the thing at one time and do it thoroughly, so as to result in this saving of expenditure. We could abolish nine without any difficulty whatever and consolidate those with the others.

Mr. GARDNER. The feeling obtaining among the veterans is that this consolidation would delay their receiving their pensions. What have you to say as to that?

Secretary GARFIELD. From all information that we have been able to get, I believe that would not be true. I think we could quite as expeditiously handle them as they are handled at present.

Mr. GARDNER. Then another objection that obtains among the veterans to a considerable extent is that they would be inconvenienced; for example, a man makes out his papers, and there is an error in executing his voucher. Now they send to the nearest agency and the voucher is corrected. What have you to say about the delay that might arise there?

Secretary GARFIELD. Without doubt it would take the additional time for the mail to bring that voucher to Washington above the time that would be used in carrying it to the nearest agency, but I am advised that those cases would make a very small per cent of the total number of cases handled, and while it might result, and doubtless would result, in delay to some individual, yet the benefit to the service as a whole would very much more than compensate for the individual discomfort or delay.

Mr. GARDNER. Is it your judgment that in case of consolidation the payments had better be made by disbursing officers to be appointed, for example, by yourself, the Secretary of the Interior, and that the whole thing should be under the direction of the Pension Commissioner?

Secretary GARFIELD. I believe so.

Mr. GARDNER. That would lead to unification of administration?

Secretary GARFIELD. To unification of administration and harmony of administration, and it would do away with what at present is, I believe, a serious duplication of clerical work. I think it is unnecessary to do a great deal of the clerical work that is done now in the reporting of the agencies to the central office here and the handling of all that work over again. I think it would be a plan by which much of that duplication could be done away with.

Mr. GARDNER. What would be the effect of the consolidation in this way upon the duplication of work and hence simplification and reduction of expense?

Secretary GARFIELD. It would be a very great gain in simplification and avoid a great deal of duplication.

Mr. GARDNER. And consequently it would reduce the current expenses of conducting the office?

Secretary GARFIELD. And necessarily there would be greater economy. Every time we can avoid duplication, every time we can simplify, every time we can get greater efficiency, we necessarily get greater economy.

Mr. GARDNER. You spoke of some mechanical devices. Have you any of those for the expedition of work in any of the present agencies?

Secretary GARFIELD. Some of the agencies have them already.

Mr. GARDNER. For example?

Secretary GARFIELD. The addressograph is one, and the adding machine is another. Those are all matters that save a great deal of clerical labor. If we retain all of the agencies, and introduce these machines into each agency, it would make a much larger expense of course; whereas, if the agencies are all brought here, one machine can handle a very large amount of the work instead of different machines scattered about through the different agencies. Wherever those mechanical devices have been installed—I do not recollect the number of agencies now using them—but they have added efficiency and expedition to the offices.

Mr. GARDNER. And do you think there would be a reduction in the per capita expense?

Secretary GARFIELD. The greater number of people supplied from one office the cheaper per capita. The machines can address 100,000 at the same expense as that of addressing 10,000 in the old way.

Mr. GARDNER. Am I correct in the understanding that in the smallest agencies you have to have the same machines, the same set of books, the same duplications that you have now in the larger agencies?

Secretary GARFIELD. That is true; yes.

Mr. GARDNER. And therefore there is a much greater proportion of clerical hire for a small agency, as to the number paid, than in the larger agencies.

Secretary GARFIELD. Yes; measured by the number of pensions.

Mr. GARDNER. I notice a very important statement here with regard to the loss of vouchers through the mails, and that many of them have never been recovered; and also that some accounts have never been settled because of that. Would the consolidation lead to an elimination of that?

Secretary GARFIELD. I do not know. A single voucher is just as liable to be lost in the mail coming here——

Mr. GARDNER. But not a large number of vouchers?

Secretary GARFIELD. Not a large number that have been forwarded from an agency.

Mr. GARDNER. And those have been lost?

Secretary GARFIELD. Those have been lost; yes.

Mr. THOMPSON. I would like to make a statement about the lost vouchers. That refers to the vouchers lost in the mails after they have been paid, and in transmission from the pension agency to the central government here. They get lost in the mails, and then it is very difficult to get a new voucher from the pensioner. Before the pension agent can get credit for the payment he must secure a duplicate voucher from the pensioner.

Commissioner WARNER. That would be all done here, right in the city, and there would be no danger of losing the voucher.

Mr. BOWERS. Under the present system the vouchers go to the pension agency, and after having been paid by the agent they are forwarded to Washington?

Secretary GARFIELD. Yes.

Mr. BOWERS. That involves two passages through the mails, while if they came here direct there would be only one passage through the mail, one trip for the voucher, and the risk of loss would be reduced?

Secretary GARFIELD. Without doubt; yes.

Mr. THOMPSON. Permit me to say that if the pensioner's voucher is lost before it reaches the agency, a duplicate voucher is sent him right away and there is no loss whatever.

Mr. KEIFER. He could not get paid until he got the duplicate?

Commissioner WARNER. When we have received that voucher we would send the voucher right over to the Treasury and it would be settled.

Mr. BROWNLOW. Would a loss of that character be a personal loss of the agent?

Secretary GARFIELD. We can not settle accounts until it is straightened out. This would reduce our letters very largely to the Treasury Department. Instead of having eighteen settlements, we would have one settlement.

Mr. KEIFER. Can you see, Mr. Secretary, that there would be a loss of time in the matter of paying some portion of the pensioners on account of the distance from Washington, and would not that only apply to the initial payment? It would postpone the day of receipt of the pension beyond the regular pension pay day once, and after that he would get it the same time?

Secretary GARFIELD. Exactly the same. There would not be any difference in the interval between payments. It would be the first payment only that would be affected by that.

Mr. KEIFER. I notice from your report, Mr. Commissioner, that you pay to pensioners in foreign countries $724,434. These pensioners live, as I have counted, in sixty-seven different foreign countries. Are those pensioners paid from any agency save the one here?

Commissioner WARNER. They are paid from one agency, the Washington agency. That is a case where it is all done from one agency to points all over the world, and the only people paid from different agencies are those in the United States. The naval pensioners are paid from six different agencies, while the foreign pensioners are paid from one agency and all the others from eighteen different agencies.

Mr. GARDNER. What is the method of distributing vouchers and pension checks under the present conditions?

Mr. THOMPSON. At present all vouchers are printed for each of the agencies by the Government Printing Office. The checks are printed by the Bureau of Engraving and Printing, and these vouchers must be mailed from the Bureau of Pensions to the eighteen different agencies. The checks are sent direct from the Treasury.

Mr. GARDNER. And the vouchers are sent by the Bureau, so that there is a double sending?

Mr. THOMPSON. Yes. These vouchers and checks are printed up in different denominations for each agency; for instance, we print so many vouchers for each agent at $18, $20, $30, and so on up to the highest rate of pensioner. That duplicates the number required for each agency, making from forty to fifty different forms of vouchers and checks required by each agency.

Mr. GARDNER. What would be the advantage under the consolidation in this respect, if any?

Mr. THOMPSON. It would reduce this operation just seventeen times. In printing we would print in larger quantities. Instead of printing 1,000 of one form for each agency, we would print 10,000 for one agency.

Mr. GARDNER. And then send them directly from here to the individual pensioners.

Mr. THOMPSON. Yes; the vouchers would be sent directly to each pensioner from Washington.

Mr. KEIFER. Mr. Chairman, I rise to speak on the bill. I wish to suggest in a preliminary way that in my remarks on the pending appropriation bill I shall refer to the matter of the retention of pension agencies, and I shall have something to say in addition to what appears in the hearings before the subcommittee on appropriations and in addition to what appears in the report of the Committee on Appropriations in support of this bill. On account of one pension agent in the United States living a few miles from the city of Washington, contending that days and weeks of time would be lost in paying pensioners at his home, it became necessary to make further investigations, or rather demonstrations, and therefore this matter was fully gone into. Much that I will say will probably be regarded unnecessary after the able speech of my colleague on the committee, Mr. BOWERS. One thing I now am prepared to differ from him about, and that is that he has adopted the statement of the Commissioner and also the statement of the Secretary of the Interior as to the amount of money that would be saved. I believe, and they now believe, that the amount of money that would be saved by the reduction would be at least twice as much as they believed at the time they made their statements to the committee. This concludes what I desire to say in a preliminary way.

Mr. ALEXANDER of New York. May I ask the gentleman a question?

Mr. KEIFER. Oh, let me get to that, and at the close of my remarks the gentleman may ask any question he wants, but I will have in my remarks a demonstration of the question that he wants to ask.

Mr. ALEXANDER of New York. I presume that was mere inference which the gentleman drew about the cost.

Mr. KEIFER. Oh, no; no inference in it at all. I can convince the gentleman himself.

Mr. ALEXANDER of New York. It must have been inference. It certainly was not the result of any inquiry the gentleman made.

Mr. KEIFER. Yes; letters, investigations, calculations, and estimates made with the utmost care since this report was made.

Mr. ALEXANDER of New York. An entirely ex parte inquiry, calculations made by the Commissioner of Pensions and by the Secretary of the Interior.

Mr. KEIFER. And one other person, if the gentleman please.

Mr. ALEXANDER of New York. Well, one other, the chief clerk or somebody up there.

Mr. KEIFER. Add another still, for I myself took the report and made investigations for myself, and when I get through the gentleman will not dispute them.

Mr. ALEXANDER of New York. An entirely ex parte inquiry.

Mr. KEIFER. Yes; I am always ex parte when I am examining a matter. Now, I will come to the pension agency later.

This bill, the largest one in amount for paying pensions ever reported from an Appropriation Committee of this House, if enacted into law, will appropriate $150,000,000, the full estimate for paying pensions for the fiscal year ending June 30, 1909. Nothing is added on account of the proposed widows' pension law recently passed by this House. The reduction of the present pension roll by death and other causes may result in this proposed appropriation being sufficient to pay all pensioners under existing law for the next fiscal year.

The bill also carries an appropriation of $500,000 for fees of examining surgeons, which is $100,000 less than the appropriation for that purpose for the present fiscal year and other fiscal years; $4,000 for salary of a pension agent—$68,000 less than was appropriated for salaries of pension agents this fiscal year and for each of many years past.

It carries an appropriation of $335,000 ($100,000 less than the estimate) for clerk hire. Nothing is included for rent or the examination of agencies. The reasons for this exclusion and these reductions will be stated later. The appropriations included in the bill amount to $150,869,000.

The appropriations so far for the payment of pensions this (1908) fiscal year are $145,000,000, and the amount disbursed in paying pensions in the last (1907) fiscal year was $138,155,412.46. The cost of paying pensions is to be added to these sums.

The bill carries more for the payment of pensions than was disbursed for that purpose in any previous year, save in the year 1893, when the disbursements for pensions reached $156,906,637.94.

The number of pensioners on the roll at the end of the fiscal year 1907 was 967,371; at the end of the fiscal year 1893 the number was 966,012. The highest number on the roll at the end of any year was for the fiscal year 1905 when it reached 998,441. The maximum on the pension roll was in the year 1905, when at the end of January it reached 1,004,196, the highest ever reached. The number of pensioners on the roll June 30, 1907, was the smallest since 1893. Notwithstanding there was issued prior to June 30, 1907, under the act of February 6, 1907 (McCumber Act), 116,239 certificates to pensioners, yet the whole number of original certificates issued of all classes under all acts for the fiscal year 1907 was only 29,945.

There was, however, a decrease of $844,875.79 in the disbursement for pensions in the fiscal year 1907 over that of 1906. The increase in the annual value of the pension roll as it stood at the end of the fiscal year 1907 by reason of claims allowed under the McCumber Act would be $6,394,517 if it retained its status as to number, but it is subject to increase by the allowance of additional claims and to large reductions by deaths and other causes.

The total number of certificates issued under the McCumber Act prior to January 1, 1908, was 281,475, which increased the value of the pension roll $15,018,475, and there will be a further increase by reason of claims under that act yet to be adjudicated, but the increase will be subject to a very large decrease by death and other causes. The Commissioner estimates that the deaths of this class of pensioners will reach 1,000 per month. Out of the number pensioned under the McCumber Act prior to July 1, 1907, there were 624 deaths prior to that date and there have now been above 4,000 deaths among those who were pensioned under that act.

The total decrease in the pension roll during the fiscal year 1907 was, from all causes, 49,634; the deaths were 45,768, and 3,866 were dropped from the rolls for other causes. The deaths of civil-war pensioners were, in that fiscal year, 31,201, leaving, at the end of that year, still on the pension roll, survivors of that war, 644,338. This number, through deaths mainly, went down by February 1, 1908, to 633,388.

It is impossible now to very closely estimate the total number of pensioners that will be on the pension roll under existing laws, or the amount required to pay them, for the fiscal year 1909, but it is believed by some persons that the $150,000,000 carried in this bill will be sufficient, and perhaps go far toward paying the widows whose pensions will be increased and those who will be added to the roll should the Sulloway bill, which is now in conference between the Senate and this House, become a law.

Our Government has been liberal in paying Army and Navy pensions. There has been disbursed since the Government was founded, and prior to July 1, 1907, for pensions of all wars and for the regular establishment $3,598,015,723.69, and of this amount only $96,445,444.23 were disbursed prior to July 1, 1865. The disbursements for the payment of pensions on account of the civil war alone were $3,389,135,449.54 (about half the prime cost of the war to the United States), while the disbursements for all other wars and for the regular establishment were only $208,880,274.15. These figures do not include $110,051,513.73, the cost of paying pensions.

There is now living no soldier or soldier's widow of the Revolutionary war, and there is no pensioned soldier living of the war of 1812, but there was at the end of the last fiscal year (1907) on the pension roll 558 widows of soldiers of that war. The last survivor of the war of the Revolution was Daniel F. Bakeman, who died in Freedom, Cattaraugus County, N. Y., April 5, 1869, aged 109 years 6 months and 8 days; and the last surviving widow of that war, Esther S. Damon, died at Plymouth Union, Vt., November 11, 1906, aged 92 years. There are still three daughters of soldiers of that war on the pension rolls by special acts of Congress.

Our Government has also been liberal in other ways to the soldiers and sailors of all wars prior to the civil war in the matter of land warrants. There have been issued—chiefly to Mexican war soldiers—598,651 such warrants, covering 68,786,310 acres of land, or, in area, 107,478 square miles.

The number of pensioners on the rolls June 30, 1907, and the total payments to which they were then entitled, was:

	Number.	Amount.
Residents of the States and Territories	962,157	$137,288,640.08
Residents of insular possessions	124	17,820.04
Residents of foreign countries	5,090	724,434.10

The pensioners are paid from eighteen pension agencies, and the number of pensioners and the money disbursed at each agency for the fiscal year 1907 is shown by the following table:

Location.	Name of agent.	Pensioners June 30, 1907.	Money disbursed in 1907.
Augusta	Selden Connor	17,303	$2,686,558.43
Boston	Augustus J. Hoitt	59,236	7,630,854.68
Buffalo	Charles A. Orr	45,039	6,176,347.15
Chicago	Charles Bent	75,099	10,691,683.14
Columbus	William R. Warnock	95,829	14,634,797.72
Concord	Grovenor A. Curtice	16,117	2,562,525.25
Des Moines	William V. Willcox	53,000	7,706,530.20
Detroit	Oscar A. Janes	40,685	6,352,187.88
Indianapolis	Albert O. Marsh	60,903	10,092,201.20
Knoxville	William Rule	63,890	8,545,151.74
Louisville	Andrew T. Wood	26,854	3,842,306.70
Milwaukee	Edwin D. Coe	48,843	7,018,817.72
New York City	Michael Kerwin	53,883	6,991,041.70
Philadelphia	St. Clair A. Mulholland	58,295	7,654,515.46
Pittsburg	Daniel Ashworth	44,496	6,287,191.48
San Francisco	Jesse B. Fuller	42,713	5,607,014.91
Topeka	Wilder S. Metcalf	111,508	15,807,638.24
Washington	John R. King	53,640	7,743,527.62
Total		967,371	138,030,894.22

It is of interest to note that there was paid from the United States Treasury the last fiscal year to pensioners residing in—

Australia	$11,088.33	Japan	$3,003.27
Austria-Hungary	5,040.62	Liberia	1,927.53
Belgium	2,880.47	Mexico	23,508.44
Canada	367,510.30	Norway	8,760.47
Chile	2,466.00	Russia	2,223.00
China	2,507.37	St. Helena	180.00
Cuba	8,216.07	Scotland	14,272.68
Denmark	5,304.70	Spain	120.00
England	53,918.60	Sweden	8,072.33
France	9,360.73	Switzerland	9,792.18
Germany	85,318.30	Turkey	1,469.00
Ireland	69,376.30	Wales	3,260.73
Italy	7,112.87		

There are pensioners residing in about forty other foreign countries—sixty-seven in all—the total amount paid (1907) to pensioners residing in foreign countries being $724,434.10.

Quoting from a recent communication to me (February 19, 1908) from the Commissioner of Pensions, it appears that:

1. The decrease in the annual value of the civil war invalid-pension roll on account of death during the fiscal year 1907 was approximately

$4,500,000. The decrease in the annual value of this roll by reason of pensioners being dropped for other causes than death during the last fiscal year was $65,000.

2. The increase to the annual value of the pension roll by reason of allowances of claims under the act of February 6, 1907, to those persons already on the roll, to June 30, 1907, was $6,127,769. The number of original claims allowed under the act of February 6, 1907—that is, to persons who had never been pensioned before—was 1,794, the annual value of which was $266,748.

In this connection you are advised that about one-third of the claims which were filed under the act of February 6, 1907, were adjudicated by the Bureau prior to July 1. The increase in the disbursements for pensions during the present fiscal year over the corresponding months of the previous year is as follows:

July	$628,481.00
August	854,835.06
September	708,772.93
October	872,558.73
November	1,341,958.78
December	1,388,313.33

This makes a total increase in the disbursements for pensions by pension agents during the first six months of the present fiscal year, as compared with the first six months of the previous year, of $5,794,920.33. The appropriation for the present fiscal year is $145,000,000. The present indications are that there will be a deficiency in the amount required to pay pensions during the present fiscal year of about $7,000,000.

Pensioners of all classes residing, June 30, 1907, in the eleven States that seceded in 1861 are, in number and amount paid, as follows:

	Number.	Paid.
Alabama	3,824	$499,085.97
Arkansas	10,760	1,442,947.15
Florida	3,785	512,993.30
Georgia	3,549	472,769.26
Louisiana	6,519	820,723.82
Mississippi	4,813	625,272.37
North Carolina	4,133	553,732.64
South Carolina	2,014	244,730.54
Tennessee	18,898	2,711,531.96
Texas	8,850	1,147,027.27
Virginia	8,894	1,282,490.05
Total	76,079	10,313,307.33

The States having, on June 30, 1907, pensioners who were entitled to receive above $5,000,000 were:

	Number.	Paid.
Ohio	95,683	$14,657,709.11
Pennsylvania	96,592	13,088,638.09
New York	82,818	11,181,458.18
Indiana	59,669	9,849,908.24
Illinois	68,707	9,746,699.53
Missouri	49,335	6,990,729.74
Michigan	40,831	6,358,422.91
Kansas	38,108	5,423,874.54
Massachusetts	40,325	5,279,471.32
Iowa	34,091	5,262,921.48

The value of the pension roll at that date in no other State reached $4,000,000. Only the States of California, Kentucky, New Jersey, and Wisconsin then exceeded $3,000,000 but less than $4,000,000, and only the States of Minnesota, Nebraska, and Tennessee then exceeded $2,000,000 but less than $3,000,000.

The number of pensioners paid from the different pension agencies varies from 16,117 at the Concord agency, the smallest, to 111,508 at the Topeka agency, the largest. The disbursements at the former were, last fiscal year, $2,562,525.25 and at the latter $15,807,638.24.

PENSION AGENCIES—COST OF PAYING PENSIONERS.

The cost per capita of all kinds, including salary, clerk hire, and contingent expenses, at each of the following pension agencies in last (1907) fiscal year was: At Augusta, 76 cents; Concord, 77½ cents; Detroit, 58 cents; Columbus, 45½ cents; Topeka, 42½ cents; Philadelphia, 53 cents; Pittsburg, 56¼ cents; Chicago, 51¼ cents; Knoxville, 51 cents; New York, 65 cents. It will be noted that generally the larger the agency the less it costs to maintain it.

The cost of all kinds at the Washington agency in paying a pensioner, treating the examining surgeons (4,709) as though pensioners, in the fiscal year 1907 was 51 cents. In Washington there is much extra labor and loss of time in paying the 5,090 pensioners residing in 67 foreign countries and the 124 residing in our insular possessions, to whom are paid from the Washington agency $724,434.10 of the former class, and $17,820.04 of the latter. Notwithstanding this extra labor, the cost of paying a pensioner at the Philadelphia agency is greater than at the Washington agency.

Mr. STAFFORD. Do I understand the gentleman to say that the cost per capita is less in Washington than in Philadelphia?

Mr. KEIFER. Yes; it is less in Washington than in Philadelphia.

Mr. STAFFORD. Why, from the data, as shown by the report of the Commissioner of Pensions, the cost per capita at Washington is 63.13 cents and at Philadelphia is 53.08 cents.

Mr. KEIFER. The gentleman is talking about the cost for clerk hire.

Mr. STAFFORD. The cost for clerk hire including the salary of the pension agent.

Mr. KEIFER. I am talking about the cost of the agency, and the gentleman is referring to another matter. Let me get through with this and he will understand.

The cost for clerk hire alone in the last fiscal year in paying a pensioner at the Augusta agency was 53 cents, at Concord 52 cents, and at Detroit 47 cents, while at the Columbus agency it was 40 cents, and at the Topeka agency it was 39 cents, and at the Philadelphia agency 45¼ cents, and at the Pittsburg agency 46¼ cents, and at the Chicago agency 42½ cents, at the Knoxville agency 44½ cents, and at the Washington agency 47 cents.

There was paid at the Topeka agency the last fiscal year 111,508 pensioners, which was in excess of those paid in the four agencies of Augusta, Concord, Detroit, and Louisville by 10,549. The number of pensioners (95,829) paid at the Columbus agency exceeds those paid at the Augusta (17,303), Concord (16,533), and the Louisville (27,544) agencies by 34,449.

The cost for salaries ($12,000) and clerk hire ($36,821.63) at these three agencies in the last fiscal year was $48,821.63, while at the Columbus agency the cost for salaries and clerk hire was $43,102.39, less than at the three named by $5,719.24, though it paid 34,449 more pensioners than were paid at the three agencies named. The excess of pensioners paid at Columbus over the three named was greater by 613 than the whole number of pensioners paid at Augusta and Concord.

Mr. MOON of Pennsylvania. Will the gentleman yield for a question?

Mr. KEIFER. Yes.

Mr. MOON of Pennsylvania. Is it not true that the average salaries paid to the pension agents in Washington is about $1,210 a year and that the average salaries paid at all the other agencies is considerably less than $1,000 a year?

Mr. KEIFER. I think the gentleman did sot mean to ask the question he put. He wants to know about salaries paid to pension agents; he means clerks.

Mr. MOON of Pennsylvania. I mean clerks that are paid for the disbursement of pensions.

Mr. KEIFER. The answer to the question is a little difficult, because they are not all paid alike; they are not all paid an average. I am inclined to think that on account of our legislation here—which ought to be corrected—there is some difference in the pay of clerks in Washington and in some agencies, but not in all of them——

Mr. MOON of Pennsylvania. Has the gentleman ascertained what the average cost of the clerks are, taking all the agencies together?

Mr. KEIFER. No; I am taking the aggregate cost of paying the pensioners.

Mr. MOON of Pennsylvania. Then the gentleman does not know what the average now is?

Mr. KEIFER. I do not know just now what the average is. The payments for the fiscal year 1907 at the Columbus agency to pensioners amounted to $14,634,797.72, and the aggregate payments at the Augusta, Concord, and Detroit agencies only amounted to $11,691,271.56. These facts conclusively show that great economy must result from a consolidation.

If there is any good reason for maintaining small pension agencies in the interest of the pensioners, then we should establish at least fifty agencies, each of which would pay more than is now paid at some of the existing agencies. There should be on this theory at least five more in Ohio. We do not now regard distance from the pensioner. The Knoxville agency pays pensioners residing in ten States—the Carolinas to and including Texas, and the intervening Gulf and other States—and all the Navy pensioners residing within that agency are now paid from Washington. Topeka pays the States of Kansas, Colorado, and Missouri, the Territories of New Mexico and Indian Territory, and the now State of Oklahoma. San Francisco pays the States of California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming; the Territories of Alaska, Arizona, and Hawaii; the Philippines, Guam, and the Samoan Islands belonging to the United States, including all Navy pensioners residing in these States and Territories.

Here are magnificent distances, and yet we have no cry of neglect or delay. Twelve of the eighteen agencies do not pay the Navy pensioners residing therein.

The difference in the time of a pensioner residing in Philadelphia receiving his payment under the proposed plan and under the old would not be noticeable, and the delay or difference in

payments to pensioners in Ohio, Indiana, Illinois, New York, New Jersey, Pennsylvania, and the New England States would rarely be over twenty-four hours. And, as has been explained, there would be no difference at all, after the first payment, under the proposed plan; under the new plan the pensioner would still receive his pension every three months precisely the same as now, the date of receiving the payment in each paying month only being changed.

The claim is made that the payment of pensions in Washington (where there was paid last fiscal year 58,295 pensioners) is greater per capita than at some other agencies. This is only seemingly true as to the two large agencies at Topeka and Columbus. I have already shown that in the payment of 4,709 examining surgeons and in the payment of the 5,000 pensioners who reside in foreign countries from the Washington agency there is a large extra expense and much increase in labor and considerable loss of time due to several causes, best stated by the Commissioner in a letter to me of February 5, 1908. I quote from it:

> The extra labor in the payment of pensioners residing in foreign countries is due to several causes—difficulty in determining the correct post-office addresses and in addressing the envelopes, the addresses in most cases being three times as long as the post-office addresses in the United States, the work of comparison is three times as great, and in addition to this constant reference must be made to guides in order to determine the correct spelling of the names and addresses, many of which are in the language of the country, requiring translation. The labor involved in the examination of pension vouchers executed in foreign countries is from three to five times as great as that involved in the examination of vouchers executed in this country. Vouchers may be executed in the United States before any officer authorized to administer oaths for general purposes and before any fourth-class postmaster. If such officer is authorized to use a seal, the impression of his seal upon the voucher is taken as prima facie evidence of his authority, without further verification. In foreign countries vouchers may be executed before an ambassador, minister, consul, or other consular officer of the United States, or before any civil officer of the country duly authorized to administer oaths or to authenticate extra-judicial documents, and whose official character and signature shall be authenticated by the certificate of an ambassador, minister, consul, or other consular officer of the United States. On account of the variation in the laws of different countries relative to the officers authorized to administer oaths or to take affirmations constant reference is required in the examination of vouchers executed in such countries to determine whether such vouchers were executed in accordance with the regulations relative thereto. While franked envelopes are used in addressing domestic pensioners, postage stamps must be affixed to all communications to pensioners residing in foreign countries. The affixing of these stamps, as well as the weighing of doubtful letters or packets, also require extra time and labor.
>
> It is estimated, therefore, that the pension agency in this city could, with its present number of employees, pay with equal facility 68,000 pensioners in the United States if it were not required to pay the pensioners residing in foreign countries and the fees of examining surgeons. This would reduce the cost per pensioner to 41 cents.
>
> The number of pensioners on the rolls of the Knoxville agency—the nearest in size which can be fairly compared with the Washington agency—was at the close of the last fiscal year 63,890, and the amount disbursed for clerk hire was $28,153.50, or $305.70 more than paid at the Washington agency. The amount of work required at the Washington agency, in view of the foreign pensioners and fees of examining surgeons, is believed to be greater than that required at the Knoxville agency.
>
> The number of clerks employed at the Philadelphia agency is 26; at the Knoxville agency, 27; and at the Washington agency, 25. While the average salary paid at the Washington agency is greater than that at the Philadelphia agency, this is due to the fact that the Washington agent prefers to conduct the business with a smaller number of clerks and the payment of higher salaries, while the Philadelphia agent prefers a larger number of clerks and lower salaries.

The admitted saving the first year of $225,000 would be sufficient to pay 1,600 widows, or other pensioners, $12 per month. The much larger saving each year in the future would proportionately enable the Government, if it desired, to increase the pension roll.

All months will have, under the proposed plan, pension payments on the 4th of the month.

At each agency now there are eight months in the year when no payments are made. Payments are now made on January 4, April 4, July 4, and October 4 at the following pension agencies: Buffalo, Chicago, Concord, Des Moines, Milwaukee, Pittsburg—six.

On February 4, May 4, August 4, and November 4 at Indianapolis, Knoxville, Louisville, New York City, Philadelphia, Topeka—six.

On March 4, June 4, September 4, December 4 at Boston, Augusta, Columbus, Detroit, Washington City, San Francisco—six.

Under the plan to pay all pensioners from Washington one-twelfth of the pensioners would be paid monthly. Under the present plan no payments are made in the months of February, March, May, June, August, September, November, and December, eight months in the year, from the agencies at Buffalo, Chicago, Concord, Des Moines, Milwaukee, and Pittsburg. And no payments are made in the months of March and April, June and July, September and October, December and January, eight months in the year, from the agencies of Indianapolis, Knoxville, Louisville, New York City, Philadelphia, and Topeka. And no payments are made in the months of April and May, July and August, October and November, and January and February, eight months in the year, from the agencies at Boston, Augusta, Columbus, Detroit, Washington City, and San Francisco. If all pensioners are paid from one place, the same clerks can work on each month's payments.

Mr. SULLOWAY. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Ohio yield?

Mr. KEIFER. Yes.

Mr. SULLOWAY. The gentleman does not desire to convey the idea that there are eight months in the year when any pensioner does not receive any pension? They are paid every three months, are they not?

Mr. KEIFER. I have stated that, but there is left still eight months that they are not paid except there may be occasionally one where the voucher was not promptly sent in.

Mr. SULLOWAY. Eight months when they are not paid, when they are paid every ninety days?

Mr. KEIFER. I am only speaking now of the importance of getting rid of keeping up an establishment of eighteen places in the United States to pay every three months in the year, whereas if we had one establishment in the city of Washington or somewhere else, the same clerks and the same pension agent could pay one-twelfth every month, thereby saving a large amount of expense.

Mr. STAFFORD. Will the gentleman yield?

Mr. KEIFER. My time will not permit.

Mr. STAFFORD. What number of clerks employed at these respective agencies are not employed during that time of the year?

Mr. KEIFER. What are they doing? is the answer.

Mr. STAFFORD. They are engaged all the while. If the gentleman has any acquaintance with the execution of business in these agencies, he will know they are performing their work all the time.

Mr. KEIFER. I can not stop to dispute with the gentleman. We know, as I have said in my remarks, they are engaged in preparatory work, but they are not needed in that one-half the intervening time.

The number of clerks now employed and required to transact the pension-agency business is about 430, as the Commissioner of Pensions advises me, and he gives it as his opinion that all the pensioners can be paid from the Pension Bureau with at least 125 less clerks, or by the employment of about 300 clerks only.

There are now eighteen chief clerks, while under the new plan but one would be required. And now eighteen machines and outfits for addressing envelopes, and so forth, will be required, while if the agencies are consolidated only one such machine will be required. One clerk with an addressing machine can address as many envelopes as twelve clerks by the ordinary method.

A somewhat similar condition exists in regard to adding machines. They have been found almost indispensable in the conduct of the agency business. If the agencies are consolidated, not more than half as many adding machines will be required as are now necessary. There will be much saving in clerical work, delays avoided, and time saved in the payment of original pensions.

Pension certificates, when issued here, are recorded in the Bureau here—a record made of them. The certificates are then sent to the different agencies in the jurisdiction of which the pensioners live. They are again recorded there—a duplication of the work—and then, after being recorded, they are mailed with the vouchers for the first payment to the pensioners. On account of the enormous amount of work made by the McCumber Act the pension agencies (except the one in Washington) are, on an average, thirty days behind in forwarding the certificates and vouchers to the pensioners. That is, they have not yet forwarded the certificates which they received thirty days ago, not being able to get up the work. This, as most, if not all, Members of this House know, has led to much complaint and even dissatisfaction and to much unnecessary correspondence, because the pensioner receives his voucher from the agency so long after he receives notice of the allowance of his claim from the Pension Bureau.

If there was but one agency, by a consolidation here in Washington, and the certificates and vouchers were issued from the Bureau they would go promptly to the pensioners instead of being delayed in the agencies. This would save the expense and delay of double recording, and at the same time the pensioners would get their first payment sooner than they do now.

And if the widows' pension bill becomes a law, as it certainly will, this "enormous amount of work" will at once be doubled under the existing plan of paying pensions. This bill, as it has passed the Senate, increases the pensions of 181,863 widows of soldiers and sailors of the civil war, 6,800 widows of soldiers of the Mexican war, and 3,081 widows of soldiers of the Indian wars from $8 to $12 per month, and will place about 38,000 widows of soldiers and sailors of the civil war on the rolls at $12 per month in cases not now allowed. This bill will call for an annual increase of $15,398,112.

The death rate of pensioners is now about 4,000 per month. In substantially all these cases there is an accrued pension to be adjusted through the Pension Bureau, and then the result where widows and minor children are involved has to be sent to the agencies for payment, and this now produces delay, confusion, double work, and much correspondence, which would be saved, mainly, if all payments were made from the Pension Bureau as proposed.

It is but fair to say for Commissioner Warner that on his own personal account he would not desire the consolidation of the agencies in the Pension Bureau, as it would greatly augment his own personal labors and responsibilities, but as a business proposition he thinks it is his duty to advocate the abolition of the agencies.

The Secretary of the Interior, Mr. Garfield, and the Commissioner of Pensions, Mr. Warner, each expressed the belief that there would be a large saving in the cost of paying pensions; that they could all be paid from the Pension building; that in many instances the payment of pensioners would be materially facilitated; that there would be no necessity of a duplication of the records, as is now required, and that there would be a great saving in the matter of making settlements with the several agencies. I quote from the hearing before the subcommittee:

Mr. BOWERS. You have not suggested, Mr. Commissioner, just exactly how much, in case this consolidation goes into effect, this estimate for clerk hire, and so forth, can be safely cut out.

Commissioner WARNER. I think it would be safe to cut it $100,000. I think possibly it could be cut much more, but that is safe.

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Mr. GARDNER. Will you have plenty of room in the Pension building?

Commissioner WARNER. Thank you for that suggestion. We will have room in the event that we are allowed the entire Pension building for pension purposes—that is, if they surrender us the whole building. We have the board of appeals in there now, of the Secretary's office, and one room is occupied by the Indian Office. If those rooms were restored to us, we would have plenty of room.

Mr. KEIFER. That could be done without any legislation.

Commissioner WARNER. Yes; I think the Secretary would do that.

Mr. KEIFER. I notice that there has been some effort made to secure part of that building for the purpose of storing away old patent models. Do you think that they ought to be there?

Commissioner WARNER. I do not want them in there, but if the Secretary wants them, then I do. Anything he wants I am for.

Mr. GARDNER. Your thought is that everything strictly connected with the operation of the Pension Bureau should be put under one roof?

Commissioner WARNER. All under one roof.

Mr. GARDNER. So that the Bureau would have ready access to all of the papers in case questions arise.

Commissioner WARNER. Yes. It will be a great convenience to have all of the pensions paid from that building. In case we want to know anything about a change of residence of a man who has been paid from a San Francisco agency, or any change regarding his condition whatever, we would be able to get that information at once. As it is now we have to write a letter and wait for the reply, for we must first communicate with San Francisco. We would be able, in the event of the consolidation, to get any information in regard to any of these cases within a few minutes, no matter whether it related to a pensioner on the Pacific coast, in Iowa, or anywhere else.

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Commissioner WARNER. I would like to say that there is not a more pleasant or a more healthful office building in the United States for clerical work than the Pension Building here in Washington. Every room has an outside exposure, we have large corridors inside, with a very large court, making substantially two outside exposures. It is the healthiest and pleasantest office for clerical work that I know of.

Mr. GARDNER. Your judgment is that this consolidation would be ideal for handling the whole pension business, for the adjustment of pensions, the concentration of the correspondence, and everything connected with them? You believe that putting it all in that building is the best possible arrangement?

Commissioner WARNER. Yes, sir.

Mr. GARDNER. You could not suggest anything more perfect for the operation of the whole pension machinery?

Commissioner WARNER. No; it would all be in a nutshell instead of being scattered all over the United States as it is now, with eighteen different agencies. The pensions would all be paid from here the same as the interest on the public debt.

Mr. BOWERS. And would there not be some saving in the matter of duplication of records? As it is now a record has to be kept in both the central Pension Office and in the branch offices.

Commissioner WARNER. A great saving; yes. As it is now, the certificate is recorded here, then it is sent out to the pension agency and it is recorded there, and there is considerable duplication all the way through. Under the consolidation arrangement we would have it all in one office, and that would be the end of it. It would save clerk hire, time, and labor. If this were a private business, no business man would hesitate ten seconds in coming to a decision as to what he would do. He would consolidate it.

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Mr. KEIFER. Are all naval pensions paid from here, from the Washington office?

Mr. THOMPSON. The Washington agency pays the District of Columbia, Maryland, Delaware, Virginia, West Virginia, and all pensioners residing in foreign countries. In addition to that it pays the naval pensioners from the Knoxville district, which comprises all of the Southern States as far west as Texas. Naval pensions are also paid by the Chicago, San Francisco, Boston, New York, and Philadelphia offices.

Mr. KEIFER. But the other pension agencies do not pay naval pensions?

Mr. THOMPSON. No.

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Secretary GARFIELD. As a general proposition it seems to me that it would be wise administration to consolidate these agencies into one agency here at Washington. The reasons that lead me to reach this conclusion in brief are: That by the concentration and centralization of the handling of this work here in Washington, with the present organization in the Pension Office, and with the possibility of the introduction, as we could then, of certain mechanical devices for the handling of these hundreds of thousands of vouchers and certificates, we could, without interfering at all with the expedition with which the pensioners receive their claims, transact all of that business here and mail the checks to the various parts of the country, receiving the vouchers quite as quickly as it is now done under separate agencies. The laws as they now stand have done away, of course, with much of the difficulty in the general administration of the settling of claims and passing upon claims. The office is nearer up-to-date than it ever has been before in the history of this work. The pension appeals are absolutely current, they being passed upon almost immediately. The transaction of business within the office is of such a character that the Commissioner has been able, as he has doubtless told you, to reduce the force in accordance with the requirements of the appropriation bill, and he looks forward to a still further reduction of force.

The saving, as we figure it, will be something over $200,000, and I believe it will be even more than that when we put into effect all of the systematized business methods that can be put into effect if this work is brought here. I believe that the saving would be nearer $350,000 a year, in administration, and without any loss to the pensioners in expeditiously receiving their pensions, and without in any way interfering with the handling of the present business in the settlement of claims presented. Of course the great saving will be immediately in the salaries, but in the cost of maintaining the different agencies there will be likewise a very large saving. The Commissioner has found that there are differences in method obtaining in some of the agencies.

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Mr. GARDNER. The feeling obtaining among the veterans is that this consolidation would delay their receiving their pensions. What have you to say as to that?

Secretary GARFIELD. From all information that we have been able to get, I believe that would not be true. I think we could quite as expeditiously handle them as they are handled at present.

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Mr. GARDNER. That would lead to unification of administration.

Secretary GARFIELD. To unification of administration and harmony of administration, and it would do away with what at present is, I believe, a serious duplication of clerical work. I think it is unnecessary to do a great deal of the clerical work that is done now in the reporting of the agencies to the central office here and the handling of all that work over again. I think it would be a plan by which much of that duplication could be done away with.

Mr. GARDNER. What would be the effect of the consolidation in this way: Upon the duplication of work, and hence simplification and reduction of expense?

Secretary GARFIELD. It would be a very great gain in simplification and avoid a great deal of duplication.

Mr. GARDNER. And consequently it would reduce the current expenses of conducting the Office?

Secretary GARFIELD. And necessarily there would be greater economy. Every time we can avoid duplication, every time we can simplify, every time we can get greater efficiency we necessarily get greater economy.

Mr. GARDNER. You spoke of some mechanical devices. Have you any of those for the expedition of work in any of the present agencies?

Secretary GARFIELD. Some of the agencies have them already.

Mr. GARDNER. For example?

Secretary GARFIELD. The addressograph is one, and the adding machine is another. Those are all matters that save a great deal of clerical labor. If we retain all of the agencies, and introduce these machines into each agency, it would make a much larger expense of course; whereas, if the agencies are all brought here, one machine can handle a very large amount of the work instead of different machines scattered about through the different agencies. Wherever those mechanical devices have been installed—I do not recollect the number of agencies now using them—but they have added efficiency and expedition to the offices.

Mr. GARDNER. And do you think there would be a reduction in the per capita expense?

Secretary GARFIELD. The greater number of people supplied from one office the cheaper per capita. The machines can address 100,000 at the same expense as that of addressing 10,000 in the old way.

Mr. GARDNER. Am I correct in the understanding that in the smallest agencies you have to have the same machines, the same set of books, the same duplications that you have now in the larger agencies?

Secretary GARFIELD. That is true.

Mr. GARDNER. And therefore there is a much greater proportion of clerical hire for a small agency, as to the number paid, than in the larger agencies.

Secretary GARFIELD. Yes, measured by the number of pensions.

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Mr. THOMPSON. I would like to make a statement about the lost vouchers. That refers to the vouchers lost in the mails after they have been paid, and in transmission from the pension agency to the central government here. They get lost in the mails, and then it is very difficult to get a new voucher from the pensioner. Before the pension agent can get credit for the payment he must secure a duplicate voucher from the pensioner.

Commissioner WARNER. That would be all done here, right in the city, and there would be no danger of losing the voucher.

Mr. BOWERS. Under the present system the vouchers go to the pension agency, and after having been paid by the agent they are forwarded to Washington.

Secretary GARFIELD. Yes.

Mr. BOWERS. That involves two passages through the mails, while if they came here direct there would be only one passage through the mail, one trip for the voucher, and the risk of loss would be reduced?

Secretary GARFIELD. Without doubt, yes.

Mr. THOMPSON. I'ermit me to say that if the pensioner's voucher is lost before it reaches the agency, a duplicate voucher is sent him right away, and there is no loss whatever.

Mr. KEIFER. He could not get paid until he got the duplicate?

Commissioner WARNER. When we have received that voucher, we would send the voucher right over to the Treasury, and it would be settled.

Mr. BROWNLOW. Would a loss of that character be a personal loss of the agent?

Secretary GARFIELD. We can not settle accounts until it is straightened out. This would reduce our letters very largely to the Treasury Department. Instead of having eighteen settlements, we would have one settlement.

Mr. KEIFER. Can you see, Mr. Secretary, that there would be a loss of time in the matter of paying some portion of the pensioners on account of the distance from Washington, and would not that only apply to the initial payment? It would postpone the day of receipt of the pension beyond the regular pension day once, and after that he would get it the same time?

Secretary GARFIELD. Exactly the same. There would not be any difference in the interval between payments. It would be the first payment only that would be affected by that.

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Mr. GARDNER. What is the method of distributing vouchers and pension checks under the present conditions?

Mr. THOMPSON. At present all vouchers are printed for each of the agencies by the Government Printing Office. The checks are printed by the Bureau of Engraving and Printing, and these vouchers must be mailed from the Bureau of Pensions to the eighteen different agencies. The checks are sent direct from the Treasury.

Mr. GARDNER. And the vouchers are sent by the Bureau, so that there is a double sending?

Mr. THOMPSON. Yes. These vouchers and checks are printed up in different denominations for each agency; for instance, we print so many vouchers for each agent at $18, $20, $30, and so on up to the highest rate of pensioner. That duplicates the number required for each agency, making from forty to fifty different forms of vouchers and checks required by each agency.

Mr. GARDNER. What would be the advantage under the consolidation in this respect, if any?

Mr. THOMPSON. It would reduce this operation just seventeen times. In printing we would print in larger quantities. Instead of printing 1,000 of one form for each agency, we would print 10,000 for one agency.

Mr. GARDNER. And then send them directly from here to the individual pensioners.

Mr. THOMPSON. Yes; the vouchers would be sent direct to each pensioner from Washington.

Originally under an act of Congress (August 4, 1790) invalid pensioners were paid by the Commissioners of Loans. Some other pensioners were paid direct by the Treasury Department, and still others by the Paymaster-General of the United States Army, without any separate establishment being maintained to pay pensions. Later pension agencies were provided for. Formerly there was no system of paying, as now, by checks, for want of banks to cash them. The law (R. S. U. S., sec. 4780) passed February 5, 1867, and still in force, authorized the President to establish agencies for the payment of pensions whenever in his judgment the public interests and the convenience of the pensioners required.

If we appropriate for but one pension agent, the President will have to disestablish all the present agencies save one. The Commissioner, in the hearings (p. 8) submitted a plan for the consolidation of the agencies into one agency, a portion of which I quote:

> The Commissioner of Pensions is hereby authorized and directed, with the approval of the Secretary of the Interior, to arrange the pensioners, for the payment of pensions, in three groups, as he may think proper; and may from time to time change any pensioner from one group to another as he may deem convenient for the transaction of the public business. The pensioners in the first group shall be paid their quarterly pensions on January 4, April 4, July 4, and October 4 of each year; the pensioners in the second group shall be paid their quarterly pensions on February 4, May 4, August 4, and November 4 of each year; and the pensioners in the third group shall be paid their quarterly pensions on March 4, June 4, September 4, and December 4 of each year. The Commissioner of Pensions is hereby fully authorized, with the approval of the Secretary of the Interior, to cause payments of pensions to be made for the fractional parts of quarters created by such change so as to properly adjust all payments as herein provided.

This is also made, with other provisions, part of the bill. By this plan it will be seen that about one-twelfth of the pensioners would be paid each month, while now each agency pays a different number, and at each agency there are eight months in the year when no payments are required to be made at all, and at most the clerks are engaged only in preparatory work, two of each of the three months constituting a quarterly payment period. The plan is to have one set of clerks, with one addressing machine and adding machine, do the work on each monthly payment, and thus comprise within each year the payment of all pensioners. It is believed, however, this method alone would not only result in largely reducing the clerks required and the consequent expense of maintaining them, but that it will promote their efficiency and secure regularity and promptness in paying pensioners.

Pensioners now receive their checks on an average of not less than ten days after pension day, however prompt the pensioners may be in forwarding their vouchers. It is the opinion of the Commissioner of Pensions that if the pensioners were all paid from here with a largely reduced number of clerks from 50,000 to 60,000 of them could be sent their checks in one day after their vouchers are received; and as only 80,614 pensioners would be paid here each month, less than two days would be required to make each monthly payment. In this way the payment of pensions would be facilitated rather than retarded. The difference in the time required for the vouchers and checks to pass by mail would, in the first payment, measure the delay. In many cases that difference would be small and after the first payment from here would be at least as regular every three months as now. Pensioners are now paid in alphabetical order from each agency, and hence those far down the alphabet are not paid as promptly as others.

The expedition in the payment of pensioners is not the only consideration. Large expense and some delay in making payments result from agencies being away from the seat of Government. I quote on this point from a recent letter of the Commissioner of Pensions:

> All pension checks must now be printed in this city and forwarded through the mails to the various pension agencies throughout the country. All vouchers to be executed by the pensioners are printed here in this city by the Government Printing Office and are forwarded through the mails to the various pension agencies, to be prepared and forwarded to the pensioners. More than 100 different forms of vouchers are now required for the eighteen pension agencies. As an illustration: Fifty-four different forms of vouchers are now required for pensioners under the act of February 6, 1907, three forms for each different agent, one at the $12 rate, one at the $15 rate, and one at the $20 rate. If all pensioners were paid by one disbursing officer, only three forms of vouchers would be required under this act instead of fifty-four. All certificates issued by the Bureau must first be forwarded to the pension agency, there to be reentered upon a different set of books and mailed to the pensioner from the agency. If all pensioners were paid from this city, the certificates would be issued by the Bureau and mailed to the pensioners upon the same date they are now mailed to the pension agency. The pensioners would therefore receive the new certificates much more promptly than they do now. All vouchers, after being paid by the pension agent, must be again mailed to this city, to the Treasury Department, where the accounts are audited. This Bureau can not furnish the latest post-office address of a pensioner or state when the pensioner was last paid without first securing a report from the pension agent upon whose rolls the pensioner's name is inscribed. If all pensioners were paid from this city, all such information would be immediately available, which would greatly assist in the prompt dispatch of the correspondence of this Bureau. All pension claims, as you are aware, are adjudicated here in this Bureau; and if all payments were made here, a complete history of each case would be readily available and the Bureau enabled to make prompt response to all inquiries.

It seems impossible to exhaust the many substantial reasons—economy and the pensioners' interests being kept steadily in view—in favor of a consolidation of the pension agencies.

The Topeka agent paid about one-ninth (111,508) and the Columbus agent about one-tenth (95,829) of the pensioners on the rolls in the fiscal year 1907, each paying month or quarter, while, if all had been paid from Washington, one-twelfth (80,614) would have been paid each month in the year. It follows that one set of paying clerks and a less number of clerks would be required at Washington than are now needed at either of these agencies to make the payments as promptly as they are there now made.

No other agency now pays as much as one-twelfth of the pensioners, and one-half or more of the agencies pay less than one-twentieth of them, and each of two pays less than one-fiftieth of them, while the average of all pensions paid at all the agencies is one-eighteenth. Unless each of sixteen of the agencies employs a relatively larger number of clerks than the two large pension agencies, or than would be necessary at Washington after the consolidation, they fail to pay the pensioners within their respective districts as promptly as pensioners are now paid at the two named agencies or as they would be paid at one agency, and all their clerks have to be retained throughout the whole year, though no payments are required to be made eight of the twelve months of the year. And the salaries of the pension agent and his chief clerk and the cost of an addressing and of adding machine outfits at each agency is still to be added.

It seems reasonable to conclude that the Secretary's and Commissioner's estimate of a reduction of the now average cost each year of paying each pensioner from 55 cents to 35 cents will, if the change is made, be more than realized, and that the maximum estimate of the annual reduction made by the Secretary of the Interior of $350,000 will at least result. Should this prove to be the case, the saving would be sufficient to pay 2,340 soldiers, sailors, or their widows each a pension of $12 per month, or that much increase on the pensions they are now drawing under existing law. If there is a reason for great liberality in disbursing the public moneys, there is more justice in giving it to those who bore the heat and burden of campaigns and battles, and to the dependent widows of those who are dead, than there is in unnecessarily keeping up local pension agencies.

The demands on the Republic for payment of pensions alone

are too great to warrant any extravagance or liberality in the cost of paying them. And the maintaining of useless and expensive agencies for disbursing pension money merely because local parties will be benefited, or because worthy people will be thrown out of employment if they should be dispensed with, is not warranted either on the ground of necessity or on the ground of justice to the places of their location. If agencies should be maintained, because of local interests, where they are now located, then their number should be very largely increased in the interest of other equally necessitous and worthy localities.

Why should not all great cities, with their vast numbers of pensioners residing therein and in their vicinages, be given pension agencies? The cities of Baltimore, Cleveland, Cincinnati, St. Louis, New Orleans, Kansas City, Denver, St. Paul and Minneapolis, Omaha, Los Angeles, Portland (Oreg.), Seattle, and other large cities, in some of which and in their immediate vicinity reside more pensioners than reside in some agency districts, are now and have always been without a pension agency, and pensioners of some of these places and many others in the States and Territories receive, uncomplainingly, their pension checks from agencies located outside of their States more than a thousand miles away. Thirty-one of the forty-six States of the Union and all the Territories, Arizona, New Mexico, and so forth, have no pension agency located therein. From Knoxville the Army pensioners of ten States are paid, and other agencies pay pensioners of several States and Territories. The San Francisco agency pays the pensioners of eight States and three Territories and of the Philippines. The States and Territories of this agency are divided by the Rocky Mountains range, and are vast distances apart and from San Francisco. And the San Francisco agency pays the pensioners as regularly and promptly in the States of Idaho and Montana and in the Territories of New Mexico and Hawaii as it pays those residing in the Pacific coast States or in San Francisco. Remoteness from the paying agency is not a material factor.

And there is no rule of equitable division of work at the agencies. New York and Pennsylvania have each two pension agencies located therein. The two New York agencies disbursed in the last fiscal year $867,408.87 less than the Columbus, Ohio, agency, and $2,640,249.39 less than the Topeka, Kans., agency, and the two Pennsylvania agencies disbursed in the same year $693,090.78 less than the Columbus agency and $1,865,931.30 less than the Topeka agency. Greater disparities with other agencies appear by the figures. If the equitable distribution of the public funds alone is sought, it will best be accomplished in paying pensioners who reside in all parts of the United States.

Neither the revenues of the Government nor good economic business methods justifies the continuance of an expensive system of paying pensioners that is clearly now unnecessary and in no way beneficial to them.

I am well aware of the effort made by some interested persons, not pensioners, to persuade Members of Congress and the pensioners into the mistaken notion that in some way the payment of their pensions is to be delayed or that their pensions are in some mysterious manner to be affected to their injury if the agencies are consolidated. These persons have naturally met with but little success. Wherever the pensioner or old soldier is made acquainted with the facts relating to the matter he approves it. I would hesitate long before favoring any plan, even though business economy demanded it, that I believed would cause any real injury, or even serious delay in paying pensions, to any considerable number of pensioners. I have not heard a single objection to the consolidation of the agencies from my own State where there is located the next to the largest agency. The facts warrant the conclusion that no appreciable number of pensioners will be even delayed in the receipt of their pensions under the proposed plan; that there would be prompter payments made on original and increase pension certificates and on allowances of accrued pensions to widows and orphans, and that there would be at least $350,000 saved annually in the cost of paying pensions. I regret exceedingly that certain pension agents would be dispensed with under the consolidation plan, and that worthy clerks would, in some instances, lose their places. Some of them would doubtless be transferred to the Washington agency or to the Pension Bureau to continue the work they are now engaged on. There would necessarily have to be a gradual disestablishment of the agencies by the President.

Besides being constantly urged by petitions and otherwise to enlarge, by general laws, the pension roll and to increase its value, we are constantly appealed to by worthy claimants to pass special pension acts, and we are responding with reasonable liberality. Is there not great danger that the falling off of the revenues of the Government may force a withholding of further legislation in the matter of pensions, as well as in other important things, unless there is great retrenchment in the expenditures? And may we not endanger some of the veteran soldiers and their widows' rights by not following economical business principles in the payment of pensions?

The Committee on Appropriations, after full and careful consideration of the question, unanimously, as I remember, instructed me to report the bill as it is drawn, and I have given some of the reasons for its action.

I am sure the Secretary of the Interior and the Commissioner of Pensions, collectively and individually, have kept the pensioners' interest and convenience steadily in view, with a desire to promote both, believing that this can be safely done and at the same time there may be a large saving in the matter of paying pensioners.

Mr. ANTHONY. Mr. Chairman, I would like to ask the gentleman if the logic of the figures which he has quoted does not show that in this consolidation plan, which he has so ably presented, the combined agency should be located at Topeka, Kans., instead of at Washington?

Mr. KEIFER. I would say, in answer to that, I would agree with the gentleman if it were not for the War Department and the books and papers connected with the soldiers and sailors being located at this place. I want to add in answer that I am perfectly certain, having gone over this carefully, that we could transfer the agent at Topeka and a less number of clerks they have there and put them in the Pension Bureau here and discharge seventeen pension agents, including that one in Washington, with all the chief clerks and all the other clerks, and we could still pay all the pensioners with as much promptness and with as much regularity as they have been paid and are being paid now.

Mr. SCOTT. Does the gentleman recommend that that be done?

Mr. KEIFER. I have no objection to that being done, but I should prefer——

Mr. DALZELL. Then as an additional aid we will have a new bureau at Washington.

Mr. KEIFER. No new bureau at all. We are to have one Pension Bureau in Washington, just what we now have. We would not have one at Pittsburg or at sixteen other places.

The CHAIRMAN. The time for general debate having expired, the Clerk will read the bill by paragraphs.

The Clerk read as follows:

For fees and expenses of examining surgeons, pensions, for services rendered within the fiscal year 1909, $500,000. And hereafter each member of each examining board shall receive the sum of $3 for the examination of each applicant whenever five or a less number shall be examined on any one day and $1 for the examination of each additional applicant on such day: *Provided*, That if twenty or more applicants appear on one day no fewer than twenty shall, if practicable, be examined on said day, and that if fewer examinations be then made, twenty or more having appeared, then there shall be paid for the first examinations made on the next examination day the fee of $1 only until twenty examinations shall have been made, and the fee shall be $3 when the examination is made by one surgeon, and the fee for each examination at the claimant's residence, provided his residence is outside of the corporate limits of the place of the regular meeting of the examining board, shall be $5 in addition to the payment of the actual traveling expenses of the surgeon: *Provided further*, That no fee shall be paid to any member of an examining board unless personally present and assisting in the examination of applicant: *And provided further*, That the report of such examining surgeons shall specifically state the rating which, in their judgment, the applicant is entitled to, and the report of such examining surgeons shall specifically and accurately set forth the physical condition of the applicant, each and every existing disability being fully and carefully described. The reports of the special examiners of the Bureau of Pensions shall be open to inspection and copy by the applicant or his attorney, under such rules and regulations as the Secretary of the Interior may prescribe: *And provided further*, That hereafter no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in securing the introduction of a bill or the passage thereof through Congress granting pension or increase of pension, and any person who shall, directly or indirectly, contract for, demand, receive, or retain any compensation for such services shall be deemed guilty of an offense and upon conviction thereof shall, for each and every such offense, be fined not exceeding $500 or imprisoned not exceeding two years, or both, in the discretion of the court.

Mr. WANGER. Mr. Chairman, on line 23, page 2, after the word "board," I move to amend by inserting the words "or of the place of residence of the surgeon directed to make the examination."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert after the word "board," in line 23, "or of the place of residence of the surgeon making the examination."

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order.

Mr. WANGER. To what does the gentleman from New York reserve his point of order?

Mr. FITZGERALD. To the gentleman's amendment. What does the gentleman suppose?

Mr. WANGER. I submit, Mr. Chairman, that the point of order does not lie to this amendment.

Mr. FITZGERALD. That is a different question.

Mr. WANGER. I understand the gentleman reserves his point of order for the present, and I will direct myself to the proposition, as I understand it, that under the provision reported by the committee a surgeon's fee shall be $3 ordinarily, and $3 where he makes the examination within the corporate limits of the place of meeting of the board, but where the examination is at some other place the fee shall be $5.

Mr. KEIFER. If the gentleman will allow me, the expectation is that each examination will be made when the examining surgeons are attending the place of meeting of their board, and if they do not have to go outside of the corporate limits, but if they had to go to some other place they would be paid something in addition.

Mr. WANGER. But these examinations at the place of residence are invariably, as far as my observation goes, made by a single surgeon. Now, why fix the fee at $3 if a local surgeon makes it within the corporate limits of the town where the board meets, but at $5 if the surgeon making it happens to make it within the corporate limits of the town where the latter surgeon resides, even though it is not within the corporate limits of the place of meeting of the board? Why shall the local member of the board of surgeons be paid only $3 for making his examination at the pensioner's residence and the other members of the board be paid $5 if they happen to make an examination within the corporate limits of their own town when the same is not the meeting place of the board?

Mr. KEIFER. I am not objecting to the amendment for my part. I think maybe it is proper.

Mr. WANGER. It is in line with economy and uniformity of compensation.

Mr. BOWERS. Will the gentleman from Pennsylvania permit me to suggest to him that his object will be better accomplished if he makes his amendment read "and of the place of residence of the surgeon making the examination," instead of "or of the place of residence of the surgeon making the examination?"

Mr. WANGER. I do not think it would be quite as well, because it would not usually apply to both places. Examination would be made in one place, and that place is as often as not where a member of the board lives, but in which the board does not meet. Ordinarily these boards are constituted of three surgeons, each of whom resides in a different town, and only one of them in the town where the board meets. Now, each of the other members of the board is just as capable of making an examination in his own particular town, and can make it therein with as little inconvenience as the other member can do it in the town of the latter.

Mr. HULL of Iowa. Have they not got to meet as a board?

Mr. WANGER. Not as a rule. When these examinations are made at the residence of a soldier usually only a single surgeon conducts the examination.

Mr. NORRIS. Is not the gentleman mistaken in the proposition of the surgeons living in different towns? Instead of living in different towns, the practice of the Department is, as I understand, to appoint surgeons who live in the same town where the board meets.

Mr. WANGER. That is not the practice so far as it relates to the districts of which I have any knowledge.

Mr. NORRIS. I have just received a letter asking me to recommend a man for appointment on one of these boards, and I am specifically asked to recommend a man who lives in the town where the board meets.

Mr. WANGER. That is the usual request, but it is not a rule of action that is pursued.

Mr. PAYNE. In my district no two examining surgeons live in the same town.

Mr. WANGER. That is my knowledge.

Mr. NORRIS. The facts are, if the gentleman will permit me to say, I have found in my experience that you can not get surgeons to serve unless they are living in the same town where the examining board meets, because there is not sufficient business for them to close up their offices and go to a distance to attend to people.

Mr. WANGER. Well, your experience is different from mine in that matter. Where two or more members of a board live in the same town the adoption of my amendment will do no harm. It will leave the law in such instances just as proposed by the committee, and remove the discrimination as to other places of residence of surgeons.

The CHAIRMAN. Does the gentleman from New York insist upon the point of order?

Mr. FITZGERALD. I withdraw the point of order.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For salary of one agent for the payment of pensions, $4,000.

Mr. TAYLOR of Ohio. Mr. Chairman, I offer the amendment which I send to the Clerk's desk to be read.

The Clerk read as follows:

Page 3, lines 23 and 24, strike out the words "for salary of one agent for the payment of pensions, $4,000" and insert the words "for salaries of eighteen agents for the payment of pensions, $72,000."

Mr. TAYLOR of Ohio. Mr. Chairman, my distinguished colleague, who has charge of this bill, mentioned before closing his remarks that he had not up to this time heard one objection made to this provision of the bill. I think it no more than proper that the first real objection to the bill as reported should come from a citizen of Ohio. I have not been so favored as my colleague in the matter of not hearing complaints, because I have not been enabled to step out of the Union Station in the city of Columbus before individuals, business men and clerks, and numerous citizens of all classes, down to the ranks of the old soldiers, made objection, to the effect that they do not desire to see all the Government Departments taken down to Washington and their city deprived of its fair proportion.

Mr. TAWNEY. Have you ever heard any objection from the pension agent at Columbus?

Mr. TAYLOR of Ohio. The pension agent at Columbus, General Warnock, I am glad to say, is a gentleman who was able to keep silent when this proposition of taking away his position was being discussed.

Now I shall devote myself entirely to the discussion of the point which I have raised.

The report which accompanies the bill very frankly discloses the intent of the committee to abolish the various pension agencies now situated in various parts of the United States, and to consolidate them all into one office in this city. The bill is very adroitly drawn, so that it does not mention such intent, for the purpose, I believe, of trying to get around the point of order which might very properly have been made against the bill had it contained a section expressly providing for such consolidation.

In the next place, Mr. Chairman, even if this bill does pass, its provisions will be, or at least can be, absolutely nullified at the will of the President under authority conferred by section 4780, which reads—

The President is authorized to establish agencies for the payment of pensions whenever in his judgment the public interests and the convenience of the pensioners require.

Provided not more than three agencies shall be established in one State, and provided no new agency shall be established in a State in which the whole amount of pensions paid the next preceding year was less than $500,000.

This law is now in full force and effect, and there is no attempt made to repeal it by this pending bill, or by any other bill, so far as I am advised. Under this law there have been established eighteen legal agencies. The bill as reported by the committee is nothing less than an attempt to legislate out of office seventeen of the eighteen agents who have been legally appointed by the President under the law which I have just read, by omitting any appropriation for them or making any provision whereby their salaries are to be paid. Inasmuch as these eighteen pension agents are now holding office by virtue of an existing law, which will be in full force and effect after the passage of this bill, it can readily be seen that the logical effect of the passage of this bill will be the transfer to Washington of the records, office force, and work of the various agents, leaving these legally appointed pension agents with nothing to do but collect their salaries to such time as their offices are abolished, for which they would have a valid claim against the Government.

Mr. DALZELL. They could go into the Court of Claims.

Mr. TAYLOR of Ohio. They could go and make a legal claim. The mere refusal to appropriate for a legal claim does not prevent its being collected. I have a case of a Federal judge in my district who has been in office for a year without receiving a cent of pay, not being confirmed; but as soon as ever he is confirmed he will have a legal claim for his salary.

Mr. KEIFER. I agree with you that the President established these agencies under the statute; may he not under the same statute disestablish them.

Mr. TAYLOR of Ohio. May he not under the same statute refuse to disestablish them? What right have you to claim that the President is going to disestablish them?

Mr. KEIFER. That his Secretary of the Interior and Commissioner of Pensions desire to disestablish them.

Mr. TAYLOR of Ohio. I find nothing in the record here that shows that the President is going to follow their desire.

Mr. KEIFER. His own desire.

Mr. TAYLOR of Ohio. I have no record and have no knowledge obtained from this report which shows that it is his desire to disestablish these agencies created under this statute.

Now, coming to the point that there is going to be a great saving, the figures in the report of these gentlemen vary from $170,000 to $350,000 estimated savings. No facts are given, but just glittering and specious generalities. The few facts we have had were presented by the distinguished gentleman to-day.

Now, what have we before us as a matter of fact? The only reduction in this bill is $100,000 for clerk hire, $68,000 for the salaries of seventeen pension agents, and an increase of $10,000 for removing the records and clerks to Washington, which makes an absolute total reduction of only $158,000, and about $68,000 of that is in doubt, because the pension agents are still holding their offices and will continue to do so until their offices are abolished. Now, we can talk about $350,000, and we can take all the big figures we want. As a matter of fact, you are saving the puny sum of $158,000, and you are doing it by discharging competent and meritorious people from their employment, to a large extent.

The Commissioner states that he has no intention of discharging anybody; that he is going to remove all the clerks to Washington. Now, we all know that every clerk in a like position in an inland city receives less money proportionately than a clerk in the same position in Washington. For instance, a $1,000 clerk in Columbus or San Francisco or Pittsburg does the same work as a $1,200 or $1,300 or $1,400 clerk in Washington. We know this from the reports of the Keep Commission. The Keep Commission recently made a report in which they find that it costs not less than 20 per cent more to live in Washington than it does in other cities, by reason of high rents and extremely high prices of living. What are we going to do if we bring a lot of thousand dollar clerks down here but raise their salaries, to treat them fairly at all? Will not that do away with a large part of the saving?

Mr. KAHN. Is it not a fact also that many of these clerks have their little homes in the places where they are now living and are bringing up their families there?

Mr. TAYLOR of Ohio. I was coming to that.

Mr. WANGER. Will the gentleman permit me right there?

Mr. TAYLOR of Ohio. Certainly.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAYLOR of Ohio. I ask unanimous consent to proceed for five minutes further.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. WANGER. The inquiry which I wish to make is right on the line of what the gentleman is saying. It has been said that if the 432 clerks now in the various pension agencies of the country should receive the same average salaries as are paid to the clerks in the Bureau of Pensions, it would cost the Government for clerk hire $125,425.60 more than it does now.

Mr. TAYLOR of Ohio. That is exactly correct. I was about to state that at least $100,000 would be the necessary increase to give them an equally fair salary as other clerks are paid in Washington.

Now, here is another hardship to be worked on these employees in Washington. Take it in the city of my birth, where we have one hundred or more clerks in the pension office, the next to the largest agency in the country, disbursing over $14,000,000 a year to soldiers living in Ohio alone. These people have been there for years. They have become citizens, most of them were born there, they have their houses there, they have paid for them, and they will have to give them up and come to a strange city, where, if they should be discharged, as they must be to meet this $100,000 saving, they would be thrown upon their own resources, where there is no commercial or other opening for anybody.

Mr. MOON of Pennsylvania. Has the gentleman also taken further into consideration the fact that there would be sent through the post-office at Washington perhaps 10,000,000 additional letters a year, at a vastly increased expense to the post-office here, which letters are now sent through the eighteen different offices, without any additional expense; or, in other words, that the cost of those offices would not be at all lessened in order to meet the increased cost in the Washington post-office?

Mr. TAYLOR of Ohio. That is true.

Mr. GARDNER of Michigan. Will the gentleman yield?

Mr. TAYLOR of Ohio. I will yield to the gentleman.

Mr. GARDNER of Michigan. Did I understand the gentleman from Ohio to say that there are 100 clerks employed in these agencies?

Mr. TAYLOR of Ohio. I said there were a large number. I have not the exact number.

Mr. GARDNER of Michigan. As a matter of fact there are exactly thirty-six.

Mr. TAYLOR of Ohio. That is all right; I am not prepared to deny or affirm these things.

Mr. GARDNER of Michigan. I will read to the gentleman from the official report.

Mr. TAYLOR of Ohio. Oh, no; I will take the gentleman's word.

Mr. GARDNER of Michigan. I knew that the gentleman from Ohio did not wish to go on record that there were 100 clerks in these offices if he were in error.

Mr. TAYLOR of Ohio. Now, Mr. Chairman, as I stated before, these people are citizens, residents of the cities in which they live, not temporary residents as are the great body of clerks in Washington. The committee's claim for justification of this provision is on the ground of economy; they are going to save $158,000 if this bill goes through. I would like to say that if the House abolishes all branches of the Government that does not earn its expenses, let us turn our eyes to some other things. How about the custom-houses, how about the consulates, how about the rural free-delivery routes? Do any of these things pay? No; but would the House dare to abolish such splendid institutions, established as they are for the necessary convenience of the people? These are honest and intelligent people, and they have a right to this expenditure; the old soldiers are entitled to it. This means no saving, as has been claimed for the cost of the so-called "labor-saving machines" and new salaries will more than make up any saving. History has never recorded the fact that the governmental Departments in Washington are run so much more economically than the departments which have existed in other cities. An investigation of the statistics will show the opposite to be the fact.

At this time, when Congress is asked to appropriate millions for the increase of the Navy and the maintenance of the Army and for public buildings and internal improvements, I do not think we are called upon to treat either the Government clerks who will be affected by this provision in the bill or the old soldiers who are the wards of this Government so unjustly, and I sincerely hope the House will defeat this plan of consolidation proposed by the committee. [Applause.]

Mr. STAFFORD. Mr. Chairman, if this were an original proposition, I question whether I could support the recommendations of the committee in view of the showing, or lack of showing, that is made in the report of the Secretary of the Interior and in that of the Pension Commissioner. Last year when we passed a compromise measure, calling on the Secretary of the Interior to make an inquiry as to the economy that would result in case these agencies were consolidated we had the right at least to assume that some such inquiry would be made that could be regarded with some respect, but in his report that he has submitted to the House not one syllable or line is found to show and support his contention that this would result in economical management.

The figures in the report of the Commissioner of Pensions show that the expense will not be minimized if the agencies are consolidated, but they will be increased. From the statement, as found on pages 30, 31, and 32 of the report of the Commissioner of Pensions, we find that the average expense per capita at the Washington agency is 63.13 cents. In the remaining thirteen agencies the expense is much less, in some instances aggregating 20 cents per capita.

I listened attentively to the distinguished gentleman from Ohio [Mr. KEIFER], who has charge of the bill, but he failed to point out this discrepancy in the figures, which, when calculated on the number of pensioners and the diminished cost per capita at the respective agencies, amounts to more than $100,000 in expense if these agencies were to be consolidated here in Washington.

Mr. TAWNEY. Will the gentleman permit a question? He stated a moment ago that the committee had reported in favor of this proposition without any apparent investigation or inquiry.

Mr. STAFFORD. Not the committee, but the Secretary of the Interior, on whom Congress called to make an inquiry.

Mr. TAWNEY. I desire to call the attention of the gentleman to the provision carried in the last pension appropriation bill wherein the Secretary of the Interior was to report upon that matter.

Mr. STAFFORD. I have that before me, and have read it very closely, and I am criticising that very report and calling the attention of the committee to the fact that he has made no inquiry at all; and we had the right to assume he would before he would make any such recommendation as he has in this document. This document involves nothing more than what the Pension Commissioner stated to the gentleman's committee a year ago, giving in an omnibus way information that there would be saved $100,000; but when we come to the facts as disclosed by his own tables, we find that the expense of manning the agency is greater here in Washington than in other cities. When the query was put to the gentleman from Ohio [Mr. KEIFER], he failed to explain why the average salary for clerks in the agency in Washington is $1,200 and more and in the local agencies the average expense is a little above $900.

Mr. NORRIS. Will the gentleman yield for a question?

Mr. STAFFORD. Yes.

Mr. NORRIS. As I take it, the gentleman thinks that the abolishment of these offices would increase the expense?

Mr. STAFFORD. I do, based upon the fact that the clerks in Washingon receive about $300 more than what is paid to the clerks in the respective agencies around the country.

Mr. NORRIS. And that these clerks, when brought to Washington, would have to be paid an increase of salary?

Mr. STAFFORD. It follows, as a matter of course, that they will be paid an increased salary, because it is known to every person who has investigated the administrative arm of this Government that in Washington, because of the increased expense of living, the salaries of the clerks are higher, and the tendency is to level them to those of the higher class.

Mr. NORRIS. Will the gentleman explain, that being true that it is going to increase the salary of these clerks, why it is that all of these clerks in the different agencies are opposed to the abolishment of the different agencies and opposed to coming to Washington, where they can get an increase of salary?

Mr. STAFFORD. An increase of salary! It is only in name and not in fact, when they are obliged to pay more for living in Washington. What is the reason for the higher salaries in Washington? It is because the expense of living is greater.

But I oppose this more because I am opposed to the establishment of any bureaucracy, and if this work can be carried on as economically throughout the various cities of the country as now maintained, I believe that they should be continued. There is no showing made by the members of the committee that there has been a great decrease in the number of pensioners which will require discontinuance of any of these agencies.

In fact, if I remember the figures cited by the gentleman from Mississippi [Mr. BOWERS], it is a fact that in 1906, only two years ago, the maximum amount of pensioners was added to the rolls, and but 36,000 on an average yearly are being discontinued. It would be far better from the showing made, better from a sociological standpoint, in having this work performed throughout the country where it is of convenience to the pensioners, giving employment to the clerks who are domiciled there, than by consolidating them and increasing the large clerical force here in Washington. For this reason, Mr. Chairman, unless they can show that some real economy will result, I believe that the present eighteen agencies should be continued, and until they can show that, until the Secretary of the Interior can make a proper showing that there will be some real saving rather than indulging in some general omnibus claim that $100,000 will be saved, when their own figures show that the clerical work would cost much more, I think these agencies should be maintained.

Mr. GAINES of Tennessee. Mr. Chairman, my recollection is that a similar measure passed this House by a very large vote, possibly last Congress, went to the Senate, and that a struggle occurred between the two Houses, the result being that the proposition was defeated. I think I correctly state the history of this matter. The judgment of this House was that this reform should be had. I voted for it, and I am going to vote for this. There are pension agents in my city. There are examining surgeons in my city. There are always, Mr. Chairman, very capable surgeons and agencies and people living in Tennessee and in Nashville. There is a large agency at Knoxville, Tenn., and the position at that agency has been held by both Democrats and Republicans. So that if we have, as possibly we will have, the Presidency the next time, some Democrat will get that place. But I am not looking at that.

Mr. REEDER. Mr. Chairman, I would like to ask the gentleman, if he intends to vote in the interests of economy and for the convenience of the soldiers, why it would not be proper for him to vote to locate this single agency somewhere in the center of the United States, where it could be reached handily and be most convenient for the soldiers—say, at Topeka, Kans.?

Mr. GAINES of Tennessee. Well, I guess some storm will come along some day and sweep it to Kansas, and possibly another storm, one of indignation, will come along and sweep it back to where it ought to be.

Mr. REEDER. I would like to inquire why the gentleman says "where it ought to be," when Topeka is in the center of the nation and where the soldiers would have the advantage of having it located where it could be reached most readily by all concerned.

Mr. GAINES of Tennessee. It may be the center of the country, but it is not the center for this agency, possibly.

Mr. REEDER. But more soldiers could reach it quickly, and besides it would be a saving of much expense.

Mr. GAINES of Tennessee. So far as I am concerned, I will say to my friend that I do not care where the agency is located. I am talking about the question of this reform.

Mr. REEDER. And I am asking why the gentleman will not vote for the place where it will be more cheaply managed and at the same time more convenient.

Mr. GAINES of Tennessee. Because I have not reached the question of where it should be located. However, I think it ought to be here in Washington. We have the machinery here to run the whole business.

Mr. REEDER. We have the machinery in Topeka, we have the office and the clerks.

Mr. GAINES of Tennessee. You say you have as large a bureau as they have in Washington?

Mr. REEDER. We have plenty of help to carry on this work, provided the pensioners are paid each month, That is, one-third of the whole number each month of the year.

Mr. GAINES of Tennessee. Does the gentleman mean to say that you have pension machinery now in Topeka enough to run the pension business of the United States?

Mr. REEDER. Provided the pensioners are divided into three divisions, and one division paid each month.

Mr. GAINES of Tennessee. Divided into three divisions. Do you mean to say you have that kind of machinery there now?

Mr. REEDER. It could be very easily arranged to pay these pensioners there, and it can be done much more economically there than in Washington.

Mr. GAINES of Tennessee. If what you are stating is actual fact, and I will not dispute it, do you mean to say, then, that Topeka has enough machinery to run this Pension Bureau? Now, Mr. Chairman, if that is a fact, and that is the substance of what the gentleman has said, then, Mr. Chairman, the greater the reason why we should bring about this reform, because you have too many offices in Topeka for the business, you have too many in Knoxville for the business, you have too many in Washington for the business, and you are duplicating the work, you are duplicating the records, you are duplicating the salaries, and the Government of the United States is not getting a quid pro quo——

Mr. STAFFORD. They ought to get that.

Mr. GAINES of Tennessee. Now, here is what Secretary James Rudolph Garfield says:

> Under the practice now in vogue there is a duplication of records.

Which goes to corroborate what the gentleman from Kansas has just stated. He says he has enough machinery there, if the pensioners were divided in three parts, to run the whole business.

Mr. REEDER. I would like to quote the gentleman in charge of the bill, General KEIFER, as authority that the machinery at Topeka could be easily arranged to pay all the pensions if they are paid one-third each month of the year.

Mr. GAINES of Tennessee. No; no, indeed.

Mr. REEDER. I said it could be easily arranged by making a division of the pensioners into three divisions and having one-third of the soldiers paid each month of the year.

Mr. GAINES of Tennessee. I want to get it fairly; does the gentleman mean to say that he has now in the Topeka office enough machinery to run the Pension Bureau of the United States?

Mr. REEDER. No, sir; but I do say, and I insist on it, that it can be done to much better advantage to the soldiers and a good deal cheaper with little addition to the force at Topeka, and why not do it there if both cheaper and more convenient?

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GAINES of Tennessee. I ask for five minutes additional time. My time has been taken up by interruptions and I want to help this reform along.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee? [After a pause.] The Chair hears none.

Mr. GAINES of Tennessee. Now, I desire to accentuate the proposition of the gentleman, and Mr. Garfield says that under the practice in vogue there is a duplication of records. Now, then, he says another thing—that all the printing is done here in Washington and then has to be sent all over the United States, of course either by the mails or by the express trust, all at the expense of the Government of the United States. Why send it all over the United States? Why not have this great Bureau down here do all the work? Why, Mr. Chairman, are all the Members of the House and Senate given notice that a pension has been had in favor of John Jones, and then a Member must take that notice and send it to John Jones in Kansas or Tennessee? Why not have it, as I think it should be, at one place? Have one set of officers, keep this great hauling of printing from being sent through the mails or by express. Why continue a system of clerks and officers to keep duplicating records?

Why not have the reform, as Mr. Garfield says we should have, of keeping here all of these valuable papers and these vouchers that have to be sent backward and forward? Why put them in the mail to be lost, as he says many are lost? He states here, furthermore—and I have had no particular chance to investigate this matter, but I am trying to help you gentleman along with your reform and save money and inconvenience to the Government—that the pensioners in the South are paid from the city of Washington. There are two or three thousand pension papers that have gone through my hands in the last eighteen months. There are one to five or six per day in my mail. My mail runs from 60 to 125 letters per day. Why write me and the pensioner and the outside offices? Why not one central agency to do it all? Garfield says, furthermore, that there are thousands of pensioners in California, and yet the California pension office does not wait on all the California pensioners, as there are other offices that do it. But, Mr. Chairman, I have not said what I have for the purpose of doing anything else than this: First, to show you that I stand for this needed reform and stood for it two years ago, and second, to impress upon you that you are duplicating this work and unnecessarily. Secretary Garfield says that you are duplicating the records, that the records in Tennessee are the same as the records in Washington City, and that there is need for but one set of records. We should cut off the duplication of the expense of printing the records, the duplication of clerks, and duplication of salaries. Gentlemen, why do you not cut down this expense and, if necessary, in a proper case increase the pension of the old hero, his widow, or his child? [Applause.] That is where I want the money to go. The gentleman from Ohio [Mr. TAYLOR], whom I so much respect both as a man and as a lawmaker, speaks for a continuation of this system. I say, discontinue it and take the money away from these little clerks or the big ones around over the country and turn it over to the widows and orphans of the heroes the gentleman honors and to whom he pays so much respect. [Applause.]

Mr. KAHN. Mr. Chairman, I favor the amendment offered by the gentleman from Ohio [Mr. TAYLOR]. I have in my hand a series of resolutions adopted by the Department of California and Nevada of the Grand Army of the Republic, in which the members of the Grand Army oppose the abolition of these offices.

Mr. Chairman, the pension office in San Francisco serves 43,000 pensioners. It takes but a day or two for the mail to go from San Francisco to any place on the mainland that is served from that office. Of course it also serves the pensioners in the Philippine Islands and in Hawaii and Alaska, but I apprehend that, after all, the number of pensioners in these outlying districts is comparatively few. The greater number of pensioners who are served from this office live in the State of California, and many of them in the city of San Francisco.

The point is made by them that by having the office in San Francisco they are enabled to go there and find out little details about their pension which it would be practically impossible for them to do if they had to enter into correspondence with a central bureau here. They say, too, that letters go astray, and in case a letter containing their checks or their vouchers were lost it would require probably three weeks before they could ultimately settle the matter of having another pension voucher or another check issued. It takes five days for a letter to travel from San Francisco to Washington. It takes five days for a letter to get back, and then it would take a number of days here to investigate and look into the matter. Now, to many gentlemen that may be a matter of no particular moment, but to an old soldier who is depending upon his pension, who has not much of this world's goods, who makes engagements to pay certain obligations at the time his pension falls due, it is certainly a serious matter if he can not get his money strictly on time. The committee speaks about the economy that this provision of theirs will bring about.

But it has been shown here that after all there will be practically no saving, for all of the clerks who will be transferred to Washington will have their salaries raised. Then, too, there is much merit in the point that was made so well by the gentleman from Pennsylvania [Mr. MOON]. As he said, you will have to increase by a large number the clerks in the post-office here in order to handle this additional mail, whereas that mail is now handled effectively with the clerical force that is now at work in all of the different post-offices where these agencies exist.

In the eyes of the distinguished gentleman who now occupies the position of Commissioner of Pensions, and for whom I have the highest regard, it may be a trifling matter to ask the clerks to give up their homes, to break the ties that bind them to those places where they now reside—for they have their relatives and friends there—to come here to Washington to do this work. But those are all considerations that should be taken into account in the discussion of this matter.

I desire to say, Mr. Chairman, that the economy that is spoken of so much by my friend from Ohio [Mr. KEIFER] should not be the only consideration in this matter. If it were we would have to alter many things in this Government. Take the large cities of this country. They all have central post-offices and stations and substations all over the city.

You might with equal justice abolish those stations, abolish those substations, and let everybody who wants to buy a postage stamp go to the central office for it. It can be done cheaper; money can be saved by doing it. But, after all, the Government renders its citizens a great service by establishing these convenient places for them, in order that they may transact their business expeditiously and without unnecessary loss of time. And so with the pension agencies. They are convenient for the old soldiers and for the widows of soldiers, and, in my judgment, they should not be abolished.

I desire to ask unanimous consent, Mr. Chairman, that I may print as part of my remarks the resolutions from the Department of California and Nevada of the Grand Army of the Republic. [Loud applause.]

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The resolutions are as follows:

During the last session of the Fifty-ninth Congress the conference committee of the Senate and House agreed to recommend the passage of the pending bill, as amended by the Senate, for the appropriation for pensions during the ensuing fiscal year only after the adoption of the following resolution, viz:

"*Provided*, That the Secretary of the Interior shall make inquiry and report to Congress at the beginning of its next regular session the effect of a reduction of the present pension agencies to one such agency, upon the economic execution of the pension laws, the prompt, efficient payment to pensioners, and the inconvenience to pensioners, if any, which would result from such reduction."

Whereas speaking for and in behalf of the 40,000 or more pensioners paid at the Pacific coast agency, we feel that the abolishment of this and the other pension agencies would result in much confusion; and

Whereas the revolutionizing of the present method of paying pensions to which the recipients have become accustomed, and that they, by reason of advancing age, infirmities, and increasing necessities, would prefer such methods to be continued; also, feeling that being in charge of a pension agent near them, where their correspondence meets with quick and sympathetic response, and considering the uncertainties of mail deliveries on the Pacific slope, which would be greatly increased by the greater distance from place of mailing; and

Whereas many veterans, widows, and dependents have contracted to meet obligations on or about the day when their quarterly pension becomes due, and that failure to meet such obligations on the promised date would involve them in much embarrassment and inconvenience; and

Whereas we fully believe that from an economic point of view the saving to the Treasury would be small, as it would affect only the salary of the seventeen pension agents, all veterans of the civil and Spanish wars, under heavy bonds, doing much work in the positions now held by them; the amount so saved would be greatly exceeded by the necessary expense of closing the agencies, removing their records, and fitting up suitable quarters where pension payments to a million pensioners must be continued by a clerical force fully as large as needed at the present time, whose salaries, perhaps, would have to be increased by reason of the greater cost of living in the city of Washington: Therefore, be it

Resolved by the Department of California and Nevada, in annual encampment assembled, That we deem it unwise and detrimental to the interest of the many thousands of pensioners to have the present system of pension agencies disturbed: And be it further

Resolved, That if the authorities in Washington should deem it necessary to reduce the number of agencies now existing, that the agency in San Francisco, now administering to 43,000 veterans and soldiers'

widows, ought to be continued, as a change from the coast to Washington would work great hardship, inconvenience, and, with many, great suffering, as expressed in the preamble to these resolutions;

Resolved, That, on behalf of our veterans of this coast, we most emphatically oppose the transfer of our pension agency, and most respectfully express our decided conviction that neither the country nor the beneficiaries of the pension laws will be benefited by such change;

Resolved, That we earnestly and urgently implore the President and the Secretary of the Interior, in the interest of the veterans of the Pacific coast, to continue the agency in San Francisco for the benefit of our veterans who have become accustomed to look upon our pension agency as a home institution, which has administered the affairs of the office in such a prompt, efficient, and sympathetic manner that the beneficiaries have looked upon it as a blessing, the removal of which would cause untold confusion to them in their fast declining years;

Resolved, That a copy of these proceedings be furnished to the Secretary of the Interior and to each of our Senators and Representatives in Congress.

[OFFICIAL SEAL.] WM. G. WATERS,
Department Commander.

JOHN H. ROBERTS,
Assistant Adjutant-General.

Mr. FITZGERALD. Mr. Chairman, I dislike ordinarily to disagree with my committee, particularly on a matter where a great reform is to be attempted in the public service. But the action of the committee in this matter will not accomplish what is proposed. The action of the committee will do nothing more than to bring hardship to the men who are entitled to the salaries that are to be withheld.

I wish to impress this on the committee. The President has the power to-day to discontinue these agencies; he has now the opportunity to demonstrate his sincerity as a great reformer. He will not discontinue these agencies, even if the salaries be withheld, because he needs the places to promote his pet political schemes. [Applause.] The "Rough Riders" from Ohio are in the saddle, and they can not spare any of the places. [Laughter.] Let me call your attention to the conditions that exist. The Secretary of the Interior, one of the "pink-tea" set [laughter], has the confidence of the President and access to him as no other man in this city. If he does not pass most of his time in the White House, he at least spends a large share either in the Cabinet room or the tennis grounds. Accessible in working hours and out of working hours. He stated in the committee that there were two of these pension agencies that had come to the point where the number of pensioners paid from them was below the number that was sufficient to make the conduct of the office economical. Two of them! One in the State of Maine and one in the State of New Hampshire.

Now, what a peculiar coincidence existed; just about the time the Secretary of the Interior was informing the Committee on Appropriations that it was not economical to maintain the New Hampshire agency a vacancy occurred in it. It was vacant. The President had the power to discontinue it or to refuse to appoint an agent for that district. What did he do? Well, he forgot that there were two Senators from the State of New Hampshire; he forgot that there was an able delegation in this House from the State of New Hampshire, one of them the distinguished chairman of the Committee on Invalid Pensions, evidently entitled to be consulted as to the man who should be the pension agent in his State. But realizing the importance of building up in the New England States the candidacy of his candidate for President he nominated a man who was recommended by the friends of Secretary Taft for the office. So offensive was that recommendation to the members of the delegation from New Hampshire, and so vicious a violation of all professions of the President in regard to the use of political patronage for political and personal ends, that even a Republican Senate revolted, and to protect the President they rejected the nomination.

Now, Mr. Chairman, of what use is it to talk about abolishing these agencies merely by withholding the salaries of the agents with the President seeking, as he is, on all sides and in all places, opportunities to corral delegates or to appoint men who will dominate conventions that select delegates who will be in harmony with the Administration, who will "play true, run right," do anything else, and vote for his candidate? He will not take notice of the obvious impropriety of filling this place, but grabs it! grabs it! grabs it! [Laughter.] Yes, "grabs!" [laughter] and ignores all of the delegation, Republicans, to add a prop to his heavy-weight candidate, who can not stand on his own feet. [Laughter.] Now, I am a reformer. [Great laughter.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. I ask unanimous consent that I have five minutes more.

There was no objection.

Mr. MANN. Will the gentleman yield for a question?

Mr. FITZGERALD. Yes.

Mr. MANN. The gentleman stated that he was a reformer. I suppose he is in favor of the retention of these eighteen agencies; the rest of the reformers seem to be in favor of it. [Laughter.]

Mr. FITZGERALD. I am a reformer; a sincere reformer. [Laughter.] When I reform I want to accomplish something. I am not one of those bravado fellows who shouts a great deal with his mouth, but always takes the goods while everybody else is looking the other way. [Laughter.] If we are going to abolish these pension agencies, let us be frank about it. Let us put it in the law that there shall be but one pension agent, and his salary shall be $4,000, which is hereby appropriated. Do not let the President get away with the Grand Army on this and say, "Why, Congress was wrong; I had the power to abolish these agencies. If it is good, if it is proper, and even if I did not have the power, it would not make any difference if I thought it should be done. Why, I have now got the offices, and Congress, without full investigation, without proper information, has decreed that my appointees, the men that I need in the coming fight, are to be cut out of their rations, and, by the 'big stick,' I will not stand for it!" [Great laughter.]

Why, is it not true? He appointed a man named Fairbanks up there in New Hampshire. I was misled by that for a few minutes myself. I really thought he was a friend of the Vice-President. But these Taft chaps are pretty clever. They said, "We will take a 'Fairbanks' and get away with these other fellows before they wake up." Then when the Republican Senators heard about it they were righteously indignant. The President had been breaking into the Senatorial preserves so long and had taken so much from them that they said, "We must stand together, boys, or we will hang singly; let us reject this nomination." Then my information, which comes by that wireless, airless, noiseless system which the President uses himself, is that the latest appointment, a very fine gentleman, a brave soldier, if I am not misinformed, and a distinguished citizen of the State, has been nominated for that place, not after consultation with the Senators from New Hampshire, not after consultation with the members of the delegation, but upon the recommendation of the referee. They have referees in Northern States now, but they are all Taft men. They use them wherever it is possible that the friends of the Speaker of the House, or of the Vice-President of the United States, or of the Senator from Pennsylvania, or of some other distinguished and worthy Republican might corral the delegates who might not be with the President or his shadow. He says, "We will extend the referee system." And of course on that side they can not complain, because they have advocated it so long in its application to places on this side. I do not know but that it is a great extension of the civil service. I am with the President on it. I think he ought to name only his friends for office; and if there is anybody else in, I am willing he should take them out, because, Mr. Chairman, it would give me more pleasure about this time next year to help to cut off the heads of all Roosevelt men rather than to be taking off the heads of the friends of the Speaker and the Vice-President and all my other good friends on that side of the House.

Now, if we can not be honest in our reform, do not let us attempt to reform at all. Do not let the President again come in here and insist on being virtuous and retaining these agents. Do not let him weep tears for the old soldier while his confidential young man comes down and tries to work Congress on the quiet. Why didn't he tell all this to the President? Why did not that big man, that strong man, the President, do what they ask us to do? He can do it effectively. We are not trying to be effective. [Applause.]

Mr. COX of Indiana. Mr. Chairman, I oppose the amendment offered by the gentleman from Ohio, and I rise for the purpose of supporting the report made by the committee on this proposition.

As was stated by the gentleman from Mississippi a while ago, so far as the pensions are concerned, the amount is at all times a mere matter of calculation. The Commissioner of Pensions knows substantially to a dollar what is going to be required to send out.

I have a great deal of feeling for the various clerks so eloquently spoken for by various Members, who reside at the different agencies throughout the United States. But above all, Mr. Chairman, I have more feeling and more sympathy for the soldier who actually earned the money that is due him and the money that this committee is now appropriating to pay him. I have in my own State, at the city of Indianapolis, an agency which distributes every year more than $10,000,000. More than 60,000 pensioners are paid through that agency every year. But, Mr. Chairman, the Secretary of the Interior and the Com-

missioner of Pensions have said, and the report states, that by abolishing these pension agencies and concentrating them into one we will ultimately save to the United States at least $225,000 per year. For one, Mr. Chairman, I am in favor of economy, but I am not in favor of economy as against the soldiers of this country. If this $225,000 that it now costs the people of the United States to maintain these agencies can be saved, and that amount of money appropriated to the soldiers of the United States, for one I am in favor of it. Now, as it has been said here, section 4780 of the Revised Statutes of the United States leaves it discretionary with the President of the United States as to how many agencies there shall be established in this country. That being solely a discretionary matter, I imagine, if this House refuses to appropriate money for more than one agency, the remainder of these agencies throughout the United States will naturally and necessarily cease.

Again, there was passed at the last Congress, on March 4, 1907, a recommendation requiring the Secretary of the Interior to examine into the economical side of this question as to whether or not it would save the people any money to consolidate these agencies into one. Their recommendations are reported by the Committee on Pensions, and they state that it will save at least $225,000 a year to adopt this policy.

Mr. Chairman, I do not care if it would save but $25,000 a year, I am in favor of it. I know the soldiers of my district, I believe, intimately, and I know without a single exception the Grand Army of the Republic in the district I represent are in favor of the abolition of the pension agencies and appropriating that money to pay the soldiers of the United States.

Mr. Chairman, I am in favor of economy in the administration of the affairs of the Government, but at the same time I am in favor of a liberal policy toward the soldiers, their orphans and widows, who have done so much for the perpetuation of this Republic of ours. Early in the session I introduced a bill which I hoped would become a law before the session closed. It provides that soldiers 63 years of age should receive a pension of $13 per month; those 64 years of age a pension of $14 per month; 65 years of age, $16 per month; 66 years of age, $17 per month; 68 years of age, $18 per month; 69 years of age, $19 per month; 70 years of age, $20 per month; 71 years of age, $22 per month; 72 years of age, $24 per month; 73 years of age, $26 per month; 74 years of age, $28 per month, and 75 years of age, $30 per month.

I had hoped to see this bill enacted into a law this session, but I fear it has gone the way of many other good bills which have been introduced this session of Congress tending to benefit the condition of the soldiers who now need the aid and support at the hands of a grateful Government so gallantly defended by them during the wars in which this country had been engaged, both at home and abroad. My bill is not really what I would like to see passed by this Congress, but I recognize that it is a difficult matter to give equal and exact justice to all persons now upon the pension roll; and, believing that my bill would at least tend to do some justice toward the deserving class of people; that it would ameliorate some of the present hard conditions concerning the soldiers, and with the confident hope that it would receive recognition at the hands of Congress, I so introduced it.

I would gladly vote for the Sherwood bill, which proposes to give every soldier who served eighteen months or more in the Army, $1 per day, or I would gladly vote for any bill that would give a soldier who served ninety days or more in the late civil war, and who was honorably discharged therefrom, $1 per day.

The McCumber bill, passed February 6, 1907, was a step in the right direction, but, in my judgment, it does not go far enough. Under this bill soldiers who have reached the age of 62 years are entitled to a pension of $12 per month; 70 years of age, $15 per month; and 75 years of age or over, $20 per month. The objection to this bill is, that the increase of pension is not in proportion to the decline of years of the soldier's life. It gives all soldiers 62 years of age $12 per month; then the soldier must wait eight years, or until he is 70 years of age, before he is entitled to participate in an increase, and then only at the rate of $3 per month. Then he must wait five years more, or until he is 75 years of age, before he is entitled to another increase, and then only $5 per month, making $20 the maximum pension that he can receive under this bill. It is a well-known fact that a man after he has passed the age of 65 is on a rapid decline, unable longer to physically fight the battles of life, and more especially, I think, true of the soldier who for days, weeks, months, and years exposes himself to the hardships of war.

To meet these conditions I have introduced my bill, so that while the soldier so rapidly traveling down the western horizon of life every month and every year, his earning capacity becoming less and less, his pension ought to be correspondingly increased every year to meet this ever changing physical condition. The time is now here when this question ought to be forever settled and settled right—settled as our soldiers have settled every question they ever undertook to settle from the days of the Revolutionary War down to the present hour. The total number of certificates issued under the McCumber bill on the 1st day of January, 1908, was 281,475, increasing the pension roll $15,018,000.

Short as this period is from February 6, 1907, of the number of soldiers who availed themselves of the benefits of the McCumber bill, 4,000 of them have since died, and the estimated death rate of the soldiers now drawing a pension under this bill is about 1,000 per month, showing a very rapid degree of mortality, and as the years roll on the death rate will be much more rapid, so that even if my bill was enacted into a law it would not add very materially to the annual appropriation of pensions because of the rapid death rate of the soldiers now going on. Even if it did add to the increased cost, it is a mere bagatelle, every dollar of which finds its way into circulation and keeps the soul and body together of some deserving soldier or a member of his family.

The total disbursement for pensions for all wars and for Regular establishment, the War of the Revolution, estimated $70,000,000. The war of 1812, on account of service without regard to disability, $45,625,899.24.

The Indian wars, on account of service without regard to disability, $39,397,733.57.

The war of the rebellion, $3,389,135,449.54.

The war with Spain, and increased in the Philippine Islands, $18,909,512.43. Regular establishment, $9,864,344.67.

Unclassified, $16,260,397.04. Total disbursements for pensions down to and including the fiscal year 1908, $3,598,015.69.

There is now living no soldier or soldier's widow of the Revolutionary War, and there is no pensioned soldier living of the war of 1812, but there are on the pension rolls 558 widows of the war of 1812. The last survivor of the War of the Revolution was Daniel F. Bakeman, who died in Freedom, in Cattaraugus County, N. Y., April 5, 1869, aged 109 years 6 months and 8 days, and the last surviving widow, Esther S. Damon, who died at Plymouth Union, Vt., November 11, 1906, aged 92 years. There are still three daughters of soldiers of that war on the pension rolls by special acts of Congress.

It will be but a few more years until the last roll will be called of all the survivors of the unfortunate, but great, war from 1861 to 1865. We can well afford, as one of the greatest nations upon the earth, to care for those who cared for us during that trying time. I hope to see my bill or some other good service-pension bill enacted into a law, if not at this session of Congress, then early in the next session. [Applause.]

Mr. HALE. Mr. Chairman, we have here a phenomenal development of abnormal economy in the House. We have before us the question where 967,371 pensioners are paid from the Treasury of the Federal Government, and the payment and management of the Pension Bureau have reached that wonderful point where five Members of this Congress on the subcommittee of the Appropriation Committee have decided to take from them, without a hearing, without their consent or knowledge, the management of the whole matter. It is not only a step toward centralization, which is wrong in principle and in practice, but it is a great injustice to the soldiers of this Republic; and, besides that, it is not economy. This bill proposes to centralize in Washington, in the most expensive city in this nation, eighteen agencies where clerks do the least work at the largest salaries paid in the United States.

We paid off last year 114,164 soldiers outside of Washington at an average of 7 cents and 4 mills higher than is paid in the city of Washington. We made a saving of $844.81. Last year we paid 794,569 soldiers at 7 cents cheaper than the agency paid them off in the city of Washington, making a saving by paying them off outside of Washington of $55,619.83. Therefore we are in the position of recommending that in order to save $844.36 we lose $55,619 by the actual figures of the Commissioner of Pensions himself.

Think of this condition; a committee of five Members of Congress, with only two Federal soldiers thereon, deciding this question when only one Federal soldier was heard in behalf of the movement. Two men on the committee that are not soldiers, nor the sons of soldiers, have decided in the interest of abnormal economy to change the whole system, and it can not be done by jugglery of figures or misstatement of facts cheaper than it is done now, out in the country, among the people in the agencies as they now exist.

Take my distinguished friend from Ohio [Mr. KEIFER], whose rugged character we all admire, and who distinguished

himself on the field of battle. In time of peace, his character and his life have been pure, heroic, and loyal, but the proposition he now makes will cost the United States Government $16,578.48 to do the same work in Washington that was done in the city of Columbus last year by the actual figures of the Commissioner.

Take my distinguished friend from Michigan——

Mr. BURLESON. Will the gentleman from Tennessee yield?

Mr. HALE. I am too busy. [Laughter.]

Mr. BURLESON. I just want to ask him if there is a pension agency in Tennessee?

Mr. HALE. The best one of the list. [Laughter.]

Mr. BURLESON. In whose district is it?

Mr. HALE. It is in mine. [Laughter.] And I want to say there is not a member of that Appropriation Committee, or any Member on this floor who loves his district and his country, who would not stand and maintain a pension agency at home. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HALE. I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HALE. Mr. Chairman, our distinguished friend from Michigan, who was a Federal soldier and is an orator and a statesman and a gentleman, upon this proposition of the agencies as they now exist, will find that the agency in Detroit paid off 40,685 soldiers 5 cents per capita cheaper in his State last year than the same number could have been paid off in the city of Washington, saving to the Government and to the country $2,034.25. Take my own State—and my colleague is on the subcommittee and he loves the soldiers, because his work shows it—and they have spent $2,000,000 for a Soldiers' Home in his district, and the interest on the money invested and the expense of maintaining them amounts to about $430 per soldier per annum. This is economy in one district, but not economy in another, where we pay off the pensioners from my district at a cost of 53 cents and 1 mill per capita. We saved last year in paying off 64,000 soldiers in the city of Knoxville $8,320 over what it would have cost to do the same work in the city of Washington.

I can not understand for the life of me why, if this is in behalf of good government, if it is in behalf of economy, if it is in behalf of the soldiers that made this country great, the soldiers of the country were not called into council; that the Grand Army posts of the country did not have a hearing; that we who are sons of soldiers were not consulted. Why was it? We heard only the distinguished soldier, who on the bloody battlefield of forty or fifty years ago distinguished himself who is at the head of the Pension Bureau, who for the sake of keeping up the Bureau that is going down recommends it, and for no other reason. He says he would bring all the clerks here. You will find that in the hearings. He says you will have to move out bureaus that are in the Pension Office if they go there. There is no economy in it; they are not begging for it; they are not praying for it; it is not necessary; it is unbusinesslike; it is without need, without cause, without principle of good government, good judgment, good economy, and wisdom of administration. If this country wants to serve well the people that made it great, let us pay those old soldiers and widows every sixty days instead of every ninety days. If we want to serve best the men who suffered on the battlefield, let us take care of them at home, where it is convenient. No one will say that in the pension agency at Knoxville a clerk is employed who does not put in full time between payments, and not one of them gets the average pay that they do here in the city of Washington.

Mr. GAINES of Tennessee. Will my colleague yield for an inquiry?

Mr. HALE. I have not time.

Mr. GAINES of Tennessee. I just want to have the gentleman tell the committee how far Knoxville is from Washington—how many hours it takes to get from Knoxville to Washington.

Mr. HALE. If that has any connection with the question, I do not see it. [Laughter.] We saved on paying out to pensioners $55,619.83 outside of Washington, and in addition to that if you bring the clerks here you have got to raise them an average of $450 each before they have the same average that the clerks in the Pension Bureau now have, and to do this on 435 clerks it increases the pay $195,750. Subtract from this seventeen agencies at $4,000 each and we still have a saving to the Government by doing the work as it is now done of $197,369.83.

That gentlemen may know what is done at the pension agencies between payments, we will take the Knoxville agency for illustration. When the Commissioner of Pensions made his last report at the end of the fiscal year there were about 64,000 names on the rolls. This means that in the time between quarterly payments that number of vouchers must be prepared to be sent to pensioners with their checks, to be executed for the next succeeding payment. For this purpose blanks are furnished, but the names of the pensioners must be filled in, the number and dates of pension certificates, with rank and service. These vouchers are then carefully compared with the rolls one by one to avoid mistakes. This, you will readily see, involves a large amount of labor.

Besides this, the same number of envelopes must be addressed. Original and increase certificates, together with the certificates of widows whose husbands have died, all these must be inscribed carefully on the rolls and vouchers made out and payments made between the dates of the quarterly payments. In this office these payments are made twice a week between these quarterly payments. If it were not done some pensioners would have to wait a long time after being placed upon the rolls before they would get anything. Included in these semiweekly payments are vouchers which have been returned to the pensioners for correction, which are more than 10 per cent of the whole number paid. In addition to all that we are required to make abstracts of all payments made, in which the name of every pensioner is given and time covered by the payment and amount paid.

This abstract is carefully compared in every detail and balanced to a cent and then forwarded to the Auditor for the Interior Department, Treasury Department, with the vouchers for which it is made. Then there is a great deal of careful work to be done in checking and proving the statements of the two subtreasuries who cash the checks drawn by the agency.

For the months succeeding those for which the quarterly payments are made you may readily see that this is a work of considerable magnitude. Besides, you will know that in dealing with this large number of persons there must be a great deal of miscellaneous correspondence which must be attended to and which usually keeps at least one of the clerks busy all of the time. The agency is also required to make a report annually in detail of all the business transacted, which requires many days and weeks of arduous labor which must be done in addition to the routine work.

Anyone who knows anything of the workings of a pension agency may see at a glance that the work of the clerks during the quarterly payments is but a fraction of what they do, and it must be done, no matter where the agency may be located and whether there be one or eighteen of them.

That the public may know that my figures are correct and my statements based upon facts, I submit the following figures furnished me by Commissioner Warner on February 7, 1908, showing cost per pensioner for paying pensioners at each agency in the United States:

Topeka	$0.425
Columbus	.458
Chicago	.518
Knoxville	.509
Indianapolis	.495
Boston	.511
Philadelphia	.530
New York City	.644
Washington	.631
Des Moines	.534
Milwaukee	.544
Buffalo	.564
Pittsburg	.562
San Francisco	.548
Detroit	.582
Louisville	.638
Augusta	.761
Concord	.776

These figures, furnished me by Commissioner Warner, as stated above, show that we pay off soldiers 13 cents cheaper per capita at Knoxville than in the city of Washington, thus saving on 64,000 soldiers $8,320. In addition to the fact that all of the clerks in the agency at Knoxville should be brought to Washington, Commissioner Warner said in the hearings that he would bring all of them here, and then their salaries should be raised $450. To correspond with the salaries now being paid in the Pension Bureau here, it would cost $11,700 more clerk hire to do the same work. Take from this $4,000, which is paid the agent at Knoxville, and we still have a saving to the country by doing this work at Knoxville of $16,020; but for argument's sake suppose that by centralizing the agencies all in one we could save $100,000, being the amount the Commissioner named, what would this amount to? It would save to soldiers and the widows of this nation only 1 cent and a small fraction of a mill per capita, or consider the saving based on population of our nation, 90,000,000 of people, it would save per capita one-tenth of 1 mill, yet the soldiers and widows of our country would, in my judgment, gladly pay an assessment of $1 per capita, if it were necessary, to keep these agencies where they are now, located where their comrades are the agents and clerks; in

fact, most of the clerks in these agencies are Federal soldiers, their widows, and their orphans.

They are drawing small salaries, some have their homes in the cities where the agencies are located, and it would be unjust and cruel to move them to Washington; in fact many of them could not come, and their places would be filled by persons who could take the civil service examination, whether or not their qualifications would enable them to plow a horse or build a fire. It would greatly inconvenience the pensioners on account of vouchers being returned for correction, missent, etc. It is estimated that 10 per cent of the total number of vouchers sent out are returned for correction, and sometimes returned two and three times, thus making at all times, being out in the mails of the country, 96,737 drafts thus delayed. It is further estimated that 3,813 soldiers and widows die each month, thus making an average of 381 per month who die without their vouchers, many of whom die in poverty and go into their graves while their checks were going back and forth through the mails of the country. To verify what I here say the following figures were furnished me on February 12 by Commissioner Warner:

Class.	Invalids.	Widows.
Regular Establishment	11,333	3,640
Act of February 6, 1907	271,028	
Civil war, general law	151,857	81,011
Act of June 27, 1890	212,934	183,548
War with Spain	19,553	5,091
War of 1812		521
Mexican war	3,233	7,163
Indian wars	1,935	3,186
Total	671,873	287,160

The number of deaths in each class during the calendar year ended December 31, 1907, is as follows:

Class.	Invalids.	Widows.
Regular Establishment	425	164
Act of February 6, 1907	4,821	
Civil war, general law	8,304	4,718
Act of June 27, 1890	18,268	7,186
War with Spain	299	127
War of 1812		90
Mexican war	514	463
Indian wars	165	208
Total	32,796	12,956

The pension agencies throughout the country are now run on business principles. They accommodate thousands of local pensioners and they handle the business with economy and promptness. Commissioner Warner admits as much when in the hearings before the committee he says:

> They have been running very satisfactorily, and the agents have been taking care of the business in good shape. We have no fault to find with any of them.

He further stated, which shows there can be no economy in this matter:

> In the Pension Bureau proper we have no more clerks than we need and we have no one to spare to put into the agencies to do their work. It would be necessary to bring some clerks from each agency—possibly all of them to start with—until we could get matters adjusted.

He further stated that it would cost $10,000 additional to move the agencies to Washington, and a new office, known as disbursing clerk, would have to be created. In addition, Mr. Thompson stated they would have to buy some more furniture, and of course the Government would have to pay heavy rent when they move certain bureaus out of the Pension Bureau to make room for the pension agencies. The argument that it would take fewer clerks to do the work in Washington is erroneous, because if clerks are now idle in any agency it is the duty of the pension agent, the Commissioner of Pensions, and the Civil Service Commission to adjust such unreasonable conditions. The truth is they are not idle, but do more work each day, with less pay, than the clerks do in the Departments here in Washington. Let me say again, if we want to do right and the best thing for the soldier and his widow, as well as the Treasury of our country, let us pay, as the Pension Bureau runs down, every sixty days instead of ninety days, and later on every thirty days, thus adding to the comfort of the men and the women who are entitled to the greatest measure of Government support, protection, and consideration.

In closing, let me take the Knoxville agency for illustration, and what I say of it will apply in greater or less extent to every one of them. From Knoxville we pay off the soldiers for ten Southern States. The agent is an ex-Federal soldier, a man who, though born in the South, turned his back on sentiments common to the South in early life and fought for his country and for the honor of our flag. He began editorial work under the great "Parson" Brownlow, and now edits the only Republican daily paper in the Confederate States. He is a man of high standing, of unquestioned character, able, true, and progressive, who commands the respect of all persons and all parties, and, instead of drawing a salary he does not earn, he reflects credit on the office and Administration that appointed him and saves to the Government each year approximately $16,000 by doing the work in Knoxville.

The soldiers paid from this agency were not common soldiers. It was easy for you gentlemen in the North to go into the Union Army, because it was popular and it took more courage not to go, under the circumstances, than it did to go and fight for your country; but not so with the Southern Union man, who was surrounded by a large majority on the other side. His home sentiments were all with the South. He knew that to reach the Union Army he had to take his life in his hands, and after getting through he had to face on the battlefield his own brothers, sometimes father, and many of his schoolmates and neighbors. These men did not know all that you men did in the North about the situation. They only knew they loved their country and were ready to fight for their flag, and notwithstanding it seemed that the tide was against them, still they stood firm, like the oak on the hilltop that bends in the storm to straighten with renewed strength in the sunlight of the calm.

When they went to battle the future looked dark. They knew the South had endless summer, which would enable the enemy to carry on war without interruption; mountains of iron, lead, and material for prosecuting war; mountains in whose gorges armies could intrench themselves to great advantage. It seemed to them that foreign nations favored the South; that the fleet of less than ninety vessels prior to that date had been shifted to Southern seas; that Lincoln was at the head of a new party and both the President and the party untried; the Treasury of the nation was empty, and bonds could not be sold at 12 per cent. Besides this, many of the strong men of West Point had declared for the Southern Confederacy; but in the midst of this appalling situation in the section they loved, with nothing but darkness before them, they stood like Spartan heroes for their country's flag, for the glory and honor of the greatest nation the world has ever seen.

Let us not take from these heroic men, their widows and their orphans the only Southern pension agency they have. Let us not insult them in the name of economy, but give them loyal support, protection, and comfort during their day. Other men can speak for their constituents and the soldiers of their section as they please; as for my part I shall stand for the protection, comfort, and consideration of the Union soldier who dared to fight in his country's name.

Mr. CRUMPACKER. Mr. Chairman, this debate illustrates how difficult it is to abolish an office after it has once been established, and it seems that the more unnecessary offices there are the greater the difficulty in getting rid of any of them. This is purely a business question, and it relates to the efficiency and economy of the administration of the pension laws of the country. The matter has been carefully investigated by the Secretary of the Interior and by the Commissioner of Pensions, and they report to the Congress that the laws can be as efficiently administered as they are now by the abolition of seventeen of the eighteen pension offices, and there may be a saving to the country of from two to five hundred thousand dollars a year.

Mr. DALZELL. Will the gentleman yield for a question?

Mr. CRUMPACKER. Yes.

Mr. DALZELL. Will the gentleman give us the figures for that $500,000 a year?

Mr. CRUMPACKER. The gentleman from Ohio [Mr. KEIFER] made the statement a while ago that the saving would, in his judgment, be $500,000 a year.

Mr. DALZELL. Does not the Commissioner of Pensions say that the administration of law under this proposed system would cost just as much, so far as clerk hire is concerned? Did he not say that the same number of clerks and the same clerks would have to be retained?

Mr. CRUMPACKER. He may have.

Mr. DALZELL. He did.

Mr. CRUMPACKER. But I am not even bound by that. This is the age of consolidation. What does the argument amount to, then, in favor of consolidation of great industries of the country in order that they may avail themselves of economies in production if it is not likewise true of the pension business?

The same philosophy applies to the business agencies of the Government as applies to private industry. It is recognized by every economist in the country that there is a great saving in consolidation, in combination, and I believe the gentleman from

Ohio is nearer right perhaps than the Secretary of the Interior when he estimates the saving to the country of a half million dollars a year resulting from the abolition of seventeen out of eighteen pension agencies. I am sure it will not result in any sort of inconvenience to the pensioners. Pensions are paid quarterly. Every man and every woman who holds a pension certificate will receive a payment four times a year. There can only be an interim of three months between payments. It can not possibly result in an injury to a single pensioner of the country. It is a movement in the interest of public economy. Congress has an opportunity to save from $200,000 to $500,000 a year without in any degree inconveniencing a single citizen or embarrassing the administration of this important feature of government.

The State of Indiana has a pension agency, one in which we all feel a considerable local pride. I am personally well acquainted with the gentleman who is in charge of that agency. He is a personal and political friend of mine, and I do not like to see him lose his job, but, Mr. Chairman, this question is one larger than patronage, larger than spoils. It is a question of public economy, and every member of the Committee of the Whole, in my judgment, ought to overlook these personal propositions, these personal questions, and consider it altogether as a business proposition. Can we save any money by this change? I think there can be no sort of doubt that we can. Will it result in any inconvenience to any considerable number of the citizens of the Republic? It can not possibly so result. Those are the only problems, Mr. Chairman, involved in the consideration of the question, and I am glad of this opportunity to say a word in favor of the proposition reported by the Committee on Appropriations in favor of abolishing seventeen useless—I will not say altogether useless—but in favor of consolidating the seventeen offices into one, whereby we can bring about a substantial saving of public revenues.

Mr. DALZELL. Mr. Chairman, I propose to support the amendment offered by the gentleman from Ohio [Mr. TAYLOR], and I propose to support it on what I consider to be good grounds of public policy. Now, what is the situation? The law provides that the President shall be authorized to appoint so many pension agents as in his judgment the public interests and convenience of the pensioners shall require. In the exercise of that judgment the President of the United States has appointed eighteen pension agents, and we have from year to year been appropriating for their salaries. What is the proposition now? That we shall cut off seventeen of those pension agents. By an express provision of law? Not at all; but we shall refuse to appropriate for seventeen and appropriate only for the remaining one. If points of order had been decided as I think they ought to have been from the beginning, such a provision as that would have been subject to a point of order; because it is in point of fact a change of existing law. It is not, under the precedents, however, subject to a point of order, because it has been held that Congress may appropriate or fail to appropriate as it sees fit. But the failure of Congress to appropriate for these seventeen pension agents does not strike down the agencies as offices.

Each and every one of those agents can go to the Court of Claims and claim and recover for his salary until such time as his office may be properly abolished by law. Now, where does the power exist to abolish these offices by law? It exists in the President of the United States or in Congress. The President of the United States has indicated no wish upon his part that these seventeen offices shall be abolished——

Mr. KEIFER. Oh, yes.

Mr. DALZELL. Oh, not at all. The President of the United States is not in the habit of keeping from Congress what he wants Congress to do. I shall vote for the abolition of these offices when I hear from the President of the United States that he wants to have them abolished and assigns a good reason therefor. Now, then, there is a great deal of declamation about the amount of money that is going to be saved. The gentleman who has just taken his seat is going to save a half million of dollars. Now, let us look at the figures, vague as they are. The committee proposes to save the salaries of seventeen pension agents, at $4,000 a year. That is $68,000. It then concedes by provision in its bill that the money to be saved in the payment of clerk hire is $100,000.

Mr. EDWARDS of Georgia. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Pennsylvania yield?

Mr. DALZELL. I do.

Mr. EDWARDS of Georgia. Has the gentleman any of these agencies in Pennsylvania?

Mr. DALZELL. That makes no difference at all. I understand what the gentleman means by his question. There are two agencies in Pennsylvania. There is one in Pittsburg, and I am arguing for that agency here to-day, and I am not ashamed of it, either. [Applause.] I care nothing for the gentleman's peanut politics.

Mr. EDWARDS of Georgia. I just wanted to get the gentleman on record, Mr. Chairman.

Mr. DALZELL. Oh, "the gentleman from Pennsylvania" never yet failed to go on record. [Applause.] How are you going to save $100,000 in clerk hire if it be true that you must have the same number of clerks at the same salary that they are being paid now?

Mr. KEIFER. Mr. Chairman——

Mr. DALZELL. I do not care to be interrupted. I have——

Mr. KEIFER. I would like to have the gentleman read what the Commissioner says about keeping the same number. I will hand it to him. It is contained in three lines.

Mr. DALZELL. I will read from page 7.

Commissioner WARNER. Oh, yes. We will want the same clerks. We would bring the majority of them from each agency here with their records, so as to have them go right to work. In the Pension Bureau proper we have no more clerks than we need, and we have no one to spare to put in the agencies to do that work.

Now, how are you going to save $100,000 in clerk hire if you have to bring the old clerks here to do the same work? You can not do it. But concede the proposition of the committee—that they can save $100,000—is the game worth the candle? Certainly not. You are going to turn out of office eighteen veteran soldiers of the civil war who are at the head of these pension agencies, and properly there. You are going to turn out of office—for that is what it means—all or most all of the clerks employed in these various offices. Talk about bringing clerks from San Francisco to Washington to serve as employees in the Pension Office! And many of these clerks—I speak from knowledge of my own town—are the widows and the orphans of soldiers, so that the sum total of what you propose to do here to-day, not in an open, manly way, but by indirection, is to discharge eighteen veteran soldiers and the widows and orphans of many others. I submit to you, gentlemen, the game is not worth the candle. [Applause.]

Mr. HOLLIDAY. Mr. Chairman, I desire just to add a word or two to the debate that has taken place. I have observed that most of the Members who have spoken in favor of this amendment put it on the ground of the injury to be done to the old soldiers by changing our present plan. I have been a pretty faithful attendant at the Grand Army reunions, and I want to say to you that the old soldiers do not care anything about it at all. They are anxious to get their pensions, but they do not care whether they are sent to them from Washington, Indianapolis, Topeka, or San Francisco. It would be impossible for even the silver-tongued orators, who have just addressed you on this subject, to get up a particle of enthusiasm among the old soldiers as to the place where they are going to be paid. They will get their money every three months anyhow.

I have not gone through these figures. I do not know how much saving there will be, but if there is a proposition at any time that will come up in this House to save one dollar to the Government which can just as well be saved, I will support it. [Applause.]

This is a business proposition, wholly and purely. It has been said here that the President, in his discretion, can reduce the number of these agents. Well, the President has it in his discretion to do many things, but the President would not be justified in reducing the number of these agents as long as Congress appropriated for their pay. Whenever we appropriate to pay for eighteen agents, that is a notice to the President that Congress wants to keep eighteen agents, and when we vote to appropriate for one agent, that is a notice to the President that we only want one agent. And history will show, and the President can see this very clearly, and he will quickly respond to the demands of the country.

The gentleman from New York [Mr. FITZGERALD], in discussing this matter, spoke of the Secretary of the Interior having the confidence of the President. I want to add to that, Mr. Chairman, that not only the Secretary of the Interior, but every member of the President's Cabinet has not only the confidence of the President, but the confidence of the American people to a very great and unprecedented extent. [Applause.] I was a little surprised that my genial friend from New York, who generally talks business, should have interjected politics into this discussion.

Mr. FITZGERALD. There is no politics in it, I want to say; oh, no politics!

Mr. HOLLIDAY. If there was not any politics in the gentleman's speech, I must admit that I do not know what a political speech is.

Mr. FITZGERALD. There is no politics in the appointments the President has made, either; that is, some people do not think so.

Mr. HOLLIDAY. Well, Mr. Chairman, I want to give what I think is a very good reason for the attitude of my friend the gentleman from New York. The newspapers have stated that another gentleman from New York, a man whose silvery eloquence has often held spellbound this Chamber, is about to be disciplined because he is not a Democrat. I do not know whether that is true or not, but my notion is that the gentleman from New York who has just spoken is afraid that he will be brought up upon the green carpet, and he is getting ready to prove an alibi; and he can do it. He could do it; he could get every Member of the House here and make it complete. He could prove not only that he is a Democrat, but works at it all the time. [Laughter.] Now, Mr. Chairman, let us look at this as a purely business proposition. There is an agency within a few miles of my home. I can get there in one hour. The man who holds the place is a personal friend of mine, one of the noblest men God ever made, a magnificent fellow. If we are going to have any sinecures I want him to have one, although I am opposed to sinecures. The argument is made that we will save the Government, and wherever we can save the Government money we ought to do it. It is said that a distinguished gentleman, once speaking on the tariff question, said it was "a local question." [Laughter.] I have noticed that whenever a man gets up and eloquently pleads for the retention of a place in the interest of an old soldier, it turns out that somebody in his immediate neighborhood holds down the job. [Great laughter.]

Mr. ALEXANDER of New York. Mr. Chairman, I shall certainly not reflect on the committee having this bill in charge, but I think it must be manifest to every gentleman in the House that the inquiry presented by it is very inconclusive. One year ago Congress asked that an inquiry be made, and what has the committee given us? The brief examination of two witnesses. Who are they? The Commissioner of Pensions and the Secretary of the Interior. Two gentlemen well informed in their business; an able Cabinet officer and a splendid Commissioner. But, gentlemen, I undertake to say that they know absolutely nothing by experience, by observation, or by investigation, except an ex parte one, of the workings of the system which they have been asked to make. If we are to create a United States judicial district, we would not be satisfied with the opinion of the Attorney-General.

Mr. MANN. Is it true that the Judiciary Committee, in reporting bills for new judicial districts, do not make inquiry of the Attorney-General as to the amount of business?

Mr. ALEXANDER of New York. It does make inquiry of the Attorney-General, but the gentleman is anticipating the illustration. We not only get the opinion of the Attorney-General, but the opinion of the local or district judge, and of the district attorney of the district; nay, more, we often seek the opinion of United States commissioners, of attorneys, and of others who may be informed of the needs. Now, if the gentlemen who have charge of this bill had inquired of the local pension agents, of the pensioners, and of other people who have a personal knowledge of the working of the present system, do you believe there would be the paucity of information that exists here to-day on this subject? Who knows by this report how much will be saved? Who has been able to tell us?

Mr. SHACKLEFORD. Will the gentleman allow me to ask him a question?

Mr. ALEXANDER of New York. Certainly.

Mr. SHACKLEFORD. Is there a pension agency in your district?

Mr. ALEXANDER of New York. There is a pension agency in Buffalo. The agent is an old soldier, and I am glad to speak for him and for the clerks, and especially for the system as it exists to-day, and which I believe is more economical than the one proposed. [Applause.] A full, free investigation would disclose it. What we have before us is simply theory; what we need are facts. The committee asks us to vote about what this House knows nothing. It attempts to teach us from their own ignorance. I protest against that sort of an inquiry. The gentleman from Tennessee [Mr. HALE] informs us that the work of his agency can be done for $8,000 less at home than in Washington. If I should speak for the agency at Buffalo I might show an equal or greater saving. A proper investigation would have removed this question of economy. As it is, the committee assumes, and this House must assume, without knowledge if it supports the committee, that the proposed change will save the Government money. Why not assume that an investigation in which both sides are heard will show the present system to be the more economical? Abundant reason has been given by gentlemen why, if existing conditions are more economical, the change should not be made, and since the committee is not informed on the question of economy, why not allow the matter to remain as it is until accurate information is before us?

This is not a question of reform. The existing way is as clean and wholesome as the proposed system. The proposed change on the part of the Government is only to save expense, and as to this no two reports agree. One gentleman says it will save $500,000; another, $200,000; a third, $120,000, while it has been pointed out on this floor this afternoon that the report, in fact, shows an actual increased cost of over $100,000. Why this haste when there is so much doubt? The Commissioner of Pensions admits that the greater part of the clerks now doing the business must be transferred to Washington, and if transferred here, it is admitted that their salaries, because of the greater cost of living, must be increased. The change therefore, if made, means to the clerks giving up settled homes, breaking up the associations of a lifetime, and coming to a strange city to do for a larger salary what they now do and can do for less salary. And all for what? Simply to save, as the report says, $200,000. If this were certain, there might be the miser's excuse. But it is probably not certain. It is based only on assumption. There is not a gentleman in this House to-day that has accurate information. And I believe, if the pension agents, who can give facts and who have thus far not been officially heard, could be given a hearing, the committee's report would show an increase of cost. The statement of the gentleman from Tennessee, showing a saving of $8,000, indicates it.

The CHAIRMAN. The time of the gentleman has expired. [Cries of "Vote!"]

Mr. CRUMPACKER. What agency was it that would save $8,000?

Mr. ALEXANDER of New York. The agency in Tennessee. The gentleman from Tennessee [Mr. HALE], who has just spoken, made that statement.

Mr. GARDNER of Michigan. Mr. Chairman——

Mr. TAWNEY. Mr. Chairman, I ask that the gentleman from Michigan, a member of the Committee on Appropriations, may proceed for ten minutes.

The CHAIRMAN. Unanimous consent is asked that the gentleman from Michigan, a member of the committee, may proceed for ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GARDNER of Michigan. Mr. Chairman, those present who were Members of the Fifty-ninth Congress will recall that in the pension appropriation bill, as reported to the House a year ago, there was a provison for the payment of but nine pension agents. At that time this feature of the bill was discussed at length, the final result of which was that the report of the committee was so amended as to appropriate for the payment of but one agency. The Senate refused to concur in the House action touching the consolidation, and the matter went to conference. After prolonged efforts the conferees were unable to agree, and reported the fact back to their respective Houses. Each body sustained its representatives on the committees and further efforts were made to harmonize the differences, but without avail, save in an agreement to submit to the Secretary of the Interior the following:

Provided, That the Secretary of the Interior shall make inquiry and report to Congress, at the beginning of its next regular session, the effect of a reduction of the present pension agencies to one such agency upon the economic execution of the pension laws, the prompt and efficient payment of pensioners, and the inconvenience to pensioners, if any, which would result from such reduction. This provision shall not be construed as interfering with or limiting the right or power of the President under existing law in respect to reduction or consolidation of existing pension agencies.

Pending investigation and report of the Secretary and until further action by Congress, the number of pension agencies were to remain at eighteen.

On December 13 last the honorable Secretary of the Interior, after a careful investigation of the whole subject, sent to the Congress his report, in which, among other things, he says:

1. *Economic execution of pension laws.*—The annual expenditure on account of the payment of pensions, including the salaries of pension agents, clerk hire, contingent expenses, and the printing of vouchers and checks, is approximately $550,000, an average cost per pensioner of 55 cents per annum. It is estimated that after a consolidation has been completed and in perfect working order all pensioners could be paid by the Commissioner of Pensions or one disbursing officer, located in the city of Washington, with an annual expenditure of, at most, $350,000, a saving of 20 cents per annum per pensioner, or $200,000. After the first year of the consolidation I am of the opinion that the

appropriation for the expense of paying pensions could be safely reduced at least $25,000 more.

2. *The prompt and efficient payment of pensioners.*—If all pensioners are paid by the Commissioner of Pensions, or one disbursing officer, provision should be made for a division of the pensioners into three groups, one group to be paid each month, as at present, and all pensioners could be paid *as promptly by the* Commissioner of Pensions, or one disbursing officer, as by eighteen agents.

3. *Inconvenience to pensioners.*—As all pensioners could be paid as promptly by the Commissioner of Pensions, or one disbursing officer, as by eighteen agents, there would be *no inconvenience to pensioners* except the slight delay which would be caused in the case of pensioners living remote from Washington in the time required for a voucher to reach Washington through the mails and for the check to be returned. The checks would, however, be issued quarterly as now and the pensioner receive his payment regularly every three months after the receipt of the first payment.

This report covers and fully sustains every point of contention made by the advocates of consolidation in the last Congress. These points are three. First, that consolidation will not result in inconvenience to the pensioners. Second, that it will not interfere with the prompt and efficient payment of the pensioners. Third, that it will result in an economic execution of the pension laws and therefore be a material saving to the Government. The most serious objection that has been urged against the consolidation is the alleged inconvenience to which it would subject the pensioners and the delay it would cause in the receipt of the quarterly allowance. No one now, who has investigated the matter, seriously uses this argument in favor of retention of the present number of agencies. The most that can possibly be said in favor of this objection is that in making the readjustment there might be a slight delay in sending the first remittance after the consolidation, but all subsequent payments would be made at regular ninety-day intervals, as now.

On the question of more economic administration of the pension laws, the authorities seem to be in accord. On this point the honorable Commissioner of Pensions, who by common consent is one of the most competent officials who ever filled that important position and himself accustomed to the handling of large business affairs, says:

The appropriation to start with would be reduced *$100,000 on the item of clerk hire for the first year* anyway, and it would be more than that after we got the thing adjusted and running in good shape. There would also be a reduction of *$72,000 on account of the salaries of agents;* but it would be necessary, unless you required the Commissioner of Pensions to sign vouchers, to have a disbursing officer do that, and to give bond. As far as I, personally, am concerned, it would be better for me if the agencies should remain just as they are, as their consolidation would make me additional responsibility and labor; but *looking at it from a business point of view—and as if it were my own business—I would consolidate them instantly, or as soon as it could be done.* It would be more economical for the Government, and it would work better than to have these agencies scattered all over the country. *The work would go smoother, mistakes could be corrected more quickly, information obtained at once, and the records be kept in better shape.*

Secretary Garfield, in a recent hearing before the subcommittee on the pension appropriation bill, said:

That by the concentration and centralization of the handling of this work here in Washington, with the present organization in the Pension Office, and with the possibility of the introduction, as we could then, of certain mechanical devices for the handling of these hundreds of thousands of vouchers and certificates, we could, *without interfering at all with the expedition with which the pensioners receive their claims,* transact all of that business here and mail the checks to the various parts of the country, receiving the vouchers quite as quickly as it is now done under separate agencies.

The saving, as we figure it, will be something over $200,000, and I believe it will be even more than that when we put into effect all of the systematized business methods that can be put into effect if this work is brought here. I believe that the saving would be *nearer $350,000 a year,* in administration, and *without any loss to the pensioners in expeditiously receiving their pensions,* and without in any way interfering with the handling of the present business in the settlement of claims presented.

Over against these statements and findings of the Pension Commissioner and the Secretary of the Interior, made in their official capacity after the most painstaking and careful investigation and presumably without any selfish interest involved, we have, in a letter written to the senior Senator from Pennsylvania by the pension agent at Philadelphia and widely circulated among Members of Congress, a labored effort to controvert the conclusions of the Commissioner and Secretary, saying, among other things, that the "proposed plan" of the Secretary is "expensive" and "impracticable," and that he (the Secretary) "significantly fails" to make good his contention. Pension Agent Mulholland figures out that it will cost more to pay the pensioners in Washington through one agency than it does now through eighteen scattered all over the country. He says:

If the 432 clerks now in the agency service should receive the same average salaries as are paid to clerks in the Bureau of Pensions, it would cost the Government for clerk hire $125,000 more than it now does.

This assumption of the Philadelphia pension agent reminds me of General Grant's answer to critics of his management of some of his campaigns. The critics had alleged that if the plans of the Confederate generals had been carried out as designed the result of certain battles would have been different. Grant said:

If all the Confederate campaigns had been executed as planned, and if all the bullets fired by the enemy had hit, and if all the bullets fired by the Union soldiers had missed, the war would probably have ended differently than it did.

[Laughter.]

Mr. Mulholland, the Philadelphia pension agent, assumes that it will require as many clerks to pay the pensioners from one office as from eighteen, and that while the number of clerks will be the same the rate of compensation will be much higher, and consequently it will increase rather than diminish the expense if consolidation is effected. My friend from Tennessee [Mr. HALE] and several other gentlemen who have participated in this discussion have fallen into the error of arguing from insufficient data and of drawing conclusions from false premises. The gentleman from Tennessee maintains that it costs, at the present relative rates, $8,000 less to pay the pensioners from the Knoxville agency than it would to pay a like number from the Washington agency, and he therefore concludes that to pay all from this city would greatly increase the sum total. As pertinent to this point and as an answer to others who have, by similar arguments, supported the amendment offered by the gentleman from Ohio, I submit the following letter from the Commissioner of Pensions, and which I desire to have incorporated with my remarks:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, February 5, 1908.

Hon. WASHINGTON GARDNER,
House of Representatives.

MY DEAR MR. GARDNER: Replying to your personal inquiry of this date relative to the comparative cost of paying pensions at the Philadelphia and Washington agencies, you are advised as follows:

The amount disbursed for clerk hire at the Philadelphia agency for the fiscal year ending June 30, 1907, was $26,399.50. The number of pensioners on the rolls at this agency at the close of the last fiscal year was 58,295. The average cost per pensioner for clerk hire was 45 cents. The amount disbursed for clerk hire at the Washington agency for the fiscal year ending June 30, 1907, was $27,847.80. The number of pensioners on the rolls of the Washington agency June 30, 1907, was 53,640. The average cost per pensioner was 52 cents.

While the amount disbursed for clerk hire at the Washington agency is about 5 per cent greater than the amount paid at the Philadelphia agency, the amount of work involved in the conduct of the Washington agency is from 10 to 20 per cent greater than that involved in the conduct of the Philadelphia agency, for the following reasons: The pensions of all foreign pensioners are paid by the Washington agency, as well as the fees of all examining surgeons. There are more than 5,000 examining surgeons in the United States, and the fees are paid quarterly. The work involved in the payment of fees of examining surgeons is considered equivalent to the payment of an equal number of pensioners. The extra labor in the payment of pensioners residing in foreign countries is due to several causes—difficulty in determining the correct post-office addresses and in addressing the envelopes, the addresses in most cases being three times as long as the post-office addresses in the United States, the work of comparison is three times as great, and in addition to this, constant reference must be made to guides in order to determine the correct spelling of the names and addresses, many of which are in the language of the country, requiring translation.

The labor involved in the examination of pension vouchers executed in foreign countries is from three to five times as great as that involved in the examination of vouchers executed in this country. Vouchers may be executed in the United States before any officer authorized to administer oaths for general purposes or before any fourth-class postmaster. If such officer is authorized to use a seal the impression of his seal on the voucher is taken as prima facie evidence of his authority without further verification. In foreign countries vouchers may be executed before an ambassador, minister, or consul or other consular officer of the United States, or before any civil officer of the country duly authorized to administer oaths or to authenticate extra-judicial documents, and whose official character and signature shall be authenticated by the certificate of an ambassador, minister, or consul or other consular officer of the United States. On account of the variation in the laws of different countries relative to the officers authorized to administer oaths or to take affirmations constant reference is required in the examination of vouchers executed in such countries to determine whether such vouchers were executed in accordance with the regulations relative thereto. While franked envelopes are used in addressing domestic pensioners, postage stamps must be affixed to all communications to pensioners residing in foreign countries. The affixing of these stamps as well as the weighing of doubtful letters or packets also requires extra time and labor.

It is estimated, therefore, that the pension agency in this city could, with its present number of employees, pay with equal facility 68,000 pensioners in the United States if it were not required to pay the pensioners residing in foreign countries and the fees of examining surgeons. This would reduce the cost per pensioner to 41 cents.

The number of pensioners on the rolls of the Knoxville agency—the nearest in size which can be fairly compared with the Washington agency—was at the close of the last fiscal year 63,890, and the amount disbursed for clerk hire was $28,153.50, or $305.70 more than paid at the Washington agency. The amount of work required at the Washington agency, in view of the foregoing pensioners and fees of examining surgeons, is believed to be greater than that required at the Knoxville agency.

The number of clerks employed at the Philadelphia agency is 26; at the Knoxville agency, 27, and at the Washington agency, 25. While the average salary paid at the Washington agency is greater than at the Philadelphia agency, this is due to the fact that the Washington agent prefers to conduct the business with a smaller number of clerks and the payment of higher salaries, while the Philadelphia agent prefers a larger number of clerks and lower salaries.

Very respectfully,

V. WARNER, *Commissioner.*

Mr. Chairman, I submit that the letter goes far to refute the repeated assertion that neither the Commissioner of Pensions nor the Secretary of the Interior had gone into this subject with any degree of thoroughness.

Fortunately, in further refutation, we have Secretary Garfield's clear and businesslike statement as to how, in his judgment, a single office can be so organized and equipped with modern mechanical devices as to greatly facilitate the payments and so reduce the number of clerks and materially lessen the total expense. There are also some illustrations in concrete form as to the relative number of clerks required under the present system in the agencies paying the largest number of pensions as compared with the smaller and also the relative cost per pensioner in each. The agency at Topeka, Kans., for example, pays 111,508 pensioners with a force of 39 clerks, or 2,859 to each clerk. The Concord agency pays 16,117 pensioners with a force of 10 clerks, or 1,611 per clerk. The Augusta agency pays 17,303 with a force of 12 clerks, or at the rate of 1,442 per clerk. In other words, it requires almost double the number of clerks to pay a pensioner in the smaller agencies as in the largest. The Topeka agency pays its pensioners at an average cost of 42½ cents, while one of the small New England agencies costs 76.1 and the agency at Concord, N. H., 77.6 cents per pensioner. This comparative statement alone, taken as it is from the official records, ought to convince any unprejudiced person of the wisdom of consolidation if, as the Secretary and the Commissioner hold and the Committee on Appropriations believe, it will not result in inconvenience nor delay to the pensioners. At a time when it requires the unprecedented sum of $160,000,000 to pay the pensions for a single year and when the current expenses of the Government are exceeding its revenues by several millions a month surely it is the part of good legislation to save even the comparatively paltry sum of a quarter of a million dollars annually if it can be done without injury or prejudice to any individual or interest save that of the pension agents and the cities where the agencies are located. [Applause.]

Mr. SULZER. Mr. Chairman, this is a matter that affects the comfort and convenience of the old soldiers. They are, and so am I, opposed to the abolition of the pension agencies of our country. [Applause.] No good reason has been advanced for their consolidation in the city of Washington. The advocates of the proposition are as unpatriotic as they are inconsistent. Some of them say it will not abolish an office; that it will not throw an old soldier out of his position; and others say that it will be in the interest of economy. If the consolidation will not throw an old soldier out of his job, then how can there be any economy in centralizing all the pension agencies in the country in one bureau here in Washington? [Laughter and applause.] Explain that, if you can. It is beyond my ken.

Now, sir, let me say to those who talk about economy, I will be with you whenever you want to economize for the best interests of the overburdened taxpayers of the country. If you want to retrench and reform for real economy, do not begin by striking a blow at the rights of the soldiers and sailors who saved the Union. [Applause.] They get little enough now. If you want to economize, stop legislating for subsidies that rob the many for the benefit of the few. [Applause.] If you want to economize in the interest of the consumers and the taxpayers of the country, bring in a bill to reduce the high protective tariff taxes that shelter monopoly and enhance the price of the necessaries of life. [Applause on the Democratic side.]

But do not strike down the old soldier. The country owes him much, and the little he gets should not be taken away in a spasm of false economy. I am now, always have been, and always will be, a friend of the soldiers and sailors of the Union, and while I am a Member of this House I will never do anything to impair their rights. We owe a debt to the heroic defenders of the Union that can never be paid. Let us be just to them. [Applause.] And let us be just to their widows and their orphans. [Applause.]

This bill abolishes seventeen pension agencies, long established, honestly managed, and efficiently and economically conducted, and, say what you will, I know that their disestablishment will throw a number of old soldiers out of employment, but beyond that, far more important than that, it will make it harder and take longer for every old soldier to get his pension money.

This proposed consolidation is not only unjust, but it is penny wise and pound foolish. It is cheeseparing in the most miserly way to the detriment of our soldiers and sailors. It is false economy in the most narrow sense, and I am surprised that so good a friend of the soldier as the gentleman from Ohio [General KEIFER] would lend himself to the proposition. But I am consoled in the knowledge that another distinguished Member from Ohio [Mr. TAYLOR] has offered the pending amendment to leave these pension agencies just as they are and just where they are. [Applause.] I shall support that amendment with all my heart, and I hope the pariotic Members of this House will rise to the occasion and that every friend of our old soldiers will vote with me for the amendment—for the old soldiers—and for the continuance of the pension agencies. [Applause.]

Mr. KEIFER. Mr. Chairman, I move that all debate on the paragraph and pending amendment be closed in ten minutes.

The CHAIRMAN. The question is on the motion of the gentleman from Ohio that all debate on the paragraph and pending amendment be closed in ten minutes.

The motion was agreed to.

Mr. CAMPBELL. Mr. Chairman, some very astonishing statements have been made in the course of this debate. Perhaps the most astonishing is the one that states that the pensions can be paid more cheaply in Washington than elsewhere in the country. Now, I have been in and around Washington for a few years and pay a little expense account now and then, and I have failed to find a single item of expense less here than I find it elsewhere in the country. I have been looking over the report of the Commissioner of Pensions and have been making some deductions from his figures. I find that the clerks who pay the pensions here now receive on an average $1,280.72 each, while the clerks in the rest of the country, out in the other agencies, that are proposed to be abolished in the interest of economy, receive on an average the sum of $977.99.

Mr. EDWARDS of Georgia. Would the gentleman's State be affected if these offices were abolished?

Mr. CAMPBELL. Oh, there is an agency in Topeka, Kans., and there is an agent there, and a number of clerks, among whom there are a large number of old soldiers on the pay roll. It is not in my district. I have no relative on the pay roll in that agency. Now, is there anything else the gentleman would like to know along that line?

Mr. EDWARDS of Georgia. Yes; I want to know if the gentleman's job is dependent on the abolishing of this agency?

Mr. CAMPBELL. No; my "job" is not dependent on the maintenance of the agency at Topeka. Is there anything further in the line of high politics and great statesmanship that the gentleman wants to know?

Mr. EDWARDS of Georgia. The gentleman is in favor of reform?

Mr. CAMPBELL. Yes, I am; and that is the reason I am for retaining these offices out in the country, where men are employed at $300 less per year than they are employed here in the city of Washington; I am for maintaining the agencies where the expenses are less and where the rent is less, and where families can live more cheaply than they can here, and where the clerks now own their own homes in many instances. Why, if the gentleman is a great reformer, and if the committee is bent on reform and wants to save money, I want to give them an idea of how they can save in the neighborhood of $200,000 a year on the payment of the pensions. It would cost at the rate at which pensioners were paid last year in the Washington agency, to pay the 967,371 pensioners, something over $502,000. If these same 967,371 pensioners were paid in Topeka, Kans., at the rate they were paid there by the clerks who were receiving a less salary, and whom you propose to abolish, they could be paid for $369,535.72. In the interest of economy, why does not the committee move that all these pensioners be paid at Topeka, Kans.?

Mr. CRUMPACKER. This bill proposes to have just one agency, but does not state where it is to be located. If the gentleman is right, I may say that one will be established at Topeka; so Topeka is safe. [Laughter and applause.]

Mr. CAMPBELL. But I think the intention of the committee and the Commissioner is to consolidate them all in Washington when the consolidation is made. Just on this point I picked up the following newspaper clipping some days ago, which is under the small caption of "Consolidation of pension agencies:"

Many Members of Congress are being urged by their friends among the residents of Washington to do what they can to secure the recommendation of the Appropriations Committee for the consolidation of the seventeen existing pension agencies into one, to be located at Washington——

Mr. CRUMPACKER. I am for Topeka. [Laughter.]

Mr. CAMPBELL. So am I. But to go on:

If this is done, it will increase the local income from Government salaries in the District of Columbia more than $350,000.

Every little bit helps. [Laughter.]

Mr. GAINES of Tennessee. Will the gentleman yield for a question?

Mr. CAMPBELL. Oh, certainly, I will yield to the gentleman from Tennessee.

Mr. GAINES of Tennessee. Are not all papers, in the main; all the money, in the main; all the letters, in the main, sent to the pensioners started from Washington?

Mr. CAMPBELL. I think not.

The CHAIRMAN. The gentleman's time has expired.

Mr. TAYLOR of Ohio. I ask unanimous consent that the gentleman's time may be extended for three minutes.

Mr. TAWNEY. Mr. Chairman, the committee has already voted to close debate in ten minutes, and it was the understanding that the gentleman from Kansas was to have five minutes of that time.

Mr. MOORE of Pennsylvania. Mr. Chairman, at this juncture, when all is ready for the fray, I desire to bring up the Grand Army of the Republic. I have in my hand two communications, one from the Grand Army association of the city of Philadelphia and vicinity, comprising forty-three Grand Army posts, with a membership of 10,000 soldiers and sailors.

Also, a communication from the department commander of the Department of the Grand Army of the Republic, State of Pennsylvania, comprising 100,000 pensioners. These I desire to have incorporated as a part of my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair hears none.

The communications are as follows:

HEADQUARTERS GRAND ARMY ASSOCIATION
OF PHILADELPHIA AND VICINITY,
Philadelphia, February 6, 1908.

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

MY DEAR SIR: On behalf of the forty-three posts of the Grand Army Association of Philadelphia and vicinity, representing 10,000 old soldiers and sailors, I beg to file a protest against the contemplated change in the payment of pensions. As now existing the system is excellent, prompt, and efficient, and most agreeable to the pensioners, every one of whom protest against the contemplated change. No argument is advanced for the change except that it might save $170,000 per annum to the Government, and this seems very uncertain. It may be so in theory, but when put in practice may result in a very different condition, and most likely will be an increase in the expenses rather than a saving. But leaving out all questions of economy, the convenience and wishes of the pensioners should be consulted, and they are solidly against the transfer to Washington of the agency.

Very truly, yours,

JOSEPH R. CRAIG,
President, Grand Army Association.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
GRAND ARMY OF THE REPUBLIC,
Philadelphia, Pa., February 4, 1908.

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

DEAR SIR: On behalf of more than 100,000 pensioners of the State of Pennsylvania, I beg to enter my most earnest protest against the abolishing of the pension agencies as proposed by the Secretary of the Interior, firmly believing that such change would work a hardship to the pensioners, as well as to not reduce the expense of the distribution now in vogue at the respective agencies.

Very truly, yours,

WM. T. POWELL,
Department Commander.

Mr. TAWNEY. Mr. Chairman, like the gentleman from Pennsylvania [Mr. MOORE] and several other gentleman, I, too, received resolutions from the local Grand Army posts of several counties in my Congressional district protesting against the proposed action of the Committee on Appropriations. Whereupon I wrote to the commander or to the adjutant of each post, explaining the reason for the proposed consolidation and its effect, and I mailed to each a copy of the testimony upon which the action of the committee is based, and now I am receiving from these same officers, from the same posts, letters like the following:

PLAINVIEW, MINN., *March 17, 1908.*

Hon. J. A. TAWNEY,
Washington, D. C.

DEAR SIR: In reply to yours of 13th instant to J. N. Ross, commander of our Grand Army of the Republic post, would say, after investigating the matter, the post has come to the conclusion that they acted a little hasty in the matter, and request that you take no action in regard to papers sent you. I did not attend the meeting, but signed the paper, as it was represented to me to be the wishes of the post.

Respectfully, yours,

R. R. DAMOUDE,
Adjutant, Post 107, G. A. R.

Mr. Chairman, the interest of the old soldier is on the side of the recommendation of the Committee on Appropriations. I have served in this House for many years, and no man can charge against me any act or vote that was not in the interests of the men who preserved our Union. We have all received letters from old soldiers in our respective districts complaining on account of the delay of their first pension after the issuing of the certificate, and upon investigation I have discovered that the delay is due to the duplication in service in consequence of the existence of these agencies, and the proposition to consolidate these agencies is to do away with this duplication and hasten the payment of pensions. The certificate allowing the pension must first be recorded in the office here in Washington, and then it must be sent to the agency and again recorded there. By reason of this duplication of service payment of the pension due the old soldiers is delayed. It is to make these payments as prompt as possible and save to the Government about $400,000 annually that the committee recommend this consolidation. But we have further evidence of the fact that the interest of the old soldier will be served by adopting the recommendation of the committee. The only men who have spoken in favor of the recommendation of the committee from States that have pension agencies are members of the Grand Army of the Republic in this House. The gentleman from Indiana [Mr. HOLLIDAY] has an agency in his State, the gentleman from Michigan [Mr. GARDNER] has an agency in his State, and the gentleman in charge of this bill [General KEIFER] has an agency in his State. They have all served in the Union Army, and I think the House of Representatives should accept the judgment and the recommendation of these distinguished old soldiers, who know and tell us that the interests of their comrades are and will be better served by adopting the proposed legislation. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TAYLOR].

Mr. KEIFER. Let the amendment be reported again.

The amendment was again reported.

The question was taken, and on a division (demanded by Mr. SULZER), there were—ayes 85, noes 145.

Mr. TAYLOR of Ohio. Tellers, Mr. Chairman.

Tellers were ordered.

The committee divided, and the tellers (Mr. TAYLOR of Ohio, and Mr. KEIFER) reported that there were—ayes 86, and noes 131.

So the amendment was rejected.

Mr. GARDNER of Michigan. Mr. Chairman, I would like to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan? [After a pause.] The Chair hears none.

The Clerk read as follows:

For clerk hire, and other services, in the pension agencies, $335,000: *Provided*, That the amount of clerk hire, and other services, and the salaries paid shall be subject to the approval of the Secretary of the Interior.

Mr. MANN. Mr. Chairman, I reserve the point of order upon that paragraph. I would like to ask the gentleman in charge of the bill a question. You make an appropriation here for clerk hire of $335,000 and then have a proviso that the amount of clerk hire shall be subject to the approval of the Secretary of the Interior.

Mr. KEIFER. Mr. Chairman, that is the same provision and limitation that has been in prior bills on this same subject, only the amount appropriated is $100,000 less than in former years.

Mr. TAWNEY. The proviso has been carried in previous bills.

Mr. KEIFER. And is a mere limitation——

Mr. MANN. It is not a limitation as far as that is concerned, but that point is neither here nor there. Mr. Chairman, I am not discussing the point of order. The item is clearly subject to the point of order——

Mr. TAWNEY. If the gentleman will pardon me, I will explain. I think the reason the proviso was inserted is this: There is a lump sum appropriated for clerical services in these agencies. Now, the amount of salary to be paid without this provision would be fixed by the agent in charge of the agency. This is to make definite and certain that the Secretary of the Interior shall approve the salaries that are fixed in the agencies before those salaries shall become effective.

Mr. MANN. The language of this bill would permit the Secretary of the Interior to exceed the amount of the appropriation.

Mr. TAWNEY. That is the language that has been carried for years. That is the reason for it.

Mr. MANN. If it has been in the bills heretofore and they have not exceeded the amount of the appropriation——

Mr. TAWNEY. They never have.

Mr. MANN. But under this provision they can. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

The Commissioner of Pensions is hereby authorized and directed, with the approval of the Secretary of the Interior, to arrange the pensioners, for the payment of pensions, in three groups as he may think

proper; and he may from time to time change any pensioner from one group to another as he may deem convenient for the transaction of the public business. The pensioners in the first group shall be paid their quarterly pension on January 4, April 4, July 4, and October 4 of each year; the pensioners in the second group shall be paid their quarterly pensions on February 4, May 4, August 4, and November 4 of each year; and the pensioners in the third group shall be paid their quarterly pensions on March 4, June 4, September 4, and December 4 of each year. The Commissioner of Pensions is hereby fully authorized, with the approval of the Secretary of the Interior, to cause payments of pensions to be made for the fractional parts of quarters created by such changes so as to properly adjust all payments as herein provided.

Mr. DALZELL. Mr. Speaker, I make the point of order against the paragraph from line 7, on page 4, down to and including line 25. It is new legislation.

Mr. KEIFER. I hope the gentleman will withdraw his point of order. It only embarrasses the Pension Bureau in the matter of making the payments. It will not prevent the operation of the law otherwise. It is a suggestion that comes from the Secretary of the Interior with the approval of the Commissioner, and he desired that in order to facilitate this great deduction that is to be had in the way of disestablishing a number of agencies, taking away seventeen bureaus somewhere and having but one here.

The CHAIRMAN. In the opinion of the Chair it is clearly new legislation, and therefore subject to a point of order. The Chair sustains the point of order.

The Clerk read as follows:

In case of sickness or unavoidable absence of the agent for payment of pensions from his office, the Commissioner of Pensions may, with the approval of the Secretary of the Interior, authorize the chief clerk of his office or some other clerk employed therein to temporarily act as such agent for payment of pensions.

Mr. DALZELL. Mr. Chairman, I make the point of order against that paragraph. It is new legislation.

Mr. KEIFER. It is subject to a point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

And with the approval of the Commissioner of Pensions and the Secretary of the Interior, the agent for payment of pensions may designate and authorize the necessary number of clerks to sign the name of the agent for payment of pensions to official checks.

Mr. DALZELL. Mr. Chairman, I make a point of order against that.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

The official bond given by the agent for payment of pensions shall be held to cover and apply to the acts of the person appointed to act in his place.

Mr. DALZELL. Mr. Chairman, I make a point of order against that.

The CHAIRMAN. The Chair sustains the point of order.

Mr. KEIFER. Mr. Chairman, I move that the committee do now rise and report the bill and amendment to the House, and recommend their passage.

The motion was agreed to.

The committee accordingly rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, Mr. TOWNSEND, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 16268, the pension appropriation bill, and had directed him to report it to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. KEIFER. Mr. Speaker, I move the previous question on the passage of the bill and the amendment.

The question was taken, and the previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. KEIFER, a motion to reconsider the vote by which the bill was passed was laid on the table.

BOARD OF VISITORS, NAVAL ACADEMY.

The SPEAKER pro tempore. The Clerk will read the following communication:

The Clerk read as follows:

HOUSE OF REPRESENTATIVES,
March 18, 1908.

Hon. JOSEPH G. CANNON,
House of Representatives, Washington, D. C.

DEAR MR. SPEAKER: I assure you that I very much appreciate the honor of being appointed a member of the Board of Visitors to the Naval Academy at Annapolis. I beg to say, however, that it will be impossible for me to serve in that capacity. My legislative duties are such that I could not give it attention, and therefore respectfully decline.

Thanking you, I am,
Yours, very truly,
JOHN A. STERLING.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois [Mr. STERLING].

There was no objection.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 624. An act providing for the appointment of an appraiser of merchandise for the customs collection district of Puget Sound, State of Washington—to the Committee on Ways and Means.

S. 4049. An act authorizing a credit in certain accounts of the Treasurer of the United States—to the Committee on Claims.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 17277. An act for the relief of George S. Patten, of Williams, Coconino County, Ariz.

ADJOURNMENT.

Mr. KEIFER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 9 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Interior, transmitting a draft of proposed legislation relating to the allotment of lands to the Osage Indians of Oklahoma, was taken from the Speaker's table, referred to the Committee on Indian Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. KAHN, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 4780) to authorize the Secretary of War to make certain disposition of obsolete Springfield rifles, caliber .45, bayonets and bayonet scabbards for same, reported the same with amendments, accompanied by a report (No. 1274), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SLAYDEN, from the Committee on Military Affairs, to which was referred the joint resolution of the House (H. J. Res. 155) authorizing the Secretary of War to loan certain tents for use at the national convention of the Benevolent and Protective Order of Elks to be held at Dallas, Tex., in July, 1908, reported the same without amendment, accompanied by a report (No. 1275), which said resolution and report were referred to the House Calendar.

Mr. GRONNA, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 553) for the relief of certain homestead entrymen, reported the same with amendment, accompanied by a report (No. 1276), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 19381) granting an increase of pension to Frances G. Webster—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19501) for the relief of Lieut. James B. Fowler—Committee on War Claims discharged, and referred to the Committee on Military Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. STAFFORD: A bill (H. R. 19538) to provide for the purchase of a site and the erection of a public building thereon at Milwaukee, Wis.—to the Committee on Public Buildings and Grounds.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 19539) to increase the tax on distilled spirits, beer, and playing cards—to the Committee on Ways and Means.

By Mr. WANGER: A bill (H. R. 19540) providing for the retirement of petty officers and enlisted men of the United States Navy—to the Committee on Naval Affairs.

By Mr. VOLSTEAD: A bill (H. R. 19541) to authorize the drainage of certain lands in the State of Minnesota—to the Committee on the Public Lands.

By Mr. FOULKROD: A bill (H. R. 19542) authorizing the Secretary of War to purchase certain land adjoining the Frankford Arsenal, Philadelphia, Pa.—to the Committee on Military Affairs.

By Mr. CLAUDE KITCHIN: A bill (H. R. 19543) to increase the limit of cost of the public building for Kinston, N. C.—to the Committee on Public Buildings and Grounds.

By Mr. GAINES of Tennessee: A bill (H. R. 19544) to provide for the appointment of an additional district judge in and for the middle and eastern districts of Tennessee—to the Committee on the Judiciary.

By Mr. FOSS: A bill (H. R. 19545) to protect the uniform of the naval and military service of the United States—to the Committee on Naval Affairs.

By Mr. BRODHEAD: A bill (H. R. 19546) declaring certain advertisements, and so forth, offering to procure or to aid in procuring any divorce or alimony nonmailable matter, and providing a penalty—to the Committee on the Post-Office and Post-Roads.

By Mr. BARTHOLDT: Resolution (H. Res. 309) to pay Edward Reichard for clerical services rendered to the Committee on Mileage—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 19547) granting an increase of pension to Helen P. Campbell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19548) granting an increase of pension to Sarah C. Hupp—to the Committee on Invalid Pensions.

By Mr. BEDE: A bill (H. R. 19549) granting an increase of pension to George H. Fairbanks—to the Committee on Invalid Pensions.

By Mr. BURKE: A bill (H. R. 19550) granting an increase of pension to Lizzie Nelson—to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 19551) for the relief of the estate of Mrs. Elizabeth Broders, deceased—to the Committee on War Claims.

Also, a bill (H. R. 19552) for the relief of the estate of John Milburn, deceased—to the Committee on War Claims.

Also, a bill (H. R. 19553) for the relief of Mrs. Sallie Norman, of Stafford County, Va.—to the Committee on War Claims.

By Mr. CARTER: A bill (H. R. 19554) granting an increase of pension to Isaac Nesbit—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 19555) for the relief of the heirs of Gallus Kerchner, deceased—to the Committee on Claims.

By Mr. CHAPMAN: A bill (H. R. 19556) granting an increase of pension to Edward Dunahoo—to the Committee on Invalid Pensions.

By Mr. DENBY: A bill (H. R. 19557) to authorize the President to appoint William S. Biddle, late a captain, United States Army, to the position of captain of infantry, United States Army, and to place him on the retired list as of that grade—to the Committee on Military Affairs.

By Mr. DIXON: A bill (H. R. 19558) granting a pension to Samuel C. Gildersleeve—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19559) granting a pension to Amelia J. Sweeney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19560) granting an increase of pension to Lewis M. Hunter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19561) granting an increase of pension to Isaac Bush—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19562) granting an increase of pension to Bruce Prindle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19563) granting an increase of pension to W. C. Trotter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19564) granting an increase of pension to D. W. Tague—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19565) granting an increase of pension to Eugene E. Scherrer—to the Committee on Invalid Pensions.

By Mr. ELLIS of Oregon: A bill (H. R. 19566) providing for the presentation of a medal of honor to Maj. C. B. Thockmorton—to the Committee on Military Affairs.

By Mr. FOCHT: A bill (H. R. 19567) granting an increase of pension to George W. Bostian—to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 19568) granting an increase of pension to John Ruf—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19569) granting an increase of pension to John Goodbrake—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 19570) granting an increase of pension to Walter W. Martin—to the Committee on Invalid Pensions.

By Mr. GILLESPIE: A bill (H. R. 19571) for the relief of the widow and heirs at law of J. D. Deane, deceased—to the Committee on Claims.

By Mr. GORDON: A bill (H. R. 19572) for the relief of John S. Norment—to the Committee on War Claims.

Also, a bill (H. R. 19573) for the relief of the heirs of Joseph L. Bernard and Anna Holmes Bernard—to the Committee on War Claims.

By Mr. HAY: A bill (H. R. 19574) for the relief of Amelia A. Griffith, administratrix of John Griffith, late of Page County, Va.—to the Committee on War Claims.

By Mr. HOWELL of New Jersey: A bill (H. R. 19575) granting a pension to Laura E. McChesney—to the Committee on Invalid Pensions.

By Mr. JONES of Virginia: A bill (H. R. 19576) for the relief of the heirs of James H. Corbin, deceased—to the Committee on War Claims.

Also, a bill (H. R. 19577) granting an increase of pension to John W. Parker—to the Committee on Pensions.

By Mr. McGAVIN: A bill (H. R. 19578) for the relief of Catherine Grace—to the Committee on Claims.

By Mr. MURDOCK: A bill (H. R. 19579) for the relief of J. W. Patterson—to the Committee on Claims.

By Mr. NELSON: A bill (H. R. 19580) granting an increase of pension to Mark Tomlinson—to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 19581) granting an increase of pension to Dennis Flynn—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 19582) granting a pension to William Kees, alias William Keyes—to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 19583) granting a pension to James Gault—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19584) granting pensions to the survivors of Capt. Horace Shoemaker's company of Provisional Enrolled Missouri Militia—to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 19585) to correct the military record of William H. Barrett—to the Committee on Military Affairs.

By Mr. TAYLOR of Ohio: A bill (H. R. 19586) granting a pension to Charles S. Bash—to the Committee on Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 19587) granting an increase of pension to John Scott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19588) granting an increase of pension to Samuel W. Wallis—to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 19589) granting a pension to Harry E. Smith—to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 19590) granting a pension to David W. Duncan—to the Committee on Pensions.

Also, a bill (H. R. 19591) granting an increase of pension to J. D. Worley—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 19592) granting an increase of pension to Christopher Jacobi—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19593) granting an increase of pension to S. Van Dusen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19594) granting a pension to Margaret Williamson—to the Committee on Pensions.

By Mr. CURRIER: A bill (H. R. 19595) granting a pension to Elizabeth A. Worcester—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19596) granting an increase of pension to Alfred W. Heald—to the Committee on Invalid Pensions.

By Mr. FLOOD: A bill (H. R. 19597) for the relief of the estate of Robert J. Hope, deceased, of Staunton, Va.—to the Committee on War Claims.

By Mr. GODWIN: A bill (H. R. 19598) for the relief of Lucy B. Pearsall—to the Committee on War Claims.

By Mr. LEVER: A bill (H. R. 19599) granting an increase of pension to George Young—to the Committee on Pensions.

By Mr. SHERLEY: A bill (H. R. 19600) granting an increase of pension to Philip Hinkle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19601) granting an increase of pension to John A. Warford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19602) granting a pension to Patrick Grogan—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Tin City Division, No. 565, Brotherhood of Locomotive Engineers, of New Castle, Pa., for the La Follette-Sterling liability bill and Clapp free-pass bill—to the Committee on the Judiciary.

Also, petition of Radiant Lodge, No. 416, Brotherhood of Firemen and Engineers, for H. R. 17036, La Follette-Sterling bill, etc., also Rodenberg anti-injunction bill—to the Committee on the Judiciary.

Also, petition of Radiant Lodge, No. 416, Brotherhood of Locomotive Firemen and Engineers, of Mahoningtown, Pa., for the Clapp free-pass amendment—to the Committee on Interstate and Foreign Commerce.

By Mr. ADAIR: Petition of citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. AIKEN: Petition of citizens of Columbia, S. C., for prohibition in the District of Columbia—to the Committee on the District of Columbia.

By Mr. ALEXANDER of New York: Petition of New York Board of Trade and Transportation, against S. 3023 (Aldrich bill)—to the Committee on Banking and Currency.

By Mr. ANTHONY: Petition of Western Retail Implement and Vehicle Dealers' Association, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Mount Pleasant Grange, No. 445, of Osawkie, Kans., for national highway commission—to the Committee on Agriculture.

By Mr. ASHBROOK: Petition of National Association of Clothiers, for the Fowler currency bill—to the Committee on Banking and Currency.

Also, paper to accompany bill for relief of William Seymour—to the Committee on Invalid Pensions.

Also, petition of Presbyterian Church of Pittman, Ohio, for Littlefield original-package bill—to the Committee on the Judiciary.

Also, paper to accompany bill for relief of Hamilton Johnson—to the Committee on Invalid Pensions.

By Mr. BANNON: Petition of Allen Stackham and other citizens of Ohio, for a national highway commission—to the Committee on Agriculture.

Also, petition of sundry citizens of Peebles, Ohio—to the Committee on the Judiciary.

By Mr. BROWNLOW: Petition of citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. BURKE: Petition of Richard O'Brien, ex-chief operator Army of the James, and chief operator Department of North Carolina, for Lorimer bill (H. R. 175) pensioning telegraph operators of the civil war—to the Committee on Invalid Pensions.

Also, petition of A. O. Fording, for preservation of Niagara Falls (H. R. 16086)—to the Committee on Rivers and Harbors.

Also, petition of H. J. Heinz Company, for the Gallinger amendment to shipping act of March 3, 1891—to the Committee on the Merchant Marine and Fisheries.

By Mr. BURLEIGH: Petition of New England Drug Exchange, for amendment of the Sherman antitrust law—to the Committee on Interstate and Foreign Commerce.

By Mr. BURTON of Ohio: Petition of Advertisers' Club of Cincinnati, Ohio, in support of H. R. 14387—to the Committee on the District of Columbia.

By Mr. CALDER: Petition of board of directors of Merchants' Association of New York, against the eight-hour bill—to the Committee on Labor.

By Mr. CAPRON: Petition of Eastern Wholesale Dry Goods Association, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. CLARK of Florida: Paper to accompany bill for relief of Charles Haggett—to the Committee on Pensions.

By Mr. COOK of Pennsylvania: Petition of National Association of Clothiers of New York, favoring the Fowler currency bill—to the Committee on Banking and Currency.

By Mr. COOPER of Pennsylvania: Petition of Richard O'Brien, for H. R. 175, pensioning telegraph operators of Army in civil war—to the Committee on Invalid Pensions.

Also, petition of Chamber of Commerce of Pittsburg, Pa., for H. R. 17979, full reports on all accidents—to the Committee on Interstate and Foreign Commerce.

Also, petition of National Association of Clothiers of New York, for the Fowler currency bill—to the Committee on Banking and Currency.

Also, petition of Herman Ridder, for removal of duty on white paper and wood pulp, etc.—to the Committee on Ways and Means.

Also, petition of Philadelphia Board of Trade, favoring S. 28, to provide for ocean mail service between United States and foreign ports and to promote commerce—to the Committee on the Merchant Marine and Fisheries.

By Mr. CURRIER: Petition of Penacook Park Grange, of West Concord; Miller Grange, of Temple; Joe English Grange, of New Boston; Goldon Rod Grange, of Swanzey; Plymouth Grange, of Plymouth; John H. Congdon Grange; Charles Haskell and others, of Troy, and White Mountain Grange, of Littleton, all in the State of New Hampshire, for national highway commission and appropriation to aid in construction of public highways—to the Committee on Agriculture.

By Mr. DARRAGH: Memorial of Fork Grange, of Barryton, Mecosta County, Mich., and N. F. Hazan and 50 others, residents of Kalkaska County, Mich., favoring a national highway commission, etc.—to the Committee on Agriculture.

Also, petition of L. E. Barber and 27 other residents of St. Louis, Mich., and Clinton Sawell and 41 other residents of Gratiot County, Mich., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Clinton Sawell and 39 other residents of Gratiot County, Mich., against sale of intoxicating liquors in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DAWSON: Petition of Peace Society of Friends of Philadelphia, against increase of the Navy—to the Committee on Naval Affairs.

By Mr. DRAPER: Petition of White Hall Grange, No. 922, for a national highways commission—to the Committee on Agriculture.

Also, petition of North American Fish and Game Protective Association, for treaty with Canada looking to control of the fisheries interest in waters of the Great Lakes—to the Committee on Foreign Affairs.

Also, petition of National Association of Clothiers, for the Fowler currency bill—to the Committee on Banking and Currency.

By Mr. FAVROT: Paper to accompany bill for relief of estate of Anna Holmes Bernard—to the Committee on War Claims.

By Mr. FITZGERALD: Petition of United Retail Grocers' Association of Brooklyn, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of C. H. Zimmerman and 26 other citizens of New York and vicinity, for relief for heirs of victims of the *General Slocum* disaster—to the Committee on Claims.

Also, petition of National Association of Clothiers, against the Aldrich currency bill—to the Committee on Banking and Currency.

By Mr. FOSTER of Vermont: Petition of Lakeside (Vt.) Grange, No. 309, for legislation creating a national highways commission—to the Committee on Agriculture.

By Mr. FULLER: Petition of Ira H. Carpenter, of Streator, Ill., against Penrose bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Stanton A. Hyer, of Rockford, Ill., for H. R. 14783 (to promote efficiency of National Guard)—to the Committee on Militia.

By Mr. FULTON: Paper to accompany bill for relief of Jacob Mull—to the Committee on Military Affairs.

Also, petition of hundreds of old Union soldiers of Oklahoma, for legislation increasing pensions as per the Fulton bill—to the Committee on Invalid Pensions.

By Mr. GARDNER of Massachusetts: Petition of Post No. 106, Grand Army of the Republic, of Rockport, Mass., against abolition of several pension bureaus—to the Committee on Appropriations.

Also, petition of Local No. 93, International Union of Steam Engineers, of Salem, Mass., for construction of at least one battle ship at a Government navy-yard—to the Committee on Naval Affairs.

Also, petitions of Salisbury Grange, of Salisbury; Laurel Grange, of West Newbury, and Danvers Grange, of Danvers, all in the State of Massachusetts, for H. R. 15837, for creation of a national highways commission and appropriation for aiding States in construction and improvement of public highways—to the Committee on Agriculture.

Also, petition of common council of the city of Boston, calling attention to the great facilities of the Boston Navy-Yard for ship repair and construction—to the Committee on Naval Affairs.

Also, petition of Byfield Snuff Company, against adoption of any measure permitting sale of leaf tobacco for consumption without the payment of the revenue tax—to the Committee on Ways and Means.

By Mr. GORDON: Paper to accompany bill for relief of John S. Norment—to the Committee on War Claims.

By Mr. GRAHAM: Petition of many citizens of New York and vicinity for relief for heirs of victims of the *General Slocum* disaster—to the Committee on Claims.

Also, petition of Richard O'Brien, chief operator for Army of the James and of Department of North Carolina, for the Lorimer bill (H. R. 175), pensioning telegraph operators of the Army in the civil war—to the Committee on Invalid Pensions.

Also, petition of Arthur O. Fording, of Pittsburg, for the Burton bill (H. R. 16086), for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

By Mr. HAMLIN: Paper to accompany bill for relief of James M. Mothersbaugh—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: Petition of branch of National Print Cutters' Association, of New Brunswick, N. J., for building war ships in navy-yards—to the Committee on Naval Affairs.

Also, petition of Milltown Grange, Patrons of Husbandry, of Milltown, N. J., for a national highways commission—to the Committee on Agriculture.

Also, petition of Gen. James A. Drain, National Guard Association, for the National Guard law—to the Committee on Militia.

Also, petition of G. W. Lanbeck, of Jersey City, N. J., against the eight-hour bill—to the Committee on Labor.

Also, petition of Newark Association of Credit Men, against the Aldrich currency bill—to the Committee on Banking and Currency.

Also, petition of Frank E. Henderson, of Jersey City, N. J., for H. R. 11794, for the Kittredge-Barchfeld copyright bill—to the Committee on Patents.

By Mr. HOWELL of Utah: Petition of National Association of Clothiers, against S. 3023 (Aldrich bill) and in favor of H. R. 12677 (Fowler bill)—to the Committee on Banking and Currency.

By Mr. HUFF: Petition of National Association of Clothiers, of New York, for the Fowler bill—to the Committee on Banking and Currency.

By Mr. ADDISON D. JAMES: Paper to accompany bill for relief of Robert L. Moore—to the Committee on War Claims.

By Mr. JONES of Virginia: Paper to accompany bill for relief of James H. Carbin—to the Committee on War Claims.

By Mr. KEIFER: Petition of Joseph A. Maleady, and 150 other citizens of New York and vicinity, for relief for heirs of victims of the *General Slocum* disaster—to the Committee on Claims.

By Mr. KELIHER: Petition of Atlantic Coast Seamen's Union, against the Frye bill, relative to manning vessels, and in favor of H. R. 14655—to the Committee on the Merchant Marine and Fisheries.

Also, petition of National Association of Clothiers, for the Fowler bill and against the Aldrich bill—to the Committee on Banking and Currency.

Also, petition of board of directors of the Boston Chamber of Commerce, indorsing present national bankruptcy law and for H. R. 13266, which aims to amend the same—to the Committee on the Judiciary.

By Mr. KNAPP: Petition of Flower Post, Grand Army of the Republic, of Theresa, N. Y., for the Sherwood $1 per day pension bill—to the Committee on Invalid Pensions.

By Mr. LAW: Petition of New York Credit Men's Association, for the bankruptcy law and all proposed amendments thereto—to the Committee on the Judiciary.

Also, petition of senate and assembly of New York, for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of board of directors of the Merchants' Exchange of New York, against the eight-hour bill—to the Committee on Labor.

Also, paper to accompany bill for relief of Peter Claude—to the Committee on Invalid Pensions.

By Mr. LILLEY: Petition of James H. Moning, for Montgomery Club, of Unionville, Conn., against any treaty of arbitration—to the Committee on Foreign Affairs.

Also, petition of Samuel Hulm and others, for a national highways commission—to the Committee on Agriculture.

Also, petition of citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. LINDBERGH: Petition of St. Paul and Minneapolis Credit Men's Association, for H. R. 13266, for bankruptcy law and amendments thereto—to the Committee on the Judiciary.

Also, petition of Builders' Exchange of St. Paul, Minn., favoring H. R. 18204, for industrial education in high schools—to the Committee on Agriculture.

By Mr. LINDSAY: Petition of Navy-Yard Clerks and Draftsmen's Association, favoring H. R. 648, for reclassification and increase of naval clerks' salaries—to the Committee on Naval Affairs.

Also, petition of German Catholic Federation of Brooklyn, for the Philippine church claim bill—to the Committee on Insular Affairs.

Also, petition of Retail Grocers' Association, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of National Association of Clothiers, favoring the Fowler currency bill—to the Committee on Banking and Currency.

By Mr. MADDEN: Petition of many citizens of New York and vicinity, for relief for heirs of victims of the *General Slocum* disaster—to the Committee on Claims.

By Mr. MOORE of Pennsylvania: Petition of National Association of Clothiers, for the Fowler currency bill—to the Committee on Banking and Currency.

Also, petition of Chamber of Commerce of Pittsburg, Pa., for H. R. 17979, requiring full report of all accidents, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. NORRIS: Petition of Lodge No. 587, International Association of Machinists, of McCook, Nebr., for building war ships in navy-yards—to the Committee on Naval Affairs.

By Mr. OVERSTREET: Petition of Mrs. Jessie Naomi Hood, Henry Loomis Beveridge, Ruth Beveridge, and James Proctor, of Indianapolis, for H. R. 17295—to the Committee on Appropriations.

By Mr. PETERS: Petition of Boston Chamber of Commerce, for certain amendments to the national bankruptcy law—to the Committee on the Judiciary.

By Mr. PRATT: Petition of Gen. James A. Drain, of National Guard Association of the United States, for the National Guard law—to the Committee on Militia.

By Mr. RICHARDSON: Paper to accompany bill for relief of Henry C. Haynes—to the Committee on Invalid Pensions.

By Mr. SCOTT: Petition of 10 citizens of Kincaid, Anderson County, Kans., protesting against the passage of the Penrose bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of 26 citizens of Boicourt, Miami County, Kans., asking for the enactment of a national highways commission—to the Committee on Agriculture.

By Mr. SMITH of Michigan: Petition of Stanwell Post, No. 456, Grand Army of the Republic, of South Lyon, Mich., and 16 others, for the Sherwood bill—to the Committee on Invalid Pensions.

By Mr. SPERRY: Petition of Robert Emmet Club, of Torrington, Conn., against treaty of arbitration with Great Britain—to the Committee on Foreign Affairs.

By Mr. STERLING: Petitions of Grand Army of the Republic posts of Saybrook and Gibson City, Ill., against removal of pension agency from Chicago—to the Committee on Appropriations.

By Mr. TIRRELL: Petitions of Thomas T. O'Neil, Fred Whitehouse, L. I. Clarke, William B. Willard, Frank R. Pettingill, and other citizens of Massachusetts, and Harvard Grange, Patrons of Husbandry, for a national highways commission—to the Committee on Agriculture.

Also, petition of E. Smith, N. Goldburg, Henry A. Christ, Charles R. Boyce, Peter J. Conway, and many other citizens of New York and vicinity for relief for heirs of victims of the *General Slocum* disaster—to the Committee on Claims.

By Mr. TOWNSEND: Petition of Madison Grange, No. 384, of Michigan, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of C. E. Grisson Post, of St. John, Mich., and the H. W. Lawton Post, for the Sherwood bill—to the Committee on Invalid Pensions.

SENATE.

FRIDAY, *March 20, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BURROWS, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

PROPOSED LABOR LEGISLATION.

The VICE-PRESIDENT. The Chair lays before the Senate a memorial of the International and National Trade and Labor Unions and Organization of Farmers, which, in the absence of objection, will be read by the Secretary.

The Secretary read the memorial as follows:

LABOR'S PROTEST TO CONGRESS.

AMERICAN FEDERATION OF LABOR,
Washington, D. C., March 19, 1908.

We, the official representatives of the national and international trade and labor unions and organization of farmers, in national conference assembled, in the District of Columbia, for the purpose of considering and taking action deemed necessary to meet the situation in which the working people of our country are placed by recent decisions of the courts, now appear before Congress to voice the earnest and emphatic protest of the workers of the country against the indifference, if not actual hostility, which Congress has shown toward the reasonable and righteous measures proposed by the workers for the safeguarding of their rights and interests.

In the name of labor we now urge upon Congress the necessity for immediate action for relief from the most grave and momentous situation which has ever confronted the working people of this country. This crisis has been brought about by the application by the Supreme Court of the United States of the Sherman antitrust law to the workers both organized and in their individual capacity.

Labor and the people generally look askance at the invasion of the court upon the prerogatives of the lawmaking and executive departments of our Government.

The workers feel that Congress itself must share our chagrin and sense of injustice when the courts exhibit an utter disregard for the real intent and purpose of laws enacted to safeguard and protect the workers in the exercise of their normal activities. There is something ominous in the ironic manner in which the courts guarantee to workers:

The "right" to be maimed and killed without liability to the employer;

The "right" to be discharged for belonging to a union;

The "right" to work as many hours as employers please and under any conditions which they may impose.

Labor is justly indignant at the bestowal or guaranteeing of these worthless and academic "rights" by the courts, which in the same breath deny and forbid to the workers the practical and necessary protection of laws which define and safeguard their rights and liberties and the exercise of them individually or in association.

The most recent perversion of the intent of a law by the judiciary has been the Supreme Court decision in the hatters' case, by which the Sherman antitrust law has been made to apply to labor, although it was an accepted fact that Congress did not intend the law to so apply and might even have specifically exempted labor but for the fear that the Supreme Court might construe such an affirmative provision to be unconstitutional.

The workers earnestly urge Congress to cooperate with them in the upbuilding and educating of a public sentiment which will confine the judiciary to its proper function, which is certainly not that of placing a construction upon a law the very opposite of the plain intent of Congress, thus rendering worthless even the very moderate efforts which Congress has so far put forth to define the status of the most important, numerous, and patriotic of our people—the wage-workers, the producers of all wealth.

We contend that equity, power, and jurisdiction, discretionary government by the judiciary for well-defined purposes and within specific limitations, granted to the courts by the Constitution, has been so extended that it is invading the field of government by law and endangering individual liberty.

As government by equity, personal government, advances, republican government, government by law, recedes.

We favor enactment of laws which shall restrict the jurisdiction of courts of equity to property and property rights and shall so define property and property rights that neither directly nor indirectly shall there be held to be any property or property rights in the labor or labor power of any person or persons.

The feeling of restless apprehension with which the workers view the apathy of Congress is accentuated by the recent decision of the Supreme Court.

By the wrongful application of the injunction by the lower courts the workers have been forbidden the right of free press and free speech, and the Supreme Court in the hatters' case, while not directly prohibiting the exercise of these rights, yet so applies the Sherman law to labor that acts involving the use of free press and free speech, and hitherto assumed to be lawful, now become evidence upon which triple damages may be collected and fine and imprisonment added as a part of the penalty.

Indeed, the decision goes so far as to hold the agreements of unions with employers to maintain industrial peace to be "conspiracies" and the evidence of unlawful combinations in restraint of trade and commerce, thus effectually throttling labor by penalizing as criminal the exercise of its normal, peaceful rights and activities. The fact that these acts are, in reality, making for the uplift and the betterment of civilization as a whole does not seem to be understood or appreciated by the courts. The workers hope for a broader and more intelligent appreciation from Congress.

It is not necessary here to enter into a detailed review of this decision.

The workers ask from Congress the relief which it alone can give from the injustice which will surely result from the literal enforcement of the Sherman antitrust law as interpreted by this decision. The speedy enactment of labor's proposed amendment to the Sherman antitrust law will do much to restore the rights from which the toilers have been shorn.

We submit for consideration, and trust the same will be enacted, two provisions amendatory of the Sherman antitrust law, which originally were a part of the bill during the stages of its consideration by the Senate and before its final passage, and which are substantially as follows:

That nothing in said act (Sherman antitrust law) or in this act is intended, nor shall any provision thereof hereafter be enforced, so as to apply to organizations or associations not for profit and without capital stock, nor to the members of such organizations or associations.

That nothing in said act (Sherman antitrust law) or in this act is intended, nor shall any provision thereof hereafter be enforced so as to apply to any arrangements, agreements, or combinations among persons engaged in agriculture or horticulture, made with a view of enhancing the price of their own agricultural or horticultural products.

It is clearly an unwarranted assumption on the part of the courts or others to place the voluntary associations of the workers in the same category as trusts and corporations owning stock and organized for profit.

On the one hand we have the trusts and corporations dealing with purely material things and mostly with the inanimate products of labor; on the other hand there are workers, whose labor power is part of their very life and being and which can not be differentiated from their ownership in and of themselves.

The effort to categorically place the workers in the same position as those who deal in the products of labor of others is the failure to discern between things and man.

It is often flippantly averred that labor is a commodity, but modern civilization has clearly and sharply drawn the line between a bushel of coal, a side of pork, and the soul of a human, breathing, living man.

The enactment of the legislation which we ask will tend to so define and safeguard the rights of the workers of to-day and those who will come after them that they may hope to continue to enjoy the blessings of a free country as intended by the founders of our Government.

In the relief asked for in the proposed amendment to the Sherman antitrust law which we present to Congress, labor asks for no special privileges and no exemption from the treatment which any law-abiding citizen might hope to receive in a free country.

Indeed, the present Parliament of Great Britain, at its session in December, 1906, enacted into law what is known as the "trades dispute act." It is brief, and we therefore quote its provisions in full:

"1. It shall be lawful for any person or persons, acting either on their own behalf or on behalf of a trade union or other association of individuals, registered or unregistered, in contemplation of or during the continuance of any trade dispute, to attend for any of the following purposes at or near a house or place where a person resides or works or carries on his business or happens to be—

"(1) For the purpose of peacefully obtaining or communicating information.

"(2) For the purpose of peacefully persuading any person to work or abstain from working.

"2. An agreement or combination by two or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute shall not be ground for an action if such act when committed by one person would not be ground for an action.

"3. An action shall not be brought against a trade union or other association aforesaid for the recovery of damage sustained by any person or persons by reason of the action of a member or members of such trade union or other association aforesaid."

We submit that if such relief from the onerous conditions brought about by the Taff-Vale decision of the highest court of Great Britain can be enacted by a monarchical government, there ought to be no hesitancy in conceding it in our own Republic.

The unions of labor aim to improve the standard of life; to uproot ignorance and foster education; to install character, manhood, and an independent spirit among our people; to bring about a recognition of the interdependence of man upon his fellow-man. We aim to establish a normal work day; to take the children from the factory and workshop and give them the opportunity of the schools, the home, and the playground. In a word, our unions strive to lighten toil, educate their members, make their homes more cheerful, and in every way contribute an earnest effort toward making life the better worth living. To achieve these praiseworthy ends we believe that all honorable and lawful means are justifiable and commendable and should receive the sympathetic support of every right-thinking American.

Labor asks only for justice. It asks that it be not victimized and penalized under laws never intended to apply to it.

We hope for a prompt recognition on the part of Congress of the wage-workers' very reasonable and moderate insistence in this important matter.

In addition, the other most important measures which labor urges are:

The bill to regulate and limit the issuance of injunctions—Pearre bill.

Employers' liability bill.

The bill extending the application of the eight-hour law to all Government employees and those employed upon work for the Government, whether by contractors or subcontractors.

There are other measures pending which we regard as important, but we feel especially justified in urging the passage of those mentioned, because they have been before Congress for several sessions and upon which extended hearings have been had before committees, every interest concerned having had ample opportunity to present arguments, and there is no good reason why action should longer be deferred by Congress.

We come to Congress hoping for a prompt and adequate remedy for the grievances of which we justly complain. The psychological moment has arrived for a total change of governmental policy toward the workers; to permit it to pass may be to invite disaster even to our national life.

In this frank statement of its grievances the attitude of labor should not be misinterpreted, nor should it be held as wanting in respect for our highest lawmaking body.

That the workers, while smarting under a most keen sense of injustice and neglect, turn first to Congress for a remedy, shows how greatly they still trust in the power and willingness of this branch of the Government to restore, safeguard, and protect their rights.

Labor proposes to aid in this work by exercising its utmost political and industrial activity, its moral and social influence, in order that the interests of the masses may be represented in Congress by those who are pledged to do justice to labor and to all our people, not to promote the special interests of those who would injure the whole body politic by crippling and enslaving the toilers.

Labor is most hopeful that Congress will appreciate the gravity of the situation which we have endeavored to present. The workers trust that Congress will shake off the apathy which has heretofore characterized it on this subject and perform a beneficent social service for the whole people by enacting such legislation as will restore confidence among the workers that their needs as law-abiding citizens will be heeded.

Only by such action will a crisis be averted. There must be something more substantial than fair promises. The present feeling of widespread apprehension among the workers of our country becomes more acute every day. The desire for decisive action becomes more intense.

While it is true that there is no legal appeal from a Supreme Court decision, yet we believe Congress can and should enact such further legislation as will more clearly define the rights and liberties of the workers.

Should labor's petition for the righting of the wrongs which have been imposed upon it and the remedying of injustice done to it pass unheeded by Congress and those who administer the affairs of our Government, then upon those who have failed to do their duty and not upon the workers will rest the responsibility.

The labor union is a natural, rational, and inevitable outgrowth of our modern industrial conditions. To outlaw the union in the exercise of its normal activities for the protection and advancement of labor and the advancement of society in general is to do a tremendous injury to all people.

The repression of right and natural activities is bound to finally break forth in violent form of protest, especially among the more ignorant of the people, who will feel great bitterness if denied the consideration they have a right to expect at the hands of Congress.

As the authorized representatives of the organized wage-earners of our country, we present to you in the most conservative and earnest manner that protest against the wrongs which they have to endure, and some of the rights and relief to which they are justly entitled. There is not a wrong for which we seek redress, or a right to which we aspire which does not or will not be equally shared by all the workers—by all the people.

While no Member of Congress or party can evade or avoid his or their own individual or party share of responsibility, we aver that the party in power must, and will, by labor and its sympathizers, be held primarily responsible for the failure to give the prompt, full, and effective Congressional relief we know to be within its power.

We come to you not as political partisans, whether Republican, Democratic, or other, but as representatives of the wageworkers of our country, whose rights, interests, and welfare have been jeopardized and flagrantly, woefully disregarded and neglected. We come to you because you are responsible for legislation or the failure of legislation. If these, or new questions, are unsettled and any other political party becomes responsible for legislation, we shall press home upon its Representatives and hold them responsible, equally as we now must hold you.

SAM'L GOMPERS,
W. R. FAIRLEY,
JOS. F. VALENTINE,
T. C. PARSONS,
P. J. MCARDLE,
C. M. BARNETT,
W. D. MAHON,
Committee.

Samuel Gompers, President;
James O'Connell, Third Vice-President;
Max Morris, Fourth Vice-President;
D. A. Hayes, Fifth Vice-President;
Daniel J. Keefe, Sixth Vice-President;
William D. Huber, Seventh Vice-President;
Joseph F. Valentine, Eighth Vice-President;
Frank Morrison, Secretary; and
John B. Lennon, Treasurer,

Executive Council American Federation of Labor.

George L. Berry, International Printing Pressmen's Union.
Norman C. Sprague, International Printing Pressmen's Union.
John P. Frey, Iron Molders' Union of North America.
G. M. Huddleston, International Slate and Tile Roofers' Union.
James Wilson, Pattern Makers' League of North America.
Richard Braunschweig, Amalgamated Wood Workers' International Union.
Charles R. Atherton, Metal Polishers, Buffers, Platers, and Brass Workers' Union.
A. B. Grout, Metal Polishers, Buffers, Platers, and Brass Workers' Union.
Jere L. Sullivan, Hotel and Restaurant Employees' International Alliance.
W. R. Fairley, United Mine Workers' Union of North America.
Thomas Haggerty, United Mine Workers' Union of North America.
A. McAndrews, Tobacco Workers' International Union.
E. Lewis Evans, Tobacco Workers' International Union.
James J. Freel, International Stereotypers and Electrotypers' Union.
W. F. Costello, International Steam and Hot Water Fitters and Helpers' Union.
H. T. Rogers, International Steam and Hot Water Fitters and Helpers' Union.
James O'Connell, International Association of Machinists.
Arthur E. Holder, International Association of Machinists.
A. McGilray, International Association of Machinists.
M. O'Sullivan, Amalgamated Sheet Metal Workers' International Alliance.
Thomas F. Ryan, Amalgamated Sheet Metal Workers' International Alliance.
J. E. Pritchard, International Pavers and Rammermen.
Thomas T. Maher, Amalgamated Sheet Metal Workers' International Alliance.
J. L. Feeney, International Brotherhood of Bookbinders.
C. M. Barnett, American Society of Equity.
O. D. Pauley, American Society of Equity.
Timothy Healy, International Brotherhood of Stationary Firemen.
Rezin Orr, Amalgamated Street and Electric Railway Employees.
W. D. Mahon, Amalgamated Street and Electric Railway Employees.
John A. Moffitt, United Hatters of North America.
Martin Lawlor, United Hatters of North America.
J. W. Kline, International Brotherhood of Blacksmiths and Helpers.
H. G. Poulesland, International Brotherhood of Blacksmiths and Helpers.
J. M. Cox, International Brotherhood of Blacksmiths and Helpers.
F. M. Ryan, Bridge and Structural Iron Workers' International Association.
William J. Barry, Pilots' Association.
A. B. Lowe, International Brotherhood of Maintenance of Way Employees.
W. W. Beattie, Commercial Telegraphers' International Union of America.
Wesley Russell, Commercial Telegraphers' International Union of America.
Percy Thomas, Commercial Telegraphers' International Union of America.
J. E. Davenport, International Brotherhood of Maintenance of Way Employees.
A. B. Wilson, International Brotherhood of Maintenance of Way Employees.
M. J. Shea, International Stereotypers and Electrotypers' Union.
James L. Gernon, Patternmakers' League of North America.
J. M. McElroy, Brush Makers' International Union.
T. A. Rickert, United Garment Workers of America.
B. A. Larger, United Garment Workers of America.
M. Zuckerman, United Cloth Hat and Cap Makers of North America.
H. Hinder, United Cloth Hat and Cap Makers of North America.
H. B. Perham, Order of Railroad Telegraphers.
A. T. McDaniel, Order of Railroad Telegraphers.
W. J. Gregory, Order of Railroad Telegraphers.
James F. Speirs, Brotherhood of Boiler Makers and Iron Ship Builders.
Thomas C. Nolan, Brotherhood of Boiler Makers and Iron Ship Builders.
William Grant, Brotherhood of Boiler Makers and Iron Ship Builders.
F. J. Kelly, International Photo-Engravers' Union.
William D. Huber, United Brotherhood of Carpenters and Joiners.
James Kirby, United Brotherhood of Carpenters and Joiners.
Samuel Gompers, Cigarmakers' International Union.
G. W. Perkins, Cigarmakers' International Union.
Thomas F. Tracy, Cigarmakers International Union.
J. T. Carey, International Brotherhood of Paper Makers of North America.
J. B. Espey, International Brotherhood of Bookbinders.
M. J. Kelly, International Brotherhood of Bookbinders.
John F. Breen, Hod Carriers and Building Laborers' International Union.
Max Morris, Retail Clerks' International Protective Association.
J. A. Anderson, Retail Clerks' International Protective Association.
Herman Robinson, Retail Clerks' International Protective Association.
D. F. Manning, Retail Clerks' International Protective Association.
John F. Tobin, Boot and Shoe Workers' Union.
John P. Murphy, Boot and Shoe Workers' Union.
William Silver, Granite Cutters' International Association.
W. A. James, International Brotherhood of Stationary Firemen.
F. M. Nurse, International Brotherhood of Stationary Firemen.
J. C. Balhorn, Brotherhood of Painters, Decorators, and Paperhangers of America.
Charles C. Bradley, American Wire Weavers' Protective Association.
E. E. Desmond, American Wire Weavers' Protective Association.
John A. Dyche, International Ladies' Garment Workers' Union.
William J. Spencer, United Association of Plumbers, Gas Fitters, Steam Fitters, and Steam Fitters' Helpers.
Joseph N. Weber, American Federation of Musicians.
T. J. Sullivan, Hotel and Restaurant Employees' International Alliance.
J. H. Williams, Order of Railway Telegraphers.
F. L. Mahan, International Plate Printers.
Ed. L. Schrack, International Plate Printers.
John J. Hanrahan, Brotherhood of Locomotive Firemen and Engineers.
A. P. Kelly, Brotherhood of Locomotive Firemen and Engineers.
H. Brosmer, Brotherhood of Locomotive Firemen and Engineers.
John Manning, Shirt, Waist, and Laundry Workers' International Union.
C. A. Laflin, Brotherhood of Locomotive Firemen and Engineers.
William H. Frazier, International Seamen's Union.
T. J. Duffy, International Brotherhood of Operative Potters.
Frank H. Hutchens, International Brotherhood of Operative Potters.
Ed. Menge, International Brotherhood of Operative Potters.
V. A. Olander, International Seamen's Union.
Frank L. Ronemus, Brotherhood of Railway Car Men of America.
George C. Griffin, United Brotherhood of Carpenters and Joiners of America.
Louis Kemper, International Union of Brewery Workers of America.
A. J. Kugler, International Union of Brewery Workers of America.
William Hellmuth, International Union of Brewery Workers of America.
T. C. Parsons, International Typographical Union.
George G. Seibold, International Typographical Union.
D. A. Hayes, Glass Bottle Blowers' Association.
William Launer, Glass Bottle Blowers' Association.
James J. Dunn, Glass Bottle Blowers' Association.
F. H. Williams, Glass Bottle Blowers' Association.
James McHugh, Journeymen Stone Cutters' Association.
Daniel J. Keefe, International Longshoremen's Association.
Thomas Gallagher, International Longshoremen's Association.
T. A. Rickert, United Garment Workers of America.
J. J. Flynn, Interior Freight Handlers and Warehousemen's Union.
P. J. Flannery, Interior Freight Handlers and Warehousemen's Union.
W. J. McSorley, Wood, Wire, and Metal Lathers' International Union.
R. V. Brandt, Wood, Wire, and Metal Lathers' International Union.
P. J. McArdle, Amalgamated Association of Iron and Steel Workers.
John Williams, Amalgamated Association of Iron and Steel Workers.
Jacob Fischer, Journeymen Barbers' International Union.
Frank K. Noschang, Journeymen Barbers' International Union.
John Golden, United Textile Workers of America.
Albert Hibbert, United Textile Workers of America.
Daniel J. Tobin, International Brotherhood of Teamsters.
Matt Comerford, International Union of Steam Engineers.
F. A. Didsbury, Pocket Knife Blade Grinders and Finishers' National Union.
Edward W. Potter, Amalgamated Meat Cutters and Butcher Workers of North America.
Homer D. Call, Amalgamated Meat Cutters and Butcher Workers of North America.
H. L. Eichelberger, Amalgamated Meat Cutters and Butcher Workers of North America.
A. L. Webb, Amalgmamated Meat Cutters and Butcher Workers of North America.
Frank Gehring, Lithographers' International Protective and Beneficial Association.
J. F. Murphy, International Union of Elevator Constructors.
Frederick Benson, International Seamen's Union.

John H. Brinkman, Carriage and Wagon Workers' International Union.
P. F. Richardson, International Car Workers.
Joseph Reilly, United Brotherhood of Carpenters.
I. B. Kuhn, Cigarmakers' International Union.
Thomas McGilton, Brotherhood of Painters, Decorators, and Paperhangers.
John Weber, Bakery and Confectionery Workers' International Union.
James J. McCracken, International Union of Steam Engineers.
James H. Hatch, Upholsterers' International Union.
J. F. McCarthy, Hotel and Restaurant Employees' International Alliance.

The VICE-PRESIDENT. The memorial will be referred to the Committee on the Judiciary.

Mr. BURROWS. It is an important memorial and I ask that it be printed as a Senate document.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. GALLINGER. In connection with the request made by the Senator from Michigan, I ask that 1,000 additional copies be printed. The usual edition is small, and as there will doubtless be many calls for the document, I think we ought to have some extra copies.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that 1,000 copies in addition to the regular number be printed. In the absence of objection it is so ordered.

DEATH OF THE KING AND THE CROWN PRINCE OF PORTUGAL.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting a copy of a note from the Portuguese minister, conveying to the Senate the sincere thanks of His Majesty the King of Portugal for the sympathetic resolutions adopted by the Senate relative to the assassination of the King and Crown Prince of Portugal, which, with the accompanying paper, was, on motion of Mr. CULLOM, referred to the Committee on Foreign Relations and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the Trustees of Hennegars Chapel Methodist Episcopal Church, of Dunlap, Tenn., *v.* The United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 4046) to authorize the cutting of timber and the preservation of the forests on certain lands reserved for Indian reservations in the State of Wisconsin, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 16268) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1909, and for other purposes, in which it requested the concurrence of the Senate.

The message further announced that the House insists upon its disagreement to the amendments of the Senate to the bill (S. 4112) to amend an act entitled "An act to provide for the reorganization of the consular service of the United States," approved April 5, 1906; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. COUSINS, Mr. LANDIS, and Mr. HOWARD managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice-President:

S. 626. An act authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through Three Tree Point Military Reservation, in the State of Washington, to the Grays Harbor and Columbia River Railway Company, its successors and assigns;

S. 4377. An act to carry into effect the international convention of December 21, 1904, relating to the exemption in time of war hospital ships from dues and taxes on vessels;

S. 5254. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent children of such soldiers and sailors; and

S. R. 69. Joint resolution granting authority for the use of certain balances of appropriations for the Light-House Establishment to be available for certain named purposes.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a petition of the congregation of the Baptist Church of Lamoille, Ill., which was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

The following amendment to the Constitution of the United States has been introduced in the Senate by Senator HANSBROUGH, of North Dakota:

"ARTICLE XVI.

"SECTION 1. Neither polygamy nor polygamous cohabitation shall exist in the United States or any place subject to its jurisdiction.

"SEC. 2. The practice of polygamy or polygamous cohabitation within the bounds of a State or Territory of the United States or any place subject to its jurisdiction shall be treated as a crime against the United States.

"SEC. 3. Congress shall have power to enforce the provisions of this article by appropriate legislation."

Resolved, That we, the members of the Baptist Church and congregation of Lamoille, Ill., respectfully urge upon the Senate of the United States (the House of Representatives concurring) to take the necessary steps immediately for submitting this amendment to the respective States for ratification.

Resolved, That we most earnestly and respectfully request Senators A. J. HOPKINS and SHELBY M. CULLOM to support this measure in the Senate.

Resolved, That a copy of these resolutions be duly signed by our pastor and clerk and forwarded at once to Senators A. J. HOPKINS and SHELBY M. CULLOM.

Unanimously approved March 15, 1908.

O. P. BESTOR,
Pastor Lamoille Baptist Church.

DELLA S. KELSEY,
Church Clerk.

Mr. FRYE presented a petition of sundry citizens of Bradford, Me., and a petition of sundry citizens of Thorndike, Me., praying for the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of W. A. Bowen, of Waterville, Me., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of H. W. Longfellow Lodge, No. 82, Brotherhood of Railroad Trainmen, of Portland, Me., praying for the passage of the so-called "La Follette-Sterling employers' liability bill," which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of sundry citizens of Mountain View Grange, No. 305, Patrons of Husbandry, of East Conway, N. H., praying for the enactment of legislation to establish a national highway commission, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the American Musical Copyright League of New York City, N. Y., praying for the passage of the so-called "Smoot-Currier copyright bill," which was referred to the Committee on Patents.

He also presented memorials of sundry citizens of New York, Michigan, New Jersey, West Virginia, New Hampshire, Pennsylvania, North Carolina, South Carolina, Illinois, Kansas, Maine, Vermont, Connecticut, Ohio, and Arkansas, remonstrating against the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a memorial of the Eastern Wholesale Dry Goods Association, of Boston, Mass., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Warner Grange, No. 90, Patrons of Husbandry, of Warner, N. H., and a petition of Mountain View Grange, No. 305, Patrons of Husbandry, of East Conway, N. H., praying for the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the congregation of the Baptist Church of Anacostia, D. C., and a petition of the East Washington Heights Citizens' Association, of the District of Columbia, praying for the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented sundry petitions of citizens of Washington, D. C., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented the petition of F. S. Hodgson, of Washington, D. C., praying for the enactment of legislation to change the name of Sixteenth street NW. in that city to Ellsworth avenue, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Board of Trade of Washington, D. C., praying for the enactment of a uniform law of sales and warehouse receipts in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Brightwood Park Citizens' Association of the District of Columbia, praying for the enactment of legislation providing for the opening of Longfellow street from Shepard's road NW., in the District of Columbia, to First street NE., which was referred to the Committee on the District of Columbia.

Mr. PLATT presented petitions of sundry citizens of Olean, N. Y., praying for the enactment of legislation to establish a postal savings bank, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Granville, Middle Granville, and Hartford, all in the State of New York, praying for the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Union No. 28, Stereotypers and Electrotypers' Union, of Albany, N. Y., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a petition of Huron Grange, No. 124, Patrons of Husbandry, of Wolcott, N. Y., praying for the enactment of legislation to create a national highways commission and also for the passage of the so-called "parcels-post bill," which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Rhena Mosher Young Woman's Christian Temperance Union, of Syracuse, N. Y., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Rhena Mosher Young Woman's Christian Temperance Union, of Syracuse, N. Y., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a petition of the Rhena Mosher Young Woman's Christian Temperance Union, of Syracuse, N. Y., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Rhena Mosher Young Woman's Christian Temperance Union, of Syracuse, N. Y., remonstrating against the repeal of the present anticanteen law, which was referred to the Committee on Military Affairs.

Mr. DEPEW presented a petition of the Board of Trade and Transportation of New York City, N. Y., remonstrating against the passage of the so-called "Aldrich currency bill," which was ordered to lie on the table.

He also presented petitions of Star Grange, No. 9, of Houndsfield; of Little Britain Grange, of Little Britain; of Newfield Grange, of Newfield; Dansville Grange, No. 187, of Dansville; of Cato Grange, of Cato; of Allegany Grange, of Allegany; of Floyd Grange, No. 665, of Oneida County, and of Parma Grange, of Parma, all of the Patrons of Husbandry, in the State of New York, praying for the enactment of legislation to establish a rural parcels post, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Credit Men's Association of Buffalo, N. Y., praying for the adoption of a certain amendment to the national bankruptcy law, which was referred to the Committee on the Judiciary.

He also presented a petition of the legislature of the State of New York, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

He also presented a memorial of United Division, No. 292, Brotherhood of Locomotive Engineers, of Middletown, N. Y., remonstrating against the passage of the so-called "Penrose bill" to exclude nonmailable periodicals from second-class mail privileges, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the National Bartenders' Union of Plattsburg, N. Y., remonstrating against the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of Local Grange No. 214, Patrons of Husbandry, of Marion, N. Y., praying for the enactment of legislation to create a national highways commission, and also for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Agriculture and Forestry.

Mr. DICK presented a petition of the United Trades and Labor Council of Cuyahoga County, Ohio, and a petition of Abraham Lincoln Lodge, No. 445, Brotherhood of Locomotive Firemen and Enginemen, of Columbus, Ohio, praying for the passage of the so-called "La Folette-Sterling employers' liability bill," which were referred to the Committee on the Judiciary.

He also presented a memorial of the Irish-American Nationalists of Ohio, of Cleveland, Ohio, remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a petition of Livingston Post, No. 425, Department of Ohio, Grand Army of the Republic, of Richwood, Ohio, praying for the passage of the so-called "Dick bill" providing for the readjustment of the pay upon a gold basis of all surviving soldiers of the United States Army who served during the civil war, which was referred to the Committee on Pensions.

He also presented a petition of H. Stewart Lodge, No. 243, Brotherhood of Railroad Trainmen, of Chillicothe, Ohio, praying for the enactment of legislation to prohibit false advertising to procure laborers in case of strikes and lockouts, which was referred to the Committee on Education and Labor.

He also presented petitions of the congregation of the Presbyterian Church of Blue Ball, of the Home Missions of Bellefontaine, of the congregation of the First Presbyterian Church of Kenton, and of the Baptist Convention of Granville, all in the State of Ohio, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Cleveland, Sandusky, Cincinnati, Hamilton, and Reading, all in the State of Ohio, remonstrating against the enactment of legislation to prohibit the interstate transportation of intoxicating liquors in prohibition districts, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Steubenville, Norwalk, Woodstock, Washington, Barnesville, and Delta, all in the State of Ohio, praying for the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of sundry citizens of Salem, Versailles, Middletown, and Bridgeport, all in the State of Ohio; of Grey Eagle, Minn.; of Cameron, W. Va., and of Marion, Ind., remonstrating against the passage of the so-called "Penrose bill," to exclude nonmailable periodicals from second-class mail privileges, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. SCOTT presented a petition of Poca Grange, No. 312, Patrons of Husbandry, of Poca, W. Va., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of W. B. Ryder Lodge, No. 232, Brotherhood of Railroad Trainmen, of Hinton, W. Va., praying for the passage of the so-called "La Follette-Sterling employers' liability bill," which was referred to the Committee on the Judiciary.

Mr. DILLINGHAM presented a petition of sundry citizens of Castleton, Vt., praying for the enactment of legislation to create a national highways commission, which was referred to the Committee on Agriculture and Forestry.

Mr. WETMORE presented a petition of the city council of Newport, R. I., praying that an increased appropriation be made for the enlargement and improvement of the naval training station at that city, which was referred to the Committee on Naval Affairs.

He also presented a petition of the city council of Newport, R. I., praying for the enactment of legislation providing for the construction of the next proposed new battle ship at one of the Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented a petition of the city council of Newport, R. I., praying that the appropriation asked for by the Secretary of War be made for the military defense of Narragansett Bay, in that State, which was referred to the Committee on Appropriations.

Mr. BRANDEGEE presented a memorial of the Robert Emmet Club of Torrington, Conn., remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. BULKELEY presented a memorial of the Chamber of Commerce of New Haven, Conn., and a memorial of 12 citizens of Thomaston, Conn., remonstrating against the passage of the so-called "Crumpacker bill" providing for the employment of additional clerks for the taking of the Thirteenth and subsequent decennial censuses, which were referred to the Committee on the Census.

He also presented a memorial of the Robert Emmet Club, of Torrington, Conn., and a memorial of the Montgomery Club, of Unionville, Conn., remonstrating against the ratification of the arbitration treaty between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented a petition of the Chamber of Commerce, of New Haven, Conn., and a petition of 26 manufacturers of Bridgeport, Conn., praying for the enactment of legislation to establish a national forest reserve in the Southern Appalachian and White Mountains, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of Local Grange No. 54, Patrons of Husbandry, of Plainville, Conn., praying for the enactment of legislation providing for the appointment of a national highways commission, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the memorial and executive committee, Department of New York, Grand Army of the Republic, of Buffalo, N. Y., remonstrating against the enactment of legislation proposing to abolish certain pension agencies throughout the country, which was referred to the Committee on Pensions.

Mr. HALE presented the petition of E. C. Lughron and sundry other citizens of Alna, Me., and the petition of James T. Grant and sundry other citizens of Lamoine, Me., praying for the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of H. W. Longfellow Lodge, No. 82, Brotherhood of Railroad Trainmen, of Portland Me., praying for the passage of the so-called "La Follette employers' liability bill," which was referred to the Committee on the Judiciary.

Mr. LA FOLLETTE presented the memorial of John W. Pratt and 38 other citizens of Milwaukee, Wis., remonstrating against the adoption of a certain provision in the so-called "Crumpacker bill" providing for the employment of additional clerks in the taking of the Thirteenth and subsequent censuses, which was referred to the Committee on the Census.

Mr. CULBERSON presented a memorial of Bohemian Lodge, No. 49, of Rowena, Tex., remonstrating against the enactment of legislation to prohibit the interstate transportation of intoxicating liquors in prohibition districts, which was referred to the Committee on the Judiciary.

Mr. HOPKINS presented a memorial of sundry citizens of Urbana, N. Y., remonstrating against the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a memorial of Local Union No. 94, Coopers' International Union of North America, of Chicago, Ill., remonstrating against the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the city council of Galena, Ill., praying that an appropriation be made for the opening of a channel of 6 feet in depth in the Mississippi River from St. Louis, Mo., to Minneapolis, Minn., which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. GAMBLE, from the Committee on the District of Columbia, to whom was referred the bill (S. 2996) authorizing the Commissioners of the District of Columbia to issue duplicates of official papers which have been lost or destroyed, reported adversely thereon, and the bill was postponed indefinitely.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 4107) to authorize the town of Chevy Chase, Md., to connect its water system with the water system of the District of Columbia, reported it without amendment and submitted a report thereon.

STATUE OF COMMODORE JOHN D. SLOAT.

Mr. WETMORE. From the Committee on the Library, I report back favorably without amendment the joint resolution (H. J. Res. 101) authorizing the Secretary of War to secure a suitable design for a statue of the late Commodore John D. Sloat at Monterey, Cal., and I submit a report thereon. I call the attention of the Senator from California [Mr. PERKINS] to the report.

Mr. PERKINS. I ask unanimous consent for the present consideration of the joint resolution.

The Secretary read the joint resolution, and, there being no objection, it was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SIXTEENTH STREET AT PINEY BRANCH.

Mr. CARTER. I report back favorably with an amendment, from the Committee on the District of Columbia, the bill (S. 3939) for the widening of Sixteenth street NW. at Piney Branch, and for other purposes, and I submit a report thereon. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was, on page 2, line 23, after the word "Columbia," to insert the following proviso:

Provided, That the bridge on Sixteenth street, across Piney Branch, shall be constructed the full width of the roadway and sidewalks of said Sixteenth street, and under said new highway plan the width of said Sixteenth street shall not be diminished.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DISPOSITION OF USELESS PAPERS.

Mr. GALLINGER. From the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, I am directed to report a bill, and, as I am going to ask unanimous consent for its consideration, I will take but a moment to say that under the law it is required that whenever a report comes from one of the Departments that they have useless papers which they would like to have destroyed, a joint committee of the two Houses has to be appointed to take that rather unimportant matter under consideration and to make a report. This bill provides that that shall be done by a committee appointed in the Department itself, relieving Congress from this duty and doubtless effectuating the desired purpose as well, if not better, than is now accomplished.

I ask for the present consideration of the bill.

The bill (S. 6235) to amend an act entitled "An act to authorize and provide for the disposition of useless papers in the Executive Departments," approved February 16, 1889, and the act amendatory thereof, approved March 2, 1895, was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the act "To authorize and provide for the disposition of useless papers in the Executive Departments," approved February 16, 1889, and the act amendatory thereof, approved March 2, 1895, be amended to read as follows:

"That whenever there shall be, now or hereafter, in any one of the Executive Departments of the Government, or in the various public buildings under the control of the several Executive Departments of the Government, an accumulation of files of papers which are not needed or useful in the transaction of the current business of such Department and have no permanent value or historical interest, it shall be the duty of the head of such Department to appoint a committee of three officers from his Department and submit to such committee a report of this fact, accompanied by a concise statement of the condition and character of such papers; and such committee shall meet and examine such report or reports and statement and the papers therein described, and submit to the head of such Department a report of such examination and their recommendations; and if the said committee report that such files of papers, or any part thereof, are not needed or useful in the transaction of the current business of such Department, and shall have no permanent value or historical interest, then it shall be the duty of such head of the Department to sell as waste paper or otherwise dispose of such files of papers upon the best obtainable terms after due publication of notice inviting proposals therefor, and receive and pay the proceeds thereof into the Treasury of the United States."

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. CLARK of Wyoming introduced a bill (S. 6236) for the relief of Edward C. Andre, which was read twice by its title and referred to the Committee on Foreign Relations.

Mr. HOPKINS introduced a bill (S. 6237) for the repair and maintenance of the Spanish caravels located on the site of the Columbian Exposition held in 1893, which was read twice by its title and referred to the Committee on Finance.

Mr. du PONT introduced a bill (S. 6238) granting a pension to Daniel Clower, which was read twice by its title and referred to the Committee on Pensions.

Mr. TAYLOR introduced a bill (S. 6239) for the relief of Aaron D. Bright, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. SIMMONS introduced a bill (S. 6240) for the relief of the estate of Hardy H. Waters, deceased, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 6241) for the relief of the heirs of D. W. Bell, deceased, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. GALLINGER introduced a bill (S. 6242) for the establishment of a probation and parole system for the District of Columbia, which was read twice by its title and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. KITTREDGE introduced a bill (S. 6243) granting an increase of pension to James H. McAllister, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GAMBLE introduced a bill (S. 6244) authorizing the allotment of lands to Jennie La Fevre and her five children, and issuance of patent therefor, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. OWEN introduced a bill (S. 6245) to pay the estate of Anna Irons, deceased, for beef cattle furnished the United States Army during the war of the rebellion, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 6246) authorizing the Secretary of the Interior to set aside certain tract of land for town-site purposes, which was read twice by its title and referred to the Committee on Public Lands.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6247) granting a pension to Frank E. Bales; and

A bill (S. 6248) granting an increase of pension to Napoleon Bonaparte Breedlove.

Mr. HALE introduced a bill (S. 6249) granting an increase of pension to Hannah T. Maddox, which was read twice by its title and referred to the Committee on Pensions.

Mr. FRAZIER introduced a bill (S. 6250) for the relief of Lottie Bowman, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 6251) for the relief of the heirs of Benjamin Fugitt, deceased, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. DEPEW introduced a bill (S. 6252) granting a pension to the minor children of John J. Campbell, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. OVERMAN introduced a bill (S. 6253) for the relief of the Catholic Church in Washington, N. C., which was read twice by its title and referred to the Committee on Claims.

Mr. BOURNE introduced a bill (S. 6254) granting a pension to Eleanor McDevitt, which was read twice by its title and referred to the Committee on Pensions.

Mr. LA FOLLETTE introduced a bill (S. 6255) granting an increase of pension to Theron W. Haight, which was read twice by its title and referred to the Committee on Pensions.

Mr. FOSTER introduced a bill (S. 6257) authorizing the Secretary of War to expend $300,000 in protecting the banks of the Mississippi River at New Orleans, La., which was read twice by its title and referred to the Committee on Commerce.

TARIFF COMMISSION.

Mr. LA FOLLETTE. Mr. President, I introduce a bill to create a Tariff Commission and defining its powers and duties.

Some question may be raised as to whether section 5 of the bill can be incorporated in a Senate bill. I have placed it in this bill because I believe it is within the constitutional power of the Senate to originate such legislation. I place it in the bill for another reason, because it indicates my views upon a certain proceeding to secure prompt action for tariff reduction.

I shall ask the Senate very soon for time to submit some remarks in support of legislation to establish a Tariff Commission. I ask that the bill be printed in the RECORD.

The bill (S. 6256) to create a Tariff Commission and defining its powers and duties, was read twice by its title and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That a Commission is hereby created and shall be known as the Tariff Commission, which shall be composed of nine Commissioners, who shall be appointed by the President, by and with the advice and consent of the Senate. The Commissioners first appointed under this act shall continue in office for the terms of three, four, five, six, seven, eight, nine, ten, and eleven years, respectively, from the 1st day of July, A. D. 1908, the term of each to be designated by the President; but their successors shall be appointed for terms of ten years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the Commissioner whom he shall succeed. Any Commissioner shall be removed by the President for inefficiency, neglect of duty, or malfeasance in office. No person shall be eligible to appointment as a Commissioner under this act who is a Senator or Representative of the United States or is a Senator or Representative elect of the United States at the time of his appointment. No two of said Commissioners shall be resident in the same United States judicial circuit. Not more than five of said Commissioners shall be members of the same political party. One of said Commissioners shall have a practical knowledge of the manufacturing industry; one of said Commissioners shall have a practical knowledge of agriculture; one of said Commissioners shall have a practical knowledge of the import business; one of said Commissioners shall be a representative of labor; one of said Commissioners shall be a lawyer who has made a special study of the tariff laws and customs practice in the United States; one of said Commissioners shall have a made a special study of domestic and foreign tariffs and commercial reciprocity; one of said Commissioners shall have expert knowledge of costs of production and accounting; one of said Commissioners shall be a trained statistician who has made a special study of prices in domestic and foreign markets; one of said Commissioners shall be an eminent economist who has made a special study of wages and cost of living. No vacancy in the Commission shall impair the right of the remaining Commissioners to exercise all the powers of the Commission. Each Commissioner shall receive a salary of $10,000 per year.

SEC. 2. That said Commission as soon as qualified shall without delay meet for organization in the city of Washington, in the District of Columbia, and it shall organize by the election of one of its number to be chairman and one of its number to be vice-chairman. The Commission shall appoint a secretary and such other employees as it may find necessary to the proper performance of its duties and fix the salary or compensation of each. Until otherwise provided by law, the Commission may select and rent suitable offices for its use, and shall have authority to procure all necessary office supplies. The expenses of the Commission, including necessary expenses for transportation incurred by the Commissioners or by their employees, under their orders, in making any investigations or upon official business in any other place than the city of Washington, shall be allowed and paid upon presentation of vouchers therefor, approved by the chairman of the Commission. The principal office of the Commission shall be in the city of Washington, where its general sessions shall be held; but whenever the convenience of the public or the Commissioners may be promoted or delay or expense prevented thereby the Commission may hold its sessions in any part of the United States. It may, by one or more of the Commissioners or its employees, prosecute any inquiry necessary to the performance of its duties in any part of the United States or in any foreign country: *Provided*, That not more than four members of said Commission shall be absent from the United States at one time.

SEC. 3. That the Commission hereby created shall have authority, and it is hereby directed to ascertain the difference in the cost of producing articles of the same, or substantially the same, quality and kind in this country and in competing foreign countries. The Commission in such investigation shall ascertain, in connection with the several articles covered by its reports in the United States and in competing foreign countries, the wages, the hours of service, and the efficiency of labor employed, and the standards of living of such laborers. The Commission shall ascertain the cost of raw material, the cost of labor, the fixed charges, depreciation upon the true value of the capital invested, and all other items necessary to determine the true cost of the finished product. Said Commission shall ascertain the market conditions and the prices at which protected products of the United States are sold in foreign countries as compared with the prices of products sold in the United States. The Commission shall investigate the effect of transportation rates upon the markets and prices of dutiable products, the relation between Government revenues and tariff schedules, and shall, pursuant to the purposes of this act, in so far as practicable, make an investigation of all questions and conditions relating to the agricultural, manufacturing, mining, commercial, and labor interests with reference to the tariff schedules and classifications of the United States and of foreign countries. Said Commission is authorized to call upon any department or officer of the Government for any information in the possession of such department or officer and relating to any subject under investigation by said Commission. It shall be the duty of such officer to furnish the information required. It shall be the duty of said Commission upon petition, or upon its own initiative by one or more of its members, from time to time to hold hearings at such places as it may designate to determine industrial, commercial, and labor conditions in relation to the tariff. Such investigation shall be public, except as otherwise provided herein. The Commission shall, whenever practicable, give at least ten days' public notice of any and all hearings, and at any such hearing, whether undertaken upon the initiative of the Commission or upon petition, any person may appear before said Commission and be heard, or may be represented by attorney, and may file any written statement or documentary evidence bearing upon any matter it may have under investigation: *Provided*, That said Commission in any investigation may, upon the request of any witness examined as to any secret process used in the production of any article, take such evidence at a secret session: *And provided*, That the testimony of any witness in regard to any secret process shall not be reduced to writing, but that all other testimony shall be reduced to writing for the guidance of the said Commission in arriving at conclusions and making reports to Congress. A majority of the Commission shall constitute a quorum for the transaction of business. Said Commission may from time to time make or amend such general rules or orders as may be requisite for the orderly regulation of proceedings before it, including form of notices and the service thereof. Every vote and official act of the Commission shall be entered of record. Any of the members of the Commission or its secretary may administer oaths and affirmations and sign notices.

SEC. 4. That for the purposes of this act, in the case of articles on the dutiable list and such other articles as the Commission may decide to investigate with a view to determine whether it shall recommend that the same be placed upon the dutiable list, the said Commission is authorized to require of any person, firm, copartnership, corporation, or association producing any such article or articles the production of all books, papers, contracts, agreements, invoices, inventories, bills, and documents of any such person, firm, copartnership, corporation, or association, and

make every inquiry necessary to a determination of the value of such property. Said Commission is authorized to require by notice the attendance and testimony of witnesses and the production of all books, papers, contracts, agreements, inventories, invoices, bills, and documents relating to any matter pertaining to such investigation. Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States at any designated place of hearing, and witnesses shall receive the same fees as are paid in the Federal courts. In case of failure to comply with such a notice, or in case any person, firm, copartnership, corporation, or association shall fail to comply with any of the requirements of this act, the said Commission shall make a report to Congress of such failure, specifying the names of each person, the individual names of such firm or copartnership, and the names of the officers and directors of each such corporation or association guilty of such failure, and such report shall specify each particular in which such person, firm, copartnership, corporation, or association has failed to comply with such requirements, and shall also specify the article or articles on the dutiable list produced by such person, firm, copartnership, corporation, or association and the tariff schedule which applies to each such article. The information as to costs of production secured under the provisions of this section from any person, firm, copartnership, corporation, or associatfon shall not be disclosed to any business competitor or rival of such person, firm, copartnership, corporation, or association.

SEC. 5. That the Commission shall ascertain whether any persons, firms, copartnerships, corporations, or associations engaged in the production or sale of any dutiable article, cooperate by agreement or arrangement of any kind to control production, prices, or wages in the United States, or to control prices in any foreign market. The Commission shall also ascertain whether any person, firm, copartnership, corporation, or association owns or controls such a proportion of any dutiable product as to enable such person, firm, copartnership, corporation, or association to control production, prices, or wages in the United States or to control the price of such product in any foreign market. In making such investigation the Commission shall give notice thereof in writing to such person, firm, copartnership, corporation, or association and afford an opportunity for the parties to present testimony and to be heard in person or by counsel. Whenever there exists any such agreement or arrangement by which the parties thereto unduly promote their advantage, and whenever any person, firm, copartnership, corporation, or association owns or controls such a proportion of any domestic article named on the dutiable list as to control the market price of such article, and any undue advantage is taken in the exercise of such control, then, in either case, the imposition and collection of the duties on the similar imported article provided by existing law shall be suspended, and such article shall be admitted free of duty if the cost of labor of the domestic article does not exceed that of the foreign article. If the cost of labor does exceed that of the foreign article, such article shall be subjected to a rate of duty equivalent to the difference in the cost of labor of the domestic and foreign article: *Provided*, That in case the price of the raw material entering into the composition of any such article is not controlled by agreement or arrangement, the difference between the domestic and foreign cost of the raw material shall be added to the difference in the cost of labor in order to determine the rate of duty. In the execution of the foregoing, whenever the Commission shall find that there exists any such agreement or arrangement by which the parties thereto unduly promote their advantage, or that any person, firm, copartnership, corporation, or association owns or controls such a proportion of any domestic article named on the dutiable list as to control the market price of such article, and any undue advantage is taken in the exercise of such control, and that this advantage is facilitated by the duties imposed on a like imported article, the Commission shall ascertain the difference, if any, in the cost of labor of the domestic and foreign article, and also the difference, if any, between the domestic and foreign cost of the raw material entering into the composition of such article, provided the price of such raw material is not controlled by agreement or arrangement between parties, firms, copartnerships, corporations, or associations, or by any person, firm, copartnership, corporation, or association. In pursuing such investigations the Commission shall begin with the primary industries producing iron ore, coal, lumber, and other raw material from the natural resources of the country, and shall proceed in consecutive order, as nearly as practicable, from the industries producing raw material to the industries producing finished products. The Commission shall immediately report its findings and the evidence to the President in the order of the industries as herein provided, and the President shall forthwith and he is hereby authorized and empowered to suspend, by proclamation to that effect, the imposition and collection of the duties provided by law on the articles in said industries, and thereupon and thereafter, as the case may be, said articles shall be admitted free of duty or the duties levied, collected, and paid upon such articles shall be the amount of the difference in the cost of labor as determined by the Commission, and in addition thereto the amount of the difference between the domestic and foreign cost of the raw material as determined by the Commission under the conditions and in accordance with the provisions hereinbefore specified. Said suspension or reduction of duty or duties caused by proclamation of the President shall remain in force until removed or modified by Congress.

SEC. 6. That immediately upon effecting its organization the Commission shall proceed to investigate and ascertain the cost of production, as defined in sections 3 and 4 of this act, of the articles included in the iron and steel schedule of the act of July 24, 1897, and shall report its findings thereon, so far as ascertained, to Congress not later than the first Monday in January, 1909. Said Commission shall likewise proceed as rapidly as possible with the investigation of the other schedules of said act with a view to reporting its findings thereon to Congress at the earliest practicable date.

SEC. 7. That said Commission shall make annual reports to Congress of its investigations and recommendations, together with the testimony and information on which such recommendations are based and such special reports as it may deem advisable. The testimony and information so reported shall be accompanied by a complete topical digest or analysis and by a topical index of all the testimony taken during the period covered by the report. Said reports, with the accompanying testimony, records, and digest, shall be printed as public documents. The annual report shall be published and ready for distribution on the first Monday of December of each year.

SEC. 8. That at all times during the session of Congress a majority of said Commission shall be on duty in the city of Washington for the purpose of furnishing information and advice to Congress.

SEC. 9. That there is hereby appropriated for the fiscal year ending June 30, 1909, for the purposes of this act, from any moneys in the Treasury not otherwise appropriated, $300,000: *Provided*, That so much thereof as may be necessary shall become immediately available upon qualification by members of the Commision.

SEC. 10. That all acts or parts of acts in conflict with the provisions of this act are hereby repealed.

The VICE-PRESIDENT. The bill will be referred to the Committee on Finance.

PUBLIC LAND SURVEYS.

Mr. HEYBURN. On yesterday I submitted an amendment providing that all public lands, reserved and unreserved, of the United States now unsurveyed within the States of Idaho, Oregon, Montana, and California shall be surveyed without regard to settlement thereon, etc., intended to be proposed by me to the sundry civil appropriation bill. It is desirable that the State of Utah be added to the provisions of that amendment. I therefore send to the desk the amendment with the addition and ask that it be reprinted and referred to the Committee on Appropriations.

There being no objection, the modified amendment was ordered to be printed and referred to the Committee on Appropriations.

AMENDMENT TO FINANCIAL BILL.

Mr. LONG submitted an amendment intended to be proposed by him to the bill (S. 3023) to amend the national-banking laws, which was ordered to lie on the table and be printed.

PROPOSED UNIVERSITY OF THE UNITED STATES.

On motion of Mr. FRYE, it was

Ordered, That 2,000 additional copies of Senate Document No. 143, Sixtieth Congress, first session, "Appeal in behalf of proposed university of United States," be printed for the use of the Senate.

SURVEY OF WOOD RIVER, OREGON.

Mr. FULTON submitted the following concurrent resolution, which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey and estimate to be made for a project of improvement of Wood River from the point where it empties into Klamath Lake, in Klamath County, Oreg., to the head of navigation, and report the same to Congress.

REPORT OF INLAND WATERWAYS COMMISSION.

Mr. NEWLANDS submitted the following concurrent resolution, which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed at the Government Printing Office 10,000 copies of the preliminary report of the Inland Waterways Commission, with illustrations, of which 5,000 copies shall be for the House of Representatives, 3,000 copies for the Senate, and 2,000 copies for the use of the Commission.

HOUSE BILL REFERRED.

H. R. 16268. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1909, and for other purposes, was read twice by its title and referred to the Committee on Pensions.

PERSONNEL OF THE LIFE-SAVING SERVICE.

The bill (H. R. 17710) to increase the efficiency of the personnel of the Life-Saving Service of the United States was read the first time by its title.

Mr. FRYE. That bill is identical with Senate bill 5664 reported from the Committee on Commerce, and I should like its present consideration. It will take but a few moments. It has no retired pay in it and no pension. It increases the salary of the superintendents $200 a year; of the keepers, $100 a year; and of the surfmen $5 a month, and in addition gives the surfmen one Army ration, which is worth 30 cents a day. There is a present provision of law by which in case of the death of one of the surfmen his wife and minor children receive his pay for two years. That is amended by adding to it dependent mother.

That is all that there is in the bill. It is not what the Committee on Commerce reported at a former session, for the bill then contained retired pay and pension. It was sidetracked by reason of that provision. On investigation it was believed that no such provision would meet the approval of both Houses of Congress, and that this is the best that can be done. The Superintendent of the Life-Saving Service says that in his opinion it will relieve the present distressed condition of the Service.

The bill was read the second time at length, as follows:

Be it enacted, etc., That from and after the passage of this act the compensation of district superintendents in the United States Life-Saving Service shall be as follows: For the superintendents of the first, second, fourth, fifth, sixth, seventh, tenth, eleventh, twelfth, and thirteenth districts, $2,200 per annum each; for the superintendents of the third and ninth districts, $2,000 per annum each; for the superintendent of the eighth district, $1,900 per annum. That the pay of keepers of life-saving stations shall be $1,000 per annum each, and that the pay of the No. 1 surfman in each of the crews of the life-saving stations shall be at the rate of $70 per month.

SEC. 2. That every keeper of a life-saving station and every surfman in the Life-Saving Service of the United States shall be entitled to receive one ration per day or, in the discretion of the Secretary of the Treasury, commutation therefor at the rate of 30 cents per ration.

SEC. 3. That section 8 of the act of May 4, 1882, entitled "An act to promote the efficiency of the Life-Saving Service and to encourage the saving of life from shipwreck," is hereby amended to read as follows:

"SEC. 8. That if any keeper or member of a crew of a life-saving station shall hereafter die by reason of perilous service or any wound or injury received or disease contracted in the Life-Saving Service in the line of duty, leaving a widow, or a child or children under 16 years of age, or a dependent mother, such widow and child or children and dependent mother shall be entitled to receive, in equal portions, during a period of two years, under such regulations as the Secretary of the Treasury may prescribe, the same amount, payable quarterly as far as practicable, that the husband or father or son would be entitled to receive as pay if he were alive and continued in the service: *Provided*, That if the widow shall remarry at any time during the said two years her portion of said amount shall cease to be paid to her from the date of her remarriage, but shall be added to the amount to be paid to the remaining beneficiaries under the provisions of this section, if there be any; and if any child shall arrive at the age of 16 years during the said two years, the portion of such child shall cease to be paid to such child from the date on which such age shall be attained, but shall be added to the amount to be paid to the remaining beneficiaries, if there be any."

SEC. 4. That all acts or parts of acts inconsistent herewith are hereby repealed.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. FRYE. I move that the bill (S. 5664) to increase the efficiency of the personnel of the Life-Saving Service of the United States be indefinitely postponed.

The motion was agreed to.

INCREASE OF PENSIONS.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 15653) to increase the pensions of widows of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late civil war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist upon its amendments and agree to the conference requested by the House of Representatives, and that the conferees be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. McCUMBER, Mr. SCOTT, and Mr. TALIAFERRO as the conferees on the part of the Senate.

TITLE TO CERTAIN LOTS IN WASHINGTON, D. C.

The VICE-PRESIDENT laid before the Senate the bill (S. 903) to amend section 2, chapter 433, thirtieth Statutes at Large, entitled "An act to confirm title to lots 13 and 14, in square 959, in Washingon, D. C.," returned from the House of Representatives in compliance with the request of the Senate.

Mr. GALLINGER. I move that the votes whereby the bill was ordered to a third reading, read the third time, and passed be reconsidered.

The motion to reconsider was agreed to.

Mr. GALLINGER. I move that the bill be recommitted to the Committee on the District of Columbia.

The motion was agreed to.

OCEAN MAIL SERVICE.

The VICE-PRESIDENT. If there are no further concurrent or other resolutions, the morning business is closed.

Mr. HALE. I call for the regular order.

Mr. GALLINGER. I ask that the shipping bill, which is the regular order under the unanimous-consent agreement, be proceeded with.

The VICE-PRESIDENT. The regular order is demanded, and the Chair lays Senate bill 28 before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 28) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce."

Mr. BACON. Mr. President, if it is now in order and agreeable to the order of procedure, I desire to offer an amendment at this time.

I send the amendment to the Secretary's desk, and I ask to have it read.

The VICE-PRESIDENT. The Senator from Georgia proposes an amendment, which will be read.

Mr. BACON. I have not indicated at what point in the bill the amendment should be inserted, but I presume that properly it would be an independent section.

The VICE-PRESIDENT. The Secretary will state the proposed amendment.

The SECRETARY. It is proposed to add as a new section the following:

SEC. 2. If no contract is made under the provisions of this act for a line of ships between a port on the Atlantic coast south of Cape Charles and South American ports, it shall be the duty of the Postmaster-General in making said contracts to require that at least one of the lines of ships between ports north of Cape Charles and South American ports shall, upon each outward and homeward voyage, touch at at least two ports on the Atlantic coast south of Cape Charles, regard being had in the selection of such ports of call to geographical location and to the volume of the export and import business of the ports so selected.

Mr. BACON. Mr. President, I trust the friends of this bill will accept this amendment or agree to its adoption by the Senate. The purpose of it, I presume, is quite manifest. Naturally, if there are but few of these lines of mail ships, they will be located, so far as the ports of America are concerned, at the larger cities of the North. The purpose of the legislation, as I understand it, is not primarily to encourage shipping, but to open lines of communication between ports in the United States and, so far as the Atlantic side is concerned, ports of South America. It would be of little value to a large section of this country to have lines of steamships which shall touch at ports so remote from them that their inconvenience will be almost a barrier to their use—certainly for any of the heavier classes of freight.

If I am correct—I started to say "in my information," but I should say "in my recollection"—there is a large lumber trade between South Atlantic American ports and the ports of South America. There is a very large growing trade in cotton goods. As is known to Senators, much the larger part of the heavy cotton goods is manufactured in the South, while the finer cotton goods—those of lighter texture—are manufactured at the North. It so happens, as is known, I presume, to most Senators, that heavy cotton goods are used in the Tropics and in warm countries. It may be that a little is used outside of the Tropics, for the reason that they use little or no wool in their personal clothing, and the heavy cotton fabrics are those which are made up for their personal apparel. That is true of a large part of the countries outside of the Tropics. Well, the purpose of the bill, so far as it will commend itself to any of us in the South, is that there may be an opportunity for the opening of a trade in these valuable articles of production from our section of the country.

I have taken occasion once or twice before to remark upon the fact of the large naval-store production trade of our section and to state a fact—which is sometimes received with a look of incredulity, but which is nevertheless true—that in the matter of naval stores not only is the South the principal producing locality of the world, but the port of Savannah is not only the largest naval-store port in the United States, but the largest naval-store port in the whole world.

Now, if we are going to undertake legislation or the amendment of laws now existing, by which new avenues of trade are to be opened, there ought to be such an adjustment as will hold out the opportunity and promise of the enjoyment of these new advantages by a very large section of the country, which, in the absence of some such provision, will be practiacily debarred from them.

It will be seen at once that it is impracticable to ship lumber to New York and then to ship it to South America, and, while not exactly impracticable, certainly it is very inconvenient for naval stores to be so shipped. The large advantage in the direct intercommunication will be destroyed, even in the case of the shipment of cotton goods, if they have to go to New York and thence be shipped to South America. There is very little advantage, except in the matter of national pride, in an arrangement of that kind over what it would be if goods have to be shipped to England and then go to South America.

I trust, for the reasons which I have stated and which I shall not elaborate further, but which I think must commend themselves to Senators, that this proposition may be looked upon favorably.

Mr. FRYE. Mr. President——

Mr. BACON. The Senator will pardon me for a moment. I was just about to close.

Mr. FRYE. I want to ask the Senator a question.

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Maine?

Mr. BACON. With pleasure.

Mr. FRYE. Has the Senator from Georgia investigated at all as to the additional length of time it would take a ship sailing from New York to enter at least one or two Southern ports?

Mr. BACON. I have no doubt it would add to the length of time; but such ships would be paid that much more on account of it. I will ask the Senator, in that connection, if there is no probability of there being any lines from the South, why should we of the South have any favor for the bill if we are to be discriminated against in that regard?

Mr. FRYE. The Senator from Georgia certainly has an interest in the increase of the commerce of the country.

Mr. BACON. I understand that; but the probability is that the commerce would all be in the direction where we would get no particular benefit from it.

What I want to call the Senator's attention to is this: Of course, if this legislation were enacted, there would be great dissatisfaction in the country if none of these lines should run from any part of the coast south of Cape Charles. In order to establish independent lines, there must be very considerable increase in expense to the Government in establishing independent lines, say from Norfolk, Va., or from Wilmington, N. C., or from Charleston, S. C., or from Savannah, Ga., or from Jacksonville, Fla. To establish independent lines would cause very considerable additional expense to the Government over what the expense would be in the absence of such lines; but if a line established from New York, Philadelphia, Baltimore, or Boston is to touch at these ports, it will be satisfactory to our people and will be of very much less expense to the Government than if there should be independent lines from those ports.

I will say very frankly that if I supposed the possibility, or even probability, of independent lines from the South is one that is contemplated, while, of course, I share with others in the desire that there shall be lines opened between the larger cities of the North and the South American cities, I should feel very differently toward the bill. I do not, of course, desire that New York or any of the other larger cities shall be deprived of whatever advantages their location and their capital give to them; but, at the same time, if you are going into the Treasury of the United States, it is proper that an arrangement should be made by which all sections of the country shall have the benefit of it.

Mr. President, I am not speaking simply as a matter of sentiment. I am not simply talking about what may be of some little advantage in the way of additional improvements given to any port by reason of the fact that it may have this direct communication; but I am pointing out to Senators the fact that there is an immense trade in the articles which I have mentioned, which has a right to demand that it shall have a recognition when legislation of this kind is proposed. I do not demand of the Senate that it shall accept the amendment, but I am speaking of the demand of the trade of the country, the legitimate, important trade of the country, that it shall have a recognition in the arrangement which is proposed to be made by which new avenues of trade shall be opened.

Mr. President, if this were simply a speculative venture, by which it was hoped that the opening of such lines of communication would be an encouragement to production, and thereby trade would be given to these ships, that would be one thing; but the commerce or trade already exists. It is now being carried on in tramp ships. It will be very largely increased if we can have a regular line of vessels, and we would have an advantage which we do not have now of return cargoes. We have no return cargoes in the South. The tramp ships which leave the Southern ports do not come back to Southern ports. They come here from England or from Norway or Sweden or other European countries—England furnishes the most of them—and they take cargoes and go to South America. Then they take cargoes from South America and carry them back to England or Germany or other country of Europe, whereas if we had regular lines of ships, we would not only send our own products in them, but there would be a return voyage and return cargoes, which would stimulate and increase production and add to the wealth of the country. I trust that the amendment may be favorably received by Senators who are in charge of the bill.

Mr. GALLINGER. Mr. President, the Senator from Georgia [Mr. BACON] did me the courtesy to call my attention in advance to the amendment that he proposed to offer, and I need not assure the Senator that I have given the matter very thoughtful consideration, with a view to acceding to his wish, if, in my judgment, it were a possible thing to do so.

The ocean mail law of 1891, of which this bill is a proposed extension, leaves it in the discretion of the Postmaster-General to determine from what ports these routes shall be established, and I am sure that no discrimination has been practiced up to the present time. Bids were solicited from Southern ports, as well as from Northern ports, and while no bid was made from a Southern port, that has not been the fault of the Post-Office Department.

Mr. President, at first glance the proposition embodied in the proposed amendment of the Senator from Georgia is a fair one, but, unfortunately, there is to my mind an insuperable objection to it. The purpose of this bill is to secure quick transportation of our mails to South America. The objection that is urged and the fault that is found concerning the transportation of our mails is that they have either to be sent from an American port in slow foreign vessels or else sent in quick foreign vessels to Europe and transshipped to South America.

I have looked into this matter somewhat carefully, and I find this to be the fact: That if a route shall be established from a North Atlantic port the vessels on that route, if they are required to touch at two ports in the South, will be caused a very considerable delay and, in my opinion, under such an arrangement the mails will reach South America not much more rapidly than they are reaching there now by the slow foreign tramps in which some of our mails are carried.

Let us look at the geography of the situation. Cape St. Roque, on the eastern point of Brazil, lies far out to the eastward beyond our own coast line. Therefore ships from the Atlantic coast of the United States bound for Brazil or Argentina have to steer out toward the middle of the Atlantic Ocean. That is the route that is now followed and that every navigator will follow, unless he is compelled by legislation to take a different direction. They would have to go hundreds of miles—I have not made a very accurate computation, but I should say 500 or 600 miles at least—out of their way to touch at Wilmington or Charleston or Savannah. Because of the eastward stretch of the coast of Brazil, New Orleans, though so much farther southward, is at least 400 miles farther from Brazil than is New York.

Mr. PERKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from California?

Mr. GALLINGER. I yield to the Senator from California.

Mr. PERKINS. I desire to call my friend's attention also to the influence of the Gulf Stream, which runs from 2 to 5 knots an hour, on the coast from Florida north to Cape Hatteras and New York.

Mr. GALLINGER. I thank my friend from California, who prides himself on being known as a "sailor man," for calling my attention to a fact that I had overlooked.

Mr. BACON. I should like to ask the Senator from California if the influence of the Gulf Stream does not also extend up on the northern coast of the United States?

Mr. PERKINS. In answer to the Senator from Georgia, I am unable to state, but it must be——

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Georgia?

Mr. GALLINGER. I yield to the Senator from Georgia.

Mr. BACON. Mr. President, the Gulf Stream does not expend itself or its influence in the latitude of Southern ports by any means. Every ship that goes to England has to encounter it, even if it goes by the northern route, and anyone who has crossed the Atlantic knows that, whichever route he takes, he is a very considerable period of time in crossing the Gulf Stream.

Mr. PERKINS. Mr. President, my friend from Georgia is aware, as he has correctly stated, that the influence of the Gulf Stream of course materially affects the climate of the coast of Great Britain. It is also the fact that while it flows north of the latitude of Newfoundland, it does not materially affect the climate of Newfoundland or Greenland, or that of the northeastern coast of the United States. If a ship plying to South America will go far enough eastward it will lose the influence of the Gulf Stream, which is from 20 to 60 or more miles wide off Cape Hatteras.

Mr. BACON. I would suggest to the Senator, in that connection, that when the ship came back this way it would have the advantage of it.

Mr. PERKINS. After it reached the coast of Florida.

Mr. BACON. Yes.

Mr. GALLINGER. Passing from that, Mr. President, and letting the two Senators settle that between themselves, because I know nothing about it, I want to repeat what I have just suggested, that if the amendment of the Senator from Georgia were adopted, these ships would be compelled to sail hundreds of miles out of their way both on the outward and the inward voyage; and, as a result, the time they make will probably not enable them to deliver their mails or pas-

sengers in South America much more rapidly than they are now delivered in the slow foreign steamships. A mail line from a North Atlantic port, calling at Southern ports on the way out and calling also on the return voyage, would necessarily be greatly delayed.

Mr. President, I quite agree with the Senator from Georgia on the point that the Southern States ought to have communication with South America and ought to be enabled to get transportation for their products. It seems to me, however, that under this bill we will have a line either from some port on the South Atlantic or some port on the Gulf.

Mr. BURKETT. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Nebraska?

Mr. GALLINGER. I yield to the Senator.

Mr. BURKETT. Mr. President, in reading the bill I notice that there is a limitation of 4,000 miles. If I understand that, it is the limit of a trip that must be made before entitling a vessel to the subsidy. Am I correct?

Mr. GALLINGER. It is the minimum distance.

Mr. BURKETT. Yes; the minimum distance. In that event—I have not figured it out, but as I run through my mind the locations of some of the northern ports of South America and some of the Southern ports of North America that have been referred to—it would be impracticable at least to have a line from a Southern port. In short, a line would almost be compelled to start as far north as New York in order to run 4,000 miles to some, at least, of the northern ports of South America, would it not? In short, why was that 4,000-mile limitation put in the bill?

Mr. GALLINGER. It was simply determined for the purpose of preventing the Post-Office Department giving this increased compensation to short routes, and it was determined for the reason that we have no present communication with South America, China, Japan, and Australasia. The purpose was to offer an inducement for the establishment of mail lines to these countries where we want to develop our trade and where we now have no communication by American vessels.

Mr. BURKETT. Then I would ask this question. I agree with the Senator as to the desirability of establishing postal facilities with these other countries, but if a shorter route could be established, for instance, from the southern point of Florida, it would certainly make a quicker mail dispatch from all portions of the United States to South America. That is what I have been thinking over—what is the object of making any limit? If there is a line of steamers starting from this country that takes mail to the countries that are specifically mentioned in this bill, what is the difference how short they make that trip, and why should they not be entitled to a subsidy? In short, I do not want to see them make a long trip and delay the mail in order to get a subsidy.

Mr. BACON. Will the Senator pardon me for a moment?

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Georgia?

Mr. BURKETT. Certainly.

Mr. BACON. I want to ask the Senator from Nebraska if he will not pretermit that discussion for the present until we can settle this other matter? I will state that the reason for making the request is that, in company with some other Senators, I am going to Baltimore this afternoon to attend the funeral of the late Senator Whyte, and we expect to leave in a short time.

Mr. BURKETT. I will say to the Senator that I thought the question I suggested was in connection with his amendment.

Mr. BACON. I know, and I think the Senator's inquiry is very pertinent, and I hope he will press it and that it may be settled. I have had the same criticism in my own mind, but I am frank to say that, if the Senator from New Hampshire is not going to accept the amendment I have offered, I shall have very little further interest in the bill. I should like the Senator from New Hampshire to answer the suggestions which I made, if the Senator from Nebraska will permit him. He interrupted him while he was replying on this point. If I were not going to leave I would not take the liberty of making this suggestion. But I want the Senator from New Hampshire to complete what he has to say on the subject of the Southern ports in order that I may reply to him.

Mr. BURKETT. Very well.

Mr. GALLINGER. I have but a word more to say, and, later on, I will endeavor to reply to the suggestion made by the Senator from Nebraska.

I will simply add that the south Atlantic and Gulf ports ought to have a direct line of their own to South America not subordinated in any way to any line that might be established out of New York, Baltimore, Philadelphia, Boston, or any other Northern port. Such a line, I say, ought to be established, and it would probably develop commerce as quickly as any line from a north Atlantic port. Brazil, especially, is a large market for cotton and other products, and both Brazil and Argentina for the timber of the Southern States.

Mr. President, I am in sympathy with the purpose the Senator from Georgia has in view, and if it were a possible thing to have his amendment agreed to without practically nullifying the purpose of the bill I certainly would cordially agree to it; but as we are attempting in this legislation to serve the commercial interests of this country by carrying the mails and products of the farms and mills rapidly to South America, and we are providing that these steamships shall be of the most modern kind and as rapid in their movements as the vessels of other nations, I do think that it would be a practical nullification of the purpose for which we are contending if we diverted these steamships from the normal route across the Atlantic and compelled them to go hundreds and hundreds of miles out of their way to Southern ports, to be entered and cleared there, to unload and load there, and then to some extent double on the voyage that they had made, and proceed to South America. I think they would consume several days more time than they otherwise would if no such amendment should be incorporated in the bill.

Mr. President, this is my reason for objecting to the amendment, which I have scrupulously tried to persuade myself that I ought to consent to, but I am utterly unable to see that the purpose of the proposed legislation will be effectuated if that amendment becomes a part of the bill. However, it is possible that a modification of the Senator's amendment may be agreed to later on.

Mr. BACON. Mr. President, I did not understand the main purpose of the bill to be that which is stated by the Senator from New Hampshire, to afford very quick mail service. That, of course, is an important element and was doubtless in view, but I understood, not only in this discussion, but in the discussions which were previously had upon other bills of similar nature, that the main purpose of legislation of this kind would be for the opening of new channels of direct intercommunication for the exchange of the products of this country with the products of South America. I am speaking now simply of this particular part of the bill. Of course that is another part of it which relates to the Pacific trade, but I am limiting it to that which I now have in view, and I have pointed out that here is a very large and important part of trade, and the Senator indicates that he himself recognizes it and has had information about the immense timber trade and lumber trade of the South with South America, and yet it is proposed to absolutely neglect it, ignore it, and practically deny it. There is not a stick of timber that will go from the South or of lumber that will go from the South that will go to New York to be transshipped from New York to South America on vessels which will trade with South America. Every particle of it will be sent in tramps, as is now done, tramps that will not come back and that will bring us no return in commerce.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. BACON. I do.

Mr. GALLINGER. It is but fair that the Senator should agree that there is no discrimination against the South in this bill.

Mr. BACON. I think there is, and I will proceed to point it out, if the Senator will pardon me.

Mr. GALLINGER. I will be pleased to hear the Senator on that point.

Mr. BACON. Very well.

Mr. GALLINGER. Because the Senator ought not to insist that the capital of Boston, or Philadelphia, or Baltimore, or New York shall be invested in steamship lines simply for the purpose of serving another portion of the country, when they have the same opportunity to themselves establish lines.

Mr. BACON. They have not the same opportunity, Mr. President, as I will proceed to show. But before doing so, I want to call attention to the fact that if there were any Southern lines this amendment would not apply. This amendment only applies in case there are no lines to Southern ports. So when Senators object to the provision which would require a ship from one of the Northern ports to call at the Southern ports, it is a recognition of the fact that they object to it because they think they will have it to do, and they will only have it to do in case there is no line from the Southern ports. Therefore they indicate their opinion that there is to be no line from a Southern port, and that is the presentation of the bill to us. But here is a proposition that there shall be a largesse

from the Public Treasury, and while we will furnish our part of that largesse, we are practically to be denied any of the benefits of the act.

The Senator said that it was impartial; that there was as much opportunity in one case as in the other. The difference is this: There is a very large commerce awaiting ships which will ply between the Southern ports and South American ports, so far as the export is concerned; there is little or none at present awaiting ships of such a line so far as the imports are concerned from that country to the Southern States. That is something to be built up; something which must await time, and on account of which it is not inviting to capitalists to put their money into ships which will ply simply between the port of Charleston, say, or Savannah, or Jacksonville, or Wilmington, N. C., or Norfolk with South American ports—ships which, while they will have outward cargo, will for years have little or no inward cargo. That is not true of the larger cities. There are cargoes awaiting both for export and for import, and therefore it may be accepted as a certainty that for a long time, if not for all time, the more inviting field will be for ships which will ply between the large cities and the South American ports:

I do not expect to see any contract made for a line of ships between a Southern port and South America, for the reason I have mentioned, and this bill ought to be so adapted to the needs of the country and to the peculiar conditions that if there is to be an encouragement on the part of the Government in the shape of a mail subsidy, all parts of the country shall have the advantage of it.

The Senator spoke about the Gulf ports. The Gulf ports can be of no possible advantage to the South Atlantic ports. No lines running from the Gulf ports to South American ports can possibly touch at a South Atlantic port. That would necessitate a divergence of a thousand miles, practically.

Mr. President, it is not such an inconvenience for the ships going from northern ports to South American ports to call at South Atlantic ports as to present an insuperable obstacle. It would require some little time it is true, but we are not after express lines. We are after lines which will open channels of trade, give an opportunity for those who are producing in this country to send their products to markets with which they now have no direct communication, and to receive from those markets returns in the way of their products, in order that the commerce of the country in the interchange of products may be built up.

Mr. President, it stands to reason no man can doubt the fact that under this bill the inviting ports for the establishment of lines are the ports where there is large concentration of business, like New York or Philadelphia or Boston or Baltimore, and that the small ports can not expect or hope in the smallest degree that there will be any direct line. Now, if that be the case, if we are proceeding upon the theory of the assistance of the Government for the purpose of opening lines of trade, why is it that this bill should not be so framed that it shall accomplish its purpose not in a partial, but in a general way? It is not so far from New York to Savannah. Steamships are plying every day between the two ports. It takes something over fifty hours. It will not be that much additional, of course, because it is not like going in the opposite direction. It is partially in the direction. The steamers will go down to Norfolk, or Wilmington, or Charleston, or Savannah, or Jacksonville, as the case may be, and then sail in an easterly direction and resume the same route which they departed from in order to make this deflection.

Of course Senators have doubtless examined into the matter and have made up their minds about it. But it illustrates the course of legislation by which certain favored sections and favored localities in this country get the benefit of nine-tenths of the money which goes out of the Treasury for purposes which inure to private advantage, and the other section of the country has to be content with the one-tenth, or less. I do not propose so long as I am honored with a seat in this body to sit by in silence while that sort of thing goes on. Senators may go ahead; they have the majority to do it if they wish. I have not heretofore been in favor of any of the bills which were known as "ship-subsidy bills," because I thought they were not based on proper lines. When it was designed, as it has been in former bills, simply to give a largesse, a bounty, to any man who ran a ship, never mind where it went or what it carried or how long it was gone or when it would return, I was opposed to it, because I do not believe in money being taken out of the Treasury for the purpose of compensating a man to build a ship when his own personal interest will not induce him to build the ship.

When it came to the question of opening lines of trade with ports where we now have no trade, I announced, when the bill was before the Senate heretofore, that I would give my support to a properly framed bill of this kind; and if it was properly framed now I would do so, not for the purpose of helping a man to build a ship, not for the purpose of helping a man to run the ship, but for the purpose of helping the toilers of this country, who produce articles which it is to their advantage to send to these ports with which we now have no lines of communication and for the purpose of giving them the opportunity in the return trade to accumulate wealth, not for the benefit of any particular shipping line or shipbuilding industry, but for the benefit of the whole country. I supposed when this bill was framed it was going to be framed with a view to benefit the whole country and not for the concentrated interests of some particular locality.

Mr. NEWLANDS. Mr. President, I will ask that the amendment which I propose be read by the Secretary.

Mr. GALLINGER. I ask the Senator from Nevada if he will not withhold his amendment for the present?

Mr. NEWLANDS. Certainly.

Mr. GALLINGER, Mr. President, I have a single word by way of reply to the somewhat heated argument of the Senator from Georgia [Mr. BACON]. I do not think any Senator on the other side of the Chamber is warranted in charging upon any of us that we are attempting sectional legislation in this bill. I certainly have never taken that position during my somewhat protracted term of service in the Senate.

The Senator from Georgia asks what this bill is going to do for his section of the country? I have voted for a great many bills which had nothing to do with the section of country which I chance to represent. I have never hesitated to give my vote to bills appropriating millions of dollars for the Mississippi River, even though it was not to be expended for the benefit of commerce. I have voted for bills that directly concerned the Western States which had no relation whatever to the Eastern States, and I want to say here and now that there has been no purpose in my mind, or I think in the mind of any Senator on the Committee on Commerce, to frame a bill along sectional lines. We have simply endeavored to meet the requirements of the situation. Complaints have come to us not only from the Post-Office Department, but from the producers of the country, as well as from men who travel to South America, that they are either compelled to go in miserable, slow, foreign tramps across the Atlantic Ocean or else go to Europe in the costly and elegant ships of foreign countries, subsidized ships, as the Senator from Maine [Mr. HALE] suggests to me sotto voce, and then be transshipped to South America.

We have attempted fairly and honorably to meet that condition, and I want simply to repeat that if we are to establish a line of steamships from Boston or New York to South America and divert the steamers from the normal course across the Atlantic and send them to Southern ports we will get no better transportation either of the products of the farm and the factory, or the mail, or of American tourists or business men than we have at present.

I would be glad to accept the amendment, if I could do so without wrecking this bill, but I am satisfied if it is incorporated in the bill in the form presented we might just as well abandon the measure entirely.

Mr. BACON. I should like to ask the Senator a question. Suppose it did add two days to the length of the journey; would that wreck the bill?

Mr. GALLINGER. Yes; I think it would destroy the purpose of the bill. I am free to say so.

Mr. BACON. I should not think so, by any means.

Mr. GALLINGER. Mr. President, I have little further to say. I do not want to get into a controversy with any Senator, especially over a matter that is sectional in its nature. I would avoid that.

Mr. BACON. I want to avoid sectionalism by putting something in the bill which will prevent its being sectional.

Mr. GALLINGER. If the Senator will read his remarks in the RECORD to-morrow morning he will see that he raised the sectional issue very pointedly and very emphatically, and, if I understood him correctly, he charged upon those who constructed this bill that they manifestly had a purpose in view.

Mr. BACON. I intended to call attention to the fact that the bill would necessarily be sectional. I am trying to keep it from being sectional.

Mr. GALLINGER. The Senator is mistaken so far as those who are advocating the bill are concerned.

Mr. BACON. I have not imputed any motive to any Senator, certainly not to the Senator from New Hampshire, who I know to be absolutely fair in all of his impulses; and I use the word "impulses" after weighing it, because that is his natural inclination.

Mr. GALLINGER. I thank the Senator from Georgia.

Mr. BACON. I know that, and every Senator recognizes the fact; but, nevertheless, the facts which I have pointed out can not be controverted. No Senator will rise in his place and say he thinks that any man who had capital to invest in a shipping line between an American port and a South American port would prefer to undertake the imperfect and partial trade of the South and limit his line to that rather than to go to New York or Boston or Philadelphia as a port. Every Senator knows that will be the case, and for fifty years, in my opinion, if this measure shall remain on the statute books, there will be no line from the South, and the only chance whatever that we should have any benefit from it is that at least one of these lines, even if you had a dozen—the amendment only provides that there shall be one—shall touch at the ports of the South. The vessels will either go from New Orleans, under the bill as it is proposed, or they will go from one of the large Northern ports. In either case they will leave the South Atlantic ports 500 miles out of the way, and we will derive no benefit whatever from the bill.

Mr. NEWLANDS. Mr. President, I ask that the amendment which I propose be read.

The VICE-PRESIDENT. The Secretary will read as requested, in the absence of objection.

The SECRETARY. It is proposed to strike out all after the enacting clause and insert:

That the Secretary of the Navy, the Postmaster-General, and the Secretary of Commerce and Labor shall hereafter constitute a Commission to be known as the "Foreign Commerce Commission," and that they are hereby authorized to provide for the construction, either in the private shipyards of the country or in the shipyards of the Navy, or both, of twenty-seven vessels, not exceeding 6,500 tons capacity each and costing in the aggregate not exceeding $27,000,000; that such vessels shall be so constructed as to be useful to the Navy as auxiliary vessels, such as transports, colliers, dispatch boats, cruisers, and scouts, and also useful in times of peace in opening up new routes of commerce between United States ports and the ports of South America, New Zealand, Australia, and the Philippines; that such Commission make to Congress such recommendations as to it seems advisable regarding the manning of such vessels in whole or in part by the Naval Reserve and the leasing of them so manned in times of peace to shipping companies for the purpose of promoting foreign trade and commerce, and for the incorporation of such shipping companies under national law, and for reports on their operations.

Mr. NEWLANDS. Mr. President, the main purpose of this amendment is to create an auxiliary navy and incidentally to aid in the promotion of foreign commerce. We all know that we lack the ships that are necessary for an auxiliary navy, the useful ships, the indispensable ships, the scouts, the transports, the colliers, the dispatch boats, that are as essential to the Navy as the fighting ships themselves. As it is, we have a splendid Navy of fighting ships, splendidly equipped and splendidly officered and manned, but we lack the essential auxiliary ships that will be required in time of war.

NEED OF AUXILIARY SHIPS.

Recently the war board was consulted regarding the needs of our Navy in case of a war involving the defense of our insular possessions, and the report of the board was that we would require about 232 ships, of an average tonnage of about 6,500 tons, for use as scouts, transports, colliers, dispatch boats, and so forth.

We all know that we have no such merchant marine as will supply such ships, and we are in this position, that we have the fighting ships that are necessary without the ships that are essential to maintain them in case of war. In case of war these fighting ships would, without an auxiliary navy, be absolutely derelict in the ocean, unable to move. Our Navy may be compared to a man with strong lungs and a strong heart, perfect organs, without legs or arms; or it might be compared to an army without a quartermaster's department or a commissary department.

We need, above all things, a proportionate Navy, one that is perfect in every essential particular, not simply the ships that are necessary for fighting, but the ships that are necessary to sustain the ships that do the fighting, to carry the coal and supplies, to carry the men, to act as scouts, to act as dispatch boats; and without these ships the Navy would be as helpless in case of war as we would be without the battle ships or the fighting ships of the Navy.

DIRECT SUBSIDY OR A BETTER METHOD?

Now, the purpose of the amendment is to take a step in the direction of supplying this auxiliary navy. There are two ways of supplying it. One is by general subsidy. The other is by ourselves building, or, at all events, making an experiment in building, this auxiliary navy, either in whole or in part, and the purpose of this amendment is simply to enable this to be done in part. It is estimated by the Senator from New Hampshire that twenty-seven ships, costing on an average about a million dollars each, will be required for this subsidized service. The cost of this service, according to the statement of the Senator from New Hampshire, will be about $3,600,000 per annum—that is, the cost of the subsidy which the United States is to pay annually for a period of ten years, making $36,000,000 in all, and at the end of ten years we shall have nothing. The ships will of course belong to the companies which have constructed them. Whereas if we expend $27,000,000 in the construction of these ships necessary for this service, we will at the end of ten years own the ships, and we will have expended less money than would be required for the subsidy.

This case does not, then, present the question of Government ownership as such, the question of the construction of ships by the Government for the purpose of engaging in foreign commerce; but it involves the construction of ships that are absolutely essential to our Navy, just as essential as the fighting ships that now exist, and of making them useful in times of peace by letting them out to shipping companies engaged in foreign commerce, and thus making them the advance agents of the foreign commerce which we seek to promote with foreign ports not now connected with this country by direct lines of transportation.

DECLINE OF MERCHANT MARINE.

Mr. President, the Senator from New Hampshire has commented upon the deficiency of our merchant marine; upon its sad decline. We all know, of course, that it has declined, and we all know the reason. We have been intent upon building up domestic production. We have put around the country a high-tariff wall, with a view to keeping out the products of other countries, and with a view to stimulating production upon our own soil and giving our own people the monopoly of that production; and, incidentally, it was hoped that under that process we would be able to reach such perfection in production as compared with the rest of the world that our exports of manufactured products would largely increase. Necessarily, therefore, the shipping in connection with this country, under our policy, must have full outward cargoes of agricultural products and such manufactured articles as we are able to sell in the markets, and must have little on the return voyage, for the whole policy of the country has been to promote exports and to discourage imports.

It follows, therefore, that any shipping company organized under the laws of this country, and with a view to the promotion of its foreign commerce, must meet this condition; that it must get freights upon the voyage out that will pay the expenses of its comparatively empty bottoms upon the return. It does not present the case of a full ship going and returning. The dominant party has sought and is now seeking to remedy this difficulty by general taxation, by subsidizing these shipping lines, so as to enable them not only to overcome the competition of other countries, so far as the cost of the ship is concerned and so far as concerns the cost of operation, but to overcome the subsidies which are being paid by foreign countries. We have not only to meet their subsidies, but we also have to pay an additional amount to cover the difference between the cost of the construction of the ships and the cost of the operation of the ships, the cost of construction being 35 per cent higher and the cost of operation 25 per cent higher than that of foreign ships.

Now, this is a very hard task. It will be difficult for us to promote our merchant marine in competition with foreign ships for the transportation of freight so long as we adhere to this high protective system that is intended to discourage imports, for such a system of taxation means full vessels only one way.

FAILURE OF SUBSIDIES.

We have tried subsidies. We now have a mail-service subsidy, and the Senator admits its failure, so far as the Pacific Ocean is concerned, and he seeks to increase the subsidy by doubling it in order to meet these conditions, and he says that the service contemplated by this proposed act will cost about $3,600,000 per annum, or $36,000,000 for the ten years. He cites us to the fact that since the failure of the last bill which he presented—the ship-subsidy bill of two years ago, I believe—one American shipping company, the Oceanic, engaged in the carrying trade to Australia, has gone out of existence, and it is only fair to assume that under these conditions there will be a further decline in our merchant marine on the Pacific Ocean.

We know that for a long time the Oceanic Steamship Company was engaged in trade with Australia under a subsidy which gave her $2, I believe, per mile for the voyage out, as a mail subsidy. At the time the last shipping bill was under consideration the report of that company showed that in that service they used three ships of about 6,500 tons capacity, and the operating expense for these three ships was a little less than

$1,500,000 per annum, or about $485,000 for each ship. The loss in operation alone, notwithstanding the subsidy, was about $66,000 per annum, or $20,000 per annum for each ship, and estimating the loss of interest on the investment, the depreciation, the insurance, the taxes, and so forth, the average annual loss was $373,000 for the three ships, or $125,000 for each ship.

I assume that that company was as economically administered as any company can be under existing conditions, so we have to assume that the loss of every ship engaged on the Pacific Ocean will be $125,000 per annum, and that we must overcome by a subsidy. So I am inclined to believe that the subsidy granted by this measure will not be sufficient to encourage our merchant marine on the Pacific.

COST OF GOVERNMENT TRANSPORT SERVICE.

I have been curious to know, by way of contrast, what has been the experience of our own Government in the Pacific Ocean service. It is well known that we have a service of transports running from San Francisco to the Philippine Islands, and in that service there are four ships, the *Logan*, the *Sheridan*, the *Sherman*, and the *Thomas*, each of about 5,500 tons capacity, approximating thus the three ships used in the Australian service. I find that the initial cost and the cost of converting these ships into transports was approximately $1,000,000 each, just about the amount paid by the Australian service for the three ships which they use. I find that the average expense per annum of operation and repair for each ship to the Army has been about $267,000, as against $486,000 for each of the ships of the Oceanic Steamship Company engaged in the Australian service.

I have received these figures only within a few moments, and it is difficult for me to say what the cause of this enormous difference is, unless it be that the transports engaged by the Army are slower in speed and hence less coal consumption is required. But you will observe that according to these figures the annual cost of operating a ship in the Army transport service on the Pacific Ocean is just a little over one-half of the cost of operating each one of the ships engaged in the Australian service and in the ownership of a private company.

I cite this for the purpose of showing that the Government can do this work efficiently and economically. The Government is now engaged in the shipping business. The Government now has ten transports or more, the history of four of which I have given, and the Quartermaster's Department has in repeated reports to Congress insisted upon it that it would be unwise in the extreme for the Government to abandon the use of these transports. I remember at one time the recommendation was made by Secretary Root, I believe, who was then in charge of the War Department——

Mr. TELLER. I suppose the Senator will not assert that the transports are engaged in commercial business?

Mr. NEWLANDS. No.

Mr. TELLER. They are only adjuncts to the War Department.

Mr. NEWLANDS. But they are engaged in making regular trips. They are not engaged in commercial business, but they are engaged in making regular trips to the Philippine Islands, carrying freight and carrying passengers.

Mr. TELLER. For the War Department.

Mr. NEWLANDS. And ever since the war.

Mr. TELLER. Well, for the War Department, I say, carrying some passengers incidentally, but not as regular passenger service. Sometimes people get permission, I understand, to go on a transport, but not very often—only once in a while.

Mr. NEWLANDS. But the Senator will observe that the operating expense of each ship annually is only $267,000, while the annual average operating expense of a ship engaged in the Australian service owned by a private company, having a little larger tonnage and doubtless greater speed, is very nearly double that amount.

Now, while the diminution in speed and the lesser tonnage and the lesser transportation of passengers may account in a great degree for this difference, yet surely we must recognize that the Government is conducting this transport system with the greatest economy when you realize that its annual expense for each one of its ships is only a little more than one-half of the annual expense of each ship engaged in the Australian service.

Mr. TELLER. I should like to suggest to the Senator that if the Government went into commercial business the Government would have to conduct its business on an entirely different basis. It is now conducted by the Army force very largely, and without any reference to the conveniences they would have to have for passengers and perhaps for commercial profit. I do not believe it is any guaranty that the Government can conduct a commercial transaction on ships any cheaper than individuals can, or that it can do it as cheaply.

Mr. NEWLANDS. Mr. President, the Senator will bear in mind that my amendment does not propose that the Government shall run these ships as commercial ships. My proposal is that they shall be constructed as a part of the auxiliary navy, and constructed in such a way as to be useful on the new lines of transportation which we are projecting, and that in time of peace they should be let out to private companies upon such terms as can be secured, manning them so far as we can with the naval reserve, so as to make each ship a training school for our Navy, and manning them wherever practicable with the surplus officers of our Navy itself, officers who are being educated and turned out every year from the Naval Academy.

In that way, it seems to me, we will simply have a floating training ship for men absolutely essential for our fighting ships. We know that one of the difficulties now with the Navy is that it is difficult to secure the men who are necessary for the fighting ships. One of the great pleas made for the organization of a merchant marine and for the subsidizing of a merchant marine is that it is absolutely essential that we should train American citizens for the sea who can come to the rescue of their country in time of war and man the fighting ships of the Navy.

Mr. President, I shall ask leave to print in my remarks the tables from the statement of the Oceanic Steamship Company, showing both the operating expense account of these ships, their annual loss, and other items regarding their operation and also the statement which comes to me from the Quartermaster-General regarding the operation of four of the transport ships of nearly equal tonnage:

OCEANIC STEAMSHIP COMPANY—SAN FRANCISCO TO AUSTRALIA—MAIL ROUTE NO. 75.

Appendix No. 1.

Statement showing annual loss operating on mail route No. 75.

Total value of vessels in service:

Sierra	$921,539.91
Sonoma	923,546.95
Ventura	903,582.54
	2,748,669.40

Fixed annual expenses not included in operating account:

Interest on bonds, $2,405,000 at 5 per cent	$120,250.00
Depreciation, 5 per cent per annum, on $2,748,669.40	137,433.47
Insurance, 2¾ per cent per annum, on $2,748,669.40	75,588.40
Taxes	12,400.00
Advertising	13,452.00
Offices and agencies management	57,812.00
	416,935.87

Total gross receipts from all sources:

	1902.	1903.	1904.
Passengers, freight, mail pay	$1,364,159.63	$1,484,205.55	$1,452,918.53
Total expenses operation	1,348,184.52	1,436,390.53	1,385,948.10
Net earnings	15,975.11	47,815.02	66,970.43
Fixed expenses	416,935.87	416,935.87	416,935.87
Less net earnings operating account	15,975.10	47,815.02	66,970.43
Net loss per annum	400,960.77	369,120.85	349,965.44
Average annual loss for past three years			373,349.02

NOTE.—The above statement of losses applies exclusively to the contract mail service to Australia. The Oceanic Company operates other lines of steamships which are profitable by themselves, but whose profits are absorbed in partially making good the losses on the Australian mail route. After crediting profits from every source to the Australian route, the average annual loss to the company for the past three years has been $255,397.83.

WAR DEPARTMENT,
OFFICE OF THE QUARTERMASTER-GENERAL,
Washington, March 20, 1908.

Hon. F. G. NEWLANDS,
United States Senate.

SIR: I have the honor to furnish you detailed statements giving the information concerning the Army transport service contained in your memorandum of the 18th instant.

The money value of the coal consumed per annum has been given, as it is impracticable to determine the exact number of tons represented by these figures. The approximate coal consumption of each ship per day, under usual conditions, has also been indicated.

Respectfully,

J. B. ALESHIRE,
Quartermaster-General United States Army.

Purchase price of the transports Logan, Sheridan, Sherman, and Thomas and cost of converting same into transports.

Transport.	Initial cost.	Cost of converting into a transport.
Logan	$560,000	$304,351
Sheridan	660,000	132,594
Sherman	660,000	266,922
Thomas	660,000	283,391

Total expenditures for operation and maintenance of transports Logan, Sheridan, Sherman, and Thomas, from July 1, 1902, to June 30, 1907.

Round voyages.	Logan.	Sheridan.	Sherman.	Thomas.
No. 6	$63,209.77			
7	63,209.77			
8	67,291.17			
9	70,730.37	$17,708.91	$61,555.70	
10	59,296.27	73,509.82	155,893.82	$32,694.10
11	64,349.24	67,398.61	62,385.05	82,526.66
12	57,498.44	66,797.89	60,350.27	65,547.21
13	84,673.41	76,699.96	98,033.78	50,465.95
14	74,214.01	66,288.54	75,428.40	65,354.72
15	83,841.60	73,059.06	97,553.13	75,654.12
16	84,939.61	90,676.08	83,034.40	67,880.48
17	101,736.70	86,599.13	95,912.71	90,837.36
18	74,557.50	81,455.03	78,989.88	88,677.73
19	85,122.75	108,657.08	83,926.72	79,031.74
20	63,762.39	160,224.20	88,290.85	181,229.84
21	70,748.75	65,349.16	61,441.31	69,633.53
22	68,583.40	158,637.32	63,272.03	73,805.59
23	76,478.37		85,553.39	76,974.76
24	69,612.18		87,386.50	82,562.93
25			92,533.22	78,649.31
26				83,836.28
27				51,611.77
Total	1,326,176.87	1,193,060.79	1,435,021.26	1,396,974.08

RECAPITULATION.

Round voyages during five years	65⅛
Average number of voyages per year	13+
Average voyages per year for each ship	3¼+
Total expense for five years	$5,351,233.00
Average expense per year	$1,070,246.60
Average expense per year for each ship	$267,561.65

Total expenditures for salaries and wages for the transports Logan, Sheridan, Sherman, and Thomas from July 1, 1904, to June 30, 1907 (pay of Army officers and enlisted men detailed thereon included).

Voyage.	Logan.	Sheridan.	Sherman.	Thomas.
No. 14	$27,136.07		$20,830.98	
15	30,886.28		32,183.54	
16	26,634.84	$30,307.53	22,018.74	$5,301.98
17	33,590.66	24,519.20	26,541.98	31,621.40
18	25,634.05	16,846.88	25,021.81	32,139.39
19	27,149.12	22,689.54	24,529.46	21,354.20
20	17,567.73	36,848.68	27,949.45	33,610.30
21	21,355.94	27,086.50	20,521.77	19,809.01
22	20,331.33	30,402.67	19,160.57	21,594.54
23	25,262.51		26,580.63	15,412.45
24	19,799.78		21,516.52	25,555.05
25			28,529.31	23,217.66
26				18,123.98
27				10,005.17
Total	275,348.31	188,701.00	295,384.76	257,745.13

RECAPITULATION.

Total salaries and wages for 3 years	$1,017,179.20
Average salaries and wages per annum	339,059.73
Average salaries and wages per annum for each ship	84,764.93

Expenditures for coal in connection with the transports Logan, Sheridan, Sherman, and Thomas, from July 1, 1904, to June 30, 1907.

Round voyages.	Logan.	Sheridan.	Sherman.	Thomas.
No. 14	$12,845.05		$19,190.46	
15	16,749.08		18,683.74	
16	16,395.11	$10,769.57	14,944.00	$3,718.00
17	26,747.75	18,523.00	16,697.75	18,299.38
18	17,061.25	17,839.50	21,877.01	14,843.16
19	18,636.55	19,197.04	19,248.70	16,056.84
20	17,711.43	19,820.95	23,647.77	19,399.42
21	16,542.25	20,917.10	18,456.24	16,446.18
22	17,641.48	26,252.92	16,727.72	15,911.00
23	18,507.75		21,160.66	11,708.00
24	14,209.12		23,840.18	22,102.50
25			22,746.89	25,364.57
26				19,190.92
27				11,410.50
Total	193,046.82	133,320.08	237,221.12	194,460.47

RECAPITULATION.

Total expenditures for coal for three years	$758,048.49
Average expenditures for coal per annum	279,024.24
Average expenditures for coal per annum for each ship	69,756.06

Approximate coal consumption per day of transports named.

Transport.	At sea (tons).	In port (tons).	Out of commission.
Logan	75	15	10
Sheridan	85	15	10
Sherman	81	15	10
Thomas	83	15	10

A DEFINITE PROGRAMME PROPOSED.

Now, Mr. President, I can hardly hope that this amendment will be adopted as a substitute, but I should like to ask the Senator from New Hampshire, if I can have his attention for a moment——

Mr. GALLINGER. If the Senator will permit me, I simply desire to say that I think the Senator's observation on that point is grounded in good sense.

Mr. NEWLANDS. I think so, for the majority is not inclined to abandon this bill. I will suggest, however, to the Senator from New Hampshire that he might be willing to add this as a section. May I have the attention of the Senator from New Hampshire?

Mr. GALLINGER. I am listening to the Senator.

Mr. NEWLANDS. I suggest to the Senator that he might add this as a section to the pending bill. We need more than twenty-seven auxiliary ships for our Navy. The War Board says we need 232. The Senator's bill proposes to provide for about twenty-seven ships in private ownership that are to be subsidized. I will ask the Senator whether he would be willing to have this offered as an additional section, so that we will have these two systems on trial, side by side, one the subsidizing of ships in private ownership upon the ground that they are needed in the promotion of the mail and commercial service and in time of war as auxiliary vessels to our Navy, and the other the Government ownership of these ships as a part of the Navy, and their incidental operation by private companies in time of peace and in the conduct of these scouting expeditions for commerce, in the hope that they will establish a business which will hereafter be taken up by American steamship companies without subsidy. I ask the Senator whether he would favor adding to the bill this section providing for the construction of twenty-seven ships, or for any lesser number—three or more?

Mr. GALLINGER. Mr. President, I will be entirely frank with the Senator from Nevada. I agree with him that we ought to have more auxiliaries than are provided for in the bill. We ought to have had colliers enough to have accompanied our fleet in its marvelous voyage that is being made. We have them not. But I have an impression that upon consideration the Senator from Nevada will agree with me that this is not quite the place to legislate along those lines. If the Senator will assist those of us who are in favor of the bill now before the Senate to pass it and make what I think is a very desirable start in the direction of rehabilitating the American merchant marine, the Senator can then either move an amendment to the naval appropriation bill or present a separate bill, which will have consideration on its merits. I hope the Senator will not try to embarrass this bill with the amendment that he suggests.

Mr. NEWLANDS. Mr. President, I have no disposition to embarrass this bill or to delay the Senator in securing a final vote upon it, but I regard the suggestion that I have made as of value, both in protecting our Navy and in promoting our commerce, and as the present is the only opportunity I have of pressing this view, in an amendment that is undoubtedly germane, I am inclined to press it by argument at least.

A FOREIGN COMMERCE COMMISSION.

Now, let me make another suggestion to the Senator from New Hampshire, if he is willing to acquiesce in that, and that is that the portion of this amendment which provides for the creation of a commission, to be known as the "foreign commerce commission," should go in as an amendment to the bill. The amendment provides that the Secretary of the Navy, the Postmaster-General, and the Secretary of Commerce and Labor shall hereafter constitute a commission, to be known as the "foreign commerce commission."

Then, leaving out the provision for construction, it would provide that such commission shall make to Congress such recommendation as to it seems advisable regarding the manning of such vessels subsidized under this act, in whole or in part, by the naval reserves and for the incorporation of such shipping companies under national law, and for reports as to their operations.

Now, Mr. President, we would have three Secretaries dealing with this question.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Maine?

Mr. NEWLANDS. Certainly.

Mr. HALE. I do not want to interfere with the line of the Senator's argument, but I am very largely in sympathy with him, for he has struck what is the weak point in our entire naval establishment, so far as ships are concerned. We are deplorably lacking in the essentials that make a great fleet not only formidable, but seaworthy.

The Senator said the other day, and the metaphor was not too strong, that without certain auxiliary ships the great battle ships of the United States fleet upon any waters outside of our own waters, in case of any emergency, with war threatened, would be derelicts, and it is too true.

Mr. BURKETT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Nebraska?

Mr. HALE. I——

Mr. BURKETT. I wish to ask a question right on that point, if the Senator will permit me. At the end of the Spanish war, I remember the Secretary of the Navy reported that we had, I think, thirty-six—possibly forty-four—of these auxiliary cruisers and transports, and the War Department had the other number, whichever it was, thirty-six or forty-four. I remember that the number was reported to Congress. What became of these transports and auxiliaries?

Mr. HALE. The auxiliary force, Mr. President, that was improvised—I use that word, because it was not much more permanent than an improvised force—consisted, with but few exceptions, of transitory ships, yachts, small cruisers that were to be used for the emergency along the coasts and in the Caribbean Sea; but when the war ended they were found to be of little use. They made up an aggregate, and I have looked over the list time and again. Most of them were of no account and have gone out of use and are good for nothing to-day and would be good for nothing in any case of emergency.

Mr. President, it is a melancholy spectacle that this great fleet of ours in this regard presents to-day. It is the greatest fleet of great and formidable ships that the whole world has ever seen. It is completely manned. It is in every respect except one the most magnificent and formidable fleet of ships that any nation has ever put upon the waters of the globe.

Admiral Converse, who knows it root and branch, has so told us, and he is right. But this great fleet, which has been sent upon its voyage around the globe, is to-day absolutely dependent upon its motion, upon its existence as a moving fleet, on the indulgence of foreign powers.

I have here, Mr. President, a list of the colliers, without which a ship and a fleet can do nothing, that are to-day in attendance upon this fleet. There are only nine of our own. There are chartered from foreign owners attending this fleet of ours, enabling it to move, making it a movable fleet, twenty-eight foreign colliers. I have a list of them here—I will put it in the RECORD—ranging from 4,000 to 6,000 and odd tons each.

The list referred to is as follows:

Coal for the fleet going to the Pacific.

Government-owned colliers:	Tons.
Ajax to Rio with	4,800
Brutus to Rio with	3,800
Nero to Rio with	3,500
Abarenda to Rio with	3,500
Hannibal to Trinidad with	2,000
Leonidas to Trinidad with	2,000
Marcellus to Trinidad with	2,000
Sterling to Para with	2,000
Cæsar to Rio with	2,800
Chartered foreign colliers:	
Fortuna to Trinidad	4,224
Athalic to Trinidad	2,787
Kassala to Rio	5,150
Ellaline to Punta Arenas	5,449
Janana to Punta Arenas	5,627
Ripley to Punta Arenas	5,073
Towergate to Punta Arenas	5,166
Hector to Callao	5,600
Hermiston to Callao	5,392
Earl of Douglas to Callao	5,361
St. Andrews to Callao	4,351
Falls of Orchy to Callao	5,714
Allenton to Magdalena Bay	6,321
Otterburn to Magdalena Bay	6,000
Strathtay to Magdalena Bay	5,308
Needles to Magdalena Bay	6,001
Baron Androssen to Magdalena Bay	6,002
Strathgyle to Magdalena Bay	5,367
Agapanthus to Magdalena Bay	4,832
Cape Finistere to San Francisco or Mare Island	6,510
Livingstonian to San Francisco or Mare Island	5,404
Guernsey to San Francisco or Mare Island	6,156
Earl of Carrick to San Francisco or Mare Island	4,940
Carlton to San Francisco or Mare Island	6,530
Inverkip to San Francisco or Mare Island	5,955
Braemont to San Francisco or Mare Island	4,808
Amherton to San Francisco or Mare Island	5,373
Madura to San Francisco or Mare Island	5,500

Mr. HALE. Mr. President, if when that fleet was ordered on this tour about the globe there had been the least menace of war from any power, no government owning one of these foreign colliers would have allowed a single ship to be employed by us, and our fleet, magnificent as it is, with any menace of war upon the sky, without these foreign colliers would be as useless and—

As idle as a painted ship
Upon a painted ocean.

We do not realize this, Mr. President. I go further. If any complication should arise in the voyage of the ships, any danger, any menace of war in a foreign power, I do not know but that every foreign power represented in the ships which we have hired would feel compelled to withdraw them from the association of the fleet, and we would be hung up.

It is not, Mr. President, an agreeable thing to contemplate. We go on year after year building up and accumulating these immense ships at an enormous expenditure, and find ourselves, as we would in any emergency for which the ships are built, without a thing being done that makes the ships formidable as a fleet at sea. The Senator is right in his theories. There ought not to be another ship added to the American Navy until we add something that every other power has done to make the ships formidable in case of an emergency.

My colleague is right; the Senator from New Hampshire is right; we can not do it here. I do not think the Senator from Nevada wants to embarrass this bill; but when we come to the consideration of the naval appropriation bill I hope the Senator from Nevada and the Senator from New Hampshire and the Senator from Maine, my colleague, and every thoughtful, patriotic Senator will join with me to try and see that something is done in this entirely neglected field that we have rashly and in the most foolhardy way neglected and abandoned in the past. Otherwise, Mr. President, if there is any call for the big ships, and they are to protect us in case of possible war, they are absolutely worthless unless we have something with which to build up an auxiliary fleet and to supply the ships that will enable them to move in the waters of the globe. Without these foreign ships, these colliers, Mr. President, we not only could not have gotten around Cape Horn, but we could not have gotten beyond the Caribbean Sea. Nobody has seemed to realize that. But when we come to the naval appropriation bill this matter will be laid before the Senate, and we will be made to consider what are the actual needs of the American Navy.

Mr. TELLER. I should like to ask the Senator a question.

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Colorado?

Mr. HALE. Certainly.

Mr. TELLER. I will interfere with the Senator only a moment. What is the capacity of one of these large battle ships for carrying coal? In other words, how many miles can it sail under its own fuel? I suppose that is worked out by the proper officers.

Mr. HALE. Yes; it depends upon how much is consumed per day, how much speed is made. There is no ship whose capacity for coal is great enough to take her without being coaled into any of the Eastern seas or any great voyage.

Mr. TELLER. You mean in the Asiatic seas?

Mr. HALE. Yes; the Asiatic seas, for if they are there they can not get back.

The battle ship *Louisiana*, with a coal bunker capacity of 2,500 tons, it is estimated can go 28 days at 10 knots an hour, or 6,720 knots. The calculation is about 3.66 miles per ton.

Mr. TELLER. I should like to ask another question, though I may be obtuse in doing it. Some of these are American ships. Are they owned by the United States or are they owned by citizens of the United States and hired by the Government?

Mr. HALE. I have submitted a list furnished me by the Department of all the colliers attendant upon the fleet and coaling them when they need to be coaled.

There are only nine of them. I recognize some of them, I think, as belonging to the Government as a part of the naval establishment. Of the others I am not certain. Some of them may have been chartered from our own citizens; but this list of twenty-eight ships, with such names as the *Earl of Douglas*, the *Otterburn*, the *Baron Androssen*, the *Guernsey*, the *Earl of Carrick*, and all those—even without this list sent from the Department—I should recognize as foreign colliers that we have hired and are now paying for.

Mr. TELLER. Mr. President, I want to suggest that I was under the impression that we have ourselves built some colliers.

Mr. HALE. We have.

Mr. TELLER. Only upon this one occasion have we need for twenty-eight or thirty vessels of that kind, and perhaps we shall never need them again. I suppose the Government has established coaling stations in different parts of the world and intends to establish more. Whenever an administration has suggested that it wanted a coaling station I believe there never has been any objection to making the necessary appropriations.

Mr. HALE. Congress has been very liberal in that regard, but the object, I take it, of this stately procession of ships about the globe, this spectacular exhibition was to affect, I will not say the imagination, but our status, not at home, not with England, not with Germany—although for four or five years the

fear of danger with Germany was exploited as a reason why we wanted more ships, as the Senator knows—but I take it the reason was to impress the East, the Orient, with our power. Nobody else would have undertaken to send such a fleet around the world; no other power, not even England, whose drumbeat is heard around the world, ever sent such an enormous fleet about the world. But this has been done to impress the East with our power, and when the fleet turns to come back to impress everybody as it goes along. You can not send a great fleet on such a voyage without colliers, and we have not got them.

Mr. TELLER. I should like to ask the chairman of the committee one other question. Is there any doubt that every nation in the world knew our naval strength just as well as we did? Was it necessary to send the fleet around the world to exhibit itself?

Mr. HALE. The Senator must ask the President.

Mr. TELLER. I do not myself believe that it was necessary. I have had an idea of my own about it. I never was clear as to why the fleet was sent, but it has occurred to me that possibly it might be not so much for influence upon the Asiatics as for influence upon the American Congress.

Mr. HALE. Mr. President, I do not want to embarrass this debate nor hinder the passage of this bill, which I look upon as of the greatest importance; but I hope the Senator from Nevada will not on this bill insist upon his amendment, though at the bottom he is striving to accomplish great good. When the naval appropriation bill comes before the Senate, I hope the Senator will be here and will help us to make some appropriation in that bill for the needed things for the American Navy which he has in his mind so clearly.

Mr. BURKETT. Mr. President, I wish to say before the Senator from Maine sits down that I wanted to ask him a question when he was drawing this picture of our Navy going around the world attended by foreign vessels. I wanted to ask if the fact of that condition was not a matter of price? If I recollect aright, at the time negotiations were being made for these attending ships, the reason that foreign vessels were hired was because there were not enough outside of a certain combination of American-owned ships so as to enable the Government to obtain ships to attend the fleet at a reasonable price. In short, the price which the American owners of ships made to the Government for attending the fleet was so high that the President and the Navy Department would not stand for it, and they said, rather than pay that exorbitant price, they would have the fleet attended by foreign vessels.

Mr. HALE. I am not making any point about the price paid. I do not believe the Government could have got colliers ample for this purpose without resorting to foreign ships. I do not think it is a question of price. If it had been, I should have hoped the Navy Department and the President would have given very large, and perhaps inordinate, preference to American ships.

Mr. BURKETT. They did offer 50 per cent advantage, as I understand.

Mr. HALE. I do not believe they could have got them for that.

Mr. FRYE. That was offered in another case.

Mr. HALE. My colleague [Mr. FRYE] says that was offered in another case, and not in this case. Undoubtedly the only question for the Department or the President was to either decide to go ahead, commit our ships to an escort of foreign colliers, or, finding the difficulty, wait, and not start the fleet. There were only two things to do, and the Department and the President decided to send the ships and to have them attended by foreign colliers.

Mr. BURKETT. Mr. President, I will say in this connection that it seems to me we are not warranted, and I for one do not feel like advertising to the world that we have no colliers here nor that we could not get them for the purpose of attending these particular vessels of ours. We did get ships in the Spanish war, and there are ships now. We have a merchant marine very large now in proportion to our coastwise trade.

Mr. HALE. That was practically a war on our own coast.

Mr. BURKETT. I understand that.

Mr. HALE. That is very different from a war with Japan.

Mr. NEWLANDS. Or a war with a very great power.

Mr. HALE. Or a war with any great power. We used all the ships we had then.

Mr. BURKETT. I am not disputing the desirability of American colliers. I have not questioned that. I think it is very desirable at least to have such a system, but at the same time I am not willing to have it go out to the world, and we ought not to send it out to the world that we are in the miserable, helpless condition that the Senator from Maine, as chairman of the Committee on Naval Affairs of the Senate, has just pictured us to be in.

Mr. HALE. Mr. President——

Mr. BURKETT. The facts are that—I want to say this, and then I will yield—if there should be a war, I think, from past experience and also from the record that was made in hiring ships three or four months ago, that there is an abundance of vessels that we can secure if we will pay the price.

Mr. HALE. Mr. President, that is not so; and when the Senator says we ought not to advertise this helpless condition that we are in—not as to ships, because we are the second naval power in the world in great ships, but as to the attendance upon those ships—when the Senator says we ought not to advertise this to the world, does not the Senator know that there is not a naval power in Europe that has not got the list of colliers that we were obliged to hire from foreign powers to attend our ships right at the fingers' end of every clerk in their admiralty department? We are not telling them anything new. They know it already.

Mr. BURKETT. Does not the Senator also think, under the prices that the owners of these American ships made and the prices that the owners of the foreign ships made, that perhaps they can draw some other conclusions why the ships of our fleet are attended by foreign ships?

Mr. HALE. The trouble is, setting aside the question of price, that we have been deficient in just what the Senator from Nevada says, in not doing what other powers have done with auxiliary ships and colliers to make their fleets formidable.

I went over, Mr. President, on the great *Lusitania* on her first trip eastward, and I found then that the British naval administration had shortened their policy, as they have in regard to having more big ships, and have put into that auxiliary cruiser a million and a half pounds sterling to make her a formidable auxiliary cruiser, built so that she could be used in case of emergency as a transport or auxiliary cruiser, and fitted out with small armament so as to make their battle ships more formidable. I took a lesson from that. I realized then, as I never had before, how lamentably deficient we have been by reason of the fact that we have been going on and piling up big ships and doing nothing to make them of any use in time of war.

PROMOTION OF FOREIGN COMMERCE.

Mr. NEWLANDS. Mr. President, I am very glad to know that the Senator from Maine, the chairman of the Naval Committee, is impressed with the fact that our Navy is not a well-proportioned Navy; that, while it has splendid fighting ships, it lacks the auxiliary ships that are absolutely essential to the operations of the fighting ships.

The Senator appeals to me not to embarrass this bill and not to delay it. I have no disposition to either embarrass or delay it. There will certainly be a vote to-day upon this bill, and I should like to press certain amendments which I think will serve the Senator's purpose as well as that which I have in view.

As I stated a few moments ago, I do not expect the Senator from New Hampshire to agree that this amendment shall be accepted as a substitute, nor do I expect him to agree that it shall be accepted as an addition to the bill; but it does seem to me that this amendment provides for certain machinery in the creation of a foreign commerce that will be of great service to the country in securing essential data upon this question, in forming the plans, and in making the estimates of the operations that are necessary to coordinate the different branches of the Government interested in our merchant marine in such a way as to make our appropriations here effective for every possible purpose which we can have in view.

We have three purposes in view. One is to increase our auxiliary ships as a part of the Navy; the other is the promotion of foreign commerce; the other the promotion of our mail service. We have three Departments that are connected with those questions—one the Navy Department, one the Department of Commerce and Labor, and the third the Post-Office Department. The naval service, the postal service, the commercial service of the country are all interested in the development of a merchant marine, and it seems to me to be of the highest wisdom to bring the chiefs of those Departments into a commission and charge them with the duty of making recommendations to Congress that will serve the nation's purpose in the advancement of our foreign mail service, in the advancement of our foreign commerce, and in the increase of our auxiliary navy.

NATIONAL INCORPORATION OF CARRIERS ENGAGED IN FOREIGN COMMERCE.

There is another thing I have in view, and that is this: We have been in the habit heretofore of making appropriations in the shape of subsidy without having any control, or very little control, over the corporations that are subsidized. I have for a

long time been pressing before the Congress of the United States the national incorporation of the great trunk lines through which railways existing in the various States can be consolidated and made to serve great national purposes as well as to continue to serve the State purposes for which they were organized. Objection is made upon the other side of the House, often because they think it involves possibly too much control over the railroads, whilst on this side objection is made to it because they regard it as an invasion of States rights. I do not wish to press that question or to argue it now, but I wish to suggest to my friends upon this side that foreign commerce is exclusively within the control of the nation, and that no question of States rights or State control can present itself that the postal service is exclusively within the control of the nation, that the naval service is exclusively within the control of the nation, and that, if this nation is a sovereignty, it has the right to create the artificial beings that are to promote these various services. I think it of the highest unwisdom to subsidize any corporation for national service unless it is incorporated under national laws.

We have no national law of incorporation for shipping companies. As it is, any organization of men seeking to enter into a service exclusively within the control of the nation is compelled to go to an individual State for the purpose of obtaining a charter that will enable it to act as an artificial being. We ought to have a national incorporation law for shipping companies engaged in foreign commerce, and my amendment provides that this commission shall consider the formation and the framing and the recommendation to Congress of a national incorporation law. If we are to subsidize these corporations, we should have them under constant supervision and, in a measure, under the control of the nation. Such national corporations could be compelled to make their reports to this foreign-commerce commission, just as the railroads engaged in interstate commerce, even though they be State corporations, are compelled to make reports to the Interstate Commerce Commission. Furthermore, when we have a foreign-commerce commission organized, they can scrutinize the operation of these corporations, whether subsidized or not, and, if subsidized, they can present to Congress the facts that are essential that Congress should know in order to legislate wisely upon this subject. As it is, none of us really know whether the complaints of shipping companies subsidized by the nation are well founded or not, because we have not had the machinery essential to give us the facts upon which to base a judgment. This very Oceanic Steamship Company, which, with a splendidly equipped marine service, entered upon the experimental work of opening up a line of traffic to Australia, has made statements year after year to Congress, claiming that, notwithstanding the subsidy received, it was subjecting itself to a loss in the operation of that line, and I believe that the majority of Congress disbelieved the statement; and yet their statement was vindicated, for only a year ago they went out of the business, and these three splendid steamships are now, I am told, laid up in the harbor of San Francisco.

It seems to me that it will be a very easy matter right in this bill to take these three coordinate branches of the Government, each separately considering questions intimately related to the ocean service, that we should set their intellects and their energies to work with a view of elaborating a system that will be as perfect a means of information to the Government upon all these questions, as the Interstate Commerce Commission is to-day, and that we should provide a method of incorporation by the nation that will compel reports and give us exact statements of the operations of these companies, so that we can know whether or not these subsidies are essential to their existence, whether they should be increased upon their request, or whether they should be diminished when sufficient profits appear.

SUBSIDY SYSTEM A VICIOUS ONE.

So far as I am concerned, I am opposed to a system of subsidy, for whilst I realize that some form of Government aid is absolutely essential to the creation of a merchant marine, I think that the system of subsidy will create evils greater than those which now exist, and that they will bring into our halls and corridors an importunate class of men demanding, day after day, increasing legislation in their interest, and that they will be active politically throughout the entire country, advancing the election of those who favor their projects and opposing the election of those who are opposed to them, and that we will stand in danger of increasing the favored classes of this country, whose operations are gradually changing our Government from a pure democracy into an arrogant plutocracy.

I wish to see the merchant marine advanced, and I wish to see the Navy advanced, and I wish to see a proportionate Navy, and I wish to see a proportionate merchant marine; and inasmuch as these lines that are now projected are mainly experimental, as these ships which it is proposed to subsidize by this bill are to be made the advance agents of commerce with foreign ports—the drummers of commerce—and inasmuch as we need in order to make a proportionate Navy a large number of ships and transports and colliers now lacking, ships that we can not secure in case of war from our coastwise service and ships which it may be impossible to secure from neutral powers in case of war; and inasmuch as these ships will serve all purposes—will serve the purposes of the Navy, will serve the purposes of the merchant marine, will serve the purposes of the postal service—and inasmuch as they can be used in time of peace for postal and commercial purposes, I do not see why we should not construct some of them and enter upon the experiment.

We need more ships than this bill provides for. It provides for only twenty-seven. The war board has declared that 232 are now needed; that if we were forced to defend our insular possessions against any great power we would be compelled to have, in order to make an efficient defense of those island possessions, in order to transport troops and munitions of war and to supply scouts and cruisers and dispatch boats, 232 ships, costing on an average a million dollars each. We have not them within reach, so far as the merchant marine is concerned. In order to bring into being 232 ships of that kind in our merchant marine, we would have, according to the experience of the Oceanic Steamship Company, to subsidize each one to the extent of from $150,000 to $200,000 annually, involving an annual expenditure of from $40,000,000 to $60,000,000. That is out of the question. Whatever subsidy we have here will be absolutely inadequate to supplying the country with the auxiliary navy that is required.

We are expending to-day $100,000,000 annually upon the Navy, and we are creating a disproportionate Navy, a Navy like a man with one muscle enormously developed and all his other muscles withered and shrunk.

What is a wise thing for us to do? To take from $20,000,000 to $25,000,000 of that $100,000,000 annually and apply it to making a proportionate Navy and stop the construction of these great fighting ships, either in whole or in part, until the Navy becomes a thoroughly proportioned Navy.

TRAINING SHIPS FOR NAVAL RESERVES.

More than this, when we subsidize these ships we do not place them under sufficient control so far as the Naval Reserve is concerned. The Naval Reserve is just as essential to the Navy as the men who are actively employed on the fighting ships themselves. It is necessary for us to have a large force of men from whom we can recruit in case of war, and so we have organized a Naval Reserve—not a sufficient Naval Reserve, but a reserve totally inadequate as compared with that of England and other powers—and how are we to train this Naval Reserve? We have no ships upon which to train them; and when you provide for this subsidy, do you provide for the training of a Naval Reserve? No; the only provision you have in this bill is that each ship will carry six naval cadets. It seems to me that if we own these ships that we can man them, that we can make them a training school for our Navy; that we can provide them with officers who are unable to get commands in the fighting ships now, and who are drifting into civil life; that we can man them with men who will become trained men in case of war, so that they can be transferred from the auxiliary ships to the fighting ships in an emergency, and that we will have a thorough and perfected system for that purpose. Such a Naval Reserve will simply, during times of peace, discharge the duties that are discharged by men employed in the merchant marine. There should be at least one naval officer upon every such ship engaged in the commercial service, constantly training the men and keeping them in condition of discipline that will fit them for the fighting ships when actual warfare comes.

So it seems to me, if the Senator will permit me to say so, it would be a wise thing now, at this session—and I should say upon this bill—to provide at least for coordinating these three departments into a foreign-commerce commission that will give us their united judgment regarding the action that the Congress of the United States should take upon the important question of promoting all these three services—the foreign commercial service, the foreign postal service, and the naval service—and that we provide above all things for the national incorporation of services that are purely engaged in national work and not permit these shipping companies to go to the State of least public virtue for charters to enable them to operate upon the high seas.

If you are to subsidize these ships, make them the instrumentalities of the nation by incorporating them under national law. If you are to subsidize them, demand annual reports,

institute constant investigation of their operations, so that we may know whether these subsidies are necessary or whether they are pure gratuities, and abandon altogether the loose legislation of the past, which has resulted simply in the United States granting aid without proper restriction and control. I will submit to the Senator from New Hampshire later on what I regard as a moderate amendment, making no appropriation, but organizing this commission and giving it the power to consider the question of a national incorporation act for the shipping companies engaged in this commerce, and to report their recommendations to Congress.

Mr. PERKINS. Mr. President, I desire to say only a word in response to the criticism of my friend, the senior Senator from Nebraska [Mr. BURKETT] in relation to the remarks of the chairman of the Committee on Naval Affairs in proclaiming to the world the inefficiency of our auxiliary vessels to aid our ships of the Navy. In doing so, I wish to read an extract from the report of the Secretary of the Navy, which has been submitted to us for our consideration.

> It has been the earnest policy of the Department in obedience to the statutes on the subject, at all times to favor shipment of naval supplies in American bottoms. In pursuance of this policy the Bureau of Equipment attempted to secure transportation in vessels of American registry, but unfortunately found this to be substantially impossible. American vessels offered were few in number, and the prices asked by them were such as to be practically prohibitive. In order to induce American ships to undertake this transportation, the Department, by express direction of the President, went so far as to offer them as much as 50 per cent above the prices named by foreign shippers, but notwithstanding all efforts in this direction offers received were wholly inadequate. In these conditions the matter of providing needed coal for the Navy having become imperative, the Department, after careful consideration and upon advice of the Attorney-General respecting the legal phases of the question, found itself compelled to contract for the transportation in foreign bottoms of sufficient coal to meet the pressing demands of the service.

It seems to me the Committee on Naval Affairs, through its chairman, has not proclaimed to the world anything that does not appear in this official document.

If my memory serves me correctly, the Government has some seventeen colliers, and, singular to say, thirteen of these seventeen colliers were built in foreign shipyards, and our Government purchased them because they could buy them cheaper than they could have a similar number built in the navy-yards at home by our own mechanics or in private shipyards here.

The Senator from Nevada [Mr. NEWLANDS] has made a strong plea for his amendment. If he wishes to be practical in relation to the line of steamers on the Pacific plying to Australasia, he will vote for this bill as it comes from the Committee on Commerce, of which he is a member. It will enable the Oceanic Steamship Company to resume its trade with Australia and New Zealand, and the subsidy will not amount to as much as is now paid by the Canadian government and the subvention of the English Government to the line of steamers plying between Vancouver, Victoria, British Columbia, and Australia. If my friend will be practical in what he desires to do in the way of direct legislation, he will vote for this measure, which will enable these ships which are lying at anchor in the Bay of San Francisco to renew their service. We have that assurance from the owners of the Oceanic Steamship Company; and had the Senator from Nevada voted with us last year the line would not have been discontinued.

As is well known, it costs about 30 to 35 per cent more to construct ships in the United States than it does in foreign countries, and it costs us to operate them about 50 per cent more. The line of steamers running from San Francisco to Australia and New Zealand pays $45 for its sailors and firemen, while other ships operating between Victoria and Australia via the Hawaiian Islands pay only about 50 per cent of that amount. This bill is a practical measure. As the senior Senator from Maine [Mr. HALE] said, it does not reach far enough, but it is a step in the right direction, and I believe its passage will enable us to establish one line, or two of them, to Buenos Aires or some other South American port, and resume the line of ships to Australia.

Mr. CULBERSON. Mr. President, I desire to ask a practical question of the Senator in charge of this bill. Before doing so it is not improper, I think, for me to say that I am in favor of paying liberally, even generously, for mail service where it is necessary. I am, however, opposed to the payment of a subsidy or a mere gratuity for the carriage of the mails. My position upon that question rests upon the broad ground, which I shall not stop to elaborate, that there is no authority under the Constitution or in good conscience to levy a tax upon the whole people for the benefit of a few of them.

The inquiry to which I invite the attention of the Senator from New Hampshire is this: It seems that under the act of 1891 we pay $4 a statute mile to the 20-knot American mail steamships of a certain kind, and we pay $2 a mile for steamships of 16 knots or over. Now, under this bill it appears to be the intention to pay for certain service—that is, a service to South America, to the Philippines, to Japan, to China, and to Australasia, at the rate of $4 a mile, though the ships which will engage in that trade will be ships of the second class under the act of 1891. If I am in error about that, I should like to be corrected, because I profess no special knowledge on this subject.

Mr. GALLINGER. The Senator from Texas has stated precisely what is intended.

Mr. CULBERSON. The inquiry is this: Are we, therefore, paying what the service is worth, measured by the law of 1891, or are we paying or intending to pay the owners of those vessels in the trade provided for in the proposed act more than is a reasonably fair price for the service? In other words, Mr. President, is it in fact a gratuity which the Government proposes to turn over to the owners of the steamships which it is proposed shall ply in the trade with the countries mentioned in the proposed act?

Now, that, I think, is a practical question, and my vote upon this measure will depend upon a correct solution of the inquiry.

Mr. GALLINGER. Mr. President, in reply to the practical question of the Senator from Texas I will say that it is quite impossible to determine with exactitude whether or not this compensation precisely equalizes the cost. However, we do know that the amount paid to the 20-knot steamships, $4 a mile, is less by almost $200,000 than they would receive if they carried the mail at the pound rates.

Then, again, I want the Senator from Texas to remember that the Postmaster-General is not required to pay the full amount. He can make such contract as in his judgment is a fair one.

Mr. CULBERSON. It merely authorizes him.

Mr. GALLINGER. As an illustration, the Ward Line to Cuba and Mexico is entitled to $2 a mile under the act of 1891, but it is receiving only $1 a mile. The Postmaster-General perhaps drove rather a sharp bargain with the company, but he is getting the mails carried for that amount. The Red D Line to Venezuela, as I remember, is entitled to $1 per mile, and it is getting 66⅔ cents.

So it is not an absolute requirement on the Department that the amount named shall be paid. My impression is that on these long routes—and the Senator will recall the fact that they are very long and expensive routes—$4 a mile will not more than pay the expense. We do know that the Oceanic Line across the Pacific lost between three and four hundred thousand dollars a year on the $2 a mile basis, and its ships are now tied up in San Francisco. They have been out of commission since last April. I think the compensation, even though——

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Texas?

Mr. GALLINGER. Certainly.

Mr. CULBERSON. Does the Senator mean to suggest that it is the purpose of this bill to pay the entire expense of running ships?

Mr. GALLINGER. Oh, not at all. But what I do mean to say is that the Oceanic Line, running across the Pacific, received $2 a mile for the carriage of the mails, and yet lost between three and four hundred thousand dollars a year and had to abandon the contract.

Mr. CULBERSON. Did it lose that much simply by reason of the service of carrying the mail?

Mr. GALLINGER. They lost that by reason of the service. They would have lost much more if they had not received something from the Government. But they were utterly unable to continue the employment of the ships.

Mr. CULBERSON. My inquiry had in view an effort to secure information as to whether or not $4 a mile for these particular ships that are to be used in the service covered by this bill would or would not exceed the fair value of the service for carrying the mail.

Mr. GALLINGER. I do know that in the case of the 20-knot ships, if they were paid the statutory rate per pound, they would have received much more than they are receiving now. Of course it will depend a good deal upon the amount of mail that is sent, and I will say to the Senator that it will not disturb me at all if they receive a little more than they would receive under the pound rates. If we are going to have ships, if we are going to carry our mails to South America direct and to Australasia, we must legislate in a spirit of some degree of generosity so as to enable those ships to be constructed and operated. I think it is impossible for anyone to figure out

mathematically precisely what it will cost and precisely the relation between the amount paid by the Government and the cost of carrying the mails.

Mr. CULBERSON. The Senator will recall, I hope, that I stated that personally I was in favor of paying liberally and even generously for carrying the mails, but what I objected to, and what I was trying to discover was whether or not there was any mere subsidy or gratuity in this measure, to which I would be opposed.

Mr. GALLINGER. I think there is not in this bill a subsidy or gratuity enough to disturb any Senator. It surely must be very slight, if there is any, excessive payment, and I feel sure that the amount named in the bill will be absolutely required if we are to get these lines of steamships.

Mr. FRYE. Mr. President, just one word in answer to the Senator's question. I spent at least four months in preparing the bill which became a law in 1891. I had experts from all over the country in order to ascertain what premiums, or subsidies, if you please, ought to be paid in order to induce the building of the necessary ships and the sailing of them. As the bill passed the Senate the 20-knot ships were entitled to receive $6 a mile and the 16-knot ships were entitled to receive $4 a mile, the same as is provided in the present bill. Both were cut down in the House of Representatives, the six to four and the four to two, I believe.

Mr. GALLINGER. That is right.

Mr. FRYE. The result shows that I was entirely correct in the estimates which I had made, because we obtained no 20-knot ship except in the American Line, and only obtained those by admitting to American registry two foreign-built ships which they were running. They have lost money in carrying the mails at the rate of $4 a statute mile, and have no desire whatever to renew any contract. One of the reasons is that our contract requires the same service in the winter that it does in the summer, while the foreign contracts allow less frequent running of their steamships in the winter than in the summer. Under the second clause there were no ships at all obtained.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Colorado?

Mr. FRYE. Certainly.

Mr. TELLER. Do I understand the Senator to say that it is his belief that they lost on the carrying of the mail; that they did not get what the carriage of the mail cost them?

Mr. FRYE. They did not get what they would have obtained if they had simply carried the mail by weight. What made it so much the worse for them was that the Post-Office Department required the same service in winter as in summer, when there are much fewer passengers, as the Senator knows, traveling in winter.

Mr. TELLER. Yes.

Mr. FRYE. As to the 14-knot ships and the 12-knot ships the amounts were not cut down in the House at all, where a cut could have been made without any great difficulty on account of the slowness of the speed required. A 16-knot ship requires 144 tons of coal a day, and it requires about fifty men to handle that amount of coal. The 20-knot ship requires 300 tons of coal a day and 100 men to handle the coal. As you go up in the ratio of speed required the increase of coal consumption is very great. It goes up almost in geometrical progression.

If that bill had become a law as it passed the Senate, I have no doubt we would have enough ships as auxiliaries for our Navy to-day. The cut was not made elsewhere with good judgment.

Mr. TELLER. Mr. President, for a good many years I have been anxious to vote for something that would really assist American shipping. I have voted sometimes for these propositions and sometimes against them. I think I voted against the last bill, the one the Senator speaks of.

Mr. FRYE. The Senator voted for the one in 1891, which became a law.

Mr. TELLER. Yes; perhaps I did at that time.

The trouble here, it seems to me, is that there is not any guaranty in the bill that we are going to get anything out of it. Possibly you will get a line from New York and maybe one from Philadelphia, but I do not believe you will get one from any other part of the country under this bill. I do not believe it is necessary in our intercourse with South America to have particularly fleet ships. I think slower ships will answer our purposes, and we would be very much more apt to get a slow ship than a fast one. I do not think I know enough about it to know exactly what should be the speed of the ship. I have been largely following the Senators from the Atlantic coast on shipping matters, when they did not get up what I considered an unfair subsidy bill. I confess I have some prejudice against subsidies, and yet I am like the Senator from Texas [Mr. CULBERSON]—I am willing to very liberal in paying for the carriage of the mail. I would not stand so much on the price if we could secure the service.

The suggestion has been that we ought to secure service from some Southern port. It seems to me the only way to build up a trade between this country and South America is to get a line from some Southern port where they can furnish a large amount of freight—cotton goods and other articles, and particularly lumber. I hope that something may be done in the way of an amendment to the bill which will secure an opportunity to the people in some of the Southern ports to have access to South America.

I am not particularly impressed with the Asiatic trade. I do not believe it is so valuable as the South American trade, and I do not believe we are ever going to have such a great trade with the Asiatic countries as some people claim and hope. Possibly it may be a great trade some time, but it will not be for some years to come. I think South America is open to us now as perhaps it never has been before, and if the Senators in charge of the bill can devise some method which will seem to operate fairly upon all the ports of the United States, and give each section a fair opportunity, I shall be in favor of the bill; if not, I shall not be.

Mr. BURKETT. Mr. President, at the beginning of the session to-day I asked a question and then gave up the floor to the Senator from Georgia [Mr. BACON], who wanted to address the Senate upon an amendment which he had, in order that he might get away, as he suggested. I asked why the words "four thousand miles," in line 8, were put in the bill, and so far I have not had an answer to it.

I confess that I do not know altogether just what connection this bill may have with the law already upon the statute books, but, as I suggested in the few words I said, if we are to have a law of some sort that will encourage a steamship line between here and South America, I am willing to leave to commerce and the exigencies of the trade where that line shall start and where it shall end. I have not much doubt in my own mind as to where it will start. I have not much doubt as to where it will go. But unless it is essential, by reason of the law already on the statute books, that we should limit it to a certain number of miles, it seems to me we might be charged, to say the least, with having fixed a minimum that would necessarily start the route far enough north of the Equator and wind it up far enough south of the Equator so as to be calculated, in effect, to locate it.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. BURKETT. Certainly.

Mr. GALLINGER. I may not have understood the Senator from Nebraska correctly, but I got the impression when he raised this point before that he thought the 4,000-mile limit might shut out some of the Southern ports. Did I understand the Senator correctly on that point?

Mr. BURKETT. I said it might shut out some of the Southern ports of our country in connection with some of the Northern ports of South America.

Mr. GALLINGER. The fact is that from New Orleans to South America is at least 400 miles farther than from New York, so that the 4,000-mile limitation can not possibly operate against them.

I will repeat what I tried to say previously, if the Senator will permit me a moment, that the 4,000-mile provision is simply to make the ships in a sense earn their money. We have a line to Central America—Venezuela—a slow service, it is true, called the "Red D Line," and that line receives $2 a mile. If we should undertake to give $4 a mile to lines running a shorter distance than 4,000 miles, we would be overpaying them, and the countries where we want to develop our trade—South America and the trans-Pacific countries—are four thousand and more miles away. For that reason the limit was placed. It covers the points south of the Equator on the Atlantic, and Japan, China, the Philippines, and Australasia, across the Pacific.

There was a well-defined purpose in it, and I feel sure that when the Senator thinks it over carefully he will not have any criticism to make as to the wording of the bill in that particular.

Mr. BURKETT. I had supposed there was a well-defined purpose in it, and a purpose that was entirely proper, I may say, but I did not understand what the purpose was. But I still submit that if there is one thing we want it is quick transportation between here and South America. We are troubled now because of the fact that it takes longer to get our mails and freight and passengers to South America than it does to

get their mails and freight and passengers from Europe. We have to go to Europe now in order to get to South America comfortably or expeditiously. We have to travel the two sides of the triangle when we go to South America, while Europe travels only one side. It seemed to me it was not very particular where that great port on the coast of South America should be builded up.

If we start out on this plan undoubtedly it will help to build up somewhere on the coast of South America a great port, and from that great port, in course of time, are going to radiate the railroads and the other lines of transportation, whatever they may be, throughout the continent of South America. In short, we may be helping to locate by this legislation the future great port of entry for South America, and thus, indirectly, the course of the transportation lines that are to be the great distributers.

Now, it seems to me, that what we are interested in is in getting that port just as close to North America as it is possible to get it rather than to get it 25 or 30 degrees south of the equator.

Mr. GALLINGER. Of course, the Senator knows that Rio and Buenos Aires are now the great cities in South America, and they are the points from which commerce will flow. I feel very sure that we are not going by this bill, whatever its provisions may be, to build up any other great city in South America, and I repeat that it is a proper provision that these vessels shall make these long voyages, because if they were to make shorter voyages the compensation would not need to be as large. But it would not accomplish the result we are aiming at. We want to establish a trade with the chief cities of South America and with the countries across the Pacific.

Mr. BURKETT. Well, I submit this proposition. I confess I have not had time to make calculations, and I have not the figures, but certainly some of the Southern ports along the Atlantic coast are less than 4,000 miles distant from some of the South American ports.

Mr. GALLINGER. Is the Senator sure of that?

Mr. BURKETT. Yes; I am sure of it, because——

Mr. GALLINGER. It is 5,000 miles from the Atlantic coast to Rio de Janeiro. It is 6,000 miles to Buenos Ayres. Is the Senator sure that we are neglecting any place——

Mr. BURKETT. I did not understand the Senator.

Mr. GALLINGER. I say it is 5,000 miles to Rio and 6,000 miles to Buenos Ayres.

Mr. BURKETT. That is from New York?

Mr. GALLINGER. From the Atlantic or Gulf coast. Is the Senator sure that there is any place we are neglecting that is a thousand miles nearer us than Rio or 2,000 miles nearer us than Buenos Ayres?

Mr. BURKETT. All the coast this side of the Amazon River would be a great deal nearer the Southern ports. But I will not discuss that.

Probably there is nothing improper in this, but I did want to call attention to it for this reason. Those of us who do not believe altogether in a ship-subsidy plan, as some of the Senators do, are constantly reprimanded for our position, as I think has been mildly done this afternoon. We are more or less blamed for the condition not only of our shipping, but for the condition of the auxiliaries of our Navy.

The Senator from Maine this afternoon pictured our helpless condition by reason of not having auxiliaries attending the United States Navy in its trip around the world. I could not help but think as he was speaking that either that distinguished Senator or his illustrious predecessors have written every syllable, so far as I can find out (and I took some pains a year or two ago to investigate it), that is on the statute books of the United States pertaining to the American merchant marine.

Mr. HALE. Let me say to the Senator——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Maine?

Mr. BURKETT. Certainly.

Mr. HALE. Let me say to the Senator that in writing these provisions I have done it in protest constantly against propositions for unduly increasing the number of battle ships, the big ships of the Navy, to the exclusion of these auxiliaries and the ships that are necessary to make the fleet efficient. I have not had my way about the Navy.

Mr. BURKETT. I think the Senator perhaps——

Mr. HALE. I have done the best that I could. And let me say to the Senator that if trouble should arise to-morrow about our insular possessions in the Pacific we could not get a battle ship there. Some of us have been trying for years to get an auxiliary Navy, merchant ships that would be useful not only in time of peace as a part of the merchant marine, but would help in case of friction with foreign nations, that would be an auxiliary Navy in war. We have not been able to get it.

When this emergency is so accentuated by the passage of this monster fleet about the world and its dependence upon foreign auxiliaries, we ought not to let the opportunity pass without doing something to build up what is not only essential for the merchant marine, but for the Navy.

Mr. BURKETT. I think, Mr. President, the Senator did not quite catch the point I was trying to make. It is that those Senators and those Representatives in Congress who have been opposed to the propositions for an enormous ship subsidy in the past are always complained of because there is not an American merchant marine, and incidentally and collaterally thereto we are blamed because we have not colliers to attend our ships. What I was going to say, in addition, is that the Senator from Maine and his colleague and their predecessors have written practically every syllable of the law of the United States with reference to a merchant marine, both coastwise and foreign, and if those laws are bad and if they have prevented us from having a merchant marine, they can not blame the Senators and Representatives from the prairie States for being responsible for it.

Mr. FRYE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Maine?

Mr. BURKETT. Certainly.

Mr. FRYE. I think I have had the honor of writing most of these bills, and the Senate has passed them, and they have been destroyed practically in the House of Representatives, not in the Senate. If the bill which was reported, and which passed the Senate in 1891, had become a law as it passed the Senate, my colleague from Maine would not to-day be talking about the necessity of auxiliary cruisers for the Navy; we would have had plenty of them.

The Senator must observe still further that in every bill which has passed the Senate to revive the merchant marine there has been a provision that every ship should be so constructed as to meet the approval of the Navy Department, so that the ships might be of practical use in case of war. These are required to be built in that same way under the act of 1891, which the bill amends. They must be built to the satisfaction of the Navy Department, so as to be converted into cruisers at once. The American line was built in that same way. Those that were taken into American registry, having been built in England, were repaired in such a way as to make them efficient naval cruisers, and in the war with Spain they were all in the war as cruisers—every one of them—and they did magnificent service.

Mr. BURKETT. Well, Mr. President, the Senator must admit that while he has failed in getting some legislation through that he thinks might have helped the merchant marine, nevertheless there has been some legislation passed. There is some that dates back to 1792; and if you will follow the legislation from that period down with reference to the merchant marine you will find that it has been written absolutely by the men from New England. If the result of it is bad they must not blame us from the prairie States for being responsible for that condition.

I am not going to-day at this hour nor on this bill into a discussion of any particular legislation that in my opinion has had a great deal to do with preventing America from having more of a merchant marine. I might say, however, just in passing that on account of the laws that are on the statute books, which have been written by the men from the section of country that I suggested, in the interest apparently, as we have always said, of the merchant marine, it would not be possible to-day for an American citizen to start a ship under an American flag, if he had $5,000,000,000, within eighteen or twenty months. That is the condition we are in under those laws. He could not do it. It is an absolute impossibility.

The trouble with the shipping legislation of this country is that it has always been made in the interest of the shipbuilder instead of the ship operator. If you take the hearings of all the committees that have ever been held in a hundred years of Congress on this matter, you will find but one time, and that was at the time of the Hanna-Frye bill a few years ago, when a ship operator ever came before a committee of Congress and said that, in his opinion, a ship subsidy would build up the American merchant marine. I do not know just why at that time they all agreed in their opinion, but that was the first time a ship operator ever came before Congress and said that a ship subsidy would help build up the merchant marine.

Every statute has been made, I say, in the interest of the man who builds the ship, not in the interest of the man who is going to operate the ship. Every law that has been placed on

the statute books has forced the man who is going to operate the ship to build the ship in some particular locality, and thus has handicapped the man who is to own and operate the ship at the very beginning.

I will say that I am not one of those who criticise what is done along this line entirely. I agree that, to as great an extent as is possible and practicable, we ought to protect the American shipbuilder. I believe in protecting every American industry just as much as we can reasonably. I believe that where we can we ought to compel the man who is going to sail a ship under the American flag to build it in America and with American labor. But I am getting tired of having men continually stand up and criticise in public and private the men who come from the prairie States, as if we were responsible for America not having a merchant marine, when, as a matter of fact, we never have written a syllable or never have pretended to write a syllable of the merchant-marine laws of the United States.

Senators speak as if we did not have any merchant marine, and yet we have a merchant marine floating between the various ports on our own coast that is larger than that of most of the nations of the world. We protected the shipbuilder there by compelling every one of those ships to be built in America before it could operate between the ports of America. That is a possibility. We have done that successfully, and thus we have encouraged shipbuilding.

Mr. GALLINGER. Mr. President——

Mr. BURKETT. Just a sentence, and then I will yield. We have also provided, or undertaken to provide, that if a man is going to run a ship between here and some place else in the world, he must build it in America—that is, we have said if he is going to run it under an American flag he must build it here. What has been the result? Why, he has bought his ship elsewhere, because he could buy it cheaper, and sailed it under a foreign flag, because he could not get an American register. It has prevented us from having an American merchant marine, and it has not helped our shipbuilders. That policy does not build up a merchant marine and does not give the American builder any ship to build. Now I yield to the Senator.

Mr. GALLINGER. The Senator, in speaking of the coastwise trade, forgot to suggest a most important reason why that is prosperous, and that is that it is protected by the statutes of the United States to such an extent that no foreign ship is permitted to compete with the American ship. Foreign ships are absolutely prohibited. That may be called a "subsidy," or whatever the Senator chooses to call it, but it is the most thorough protection to American shipping that ever could be thought of. That is the reason why we have a prosperous coastwise marine and an utterly dilapidated and inadequate foreign marine, the latter not being protected at all.

Mr. BURKETT. I will say to the Senator that is exactly what I was trying to explain. I was trying to explain that the men who had written the shipping laws of this country had tried to build up a foreign merchant marine on exactly the same kind of laws that they had built up the coastwise merchant marine, and it has not worked because we can control the ports at only one end of the line in foreign commerce, while in coastwise trade we control all the ports.

Mr. GALLINGER. It would not work, because we did not protect it sufficiently. The truth is, as I have already suggested, we have not protected the foreign merchant marine at all.

Mr. BURKETT. The facts are that we have gone wild in this country in our shipping legislation in protecting the man who builds the ship or in attempting to protect him. I do not believe we have helped him much. For example, we have a law on our statute books that provides that when a ship is wrecked and needs 75 per cent repairs (I do not know that I have the percentage right), it can be repaired here in America and get an American flag. I do not know that I have it right.

Mr. FRYE. There is no such law on the statute book.

Mr. BURKETT. Then I will say we have passed special laws permitting ships that are practically all repaired in the United States or repaired to a certain per cent of their value to obtain an American flag. Yet I have heard Members of Congress stand up and haggle and contest and dispute the amount of repairs to a penny's certainty to see that they reached a certain amount before they would be willing to give an American flag, before they would be willing to permit a man who had the money and had spent practically all of it here in the United States, to have an American flag.

Now, let me call the Senator's attention to another thing that I spoke of a moment ago. When the Spanish war closed the War Department, I think, had forty-four vessels that it had bought during the Spanish war to attend the American warships and for transport purposes. The Navy Department, I think, had thirty-six vessels. That is about the number. I may not be accurate, because I have not looked it up recently. I had not expected to say anything on this subject and hence have not verified my figures, but I got into the discussion this morning.

When that war was over, the Secretary of War reported these ships to Congress, and made the statement that while in the service of the United States they could carry an American flag, notwithstanding they were foreign built, that, if he undertook to sell them, he could not give an American flag with the ship. And he said it would probably make a good deal of difference in the amount that we would be able to sell those ships for if we did not give a flag with those ships, or give an American registry, which means an American flag.

Now, what was the result? Nothing was done. So intent on carrying out the policy that has always seemed to prevail in shipping legislation in this country to protect the shipbuilders alone, we would not give a flag and registry to those ships.

I do not know what the result of that was in the actual sale of those ships. I have never followed it up. I have been ashamed to follow it up, for we were in the ridiculous attitude of going about the world hawking off some ships we had to sell and refusing to give them a flag or registry. We wanted to sell to somebody and let some other country give them a flag. That was the pitiful, ridiculous position that the American Government was assuming at that time, all under the guise of protecting the shipbuilder in this country.

So I say the condition of our merchant marine is not the fault of the men who come from the center of this country, and you must not complain of us if the United States does not have a merchant marine, and you must not complain of us if we do not have colliers to attend the American Navy, because I say you from New England have written every single syllable of every statute that has ever been enacted on this subject.

As I said a few minutes ago, in reply to the Senator from Maine, at the time it was sought to get some boats to attend the American war ships bids were invited and all except the eight or nine boats of American register made a combination apparently and put up the rates to a prohibitive price. I do not know it was ever proven that there was a combination, but they set a price so high and with apparent uniformity that the Department and the President would not consent to pay it. Foreign ships bid lower and, if I remember aright, the President and the Department decided to pay 50 per cent more for vessels that were carrying the American flag or vessels of American registry, but they would not come to that price. They would not take 50 per cent more than foreign ships would do the work for. They thought perhaps that we would not send those battle ships attended by anything except American registered boats and that they could force the Government up to their price. But the President had the courage at that time not to be held up, as it was a hold up, in my opinion, and he hired boats and colliers under foreign flags to attend the fleet. That is the way I understand that proposition, and that is why we have foreign colliers attending our fleet. It was not because we did not have the ships under American registry, but because they wanted too exorbitant a price for their services.

If at the time we gave American-registered and American-built vessels an absolute monopoly of the American coastwise trade we had provided in those laws the same provisions that we now seem to want to provide for when we undertake to subsidize a foreign merchant marine, I surmise the President would have had some power to have commanded some of those vessels that he needed. He would have had vessels that would have been eligible for that service that are now in the coastwise trade, and would have had power to have prevented the combination of those ship operators in the coastwise trade of this country for forcing unreasonable prices for their use as colliers.

I am willing to accept the explanation of the Senator from New Hampshire as to the "4,000 miles," but it seemed, perhaps, at first thought, to have been intended to make the north end of the line as far as New York or Boston, or somewhere up there, necessary in order to get the 4,000 miles. I must say I have been in favor of striking that matter out, and so it seems to me yet, because it is only thirteen or fourteen hundred miles between our Gulf coast towns and the South American ports immediately across the Gulf.

For one, I say I want to build up a quick service between here and South America, and if we can start 1,300-mile vessels between the southern part of the United States and the northern part of South America, and if from those two ports can be hooked on a transportation system ramifying each country that will give a still quicker and faster service for the business of

North America and South America, then I would a little rather pay a subsidy on a 1,300-mile line than to pay it for a 4,000-mile line, if that meant slower service. In short, it is results that I want; it is the quickest service that I am after.

Mr. GALLINGER. Mr. President, I think it is important to put this in the RECORD in connection with this debate. I have ascertained the distances that the ships will travel if they are built and operated.

The distance from New York to Rio de Janeiro is 4,778 nautical miles.

New Orleans to Rio de Janeiro, 5,228 nautical miles.

Boston to Rio de Janeiro, 4,748 nautical miles.

Savannah to Rio de Janeiro, 4,742 nautical miles.

Key West to Rio de Janeiro, 4,896 nautical miles.

Mobile to Rio de Janeiro, 5,215 nautical miles.

So New Orleans and Mobile are almost 500 miles farther away from Rio than New York, and almost exactly 500 miles farther away than Boston.

Mr. BURKETT. That is from Rio. Of course there may be some other ports this side.

Mr. GALLINGER. Yes, Pernambuco; but Pernambuco is a way station at best.

Now, Mr. President, I believe that the Senator from Georgia [Mr. CLAY] is to offer the amendment that his colleague suggested, and I have a substitute to offer for that which I think is going to be accepted by everybody, and I should like to make some progress in agreeing to these amendments.

Mr. CLAY. With the Senator's permission——

Mr. HEYBURN. Will the Senator defer that until I make a few brief statements in reply to the Senator from Nebraska?

Mr. GALLINGER. I will be pleased to do that, Mr. President.

Mr. HEYBURN. Then I will give way.

Mr. BURKETT. Will the Senator let me add a word or two? I was taken off the floor by these interruptions before I had quite finished.

Mr. HEYBURN. Certainly. I thought the Senator had finished his remarks.

Mr. BURKETT. It will not be over a minute.

This bill has not presented itself to me as the ordinary ship-subsidy bill. Heretofore I have always opposed the great propositions of subsidy, because they have generally been intended to subsidize a line of ships going across the Atlantic Ocean or somewhere where we were not particularly needing transportation lines and mail facilities, and where, in fact, ships were going in ballast. I stood out against that sort of subsidizing where they already had more ships apparently than business demanded. But it is essential, as I have thought for a good many years, that we should get in closer commercial relations with the people on the Western Hemisphere.

The bill, if it shall be perfected, as it seems to me it is going to be—it seems to me that it will, in some degree at least, meet a necessity that has confronted us here in the United States for a good many years. It will establish business connection directly with the people of South America and will open up a market that we can well afford to look after and cultivate, and a market that it is absolutely impossible to cultivate or to get without better transportation facilities.

Therefore I will say to the Senator from New Hampshire that while I thought those lines ought to go out, with his explanation, and having every confidence not only in his judgment, but certainly in his integrity, I am willing to leave those words in. I am not certain they are wrong; I might be wrong in my judgment in the matter. I will support the bill with them in if, as I say, it is otherwise properly perfected.

Mr. HEYBURN. Mr. President, the point suggested by the Senator from Nebraska as to why the Representatives in Congress from the interior States should support a shipping bill is not new, and it is just such suggestions as have been made by the Senator from Nebraska that are calculated to put Members of Congress on the defensive for having supported these measures where such Members are from the interior States.

Any law that is enacted should go to the people carrying its own justification with it. Those who participate in the enactment of a law should be so protected by the terms of the enactment and the discussion which accompanies the enactment of the bill that they will not be called to account for having been untrue to their section of the United States.

Mr. President, I supported every ship-subsidy provision, if I may use or misuse the word "subsidy," both before and since I have been a member of this body, so far as support could be given and was appropriate.

I do not like the term "subsidy." The original meaning of the term "subsidy" was a "bribe." It has taken on a new meaning through use. No shipping bill that has been enacted into a law has ever been a subsidy bill. It has provided, as this bill provides, that the Government shall discriminate in the making of contracts for the performance of services for the Government in such manner as will inure to the benefit of the Government. The present shipping law, enacted on March 3, 1891, is not a subsidy bill. The term "subsidy" was applied to this class of legislation by its opponents in order to make the legislation obnoxious. We have, unfortunately, dropped into the habit of accepting the designation of "subsidy" as applying to this class of legislation, and it has not been to our profit that we have done so.

The bill is a shipping bill. It provides for the making of contracts by the Government of the United States for carrying the mails of the United States and for performing services that the Government must pay for. The real province of the legislation, or the function which it performs, is the distribution of that patronage by the Government so that it shall result in building up ships that may be at the service of the Government when it requires them.

You can not very well send out a discussion of this amendment to the country without coupling with it the legislation to which this amendment is to apply. Under the existing law, the act of 1891, the executive branch of the Government is authorized to make contracts for the carrying of the mails of the United States with certain other countries, between certain ports. It is provided in that law that the mails shall be carried and the contracts made only with vessels that are built in the United States, built by American labor, out of American raw material, manned by American officers, citizens of the United States, and with a percentage prescribed by the law of American citizens as the crew of the vessel. That is what its opponents are pleased to term "a subsidy bill."

It provides also for the education upon each of these vessels of American youth, in order that they may be competent sailors and effective and useful men in the time of the country's need. There is no element of subsidy about that provision. It provides that these vessels shall be constructed under the supervision and control of the Government of the United States, according to certain plans, specifications, and limitations, in order that they may be effective for the service of the United States in case they are needed either as fighting vessels or as auxiliary ships for the support of fighting vessels.

It provides in section 9 that these vessels may be taken and used by the United States as transports or cruisers upon payment to the owners of the fair actual value of the same at the time of the taking, and that, in case of disagreement, certain proceedings shall be had for the purpose of determining the value at which these vessels shall be taken.

Is there any element of subsidy or is there any element of unfairness in this providing that the Government shall supervise the construction of these vessels in order to insure their efficiency if they become necessary for the uses of the Government? Is there anything unreasonable in providing that the Government should be allowed to take those vessels in the hour of its need, as I say, either as fighting vessels or as auxiliary vessels to the fighting vessels? It seems to me that to apply the term "subsidy" to a transaction of that kind is a gross misuse of the term; and we have only to look to the opposition for the motive which impels them to term this "a subsidy bill."

I have met with more opposition to this class of legislation in discussing it, as I have discussed it in many parts of this country for the last twenty-five years, because of the use of that word "subsidy" than from any other cause. It was not sufficient that when I asked them what they meant by "subsidy" they were unable to tell me. They understood that it was a term of opprobrium, and that that was sufficient in itself, if applied to anything, to condemn it.

The interior States are just as largely interested in the shipping bill as are the coast States. Aside from the advantage, which is local and limited personally to those who build vessels and who either make or do not make a profit because of such construction, we are interested in the use of these vessels in time of peace, because when they are not engaged in the service of the Government of the United States they are selling us charters for the removal of our grain to foreign countries.

The section of the United States that it is my pleasure and honor to represent in part here ships a larger percentage of its grain to foreign countries than does any other section of the United States. We have a larger percentage of surplus than does any other section of the United States. We produce up in that corner of the country one-tenth of the wheat products of the United States. We sell a larger percentage of that one-tenth than does any other section, and it goes abroad. The

greatest percentage of the export of wheat is from that section of the country. The price of charters, which is the measure of transportation, depends upon the available bottoms in which to ship our products, and it varies accordingly as we have the vessels or have them not. Any legislation, any condition that will promote and encourage the building of ships is for our benefit, because the more ships we have available the less will the price of freight or charters be.

We are sending our wheat abroad in foreign bottoms now to a very large percentage, but make it profitable to men to build ships—and I accept the challenge of the Senator from Nebraska [Mr. BURKETT]—make it profitable to men to build ships and the people will benefit by the use of the ships. I care not if it is profitable to build ships; I hope it always will be; but it is profitable not only to the man who has the contract to build the ship, but it is profitable to every department of productive industry which enters into the construction of that ship. It can make the shipbuilding centers profitable by building them up and it can make the commodity-producing section of the country profitable by having them available for their use. Now, that is to demonstrate the fact that in time of peace we are interested in the shipping bill, even though we live in the interior of the country, whether it be in Nebraska or whether it be in Kansas or Idaho, or wherever they raise commodities in excess of their necessities at home which they desire to send abroad. That is from the selfish standpoint. We are all interested in the prosperity of any part of the United States, even though in that particular line and at that particular time we are not benefited. Patriotism dictates that we should not always look at these things from a selfish standpoint; but even from a selfish standpoint we are interested in this class of legislation.

In time of war, as the result of this class of liberal legislation, there should be enough vessels available so that we would not be compelled to hire or buy a single vessel in order to serve our Navy, not only to serve it as auxiliaries, but to serve it by adding to it, as we did in the case of our most recent war, where we impressed our great vessels that had been in the civil service, and as we did in the case of the civil war where we pressed into service even the ferryboats from the North River and took them down and made gunboats and fighting machines of them on the waters of the South.

This bill only provides for the transferring of vessels of class 2 to class 1, so far as compensation is concerned between a certain class of ports within a certain distance prescribed in the amendment. It gives vessels of 16-knot speed the same compensation per mile as is provided under the existing law to be paid to vessels of 20-knot speed. The committee which has reported this bill has investigated this matter, and, as appears by their report, the waters upon which these vessels are to ply and the distances that are limited by the provisions of this amendment are such that it is desirable that this slower class of vessels and of lesser tonnage should be made available and profitable and their building and maintenance encouraged, in order that we may build up on the Pacific coast particularly the class of vessels enumerated in this bill that are plying to the Philippines, to Japan, to China, and to Australasia. Those vessels will be very largely constructed on the Pacific coast. While they are not 20-knot vessels, yet they will perform as effective service as is required to be performed between those points in carrying the mail and in serving the Government of the United States, not by a reckless payment of a generous sum, but by competition through the medium of bids pursuant to advertised proposals of the Government, and they will receive their compensation because they are the lowest bidders.

The price of $4 per ton per mile, which is the maximum allowed under this amendment for these vessels of the second class, is as reasonable as the maximum of $4 a mile, which is now allowed to vessels of the first class, when we take into consideration the limited scope of the application, geographically, of this amendment. When I vote for it I vote for it just as I would vote for any shipping bill that will build up the merchant marine to the limit of the necessities of our people in time of peace and in time of war.

Mr. GALLINGER obtained the floor.

Mr. CLAY. Mr. President——

Mr. GALLINGER. I yield to the Senator from Georgia to submit an amendment.

Mr. CLAY. Mr. President, my colleague [Mr. BACON] has been called away from the city to attend the funeral of the late distinguished Senator from Maryland, Mr. Whyte. Previous to the time he left he sent to the desk, and I believe had read, an amendment. I have been requested, in his absence, to offer the amendment as his amendment, and I ask its adoption. I send the amendment to the Secretary's desk and ask that it be read.

The VICE-PRESIDENT. The junior Senator from Georgia [Mr. CLAY] presents on behalf of the senior Senator from Georgia [Mr. BACON] a proposed amendment, which will be read by the Secretary.

The SECRETARY. It is proposed to add as a new section the following:

If no contract is made under the provisions of this act for a line of ships between a port on the Atlantic coast south of Cape Charles and South American ports, it shall be the duty of the Postmaster-General to require that at least one of the lines of ships between ports north of Cape Charles and South American ports shall, upon each outward and homeward voyage, touch at two ports on the Atlantic coast south of Cape Charles, regard being had in the selection of such ports to geographical location and to the volume of the export and import business of the ports so selected.

The VICE-PRESIDENT. The question is on agreeing to the amendment which has just been stated.

Mr. GALLINGER. Mr. President, I offer a substitute for that amendment, which I think will be acceptable to Senators who have been in favor of the amendment which has just been read.

The VICE-PRESIDENT. The Senator from New Hampshire proposes a substitute for the amendment which has just been read, which will now be stated by the Secretary for the information of the Senate.

The SECRETARY. It is proposed to add at the end of the bill the following:

Provided, That if no contract is made under the provisions of this act for a line of ships between a port on the Atlantic coast south of Cape Charles and South American ports, the Postmaster-General shall, provided two or more lines are established from North Atlantic ports, require that one of said lines shall, upon each outward and homeward voyage, touch at at least two ports on the Atlantic coast south of Cape Charles, regard being had in the selection of such ports of call to geographical location and to the volume of the export and import business of the ports so selected.

Mr. CLAY. Mr. President, I do not know the views of my colleague [Mr. BACON] in regard to the proposed substitute. I do not know whether he would be satisfied with it or not. I have not heard him express himself about it, and I presume the amendment has been prepared since he left the city.

Mr. GALLINGER. I will say to the Senator, Mr. President, that the proposed substitute substantially covers the provisions of the amendment of the Senator from Georgia, except that under the amendment submitted by him if only one line should be established on the North Atlantic, it would be required to touch at these Southern ports, while the substitute provides that, if two or more lines should be established, one of those lines should so touch. I feel sure that, if the Senator from Georgia were present, he would agree to the substitute.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from New Hampshire [Mr. GALLINGER] to the amendment of the Senator from Georgia [Mr. BACON].

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SIMMONS. Mr. President, I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The Senator from North Carolina proposes an amendment, which will be stated.

The SECRETARY. After the amendment just adopted it is proposed to add the following:

Provided further, That the total expenditure for foreign mail service in any one year shall not exceed the estimated revenue therefrom for that year.

Mr. GALLINGER. There is no objection to that amendment, and I hope it will be agreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from North Carolina.

The amendment was agreed to.

Mr. HALE. Mr. President, the Senator from Massachusetts [Mr. LODGE] has been called away from Washington and has asked me to present for him an amendment, to which I think there will be no objection.

The VICE-PRESIDENT. The Senator from Maine, on behalf of the senior Senator from Massachusetts [Mr. LODGE], proposes an amendment, which will be stated.

The SECRETARY. In line 11, after the word "act," it is proposed to insert:

And vessels of the third class on said routes at a rate per mile not exceeding the rate applicable to vessels of the second class as provided in said act.

Mr. GALLINGER. That amendment will precede the amendments that have just been agreed to, Mr. President. There is no objection to it.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Maine [Mr. HALE] in behalf of the Senator from Massachusetts [Mr. LODGE].

The amendment was agreed to.

The VICE-PRESIDENT. The question now is on the amendment proposed by the Senator from Nevada [Mr. NEWLANDS], which has already been read.

The amendment was rejected.

Mr. CLAY. Mr. President, I offer the amendment which I send to the Secretary's desk, and I desire to make a short statement in regard to it.

The VICE-PRESIDENT. The amendment proposed by the Senator from Georgia will be stated.

The SECRETARY. It is proposed to add as a new section the following:

SEC. 2. That the interstate-commerce character of all shipments of intoxicating liquors, including ale, wine, and beer, from one State or Territory into another State or Territory, shall terminate immediately upon their arrival within the boundary of the State or Territory in which the place of destination is situated, and before the delivery of said liquors to the consignee; and said liquors and all corporations and persons engaged in such shipment shall then become subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers to the same extent and in the same manner as though such liquors had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise: *Provided*, That shipments of such liquors entirely through a State or Territory, and not intended for delivery therein, shall not be subject to the provisions of this act, nor shall this act authorize the infringement of the right of common carriers to continue to transport such merchandise from without such State to a station therein. That in all such shipments to be paid for on delivery, commonly called "C. O. D." shipments, the sale shall be held to be made at the place of destination, or where the money is paid or the goods delivered.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. GALLINGER. Mr. President, before the vote is taken, I want to state to the Senator from Georgia that I shall very cordially cooperate with him to secure the desired legislation he has in view, and I am informed that a report will speedily be made from the committee having this matter in charge, so that we shall have an opportunity in the near future to vote on it. I hope the Senator will not press the amendment.

Mr. CLAY. Mr. President, I will consume but a minute of the time of the Senate. I have never done so in a useless way.

I believe this to be very important legislation. Whether it is constitutional legislation, I concede is not a settled question. The Wilson Act provided that, when whisky or liquors were shipped into a State, on arrival the State should have jurisdiction to regulate and control it. In construing the act of Congress, the Supreme Court held that the words "arrival in a State" meant after delivery to the consignee. The court, in passing upon the question, said that Congress simply provided that on arriving within a State the State should have jurisdiction to regulate and control it, but did not say "before delivery to the consignee;" and if Congress had intended to say "before delivery to the consignee," Congress would have so said. All that this amendment proposes is simply to give the States that have voted for prohibition jurisdiction to regulate the shipment of liquor into their borders and control it after it is delivered by the express company to the agent and before delivery to the consignee.

Mr. President, the Senate has been tardy to some extent in regard to this legislation. I will say at first I had some fear in regard to this legislation being in order, but I want to call the attention of the Senator in charge of the bill and the attention of the Senate to the third clause of Rule XVI, which reads as follows:

3. No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto.

In my judgment that clearly means an appropriation bill. I do not think there is any doubt that under the rules of this Senate you can offer to a bill other than an appropriation bill another bill upon an entirely different subject. In fact, my attention has been called to a private pension bill, increasing a pension from ten to twelve dollars a month, on which was ingrafted a bill relating to the public lands containing fourteen sections. I have also before me eight appropriation bills which were submitted to the Senate containing legislation of a general nature and general character. I have found half a dozen instances where a bill entirely different from the bill that was pending has been enacted into law as an amendment. I am clear in my mind, therefore, that that rule would not apply.

Just a word more. As the Senator from New Hampshire has said, I have been assured that the subcommittee of the Judiciary Committee has had this question under consideration for several weeks. I understand a minority report has been filed in favor of this measure and a majority report against it. I am also informed that the Committee on the Judiciary will meet on Monday next, when it will take up this question, decide it, and present it to the Senate either favorably or adversely.

Mr. President, what I want is the direct question brought before the Senate. If a bill on this subject is reported to the Senate adversely, it goes to the Calendar, and we can disagree to that report if a majority of the Senate shall be favorable to that course. It would be manifestly unjust to the people of the United States, or to the people of those States that have adopted prohibition, to prevent this question coming before the Senate.

Mr. CLARK of Wyoming. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Wyoming?

Mr. CLAY. Certainly; with pleasure.

Mr. CLARK of Wyoming. I desire to say to the Senator from Georgia that the Judiciary Committee has been actively engaged upon this very question. Half a dozen different bills from half a dozen different sources—one, I believe, introduced by the Senator himself, one by his colleague [Mr. BACON], and three or four or five others—have been pending before that committee for something like six weeks. During all of my service on that committee, which now covers a period of some ten or twelve years, I have never known a question to be taken up so promptly, and so thoroughly, conscientiously, and energetically gone into as has been done by the subcommittee of which the Senator from Pennsylvania [Mr. KNOX] is the chairman.

Mr. CLAY. Mr. President——

Mr. CLARK of Wyoming. One moment. The desire has been to bring that matter speedily before this House, and it will be done in the very near future. I am not prepared to say that it will be on Monday next. It is not a question that can be disposed of in one day, but there are now in print—and I think such a thing has never been heretofore done in the history of legislation, before that committee at least—the individual views of every single member of the subcommittee for presentation to the general committee.

I hope the Senator will not try to give the impression that the Judiciary Committee has been derelict in its duty or that it seeks to evade the responsibility which attaches to any committee to bring legislation promptly before the Senate.

Mr. CLAY. I have not tried to create that impression, but frankness compels me to say to the Senator from Wyoming that in 1903 a similar bill to the amendment which I have offered to this measure passed the House of Representatives practically without any opposition. That bill, commonly called the Hepburn-Dolliver bill, was referred to the Committee on Interstate Commerce, and it has slept there for a period of nearly six years. In 1906 a bill similar in character to the amendment we are now considering was referred to the Judiciary Committee. It has been there ever since.

Mr. CLARK of Wyoming. I should like to ask the Senator from Georgia a question.

Mr. CLAY. Certainly.

Mr. CLARK of Wyoming. Would he like the Judiciary Committee of the Sixtieth Congress to take action and report on a bill introduced and referred to the committee in 1906? My attention was attracted by what the Senator said about a bill which was not introduced in the present Congress, and is not before the Committee on the Judiciary of this Congress.

Mr. CLAY. I did not catch what the Senator said. Somebody was talking near me.

Mr. CLARK of Wyoming. The Senator cited the fact that a bill had been referred to the Judiciary Committee in 1906.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Maine?

Mr. CLARK of Wyoming. Certainly.

Mr. HALE. I think the impression which the Senate has from the remarks of the chairman of the Judiciary Committee is that the committee will not be precipitate in its action on this matter.

Mr. CLARK of Wyoming. The committee will be as prompt as the proper consideration of the question requires and will allow.

Mr. CLAY. That is all I ask. It is all I seek. State after State has voted in favor of prohibition, and if Congress is empowered to give the States the right to exercise the police powers to control the whisky after it arrives in those States, it is the duty of the Congress to do so.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Rhode Island?

Mr. CLAY. Certainly.

Mr. ALDRICH. The Senator from Georgia made a statement about the Committee on Interstate Commerce. I did not understand what it was.

Mr. CLAY. I said that the Hepburn-Dolliver bill, according to my recollection, went to the Interstate Commerce Committee in 1903.

Mr. ALDRICH. The Senator does not suppose that that bill is still before the committee, I take it?

Mr. CLAY. I do not. I understand the rules of the House and of the Senate, also, although I have not been here so long as the Senator from Rhode Island, and may never be. It shows that the American people have been knocking at the doors of Congress for six or seven years for this class of legislation. I maintain that when my State votes in favor of prohibition, when Maine votes in favor of prohibition, when Iowa, Indiana, or any other State in the Union does so, and the people of those States reach the conclusion that they want to prohibit the shipment of liquor into those States, so far as we can protect them it is our duty to do so.

I believe the time is coming when the barroom will be closed in the United States. I am not prepared to say we will have absolute prohibition. I am here simply to carry out the wishes and the instructions of the legislature of my State and to ask Congress to give us the police power which we want to exercise in controlling the shipment of liquors after they arrive in the State and before delivery to the consignee.

Mr. TELLER. Mr. President, this is a very important legal question. For myself, I do not believe Congress can increase the police power of the State any more than I believe it can take away from it, and but for a decision of the Supreme Court I should say that it was doubtful whether this legislation could be enacted properly. But there is a decision of the court which I think indicates that the court might support this kind of legislation. I am very much in favor of it if it is a sound legal proposition.

I understand when the Judiciary Committee reports we shall get some ideas of what at least the members of that committee think the law is. So far as my inclination goes, it is to support this proposition of the Senator from Georgia, and I believe there is a decision of the court which would indicate that we have the power so to do, although, if I should express my opinion about the proposed law, I should think it was very doubtful.

Mr. CLAY. Mr. President, I am very much in earnest about this legislation, because the immediate people whom I have the honor in part to represent are anxious to see it passed. I believe it to be right. I believe it to be proper. You never will know whether or not it can be done constitutionally until the question is passed upon by our Supreme Court. I am not here to appeal to passion and prejudice. I have never done it on the floor of the Senate at any time. I concede that you never will know what the law on this question is until the direct question shall go to our Supreme Court. But when the people, some of the best people in the Republic, are clamoring for this legislation—and the court has intimated that Congress did not do it, but if Congress had desired to say so, Congress would have said so—I say, then, that the direct question ought to be put to the Supreme Court and let them pass upon it. We may sit here for a dozen years, and we may not legislate, and we will never know what can be done. Many great questions have been involved in doubt. Even the constitutionality of the legal tender of greenbacks was involved in doubt, and it was decided both ways by the court.

Mr. FULTON. The Senator from Georgia says that the Supreme Court in one decision has intimated——

Mr. CLAY. I probably went too far.

Mr. FULTON. I was going to ask the Senator to what decision he referred.

Mr. CLAY. I refer to the Iowa case.

Mr. FULTON. I am a member of the subcommittee of the Committee on the Judiciary, and I have been looking up that question very thoroughly——

Mr. CLAY. I have a brief on it.

Mr. FULTON (continuing). Very earnestly desiring to discover something said by the Supreme Court that would sustain such an enactment.

Mr. CLAY. Here is what the Supreme Court held——

Mr. FULTON. Before the Senator answers, I wish to say a word.

Mr. CLAY. Certainly.

Mr. FULTON. I simply want to call the Senator's attention to a fact in connection with his statement that Congress should enable the State to close the saloons. Congress has already removed the impediment that existed under the interstate commerce clause as construed by the Supreme Court to the execution of laws of the States against the sale of liquor. There was a time when it was held, in fact, so far as that is concerned, in the absence of Congressional legislation it is the law to-day, that liquor could not be prohibited from sale by the States when sold in the original packages. Congress removed that impediment.

Now, then, when the Senator proposes that Congress shall go further back and give to the States the power to arrest the liquor while it is in interstate transportation and actual transit, I suggest to the Senator, unless he has investigated the question very carefully, he will find it is beset with far more difficulties than the original-package proposition.

Mr. CLAY. I have investigated it, and I contend that when liquors are shipped from a wet into a dry State, and arrive by express and are delivered to the agent, and are no longer in transportation, the States can be given jurisdiction to control it.

Mr. FULTON. When delivered.

Mr. CLAY. That is the question.

Mr. FULTON. Let me call his attention to the fact that the Senator's proposition is immediately on arrival and before delivery. That is an entirely different proposition.

Mr. CLAY. The Wilson law, to which you refer, provided on arrival within the State, the State should have jurisdiction, and the Supreme Court construed on "arrival" meant after delivery to the consignee; and all that this amendment proposes to do is simply to provide before delivery to the consignee. When the liquor is in transportation it presents one question. But after it is delivered to the depot agent, and no longer in transportation, another question is presented. But I do not want, at this late hour in the evening, to discuss the legal phases of this case. I have here a brief of eight or ten authorities. I could consume a couple of hours in doing so.

Mr. President, the Senator in charge of this bill is a friend of this legislation. He has introduced a bill exactly on the same line, and is pressing it. If I can do it, I intend that there shall be a vote on this proposed legislation at an early day. I had much rather see this legislation come in the regular way from a committee, either favorably or adversely reported, and of course preferably favorably. I know, whether it be favorably or adversely reported, if it goes on the Calendar we can secure a vote. If a majority of the Senate is against this legislation, I am willing to bow, for it is my duty to do so. But I do not believe we should arrest a great moral movement for the improvement of the human race without due and careful consideration.

Now, inasmuch as I have been informed that the subcommittee has filed its report in writing, two in favor of the constitutionality of the proposed law and three against it, inasmuch as I am informed that these reports are now being printed—and if I am not correctly informed I shall be glad to know it——

Mr. FULTON. The Senator is correct.

Mr. CLAY. And that these reports will be in print and before the Judiciary Committee next Monday——

Mr. CLARK of Wyoming. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Wyoming?

Mr. CLAY. Certainly.

Mr. CLARK of Wyoming. The Judiciary Committee, through its chairman, here and now declines to say what business will come before the committee on next Monday. I can simply say to the Senator, as I assured him before, that this bill and kindred bills are receiving particular consideration by that committee, and it will report as rapidly as it can consistent with due deliberation.

The Senator has informed us that he has prepared a brief upon the legal phases of the proposition. I will say that the Judiciary Committee extends to him now, as it did three or four weeks ago, and as it did to other members of this body, an invitation to give that committee all the light they can upon this very important question.

Mr. CLAY. I have been informed, I will say to the Senator, the chairman of the committee, that the subcommittee has been hearing the constitutional question discussed probably for six weeks or two months. I have been informed that it has been an able discussion on both sides. I have been informed by a member of the subcommittee of the reports which have been filed and which are in writing, and that they were pressing in every way they could.

I would press this amendment this evening, but I have been asked not to do it for the reason that Senators say they want to see the written reports made by the subcommittee, and for the further reason that they want a week or ten days' notice when the question is going to be discussed. The Senator from New Hampshire is a friend of this measure, and he has especially asked me not to press it at this time and on this bill. I intend, at the proper time, to offer it to other legislation, either local or general bills, and to ask a vote on it, and in doing so I believe I shall simply carry out the instructions of the

legislature of my State and the wishes of the people of my State. I am through, Mr. President.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Georgia [Mr. CLAY].

Mr. CLAY. I will not press the amendment.

The VICE-PRESIDENT. The Senator from Georgia withdraws the amendment.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 33 minutes p. m.) the Senate adjourned until to-morrow, Saturday, March 21, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 20, 1908.

APPRAISER OF MERCHANDISE.

William J. Beyer, of New York, to be appraiser of merchandise in the district of Buffalo Creek, in the State of New York, in place of Henry S. Hill, resigned.

INDIAN AGENT.

James Sanders, of Great Falls, Mont., to be agent for the Indians of the Blackfeet Agency in Montana, vice Capt. Jeremiah Z. Dare, United States Army, retired, resigned.

POSTMASTERS.

CALIFORNIA.

James F. Colley to be postmaster at Nevada City, Nevada County, Cal., in place of Leonard S. Calkins, resigned.

F. C. Hemenway to be postmaster at Winters, Yolo County, Cal., in place of Frank H. Owen, resigned.

Cecelia G. Van Arsdale to be postmaster at Elmhurst, Alameda County, Cal. Office became Presidential July 1, 1907. (Postmaster resigned.)

COLORADO.

Charles D. Pickett to be postmaster at Wray, Yuma County, Colo., in place of Charles D. Pickett. Incumbent's commission expires April 19, 1908.

ILLINOIS.

William E. Cummings to be postmaster at Highwood, Lake County, Ill., in place of William E. Cummings. Incumbent's commission expired December 17, 1907.

Albert D. Housley to be postmaster at Stonington, Christian County, Ill. Office became Presidential January 1, 1908.

Thomas S. Levis to be postmaster at Grant Works, Cook County, Ill. Office became Presidential October 1, 1907.

INDIANA.

Adam G. Ritz to be postmaster at Crothersville, Jackson County, Ind. Office became Presidential January 1, 1908.

IOWA.

Alma G. Ott to be postmaster at Riverside, Washington County, Iowa. Office became Presidential January 1, 1908.

Henry T. Swope to be postmaster at Clearfield, Taylor County, Iowa, in place of Henry T. Swope. Incumbent's commission expired January 29, 1907.

S. L. Thompson to be postmaster at Corwith, Hancock County, Iowa, in place of Wellington H. Gowdy. Incumbent's commission expired January 18, 1908.

KANSAS.

June B. Smith to be postmaster at Cottonwood Falls, Chase County, Kans., in place of June B. Smith. Incumbent's commission expired January 29, 1908.

KENTUCKY.

John H. Meyer to be postmaster at Newport, Campbell County, Ky., in place of John H. Meyer. Incumbent's commission expired January 13, 1906.

MAINE.

Walter H. Downs to be postmaster at South Berwick, York County, Me., in place of Walter H. Downs. Incumbent's commission expired February 4, 1907.

MASSACHUSETTS.

Henry E. Clough to be postmaster at South Acton, Middlesex County, Mass. Office became Presidential October 1, 1907.

MICHIGAN.

Leonard E. Morse to be postmaster at Lyons, Ionia County, Mich. Office became Presidential January 1, 1907.

Byron S. Watson to be postmaster at Breckenridge, Gratiot County, Mich. Office became Presidential January 1, 1908.

MINNESOTA.

Ludwig J. Andrews to be postmaster at Lindstrom, Chisago County, Minn. Office became Presidential October 1, 1907.

MISSOURI.

Marvin E. Gorman to be postmaster at Mansfield, Wright County, Mo. Office became Presidential January 1, 1908.

Martin L. Howard to be postmaster at Republic, Greene County, Mo., in place of Walter A. Coon, resigned.

Jennie A. Mahan to be postmaster at Knobnoster, Johnson County, Mo. Office became Presidential January 1, 1908.

MONTANA.

Oscar H. Davey to be postmaster at Whitehall, Jefferson County, Mont. Office became Presidential January 1, 1908.

NEBRASKA.

Joseph G. Alden to be postmaster at Aurora, Hamilton County, Nebr., in place of Joseph G. Alden. Incumbent's commission expires April 8, 1908.

NEW JERSEY.

Maurice B. Comfort, to be postmaster at Moorestown, Burlington County, N. J., in place of Evan F. Benners. Incumbent's commission expired January 18, 1908.

PENNSYLVANIA.

Martin B. Allen to be postmaster at Honesdale, Wayne County, Pa., in place of Martin B. Allen. Incumbent's commission expires April 19, 1908.

Charles S. Madeira to be postmaster at Fleetwood, Berks County, Pa., in place of Joel M. Hoch, deceased.

TEXAS.

Michael A. Rickard to be postmaster at Mount Pleasant, Titus County, Tex., in place of John S. Edmundson, failed to qualify.

WITHDRAWAL.

Executive nomination withdrawn from the Senate March 20, 1908.

Ephraim F. Haynie to be postmaster at Blue Mountain, in the State of Mississippi.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 20, 1908.

POSTMASTERS.

ILLINOIS.

Daniel McArthur to be postmaster at Glencoe, Cook County, Ill.

LOUISIANA.

Joseph R. Domengeaux to be postmaster at La Fayette, La Fayette Parish, La.

MAINE.

Harry P. Jameson to be postmaster at Cornish, York County, Me.

MINNESOTA.

Amy R. Walker to be postmaster at Alden, Freeborn County, Minn.

Fred E. Wheeler to be postmaster at Appleton, Swift County, Minn.

MISSISSIPPI.

William H. Gardner to be postmaster at Magee, Simpson County, Miss.

MISSOURI.

Charles L. Harris to be postmaster at Harrisonville, Cass County, Mo.

Martin L. Howard to be postmaster at Republic, Greene County, Mo.

George H. Kunkel to be postmaster at Mexico, Audrain County, Mo.

Robert E. Ward to be postmaster at Liberty, Clay County, Mo.

NEW YORK.

William H. De Mott to be postmaster at Woodmere, Nassau County, N. Y.

NORTH CAROLINA.

Walter C. Brinson to be postmaster at Belhaven, Beaufort County, N. C.

J. Sanford Patterson to be postmaster at Spray, Rockingham County, N. C.

OKLAHOMA.

Charles D. Campbell to be postmaster at Apache, Caddo County, Okla.

RHODE ISLAND.

John A. Allen to be postmaster at Peace Dale, Washington County, R. I.

TEXAS.

William J. Miller to be postmaster at Hallettsville, Lavaca County, Tex.

VERMONT.

Herbert E. Taylor to be postmaster at Brattleboro, Windham County, Vt.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March 20, 1908.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

COMMITTEE ASSIGNMENT.

The Speaker announced the assignment of Mr. ROTHERMEL to the Committee on the Merchant Marine and Fisheries.

BUREAU OF CORPORATIONS.

Mr. MANN. Mr. Speaker, I present the following privileged report.

The Clerk read as follows:

House resolution 302.

Resolved, That the President of the United States be requested, if not incompatible with the public interests, to communicate to the House all such information and data in reference to the organization, conduct, and management of all corporations, joint stock companies, or corporate combinations engaged in commerce among the several States and with foreign nations as may have been reported to the President by the Commissioner of Corporations, Department of Commerce and Labor, under the provisions of the act of February 14, 1903, creating the Department of Commerce and Labor, that has not yet been made public by the President.

Mr. MANN. Mr. Speaker, I am directed by the Committee on Interstate and Foreign Commerce to report the resolution back with a recommendation that it lie on the table; but I withhold the motion for the present and yield twenty minutes to the gentleman from Georgia [Mr. HARDWICK].

Mr. HARDWICK. Mr. Speaker, the resolution reported by the gentleman from Illinois [Mr. MANN] from the Committee on Interstate and Foreign Commerce with the recommendation that it lie on the table is an important resolution. I think it due to the House and to the country that an explanation be made——

Mr. CRUMPACKER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. CRUMPACKER. What is the question before the House?

The SPEAKER. The gentleman from Illinois presents a privileged report from the Committee on Interstate and Foreign Commerce, and gives notice that in pursuance of instructions of that committee he will move to lay the same upon the table, but withholds the motion temporarily, and yields twenty minutes of time to the gentleman from Georgia [Mr. HARDWICK].

Mr. HARDWICK. Mr. Speaker, under the act of February 14, 1903, creating the Department of Commerce and Labor, some of the most remarkable provisions of law are to be found that can be found anywhere in our statute books. They are absolutely without precedent and without parallel, and I hope will never be repeated in any other law. Now, that act provides among other things for the creation of the Bureau of Corporations, and it provides:

That the Commissioner of the Bureau of Corporations, under the direction and control of the Secretary of Commerce and Labor, shall make diligent investigation into the organization, conduct, and management of the business of any corporation, joint stock company, or corporate organization engaged in commerce among the several States and foreign nations, except common carriers subject to the act to regulate commerce approved February 4, 1887, and to gather such information and data as will enable the President of the United States to make recommendations to Congress for legislation for the regulation of such commerce and to report said data to the President from time to time as he shall require, and that the information so obtained or as much thereof as the President shall direct shall be made public.

Well, now, in order to accomplish the purpose of this part of the section the most comprehensive and liberal power is conferred upon the Bureau of Corporations. It is given all the power over this class of corporations that is conferred upon the Interstate Commerce Commission over corporations that come within its jurisdiction. It is given the power to compel the production of books and papers, the attendance and giving of testimony by witnesses. It has every power that will enable it to go to the bottom of the operations of all corporations engaged in interstate commerce.

Now, Mr. Speaker, the act to which I refer, creating this Bureau, also has at the end of the section to which I have just alluded the following general provision of law:

It shall also be the province and duty of said Bureau, under the direction of the Secretary of Commerce and Labor, to gather, compile, publish, and supply useful information concerning corporations doing business within the limits of the United States as shall engage in interstate commerce or in commerce between the United States and any foreign country, including corporations engaged in insurance, and to attend to such other duties as may be hereafter provided by law.

You notice that that provision that is made for information for the benefit of the public is in the most general, vague, and indefinite terms. It is merely described as "useful information."

When the authority was conferred on this Bureau to gather information and data, described with minute particularity, for the use of the President, ample power in every respect and every opportunity were conferred on the Bureau to enable it to carry out that power and to enable it to exercise that authority. But when, at the conclusion of the paragraph, provision was made for information for the use of the public it was not only indefinitely and vaguely described, but absolutely no power was conferred upon the Bureau in order to execute that power, and no machinery was provided for that purpose.

Now, Mr. Speaker, just exactly what we might have expected to happen under remarkable provisions of law like these has happened. The Bureau of Corporations has been in existence for five years. It has already spent, in round numbers, a million dollars of the public money, more than $600,000 of which we have appropriated for the express purpose of gathering this information. Now, what has happened? How much of it has been made public? A monograph on the beef trust, a report on the rebates of the Chicago and Alton Railroad Company given to the Standard Oil Company, and a petroleum report, issued not very long ago by direction, as I understand it, of the President of the United States. Nothing else has been made public, although $600,000 of the public money has been spent to gather this information. And when Members of Congress have appealed to this Bureau for information, so that they might have the opportunity of trying to understand how to frame legislation on these subjects, they have been met with the statement that the information that the Bureau has collected was not collected for the use of Congress, was not collected for the information of the public, but was collected for the sole and exclusive purpose of enabling the President of the United States to recommend legislation to Congress. I had some correspondence during the present Congress with the Commissioner of Corporations on this very subject. I asked him for certain information about certain classes of corporations that fell under the jurisdiction of his Bureau under the law to which I have referred. I wish to submit that correspondence to the House and to the country. It is as follows:

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
Washington, D. C., February 24, 1908.

The COMMISSIONER OF CORPORATIONS,
Department of Commerce and Labor, Washington, D. C.

SIR: The act creating the Department of Commerce and Labor (act of Feb. 14, 1903) provides:

"It shall also be the duty and province of said Bureau (referring to the Bureau of Corporations), under the direction of the Secretary of Commerce and Labor, to gather, compile, publish, and supply useful information concerning such corporations doing business within the limits of the United States as shall engage in interstate commerce," etc.

I want to inquire whether your Bureau, acting under the above provisions of law, or under any other provision of law, has "gathered, compiled, and published," or can "supply" the following "useful information concerning corporations doing business within the limits of the United States and engaged in interstate commerce?"

(1) The capital stock and bonds authorized and actually issued, with the amount of dividends and interest actually paid on the same, of all such corporations as produce or control as much as 50 per cent of the total production in the United States of any article of commerce.

(2) The actual value of the property of such corporations as are described above.

(3) The average prices charged for the products produced by such corporations for each year, beginning with and including the year 1896, and up to and including 1907.

(4) The average price charged for similar products in the principal foreign countries for each year from 1896 to 1907, inclusive.

(5) The total value of the products of all such corporations, with the percentage that the same constitutes of the total value of similar products in the United States.

(6) Any information as to corporations doing business in this country and engaged in interstate commerce of the character suggested in the five preceding paragraphs, whether such corporations produce or control more or less than 50 per cent of the product of similar articles in the United States.

(7) Any information whatever about "industrial combinations" along the same or similar lines as those pursued by the Census Bureau in its bulletin of December 30, 1901 (Bull. No. 122), entitled "Industrial Combinations."

In your reply hereto please state affirmatively or negatively whether you can "supply information" of the character described in each of the seven paragraphs, separately, and if you can supply the information called for in each or any of them, please refer me to the report, if one has been published.

Hoping that I may have an early reply, and thanking you in advance for your courtesy, I am,

Very respectfully,

THOS. W. HARDWICK.

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF CORPORATIONS,
Washington, February 25, 1908.

MY DEAR CONGRESSMAN: Your letter of the 24th instant was received, desiring to know whether this Bureau has published certain information. I think the best way of answering your question is to state exactly what the Bureau has published in that line, which is as follows:

"Reply to the Allegations of the Standard Oil Company, which deals with the statements made by that company in relation to the so-called 'Alton rebate case.'

"Annual Reports for 1904, 1905, 1906, and 1907.

"Report on the Petroleum Industry, Part I, being the 'Position of the Standard Oil Company in the Industry.'

"Report on the Transportation of Petroleum, being the report which set forth the railway discriminations and concessions enjoyed by the Standard Oil Company over large sections of the country, upon which substantially all the prosecutions of that company have since been based.

"Report on the Petroleum Industry, Part II, being 'Prices and Profits.'"

The names of all Congressmen are on our mailing list, and copies of all reports as they come out have been sent to every Congressman holding office at that time, so that I think that you should have received copies of all these reports. I mention this distribution to Congressmen because the editions of these reports are limited by law to a very small number, to wit, 2,500, and most of them have been nearly exhausted. The edition of the last-mentioned report, Part II of the Report on the Petroleum Industry, is completely exhausted, except what I need for office use.

If, however, any of these reports strike you as what you desire and you do not find such reports in your files and will let me know, I will be glad to send you copies so far as I may have them for distribution.

Very respectfully,

HERBERT KNOX SMITH,
Commissioner.

Hon. THOMAS W. HARDWICK,
House of Representatives, Washington, D. C.

HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., February 27, 1907.

The COMMISSIONER OF CORPORATIONS,
Department of Commerce and Labor, Washington, D. C.

SIR: I have your letter of 25th instant in reply to mine of 24th instant. If I understand your letter, you advise me that your Bureau has not "gathered, compiled, and published," and can not now "supply" any information of the character described in my letter of 24th instant, except the reports with reference to the petroleum industry, to which you make reference. Please advise me plainly whether I am correct about that or not.

I suppose I have received your annual reports, but I can not now lay my hands upon them, so I will be greatly obliged to you if you will send me copies of your annual reports for 1904, 1905, 1906, and 1907.

Awaiting your reply, and thanking you for your courtesy, I am,

Very, respectfully,

THOS. W. HARDWICK.

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF CORPORATIONS,
Washington, March 2, 1908.

MY DEAR CONGRESSMAN: Replying to your letter of the 27th ultimo, let me say that you are correct in understanding that this Bureau has not "published" any information of the character described in your letter of the 24th ultimo, except the reports which I named in my letter of the 25th ultimo, which, if you will notice, covered not only the petroleum, but also the beef industry.

It would not be correct to say, however, that this Bureau has not "gathered or compiled" any other information, for it has on hand now investigations of a number of subjects—steel industry, lumber, cotton exchanges, International Harvester Company, tobacco industry, waterways, and one or two others, in all of which lines it has gathered a large amount of information. This information, however, is strictly confidential under the terms of the act which created the Bureau, by virtue of which I am allowed only to report this information to the President, who can then make public so much thereof as he chooses. So that the information of the Bureau is available generally only in the shape of its regular reports.

As you request, I am sending you, under separate cover, copies of my annual reports for 1904, 1905, 1906, and 1907.

Very respectfully,

HERBERT KNOX SMITH,
Commissioner.

Hon. THOMAS W. HARDWICK,
House of Representatives, Washington, D. C.

See annual report 1907, page 4.

Now, Mr. Speaker, and gentlemen of the House, what sort of a situation have we here under this remarkable law to which I have referred? We have Congress in the attitude of spending the people's money for information which it trusts to the President of the United States, and to him alone; which it will neither give to the public nor trust itself with, and it appears from this correspondence that the President has not trusted the public with all of it. He has issued a monograph on the beef trust, a report on the petroleum industry, and nothing besides that except the report in the Chicago and Alton rebate case. In the last five years we have spent a million dollars in support of this Bureau; $600,000 for the express and direct purpose of gathering this information, and yet there is no Member of Congress on either side, not even the Speaker himself, who would have the right, if the law is administered, to go there and find out what the facts are about any given line of industry, about any class of corporations engaged in interstate commerce, so that he would know, if he desired to know, how to frame legislation that met his views, whether it met the views of the President or not, on this important subject.

Mr. STEPHENS of Texas. I desire to ask the gentleman a question.

Mr. HARDWICK. Certainly.

Mr. STEPHENS of Texas. Is it not a fact that the President in one of his messages a few years ago recommended publicity as the best means of suppressing the trusts, and the only means that could suppress them?

Mr. HARDWICK. He did, and I want to say that this Bureau, in more than one of its annual reports, has said that general publicity was the remedy for these evils, the best remedy, the most beneficent and the most efficient remedy, and yet, under this law and under the operations of the Bureau of Corporations and of the President, we do not have the very publicity that the Bureau recommends and that the President so often extols.

And yet under the law and under the practice of the President, and under the practice of these Departments, and under the practice of this Bureau, the country has not, never has had, and, unless we take some action, never will have general publicity about this law. In what a ridiculous attitude this House and this Congress places itself! It deliberately says that we will by law spend the money of the people, the public money, for information to enable the President to tell us how to legislate about these trusts and industrial combinations, and we will fix the law so that we ourselves can not go there and find out exactly what has been discovered by that Bureau.

Mr. GARRETT. Will the gentleman yield for a question?

Mr. HARDWICK. Yes.

Mr. GARRETT. I did not quite catch the reading or the address of the letter which the gentleman read a few moments ago. Did it begin by "My dear Congressman" or "My dear Harriman?" [Laughter.]

Mr. HARDWICK. "My dear Congressman." There is no Harriman in this, at least.

Mr. HITCHCOCK. Will the gentleman yield to me for a question?

Mr. HARDWICK. Yes.

Mr. HITCHCOCK. Is it not possible that general publicity and general prosperity decamped at the same time? [Laughter.]

Mr. HARDWICK. I think the gentleman is correct about that.

Mr. CLAYTON. I would like to ask the gentleman from Georgia a question.

Mr. HARDWICK. Very well.

Mr. CLAYTON. Does not the gentleman concede that the Republican party in the last campaign derived very great benefit from the Bureau of Corporations, in that it is reported in the papers that Mr. Harriman gave up $250,000 of railroad money, and old Perkins gave up $50,000 belonging to the policy holders of the insurance companies, as a Republican campaign fund?

Mr. HARDWICK. I believe that has not been denied. Now I can not yield any further, because my time is limited.

What a ridiculous attitude Congress puts itself in before the people! We are not willing to trust ourselves with this information; the President must exercise his wise discretion about saying how much shall be published, how much shall not be published, although it was all paid for out of the Public Treasury, and we are all entitled to know it.

Mr. Speaker, what else can you expect from laws of this kind except Executive legislation? Here is the ammunition chest from which the President gets his shot and shell with which to load his 16-inch guns, but he gives it out to Congress and the people by driblets, to suit his own purpose and his own convenience and his own views and the expediency of his own party. [Applause on the Democratic side.]

No wonder, Mr. Speaker, that this House and Congress is called a "do-nothing House" and a "do-nothing Congress." We can not move until we get information from the White House, and if the White House does not choose to give us information we do not move at all. So that the report goes out all over this land to the people in all sections of the country and of all parties that while we have a strenuous President we have a do-nothing Congress, and he only gets what he forces out of us by a liberal use of the big stick.

No wonder they say, Mr. Speaker, that important legislation is no longer originated on Capitol Hill, but is originated and framed at the other end of the avenue, in the White House. Conference after conference is held there with people who are not members of this body and who are not elected representatives of the people—people who are summoned there by the President of the United States to advise and confer with him about these matters.

I hold in my hand an article from the Washington Post, dated March 13, 1908, and we see here where the President has had a conference on the subject of amending the Sherman antitrust law. They say that the representatives of the Administration were the President, Secretary of State Root, Attorney-General Bonaparte, Secretary of the Interior Garfield, and Commissioner of Corporations Smith. Of course they could not get along without the Commissioner of Corporations Smith, because he has the ammunition chest. Victor Morawetz, general solicitor of the Santa Fe Railroad, and F. L. Stetson, one of the counsel for J. P. Morgan & Co., New York bankers, were there in the interest of the railroads and industrial and financial combination. President Samuel Gompers, of the American Federation of Labor, was present for organized labor, and former Mayor Seth Low, of New York, represented the Civic Federation.

The result of all this is to be that we are to have, if we believe newspaper reports, legislation originated there; born at the other end of this Avenue, and brought to us by the gentleman from Iowa [Mr. HEPBURN], chairman of this Committee on Interstate and Foreign Commerce, and never originating at all in this House and sent by us there. I say it is ridiculous for us to spend the people's money to gather information for the President alone, Mr. Speaker, when we ought to have it ourselves, at first hand, and not at second hand; when we ought to have it in its entirety, and not by piecemeal or in driblets according to the will or opinion of any one man, whether he be the President of the United States or anybody else. [Applause on the Democratic side.] I say that it is time for the American Congress, for the American House of Representatives, to assert its own manhood, to assert its own rights, and to say to the President in respectful language, "We request you to let us have this information; do not hold any of it back; if there is going to be any classification of trusts into good trusts and bad trusts, let us have something to say about the classification and do not undertake to do it all yourself." I want to see the day return, Mr. Speaker, when it will be no longer necessary to have all legislation in Congress approved and commended before its passage at the other end of the Avenue. I want to see the time return when the House will resume its independence, will resume its rights, and will insist that all information collected at public expense shall be subject at all times to examination, I think, by all the public, and certainly by the representatives of the people. Now, if that is not a sound sentiment, if that is not right, then this resolution ought not to pass; then our friends on the other side of this aisle ought to table it, as they may do after this discussion is over, anyway; but if I am right in these principles I have been asserting, if I am right in these policies for which I have been contending, then it ought not to be tabled by any sort of vote, partisan or otherwise, but we ought to say to the President, "Let us have this information, and all of it."

Mr. Speaker, there are two objections that are made to this resolution to which I desire to make answer as briefly as I can. In the first place, it is suggested by gentlemen on the other side of this Chamber that this resolution will prove a perfect dragnet and will bring in a whole lot of information that would fill a great many large volumes and that will do us no good. I want to say in answer to that objection that if the information was valuable enough to pay $600,000 for it, if the information was valuable enough to put a whole department and bureau at work to collect it, I think we ought at least to look at it and decide for ourselves how much is superfluous and how much is not. Beside that, I want to say to the gentleman who will make this motion to table, that the law requires that the Commissioner of Corporations shall only report to the President such data and information as is necessary in order to enable the President to make recommendations to Congress for legislation. He will not report, he has not reported, he does not report, and he never will report, under this provision of law, unnecessary, superfluous, and useless information to the President, but he gives him the facts upon which he is to base his recommendations for legislation; and I say if we are ever going to have in this Chamber any initiative of our own, any independence of our own, any action of our own, that is not forced from the other end of the Avenue, it is time for us to begin to get a little information on our own hook without waiting for the President to be sending it to us as he pleases and withholding it when he pleases.

The SPEAKER. The time of the gentleman has expired.

Mr. HARDWICK. I ask the gentleman from Illinois to grant me five more minutes.

Mr. MANN. I yield five more minutes to the gentleman.

Mr. HARDWICK. One more proposition, Mr. Speaker. The gentleman says, or may say in concluding this debate, that there are certain reasons why all this information ought not to be made public, that business secrets are disclosed or may be disclosed that the general public ought not to know about, that the House itself ought not to know about.

I do not concede the soundness of any such argument as that. If in law and in morals the general public and the House ought not to know, and these secrets are of a character that ought not to be brought out and exposed to the light of day, then I say it is equally true and equally indisputable that the President himself ought not to force its disclosure by law, even for his own use. It is a poor rule that will not work both ways, and the President of the United States is no more entitled to a corner on information—he is no more entitled to exclusive possession of information which is to be used as a basis of legislation—than the House is entitled to such information, and we have no more right to keep information from the public or from the President than he has a right, morally speaking, to keep it from us. I am glad to say, Mr. Speaker, that when this remarkable law, which inaugurated this unique scheme of gathering and dispensing information, was passed by this House that this body was opposed to it, and I am informed by my friend the gentleman from Alabama [Mr. RICHARDSON] that he protested to the very end, both in this House and on the conference committee, against any such unfair, undemocratic, unrepublican, and un-American system of collecting information that we were not willing for the whole people to have. [Applause on the Democratic side.]

Mr. RICHARDSON. Mr. Speaker, if the gentleman will allow me, I will read the prediction I made about this very thing that he is discussing:

> I ask most solemnly, if anything is really contemplated by this substitute, why not require the President to turn over his information to his Attorney-General and require him to act at once? The cloven foot shows itself here. I appeal to the honest construction that any man will give to the ordinary English language—what does that mean, "As much thereof as the President may direct shall be made public?" He can suppress all data, every scintilla of information. He can hold it secret and stand pat and say and do nothing, and no law can move him. Is that publicity? Do you propose to put into the hands of one man the autocratic power to pass on the question that involves the great interests and welfare of all the people? What wonderful power do you place in one man's hands! It can be used in a most dangerous manner * * *. I say that this measure, with all due regard for the honesty, ingenuity, and ability of the conferees who framed and ratified it, is entitled to be characterized as a pretext and subterfuge; and if I do not characterize it as that, I will say, at least, that in my humble opinion it is but an echo and expression of the opinion of that great Republican, who has announced the Republican policy relative to all antilegislation to be to "stand pat," do nothing. This substitute comes up to the full measure of that policy.

Mr. HARDWICK. Mr. Speaker, I applaud the gentleman's position now, as I did then. He was right then, Mr. Speaker. There can not be any doubt about the fact that this resolution ought not to be tabled on the ground that this information is needed for the use of the Department of Justice and that to make it public might embarrass that Department in its prosecution of criminals or in civil suits. Why? Because the legislation says itself that this information shall be reported to the President for the sole and exclusive purpose of enabling him to "recommend the legislation to Congress."

The Department of Justice attends to the collection of evidence, and there is in one of these reports an expression from this Bureau of Corporations to the effect that where the work of the Department of Justice overlaps their work they do not interfere with each other at all. This information is intrusted to the President for the sole purpose of enabling him to "recommend legislation."

Now, gentlemen, in conclusion, I appeal to every gentleman in this House, without regard to party, without regard to partisan feeling or partisan lines, to throw aside both on this occasion and reassert the independence and manhood of the House of Representatives. The President has always been the advocate of "turning on the light." Now let us ask him to turn all the light on, and turn it all on at once. [Applause on the Democratic side.]

Mr. MANN. Mr. Speaker, the resolution offered by the gentleman from Georgia is, and I take it is intended to be, a reflection upon the honesty and the motives of the President of the United States. There can be no other excuse for the resolution at all except to have the House reflect upon the

President. The President has had no information given to him under the Bureau of Corporations act which he has kept from the public. He has received no information from the Bureau of Corporations which has not been made public. The only purpose of this resolution is to make it appear that the President is endeavoring to conceal information from the House and from the public. The Bureau of Corporations in the course of its existence has acquired a large amount of information which has not been made public. There is on file in the Bureau of Corporations to-day, I am informed by the Commissioner, perhaps a hundred thousand pages of information and data which have been collected in various ways and used for the purpose of making up the reports which have come from that Bureau. It must be remembered that the Bureau of Corporations has carried on a large number of investigations. Reports have already been made on the beef industry; on the transportation of petroleum, covering the rebate system of the Standard Oil Company; another report on the petroleum industry, part 1, being the position of the Standard Oil Company in the petroleum industry; another report on the petroleum industry, part 2, prices and profits in the petroleum industry; another report affecting the allegations of the Standard Oil Company in the matter of the rebate case. There are now being carried on in that Bureau a large number of investigations—further work on the petroleum industry, especially conditions in foreign countries; investigations relating to the iron and steel industry, the lumber industry; operations of the cotton exchanges, and their effect on prices; inland waterways and coastwise water carriers; investigations on patents held by Government employees on articles used by the Government, and also in regard to the International Harvester Company. These investigations are at different stages of completion and are going on contemporaneously. Does the gentleman desire the information collected by these investigations to be sent to the House before the investigations are completed? Is that what the gentleman is after? These reports have not yet been made to the President——

Mr. HARDWICK. Mr. Speaker——

Mr. MANN. I did not interrupt the gentleman.

Mr. HARDWICK. Very well.

Mr. MANN. Does the gentleman want the investigations which have not yet been completed, or is he complaining that the investigations that have been completed have not been made public? Does the gentleman assert that any reports made to the President on the beef industry or in regard to the petroleum industry by the Bureau of Corporations have not been made public by the President? If he does, then I deny it. The President has acted with the utmost good faith with Congress. He has given the information to the people, such as he has received. It is undoubtedly true that when the Bureau of Corporations was created and given the broad powers which it was given—powers beyond, so far as their enforcement is concerned, the powers of the Government; when it was given those powers it was with the understanding that there might often be a desire to obtain information, in order to make up reports giving general results, which might not and should not be given out to the public. There are many people and corporations in the country who would not be willing to make public their trade secrets, but which give to the Bureau of Corporations those trade secrets with the understanding that the specific information shall not be made public, but only used in making up the reports of general results. The same is true of the Bureau of the Census. The same system is followed by the Bureau of the Census. That was the policy of the Government and of Congress when it enacted the law creating the Bureau of Corporations.

Mr. WILLIAMS. Mr. Speaker——

Mr. MANN. I do not care to yield. Yesterday the gentleman from New York complained and criticised because the President acted without a law of Congress. To-day the gentleman from Georgia complains and criticises because the President acts according to the law of Congress. If the gentleman does not like the law providing for the Bureau of Corporations, let him introduce a bill, which he has not done, to change the law creating the Bureau of Corporations.

I believe it is a right law, and I claim the credit for having originated the idea of the Bureau of Corporations and putting that provision into the law creating the Department of Commerce and Labor. In its present form it was agreed to in conference and became the law. It has resulted in immeasurable good to the country. These investigations which have been carried on by the Bureau of Corporations under this law have done more good in giving to Congress the control and the effort to control the great corporations of the country and the great combinations of the country than all the laws ever written upon the statute books before that time. This law has resulted in the conviction of more people for violation of the antirebate law and the conviction for violations of the so-called "antitrust laws" than all of the other laws ever put upon the statute books. That law has resulted in so much good that all of the charges made on the left side of this aisle are unworthy when they attribute any base motives to the President. He has been the leader of this reform. He has been the man whom we have been proud to follow on both sides of the aisle in the effort to make governmental control supreme over these interstate organizations and corporations. I do not propose, if I can help it, in this House to cast any reflection upon his motives or his actions, as this resolution would do. I therefore move to lay the resolution upon the table.

The SPEAKER. The gentleman from Illinois [Mr. MANN] moves that the resolution do lie upon the table.

Mr. SULZER. Mr. Speaker, I would like to ask the gentleman to yield me five minutes on this very question.

Mr. HARDWICK. Mr. Speaker——

The SPEAKER. The motion is not debatable.

Mr. SULZER. Then I ask unanimous consent to speak on this resolution for five minutes.

Mr. MANN. I object.

Mr. HARDWICK. On the motion of the gentleman from Illinois [Mr. MANN] I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 151, nays 115, voting "present" 6, not voting 116, as follows:

YEAS—151.

Alexander, N. Y.	Diekema	Howell, Utah	Needham
Allen	Douglas	Howland	Nelson
Ames	Draper	Hubbard, Iowa	Norris
Andrus	Driscoll	Hubbard, W. Va.	Nye
Bannon	Durey	James, Addison D.	Olcott
Barclay	Dwight	Jones, Wash.	Overstreet
Bartholdt	Edwards, Ky.	Kahn	Parker, S. Dak.
Bates	Ellis, Mo.	Keifer	Parsons
Beale, Pa.	Ellis, Oreg.	Kennedy, Iowa	Payne
Bede	Englebright	Kennedy, Ohio	Pollard
Bonynge	Esch	Knowland	Pray
Boutell	Focht	Lafean	Reeder
Boyd	Foss	Langley	Reid
Bradley	Foulkrod	Laning	Roberts
Brick	French	Law	Rodenberg
Brownlow	Fuller	Lawrence	Scott
Burke	Gaines, W. Va.	Lindbergh	Smith, Cal.
Burleigh	Gillett	Longworth	Smith, Iowa
Butler	Graff	Loudenslager	Southwick
Calder	Graham	Lovering	Sperry
Calderhead	Greene	McCreary	Stafford
Campbell	Gronna	McGuire	Steenerson
Capron	Haggott	McKinlay, Cal.	Stevens, Minn.
Caulfield	Hale	McKinley, Ill.	Sturgiss
Cook, Colo.	Hall	McKinney	Sulloway
Cook, Pa.	Hamilton, Mich.	McLachlan, Cal.	Tawney
Cooper, Pa.	Harding	McLaughlin, Mich.	Taylor, Ohio
Cooper, Wis.	Haskins	McMorran	Thistlewood
Coudrey	Haugen	Madison	Tirrell
Cousins	Hawley	Malby	Townsend
Crumpacker	Hayes	Mann	Volstead
Currier	Henry, Conn.	Marshall	Vreeland
Cushman	Hepburn	Miller	Wanger
Dalzell	Higgins	Moon, Pa.	Washburn
Darragh	Hill, Conn.	Moore, Pa.	Wheeler
Davis, Minn.	Hinshaw	Morse	Wilson, Ill.
Dawson	Holliday	Mouser	Wood
Denby	Howell, N. J.	Murdock	

NAYS—115.

Adair	Davenport	Henry, Tex.	Pujo
Adamson	De Armond	Hill, Miss.	Rainey
Aiken	Denver	Hitchcock	Randell, Tex.
Alexander, Mo.	Dixon	Houston	Ransdell, La.
Ansberry	Edwards, Ga.	Howard	Rauch
Ashbrook	Ellerbe	Hull, Tenn.	Richardson
Bartlett, Ga.	Ferris	Humphreys, Miss.	Rothermel
Bartlett, Nev.	Finley	James, Ollie M.	Rucker
Beall, Tex.	Fitzgerald	Johnson, Ky.	Russell, Mo.
Bell, Ga.	Floyd	Kimball	Ryan
Booher	Foster, Ill.	Kipp	Sabath
Bowers	Fulton	Kitchin, Claude	Shackleford
Brodhead	Garner	Lamar, Fla.	Sheppard
Broussard	Gillespie	Lamb	Sherley
Burgess	Glass	Lassiter	Sims
Burleson	Godwin	Leake	Slayden
Burnett	Gordon	Lee	Small
Byrd	Goulden	Legare	Smith, Mo.
Candler	Granger	Lever	Smith, Tex.
Carlin	Gregg	Lewis	Sparkman
Carter	Griggs	Lloyd	Spight
Clark, Mo.	Hackney	McHenry	Stephens, Tex.
Clayton	Hamill	Maynard	Sulzer
Cockran	Hamilton, Iowa	Moore, Tex.	Thomas, N. C.
Cooper, Tex.	Hamlin	Murphy	Tou Velle
Cox, Ind.	Hammond	O'Connell	Watkins
Craig	Hardwick	Page	Webb
Cravens	Hardy	Patterson	Williams
Crawford	Harrison	Pou	

ANSWERED "PRESENT"—6.

Bennet, N. Y.	Jenkins	Padgett	Sherman
Brantley	Moon, Tenn.		

NOT VOTING—116.

Acheson	Foster, Vt.	Küstermann	Prince
Anthony	Fowler	Lamar, Mo.	Reynolds
Barchfeld	Gaines, Tenn.	Landis	Rhinock
Bennett, Ky.	Gardner, Mass.	Lenahan	Riordan
Bingham	Gardner, Mich.	Lilley	Robinson
Birdsall	Gardner, N. J.	Lindsay	Russell, Tex.
Brumm	Garrett	Littlefield	Saunders
Brundidge	Gilhams	Livingston	Sherwood
Burton, Del.	Gill	Lorimer	Slemp
Burton, Ohio	Goebel	Loud	Smith, Mich.
Caldwell	Goldfogle	Lowden	Snapp
Cary	Hackett	McCall	Stanley
Chaney	Hay	McDermott	Sterling
Chapman	Heflin	McGavin	Talbott
Clark, Fla.	Helm	McLain	Taylor, Ala.
Cocks, N. Y.	Hobson	McMillan	Thomas, Ohio
Cole	Huff	Macon	Underwood
Conner	Hughes, N. J.	Madden	Waldo
Davey, La.	Hughes, W. Va.	Mondell	Wallace
Davidson	Hull, Iowa	Mudd	Watson
Dawes	Humphrey, Wash.	Nicholls	Weeks
Dunwell	Jackson	Olmsted	Weems
Fairchild	Johnson, S. C.	Parker, N. J.	Weisse
Fassett	Jones, Va.	Pearre	Wiley
Favrot	Kelliher	Perkins	Willett
Flood	Kinkaid	Peters	Wilson, Pa.
Fordney	Kitchin, Wm. W.	Porter	Wolf
Fornes	Knapp	Powers	Woodyard
Foster, Ind.	Knopf	Pratt	Young

So the resolution was laid on the table.

The following pairs were announced.

Until further notice:

Mr. WOODYARD with Mr. WILEY.

Mr. CHAPMAN with Mr. GARRETT.

Mr. FOSTER of Indiana with Mr. BRANTLEY.

Mr. CONNER with Mr. MCDERMOTT.

Mr. DUNWELL with Mr. HEFLIN.

Mr. SMITH of Michigan with Mr. UNDERWOOD.

For this day:

Mr. BENNETT of Kentucky with Mr. CALDWELL.

Mr. BURTON of Ohio with Mr. FLOOD.

Mr. COCKS of New York with Mr. FAVROT.

Mr. DAWES with Mr. GAINES of Tennessee.

Mr. DAVIDSON with Mr. GILL.

Mr. FAIRCHILDS with Mr. HOBSON.

Mr. FORDNEY with Mr. GOLDFOGLE.

Mr. HULL of Iowa with Mr. HAY.

Mr. FOSTER of Vermont with Mr. JONES of Virginia.

Mr. GARDNER of Michigan with Mr. HELM.

Mr. GOEBEL with Mr. JOHNSON of South Carolina.

Mr. JENKINS with Mr. WILLIAM W. KITCHIN.

Mr. LANDIS with Mr. KELIHER.

Mr. LORIMER with Mr. LENAHAN.

Mr. MUDD with Mr. RHINOCK.

Mr. OLMSTED with Mr. RUSSELL of Texas.

Mr. PEARRE with Mr. ROBINSON.

Mr. REYNOLDS with Mr. SAUNDERS.

Mr. THOMAS of Ohio with Mr. WALLACE.

Mr. PERKINS with Mr. SHERWOOD.

Mr. MCMILLAN with Mr. MACON.

Mr. MADDEN with Mr. LIVINGSTON.

Mr. SLEMP with Mr. LINDSAY.

Mr. WALDO with Mr. WILSON of Pennsylvania.

Mr. WATSON with Mr. TAYLOR of Alabama.

Mr. HUMPHREY of Washington with Mr. WILLETT.

Mr. STERLING with Mr. STANLEY.

Mr. LOUD with Mr. PADGETT.

Mr. POWERS with Mr. PRATT.

Mr. KNAPP with Mr. MCLAIN.

Mr. LOWDEN with Mr. PETERS.

Mr. HUFF with Mr. LAMAR of Missouri.

Mr. BURTON of Delaware with Mr. HACKETT.

Mr. BARCHFELD with Mr. HUGHES of New Jersey.

Mr. BINGHAM with Mr. CLARK of Florida.

Mr. FASSETT with Mr. DAVEY of Louisiana.

Mr. BIRDSALL with Mr. WOLF.

Mr. HUGHES of West Virginia with Mr. TALBOTT.

Mr. COLE with Mr. NICHOLLS.

Mr. ACHESON with Mr. BRUNDIDGE.

For this session:

Mr. SHERMAN with Mr. RIORDAN.

Mr. BENNET of New York with Mr. FORNES.

Mr. KNOPF with Mr. WEISSE.

Mr. MARSHALL. Mr. Speaker, I was listening and did not hear my name called and would like to vote.

The SPEAKER. Was the gentlman present and listening?

Mr. MARSHALL. Yes, sir.

The SPEAKER. Call the name of the gentleman.

The name of Mr. MARSHALL was called, and he voted "aye."

The result of the vote was then announced as above recorded.

Mr. HARDWICK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

TENTS FOR ELKS CONVENTION AT DALLAS, TEX.

Mr. BEALL of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution No. 155.

The Clerk read as follows:

House joint resolution No. 155, authorizing the Secretary of War to loan certain tents for use at the national convention of the Benevolent and Protective Order of Elks to be held at Dallas, Tex., in July, 1908.

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to loan, at his discretion, to the executive committee of the lodge of the Benevolent and Protective Order of Elks at Dallas, Tex., having in charge the arrangements for the national convention of Elks to be held in Dallas, Tex., in July, 1908, 2,500 tents, with poles, ridges, and pins for each: *Provided*, That no expense shall be caused the United States Government by the delivery and return of such property, the same to be delivered to said committee designated at such time prior to the date of said convention as may be agreed upon by the Secretary of War and William H. Atwell, chairman of said executive committee: *And provided further*, That the Secretary of War shall, before delivering such property, take from said William H. Atwell a good and sufficient bond for the safe return of said property in good order and condition, and the whole without expense to the United States.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The joint resolution was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

On motion of Mr. BEALL of Texas, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

APPEALS IN NATURALIZATION CASES.

Mr. HAYES. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The Clerk read as follows:

A bill (H. R. 16652) to amend section 11 of an act entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States."

Be it enacted, etc., That section 11 of an act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States, approved June 29, 1906, be, and the same is hereby, amended by adding thereto the following:

"At any time within sixty days from the date of the entry of a final order in a naturalization case, either the applicant for admission to citizenship or the United States may take an appeal from such order on questions of law only to the United States circuit court of appeals for the circuit in which such order is entered. The judgments, orders, or decrees of the circuit courts of appeals in such cases shall be final in the same manner and to the same extent as is now provided by section 6 of the act of March 3, 1891, establishing circuit courts of appeals."

The amendment recommended by the committee was read as follows:

Insert in line 12 of page 1, between the word "appeal" and the word "on," the words "from such order."

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, is this for the purpose of permitting either the applicant or the Government to take an appeal?

Mr. HAYES. That is the purpose, on questions of law.

Mr. MANN. I understand from the report it was in order to have a uniform construction of the law within circuits. Is there any method of appeal to the Supreme Court of the United States?

Mr. HAYES. None except the same as in other cases. The intention of this bill is to put all cases of naturalization upon exactly the same basis with other cases, giving the right of appeal to the circuit court of appeals where the right would exist in other cases only.

Mr. GAINES of West Virginia. What does the gentleman mean by "other cases"—all controversies in court?

Mr. HAYES. I will yield to the gentleman from New York to answer that.

Mr. BENNET of New York. The circuit court act of 1891 permits an appeal to the Supreme Court where the circuit court of appeals thinks the question ought to be passed upon.

Mr. MANN. That is to certify the question of law?

Mr. BENNET of New York. That is it.

Mr. MANN. What would be the effect upon a case of this kind? A man applies for citizenship, and the Government prays an appeal. It would be rather hard on some poor fellow who wants to be a citizen when, after the court has passed on it in his favor, the Government may take the question up on appeal.

Mr. HAYES. I can explain it in a few words. This is a new law, and the Bureau of Naturalization has found, in the practical operation of the law, that in some sections of the country it is administered in one way and in some in another way, and they desire this legislation in order to settle the law upon the subject.

Mr. MANN. Does this provide for appeal from the State courts to the United States court of appeals?

Mr. HAYES. Certainly.

Mr. SULZER. Will the gentleman tell us briefly what change this bill makes in the existing law?

Mr. HAYES. The only change it makes is that—that the committee supposed, when the law was passed, that the right of appeal existed, but the Attorney-General has decided that it does not exist, and this bill is simply to give the right of appeal.

Mr. SULZER. To either side?

Mr. HAYES. To either side.

Mr. MANN. Suppose a man makes application in the State court for citizenship. Does he have any appeal from the lower State court to the upper State court?

Mr. HAYES. He appeals directly to the circuit court of appeals.

Mr. MANN. That is what this bill provides for; but, under the practice and the law in the State court, would he have a right to appeal to the State appellate court?

Mr. HAYES. I should think that would depend on the law of the State.

Mr. MANN. Then you propose to make two appellate courts for the same decision?

Mr. HAYES. No; I do not.

Mr. MANN. But you do. Suppose the applicant makes an appeal to the State supreme court and the United States takes the appeal to the circuit court of appeals.

Mr. HAYES. There could not be such a case as that, of course.

Mr. MANN. Why not?

Mr. HAYES. Because if the applicant appealed, the judgment would be against him and in favor of the United States, and the United States would have no appeal coming. The Government, in a case of that kind, could not appeal.

Mr. MANN. Both parties can appeal a case.

Mr. HAYES. But not in a case where there is but one question at issue.

Mr. SULZER. The successful party seldom appeals. It is generally the defeated party that appeals a case.

Mr. HAYES. So far as the successful party is concerned, the statutes of the United States would control, and the appeal of the defeated party would lie to the circuit court of appeals of the United States.

Mr. GAINES of West Virginia. I should like to ask the gentleman if he or the committee have considered how many cases of this sort would probably go to the Supreme Court of the United States? Would not the Supreme Court be flooded with litigation of this sort?

Mr. HAYES. Certainly not. It is only on questions of law that any appeal can be taken. There would be very few cases.

Mr. HITCHCOCK. Has the committee considered the expense that a man might be put to pending an appeal?

Mr. HAYES. I do not see that he would be put to any expense at all.

Mr. HITCHCOCK. Suppose the court issues him his naturalization or his first papers and the Government appeals.

Mr. HAYES. Yes.

Mr. HITCHCOCK. How would he protect himself in the upper court?

Mr. HAYES. If he desired to be represented by attorney, he could be.

Mr. HITCHCOCK. Then this means the employment of an attorney by a poor man who may be applying for naturalization?

Mr. HAYES. If he chooses, but he would not be obliged to do so. The Government would protect his rights, no doubt.

Mr. HITCHCOCK. There is no method of providing him with counsel at Government expense?

Mr. HAYES. Oh, no; of course not.

Mr. SULZER. Has this bill been favorably reported?

Mr. HAYES. It has been unanimously reported by the Immigration and Naturalization Committee.

Mr. SABATH. When?

Mr. HAYES. In the first part of the session.

Mr. SULZER. Mr. Speaker, it seems to me that this bill should have been referred in the first instance to the Committee on the Judiciary. However, I shall not object to its consideration.

Mr. HAYES. No; it does not belong to the Committee on the Judiciary.

Mr. BENNET of New York. I would like to call the attention of the gentleman from Nebraska [Mr. HITCHCOCK] to the opposite side. Think what injustice and hardship there is to the applicant whose petition is denied. Now, I have a case brought to my attention from Brooklyn where the judge denied the petition of a man on the ground that the man could not read and write English. There is no such provision in the law. That would raise the question of law, of course, and yet that man is barred from citizenship, and his son, who became 21 years of age three days after the denial, who had studied law, is prevented from taking his law examinations in our State.

Mr. HITCHCOCK. Mr. Speaker, I understand the gentleman from California [Mr. HAYES] states that the object of this proposed law or of the amendment of the law is to harmonize and unify the decisions on naturalization throughout the United States. It seems to me wrong that the poor man applying for citizenship in the United States should be compelled to bear a large part of the cost of so settling and unifying the law. If it is proposed to amend the present law so as to unify and harmonize the decisions, some provision ought to be made for defraying the expense of that work and not throw it on the shoulders of the poor applicant.

Mr. BENNET of New York. If you deny the right of appeal, you bar out the applicant who is entitled to naturalization and who is denied naturalization by the courts.

Mr. TAWNEY. Will the gentleman yield?

Mr. BENNET of New York. I will.

Mr. TAWNEY. To what extent have cases arisen where there would be any injustice whatever under existing law, where there has been a denial of citizenship?

Mr. BENNET of New York. That, of course, nobody is able to answer, because where there is no right of appeal we never hear about the case. The applicant is beaten and is down and out, and that is all there is about it.

Mr. TAWNEY. But you do know how many applicants have been denied citizenship since the naturalization law went into effect.

Mr. BENNET of New York. Yes.

Mr. TAWNEY. How many?

Mr. BENNET of New York. I have not the figures in my mind.

Mr. TAWNEY. The number is comparatively small.

Mr. BENNET of New York. Several hundred.

Mr. TAWNEY. Not exceeding a hundred.

Mr. BENNET of New York. Oh, yes; there is.

Mr. SABATH. Let me say to the gentleman that the number is large.

Mr. BENNET of New York. Yes; several hundred. There were sixty denied citizenship in one day at Schenectady, N. Y.

Mr. TAWNEY. Is it not also the fact that in the proceedings for naturalization under existing law the Government of the United States has not only the means, but has a force of examiners and assistant attorneys for the purpose of investigating all questions pertaining to the rights of applicants for citizenship, and an attorney appears for the Government of the United States, and if there is any controversy the applicant can appear by attorney also, can he not?

Mr. BENNET of New York. He can.

Mr. TAWNEY. Was it not the original intention when this new law was reported from the gentleman's committee and passed that the court determining the question or hearing the applicant and his evidence should make his decision, and that that decision would be a final decision on the question whether or not the applicant should be admitted to citizenship?

Mr. BENNET of New York. Yes; on questions of fact.

Mr. HAYES. But not on questions of law.

Mr. TAWNEY. Why did not the law provide for determining questions of law?

Mr. BENNET of New York. We thought that it could go up under existing statutes.

Mr. HAYES. We supposed that the question could go up on questions of law under existing statute.

Mr. TAWNEY. If the applicant should be denied admission in the State court, how could he appeal from the decision of the State court?

Mr. HAYES. Straight to the circuit court of appeals of the United States.

Mr. TAWNEY. Then you have a conflict between the State and the Federal jurisdictions?

Mr. HAYES. Not at all.

Mr. TAWNEY. In the matter of determining the rights of citizenship?

Mr. HAYES. Not at all. He appeals under the law of the United States, and it would go to the United States circuit court of appeals.

Mr. SHERLEY. If the gentleman will allow me, does the appeal act as a supersedeas?

Mr. HAYES. I suppose it sometimes would; appeals often act as a supersedeas.

Mr. SHERLEY. Some do and some do not.

Mr. HAYES. I do not know that I can inform the gentleman.

Mr. SHERLEY. Until we can be informed we are not in a position to vote. We might be willing to let the Government take an appeal for the sake of getting the law clear if it did not affect the rights of the applicant for citizenship, whereas we would not be willing to do it if it did. We ought to know whether the appeal acts as a supersedeas or not.

Mr. HAYES. Perhaps the gentleman can answer that better than I can.

Mr. SHERLEY. I am not familiar enough with the naturalization law to state offhand.

Mr. HAYES. My judgment would be that generally it would not. That is what I would say. I have not examined the question.

Mr. CRUMPACKER. Would not the ordinary supersedeas procedure apply to this statute as a matter of fact?

Mr. HAYES. I should think it would.

Mr. CRUMPACKER. The right of appeal is granted, and, of course, it would carry with it all of the incident rights and privileges in that class of cases.

Mr. HAYES. I should think it would.

Mr. CRUMPACKER. So that I do not think there is any doubt about the right of supersedeas.

Mr. SHERLEY. I do not think there is any information given to the House by the report of the bill itself, which shows what the effect of this bill would be as to the arrest of the judgment of the lower court, and in the absence of some definite statement I should feel compelled to object to the consideration of the bill in this way. It is not a proper way to bring this bill before the House. The gentleman has brought us no information.

The SPEAKER. Is there objection?

Mr. HITCHCOCK. I object.

Mr. HAYES. Mr. Speaker, I raise the point of order that it is not competent for the gentleman from Nebraska to object.

Mr. SHERLEY. Why, the gentleman from Illinois [Mr. MANN] reserved the right to object.

Mr. HAYES. That is true. The gentleman from Illinois [Mr. MANN] could object, but not the gentleman from Nebraska.

The SPEAKER. This is a request for unanimous consent to consider the bill at this time, and under the practice that has grown up, which has been acquiesced in by the House and which is for the convenience of the House, by sufferance the merits of the question are often gone into under a reserving of the right to object. Until there is no objection the bill can not be considered by unanimous consent, because there is an absence of the unanimous consent.

FERRYBOATS BETWEEN ANGEL ISLAND AND SAN FRANCISCO.

Mr. HAYES. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the consideration of the bill (H. R. 16515) authorizing the purchase of a steel ferryboat for use between Angel Island and San Francisco, Cal., and a steel cutter for use of immigration officials at San Francisco, Cal., which I send to the desk and ask to have read, and to consider the same at this time in the House.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of Commerce and Labor be, and he is hereby, authorized to secure by purchase or construction a steel ferryboat at a cost not exceeding $115,000, to be used in the immigration service between Angel Island and San Francisco, Cal., and a steel cutter, at a cost not to exceed $25,000, for the use of the officials of the immigration service at San Francisco, Cal.

With the following amendment:

Line 5, after the word "hundred," strike out the words "and fifteen," so that it will read:
"At a cost not exceeding $100,000."

The SPEAKER. Is there objection?

Mr. WILLIAMS. Mr. Speaker, I reserve the right to object.

Mr. TAWNEY. Mr. Speaker, reserving the right to object, I desire to state to the gentleman in charge of this bill that the Committee on Appropriations had referred to it at the beginning of this session estimates, and is now considering estimates, for the construction of the vessel referred to in this bill. I do not think the proposition is one that ought to be considered by unanimous consent.

Mr. HAYES. This bill does not undertake to make any appropriation. It only undertakes to authorize the appropriation.

Mr. MANN. The Committee on Appropriations could not bring in the item; it would be subject to a point of order.

Mr. HAYES. Yes.

Mr. MANN. May I ask the gentleman if it is proposed to move the immigrant station at San Francisco or has it already been moved?

Mr. HAYES. It has been moved.

Mr. MANN. How far from where it was before?

Mr. HAYES. It is 4 or 5 miles.

Mr. MANN. Across the bay?

Mr. HAYES. It is on an island in the bay, 4 or 5 miles from the city.

Mr. MANN. That is where the vessels all stop?

Mr. HAYES. Yes; that is where they will stop.

Mr. MANN. Immigrants are all landed there?

Mr. HAYES. Yes.

Mr. MANN. What means do they have now of getting back and forth from the island to the shore?

Mr. HAYES. They have no means. If the gentleman will permit me, I will state that the immigrant station in San Francisco heretofore has been a shed in the city. There is just being completed a new immigrant station on Angel Island, in San Francisco Bay, and it will be impossible to use that station without some means of getting back and forth from the mainland to the island, and this steel ferryboat is for that purpose.

Mr. MANN. Mr. Speaker, I made inquiry about this, I may say to the gentleman, and was informed by officers who ought to know that the cost of the boat that was provided was probably needed, because this island was located at such a place that the swells from the sea coming into the bay were very heavy, and it required an extraordinarily large boat. The usual cost for boats of that character elsewhere has been about $10,000—I do not mean for the big ferryboats.

Mr. HAYES. The ferryboat that is used at Ellis Island cost $125,000.

Mr. MANN. I am talking about the other boat which is provided for in the bill.

Mr. HAYES. Oh, yes.

Mr. MANN. One is for the benefit of the officials, and one for the benefit of the immigrants.

Mr. HAYES. The gentleman is correct.

Mr. MANN. Is the gentleman perfectly satisfied from his own investigation that they need $25,000 for the official boat?

Mr. HAYES. The use of the cutter provided for——

Mr. MANN. They call it a cutter, but it is a boat, not a cutter; that is a wrong term.

Mr. HAYES. Well, it is a boarding boat that the immigration officials use to go out and meet incoming vessels and board them. As the gentleman has stated, the boat will be used in that part of the bay where the swell is at times very heavy. Raccoon Strait is the name of the strait where the wind and swells come down, and it is necessary to have a pretty substantial boat in order at times to stand that swell.

Mr. TAWNEY. What evidence did the gentleman's committee have with reference to the necessity of appropriating $25,000 for this boat, which is merely for the accommodation of the immigration officials going out to meet vessels?

Mr. HAYES. Well, we have no knowledge except our personal knowledge of the situation.

Mr. TAWNEY. Has any member of the committee any practical knowledge in regard to the construction of vessels or the cost of vessels?

Mr. HAYES. Somewhat; yes, sir.

Mr. TAWNEY. You took no testimony at all to show what the cost of the vessel is?

Mr. HAYES. We took the testimony of the gentlemen of the Department of Commerce and Labor who have had this matter in charge at other places, that is all.

Mr. TAWNEY. They simply estimated it would cost that much?

Mr. HAYES. Yes, sir.

Mr. TAWNEY. Why did not your committee authorize this expenditure in the same act to be paid out of the permanent indefinite immigration appropriation?

Mr. HAYES. We supposed the Appropriations Committee would authorize that.

Mr. TAWNEY. If the Appropriations Committee authorizes that, it will be subject to a point of order, because you authorize here the construction of these vessels generally within a limit of cost just the same as any other vessel in the Revenue-Cutter Service or any other service, like public buildings. Now, the question arises, if the Committee on Appropriations in carrying an appropriation to carry into effect this authorization provides that appropriation shall be paid out of the head tax, then would it not be competent for you or any Member of the House to make a point of order against that provision?

Mr. MANN. I do not think so.

Mr. HAYES. I should say not.

Mr. MANN. I think the Committee on Appropriations would have the authority to make a report saying out of what funds the appropriation should be paid. They would not have authority to report an appropriation for a boat which was not authorized.

Mr. TAWNEY. If that is so, the Committee on Appropriations would have authority to report an appropriation for the construction of these vessels.

Mr. MANN. Oh, not at all.

Mr. TAWNEY. Absolutely.

Mr. MANN. It would not have without authority of Congress.

Mr. TAWNEY. The authority of the Committee on Appropriations with respect to directing what shall be paid out of that fund relates only to those things that pertain to the immigration service specifically——

Mr. MANN. This pertains to it.

Mr. TAWNEY. Which have been specifically authorized by law?

Mr. HAYES. The gentleman from Minnesota would certainly not contend that an appropriation that had not been authorized by law would not be subject to a point of order.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. HAYES, a motion to reconsider the last vote was laid on the table.

OBSOLETE SPRINGFIELD RIFLES, ETC., FOR OLD GUARD AT COLUMBUS, OHIO.

Mr. TAYLOR of Ohio. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4780) which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 4780) to authorize the Secretary of War to make certain disposition of obsolete Springfield rifles, caliber .45, bayonets, and bayonet scabbards for same.

Be it enacted, etc., That the Secretary of War is hereby authorized, in his discretion, to donate to independent military companies, whose membership is composed entirely of veterans of the war of the rebellion, such number of obsolete Springfield rifles, .45-caliber, bayonets, and bayonet scabbards for same, not to exceed 100 to a single organization, which may not be needed in the service of said Department. Such donation shall be made subject to rules and regulations covering the same in the Department, and the Government shall be at no expense in connection with any such donation.

The amendments were read, as follows:

After the words "donate to" in line 4 insert the words "The Old Guard an."

Strike out the word "companies" in line 4 and insert in lieu therof the words "organizations of Columbus, Ohio."

Strike out the word "veterans" in line 5 and insert in lieu thereof the words "Union soldiers."

Strike out the words "to a single organization" in line 8.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Mr. Speaker, reserving the right to object, do I understand that as amended the bill simply authorizes the Secretary of War to issue a certain number of these guns to a certain organization?

Mr. TAYLOR of Ohio. One hundred obsolete .45-caliber Springfield guns and side arms to a company known as the Old Guard.

Mr. WILLIAMS. And as amended it is restricted simply to that company alone?

Mr. TAYLOR of Ohio. To that company alone.

Mr. WILLIAMS. Then I have no objection.

The SPEAKER. The Chair hears no objection.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. TAYLOR of Ohio, a motion to reconsider the last vote was laid on the table.

FLATHEAD INDIAN RESERVATION.

Mr. PRAY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3640) to amend sections 9 and 14, chapter 1495, of the Statutes of the United States of America, entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment."

The SPEAKER. The gentleman from Montana asks unanimous consent for the present consideration of a bill, which the Clerk will report.

The bill, with several committee amendments thereto, was read at length.

Mr. PRAY. Mr. Speaker, I sincerely hope that the gentleman from Mississippi [Mr. WILLIAMS] will not insist on his objection. This is a meritorious measure and one of great importance to my State, and especially to the people residing in the northwestern portion thereof. The bill has the approval of the Secretary of the Interior. It has come under the scrutiny of the Director of the Reclamation Service, the Commissioner of Indian Affairs, and the Committee on the Public Lands in both the Senate and House, and has received a unanimous report in favor of its passage from both committees. This bill is for the purpose of amending sections 9 and 14, chapter 1495, of the Revised Statutes of the United States, which was an act for the survey and allotment of lands embraced within the limits of the Flathead Indian Reservation in Montana.

This act provided for the allotment of the lands in severalty to the Indians and for the sale of surplus lands. There was a provision in the act for the use of one-half of the proceeds of sales of lands for the construction of irrigation works on the reservation. Under the direction of the Secretary of the Interior extensive surveys were made in that locality, and it was discovered later on, as a result of these surveys, that large areas of land could be irrigated and that if some provision were made to allow the Secretary to use all of the proceeds of sales of lands, or all that might be needed for the construction of a complete irrigation system, that these lands could be made as fertile and productive as any in the State, and that such results could be accomplished at an extremely reasonable cost per acre.

Just what the cost per acre would be I am unable to state at this time as the work has not progressed to that point where exact figures can be given. But I am assured that the cost will be low, and that no better or more feasible project for irrigation purposes could anywhere be found. I might add here that appropriations have already been made for preliminary irrigation work, and the Indian appropriation bill of the present session carries an additional sum for the completion of surveys and the beginning of work of construction of the irrigation system. After the completion of the work the moneys unexpended are to be divided among the Indians. Under the terms of this act the Indians will receive their lands by allotment free from charge for the cost of construction, but the Secretary of the Interior is authorized to take out of the general fund their proportionate part of the cost for constructing the system.

As the bill came to the House committee the lands allotted to the Indians were to be exempted from cost of operation and maintenance, but after careful consideration of the facts it appeared that about three-fourths of the irrigable lands would go to the Indians, and for that reason it was considered unjust to place the burden of maintaining the entire system upon the one-fourth who would purchase the lands. It was thought that a prudent investor would hesitate before assuming the responsibility of carrying the entire cost of operation and maintenance.

It will be seen that the rights of honorably discharged Union soldiers and sailors, as prescribed by law, are not to be abridged. The entryman who settles upon land under this system must not only comply with the provisions of the homestead laws, but must reclaim at least one-half of that part of his entry irrigable for agricultural purposes, and must pay the charges against his tract before he will be entitled to a patent. The other details of the bill in this and other respects are easily understood. The report of the Secretary of the Interior, written in reference to Senate bill 2086, which is the same as Senate bill 3640, as modified by the adoption of the Secretary's recommendation, is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, December 20, 1907.

SIR: I have the honor to acknowledge the receipt of S. 2086, "A bill to amend sections 9 and 14, chapter 1495, Statutes of the United States of America" (33 Stat. L., 302), being an act for the survey and allotment of lands in the Flathead Reservation, Mont., and the sale and disposal of the surplus lands.

The bill purports to amend section 9 of the act, but the section in the bill is an exact copy, word for word, of the same section as it reads in the act, except for a typographical error in line 4, page 2, whereby the word "of" is substituted for the word "or."

There is, however, an important amendment (p. 3) to section 10, which appears to be germane to section 9. It is apparent that this amendment was intended to follow the original section 9, and the bill should be amended by striking out lines 12 to 20 and the words "allotted in severalty to an Indian," in line 21, page 3.

The amendment to section 9 consists of a proviso relating to irrigable lands and is the same as a draft of an item prepared by the Director of the Reclamation Service and submitted to the Commissioner of Indian Affairs.

The provisions follow in general the terms of the reclamation act, with some slight modifications which experience has shown to be advantageous.

There is one paragraph, however, providing for an exchange of allotted lands, line 19, page 6, to line 2, page 7, which does not meet my approval.

In the first place, commissioners are now in the field classifying and appraising the unallotted lands. If an exchange of lands should be allowed and the Indians in any considerable number should take advantage of the provision, it would delay the appraisement by compelling the commission to go over the ground a second time and postpone the date when the surplus lands can be opened.

In the second place, the exchange of 1 acre of irrigable land for 3 acres of grazing land does not seem fair to the Indians. The true proportion would be nearer 10 to 1 than 3 to 1. Moreover, an allottee can not receive irrigable land in excess of 80 acres, which is more than enough to provide for his needs, while 240 acres of grazing land would be of little, if any, use. I therefore recommend that the paragraph (from line 19, p. 6, to line 2, p. 7, both inclusive) be stricken out.

Section 14 of the act provides that after deducting the expenses of the commission of classification and sale of lands, and such other incidental expenses as shall have been necessarily incurred, and expenses of the survey of the lands, one-half of the proceeds shall be expended from time to time by the Secretary of the Interior, as he may deem advisable, for the benefit of the Indians and those having tribal rights on the reservation, in the construction of irrigation ditches, purchase of stock cattle, farming implements, or other necessary articles to aid the Indians in farming and stock raising and in the education and civilization of said Indians, and that the remaining half shall be paid to said Indians or expended on their account, as they may elect.

Under the proposed amendment the Secretary of the Interior is authorized, after deducting the expenses mentioned in the act, to expend so much of the proceeds as he may deem advisable in the construction of irrigation systems for the irrigation of the irrigable lands within the limits of the reservation, one-half of the money remaining after the construction of the irrigation system to be expended as provided in the original section and the remaining one-half to be paid to the Indians and persons holding tribal rights on the reservation, annually, share and share alike.

I do not know of any objection to this amendment, except that the last sentence, providing for payment annually, is somewhat indefinite. It is suggested that the words "as the same shall become available" be inserted after the word "annually" in line 2, page 8.

I have the honor to recommend that the bill, with the modifications suggested, receive the favorable consideration of your committee.

Respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

Hon. MOSES E. CLAPP,
Chairman of Committee on Indian Affairs,
United States Senate.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Mr. Speaker, this is a rather long and complicated act, dealing with rather an important matter. The House will have no sort of opportunity to judge it upon its merits on a request for unanimous consent. I feel, therefore, compelled to object, at least, until I can have an opportunity to examine the act.

COLLINWOOD DISASTER.

The SPEAKER. Without objection, the Chair will lay before the House the following letter from the mayor of Cleveland, acknowledging a resolution of the House. Is there objection?

There was no objection.

The letter is as follows:

CITY OF CLEVELAND, EXECUTIVE OFFICE,
March 19, 1908.

Hon J. G. CANNON,
Speaker House of Representatives, Washington, D. C.

SIR: On behalf of the city of Cleveland, I beg leave to express through you, to the House of Representatives of the United States the appreciation of the people of Cleveland and Collinwood of the resolution of March 4, 1908, extending the sympathy of the House of Representatives upon the occasion of the burning of a schoolhouse in Collinwood and the great loss of lives of children therein.

Although Collinwood is an independent municipality, it is immediately adjacent to Cleveland, and forms with our city a single community. This disaster is common to us all, and the considerate sympathy of the House of Representatives is appreciated by the inhabitants of both cities, which share the sorrow of the disaster.

I have the honor to be,
Very truly, yours,

TOM L. JOHNSON, *Mayor.*

FORTIFICATION APPROPRIATION BILL.

Mr. SMITH of Iowa. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of bill H. R. 19355—the fortification appropriation bill.

The SPEAKER. The gentleman from Iowa moves that the House do resolve itself into Committee of the Whole House on the state of the Union for the consideration of the fortification appropriation bill.

Mr. SMITH of Iowa. Pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to four hours, one-half to be controlled by the gentleman from Kentucky [Mr. SHERLEY] and one-half by myself.

The SPEAKER. Is there objection?

ORDER OF BUSINESS.

Mr. HASKINS. I hope the gentleman from Iowa will withhold his motion for a moment. As I understand, under the rules of the House the Committee on War Claims are entitled to this day, but the Committee on Appropriations desire to go along with the fortification bill, and I am also informed that the chairman of the Committee on Agriculture desires to follow with the agricultural appropriation bill as soon as the fortification bill is disposed of.

Now, of course I recognize, as all other Members of the House ought to, the importance of disposing of these supply bills, and I am willing to give way to-day, providing another day can be substituted for this day for the consideration of the war claims bill on the Private Calendar. Therefore I ask that the House set apart for the consideration of the war claims bill on the Private Calendar the first legislative day after the disposal of the agricultural appropriation bill, provided, of course, that that bill follows the fortification bill.

The SPEAKER. The gentleman from Vermont [Mr. HASKINS] asks unanimous consent that the first legislative day after the consideration of the agricultural appropriation bill has been completed by the House may be set apart for business in order under the rules to-day.

Mr. MANN. That is the first day after?

Mr. HASKINS. The first legislative day.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

FORTIFICATION APPROPRIATION BILL.

The SPEAKER. The question is on the motion of the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 19355, the fortification appropriation bill, with Mr. WANGER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the fortification appropriation bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 19355) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

Mr. SMITH of Iowa. Mr. Chairman, I ask unanimous consent that further first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Iowa [Mr. SMITH], asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. SMITH of Iowa. Mr. Chairman, I now yield such time as he may desire to my colleague on the committee [Mr. GRAFF.]

Mr. GRAFF. Mr. Chairman, the work of constructing fortifications in the United States does not enlist the interest, either upon the part of the House or the country, that it deserves. The Navy is recognized as by far the most popular war arm of the Government with the people at large. It appeals to their imagination. It has to do with the maintenance of our dignity and power abroad, but as a purely defensive instrument the fortifications of our country have a right to favorable comparison even with that of the Navy. And the history of the development of our fortifications is one full of interest as well as of importance to the country.

It is not generally understood that, after all, while the Navy is a means of defense it is principally for offensive operations, and that a system of fortifications is needed to properly supplement the operations of the Navy. Our fortifications are for the purpose not only of protecting our merchant marine—and we have considerable shipping engaged, especially in our coastwise trade, because we have exclusive control over that—but it is also for the protection of our cities, and for the purpose of protecting our own naval bases, and to prevent the enemy from entering our important harbors and turning them into a base of their own.

But we gather from the information that we received in the hearings from expert sources that it is not expected that the fortifications, no matter how excellent, can prevent the landing of troops along our extensive coast; and for the repelling of all that, after all, we have to depend upon the military forces on the land.

This bill has certain characteristics about it differing materially from any appropriation bill which is brought into the House for consideration. The fortification bill is brought in in pursuance of well-defined and accepted plans of operation, and therefore has in view in each of the yearly appropriations a certain degree of progress toward ultimate completion.

In 1883 the initiative was first taken toward what has finally ripened into the present Taft board plan for the fortification of our country. It is an interesting fact that the President of the United States states in a message which he sent to Congress in January, 1906, "that our coast defenses, as they existed in 1860, at the beginning of the civil war, were not surpassed in efficiency by those of any other country; but within a few years the introduction of rifled cannon and armor in the navies of the world, against which the smoothbore guns were practically useless, rendered them obsolete," and he continues, as follows: "For many years no attempt was made to remedy the deficiencies of these seacoast fortifications." The country was busy with the problems which were the outgrowth of the civil war and the development of our almost untouched vast natural resources.

It was not until 1883 that Congress passed the first act, on March 3, known as the "gun-foundry act," providing for an examination and report to Congress which of the navy-yards or arsenals owned by the Government had the best location and was best adapted for the establishment of a gun factory, and what other method should be adopted for the manufacture of heavy ordnance adapted to modern warfare for the use of the Army and Navy of the United States.

There was a report made, in 1884, by the gun-factory board, appointed in pursuance of the act of March 3, 1883, when the first step was taken toward the manufacture by the Government of ordnance for fortification purposes.

As a result, the act of Congress approved March 3, 1885, provided that—

> The President of the United States shall appoint a board * * * which board shall examine and report at what ports fortifications or other defenses are most urgently required, the character and kind of defenses best adapted to each with reference to armament, the utilization of torpedoes, mines, and other defensive appliances.

Under the provisions of the act of March 3, 1885, a board was organized and was known as the "Endicott board," which made their report on January 23, 1886, and in 1887 Congress commenced this series of yearly fortification appropriation acts which have followed up to the present time. But it was realized two years ago that there had been tremendous strides made in inventions with reference to munitions of war.

The fire-control system had been developed. It was but a little before the war with Spain that smokeless powder reached its perfection, and the rapid-fire guns and guns of high power began to be developed, and it was apparent that there must be had some modern consideration and some changes made concerning the plan which had been recommended by the Endicott board. In pursuance of that, the President of the United States appointed a new board in 1905, known as the "Taft board," and that board assembled and considered and laid out a comprehensive plan of fortifications, making such changes with reference to the particular points that were recommended by the Endicott board as they saw fit, withdrawing several of the points for fortification which had been recommended by the Endicott board, and adding four or five new points on our coast which they recommended should be fortified in lieu of those taken out of the Endicott board's recommendation; and that report from the Taft board was presented to Congress in a message of the President on March 5, 1906.

The total estimate for the completion of the Taft board plan in continental United States alone was and is $112,964,760.98. In addition to the recommendation of plans for fortifications in continental United States the Taft board recommends also a comprehensive plan for fortifications on our insular possessions, the estimate of which is $22,716,360, making the total estimated cost for the completion of the Taft board plan in our insular possessions and in continental United States $135,681,120.98.

This does not include a recommendation which is a part of the Taft plan for the fortification of the Isthmian Canal, at Colon and Panama, which is something over $4,000,000, not including the cost of the acquirement of the land upon which to place the fortifications at those points.

I might say here that the figures which I have given as the estimates for the completion of the Taft plan in our insular possessions and in continental United States do not include any estimates for the acquirement of land or for service or practice powder, which make out a considerable portion of the fortification bill each year.

Now, it may be interesting to note the progress which has been made since 1887, when the Endicott board plan was first begun upon, to the present time. There have been approximately $72,000,000 appropriated and expended upon the continental United States part of the Taft plan, so that, according to the estimates of Army officers who appeared before us in the hearings, we have progressed at the present time and completed substantially 62 per cent of the Taft plan in continental United States.

The basis of that estimate is not made upon the ratio of the total estimates to the expenditures which have been made, but has been calculated upon a safer basis, as the officials of the War Department thought. They based it upon the number of guns which have been established and the batteries completed, of the entire number of units making up the work in the Taft plan in the United States.

I might say in addition to this that there have been some departures made in the manner of the work of our committee with reference to the examination and consideration of this bill during the present session of Congress from that which has been heretofore adopted. Heretofore we have not attempted to have in view particular batteries placed at particular points in the United States. Prior to this session I think we have taken into consideration to some extent the aggregate which it was thought Congress could afford to expend and the proper proportion which the fortification appropriations ought to bear to the total amount which it was supposed we would be warranted in expending, taking into consideration the condition of the Treasury.

Mr. MANN. Will the gentleman yield for a question?

Mr. GRAFF. Yes.

Mr. MANN. The Committee on Appropriations have jurisdiction over this bill?

Mr. GRAFF. Yes.

Mr. MANN. They do not have jurisdiction over the other bills relating to the military branches of the Government, either the Army or the Navy?

Mr. GRAFF. That is true.

Mr. MANN. Since I have been a Member of this House we have very greatly increased the appropriations for the Navy and the Army. We think nothing, apparently, of appropriating or providing for a battle ship that will cost more than the total of the fortification appropriation bill every year. Has the committee taken all that into consideration in determining the proportionate amount that ought to be expended for fortifications?

Mr. GRAFF. We certainly have. In other words, we have been driven, to be candid about the matter, to determining what would be left after these other appropriations had been passed by Congress.

Mr. MANN. I have sometimes wondered whether the Committee on Appropriations, which brings in the great appropriation bills, outside of the post-office, the Army, and Navy, as far as amount is concerned, did not feel that as long as the Committee on Military Affairs and the Committee on Naval Affairs were so extremely liberal with the money of the Government that the Committee on Appropriations must of necessity be quite economical with that portion of the military branch which came under its control.

Mr. GRAFF. Candidly, I do not believe that the Appropriations Committee has been niggardly or parsimonious with reference to this appropriation. I made the statement that we had taken into consideration the total amount of previous bills largely in determining what amount should be expended in a particular year for fortifications, having some view to the balance of the expenditures of the Government; but I may also say, and I wish to emphasize the fact, that that was not principally borne in mind during the consideration of the present bill.

I want to say that, because there are figures connected with this bill which might lead to another conclusion, growing out of the fact that there has been recommended by the War Department for the appropriations for fortifications during the coming fiscal year the enormous sum of $38,443,945.36, and that the committee bring a bill to this House which carries the sum of only $8,210,611, and that the amount of appropriations recommended by us is $30,233,334.36 less than the estimates submitted. Now, a superficial conclusion, reached from a consideration of these figures alone, might lead some people

to think that we bore in mind only the effort to appropriate as little as possible, when that, as a matter of fact, was not true. Now, with reference to this recommendation by the Secretary of War, for whom I entertain the highest respect and greatest admiration, this estimate was made in the spring of 1907, and there has been no change made in that estimate since.

That estimate was made upon the conditions which existed in the spring of 1907 and not upon the conditions which existed in March, 1908, some nine months later. The conditions of the Treasury were different in the spring of 1907 than they are in the month of March, 1908. The world's conditions were different, perhaps, in the spring of 1907 than they are in March, 1908. Now, then, the policy of the committee with reference to dealing with these fortification bills in prior years, as I have said, was based upon making appropriations without having any particular units in view and without having in view essentially any particular points of work in continental United States. But after consideration of the bill and the hearing of the testimony from the chiefs of the bureaus of the War Department we made our recommendation, segregating, not as to particular points that were to be fortified, but segregating in separate appropriations for particular parts of the work of the completed battery.

As a result of that there accumulated available balances from year to year, and some two years ago, which covers the length of my experience upon that subcommittee, there was an effort made to reduce these available balances which the officials of the War Department desired from their standpoint to meet unexpected emergencies.

There was also a policy running through the making of these appropriations for twenty years, and that was that there should be no particular points of fortification mentioned in the bill, because of the desire for secrecy with reference to these fortifications. I have come to think that this reason for the War Department policy has become largely a fiction.

I can see a much more logical reason for not making any specific location of points of construction in the country, and that is that while we may make our calculations and appropriate with a view to the completion of certain units of work at particular points, so long as as we do not mention the points in the bill, we leave room for sudden emergency and full play for large discretion of the War Department in devoting that money to the development and fortification at unexpected points, and for an emergency arising after the passage of the bill which we could not anticipate. Now, there was in the consideration of this bill during the present year another important and, I think, a very desirable departure, and that was that there should be appropriations made upon such lines as we thought might keep pace with the actual advance by units toward the completion of the Taft plan of fortification; so in this hearing we went into an examination of the subject at greater length than has ever been had, as I am informed, during the life of these appropriations, and each point was carefully examined.

The Chief of Artillery, the Chief of Ordnance, the Chief of the Signal Corps, and the Chief of the Engineer Corps, all distinguished men in their profession, were called before us and carefully examined with reference to which would be the preferable points in the order of importance. The committee only reserved to itself the function of determining how many points of defense should be taken up.

The second determination of the committee was, since during the past eighteen years much of the larger part of the fortification appropriation was devoted to the fortifying of the Atlantic coast, that, therefore, in the present bill the proceeds of the appropriation should be devoted almost exclusively to the fortifications upon the Pacific coast.

Now, with reference to the amount that we have carried in this bill, when it is compared with any other figures save the estimates in the spring of 1907, it assumes generous proportions. The average amount of appropriations made during the last twenty years, yearly, is $5,475,687.45, making the total appropriation in the present bill exceed the average of the last twenty years by the very respectable sum of $2,734,923.55.

In addition to that there has been carried in this bill the largest amount of appropriations for our insular possessions that has ever been carried in any appropriation bill. Of the total of $8,200,000 there has been appropriated for our insular possessions the sum of $3,168,500. Now, with relation to the points on the Pacific coast which have been considered, it is very easy for us to intelligently take these in. The important points, in fact the only points which have been recommended on the Pacific coast for consideration by the Taft board, are Puget Sound, Columbia River, San Diego, and San Francisco.

We found from the officials of the War Department in charge of this work that they have already sufficient funds to complete the fortifications at San Francisco, and we were assured that San Francisco from every reasonable standpoint could be considered as impregnable, and the only item that was even suggested in connection with further appropriations for San Francisco Bay was the acquisition of a piece of land adjoining the proposed works, and the reply was made that since they have gotten along without it for a long while there was no reason why that could not be reasonably postponed.

With relation to Columbia River there were provided fire control and searchlights so as to complete that unit. At San Diego there were provided submarine mines, and, in fact, ample appropriations were made under the advice of General Murray, Chief of Artillery, for the entire Pacific coast, the Atlantic coast, and our insular possessions for submarine mines. While I am speaking of submarine mines, I might say that during the testimony of General Murray he speaks in the highest terms of submarine mines, and said further that, so far as that instrument of war was concerned, he was perfectly willing to have the world advised of its efficiency. He says, on page 196 of the hearings:

> Recent war has shown clearly the value of submarine mines as an element of harbor defense. If a harbor is defended by an efficient system of mines and the requisite guns for their protection against countermining, sweeping, or other methods of removing them, it is not believed that an enemy, however enterprising, will ever attempt to force an entrance into a harbor with large ships. This conclusion has been supported strongly by the terrible destruction wrought by submarine mines at Port Arthur, Dalny, and Vladivostok during the Russo-Japanese war.

Then he says this significant thing:

> Our system of submarine mines is practically perfect as a war weapon. Being under complete electrical control from the shore, the lines of mines may be rendered instantly destructive to an enemy or harmless to passing friendly vessels.

Mr. KAHN. I understand the bill which the committee has reported provides for a vessel to properly mine the different harbors of the Pacific.

Mr. GRAFF. A torpedo planter. I am glad the gentleman spoke about that. Under the advice of the Chief of Artillery, the bill carries an additional torpedo planter for the Pacific coast, and also one torpedo planter for the Hawaiian Islands. There is either available funds for the construction of another one, or there has already been constructed another one for the Pacific coast.

Mr. KAHN. It has not been constructed as yet, but the funds are available.

Mr. GRAFF. Now, then, with reference to Puget Sound, we were advised by the War Department, when we were balancing the bill and seeking to reach and appropriate for everything which should be in reason during the present year, that Deception Pass, which is another inlet or entrance into Puget Sound, should be provided for, and we took the figures necessary for the completion of that unit—electrical apparatus, guns, fire control, emplacements—so that it would be a complete work; that is the new policy which we have adopted, which is distinctive in this bill.

With reference to the Hawaiian Islands, we realized that the country is greatly interested in Pearl Harbor and its becoming a naval base of the United States, and we all know that while other considerations may have entered into the reasons for our acquisition of the Hawaiian Islands, after all its importance as a strategic base in the midst of the Pacific was the controlling cause.

The question whether we should, during the present year, make appropriations for the fortifications of the entrance to Pearl Harbor came before us and was very carefully considered and at great length, and we based our conclusions upon the testimony of the officials of the War Department, and those alone. It developed before the hearing was taken that there was no reliable information as to the estimates of cost or amount of excavation which might be made in order to deepen and widen the entrance to Pearl Harbor. We were informed by an official at the Navy Department that in his judgment it would require something like a million and a half cubic yards. Later, by cable, information was sought in the Hawaiian Islands as to what amount of excavation would be required and what would be the probable cost of the improvements to Pearl Harbor. We found that the figures increased as we got nearer to the base where the facts existed, whatever they were. I read now from page 40 of the hearings:

> Mr. SMITH. Are you able to tell us what amount of excavation is necessary to open Pearl channel in accordance with the plans of the Navy to a depth of 35 feet, and what amount would be required to open it to a depth of 30 feet?

General MACKENZIE. I have estimates for the cubic yards and for the units of price.

Mr. SMITH. You might read that and let it go into the record.

General MACKENZIE. The estimate which is furnished me by cable is that the Navy plan for a 35-foot channel would require the removal of 2,253,705 cubic yards at a cost of 60 cents per yard, and 1,245,130 cubic yards at a cost of $1 per yard. For a 30-foot channel it would require the removal of 1,786,691 cubic yards at 60 cents, and 960,067 yards at $1. Now, I have not anything showing what that Navy plan is, but I am expecting the papers.

Mr. SMITH. At one time you did do $100,000 worth of dredging in Pearl channel?

General MACKENZIE. Yes; across the bar at the mouth.

Mr. SMITH. I wish when you get the proofs of your hearing you would fill in the exact width and depth of that channel as shown by the records in your office. (200 feet wide and fully 30 feet, generally 31 feet, deep at low water entirely across the bar from deep water in the ocean to deep water in the harbor. Annual Report Chief of Engineers U. S. Army, for 1905, p. 710.)

General MACKENZIE. Yes.

The General afterwards inserted his answer. Now, then, here was a work which was involving practically from $2,500,000 to $3,000,000 of excavation to enter the channel before the question of fortification would be a live subject.

Mr. KEIFER. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Ohio?

Mr. GRAFF. I do.

Mr. KEIFER. I am reading here what you read, and come to the conclusion that this last estimate was made on the theory of building a wide canal up to the harbor from the deep water in the ocean. Is it not a fact that, with the exception of very few battle ships, they can go in there now without any deepening of the channel, except that they can not go with their own steam?

Mr. GRAFF. I will say as to that, of course I would have to depend for any answer that would be worth anything upon the authority that has come to me from other sources, who are supposed to be expert. I gather from the hearings which we had that while it was true that the depth of water was not the fatal impediment in the way——

Mr. KEIFER. Is not there plenty of depth now?

Mr. GRAFF. That the tortuous character of the entrance and its narrowness render it impossible for a hostile fleet, for instance, to occupy that as a base of operation. Of course that would be the only danger to the United States so long as we have nothing there to defend at Pearl Harbor.

Mr. KEIFER. I am not criticising the committee as to the appropriation, but I do not think the gentleman wants to leave the impression that we could not make a channel into the harbor so that we could put our fleets in there in safety by a comparatively small amount of money expended in straightening out such places. The channel is wide enough, except at bends, now for any ship of the ocean, is it not?

Mr. GRAFF. I suppose that is true.

Mr. KEIFER. You have seen it?

Mr. GRAFF. I entered Pearl Harbor on a 700-ton tug with the gentleman in May, 1907.

Mr. KEIFER. Which would enable you to see everything that is there?

Mr. GRAFF. Yes; I attempted to do so.

Mr. KEIFER. The difficulty is always in making the turnings where the projections of the land made it necessary to wind about, and if you cut the points off—in other words, did not the officer who took us in, the engineer officer, point out that it would take comparatively little to make an entrance for the largest ships that there are in our Navy? I do not mean for sailing in and out as though——

Mr. GRAFF. You mean for an absolute entrance by one of our ships?

Mr. KEIFER. Yes; under its own power.

Mr. GRAFF. I doubt that.

Mr. KEIFER. In its present condition I agree, but this is the point I would like to ask a further question. If we open the channelway we can go rapidly in and out there, and if we can get our vessels in there and they are safe, and we can have egress from there when we want to go, why do we want a great channel dug such as seems to be contemplated by the statement which was just read?

Mr. GRAFF. Well, I will say in reply to the gentleman that I have some respect for the recommendation of the War and Navy Departments on this subject, and I am not certain, however, whether the gentleman is right or they are. However that may be, this is not a matter over which this committee has any jurisdiction. It only comes in here incidentally to show that in a logical order of work it lies upon Congress to first determine whether they propose to have a naval base in Pearl Harbor, and after that has been determined and the channel opened and a naval base established and a dry dock brought in, there will then be something to defend.

Mr. KEIFER. I am not criticising you about that.

Mr. GRAFF. I understand the gentleman from Ohio agrees with me on that subject. That is the point I desire to make——

Mr. KEIFER. But I do not think the committee should be magnifying the fact that we should have to spend a large amount of money to get our fleet in there.

Mr. GRAFF. I am not attempting to magnify it, however, and I will say for the purpose of making it right in my remarks——

Mr. CLARK of Missouri. I would like to ask the gentleman a question or two. Does the gentleman's committee propose to make a really strong base at Pearl Harbor?

Mr. GRAFF. We have nothing to do with that, because the committee has no jurisdiction over the subject.

Mr. CLARK of Missouri. You are appropriating the money.

Mr. GRAFF. We are not now appropriating any money for Pearl Harbor except for the purpose of putting in fire control, electrical power, and so forth, to operate a battery of two guns which exists there already and which is used there now for the incidental protection of Honolulu.

Mr. CLARK of Missouri. The great argument in favor of annexing the Sandwich Islands was that by a proper expenditure of money Pearl Harbor could be made as strong as Gibraltar.

Mr. GRAFF. I have just said that.

Mr. CLARK of Missouri. That was the argument they rolled me on when I was fighting the annexation of those islands.

Mr. GRAFF. I think we all agree with you.

Mr. CLARK of Missouri. Now, you have had them for ten years. They said that was the key to the Pacific, that they had to have them for national defense. They have had them for ten years and have never taken any substantial steps to make that place as strong as Gibraltar, or as strong as anywhere else.

Mr. GRAFF. Does not the gentleman recognize that this committee can have no jurisdiction over any part of the subject except fortifications, which in logical order comes afterwards, when there is something to fortify?

Mr. CLARK of Missouri. That is what I want you to do—to appropriate money enough at this session of Congress. I do not care whether this committee has jurisdiction of it or not, or what committee has jurisdiction of it; I want that committee to appropriate enough money to carry out the statement and promise that enabled the annexationists to down us in 1898 and annex those islands.

Mr. GRAFF. I want to say to the gentleman from Missouri that there is now pending in the House, reported from the Committee on Naval Affairs by the gentleman from Pennsylvania [Mr. BATES], a bill which proposes to do just what the gentleman suggests, carrying a total appropriation of $757,000, which includes as a start—not a very large start, but a start, nevertheless—upon the improvement of the entrance to Pearl Harbor the building of a dry dock, the construction of a naval base, and the commencement of the very work which the gentleman has inquired about, but that bill would initiate the work and authorize by law further appropriations.

Mr. CLARK of Missouri. I am glad if the gentleman from Pennsylvania [Mr. BATES], or somebody else, has waked up.

Mr. LONGWORTH. Is it not also true that land has already been set aside for this naval station?

Mr. GRAFF. It belongs to the Government. It has been acquired by the Government. Pearl Harbor is undoubtedly one of the greatest harbors in the world for a naval base. It is landlocked, and so situated a fleet could not be observed from the sea, and has an area of 10 square miles; 6 miles in an air line on the west of Honolulu. It is just within the gun range of Honolulu, of this one battery, which has already been established. Captain Mahan said years ago it was large enough to hold all the navies of the world.

Mr. LONGWORTH. And the question of strengthening, widening, or deepening that channel would be under the jurisdiction of the Committee on Rivers and Harbors?

Mr. GRAFF. Absolutely.

Mr. SMITH of Iowa. If the gentleman will pardon me, while the gentleman from Ohio [Mr. LONGWORTH] is correct, that probably it would come under the jurisdiction of the Rivers and Harbors Committee, without objection on the part of the Committee on Rivers and Harbors the Naval Committee has frequently made appropriations for the improvement of places intended purely for naval bases, and it is possible an appropriation from that committee would therefore not be sub-

ject to a point of order. I trust the gentleman will pardon me for the interruption.

Mr. GRAFF. It is on that basis that the Bates bill is proposed.

Mr. SMITH of Iowa. The only point I wanted to bring out was that this particular committee did not have the jurisdiction on the entire improvement of Pearl Harbor.

Mr. GRAFF. I am anxious to have that brought out, too. Now, I might add here that notwithstanding the objection of the gentleman from Ohio [Mr. KEIFER] as to the size of the estimates for the improvement of the entrance to Pearl Harbor, and its magnitude, that the War and Navy Departments insist upon a depth of 35 feet and a width of 400 instead of 200 feet, and a cutting off of the projections and a straightening of the tortuous entrance which now exist into that body of water.

Mr. KEIFER. Mr. Chairman, I would just like to ask a single question. Is there not generally in the channel now 50 feet of water?

Mr. SMITH of Iowa. There is a great depth, undoubtedly.

Mr. GRAFF. The channel varies in depth. I think there are depths greater than 50 feet. I took a superficial glance at the depth as put upon the map, and I was under the impression that while there was a great deal of deep water it was at varying depths.

Mr. STEPHENS of Texas. How much land has the United States acquired title to for these fortifications?

Mr. GRAFF. I do not really know, but a very large amount of land. Indeed, the Government has acquired some of that land for fortification purposes which may be more than will be required for that particular purpose.

Mr. STEPHENS of Texas. Is there a city laid off adjacent to this property?

Mr. GRAFF. I had the pleasure of being there in May of last year, and there is nothing back of Pearl Harbor save the country—sugar plantations—but there is, as I remember, a trolley line which runs from Pearl Harbor to Honolulu.

Mr. LONGWORTH. I believe it was thought to establish a subdivision at one time. There are streets laid out, and all that.

Mr. GRAFF. A little premature.

Mr. STEPHENS of Texas. That is what I desire to find out, whether there was a contemplated city. I understand it is proposed to put the lots on the market, and that they are now advertising that fact.

Mr. GRAFF. I do not know of anything to prevent them from doing so.

Mr. STEPHENS of Texas. Has the gentleman received any letters or memorials urging that Pearl Harbor should be fortified? I have received several of that kind.

Mr. GRAFF. I have not received any of those communications, and I would not need any such stimulus so far as I am concerned.

Mr. STEPHENS of Texas. I am with the gentleman in that. I think that this is a great national necessity—to occupy those islands.

Mr. LONGWORTH. My opinion is that this subdivision was laid out at the time the railroad was completed from Honolulu to Pearl Harbor, something like fifteen years ago—something like that. It is a long time.

Mr. STEPHENS of Texas. It is simply a question as to the facts about this matter, and I was a little curious to know the source of these circulars that have been sent to individual Members of Congress urging great appropriations, and I wondered whether it was for some outside purpose by persons who were interested.

Mr. GRAFF. I have no doubt the people of Honolulu are interested, outside of the sugar interests, very largely in cultivating their city as a great naval and commercial port. It would be natural for them to take a very deep interest in this great project.

Mr. KAHN. If the gentleman will permit me, I will state that the people of the entire Pacific coast are greatly interested in having Pearl Harbor properly protected with fortifications, and I dare say that all the commercial organizations of the coast have sent out memorials for the purpose of asking that that work be done.

Mr. STEPHENS of Texas. That possibly is true, because I have received several. I was only anxious to know whether a city was to be built in the immediate vicinity. I was anxious to know whether they sent out the circulars to further that, or whether it was a purely patriotic purpose of theirs.

Mr. GRAFF. Possibly a patriotic purpose, and patriotism is a species of selfishness as well as heroism, for that matter.

Now, with reference to the Hawaiian Islands, we have provided for the defense of Honolulu with 14-inch guns at Waikiki. It was first proposed by the officials of the War Department that these batteries should be located immediately at Honolulu; but it was found afterwards, according to their opinion, that Waikiki would be the better point for the protection of Honolulu. They propose to have rapid-fire guns at Honolulu Harbor. In addition to that, we provide for fortifications at Diamond Head. On the extreme east is a promontory which stands out and past which most incoming vessels sail.

Mr. KEIFER. How far from the channel?

Mr. MURDOCK. How far is Diamond Head from the channel?

Mr. GRAFF. I should say Diamond Head was about 4 miles.

Mr. KEIFER. Twelve.

Mr. GRAFF. It is pretty difficult to judge. Those of you who have had any experience of a mountain country know how hard it is to calculate with the eye. You have got to have information. But we know this, that in the maps which were given us in the hearings showing the fire range, that it is proposed to reach and cover the entire harbor of Honolulu by this system of fortifications which they propose to establish.

Mr. SHERLEY. Does not that indicate that the distance from Diamond Head to the harbor is less than that?

Mr. GRAFF. Yes; I think so.

Mr. SMITH of Iowa. About 6 miles in a direct line from the mortar batteries at Diamond Head to the outer line of the harbor.

Mr. GRAFF. I will state some facts that were interesting to me in connection with an improvement, which is an instance of the constant revolution that has been going on with reference to our coast defenses in invention, and which is a splendid indorsement of reasonable progress only in the completion of the work. That is the change of the 12-inch gun, which for years has been supposed to be the very acme of perfection as an instrument of war in coast defense. The War Department discovered that you can not fire a 12-inch gun more than fifty or sixty times without such erosion under the high pressure as to render it useless.

Mr. KAHN. Seventy rounds is the limit.

Mr. GRAFF. Theoretically they can fire a charge every half minute; so you can see that the life of a gun, if worked to its full theoretical capacity, is reduced to perhaps half an hour.

Mr. STEPHENS of Texas. What size gun have they substituted for the 12-inch?

Mr. GRAFF. They have substituted a 14-inch gun, and the theory is not that they propose to produce results at a greater distance, but that they propose to produce the same effective results at the same maximum distance, without destroying the life of the gun in a brief half hour.

Mr. STEPHENS of Texas. Is it the intention to have a slower velocity?

Mr. GRAFF. A slower velocity and a heavier projectile.

Mr. STEPHENS of Texas. Is the gentleman aware of the fact that the Army have reversed that condition in this, that they used to have .45 to .50 caliber guns in small arms——

Mr. KEIFER. Fifty-eight.

Mr. STEPHENS of Texas. The gentleman from Ohio says up to .58, and now they have reduced the caliber to .30. It seems that the Army and Navy do not agree at all.

Mr. GRAFF. Possibly they have in view the accomplishment of different things.

Mr. STEPHENS of Texas. The end to be produced is the destruction of life and property.

Mr. GRAFF. There are a lot of things to be taken into consideration in determining the kind of small arms to be used that would not have any bearing on the question of determining the proper guns for fortifications.

Our latest 12-inch coast-defense gun has an initial velocity of 2,550 feet per second and a muzzle energy of 47,299-foot tons. With this energy the 12-inch armor of the latest type of battle ship can be penetrated with normal impact at 8,700 yards and the 7-inch armor at all fighting ranges. But in developing this energy the high temperatures due to smokeless powder and the great increase in the volume of gas produce an erosion which materially shortens the life of the gun. There is little to warrant the hope that any material improvement will be speedily effected in the manufacture of either steel for gun construction or in powder to overcome this erosion.

Of that I am not so sure as General Crozier, who is probably the author of that statement.

It is considered unwise to tax the 12-inch gun to such an extent as the high velocity entails for the protection of the wide channels that exist at the entrances to Long Island Sound, Chesapeake Bay, Puget Sound, and Manila, if by increasing the caliber of the gun an equal or greater fire effect can be secured by employing a diminished velocity, which will not sensibly impair the life of the gun. Such an increase in the caliber means a large increase in weight of gun and carriage, a consideration of little moment in land defense, but prohibitive for use on battle ships.

The 12-inch gun can now fire two aimed shots in less than a minute, manual labor being used for loading and operating the gun and carriage. It is believed that this rate will not be materially diminished if the 14-inch gun mounted on a disappearing carriage of the same type as that now employed for the 12-inch gun, loaded and operated by the same means, be adopted.

Now, I may say, as a feature of this constant change, that there appeared in the hearings a new device for the elevation of the ammunition—in place of raising by hand and climbing up stairways, as is now done—which new device will wonderfully increase the rapidity of fire. While it is a compliment to men engaged in this science, it is also to me wonderfully forceful, not to proceed too fast with reference to this matter.

Now, we will proceed with reference to the Philippine Islands. Gentlemen will remember that last year there was a very sharp contest over the question whether we should have Subig Bay as a naval base, or whether we should not; and a floating dock was taken over there and excited the interest of the world, as everything on the sea seems to do, and it finally arrived there. Then it was determined, after a consideration of the question between the War Department and the Navy Department, that Subig Bay after all was not desirable as a naval base for obvious reasons—mainly because of its being impracticable to defend the bay from the land side.

Mr. BUTLER. Will the gentleman yield?

Mr. GRAFF. Certainly.

Mr. BUTLER. Neither the gentleman from Illinois nor I are experts.

Mr. GRAFF. I do not assume to be.

Mr. BUTLER. Does not my friend think that the experts could have discovered that Subig Bay could not be defended from the land side before we spent millions of dollars over there?

Mr. GRAFF. Oh, we have lost no money over there.

Mr. BUTLER. Where do they propose to take the dry dock?

Mr. GRAFF. Into Manila Bay, after there has been a proper excavation and improvement of that bay, as I understand.

Mr. BUTLER. How long will it take to excavate for it and how much will it cost?

Mr. GRAFF. Well, I have already enlarged the field of my remarks and I do not believe that I had better enter into that unknown subject.

Mr. BUTLER. If my friend will permit me to make the statement, I think it is pretty well understood by novices like myself that there is no place where the dock can be taken except where it is, and as far as I am concerned there it will stay.

Mr. GRAFF. Whether that be true or not, the fortification bill nor the Committee on Appropriations has nothing to do with the dry dock and nothing to do with the decision where the fortifications are to be placed. I am simply relating facts, and I relate them without any particular reflection on anyone. Whenever I come in contact with the men from the Navy or the War Department, I am impressed with their devotion to the cause and their great ability.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. GRAFF. I will.

Mr. STEPHENS of Texas. Is it not very necessary that the dry dock should be defended, and is it not necessary that it should be defended by fortifications?

Mr. GRAFF. Further operations at Subig Bay have been suspended, except that appropriation is made in this bill for the completion of the battery already installed there, which is retained for the strategic purpose of preventing a hostile fleet from entering Subig Bay and occupying it as a base of operations.

Mr. BUTLER. How much money did the committee appropriate for the defense of Subig Bay last year?

Mr. SMITH of Iowa. If the gentleman from Illinois will permit me, in the first place no money has ever been appropriated specifically for Subig Bay. Money has been allotted, and that has not been wasted, whether the naval station be moved from there or not. Subig Bay is a great harbor, and it would be a harbor of refuge for a foreign fleet. It is essential, whether it be our navy-yard or not, that to some extent the entrance should be defended against a foreign nation using it as a harbor of refuge, and every particle of money that has been spent at Subig Bay has been well spent, even though it should be abandoned.

Mr. BUTLER. Does the gentleman from Iowa know how much money has been spent?

Mr. SMITH of Iowa. I do know how much the appropriations were out of which the allotments were made. There have been no specific appropriations for that place.

The entire original plan for the fortification of Subig Bay was for two 10-inch guns, four 6-inch guns, and eight 3-inch guns. I do not regard a 3-inch gun as a great gun, and consequently the total plan of the Taft board was for six guns and not for a hundred great guns at Subig Bay.

Mr. BUTLER. When was that estimate made for a number of guns to be mounted there?

Mr. PARSONS. This is in the hearings of this year.

Mr. SHERLEY. Nineteen hundred and six.

Mr. BUTLER. Were those guns mounted in 1907 and 1908?

Mr. SMITH of Iowa. Not all of them. I said before that every gun mounted there, or contemplated there, is essential whether a naval station is maintained or not.

Mr. GRAFF. These guns were maintained there for the essential purpose of protecting the harbor from a hostile fleet getting in there and occupying it as their own base.

Mr. SMITH of Iowa. Just as Dewey actually did before the battle of Manila.

Mr. GRAFF. Yes; just as Dewey did. Now, then, there remains to say what is intended to be done for the harbor at Manila, which is the point where the balance of the appropriation for the Philippine Islands is to go. There are four islands situated at the entrance to Manila Bay. One is Corregidor, which is the largest of the group.

Then there is one just adjoining Corregidor, called Caballo; then there is another island on the southerly side of the entrance to Manila Bay, corresponding in position on that side to Corregidor on the northern side, which is called Carabao; then, on the inner circle, there is a similar island, called El Fraile. In pursuance of the plan which we had adopted this year, it was for us to determine how far these units should progress. It was found, according to the testimony of the War Department officials, that beside Corregidor, where the fortifications had been practically completed, there remains a corresponding island on the other side of the entrance to Manila Bay—the island of Carabao—so that we made appropriations for the completion of the fortifications of Carabao, thus having those two islands, Corregidor and Carabao, commanding the entrance to the bay on each side and at a distance of 7 miles apart, within gun range; and we postponed the fortification of the two remaining islands of El Fraile and Caballo until a subsequent time.

Mr. POLLARD. I would like to inquire the number of guns and their caliber mounted at these two islands.

Mr. GRAFF. I might say while the gentleman is looking up that information that El Fraile is an island very much in embryo and that the important thing that has to be done before emplacements are built on El Fraile is the making of it into an island, an artificial island practically, which has to be constructed there at a depth of water of over 100 feet, and involving an expenditure for building the island alone of something like $2,500,000 or $3,000,000.

Mr. LONGWORTH. May I ask the gentleman when the authorities decided it was better to spend the money for fortifying Manila Bay rather than Subig Bay, how recently.

Mr. GRAFF. Very recently.

Mr. LONGWORTH. I can not help taking a certain amount of personal pleasure in that, as I remember standing here, I think, with the gentleman from New York [Mr. PAYNE] and a few others last year and voting against any appropriation for fortifying Subig Bay.

Mr. SMITH of Iowa. It would seem to me that the showing this year is that the defense of Subig Bay is just as essential whether it is a naval station or not, and that would relieve the gentleman from part of the gratification that he has felt.

Mr. LONGWORTH. Not on the ground that some appropriation should be expended at Subig Bay, but that it should be expended entirely at the expense of fortifying Manila.

Mr. SMITH of Iowa. There was never any such proposition pending in the House. The proposition was to prevent the fortification of Subig Bay out of any appropriation.

Mr. PARSONS. Now that the change of naval base has been made from Subig Bay to Manila Bay, what increase in the amount of fortifications does the committee provide for Manila Bay over what had been intended when Subig Bay was to be the base?

Mr. GRAFF. None whatever. It is proposed to make these four islands right in the mouth of Manila Bay a Gibraltar, where the sovereignty of the United States could stay if somebody else had the balance of the archipelago.

Mr. CRUMPACKER. A question. I understand that for the time being two islands only are to be fortified—that is, in Manila Bay—and they are about 7 miles apart. I suppose there will be a port regulation requiring all hostile boats to enter the harbor between those two islands?

Mr. GRAFF. No order will be necessary, as they can not go behind them, because the batteries will command both sides of each island.

Mr. CRUMPACKER. I did not understand their location exactly.

Mr. GRAFF. The two islands fortified are comparatively close to the shore on either side.

Mr. CRUMPACKER. Is it necessary, then, to fortify the other two islands?

Mr. GRAFF. It is necessary, as it seems, because it draws the possible channel there into a narrow compass, and each of these two islands stand out in the entrance a little farther.

Mr. CRUMPACKER. It makes a system of double fortifications.

Mr. GRAFF. A system of double fortifications. As I remember, they are a little farther in the channel than the islands which we propose to fortify now.

Mr. BUTLER. In the hearings, was any estimate submitted as to the cost of the land defenses at Manila?

Mr. SMITH of Iowa. There are no land defenses in Manila at all, in the sense of being on the main island.

Mr. BUTLER. Then it is concluded by the authorities that Manila is not in danger of attack from the land side.

Mr. SMITH of Iowa. Seacoast fortifications are not considered as affording protection against the assaults of armies.

Mr. BUTLER. I understand the gentleman; his answer is plain; but as you propose to move from Subig Bay because it can not be defended from the land, I suppose you may——

Mr. SMITH of Iowa. I intended to fully answer the gentleman——

Mr. BUTLER. Inasmuch as it has been determined that Subig Bay can not be properly defended from the land, I assume some land defense will be needed at Manila.

Mr. SMITH of Iowa. If the gentleman will delay his request until the conclusion of my colleague's remarks, I will answer the gentleman fully. I do not like to interrupt my colleague continually.

Mr. KAHN. These two islands command the entire entrance on both sides.

Mr. GRAFF. On both sides; and they are within fair range of each other, constituting a complete defense from the entrance by water into Manila Bay.

Mr. KAHN. That is my recollection of the lay of the land.

Mr. GRAFF. Mr. Chairman, in furtherance of my statement of the relations which exist between the fortifications of our country and the Navy, I desire to read, in conclusion, a portion of the message of the President of the United States, to which I have heretofore referred:

> It is an accepted naval maxim that a navy can be used to strategic advantage only when acting on the offensive, and it can be free to so operate only after our coast defense is reasonably secure and so recognized by the country. It was due to the securely defended condition of the Japanese ports that the Japanese fleet was free to seek out and watch its proper objective—the Russian fleet—without fear of interruption or recall to guard its home ports against raids by the Vladivostok squadron. This, one of the most valuable lessons in the late war in the East, is worthy of serious consideration by our country, with its extensive coast lines, its many important harbors, and its many wealthy manufacturing coast cities.

I thank you, gentlemen, for your attention. [Applause.]

Mr. SMITH of Iowa. Mr. Chairman, I will give an answer to the gentleman from Pennsylvania [Mr. BUTLER], if he now desires to put his question.

Mr. BUTLER. I will postpone my inquiry until the gentleman is through. We can have his answer under the five-minute rule, when I will repeat my question.

Mr. SMITH of Iowa. I will take pleasure then in trying to answer the question. I will now ask the gentleman from Kentucky to use such portion of his time as he may desire.

Mr. SHERLEY. Mr. Chairman, it would seem almost superfluous, after the very elaborate statement made by my colleague on the committee, the gentleman from Illinois [Mr. GRAFF], that I, a new member of the subcommittee on fortifications, should undertake to speak to the bill, and yet it may be that there are some matters that with profit can be again referred to, and in particular it may be worth while to call to the attention of the country as well as to this committee the extent of the bill and the reasons that actuated the committee in so framing it. The report of the committee discloses that with estimates amounting to $38,443,945.36, the bill as reported carries only $8,210,611.

That shows a very great discrepancy between the view of the committee and the sum total of the estimates sent to that committee by the Department of War.

It is proper that some reason be given for that difference, and it is particularly proper that a correction should be made as to the motives that actuate the committee. It so happens that a newspaper of my city, the Louisville Herald, has editorially referred to the action of the Committee on Appropriations, as follows:

> CONGRESS AND COAST PROTECTION.
>
> "In time of peace prepare for war" is an old maxim that despite its age has not lost aught of its wisdom. The truth of it has been demonstrated time and time again by history, and never more clearly than in the recent controversy between Japan and Russia. The former country displayed the advantage that belongs to foresight; the latter manifested the awful weakness that is the inevitable consequence of neglect.
>
> But the solons of Congress do not believe in the proverb; at least we are forced to this conclusion by the action of the House Committee on Appropriations in its treatment of the recommendations of War Secretary Taft concerning coast fortifications. A sum of $38,000,000 was asked by the Secretary for this work. Strong representations were made in his report as to the need for extensive operations to insure the safety of our Pacific coast in particular. The President sustained these representations in one of his messages, but the committee has struck $30,000,000 off the amount asked for, and allowed merely the remaining $8,000,000.
>
> The excuse advanced for this parsimonious treatment of the War Department is the alleged fear that Japan would regard any great activity in the construction of coast fortifications as a menace to the amity existing between her and this nation, and war might ensue as a consequence.
>
> To us the excuse seems extraordinarily inadequate, and even puerile. It is well known that our Pacific coast has long been left without the care and provision that a wise Government should afford to the vast industries and interests under its administration. The condition is one that makes our policy of neglect a subject for ridicule in the eyes of other countries. A man does not necessarily offer an affront to his neighbors because he repairs his fences, puts blinds on his windows, or sees that the locks on his doors are in good shape. Nor is it reasonable that a country should invite suspicion from other nations merely because it takes the necessary precautions to safeguard its own shores.
>
> The Japanese policy in such matters has never considered the susceptibilities of other lands. Japan's vigorous use of opportunities to make itself solid in Manchuria does not evidence any particular delicacy in this direction. The Japanese do these things politely, but with a firm hand. They will not expose their little island empire to possible onslaught simply because some other country might regard the protecting of its shores as an invitation to attack. If attack is a possibility, it would seem that the wise thing is to get ready.
>
> The United States does not cover itself with glory or add to the respect in which it is held by neighbor nations by showing so great deference to Japan. Let us by all means be friendly, but do not let us carry friendship to the silly extreme of leaving our doors and windows open to the burglar for fear some honest man might feel hurt.
>
> Congress should restore the full appropriation. As it is now, the greater part of the $8,000,000 is to be devoted to the protection of the Philippines and Hawaii. Surely if the excuse of the committee for cutting out the $30,000,000 is valid, it applies even more strongly to these points, so vulnerable from a Japanese basis, than to our continental coast.

Now, this would not be worthy of notice if it appeared as an editorial in a newspaper given to sensational writing; but it does not. It comes from a newspaper that ordinarily is accurate, and usually conservative. And similar views have appeared in other papers from time to time. It seems proper, therefore, to say that the Committee on Appropriations have, in making the total of this bill, had in mind simply the needs of the country as indicated by the officials of the War Department. We have made no appropriation for fortifications out of fear of any country, and we have failed to make no appropriation for fortifications out of fear of any country. The Congress of the United States of America is not given to legislating from such a motive. We shall provide for such fortifications as, in the opinion of the experts charged with that work, are necessary for the defense of the country, doing it without regard to any particular nation and with absolute confidence that such action by our Government ought not and will not be misunderstood by any nation.

Had we departed from the custom that the Congress has pursued in the past and increased our appropriation from a normal sum to $38,000,000, it might have been construed as an evidence on our part of the fear that there was to be a difficulty or war with some nation. Such a fear exists in the mind of no well-informed man, certainly exists in the mind of no Member of Congress, and the committee has simply presented a bill that represents, what to their mind, is a proper expenditure to be made at this time and which is in accord largely with the recommendations made by the Department.

As pointed out by my colleague [Mr. GRAFF], the present system of coast defenses dates from the creation of what is generally known as the "Endicott board," a board created by an act of Congress approved March 3, 1885, and which made its report the following year, enumerating the principles on which a system of coast defenses should be based, and outlining in detail the defenses contemplated. In pursuance with this report, as modified from time to time, appropriations were made until the report of what is known as the "Taft board," a board created by order of the President in January of 1905, and which report was filed in February of the following year, and superseded the Endicott report.

The appropriations for the twenty fiscal years 1889–1908 aggregate $109,513,748.72, or an average of $5,475,687.43 per annum.

Of the whole sum, $109,513,748.72, appropriated by the fortification acts covering the twenty fiscal years 1889–1908, the sum of $87,024,524.22 was appropriated in the twelve fortification acts enacted by the last six Congresses.

The fortification appropriation acts enacted during the Fifty-fifth Congress appropriated $14,287,396, in addition to which amount sums aggregating $8,674,898 were provided in deficiency appropriation acts for fortifications and the armament thereof, and the further sum of $12,865,840.60 was allotted for the same objects from the general appropriation of $50,000,000 made for the national defense in the act of March 9, 1898, making in all $35,828,134.60 available for fortifications and the armament thereof under appropriations made during the Fifty-fifth Congress.

The total appropriations made for fortifications and other works of defense since 1888, and since the recommendations of the Endicott board of 1885, including the appropriations made in deficiency acts and allotments made from the national-defense fund, amount to $131,054,487.32.

The scheme of seacoast fortifications contemplated by the Endicott board, and which has been followed by Congress in the appropriations made since 1888, it is now estimated will cost in the aggregate $99,392,222, of which sum there has been already provided $64,800,042.24, the Engineer Department having received $28,693,434.02 and the Ordnance Department $36,106,608.22.

The difference between the sum, $64,800,042.24, already provided toward the scheme of the Endicott board and the sum total of appropriations, $131,054,487.32, for fortifications since 1888 is represented in expenditures for erecting and equipping the gun factory at Watervliet, the gun carriage factory at Watertown, the Ordnance and Fortification Board, purchase of land for fortification sites, torpedoes for harbor defense, providing ammunition for service and for tests, manufacture of field guns, fortifications in the insular possessions, and for sundry other objects incident to providing and maintaining a system of seacoast defenses.

From this statement of the appropriations heretofore made for seacoast defense, it is apparent that Congress has pursued a conservative and consistent course from the beginning, and that this is the only justifiable course becomes apparent upon even a slight study of the subject. It is evident that in making these appropriations we should be very much more deliberate than we might be in regard to matters where the money was to be expended along absolute, certain lines. For if there is any science that is progressing rapidly it is the science of seacoast defense. What yesterday was an improved, up-to-date method of defense is to-day antiquated, and what to-day we look upon as perfection will to-morrow be confined to the limbo of things that were. Now, this has its disadvantages, but no man would for a moment have it otherwise. It is to the everlasting credit of the Army of America that the officers in charge of this work of fortification have been men who have not only kept abreast of the times, but have gone out into the domain of experimentation and, as a result, have continuously developed new and more efficient means of fortification.

For instance, the development of the fire control of our guns has added two or three fold to the efficiency of those guns. Under the plans as originally contemplated by the Endicott board we would have had to erect batteries with armor protection, because at that time the disappearing carriage was unknown. Then there came the lift, by which these great guns were lifted, as an elevator might be, from the hidden plane to above the parapet, so as to be able to be used. In place of that we have now the modern disappearing carriage. These changes show that it is proper, not that we should neglect the real needs of the country, but that we should not hastily spend the money of the country on fortifications, but should proceed along a general plan that will give a proper defense to the country and at the same time will enable us from time to time, without undue expense, to take advantage of the improvements that occur in such defense. Now, that of itself would be a justification for the size of this bill; but I desire in referring to this article and the attitude that seems to prevail amongst a great many people unfamiliar with conditions to call attention to another fact.

The Congress of the United States is charged with the duty of making appropriations, a fact that is very frequently overlooked in criticisms of the Congress. We are constantly being told that we failed to do what the Executive told us to do, as if that was a crime in itself. Now, it is the duty of the Executive to advise Congress, but his duty ends there, and it is our duty, that we can not shirk, to exercise our sound discretion as to the extent of appropriations that shall be made. The safeguard of the people has always been the power of the legislative branch over the purse strings of the nation, and it will be an evil day when Congress, instead of exercising its discretion, blindly follows the Executive, no matter who he may be.

Another curious thing is, that while Congress is now always blamed for not going as fast as the Executive asks us to go in the way of appropriations, on the other hand Congress is always blamed for any extravagance that may exist. If we dared to follow the recommendations of all the Bureaus of this country, as sanctioned by the Executive, you would have an annual budget that would startle the people, and the blame would not be put upon the Executive and the officers under him, but upon Congress for that extravagance.

Now, it is perfectly natural that there should be a conflict between the legislative and the executive branches of the Government. Men in the Departments who are worth their salt have a zeal for their work that makes them desire to enlarge it, that makes them magnify its importance and necessity, and this magnifying of it brings as a result very large estimates for appropriations. On the other hand, Congress, dealing not with one Department, not having the zeal of a special advocate, but dealing with all the Departments, learns to be skeptical, to be critical, and to cut the estimates of the various Departments; and it is a proper attitude, one that should not be subject to censure and to criticism, but to praise by the people of the country; and the Committee on Appropriations in reducing this bill from $35,000,000 to $8,000,000 have done, not an unwise, but a very wise thing.

Now, the article proceeds on the assumption that the Pacific coast to-day is very inadequately fortified, a statement altogether foreign to the facts. There are but four points upon the Pacific coast which under either the Endicott or Taft scheme of fortification will be fortified. They are Puget Sound, Columbia River, San Francisco, and San Diego, the latter of which need not now be considered, because until the deepening of that harbor it would be impossible for any large ships of war to enter there.

We have provided in this bill for additional fortifications of Puget Sound. We have made such provision as will carry out the desires of the Department as to that point at this time. Columbia River is to-day well fortified. San Francisco, with the appropriations heretofore expended and those authorized, is well fortified; and instead of the Pacific slope being in a condition of absolute unpreparedness, the Pacific coast to-day is in the position of being extremely well fortified.

Mr. DOUGLAS. If the gentleman will permit me to interrupt him, have you seen an article by a Member of the House published in a magazine, entitled "Government," upon the matter of the inadequate defenses of Puget Sound?

Mr. SHERLEY. I have not.

Mr. DOUGLAS. Well, Mr. Chairman, my colleague from the State of Washington [Mr. HUMPHREY] wrote the article, and I would like to say that I only read it on the train, but without refreshing my memory, it was with reference to the defense of Puget Sound especially. His statement is that Puget Sound is 7 miles wide, that it has great depth at all points, and that the fortifications there, in his judgment, are almost ridiculous.

Mr. SHERLEY. Without undertaking to go into a detailed description of the existing and proposed fortifications, against the statement of our colleague, I desire to put the opinion of the War Department. In their judgment it is not in a ridiculously poorly fortified condition; and if that were true, with the provision made for the fortification of Deception Pass, Puget Sound will be well fortified.

We have not only provided for the fortification of Puget Sound, and the other points as noted being in a condition of proper fortification, but we have made provision for submarine mines and made provision for an additional torpedo planter, so that in case of necessity these mines may be planted with great rapidity.

Mr. DOUGLAS. This article, in that regard, says that the tide and currents in Puget Sound render the use of submarine mines absolutely impossible.

Mr. SHERLEY. That is probably true at certain places, and especially true of Deception Pass. Deception Pass now has, during high and low tide, a current which will not only prevent the planting of mines, but also prevent the movement of ships. So that the only time there would be danger of the pass being

used would be flood tide, when there would be no current to contend with. The statement as to any particular place I am not claiming as accurate upon my judgment, but upon that of the officers who appeared before the committee.

Now, as I have stated, we have provided for this additional torpedo planter, and the history of modern warfare shows that mine defense is a very great defense. It is a great defense not only in its actual effectiveness when tried, but in the moral effect that it has upon the foe. An opposing fleet is not going to hastily and thoughtlessly enter a harbor that is properly and scientifically mined according to the modern process.

The committee have, as usual, followed the custom of making appropriations of lump sums without a designation of places. In doing that I think the committee has given expression, perhaps, to a fad of some of the officers of the Department.

I am thoroughly convinced of the need of giving some discretion to the Department, so that it may adapt the moneys appropriated to the needs of the country as they appear from time to time. But I have no faith in that theory that there is any wonderful mystery connected with the fortifications of America or of any other country that requires absolute secrecy. There was a time when I thought I would have been guilty of treason if I had mentioned the fact that certain guns that were to be put at a particular point were going to be 12-inch guns instead of 6-inch guns; but I have discovered that all that I have learned as a member of this committee, and infinitely more than I know or can hope to know, is to be had without the least trouble, and is printed and probably in the possession of every foreign nation on this globe; and most of our talk about secrecy in connection with the fortifications of America is mere nonsense.

I hope to see the time come when the estimates made up by the War Department in regard to the fortifications of this country will be made so in detail that we will know absolutely at what particular point the money is expected to be expended, the purpose for which it is intended, and just the condition which that particular unit of defense is in.

Mr. MURDOCK. Right on that point $38,000,000 was asked. Is that right?

Mr. SHERLEY. Yes.

Mr. MURDOCK. And $8,000,000 was granted?

Mr. SHERLEY. Yes.

Mr. MURDOCK. Can you enumerate to the House what the $30,000,000 which was denied omits?

Mr. SHERLEY. The gentleman is illustrating the fact that it is very much easier to ask a question than to answer it.

Mr. MURDOCK. It is right along the line on which you were speaking then—about the lump sums.

Mr. SHERLEY. I doubt if I can answer the gentleman's question in a running speech. If the gentleman will look at the recapitulation contained in the report of the committee, he will find what the estimates asked for, and then the amount recommended in the bill. Of course that will not show in detail just what is excluded, and in point of fact there is nothing to show, except by a very careful study of the hearings, what a given sum is to be expended for. You would have to infer by reading the hearings what was in the minds of the committee; but the sums actually appropriated in the important cases do indicate by the amount just what was in contemplation. For instance, we have made an appropriation in regard to the Pacific coast that indicates very clearly to the War Department that it was in the mind of the committee that certain fortifications at Puget Sound should be made out of this appropriation, and there are other sums that indicate that it was intended that moneys should be expended at certain places.

Now, the committee did not report an appropriation that contemplated the expenditure of any great amount upon the Atlantic or Gulf coasts, and that was because of a desire upon the part of the committee to balance the conditions of fortifications in the country at large. I believe it to be the view of the committee also that we should in the future (and that has been the policy in the preparation of this bill) complete units as far as possible as we go along. To illustrate, there was a condition in this country at one time when appropriations for ordnance were greatly in excess of the appropriations for emplacements. These come under different bureaus of the War Department, and one of the Chinese puzzles that confronts a new member of the Committee on Fortifications is to determine what particular bureau of the Government has to do with what particular part of the fortifications, and it is by no means a simple problem.

If the gentleman will look at the hearings at the bottom of page 4, he will see that what is termed the "emplacement"—that is, the concrete construction or furnishing of the platform for the guns, the parapets protecting the guns and the magazines, and so forth—is under the control of the Engineering Corps. The guns and mortars are constructed by the Ordnance Department, and they provide the ammunition. The Quartermaster's Department supplies the quarters for the garrison; the Signal Corps supplies the information equipment, such as cables, the wiring, telephone instruments, and things used in connection with transmitting the information needed for fire control. The engineers build the fire-control structures, and so forth, and then the Artillery Corps actually man and operate the guns.

Now, as I stated, there was a period when the appropriation for emplacements was very much behind that for ordnance. Where such a condition or a similar one exists the committee has tried to bring up the one behind so as to balance the other, and has endeavored in this bill to make proper appropriation for perfecting what might be called the incidentals of the unit. For instance, the two fundamental and expensive items in connection with the battery is the emplacement and the gun. In modern warfare there is, as a necessary part of these units, a very elaborate system of fire control.

There is also needed a power plant for the creation of power for the use of these batteries. The committee has therefore tried to bring these details to a point where we might have effective use of all the guns that are now mounted and properly mount and equip those where work had already been started.

Mr. PARSONS. Will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. PARSONS. Does the committee assure us that it has provided in this bill enough to provide all the accessories needed for the guns that have been mounted?

Mr. SHERLEY. No; I would not be willing to make that statement in behalf of the committee, because at a number of points we have a temporary fire-control system that, while it would be adequate and efficient in time of war, is not the system that is contemplated to be there permanently, the difference being not so much in effectiveness of control as in the exposure of some of the wires and cables that control communications from points of observation to the gun.

Mr. PARSONS. Does the gentleman say, then, that the committee has provided accessories for the guns that have been mounted, either of a permanent or temporary nature, so that all the guns mounted can be effectively used when the appropriation is expended?

Mr. SHERLEY. That is the fact as I understand it. In those cases where there is now an efficient fire-control system we have not always authorized the installation of permanent systems, but we have authorized it wherever it was necessary in order to use the guns and in the new authorization for emplacements and guns we have provided sufficient funds to have that part of the fire-control system that ought to be installed, during the building of the foundation of the gun, authorized so such work could proceed along with the other.

We have also endeavored to appropriate sufficient sums for the purchase and installation of the most-needed searchlights.

Now, in regard to the possessions lying outside of the United States, the committee has seen fit to appropriate practically for the Hawaiian Islands and for the Philippines only. Nothing is provided for Guam, nothing for Cuba, and nothing for any other outlying possessions. At the Hawaiian Islands provision has been made for the completion of all the fortifications contemplated there, except those in connection with Pearl Harbor and a few of the smaller guns.

In regard to Pearl Harbor there was no difference of opinion on the part of the members of the committee. All of us were a unit in believing that the Hawaiian Islands are the great vantage point for the control of the Pacific and for the protection of the Pacific seacoast of America. We are anxious to proceed in the further fortification of those islands whenever conditions as the result of legislation by Congress are such as will warrant us in so proceeding. But your committee would have been subject to a just criticism if it had brought in an appropriation for the placing of certain batteries at the entrance of Pearl Harbor when that harbor was in the condition that it is now in. It is known to all who have been there or investigated it that it is impossible to carry into that harbor ships of any great size, and that is true not simply owing to the depth of the water, but from the tortuous character of the channel. It is the duty of Congress, as the result of the suggestion of the Committee on Naval Affairs, to determine whether it wants to make a naval base and station of Pearl Harbor. Until Congress has so acted, there is absolutely no reason why this committee should authorize the appropriation looking to the fortification of Pearl Harbor.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the gentleman two or three questions about this matter.

Mr. SHERLEY. I will yield to the gentleman from Missouri.

Mr. CLARK of Missouri. How many different committees would have to agree upon a programme in order to deepen that channel and make this a naval base and fortify Pearl Harbor so as to make it what it promises to be, a second Gibraltar? How many committees have charge of the various matters that enter into that?

Mr. SHERLEY. In my judgment, the reporting of a bill authorizing the deepening and straightening of the channel and the making of a naval base out of Pearl Harbor lies within the jurisdiction of the Committee on Naval Affairs, and that committee only. The question of fortifications lies with the committee on fortifications of the Appropriations Committee, so that my answer is those two committees.

Mr. CLARK of Missouri. That being the case, why do not those two committees get together and agree on one programme, so that we can get through with the thing and fix it as everybody that thinks about it wants it fixed.

Mr. SHERLEY. If the gentleman will think for just a moment, he will realize that there is no need for the committees to get together. The duty of the Fortifications Committee is not to suggest to this House or to anybody what points shall be used as naval bases. The duty of the Fortifications Committee is to provide appropriations for the fortifying of such harbors and naval bases as in the judgment of experts of the War Department ought to be fortified. Now, for us to indicate that there should be created a naval base there or elsewhere would be to extend our jurisdiction far beyond its legitimate scope.

Mr. CLARK of Missouri. Then this delay, as I understand it, is to be charged up to the Naval Affairs Committee.

Mr. SHERLEY. The gentleman has spoken most accurately.

Mr. PARSONS. May I ask whether the fortifications of Pearl Harbor have not some relation to the protection of Honolulu?

Mr. SHERLEY. So slight that if there was not to be a naval station there we would not be warranted in spending anything of an extensive nature for fortifications at Pearl Harbor.

Mr. PARSONS. May I ask the gentleman to explain just what the scheme of fortification defense for Honolulu is?

Mr. SHERLEY. I will try and give the gentleman the information. The programme for fortifications, as outlined by the Taft board contemplates two 14-inch guns, two 12-inch guns, four 3-inch guns, and sixteen 12-inch mortars.

Mr. FITZGERALD. That does not state that a modified plan was agreed upon when Colonel Story was sent around the world to investigate the insular possessions, and on his report they have eliminated the 12-inch guns.

Mr. SHERLEY. The statement as made is accurate as to what the Taft board has recommended, but I have no doubt that my colleague is correct in saying that has been modified to the extent of the elimination of the two 12-inch guns.

Mr. PARSONS. Whereabouts are those guns to be placed?

Mr. SHERLEY. I can perhaps answer what the gentleman desires to know by saying that most of the mortars were intended for Pearl Harbor, as I understood it. Some of the mortars are at Diamond Head and the other mortars are to be at the entrance to Pearl Harbor.

Mr. PARSONS. Is that so they may aid in the protection of Honolulu?

Mr. SHERLEY. They are to aid somewhat, it is supposed, in the protection of Honolulu, but chiefly in the protection of Pearl Harbor itself. It is true that it is estimated by some of the war officers that there is a line at which fire from the guns that are placed near Honolulu and at Diamond Head and the mortars from the entrance to Pearl Harbor would cross. At least the field of these batteries would overlap at one point where ships attacking Honolulu could come. I think that is correct.

Mr. PARSONS. May I ask this: Unless you have the mortars at Pearl Harbor, could not ships come near enough to Honolulu to bombard it?

Mr. SHERLEY. I think not.

Mr. NORRIS. This present bill does not provide for any mortars at Pearl Harbor.

Mr. SHERLEY. It does not.

Mr. NORRIS. That part of the Taft programme for Honolulu is not carried out in this bill.

Mr. SHERLEY. It is not carried out, and for the reasons that I have tried to make plain.

Mr. NORRIS. I think I understand the reasons.

Mr. SHERLEY. I think the gentleman's statement is a little misleading. That part of the programme of the Taft board did not contemplate the protection of Honolulu so much as it contemplated the protection of this naval base that was to be created by straightening out of the channel that leads into Pearl Harbor.

Mr. NORRIS. I understand. I think the gentleman's statement might be a little misleading, because I think we might have understood from his remarks that these mortars were to be placed there and were provided for in this bill. I did not think that was so, and I did not think he wanted to convey that idea.

Mr. SHERLEY. My impression is that the authorizations heretofore carried and those contemplated in this bill provide for all of the fortifications for the Hawaiian Islands, other than the mortars contemplated to be placed at the entrance to Pearl Harbor.

Mr. NORRIS. If I might suggest to the gentleman, it would give the membership valuable information if the gentleman would give the distance between Diamond Head, where the mortars on one side are to be placed, and Pearl Harbor on the other.

Mr. SHERLEY. The gentleman will appreciate I can not carry those distances in my head. I should say that Diamond Head was about 3 miles or a little more from Honolulu and the entrance to Pearl Harbor is about 6 miles from Honolulu, but an air line from Diamond Head to the entrance of Pearl Harbor would not be the distance of the 6 and 3 miles, because the three points form somewhat of a triangle.

Mr. LONGWORTH. I beg the gentleman's pardon, did he say the distance from Honolulu to Diamond Head was 3 miles?

Mr. SHERLEY. Something over 3 miles.

Mr. LONGWORTH. In an air line; oh, it is a good deal further than that.

Mr. SHERLEY. I think the gentleman will find it is not very much greater than 3 miles.

Mr. LONGWORTH. It is about 5 miles.

Mr. GRAFF. If the gentleman will permit, I remember the maps which were presented to the committee showed the fire range intersecting at a point on the west side of Honolulu; in other words, on the side next to Pearl Harbor, so that would indicate very clearly Diamond Head was closer to Honolulu than Pearl Harbor was.

Mr. NORRIS. There is not any doubt about that.

Mr. KEIFER. If the gentleman will let me suggest, Diamond Head is not a very great distance from Waikiki and other places which extend up the coast, and when you come to the entrance and wharfage of Honolulu it is quite a good deal of distance, I should say 4 or 5 miles.

Mr. SHERLEY. I have just been informed by the Delegate from the Hawaian Islands the distance from the mortars to Honolulu is about 4 miles, and I have no doubt his statement is more accurate than my memory.

Mr. MURDOCK. Now, do you say battle ships can not go to Pearl Harbor to-day?

Mr. SHERLEY. I do. I know it not only as a result of the statement of the War Department, but from the fact of having come out of that harbor myself on a very small craft, and if you could have seen the difficulty in the turning and twisting to get that small boat out, you would not have very much doubt about a battle ship coming in.

In regard to the Philippine Islands, the committee has made appropriations looking to the complete fortification of an additional island at the mouth of Manila Bay. No appropriation is suggested for the purpose of any expenditure in Subig Bay, for after a great amount of debate in previous years, and hard feelings and hard names and tremendous conflict of two great arms of the service, it is fortunate that the committee is able to say that without loss of life one of these arms have retreated, and Subig Bay has now under the original scheme been abandoned, we may hope forever.

So that the committee has made appropriations looking to the fortifications of Manila Harbor only. There are contemplated in the final fortifications of that harbor the establishment of batteries upon four islands. One of these is now practically completed, and this bill carries an authorization for the complete fortification upon Cariboa Island. Corregidor is now practically completed according to the original plan for that fortification. As to El Fraile and Caballo, no appropriation for fortifications is made.

I had hoped to present to the Committee of the Whole a statement as to the total expenditures heretofore made and carried in this bill for the Philippine Islands. There is a statement, as set out in the report of the committee, showing that up to this time there have been appropriated for the insular possessions the sum of $4,894,860, but I have been unable to give to the committee a statement in detail of what has been expended or authorized to be expended in the Philippines as separate from the other insular possessions, and my

failure to give this information is but another reason why I hope at the presentation of this bill next year the committee will have been put into possession of such data as will enable it to give to the membership of this House detailed information in regard to the fortifications everywhere.

At present it is almost impossible, as the estimates are made, to determine just what proportion of various sums are to be used at different places and for certain objects. That can only be arrived at from a detailed cross-examination of the different officers having charge of the expenditures. It would be exceedingly simple to have the various bureaus of the War Department—the Engineer Corps, the Artillery Corps, the Signal Service Corps—cooperate in presenting to the committee, and through it to Congress, a detailed statement, so that it will be possible for us to know just what percentage of the work at any particular fortification was finished and what was still needed. The following statements show the scheme of fortification for the Pacific coast and for the insular possessions, viz:

Fortifications for Pacific coast.

Locality.	Guns, carriages, and emplacements.											Ammunition.
	Caliber.								Cost.			
	14-inch.	12-inch.	10-inch.	8-inch.	6-inch.	5-inch.	3-inch.	12-inch M.	Sites and emplacements.	Guns and carriages.	Total.	
PUGET SOUND.												
Projected, National Coast Defense Board	7	6	18	3	27	8	24	48				$3,508,100
Constructed or under construction		4	18	3	20	8	20	40				2,803,480
Remaining	7	2			7		4	8	$1,985,700	$1,427,900	$3,413,600	701,620
Estimated for 1909	3	2			7		4		[a] 48,500		[a] 48,500	
									1,135,000	747,900	1,882,900	90,300
Not asked for	4							8	850,700	680,000	1,530,700	611,320
COLUMBIA RIVER.												
Projected, National Coast Defense Board			8	3	11		6	16				1,122,000
Constructed or under construction			8	3	11		6	8				897,600
Remaining								8	120,000	152,000	272,000	224,400
Estimated for 1909												31,500
Not asked for								8	120,000	152,000	272,000	192,900
SAN FRANCISCO.												
Projected, National Coast Defense Board		20	5	8	14	9	24	56				3,783,825
Constructed or under construction		18	5	8	14	9	16	56				3,029,460
Remaining		2					8		222,670	216,930	439,600	757,365
Estimated for 1909									[a] 250,000		[a] 250,000	79,800
Not asked for		2					8		222,670	216,930	439,600	677,565
SAN DIEGO.												
Projected, National Coast Defense Board			4			2	4					103,250
Constructed or under construction			4			2	4					82,600
Remaining												20,650
Estimated for 1909												8,400
Not asked for												12,250
Total required to complete Pacific coast									2,626,870	1,796,830	4,423,700	1,704,035
Total estimate (1909) for Pacific coast									1,433,500	747,900	2,181,400	210,000
Total remaining, not asked for									1,193,370	1,048,930	2,242,300	1,494,035

Locality.	Submarine mines.		Searchlights.			Power plants.	Fire control.	Other items.	Total.
			Number.		Cost.				
	Engineer structures.	Ordnance material.	36-inch.	60-inch.					
PUGET SOUND.									
Projected, National Coast Defense Board	5 grand groups.		7	20		$518,952	$1,099,625		
Constructed or under construction			1				[b]		
Remaining	$13,800	$19,150	6	20	$394,000	518,952	360,659		
Estimated for 1909	13,800	19,150	6	20	394,000	233,448		[c] $175,000	$175,000
								[d] 12,949	2,695,047
Not asked for						285,504	360,659		2,788,183
COLUMBIA RIVER.									
Projected, National Coast Defense Board	7 grand groups.		4	5		220,747	270,256		
Constructed or under construction							[e]		
Remaining	30,400	29,250	4	5	121,000	220,747	270,256		
Estimated for 1909	30,400	29,250						[f] 61,362	152,512
Not asked for			4	5	121,000	220,747	270,256		1,076,903
SAN FRANCISCO.									
Projected, National Coast Defense Board	14 grand groups.		5	13		528,016	1,473,091		
Constructed or under construction			1				[e]		
Remaining	102,000	56,300	4	13	257,000	528,016	84,000		
Estimated for 1909	102,000	56,300	4	13	257,000	294,405		[f] 4,430	1,043,935
Not asked for						233,611	84,000		1,434,770
SAN DIEGO.									
Projected, National Coast Defense Board	4 grand groups.		1	3		31,028	99,635		
Constructed or under construction							[e]		
Remaining	88,314	15,750	1	3	60,000	31,028	99,635		
Estimated for 1909	86,314	15,750							110,464
Not asked for			1	3	60,000	31,028	99,635		202,913
Total required to complete Pacific coast	232,514	120,450			832,000	1,298,743	814,550	253,741	9,679,733
Total estimate (1909) for Pacific coast	232,514	120,450			651,000	527,853		253,741	4,176,958
Total remaining, not asked for					181,000	770,890	814,550		5,502,775

[a] Site. [b] To complete existing defenses. [c] Torpedo planter. [d] Modernizing old emplacements. [e] Improvised system. [f] Model, old emplacement.

Fortifications for insular possessions.

Locality.	Guns, carriages, and emplacements. Caliber. 14-inch	12-inch.	10-inch.	8-inch.	6-inch.	3-inch.	12-inch M.	Cost. Sites and emplacements.	Guns and carriages.	Total.	Reserve ammunition.
MANILA BAY.											
Projected, National Coast Defense Board	8	6	2	.....	9	12	20	.....	.....	.....	$1,393,200
Constructed or allotted for	2	6	1	.....	5	4	12	.....	.....	.....	83,592
Remaining	6	.....	1	.....	4	8	8	$6,488,000	$1,200,800	$7,688,800	1,309,608
Estimated for 1909	6	.....	1	.....	4	8	8	6,488,000	1,200,800	7,688,800	77,500
Not asked for	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1,232,108
SUBIG BAY.											
Projected, National Coast Defense Board	.....	.....	2	.....	4	8	.....	.....	.....	.....	190,400
Constructed or allotted for	.....	.....	2	.....	4	8	.....	.....	.....	.....	11,424
Remaining	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	178,976
Estimated for 1909	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	25,000
Not asked for	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	153,976
PEARL HARBOR AND HONOLULU.											
Projected, National Coast Defense Board	2	2	.....	.....	.....	4	16	.....	.....	.....	1,280,000
Constructed or allotted for	.....	2	.....	.....	.....	.....	.....	.....	.....	.....	76,800
Remaining	2	.....	.....	.....	.....	4	16	1,110,000	693,400	1,803,400	1,203,200
Estimated for 1909	2	.....	.....	.....	.....	4	16	1,110,000	693,400	1,803,400	37,500
Not asked for	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1,165,700
GUANTANAMO.											
Projected, National Coast Defense Board	.....	6	.....	.....	4	8	8	.....	.....	.....	33,444
Constructed or allotted for	.....	.....	.....	.....	4	4	.....	.....	.....	.....	557,400
Remaining	.....	6	.....	.....	.....	4	8	1,020,000	619,400	1,639,400	523,956
Estimated for 1909	.....	6	.....	.....	.....	4	8	1,020,000	619,400	1,639,400	42,500
Not asked for	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	481,456
Total required to complete Manila and Subig bays, Pearl Harbor and Honolulu, and Guantanamo	.....	.....	.....	.....	.....	.....	.....	.....	[a] 76,400	76,400	.....
	.....	.....	.....	.....	.....	.....	.....	8,618,000	2,590,000	11,208,000	3,215,740
Total estimate (1909) for above-named places	.....	.....	.....	.....	.....	.....	.....	8,618,000	3,008,000	11,626,000	182,500
Total remaining, not asked for	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	3,033,240

Locality.	Submarine mines. Engineer structures.	Ordnance material.	Searchlights. Number. 36-inch.	60-inch.	Cost.	Power plants.	Fire control.	Other items.	Total.
MANILA BAY.									
Projected, National Coast Defense Board	.....	.....	1	8	$159,000	$348,697	$561,086	.....	.....
Constructed or allotted for	.....	.....	.....	.....	.....	.....	.....	.....	.....
Remaining	.....	$328,620	1	8	159,000	.....	.....	.....	.....
Estimated for 1909	.....	328,620	.....	.....	159,000	259,080	561,086	[b] $175,000 [c] 12,000	$9,261,086
Not asked for	.....	.....	.....	.....	.....	[d] 89,617	.....	.....	1,321,725
SUBIG BAY.									
Projected, National Coast Defense Board	.....	.....	1	6	.....	160,633	243,391	.....	.....
Constructed or allotted for	.....	.....	1	1	.....	.....	100,000	.....	.....
Remaining	.....	.....	.....	5	95,000	.....	143,391	.....	.....
Estimated for 1909	.....	.....	.....	5	95,000	105,716	143,391	[b] 175,000 [c] 6,000	550,107
Not asked for	.....	.....	.....	.....	.....	[d] 54,917	.....	.....	208,803
PEARL HARBOR AND HONOLULU.									
Projected, National Coast Defense Board	.....	.....	4	5	.....	68,938	320,656	.....	.....
Constructed or allotted for	.....	.....	.....	.....	.....	.....	.....	.....	.....
Remaining	$129,000	60,994	4	5	131,000	.....	.....	.....	.....
Estimated for 1909	129,000	60,994	.....	.....	131,000	34,469	320,656	[b] 175,000 [c] 6,000	2,698,019
Not asked for	.....	.....	.....	.....	.....	[d] 34,469	.....	.....	1,200,169
GUANTANAMO.									
Projected, National Coast Defense Board	.....	.....	2	6	.....	146,803	280,606	.....	.....
Constructed or allotted for	.....	.....	.....	.....	.....	.....	.....	.....	.....
Remaining	.....	82,413	2	6	132,000	.....	.....	.....	.....
Estimated for 1909	.....	82,413	2	6	117,000	103,727	280,606	[f] 3,000	2,268,646
Not asked for	.....	.....	.....	.....	15,000	43,076	.....	[b] 175,000	714,532
Total required to complete Manila and Subig bays, Pearl Harbor and Honolulu, and Guantanamo	.....	.....	.....	.....	.....	.....	.....	.....	76,400
	129,000	472,027	.....	.....	517,000	725,071	1,305,739	727,000	18,299,577
Total estimate (1909) for above-named places	129,000	472,027	.....	.....	502,000	502,992	1,305,739	552,000	15,272,258
Total remaining, not asked for	.....	.....	.....	.....	15,000	[d] 222,079	.....	175,000	3,445,319

[a] Tools, inspection, etc. [b] Torpedo planter. [c] Four launches. [d] Reserve plants. [e] Two launches. [f] One launch.

In addition to these larger items that I have just mentioned, an examination of the recapitulation of the bill found in the report will show a number of minor items of interest and importance. The committee has endeavored, as stated, to provide a sufficient fund for the purchase and installation of searchlights at certain harbors, notably those on the Pacific coast. There has also been provision made for the manufacture and purchase of machine and automatic guns and equipment, mountain, field, and siege cannon and equipment, etc., and ammunition for machine guns and cannon.

In addition to the provision made for an additional torpedo planter upon the Pacific coast, an item is carried for a torpedo

planter for the Hawaiian Islands, and an item also covering the purchase and installation of searchlights there and in the Philippines.

Without further burdening the committee with a recital of the details of these items I subjoin herewith the recapitulation of this bill. An examination of this recapitulation, together with statements touching the fortifications erected and to be erected in the United States and the insular possessions, will, to the careful student, convey an accurate impression of the effect this bill will have if enacted into law.

Recapitulation of fortification appropriation act for 1908, and amounts recommended for 1909.

Object.	Appropriations for 1908.	Estimates for 1909.	Recommended for 1909.
Fortifications and other works of defense:			
Construction of gun and mortar batteries		$4,247,400.00	$300,000.00
Modernizing older emplacements	$100,000.00	242,500.00	
Construction fire-control stations, etc., and for purchase, manufacture, and test of range and position finders	900,000.00	1,685,750.00	270,256.00
Electrical installations at seacoast fortifications		1,000,000.00	100,000.00
Sites for fortifications and seacoast defenses		3,478,500.00	100,000.00
Searchlights for important harbors	210,000.00	1,000,000.00	210,000.00
Preservation and repair of fortifications	200,000.00	300,000.00	225,000.00
Fort Moultrie, Sullivans Island, S. C., protection of	100,000.00	125,600.00	125,600.00
Forts Pickens and McRee, Pensacola Harbor, Fla., protection of	400,000.00		
Pensacola, Fla., building sea walls, etc		507,100.00	
Pensacola, Fla., repair and restoration of batteries, etc., of	50,000.00	59,355.00	59,355.00
Mobile, Ala., repair and restoration of batteries, etc., of	500,000.00	589,500.00	589,500.00
Fort St. Philip, New Orleans, La., rebuilding and strengthening levees	100,000.00	40,000.00	
Plans for fortifications	5,000.00	5,000.00	5,000.00
Tools, etc., for maintaining and operating electric plants	40,000.00	40,000.00	44,500.00
Sea walls and embankments	25,000.00	180,000.00	35,000.00
Sea walls at Forts San Jacinto and Travis, Galveston, Tex		1,275,000.00	
Preservation and repair of torpedo structures	10,000.00	50,000.00	15,000.00
Mining casemates, etc	175,000.00	464,964.00	175,000.00
Experimental automobile torpedoes		100,000.00	
Operation and maintenance of fire-control installation		145,518.36	50,000.00
Military aeronautics		200,000.00	
Total, fortifications and other works of defense	2,815,000.00	15,736,187.36	2,304,211.00
Armament of fortifications:			
Machine and automatic guns and equipment	30,000.00	110,000.00	40,000.00
Mountain, field, and siege cannon, equipment, etc	300,000.00	800,000.00	300,000.00
Ammunition, etc., for machine guns and cannon	160,000.00	250,000.00	160,000.00
Seacoast guns, mounts, and equipments	132,000.00	2,680,000.00	273,000.00
Ammunition, etc., for seacoast cannon	325,000.00	1,000,000.00	325,000.00
Inspecting instruments, range finders, etc	5,000.00		
Ammunition, subcaliber tubes, etc., for seacoast artillery practice	350,000.00	455,000.00	450,000.00
Alteration and maintenance of mobile artillery	30,000.00	75,000.00	30,000.00
Ammunition, subcaliber tubes, etc., for mountain, field, and siege artillery practice	77,000.00	120,000.00	90,000.00
Alteration and maintenance of seacoast artillery	400,000.00	550,000.00	400,000.00
Alteration of material, including sights, etc	20,000.00	100,000.00	60,000.00
Replacing and overhauling ammunition and for replacing or repairing instruments for fire control, tools, etc	30,878.00		
Converting muzzle-loading field guns to breech-loading guns, and for mounts for the same	5,250.00		
Total armament of fortifications	1,855,128.00	6,140,000.00	2,128,000.00
Proving grounds, Sandy Hook, N. J	74,943.00	74,900.00	74,900.00
Submarine mines	250,000.00	823,100.00	310,000.00
Torpedo planters for Pacific coast, Hawaiian and Philippine Islands, and launches	175,000.00	727,000.00	175,000.00

Recapitulation of fortification appropriation act for 1908, etc.—Cont.

Object.	Appropriations for 1908.	Estimates for 1909.	Recommended for 1909.
Fortifications in insular possessions:			
Seacoast batteries, Cuba		$1,020,000.00	
Seacoast batteries, Hawaiian Islands	$200,000.00	1,110,000.00	$400,000.00
Seacoast batteries, Philippine Islands	500,000.00	6,488,000.00	954,000.00
Electric plants, installation of, in Cuba, Hawaii, and Philippine Islands		502,992.00	135,000.00
Construction of fire-control stations and accessories, purchase of land, etc	100,000.00	1,305,739.00	243,000.00
Purchase and installation of searchlights for important harbors	30,000.00	502,000.00	227,500.00
Construction of mining casemates, cable galleries, etc	200,000.00	129,000.00	70,000.00
Torpedo planter for Hawaiian Islands			175,000.00
Reclamation of land in Philippine Islands for fortifications		5,000.00	5,000.00
Seacoast guns, carriages, etc	400,000.00	3,008,000.00	704,000.00
Ammunition for seacoast guns, etc	50,000.00	250,000.00	50,000.00
Inspecting instruments for manufacture of cannon, etc	2,500.00		
Alteration and maintenance of seacoast artillery, including purchase of machinery, tools, etc	5,000.00	50,000.00	5,000.00
Submarine mines for insular possessions	205,440.00	472,027.00	200,000.00
Total, fortifications in insular possessions	1,692,940.00	14,842,758.00	3,168,500.00
Board of Ordnance and Fortification	25,000.00	100,000.00	50,000.00
Total	6,898,011.00	38,443,945.36	8,210,611.00

I desire in concluding this very desultory statement, which I feel has been most inadequate, owing somewhat to the technical nature of the subject, to call attention to what the costs of these fortifications are going to be to America—not in the creation, but in the manning of them. I desire to read from the report of the Chief of Artillery for 1907, touching the personnel of the corps, the following, viz:

The act of January 25, 1907, provided an increase of 5,043 enlisted men in the Coast Artillery. Of this increase 4,970 men were for the purpose of providing one complete manning detail for all mines, searchlights, and power plants to be operated in connection with the defense of all fortified harbors of the United States now completed or under construction. Deducting this 4,970 from the authorized maximum enlisted strength, 19,321, there remains 14,351 authorized by law for manning all guns now mounted in the fortifications of the entire country. These guns, however, actually require 36,863 men for one complete detail, so that the maximum number of men now authorized for gun defense is 4,080 short of one-half of one complete manning detail for the guns already mounted in the United States.

In addition, 330 men will be required for the operation of the mines, searchlights, and power plants and 5,546 men for the gun defenses of the United States projected by the National Coast Defense Board, making a total of 47,709 enlisted men required for the defenses of the United States alone as now completed and projected. For the defenses of the insular possessions and of the Panama Canal, as projected by the National Coast Defense Board, there will be required 1,270 men for the operation of mines, searchlights, and power plants and 6,131 men for the gun defenses, a total of 7,401 men. It is thus seen that 55,110 men are required for one complete manning detail for all our defenses as completed and projected.

Now, this is an accurate statement, and I know it came as a distinct shock to me—and I am sure it will to quite a number of others—that, upon the final completion of all the fortifications proposed for continental America and for the insular possessions, it will require this army of some 55,000 men to properly man these guns, and that number simply providing one shift for twenty-four hours of duty a day. In other words, assuming that it will cost $1,000 per man, which, I think, can be taken as a minimum expenditure for the cost of a soldier during a year, the manning by corps that will have no relief of all the fortifications of the United States and the insular possessions would require an annual expenditure of $55,000,000. Now, that is a sum large enough to make us all pause in consideration of the tremendous expenditures that modern civilization, in spite of its civilization, forces upon nations for the barbarous purpose of war. It is another reason why we should be slow in the appropriations, and should not, out of a false fear, amplify these batteries that are necessary for the coast defense. Of course they should be ample, but with such tremendous expenditure, both in their creation and in their maintenance afterwards, they should not be more than ample.

I had hoped also to present a statement that would show something of the cost of other military operations by this Government. We have had from time to time general statements made, but unfortunately by virtue of our system of legis-

lation there is never presented to the people of America, as there should be, at each session of Congress, a budget that will give to them a view of the total expenditures of their Government. I am thoroughly satisfied that if the people of America could know and be familiar with what is expended by the Congress and for what purposes that we would hear very much less of clamor such as contained in the editorial I refer to about the estimates being cut, and a good deal more praise of Congress for exercising a sound discretion in those expenditures. [Applause.] It is unfortunate that there is no committee of the House charged with the duty of supervising in its entirety the expenditures of Congress. It is even more unfortunate that there occurs no debate in the Congress of the United States looking to a discussion of the budget. The English system in that regard, and the system of continental countries, is infinitely superior to ours.

If the time that we waste here at the beginning of each new Congress, wondering, speculating, and scheming as to what committees we will be assigned to by the Speaker and the minority leader, could be expended in an intelligent discussion of the budget for the current year, not only would the Members obtain a familiarity with the workings of the Government, but the country would have an object lesson exceedingly valuable. Instead of that, we simply have brought in by the Committee on Military Affairs a bill that we are assured by that committee is a conservative and proper bill; and the Committee on Naval Affairs brings in a bill with a similar assurance; and the Committee on Post-Office and Post-Roads brings in another, the Committee on Foreign Affairs another, and the Appropriations Committee brings in several others. But there is nothing to show the relative sum appropriated for war as against peace pursuits; nothing to show the cost of maintaining the very Departments of the country. So that it requires long service in the House and intricate study to arrive at anything like a comprehensive appreciation of what is annually expended by the Congress of the United States.

Mr. DOUGLAS. May I ask why that does not fall within the province of the Committee on Ways and Means, and why it has never been done? What does the Committee on Ways and Means mean if it does not mean a budget?

Mr. SHERLEY. Really, the Committee on Ways and Means has been a puzzle to quite a number of us as to what its duties are, because we have been unable to get any action out of it; but, seriously speaking, it seems to me it is beyond the present jurisdiction of that committee. That committee's duty is to provide the revenues of the country, but it is not now contemplated it should supervise the expenditures. Of course, there ought to be a cooperation and understanding between the committees that raise revenue and the committees that expend them, and at one time the Ways and Means Committee did both. The ideal government, as I pointed out here several years ago, is a government that fits its income to its necessary, economic expenditures. With that sort of scientific government you would do away with all your balance in the Treasury, you would do away with the need of an argument against the lending of the people's money without interest; you would do away with the constant temptation toward extravagance by virtue of a large surplus that you want to get rid of.

In other words, you would be running the Government's business upon the same theory that any business man would run his. But, unfortunately, the rules of the House do not permit that practice to be invoked.

Mr. KAHN. Under the system the gentleman proposes, would it not be practically necessary for some committee of the House to be appointed almost at the beginning of the term of office, when there was no Speaker to appoint such a committee, in order that in the interim that might intervene between the day of beginning the term and the meeting of Congress that committee could hear the various officials of the Government in order to get information upon these various subjects?

Mr. SHERLEY. I believe the same thing would be possible by the Executive and the members of his Cabinet presenting to Congress not simply the estimates that are presented now by the Secretary of the Treasury, but really a budget in the true sense of the term. Then the country could understand that the Administration in power stood by that budget that was offered to Congress. It would be the business of the majority Members of the legislative branch to defend that budget; it would be the proper and legitimate business of the minority Members to attack that budget, and out of that defense and attack would come a real understanding of the expenditures.

Mr. CLARK of Missouri. Will the gentleman allow me to ask him a question?

Mr. SHERLEY. Certainly.

Mr. CLARK of Missouri. I will ask the gentleman if the real difficulty about having somebody come in here and develop the budget does not grow out of the fact that we have no minister of the Government, as they are called in Europe, who has a seat in either House of Congress, and the reason they can be questioned this way in European parliamentary bodies is because the ministers must have seats in the parliamentary bodies where you can get at them and question them at short range?

Mr. KAHN. Interpellate them.

Mr. CLARK of Missouri. Interpellate.

Mr. SHERLEY. There is no doubt that is one of the reasons. Still, I do not think the absence of a seat upon the floor of the House by members of the Cabinet constitutes an insurmountable difficulty to the carrying out of this idea.

I have been led in the discussion of this bill somewhat afield from the subject of fortifications, and I beg to thank the committee most kindly for its attention while I have been addressing it. [Loud applause.]

Mr. SMITH of Iowa. If the gentleman will yield, there are two gentlemen present to whom I desire to yield a little time. I now yield to my colleague [Mr. BIRDSALL].

Mr. BIRDSALL. Mr. Chairman, the pending bill appropriates in round numbers $1,200,000 for the fortification of the Philippine Islands, and I assume that further appropriations will hereafter be made for the same purpose. I am in favor of this action on the part of the committee and any other reasonable action on the part of Congress looking to the better fortifications of our island possessions. I deem it a proper time to discuss our policy, present and future, in the Philippines and rise to call the attention of the House to the joint resolution introduced by myself early in the session declaring it to be settled policy of the United States to grant independence to the people of the Philippines under our sovereignty as soon as they are capable of self-government.

The question of our national policy in the Philippines remains one of absolute interest. Criticism of the Administration is not wanting by those who from motives of political consideration or from genuine alarm view our policy there as one of imperialism.

Viewed from the broader standpoint of history and philanthropy, the acquisition by the United States of a vast territory in the Orient and the assumption of the burden of civilizing nearly 9,000,000 of semicivilized people is but a scene in the play which has been enacted for the past four centuries and but a factor in that modern civilization which had its birth in the Reformation and has spread throughout the world.

We Americans are not isolated from this current of modern civilization and are but one of the many agencies selected in the providence of God, to carry the light and civilization of the Western World into the night of the mystic East. Shall we prove equal to the task and acquit ourselves in such manner that the future historian will write our advent there as a date for rejoicing or for regret?

With the close of the Spanish war the last vestige of Latin supremacy disappeared from the Western Hemisphere forever, and by the treaty of Paris Spain also surrendered the Philippine Archipelago, over whose savage and semicivilized people she had ruled with brute force for four hundred years. Her history in both hemispheres is written in blood, sealed with the mailed hand of persecution and relieved by the sunlight of scarcely a single act done for civilization and progress. The history of Spain and its sequel, however, carries for us and all other nations a lesson of force and instructive wisdom. Philip the Second wrote himself "King of all the Spanish Kingdoms and of both the Sicilies; titular King of England, France, and Jerusalem; absolute dominator in Asia, Africa, and America; Duke of Milan and of both Burgundies, and hereditary sovereign of the seventeen Netherlands." The ruler over lands upon which the sun never ceased to shine.

One by one shorn of her dependencies and provinces, her ancient glory has departed, and the last act by which her remaining islands of the sea were transferred to Germany, her ancient enemy, was a fitting finale to a tragedy lasting through four centuries of misrule and incompetency, and the little peninsula, impoverished and broken by internal strife and dissension, remains now the sole heritage of the infant descendant of the Cæsars.

Mindful of the lessons of history, realizing the importance of the step we were about to take, the obligation we were about to assume, and that our conduct would be adjudged impartially in future ages, William McKinley laid down a rule of conduct

that appeals to the enlightened sentiment of the twentieth century when he announced:

The Philippines are ours not to exploit, but to develop, to civilize, to educate, to train in the science of self-government. This is the path of duty which we must follow or be recreant to a mighty trust committed to us. The question is not will it pay, but rather will we do what is right?

The people of the archipelago, wanting in knowledge of the history, capacity, and intention of their new governors, might well look with caution and reflect upon the consequences of a change in masters brought about as the issue of a bloody war. The corner stone of every government rests upon the belief of security in life and of property under its dominion, and the basis for government in the Philippines must rest in a belief in the minds of the Filipinos that our declared policy would be carried out; that it was intended to benefit them and not ourselves alone. Confidence in our good intentions was the basic stone upon which the structure of our civil government in the islands was founded and upon which it must be maintained. The native must be taught to understand and believe that he is building for himself and not for our aggrandizement. It was necessary in order to create this belief that the animosities engendered by the war should be overcome, that suspicion of our purpose should be allayed, that they should be instructed in our history and gain a better knowledge of our policies and people. It was no easy matter to impress upon the minds of a people whose intercourse with the Western World for centuries has been that of the victim to the robber, that they would fare better at the hands of those who had despoiled the despoiler. Likewise, it is no easy task to remove from their minds the prejudices which everywhere exist among the Orientals against the Western World.

Let us consider from an impartial and unprejudiced standpoint what has been wrought in the few brief years of American sovereignty in the islands. Civil government dates from the appointment by President McKinley, March, 1900, of the Taft Philippine Commission, consisting of Hon. William H. Taft, of Ohio; Prof. Dean C. Worcester, of Michigan; Hon. Luke Wright, of Tennessee; Hon. Henry C. Ide, of Vermont, and Prof. Bernard Moses, of California. The Commission was nonpartisan in its character and its general purpose, as stated by the President, was to continue and perfect the work of organizing and establishing civil government already commenced by the military authorities, subject in all respects to any laws which Congress may hereafter enact.

Instructions for the guidance of the Commission were prepared by Hon. Elihu Root, as Secretary of War, and this state paper has been appropriately styled the "Magna Charta" of the Filipinos. It became the organic law of the Philippine Archipelago, and under it the civic machinery for 8,000,000 people has been worked out. Legislative authority was conferred upon the Commission as follows:

The making of rules and orders having the effect of law for the raising of revenue by taxes; customs and duties and imports; the appropriation and expenditures of public funds of the islands; the establishment of an educational system throughout the islands; the establishment of a system to secure and effect an efficient civil service; the organization and establishment of courts; the organization and establishment of municipal and departmental governments, and all other matters of a civil nature for which the military governor is now able to provide by rules or orders of a legislative character.

It can be said to the credit of the Commission that not one of the legislative acts has failed to meet the approval of Congress, though they number into the hundreds and cover every phase of civil government touching the liberty of the citizen and the security of his property rights. The sessions of the Commission were public and freely attended by the people of the islands. Hearings were given upon bills of a public nature and the views of the natives freely expressed and duly considered. On June 21, 1901, the executive branch of the government was transferred from the military governor to the president of the Philippine Commission, and on July 4, 1901, Hon. William H. Taft, the present Secretary of War, was inaugurated civil governor.

On September 1, 1901, separate executive departments were created, to which members of the Commission were assigned. These departments consisted of a department of the interior, of commerce and police, of finance and justice, and of the public instruction, and at the same time, by appointment of the President, three Filipinos were added to the Commission. By appropriate legislation the Commission provided for municipal governments throughout the islands, created a judicial system under which the civil courts assumed jurisdiction, created an insular constabulary and municipal police, enacted and put into operation a successful civil-service law and a system of account and credit. A system of education was adopted and installed. Forestry laws and extensive system of public improvements were adopted and entered upon and adequate means of securing revenue by duties and taxes were devised and put in force.

The Fifty-seventh Congress placed the seal of governmental approval upon the organization that had been perfected and conferred every act of the Commission and conferred upon such government additional authority.

In fact, in pursuance of the policy outlined by President McKinley, rights and powers were granted to the Philippine government greater than those possessed by any other country subject to our sovereignty or ever possessed by the States constituting the Union. They were authorized to impose in time of peace tariff duties upon goods coming from ports of the States of the Union into ports of the Philippine Islands. Congress conveyed to the government of the islands all the public property in the archipelago which had passed under the treaty of Paris from the Crown of Spain to the United States, including public buildings, streets, parks, highways, the mineral wealth, beds of streams, and the great forests of valuable woods. It also authorized the government of the Philippine Islands to issue its own currency and direct its postal service. No integral or segregated portion of the United States, foreign or domestic, is exercising to-day so many of the attributes of sovereignty as the Philippine Islands.

The legislative power is now vested in a legislature composed of the Commission and the Philippines assembly—the latter house elected by the inhabitants of the islands. The census completed by the War Department gave us for the first time reliable data as to the numbers and distribution of the population. Heretofore the only information on the subject was derived from Spanish censuses, which were little more than estimates on the subject. According to the American census, the total population is 7,635,426, of which number 647,740 are classified as wild and uncivilized, though not without some knowledge of the domestic arts. The most populous island is Luzon, with 3,798,507 inhabitants, of whom 223,506 are uncivilized. Panay has 743,646 inhabitants, of whom 14,933 are uncivilized. Cebu has 592,247 inhabitants, all civilized. Mindanao's population is 499,634, the uncivilized numbering 252,940, or more than one-half. Jolo has 44,718 inhabitants, of whom only 1,270 are classified as civilized; the province of Cottabato, 125,875 people, of whom only 2,313 are civilized. The population of Manila, the largest city in the archipelago, is stated at 219,028. At the present time the powers of the judicial branch of the government are exercised by a supreme court composed of seven members appointed by the President, three of whom are natives of the islands. Courts of the first instance and inferior courts are appointed by the Commission. Of the courts of the first instance, fifteen are American and six are native, while the minor courts nearly all are native. The municipal governments and provincial governments are administered by officials selected by the popular vote of the inhabitants. The municipal divisions compare with the towns of New England and townships in other portions of the United States and constitute the political units. These municipalities are organized under a general municipal code which provides for the election of a president, vice-president, and municipal council chosen by the qualified electors of the municipality. All male persons above 23 years of age having a legal residence in the municipality for six months and who are not the subjects of any foreign power and who are comprised in one of the three following classes shall be permitted to vote for municipal officers:

First. Those who, prior to August 13, 1898, held the office of municipal captain, alcalde, lieutenant, or member of any * * *.

Second. Those who own real property to the value of 500 pesos or who annually pay 30 pesos or more of the established taxes.

Third. Those who speak, read, and write the English or Spanish language.

There are at the present time 982 mayors of municipalities, 2,906 secretaries, treasurers, etc., and 8,159 counselors, all of whom are Filipinos. The Commission in its report to Congress are able to say that the judges of the various courts, both American and native, have performed their duties in a satisfactory manner and that justice is administered evenly, uniformly, honestly, expeditiously, and ably throughout the islands. The application of our American system of jurisprudence, the code of procedure fashioned therefrom, which has eliminated the technicalities and delays which prevailed under the Spanish system, has been a great benefit to the inhabitants of the Philippine Islands, and it is evident that an abiding conviction is being brought home to them that in the courts is to be found safe and reliable protection against all unjust invasion of the rights of person or property. Since government exists for the purpose of compelling us to keep the peace, to settle our disputes by arbitration instead of blows, confidence in the capacity and integrity of the courts is a prime essential to civilized government, and reverence for and submission to them an unfailing index that a people are civilizing themselves.

That the Philippine government should not be made the subject of the spoils system, one of the first laws enacted provided for a system of civil service, which has been extended to substantially all the positions in the executive branch, subordinates in the clerical force of the judicial branch of the service and practically all positions except elective offices. The United States civil-service rules have been amended so as to permit the transfer thereto of any person who has served in a competitive position in the civil service of three years or more. The Annals of the American Academy of Political and Social Science, in May, 1902, referred to the civil service instituted in the Philippines as follows:

It is hard to see how our government of the Philippines could be started upon its path in any better way than by the excellent provisions established by the Philippine Commission. The reflex action upon our Government of the establishment of a complete merit system in the Philippine Islands can hardly fail to be beneficial. The example of good methods successfully administered, even in a possession as distant as the Philippines, is sure to beget good results when contrasted with the inefficiency and corruption that flowed from the remnants of the spoils system here at home. It will be remembered that England first tried competitive methods in her Indian possessions before she established her civil-service system at home, and it was the successful working of this commission in India which led to its adoption in England. It may not be improper to repeat here the opinion expressed on a former occasion, that inasmuch as the beginning of this reform came from Calcutta to London, it is not impossible or unreasonable to expect that its perfect consummation may come from Manila to Washington.

The Commission have pursued the policy of employing in the government service the Filipino whenever and wherever he demonstrated capacity for the duty required, with the result that the civil service of the entire country is now practically in the hands of the natives.

It is gratifying to find that less than 10 per cent of the government employees and municipal officers are Americans, and that of the police and constabulary force over 98 per cent are Filipinos.

The newest report of the Secretary of War shows that the total number of schools in operation during the last year was: Primary schools, 3,435; intermediate schools, 162; trades schools, 32; agricultural schools, 5; domestic science schools, 17; and provisional high schools, 36—a total of 3,687.

As hereinbefore stated, a complete currency system has been inaugurated in the Philippines, affording a fixed medium of exchange, and which does away with the fluctuation of value incident to the old régime. Their coins have a fixed convertible value to the United States currency in the ratio of 2 to 1. A gold reserve is maintained for the purpose of securing and preserving this parity. Post-offices have been established throughout the entire archipelago, and the facilities include the issuance of money orders. Free-delivery service exists in the city of Manila, the entire force of letter carriers being natives. Nine thousand four hundred and forty-one miles of telegraph and cable lines are in operation throughout the islands. The new Pacific cable has been in operation since July 4, 1904.

The Philippine government is authorized to levy its own taxes and disburse its own revenues, and all of the expenses of the administration of the government have been met by the revenues of the islands.

The receipts and expenses of the government since American occupation are shown by the following table:

Revenues.

Fiscal year ended June 30—	Insular.	Provincial.	City of Manila.	Total.
1899	$3,558,682.83			$3,558,682.83
1900	6,899,340.53			6,899,340.53
1901	10,753,459.95			10,753,459.95
1902	9,371,288.11	$2,008,480.88	$1,199,593.21	12,579,357.20
1903	10,757,455.63	2,527,252.93	1,541,575.85	14,826,284.41
1904	10,249,283.98	3,295,839.47	1,931,129.97	15,476,233.42
1905	11,549,495.37	3,107,912.91	1,441,165.82	16,098,574.10
1906	11,468,067.16	4,509,572.02	1,995,289.85	17,972,929.03
1907	11,149,619.25	4,604,528.31	1,691,341.93	17,445,489.49
Total	85,756,667.81	20,053,586.52	9,800,096.63	115,610,350.96

Expenditures.

1899	$2,376,327.12			$2,376,327.12
1900	4,758,793.66			4,758,793.66
1901	6,451,528.37			6,451,528.37
1902	8,189,404.59	$1,633,158.22	$622,294.81	10,444,857.62
1903	10,249,533.40	1,981,261.22	1,177,611.67	13,408,406.29
1904	11,122,562.38	2,339,836.19	1,578,303.50	15,040,691.98
1905	12,248,857.33	1,474,320.43	2,574,102.78	16,297,280.54
1906	10,146,779.12	4,335,091.32	2,492,392.23	16,974,262.67
1907	8,408,612.84	4,736,038.20	1,560,801.40	14,704,852.44
Total	73,951,798.81	16,499,695.49	10,005,506.39	100,457,000.69

The bonded indebtedness of the Philippine Islands is shown by the following table:

Title of bonds.	Authorized by Congress.	Amount of issue.	Date issued.	Redeemable.	Due.
Land-purchase bonds.	Act of July 1, 1902.	$7,000,000	Jan. 11,1904	1914	1934
Philippine public-improvement bonds:					
First issue	Act of February 6, 1905.	2,500,000	Mar. 1,1905	1915	1935
Second issue	do	1,000,000	Feb. 1,1906	1916	1936
Manila sewer and water-supply bonds:					
First issue	Act of July 1, 1902, as amended by act of February 6, 1905.	1,000,000	June 1,1905	1915	1935
Second issue	do	2,000,000	Jan. 2,1907	1917	1937
Total		13,500,000			

Of this total bonded indebtedness, $7,000,000 was incurred for the purchase of the friar lands, and a considerable amount was created by the establishment of the coinage system. For the first they have the lands acquired by purchase from the friars and for the second a substantial asset in gold. The net charge for interest upon the customs revenues of the islands is less than 2½ per cent.

The present per capita debt of the Philippines is less than that of the United States or Great Britain, being in the former $12 and in the latter $90 per capita.

The progress in the material as well as intellectual welfare of the islands has been marvelous. In fact, all the aid to comfort, health, enlightenment, and civilization that modern science and humanity have invented has been installed in the islands. Already the archipelago has felt the impulse of our Western energy in its people and its commerce.

Reliable data fix the total value of the export and import trade of the islands during the Spanish régime at $35,000,000 annually. Since the American occupation they have continually increased until the annual commerce is over $50,000,000.

The principal item of export is manila hemp, and two-thirds of it comes to the United States.

The enlargement of our commercial relations, business ties, and the community of interest thereby engendered will aid much in the development of the Philippines along the lines of civilization and progress if the proper spirit shall be manifested by our commercial agencies.

We ought not to forget that the inhabitants of the Philippine Islands are our wards, to the uplifting of whom we should apply the most generous treatment which statesmanship can invent. We must cement them to us not only by wise political action, but by a generous commercial policy having their interests first at heart. Such, I am happy to say, has been the wise policy and conduct of our civil governors and Commissioners in the past; such should it continue to be until the bonds of affection and interest alike unite them indissolubly to us.

We can find little to condemn and much to praise in the conduct of our legislative and executive officers in promoting locally the welfare of the Filipino, but what have we done in our home legislation to merit approval? We have denied them our Constitution while insisting upon their fealty to our flag. Of this the Filipinos have no just cause of complaint if our ultimate policy is to give them independence, but it operates to spur their ambition to a speedier acquisition of that desired object. The oriental mind is nowhere prepared for self-government at the present time, though the spirit of constitutional government is rife in Japan. The power of governing has so long borne the stamp of divine right in the oriental world that the one-man power is the only intelligible authority. We have sought to impress upon the Filipino that his ultimate independence rested in proof of a capacity of self-government, which must come from the development of the individual alone. As a dominant country it is our duty to do everything in our power to diffuse correct opinions and dispel errors respecting our political relations with them and to avoid creating an error on this subject. Unless we are prepared to concede their independence we ought to discourage such pretensions on their part.

It is no genuine concession to grant to a dependency the names and forms and machinery of popular institutions, unless the dominant country will permit those institutions to bear the meaning which they possess in an independent community, nor do such apparent concessions produce any benefit to the dependency; but, on the contrary, they sow seeds of political dissention and perhaps insurrection and wars, which would not arise otherwise.

Suspicion of our ultimate purpose to grant independence has been fostered by refusal of our home Government to admit the products of Filipino labor into our markets upon equal terms with those of our other dependencies. Philanthropy should rise above the sordid influences of commercial life, and, unfettered by local interests, legislate from the standpoint of colonial interests alone. Unfortunately, at present, home politics govern, to a great extent, our intercolonial relations, and we are asking ourselves the question, "Will it pay?" rather than, "Is it right?"

No one candidly thinks or honestly believes that the introduction of sugar and tobacco free of duty from the Philippines would have any more serious effect here than the slight reduction in the dividends of wealthy corporations, yet the corporations are with us and influential in politics, while the Filipino is 15,000 miles away and has only the righteousness of his cause to plead for him.

One man has consistently and constantly pleaded for fair treatment of our island wards, asking that the products referred to be admitted for at least 25 per cent of the rates now provided by the Dingley bill. So far his efforts to impress Congress with the justness of his plea have been unavailing. Of one thing I am reasonably certain, that rightly understood by the consumer and the American people at large the policy of Secretary Taft will meet with general approval.

Another evidence of the influence of home politics and of inconsistency in legislation is shown in the bill that applies the United States coastwise law to trade between the Philippines and the United States after July 1, 1905. This bill was reported to the House and passed in April, 1904. As reported it provided—

That on and after July 1, 1905, no merchandise, except supplies for the Army and Navy, shall be transported by sea, under penalty of forfeiture thereof, between ports of the United States and ports or places in the Philippine Archipelago, directly or by way of foreign port, or for any part of the voyage, in any other vessel than a vessel of the United States. That on or after July 1, 1905, no foreign vessel shall transport passengers between ports of the United States and ports or places in the Philippine Archipelago, either directly or by way of foreign port, under a penalty of $200 for each passenger so transported and landed.

This gave the American ships an absolute monopoly upon all traffic between the United States and the archipelago after July 1, 1905.

This legislation came at the behest, practically at the demand, of the shipping industry, and whatever may be its effect upon shipping monopolies at home, it can but prove detrimental to the commerce of the archipelago with this country and lays a cruel burden upon the Filipino in the way of advanced freight rates already very burdensome. It is not a little remarkable that we should reproduce in this century the English navigation act of 1561.

In commenting on the character of this legislation in the House of Representatives, I took occasion to say:

But however American industries may be affected by the intended legislation, we believe the controlling question should be the consideration of the Philippines themselves. Anything else implies a cold-blooded indifference to their well-being and to their relation to our Government. Their productions being tropical, their development depends upon foreign trade. An increase in their production means an increase in surplus for exportation, for which we must take products of other countries. As we have already stated, nothing affects the course of foreign trade to increase or diminish its volume or change the course of its direction so much as the cost of transportation and exchange. If the transportation be increased to this country, it will tend strongly to repress the trade and discourage any American influence in developing the islands. The inevitable result, in our opinion, will be to confine their industries, and internal trade and foreign commerce as well, in the hands of Europeans, who virtually control them now.

We believe a broad and liberal policy should prevail; that commerce should be as free and unrestricted as possible between the islands and the United States, now the parent Government; that as soon as practicable the burdens of our tariff should be made as light as possible upon the products of the islands. Such a policy will, in our judgment, tend to the upbuilding of our dependency, to its advantage and our own benefit. It will tend to cement the bond which Governor Taft and the Commission have studiously cultivated. Any other policy, and especially such as is contemplated in this bill, will amount to a sacrifice of duty toward our helpless dependency.

This act has been so amended as to make the law apply to the Philippines after July 1, 1910. It should be repealed entirely.

It is now becoming more apparent every day that the Government of the United States should recognize and, so far as possible, adopt a settled policy regarding our future intention toward the Philippines. We should ultimately give them independence and in the meantime most generous treatment. We have not compelled tribute as did Rome of her dependencies; we have not sought to tax them for our benefit; we ought not to seek to monopolize their trade as did Spain with all her colonies or suffer them to become the prey of commercial piracy, but rather let us remember the great trust we hold as set forth by McKinley and more tersely put in the phrase of Secretary Taft: "The Philippines for the Filipinos."

We shall meet with trials and perhaps disappointments, but, having assumed the "white man's burden," let us be true to the nobler instincts of humanity. Let us be patient, and when the time comes, as I firmly believe it will, when we can with honor and safety lay aside our burden, let it be with our task fully completed and with the confidence and affection of the Filipinos firmly established. Then will the history of our time contain no brighter page than the record of the construction of the Philippine State by the United States of America and running through it all will be reflected the genius of McKinley and the guiding hand of Taft. [Loud applause on the Republican side.]

Mr. SMITH of Iowa. I now yield to the gentleman from Tennessee [Mr. HALE].

Mr. HALE. Mr. Chairman, I want to call the attention of the House to the bill (H. R. 17744), which I introduced on February 25, with reference to extending the benefits of the act of June 27, 1890, the act of May 9, 1900, and the act of February 6, 1907, to certain officers and enlisted men of the civil war, their widows and minor children. I ask permission to extend my remarks in the RECORD by inserting a memorandum from the Commissioner of Pensions relative to the six regiments and one independent company known as "The United States Volunteers."

WAR DEPARTMENT,
THE ADJUTANT-GENERAL'S OFFICE.

Memorandum for the Commissioner of Pensions relative to the six regiments and one independent company known as "The United States Volunteers."

The organizations known as "United States Volunteers" consisted of six regiments and one independent company. Enlisted men of those organizations were chiefly deserters and refugees from the Confederate army and prisoners of war who had taken the oath of allegiance to the United States. The commissioned officers were appointed chiefly from the Regular Army or from volunteer regiments in the service of the United States at the time the United States Volunteers were organized.

The United States Volunteers were organized and served as follows:

FIRST REGIMENT.

The members of this regiment were enrolled at Point Lookout, Md., on various dates from the month of January, 1864, to the month of June, 1864, and proceeded to Norfolk, Va., where the regiment was mustered in by companies, as follows: Companies A, B, C, D, E, F, and G, May 1, 1864; the field and staff, May 2, 1864; Companies H and I, June 6, 1864, and Company K, June 28, 1864. The regiment remained in or about Norfolk, Va., until August 15, 1864, principally doing provost duty. During the time they were stationed in Norfolk a portion of the regiment, consisting of Companies C, E, and H, participated in an expedition to Knotts Island, N. C., from June 14 to 18, 1864. From July 10 to 16, 1864, Companies C, D, H, and K were on an expedition to Suffolk, Va., and from July 27 to August 3, 1864, Companies B, C, D, E, and K were on an expedition to Elizabeth City, N. C. Those expeditions were undertaken for the purpose of capturing horses and cotton and dispersing bands of guerrillas at Knotts Island, Suffolk, and Elizabeth City. On August 15, 1864, the regiment left Norfolk, Va., the field and staff and six companies, B, C, D, E, H, and K, proceeding via New York to St. Louis, Mo., where they arrived August 22, 1864, and four companies, A, F, G, and I, going via New York to Milwaukee, Wis., where they aided from August 27, 1864, to about September 5, 1864, in the enforcement of the draft in Milwaukee. The six companies left St. Louis August 27, 1864, and the four companies left Milwaukee about September 5, 1864, and thereafter all the companies of the regiment served in the Department of the Northwest, the six companies serving in the district of Iowa and the four companies serving in the district of Minnesota. All of them were engaged while in the Department of the Northwest in garrison duty, in checking or suppressing Indian uprisings, and in guarding wagon trains and Government property, and were stationed at various points in Minnesota, Kansas, Dakota Territory, and Montana Territory, until finally mustered out of service at Fort Leavenworth, Kans., on various dates between November 27, 1865, and May 21, 1866.

SECOND REGIMENT.

The members of this regiment were enrolled on various dates in the month of October, 1864, at Rock Island, Ill., where the organization was mustered into service as follows: Company A, October 3, 1864; the field and staff and Companies B, C, D, E, F, and G, October 6, 1864, and Companies H, I, and K, October 13, 1864. The regiment remained at Rock Island until February 24, 1865, when ordered to Fort Leavenworth, Kans., where it arrived February 26, 1865. The regiment was immediately distributed to various points in the State of Kansas for garrison duty and was engaged either as companies or detachments in checking or suppressing Indian uprisings, guarding mail stages and Government trains, and performing garrison duty in that State until November 7, 1865, when mustered out of service at Fort Leavenworth.

THIRD REGIMENT.

The members of this regiment were enrolled on various dates, principally in the month of October, 1864, at Rock Island, Ill., where they were mustered into service as follows: Company A, October 13, 1864; Companies B and C, October 14, 1864; the field and staff and Company B, October 15, 1864; Company F, October 17, 1864; Company H and I, October 31, 1864; Company K by detachments October 13 and 14, 1864; Company E by detachments, October 15 and 17, 1864, and Company G by detachments, October 17 and 18, 1864.

The regiment remained at Rock Island until February 28, 1865, when it proceeded to Fort Kearney, Nebr. T., via Fort Leavenworth, arriving at Fort Kearney, April 8, 1865. Upon arrival at Fort Kearney the regiment was divided up into detachments consisting of about eleven men each and stationed at various points along the overland stage line in the Territories of Nebraska, Dakota, and Colorado. The various detachments were engaged in escorting wagon trains and coaches and in guarding the telegraph line and the property of citizens and of the Government until October 23, 1865, when ordered to Fort Leavenworth, where the regiment was mustered out of service November 29, 1865.

FOURTH REGIMENT.

The designation of this regiment, originally the Second United States Volunteers, was changed in orders dated March 30, 1865, to the Fourth United States Volunteers. The members of the regiment, with the exception of those of Company F, were enrolled during the month of October, 1864, at Point Lookout, Md., and immediately proceeded from that place to Norfolk, Va., where they were mustered into service October 31, 1864. The members of Company F were enrolled and mustered into service on various dates between June, 1863, and August, 1864, at Fort Delaware, Del., and at different points in the State of Pennsylvania as members of the Third Regiment Pennsylvania Heavy Artillery and the Fifth Regiment Pennsylvania Cavalry. They immediately joined those regiments in Virginia and served in the field in that State with the respective regiments mentioned until March 17, 1865, when they were transferred to the Fourth United States Volunteers and joined it at Norfolk, Va. All the members of the regiment after their arrival at Norfolk, Va., were engaged on provost duty in and about that city until April 30, 1865, when ordered to St. Louis, Mo. Upon the arrival of the regiment at St. Louis it was immediately ordered to Sioux City, Iowa, were it arrived May 27, 1865. The various companies of the regiment were then distributed to different points in Dakota Territory, where they were engaged in garrison duty, in guarding Government animals and other property at Indian agencies, and in checking and suppressing Indian uprisings until June, 1866, when ordered to Fort Leavenworth, Kans., where the regiment was mustered out of service on various dates from June 18, 1866, to July 2, 1866.

FIFTH REGIMENT.

The members of this regiment were enrolled on various dates from March 16, 1865, to April 21, 1865, at Alton, Ill., Camp Douglas, Ill., and Columbus, Ohio, and were mustered into service at Camp Douglas and Alton, the members of the company (E) enrolled at Columbus, Ohio, having been mustered into service at Alton. The dates of muster in as shown by the records are as follows: Field and staff and Companies A, B, and C, March 22, 1865; Company D, April 5, 1865; Companies F and G, April 6, 1865; Company H, April 14, 1865; Company I, April 15, 1865; Company K, April 18, 1865, and Company E, May 2, 1865. The regiment left Camp Douglas and Alton in May, 1865, for Fort Riley, Kans., where it arrived on or about June 1, 1865. Upon arrival at Fort Riley the regiment was separated into companies and detachments and stationed at various points in Kansas, Colorado Territory, Dakota Territory, New Mexico Territory, and Nebraska Territory, engaged in guarding the overland mail route, as escorts for parties opening wagon roads, in protecting settlers from Indians, in checking or suppressing Indian uprisings, and on garrison duty until mustered out of service on various dates from October 11, 1866, to November 13, 1866, at Fort Kearney, Nebraska Territory, and Fort Leavenworth, Kans.

SIXTH REGIMENT.

The members of this regiment were enrolled on various dates in March, 1865, at Columbus, Ohio; Camp Morton, Ind., and Chicago, Ill., and were mustered into service as follows: Companies A and B, March 16, 1865, at Columbus; Company C, March 22, 1865, at Camp Morton; Company D, March 24, 1865, at Camp Douglas; Company G, March 24, 1865, at Camp Morton; Company E, March 25, 1865, at Camp Douglas; Company F, March 26, 1865, at Camp Douglas, and Companies K, I, and H, April 2, 1865, at Camp Douglas. The companies at Camp Morton and Columbus immediately after muster in, joined those at Camp Douglas, and the regiment left that camp May 8, 1865, for Fort Leavenworth, Kans., where it arrived May 11, 1865. Immediately after arriving at Fort Leavenworth the regiment was separated into companies and detachments and stationed at various points in Kansas, Colorado, Utah, and Nebraska, performing post garrison duty, building forts, performing escort duty, and guarding the overland mail route and the Pacific telegraph line. The various companies continued on that duty until they were mustered out of service, on different dates from October 10, 1866, to November 3, 1866, at Fort Kearney, Nebraska Territory, and Fort Leavenworth, Kans.

FIRST INDEPENDENT COMPANY.

The members of this company were enlisted and mustered into service at Baltimore, Md.; New Haven, Conn., and Bridgeport, Conn., on various dates between May 7, 1863, and April 16, 1864, as members of Company G, First Connecticut Cavalry Volunteers, and served with that organization, which was in the field in Virginia, from some time between March 5 and 31, 1864 (exact date not shown by the records), until April 30, 1864. On the date last mentioned they were transferred to the Department of the Northwest, and served at various stations in Minnesota, doing garrison duty and checking and suppressing Indian uprisings, until mustered out, November 16, 1865, at Fort Snelling, Minn., the designation of the organization having been changed under orders dated March 24, 1865, to the First Independent Company United States Volunteers.

The organization of the Fourth Regiment was authorized in a letter from this Department to Major-General Butler dated December 22, 1864, in which it was stated that so soon as recruited the regiment would be reported to the Adjutant-General with view to its being ordered to the Northern frontier.

The organization of the Sixth Regiment was authorized in a letter from this Department to Maj. Gen. Joseph Hooker dated March 12, 1865, in which General Hooker was authorized to recruit a regiment of volunteer infantry from prisoners of war at prison depots within his department to serve for three years, or during the war, in the Northwest or on the plains.

Aside from the instructions relative to the organization of the Fourth and Sixth Regiments, nothing has been found of record to indicate that there was any authority for the establishment of the members of the United States Volunteers "for frontier service;" nor does it appear that there was any law then in force under which volunteers could have been called, enlisted, or accepted into the military service of the United States with any such limitation as to the place of service. Neither has anything been found of record to indicate that any of the members of the United States Volunteers were so enlisted or accepted into service except that it is stated on the prison records of the majority of those who were enlisted at Rock Island that they were enlisted "for frontier service." On the other hand, in a report dated September 16, 1864, Major-General Butler, who enlisted the members of, and who organized the First Regiment, stated that at the time of their enlistment "the promise was not even made to them that they should not be sent against their former friends, which propriety would suggest would not be best and which has not been done, they having, by order of the Lieutenant-General, been sent to the Northern frontier."

While it appears that authority was given for the organization of the Fourth Regiment, except Company F, and of the Sixth Regiment, with a view to their being ordered to the Northern frontier and to serve in the Northwest or on the plains, respectively, the legality of that authority is doubtful, and it does not appear from the records of those organizations, including the enlistment contracts of the members, that advantage was taken of the authority or that the members were enlisted with any restriction whatever as to place of service or as to the kind or character of service.

In the case of the First and Fifth Regiments, Company F of the Fourth Regiment and the First Independent Company, nothing whatever has been found to show that they were organized or that the members were enlisted with any restriction whatever as to place of service or as to the kind or character of military service to be performed. On the contrary, in the case of the First Regiment it appears that the promise was not even made to them that they would not be sent against the Confederates, although the regiment was sent, by direction of Lieutenant-General Grant, to the Department of the Northwest, where it replaced certain other troops sent from that department to General Sherman in Georgia.

In the case of the members of the Second and Third Regiments, it does not appear from the rolls or other records of those organizations, including the enlistment contracts of the members, that they were enlisted with any restriction whatever as to the place of service or as to kind or character of service, although it is stated on the prison records of the members of those organizations that they were enlisted for frontier service, except in the cases of the following-named members, concerning whom no such statement was made:

SECOND REGIMENT.

James M. Carter, Company B; Henry G. Chambless, unassigned; William Coleman, Company H; Richard Edgworth, Company H; Charles Hutchinson, unassigned; William Mahan (also borne as Mahon), Company C; Thomas Warren, unassigned; William M. Herron, Company B.

THIRD REGIMENT.

Thomas Harmon, Company E.

RECAPITULATION.

First Regiment. No record of any authority for enlistments for special service. No record of any such enlistments in regiment. Regiment served in and about Norfolk, Va., and on the Northwestern frontier.

Second Regiment. No record of any authority for enlistments for special service. Prison records show that all but eight of the enlisted men of the regiment enlisted for "frontier service." Regiment served on the Northwestern frontier.

Third Regiment. No record of any authority for enlistments for special service. Prison records show that all but one of the enlisted men of the regiment enlisted for "frontier service." Regiment served on Northwestern frontier.

Fourth Regiment (except Company F). Authority given for the organization of the regiment with view to its being ordered to the Northern frontier. No record of any enlistments in the regiment for such special service. Organization served in and about Norfolk, Va., and on the Northwestern frontier.

Company F, Fourth Regiment. No record of any authority for enlistments for special service. No record of any such enlistments in company, which served in the field in Virginia, in and about Norfolk, Va., and on the Northwestern frontier.

Fifth Regiment. No record of any authority for enlistments for special service. No record of any such enlistments in regiment. Organization served on the Northwestern frontier.

Sixth Regiment. Authority given for the organization of regiment to serve in the Northwest or on the plains. No record of any enlistments in the regiment for such special service. Organization served on Northwestern frontier.

First Independent Company. No record of any authority for enlistments for special service. No record of any such enlistments in company, which served in the field in Virginia and on the Northwestern frontier.

F. C. AINSWORTH,
The Adjutant-General.

APRIL 19, 1907.

The foregoing was transmitted to this Bureau with the return of a call made in the case of Philip W. Arwood, private of Company D, Fourth United States Volunteer Infantry, certificate No. 738274, and with the following indorsement:

APRIL 19, 1907.

Respectfully returned to the Commissioner of Pensions, with a memorandum inclosed relative to the six regiments and one independent company known as the "United States Volunteers." This memorandum contains all the information shown by the records relative to the place of service of those organizations and to the enlistment of any of the members thereof for "frontier service."

F. C. AINSWORTH,
The Adjutant-General.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, May 18, 1907.

Maj. Gen. F. C. AINSWORTH,
The Adjutant-General.

MY DEAR GENERAL: Referring to your memorandum of April 19, 1907, furnished me relative to the six regiments and one independent company, known as United States Volunteers, I find on page 2 thereof the following:

SECOND REGIMENT.

The members of this regiment were enrolled on various dates in the month of October, 1864, at Rock Island, Ill., where the organization was mustered into service as follows: Company A, October 3, 1864; the field and staff, and Companies B, C, D, E, F, and G, October 6, 1864, and Companies H, I, and K, October 13, 1864. The regiment remained at Rock Island until February 24, 1865, when ordered to Fort Leavenworth, Kans., where it arrived February 26, 1865. The regiment was immediately distributed to various points in the State of Kansas for garrison duty and was engaged either as companies or detachments in checking or suppressing Indian uprisings, guarding mail stages and

Government trains, and performing garrison duty in that State until November 7, 1865, when mustered out of service at Fort Leavenworth.

And on page 3 thereof the following:

FOURTH REGIMENT.

The designation of this regiment, originally the Second United States Volunteers, was changed in orders dated March 30, 1865, to the Fourth United States Volunteers. The members of the regiment, with the exception of those of Company F, were enrolled during the month of October, 1864, at Point Lookout, Md., and immediately proceeded from that place to Norfolk, Va., where they were mustered into service October 31, 1864. The members of Company F were enrolled and mustered into service on various dates between June, 1863, and August, 1864, at Fort Delaware, Del., and at different points in the State of Pennsylvania as members of the Third Regiment Pennsylvania Heavy Artillery and the Fifth Regiment Pennsylvania Cavalry. They immediately joined those regiments in Virginia and served in the field in that State with the respective regiments mentioned until March 17, 1865, when they were transferred to the Fourth United States Volunteers and joined it at Norfolk, Va. All the members of the regiment, after their arrival at Norfolk, Va., were engaged on provost duty in and about that city until April 30, 1865, when ordered to St. Louis Mo. Upon the arrival of the regiment at St. Louis it was immediately ordered to Sioux City, Iowa, where it arrived May 27, 1865. The various companies of the regiment were then distributed to different points in Dakota Territory where they were engaged in garrison duty, in guarding Government animals and other property, at Indian agencies, and in checking and suppressing Indian uprisings until June, 1866, when ordered to Fort Leavenworth, Kans., where the regiment was mustered out of service on various dates from June 18, 1866, to July 2, 1866.

It seems to me that they are somewhat contradictory in that it is stated therein that the members of the Second Regiment were enrolled on various dates in the month of October, 1864, at Rock Island, Ill., where the organization was mustered into service as stated, and that the designation of the Fourth Regiment, originally the Second Regiment, was changed in orders dated March 30, 1865, to the Fourth United States Volunteers; that the members of the regiment, with the exception of those of Company F, were enrolled during the month of October, 1864, at Point Lookout, Md., and immediately proceeded from that place to Norfolk, Va., etc.

I gather from the statement of the memorandum that the Second Regiment proceeded from Rock Island, Ill., to Fort Leavenworth, at which last place the regiment was distributed to various points on the frontier for garrison duty, etc.; and that the Second Regiment, afterwards designated as the Fourth Regiment, proceeded immediately from Point Lookout, Md., to Norfolk, Va., etc.

I will be pleased if you will look into the matter and advise me whether I misunderstand the memorandum, etc.

Very truly, yours,

V. WARNER,
Commissioner of Pensions.

WAR DEPARTMENT,
THE ADJUTANT-GENERAL'S OFFICE,
Washington, May 21, 1907.

Hon. VESPASIAN WARNER,
Commissioner of Pensions.

MY DEAR SIR: Referring to your letter of the 18th instant, relative to the memorandum of this office of April 19, 1907, in regard to the six regiments and one independent company, known as United States Volunteers, in which letter you suggest that the memorandum is somewhat contradictory in the description of the organization and movements of the Second and Fourth (also designated Second) regiments, I have the honor to inform you that there is no real contradiction in that statement, as suggested.

The apparent contradiction will disappear, I think, when you are advised that from October, 1864, to March 30, 1865, there were two separate and distinct regiments, designated as the Second United States Volunteers, one organized and stationed at Rock Island, Ill., until February 24, 1865, when ordered to Fort Leavenworth, Kans., and the other enrolled at Point Lookout, Md., and mustered into service and stationed at Norfolk, Va. The designation of the last-mentioned regiment was changed in orders dated March 30, 1865, from the Second United States Volunteers to the Fourth United States Volunteers.

Very respectfully,

F. C. AINSWORTH,
The Adjutant-General.

Mr. SHERLEY. I desire to make a similar request.

The CHAIRMAN. The gentleman from Kentucky asks a similar privilege. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BEDE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 124. On act to provide for the purchase of a site and the erection of a building thereon at Pocatello, in the State of Idaho:

S. 1560. An act for the relief of the estate of Henry Ware, deceased;

S. 1770. An act to provide for the purchase of a site and the erection of a public building thereon at Albany, in the State of Oregon;

S. 5665. An act for the purchase of land for the use of the military post at Fort Sheridan, Ill.;

S. 3452. An act for the relief of Joseph Schrembs;

S. 5516. An act providing for the erection of a public building at Independence, Mo.;

S. 3843. An act for the relief of the legal representatives of Stewart & Co., and A. P. H. Stewart;

S. 6171. An act to allot Indians land in former limits of Bois Fort Reservation, Minn.:

S. 4427. An act for the relief of Hastings Steamboat Company; and

S. 6135. An act providing for the disposal of the interests of Indian minors in real estate in Yakima Indian Reservation, Wash.

The message also announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 45.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause surveys and examinations to be made of Neuse River from Pamlico Sound to Kinston, N. C.; of Trent River from its junction with Neuse River to Trenton, N. C.; of Tar River from Pamlico Sound to Washington, N. C.; of Pasquotank River from Albermarle Sound to Elizabeth City, N. C.; of Roanoke River from Albermarle Sound to Weldon, N. C.; of Chowan River from Albermarle Sound to a point opposite Winton, N. C., with a view to improving the navigability of all said rivers and providing channels of 10 feet depth, so as to conform the depth of said rivers from their mouths in said sounds to the points specified with the depth of the canal authorized by the river and harbor act of 1906, to connect the waters of Pamlico Sound and its connecting sounds with the Atlantic Ocean at Beaufort, N. C.

The message also announced that the Senate had passed without amendment bills and joint resolution of the following titles:

H. R. 14434. An act to validate certain entries of public lands in the State of Colorado;

H. R. 16078. An act providing for second desert-land entries;

H. R. 16874. An act to amend section 13 of an act entitled "An act to divide the State of Texas into four judicial districts," approved March 11, 1902;

H. R. 17710. An act to increase the efficiency of the personnel of the Life-Saving Service of the United States; and

H. J. Res. 101. Joint resolution authorizing the Secretary of War to secure a suitable design for a statue of the late Commodore John D. Sloat at Monterey, Cal.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 5254) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent children of such soldiers and sailors.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 15653) to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late civil war, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCCUMBER, Mr. SCOTT, and Mr. TALIAFERRO as the conferees on the part of the Senate.

FORTIFICATION APPROPRIATION BILL.

The committee resumed its session.

Mr. SHERLEY. I yield such time to the gentleman from Georgia as he may desire.

Mr. BARTLETT of Georgia. Mr. Chairman, as is usual the general debate upon appropriation bills in this session has taken a wide range, and I hope I may be pardoned if I do not follow the debate to-day and discuss the bill.

I have been a Member of this House for thirteen years and more, and during all of that time I have listened, as my Democratic colleagues and the country have, to speeches of gentlemen on the other side, the burden of which has always been that whenever we had a Democratic administration and a Democratic tariff we had panics and when we had a Republican administration and Republican tariff we had prosperity. I confess that when I first made my advent in this House I saw gathered here in this Chamber more white Republicans than I ever saw at one time in a house before. [Laughter.] I was part of that flotsam and jetsam that was left in the great storm and wreck of 1894 which followed the "sound and sane" Administration of the then President. From that day to this, from that most severe Democratic rout until now, the Democratic party has been endeavoring to recover, and from that day to this present has gradually reduced that majority until now, I say to the Members of this House, unless all signs shall fail the people will return the control of the House and the Government to the Democratic party in November next. [Loud applause on the Democratic side.]

I have been in this long service particularly attracted by the fact that when the Republican party was in hard stress and in need it always called into action the doughty champion and eloquent statesman from Pennsylvania [Mr. DALZELL].

How often have we heard him "roll as a sweet morsel under his tongue" the statement that the ruin and panic of 1893–94 followed the enactment of the Gorman-Wilson bill, and how that in the time of "panic" we rushed through 650 amendments, under a rule giving only forty minutes' discussion before adopting them.

But how changed is his subject now. "The beauty of Israel is slain upon its high places. How are the mighty fallen." No more we hear from him or from any of the rest that panics follow Democratic success and no panics follow Republican success. It reminded me very much of a story I heard told of a gentleman who was out in the bay with his old negro fisherman, and night and storm came upon them, and after the storm had somewhat subsided and they desired to reach the shore, the master being tired lay down in the bow of the boat and said, "Sam, steer by that star and we will reach the shore safely." After a while the old negro came to him and shook him, and in great terror and trepidation said, "Massa, get up, the star has set. Give me another star to steer by." So hereafter the gentleman from Pennsylvania and gentlemen on that side will have to find another star. The Democratic panic star has set for good. [Applause on the Democratic side].

I recalled also, when the gentleman was making his speech and had, as I shall undertake to show, resurrected new doctrine for the Republican party, those verses from Butler when he said:

Thy trenchant blade, Toledo trusty,
For want of fighting has grown rusty,
And will eat into itself, for lack
Of something to hew and hack.

I think I might paraphrase that and say:

Thy trenchant panic blade, Oh, DALZELL trusty,
For want of Democratic panic will grow rusty,
And will eat into itself, for lack
Of Democratic panics to hew and hack.

[Applause on the Democratic side.]

The gentleman resurrected as his party founder and the author of his party faith Alexander Hamilton, a man who has been written of by a living Republican Senator, who said that the party which he (Hamilton) founded and of which he had been the chief and the champion when he died, sunk out of existence, and even its name was lost, except as a byword of political unpopularity. I am willing, Mr. Chairman, and the Democratic party and the people are willing that this new declaration of Republican faith, this resurrection of Hamiltonian theories, shall be placed before the country as the foundation upon which the present Republican party, deserting its cry of Democratic panics, shall build its theories of government and go before the people. I am content and the party that I belong to is content that the gentleman should so pick up and reclothe this skeleton of Federalism as represented by Hamilton and the theories he taught.

I have no words to say in disparagement of the great abilities of Mr. Hamilton. He was a wonderful man, but if he could have had his way we would have not had now a union of States separate in their powers and distinct in their duties and obligations and one General Government controlling national affairs, supreme within itself, and the independent States supreme within themselves. He was a lover of the strong government of England. In fact, he thought it the greatest government on the face of the earth, and in less than five years after we had achieved our independence from the tyrannies and oppressions of England and overthrown the forces of the King and the kingly power, when we came to frame the charter of our liberties, the Constitution, he did all he could to have the Government modeled after that of England. He was a member of the Constitutional Convention, presented his plan of government, advocated it in a masterful speech, and when they refused to go back to the kind of government from which they had just succeeded in freeing themselves he left the convention and did not return until a short while before it adjourned. If Hamilton could have had his way we would have had no Republic; we would have had an executive like the King, chosen for life, independent of the people.

We would have had States only in name, with their governors selected by the General Government and with the power to veto everything that the legislature of the States might do. Hamilton had no trust in the people. He did not believe that they were capable of self-government. If the Hamiltonian theory of government is to be the new Republicanism, I am content, and the Democratic party, I think, is content that the Republican party shall stand as the sponsor and exponent of his doctrine of the principles of government.

But I do not believe we have yet arrived at that stage of demoralization and distrust of republican institutions when we are ready to give up the theories of government for which our fathers fought, and which were finally established by the overthrow of Great Britain, and accept the theories of Hamilton in place of our republican form of government and the theories of Democratic rule taught by the author of the Declaration of Independence, Thomas Jefferson, the founder of the Democratic party.

Since I have asserted that Hamilton was not in favor of a republican form of government such as was finally established, it is proper that I should make proof of that statement. I hold in my hand the proposition he submitted to the Federal Convention for the Constitution of the Government. It was a supreme legislative power in the first article, the one to be called "the assembly" and the other "the senate," which should frame the legislation of the nation with power to pass the laws. The assembly was to consist of persons elected by the people, and the senate elected by persons to serve during good behavior. It is bad enough sometimes to have a Senate with a chance to reelect it every six years, but what sort of a government would we have to-day if we had them elected during good behavior and only to be impeached by themselves?

These Senators shall hold place during good behavior, removable only by the impeachment for some crime or misdemeanor. They shall continue to exercise their office when impeached until convictions shall take place. In support of these propositions he said the form of the new government was to pervade the whole of the civic powers—in short, a complete sovereignty.

Since I have asserted that Mr. Hamilton was not in favor of a republican form of government, such as was finally established, it is proper that I should make proof of that statement. I take this from the Life of Hamilton, by Senator LODGE.

In the Federal Convention he submitted the following propositions for a Constitution of the Government:

I. The supreme legislative power of the United States of America to be vested in two distinct bodies of men, the one to be called the assembly, the other the senate, who together shall form the legislature of the United States, with power to pass all laws whatsoever, subject to the negative hereafter mentioned.

II. The assembly to consist of persons elected by the people, to serve for three years.

III. The senate to consist of persons elected to serve during good behavior.

ARTICLE III.

SEC. 1. The senate shall consist of persons to be chosen, except in the first instance, by electors elected for that purpose by the citizens and inhabitants of the several States comprehended in the Union, who shall have in their own right, or in the right of their wives, an estate in land for not less than life, or a term of years, whereof at the time of giving their votes there shall be at least fourteen years unexpired.

SEC. 6. The senators shall hold their places during good behavior, removable only by conviction, on impeachment for some crime or misdemeanor. They shall continue to exercise their offices when impeached until a conviction shall take place. * * *

All laws of particular States contrary to Constitution or laws of the United States to be utterly void; and the better to prevent such laws being passed the governor or president of each State shall be appointed by the General Government and shall have negative powers upon the laws about to be passed in the State in which he is governor or president.

In support of his proposition Mr. Hamilton advanced the following arguments:

Society naturally divides itself into two political divisions—the few and the many, who have distinct interests.

The aristocracy ought to be entirely separated; their power should be permanent, and they should have the caritas liberorum.

In my private opinion, I have no scruple in declaring, supported as I am by the opinion of so many of the wise and good, that the British Government is the best in the world; and that I doubt much whether anything short of it will do in America. I hope gentlemen of different opinions will bear with me in this, and beg them to recollect the change of opinion on this subject which has taken place, and is still going on. It was once thought that the power of Congress was amply sufficient to secure the end of their institution. The error was now seen by everyone. The Members most tenacious of republicanism are as loud as any in declaiming against the vices of democracy. This progress of the public mind leads me to anticipate the time when others as well as myself will join in the praise bestowed by Mr. Neckar on the British constitution, namely, that "it is the only government in the world which unites public strength with individual security." * * *

To the proper adjustment of it the British owe the excellence of their constitution. Their House of Lords is a most noble institution. Having nothing to hope for by a change, and a sufficient interest, by means of their property, in being faithful to the national interests, they form a pernicious barrier against every pernicious innovation, whether attempted on the part of the Crown or of the Commons. No temporary senate will have firmness enough to answer the purpose. * * *

As to the Executive, it seemed to be admitted that no good one could be established on republican principles. Was not this giving up the merits of the question; for can there be a good government without a good executive? The English model was the only good one on this subject. The hereditary interest of the King was so interwoven with that of the nation, and his personal emolument so great that he was placed above the danger of being corrupted from abroad, and, at the same time, was both sufficiently independent and sufficiently controlled to answer the purpose of the institution at home. * * *

Let one branch of legislature hold their places for life, or at least during good behavior. Let the Executive also be for life.

It may be truly said that of all the great Americans of the early day Alexander Hamilton was the least truly in sympathy with the cause of the colonies in 1776. He showed his monarchical tendencies in the Constitutional Convention by offering the plan I have called attention to, and in his speech, when he described the British Government as the best in the world and when he doubted whether anything short of it would be good for America. He distrusted the people, and insisted that our State government should be extinguished in order to establish what he called the success of our empire. His purposes were defeated. He was so disgusted that as late as 1802 he wrote to Gouverneur Morris that the government established by the Constitution was a weak and worthless fabric.

If these be the theories and principles of the Republican party to-day, which are to be resurrected and proclaimed as those that should be followed by them, and which the people should be asked to enjoy, I have no doubt of the result of the issue as between them and those other theories and principles of government which were taught by Jefferson and the founders of the Republic when submitted to a vote of the people. It is a bold and new step in the direction of centralization and federalism that the gentleman from Pennsylvania has proclaimed when he resurrected Hamilton and his theories as the principles of the Republican party, which are to guide them in this, the twentieth century, and which, if followed, must eventually destroy our form of government as it was established and was intended to exist. When Hamilton died, the party which he had organized and undertaken to establish had almost ceased to exist and soon after died, for, as Senator LODGE says in his Life of Hamilton:

> The party of which he had been the chief champion dropped out of existence, and even its name was lost except as a byword of political unpopularity.

The Democrats of this time and of all times in this country have always been content and will always be content to follow the founder of their party, Thomas Jefferson. [Applause on the Democratic side.]

Mr. HITCHCOCK. Would it interrupt the gentleman if I were to make a comment just there?

Mr. BARTLETT of Georgia. No; it would not.

Mr. HITCHCOCK. And that is that the course of recent events has been that while the British Government has become more democratic by constant pressure of the people for self-government, the Government of the United States, under the Republican programme, has constantly tended to become more centralized and monarchical.

Mr. BARTLETT of Georgia. I intended to say something with reference to that. They have in England a demand that the House of Lords shall be abolished, and we have somewhat the same demand in this country that our "House of Lords" shall be elected by the people, and while we have not a President for life, we have a President who, in my judgment, has sometimes disregarded the law and the Constitution.

Mr. OLLIE M. JAMES. Our "House of Lords" exercises often in this country the right to kill bills of the legislature of the people, which is something that is not exercised by the House of Lords in England.

Mr. BURLESON. They would not dare exercise it.

Mr. BARTLETT of Georgia. Now, I have undertaken to epitomize the theories of the government of the founder of the Democratic party, whose party did not die with him—the principles of whose party did not die with him and have not become at any time a byword of political unpopularity.

Nor will the fact that the gentleman from Pennsylvania undertook to say that Jefferson is not entitled to the credit of the Louisiana purchase take away from him that credit, because I need but to state Republican authority to prove the assertion. Said Mr. Hoar:

> The mighty figure of Thomas Jefferson comes down in history with the Declaration of Independence in one hand and the title deed of Louisiana in the other, and the author of the Declaration of Independence in human history is the foremost man who ever lived whose influence has led men to govern themselves in the conduct of the state by spiritual law.

It must be remembered that we who believe in the teachings of the founder of the party need not adopt new principles or new theories. The gentleman from Pennsylvania quoted from Webster, and so will I. Said Webster:

> He is the author of the Declaration of Independence and the person who wrote the title deed to our liberties. It is the product of his mind, and the high honor of it belongs to him absolutely. * * *

As against the man who undertook to establish a monarchy and a President for life and a Senate for life, and governors of sovereign States chosen by the General Government, I place this statement with reference to the founder of our party, which Webster uttered, that all Americans to this day may well rejoice that the work of drawing the title deeds of our liberty devolved upon this greatest of Americans, the founder of the Democratic party—the immortal Jefferson. [Applause on the Democratic side.]

Jefferson said:

> I know no safe depository of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take away from them, but to inform their discretion by education.

I have not time, Mr. Speaker, to pursue this thought further. I will quote, however, a brief part of the speech delivered by Mr. Webster in Faneuil Hall in the memorial exercises when he delivered that great speech on Adams and Jefferson. He said:

> On July 1, 1775, it was voted that a committee be selected to prepare a declaration. The committee was elected by ballot, July 2, and consisted of Thomas Jefferson, John Adams, Benjamin Franklin, Roger Sherman, and Robert R. Livingston. Jefferson received the highest vote and Adams the next highest vote. * * * Mr. Jefferson and Mr. Adams were requested by the other members to act as a subcommittee to prepare the draft, and Mr. Jefferson drew this paper.
>
> It is the production of his mind, and the high honor of it belongs to him clearly and absolutely. The cause of American independence was now to be presented to the world in such manner, if it might so be, as to engage its sympathy, but to command respect, to attract its admiration, and in an assembly of most able and distinguished men Thomas Jefferson had the high honor of being the selected advocate of this cause. To say that he performed his great work well would be doing him injustice. To say that he did excellently well would be inadequate and halting praise. Let us rather say that he so discharged the duty assigned him that all Americans may well rejoice that the work of drawing the title deed of their liberties devolved on him.
>
> Their fame is indeed safe. That is now treasured up beyond the reach of accident. Although no sculptured marble should rise to their memory, nor engraved stone bear record of their deeds, yet will their remembrance be as lasting as the land they honored. Marble columns may indeed molder into dust; time may efface all impress from the crumbling stone, but their fame remains; for with American liberty it rose and with American liberty only can it perish. Their bodies are buried in peace, but their name liveth evermore.

Hamilton lives to-day, it is true, but he lives as a man who doubted the right and power and ability of the people to govern themselves. While the roar of British cannons in the ears of our victorious people had hardly ceased, he undertook to establish a monarchy and despotism upon the country. I had rather proclaim my faith and devotion to the man who wrote the title deeds to American Independence, and who has well been said, "With whom American liberty rose and with forgetfulness of the principle which he taught can only America die," and follow him than the one who would have left our country a kingdom or an empire.

Mr. Chairman, the gentleman also detailed what he said the Republican party had done in many instances. He claimed the credit for all legislation that was enacted. I have not the time to read the papers, nor would I undertake to weary the committee with the facts which I will put in the RECORD, but I make this statement and I will prove it by Republicans, that the first effective bill for the purpose of regulating interstate commerce was introduced in a Democratic House and passed by a Democratic House and sent to a Republican Senate, and that Democrat was John H. Reagan, of Texas. [Applause.] Now, I am going to prove that by the word of a Republican, formerly governor of Iowa. Here is what Governor Larrabee said in his work on the railroad question on page 352:

> In 1878 Mr. John H. Reagan, of Texas, introduced into the House of Representatives a bill for an act to regulate railroad companies engaged in interstate commerce. This may be said to have been the first real interstate-commerce bill before Congress. It was a progressive, thorough, and well-planned measure, but failed to receive the approval of Congress, because the majority of its Members considered it too radical a measure. The bill contained many of the provisions of the present interstate-commerce act, including the antipooling and the long and short haul clauses, but instead of creating a commission it lodged in the courts, both State and Federal, power to enforce the law.
>
> Other bills were introduced from year to year, but none of them drew sufficient votes to make it a law. Congress may be said to be divided into three camps on the railroad question:
>
> 1. Those who favored the system of regulation proposed by Mr. Reagan.
> 2. Those who favor the commission system.
> 3. Those who are opposed to every mode of Federal regulation of interstate commerce.
>
> In the meantime the inactivity of Congress caused considerable restlessness among the people, and the demand for action became louder every year.
>
> The issue entered into politics, and a number of Western Congressmen owed their failure to be reelected to their indifference or enmity to the Federal railroad legislation. (See Larrabee's Railroad Question, p. 352.)

Now, that is true. Now, you say all laws upon the statute books have been passed by Republican Congresses and signed by Republican Presidents. You forget you had a Democratic President in the White House in 1887, and this first bill of interstate-commerce regulation, introduced by Reagan and supplemented by the Senate, was passed through this House by the Democrats and signed by a Democratic President. [Applause on the Democratic side.]

THE INTERSTATE-COMMERCE LAW.

That history may be kept straight upon this subject, let it be recalled that on June 5, 1866, the Republicans in Congress, with a view to having the railroads of the country which did an interstate business placed under the control of Congress, passed the act to be found at section 5258 of the Revised Statutes, and it was under this statute that it was decided that these railroads were not subject to State regulation, and from 1866 to 1906 the Republican party never enacted any law which looked to the control and regulation of railroad rates. It took them forty years to enact a rate-regulation law, and it took them twenty years from 1886, when their attention was called to it, to enact a law. But the attention of the country had previously—in 1874—been specifically called to transportation conditions existing at that time by what was known as the "Windom report," made to Congress by virtue of a resolution passed by Congress on December 16, 1872. The Windom committee was appointed by reason of the fact that the President of the United States in his message had called the attention of Congress to the subject. In this message it was stated that the subject was one of such importance as would force itself upon the legislative branch of the Government sooner or later, and therefore suggested that a committee or commission be authorized to consider the question and report to Congress for its better guidance in legislating on the important subject. What was known as the "Windom committee" did make an investigation, and from their report I submit the following extract:

DEFECTS AND ABUSES OF EXISTING SYSTEMS OF TRANSPORTATION.

Concisely stated, the defects and abuses alleged against the existing systems of transportation are insufficient facilities, unfair discriminations, and extortionate charges.

With reference to the matter of facilities, it is believed that the improvement of natural waterways and the construction of additional channels of water communication have been wholly inadequate to the growing demands of trade, and by reason of this neglect on the part of the Government the commerce of the country has been compelled to accept the more expensive methods afforded by railroads; that railway companies, having thus secured a substantial monopoly of the business of transportation, have failed to recognize their responsibilities to the public or to meet the just demands of the rapidly increasing commerce between the interior and the seaboard.

Discriminating and extortionate charges, however, constitute the chief grounds of complaint. The principal causes which are supposed to produce such charges, and which have aggravated and intensified the public discontent, may be summarized as follows:

1. "Stock watering," a well-known process by which the capital stock of a company is largely increased for purely speculative purposes without any corresponding expenditure on the part of its recipients.

2. Capitalization of surplus earnings. By this process the net profits over and above the amount paid on interest and dividends, are supposed to be expended in permanent improvements and charged up to capital account, for which additional stock is issued and increased charges rendered necessary to meet the increased dividends required. It is insisted that this is a double form of taxation, first, in the exorbitant charges from which such surplus profits are derived, and, second, in the conversion of such surplus into capital stock, thereby compelling the business of the country to pay increased charges on all future transactions, in order to provide dividends on capital thus unjustly obtained. It is argued with great force that as all the legitimate claims of railroad companies are met by the public when it has paid a fair and reasonable return for the capital invested and services rendered, any surplus earnings expended in improvements should inure to its benefit, instead of being made the basis of future exactions. In brief, the people believe that by this process they are first robbed and then compelled to pay interest on their own money.

3. The introduction of intermediate agencies, such as car companies, fast-freight lines, etc.

4. "Construction rings" and other means by which the managers are supposed to make large profits in the building of railways, which are charged up to the cost of the road.

5. Unfair adjustments of through and local rates, and unjust discriminations against certain localities, whereby one community is compelled to pay unreasonable charges in order that another more favored may pay less than the services are worth. This will be fully considered hereafter in the discussion of the "equal mileage rates."

6. General extravagance and corruption in railway management, whereby favorites are enriched and the public impoverished.

7. Combinations and consolidations of railway companies, by which free competition is destroyed and the producing and commercial interests of the company handed over to the control of monopolies, who are thereby enabled to enforce upon the public the exorbitant rates rendered necessary by the causes above named.

8. The system of operating fast and slow trains on the same road, whereby the cost of freight movement is believed to be largely increased. This is, perhaps, the misfortune rather than the fault of railway companies. It is doubtless a necessity growing out of the conditions under which our railway system has been developed.

Of the defects and abuses above mentioned, perhaps none have contributed so much to the general discontent and indignation as the increase of railway capital by "stock watering" and capitalization of surplus earnings. It is freely conceded that a fair and even a liberal remuneration should be paid for capital actually invested, but that the industry of the country should be taxed for all time to meet dividends on paper capital is indignantly denied.

To what extent the nominal railway capital of the country is represented by fictitious stock is not easy to determine. The manner in which railway accounts are usually kept renders it very difficult for the managers themselves to state what proportion of the entire cost of a given road was paid by the stockholders and what part from the surplus earnings. Replacements and improvements are constantly being made and paid for out of current receipts. It was quite impossible for the committee to obtain accurate information on this point without going into a detailed investigation of the accounts of the several companies extending over a long series of years and involving, in many cases, the cross-examination of reluctant witnesses, which would have consumed the entire time of the committee to the exclusion of all other matters.

Enough is known of the extent and vicious effects of such stock manipulations to justify the adoption of prompt and efficient means for their prevention in the future. The conclusions at which the committee have arrived in regard to the practical measures of relief to be recommended to Congress render it unnecessary to enter upon a detailed examination of such stock transactions by the several railways engaged in transportation between the interior and the seaboard. A very few facts may serve to illustrate the nature and extent of this abuse.

From this it would appear that the transportation conditions, charges, and manner of conducting the business were about the same in 1874 as in 1906. Yet with all these facts before them, with the report of the committee showing that discriminatory and extortionate charges were being made and were the subject of widespread complaint, that stock watering was engaged in, that there was general extravagance and corruption in railway management whereby favorites were enriched and the public impoverished, and that the numerous evils of rebating, the granting of special rates and discriminations, existed as in recent years—with all these facts before the Republican Congress in 1874, it took them thirty years to enact any legislation upon the subject that was effective.

The subject of the control of the railroads as agencies of transportation and the charges that they should make upon the people had long been discussed prior to any action by the United States Government.

In England from 1854 to 1873 the contest was being waged between the railroads and the people in Parliament, until finally, in 1873, England enacted what was known as the "railways regulation act," which, although it has been somewhat amended, is in force to-day.

So that the Republican party, which was in control of the Government all these years, with the exception of two, from 1860, is far behind even England in regulating the matter of transportation by railroads.

The States early took up the matter, and many States enacted laws for the regulation of railroad transportation charges prior to the time that the Congress of the United States passed any law on the subject.

At the time that the first act to regulate interstate commerce was passed by Congress, on February 4, 1887, there were twenty-five States of the Union that had prior to that time established railroad commissions and had undertaken to regulate the charges for railroad transportation. The States continued to enforce their laws and to regulate these charges until the rendition by the Supreme Court of the United States, on October 25, 1886, of the decision in the case of the Wabash and St. Louis Railroad *v.* Illinois (118 U. S. Rep., 557), in which the Supreme Court held that the State railroad commission of Illinois could not regulate the charges for carrying freight that was interstate in its character.

Thus we fix the date as October, 1886, when the Supreme Court for the first time decided that the State railroad commissions, which were then in existence and were undertaking to regulate these charges by railroads, could not regulate the rates on interstate shipments, and from that date until 1906 the Republican party, which was in control of the Government, with the exception of two years, never did anything to relieve the people from the extortionate charges made upon them by the interstate railroads.

As I will prove, a Democrat, Judge Reagan, of Texas, was the first Member of Congress who really undertook to enact a law by Congress along this line.

Nothing was done in this direction until the Forty-ninth Congress, when Judge Reagan again introduced a bill on the subject, and, the House being Democratic, he secured from the committee the report of a bill regulating the railroads engaged in interstate commerce. When this bill was reported to the House a minority report was filed by certain prominent Republican members of the committee, which was as follows:

The minority of the committee, therefore, have not favored the insertion of the provision preventing, under all circumstances, the granting of drawbacks and rebates, because cases were cited before the Committee on Commerce, in hearings, in which drawbacks or rebates were absolutely necessary to enable the domestic shipper to meet his foreign competitor on equal terms; always, however, in the opinion of the minority, having the system of drawbacks or rebates open to all under similar conditions and circumstances.

Nor do the minority favor the provisions prohibiting a greater charge for a shorter than a longer haul, as it was shown to a satisfactory degree, as we think, in the hearings, that where two competing points were connected by water as well as rail it was impossible for the railways to secure the traffic unless they made their rates as low as the water rates, and that while they might be able to do this on a portion of their traffic it would be destructive of their interests to reduce all their rates to those which were forced upon them between certain points by the competition of the water rates. The minority consider that in this also unjust discrimination should never be made, but that the idea of charging the same rate for a haul under similar conditions and circumstances should be adhered to.

The minority also differ from the majority upon the subject of

"pooling." They believe that its absolute prohibition is unnecessary. There should be legislation imposing restrictive provisions, for shippers should not be placed at a disadvantage or competition in freight charges lessened so that transporters only should be benefited. If fairly carried out and not done by secret and private arrangement, if resorted to for the purpose of preventing what is called injudicious "cutting down" of rates so that reasonable and just charges should be permanently adhered to, are the means by which transporters endeavor, or ought to endeavor, to secure fair rates upon the traffic which they carry, "pooling" would not be open to many of the objections made to it.

Past experience in railway transportation has satisfied transporters that pooling is the nearest and fairest device yet used to enable them to place shippers upon an equality and prevent grievous discrimination in favor of the large shippers as against the smaller ones.

This minority report was signed by Charles O'Neill, Robert T. Davis, Ransom W. Durham, and Frederick A. Johnson, all Republicans. See House Reports, first session Forty-ninth Congress, volume 3, House Report No. 902.

From this it would appear that these gentlemen were in favor of pooling by the railroads, the granting of rebates and other practices which have continued from then until recent years. The bill passed the House, but upon its passage it was resisted by a number of Republican Members of the House, and one prominent Republican, who for twenty years thereafter remained a Member of Congress—General Grosvenor, of Ohio—made one of the leading speeches in opposition to the bill. Upon its passage forty-one Members of the House voted against it, all of them Republicans with the exception, so far as I can ascertain, of five. The bill went to the Senate; it was reported from the Senate committee by substitute and went to conference, and when the conference report was made to the House it was still opposed by a vote of forty-one Members—the same gentlemen who had voted against the bill in the House, chiefly Republican Members. Prior to this time, in March, 1885, a committee had been appointed by the Senate to investigate and report upon the subject of transportation by railroads, and so forth, and on January 8, 1886, a report was made to the Senate from this committee by Senator CULLOM in which attention was called to transportation conditions and the charges made upon the public. Some of the main points of the report are as follows:

The widely varying methods which have been adopted by different governments in dealing with the problems of railway development and regulations may be grouped as follows:

1. The policy of private ownership and private management—

(*a*) Without interference or supervision by the government.

(*b*) Subject to compulsory and penal legislation for control and regulation of rates.

(*c*) Subject to investigation by a commission with advisory powers and depending largely upon public opinion for the enforcement of its recommendations.

(*d*) Subject to investigation by a commission with power to fix and regulate rates.

2. Exclusive state ownership and government management.

3. State ownership and private management under government supervision and control.

4. Partial state ownership and management in competition with private ownership and management.

Regulation through State ownership has been practically unknown in the United States. It is of foreign origin and is foreign to the character of our institutions. The time may come when the people of the United States will be forced to consider the advisability of placing the railways of the country completely under the control of the General Government, as the postal service is and as many believe the telegraph service should be. This would seem to be the surest method of securing the highest perfection and greatest efficiency of the railroad system in its entirety, and the best method of making it an harmonious whole in its operation, and of bringing about that uniformity and stability of rates which is the greatest need of trade and commerce. But the dangers to be apprehended from giving such vast additional powers to the Government will always prove a formidable barrier to the adoption of such a policy, and this committee sees no necessity for considering its advantages or disadvantages until other methods of regulation more American in spirit have at least been given a trial and have proved unsatisfactory. Nor is it deemed important to investigate in detail the experience of those European nations in which the policy of State ownership or management in one form or another has prevailed.

THE NECESSITY OF NATIONAL REGULATION OF INTERSTATE COMMERCE.

The two propositions which the committee has kept prominently in view throughout the entire investigation have been whether any legislation for the regulation of interstate transportation is necessary or expedient; and if so, in what manner can the public interest be best subserved by legislation on that subject.

The consideration of the first proposition may seem to be a work of supererogation, for it is the deliberate judgment of the committee that upon no public question are the people so nearly unanimous as upon the proposition that Congress should undertake in some way the regulation of interstate commerce. Omitting those who speak for the railroad interests, there is practically no difference of opinion as to the necessity and importance of such action by Congress, and this is fully substantiated by the testimony accompanying this report, which is a fair consensus of public sentiment upon the question. The committee has found among the leading representatives of the railroad interests an increasing readiness to accept the aid of Congress in working out the solution of the railroad problem which has obstinately baffled all their efforts, and not a few of the ablest railroad men of the country seem disposed to look to the intervention of Congress as promising to afford the best means of ultimately securing a more equitable and satisfactory adjustment of the relations of the transportation interests to the community than they themselves have been able to bring about.

The evidence upon this point is so conclusive that the committee has no hesitation in declaring that prompt action by Congress upon this important subject is almost unanimously demanded by public sentiment.

This demand is occasioned by the existence of acknowledged evils incident to and growing out of the complicated business of transportation as now conducted, evils which the people believe can be checked and mitigated, if not wholly remedied, by appropriate legislation. The committee recognizes the justice of this demand, and believes that action by Congress looking to the regulation of interstate transportation is necessary and expedient, for the following reasons:

1. The public interest demands regulation of the business of transportation because, in the absence of such regulation, the carrier is practically and actually the sole and final arbiter upon all disputed questions that arise between shipper and carrier as to whether rates are reasonable or unjust discrimination has been practiced.

2. It is the duty of Congress to undertake the regulation of the business of transportation, because of admitted abuses in its management and of acknowledged discriminations between persons and places in its practical operation—evils which it is possible to reach and remedy only through the exercise of the powers granted by the Constitution to Congress, and against which the citizen is entitled to the protection and relief the national authority can alone afford. * * *

4. National legislation is also necessary, because the business of transportation is essentially of a nature which requires that uniform system and method regulation which the national authority can alone prescribe.

The keynote to all the decisions of the United States Supreme Court concerning the power to regulate commerce is found in the declaration made in Cooley *v.* Board of Wardens, and frequently referred to in other cases, that "whatever subjects of this power are in their nature national, or admit of only one uniform system or plan of regulation, may justly be said to be of such nature as to require exclusive legislation by Congress;" and, as is said by the court in the late case of Gloucester Ferry Company *v.* Pennsylvania, "it needs no argument to show that the commerce with foreign nations and between the States, which consists in the transportation of persons and property between them, is a subject of national character, and requires uniformity of regulation. Congress alone, therefore, can deal with such transportation."

THE CAUSES OF COMPLAINT AGAINST THE RAILROAD SYSTEM.

The complaints against the railroad system of the United States expressed to the committee are based upon the following charges:

1. That local rates are unreasonably high, compared with through rates.

2. That both local and through rates are unreasonably high at non-competing points, either from the absence of competition or in consequence of pooling agreements that restrict its operations.

3. That rates are established without apparent regard to the actual cost of the service performed, and are based largely on "what the traffic will bear."

4. That unjustifiable discriminations are constantly being made between individuals in the rates charged for like service under similar circumstances.

5. That improper discriminations are made between articles of freight and branches of business of a like character, and between different quantities of the same class of freight.

6. That unreasonable discriminations are made between localities similarly situated.

7. That the effect of the prevailing policy of railroad management is, by an elaborate system of secret special rates, rebates, drawbacks, and concessions, to foster monopoly, to enrich favored shippers, and to prevent free competition in many lines of trade in which the item of transportation is an important factor.

8. That such favoritism and secrecy introduce an element of uncertainty into legitimate business that greatly retards the development of our industries and commerce.

9. That the secret cutting of rates and the sudden fluctuations that constantly take place are demoralizing to all business except that of a purely speculative character, and frequently occasion great injustice and heavy losses.

10. That in the absence of national and uniform legislation the railroads are able by various devices to avoid their responsibility as carriers, especially on shipments over more than one road, or from one State to another, and that shippers find great difficulty in recovering damages for the loss of property or for injury thereto.

11. That railroads refuse to be bound by their own contracts, and arbitrarily collect large sums in the shape of overcharges in addition to the rates agreed upon at the time of shipment.

12. That railroads often refuse to recognize or be responsible for the acts of dishonest agents acting under their authority.

13. That the common law fails to afford a remedy for such grievances, and that in cases of dispute the shipper is compelled to submit to the decision of the railroad manager or pool commissioner, or run the risk of incurring further losses by greater discriminations.

14. That the differences in the classifications in use in various parts of the country, and sometimes for shipments over the same roads in different directions, are a fruitful source of misunderstandings, and are often made a means of extortion.

15. That a privileged class is created by the granting of passes, and that the cost of the passenger service is largely increased by the extent of this abuse.

16. That the capitalization and bonded indebtedness of the roads largely exceed the actual cost of their construction or their present value, and that unreasonable rates are charged in the effort to pay dividends on watered stock and interest on bonds improperly issued.

17. That railroad corporations have improperly engaged in lines of business entirely distinct from that of transportation, and that undue advantages have been afforded to business enterprises in which railroad officials were interested.

18. That the management of the railroad business is extravagant and wasteful, and that a needless tax is imposed upon the shipping and traveling public by the unnecessary expenditure of large sums in the maintenance of a costly force of agents engaged in a reckless strife for competitive business.

THE ESSENCE OF THE COMPLAINTS.

It will be observed that the most important, and, in fact, nearly all, of the foregoing complaints are based upon the practice of discrimination in one form or another. This is the principal cause of complaint against the management and operation of the transportation system of the United States, and gives rise to the questions of greatest difficulty in the regulation of interstate commerce.

It is substantially agreed by all parties in interest that the great desideratum is to secure equality, so far as practicable, in the facilities

for transportation afforded and the rates charged by the instrumentalities of commerce. The burden of complaint is against unfair differences in these particulars as between different places, persons, and commodities, and its essence is that these differences are unjust in comparison with the rates allowed or facilities afforded to other persons and places for a like service under similar circumstances.

On February 24, 1887, Congress passed the act under which the present Interstate Commerce Commission was established. This Commission proceeded along the line that it had the power, after hearing, to fix rates, and they did so for ten years. This statement is borne out by the following extract from the report of the Interstate Commerce Commission in 1897:

The Commission has never claimed the right to prescribe the rate in the first instance. In one of the earliest cases (Thatcher *v.* Delaware and Hudson Canal Company, 1 I. C. C. Rep., 152–156) the Commission said, speaking of its relation to the making of rates:

"Its power in respect to rates is to determine whether those which the roads impose are, for any reason, in conflict with the statute."

In Cincinnati Freight Bureau *v.* Cincinnati, New Orleans and Texas Pacific Railway Company and others (7 I. C. C. Rep., 191), which was one of the latest cases decided, and in which the opinion was published about the same time with the opinion of the Supreme Court in the above case, it was said:

"This Commission is not primarily a rate-making body. The carrier is left free to arrange its own tariffs in the first instance. We sit for the correction of what is unreasonable and unjust in those tariffs."

It will be seen, therefore, that the Commission has never assumed to make the rate. It has assumed that it was charged, under the act, with the duty of determining whether the rate complained of was just and reasonable, and, if found to be unjust and unreasonable, of correcting that violation of the statute. In doing so it has been assumed that the plain, and in fact, the only way to do this was to prohibit the charging of the unreasonable rate and compel the charging of one that was reasonable. Up to the present time the Commission has proceeded upon this theory. Of the 135 formal orders made in suits actually heard, from its institution down to the present time, 68 have prescribed a change of rate for the future.

The decision above referred to determines that all this is wrong. We can proceed no further along the lines followed in the past. No relief can be given in the cases which are now before us. An entirely new system must be adopted. We can no longer inquire what shall be done in the future.

In its report for 1897 the Interstate Commerce Commission made the following recommendation, among others:

"That section 6 of the act be amended to read as follows:

"If the Commission is of the opinion that the rates, fares, or charges, as filed and published, or the classification, or the privileges, facilities, and regulations published in connection therewith are unreasonable or otherwise in violation of law, it shall determine what are and will be reasonable and otherwise lawful rates, fares, charges, classification, privileges, facilities, or regulations, and shall prescribe the same, and shall order the carrier or carriers to file and publish, on or before a certain day, to take effect on a certain day, schedules in accordance with the decision of the Commission."

The so-called "Reagan-Cullom bill" was passed and enforced till the case of The Railroad *v.* The Interstate Commerce Commission was decided, on March 30, 1896; again followed on March 24, 1897, and, finally, on November 8, 1897, in 168 United States, 145. In that case Judge Harlan, speaking for himself and the other judges who dissented, said:

Taken in connection with the other decisions defining the powers of the Interstate Commerce Commission, the present decision goes far to make that Commission a useless body, for all practical purposes, and to defeat many of the important objects designed to be accomplished by the various enactments of Congress relating to interstate commerce. The Commission was established to protect the public against the improper practices of transportation companies engaged in commerce among the several States. It has been left, it is true, with power to make reports and issue protests, but it has been shorn by judicial interpretation of authority to do anything of an effective character. It is denied many of the powers which, in my judgment, were intended to be conferred upon it.

Not until March, 1896, was it determined by the Supreme Court of the United States that power had not been given the Interstate Commerce Commission to fix rates after a hearing. In the case of The Railroad Company *v.* The Interstate Commerce Commission (162 U. S. Rep., 184), it was for the first time intimated that the Commission had no such power. Again, on May 24, 1897, in the case of The Commission *v.* Railroad Company (167 U. S. Rep., 479), the Supreme Court virtually decided that the Commission had no such power, and finally, on November 8, 1897, in the case of The Commission *v.* The Alabama Railroad Company (168 U. S. Rep., 145), it was definitely decided and determined by the Supreme Court that the Commission had no such power. From that day until June, 1906, for ten years, the people had been insisting and clamoring for an amendment of the interstate commerce act giving the Commission the power to fix rates after a hearing. The Democratic party took the matter up in all of its conventions, in 1896, 1900, and 1904, and wrote demands for this reform in its platforms:

[Declaration from Democratic platform, 1896.]

The absorption of wealth by the few, the consolidation of our leading railroad systems, and the formation of trusts and pools require a strict control by the Federal Government of those arteries of commerce. We demand the enlargement of the powers of the Interstate Commerce Commission, and such restriction and guaranties in the control of railroads as will protect the people from robbery and oppression.

Again in 1900 we declared:

[Declarations from Democratic platform, 1900.]

CORPORATE INTERFERENCE IN GOVERNMENT.

"Corporations should be protected in all their rights and their legitimate interests should be respected, but any attempt by corporations to interfere with the public affairs of the people, or to control the sovereignty which creates them, should be forbidden under such penalties as will make such attempts impossible."

INTERSTATE COMMERCE COMMISSION.

"We favor such an enlargement of the scope of the interstate commerce law as will enable the Commission to protect individuals and communities from discriminations and the public from unjust and unfair transportation rates."

And again in 1904 we said:

[Declarations from Democratic platform, 1904.]

TRUSTS AND UNLAWFUL COMBINES.

"Individual equality of opportunity and free competition are essential to a healthy and permanent commercial prosperity, and any trust, combination, or monopoly tending to destroy these by controlling production, restricting competition, or fixing prices should be prohibited and punished by law. We especially denounce rebates and discrimination by transportation companies as the most potent agency in promoting and strengthening these unlawful conspiracies against trade."

INTERSTATE COMMERCE.

"We demand an enlargement of the powers of the Interstate Commerce Commission to the end that the traveling public and shippers of this country may have prompt and adequate relief from the abuses to which they are subjected in the matter of transportation. We demand a strict enforcement of existing civil and criminal statutes against all such trusts, combinations, and monopolies, and we demand the enactment of such further legislation as may be necessary to effectually suppress them."

The platforms of the Republican party were absolutely silent upon the subject, and neither their platforms nor their candidates ever suggested or advocated the passage of any law to give the Interstate Commerce Commission this power until after the election of 1904. As evidence of what was being done along that line, I quote the following extract from an address by Mr. E. P. Bacon, the chairman of the executive committee of the Interstate Commerce Law Convention, at Milwaukee, on June 23, 1904. In referring to what progress had been made by Congress to confer upon the Interstate Commerce Commission the authority to make its rulings operative and to continue them until they were overruled or suspended by the courts, Mr. Bacon said:

The proposed legislation has been strenuously urged upon Congress during the past three sessions by the various commercial and manufacturing organizations of the country with increasing energy from year to year, but thus far without having secured the reporting of any bill introduced for the purpose to either branch of Congress. Exhaustive hearings were had during the last session of the Fifty-seventh Congress before the Committees on Interstate Commerce of the respective Houses on bills to this effect then pending, which resulted in the reporting of a single section of what was known as the "Elkins bill," which was promptly enacted into law, and was approved February 19, 1903, the purpose of which was the prevention of discrimination between individuals, which seems to have been effectual in the prevention of this form of discrimination.

The effort was vigorously renewed at the last session of Congress to secure the reporting of a bill introduced in both Houses at the instance of the committee which I have the honor to represent, and known as the "Quarles-Cooper bill," for the purpose of preventing discrimination between localities or sections and between different descriptions of traffic, and also to prevent the continuance of rates unreasonable in themselves; but, owing to the opposition of the leading members of the Interstate Commerce Committees of the two Houses to any legislation further restricting the power of the carriers to make and enforce such rates as they may see fit, it has thus far been impossible to secure action on the part of either committee.

A majority of the members of the House committee, however, have individually declared themselves to be in favor of the enactment of such legislation, and it is believed that upon the reassembling of Congress they will insist upon immediate action on the subject on the part of the committee, in which case it is hoped that some bill comprising these provisions will be speedily reported, and, if so, the committee is confident of its passage in the House by a large majority, and there is good reason for the expectation of its passage through the Senate.

While the immediate interests of shippers as such are limited to the prevention of discrimination in its various forms, and their being thereby protected against any undue advantage in favor of their competitors in their own or other localities and sections, the interest of the public at large extends to the question of the reasonableness of freight charges in themselves and demands protection against the levying of charges at the pleasure of the carriers by means of effective governmental supervision. The country has been confronted during the last four years by continuous advances in rates of freight throughout the country, first by means of a general change in classification, put into effect January 1, 1900, by which upward of 800 different commodities were raised from a lower to a higher class, and consequently subjected to higher rates of freight, the average increase resulting therefrom, as calculated by the Interstate Commerce Commission, having been 24 per cent. This has been followed by direct advances in rates on a number of important commodities of general use from time to time.

"In reply to a resolution of inquiry made by the Senate in March last, as to the effect of the advances in rates of freight made during the preceding four years upon the revenues of the carriers, the Commission reported that the average rate per ton received by the carriers on traffic transported during the fiscal year ending June 30, 1903, was 12¾ cents per ton greater than the average rate per ton for the fiscal year 1899 and amounted to an increase in revenue of more than $155,000,000 for the year over what it would have been at the average

rate charged in the fiscal year 1899. The report shows an increase in tonnage for the year 1903 of 10.9 per cent, with an increase of revenue of 25.6 per cent."

These facts also appear in the report of the Industrial Commission, made to the Fifty-seventh Congress on February 10, 1902.

On May 14, 1900, the Industrial Commission transmitted its preliminary report of its investigation of transportation and the discriminations made by the railroads between individuals. In that report they stated that such discrimination was carried on to a greater extent than ever, and they show in the report that there was a general feeling that the interstate-commerce law should be amended so as to increase the powers of the Interstate Commerce Commission; that the Commission had found its powers constantly decreasing, especially by the interpretations of the courts, and that its influence at that time was chiefly an educational one, and suggested, as one of the remedies, that the Commission should be given the power to revise tariffs framed by the railroads, either on its own initiative or after complaint, and to reduce or change unreasonable rates, fixing the rate that should prevail in the future.

This will be found in volume 4 of the report of the Industrial Commission, page 20.

Finally, in 1905, heeding the demands of the people and the recommendations of the President in his message to Congress in December, 1904, the House did pass a pretext of a bill, called the "Esch-Townsend bill," which was sent to the Senate but was never taken up or seriously considered by that body, which was at that time, as it has been for several years, overwhelmingly Republican. When the bill known as the "Hepburn rate bill" passed the House in 1906 and was sent to the Senate, it could only be reported from the Senate committee by Democratic votes, and so prominent were the Democrats of the Senate in securing a favorable report, and so responsible were they for its passage through the committee that the management and control of that bill was turned over by the members of that committee to the Democratic Senator from South Carolina [Mr. TILLMAN]. The bill was recognized to be so contrary to what the Republican party had stood for theretofore that it was repudiated by the Republican members of the Commerce Committee of the Senate and turned over to the Democrats to pass through the Senate; and while it is true that Republicans of both Houses voted for and supported it, yet the fact remains that the insistent demands of the Democrats, in their platforms and before the people and their votes in the House and the Senate, secured the enactment of the law.

From these documents it will be shown that the Republican party in 1866 passed a very simple-looking act which authorized the various interstate railroads to have through rates, and therefore became only controllable by Congress, but when the States step by step passed their laws to regulate railroads, as they did until 1866, under a decision of the Supreme Court in the Wabash case, it was decided they could not do that. General Grant recommended an investigation of this matter of interstate-commerce railroads in 1872, and there resulted from it a report, made by then Senator Windom, and I will put into the RECORD the parts of that report to to which I desire to call attention. Attention was called to other abuses existing then, that have existed since in this country, and exist now, such as stock watering, capitalization of surplus earnings, introduction of intermediate agencies, construction rings, general extravagance, corruption in railway management whereby officers are enriched and the public impoverished, combinations, consolidation of railroad companies, and so forth. Oh, you are a constructive party, prompt to answer the demands of the people; yet from 1874 down to 1886, in full control of the Government for forty-eight years excepting two years, you never did a thing or enacted a law that took the choking, throttling hand of the railroad companies from the throat of the people, by which they extorted from them. [Applause on the Democratic side.]

You are a constructive party with this report before you, in which General Grant called attention to the fact that bill after bill was introduced, and yet not until the grand and great old Democrat from Texas was heard in a Democratic House have you ever consented to yield a particle or pass a law for the interest of the people. [Applause on the Democratic side.]

Mr. KEIFER. I was going to inquire what sort of a law regulating railroads and other corporations was passed by a Democratic Congress that came in in 1893.

Mr. BARTLETT of Georgia. I did not hear the gentleman's question.

Mr. KEIFER. I want to inquire what sort of a law regulating railroads and other corporations was passed by the Democratic Congress in 1893?

Mr. BARTLETT of Georgia. We already had a law upon the statute books, passed in 1886, and that law was followed and the Interstate Commerce Commission were administering it, and not until March 24, 1896, did the Supreme Court declare that power did not exist under that Democratic measure. [Applause on the Democratic side.]

Now, I want to state this, that, as I have said, the law was passed in March, 1887, and went upon the statute books. I have the report of the Railroad Commission here of 1897, from which I will read that report made by that distinguished Democrat, William H. Morrison, of Illinois, then the Chairman of the Interstate Commerce Commission, in which he called attention to the fact that by the decision of the Supreme Court of the United States the Commission had been shorn of its power to exercise a power which it exercised in 182 cases that had come before it, 67 of which had been carried to the courts, and no question had ever arisen until the case in 162 United States, of The Commission *v.* New Orleans and Texas Pacific Railroad, in which the power of the Commission was questioned as to fixing the rates for the future.

I have referred to the dissenting opinion of Judge Harlan, a Republican judge upon the Supreme Court bench, in that case, in which he said that the decision robbed the Commission of the power which it had exercised for ten years, and which it was not doubted that it had. Six months after this decision was made there assembled a Democratic convention in 1896 to nominate a Democratic candidate for President and write it in a Democratic platform, which was, in my judgment, a second Declaration of Independence for the people. We declared in that platform of 1896, following this decision, for an increase of the powers of the Interstate Commerce Commission, and that there might be given to this great Department of the Government, inaugurated by the brain and carried out by the force of Democrats in the House, power to protect the people. And so on down to 1904.

Mr. HARDY. Will the gentleman allow me just to add one thing?

Mr. BARTLETT of Georgia. Yes.

Mr. HARDY. My understanding is, from good authority, that every time Congress met after that they were appealed to by the Commission to give them that power, but in vain.

Mr. BARTLETT of Georgia. I have the request of the Commission here, and I have the reports in reference to that. Now, you, the Republican party, are responsible for this legislation, says the gentleman from Pennsylvania. Where, in a party platform, since its organization down to the present hour—that is, in a national platform—have you a line or letter or syllable declaring in favor of giving to the Interstate Commerce Commission or any other executive body the power to regulate and fix rates and make them reasonable? I pause for a reply from the gentleman from Pennsylvania in order that he may tell me where, in any platform, they made any such pledges. You did not make them. The President of the United States took the Democratic platform and made you pass what laws were passed. [Applause on the Democratic side.]

Now, I am reminded by the position the Republicans occupied upon this and the trust question of a few lines from a Massachusetts poet, who was a Republican, and he called it "The Candidate's Creed." I will call it "The Present Republicans' Creed," and this is what they believe in:

THE REPUBLICANS' CREED.

I believe in bein' this
  Or that, ez it may happen
One way or t'other hendiest is,
  To ketch the people nappin':
It ain't by princirples nor men
  My preudent course is steadied;
I scent which pays the best, an' then
  Go into it baldheaded.

[Applause on the Democratic side.]

I might apply that not only to the Republican majority of this House, but a little higher up—to the Chief Executive.

In reference to the antitrust question, I want to say that the antitrust bill introduced by Mr. Sherman, known as "bill No. 1, first session, Fifty-first Congress," was reported from the Committee on the Judiciary of the Senate, and it did not have a thing that Mr. Sherman ever wrote in it except the enacting clause. When it went upon the statute books it was the product mainly of the brains of four men, namely, Senator George, of Mississippi, Senator George G. Vest, of Missouri, Senator Edmunds, of Vermont, and Senator Hoar, of Massachusetts, and Mr. Sherman would not have recognized the bill that was reported as his own if he had met it in the road. Or, if he had recognized it, he would have looked at it as a cow would look at a last year's calf through a crack in the fence. He might have thought he knew it, but he would have thought again that he did not.

But there was one thing that was accomplished by the antitrust law. You throttled and destroyed the labor unions; and if you are proud of that, you are welcome to the consolation you can get out of it. You voted down a proposition in the Senate, or accepted the amendment that was offered by Mr. George, of Mississippi, to the Sherman bill, to exempt from the provisions the proposition not to include organizations of labor, organized for the purpose of lessening the hours or increasing wages, and

those engaged in farming or horticulture. It was put on in the Senate, and then by one of those peculiar tricks it was recommitted to the Judiciary Committee of the Senate, and when it was reported this amendment was not upon the bill, and the bill passed. But this is not all the history.

On the 2d of June, 1900, the Democratic minority reported out of the Committee on the Judiciary to a bill which was reported to this House a provision which exempted labor organizations from the provisions of the antitrust law, and this House passed it, although they did not want to vote for it when it came to a roll call. They sought shelter and cover, except a few brave ones, like the Speaker, the Hon. JOSEPH G. CANNON, and the gentleman from Maine [Mr. LITTLEFIELD]. They voted against it. It went to the Senate on the 2d day of June, 1902, and from that day to this you have had the opportunity to relieve the labor organizations from the burden of being included in the antitrust law, and you have not done it. You have accomplished wonders by the antitrust law. You have destroyed labor altogether as an organization. You are welcome to it if you get any benefit from it.

The following I extract from the CONGRESSIONAL RECORD:

Sherman antitrust bill, Senate No. 1, first session Fifty-first Congress. George labor amendment, on page 2611; adopted on page 2612; referred to Judiciary Committee, page 2731; reported back without labor amendment, page 3145.

Amendment offered to Senate No. 1, first session Fifty-first Congress. See RECORD, page 2611.

"*Provided*, That this act shall not be construed to apply to any arrangements, agreements, or combinations between laborers made with the view of lessening the number of hours of labor, or of increasing their wages, nor to any arrangements, agreements of combinations, among persons engaged in horticulture or agriculture made with the view of enhancing the price of agricultural or horticultural products."

But when the bill was passed it had no such provision.

But later, on May 31, 1900, I recall that—and in this I am sustained by the RECORD—in discussing House joint resolution No. 138, proposing an amendment to the Constitution of the United States, Mr. Ray, a Republican chairman of the Judiciary Committee, said:

The necessity for this proposed amendment grows out of the fact that the Supreme Court of the United States has decided that the word "commerce," as used in the Constitution, does not include manufacture or production within its legitimate meaning. All articles of commerce are subjects of commerce, but not a part of it. Therefore the constitutional provision, section 8, Article I, that "The Congress shall have power * * * to regulate commerce with foreign nations, and among the several States, and with the Indian tribes," gives Congress no power whatever over corporations, combinations, associations, or conspiracies organized or formed for the purpose of monopolizing manufacture and production and so control prices, really dominate commerce, and wring unjust exactions from the people. (See p. 6307 of the RECORD, May 31, 1900, vol. 33; also p. 654, Bills and Debates in Congress Relating to Trusts.)

"The only power Congress has in the premises is derived from the interstate-commerce clause of the Constitution, and this extends only to laws affecting the product of a monopoly or 'combine' when in course of transit to another State or to a foreign country." (P. 6312 of the RECORD, vol. 33, May 31, 1900.)

"Congress being powerless and the States impotent, where shall we turn? There is but one answer, and that is: Let the people of the nation through their respective State legislatures confer upon Congress—representing all the people of all the States, all the interests of this grand and mighty Republic—plenary power to define, regulate, prohibit, or dissolve all industrial trusts, monopolies, or combinations, whether existing in the form of corporations or otherwise." (P. 6314, vol. 33 of the RECORD, May 31, 1900.)

And every Republican voted for the resolution.

In the Fifty-sixth Congress there were reported to the House from the Judiciary Committee two bills, one to amend the Constitution of the United States so as to confer upon Congress the authority to enact laws relative to trusts and corporations and one to amend the act of 1890, known as the "Sherman antitrust law."

The action of the House will be found on pages 6494 to 6502 of the RECORD.

The amendment exempting labor organizations, etc., was passed (see p. 6502), eight Republicans voting against it, among whom were CANNON and LITTLEFIELD.

The Democratic members of the Judiciary Committee reported the amendment, which was as follows:

Amend section 7 by inserting between the first words "that" and "this," in the first line of said section, the following words, to wit:

"Nothing in this act shall be so construed as to apply to trade unions or other labor organizations organized for the purpose of regulating wages, hours of labor, or other conditions under which labor is to be performed."

On June 2, 1900, this was adopted, went to the Senate, and slept the sleep of death.

But I have another Roland for my friend from Pennsylvania's Oliver. He read from the New York World to show that all the prosecutions of the trusts had been carried on under a Republican administration. He read the World. I do not often do so, but I am going to read a little from the World myself now. In the World of 1908, a much later one than the gentleman from Pennsylvania read, and probably a better one, I find:

DEMOCRATIC PRESIDENTIAL NAMES—16 TO 1—NO. 9—A MIDDLE WESTERN CANDIDATE.

In 1895 when Judson Harmon, of Ohio, succeeded Richard Olney as Attorney-General in President Cleveland's Cabinet, he found the trans-Missouri freight case, which a circuit judge had decided adversely to the Government, peacefully slumbering in the archives.

Mr. Harmon took up the case on appeal, and in 1897 the Supreme Court held for the first time and established the principle that the Sherman antitrust law applied to railroads.

Mr. Harmon also began the Addyston pipe suit, which Judge William H. Taft decided in favor of the Government. This is the leading case as to the application of the antitrust law to combinations other than railroads.

Until Mr. Harmon's day the Cleveland Administration had manifested almost no interest in the enforcement of the Sherman law. He retired from office before the country reaped the fruit of his efforts. Under the reign of Hannaism, which Mr. Bryan and free silver forced upon the country, the Sherman act was again a dead letter. But then came Theodore Roosevelt, and with full knowledge of what Mr. Harmon had done, the President swung the power of the law against the Northern Securities Company and established beyond question the authority of the United States Government to destroy all combinations in restraint of interstate trade and commerce.

It was Mr. Harmon, too, who, as associate of Frederick N. Judson, of St. Louis, in investigating the Santa Fe rebate cases, reported to Mr. Roosevelt that guilt was always personal, and that the way to stop rebating was through the criminal prosecution of the men who had violated the law. The President refused to accept this advice. Had he followed it vigorously and consistently, he would have much less to explain, defend, and apologize for than he has to-day. There would be more "malefactors of great wealth" in the penitentiary and fewer at large to "conspire" against his Administration.

The gentleman read from the New York World to demonstrate that the Democrats had nothing to do with it. I have read from the New York World, an authority for which he vouched, and his witness that he can not impeach, that it was upon what had been done by a Democratic Attorney-General, Judson Harmon, of Ohio, that the President now in office was enabled to proceed and enforce the laws against trusts, especially against the Northern Securities Company.

But have you accomplished anything by your antitrust legislation except the destruction of the labor organization? The gentleman from Pennsylvania has referred to the Northern Securities case. In the Washington Herald of February 16, 1908, Mr. James J. Hill is reported to have said that the victory for the Government in that case was a myth; that he still controls the roads; that competition from the shippers' standpoint was not restored by the court's findings. In fact, Mr. Hill is reported in that article to have made it the subject of a joke at a banquet given in honor of himself and President Elliott, of the Northern Pacific, when he tapped his breast pocket and said:

We can not maintain holding companies for our roads, but they can not prevent us from carrying here stocks in as many roads as we choose to buy.

So that, instead of accomplishing anything by the Northern Securities case, you have simply been made the laughingstock of the great railroad magnates.

In referring to this matter I desire to quote also from the Macon Telegraph, as follows:

ALL THE CREDIT TO THE FOURTH MAN.

It is probable that the average American is quite firmly convinced that Mr. Roosevelt is the only President who has caused the prosecution of a trust, or at least the only one who has done so to any purpose or considerable extent. Such are the results of spectacular and oratorical statesmanship.

The facts and the popular impression are widely at variance. It has been asserted that the Sherman antitrust law was a dead letter until Mr. Roosevelt became President, and yet the Philadelphia Record some time since and the New York Sun only the other day have both shown from the records that Mr. Roosevelt has prosecuted fewer trusts under that law than either of the three Presidents who preceded him. Says the former:

"Mr. Roosevelt's war on trusts has been oratorical; his Department of Justice has been less efficient than Mr. Cleveland's was. Under Harrison there were 47, under Cleveland 102, under McKinley 28, and under Roosevelt 27 prosecutions. Mr. Roosevelt, however, has had the advantage of the Elkins law, and Mr. Roosevelt's prosecutions under that and the interstate-commerce law aggregate 105 in six years, or three more than there were under Cleveland, under one law, in four years."

These are the facts, and yet Mr. Roosevelt gets all the credit. How does it happen? The only plausible explanation is that he is a most astute politician and advertiser. It is not mere blowing of trumpets and spectacular performance, in the ordinary sense, though there has been plenty of that. Mr. Roosevelt has a genius for doing ordinary things in a way to make them appear extraordinary, and for focussing admiring attention upon himself personally.

I have found this statement to be accurate, and it is borne out by a report from the Department of Justice, published on December 2, 1907, containing a list of cases decided during the Harrison Administration, from 1887 to 1893; during President Cleveland's second Administration, from 1893 to 1897; McKinley's Administration, from 1897 to 1901, and the Administra-

tion of President Roosevelt, from September 14, 1901, to the present time, to be found on page 12 of the report, as follows:

Summary of cases under antitrust laws.

PRESIDENT HARRISON'S ADMINISTRATION, 1889–1893.

4 bills in equity:
3 injunctions granted.
1 dismissed.
3 indictments:
1 quashed.
1 demurrer sustained.
1 discontinued.

PRESIDENT CLEVELAND'S SECOND ADMINISTRATION, 1893–1897.

4 bills in equity:
3 injunctions granted.
1 dismissed.
2 informations (for contempt in violating injunctions):
1 quashed.
1 conviction.
2 indictments:
1 quashed.
1 dismissed.

PRESIDENT M'KINLEY'S ADMINISTRATION, 1897–1901 (SEPTEMBER 14).

3 bills in equity:
2 injunctions granted.
1 dismissed.

PRESIDENT ROOSEVELT'S ADMINISTRATION, SEPTEMBER 14, 1901, TO ——.

Summary of civil cases.

16 bills in equity:
8 injunctions granted.
8 pending.
1 forfeiture proceeding:
Pending.

Summary of criminal cases.

18 indictments:
7 convictions.
1 plea in bar sustained.
1 demurrer sustained.
9 pending.
2 proceedings for contempt in refusing to testify before grand jury:
Conviction.
Total fines imposed, $96,000.

THE PRESIDENT'S MESSAGE OF JANUARY 31.

I want to say something about the President's message of January 31. I will say first, however, that the gentleman from Pennsylvania in a very elegant and attractive way criticised the Supreme Court, especially the judges who are Democrats. I have here in my hand an article written by the President of the United States, then not the President of the United States, in 1896, in which he says: "Men that criticise the Supreme Court are guilty of a sort of atavism and a sort of modern degeneracy."

And while the gentleman may not be subject to be placed by the President in another unfavorable category, as he is accustomed to place others, when he criticised as he did even the Democratic members of the Supreme Court, he is certainly liable to come within the term of "atavist." I do not know that I would not rather be included in the Ananias Club than be termed an "atavist." [Laughter.]

I call attention to the following extract from the New York World to show how this remarkable message compares with some of the former views of the President:

[From the New York World.]

I again call your attention to the need of some action in connection with the abuse of injunctions in labor cases. * * *

This matter is daily becoming of graver importance, and I can not too urgently recommend that the Congress give careful consideration to the subject. If some way of remedying the abuses is not found the feeling of indignation against them among large numbers of our citizens will tend to grow so extreme as to produce a revolt against the whole use of the process of injunction. (From President Roosevelt's message to Congress January 31, 1908.)

If a judge is assailed for standing against popular folly, and above all, for standing against mob violence, all honorable men should rally instantly to his support. Nevertheless, if he clearly fails to do his duty by the public in dealing with lawbreaking corporations, lawbreaking men of wealth, he must expect to feel the weight of public opinion; and this is but right, for except in extreme cases this is the only way in which he can be reached at all. (From President Roosevelt's message.)

The apologists of successful dishonesty always disclaim against any effort to punish or prevent it on the ground that any such effort will "unsettle business." It is they, who, by their acts, have unsettled business; and the very men raising this cry spend hundreds of thousands of dollars in securing by speech, editorial, book, or pamphlet the defense by misstatements of what they have done; and yet when public servants correct their misstatements by telling the truth they declaim against them for breaking silence lest "values be depreciated." (From President Roosevelt's message.)

But if it were true that to cut rottenness from the body politic meant a momentary check to an unhealthy seeming prosperity, I should not for one moment hesitate to put the knife to the corruption. (From President Roosevelt's message.)

The men who object to what they style "government by injunction" are, as regards the essential principles of government, in hearty sympathy with their remote skin-clad ancestors who lived in caves, fought one another with stone-headed axes and ate the mammoth and woolly rhinoceros. They are interesting as representing a geological survival, but they are dangerous whenever there is the least chance of their making the principles of this age-buried past factors in our present life. (From "The Campaign of 1896," by Theodore Roosevelt, Review of Reviews, September, 1896.)

Furthermore, the Chicago convention attacked the Supreme Court. Again this represents a species of avatism—that is, of recurrence to the ways of thought of remote barbarian ancestors. Savages do not want an independent and upright judiciary. They want the judge to decide their way, and if he does not they want to behead him. (From "The Campaign of 1896," by Theodore Roosevelt.)

Mr. Watson's followers belong to that school of Southern Populists who believe that the respectable and commonplace people who own banks, railroads, dry goods stores, factories, and the like are persons with many of the mental and social attributes that unpleasantly distinguished Heliogabalus, Nero, Caliguia, and other worthies of later Rome. Not only do they believe this, but they say it with appalling frankness. They are very sincere as a rule, or at least the rank and file are. They are also very suspicious. (From "The Campaign of 1896," by Theodore Roosevelt.)

Mr. Watson would at a blow destroy all banks and bankers, with a cheerful, albeit vague, belief that thereby he was in some abstruse way benefiting the people at large. And he would do it with the simple sincerity and faith of an African savage who tries to benefit his tribe by a sufficiency of human sacrifice. (From "The Campaign of 1896," by Theodore Roosevelt.)

I place in parallel columns the following, one from the writings of Altgeld, the other from the President:

JOHN P. ALTGELD.

In all large industries accidents happen, laborers get crippled, crushed, killed. This means widows, orphans, poverty, and wretchedness. Justice requires that accidents should be charged up to the business, that those who are maimed should be cared for by those for whom they toiled. But no, the burden is generally loaded on the unfortunate.

The child, getting but a pittance for its long hours of toil, becomes weary and benumbed, and is caught in a machine and gets its arm crushed off. Does the proprietor pension it or provide for its future? No; he would send it home and put another in its place; if he was a very humane man he would probably pay the doctor's bill. He would argue that his employees were free agents; they come to his mill of their own free will and they must take their chances. He does not think how they are helping him to build up an enormous fortune without receiving a fair compensation in return, and that he is getting something for which no equivalent is given. (From the "Cost of Something for Nothing," by J. P. Altgeld.)

ROOSEVELT.

It is meet and fit that the apologist for corrupt wealth should oppose every effort to relieve weak and helpless people from crushing misfortune brought upon them by injury in the business from which they gain a bare livelihood.

The burden should be distributed. It is hypocritical baseness to speak of a girl who works in a factory where the dangerous machinery is unprotected as having the right "freely to contract to expose herself to danger to life and limb." She has no alternative but to suffer want or else expose herself to such dangers, and when she loses a hand or is otherwise maimed or disfigured for life, it is a moral wrong that the whole burden of the risk necessarily incidental to the business should be placed with crushing weight upon her weak shoulders, and all who profit by her work escape scot free.

This is what opponents of a just employers' liability law advocate, and it is consistent that they should usually also advocate immunity for those most dangerous members of the criminal class—the criminals of great wealth. (Message, January 31, 1908.)

The man who wrote these words from which the President seems to have, I will not say copied word for word, but as great and similar minds happen to agree and run in the same channel, the President in his message of the 31st of January gave utterance to the thoughts and words which in their nature had been written in the interest of the common workingman of Illinois. That man who wrote these words, and from which the President appears to have copied, if not the words then the ideas, is thus spoken of by Theodore Roosevelt in 1896:

I decline to regard Mr. Altgeld as an ordinary political offender and class him with all the other inciters of riot and mob violence as a dangerous foe to order and liberty, etc.

Altgeld is vindicated, though denounced as a man who would plunge the country into terrible riot and disturbance in 1896. The words which he wrote in his little book, The Cost of Something for Nothing, have found their way into the great message of the President, and to-day have been proclaimed by him and by the Republican party as a part of the doctrine for civic righteousness. [Loud applause.]

The most remarkable thing that presents itself to the student of present conditions is the fact that although the Democratic party is not in power, and has never been in control of all the branches of the Government since 1860, except for two years, and while the Republican party has had absolute control of legislation for the past twelve years, yet the principles contained in the Democratic platforms with reference to the great question of the day—the regulation of interstate commerce and of the great corporations engaged in it, the laws against trusts and combinations, and the laws in favor of giving labor its just rights and protection—have been forced upon the Republican party in Congress, and they have very reluctantly enacted some of them into law.

It is true that we had no power to enact law, but the contest waged by the Democratic party and its leaders for these rights of the people so awakened the interest of the people and the demand became so insistent that the Chief Executive who has occupied the White House during the past seven years, though

a Republican, has been wiser than his party and has constantly demanded their enactment. Some of these propositions and principles were never acknowledged or sanctioned by the Republican party in its platforms; measures which their party pledges never promised to enact have nevertheless been enacted, and some others of like character are now being demanded by the Republican President.

Yet, a few years ago these same policies and principles were combated and denounced everywhere by Republicans, and sometimes by no one so severely as the President himself, who now insists that they shall be enacted into law.

This struggle for the rights of the people has always been long and tedious. The forces of riches and wealth yield very reluctantly the power which they have to control the masses and their labor. But the Anglo-Saxon has been noted in history, wherever he has been found, for his persistent assertion of the rights of the common people, and though the struggle has been apparently lost at times yet it generally succeeds. There was never a more instructive and attractive instance of this struggle of the masses against oppression than that of the people of England which led to the repeal of the corn laws, whereby the bread of the poor was taxed to enrich the lords and landholders. The struggle went on for many years; and finally when it was accomplished and the laws were repealed, Sir Robert Peel, the prime minister at that time, and who forced the passage of the law repealing the corn laws, was forced to retire. On the very night when the bill was passed and returned immediately by the House of Lords approved, he was defeated on an important measure by a combination of the landowners of the house, who were the beneficiaries of the corn laws and the opponents of the Government, and resigned. In retiring, he said:

I shall leave a name execrated by every monopolist, who from less honorable motives maintains protection for his own individual benefit; but it may be that I shall leave a name sometimes remembered with expressions of good will in those places which are the abode of men whose lot is to labor and to earn their daily bread by the sweat of their brow—a name remembered by expressions of good will, when they shall re-create their exhausted strength with abundant untaxed food, the sweeter because it is no longer leavened by a sense of injustice.

Years afterwards thousands of English workingmen, each bringing his small contribution, erected a monument to his memory and placed upon it the inscription:

He gave cheap bread to the poor of England.

So the Democratic party, though it has been retired from power, though it has had no power to enact laws, yet its leaders have constantly demanded the enactment of those laws which the Republicans to-day boast as their own work and of which they claim to be the authors. Time will demonstrate to whom the merit belongs. In after years, though the Democratic party should never again be intrusted with power to enact legislation; when the burdens of the Dingley tariff law shall have been lessened; when laws shall be perfected by which the interstate corporations transacting business so necessary and vital to the life of the nation shall be regulated and controlled so as to no longer be permitted to oppress the people; when trusts and combinations of all kinds—for all monopolies are odious to the English-speaking people, and have been for two hundred years or more; there are no good trusts; all are bad—shall have been brought under the ban of the law [loud applause]; when privileges are no longer granted to men because they are rich and powerful and denied to others because they are poor and weak; when liberty and law shall rule supreme; when the power of the General Government shall be exercised in its proper sphere to regulate and control national affairs, and when the States shall be left and not interfered with to enact and enforce their own laws over their own citizens; when we shall have, as was intended, a dual system of government and not a federation with all power centralized in the Government at Washington, then will the people who enjoy these great blessings which were intended for them by the founders of their magnificent system give due credit to that great party which has brought it to pass, and they will proclaim that the Democratic party gave industrial freedom and protection from monopoly and extortion and forced the perpetuation of our system of government, the grandest and most glorious ever conceived by the mind of man! [Loud and continued applause on the Democratic side.]

Mr. SMITH of Iowa. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WANGER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 19355, the fortifications appropriation bill, and had come to no resolution thereon.

MINORITY VIEWS ON FOWLER BILL.

Mr. McKINNEY. Mr. Speaker, as a member of the Committee on Banking and Currency, I ask unanimous consent to file minority views on the bill H. R. 12677, commonly known as the "Fowler bill."

The SPEAKER. The gentleman from Illinois, a member of the Committee on Banking and Currency, asks unanimous consent to file minority views on the Fowler bill. Is there objection?

There was no objection.

LEAVE TO EXTEND REMARKS.

Mr. PRAY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Montana asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

YAKIMA INDIAN RESERVATION, WASH.

The SPEAKER laid before the House the bill (S. 6135) providing for the disposal of the interests of Indian minors in real estate in the Yakima Indian Reservation, Wash., a similar House bill, favorably reported by the House Committee on Indian Affairs, being on the House Calendar.

The bill was read, as follows:

Be it enacted, etc., That the interests of any Indian minor in any lands of the Yakima Indian Reservation, State of Washington, whether by direct allotment or by inheritance, may be sold on such terms and conditions and under such rules and regulations as the Secretary of the Interior may prescribe; but such sale shall be only on approved petition of the natural guardian of such minor, if living, or if such natural guardian be dead, on the petition of a person designated by the Secretary of the Interior. All sales hereunder shall be subject to the approval of the Secretary of the Interior, and when so approved he shall cause patent to issue to the purchaser, passing unconditional fee by the United States as trustee for such minor to the interest of such minor in such lands, and such patent shall be considered, to the extent of the interest so conveyed, as a cancellation of any previous trust patent or patent containing restrictions on alienation issued to such minor or to any Indian allottee of whom such minor is an heir. Proceeds from sales hereunder shall be cared for under the direction of the Commissioner of Indian Affairs, and he may, in his discretion, cause shares of minors to be deposited in the Treasury of the United States to the individual credit of the said minors, to be withdrawn on the authority of the Secretary of the Interior.

SEC. 2. That all laws and parts of laws in conflict with this act are hereby repealed.

Mr. JONES of Washington. Mr. Speaker, I ask for the passage of the bill.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. JONES of Washington, a motion to reconsider the last vote was laid on the table.

On motion of Mr. JONES of Washington, the bill H. R. 18617, the similar House bill, was ordered to lie on the table.

BRIDGES ACROSS CUMBERLAND RIVER, TENNESSEE.

Mr. OLLIE M. JAMES. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 18615) to authorize the Cairo and Tennessee River Railroad Company to construct bridges across the Cumberland River.

The bill was read, as follows:

Be it enacted, etc., That the Cairo and Tennessee River Railroad Company, a corporation organized under the laws of the States of Tennessee and Kentucky, its successors and assigns, be, and they are hereby, authorized to construct, operate, and maintain a railroad bridge and approaches thereto across the Cumberland River between Rosita, Tenn., and the Tennessee Rolling Works, Lyon County, Ky., and also to construct a bridge across said Cumberland River between Celina, in Clay County, Tenn., and Bakertown, Cumberland County, in the State of Kentucky, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

SEC. 3. That the act of Congress approved March 2, 1907, entitled "An act to authorize the Cairo and Tennessee River Railroad Company to construct bridges across the Cumberland River," is hereby repealed.

The SPEAKER. Is there objection?

There was no objection.

Mr. OLLIE M. JAMES. Mr. Speaker, I move to amend the bill by striking out the words "Tennessee River" and inserting in lieu thereof the word "Norfolk."

The Clerk read as follows:

Page 1, line 3, strike out "Tennessee River" and insert "Norfolk."

Mr. MANN. What is the effect of the amendment?

Mr. OLLIE M. JAMES. The name of the railroad company has been changed from the Cairo and Tennessee River Railroad Company to the Cairo and Norfolk Railroad Company.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

By unanimous consent the title was amended to conform to the text of the bill.

BRIDGE ACROSS TENNESSEE RIVER, KENTUCKY.

Mr. OLLIE M. JAMES. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 18616) to authorize the Cairo and Tennessee River Railroad Company to construct a bridge across the Tennessee River.

The bill was read, as follows:

Be it enacted, etc., That the Cairo and Tennessee River Railroad Company, a corporation organized under the laws of the States of Tennessee and Kentucky, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad bridge and approaches thereto across the Tennessee River between Hamlin, Calloway County, Ky., and Birmingham, Marshall County, in the State of Kentucky, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

SEC. 3. That the act of Congress approved March 2, 1907, entitled "An act to authorize the Cairo and Tennessee River Railroad Company to construct a bridge across the Tennessee River," is hereby repealed.

The SPEAKER. Is there objection?

There was no objection.

Mr. OLLIE M. JAMES. I move to amend by striking out the words "Tennessee River" in line 3, page 1, and to insert the word "Norfolk."

The Clerk read as follows:

Page 1, line 3, strike out "Tennessee River" and insert in lieu thereof "Norfolk."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

By unanimous consent, the title was amended to conform to the text of the bill.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills and resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 124. An act to establish a Government building at the town of Pocatello, County of Bannock, State of Idaho—to the Committee on Public Buildings and Grounds.

S. 1560. An act for the relief of the estate of Henry Ware, deceased—to the Committee on War Claims.

S. 1770. An act to provide for the purchase of a site and the erection of a public building thereon at Albany, in the State of Oregon—to the Committee on Public Buildings and Grounds.

S. 5665. An act for the purchase of land for the use of the military post at Fort Sheridan, Ill.—to the Committee on Military Affairs.

S. 3452. An act for the relief of Joseph Schrembs—to the Committee on Claims.

S. 5516. An act providing for the erection of a public building at Independence, Mo.—to the Committee on Public Buildings and Grounds.

S. 3843. An act for the relief of the legal representatives of Stewart & Co. and A. P. H. Stewart—to the Committee on War Claims.

S. 6171. An act to allot Indians land in former limits of Bois Fort Reservation, Minn.—to the Committee on Indian Affairs.

S. 4427. An act for the relief of Hastings Steamboat Company—to the Committee on Claims.

Senate concurrent resolution 45.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause surveys and examinations to be made of Neuse River from Pamlico Sound to Kinston, N. C.; of Trent River from its junction with Neuse River to Trenton, N. C.; of Tar River from Pamlico Sound to Washington, N. C.; of Pasquotank River from Albemarle Sound to Elizabeth City, N. C.; of Roanoke River from Albemarle Sound to Weldon, N. C.; of Chowan River from Albemarle Sound to a point opposite Winton, N. C., with a view to improving the navigability of all said rivers and providing channels of 10 feet depth, so as to conform the depth of said rivers from their mouths in said sounds to the points specified with the depth of the canal authorized by the river and harbor act of 1906 to connect the waters of Pamlico Sound and its connecting sounds with the Atlantic Ocean at Beaufort, N. C.—

to the Committee on Rivers and Harbors.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

The Speaker announced his signature to enrolled bills and joint resolutions of the following titles:

S. 626. An act authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Three Tree Point Military Reservation, in the State of Washington, to the Grays Harbor and Columbia River Railway Company, its successors and assigns;

S. 5254. An act granting pensions and increase of pension to certain soldiers and sailors of the civil war and certain widows and dependent children of such soldiers and sailors;

S. 4377. An act to carry into effect the international convention of December 21, 1904, relating to the exemption in time of war of hospital ships from dues and taxes on vessels;

S. R. 58. Joint resolution authorizing the Secretary of War to establish harbor lines in Wilmington Harbor, California; and

S. R. 69. Joint resolution granting authority for the use of certain balances of appropriations for the Light-House Establishment to be available for certain named purposes.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 16143. An act to provide for payment of the claims of the Roman Catholic Church in the Philippine Islands; and

H. R. 17311. An act to authorize the Pensacola, Mobile and New Orleans Railway Company, a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line approximately east of the north boundary line of the city of Mobile, Ala.

SALE OF INDIAN LAND IN OKLAHOMA.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4922) providing for the platting and selling of the south half of section 30, township 2 north, range 11 west of the Indian meridian, in the State of Oklahoma, for town-site purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to plat and sell in accordance with section 2381 of the Revised Statutes of the United States the following-described tract of land, to wit: The south half of section 30, township 2 north, range 11 west of the Indian meridian, in the State of Oklahoma: *Provided*, That the Secretary of the Interior shall reserve from said tract of land, when surveyed, one block for public park and two blocks for public school purposes, and shall cause to be erected two suitable school buildings out of the proceeds arising from said sale, the remainder of proceeds, after deducting the expenses necessary to carry out the provisions of this act, to be converted into and become a part of the fund belonging to the Comanche, Kiowa, and Apache tribes of Indians: *Provided further*, That said sale shall be made as soon as practicable after the approval of this act.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. FERRIS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEAVE OF ABSENCE.

Mr. COOPER of Wisconsin, by unanimous consent, was given indefinite leave of absence on account of the death of a relative.

ADJOURNMENT.

Mr. SMITH of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of State, transmitting a communication from the Portuguese minister conveying to the House the thanks of the King and Government of Portugal for the sympathetic resolutions on the occasion of the assassination of the late King and crown prince, was taken from the Speaker's table, referred to the Committee on Foreign Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 13835) to regulate commerce in adulterated and misbranded seed and to prevent the sale or transportation thereof, and for other purposes, reported the same with amendments, accompanied by a report (No. 1278), which said bill and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 18450) authorizing the construction of a railroad bridge over the Mississippi River, reported the same without amendment, accompanied by a report (No. 1279), which said bill and report were referred to the House Calendar.

Mr. BENNET of New York, from the Committee on Immigration and Naturalization, to which was referred the bill of the House (H. R. 15862) to provide for the extension of the immigration dock in the city of New York and the construction of a suitable ferry landing on southerly face of said dock, reported the same with amendments, accompanied by a report (No. 1280), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BRADLEY, from the Commitee on Military Affairs, to which was referred the bill of the House (H. R. 19408) to authorize the Secretary of War to donate to the Albert Sidney Johnston Camp, No 1, Confederate Veterans of San Antonio, Tex., not to exceed fifty obsolete Springfield rifles, bayonets, and bayonet scabbards for same, reported the same with amendments, accompanied by a report (No. 1281), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WEBB, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 17050) to amend section 18 of an act entitled "An act to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States, and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States," approved June 16, 1906, and for other purposes, reported the same with amendment, accompanied by a report (No. 1282), which said bill and report were referred to the House Calendar.

Mr. OLCOTT, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 4892) relating to the pay of mates in the Navy, reported the same with amendments, accompanied by a report (No. 1283), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 29) to provide for registration of all cases of tuberculosis in the District of Columbia, for free examination of sputum in suspected cases, and for preventing the spread of tuberculosis in said District, reported the same with amendments, accompanied by a report (No. 1284), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 4385) granting a pension to Seymour B. Young—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 8342) granting an increase of pension to William H. Coleman—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15638) granting an increase of pension to Ben de Lemos—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. JOHNSON of Kentucky: A bill (H. R. 19603) to amend section 3287, Revised Statutes of the United States, as amended—to the Committee on Ways and Means.

By Mr. CALE: A bill (H. R. 19604) restricting the practice of medicine and surgery in the Territory of Alaska—to the Committee on the Territories.

By Mr. SABATH: A bill (H. R. 19605) making an appropriation for the preservation and maintenance of the Spanish caravels now located in the lagoon at Jackson Park, in Chicago, Ill.—to the Committee on Appropriations.

By Mr. HAGGOTT: A bill (H. R. 19606) to provide for the granting and patenting to the State of Colorado desert lands within the former Ute Indian Reservation in said State—to the Committee on the Public Lands.

By Mr. SMALL: A bill (H. R. 19607) to authorize the Secretary of Commerce and Labor to cooperate, through the Bureau of the Coast and Geodetic Survey and the Bureau of Fisheries, with the fish commissioner of the State of North Carolina in making surveys of the waters of North Carolina where fishing is prohibited by law—to the Committee on the Merchant Marine and Fisheries.

By Mr. McGUIRE: A bill (H. R. 19608) authorizing the Court of Claims to hear, determine, and adjudicate the claims of the tribe of the Great and Little Osage Indians to moneys paid by them into the "civilization fund"—to the Committee on Indian Affairs.

By Mr. BEDE: A bill (H. R. 19609) to extend the time for building a bridge across Rainy River, in Minnesota—to the Committee on Interstate and Foreign Commerce.

By Mr. RANSDELL of Louisiana: A bill (H. R. 19610) authorizing the immediate expenditure of $300,000 to protect the banks of the Mississippi River at New Orleans, La.—to the Committee on Rivers and Harbors.

By Mr. FOSS: A bill (H. R. 19611) to further increase the efficiency of the United States Marine Corps, and for other purposes—to the Committee on Naval Affairs.

By Mr. AIKEN: A bill (H. R. 19612) for the relief of Confederate soldiers and citizens of the Confederate States—to the Committee on War Claims.

By Mr. SIMS: A bill (H. R. 19613) amending section 869 of the Code of Laws for the District of Columbia—to the Committee on the District of Columbia.

By Mr. PARSONS: A bill (H. R. 19655) providing for an additional judge for the southern district of New York, and for other purposes—to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 19614) granting a pension to Nemecio Valencio—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19615) granting a pension to Juan Bautisto Duran—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19616) donating the southwest quarter of the northwest quarter of section 36, township 1 south, range 34 east, New Mexico principal base and meridian, in New Mexico, to Bedford Forrest Camp, No. 1606, United Confederate Veterans—to the Committee on the Public Lands.

Also, a bill (H. R. 19617) referring to the Court of Claims the claim of the heirs and legal representatives of John P. Maxwell and Hugh H. Maxwell, deceased—to the Committee on Claims.

By Mr. ASHBROOK: A bill (H. R. 19618) granting an increase of pension to George W. Klinesmith—to the Committee on Invalid Pensions.

By Mr. BEALE of Pennsylvania: A bill (H. R. 19619) granting a pension to David W. Croft—to the Committee on Invalid Pensions.

By Mr. BROUSSARD: A bill (H. R. 19620) granting a pension to Henry Green Poole—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 19621) granting an increase of pension to Daniel P. Campbell—to the Committee on Invalid Pensions.

By Mr. CRAWFORD: A bill (H. R. 19622) granting an increase of pension to Robert Byrd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19623) granting an increase of pension to Robert C. Hughey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19624) granting a pension to Thomas J. Woodard—to the Committee on Pensions.

Also, a bill (H. R. 19625) granting a pension to John T. Bradley—to the Committee on Pensions.

By Mr. CRAVENS: A bill (H. R. 19626) granting an increase of pension to George W. Wootten—to the Committee on Pensions.

Also, a bill (H. R. 19627) for the relief of Mrs. Sallie Brown, of Arkansas—to the Committee on War Claims.

By Mr. DRISCOLL: A bill (H. R. 19628) granting an increase of pension to Charles Campbell—to the Committee on Invalid Pensions.

By Mr. FLOYD: A bill (H. R. 19629) granting an increase of pension to Alonzo E. Chadwick—to the Committee on Invalid Pensions.

By Mr. HAGGOTT: A bill (H. R. 19630) for the relief of J. H. McDaniel—to the Committee on Claims.

Also, a bill (H. R. 19631) granting an increase of pension to Joshua Brown Hannum—to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 19632) granting a pension to Samuel Moser—to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: A bill (H. R. 19633) granting a pension to Joanna Melton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19634) granting a pension to John Burton—to the Committee on Pensions.

By Mr. KNOWLAND: A bill (H. R. 19635) granting an increase of pension to William H. Orne—to the Committee on Invalid Pensions.

By Mr. LAMB: A bill (H. R. 19636) for the relief of Frederic William Scott—to the Committee on Claims.

By Mr. LANING: A bill (H. R. 19637) granting a pension to Mary Kilburn—to the Committee on Invalid Pensions.

By Mr. LAWRENCE: A bill (H. R. 19638) granting an increase of pension to Robert F. McCurdy—to the Committee on Invalid Pensions.

By Mr. LEWIS: A bill (H. R. 19639) granting an increase of pension to William W. Flagg—to the Committee on Invalid Pensions.

By Mr. McKINLAY of California: A bill (H. R. 19640) for the relief of the Western Distilleries, of Agnew, Cal.—to the Committee on Claims.

Also, a bill (H. R. 19641) for the relief of the Wilmerding-Loewe Company, of San Francisco, Cal.—to the Committee on Claims.

By Mr. McMILLAN: A bill (H. R. 19642) granting a pension to Peter Resequire—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 19643) granting an increase of pension to James T. Foster—to the Committee on Invalid Pensions.

By Mr. RYAN: A bill (H. R. 19644) granting an increase of pension to Timothy Hayes—to the Committee on Invalid Pensions.

By Mr. SCOTT: A bill (H. R. 19645) for the relief of George W. Johnson—to the Committee on Military Affairs.

By Mr. SLAYDEN: A bill (H. R. 19646) for the relief of John F. Byars, of Brown County, Tex., formerly of Newton County, Miss.—to the Committee on War Claims.

By Mr. SMITH of Michigan: A bill (H. R. 19647) granting an increase of pension to Robert Hawthorne—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19648) to correct the military record of George W. Leaming—to the Committee on Military Affairs.

By Mr. TOWNSEND: A bill (H. R. 19649) granting an increase of pension to Theron J. Hills—to the Committee on Invalid Pensions.

By Mr. BRICK: A bill (H. R. 19650) granting an increase of pension to Eugene Moriarty—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 19651) granting an increase of pension to James G. Bowden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19652) granting an increase of pension to Robert Waterman—to the Committee on Invalid Pensions.

By Mr. CALE: A bill (H. R. 19653) for the relief of T. C. Wakefield—to the Committee on Claims.

By Mr. LANING: A bill (H. R. 19654) granting a pension to Sarah Keisler—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAIR: Petition of National Association of Clothiers, for the Fowler currency bill—to the Committee on Banking and Currency.

By Mr. ANSBERRY: Petition of Presbyterian Church of Antwerp, Ohio, for the Littlefield original-package bill—to the Committee on the Judiciary.

By Mr. ASHBROOK: Papers to accompany bills for relief of Mrs. Isaac Baker and William R. Jenkins—to the Committee on Invalid Pensions.

Also, petition of C. A. Shryock and others, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BATES: Petition of Westinghouse Electric Company, of Pittsburg, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, paper to accompany bill for relief of telegraphers in civil war—to the Committee on Invalid Pensions.

Also, petition of Business Men's Exchange of Meadville, Pa., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Sparta Grange, No. 110, of Spartansburg, Pa., for national highway commission—to the Committee on Agriculture.

Also, petition of St. Stephen's Society, of Milwaukee, Wis., for adoption of Bates resolution of sympathy for the Poles—to the Committee on Foreign Affairs.

By Mr. BURKE: Paper to accompany bill for relief of James Bond—to the Committee on Invalid Pensions.

Also, petition of Smoky City Lodge, No. 219, Brotherhood of Locomotive Firemen and Engineers, of Allegheny, Pa., for the La Follette-Sterling liability bill, the Rodenberg anti-injunction bill, and the Clapp free-pass amendment—to the Committee on the Judiciary.

Also, petition of Pittsburg Board of Trade, for pension for widows of Doctors Lazear and Carroll—to the Committee on Pensions.

By Mr. BRICK: Petition of Local Branch No. 798, Brotherhood of Painters, Decorators, and Paperhangers of America, against all prohibitory legislation—to the Committee on the Judiciary.

By Mr. BROWNLOW: Petition of the Chattanooga News, for legislation to relieve American Newspaper Publishers' Association—to the Committee on the Judiciary.

By Mr. BURLEIGH: Petition of National Association of Cotton Manufacturers, of Boston, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. CALDER: Paper to accompany bill for relief of Durack Rowan—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Waldemar A. W. Tegner—to the Committee on Pensions.

By Mr. CHANEY: Paper to accompany bill for relief of Daniel P. Campbell—to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: Petitions of Woman's Fortnight Club, of Palatka, Fla., and Mrs. H. McL. Grady and other ladies of High Springs, Fla., for H. R. 10457, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Dr. A. T. Cuzuen and many other citizens of Florida, against the Penrose bill—to the Committee on the Post-Office and Post-Roads.

By Mr. COOK of Pennsylvania: Petition of Philadelphia Board of Trade, for H. R. 17290, an act to protect trade and commerce against unlawful restraints and monopolies—to the Committee on Interstate and Foreign Commerce.

Also, petition of Trades League of Philadelphia, for authorization of completion of contracts for work in various shipbuilding yards—to the Committee on Naval Affairs.

By Mr. CRAVENS: Paper to accompany bill for relief of George W. Wooten—to the Committee on Invalid Pensions.

By Mr. DALZELL: Petition of citizens of Wilkinsburg, McKeesport, Wilmerding, and Braddock, Allegheny County, for legislation against alcoholic liquor traffic—to the Committee on Alcoholic Liquor Traffic.

Also, memorial of Hamilton County League of Building Associations, against Hepburn bill taxing stocks—to the Committee on Ways and Means.

Also, petition of sundry citizens of Pittsburg, Pa., for the Littlefield bill and other like legislation—to the Committee on the Judiciary.

By Mr. DRISCOLL: Petition of United States Board of Trade and Transportation, against the Aldrich currency bill—to the Committee on Banking and Currency.

Also, petition of Charles P. Brown and others, for a national highway commission—to the Committee on Agriculture.

By Mr. DUNWELL: Petition of senate and assembly of the State of New York, for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of Navy-Yard Clerks and Draftsmen's Association, for reclassification of clerical employees (H. R. 648)—to the Committee on Naval Affairs.

By Mr. FLOYD: Paper to accompany bill for relief of Alonzo E. Chadwick—to the Committee on Invalid Pensions.

By Mr. FOCHT: Paper to accompany bill for relief of George W. Bostain—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: Petition of Shoreham Grange, Richford Grange, and Addison Grange, Patrons of Husbandry, all of the State of Vermont, for Federal aid in highway construction and for national highway commission—to the Committee on Agriculture.

Also, petition of Castleton (Vt.) Grange, for legislation to provide for a national highway commission—to the Committee on Agriculture.

By Mr. FOULKROD: Petition of Trades League of Philadelphia, for the completion of contract work in the various shipyards and steel works—to the Committee on Appropriations.

By Mr. FULLER: Petition of Farmers Grain Dealers' Association of Illinois, for Federal inspection of grain—to the Committee on Agriculture.

By Mr. GRAHAM: Petition of Pittsburg Board of Trade, for pensions for widows of Doctors Lazear and Carroll—to the Committee on Pensions.

Also, petition of Smoky City Lodge, No. 2119, Brotherhood of Locomotive Firemen and Engineers, for La Follette-Sterling bill, Rodenberg anti-injunction bill, and Clapp free-pass amendment—to the Committee on the Judiciary.

By Mr. HAMMOND: Petition of Minnesota State Association of Builders' Exchange, for H. R. 534 (industrial education in high schools)—to the Committee on Agriculture.

Also, petition of State Association of Builders' Exchange of St. Paul, against the Gardner eight-hour bill—to the Committee on Labor.

By Mr. HARRISON: Petition of Merchants' Association of New York, against the Gardner eight-hour bill—to the Committee on Labor.

By Mr. HILL of Connecticut: Petition of Merchants and Manufacturers' Association of Bridgeport, Conn., for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Harmony Grange, No. 92, of Monroe, Conn., for a national highway commission—to the Committee on Agriculture.

Also, petition of Montgomery Club, of Unionville, Conn., and Robert Emmet Club, of Torrington, Conn., against arbitration treaty with Great Britain—to the Committee on Foreign Affairs.

By Mr. HOWELL of Utah: Petition of citizens of Parowan, Utah, against the Penrose bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of 135 citizens of New York and vicinity, for relief for heirs of victims of the *General Slocum* disaster—to the Committee on Claims.

Also, petition of Subdivision 713, Brotherhood of Locomotive Engineers, for S. 5307 and H. R. 17036 (La Follette and Sterling bills)—to the Committee on the Judiciary.

Also, petition of citizens of Paragoona, Utah, against Penrose bill, amending section 3893, Revised Statutes—to the Committee on the Post-Office and Post-Roads.

By Mr. HUBBARD of Iowa: Petition of Baptist and Christian churches, of Storm Lake, Iowa, favoring the Littlefield original-package bill—to the Committee on the Judiciary.

Also, petition of citizens of Cherokee, Iowa, against the Penrose bill—to the Committee on the Post-Office and Post-Roads.

By Mr. KAHN: Petition of Typographical Union No. 21, of San Francisco, Cal., for construction of battle ships in navy-yards—to the Committee on Naval Affairs.

Also, petition of Local Union No. 8, Photo-Engravers, of San Francisco, for removal of duty on white paper, wood pulp, etc.—to the Committee on Ways and Means.

By Mr. KENNEDY: Paper to accompany bill for relief of George Ross—to the Committee on Invalid Pensions.

By Mr. KÜSTERMANN: Petition of Retail Clerks' Union No. 249, of Green Bay, Wis., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. LASSITER: Petition of merchants of South Hill, Va., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. LAWRENCE: Petitions of sundry citizens of East Charlemont; Dalton Grange, No. 23; Guiding Star Grange, No. 1, Greenfield; Hempstead Grange, No. 19; Worthington Grange, No. 90, and inhabitants of Great Barrington and Conway, all in the State of Massachusetts, for Federal aid in road construction and creation of a highway commission—to the Committee on Agriculture.

By Mr. LAW: Petition of National Association of Clothiers, for the Fowler currency bill—to the Committee on Banking and Currency.

Also, petition of Grand Army of the Republic, Department of New York, city of Buffalo, against consolidation of pension agencies—to the Committee on Appropriations.

By Mr. LEWIS: Paper to accompany bill for relief of William W. Flagg—to the Committee on Invalid Pensions.

By Mr. LINDBERGH: Petitions of Post No. 52, of Monticello; Post No. 14, of Elk River; Post No. 113, of Verndale; Post No. 147, of Park Rapids, and Post No. 151, Grand Army of the Republic, all in the State of Minnesota, against abolition of pension agency at Milwaukee—to the Committee on Appropriations.

By Mr. LOWDEN: Petition of J. M. Smith Post, No. 720, Grand Army of the Republic, Department of Illinois, of Mount Morris, against consolidation of the various pension agencies—to the Committee on Appropriations.

By Mr. McKINNEY: Petition of Farmers' Grain Dealers' Association of Illinois, for Federal inspection and grading of grain, as proposed by the McCumber bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of city council of city of Nauvoo, Ill., for appropriation for improvement of upper Mississippi River in the interest of the demands of traffic of the great Northwest—to the Committee on Rivers and Harbors.

By Mr. McMILLAN: Paper to accompany bill for relief of Peter Resseguire—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of James T. Foster—to the Committee on Invalid Pensions.

By Mr. MOUSER: Petition of Ongua Grange, No. 1665, of Waldo, Ohio, for a national highway commission—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of New York and vicinity, for relief for heirs of victims of the *General Slocum* disaster—to the Committee on Claims.

Also, petition of Zion's Reformed Church, of Bascom, for the Littlefield original-package bill—to the Committee on the Judiciary.

By Mr. O'CONNELL: Petition of Atlantic Coast Seamen's Union, against the bill of Senator FRYE, relative to manning of vessels—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Homeopathic Medical Society, for law giving homeopathic preparations full recognition as standard medical agents—to the Committee on Interstate and Foreign Commerce.

Also, petition of Boston Credit Men's Association, against Aldrich currency bill—to the Committee on Banking and Currency.

Also, petition of citizens of Massachusetts, against the Penrose bill—to the Committee on the Post-Office and Post-Roads.

By Mr. OLCOTT: Protest of Merchants' Association of New York, aganist eight-hour law—to the Committee on Labor.

Also, petition of Local No. 3, Electrical Workers, of New York City, for building battle ships in Government yards—to the Committee on Naval Affairs.

By Mr. OVERSTREET: Petitions of Joseph Wineman and Edgar H. Evans, for appropriation in aid of the Lincoln Farm Association, for a Lincoln memorial—to the Committee on Appropriations.

By Mr. PRATT: Petition of Essex Trades Council, of Newark, N. J., against the Penrose bill and against prohibition in the District of Columbia—to the Committee on the District of Columbia.

By Mr. REEDER: Petition of National Clothiers' Association, for Fowler currency bill—to the Committee on Banking and Currency.

By Mr. RYAN: Petition of New York Board of Trade and Transportation, against S. 3023 (Aldrich currency bill)—to the Committee on Banking and Currency.

Also, paper to accompany bill for relief of Dennis Flynn—to the Committee on Invalid Pensions.

Also, petition of Board of Trade of Helena, Ark., for H. R. 14934 and S. 4914—to the Committee on Interstate and Foreign Commerce.

Also, petitions of Lodge No. 417, of Buffalo, and Lodge No. 437, of New York City, Brotherhood of Locomotive Firemen, for La Follette liability bill, Rodenberg anti-injunction bill, and Clapp free-pass amendment—to the Committee on the Judiciary.

Also, petitions of Elisha L. Hayward Post, No. 543, and all other Grand Army of the Republic posts of Buffalo, N. Y.; Encampment No. 97, Union Veterans' Legion; E. L. Hayward and Chaplain P. G. Cook camps, Sons of Veterans; General D. S. Stanley Garrison, Army and Navy Union, and the Budd Naval Veterans' Association, against abolition of pension agencies—to the Committee on Appropriations.

By Mr. SABATH: Petition of North German-American Alliance, for restoration of canteen—to the Committee on Military Affairs.

Also, petition of Peace Association of Philadelphia, Pa., against extravagance in Navy, the building of four new battle ships—to the Committee on Naval Affairs.

By Mr. SHERMAN: Petition of Stittville (N. Y.) Grange, for Federal assistance in the construction of highways—to the Committee on Agriculture.

By Mr. SOUTHWICK: Petition of New York Board of Trade and Transportation, against the Aldrich currency bill—to the Committee on Banking and Currency.

By Mr. STEVENS of Minnesota: Memorial of Commercial Club of St. Paul and city council of Stillwater, for appropriation to improve the upper Mississippi River—to the Committee on Rivers and Harbors.

Also, petition of Builders' Exchange of St. Paul, for H. R. 534 (industrial education)—to the Committee on Agriculture.

Also, petition of Twin City Foundrymen's Association, of Minneapolis, Minn., against Gardner eight-hour bill—to the Committee on Labor.

Also, petition of St. Paul Credit Men's Association, for amendments proposed to the bankruptcy law—to the Committee on the Judiciary.

By Mr. SULZER: Petition of Kaufmann & Strauss Company, of New York, against the Bacon bill (S. 5151) relative to interstate shipments of spirituous liquors—to the Committee on the Judiciary.

Also, petition of Indiana Dental College, of Indianapolis, for S. 4432, an act to reorganize corps of dental surgeons, Medical Department of the Army—to the Committee on Military Affairs.

Also, petition of Howard C. Wicks and Percy Mackaye, for the Kittredge copyright bill—to the Committee on Patents.

Also, petition of Gas Engine and Power Company and Charles L. Seabury & Co., for H. R. 6041, being a bill for relief of the Bath Iron Works—to the Committee on Naval Affairs.

By Mr. THOMAS of Ohio: Petition of Ravenna Grange, No. 32, Patrons of Husbandry, for Federal aid in highway construction and a national highway commission—to the Committee on Agriculture.

Also, petition of Miller Avenue Reformed Church, of Akron, Ohio, for the Littlefield original-package bill—to the Committee on the Judiciary.

By Mr. WANGER: Petition of National Association of Clothiers meeting held at New York City March 2 and 3, 1908, against S. 3023 and favoring H. R. 12677—to the Committee on Banking and Currency.

Also, petition of Subdivision No. 565, International Brotherhood of Locomotive Engineers, for S. 4260—to the Committee on Interstate and Foreign Commerce.

Also, petition of Chester Lodge, No. 732, Brotherhood of Railway Firemen, of Chester, Pa., for S. 4260—to the Committee on Interstate and Foreign Commerce.

By Mr. WASHBURN: Petition of Worcester (Mass.) Grange, for national highway commission—to the Committee on Agriculture.

By Mr. WILEY: Paper to accompany bill for relief of Ben de Lemos—to the Committee on Pensions.

SENATE.

SATURDAY, *March 21, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

COTTON TEXTILE TRADE IN THE TURKISH EMPIRE, ETC.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, the report of Special Agent W. A. Graham Clark on the cotton textile trade in the Turkish Empire, Greece, and Italy, which, with the accompanying paper, was referred to the Committee on Commerce and ordered to be printed.

FRENCH SPOLIATION CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the findings of fact and conclusions of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel sloop *Julia*, William Green, master, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

S. 4922. An act providing for the platting and selling of the south half of section 30, township 2 north, range 11 west of the Indian meridian, in the State of Oklahoma, for town-site purposes; and

S. 6135. An act providing for the disposal of the interests of Indian minors in real estate in the Yakima Indian Reservation, Wash.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 4780. An act to authorize the Secretary of War to make certain disposition of obsolete Springfield rifles, caliber .45, bayonets, and bayonet scabbards for same;

H. R. 16515. An act authorizing the purchase of a steel ferryboat for use between Angel Island and San Francisco, Cal., and a steel cutter for use of immigration officials at San Francisco, Cal.;

H. R. 18615. An act to authorize the Cairo and Norfolk Railroad Company to construct bridges across the Cumberland River;

H. R. 18616. An act to authorize the Cairo and Norfolk Railroad Company to construct a bridge across the Tennessee River;

H. R. 19408. An act to authorize the Secretary of War to donate to the Albert Sidney Johnston Camp, Confederate Veterans of San Antonio, Tex., not to exceed fifty obsolete Springfield rifles, bayonets, and bayonet scabbards for same; and

H. J. Res. 155. Joint resolution authorizing the Secretary of War to loan certain tents for use at the national convention of the Benevolent and Protective Order of Elks, to be held at Dallas, Tex., in July, 1908.

ENROLLED JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the joint resolution (S. R. 58) authorizing the Secretary of War to establish harbor lines in Wilmington Harbor, California, and it was thereupon signed by the Vice-President.

PETITIONS AND MEMORIALS.

Mr. FRYE presented a petition of sundry citizens of Dedham and East Holden, in the State of Maine, praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PLATT presented a petition of sundry citizens of Olean, N. Y., praying for the passage of the so-called "postal savings-bank bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of East Fayette Grange, No. 40, Patrons of Husbandry, of East Fayette; Marlboro Grange, No. 904, Patrons of Husbandry, of Marlboro; Volney Grange, No. 165, Patrons of Husbandry, of Oswego County, and of the Business Men's Association of Wellsville, all in the State of New York, praying for the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Rhena Mosher Young Woman's Christian Temperance Union, of Syracuse, N. Y., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in prohibition districts, which was referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented a memorial of the Trades Council of New Haven, Conn., remonstrating against the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a memorial of the National Council, Knights of Columbus, of New Haven, Conn., remonstrating against the passage of the so-called "Penrose bill," to exclude nonmailable periodicals from second-class mail privileges, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BURROWS presented the petition of John M. Dredger, jr., a citizen of the United States, praying for the enactment of legislation providing for the daily publication in the CONGRESSIONAL RECORD of the prayer of the Chaplain of the Senate, which was referred to the Committee on Printing.

Mr. GALLINGER presented a petition of sundry citizens of Warren, N. H., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Washington, D. C., and a petition of the Highway Sunshine Gospel Union, of the District of Columbia, praying for the enactment of legislation to prohibit gambling in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented memorials of sundry citizens of the States of New Hampshire, Michigan, Indiana, Illinois, North Carolina, New York, South Carolina, Ohio, and Nebraska, remonstrating against the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. HEMENWAY presented a petition of the Woman's Missionary Societies of Trinity Church, New Albany, Ind., and a petition of sundry citizens of Floyd County, Ind., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Union 196, International Typographical Union, of Logansport, Ind., praying for

the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Otwell, Ind., praying for the enactment of legislation to limit the effect of the regulation of commerce between the several States and Territories in certain cases, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of sundry citizens of Tell City, Ind., remonstrating against the enactment of legislation to exempt trade unions or labor organizations from the operation of the Sherman antitrust law, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Monroe County, Ind., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented memorials of sundry citizens of Kokomo, Terre Haute, Patricksburg, Rochester, Seymour, and Monroe County, all in the State of Indiana, remonstrating against the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Fort Wayne, Ind., praying for the enactment of legislation to establish a national forest reserve in the Southern Appalachian and White Mountains, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Farmers' Institute of Williams, Ind., praying for the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry petitions of citizens of Booneville, Ind., praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. PILES presented a petition of the congregation of the Methodist Episcopal Church of Blaine, Wash., and a petition of the congregation of the First Congregational Church of Snohomish, Wash., praying for the enactment of legislation providing for the closing of the gates of the Alaska-Yukon-Pacific Exposition on Sundays, which were referred to the Select Committee on Industrial Expositions.

He also presented a petition of the Pacific Coast Lumber Manufacturers' Association of Seattle, Wash., praying for the adoption of an amendment to the present interstate commerce law authorizing the Interstate Commerce Commission to pass upon a railroad freight rate before it becomes effective, which was referred to the Committee on Interstate Commerce.

He also presented memorials of sundry citizens of Arlington, Everett, Tracyton, Ferndale, Clark County, and San Juan County, all in the State of Washington, remonstrating against the enactment of legislation to prevent Sunday banking in post-offices in the handling of money orders and registered letters, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM presented a petition of the city council of Nauvoo, Ill., praying that an annual appropriation of $2,000,000 be made for a period of ten years to complete the improvement of the upper Mississippi River, which was referred to the Committee on Commerce.

He also presented a memorial of sundry citizens of Wilmington, Del., remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Architectural Club of Chicago, Ill., praying for the enactment of legislation providing for the location of the Grant Memorial in the District of Columbia, and also for the adoption of the plans as recommended by the Park Commission, which was referred to the Committee on the District of Columbia.

Mr. DEPEW presented petitions of sundry citizens of Poughkeepsie, Canastota, Whitehall, Eaton, and Jackson Corners, all in the State of New York, praying for the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Union No. 28, International Stereotypers and Electrotypers' Union, of Albany, N. Y., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a memorial of R. M. Starring Post, No. 523, Department of New York, Grand Army of the Republic, of Silver Creek, N. Y., remonstrating against the enactment of legislation proposing to abolish certain pension agencies throughout the country, which was referred to the Committee on Pensions.

Mr. STONE presented memorials of sundry citizens of Sweet Springs, Sedalia, St. Louis, Salisbury, Hamilton, Oronogo, and Kansas City, all in the State of Missouri, remonstrating against the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Slater, Cape Girardeau, and De Soto, all in the State of Missouri, praying for the passage of the so-called "La Follette-Sterling employers' liability bill," which were referred to the Committee on the Judiciary.

He also presented a memorial of Local Union No. 298, United Mine Workers of America, of Richmond, Mo., and a memorial of sundry citizens of Liberal, Mo., remonstrating against the passage of the so-called "Penrose bill," to exclude nonmailable periodicals from second-class mail privileges, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Central Labor Union, American Federation of Labor, of Jefferson City, Mo., and a petition of Local Union No. 111, International Brotherhood of Bookbinders, of Jefferson City, Mo., praying for the enactment of legislation providing for the construction of the next proposed new battle ships at one of the Government navy-yards, which were referred to the Committee on Naval Affairs.

He also presented a petition of the Cotton Exchange of St. Louis, Mo., and a petition of the Board of Trade of Kansas City, Mo., praying for the adoption of a certain amendment to the present interstate-commerce law relating to bills of lading, which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Board of Trade of Kansas City, Mo., praying for the enactment of legislation requiring interstate railroad companies to furnish cars and other transportation facilities and empowering the Interstate Commerce Commission to make rules and regulations to govern the same, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Merchants' Exchange of St. Louis, Mo., praying for the enactment of legislation providing for the weighing, grading, and inspection of grain under Federal control, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Cotton Exchange of St. Louis, Mo., remonstrating against the enactment of legislation to prohibit the sale of grain and cotton for future delivery, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of local union, International Typographical Union, of Columbia, Mo., and a petition of Local Union No. 111, International Brotherhood of Bookbinders, of Jefferson City, Mo., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

He also presented a petition of the Pettis County Medical Society, of Sedalia, Mo., praying for the enactment of legislation granting pensions to the widows of Dr. James Carroll and Dr. J. W. Lazear, which was referred to the Committee on Pensions.

He also presented a memorial of Concordia Lodge, No. 48, Knights and Ladies of Honor, of St. Louis, Mo., remonstrating against the enactment of legislation to prohibit the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Macon County, Mo., remonstrating against the enactment of legislation to prevent Sunday banking in post-offices in the handling of money orders and registered letters, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Chemical Society of St. Louis, Mo., praying that an appropriation be made to enable the Geological Survey to continue the work of the fuel-testing plant at that city, which was referred to the Committee on Appropriations.

He also presented a memorial of Deer Lake Lodge, No. 17, International Association of Machinists, of Springfield, Mo., remonstrating against the retention of certain provisions in the Federal laws regulating conscription in times of military necessity, and courts-martial, which was referred to the Committee on Military Affairs.

He also presented a petition of Henry Wilson Post, No. 189, Department of Missouri, Grand Army of the Republic, of Rolla,

Mo., praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

Mr. LONG presented a memorial of sundry citizens of Bassett, Kans., and a memorial of sundry citizens of Glen Elder, Kans., remonstrating against the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Waverly, Kans., praying for the passage of the so-called "Kittredge copyright bill," which was referred to the Committee on Patents.

He also presented a petition of Goodland Division, No. 422, Brotherhood of Locomotive Engineers, of Goodland, Kans., praying for the passage of the so-called "La Follette-Sterling employers' liability bill," which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Fort Dodge, Nashville, Sabetha, Wuneta, Wellington, and Wichita, all in the State of Kansas; of Arcadia, Bradleyville, Collins, Lewistown, Lisle, Mansfield, Moundsville, Milford, Osaka, Poplarbluff, St. Joseph, Stoutland, Reno, Taneyville, Woollam, all in the State of Missouri, and of South Lancaster and Columbia, S. C., remonstrating against the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. FULTON, from the Committee on Claims, to whom was referred the bill (H. R. 16471) for the relief of George H. Penrose, reported it without amendment and submitted a report thereon.

He also, from the Committee on Public Lands, to whom was referred the amendment submitted by Mr. KITTREDGE on January 13, 1908, proposing to reimburse registers of the United States land offices for the amounts of all fees for notices of cancellation authorized to be paid to them by an act approved July 26, 1892, etc., reported it with amendments and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations, which was agreed to.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 17983) for completing the pediment of the House wing of the Capitol, asked to be discharged from its further consideration and that it be referred to the Committee on the Library, which was agreed to.

THE COPYRIGHT LAWS.

Mr. GAMBLE, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. SMOOT on the 19th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Patents, or any subcommittee thereof, be, and the same is hereby, authorized and directed to investigate, in conjunction with the Committee on Patents of the House of Representatives, all matters pertaining to the copyright laws; to send for persons and papers; to administer oaths; and to employ a stenographer to report such hearings as may be had in connection with such investigation and have the same printed for its use; that the committee be authorized to sit during the sessions of the Senate, and that all expenses of such investigation be paid out of the contingent fund of the Senate.

LIST OF VOLUNTEER OFFICERS.

Mr. CLAPP, from the Committee on Claims, reported the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of War be directed to transmit to the Senate a list of officers of the United States Volunteers organized under the act of March 2, 1899 (30 Stat. L., pp. 977–980), for service in the Philippine Islands, showing the difference between the amount paid each officer, respectively, under the act of May 26, 1900 (31 Stat. L., p. 210), as travel pay from the place of muster out to the place of residence at the time of appointment or the place of original muster into the service and the amount which each would have received under Section 1289 of the Revised Statutes, the law in force at the time of muster into the service.

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 6258) granting a pension to Mary A. Blake, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DICK introduced a bill (S. 6259) for the relief of the State of Ohio, which was read twice by its title and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 6260) providing for the retirement of petty officers and enlisted men of the United States Navy, which was read twice by its title and referred to the Committee on Naval Affairs.

Mr. SIMMONS introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 6261) to pay to the State of North Carolina in trust for the claimants thereto the cotton tax collected from citizens of that State; and

A bill (S. 6262) to refund the cotton tax to the States wherein collected.

Mr. du PONT introduced a bill (S. 6263) granting a pension to Margaret Allison, which was read twice by its title and referred to the Committee on Pensions.

Mr. GALLINGER. I introduce a bill the title of which is "To regulate the sale of intoxicating liquors in the District of Columbia." In introducing it, I desire to say that I sympathize with the general purpose of the bill, but I have not scrutinized it, as it is a very long bill, and I do not feel like committing myself in advance to its provisions. I ask that it be referred, with the accompanying papers, to the the Committee on the District of Columbia.

The bill (S. 6264) to regulate the sale of intoxicating liquors in the District of Columbia, was read twice by its title and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. GALLINGER introduced a bill (S. 6265) granting an increase of pension to Charles F. French, which was read twice by its title and referred to the Committee on Pensions.

Mr. McCREARY introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6266) granting an increase of pension to Charles B. Eades; and

A bill (S. 6267) granting a pension to William Lee (with accompanying papers).

He also introduced a bill (S. 6268) to correct the military record of John Tudor, which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. FOSTER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Finance:

A bill (S. 6269) providing for an increase of salary for the appraiser of merchandise at the port of New Orleans; and

A bill (S. 6270) providing for an increase of salary for the United States marshal for the eastern district of Louisiana.

Mr. DANIEL introduced a bill (S. 6271) granting a pension to Mary Elizabeth McCann, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 6272) to amend an act entitled "An act to establish the Foundation for the Promotion of Industrial Peace," which was read twice by its title and referred to the Committee on Education and Labor.

Mr. BURKETT introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6273) granting an increase of pension to Sarah A. Conner;

A bill (S. 6274) granting an increase of pension to John Ferrier; and

A bill (S. 6275) granting a pension to A. G. Robinson.

Mr. OVERMAN introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6276) granting an increase of pension to Cornelius Teal; and

A bill (S. 6277) granting a pension to Elza Lawrence.

He also introduced a bill (S. 6278) to correct the military record of William R. Shelton, which was read twice by its title and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. LONG introduced a bill (S. 6279) granting a pension to George H. McIntire, which was read twice by its title and referred to the Committee on Pensions.

Mr. McCUMBER introduced a bill (S. 6280) granting an increase of pension to Franklin Harvey, which was read twice by its title and referred to the Committee on Pensions.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6281) granting an increase of pension to Frances G. Webster;

A bill (S. 6282) granting an increase of pension to Richard D. Cooneen;

A bill (S. 6283) granting an increase of pension to George W. McAllister; and

A bill (S. 6284) granting an increase of pension to William L. Bales.

Mr. HEMENWAY introduced a bill (S. 6285) granting an increase of pension to David S. Bender, which was read twice by its title and referred to the Committee on Pensions.

Mr. WARREN introduced a bill (S. 6286) granting an increase of pension to Wesley P. Carroll, which was read twice by its title and referred to the Committee on Pensions.

AMENDMENTS TO OMNIBUS CLAIMS BILL.

Mr. DICK submitted an amendment intended to be proposed by him to the House bill 15372, commonly known as the "omnibus claims bill," which was ordered to lie on the table and be printed.

Mr. DANIEL submitted an amendment intended to be proposed by him to the House bill 15372, known as the "omnibus claims bill," which was ordered to lie on the table and be printed.

ALLOTMENTS OF CHIPPEWA INDIANS IN MINNESOTA.

Mr. CLAPP submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of the Interior is hereby directed, if in his judgment consistent with public policy, to report to the Committee on Indian Affairs a list of allotments taken by Chippewa Indians in Minnesota, together with the description of the land allotted to each allottee and the date of each allotment.

VALUATION OF RAILROAD PROPERTY.

Mr. LA FOLLETTE. Mr. President, my attention was taken yesterday when this order of business was reached, and I made thereafter two unsuccessful attempts to introduce a resolution which would have been otherwise introduced yesterday. I offer it this morning. I ask that it lie on the table, and I give notice that I shall call it up at an early day.

The resolution was read and ordered to lie on the table, as follows:

Resolved, That the Committee on Interstate Commerce be discharged from further consideration of the bill (S. 501) entitled "A bill to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," and that the same be laid before the Senate.

TIMBER ON INDIAN RESERVATIONS IN WISCONSIN.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4046) to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests on certain lands reserved for Indian reservations in the State of Wisconsin, which were:

On page 1, line 9, after "upon," to strike out "each of."

On page 1, line 9, after "the" where it occurs the first time, to insert "Menominee."

On page 1, line 9, to strike out "reservations located" and insert "Reservation."

On page 1, line 10, after "Wisconsin," to insert: "*Provided*, That not more than 20,000,000 feet of timber shall be cut in any one year: *And provided further*, That this limitation shall not include the dead and down timber on the north half of township No. 29, range No. 13 east; the north half of township No. 29, range No. 14 east, and the south half of township No. 30, range No. 13 east, on the Menominee Reservation in Wisconsin."

On page 2, line 3, after "sawmills," to insert "equipment and necessary buildings."

On page 2, line 7, after "sawmills," to insert "equipment, and necessary buildings."

On page 2, line 9, to strike out "such" and insert "said."

On page 2, line 10, to strike out "reservations" and insert "reservation."

On page 2, line 12, to strike out "reservations" and insert "reservation."

On page 3, line 1, after "shingles," to insert "poles, posts, bolts, and pulp wood."

On page 3, line 6, after "the" where it occurs the second time, to insert "net."

On page 3, line 15, to strike out "any such" and insert "said."

On page 3, line 17, after "sawmills," to insert "equipment and necessary buildings."

On page 3, line 17, after "camps," to insert "logging equipment."

On page 3 to strike out lines 21 and 22, inclusive, and insert:

"SEC. 5. That when the dead and down timber, and such fully matured and ripened green timber as the forestry service shall designate, shall have been converted into lumber, then the Secretary of the Interior is directed to make sale of such portions of the sawmill and manufacturing plant as will not, in his judgment, be needed for continuing operations on this reservation. The terms of these sales shall be fixed by the Secretary, and after the payment of the costs and charges of sale the net proceeds thereof shall be deposited in the same manner and for the same purposes as the net proceeds of the sale of the lumber aforesaid."

And to amend the title so as to read:

"An act to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests on the Menominee Indian Reservation in the State of Wisconsin."

Mr. LA FOLLETTE. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bill and joint resolution were severally read twice by their titles and referred to the Committee on Military Affairs:

H. R. 4780. An act to authorize the Secretary of War to make certain disposition of obsolete Springfield rifles, caliber .45; bayonets and bayonet scabbards for same; and

H. J. Res. 155. Joint resolution authorizing the Secretary of War to loan certain tents for use at the national convention of the Benevolent and Protective Order of Elks to be held at Dallas, Tex., in July, 1908.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 18615. An act to authorize the Cairo and Norfolk Railroad Company to construct bridges across the Cumberland River; and

H. R. 18616. An act to authorize the Cairo and Norfolk Railroad Company to construct a bridge across the Tennessee River.

The bill (H. R. 16515) authorizing the purchase of a steel ferryboat for use between Angel Island and San Francisco, Cal., and a steel cutter for use of immigration officials at San Francisco, Cal., was read twice by its title and referred to the Committee on Immigration.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CULLOM. I ask that the legislative, executive, and judicial appropriation bill be again taken up for consideration.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 16882) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes.

Mr. CULLOM. There are some changes that I desire to have made in some of the provisions of the bill which we have already considered.

I desire to call attention to page 2, lines 22, 23, and a part of line 24, where there were some words stricken out. I move to reconsider the vote by which the amendment was agreed to striking out the words and inserting certain words in place of the words stricken out, so that the words stricken out may be reinstated and another amendment made to the bill.

The VICE-PRESIDENT. The Senator from Illinois moves to reconsider the vote by which the amendment of the committee on page 2 was agreed to. The amendment will be stated.

The SECRETARY. On page 2, line 21, after the word "incumbent," strike out the words:

Minute and journal clerk, and enrolling clerk, at $3,000 each; principal clerk, $2,750.

And insert in lieu thereof:

Enrolling clerk, $3,000; minute and journal clerk, executive clerk, and principal clerk, at $2,750 each.

The motion to reconsider was agreed to.

Mr. CULLOM. I ask that the amendment be disagreed to.

The amendment was rejected.

Mr. CULLOM. On page 3, line 1, after the word "dollars," I move to insert:

Executive clerk, $2,750.

The amendment was agreed to.

Mr. CULLOM. I see the Senator from Texas [Mr. CULBERSON] here quite near me. This reestablishes at the old salary the clerk he was interested in.

Mr. CULBERSON. My understanding is that the amendment is satisfactory.

Mr. CULLOM. It is.

On page 3, line 18, before the word "dollars," I move to strike out "seven hundred and twenty-six," and insert "nine hundred and seventy-six," so as to read:

In all, $78,976.

That is a correction of the total.

The VICE-PRESIDENT. Without objection, the total will be corrected as stated by the Senator from Illinois.

Mr. CULLOM. On page 18, line 19, in the items for the office of Sergeant-at-Arms, House of Representatives, I move to strike out the words "paying teller," and in lieu thereof to insert "financial clerk."

The amendment was agreed to.

Mr. CULLOM. On page 41, line 13, I move to reconsider the vote by which the amendment of the committee was agreed to, inserting the words:

First Assistant Secretary of the Treasury, $5,000.

The motion to reconsider was agreed to.

Mr. CULLOM. I move to amend the amendment by striking out the words "First," so as to read:

Assistant Secretary of the Treasury, $5,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CULLOM. On page 53, line 9, I move to correct the total by striking out the words "twenty three thousand eight" and inserting in lieu thereof "twenty-four thousand seven," so as to read:

In all, $824,770.

The amendment was agreed to.

Mr. CULLOM. On page 58, line 3, I move to reconsider the vote by which the amendment of the committee was agreed to, inserting the words:

Additional to one clerk of class 1, as disbursing clerk, $200.

The motion to reconsider was agreed to.

Mr. CULLOM. In the amendment of the committee, after the first word "clerk," I move to strike out the words "of class one." This is in the items for the office of the Commissioner of Internal Revenue.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CULLOM. In the items for the Naval Observatory, page 107, line 1, after the word "thousand," I move to insert the words "two hundred," so as to read:

Two assistants, at $1,200 each.

The amendment was agreed to.

Mr. CULLOM. Also on page 107, line 6, I move to change the total by striking out the words "forty-three thousand eight" and inserting "forty-four thousand two," so as to read:

In all, $44,240.

The VICE-PRESIDENT. The total will be corrected in the absence of objection.

Mr. CULLOM. In the items for the office of the Secretary of the Interior, on page 114, line 10, I move to reconsider the vote by which the amendment of the committee was agreed to striking out "sixteen" and inserting "seventeen" before "clerks," so as to read:

Seventeen clerks of class 3.

The motion to reconsider was agreed to.

Mr. CULLOM. I move to amend the amendment by striking out "seventeen" before "clerks" and inserting "eighteen."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CULLOM. On the same page, line 11, I move to reconsider the vote by which the committee amendment was agreed to striking out "twenty-one" before "clerks" and inserting "twenty," so as to read:

Twenty clerks of class 2.

The motion to reconsider was agreed to.

Mr. CULLOM. I ask that the amendment be disagreed to, thus restoring "twenty-one."

The amendment was rejected.

Mr. CULLOM. On page 115, line 15, I move to correct the total by striking out "eighty-three" before "thousand" and inserting "eighty-six," so as to read:

In all, $286,900.

The VICE-PRESIDENT. Without objection, the total will be corrected as stated by the Senator from Illinois.

Mr. CULLOM. In the items for the office of the Superintendent of the Capitol Building and Grounds, on page 128, line 25, I move to reconsider the vote by which the amendment of the committee was agreed to, striking out "four" and inserting "five" before "hundred," so as to read:

One clerk, $1,500.

The motion to reconsider was agreed to.

Mr. CULLOM. I move to strike out "five" and insert "six," so as to read, "$1,600."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CULLOM. On page 129, line 14, I move to change the total by striking out the word "one," before "hundred," and inserting "two," so as to read:

In all, $25,260.

The VICE-PRESIDENT. In the absence of objection the total will be corrected as stated.

Mr. CULLOM. I desire to ask that the Secretary of the Senate be authorized to correct the totals where they may be wrong.

The VICE-PRESIDENT. The Senator from Illinois asks that the Secretary of the Senate may correct the totals in the bill where they need to be corrected to conform to amendments made in the text of the bill. Without objection, it is so ordered.

Mr. FLINT. On page 174 I propose an amendment, which I send to the desk.

Mr. CULLOM. I want to find page 147.

Mr. HOPKINS. Lines 19 and 20, page 147.

Mr. CULLOM. My colleague has an amendment which he desires to offer at page 147, lines 19 and 20.

The VICE-PRESIDENT. Is it a committee amendment?

Mr. CULLOM. It is not.

The VICE-PRESIDENT. The Chair first recognized the Senator from California [Mr. FLINT], who has sent an amendment to the desk. The amendment will be stated.

The SECRETARY. On page 154, line 3, before the word "thousand," strike out "forty," the committee amendment, and insert "fifty."

The VICE-PRESIDENT. As this is an amendment to the amendment of the committee, already agreed to, it will be regarded as open to amendment, if there be no objection. The question is on agreeing to the amendment to the amendment.

Mr. FLINT. I have sent up a further amendment in connection with it.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "dollars," in line 3, page 154, insert:

Ten thousand dollars of said amount, or as much thereof as may be necessary, for the investigation of oriental markets with a view to the extension of the American flour trade.

Mr. CULLOM. I hope that amendment will not be adopted. For several years we had cotton specifically put in the bill, and it has finally gone out, and I think rightfully. There is no reason I can see why we should embody in the bill the particular articles to be investigated.

These agents are appointed to investigate all articles of commerce and report on them, so that the country will know just what the situation is. I think, now that we have gotten rid of the question of referring to cotton every time in the bill, the Senate had better not begin to take up other articles in place of it.

Mr. FLINT. Mr. President, the reason we have asked to have a flour investigation in the Orient is because of the fact that a provision was inserted for the investigation of the cotton products. The cotton products would not have been investigated and the Department would not have sent an agent to Europe if it had not been provided in express terms in the appropriation bill that an agent should be appointed for that purpose. Now that the agent has been appointed and the investigation has been made, trade in this commodity has increased materially.

So in this case the request comes from all the millers of the Pacific Coast States that this amount of money be appropriated for the purpose of investigating the flour conditions in the Orient. The Department now has an expert examining the conditions in reference to the sale of flour in Europe from the Middle West States, and the Pacific Coast States simply ask that in the interest of the trade we are desirous of obtaining in the Orient an investigation should be made by an agent of the Government for that particular purpose. If the item is not included in the bill in the words that we have set forth, the appropriation not being sufficient, they will not use the money for the particular purpose which we desire.

Mr. CULLOM. I have no objection myself to increasing the appropriation, but there is not any reason, it seems to me, why we should include flour or cotton or any other specific article in the bill requiring the investigation of that particular product as against all other products that are desired to be taken care of in commerce. I do not know how much good the Commission is doing, but it seems to me that it is doing some good, and the Department having it in charge can just as well be depended on to investigate flour as cotton or any other product. While the millers in my State are anxious about this appropriation, it seems to me, and it has seemed all the time, that there is no occasion why any specific article shall be inserted in the bill for investigation.

I am willing that the portion of the amendment that increases the appropriation to $50,000 shall be made; that is what it was last year; but I do not want the naming of any particular article for investigation.

Mr. TELLER. Mr. President, the chairman of the committee has referred to the fact that the cotton business has been omitted. I have an amendment which the Senator from South Carolina [Mr. TILLMAN] is very anxious I should offer for him. I had no opportunity to converse with him, but he sent it to me with the request that I should offer it.

The VICE-PRESIDENT. The Chair would suggest that the pending amendment be disposed of, and then the Chair will recognize the Senator from Colorado.

Mr. TELLER. I want to say, before the pending amendment is disposed of, that if it is not the policy of the Senate to have specific articles examined, I will not offer the amendment to reinstate the cotton investigation; if it is, I shall offer it.

I know very little about the cotton business, but I present it for the Senator from South Carolina.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Texas?

Mr. TELLER. In a moment. I had no opportunity to converse with the Senator from South Carolina, who sent it by a friendly hand and asked me to offer it. I shall offer it if it is the policy to specifically indicate the product, and if not I shall feel at liberty not to offer it. I will now yield to the Senator from Texas.

Mr. CULBERSON. I desire to call the attention of the Senator to what I understand to be the fact—that cotton conditions are being inquired into by these agents without a specific provision therefor.

In view of the action of the Department heretofore and its purposed course for the future, I should not think it would be necessary to insert any specific reference to cotton.

Mr. WARREN. Will the Senator yield to me for a moment?

Mr. CULBERSON. That is all I have to say.

Mr. WARREN. This matter was fully discussed a year ago. The Senator from South Carolina [Mr. TILLMAN] was, I understand, entirely satisfied with the assurances given him by the head of the Department that the cotton product would be properly inspected and examined under the appropriation.

Mr. OVERMAN. May I interrupt the Senator? It was my amendment that provided originally $50,000 for the cotton investigation. It went to the House of Representatives, and there seemed to be a great deal of objection there to designating any particular article. So they struck out cotton with the understanding that cotton should have a representative abroad.

I wish to say that by reason of that investigation and the work that is being done in cotton and cotton products there has been a great increase of trade, especially in cotton-seed oil. The trade has increased from $20,000,000 to forty-odd million dollars. If the Senator will strike out the word "flour" I think we ought to increase the appropriation to $50,000. That was the original appropriation.

Mr. WARREN. That is what I rose to suggest to the chairman in charge of the bill, to leave out the specific provision and put in such an enlargement of appropriation as has been suggested.

Mr. OVERMAN. I agreed to that last Congress. Although the bill three years ago had cotton in it, there was objection in the House, and they struck out the cotton appropriation, leaving the appropriation $40,000 or $50,000. This appropriation was reduced by the House to $35,000 and increased by the committee of the Senate to $40,000, the amount recommended. If we just add $10,000 and make it $50,000 instead of $40,000, it will accomplish what the Senator from California desires.

Mr. FLINT. Having obtained the expression from the Senate that this money would be used for that particular purpose, and the Department understanding that if the appropriation is raised to the amount of $50,000 the sum of $10,000 will be used for the purpose of investigating the flour conditions of the Orient, I will have no objection to the latter part of the amendment being stricken out and simply raise the amount of the appropriation from $40,000 to $50,000.

The VICE-PRESIDENT. The Senator from California modifies his amendment.

Mr. STONE. Let the amendment be reported as modified.

The VICE-PRESIDENT. As modified, the amendment will be reported.

The SECRETARY. On page 154, line 3, before the word "thousand," the committee proposes to strike out "thirty-five" and to insert "forty." The Senator from California proposes to amend by striking out "forty," the committee amendment, and inserting "fifty," so as to read:

For compensation at not more than $10 per day and actual necessary traveling expenses of special agents to investigate trade conditions abroad, with the object of promoting the foreign commerce of the United States, $50,000.

The VICE-PRESIDENT. Without objection, the amendment of the committee, which has been already agreed to, will be regarded as open to amendment.

Mr. TELLER. After the expression by the Senator from Texas and the Senator from North Carolina, who know more about the cotton business than I do, I feel at liberty not to offer the amendment which I had expected to offer.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from California to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CULLOM. Now, I ask that the Senate allow the committee amendments to be finished before we go into general amendments of the bill. On page 121, the amendment incorporated in the bill, offered originally by the Senator from Indiana [Mr. HEMENWAY], ought now to be considered. It was passed over in the consideration of the bill.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. On page 121, the Committee on Appropriations reported to insert the following paragraph at the top of the page:

For continuing the work authorized by the act approved March 3, 1891, and for the protection of the lives of miners in the Territories and in the district of Alaska, and for conducting such investigations in the Territories and in the district of Alaska as will increase safety and efficiency in mining, to be immediately available, $195,000: *Provided*, That the Secretary of the Interior is hereby authorized to accept for use in the investigations named above any site, buildings, equipment, or fund which in his judgment it may be proper to accept; such acceptance shall be reported to Congress, and shall not be considered as binding the Government of the United States beyond the appropriation made by Congress in any one year.

Mr. KNOX. Mr. President, I move an amendment to the amendment.

The VICE-PRESIDENT. The Secretary will read the amendment to the amendment.

The SECRETARY. In line 5 of the amendment strike out the words "in the Territories and in the district of Alaska."

Mr. TELLER. Mr. President, that will attempt to authorize the United States to investigate the mining condition in the States, which the committee determined it would not attempt to do, and which I will never myself agree shall be done.

I do not know that Pennsylvania has, but many of the States have their own laws with reference to mining matters. The State of Colorado has its laws, and has had for a good many years. We have never had any trouble in protecting the employees of the mining companies in that State. I deny the right of the United States to invade a State with even, perhaps I might say, its agents, without the approval of the State.

It has been suggested that the provision might be amended by saying that when the State authorities ask the United States to investigate the condition, it might be done. I believe I would not object to that, but I certainly will object to the amendment to the amendment as proposed, and I am sure it will not meet the approbation of the necessary vote in some other place, at least, to become a law.

Mr. STONE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Missouri?

Mr. TELLER. I do.

Mr. STONE. I desire to ask the Senator if the same thing he objects to has not been done by the Agricultural Department in the prosecution of its investigations?

Mr. TELLER. I would not undertake to say what the Agricultural Department has done. I do not know anything about it.

Mr. STONE. Have not investigations authorized by Congress been made by the Department of Agriculture along the lines to which the Senator now objects?

Mr. TELLER. I think not. I do not think there is any authority to interfere with the agriculture of a State, and this is an interference with the mining industry of the several States. If a State is not capable of taking care of its own affairs to the extent of seeing that its employees in the mines are protected and that proper care is taken in the mines, certainly the General Government is not able to do it any better than the States can do it.

I insist upon it that what is proposed here is a radical change, and I do not think the committee ought to accept it. If it is accepted, I shall reserve, as far as I am concerned, the right to object to it in every place where I can.

Mr. KNOX. Mr. President, if I shared the views of the Senator from Colorado [Mr. TELLER], that the effect of this amendment would be to authorize any officer of the Federal Government to invade any State or to do anything within any State that was prohibited by the laws of the State in respect to its domestic affairs, I would not have offered this amendment to the amendment. The purpose of the amendment to which my amendment has been offered is to enable proper investigations to be made into the causes of mining disasters.

Mr. President, there is a very clear distinction between the power of the Federal Government to conduct investigations for any purpose that it may see fit and the power of the Federal Government to interfere with the operations of the proper functions of the State by legislation.

The Supreme Court has time and time again recognized that we can conduct investigations even where we can not legislate, and very frequently the Federal Government conducts investi-

gations for the purpose of furnishing information to the people at large upon subjects of great importance. The statute books are filled with instances of this kind. We know that investigations have been conducted relative to the ravages of the gypsy moth in Massachusetts, the boll weevil in Texas, and that experimental stations have been established for investigation of agricultural, meteorological, and conditions affecting the general public.

In the investigations conducted by the Industrial Commission the whole range of human industry and endeavor was covered. Is the protection of human life of less importance than the protection of property? Now, I take it, if this bill becomes a law and the Secretary of the Interior, in pursuance of the authority herein prescribed, should call upon the owner of a mine in a State and undertake to assert any privileges in respect to the mine which would defeat any right that the owner of the mine might have under the law of the State, he could raise the question on the statute, although, in my own judgment, I think such investigations would be welcomed, because the benefits would be as wide as the nation itself, as wide, indeed, as the world.

I wish to call the Senate's attention to the fact that in European countries, where such investigations are conducted on scientific bases and the results of the investigations are made known to the industries particularly concerned, the loss of life in mining is trifling compared with the loss of life in this country. The fact is that in some sections of Europe, where mining is conducted on a large scale, the loss of life per thousand is less than one-fourth of what it is in the United States.

Mr. President, the loss of life and accidents in the United States far exceed those of any other country where the mining industry is being conducted. This proposed investigation is for the purpose of allowing the hundreds of thousands of men who toil in the darkness beneath the surface of the earth to get the benefit of all the protection that all the knowledge gathered from all possible sources will furnish.

Mr. TELLER. Mr. President I have no doubt that the Government of the United States may make investigations, but I deny the right of the Government to interfere with any miner in the State of Colorado. I want to notify the Senator from Pennsylvania [Mr. KNOX] that no country in Europe and no country in the world has escaped, as we have escaped in the State of Colorado, disasters in mines. We have all kinds of mines in Colorado, Mr. President, gold mines, silver mines, copper mines, manganese mines, iron mines, and coal mines. For years we have had a State supervision, a supervision that provides how the mines shall be kept open, what shall be the appliances and opportunities for escape, etc., and no country in the world has better provided against mining accidents than we have. We have never had any disasters to speak of in our State—never from faulty mining, though we have had occasionally from faulty machinery, but that was the fault of the operators and not the fault of the system.

Mr. President, I admit there has been a good deal of bad mining in this country, but the fault lies with the States, and the States alone can correct it. The United States can not do it and will not do it.

It has been suggested that we might insert here a provision that, with the consent of the States, investigations might be made in the mines. I did not myself think that was necessary, because I understood that without that, if the mine owner was willing to admit the investigators, they might make an investigation in mines as well as make an investigation in Washington, except that I did not think we should attempt to indicate that the Government should investigate a mine without the consent of the mine owner.

I do not think that there is any necessity for this proposed change. The most of this $195,000 is not to be expended for investigations, but is to be expended in experiments which we commenced four years ago, and for which we continued the appropriation two years ago. This is but a continuation of that, and only a small part of the amount will be spent in investigations at all events.

Mr. SIMMONS. Mr. President, I simply desire to say a few words. I have given considerable study to the various mine disasters which have taken place in this country in recent years. In these investigations and studies one thing has especially impressed me, and it is that about which I wish to speak. The thing which has impressed me most in connection with these mine explosions is that no one in most of these disasters seems able to assign the cause for the explosion. This is especially true with respect to some most appalling mine disasters in recent years. I have before me the resolutions adopted on January 9 by the coal operatives of West Virginia and western Pennsylvania. I want to read a short extract from these resolutions.

Resolved, That at the present time we are at a total loss to account for many of these disasters which have occurred in the best-regulated mines in the country; such as have been regarded heretofore as absolutely safe by the owners and managers, who have spared no expense, and by the mine inspectors of the several States. * * *

Again, Mr. President, I have a part of the findings of the coroner's jury, which investigated the great Monongah coal-mine disaster in Fairmount, W. Va. I believe it was about the middle of last January that this coroner's jury held its session. The following is a part of their finding and recommendation:

There are many unsolved questions—

Say this jury—

connected with coal-mine disasters in the United States, and it is our recommendation that Congress make an appropriation for investigating the cause of these disasters, which are so destructive to life and to the resources of the country.

Some years ago in a little coal mine in North Carolina an accident happened, killing I think, about thirty persons. In that particular mine there have been three accidents, and the number of killed in those accidents, I believe, amounts to about seventy-five. I was slightly connected with the investigation of that case as an attorney, acting for a brother attorney whose business engagements prevented him from giving personal attention to the matter, and I remember distinctly that, with all the information that could be elicited from the operatives and owners of the mine, it was impossible to ascertain the cause of that accident. Of course, there are cases where these accidents are the result of carelessness, but in the majority of cases where there are accidents in these mines the cause of the accident remains unsolved.

In this condition of things, Mr. President, it seems to me that there is necessity for thorough, complete, and scientific investigation for the purpose of ascertaining the cause that lead to these fearful accidents and this great destruction of human life. The States, of course, have been devoting some attention to these inquiries, but we shall understand that these investigations, when left to the States, are never as thoroughly made as they can be made by the United States Government with its army of trained and scientific investigators.

Mr. President, as I understand it, all that is proposed by this amendment is an investigation—not legislation, but an investigation—in order that we may obtain proper information upon which to base such legislation as may be found to be competent on the part of the General Government, and such legislation as, in the light of that information, may be found to be necessary and proper on the part of the State.

Mr. HALE. Mr. President, the proposition of the Senator from Pennsylvania [Mr. KNOX] to amend the provision incorporated in the bill by the Committee on Appropriations raises a very old question. It comes to us in a many-sided way. In almost every field of human endeavor there have been attempts to regulate enterprises, industries, calamities, and losses by the Federal Government. We have done it, Mr. President, many a time, but we have done it over protest. In a case of this kind, where it is sought to extend the grasp of the General Government over industries in the States, I should have been glad to find with us the Senator from Pennsylvania, a most brilliant constitutional lawyer and a conservative by education and instinct. It may be a forlorn few who resist these repeated attempts of the General Government to stretch out its strong hand and regulate and control and investigate industries in the States—local industries, not industries that are a part of an intercommerce system between the States and from one State to another, but purely and essentially local—and I should have been glad to have found the Senator from Pennsylvania with us instead of against us; but I know that he has good reasons for his position, and no one can put them better than he can.

It is worth while, before the Senate does this, to see what is the history of legislation respecting investigation into mines. On March 3, 1891, Congress passed an act for the protection of the lives of miners in the Territories. That law is found in volume 26 of the Statutes, page 1104. Nobody thought of asking that it be extended to the States, some of which have complete and effective statutes covering the subject, such as those which, as has been explained by the Senator from Colorado [Mr. TELLER], apply in his State. I do not know as to the State of Pennsylvania, but the Senator from that State can tell us. Certainly it would be remarkable if Pennsylvania has not got a body of statutes upon this very subject. I know certain States have. At the time the act to which I have referred was passed, not only did nobody claim that it should extend to the States or ask that it should extend to the States, but in passing that act for the protection of the lives of miners in the Territories—under our jurisdiction solely and being a part of the subject-matter that we do legislate upon—the bill itself, as a matter of precaution and recognizing that the Federal Government would not put out its hand to seek control in a case of that

kind where a State had already legislated upon it, provided that the act should not be effective even where a Territory had so legislated. The last clause, section 19, of that act applicable to the Territories, which was put in wisely, because somebody had enough of a conservative spirit and a fear of Federal encroachment, provides:

That whenever any organized Territory shall make or has made provision by law for the safe operation of mines within such Territory, and the governor of such Territory shall certify said fact with a copy of the said law to the Secretary of the Interior, then and thereafter the provisions of this act shall no longer be enforced.

Mr. CLAY. With the Senator's permission——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Georgia?

Mr. HALE. Certainly.

Mr. CLAY. We only have, I believe, two Territories—Arizona and New Mexico. Is it not true that both of those Territories have passed laws for the protection of miners? If so, how can we possibly, under the original amendment contained in the appropriation bill, spend $195,000 per year in Alaska? Of course, if Arizona and New Mexico have already adopted laws, they do not come under the provisions of the law which the Senator is reading, and consequently this entire appropriation would apply to Alaska.

Mr. HALE. Then, Mr. President, the answer is pat and apparent: Cut down your appropriation and only give money enough, if it can not apply in these two Territories, to apply in the district of Alaska, but do not seek to change the intent of Congress, as made clear in the original act, and depart from what was laid down then as a sound principle.

Mr. CLAY. With the Senator's permission——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Georgia?

Mr. HALE. Certainly.

Mr. CLAY. I was not making that suggestion as an argument in favor of the amendment of the Senator from Pennsylvania.

Mr. HALE. No; I so understood.

Mr. CLAY. I was making the suggestion as an argument against the adoption of the original amendment——

Mr. HALE. Precisely.

Mr. CLAY. As it came from the Committee on Appropriations.

Mr. HALE. And, as I said, the answer to the Senator is—and he is in the same line of thought that I am—that if the original amendment carries more money than is needed, the remedy would be, instead of extending the grasp of the Federal Government to these things, to cut down the appropriation, so that if, under the section I have just read, it only applies to the district of Alaska, instead of spending $145,000 or $195,000, $25,000 would be ample.

Mr. STONE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Missouri?

Mr. HALE. Certainly.

Mr. STONE. Will the Senator allow me to ask him a question, to see if I have a right view of this amendment? As I understand, even if the amendment as it came from the committee should be supplemented by the amendment now proposed by the Senator from Pennsylvania [Mr. KNOX], and be agreed to, the law would still only permit action by the Federal Government for the protection of miners in the Territories. The amendment of the Senator from Pennsylvania would simply authorize an investigation into the condition of miners anywhere. It would simply authorize an universal investigation, or an investigation wherever it could be best conducted, to ascertain the causes that lead up to these tragedies, and hence would not interfere with the law from which the Senator from Maine has been quoting.

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Pennsylvania?

Mr. HALE. I yield to the Senator from Pennsylvania.

Mr. KNOX. Mr. President, the Senator from Missouri [Mr. STONE] has the idea exactly. I should like, however, to put the proposition in just a little different form. There is a Federal purpose here. It is recited in the act to which the Senator from Maine has just referred. That Federal purpose is the protection of the lives of the miners in the Territories and in Alaska, over which we have unquestioned jurisdiction. The bill as it comes from the committee limits the investigations for that Federal purpose to the Territories within which the miners live whose lives are intended to be protected, and my amendment is designed to allow the investigation to be conducted at any place where information can be obtained that can be used for the protection of miners.

Not for one moment could I take the view suggested by the Senator from Maine [Mr. HALE] and the Senator from Colorado [Mr. TELLER], that this amendment is intended to allow the Secretary of the Interior or any of his agents to invade the State of Pennsylvania and prescribe what shall be done in the mines of Pennsylvania—which are domestic enterprises, wholly and exclusively under the authority of that State. I would not for an instant stand for such a proposition. But I say that investigations can be made, and the public may be given the benefit of their result, and if, as a result of such investigations, the mine owners of my State get information that will enable them to adopt more modern or safer methods, or to resort to more scientific expedients to improve the conditions as they now exist, to the end that disasters may be averted, we ought to be only too glad to furnish the means for obtaining such information.

We have investigations now and experimental stations and make appropriations running into the millions for the protection of the crops of the country and in order that the people may have knowledge about agricultural affairs.

Mr. President, is the protection of human life beyond our jurisdiction? Is it more important to spend our money to promote the agriculture of the country than it is to safeguard the lives of citizens? In the last year in the States of West Virginia and Pennsylvania, in the Territory of New Mexico, and elsewhere in the United States 9,000 men have been killed and wounded in mine explosions. All I ask is, let us get all the information possible upon the subject from whatever source we can, in order that mines may be conducted more intelligently and more safely. Let us not commit the absurdity of pretending to protect the lives of miners who are employed in Territories over which the United States has jurisdiction through investigations which are excluded from entering the field where the most valuable information is available.

Mr. HALE. Mr. President, the Senator from Pennsylvania is traveling the same old road that some of us have seen traveled for years—the gradual encroachment of the Federal Government under the guise of investigating. There is not a single field that is occupied and controlled in the States by the National Government where the inception for such movement has not been the calling for an investigation. Why, Mr. President, that is at the foundation of the whole doctrine—if there is anything left of it—that the States shall regulate certain matters. When you declare that the General Government shall investigate them, you have admitted a jurisdiction that has no limit, and will have none. You can not investigate into mining disasters in Pennsylvania or in Ohio or in Illinois, and report upon them, that the next thing will not be to ask for legislation to restrict and control these monstrous evils. The 10,000 accidents which have taken place—which are melancholy, which are to be lamented—from the eloquent lips of the Senator from Pennsylvania would speak with double force when he asks that, as the Government has investigated and found certain wrongs which the State does not right, the Government shall right them. There is no difference fundamentally——

Mr. CLAY. With the Senator's permission——

Mr. HALE. I say there is no difference fundamentally——

Mr. CLAY. I will not interrupt the Senator if it is not agreeable to him.

Mr. HALE. The Senator has thrown me off from my line of thought.

Mr. CLAY. I did not know the Senator could be thrown off.

Mr. HALE. I was saying, Mr. President, that investigation is the inception of every step taken by the Government to interfere with the States. It has always been so. As I was saying, I think that every argument for investigation would have double the strength when you have laid the foundation and proven the evil by the action of the Federal Government for legislation to cure the evil.

Mr. President, mining accidents, the horrors of the explosion, the filling of the shafts and vaults, the burial of scores, and, in some cases, hundreds of miners, appeal most powerfully to the imagination. Men say at once, "Something ought to be done," and when something ought to be done, the fashion of late years is to say that the Federal Government ought to do it. But, Mr. President, there are other things that we must investigate if we investigate mining accidents in States that have laws regulating mines.

The Senator says that what causes these explosions is a mystery, and nobody has ever been able, in many cases, to detect the underlying fundamental cause. Therefore the Government must try its hand. What are you going to do, Mr. President, with that immense domain of the destruction of property and human life in the monstrous holocausts that occur from great fires, and where the question of what caused the fires, whether

it appeals to the public or to the investigators and adjusters of the insurance companies, is in nine cases out of ten the profoundest of mysteries? Therefore the Federal Government should inquire into the origin of these calamitous, these disastrous, fires, because they destroy human life, they make away with property, their cause is a mystery, and no system of State laws will do the work. There is not a State that has not got a thoroughly well-conducted system of investigation and supervision over fires and insurance companies, and there never has been a State that has been able under such a system to find the cause in hundreds of cases of these great fires.

I remember well of a fire occurring near where I live; and it was a fire of some magnitude. The adjuster came to my house and talked with me about it. It was a most interesting conversation. He said:

> I have been in this business twenty years for these great companies investigating into the causes of fires. I am treading upon profound and undiscoverable mysteries that lie at the bottom of these fires, and we are never able to penetrate them.

And therefore the Federal Government ought to take hold and try to find the causes of these disastrous fires.

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Pennsylvania?

Mr. HALE. Certainly.

Mr. KNOX. It is merely to ask a question. Suppose there was a series of mysterious and unaccountable fires in the District of Columbia, and Congress should order an investigation into their causes; would the Senator have any objection to the investigators goving over into New York and Pennsylvania and inquiring into similar conditions there? The object is the same.

Mr. HALE. The Senator answers his own question. We can investigate it in the District of Columbia; we are the only power that can legislate for the District of Columbia; but when you step over the boundary and invade Maryland and invade Virginia, and reach out the strong hand of the Government to investigate what we undoubtedly could and ought to investigate in the District of Columbia, you have torn down State lines.

I do not know, Mr. President, that it is useful or that it accomplishes anything to make any resistance against this breaking down of State lines. I do not know but that they are all to disappear before the resistless tide of Federal aggression. I do not know but that the demarcations which the fathers established, and that some of us believe in and want to maintain and perpetuate, are to disappear like the shifting sand before the rush of the incoming waves of the mighty sea. I am afraid they are.

I would, whenever the occasion arises, as it does here, enter my protest, and I hope the Senate will think twice. The committee has reported an amendment, following the spirit of the act of 1891, limiting it to the Territories. We were asked to extend it to the States, and the committee declined. It is a conservative committee; North and South and East and West are represented upon it; but the committee did not think that we ought to depart from the spirit and scope of the original act, and it is only invoked now by the Senator from Pennsylvania, who has given us what to him are good reasons. The fact that he, of all Senators, a Senator upon whom I should have depended, should lead this movement has brought me to my feet. Et tu, Brute!

Mr. HEMENWAY. Mr. President, there is good reason why the Senator from Pennsylvania [Mr. KNOX] should move to amend this bill so as to make the appropriation available for investigation of mine accidents in the States instead of limiting it to the Territories, and I can not understand why the distinguished Senator from Maine [Mr. HALE] can not see the difference between this proposition and the proposition he describes. Agriculture and mining are the two great basic industries producing the raw materials which are the foundation of the nation's life and industries. For agriculture, the Government has established and supports schools and colleges in every State and Territory. It has established a national department with eight or ten separate bureaus, and now expends about $12,000,000 annually in investigations looking to the betterment of every branch of agricultural industry.

For mining, the other of these two basic industries, the Government has until now done little. But this underground work is becoming more and more complex as the mines grow deeper, with danger and risk from causes not understood and conditions which produce more frequent accidents and more deplorable disasters to the men engaged. The method of production, manufacture, and marketing the mineral resources with a view to their more economic utilization, has received but little benefit or encouragement from Federal investigation or research.

I am proud of the great work done by the Department of Agriculture in enabling the farmer of the country to get the best result for his labor. And I also think that the 800,000 men who work underground, with its attendant dangers and discomforts, producing materials which feed the nation's industries, are entitled to the same help from the Government in the way of education and investigation as is being received by those who labor in the sunshine and safety of the farm.

I have not heard the distinguished Senator from Maine, when the bill from the Committee on Agriculture was reported to this body, complain that we were breaking down State lines by teaching the farmers in the various States of the Union how to farm.

Mr. HALE. Will the Senator permit me to interrupt him?

Mr. HEMENWAY. Certainly.

Mr. HALE. Then the Senator has not been here in past years, for I have made myself very uncomfortable and unacceptable to the Committee on Agriculture in opposing the divers encroachments by the Federal Government upon the State domain. I have done it early and late, until I have recognized myself that I have become a sort of nuisance to the people who want to do these things. I have never consented to them, and have opposed them, and generally have been beaten.

Mr. HEMENWAY. I may not have been in attendance when the distinguished Senator made his objections to the agricultural bill, but I know there are many items in that bill which neither the Senator from Maine nor any other Senator upon this floor has objected to in the last ten years, and not one of them has any more merit than the item presented by this amendment.

Let us see what has been happening. For the last few years mine accidents in the various parts of the country have been increasing at a most disastrous rate. In Indiana alone, in 1907, 53 men lost their lives in the coal mines and 461 were seriously injured. In the entire country, in 1906, 2,061 were killed and 4,800 injured. This record, when compared with that of European countries, shows that we are killing three times as many men per 1,000 employed as they are.

And the sad part of all this is that these accidents are increasing in number and severity. The death list for 1907, from the figures now available, will reach 3,000, an increase of 1,000 deaths over the previous year, or 50 per cent. Part of this increase, of course, is due to the four shocking disasters of last December, costing the lives of fully 700 men; but without these disasters, the country shows an increase in the number of men killed, perhaps 25 per cent.

I am told that we have mined practically all of our easy coal and that in the future we will have to go deeper for our fuel. Deeper mines mean more dangerous mines and more horrors, unless we do something to stop them. Until the governments of Europe took up this question their coal mines were killing as many as we are now. These countries were shocked into finding a remedy, until now the accidents from gas and dust explosions have been reduced to a minimum. If Europe can do this, surely the United States can.

We can not have it said that the most progressive country in the world is behind Europe in the protection of the lives of men who toil under the earth.

The following figures indicate further the situation. Number of men killed for each 1,000 employed—averages for five years:

France (1901–1905)	0.91
Belgium (1902–1906)	1.00
Great Britain (1902–1906)	1.28
Prussia (1900–1904)	2.06
United States (1902–1906)	3.39

In 1890, 701 more men were killed in the mines than were killed on the railroads during that year. In the last sixteen years 22,840 lives were lost in the mines of the United States. Does it not seem that it is time that we were making an effort to determine the cause of this great loss of life with a view of finding a remedy?

The distinguished Senator from Maine would have the Senate believe that this is an effort to regulate a great industry in some of the States. That is not the purpose of the amendment. The appropriation proposed provides only for a general investigation and inquiries, which have for their chief purpose the prevention of accidents and the waste of mineral resources. The information gained thereby is to be published and distributed with a view to the betterment of the mining industry. The appropriation carries no authority looking to Federal supervision or inspection of mines. All such inspection work is a matter for the States. The work of the Government along these lines will be purely educational. The results of the investigation will become most directly beneficial in that they will serve as a correct basis for intelligent and effective legislation in the

various States, and coming from this impartial and disinterested source will also be acceptable as a basis of intelligent regulation and agreement between the operators and the miners.

I sincerely hope that the Senate will adopt the amendment offered by the Senator from Pennsylvania. I fought for it in the committee. The amendment I introduced provided for an appropriation of $195,000 for the purpose of making investigations wherever it was necessary to make them. My amendment was adopted by the committee, but they limited investigation to the Territories. I said then, as I now say, that I do not believe it ought to be confined to the Territories alone.

The enormous loss of life is sufficient reason for the appropriation of this $195,000, but there is still another factor in the problem, and one that is fraught with much importance to the country. The mining industry presents for consideration a serious national problem. During 1907 the coal produced in the United States was 450,000,000 tons. The waste which resulted, with our present mining methods, in getting this coal out of the ground, amount to as much as the entire production. With improved mining methods at least one-half of this enormous yearly loss is believed to be easily preventable. This coal is worth at least $1 a ton, or $225,000,000 loss to the country in one year.

At the present increasing rate of mining and waste the best part of the nation's fuel supply will be exhausted within the next century; and meanwhile, within the next two or three decades, the cost of coal to the manufacturers of the country will be at least double that at the present time.

A few years ago, when the cotton-boll weevil appeared in the Southern States, we appropriated, if I remember correctly, a half million dollars, and I believe that appropriation was all right. It was a plague coming upon the cotton crop. The States could not control it. They did not know how to get at it, and we gave an appropriation to carry on an investigation to discover means of destroying the boll weevil. No lives were involved there. It was simply an investigation to try to aid the States in the protection of property.

Again, for the New England States we gave an appropriation of something like a quarter million dollars to destroy the gypsy moth or to ascertain how to destroy it. No lives were at stake in this case. It was only a question of protecting property. In view of the long list of precedents where Congress has made appropriations for investigations purely where property interests were at stake, certainly in this instance, where not only property but life is at stake, the Congress of the United States can afford to make this small appropriation.

The Senator from Maine says that this is not a matter of interstate interest. If the coal supply of the country is not a matter of interstate interest, what can be? Our great industries can not run without the fuel that is dug out of the mines; and certainly if there is any one industry in the country which affects all of the people of the United States, it is the mining industry, which furnishes the fuel in the homes and in the factories which produce the articles of interstate commerce.

Mr. President, I think I have been fairly conservative as to appropriation bills. Before I came to this body I had something like ten years' service in connection with appropriation bills elsewhere. I do not believe anybody ever charged me with being reckless in handling those bills, and I am not reckless when I ask the Senate to assist this great industry which affects us all, where life is being lost at an enormous rate, where the country is losing millions of dollars annually through waste, and authorize the investigation proposed. If the amendment offered by the Senator from Pennsylvania is adopted, then the original language of my amendment as originally drafted is restored in the form in which I think it should pass.

Mr. CARTER. Mr. President, ordinarily I have very great sympathy with the views of the Senator from Maine [Mr. HALE] as expressed, and the desire as manifested, to keep the Federal Government fairly within the range of its legitimate functions. We have had all sorts of experimental work presented for our consideration, and the latest is not more extravagant than some that have gone before. A gentleman suggested that the naturalists had announced, and doubtless correctly, that the birds have not improved their nests in a thousand years; that they were manifestly uninformed of the advance of modern science, and that something should be done in the way of preparing legislation to enable the birds to improve their nests. We have ventured upon many a field quite as impracticable as arranging for the improvement of birds' nests.

But, Mr. President, this, to my mind, is not a departure to be classified in that category. The act of 1891 originated in a committee of the House, of which I happened at the time to be chairman, and I had something to do with the framing of the bill and with its passage through the House. We met with much opposition at that time, because there was very little coal mining in the Territories. A portion of the country now embraced within the great State of Oklahoma was the only coal-producing region in the Territories at that time. The bill was prepared to protect the lives of miners in that region and in such other regions as might later develop coal measures. It has worked fairly well, but it is far from being a thoroughly effective law. That it should be amended in the light of experience goes without saying.

The purpose of the clause of the bill under consideration is to enable the Congress to secure the information upon which to predicate needed amendments. It does not propose the creation of a system of laws to extend over any State of the Union, but only over the Territories and the district of Alaska. It will be borne in mind that the poorest developed, the most recently discovered, and probably the least equipped of the coal mines of the country are to be found in the Territories. The bill, as reported from the committee, would confine the investigation or the ascertainment of needed facts to the poorest equipped and the least developed of all the coal mines in the whole of the jurisdiction.

The Senator from Colorado [Mr. TELLER] suggests that, owing to the efficiency of the Colorado law and the administration thereof, the loss of life in the mines of Colorado is less than in any other State in the Union. May we not with propriety inquire into the high efficiency there reached, for the purpose of better informing ourselves as to our duty to the Territories? The mines of Pennsylvania are the deepest of all mines thus far developed. Must we stop at the line of Pennsylvania in quest of information because, forsooth, we may by making that inquiry invade the rights of a State?

The Senator from Maine suggests that great fires occur, those visitations coming to all sections of the country. Would he deprive the District of Columbia, in quest of good fire apparatus, of the privilege of going to Baltimore to examine fire engines or to New York for the purpose of looking up hooks and ladders and equipment in use and found serviceable there? Upon the same principle as that suggested in opposition to this amendment that objection would be raised.

The Senator from Indiana suggests that we have made investigations with reference to the boll weevil. The Senator from Maine would confine investigations as to the boll weevil to the Territories over which we have exclusive jurisdiction, and when Mr. Boll Weevil got up to the State line the investigator would have to let him go on his way without any further investigation at all. Whenever the gypsy moth reached the line of a State he would be free from further interference by the Federal inspector or scientific man, because, forsooth, if he observed him any further we might invade the rights of the States.

Now, in this particular case it is of supreme importance that the best thought of the country on the subject of safety in mining, particularly for coal, shall be at the disposal of Congress. I should like to see this national law, as applied to Territories, made a model law which might with justice and with profit to the States be adopted by them all. If we confine, as the bill does, the investigation to the Territories and to the district of Alaska, we will get little or no information. Probably all the information obtainable in the district of Alaska and the Territories is now on file in the office of the Secretary of the Interior or one of his bureaus. What we do need in order to legislate intelligently for the Territories is knowledge which can be obtained only by a wide range of investigation; and the Senator from Pennsylvania has performed a service for the Senate, I think, in moving to strike out the words "in the Territories and in the district of Alaska," and that, be it known, is all the amendment proposes, and those words are only stricken out in connection with the direction to investigate. Let me read the amendment as it now reads and as it would read if the amendment of the Senator from Pennsylvania were adopted. This item is:

> For continuing the work authorized by the act approved March 3, 1891, and for the protection of the lives of miners in the Territories and in the district of Alaska, and for conducting such investigations in the Territories and in the district of Alaska as will increase safety and efficiency in mining.

The Senator proposes to strike out "in the Territories and in the district of Alaska," so that it will read "and for conducting such investigations as will increase safety and efficiency in mining," be the mining conducted where it may, within the jurisdiction of the country or anywhere else in the world.

I think the amendment of the Senator from Pennsylvania should be adopted, and if it is not adopted, this proposal to make an appropriation for an investigation confined to Alaska and the Territories should be stricken out, because it will be

fruitless and futile, as we have on hand all the information which could be elicited by any such investigation.

Mr. BACON. Mr. President, I desire to say only a word. I do not suppose there is any Senator who will accuse me of being indifferent to the question of the encroachment by the Federal Government upon States rights or privileges or prerogatives. I do not think the amendment of the Senator from Pennsylvania [Mr. KNOX] involves that question. If I did, I should be very cautious in giving it my support. I think it is wide of that question. The presentation made by the Senator from Montana [Mr. CARTER] so correctly states my views that I do not think it necessary to repeat in any measure what he has said. I think it relates simply to an investigation, and as has been very clearly stated by the Senator from Indiana [Mr. HEMENWAY] it relates to a matter entirely corresponding to a good many things as to which we have made investigations relating to different industries; one in which I think we can proceed without danger of the encroachment which has been suggested by the Senator from Maine [Mr. HALE]. Of course I am very glad to welcome expressions such as made by the Senator from Maine as to the great importance of preserving the line of authority and jurisdiction between our different sovereignties, I may say, the different governments represented in our dual system.

I simply rose, Mr. President, to make one remark in that connection, and that is that the striking out of these words does not relate to the States in any way. It does not say that they shall go into the States. It does not have special reference to the States. It is true, I suppose, that most of the investigation will be made within the United States, but with the words stricken out the investigation can be made in England just as well as it can in the United States. In other words, it simply releases those who are charged with the investigation from the necessity to confine their investigations to the Territories and turns them loose to seek the information wherever it may be found, either in this country or in any other country.

Mr. BEVERIDGE obtained the floor.

Mr. OWEN. Mr. President——

Mr. BEVERIDGE. I yield to the Senator from Oklahoma.

Mr. OWEN. Mr. President, I wish to give my adherence to the amendment proposed by the Senator from Pennsylvania [Mr. KNOX]. In Oklahoma we have had many most serious accidents in coal mines. I do not regard this amendment as invading in any degree the rights of any State any more than the Weather Bureau invades the rights of the States of the Union. We have this information with regard to the weather, obtained by stations from one end of the country to the other, for the information and for the welfare of the people of the United States. There is only one point in the proposed amendment, and that is as to where these investigations shall be made. The original act confined the investigations to New Mexico, Arizona, and Alaska. This amendment leaves those investigations to be made wherever it may be found profitable and wise.

The fuel bill of the United States amounts to about sixteen hundred million dollars. The output of coal amounts to 450,000,000 tons per annum. The waste in the mines of the United States amounts to nearly 400,000,000 tons, a matter of very great national importance; and while the purpose of the original act is to protect the lives of the miners and to promote their welfare in the Territories, when this information shall have been gathered together it will serve a most useful purpose in protecting the lives of miners throughout the United States, because that knowledge will be available for every State in the Union.

I call the attention of the Senate to the fact that last year there were 9,000 persons killed or wounded in the mines. This is a very important national matter, affecting the life of our citizens and affecting the conservation of our natural resources in coal and fuel. Therefore, I think the need is apparent, and that the Government ought not to be confined in its investigation to the limited area of the Territories, but that it should be at liberty to make inquiry wherever it may be, for the purpose of getting the information necessary for the use not only of the Government in the Territories, but for the use of the different States in the Union.

Mr. BEVERIDGE. Mr. President, until the Senator from Georgia [Mr. BACON] had spoken I had intended to occupy one or two minutes of the Senate's time in commenting upon the statement of the Senator from Maine [Mr. HALE]; but since the Senator from Georgia, that sleepless and most watchful sentinel upon the ramparts of States rights, sees no peril in this investigation, I suppose it is not very necessary for any person who advocates this most humane appropriation to say anything further.

Of course it may occur, even to the Senator from Maine, and to every other Senator, no matter what his views may be upon the proper functions of the State and Federal governments, that we now have and for many years have had appropriations for the Department of Commerce and Labor to enable it to send special investigators to foreign countries to investigate manufacturing, to investigate many things that concern the commercial development of those countries which are our rivals, and to maintain that we may make such an appropriation for such an investigation in foreign countries and yet can not make an appropriation for a more necessary investigation in our country is a contradiction in terms.

It has been pointed out, and it is not necessary for me to repeat, although I have the laws here—the appropriation law of last year and the one for the year before that—that this has been the uniform practice; and when the Senator from Maine said that there never had been a time when one of these appropriations was proposed that he had not resisted it, even if it was necessary to stand single-handed and alone, like Horatio at the bridge, I had almost asked him whether or not, when an appropriation was proposed to investigate the ravages of the gypsy moth in New England, to which my colleague called attention, he had been watching for the dangerous encroachments of the Federal power. I do not think the records will dislose it.

Nor has any Senator from the other section of the country been found to resist the appropriations to investigate and stop the ravages of the boll weevil. It was at that time their own crops which were imperiled by the boll weevil in the South, just as the trees and crops of New England were imperiled by the gypsy moth in the North. Then we have investigated the injury wrought by cattle ticks; we have provided for the inspection of guaranteed cattle; we sent physicians to investigate the yellow-fever mosquito in New Orleans, and nobody discovered Federal encroachment in any of them. We have not attacked agricultural experiment stations in States and many other things.

So, Mr. President, it becomes clear to all of us even on half of a second thought that the danger of "Federal encroachment" largely depends upon whose ox is gored. But this is an evil that is not confined to Texas, like the boll weevil, nor to New England like the gypsy moth. It affects the entire Republic. It not alone concerns property; it does concern property, but also it concerns human life as well.

Does anything more need to be said than that if, without objection, we made appropriations to send special agents to every European country that is our rival to investigate manufacturing there, to investigate every form of commercial activity, we surely can do the same thing in our own country?

I had wondered when the Senator from Maine turned so pathetically to the Senator from Pennsylvania, regretting his apostacy to what he regarded as a mutual platform of conservatism, and said "Et tu, Brute," that he did not add the remainder of the quotation and say: "Then fall Cæsar." [Laughter.]

Mr. NEWLANDS. Mr. President, I assume that if this amendment is to be adopted it will become a law under one of the granted powers contained in the Constitution. I favor the amendment, and I must confess that I was somewhat surprised to find that the Senator from Georgia [Mr. BACON] favored it. The other day when I was urging upon this floor the proposition that State banks are engaged in interstate commerce just as State railroads are, that interstate exchange is a part of interstate commerce just as interstate transportation is, that if under the granted powers regarding interstate commerce Congress could take hold of a State railroad and apply safety appliances, it could also take hold of a State bank and apply the safety appliances of an adequate reserve and a sufficient capital, I was met by the Senator from Georgia with the question as to what there was in the whole range of legislation that I would not include within the interstate-commerce power of the Constitution. Now I assume——

Mr. TELLER. Mr. President——

Mr. BACON. I hope the Senator, in reply——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Colorado?

Mr. NEWLANDS. Certainly.

Mr. TELLER. I wish to ask the Senator a question, if I do not interfere with him. Is there anything the Senator would not include in the power of the Government to regulate interstate commerce?

Mr. NEWLANDS. That is the question the Senator from Georgia asked me the other day, and I was alluding to it.

Mr. TELLER. I wish the Senator would answer it now.

Mr. BACON. I want the Senator to state the answer which he gave at that time. I will state it now, with his permission.

The Senator said it would take too long to state, and I replied that I thought from what I had heard from the Senator he could state it in about one word—possibly not even one single thing.

Mr. NEWLANDS. I beg to differ from the Senator from Georgia regarding that. There are a great many things that are not included in the interstate-commerce power of the Constitution, but there are two things that are to my mind obviously included: One is interstate transportation and the other is interstate exchange.

But the purpose of my rising was not to elaborate an argument upon what the Senator regards as my favorite grant, the granted powers of the Constitution, but to state that doubtless the Senator from Georgia, in upholding this power to make investigations regarding the mining conditions of the country, relies upon one of the powers granted in the Constitution to the Federal Government or necessarily implied in the grant.

I assume, therefore, that he relies upon that provision of the Constitution which gives Congress the power to levy taxes and to provide for the common defense and promote the general welfare of the United States. Assuming, therefore, that the Senator from Georgia relies upon the general-welfare clause of the Constitution for the power which enables him to give his sanction to this measure, I will ask the Senator from Georgia what there is in the whole range of legislation that he can not include and does not include within the general-welfare clause of the Constitution?

Mr. BACON. I suppose the Senator in charge of the bill will hardly be content that we should enter upon such a wide discussion as that; and in order that we may not go outside of the proper limit on this occasion, I will say it is not necessary even to go to the clause of the Constitution to which the Senator has alluded to justify this legislation.

The only extent to which it is necessary for us to go is that we are charged with the responsibility of seeing that the Territories are properly governed and their interests properly cared for, and this is specifically based upon the intention to correct evils in the Territories. We are certainly at liberty to go the world-wide round to seek whatever information we may find necessary in order to guarantee and secure that protection in the Territories.

Mr. NEWLANDS. Will the Senator from Georgia, then, allow me to make a further inquiry? Assuming that the power upon which he relies for this investigation is not the general-welfare clause of the Constitution, but that clause of the Constitution which gives us control over the Territories of the United States, I will ask him whether, if the existing Territories become States, he would then deem it entirely within the power of the United States Government to enter upon this field of inquiry and investigation.

Mr. BACON. Mr. President, I am reluctant to consume the time of the Senate in the purely academic discussion to which the Senator invites me. I will simply answer, however, in the negative; that I would not deem it beyond the power of the Government.

In response to the Senator's other question, I shall content myself with saying—because I think it would be an imposition on the Senate to pursue the matter—that, so far as the general-welfare clause is concerned, it is with that as it is with a great many other powers in the Constitution where discretion must necessarily be exercised, and that the framers of the Constitution depended upon the fact that those who would exercise that discretion would do it wisely and conservatively, and not abuse the powers which necessarily were confided to them in that regard.

The PRESIDING OFFICER (Mr. SCOTT in the chair). The question is on agreeing to the amendment proposed by the Senator from Pennsylvania [Mr. KNOX] to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. HEYBURN. Is an amendment now in order?

The PRESIDING OFFICER. An amendment is in order.

Mr. HEYBURN. On page 3, lines 22 and 23, I move to strike out the words "one thousand six hundred dollars," and to insert in lieu thereof "two thousand dollars." That pertains to the salary of the assistant in the document room of the Senate. He has been twelve years in that position, and recently because of the death of the chief of the room it became proper to advance some of the employees to the position of chief and first assistant, and notwithstanding the fact that this man has been there twelve years another assistant was advanced over his head.

We have increased the pay of the chief of the room to $3,000, and we have given one of the assistants who has been there seven years $2,000. This amendment proposes to put these two assistants on exactly the same footing and to pay them the same salary.

Mr. TELLER. May I ask that the amendment be read? I do not understand what it is.

The PRESIDING OFFICER. The Senator from Idaho proposes an amendment, which will be read by the Secretary.

The SECRETARY. On page 3, line 22, after the words "assistant in the document room," strike out "one thousand six hundred" and insert in lieu "two thousand," so as to read:

Assistant in document room, $2,000.

Mr. HEYBURN. That gives exactly the same pay to the two assistants in the document room. They perform the same duties and have exactly the same responsibility, and it would seem manifestly unfair to advance one of them to $2,000 and then let the other one, who has been there nearly double the length of time, remain at $1,600.

Mr. HALE. Let me ask the Senator a question.

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Maine?

Mr. HEYBURN. Certainly.

Mr. HALE. Does this cover the case of that most valuable public servant, Mr. Llewellyn——

Mr. HEYBURN. Yes.

Mr. HALE. Whom some of us have known for years and who is a wheel horse in that Department? I hope the Senator's amendment, if it covers that case, will pass.

Mr. HEYBURN. The amendment is intended to cover the case of Mr. Llewellyn and to advance his salary as we have advanced the salary of his associate, who performs the same duties. I think the amendment should be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Idaho.

The amendment was agreed to.

Mr. BACON. Mr. President, if the committee amendments have been finished——

Mr. HEMENWAY. There are one or two other committee amendments, if the Senator will permit them to be acted upon.

On page 152, line 2, I move to strike out "four thousand five hundred" and to insert "five thousand," so as to read:

For Solicitor of the Treasury, $5,000.

The amendment was agreed to.

Mr. HEMENWAY. In line 13, on the same page, I move to strike out "$4,500" and to insert in lieu "$5,000," so as to read:

For Solicitor of the Department of Commerce and Labor, $5,000.

The amendment was agreed to.

Mr. HEMENWAY. On page 52, line 17, in the items for office of Auditor for Post-Office Department, after the words "two thousand," where it occurs the last time, I move to insert "five hundred," so as to read:

Law clerk, $2,500.

The amendment was agreed to.

Mr. HEMENWAY. I believe authority has been granted to correct totals.

Mr. HEYBURN. Yes; that was given.

Mr. FRYE. It has been granted.

The PRESIDING OFFICER (Mr. PERKINS in the chair). That authority has already been granted.

Mr. DIXON. I offer an amendment. On page 6, line 5, after the words "United States," I move to insert what I send to the desk.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. On page 6, line 5, after the word "United States," insert:

To Examine the Several Branches of the Civil Service;
Expenditures in the Department of Justice;
Fisheries;
Standards, Weights, and Measures;
Expenditures in the Navy Department;
Expenditures in the Department of Agriculture;
Investigate the Condition of the Potomac River Front at Washington;
Expenditures in the Interior Department;
Investigate Trespasses on Indian Lands;
Expenditures in the War Department;
Irrigation;
National Banks, and
Industrial Expositions.

Also, strike out, in lines 11 and 12, page 6, the words "thirty-eight thousand eight hundred and twenty" and insert in lieu thereof "forty-four thousand two hundred and eighty."

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Montana [Mr. DIXON].

Mr. WARREN. Mr. President, it is always an ungracious thing for a man who desires to pay liberal salaries himself to

his employees, who desires to aid in the payment of full salaries to the employees of the Government, to object to any raise of salaries. But there is always a time and place when it is best to do these things. I do not believe and the committee does not believe that the present is the time nor that just here now is the place.

Consideration of this in subcommittee and consideration of it in full committee was had, and it was decided that inasmuch as there were a great many changes in salaries to make and changes to make also in the way that the salaries are carried, the roll upon which they are carried, etc., and in view of the new Senate Building just approaching completion, it were better to leave those matters until we assembled next fall at the short session, when we would immediately take up the entire matter of the clerical force of the Senate and make such additions as seemed necessary to provide for the new building and to make such increase in salaries as the Senate might deem proper to make.

In my judgment the amendment at this time is out of order, and I shall feel constrained to make the point of order. It is legislation changing salaries. I dislike to do it, because my theory has always been to pay good salaries. I have been, I think, rather chided by my fellow-committeemen and by members of the Senate because I was more liberal, perhaps, than others.

I fully believe that this matter will be regulated to the satisfaction of the Senate and to the satisfaction of the employees—done logically, done properly—not later than our next meeting, when we shall take up the matter of the new building and of the entire list and all the rolls upon which they are carried, and so forth. I therefore feel compelled to raise the point of order on the amendment of the Senator from Montana.

Mr. DIXON. I hope the Senator from Wyoming will reserve his point of order temporarily.

Mr. WARREN. Certainly; I will reserve it for any remarks the Senator may wish to make.

Mr. DIXON. I certainly want to give notice at this time that if a point of order is made against the increase proposed in this amendment, I shall in conscience bound feel it my duty to reserve the point of order against some of the other raises which the committee have seen proper to put into the bill.

Mr. President, it has been——

Mr. HEMENWAY. Mr. President, I suggest to the Senator that a point of order would not lie, under the rule, against raises that were reported from the committee.

Mr. DIXON. I will say to the Senator from Indiana, with due deference to his suggestion, that from a painstaking research, made by myself and fortified by Senators in this Chamber who have had much longer service than I have had, I beg leave to differ with him very much on that proposition.

Mr. HEMENWAY. I did not know that the Senator had looked into the matter. I am very sure that when the Chair comes to rule, if he follows the rules of the Senate he will determine against the distinguished Senator's opinion, because the rules do not leave it open to question at all, but provide—I leave out a great deal in the reading—

or unless the same be moved by direction of a standing or select committee of the Senate.

Any amendment reported from a standing or select committee is in order under the rules of the Senate.

Mr. WARREN. As a matter of fact, to amend an appropriation bill on the floor of the Senate, the question comes up whether these raises have been estimated for. Of course these have not been estimated for. The question arises, Have they been reported favorably by any committee? They have not. The question again arises whether it is new legislation, changing the law. This proposed amendment does that. So, in fact, there are three or four distinct counts upon which a point of order can be made.

Mr. HEMENWAY. Yes. I will read the rule further:

Or proposed in pursuance of an estimate of the head of some one of the Departments.

So any raise that was estimated for is not subject to a point of order.

Mr. DIXON. Mr. President, I had started to say it was with feeling of hesitancy that I offered this amendment, and had it not been for a full feeling of the great inequalities of the bill as reported by the committee as applied to the pay of clerks of all Senate committees, and as being out of proportion with the service rendered in different places, I would not have offered the amendment which the Secretary has just read.

In the first place, with all due respect to the two Senators who have just spoken, I want to call the Senate's attention at this time to the committee amendments, and I ask whether it be equity or whether it be right. I submit to the candid judgment of the Senate the two amendments on page 6 especially, where the committee have on their own motion raised the pay of the clerks to the Committees on Expenditures of the State Department, on Canadian Relations, and on Transportation Routes to the Seaboard from the salary now paid to the clerks to the other committees sought to be raised by this amendment to $2,220 per annum. I submit to the Senate that the two or three committees which are raised by the committee in this bill are of no more importance to the Senate and they have no more bills referred to them for consideration than the committees enumerated in the amendments which I have just offered.

Mr. WARREN. Will the Senator allow me?

Mr. DIXON. Certainly.

Mr. WARREN. The Senator probably states a fact as to the importance of those committees compared with others.

Mr. DIXON. Then I would——

Mr. WARREN. One moment further, please.

Mr. DIXON. Yes.

Mr. WARREN. This matter has come up very often before the Committee on Appropriations, and whether right or wrong, I personally have believed that every one of the Senators on this floor should have one man, a chief clerk, worth considerably more than what we are paying to the clerks of committees, who receive either $2,220 or $1,800.

Now, it is perfectly fair to consider that there must be a difference between some of the committees and others as to the work done, but there is another difference. When a Senator first comes to the Senate, naturally, in his first assignment he does not serve on such important committees as he does later, and hence does not have the amount of general committee work that he has to do later. As a general thing a Senator has less work to do for his constituents in the first term than he has in the second. Consequently, believing that all these salaries should be raised eventually, the committee has consented year after year to raise the pay of such of the clerks of committees as were presided over by Senators who were serving a second or third term.

The Senators who have those three committees mentioned by the Senator from Montana are Senators who two years and four years ago asked for this same increase and were denied, but after they had passed along to the time in the service when other Senators had been treated likewise these raises were made.

It is not a difference in the work of the committee so much as it is a concession to the Senator who is the head of the committee, and his accumulated work, by reason of longer service and more important committee assignments, aside from and in addition to his chairmanship of the one committee.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3023) to amend the national banking laws.

Mr. ALDRICH. I ask that the unfinished business may be laid aside temporarily.

The PRESIDING OFFICER. The Senator from Rhode Island asks that the unfinished business may be temporarily laid aside. The Chair hears no objection, and it is so ordered. The Senator from Montana is entitled to the floor.

Mr. DIXON. I wish to say in connection with what the Senator from Wyoming [Mr. WARREN] has just said, that I am well aware of the situation in the make-up of the committees of the Senate as to twelve or thirteen of the newer members of this body on the Republican side. When the committees were made up, on account of the condition of affairs existing in the Senate, while we saw the newer Democratic Senators receive committee assignments of double and treble proportionate relative value to those which we were assigned, we made no complaint in that matter. When we saw what was given some of the older Senators from States with business of no greater importance than some of the newer men in the body and went during the early part of the session to the head of the clerical department of the Senate, when we were lame, so far as clerical force was concerned, hoping that some crumbs of patronage which fell from the table of the white-buttoned mandarin in the Senate might fall our way, and found that there was absolutely nothing, we made no complaint of it. But when we see clerks working in our own offices with just as much work to do, and in many cases more than other clerks and receiving only 60 per cent of the pay, something is wrong.

Take a man from west of the Missouri River. The clerk of any Senator west of the Missouri River, with the ordinary family of a wife and two children, can not move his family from that point to Washington for less than $225 or $250. That comes twice a year. That makes an expense of easily

$500, and sometimes $600, to the clerk who holds an $1,800 position. It leaves him $1,100 or $1,200 so far as his real pay goes.

The Senators who have these $1,800 clerks do not have four or five men detailed to their committees. I know of one Senator on the other side of the Chamber from where I stand whose clerk probably handles 300 letters a day and who is still in the $1,800 list. Comparisons, I know, are odious, but he is a man who does probably more work than almost any clerk in connection with the work here at the Capitol.

Now, while the committee say that the point of order can not be raised as to the committee amendments—and that possibly may be true—I can not conceive the equity of raising two or three special committees of the same grade, with the same work attached to the committees, and then leave all the rest unprovided for.

In this same bill the committee have reported an increase in salaries of men now drawing $2,500 and $3,000, clerks in the Senate, who are really session clerks, who are here only three or four months one year and only six or seven the other, while at the same time the men who really have done the heavy work in connection with the duties of Senators in this Chamber are left at the old salary of $1,800.

I do not believe, if Senators will think for a moment and understand the situation daily presented to many of us, to fifteen probably on our side of the Chamber, that it will lie in their hearts to raise the point of order against the amendment which I have just offered.

Mr. WARREN. It is not, as I said before, a pleasant thing to do, to raise a point of order, but it is, nevertheless, my duty as a member of the Appropriation Committee to do so. If the Senator has watched the course of events in the Senate in the past fifteen years he has seen that changes have all been in the direction the Senator indicates—of more committee clerks and higher salaries.

When I first came to the Senate I was provided with one clerk only, at $6 a day, for the session only. For the next period of some years I had one clerk only, at $1,200 a year; and that was the salary that the clerks of the minor committees then drew, although the clerks of the senior committees then drew a salary of $2,220 a year, as they now do. For some time the minority Senators had clerks at $1,200 a year. Later on these $1,200 clerks were raised to $1,500, and we went along for some years at $1,500, until a short time ago—I think it was six or eight years ago—we raised the salary of the clerks of the minor committees to $1,800 a year, and still later the clerks to minority Senators were raised to $1,800. I will say very frankly for myself, and I think the committee feels likewise, that in considering this—while, of course, it is our own matter as to our own clerks—the bill naturally has to be considered at both ends of the Capitol, and the differences have to be reconciled in conference, and we ought to consider the conditions as they exist. I believe every member of the committee is anxious to equalize and liberalize this matter of clerks' pay, but it is not in shape to be properly equalized at this time. I feel, therefore, constrained to make the point of order against the amendment.

Mr. DIXON. Will the Senator from Wyoming permit me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Montana?

Mr. WARREN. Certainly.

Mr. DIXON. Does the Senator from Wyoming know that this proposed increase will only make a difference of $5,300 per annum?

Mr. WARREN. It is not a matter of the amount of money that this increase makes, but there are other salaries that we pay other men that depend upon it, and it is the intention of the committee to give the whole subject comprehensive consideration and comprehensive treatment. I do hope the Senator may withdraw his amendment, because I dislike to insist upon the point of order.

I may say that the point of order, as I stated it, comes under Rule XVI. I did not state the full position. In addition to the fact of the necessity of furnishing an estimate, in addition to the requirement that a standing or select committee must report in favor of the amendment, there is an inhibition in the rule that—

> No amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation—

unless the other requirements are all fulfilled.

Mr. DIXON. Will the Senator from Wyoming yield to me for one or two questions?

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Montana?

Mr. WARREN. Certainly.

Mr. DIXON. The Senator puts the objection to this amendment solely on the ground that these increases should be taken up en bloc and considered in the hereafter. Then, why is it that the committee throughout this bill, so far as the clerical force of the Senate is concerned, have raised the pay of different individual members here in at least a dozen cases? I find the clerk for one committee here is raised from $2,500 to $2,750, and another from $2,500 to $3,000. Another employee of the Senate is raised from $4,000 to $4,250 in this bill, while another employee on the clerical force is raised from $2,500 to $2,750. There is another instance here, where a clerk in the Senate has been raised from $2,500 to $3,000; another instance where a clerk has been raised from $1,440 to $1,800, and another from $2,220 to $2,500.

Mr. WARREN. It is not necessary that the Senator shall read all these various cases. They are not all Senators' clerks nor committee clerks.

Mr. DIXON. If it is impossible to readjust this matter as to eight or nine individual cases, who are the sole dependents of the Senators involved, why did not the committee wait until next year to readjust the salaries of twelve or fifteen others? I find new places created in two or three parts of the bill.

Mr. WARREN. Mr. President, I want to say to the Senator from Montana that it is an easy matter to ask questions as to 100, 200, or 500 items in an appropriation bill. It takes the subcommittee weeks to consider the matter. They had all the papers and facts before them. They considered each case individually. The matter then comes before the full committee and it is given attention there. It is idle to undertake to take up scores of these individual cases, and ask me, or ask any other member of the Senate, to say why we did this thing or why we did the other thing in the short hour at our command in finishing the consideration of this bill. In every instance these matters were considered solely upon their merits—the amount of work the Senate employee was performing, something, of course, being accredited to length of service——

Mr. PILES. Mr. President——

Mr. WARREN. One moment, please. Something, of course, is credited to the length of service of the Senators themselves.

One more thought before I yield to interruption. The rolls of this Senate show that the number of employees for Senators has been very liberally increased in the last few years. There has been some $135,000 per annum added for additional employees, who have been distributed to junior Senators and to the minority Senators quite as generously as to the majority and to senior Senators.

Committees that had but one clerk, at $1,200, during my first term of service have now clerks at $1,800, assistant clerks at $1,440, messengers at $1,440—three employees where they then had but one. So I do not think the accusation that we are parsimonious as to this provision of help for Senators holds good.

Mr. PILES. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Washington?

Mr. WARREN. I yield the floor, Mr. President.

Mr. PILES. Mr. President, I just wanted to note the statement of the Senator from Wyoming [Mr. WARREN] to the effect that the committee have taken into consideration in these raises the services rendered by the clerks to committees. I notice by this bill that the clerk to the Committee on Canadian Relations is raised. I am a member of that committee, and I know that it has never met in the three years in which I have been in the Senate. I happen to be chairman of the Committee on Coast and Insular Survey, which is likewise one of those committees which do not meet; but my secretary is compelled to travel from the Pacific coast to this city, clear across the continent, while the clerk to the committee I have just named would be naturally compelled to travel only 200 or 300 miles at the utmost. The clerks to many of these minor committees I am certain are performing from twelve to fourteen hours' service every day, and I am unable to see why all clerks similarly situated are not entitled to the same compensation paid to other clerks, who render no greater service.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Washington yield to the Senator from Wyoming?

Mr. PILES. Certainly.

Mr. WARREN. Mr. President, I assume the Senator was not listening when I stated why these two or three raises were made.

Mr. PILES. I did not hear the Senator's statement.

Mr. WARREN. I will say to the Senator that all along it has been the custom where a Senator was here in his second or

third term, even though his committee was not so important, to increase the salary of his clerk. That is the reason for those two increases.

Mr. DIXON. I would state to the Senator from Wyoming that the chairman of the Committee on Canadian Relations is at this time serving his first term in the Senate.

Mr. WARREN. I beg the Senator's pardon; he is serving his second term.

Mr. DIXON. He has not served six years.

Mr. WARREN. Very well; but he is serving his second term.

Mr. PILES. I do not put this upon the ground of the length of service of a Senator.

Mr. WARREN. I want to say further that I should be one of the first to insist that the Senator from Washington [Mr. PILES] and the Senator from Montana [Mr. DIXON] should be equally treated when their turns come. Now, as a matter of fact, I believe that before a year from now we shall be paying every one of these committee clerks more money, as in my judgment we should do; but we should take this matter up in a logical way.

The railroad-rate law, passed last year, of course added to the expense of committee clerks. The rate law made it unlawful for clerks of Western Senators or others to secure free transportation on the railroads. It is true—whether it ought to have been so or not—that before the passage of the rate law Senators' clerks were often passed over the railroads, so that their expenses were very much lessened. I know that when the clerk of the Senator from Montana now comes to Washington from Montana and returns, unless he is more favored than I am, he has to pay full fare down and back. The same is true of all our clerks from all States. I think it would be perfectly consistent, even more so perhaps than raising salaries, for us to provide mileage for our clerks, so that those who are living far away might be equalized as to traveling expenses with those nearer. That is one of the matters that is to be considered, and is a matter which I shall insist, when this question is taken up in the next appropriation bill, shall have consideration.

Mr. PILES. Now, Mr. President, I wish to explain my position in this matter. It is not a question of the length of service of a Senator in this body. I am speaking here for a class of men who I feel are underpaid for the services which they render this Government.

I am glad the committee has seen fit to raise the salaries of the other clerks referred to in this bill. As a matter of fact, I understand that some twelve or fifteen clerks have had their salaries raised by the committee as the bill is now presented to the Senate.

Mr. WARREN. No.

Mr. PILES. How many, then, may I ask the Senator?

Mr. WARREN. Four, or possibly five, including one assistant.

Mr. PILES. I am sorry that there are not more than four, and if this amendment of the Senator from Montana should fail I shall nevertheless support, so far as I am concerned, the raise in the four salaries mentioned in the bill.

Mr. President, as I said a moment ago, it is not a question of the length of service of a Senator in this body that entitles his secretary to reasonable compensation for the service which he renders. The young men who come from the Pacific coast are put to a large expense in journeying to and from the capital. They come from a section of the country where, if they are intelligent and energetic, they can command, as more than one of them have commanded, a salary greater than they are receiving to-day from this Government.

I maintain, sir, that no Government has the right to exact from its people a service and pay them inadequately for that service. This Government is altogether too great and too powerful to decline to pay men just and sufficient compensation for the service they render the Government. There is not a member of this body to-day but knows that a Senator's secretary, receiving only $1,800 a year, who is compelled to travel at his own expense across the continent, is receiving totally inadequate compensation for the service which he is rendering to the Government.

So I maintain that the amendment of the Senator from Montana, in equity and in good conscience, should prevail. For that reason I support it, and for that reason I shall support every amendment along the lines referred to by the Senator from Wyoming which is included in this bill.

Mr. HALE. Mr. President, I only wish to say that I think the Senate gains nothing in the estimate of the country by these scrambles and solicitations to increase the compensation of the Senate's clerical force. There are no men in the service of the Government that are so well paid as the employees about the Senate and the House of Representatives. They have long vacations and they have high salaries compared with the salaries that are paid in the Departments. This matter would not occupy the time of the Senate, Mr. President, and we should not be subjected, as we are every year, to these contests, but for the fact that these employees are near Senators, and their desires and their wishes for increased pay are made known through the Senators by whom they are employed.

Every old Senator knows that there is not a Senator in this body who has not got two and three times as much patronage in the clerks that he brings here and the messengers that he gets employed as it was possible to get a few years ago, and I should hope that some day the Senate will not, whenever a bill making an appropriation for salaries comes up, be treated to claims for extra pay and for more clerks.

I have been here a good many years, and I have got, Mr. President, in the entire force of the Senate, but one man from my State—the clerk of my committee. That does not trouble me at home. If I had a good friend in Maine who was getting a fair, comfortable salary, I would not let him come here to Washington. He is much better off to stay at home, to be an independent man, and to get his living there. It is not a favor to him to take him away from home under those circumstances. One of the Senators, in this debate, told us about a clerk who could get larger pay at home and be better off. I have no doubt he would be better off to stay at home, and we ought not to let the Senate be importuned by the clerks, who are already generously paid compared with other clerks, to increase their salaries.

I do not know anything about the merits of this particular controversy, but the Committee on Appropriations has to do the best it can, and I am willing to take their judgment about it.

I did not quite like the threat thrown out by the Senator from Montana [Mr. DIXON] that, if he did not get what he wanted, he would object to anybody else getting anything. That is not quite the way to legislate in the Senate. Frequently we do not get here what we want; but if we wait, as the Senator from Wyoming [Mr. WARREN] has suggested, until there is a general making up of the clerical force and the assignment of rooms in the new building, I think the committee will do pretty fair justice. I hope the Senator will be content to wait, as everybody else has to do, and take his chance.

Mr. DIXON. Mr. President, I only stated that if the Senator from Wyoming [Mr. WARREN] saw fit to make a point of order against my amendment, I certainly felt I had a right to reserve the point of order against amendments in ten or twelve other cases. In that I think I am right. An examination discloses ten other clerks whose salaries are raised, with only these men left at the old salary.

Mr. TELLER. Mr. President, I agree with the suggestion that every Senator ought to be put practically on the same level and that all should have the same number of employees, always, of course, taking into consideration the services that they have to render. I do not believe that a Senator who is chairman of a great committee, with a large amount of work, should be put upon the same level as to the number of employees under him as a Senator who has little or nothing to do in the way of committee work. Of course there has grown up in the Senate a rule that those things are determined somewhat by the seniority of Senators.

I think at the present time, Mr. President, there is very little ground for complaint. It seems to me the Senate has dealt pretty liberally with its employees. Certainly Senators who have come into this Senate within the last few years are very much better treated than some of us who came in thirty years ago. I was a member of the Senate without any assistant whatever longer than either the Senator from Montana or the Senator from Washington has been here. I had no assistants except the ones I employed and paid myself. I became chairman of one of the large committees—the Pension Committee—which does as much work as any committee here, and I employed during the entire time I was chairman of that committee a private secretary of my own and paid for his services out of my salary, because the Senate had not been accustomed at that time to furnish sufficient help to the committees to do the work.

I sympathize with every man who is employed here and who is not getting as much salary as he feels he ought to have. I recognize that the clerks who come from the Pacific coast and that section of the country are subjected to an expense that those coming from other sections of the country are not subjected to, and I believe it would be a fair thing if we should provide that at least their expenses back and forth with their Senators should be paid.

A Senator has the right to select, and he ought to select, if possible, his clerk from the section of country from which he comes. A clerk so selected will be more useful to him and more beneficial to the community than a stranger from another section of the country. It has been suggested to me, and I believe it is a wise suggestion, to allow traveling expenses at least to these clerks. I do not know whether we can afford to raise the salary of everybody in accordance with the suggestion of the Senator from Georgia [Mr. BACON]. I do not know what such a proposition would cost, and I believe raising the salaries of some clerks 20 per cent, while in very many cases it would be a fair thing to the clerks, would be an unfair thing to the Government. I think if we are going to do that, there ought to be some way of determining who are rendering the best service to the Government, who are rendering a $1,200 service or an $1,800 service, and who are rendering only a thousand-dollar service.

It was impossible, Mr. President, for the committee to go into that. As a member of the Committee on Appropriations and a member of the subcommittee that had this bill in charge, I say it was absolutely impossible to do that. Therefore we took in a few cases where we felt clerks were rendering service that was worthy of a higher rate, and we promoted them, in some instances in the Departments and in a few instances in the Senate.

I do not believe that we can rectify all the matters that ought to be rectified in this bill at this time. As the Senator from Wyoming suggested, I think, perhaps, at some time we may be able to provide efficient service and an efficient payment for the service rendered.

I understand that the Senator from Montana [Mr. DIXON] thinks he can make a point of order against the increases the committee have made. If he does, and the point is sustained, it will be the first time in the history of the Senate that that has ever been done. It can be done in another body, I know, but it can not be done here without a violation of the precedents and rules that have been in vogue ever since I have been connected with the Senate.

Mr. WARREN. Mr. President, I would hardly do justice either to the Senator from Montana [Mr. DIXON] or to myself if I let stand without correction our differing statements as to the number of committee clerks who have their salaries raised in this bill. It might raise a question of veracity between us. I stated that there were four or five clerks to Senators who had received a raise in salary in the bill. The Senator from Montana said ten or twelve. I think I am correct. The Senator would have been correct if he had explained that only five of them are Senator's clerks. The others are clerks of the Senate, and belong to every Senator. The increase of the salary of a clerk in the financial room or here at the desk is an increase to an employee of the Senate, who is equally valuable to every one of the ninety-two Senators. But, as to committee clerks, there are, I think, but four clerks and one assistant clerk whose salaries are raised in this bill.

I want to say that one of the troubles in settling this question is the very matter which has been suggested and which the Senator from Colorado [Mr. TELLER] has so clearly discussed; and that is whether we shall arrange a different scale of pay, or, if not a different scale of pay, at least provide for the payment of the expenses of those employees who necessarily come a long distance. It is true that there is plenty of help here in Washington. We can all of us get clerks from here; but it is also true that a Senator wants somebody from his own home. He wants his clerk here when he is here attending to his public duties, and he is likely to want him at home at other times when he must also perform public service. Therefore, the clerks that come here with Senators must themselves pay, or their employers must pay, their traveling expenses here and back. I submit that a Senator who has to bring a clerk 3,000 miles or more is in a more difficult situation than the one within an hour's ride of the capital. I do not know how we may meet it, but it is one of the things, I think, which ought to be considered.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from New Hampshire?

Mr. WARREN. Certainly.

Mr. GALLINGER. I will ask the Senator if it is not a fact that the Senator who brings his clerk 3,000 miles gets about 1,000 miles more mileage than those of us who live nearer Washington?

Mr. WARREN. That is absolutely true.

Mr. GALLINGER. So that there is inequality in that matter.

Mr. WARREN. There is.

Mr. GALLINGER. Which, perhaps, ought to be rectified.

Mr. WARREN. There is; but if the Senator——

Mr. McCUMBER. Will the Senator allow me to say a word right there?

Mr. WARREN. If the Senator will permit me just a moment, I will yield to him. I wish to say that that is a matter which it is entirely proper to consider. So far as I am concerned, I have been always willing to consider it—either to wipe it out, or to make it actual expenses, or to change it in any other way. That is one of the things that ought to be considered at the same time the question of increasing the salaries of the clerks is considered. I submit the more you debate this question, the deeper you go into it, the more ready you will be to sustain the committee that there has not been time heretofore to properly consider these questions. There will be time hereafter when this whole subject can be taken up and disposed of.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from North Dakota?

Mr. WARREN. Certainly.

Mr. McCUMBER. Mr. President, what I desired to suggest to the Senator was in reference to the statement made by the Senator from New Hampshire [Mr. GALLINGER]. The mileage is presumed to be sufficient to cover the expenses of a Senator and his family in moving to this city and back again once a year. If the average family numbers about five—and I presume that that is true—it would just about make up the mileage. I think every Senator will agree with me that that is practically true. So it does not make any difference whether he comes 3,000 miles or whether he comes 300 miles.

Mr. GALLINGER. Suppose he has no family?

Mr. WARREN. Then he ought to get one. [Laughter.]

Mr. McCUMBER. I am speaking of the average family. So when you average this up, the amount is about the same.

I did not intend to take part in the discussion of this matter, and only rose to suggest that it seems to me, Mr. President, that we have left out another item, and that is that the principal secretary to every Senator must not only be present here with him, but, especially under the new system, which makes it absolutely necessary for a Senator to go over every section of his State in order to understand its wants, his secretary must also travel all over the State. Therefore, the secretary is never at home. He is at continuous expense. I am speaking only of the one that must accompany the Senator over the State. In a large State the expenses are very large, and every Senator knows that in the Southern States, as well as in the Western States, where we have not so many very large cities, but where we must be acquainted with the entire community, it is necessary for a Senator to get over the State, and it is necessary for him generally to have his secretary with him.

I see no reason why, when Senators were considering why some of these should be raised, they could not equalize all the principal secretaries, place them all on about the same basis, because their expenses will be very similar, and without saying one word as to whether it is sufficient now or whether it ought to be raised, as the point of order has been made against the amendment and it is not proper to discuss the merits of the subject, it does seem to me that it is nothing more than fair to ask that the committee consider the equalization of the salaries of all the principal secretaries and placing them upon an equal basis.

Mr. WARREN. Mr. President, of course it is easier to criticise from the outside a committee for its action than it is in working on the inside to assemble the wisdom of the entire committee and bring out a given point or result unanimously adhered to. It is therefore sometimes better to make haste slowly; it is sometimes better to take more time; and I want to say very frankly here and now, and I want to say it for the benefit of the clerks of the committees, I believe they will make time and money by good-naturedly allowing this matter to go over until the committee has more time and expecting it to treat them liberally, as I believe it will.

Now, as I said before, and the Senator from Colorado alludes to it, I am not yet one of the old Senators here, and yet I had only one clerk at $1,200 for a long, long time, and then one at $1,500, and then $1,800; and I want to say further, notwithstanding some things that have been said through newspapers and otherwise, that there never has been a year since I have been in the Senate that I have not paid from my own pocket money additional to that which the United States paid for employees for my committee and for myself in conducting the public business.

As I said before, we have in a very few years added to the Senate expenses for clerks, messengers, stenographers, laborers,

etc., for Senators, from one hundred and thirty-five to one hundred and fifty thousand dollars—I have not the exact figures at hand. Situated as I was for several years upon the Committee on Contingent Expenses of the Senate, I naturally noticed the additions as they came along. I think the Senate has been exceedingly liberal in providing employees to all the Senators, and nearly all that amount of money has been for help to those who had junior committees, so called, or who were junior Senators.

We have loaded up our contingent fund (it is a matter I do not care to talk much about) in such a way, as you all know, that it is top-heavy. We should go into that matter and arrange the rolls properly. With the attention the committee has given the subject already, with the discussion which has taken place here to-day and the opinions expressed, with the coming of the summer vacation I believe there will be a scheme of rearrangement of salaries adopted by the committee which will satisfy every Senator.

Mr. CULBERSON. Mr. President, I rise simply to make an inquiry of the Senator who has charge of the bill at this time, who, I understand, is the Senator from Wyoming.

Mr. WARREN. No.

Mr. CULBERSON. At the top of page 7 there is an amendment proposed by the committee to strike out "two assistant messengers on the floor of the Senate, at $1,440 each" and to insert "two messengers on the floor of the Senate, at $2,000 each."

Mr. BACON. Mr. President, I should like to inquire what has become of the amendment offered by the Senator from Montana?

The VICE-PRESIDENT. The Chair will suggest to the Senator from Texas that unless he desires to be heard in regard to the amendment now pending——

Mr. CULBERSON. Of course I do not want to interfere with the Senator from Georgia, but I understand his amendment is not pending.

The VICE-PRESIDENT. There is a point of order pending raised upon the amendment proposed by the Senator from Montana, and unless the Senator from Texas desires to address himself to that the Chair will rule upon the point of order.

Mr. CULBERSON. I do not care to address myself to that particular amendment, but I want to ask the Senator from Wyoming, who has charge of the bill at this particular time, I understand, why it is that at the top of page 7 the salary of the messengers at one door of the Senate have been increased from $1,440 to $2,000, while the compensation of the messengers at the other door of the Senate remains where it is.

Mr. WARREN. I do not quite understand the inquiry of the Senator. What is his inquiry, please?

Mr. CULBERSON. At the top of page 7 of the bill the committee propose to strike out two messengers on the floor of the Senate at $1,440 and to increase their compensation to $2,000 each. Now, my information is, and I speak only from information, not from actual knowledge, that the messengers referred to are at one door of the Senate, whereas the compensation of the messengers at another door of the Senate, longer in service, is to remain at $1,440. I should like to understand it. Of course, I dare say, there is some reasonable explanation, and I should be glad to have it if there is.

Mr. WARREN. Mr. President, we have not raised the salaries of the messengers at the door. We have raised the salaries of two men who have grown up from early boyhood here in the Senate, who are upon the floor, and are not stationed at either one of the doors. They are two men who are as necessary almost to the Senators as are their own eyes or their hands in the duties they perform, in hours and out of hours, in season and out of season. I allude to Mr. Loeffler and Mr. Sumner, one upon each side of the Senate, who have grown up here from boys in knickerbockers to splendid, mature, and useful manhood.

Mr. CULBERSON. Does the Senator suggest that that is the object of the amendment at the top of page 7?

Mr. WARREN. It is, to raise the pay of the two men I have stated, because, in the opinion of the committee, they are earning more money than they are receiving. In fact, they ought to have been raised long before, and they are raised this year in consideration of what they have done and what they are doing and what we expect them to do.

Mr. CULBERSON. The Senator, of course, will understand that I am simply seeking information from the Senator in charge of the bill as to the facts in the case. My information was entirely different from what the Senator states.

Mr. WARREN. I assumed that the Senator must be mistaken. As the Senator has mentioned the messengers on the doors, I will state that he will find in lines 24 and 25 on page 6 that forty-six messengers are provided for at $1,440 each. These are the messengers on all the doors.

Mr. WARNER. Mr. President, I rise to ask a question of the Senator from Wyoming. As I understand the statement of the Senator, there is no controversy but that the increased salaries would be just and proper. It is only a question of regulating other salaries in conformity thereto, as I understand.

Mr. WARREN. We admit that the men mentioned and the positions mentioned should receive before long a higher salary, but in order to keep up the relation of committees one with another and the help for one Senator with another it has been deemed inexpedient at this time to enter into that field when the time is so near at hand when we must readjust the entire matter.

Mr. WARNER. I wish to make a remark. If it is just, why inexpedient? It would simply——

Mr. WARREN. It is inexpedient sometimes to do slight justice at the expense of injustice to several others, and the only trouble, as I said before, is that we have not before us the estimates, we have not the time, we are not satisfied as to what additional help will soon be needed here at the new building, and there are a number of matters entering into this question which are obvious to me, and probably to the Senator, making this an inexpedient time to consider it.

Mr. WARNER. During my short term in the Senate, Mr. President, I have entered into no scramble for patronage at the hands of the Senate, nor have I importuned anyone in relation thereto. But I do believe that the twelve clerks named in the amendment are entitled to the increase of salary, which in the aggregate will amount to $5,000, and my only purpose in rising in my place is to ask the Senator from Wyoming, knowing his good nature and his disposition always to act justly, to let the point of order be withdrawn and take the sense of the Senate upon the amendment. That was my only purpose in rising. It is not necessary to discuss the merits of the question if the point of order is to be pressed.

Mr. WARREN. I will say to the Senator that it hurts me worse than it does the Senator from Missouri, or the feelings of any other Senator, to insist upon the point of order, but the Senator probably knows, as I do, what is to follow and what I shall have to do or some other Senator on the committee will have to do in order in some way to protect at this time the bill that is before the body, and the Treasury of the United States, and the comity and equity which ought to exist between the different Departments, and the proper schedules that ought to be preserved. It is well known that another amendment raising the salaries of many thousand employees and adding many millions of dollars is about to be offered to this bill; so I can not in justice withdraw the point of order, but I must insist upon it.

Mr. WARNER. I make this suggestion to the Senator: If, as intimated, and no doubt as is true, it hurts him to make the point of order as much as it hurts me, let us remove the cause of the injury by withdrawing the point of order.

Mr. WARREN. I must insist upon the point of order.

Mr. CULLOM. Mr. President, I have not been able to talk very much this afternoon, because I am not in good health to-day, but I desire to say a word.

The subcommittee and finally the full committee did the very best it could with reference to this subject. The question of the adjustment of salaries, even in connection with the Senate itself has been a source of embarrassment to all of the committee for many years. The Senate knows that I have had charge of the legislative bill for several years. They also know that I have tried to be as liberal to the different parties and the different classes of committee clerks as possible.

I remember, as has been stated, that I, as chairman of the subcommittee, had charge of the bill which gave the minority members of the Senate a clerk each at $1,500. There was complaint that that was not enough for the men who had to come a great distance and who worked just as hard as those who were clerks of committees, and so we raised it to $1,800, which sum that class of clerks gets now.

I have felt all the time that there ought to be a committee, not to prepare an appropriation bill, but to take up his subject of committee clerks and clerks to Senators, and adjust their salaries, and for that matter adjust the salaries of all employees in connection with the Capitol, and then let Congress fix their salaries by law in some way, so that when we come to consider the appropriation bill we would not have this embarrassment on our hands every time. That has been the condition and it will continue to be the condition unless there is a general overhauling of the subject and legislation in reference to it.

I think myself that some committee ought during the coming summer, after the session is over, to take up the question and see whether the salaries can not be adjusted, so that not only the clerks themselves will be fairly satisfied, but that the Senators who have the employment of the clerks will be. Then when the Appropriation Committee take up the appropriation bill we can go ahead and make the appropriations and feel that we are not going to be charged with dealing unfairly with one and more than fairly with another.

I certainly have no interest in being unjust to anybody. When I came here twenty-five years ago I had one clerk, whom I brought with me, and he was my clerk and only clerk for a number of years. I never had any other help for ten or twelve years at least, and we got along very well by working a good share of the night, as well as all day, as some of us do now.

But at the same time this inequality exists. The committee itself realizes it, and all that I hope is that every Senator here who feels that he ought to have more help and better-paid help will wait until we get an opportunity to adjust the matter in some way, if it is possible to do so, so as to satisfy every Senator.

I hope, Mr. President, that this debate will not run on very much longer, but that we will come to some conclusion about the amendment, and pass the bill and adjourn.

Mr. NEWLANDS. Mr. President, the Senator from Wyoming [Mr. WARREN] indicated that it is an ungrateful task to interpose a point of order to the consideration of an amendment of this kind, and later on, in response to the appeal of the Senator from Missouri [Mr. WARNER], he indicated that he would have to adhere to that determination in order to protect this bill from a flood of amendments. I assume that this statement refers to the amendment of the Senator from Georgia [Mr. BACON] which he intimated——

Mr. BACON. I wish to say to the Senator that I have been trying all day to offer my amendment, and have not had the opportunity to get it before the Senate.

Mr. NEWLANDS. I suppose the Senator from Wyoming referred to the amendment which it is well known the Senator from Georgia will present when he has the opportunity.

Mr. BACON. I would suggest to the Senator that if he will permit the Chair to rule on the point of order, I will then offer the amendment, and it will be before the Senate for discussion.

Mr. NEWLANDS. I wish to say something regarding the point of order.

Mr. BACON. I beg pardon. I did not know that.

Mr. NEWLANDS. One reason why I shall vote against the point of order, if it is ever submitted to a vote of the Senate, is that I wish to see relief given to the clerks in the Departments. I think that has been too long delayed, and that, in view of the fact that we have increased our own salaries and the salaries of the higher officials. It is exceedingly ungracious to delay that act of justice. However inadequate the amendment may be increasing the pay of the clerks as offered here, it will be easy enough to correct it in conference, for the committees have had under consideration bills relating to the increased compensation of the civil employees of the Government, and it will be easy in conference to prepare, after due deliberation, the measure that will finally go upon the statute book. I shall vote for the measure, even though I do not regard it as meeting all the requirements of the case, with a view to making it the basis for just and proper action in conference.

Now, as to the raise of the compensation of the clerks of Senators, I will state, and it is the fact, that there are different grades of salaries, and the suggestion is made that as to new Senators the same compensation should not be expected for their clerks as for the clerks of older Senators. As I have been here about five years, I may perhaps be regarded on the verge of the senior class and as no longer belonging to the freshman class in this august body. Therefore it may not be unbecoming in me to suggest that there should be no inequality in the salaries of the clerks of Senators. Senators certainly stand equal under the law and under the Constitution, and if there is a Senator who requires the aid of experience and ability in his secretary or clerk, it is the new Senator rather than the old, for the new Senator is unaccustomed to the duties of his position and the older Senator has the advantage of training and of experience.

I believe adequate salaries should be paid. I believe the salary should be the same to all, whether they are clerks to older Senators or to newer Senators; and I believe this is the time to determine the question, for we are engaged now in the consideration of a bill that relates to this very question, and we all realize that Congress is so busy that it is exceedingly improbable that the just claims of the clerks in the civil departments of the Government will be recognized at this session unless recognition is forced in some such way as this. I am sure that the majority in this body realize the justice of the claims of civil employees for increased compensation, and if that is so, this is the only opportunity we will have of meeting their just demands.

It has been the custom of the Senate upon an appeal from the decision of the Chair on a point of order to determine what the Senate wills, regardless of the rules; to interpose the highest law of the present judgment of the Senate as against the recorded rule, and I propose so to act in this matter.

The VICE-PRESIDENT. The Chair is unable, of course, to give consideration to the equities which are involved in the proposed amendment. The only question for him to determine is, Is it in contravention of the rules of the Senate? It is provided, among other things, in paragraph 1, Rule XVI:

> No amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill * * * unless the same be moved by direction of a standing or select committee of the Senate.

The proposed amendment, in the opinion of the Chair, is plainly in conflict with that provision of the rule, and the Chair therefore sustains the point of order.

Mr. BACON. Mr. President, I desire to offer an amendment, and I ask that it be read from the desk.

The VICE-PRESIDENT. The Senator from Georgia proposes an amendment, which will be stated.

The SECRETARY. It is proposed to insert in the bill the following:

> That the salaries or compensation, not exceeding $1,800 per annum, now allowed by law to clerks and employees of the classified service in the Executive Departments employed in the city of Washington, including the employees in the Congressional Library and the Government Printing Office, are hereby increased to the amount of 20 per cent thereon: *Provided*, That this increase of salary or compensation shall not be allowed to any class of clerks or employees the compensation or salary of which said class has been increased under any provision of law enacted subsequent to the 1st day of December, 1903.

Mr. BACON. Mr. President, I am well aware——

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. BACON. Certainly.

Mr. HEYBURN. I ask that the first part of the amendment be again read. There was some disturbance, and I did not hear it.

Mr. BACON. I shall be glad to have the whole of it read again.

Mr. HEYBURN. Just the first few lines will do.

Mr. WARREN. I ask that the Clerk again read the amendment. My attention was diverted.

The VICE-PRESIDENT. The Secretary will again read the amendment.

The Secretary again read the amendment.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Wyoming?

Mr. WARREN. I suppose the Senator from Georgia desires to discuss the amendment. I shall make the point of order, but I withhold it for the present.

Mr. BACON. I have the floor. The Senator from Wyoming can not make the point of order until I am through, I suppose.

Mr. WARREN. I beg the Senator's pardon.

The VICE-PRESIDENT. The Senator from Georgia has the floor.

Mr. WARREN. I have no desire to take the Senator from Georgia off the floor.

Mr. BACON. I have no indisposition to yield the floor to the Senator for any other purpose, but I do not propose to yield to him that he may take me off the floor.

Mr. WARREN. I plainly stated that I would not do that. I hope the Senator will not build his argument upon that assumption, which is entirely erroneous.

Mr. BACON. I wanted, if possible, to find the Senator from Wyoming in an open state of mind. I was about to remark that I am well aware of the fact that under the recent ruling of the Chair, and which I think was eminently correct, the amendment is open to the point of order, and must go out if the point of order is made and insisted upon. I wish, however, just in a few words to suggest some reasons which, I hope, may influence the committee or those who represent it upon the floor of the Senate to-day not to make the point of order.

Mr. President, the class of employees of the Government to whom the amendment would apply are in somewhat different position from those whose claims have been discussed here this evening. I do not desire to repeat what I said upon a former occasion. A few days ago, when this amendment was suggested by me, I gave the reasons which I thought ought to

influence the Senate in favoring it, and I shall not detain the Senate with a repetition of what I then said further than simply to repeat the general proposition that this is about the only class of employees of the Government who have not been included in the increases of salary which have been made in the past few years, and they are the ones who, it seems to me, above all others ought to commend themselves to the favorable consideration of the Senate in this regard.

The Senator from Maine spoke of the fact that the employees of the Senate, for the raising of whose salaries the amendment was offered, which was ruled upon by the Chair, were a well-paid class, and spoke of the additional fact that they were on duty only a part of the year, and the still further fact that they were near to the Senators where they could present their claims. Now, in no particular are the clerks of the classes who are included in this amendment subject to those particular peculiarities. None of the features apply to them. They are here the whole year.

I wish to say in justice to them, Mr. President, that whatever may have been the experience of other Senators, no single one of them has ever suggested to me that a movement of this kind should be made in their favor. In fact, I had no thought of it until on Tuesday—I think it was—when the bill was before the Senate; in looking over it and seeing that provisions had been made for the increase of salaries of different officials of the Government there occurred to me what I had previously thought of, that there was a class which had not received any favors of this kind or had not had consideration so far as I knew.

I therefore ventured to ask the committee whether they had had under consideration the propriety of the raising of the salaries of the clerks in the lower grades, and out of that inquiry has all this matter grown. The more I have thought of it the more I have been impressed with the fact that justice required that there should be a consideration of their claims and that there should be an increase of their salaries.

No Senator has taken issue with the suggestion made by me in that regard. All of them have recognized the fact that the same conditions which made it proper that we should increase our own salaries, which made it proper that we should increase the salaries of the judiciary, which made it proper that we should increase the salaries of the officers and men in the Army, and that we should increase the salaries of the officers and men of the Navy applied and made it proper that there should be an increase in the salaries of these clerks in the city of Washington.

Now, all have agreed to that. I have had no suggestion to the contrary from any Senator. But the reply is, "This is not the time." Well, Mr. President, it is a serious matter to postpone it. If these parties are entitled to relief, postponement now means postponement for a year, and a year's increase of expenses without a year's increase of salary is a serious matter to these people.

I hold in my hand a letter which I am sorry I can not read in full to the Senate, because it is marked "personal." I will only say that it is written to me by a very high official whom I know personally, one of the highest in the Executive Departments, and it relates to the question, not simply as to the propriety as a matter of justice of raising the salaries of these clerks, but as to the interests of the Government in this regard. I can only read a part of it in such a way as not to disclose who the officer is or the Department to which he belongs. I vouch for what I said, however, with reference to the position he occupies and as to the influential character of the man. There is a part of the letter which it is not necessary that I should read, and I only read that part of it which relates to the particular feature which I suggested. He says:

> It is a very serious problem with this Department, doing business of a very large character, as to whether it can not only retain some of the higher grades of officials, but whether it can get the service that it ought to have out of its employees, who find it most difficult to make both ends meet, owing to the increased cost of living.

Mr. President, I say that comes from a high official, a man who can have no personal interest in the adoption of this amendment or in the increase of these salaries, but he is speaking of what he knows of the conditions among those who are under him in his official capacity.

It was suggested on Tuesday, when the matter was up for discussion in the Senate, that there had been within the past few years a good many increases in salaries which would affect the various classes of clerks, and that an indiscriminate increase of 20 per cent would give to some whose salaries have already been raised an advantage which they ought not to have, and an advantage which would be an invidious distinction between themselves and others of the classes of clerks who have not had this increase of salary.

Therefore it is that I put the proviso upon the amendment which I offered, that it should not relate to any class of clerks or employees whose salaries had been raised under any act of Congress enacted within the past four years, or rather within the past two Congresses, which is more than the past four years. So that feature of it is eliminated.

Now, Mr. President, why should we wait a whole year? It has been a year since we attended to our own necessities, and it has been more than a year since we added to the salaries of the judges, all of which I think was proper. At this session I suppose there is no question of the fact that most material increases are going to be made in the salaries of officers and men of the Army and officers and men of the Navy.

Mr. WARREN. I call the Senator's attention to the fact——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Wyoming?

Mr. BACON. With pleasure.

Mr. WARREN. I call the Senator's attention to the fact that that is as yet all in the air. It is yet a question whether we will raise them or not. We hope to do so.

Mr. BACON. Well, if we act on this matter, it will be in the same sense, in the air. The Senator means by that, I suppose, that action is required by another body before it can become a law, to say nothing of the requirement of the approval of the President. But if we act upon this, the same is true as to it.

Mr. President, if we were straitened for money, it would be another thing. But we are not. Everyone knows that the Treasury is overflowing. Everyone knows that we have $250,000,000, approximately, of surplus deposited with the national banks. So it is a question as to what is just and right, as to what is justice in this matter. Should we recognize the changed conditions which made it proper that we should add 50 per cent to our own salaries, that we should add largely to the salaries of the judiciary, that so far as our action is concerned we have added largely to the military branch of the service, and that we undoubtedly intend to add largely to the salaries and compensation of the naval branch of the service? Is it right and proper that, with an overflowing Treasury, those in the public service who are the neediest and who have less opportunity to be heard should be passed over simply upon a mere matter of convenience?

Mr. President, this is not a matter without precedent. Once before the Government was confronted with a similar condition of affairs, and once before it took exactly the same action which I now ask shall be taken under this amendment. In 1867 the salaries of all the clerks and employees in the Executive Departments in the city of Washington were increased by 20 per cent by a joint resolution. It is true that that increase related only to one year, and I was going to ask the Senator from Wyoming and his associates in charge of this bill, whether if they will not agree to it as a general proposition they will not without limitation agree to an increase of 20 per cent in view of what we have done for ourselves, in view of what we have done for all other Departments of the Government, and in view of the fact that the only suggestion made is that this is not the time, that you can not go through all the schedules and make proper arrangements. Will not the Senator agree to this amendment if I limit it to one year? That will give the opportunity to readjust it in the next appropriation bill for the succeeding years.

But it does seem to me, Mr. President, that it is a hardship beyond expression as to this one class, this one needy class, this one class that has nobody to speak for them except such as may volunteer, and who are not allowed even under pain of dismissal probably or some other hardship, to advocate their own cause or to endeavor to get any political influence in their favor. Is it not proper that we should do that much for them? Then, if we find that the adjustment is not a proper one it will last only for a year, and in the next appropriation bill it can be so readjusted that inequalities may be corrected. It will not apply to any salary that is over $1,800, and it will do justice to a class which is as meritorious and which is more needy than classes which have already had this favor.

I hope the Senators will agree that the amendment which I have offered may be accepted provided I will limit to one year, giving the Appropriations Committee the full opportunity to do what they say they are now investigating and intend to do, and not keep these people for one whole year without this little meed of justice.

Mr. GALLINGER. Mr. President, I offer an amendment to the amendment of the Senator from Georgia.

The VICE-PRESIDENT. The Senator from New Hampshire proposes an amendment to the amendment of the Senator from Georgia, which will be stated.

The SECRETARY. After the words "city of Washington" in the amendment insert the words "or elsewhere."

After the words "Congressional Library" insert the words "the public library, the District government, all employees in the two branches of Congress receiving salaries of less than eighteen hundred dollars per annum."

Mr. BACON. When I saw my genial and kind-hearted friend the Senator from New Hampshire rise in his place, I did not have any doubt about the fact in my own mind but that he was going to offer an amendment which would be promotive of the cause which I am advocating, but what he offers is evidently intended to break down and defeat it.

Mr. GALLINGER. If the Senator from Georgia will permit me, the first amendment certainly the Senator can not object to. There is no reason why the clerks in the great cities of New York, Boston, and Chicago should not have their salaries increased as well as the clerks in the city of Washington.

Mr. WARREN. No; nor out on the plains and in the mountains, where it costs a great deal more to live than it does in any one of the cities.

Mr. GALLINGER. And there is certainly no reason why clerks in the Congressional Library, where the salaries are fixed by the Librarian himself, should have their salaries increased and not the clerks in the public library. There is no reason why the clerks in the Executive Departments should have their salaries increased and not in the District government. I think when the Senator reflects he will see that I had no ulterior purpose in offering this amendment. I thing it ought to be broadened still more, but I had not time to think of all the different places that ought to come in for raises in salary if we are going into this business.

Mr. BACON. Of course, there may be reasons in particular cities which we are not in a condition to know of as we know of these. There is a good reason, however, why it should not be as broad as the Senator from New Hampshire has suggested. The vast army of employees all over the United States are not all of them, or even the greater part of them, situated as they are in Washington, where it is expensive to live. The very large majority of the employees of the Government scattered throughout the United States do not live in an expensive manner and are not in a position where it is necessary for them to live in an expensive manner.

So far as the District government is concerned, so far as they are the employees directly of the Government of the United States, the suggestion of the Senator may be a very pertinent and proper one, but I am not prepared to say that. Anyone will recognize, of course, that the amendment offered by the Senator from New Hampshire could not have had any other purpose except to defeat the measure.

Mr. GALLINGER. If the Senator will permit me——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. BACON. I do.

Mr. GALLINGER. The clerks in the Bureau of Pensions in Washington are receiving, I think, salaries that average at least $1,200. The clerks in the pension office in my own city are receiving salaries averaging $720 a year. It costs nearly as much to live in Concord, N. H., as it does in Washington, as I know from experience.

Now, is it not simple justice to give a relative increase to those clerks who are receiving $60 a month as well as to give it to those who are receiving $100 a month?

Mr. BACON. I may be very much mistaken in my idea, but I suppose board in Washington City of a proper kind, such kind as a person of that class would require, costs twice as much as in Concord.

Mr. GALLINGER. I have no doubt it does to Senators, because we have to go to hotels, and the hotels always take note of our increases in salaries.

Mr. BACON. I know that at places not very distant from Concord they charge pretty high board.

Mr. GALLINGER. I think, so far as the ordinary necessaries of life are concerned, there is very little difference.

Mr. BACON. Mr. President, I do not desire to occupy the time of the Senate. I had hoped, however, that my last appeal might find favorable response from the Senator and that this increase might be granted for one year.

I will merely add, in reply to the Senator from New Hampshire, that in limiting it to Washington City I am simply following a precedent which I have already alluded to, where a similar measure was adopted by the Congress of the United States limiting the increase to the clerks in the city of Washington. There are a great many things that we should like to do all over the world in the way of benevolence and even in justice, but still we have to limit our efforts quite frequently to a very much more circumscribed area.

Mr. WARREN. Mr. President, I love the Senator from Georgia [Mr. BACON] for his liberality, but I am confident that if the Senator from Georgia were in my place or that of any other member of the Appropriation Committee, he would do exactly as we are doing. Whether I would do as he is now doing, if I were in his place, I do not know, but I presume I would. As I said before, there is a time and place for all these things.

This matter has been in the minds of Congress, not only for the last year, but for the last two years, and it has been in the mind of the Executive. It is well known that there has been a commission, the Keep Commission, so called, to look about regarding salaries and to arrange some schedule or suggest some plan for improvement and advancement.

Now, there is another place in this Capitol where these supply bills originate. This matter of increased salary was taken up there and very serious consideration given to it in a subcommittee and later in a full committee. The new plan and schedule were looked over. They were not fully agreed to, but I believe the committee put in a section as to one Department—the Department of the Interior—and submitted it to the House. The House finally concluded, as is shown by the RECORD, that it could not, for obvious reasons, at this time enter into the general raise that I think most of the Members believe must be made some time. When the committee reported the bill to the House there were substantially no raises, or few, if any, except as to the assistant secretaries. When the bill was considered on the House floor the plan that the committee had offered as a sample, in the case of the Interior Department, was annihilated. The raises that they had proposed for the salaries of assistant secretaries were put out on points of order, and the bill comes to us with the injunction that no raises will be permitted.

Now, the subcommittee of the Senate believed that there should be some increase, and so in arranging these salaries that have been spoken of as raising the high men they simply did this: For instance, we put into a Department, we will say, ten additional No. 4 clerks, drawing $1,800 each. These new places are to be filled with the most deserving clerks, and seniority is also to be considered, from class 3. So there you promote ten clerks $200 each. Their places in class 3 are filled by ten clerks from class 2, and there you promote another ten $200 each. Their places are filled by ten clerks from class 1, and there again are ten clerks increased $200 each. Their places are filled with ten clerks from $1,000, an increase of $200 each; their places are filled with ten from $900, an increase of $100 each; their places are filled with ten from $840, an increase of $60 each; their places are filled with ten from $720, an increase of $120 each, and in some cases with the next ten from $660 salary, an increase of $60 each.

So where we have added what seems to be an addition of only ten clerks, we nevertheless provide for the promotion and increase of pay for over 100 clerks, and there are many of such additions in the bill. In this way promotion and increase of pay come to those most competent and who have been longest in the Department, such as the Senator himself would select. Therefore if we are able to maintain or retain these amendments in conference we shall practically raise the salaries of a very large number. In the places will come in at the bottom new and untried men and women—those who do not perhaps have to enter the United States service unless they think that it is desirable and that the salary is more than they can get anywhere else. They come in at the bottom and they in turn are raised in time.

Now, the Senator proposes in his amendment to raise 20 per cent those who have not already been raised and debar those who have been heretofore raised from the benefits.

Mr. President, the injustice of that proposition is manifest. The clerks who have been raised from $720 to $840, the clerks raised from $900 to $1,000, and all along there, are subjected to an injustice because you have raised the one class more than you have raised the other. Those heretofore were raised less than 20 per cent and you debar them from any further benefits, while with the new ones not raised heretofore you give the larger benefits of a full 20 per cent.

In making the point of order, as I shall do, I do it with the same reluctance that I made it before, but it is utterly futile, in my judgment, to accept the amendment either for all time or for a year, with the circumstances as they are, and with the bill in the situation it is, and what the conferees will be confronted with.

Mr. President, this matter is receiving very serious consideration by every member of the Appropriations Committee, as I know, and if there may be a little patience it will be treated as other matters have been. Take the matter, if you please, of the salaries of Senators. How long had that been talked about

and how long did we wait for it? If we have done wrong in that, I am perfectly ready to see them reduced again, but we waited until the Senators themselves were ready to take it up. We waited until the Members of the House would stand up and answer the roll as they did in the Senate. We waited until the press of the country supported it. We waited until the country itself said that we ought to have it.

Now, we raised the Army. We started a year ago. An amendment was offered on the floor similar to the one the Senator from Georgia offers. Some Senator offered a 20 per cent raise for the Army. The Senator from Maine very properly raised the point of order, as he should have done and as possibly the chairman in charge of the bill ought to have done, and of course the point of order was sustained.

The sentiment then existing has grown stronger, and to-day we have before us the action of the Senate, which has said we will increase the pay of the Army and the Navy. We have had from the House a declaration that we will pay a small increase to part of the Army. What may finally become of the measure we do not know.

Mr. NEWLANDS. Will the Senator yield to a question?

Mr. WARREN. Certainly.

Mr. NEWLANDS. I wish to ask the Senator whether his committee has under consideration now any bill for the increase of the pay of the civil employees of the Departments here?

Mr. WARREN. The chairman of the subcommittee a moment ago said he was considering, and he thought we ought to consider, some special committee or some commission to take all these matters of salaries under consideration.

Mr. NEWLANDS. If the Senator will permit me to ask him another question. He is doubtless aware that the Keep Commission looked into this question and presented a report for regrading and reclassifying the civil employees of the Departments, fixing the salaries of the different grades. He is doubtless aware that that bill was considered by the Committee on Appropriations in the House last year.

Mr. WARREN. Oh, no.

Mr. NEWLANDS. And the result, so I am informed——

Mr. WARREN. No.

Mr. NEWLANDS. Let me state to the Senator what my information is. My information is that that bill was considered by the Committee on Appropriations. At that time the committee was not altogether satisfied with it, and they authorized Mr. Littauer, a member of the committee, to present an amendment to the deficiency appropriation bill which covered the whole question of classification, grades, and salaries. That amendment was presented by Mr. Littauer and the point of order was raised against it, not by the committee itself, but by some Member upon the floor of the House, and the point of order was sustained.

Now, I ask the Senator whether it would not be the best way of getting at this thing for the Senate to permit the Littauer amendment, or the amendment submitted by the Senator from Georgia, to go upon this bill, and then in conference it will furnish the basis for an adjustment of the entire matter between the Committee on Appropriations of the Senate and the committee of the House? It seems to me that that would result in an orderly disposition of the matter and give full consideration.

I mentioned that disposition of it to a member of the Committee on Appropriations of the other House this morning, and he thought it would be entirely satisfactory. I am told that over there now they have a subcommittee of that committee that is engaged in the consideration of this question; but the danger is that, in the pressure of public business, if they succeed in reporting a bill to the House, even within the next two or three weeks, it will not be considered before final adjournment.

Mr. WARREN. What was the question the Senator from Nevada was going to ask me?

Mr. NEWLANDS. Therefore I ask the Senator whether this method of proceeding will not result, not in an ill-considered provision for these employees, but in a well-considered provision, and whether these points of order and technical objections should be interposed in a matter involving every consideration of humanity and right and justice?

Mr. President, I ask unanimous consent that I may be allowed to insert in my remarks upon this subject of the salaries of civil-service employees the Littauer amendment, which was offered in the other House.

The VICE-PRESIDENT. Without objection, permission is granted.

The amendment referred to is as follows:

Amendment intended to be proposed by Mr. Littauer to the bill (H. R. 25851) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1907, and for prior years, and for other purposes, viz: Insert the following:

SEC. 3. That the following schedule of classification of positions and gradation of employees of the Executive Departments and other Government establishments in Washington is hereby adopted, to take effect on and after July 1, 1908, to supersede the classifications heretofore recognized by law, namely:

CLERICAL CLASSES.

Senior clerks: Employees who are assigned to work largely supervisory, or requiring the highest order of clerical ability, involving much original thought, consideration, and investigation.
Grade A, at $2,100.
Grade B, at $1,920.
Grade C, at $1,860.
Grade D, at $1,800.
Grade E, at $1,740.

Clerks: Employees who are assigned to work more or less routine, involving responsibility, special ability, and original thought, consideration, and investigation.
Grade A, at $1,680.
Grade B, at $1,560.
Grade C, at $1,500.
Grade D, at $1,440.
Grade E, at $1,380.

Junior clerks: Employees who are assigned to clerical work of a routine character requiring but little original thought or consideration, but requiring judgment, responsibility, and special skill.
Grade A, at $1,320.
Grade B, at $1,260.
Grade C, at $1,200.
Grade D, at $1,140.
Grade E, at $1,080.

Under clerks: Employees who are assigned to clerical work of a simple or routine character requiring care, accuracy, and skill.
Grade A, at $1,000.
Grade B, at $940.
Grade C, at $880.
Grade D, at $820.
Grade E, at $760.

SUBCLERICAL CLASS.

Employees whose duties are not clerical or mechanical, but require some special skill, or involve personal responsibility, as messengers, watchmen, skilled laborers, sorters, and counters.
Grade A, at $840.
Grade B, at $780.
Grade C, at $720.
Grade D, at $660.

Employees engaged in rough and unskilled work, as laborers generally:
Grade A, at $660.
Grade B, at $600.

Employees who enter the service at an early age and are engaged in light work, as messenger boys.
Grade A, at $480.
Grade B, at $420.
Grade C, at $360.
Grade D, at $300.

Employees whose work occupies only a part of the time each day, as charwomen and janitors.
Grade A, at $360.
Grade B, at $300.
Grade C, at $240.

Salaries of employees engaged in professional, technical, or scientific work shall conform as far as possible to the classes and grades of the above schedules.

That as soon as practicable after the passage of this act a committee of not exceeding nine persons shall be appointed by the President, whose duty it shall be to consider the character of work performed by the clerks in the several bureaus and offices in the Executive Departments and other Government establishments in the city of Washington and the salaries now paid therefor. Said committee shall recommend to the President for each Department a readjustment and classification of the force of said Department in accordance with the foregoing schedules, so as to bring about a general uniformity of compensation in all offices for the same kind and amount of work; and for the fiscal year 1909, and annually thereafter, each Department shall prepare and submit its estimates for clerical and other services in the Departments in accordance with the classification herein provided for and shall apportion the clerks of the different classes according to the work they are actually performing.

In no event shall any person whose principal duties are within a given class be paid more than the maximum salary for said class, and the number of employees specifically appropriated for in any branch of the service in any of the Executive Departments or other Government establishments in Washington shall not be increased, but may be diminished.

Hereafter all promotions shall be based on efficiency, and it is specifically declared to be the duty of chiefs of divisions to make recommendations for demotion where the interests of the public service require it, and any chief of division who fails to comply with this requirement shall be summarily dismissed from the public service.

Promotion in each class and subdivision thereof shall be made in each Executive Department or other Government establishment in Washington by a board composed of three officials of said Department appointed by the Secretary thereof.

Mr. WARREN. Mr. President, of course I do not have the private history of matters and things happening in the other House. I simply take the public record, which we have a right to review, and, judging from that, the matter is not ripe, and it is not in season or condition now to be taken up.

As to putting an omnibus amendment on the bill and undertaking to work it out in conference, if the Senator from Nevada had been upon one of those conferences he could easily understand how difficult, in fact, how impossible, that is. The

conferees are then compelled to work between certain lines—that is, the upper and lower line contained in the amendment itself. So they could get only a partial consideration.

So, Mr. President, I feel that it is for the best interest of the parties themselves to allow the matter to go over, and I therefore make the point of order against the amendment.

The VICE-PRESIDENT. The rules governing the moving of amendments to general appropriation bills are clear. The provision which the Chair read from Rule XVI in support of his ruling upon a similar point of order earlier in the day is as follows:

> No amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill * * * unless the same be moved by direction of a standing or select committee of the Senate.

The amendment proposed and challenged by the point of order is not moved by direction of either a standing or a select committee of the Senate. It is clearly in violation of the rule quoted, and therefore the point of order is sustained.

Mr. CLARKE of Arkansas. Mr. President, I am authorized by the Judiciary Committee to offer the amendment which I send to the desk. I ask that it be made an independent section.

The VICE-PRESIDENT. The Senator from Arkansas offers an amendment from the Judiciary Committee as a separate section, which will be stated.

The SECRETARY. It is proposed to insert as a new section the following:

> That hereafter the judges of the district court of the United States shall be allowed the sum of $6 per day as expenses of travel and attendance for each day that any such judge shall be necessarily absent from his place of residence in holding court or in the discharge of other judicial duties in any other place in the district whereof he is judge. That for the purposes of this act any such judge shall be deemed to reside in that place in his district in which his time is principally employed in holding court and otherwise discharging his official duties. Said sum to be paid upon the written certificate of such judges, and such payment shall be allowed the marshal in the settlement of the accounts of the United States.

Mr. CLARKE of Arkansas. Just a word in explanation of the amendment.

Mr. CULLOM. Mr. President——

Mr. CLARKE of Arkansas. If the point of order is to be raised against the amendment, I shall not take a moment of time in explaining it.

Mr. CULLOM. Mr. President, I wish to make the point of order against the amendment.

Mr. CLARKE of Arkansas. Then it is useless to take the time of the Senate in discussing the amendment.

The VICE-PRESIDENT. The point of order is sustained.

Mr. CULBERSON obtained the floor.

Mr. CLARKE of Arkansas. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Arkansas?

Mr. CULBERSON. I yield to the Senator from Arkansas.

Mr. CLARKE of Arkansas. Mr. President, I think I yielded prematurely on the matter of the amendment which I just offered. I ought to have carried my statement a little further. It is an amendment suggested by a standing committee of the Senate, and I doubt if it is subject to the point of order raised by the Senator from Illinois.

Mr. CULLOM. It would certainly be the enactment of new legislation.

Mr. CLARKE of Arkansas. That may be true, but any amendment is new legislation. If it were not new legislation it would not be an amendment; but does it propose the kind of new legislation that is prohibited by the rules of the Senate?

Mr. CULLOM. I have no question but that it is in conflict with the rules of the Senate.

Mr. CLARKE of Arkansas. I believe I shall ask for the judgment of the Chair on that proposition.

Mr. CULLOM. All right. I call attention, Mr. President, to paragraph 3 of Rule XVI, which provides that—

> No amendment which proposes general legislation shall be received to any general appropriation bill nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto.

It seems to me the amendment is clearly outside of the rule.

Mr. CLARKE of Arkansas. Mr. President, I probably did not state to the Senator from Illinois that this amendment was heretofore offered by the Senator from Minnesota [Mr. NELSON] and was intended to be proposed to the bill providing for the sundry civil expenses of the Government. It was referred to the Judiciary Committee, and what I now offer is the provision which was agreed upon by that committee, which directed me to present it to the Senate.

Mr. CULLOM. It is entirely new legislation.

The VICE-PRESIDENT. Does the Senator from Illinois understand that this proposed amendment in any way changes existing law?

Mr. CULLOM. I think it clearly does so.

The VICE-PRESIDENT. The Chair will sustain the point of order.

Mr. CULBERSON. Mr. President, I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Texas will be stated.

The SECRETARY. On page 154, line 4, after the word "Congress," it is proposed to insert "including information showing the wholesale and retail prices at which American-made goods are sold abroad."

Mr. CULBERSON. Mr. President, at this late hour I do not intend to consume the time of the Senate in a discussion of this amendment. It is intended to come in after the word "Congress," at the end of line 4, on page 154, in the paragraph which reads as follows:

> For compensation at not more than $10 per day and actual necessary traveling expenses of special agents to investigate trade conditions abroad, with the object of promoting the foreign commerce of the United States, $40,000; and the results of such investigations shall be reported to Congress.

For at least five years, Mr. President, it has been a question as to whether or not goods manufactured in the United States were sold abroad at lower prices than they were sold in the United States. Some persons have asserted that to be a fact, and others have denied it. Sometimes also, Mr. President, while the fact has been admitted, it has been argued that it was nevertheless in the interest of the manufacturing enterprises of the United States that that should be the case. The object of this amendment is to determine authoritatively by an investigation by officials of the United States as to whether this statement, which has been made time and again in the public prints of the United States and in each House of Congress, is true. I submit the amendment in the hope that it may be adopted, so that we may have an authoritative investigation and a report by officials of the United States as to the truth of this allegation.

Mr. GALLINGER. I should like to hear the amendment again stated.

The VICE-PRESIDENT. The Secretary will again state the amendment.

The SECRETARY. On page 154, line 4, after the word "Congress," it is proposed to insert "including information showing the wholesale and retail prices at which American-made goods are sold abroad."

Mr. GALLINGER. Mr. President, I do not know that I shall object to that amendment, but I am somewhat surprised to hear the Senator from Texas say that it has been denied that American goods are sold abroad, in some cases, cheaper than they are sold at home. Why, Mr. President, the great Amoskeag Manufacturing Company of my State may have had a very large supply of goods on hand when this financial pinch came and there was no domestic demand for them. Does the Senator from Texas think that it would have been anything out of propriety for the Amoskeag corporation to have sold those goods abroad somewhat cheaper than the domestic price, if it had an opportunity to do so, so as to keep their employees at work? Of course they do it.

Mr. CULBERSON. Mr. President, I stated what I believed to be a fact, that in some instances the statement had been denied that goods manufactured in the United States had been sold abroad cheaper than in this country. In reply to the suggestion of the Senator from New Hampshire [Mr. GALLINGER] I give it as my opinion that even in the contingency which he mentions it is unjust to the American people for manufacturers in this country to sell goods cheaper to foreigners than to citizens of the United States, especially when they are so highly protected.

Mr. GALLINGER. Then, does the Senator think the Amoskeag corporation ought to have held that old stock of goods, discharged their 3,000 employees, and turned them out to the cold mercies of the world?

Mr. CULBERSON. The Senator from Texas thinks that at least the corporation to which the Senator from New Hampshire refers ought to have sold to the American people as cheaply as they did to foreigners?

Mr. GALLINGER. They had no demand for their goods in the American market.

Mr. CULBERSON. Probably they would have had a call, Mr. President, if the price here had not been so high.

Mr. GALLINGER. They could not sell them at any price.

Now, Mr. President, there is not a nation in the world that does not do this very thing. I had occasion only a few weeks ago to write to the city of Toronto to make an inquiry concerning a manufactured article in that city. They sent me the domestic price and the export price, and the export price was 20 per cent less than the domestic price. I have conclusive information that every nation does that very thing when they find it necessary to unload goods, rather than to embarrass the manufacturing concerns; and I think they go far beyond that. I do not know what the difficulty was in Toronto, but I know that they gave me a 20 per cent export discount as compared with the domestic price.

So I think there is no controversy on that point, and for that reason I think we might as well adopt the amendment. It certainly can not do any harm. But I want to be understood as being one of those who are ready to admit that this is done, but it is done to a very insignificant extent. If the Senator will take, I think, volume 17 of the report of the Industrial Commission and look at it, he will find that they made a very exhaustive investigation, and they found that but a very inconsequential proportion of the goods manufactured in this country was sold abroad at a less price than the domestic price. It was so small that it was hardly worth considering; but it is done beyond a doubt.

Mr. ALDRICH. If it is proper that this investigation should be made, it is not proper that it should be initiated and carried on in the form of the amendment suggested by the Senator from Texas. It should be deliberately and carefully done, with all the circumstances surrounding each case, so that we might ascertain whether the policy which is adopted in certain cases is a proper policy or not. If the Senator from Texas desires to have an investigation, I will suggest to him that the proper way is to prepare a resolution directing inquiries along lines which might be carefully laid out and not undertake to inject it in this, as it seems to me, very unusual manner.

Mr. CULBERSON. I am afraid if I should introduce such a resolution, it would meet the ordinary fate of the resolutions which I have introduced, and that is burial in the Committee on Finance.

Mr. ALDRICH. It would not unless the committee and the Senate thought the resolution was an improper one.

Mr. CULBERSON. I recall, Mr. President, that in the early part of this session I introduced a resolution, and it was referred to the Committee on Finance, to investigate the causes of the recent panic. The Senator from Rhode Island (Mr. ALDRICH) in open Senate promised, as I understood and construed his language, to make a report upon that resolution, but so far it is still in that committee.

The trouble about resolutions here, Mr. President, is that even when they are passed they are not answered. Six weeks ago a resolution was passed by this body calling upon the Secretary of the Treasury to report the correspondence with national banks in the country that were complaining that the national banks of New York did not pay their reserves when called for, and it has never been answered. I do not know why.

But the amendment which I now propose is strictly germane, Mr. President. The bill which we have here, on page 154, provides:

> For compensation at not more than $10 per day and actual necessary traveling expenses of special agents to investigate trade conditions abroad, with the object of promoting the foreign commerce of the United States, $40,000; and the results of such investigations shall be reported to Congress.

I am not suggesting, I will say to the Senator from Rhode Island, that we shall outline here the policy of the United States, but I am simply suggesting that we shall inquire into the facts so that we may hereafter, if we see proper, outline a policy which shall be pursued. I have not even suggested, except in answer to the inquiry of the Senator from New Hampshire [Mr. GALLINGER], my opinion with reference to this matter. What we want are the facts. It has been denied that this condition existed. It has been denied that under a high protective tariff the people of the United States were charged a certain price for articles and that those very articles were sold to foreigners at a less price than charged to the people of the United States. Now, what is the truth about it? If that be true, let us know it, and then, if it be true, the question is whether it is a policy that ought to be pursued by the United States.

Mr. SCOTT. Mr. President, will the Senator allow me?

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from West Virginia?

Mr. CULBERSON. Certainly.

Mr. SCOTT. I was going to suggest to the Senator from Texas that, if a circular letter were sent out to the manufacturers of this country making inquiry as to whether they sold goods under certain circumstances to foreign countries cheaper than at home, I think the universal answer would be that they do. I do not think any of them will deny it. It is good business. In my own business, I will say, that in order to keep the factory running, it occasionally becomes necessary to what we call "unload certain goods," and I believe that there is scarcely a manufacturer in this country who will deny the charge that he does sell goods cheaper in foreign countries, or in certain localities, than he does in the United States when he is overstocked, in order to keep the factories running and the employees at work, so that they may be able to feed their wives and children.

Mr. ALDRICH. Mr. President, I was not suggesting to the Senator from Texas that he was not entitled to this information so far as it can be obtained in an intelligent way, but I was suggesting to him that this was not the proper way to secure the information, and that the information, if it should be received, would not cover the whole case. He simply seeks by the proposed amendment to get the relative wholesale and retail prices in foreign countries as compared with those in the United States. I would suggest to him that that is an investigation which would be endless in its character.

In the first place, no ten men or no thousand men, could cover more than a very small part of the field, and the fact that you secure the wholesale and retail prices in any particular case, without knowing the circumstances under which those prices were made and the conditions under which the exportations were made, would be of no earthly value to the Senator from Texas, or to any other Senator, in the discussion of the tariff question. And I suppose this amendment is proposed to lay a foundation for some tariff discussion hereafter. I know perfectly well that if the Senator would prepare a resolution, careful in its terms and practicable, he would have no opposition here to its adoption; but I do object to injecting into this bill, which is not a tariff bill or a bill that touches any part of the tariff, a provision of that kind, which is absolutely impracticable in its character.

Mr. WARREN. Mr. President, I do not know that I differ at all from the Senator from Texas, who offers the amendment, as to the desirability of obtaining the information which he seeks, but I think this is the wrong place for the amendment. It is clearly out of order. It is general legislation, and therefore I make the point of order against it.

Mr. CULBERSON. Mr. President, while some Senators on the other side admit that goods are sold to foreigners cheaper than they are in the United States, others in a sense deny it. I am not surprised, therefore, that the point of order is made; but I call the attention of the Chair to the fact that, if I am competent to construe the English language, the amendment is absolutely in order, and it is in furtherance of a provision which is already in the bill. I will read it again. This is the third time, I believe, that I have read it:

> For the compensation at not more than $10 per day and actual necessary traveling expenses of special agents—
>
> For what purpose?
>
> To investigate trade conditions abroad.

This amendment provides that they shall, in the investigation of trade conditions abroad, inquire into the question as to whether goods manufactured in the United States are sold to foreigners cheaper than to the people of the United States for whose protection the tariff laws were enacted.

I repeat, Mr. President, that if I have any comprehension of the English language, this proposed amendment is in strict furtherance of the purpose of the law which is now on the statute books, and an appropriation to carry out which is proposed by the bill under consideration.

Mr. ALDRICH. Mr. President, if this amendment should be adopted, it would be a diversion of the appropriation to a purpose never intended and which could not be properly carried out under the law as it now stands. The Senator might as well extend this inquiry to the relative cost of the production abroad and at home of specific articles or of the whole tariff schedule or to the question of wage scales or any of the various questions connected with the tariff. If he can inject this provision into this bill, he can inject the whole broad question of protection and free trade and whether the countries abroad are more prosperous under free trade than they would be under protection.

Mr. CULBERSON. No, no, Mr. President.

Mr. ALDRICH. If the Senator's amendment is in order, there is no possible question involved in a tariff discussion that could not be put into this bill as an amendment or as a rider to this proposition for an appropriation.

Mr. CULBERSON. This amendment confines itself not to a policy, not to a theory, but to the discovery of a condition, to an inquiry into facts as to whether American manufactured goods are sold at lower prices to foreigners than to the people of the United States.

Mr. ALDRICH. It relates to facts, of course, but facts that are not contemplated in the original proposition, and they are no more pertinent than the facts would be as to the relative cost of production or the relative cost of wages between this country and others.

Mr. CULBERSON. The proposed law, Mr. President—and I come back to it because that is the question here—is that this appropriation shall be made to investigate trade conditions abroad; that is to say, the relationship between the United States and foreign countries as to commerce. The amendment only proposes to direct the attention of these officials to a specific inquiry as to whether or not American products are sold at lower prices in foreign countries than to the American consumer. There may arise hereafter a question as to whether or not that policy ought to be pursued, but the amendment goes to an inquiry into the facts, and not to a discussion of mere theories.

Mr. HEMENWAY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Indiana?

Mr. CULBERSON. Certainly.

Mr. HEMENWAY. The paragraph which the Senator proposes to amend provides for an investigation as to trade conditions abroad. Does the Senator believe that by investigating trade conditions abroad they could ascertain the fact which he desires to establish? They would have to come back to the United States to find out at what price these articles were sold in the trade in the United States. There is no provision in this bill authorizing an investigation of prices in the United States. It relates purely to an investigation looking into conditions abroad, and the Senator's amendment is certainly not in order. As the Senator from Rhode Island [Mr. ALDRICH] has well said, if you can do what the Senator from Texas desires to do, then you can ascertain the scale of wages paid in the United States as compared with the scale of wages paid abroad. It can not be done, however, under the present law or under this provision, because it provides wholly for investigation as to conditions abroad, and you would have to make an investigation as to prices in the United States in order to reach what the Senator from Texas seeks to ascertain.

Mr. ALDRICH. And in what part of the United States—in New York, or in San Francisco, or in every other city and town in the United States?

The VICE-PRESIDENT. The Chair will rule on the point of order. The Chair is of the opinion that the subject-matter embodied in the proposed amendment of the Senator from Texas [Mr. CULBERSON] is in the nature of general legislation and obnoxious to subdivision 3 of Rule XVI. The Chair therefore sustains the point of order.

Mr. CULLOM. Mr. President, this morning when we were considering amendments of the committee I was not able to be present during all the time, and hence it was that I omitted to offer an amendment which I now desire to offer on behalf of the committee.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 147, line 20, after the word "Department," it is proposed to strike out "four thousand five hundred" and insert in lieu thereof "five thousand" so as to read:

Assistant Attorney-General of the Post-Office Department, $5,000.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, I propose to offer an amendment. I will say in advance that it is subject to the point of order, but I hope it will not be made, because I think it is a very desirable thing to have done. I shall wish to say, however, a few words in reference to the matter after the amendment shall have been read.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 35, line 25, after the word "dollars," it is proposed to insert the following:

Provided, That the Joint Committee on the Library shall cause to be removed at as early a day as practicable the fence surrounding said garden, and the sum of $1,000, or so much thereof as may be necessary, is hereby appropriated for that purpose.

Mr. GALLINGER. Mr. President, that amendment relates to the Botanic Gardens in the city of Washington, which, as I have said once or twice before, is not a credit to this great city. If any Senator will take a look at the public gardens of Boston or the gardens in Philadelphia, New York, Chicago, San Francisco, or any other city, and then make a comparison between them and the only garden that we have in the city of Washington, I think he will feel, as I have felt a great many times, that we ought to be ashamed of ourselves for not having made that garden more attractive. I think the first thing to be done, to improve its appearance at least, is to remove the unsightly fence, grade the grounds properly, and then later on we might make some more liberal appropriations to beautify it.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Texas?

Mr. GALLINGER. With pleasure.

Mr. CULBERSON. I will ask the Senator if this increase is recommended by a standing committee of the Senate?

Mr. GALLINGER. It is not. The amendment is subject to the point of order, as I remarked a moment ago. It makes an increase.

Mr. CULBERSON. I simply want to exhibit my liberality at least and not offer objection to the amendment on the ground of its being out of order.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Colorado?

Mr. GALLINGER. I think I have said all I care to say. I simply believe that this would be good legislation, and that we should get rid of what I think to most visitors—because I have heard scores of visitors who have come to Washington make observations in that direction, as well as many residents of the city and public men—is in the nature of an eye-sore. I think it would be a desirable thing to have the fence removed.

Mr. TELLER. Mr. President, I am inclined to make the point of order on the amendment. There is a class of people in this city who are very anxious to close up and close out the Botanic Garden and devote the ground to some other purpose. If that is the purpose of the amendment I am very much opposed to it.

Mr. GALLINGER. The Senator will permit me, I have no such purpose in view, nor have I been consulted by anybody concerning this matter. I made a suggestion in the same line years ago, and the late Senator from South Dakota, Mr. Kyle, I remember offered a proposition similar to this, and I have hoped for a long time that this would be done.

Mr. TELLER. I want to leave the Botanic Garden where it is. I have not any sympathy with the sentiment which proposes to destroy it and devote the ground to any other use. I do not know that it would harm the Botanic Garden to take away the fence, but there are some advantages I think in keeping it there. At all events, I am going to make the point of order on the amendment.

The VICE-PRESIDENT. The Chair sustains the point of order.

Mr. DANIEL. Mr. President, in line 12, page 155, I move to strike out "$1,400" and insert "$1,600."

The VICE-PRESIDENT. The Senator from Virginia proposes an amendment, which will be stated.

The SECRETARY. On page 155, line 12, after the words "stenographer to Chief of Bureau" [of Manufactures], strike out "one thousand four hundred" and insert in lieu thereof "one thousand six hundred."

Mr. DANIEL. This amendment is in accordance with the estimate to be found on page 158 of the Estimates of Appropriations.

The amendment was agreed to.

Mr. DANIEL. On page 44, line 21, after the words "assistant chief of division, two thousand," I move to insert "five hundred." This increase is to be found in the Book of Estimates, and is at the urgent request of the Department.

The VICE-PRESIDENT. The amendment proposed by the Senator from Virginia will be stated.

The SECRETARY. On page 44, line 21, after the words "assistant chief of division," strike out "two thousand" and insert "two thousand five hundred."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

REPORT OF BUREAU OF ANIMAL INDUSTRY.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was

read, and, with the accompanying paper, referred to the Committee on Agriculture and Forestry and ordered to be printed:

To the Senate and House of Representatives:

In compliance with the requirements of section 11 of the act approved May 29, 1884, for the establishment of a Bureau of Animal Industry in the Department of Agriculture, I transmit herewith a report of the operations of that Bureau for the fiscal year ended June 30, 1907.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *March 21, 1908.*

AMERICAN RAILROAD COMPANY OF PORTO RICO.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying paper, referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed:

To the Senate and House of Representatives:

In accordance with the provisions of section 32 of the act of April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes" (31 Stat., 77) and section 2 of joint resolution of May 1, 1900 (31 Stat., 717), amending the act above referred to, I transmit herewith copy of a franchise granted by the executive council of Porto Rico to the Compañía de los Ferrocarriles de Puerto Rico, and its assigns, the American Railroad Company of Porto Rico.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *March —, 1908.*

ALBERT SIDNEY JOHNSTON CAMP, SAN ANTONIO, TEX.

The VICE-PRESIDENT laid before the Senate the bill (H. R. 19408) to authorize the Secretary of War to donate to the Albert Sidney Johnston Camp, Confederate Veterans, of San Antonio, Tex., not to exceed fifty obsolete Springfield rifles, bayonets, and bayonet scabbards for same, which was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized, in his discretion, to donate to the Albert Sidney Johnston Camp, Confederate Veterans, of San Antonio, Tex., an independent military organization, such number of obsolete Springfield rifles, not to exceed fifty, with bayonets, and bayonet scabbards for same which may not be needed in the service of said Department. Such donation shall be made subject to rules and regulations covering the same in the Department and the Government shall be at no expense in connection with this donation.

Mr. BAILEY. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC PARK ON MERIDIAN HILL.

Mr. SCOTT. I ask unanimous consent to call up the bill (S. 2986) to acquire certain land in Hall & Elvan's subdivision of Meridian Hill, in the District of Columbia, for a public park. The bill has heretofore been read.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Interior to acquire, for the purpose of providing a reservation for a public park, the several parcels of ground in the District of Columbia included between Euclid street, Columbia avenue or Fifteenth street, W street or Florida avenue, and Sixteenth street extended, in Hall & Elvan's subdivision of Meridian Hill, containing in the aggregate 437,000 square feet, more or less; and to pay for the land and premises so taken, and the improvements thereon, the sum of $550,000, or so much thereof as may be necessary, is appropriated; one-half of the sum so expended to be reimbursed to the Treasury of the United States out of the revenues of the District of Columbia.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE.

Mr. WARNER. I ask unanimous consent for the present consideration of the bill (S. 5639) to amend an act entitled "An act to authorize the construction of a bridge across the Missouri River at a point to be selected within 5 miles north of the Kaw River in Wyandotte County, State of Kansas, and Clay County, State of Missouri, and to make the same a post route," approved December 17, 1902.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES C. LEE.

Mr. DEPEW. I ask unanimous consent to call up the bill (S. 2232) to correct the naval record of Charles C. Lee. It is only six lines long.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Naval Affairs with an amendment, in line 4, after the word "grant," to strike out "an honorable," and insert "a," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to correct the naval record of and grant a discharge to Charles C. Lee, late ordinary seaman United States tugboat Marigold, United States Navy.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADDITION TO ROCK CREEK PARK.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 4441) to acquire certain land in the District of Columbia as an addition to Rock Creek Park. The bill has been read once, two or three days ago.

There being no objection, the Senate as in Committee on the Whole, proceeded to consider the bill. It proposes that to pay the expense of inquiry, survey, cost of land to be taken, and all other necessary expenses, the sum of $423,000, or so much thereof as may be necessary, shall be appropriated, one half out of the revenues of the District of Columbia and the other half out of the United States Treasury.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPAYMENT OF CERTAIN COMMISSIONS.

Mr. CLARK of Wyoming. I ask unanimous consent for the present consideration of the bill (H. R. 15660) to provide for the repayment of certain commissions, excess payments, and purchase moneys paid under the public land laws.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that where purchase moneys and commissions paid under any public land law have been or shall hereafter be covered into the Treasury under any application to make any filing, location, selection, entry, or proof, such moneys shall be repaid to the person who made such application, entry, or proof, or to his legal representatives, in all cases where such application, entry, or proof has been or shall hereafter be rejected, and neither such applicant nor his legal representatives shall have been guilty of any fraud or attempted fraud in connection with such application.

In all cases where it shall appear to the satisfaction of the Secretary of the Interior that any person has made any payments to the United States under the public land laws in excess of the amount he was lawfully required to pay under such laws, the excess shall be repaid to such person or to his legal representatives.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAVANNAH RIVER DAM AT CHEROKEE SHOALS.

Mr. OVERMAN. I ask unanimous consent for the present consideration of the bill (H. R. 16621) to extend the time for the construction of a dam across Savannah River at Cherokee Shoals.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. OVERMAN. I move as an amendment, to strike out all after the enacting clause and insert what I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from North Carolina will be stated.

The SECRETARY. Strike out all after the enacting clause and insert:

That the Savannah River Power Company, a corporation organized under the laws of South Carolina, its successors and assigns, and Hugh MacRae, M. E. H. Gouverneur, and E. W. Van C. Lucas, partners trading under the firm name of Hugh MacRae & Co., bankers, of Wilmington, N. C., their heirs and assigns, are hereby authorized to construct and maintain a dam across the Savannah River extending from a point in Elbert County, Ga., to a point in Abbeville County, S. C., upon or in the vicinity of Cherokee Shoals, and all works incident thereto in the utilization of the power thereby developed, in accordance with the provisions of an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906.

SEC. 2. That the right to amend or repeal this act is hereby expressly reserved.

SEC. 3. That the act of Congress approved March 2, 1907, entitled "An act permitting the building of a dam across the Savannah River, at Cherokee Shoals," by the Hugh MacRae Company, a corporation organized under the laws of South Carolina, is hereby repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

REGISTRATION OF TRADE-MARKS.

Mr. SMOOT. I ask unanimous consent for the present consideration of the bill (S. 3973) to amend the laws of the United States relating to registration of trade-marks.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. SMOOT. I offer the amendment I send to the desk.

The VICE-PRESIDENT. The Senator from Utah proposes an amendment, which will be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause and to insert in lieu thereof the following:

That sections 7, 8, 9, 13, and 14 of the trade-mark law be, and the same are hereby, amended so that the sections shall, respectively, read as follows:

"SEC. 7. That in all cases where notice of opposition has been filed the Commissioner of Patents shall notify the applicant thereof and the grounds therefor.

"Whenever application is made for the registration of a trade-mark which is substantially identical with a trade-mark appropriated to goods of the same descriptive porperties for which a certificate of registration has been previously issued to another, or for registration of which another has previously made application, or which so nearly resembles such trade-mark or a known trade-mark owned and used by another, as is, in the opinion of the Commissioner, to be likely to be mistaken therefor by the public, he may declare that an interference exists as to such trade-mark; and in every case of interference or opposition to registration he shall direct the examiner in charge of interferences to determine the question of the right of registration to such trade-mark and of the sufficiency of objections to registration in such manner and upon such notice to those interested as the Commissioner may by rules prescribe.

"The Commissioner may refuse to register the mark against the registration of which objection is filed, or may refuse to register both of two interfering marks, or may register the mark as a trade-mark for the person first to adopt and use the mark, if otherwise entitled to register the same, unless an appeal is taken, as hereinafter provided for, from the decision of the examiner of trade-marks and the examiner of interferences to the board of appeals, by a party interested in the proceeding, within such time (not less than twenty days) as the Commissioner may prescribe.

"SEC. 8. That every applicant for the registration of a trade-mark or for the renewal of the registration of a trade-mark, which application is refused, or a party to an interference against whom a decision has been rendered, or a party who has filed a notice of opposition as to a trade-mark, may appeal from the decision of the examiner in charge of trade-marks or the examiner in charge of interferences, as the case may be, to the board of appeals (Rev. Stats., U. S., p. 482), having once paid the fee for such appeal.

"SEC. 9. That if an applicant for registration of a trade-mark or a party to an interference as to a trade-mark, or a party who has filed opposition to the registration of a trade-mark, or a party to an application for the cancellation of the registration of a trade-mark is dissatisfied with the decision of the board of appeals, he may appeal to the court of appeals of the District of Columbia on complying with the conditions required in case of an appeal from the decision of the board of appeals by an applicant for patent or a party to an interference as to an invention, and the same rules of practice and procedure shall govern in every stage of such proceedings as far as the same may be applicable.

"SEC. 13. That whenever any person shall deem himself injured by the registration of a trade-mark in the Patent Office he may at any time apply to the Commissioner of Patents to cancel the registration thereof. The Commissioner shall refer such application to the examiner of interferences, who is empowered to hear and determine this question, and who shall give notice thereof to the registrant. If it appear, after a hearing before the examiner, that the registrant was not entitled to the use of the mark at the date of his application for registration thereof, or that the mark is not used by the registrant or has been abandoned, and the examiner shall so decide, the Commissioner shall cancel the registration. Appeal may be taken to the board of appeals from the decision of the examiner of interferences.

"SEC. 14. That the following shall be the rates for trade-mark fees:

"On filing each original application for registration of a trade-mark, $10: *Provided*, That an application for registration of a trade-mark pending on April 1, 1905, and on which certificate of registration shall not have issued at such date, may, at the option of the applicant, be proceeded with and registered under the provisions of this act without the payment of further fee.

"On filing each application for renewal of the registration of a trade-mark, $10.

"On filing notice of opposition to the registration of a trade-mark, $10.

"On an appeal from the examiner in charge of trade-marks to the board of appeals, $15.

"On an appeal from the decision of the examiner in charge of interferences, awarding ownership of a trade-mark or canceling the registration of a trade-mark, to the board of appeals, $15.

"For certified and uncertified copies of certificates of registration and other papers, and for recording transfers and other papers, the same fees as required by law for such copies of patents and for recording assignments and other papers relating to patents."

SEC. 2. That this act shall take effect July 1, 1908, but shall not apply to any case in which the appeal to the Commissioner of Patents was taken prior to that date. In such case the appeal shall be taken to and determined by the Commissioner of Patents and the court of appeals of the District of Columbia, as the case may be, as provided by law, prior to July 1, 1908.

Mr. CARTER. This seems to be a bill of far-reaching importance. It seems to me it might well be withheld.

Mr. SMOOT. I will say that the bill simply applies to appeals as to trade-marks, the provisions of the bill which passed the Senate in respect to patent cases. In other words, the appeal from the examiner on trade-marks is to the courts mentioned in the bill which passed the Senate the other day.

Mr. CARTER. It controls the procedure without going into the merits of any rights?

Mr. SMOOT. No rights whatever are affected.

Mr. CARTER. I shall not object.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Utah.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WOODLAWN CEMETERY, ST. MARIES, IDAHO.

Mr. HEYBURN. I ask unanimous consent for the present consideration of the bill (H. R. 17167) authorizing the Woodlawn Cemetery Association, of St. Maries, Idaho, to purchase not to exceed 40 acres of land in the Coeur d'Alene Indian Reservation in Idaho.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Interior to sell to the Woodlawn Cemetery Association, of St. Maries, Idaho, nonmineral land, selected from the Coeur d'Alene Indian Reservation, not to exceed in area 40 acres, which may be selected by the cemetery association and subject to the approval of the Secretary of the Interior.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SHAD-HATCHING STATION IN GEORGIA.

Mr. BACON. I ask unanimous consent for the present consideration of the bill (S. 5966) to establish a fish-hatching and fish-culture station for the hatching and propagation of shad upon or near the seacoast in the State of Georgia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $15,000 for the establishing of a fish-hatching and fish-culture station for the hatching and propagation of shad, including purchase of site, construction of buildings and ponds, and equipment, at some suitable point to be selected by the Secretary of Commerce and Labor upon or near the seacoast in the State of Georgia.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXTENSION OF NEW HAMPSHIRE AVENUE.

Mr. CARTER. I ask unanimous consent to call up at this time the bill (S. 2999) to amend an act entitled "An act to provide for the extension of New Hampshire avenue, in the District of Columbia, and for other purposes," approved February 27, 1907.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on the District of Columbia with an amendment to strike out all after the enacting clause and insert:

That the act entitled "An act to provide for the extension of New Hampshire avenue, in the District of Columbia, and for other purposes," approved February 27, 1907, be, and the same is hereby, amended by striking out section 3 thereof and inserting in lieu thereof the following:

"SEC. 3. That there is hereby appropriated out of the revenues of the District of Columbia an amount sufficient to pay the necessary costs and expenses of the condemnation proceedings taken pursuant hereto and for the payment of amounts awarded as damages, to be repaid to the District of Columbia from assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia.

"SEC. 4. That the Commissioners of the District of Columbia are hereby directed to change the plans for a permanent system of highways outside the city of Washington so as to abandon the extension of New Hampshire avenue from Buchanan street northward to the District line, as at present laid down on said plans."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RIGHT OF ENTRY UNDER THE DESERT-LAND LAW.

Mr. CLARK of Wyoming. I ask unanimous consent for the present consideration of the bill (H. R. 16493) limiting and restricting the right of entry and assignment under the desert-land law and authorizing an extension of time within which to make final proof.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. WARREN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened, and (at 4 o'clock and 35 minutes p. m.) the Senate adjourned until Monday, March 23, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 21, 1908.

RECEIVER OF PUBLIC MONEYS.

Nazario V. Gallegos, of Tucumcari, N. Mex., to be receiver of public moneys at Tucumcari, N. Mex., a newly created office.

REGISTER OF THE LAND OFFICE.

Royal A. Prentice, of Alamogordo, N. Mex., to be register of the land office at Tucumcari, N. Mex., a newly created office.

PROMOTIONS IN THE NAVY.

Lieut. Commander James G. Doyle to be a commander in the Navy from the 7th day of January, 1908, vice Commander Harry H. Hosley, deceased.

Lieut. John McC. Luby to be a lieutenant-commander in the Navy from the 13th day of October, 1907, vice Lieut. Commander Spencer S. Wood, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 21, 1908.

PROMOTIONS IN THE NAVY.

To be lieutenants (junior grade):
Ralston S. Holmes,
Fred H. Poteet,
Milton S. Davis,
Charles E. Brillhart,
James D. Willson,
John Rodgers,
Charles Belknap, jr., and
Daniel T. Ghent.

To be lieutenants:
Ralston S. Holmes,
Fred H. Poteet,
Milton S. Davis,
Charles E. Brillhart,
James D. Willson,
John Rodgers,
Charles Belknap, jr., and
Daniel T. Ghent.

Carpenter William O'Neill to be chief carpenter in the Navy from the 5th day of February, 1908, upon the completion of six years' service in present grade.

Second Lieut. Joseph A. Rossell to be a first lieutenant in the Marine Corps from the 25th day of February, 1908, vice Second Lieut. William L. Burchfield, who failed to qualify for promotion and was suspended.

Pay Director Lawrence G. Boggs, on the active list of the Navy, to be a pay director in the Navy on the retired list with the rank of rear-admiral from the 5th day of April, 1908, the date upon which he will be retired in accordance with the provisions of an act of Congress approved June 29, 1906.

P. A. Paymaster David G. McRitchie to be a passed assistant paymaster in the Navy with the rank of lieutenant from the 30th day of July, 1906.

POSTMASTERS.

OREGON.

Alfred F. Linegar to be postmaster at Coquille, Coos County, Oreg.

John F. Miller to be postmaster at Jacksonville, Jackson County, Oreg.

Alonzo M. Woodford to be postmaster at Medford, Jackson County, Oreg.

WASHINGTON.

William R. Baker to be postmaster at Colville, Stevens County, Wash.

Fred E. Kirby to be postmaster at Friday Harbor, San Juan County, Wash.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March 21, 1908.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

FISH-CULTURAL STATION, FLORIDA.

Mr. WILSON of Illinois. Mr. Speaker, I ask unanimous consent to have House bill 6131 recommitted to the Committee on the Merchant Marine and Fisheries.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the bill of which the Clerk will read the title be recommitted to the Committee on the Merchant Marine and Fisheries.

The Clerk read as follows:

A bill (H. R. 6131) to authorize the establishment of a fish-cultural and biological station on the Gulf of Mexico, within the limits of the State of Florida.

The SPEAKER. The request is that the Committee of the Whole House on the state of the Union be discharged, and that the same be recommitted to the Committee on the Merchant Marine and Fisheries. Is there objection?

There was no objection.

RIFLES FOR ALBERT SIDNEY JOHNSTON CAMP, CONFEDERATE VETERANS, SAN ANTONIO, TEX.

Mr. BRADLEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 19408) to authorize the Secretary of War to donate to the Albert Sidney Johnston Camp No. 1, Confederate Veterans of San Antonio, Tex., not to exceed fifty obsolete Springfield rifles, bayonets and bayonet scabbards for same.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized, in his discretion, to donate to the Albert Sidney Johnston Camp, No. 1, Confederate Veterans, of San Antonio, Tex., an independent military organization, such number of obsolete Springfield rifles, not to exceed fifty, with bayonets and bayonet scabbards for same which may not be needed in the service of said Department. Such donation shall be made subject to rules and regulations covering the same in the Department and the Government shall be at no expense in connection with any such donation.

The following committee amendments were read:

Strike out the words "Numbered One," in lines 4 and 5, and strike out the words "any such," in line 12, and insert in lieu thereof the word "this."

Amend the title of the bill so as to read as follows:

"To authorize the Secretary of War to donate to the Albert Sidney Johnston Camp, Confederate Veterans, of San Antonio, Tex., not to exceed fifty obsolete Springfield rifles, bayonets, and bayonet scabbards for same."

The SPEAKER. Is there objection?

There was no objection.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

FORTIFICATIONS APPROPRIATION BILL.

Mr. SMITH of Iowa. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the fortifications appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. WANGER in the chair.

Mr. SMITH of Iowa. Mr. Chairman, I now yield ten minutes to the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. Mr. Chairman, I do not rise to go into, or to attempt any discussion of, this fortifications bill. I do not rise to criticise it. It has been carefully prepared, after full hearings, by the subcommittee having the subject in charge. It perhaps carries more appropriation for the Hawaiian Territory and Philippine Islands than the conditions there now warrant, in view of the fact that there has been no definite, set policy or plans, either through legislation or otherwise, as to the character of the improvements and fortifications that should be made in these remote but important places. If there is any criticism of the Committee on Appropriations for not making more adequate appropriations for fortifications and defense, it must be because of what I have stated.

I do believe that we have wasted large sums of money from year to year in attempting to provide defenses on the Atlantic and Pacific coasts and other places, because we make appropriations without plans, pretending to do certain things that can not be done by the engineers and officers in charge of the improvements. In other words, they are not completed, and

hence the money is spent from year to year and little is accomplished. This observation may be said to apply to the twenty years preceding this one.

I intended, however, Mr. Chairman, to say a word about the great importance of providing a defense somewhere in the Pacific Ocean that would be of a substantial character against all possible comers. The Hawaiian Territory, and especially Honolulu, was acquired, as has been stated here, for the purpose of giving us a naval base, or a military base, if you please, that would be useful in protecting our long line of Pacific coast.

Honolulu has a peculiar location. It is in longitude 157° and 52′ west of Greenwich. The longitude of Manila is 120° 58′ east of Greenwich. The longitude of Washington is 77° 03′ 56″ west. The longitude of San Francisco is 122° 23′ 30″ west. Honolulu is 35° 28′ 30″ west of San Francisco, or about 2,100 geographical miles west of that city. Manila is about 81°, or about 5,000 geographical miles, westward of Honolulu, though still farther eastward than Japan or China. If we fortify some place in the Hawaiian Territory where we can take our war ships, or a few of them, in safety, and have a harbor and naval base, if you please, and can hold it as permanently as England holds Gibraltar, it will be absolutely impossible for any oriental country, however strong it may be in its navy or army, or in both, to assail our Pacific coast. We may need such a base to enable us to defend our Philippine possessions. Such a naval base, I believe, can be created at a reasonable cost, comparatively.

No naval fleet will sail by Honolulu or Pearl Harbor and go to the Pacific coast, however defenseless it may be, if we have one or two or more battle ships at Honolulu or in Pearl Harbor. It would not dare to leave this small number of battle ships in its rear, as they would cut off all communication with and all necessary transportation from its home country, such as coal, ammunition, provisions, and other absolutely requisite supplies for a fleet. Certain disaster would inevitably befall a fleet, however large, should it disregard so well-established a principle of war, either in naval or army campaigns or expeditions.

A fleet of the largest size that would leave its communication liable to be cut and its transports to be seized or destroyed and its communications with its government made impossible would soon be overtaken with disaster, even though it met no fleet of a strength equal to cope with it.

So long as we successfully hold Pearl Harbor and have in it a small fleet our Pacific coast will be absolutely free from invasion or attack. With Pearl Harbor as a naval station, our fleet in the Pacific may be minimized. It will prove to be wise economy to make Pearl Harbor a Gibraltar of strength.

Napoleon in his invasion of Russia and march upon Moscow left in fortified places in his rear nearly 200,000 of his 400,000 French and allied forces, and but for this his entire army would have been cut off and destroyed in the wilds of Russia. But this is not the time or place to discuss military strategy.

Mr. SLAYDEN. Will the gentleman permit a question?

Mr. KEIFER. Certainly; though I have but little time.

Mr. SLAYDEN. I want to ask the gentleman—I believe the statement he made is correct—if that is true, if an impregnable fortress at Hawaii makes it impossible for an oriental power, no matter how great, to attack the Pacific coast, does not that obviate the necessity for the extraordinary increase in the Navy?

Mr. KEIFER. Mr. Chairman, the gentleman is trying to anticipate the point of my speech. [Laughter.] I think that if we have a naval base such as can easily be constructed on the island of Oahu, near Honolulu, at Pearl Harbor, the most remarkable one naturally in the world, we can dispense with a very considerable number of battle ships that we are now proposing to construct, and we can do this very much more cheaply than we can build battle ships, though I am in favor of building a reasonable number of them.

In this connection I might add that if we would stop long enough to make a definite plan and close up the mouth of the Chesapeake Bay, we could also dispense with a great portion of our battle ships on the Atlantic coast. None would ever be needed in Chesapeake Bay. By doing the latter we need not keep up fortifications inside of the bay or on the Chesapeake that are now practically useless, although we are spending large sums of money upon them every year to maintain them.

Pearl Harbor, it is said, needs a great deal of money expended on the channel. I do not believe it. I do not care whether the Engineer Department of the Army or whether the Taft board or the Endicott board have recommended it or not. Pearl Harbor is now almost accessible with our large battle ships, and if we would straighten out a few places in that remarkable channel we could go in there and come out of there whenever we pleased and be entirely safe. There is a sufficient depth of water at all times in the channel, as well as in the harbor. When you are in Pearl Harbor—and I speak from personal knowledge and observation—you can not see the ocean.

The heights of projecting lands on the sides of the tortuous channel completely shut the harbor from view from the ocean. Vessels once in there are protected from any naval attack from any source. The channel is the important thing to keep open, of course, to give ingress and egress to the harbor, but when in Pearl Harbor, if we had all the navies in the world there, we could find a quiet resting place for them, whence they could sail out and do their work by giving battle or in the manner I have undertaken to state. Pearl Harbor is located not exactly at Honolulu, but when you are in Pearl Harbor and in one of the wings of it, so to speak, you are near Honolulu on one side and partly to the rear of it. Honolulu and Pearl Harbor are now in close touch by land. So it is in communication by land with Honolulu. We talk about defending the harbor of Honolulu, and the bill provides for putting in defenses there, putting more guns on Diamond Head. This may be necessary, though they will simply face the great Pacific Ocean. There is no harbor there except an open sea, and it is impossible to protect Honolulu from Diamond Head. Anywhere along the coast you may put up defenses, and if ships are foolish enough to come within range of the guns you might harm them, but not otherwise, and so of guns in position at Diamond Head or at Waikiki. They would not protect Honolulu or ships in its open harbor. I have only to add that we should adopt a definite plan for establishing a naval base at Honolulu, and we need not, I think, expend a very large amount of money, compared with that required to build battle ships. We should straighten and open the channel into Pearl Harbor and make the harbor a safe base and refuge for our ships of all kinds. This done we would secure cheaply and safely our Pacific coast and furnish a base for the protection and defense of the Philippine Islands. Should we lose Pearl Harbor as a base, the Philippines would also be lost.

We owe much to the Hawaiian Territory, especially to the loyal Hawaiians, who have given up their own government, and now, with singular and patriotic zeal, are devoted to our Constitution, our flag, and our institutions.

Mr. Chairman, following the better example of the Resident Commissioner from Porto Rico [Mr. TULIO LARRINAGA], I will now ask unanimous consent to extend my "ideas" on this subject in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SHERLEY. Mr. Chairman, I yield five mintues to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Chairman, while my indorsement of the project for the fortification of Pearl Harbor is measured in value only by my vote, it gives me pleasure to find myself, once at least, in cordial sympathy with the proposition for an unusual military outlay.

However, Mr. Chairman, my object in taking the floor this morning was for an entirely different purpose. I regret that my distinguished friend from Illinois [Mr. BOUTELL] is not present. I had hoped to find him here and to rejoice with him at the news which I mean to give him. I take the floor for the purpose of inviting his attention to a statement from the Secretary of the Treasury, which I am sure will gratify him.

A few days ago he seemed distressed at the fact that there was a large cash balance in the Treasury, and, by implication at least, he preferred extravagant appropriations as a means of getting rid of it rather than a reduction of the taxes collected. On the 24th of February, while the House in Committee of the Whole House was considering the bill for the support of the Army, and while I was protesting in my feeble way against extravagance, he asked if "there is any other way in which the $260,000,000 available cash balance could be reduced to a normal point," which he "believed should not exceed $50,000,000, than by allowing expenditures to exceed revenues?"

I told him at the time that I thought he might dismiss his fears, and that the way things were going under a Republican Administration we would soon reach the normal he desired. When I read the Treasury statement that reached me this morning, I at once thought of my friend and of how gratified he would be to see it.

At the close of business yesterday the expenses of the Government for the current fiscal year exceeded the income of the Government by exactly $33,741,032.62, and the deficit of the day was $645,796.87. At that rate it will take exactly three hundred and twenty-six days to reduce us to an available balance of $50,000,000, and in four hundred and four days we will be scraping the bottom of the national money chest. Adding fifty-seven

Sundays to the four hundred and four days it will take to break us completely, it appears that we can keep on a cash basis for one year and three months.

All this will be pleasant reading for my friend from Illinois, but how it will strike my other friend, the gentleman from Minnesota, I leave the House to judge.

Perhaps it will help to still further confuse the scores of contributors to the Washington Times who are trying to solve the riddle propounded by that paper, to wit, "When will Chairman TAWNEY bring in a bill to increase the pay of the Department clerks?"

Mr. Chairman, I hope he will soon find a solution to it, because I do not like the illustrations in that paper. [Laughter.] My friend is a handsome man, and he stands his ground firmly. The illustration represents him in full flight from a single enemy, perhaps induced by his inability to answer the question.

Mr. Chairman, I yield back the balance of my time. [Applause.]

Mr. SHERLEY. Mr. Chairman, I desire to yield ten minutes to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Chairman, I do not care to confine myself closely to the bill under consideration, for a number of reasons, one of which is that I do not know very much about the subject. I note, among other things, however—not particularly from the bill, but from what I gather outside—that we have a new policy with reference to fortifications in the Philippines. It was once determined that the right place to have a safe harbor of refuge and a mighty fortress is at Subic Bay—Olongapo. Now, I believe the conclusion has been reached—not hastily, however, nor until after we had expended several million dollars uselessly—that it would be better to have the naval station at Cavite and make our fortifications somewhere around the bay of Manila. A good many contended, when the subject was up from time to time in the House, that, as Manila is the largest city in the Philippines and as Cavite is the station adjacent to Manila and as Corregidor Island commands the narrow passage to the great bay of Manila, fortifications could be and should be constructed that would protect Manila in time of stress; that about Corregidor would seem to be the place for fortifications, rather than at the somewhat distant and thoroughly isolated Subic Bay. It is only after experimentation, as I stated before, involving a cost and waste of a good many million dollars, that we are swinging back to Cavite and Corregidor. I congratulate the committee and the country upon this measure of progress. Perhaps it would not be generous, and certainly it would be useless, to express regret that the plain, practicable, sensible thing to be done, if we are to fortify over there at all, was not done earlier, at a saving of the great amount of money which has been lost about Subic Bay.

Before turning from the subject, let me say that I wish to convict one of my friends of being something of a prophet concerning the Olongapo fiasco. A great many of our friends utter prophecies, and time prevents a conviction of them as prophets, because in most instances the prophecy is demonstrated not to be true, but to be false. But my friend from Virginia [Mr. JONES] upon different occasions spoke upon this subject, discussing the relative merits of Olongapo and Manila Bay and Cavite, and I wish to incorporate some of his remarks with my own.

This is from his speech of February 13, 1906:

> Everybody who knows anything about the Philippine Islands knows that if we are to hold them permanently we must hold and fortify against attack the city of Manila. The possession of Manila is absolutely essential to the possession and control of the Philippine Archipelago. I think, however, Mr. Chairman, that I perceive in the settled purpose of our military and naval authorities to establish this naval station at Olongapo, in Subic Bay, an indication that the Administration and the Republican party intend at some not far distant day to relinquish control over the Philippines and grant to the Filipinos their independence. Acting upon that theory, I should be inclined to favor a naval station at Olongapo, notwithstanding the many and valid objections which, in my opinion, are to be urged against that location, so anxious am I to hasten the hour when we shall withdraw from the Philippines, both for their and our own good.
>
> The gentleman from Pennsylvania [Mr. BUTLER] has told us a good deal about Subic Bay and the conditions that exist there. He admits that he has no personal knowledge as to the situation, and even declares that he has no desire ever to see the islands. His only knowledge consists in what he has been told. If, then, he has given us the benefit of all that other people have told him upon the subject, he most certainly has not told half the story. There is not, Mr. Chairman, in my humble judgment, 5 acres of level ground bordering upon Subic Bay suitable for the location of a naval station. The only level ground that I know of there is at the point where, I believe, it is proposed to construct this naval station. It is a low, marshy piece of ground, very limited in extent, and only 2 feet above sea level, so that in order to secure the solid and level ground upon which to build a naval station at that point—and it is the only point on the bay where one can be built—it will not only be necessary to cut down the side of a mountain that rises abruptly out of the bay, but it will also be absolutely necessary to raise the little level ground now available by placing upon it material which must be dredged from the bay in order to secure a sufficient depth of water to accommodate our ships.
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> In addition to this, Mr. Chairman, there is a stream rushing down the side of that mountain and dashing across the very spot where the naval station is to be located, or, rather, where it is proposed to locate it, so that before the work of building a site for this station is begun it will be necessary to divert the course of that stream so as to carry the water in some other direction. Mr. Chairman, there is still another objection to Olongapo, which I have not yet heard alluded to. It is a fact known to everybody who knows anything about conditions in those islands that the fall of water at Olongapo far exceeds that at Cavite or at any other point in that section of Luzon. It is, indeed, quite phenomenal. It rains there every day of the year, and when it rains it pours in torrents, so that it will require the expenditure of a great deal of money merely for protective works, even after the station has been established at an enormous expenditure.

Thus spake the gentleman from Virginia, with the insight of the true prophet.

We have been wondering for a good while, Mr. Chairman, what might be done, should be done, or could be done to make the Philippines, euphoniously denominated our "new possessions," an asset instead of a liability. Thus far no solution has been found. We have poured many millions out of the Treasury of the United States into the seas and morasses over there. At one time we were to get a great trade from the Philippines; their acquisition was to be of great advantage commercially. It was discovered, however, by some gentlemen sufficiently influential to accomplish their purpose, that trade with the Philippines might interfere with some of the monopolies at home, and therefore, of course, we have denied to the Filipinos and to the American people decent trade intercourse between the two countries, much to our disadvantage and greatly to their disadvantage.

So that phantom of trade profits vanished into thin air.

Then we were going to "elevate" the Filipinos, forgetful of the fact which all history teaches that a people to be elevated must elevate itself; that a people can not be brought up or made great by the agency of some other people. And we have been greatly perplexed about the inability of the Filipinos, as asserted, to govern themselves. We know precisely what self-government is, and we know, so it is said, that the Filipinos can not measure up to the requirements of making and carrying on a government of their own. Notwithstanding all that, however, all about us are governments, so called in polite diplomatic phrase, which are mere travesties upon government. Down at Haiti, in San Domingo, the Central American States, and many of the South American States are governments which, measured by the standard that we apply to the Filipinos, are utter and absolute failures. Still we are governing the Filipinos as we please, upon the theory that they are not fit to govern themselves—except as they please.

Mr. Chairman, for lack of time I will pass from subjects relating directly to our failure in the Philippines to accomplish anything of substantial advantage to our people, and will suggest to the House, if I may do so, a useful purpose to which I think Filipino land might be dedicated and devoted.

Why not raise over in the Philippines, instead of seeking in other lands, the necessary quantum of barons and dukes and counts and other titled bipeds? [Applause on the Democratic side.] By choice I say "raise" when I might say "rear." Now, this would be a domestic industry against which, it seems to me, there ought to be no objection. [Applause and laughter.] There would be no trouble in negotiating with our home-made dukes, as, with our plant established in the Philippines for turning out hombres with titles, we could fix our own schedules, and ourselves determine what we shall pay for the privilege of exporting, in this instance to the Philippines, such of our daughters as we desire to part with, accompanied by a right handsome dot in the way of consideration for a title of nobility of some grade or another thus brought into the family.

Now, why could we not turn the Philippines to account in this way? Why contribute of our millions to titled gentlemen in Europe in order to dispose of the daughters of our American millionaires? Why longer suffer ourselves to be held up and robbed, even to make a countess or some other sort of titled lady out of the daughter of an American plutocrat? It will be cheaper far to bring up our own titled gentry, under our own control, and I think it would be in harmony—I say it with some diffidence, because I do not exactly know—I think it would be in harmony with the protective policy to which our friends across the aisle are devoted. [Applause on the Democratic side.]

As it is at present there is, in a most substantial sense, an export duty upon American heiresses sent to foreign parts. That seems to be contrary to a provision of the Constitution, but what is the Constitution when it comes to getting a titled son-in-law and husband for the family tree, for just a few hundred thousand dollars! So I need not suggest anything about the constitutional consideration. But let us get into the industry of raising noblemen in the Philippines. Those islands

have a climate that I am sure will happily promote the growth of such a product, such a crop. Then we can have lordlings, dukies, counters, and so forth, and so forth, in great variety, as well as in great abundance. It is true that the Creator of us all has long been engaged in the work of making noblemen, but he does not tag them, and so leaves every one of them free to make manifest his God-given nobility, in life and deed, with the world to learn of it in the world's many ways. But it is not of such noblemen that I am speaking just now. Nor am I considering certain high grades of nobility by grace of the king, in recognition of the divine handiwork. I am discoursing upon a necessity, a prime necessity; that commercial nobility which many Americans have been buying, the consideration being one daughter and many dollars. That is the nobility which we might profitably raise in the Philippines.

I have said that the Philippines can be made to supply us with the titled commodity in great abundance and in great variety. To begin with, we have over there much of variety in the aborigines. Then there is the stock of the proud grandee of old Spain, of the bold Briton, of the sturdy German, of the adventurous Frenchman. In the southern group of islands we find the warlike Moros, weighted down with titles, many of them ancient enough to fascinate the proud American papa with a daughter and a few millions to dispose of. Why, there is the Sultan of Sulu, whom we hired some time ago to do nothing for good pay. And Dato This, and Dato That, and Dato The Other—datos to burn, or to buy! Even now there are grand titles in our "new possessions" going to waste, like other Philippine products, for want of a market, while we are buying in Europe, contrary to the fundamental principles of our protective policy. As titles of nobility such as our millionaries must have in the family, whatever the cost, are made to order, we have but to make them, to meet the large and growing demand.

While by no means disposed to exhaust the subject, for such a subject should never be exhausted, I will pause for a moment's attention, in anticipation, as it were, to one objection which some evil-minded person, hostile to our protective-tariff system, and possibly in the employ of some importer, might raise. Of course I mean the possible but insufficient objection that the Philippine output of the titled commodity would be too fresh; would lack the somewhat pungent, somewhat musty flavor of decay. There is nothing in such an objection. We can readily and in a number of different ways give to our wares the touch of antiquity, as it is said rectifiers "age" whisky. There is no insurmountable difficulty in the way of attaching the distinguishing characteristic of seediness to our Philippine-grown nobility. Besides, in cases where an exacting, fond American parent, with a daughter and millions, and without a nobleman, may be pleased to demand more of the sere and yellow leaf of decay, we can make a patent of nobility for a long-departed ancestor, and antedate it.

The precious document can easily be tinged and dimmed with an up-to-date touch of the long ago. There will be no occasion for delivery, or attempted delivery, to the vanished ancestor, honored in his dust as well as in his progeny—the parchment may be handed to the young or middle-aged or old new nobleman, as the case may be; and they may live happily ever after—certainly as happily as should be expected. But for a prohibition contained in our Constitution we could make and affix titles here in our native land, and send the product abroad to age and become mellow. In the Philippines there is no constitutional hindrance.

So let us raise nobles and bring forth titles in the Philippines, just as we need them, and then we can apply the protective tariff policy and impose a high, and, if you please, a prohibitive, duty upon titled gentlemen from everywhere outside of our own possessions—our "new possessions."

The CHAIRMAN. The time of the gentleman has expired.

Mr. DE ARMOND. I am sorry it has, because I would like to extend my remarks upon this subject. [Applause on the Democratic side.]

Mr. SMITH of Iowa. Mr. Chairman, the pending bill appropriates more money for seacoast fortifications than has ever been carried in a bill of this character in time of peace. It carries in round numbers the sum of $8,200,000. It carries $30,200,000 less than the estimates, and the percentage of reduction in the estimates is the largest ever made in a general appropriation bill presented to this House. We are not advised whether any attack will be made upon this bill, and if it is to be attacked we are not advised whether it will be attacked because it appropriates more money than usual in time of peace or because it appropriates so small a percentage of the amount asked for by the War Department. We are, therefore, at a loss to know whether we should defend the bill as against the charge that it is too high or defend it against the charge that it is too low.

In our day we have a carriage for great guns which provides for an all-round fire, and our hope is to be able to defend this bill, whether attacked as appropriating too much or too little.

It is my purpose to briefly review the work provided for by this bill.

It provides for the completion of the fortifications at Deception Pass, thereby thoroughly fortifying, so far as heavy ordnance may be concerned, every important point on the Pacific coast except at San Diego, where the harbor is not yet deep enough to require more than is now provided, but will in the future, after the deepening of the channel, require further appropriations at that point.

We have, then, passed to the Hawaiian Islands. There has been much talk about the fortifications at the entrance of Pearl Harbor. This is a map [indicating] of the much talked of Pearl Harbor, and this is the channel [indicating] extending into that harbor, as shown upon the map before you. This channel is not so winding in the shore lines as it is beneath the surface of the water, where coral reefs project to such a degree that I am advised that no vessel of more than 700 tons has ever gone into Pearl Harbor under its own power. This is one of the most spacious harbors in the world and is the seat of a great American naval station in the future. The sole question is as to the orderly method of the establishment of that naval station. After the Congress has appropriated the money for the dry dock in Pearl Harbor and the other essentials of the naval base and has provided the money to open this channel, then the Committee on Appropriations will be ready to report appropriations for the complete defense of the entrance to that harbor.

At the present there are 12-inch guns provided for and in course of emplacement at the entrance to Pearl channel. Nothing has been recommended further for the defense of the entrance of this harbor save mortars at the same general location. The committee has not thought it necessary to provide these mortars until further steps have been taken for the opening of the channel and the establishment of the naval base at this harbor. The committee have put into this bill all the great guns provided for the defense of Honolulu in the Taft board's report, so that the defense provided for by the Taft report on the Hawaiian Islands will in this bill be complete except for mortars at the entrance of Pearl Harbor and some additional 3-inch guns for the purpose of protecting submarine mine defenses and the like.

I have here a map showing Subic Bay and Manila Bay. Everyone now agrees that Subic Bay is the better location for a naval station of these two if it could be defended against land attacks. In the ten years since the Spanish war the joint board has always decided that Subic Bay was the proper place for a naval base until this year. This year the War Department, having reported that Subic Bay can not be defended against land attack without an army of 100,000 men upon the heights about the bay, the Navy Department was compelled to yield and consent to the project to remove the naval station to Manila Bay.

In the entrance to Subic Bay is Grande Island, the site for fortification for Subic Bay, and its fortification is essential, whether the naval station is to be in Subic Bay or in Manila Bay, because without the defense and fortification of Subic Bay it becomes a harbor of refuge for any nation that wishes to put its fleet therein. The defense of the mouth of Manila Bay can be made on four different isolated islands—Corregidor, Carabao, Caballo, and El Fraile—which are better shown on the map now displayed [indicating]. Here are the islands of Corregidor, Carabao, Caballo, and El Fraile [illustrating]. It will be observed that Caballo and El Fraile are farther into the entrance of the bay and closer together than Corregidor and Carabao. Corregidor is an island of very considerable extent, sufficient upon which to place a whole army, and it has been fortified in large measure already, and the appropriations carried in this bill will complete its fortification. This bill also carries money enough for the completion of the fortification of Carabao Island.

Mr. DOUGLAS. How far is that from the shore?

Mr. SMITH of Iowa. A very short distance. The distance between Carabao and Corregidor will be fairly protected by the fortification of those two islands, but more efficiently protected with the fortifications that are to be at Caballo and El Fraile.

Mr. NORRIS. What is the distance between these three islands?

Mr. SMITH of Iowa. The distance clear across is 8 miles.

Mr. GRAFF. Seven miles between the large islands.

Mr. SMITH of Iowa. Carabao is the next island we will undertake to fortify, because it was the judgment of the War Department and our own judgment that that will completely command the main channel, as well as the side channels.

El Fraile is an expensive project. The island is not large enough to sustain the fortifications, and must be enlarged, at a cost of more than $3,000,000, and we did not feel like entering upon that project at this time.

Mr. DOUGLAS. How large is Caballo, the second island?

Mr. SMITH of Iowa. I have not the area of it, because we did not consider fortifying it at this session, but it is large enough to hold the fortifications without artificial enlargement.

Mr. DOUGLAS. Would not Caballo and Carabao control the entrance?

Mr. SMITH of Iowa. Not so fully as with El Fraile also fortified. I think it will be well defended.

Mr. HITCHCOCK. How large is El Fraile?

Mr. SMITH of Iowa. About 170 feet long and 70 feet wide. Now the fortifications which are already installed at Corregidor, or provided for in this bill, consist of six 12-inch guns, two 10-inch guns, twelve 12-inch mortars, five 6-inch guns, and four 3-inch guns; those provided by this bill for Carabao will be two 14-inch guns and eight 12-inch mortars.

Mr. SULZER. How large is Carabao Island?

Mr. SMITH of Iowa. I could not give you the acreage, but it is abundant for carrying the fortifications. There is no project to enlarge any island except El Fraile.

Mr. GRAFF. The island is 3½ miles long.

Mr. SULZER. Carabao Island?

Mr. GRAFF. No; I thought the gentleman asked about Corregidor.

Mr. SMITH of Iowa. Now, I want to say just a word in justification of the act of this committee in the amount that is appropriated. To appropriate less than the amount given would not complete any distinctive works. To give greatly more than we have given would have indicated that we believed there were threatening conditions now existing. I have seen it stated in the press that in cutting these appropriations we had fear of giving offense to Japan. That is not a correct statement of the proposition. We are at peace with Japan, and the committee believe that we are to remain at peace with Japan. We are not in fear of war with Japan, and we believed that at a time when there was a great national deficit to appropriate five times as much as has ever been appropriated in any one year for fortification purposes would be a false assertion that we did anticipate war with Japan, which we do not expect and which we do not believe is approaching. Because of that fact, not because we feared to offend Japan, not because we feared Japan or any other power, but because we did not think it proper, with a great national deficit, to proclaim untruly that we were anticipating early war with Japan, we determined to proceed with these fortifications in the same orderly way that we have been proceeding for twenty years, increasing them only so much as might be necessary to finish great distinctive works, and to bring the fortifications of the Pacific and the insular possessions up to the standard of fortifications in continental United States upon the Atlantic and Gulf coasts.

Now, unless some questions are desired to be asked——

Mr. HITCHCOCK. I should like to ask the gentleman whether the fact that the War Department requested $30,000,000 more than the committee recommended indicates that the Department disagrees with the committee as to the prospect of trouble with Japan?

Mr. SMITH of Iowa. I think not, for this reason: These estimates were made early last year, when the Department might have had some possible idea of possible trouble. They were made at a time when there was a great surplus of revenues over expenditures. The difference between the time when the estimates were made and the time at which we fixed the amounts to recommend for appropriation fully accounts, in my judgment, for the difference between the two.

Mr. DOUGLAS. Will the gentleman allow me to ask him a question for my information?

Mr. SMITH of Iowa. Certainly.

Mr. DOUGLAS. Is it or not true that the estimate of the Department contemplated really work that would be continuous for several years, and is it not true that the appropriation that you have made is not necessarily inconsistent with the estimates?

Mr. SMITH of Iowa. That is true, and will be well illustrated by this very matter of El Fraile Island. In the estimates of the fortifications on El Fraile were included estimates for all sums necessary for the installation of electrical fire control to be used in controlling and operating the guns hereafter to be authorized to be erected in emplacements not yet erected on El Fraile Island. That money could not have been spent in ten years so far as that item was concerned, which was asked for by the Department.

Now, Mr. Chairman, I surrender back what time I have remaining and ask for the reading of the bill. [Applause.]

The CHAIRMAN (Mr. BURKE). If there is no further demand for debate, the Clerk will read the bill.

The Clerk read as follows:

For the construction of mining casemates, cable galleries, torpedo storehouses, cable tanks, and other structures necessary for the operation, preservation, and care of submarine mines and their accessories, $175,000, to be expended by the Engineer Department.

Mr. JONES of Washington. Mr. Chairman, I move to strike out the last word in order to ask the gentleman in charge of the bill a question. Is there any provision in this bill that is contemplated to be used for the fortification of Deception Pass, Puget Sound?

Mr. SMITH of Iowa. Yes.

Mr. JONES of Washington. That is covered, is it?

Mr. SMITH of Iowa. Wholly covered.

Mr. SULZER. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to address the committee for fifteen minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to address the committee for fifteen minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SULZER. Mr. Chairman, yesterday the House had before it a resolution introduced by the gentleman from Georgia [Mr. HARDWICK] calling on the President for certain information which has been collected by the Bureau of Corporations——

Mr. DALZELL. Mr. Chairman, I make the point of order that the gentleman is not speaking to the matter before the committee.

Mr. SULZER. I do not have to do that; I was granted fifteen minutes by unanimous consent.

Mr. DALZELL. Yes; to talk on the bill.

Mr. SULZER. Not at all; I asked unanimous consent to speak, and that was granted.

The CHAIRMAN. The Chair will have to be governed by the rule. The gentleman from New York asked unanimous consent to address the committee for fifteen minutes, the intimation clearly being that he would address himself to the matter before the committee, and under the rule the Chair sustains the point of order.

Mr. SULZER. Mr. Chairman, I take exception to the ruling. I asked for fifteen minutes to address the committee and it was granted. If the Chair is going to rule that way, I take exception to it.

The CHAIRMAN. Does the Chair understand that the gentleman from New York appeals from the decision of the Chair?

Mr. SULZER. I do not care to take up the time of the House by an appeal, but I renew my request for fifteen minutes to address the committee in order to correct the RECORD. I wanted to correct the record of the House yesterday and asked for five minutes' time to do so, but a Republican Member [Mr. MANN], who gave utterance to a matter on the floor of the House in the debate yesterday which the RECORD does not sustain, objected.

The CHAIRMAN. The gentleman from New York asks unanimous consent to address the House for fifteen minutes on a matter not under consideration.

Mr. SMITH of Iowa. I object, Mr. Chairman.

Mr. SULZER. I will say to the gentleman from Iowa that he will not make any progress with the bill by objecting. I want fifteen minutes now, and if it is not granted I will take up more than fifteen minutes. I will speak on the bill now, then I will speak again for five minutes, and then again for five minutes, until the gentleman finds out that he is making little progress.

The CHAIRMAN. The gentleman has fifteen minutes on the bill.

Mr. SULZER. I move to strike out the last word for the purpose of discussing the bill.

The CHAIRMAN. Does the Chair then understand the gentleman from New York to withdraw his request for unanimous consent?

Mr. SULZER. No; I renew my request for unanimous consent.

The CHAIRMAN. The gentleman from New York has secured unanimous consent to proceed for fifteen minutes and to discuss the question under consideration. That consent having already been granted, if the gentleman confines himself to the subject under consideration he may proceed.

Mr. SULZER. I desire fifteen minutes to discuss a matter in connection with the debate of yesterday.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read the bill.

Mr. SMITH of Iowa. Mr. Chairman, if the gentleman from New York will wait until the bill is completed under the five-minute rule, I have no objection to his having fifteen minutes to discuss any matter before the committee rises.

Mr. SULZER. I suppose somebody else will then object.

Mr. SMITH of Iowa. No; I have no reason to think they will. I have no objection, but I can not have this bill interrupted now——

Mr. SULZER. What difference does it make whether I take up the time now or later?

Mr. BURLESON. I will suggest to the gentleman from New York that he submit his request at this time.

Mr. SULZER. Mr. Chairman, I ask unanimous consent that when the reading of the bill is finished I be allowed fifteen minutes to address the committee on a matter relating to the creation of the Bureau of Corporations.

The CHAIRMAN. The gentleman from New York asks unanimous consent that at the expiration of the reading of the bill, and after the bill has been laid aside with a favorable recommendation, he be granted fifteen minutes for the purpose of addressing the committee on a subject not now under consideration. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MUDD having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6235. An act to amend an act entitled "An act to authorize and provide for the disposition of useless papers in the Executive Departments," approved February 16, 1889, and the act amendatory thereof, approved March 2, 1895;

S. 3939. An act for the widening of Sixteenth street NW. at Piney Branch, and for other purposes; and

S. 28. An act to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce."

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 4046) to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests on the Menominee Indian Reservation, in the State of Wisconsin.

FORTIFICATIONS APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

In the Philippine Islands, $954,000; in all, $1,354,000.

Mr. DRISCOLL. Mr. Chairman, I would like to ask the chairman of the committee a question. I understood from him that the Navy Department has abandoned the position which it took a year or two ago in favor of protecting and defending Olongapo and Subic Bay instead of making permanent fortifications for the protection of Manila Bay. Is that correct?

Mr. SMITH of Iowa. It is true that the joint board has recommended the transfer of the naval station from Subic Bay to Manila Bay, but it is not true that anybody recommends the abandonment of the fortifications provided for Subic Bay, which are already provided for and not carried in this bill.

Mr. DRISCOLL. How much is provided for the protection of Subic Bay?

Mr. SMITH of Iowa. Nothing in this bill.

Mr. DRISCOLL. In former bills?

Mr. SMITH of Iowa. I would have to give a very rough estimate. There never was anything appropriated explicitly for that.

Mr. DRISCOLL. Was there not a vote here indicating the will of Congress that Subic Bay should be fortified instead of Manila Bay?

Mr. SMITH of Iowa. Oh, never.

Mr. DRISCOLL. The gentleman does not think it meant that?

Mr. SMITH of Iowa. Oh, never.

Mr. DRISCOLL. The gentleman does not know how much money is now appropriated for fortifications in the Philippines which may be expended at Subic Bay.

Mr. SMITH of Iowa. Everything provided for in the Taft board plans and which is expected to be put in at Subic Bay is already being put in under the appropriations heretofore made.

Mr. DRISCOLL. I would like to know when the naval board surrendered to the military board on this question of Manila Bay in place of Subic Bay.

Mr. SMITH of Iowa. They never surrendered, except in the sense that the Army board having reported it would take 100,000 men to protect the heights around Subic Bay, and it being well understood that we could not keep an army of 100,000 men for that purpose, they then yielded and went to the inferior harbor.

Mr. DRISCOLL. Would not that depend somewhat on how many men there are on the other side on the heights surrounding Subic Bay?

Mr. SMITH of Iowa. No; it is simply this proposition: One who is guarding a wide territory, with no knowledge of where attack is to be made, is, as the gentleman realizes, surrounded by some difficulties. A small force could strike the line of defense anywhere about Subic Bay, and to complete the defense it would require 100,000 men, even as against a small force.

Mr. DRISCOLL. Has this surrender been made on the theory that our Government has adopted the policy of maintaining Cavite and Manila and Manila Bay permanently?

Mr. SMITH of Iowa. I can only say in reply to that that I can not tell what is in the mind of every Army and Navy officer who has voted on this proposition. The Navy Department insists that Subic Bay is infinitely superior to Manila Bay for a naval station. Army officers insist that Subic Bay can not be practicably defended against a land attack.

Mr. DRISCOLL. That Manila Bay is superior?

Mr. SMITH of Iowa. Subic Bay is superior. The naval officers, I say, insist that Subic Bay is infinitely superior to Manila Bay as a naval base. Then comes the question of defense against a land attack, which is an Army proposition, and the Army men insist that it can not be adequately defended without 100,000 men.

Mr. DRISCOLL. Are these plans and fortifications made up with an idea of the permanent occupation of Manila Bay and of Cavite?

Mr. SMITH of Iowa. I will try to make it plain to the gentleman. Appropriations have been made for the Philippine Islands for their defense. Everything which it is now contemplated will ever be at Subic Bay has already been installed or is in course of installation. Every appropriation granted for the Philippine Islands from now on goes to Manila, not to defend it as a naval base alone, but to defend it as the capital of the Philippine Islands and a large center of population.

Mr. DRISCOLL. I understand, but it seemed to be the concensus of opinion of this House in the last Congress that the large appropriations for permanent fortifications on one place or the other should be made, so that if we should abandon the balance of the archipelago we might maintain and retain that place for a permanent naval and military station. The record shows that Subic Bay was approved as the locality to be permanently improved and retained. I want to know if that policy has been abandoned.

Mr. SMITH of Iowa. The gentleman has put his own interpretation upon the action of Congress. A bill was pending providing money for fortifications in the Philippine Islands and certain gentlemen, disapproving of putting any of it at Subic Bay, sought to attach a provision to that bill that no portion of the money carried in that bill should be expended at Subic Bay or Olongapo. That was voted down in the House.

Mr. DRISCOLL. Was it not voted down under such circumstances and conditions as to indicate this House preferred to put money into Subic Bay and establish fortifications there so that our Government might retain Subic Bay permanently when we surrendered the balance of the archipelago? Now, was not that really the effect of that vote?

Mr. SMITH of Iowa. Not at all. We had a large amount of money in the bill for the Philippine Islands and the committee insisted an expenditure was needed at both places, and certain gentlemen thought none should be expended at Subic Bay and tried to put a limitation at that point. There was not a thought in the mind of any human being that none was to be expended at Manila, but some Members thought that none should be expended at Subic Bay.

The CHAIRMAN. The Chair would call the attention of the gentleman to the fact that this debate is proceeding by unanimous consent, that there is no motion.

Mr. DRISCOLL. Then, Mr. Chairman, I move to strike out the last word. I say for one it was my notion and my desire that money be spent for permanent fortifications on Subic Bay and for the protection of Olongapo on that bay to the end that when we got ready to abandon and surrender up the balance of the archipelago we might retain Subic Bay as a permanent naval coaling and commercial station for the benefit of our commerce over there, on the theory that we should not permanently retain Cavite or Manila when we surrendered up the balance of the archipelago. Manila is the largest city in the island; it is the heart of the island of Luzon and Luzon is the heart of the whole archipelago, and therefore we should not abandon the island at all unless we abandon Cavite and Manila. We can not consistently hold Cavite and surrender Manila, because Cavite is within gun range of Manila. It was, I think, the opinion of a majority of this House in the last Congress to surrender Cavite as well as Manila when we conclude to surrender the islands and set them up for themselves.

Mr. BUTLER. The Government has a reservation at Subic Bay.

Mr. DRISCOLL. The Government has a reservation at Subic Bay and I understand we were to expend money at Subic Bay to make permanent improvements there.

Mr. GILLETT. I would like to ask if the gentleman does not think this decision of the Army that we can not defend the fortifications of Subic Bay refutes the opinion which the gentleman has and forbids the holding of Subic Bay as a permanent coaling and commercial station, because we can not defend it if we abandon the islands?

Mr. DRISCOLL. If we can not defend Subic Bay we can not defend Manila.

Mr. SMITH of Iowa. Oh, yes.

Mr. DRISCOLL. There is plenty space for armies around Manila and Cavite, just as around Subic Bay, because they are all on the mainland of Luzon.

Mr. SMITH of Iowa. But the city of Manila is not surrounded by high hills commanding the harbor to the same extent that Subic Bay is. Now, if the gentleman had moved in the last Congress that no part of this money should be spent at Manila and the House had voted for that, then he could well have interpreted the House to mean as the gentleman now claims.

Mr. DRISCOLL. I think if the gentleman will read the RECORD he will find the action of the House indicated just about what I say now, and I think it will bear me out in that assertion.

Mr. PAYNE. Does not the gentleman remember when this matter was debated the plea was made that this dry dock was on the way to the Philippine Islands and that an appropriation should be made so as to have some location when it got there, and the only place where the water was deep enough was in Subic Bay, and they could attach it to the shore in some way, and therefore the appropriation ought to be allowed to be made so as to carry out that part of the project?

Mr. DRISCOLL. I am aware there was some talk of that, but that was not the crux of the question at that time. But the Members of this House were lined up on the question, and really the question on which they were voting was whether Subic Bay should be retained as permanent station when we abandoned the rest of the archipelago or that Cavite should be retained. A very large majority of the Members of this House expressed themselves in favor of the permanent retention of Subic Bay and the abandonment, when the time came, of Cavite and Manila.

Mr. PAYNE. Of course the gentleman himself has no way of knowing how each Member voted or why he voted, and I remember that argument was used with a great deal of force, that there was a dry dock on the way there, and there was no place for it unless we could secure an appropriation that might be used to place the dry dock in Subic Bay. I think my colleague ought to surrender with the Navy.

Mr. DRISCOLL. I would like to ask the gentleman another question. I do not surrender on that question.

Mr. GAINES of West Virginia. He has not even begun to fight. [Laughter.]

Mr. DRISCOLL. I hope to live to see the time when we may surrender the islands, and when that time comes I hope to retain an island or a fortification somewhere for a permanent naval station. I do not think we can surrender the balance of the islands and retain Manila, or if we surrender Manila we can not retain Cavite. That would not be right and proper. But I do hope we will retain an island, or part of an island, with a good natural harbor for a naval base, and, in my judgment, Subic Bay and Olongapo are the most available for that purpose.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DRISCOLL. Mr. Chairman, I ask for just one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DRISCOLL. I want to ask the chairman of this committee if the Army and Navy board, in their explorations over there, have found any other island or natural harbor instead of Subic Bay which may be fitted up and improved for a permanent naval station in case we abandon the rest of the islands?

Mr. SMITH of Iowa. I know of no such discovery, and there is no proposition to defend such a place, anyhow.

Mr. KEIFER. Mr. Chairman, I do not desire to discuss this question at any length, but I do feel that I can not sit still and allow it to be said here and proclaimed to the country that we will not fortify a great harbor of this world because there is danger that somebody may get in behind it and take it away from us. In other words, I do not believe that the intelligent judgment of the Army officers of the United States is that we should practically abandon Subic Bay because, possibly, some time, there may come at some remote place on the island an army and get in behind and take the bay. There are no great bays in the world that are treated in that way. I have been in the bay or harbor of Habana, I have recently been in the harbor at Santiago, and I have seen many others, and I think they could each and all be easily taken if you would get in behind them with an army. And therefore I think people must have been greatly behind the times when they sought to build Moro Castles and other fortifications or defenses at the mouth of the channel or entrance to the bay or harbor to prevent a navy from getting into them if this judgment of the Army, as stated here, is true. A navy must be successful in taking some harbor or landing place on the island before an army could be landed to take anything.

Subic Bay is located outside of Manila Bay, and the navy has got to get a footing on the island and somewhere before an army can come and take any bay. Dewey, when approaching Manila the night before the 1st day of May, 1898, turned the prows of his vessels into Subic Bay to see whether there were any Spanish ships there. And he would never have gone into the straits leading into Manila Bay and left behind him a Spanish vessel of any consequence. He would have taken it first, for he was a good officer and knew what was required to protect his fleet in his advance into Manila Bay and upon the Spanish war ships.

I believe in protecting Manila by fortifying Subic Bay. If we safely hold it with only a small fleet, a large and formidable fleet will not attempt to take Manila, Cavite, or Manila Bay. To do so would be as fatal as to take a large army past a strong military post of the enemy, leaving its communications and rear open to be assailed. I do not criticise the appropriation made here, because it can be used probably as far as it needs to be used now for the purpose of further strengthening and fortifying Subic Bay, but I rose simply to offer my protest against the claim that we should abandon that place, practically, because somebody might get upon the heights with rifles or something and shoot into the ships below. When they are getting up there we will have somebody, either soldiers, sailors, or marines, crawling up the front and driving them away.

I believe that Subic Bay is the natural key to Manila and that it will always remain so. This bay or harbor, like all others when used for defensive purposes, is not to be occupied to fight naval battles in, as in Lord Nelson's time, but for a safe fleet, large or small, to occupy and to sally forth from. I do not make my claim simply because, as the gentleman from New York [Mr. DRISCOLL] says, we want some time or other to give away those islands and keep merely a coaling station in Subic Bay. We will not give them away, nor trade them off, as long, I think, as the flag flies.

Mr. DRISCOLL. Will the gentleman yield?

Mr. KEIFER. Certainly. I have no time, but I will yield.

Mr. DRISCOLL. "The gentleman from New York" did not say give them away, but said to set them up for themselves. That was his idea, whether he said that exactly or not.

Mr. KEIFER. That is the same thing; so that is all I desire to say.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. KEIFER] has expired.

Mr. FITZGERALD. Mr. Chairman, I think in justice to the Taft party, as against the Taft board, something should be said on this question by me, because when this matter was before Congress two years ago I had the pleasure of rallying most of the members of the Taft party in opposition to the projected plan of the Taft board for the defense of Subic Bay. It seems that the Taft board has at last caught up with the nonmilitary experts who went out as members of the Taft party; and yet those of the party who were not in harmony with the movement made in the House at that time to prevent the expenditure of money at Subic Bay need not be disheartened. Under date of February 1, 1906, the Taft board addressed a communication to the Secretary of War, in which they make this statement:

> Guantanamo is a strategic base absolutely necessary for the control of the Caribbean Sea and the subsequent control of the route to the canal at Colon. Subic Bay occupies the same relation in relation to the control of the Philippines, and its protection by fixed defenses is of gravest importance, not only in order that a fleet may protect Manila, but that it may have facilities for docking, repairing, and provisioning in those distant waters.

At this session of Congress information has been communicated that Subic Bay will practically be abandoned for the purposes intended. It is unfortunate, Mr. Chairman, that this light did not penetrate the minds of the military experts just a little earlier, because the projected defenses for Subic Bay contemplated two 10-inch, four 6-inch, and eight 3-inch guns; and remarkable as it may appear, the experts did not make up

their minds that it would be inadvisable to defend Subic Bay until after Congress had authorized all the guns contemplated to be erected there. After having given all the guns asked to defend the place, they now tell us it is unnecessary to do anything there, and they propose to abandon it. This illustrates some of the difficulties that members of the Committee on Appropriations have in dealing with these questions. I congratulate the committee that so far the Department has not succeeded in getting very much for Guantanamo, which has been pictured as equally important from a strategic standpoint as was Subic Bay.

Mr. Chairman, I think it is appropriate at this time to refer to another matter of very grave importance. There has been a great deal of discussion in the public press as to the action of the committee in not appropriating as much money as the Department asked for fortification purposes. One item submitted was of $925,000 to build a sea wall around some fortifications. That matter was before the committee for two years, and all of the time there was serious litigation pending as to the title of the property. Now it has been practically determined that the United States has not the title, and yet that information was carefully withheld from the committee all the time the request was pending that the money be appropriated.

Mr. DOUGLAS. What reason have you for saying the committee knew?

Mr. FITZGERALD. The committee did not know. The Department knew it. The Government was engaged in litigation; it had been notified before a dollar was expended, and yet the Department was earnestly pressing the committee to make the appropriation, but never breathed or intimated that there was the slightest question in regard to the title of the property.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. I ask for five minutes additional.

There was no objection.

Mr. DOUGLAS. The gentleman does not mean to intimate that the Department would have spent $900,000 on property which was in litigation?

Mr. FITZGERALD. Well, I do intimate that; and I say that there is no doubt that it would have done so, because it erected the guns themselves, with their emplacements, on the land when the title was in question and litigation was pending; and they were asking for the money to build this wall without giving the committee the slightest intimation of the situation.

Mr. DOUGLAS. Does not the gentleman distinguish between putting personal property on somebody else's land and improving the real estate?

Mr. FITZGERALD. Well, we have no right——

Mr. DOUGLAS. You can take the guns and carriages away but you can not take away the sea wall.

Mr. FITZGERALD. You can not take away the emplacements, which are the most expensive part of these fortifications. They could not very easily be removed except by the use of some very high explosive.

Mr. DOUGLAS. They could by the use of a derrick.

Mr. FITZGERALD. No; you can not take the great cement foundations out on which these guns are placed.

The gentleman from Ohio [Mr. DOUGLAS] yesterday called attention to this article in a magazine for March named "Government," in which a Member of this House pointed out certain facts, or alleged facts, about the defenses of Puget Sound.

I will insert in the RECORD this paragraph of his statement:

And what of our fortifications? In a recent purported interview with one of our Army officers, he is quoted as saying that San Francisco was practically impregnable and that the mouth of the Columbia River and Puget Sound were well fortified. Of the fortifications at San Francisco and the mouth of the Columbia River, personally I know nothing. As the chain of our defenses, like any other chain, is little stronger than its weakest link, I shall therefore be content to speak only of the fortifications of Puget Sound. I visited these fortifications a few days ago. The entrance to Puget Sound is guarded by three forts: Flagler, Casey, and Worden. The channel they guard, at its narrowest place, is 3½ miles wide. Its average width is more than 4 miles. According to the statements of all the officers, the 14-inch gun is required at each of the forts to be effective against a modern battle ship. There is not a gun of this caliber at any of them. The largest guns are two 12-inch at Worden and two of the same caliber at Flagler, while the heaviest at Fort Casey are only 10-inch. Of the 12-inch guns, only one at Fort Worden is mounted on a modern carriage; and of the two at Fort Flagler, one is mounted on an old carriage, discarded some years ago as worthless at Sandy Hook, from which it can not be fired, and the other one is lying on the grass. It was mounted on another of the old discarded Sandy Hook carriages, and the first time it was discharged it destroyed the carriage and crippled for life one of the soldiers. It is charged, and there is considerable material evidence to be seen by anyone who visits the forts to sustain the assertion, that these forts have largely been made the dumping ground of old and discarded equipment of forts on the Atlantic. There are mortar batteries at each of these forts that at certain ranges would be very effective if they were properly manned, provided an enemy would be so accommodating as to appear when there was neither smoke nor fog. According to a recent report by one of the Army officers, in order to make these forts even approach complete equipment, three 14-inch guns should be added at Fort Casey, and the 10-inch guns at Fort Worden should be replaced by those of 12-inch caliber. But even as they are equipped to-day, if you would take the cooks and waiters and all other men on detail duty and all the sick in the hospitals there would not be at either one of these three forts one-third enough men to handle the guns already installed.

In this statement it appears that there are no 14-inch guns erected for the defense of Puget Sound, and statements are made, based upon some assertions of some officials, that these guns are absolutely essential for the defense of Puget Sound, and a frightful picture is drawn of the helpless condition of Puget Sound. There are only three 14-inch guns of the character intended to be erected at this place building or attempted to be built by the Government, and two of them are intended for Manila. There are none erected at any of the places in the United States that are fortified now. And more than that, so that no one may be too badly frightened when this article is read, I wish to state that the projected defenses for Puget Sound contemplated seven 14-inch guns, six 12-inch, eighteen 10-inch, three 8-inch, twenty-seven 6-inch, eight 5-inch, twenty-four 3-inch guns, and forty-eight 12-inch mortars. None of the 14-inch guns have been placed there, because they have not yet been built for any place in the United States. Until within a year or so they were in a purely experimental stage. Of the six 12-inch guns asked, Congress has authorized four; of the eighteen 10-inch guns, Congress has authorized the entire eighteen; of the three 8-inch guns, Congress has authorized the three; of the twenty-seven 6-inch guns, Congress has authorized twenty; of the eight 5-inch guns, Congress has authorized eight; of the twenty-four 3-inch guns, Congress has authorized twenty, and of the forty-eight 12-inch mortars, Congress has authorized forty.

Mr. SHERLEY. Prior to this bill?

Mr. FITZGERALD. Prior to this bill; and in this bill additional money is provided for the defense of this place. Anybody with any knowledge of the facts must be convinced that Congress has done its full duty in attempting to place this point on the Pacific coast in a proper condition.

There has been some complaint that the carriages upon which some of the guns have been erected are not as efficient, not as modern, as the most improved types in existence, and that is true; but the Chief of Ordnance has stated to the committee that he would not mount these guns on the modern disappearing carriages and take away the old barbette carriages, because the increased cost for carriages and the changes in emplacement would not justify it, in his judgment; that while these carriages did not afford as much protection to the men handling the guns and did not secure as rapid fire as the most modern forms of emplacement, yet they were very satisfactory. This article states that these barbette carriages were discarded carriages from the Sandy Hook proving ground. Mr. Chairman, that is not correct.

These were carriages of an earlier type than those now being built. They were modified to some extent. They were reconstructed and fitted to these guns. It is true that when one of the guns was fired the carriage was wrecked and somebody was injured; and yet the Chief of Ordnance says that they have improved the plans of remodeling, and, in his judgment, the carriages can be utilized, and upon that statement it is hardly to be expected that Congress would entirely discard material that, while not of the most modern type, is yet very serviceable, and put in the modern type instead of attempting to provide for places for which no provision has been made.

Mr. HITCHCOCK. Will the gentleman permit me to attempt to direct his attention back to Subic Bay for a moment?

Mr. FITZGERALD. If the gentleman will pardon me, I will put into the RECORD the statement made by the Taft board as to the records made during the target practice in the years 1904 and 1905 with 8, 10, and 12 inch guns; those mounted upon barbette carriages similar to those against which complaint is made, and the records made with the disappearing carriages. Just to illustrate, four rounds were fired by the 12-inch gun mounted on a disappearing carriage in two minutes and thirteen seconds, while the 12-inch gun mounted on the barbette carriage fired four rounds in four minutes and forty-five seconds. Members of the committee will see that these carriages are very useful, and not so obsolete that they should be abandoned at once.

Caliber of gun.	Time for 4 rounds.
	Min. sec.
8-inch disappearing	1 30
8-inch barbette	3 30
10-inch disappearing	1 25
10-inch barbette	4 44
12-inch disappearing	2 13
12-inch barbette	4 45

Mr. DOUGLAS. Before the gentleman leaves the Puget Sound matter, as he seems to be full of information on the subject, what has he to say about that part of the article which claims that with even what ordnance there is there now, if all of the soldiers and all of the hospital stewards and all of the cooks and everybody else, male and female, in connection with the force at that point would unite, they could not man half the guns they have got?

Mr. FITZGERALD. That is true of every place in the United States where there are seacoast fortifications. If all the men in defenses at the entrance of New York Harbor and all of the militia trained in the handling of heavy artillery were put to these guns, there would be still an insufficient number of trained men to handle them. But that has nothing to do with this committee. The Committee on Military Affairs has full jurisdiction of the personnel. It is a notorious fact that we have provided implements of defense far in advance of trained men to man them. So that criticism, if it can be leveled at Congress, does not apply particularly to one point, but to the position generally.

Mr. HITCHCOCK. I would like to ask the gentleman a question which the gentleman from Iowa was not able to answer: How much money has been expended by the United States Government in Subic Bay prior to the recent discovery by the War Department that our position there is not tenable?

Mr. FITZGERALD. I do not believe anybody lives that can answer that question.

Mr. SHERLEY. I will say that I undertook to have that question answered by some of the officers that appeared before our committee at the hearings, but, unfortunately, the expenditures are so divided between the Ordnance Department and the Engineer Department and the Signal Service Corps that no man was able to give us the information. There are no data now in the possession of the committee that would enable us to accurately answer the question.

Mr. DOUGLAS. Will the gentleman say whether they got any information in conflict with the fact that the money expended at Subic Bay for fortifications is in no wise lost or the value lessened by the change of base to Manila?

Mr. SHERLEY. It is fair to say that the officers of the Army claim that the guns mounted at Subic Bay are still necessary, notwithstanding the abandonment of Subic Bay as a naval base.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. SHERLEY. I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the time of the gentleman from New York be extended five minutes. Is there objection?

There was no objection.

Mr. HITCHCOCK. Will the gentleman state when the recent discovery by the War Department was made that Subic Bay could not defended?

Mr. FITZGERALD. I have not the information.

Mr. SMITH of Iowa. The gentleman from Nebraska misunderstands the situation. A number of the members of the board were opposed to Subic Bay on the ground that it was impracticable to defend it. A minority of the Army board agreed with the naval board in locating the naval station at Subic Bay. It was not a change of the opinion of all the Army officers; it was simply a change of enough to make a majority of the board from one side to the other.

Mr. FITZGERALD. It was not a change of all the naval officers either, because some distinguished naval officers always opposed the decision to fortify Subic Bay.

Mr. HITCHCOCK. I would like to ask the gentleman from Iowa whether it is not a fact that during the past year, some time in the fall of the year, the discovery was definitely made and a report made to the President that the former recommendations were mistaken, and that recent surveys had demonstrated that the military authorities had been in error, and thereupon it was decided to abandon the former policy of defending Subic Bay.

Mr. SMITH of Iowa. Mr. Chairman, I shall take the time to address the committee upon this point after the conclusion of the remarks of the gentleman from New York, whom I do not care to further interrupt now.

Mr. FITZGERALD. It has been suggested, I will state to the gentleman from Nebraska—and this is not original with me—it has been suggested that this radical change of policy sprung from the War Department somewhat as Minerva sprung from the brow of Jove. From the care with which I have examined the matter, it seems to me that there is much foundation for that suggestion. [Laughter.]

Mr. HITCHCOCK. But I want to say to the gentleman that Minerva sprung fully armed and equipped from the brow of Jove, and in this case the armament seems to be lacking. [Laughter.]

Mr. SHERLEY. The gentleman is mistaken; all the armament that was intended for Subic Bay is there now, so that the modern Minerva did spring forth fully armed and panoplied.

Mr. HITCHCOCK. Does the gentleman intimate that the appropriations were secured for one purpose and are now to be used for another?

Mr. SHERLEY. Oh, the gentleman must do his own intimating. I did not mean to say that. I do mean to say this, that we did have the spectacle of a serious dispute between various arms of the service as to whether the main base of fortification should be Subic Bay or Manila and that subsequently one of the arms retreated from that fight, and that is the reason why the committee has been slow in making appropriations for projects that we did not feel were certainly fixed and settled in the mind of the Department.

Mr. FITZGERALD. Mr. Chairman, the gentleman asked one question which is pertinent. He asked how much money had been expended before this change was determined upon. I endeavored to figure that out, and I have had some success, without any great compliment to myself, in unearthing matters of this kind and getting at somewhat accurate results.

I gave this task up as absolutely hopeless. I endeavored two years ago to ascertain not only how much the Navy Department had expended, but how much it contemplated expending, and I gave that up after I found that the estimate originally made for a naval station at Subic Bay reached the astounding figure of $80,000,000. Admiral Dewey told the Naval Committee that he had stated to Admiral Taylor that if he ever disclosed that fact to the Naval Committee it would startle and frighten them. What was in contemplation of these officers when this thing was first suggested—remember the $80,000,000 was the estimate based upon a plan that they had—or what they have actually expended it is equally impossible to tell.

Mr. BUTLER. Mr. Chairman, I move to strike out the last word. I do this that I may have an opportunity of recalling to the attention of gentlemen who have been in this House several years the action of Congress upon the subject that we are discussing. The Navy does not propose to leave Subic Bay, if I recollect correctly the judgment of naval officers. After we found ourselves in a land that we knew nothing of, the officials of the Navy drifted about it to find some place where the water was deep enough to enable this Government to maintain a navy-yard. For three or four years they seemed undecided, but after thorough examination of both Subic Bay and Manila they finally determined that they could not possibly make a convenient navy-yard at Cavite or at Manila without a great expenditure of money, and that the navy-yard must go to Subic Bay. It was not contemplated at that time, neither is it contemplated now, to build a great naval station at Olongapo.

I do hope the membership of this House will exercise its sensible judgment, as it has done heretofore, and prevent any attempt to remove the naval station from Subic Bay to Manila or Cavite, where the same conditions prevail now as were found when the Congress reached its conclusion. One of the inducing causes was an insufficiency of water. I have had one or two experiences in assisting to establish naval stations where the water was shallow, and in one case where the Government discovered it did not own the land in front of its dock. As the future concerns me I shall not again make a mistake if I can rely on my own judgment, made up from the opinions of competent officials who do know and who have the courage to speak. At Subic Bay there is between 90 and 100 feet of water. This great dock that was built on the Atlantic and floated to Manila was intended to stop and stay at Olongapo, on Subic Bay; but this House was never asked to make an appropriation for a station at this point, as the gentleman from New York [Mr. PAYNE] has said, because there was a dry dock already on the road. Congress has settled the location of this navy-yard, and it was at the place I have indicated, where the Government has a reservation of many acres of land.

It is never contemplated that a battle between this country and any other country will occur in Subic Bay. There is no place to fight within those shores. Admiral Dewey has said that when he left Hongkong on orders from this Government he looked in at Subic Bay to see whether or not the Spanish fleet had sought shelter there. We are not a foolish people. It is not intended that our fleet should lie in Subic Bay when its enemy approaches. It will be the duty of our fleet to go out on the sea to make the engagement. One reason why this Congress has made appropriations for swift ships follows the argu-

ment that they are intended to lie in front of Subic Bay and warn our fleet of the approach of its enemy.

Mr. STAFFORD. Mr. Chairman, though I am somewhat of a layman on this subject, still from my meager knowledge I thought the purpose of a naval base was to serve as a protection to the fleet in time of war from attack; that the strength of Gibraltar and other naval bases that England is building lies in the fact that they are secure from attaek by land. I would like the gentleman to give his views upon that question.

Mr. BUTLER. Mr. Chairman, I am not a military expert. I do know, however, that we maintain naval stations in this country without one bit of land defense. I wish I did possess sufficient knowledge to answer my friend's question accurately and intelligently. I understand from the people whose understanding is better than my own that in these days fleets do not fight under cover. These great ships that weigh 16,000 and 20,000 tons are built to fight at sea, and when we sought this bottle-shaped harbor it was not to find a convenient battlefield—it was for station purposes alone. The natural conditions furnished the reason for the occupation. It was never intended that we should fight therein or remain on the ground except for shelter and repair. Furthermore, we go there because we want the protection that the hills afford. The country is not in danger of attack, in my judgment, but nature attacks every portion of it in the visitation of terrific storms. High winds blow. Naval experts inform us that they could not in safety anchor this floating dry dock in Manila Bay on account of these high winds that come periodically with the rising of the sun and which do not abate with its going down.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GRAHAM. I ask unanimous consent that he may proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BUTLER. The authorities determined the attending danger in an attempt to dock a ship in a floating dock in Manila Bay because of the frightful force of these sweeping winds, and I believe no sailor with a judgment worth accepting on the subject would venture to make it. This subject is not new. This discussion has lasted since Dewey went to Manila. The dispute was settled in favor of Olongapo, this place offering the best facilities, depth of water, and shelter from the tropical winds.

Mr. DRISCOLL. How many feet of water does this dry dock which was sent over there require?

Mr. BUTLER. Between 50 and 55 feet, and if the gentleman from New York will take this map, I will show that it——

Mr. DRISCOLL. Then it can not go anywhere near the dock at Cavite?

Mr. BUTLER. No.

Mr. FITZGERALD. Does the gentleman say there is not 50 feet in the bay?

Mr. BUTLER. Not anywhere near the shore.

Mr. FITZGERALD. Nor near the dock at Cavite?

Mr. BUTLER. The water is between 20 and 30 feet near the dock—ascertained by the Government by a survey.

Mr. FITZGERALD. I wish to call the attention of the gentleman to the fact that when you wish to put a dock there there is only 20 or 30 feet of water, but when you wish to build an island there is a hundred feet of water.

Mr. BUTLER. Mr. Chairman, I never was at Cavite, and I never measured a foot of water, and I do not propose to make any guess. I speak by the records. There is now a little naval station—once maintained by the Spaniards—at Cavite, and I see by this valuable map prepared by the Government that in front of the station a patent slip has been built enabling the docking of a ship of 2,500 tons.

We all know very well that there is no accommodation for our ships of war at Cavite or Manila, and within the line that is marked as the northern limit of reserve naval anchorage the water does not exceed 30 feet at any point, while varying in depth. Here is found a shifting sandy bottom, which the hand of the dredger can easily impress, his work to be lost when his hand is removed. There is no necessity for a land defense at Subic Bay. Beyond the advantage of climate it is not a good place to live. How much do you suppose the palace cost in which the general of the Army lives at Manila? It is worth your while to make the inquiry. How much do you suppose the magnificent barracks quarters cost in which the Army lives in Manila? Do not ask me; go to higher authority and be surprised and better informed.

Olongapo offers no comfort which society furnishes, but our Government, that pays men well for their services, has a right to command them to live where the Government sees fit. The climate at Subic Bay is fine, comparing it with that found at Manila. This condition was considered along with the others when the conclusion was reached. Nature has afforded a protection there that man could not give. The high hills break the force of the typhoon, and the temperature shows a difference of from 10 to 15 degrees lower than Manila, thus making it a comfortable tropical place in which to live. But there is no society, for which all men yearn, to be found there. If this nation concludes that our naval station is to remain indefinitely at Olongapo, then let us prepare the place for the reception of society. Let the family follow the soldier.

I do not know what this House will do, but for myself alone I speak. I will never vote to remove that naval station from Subic Bay. I had my doubts about the desirability until the President of the United States and two Secretaries of the Navy convinced me. The adoption of this place was that of every branch of the Government. The question of land defense was considered. Admiral Dewey was asked the question whether it was necessary to fortify Subic Bay on the land side, and he said that a hostile army would not land until the fleet had been reduced.

Mr. SHERLEY. Will the gentleman yield for a question?

Mr. FITZGERALD. Will the gentleman yield? Has the President and the two Secretaries deserted the gentleman now?

Mr. SHERLEY. That is exactly the question I desired to ask.

Mr. BUTLER. I do not feel lonely, I do not care who deserts me so long as my family "stands to." [Applause.] I do not run to the White House or to the Navy Department for all the information I now have or may hereafter need. I do not know whether I have been deserted by those who convinced me or not, but if they have I am still for Subic Bay. [Applause.] Mr. Chairman, before the Naval Affairs Committee reported the first appropriation bill carrying an item for a station in the Philippine Islands, we made a diligent inquiry covering a space of a year.

The question of land defense was considered and the judgment of the experts was pronounced upon it. No commander who is entitled to command, and no master of men who expects to maintain his mastery, would dare to land a force upon the Philippine Islands until he had first taken the sea. Invade for what purpose? To surround an empty basin? There is nothing there to destroy but a dry dock and a magazine.

Every estimate that is made to the Committee on Naval Affairs contains items for fast ships to use as scouts, as guides, as guards, and as sentinels to watch over the sea and notify our fleets of the approach of the invader. The Admiral of the Navy, who is wise and has had much experience and understands the needs of the service well, has always stood by Subic Bay for the naval station. He has explained the manner of attack that would be made should our possession of the islands be disputed. The gentleman from Ohio [Mr. KEIFER] is right. The naval experts agree Subic Bay is the key to the defense of Manila. Conditions remain unaltered. Why should the judgment of men shift? The hills have neither shaken nor lowered, and the number has not been reduced. Waters have neither shoaled nor deepened. Manila is 60 miles from Subic Bay, no farther, no less a distance than at that time when the adoption was made.

To repeat, in the event of an attack upon Manila the key is Subic Bay. Opportunities will be given to our fleet to strike an enemy in the rear, and for this reason the wise men, the military men, agree that no attempt will be made to land a force at Manila or elsewhere until our fleet is first destroyed. I am going to vote for this appropriation to fortify Manila because I believe it is a duty imposed upon me to do so. I voted, along with other Members of this House, for the appropriation that brought us these islands, and I feel upon my shoulders an inconspicuous but an humble duty of doing everything that is necessary to be done to make these people safe in their homes and to protect them from foreign attack, if such attack should be made upon them. But there is no military reason, in my judgment, for more than sea fortifications at Subic Bay.

Why would an enemy go into Subic Bay if he had destroyed the fleet on the outside? What would be his purpose in going into Subic Bay from the rear if the fleets were destroyed? What necessity for land defense in that event? The Spaniards gained nothing by the occupation of Santiago Bay, except the privilege of coming out to do battle. That was a mistake without fear of repetition. Dewey has said that when he sailed to Manila he looked ino the mouth of Subic Bay to see whether the enemy was there. If it had been, I suppose he would have bottled it up and passed along. Americans are not likely to suffer from the danger of the bottling process in view of the sea fortifications now being erected.

Mr. Chairman, when the naval appropriation bill is before the House for consideration we will renew this argument with the hope that we may all be profited thereby. [Applause.]

Mr. STAFFORD. Mr. Chairman, I do not wish the question propounded to my friend from Pennsylvania to intimate in any way that I am opposed to the retention of a naval base in Subic Bay. From my little reading on the subject I recognize that if a naval base adjacent to foreign territory or liable to invasion is to be impregnable, it must be first free from attack, or as free as possible from attack, by land. I hardly can agree with the gentleman in his parallel case that there are many instances of naval bases in this country that are not protected from land attack, because there are entirely different conditions existing on land here, with no likelihood of land attack, from the conditions that may prevail in the Philippines. It is easy enough for us to conceive of some enemy landing a large force and placing their artillery in such a position that no naval vessel would be able to seek the naval base for repairs, or more, as I consider a naval base, in need in time of war for coaling purposes.

I conceive that these naval bases will be sought by our naval vessels for replenishing their coal when in need. I quite agree with the gentleman, and it is not necessary to speak on that subject, that it is the purpose of war vessels to go and seek the enemy and to attack, rather than to wait to be attacked. As a very leading military expert said to me only recently, the Lieutenant-General of the Army, "That that army is best and that navy is best that can attack the quickest and is best prepared for action, and that it is the duty always to begin the attack, if in fighting trim, at the earliest possible moment, and not to delay to permit your enemy to meet your onslaught."

Now, I should like, as the chairman of the committee is going to follow, to have him state to the House, because I have not that information, and I believe the information would be interesting to the Members of the House, as to whether Manila Bay is more impregnable from attack than Subic Bay, and whether it is because of that fact that further fortifications of Subic Bay have been abandoned.

Mr. DRISCOLL. From which side, the front or the rear?

Mr. STAFFORD. From the land side. Because, as I understand the proposition, the reason why the military officials object to Subic Bay is only because it is liable to attack from land and not from attack by sea.

Mr. SMITH of Iowa. Mr. Chairman, this discussion has long proceeded with practically no motion before the committee. I will therefore try to answer some of these inquiries that have been put and after doing so ask that we proceed with the reading of the bill.

It is true that Subic Bay has greater depth of water near the shore than Manila Bay. It is true that in Manila Bay there is much of very deep water, but it would require a great deal of dredging in order to make a suitable location for a dry dock and navy-yard there. It is also true that the formation is such that the dredging would probably have to be constant in the future. Now, you can see that Subic Bay with its vast depth of water, requiring but little dredging, and that probably permanent, would have advantages over Manila Bay which requires a large amount of dredging and will constantly require work to maintain it.

The joint board was to determine which was the better place, and, no doubt influenced by those matters to which I have just called attention, it, by a majority vote, composed chiefly of the naval officers, determined in favor of Subic Bay. But that question was never settled. There was always a minority in favor of Manila Bay, that minority being composed chiefly of Army officers, who relied upon the fact that Subic Bay is surrounded by high hills very difficult to defend against a land attack.

Now, in the course of these years the majority has finally shifted from one side to the other. There has been no discovery; there has been no revelation; but in this difference between scientific men on a subject, weighing all the advantages of both places, the majority has finally shifted to Manila for the present time. Whether it will remain there or not no one can tell. Subic Bay has a narrow entrance and is easier defended from the sea than Manila Bay. There is a 3-mile-wide entrance to Subic Bay, but only 2 miles of it is navigable. There is an 8-mile-wide entrance to Manila Bay. You can see how these matters were balanced one against the other.

Thus friends of Subic Bay relied on the narrow entrance and deep water. Those of Manila relied upon the fact that the topography of the country was such as to be easily defended against a land attack. It is not to be wondered at that in a lapse of ten years, with the question always close, that a portion of the board finally has changed and at the present decided different from what it decided eight or ten years ago.

But now what has that to do with the matter under consideration and inquiry? We have been making appropriations for the Philippines for fortifications generally, leaving it to the Department, as we have always left it, for the defense of the United States, to determine where the emplacements should be. Out of this volume of appropriations certain guns have been placed on Grande Island, in the entrance to Subic Bay.

I grant you that not much of defense of Subic Bay will be needed if there is to be no navy-yard there at all. Of course, the fact that we make a naval station does not determine how extensive it is to be—whether it is to be a great naval station, or whether it is to be practically a coaling station, or whether it is to be made a repair station. It may be an elaborate naval base; it may be a very inferior one.

Now, the Taft board had a great plan for the fortification of Subic Bay, based upon the assumption that it was to become one of the great naval stations of the United States. They had planned for four 12-inch guns, three 10-inch guns, four 6-inch guns, twelve 3-inch guns, and eight mortars for the protection of this entrance.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of Iowa. I ask unanimous consent that I may proceed for five minutes more.

There was no objection.

Mr. BUTLER. Will the gentleman allow me to ask him a question?

Mr. SMITH of Iowa. Certainly.

Mr. BUTLER. Do I understand the gentleman to say that this plan is that of the Army?

Mr. SMITH of Iowa. I say that it was a provision made by the Taft board for the fortification of the entrance of Subic Bay. Now, no such provision had been made. The allotments that have been made, while I have not been able to give them to the committee this morning in dollars, were sufficient to erect four 6-inch guns, two 10-inch guns, and eight 3-inch guns at the entrance of Subic Bay. At the moment the balance turned against Subic Bay in this joint board all further thought of fortification at this point was abandoned, and will remain abandoned unless the Congress ultimately establishes a great naval base at Subic Bay; nothing will be erected at all——

Mr. DRISCOLL. May not the board shift again?

Mr. SMITH of Iowa. It makes no difference how the board shifts, it can not locate a naval station at Subic Bay without Congress appropriates the money for that purpose, and so no fortifications are in contemplation or will be erected at Subic Bay not already in course of construction unless Congress provides for a naval station of magnitude within the bay.

Now, it is said here that this money has been wasted. That is not so. We have quite a large amount of property in Subic Bay now. We have this dry dock there; but it is said in time of war our fleet would go out. What fleet have we at Subic Bay now to go out?

Mr. BUTLER. No; but we will have it.

Mr. SMITH of Iowa. Not for quite a long while.

Mr. BUTLER. It will be there in about four months.

Mr. SMITH of Iowa. It has been quite a long while since we have had one there, and it will be quite a long while before we have one there again for any length of time.

Mr. BUTLER. Does the gentleman know that one of the finest arsenals this country owns is at Subic Bay?

Mr. SMITH of Iowa. I am aware that quite a considerable portion of the work has been done in installing the navy-yard at Subic Bay, and I am pointing out that what we have put into fortifications at Subic Bay has been wisely put there, every dollar's worth of it.

Mr. BUTLER. That is right.

Mr. SMITH of Iowa. We have had no navy to defend the entrance to Subic Bay; and if we had had a war come suddenly upon us, it would have been entirely possible for a foreign power to enter Subic Bay with its fleet, or a portion of it, and destroy this dock and this arsenal that the gentleman refers to. And so moderate protection ought to exist there now in any event. That is all that has been provided, and all that it is contemplated to provide, and there is not a cent in this bill for Subic Bay, and this whole question has come up as a collateral one that really is not before the House for consideration at this time. I ask that the reading of the bill proceed.

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. OVERSTREET having taken the chair as Speaker pro tempore, sundry messages in writing from the President of the United States were communicated to the House of Representatives by Mr. LATTA, one of his

secretaries, who also informed the House of Representatives that the President had approved and signed joint resolutions and bills of the following titles:

On March 5, 1908:

H. J. Res. 102. Joint resolution authorizing the Secretary of War to furnish three condemned cannon to the mayor of the city of Detroit, Mich., to be placed on the base of a statue of the late Maj. Gen. Alexander Macomb, United States Army.

On March 6:

H. J. Res. 120. Joint resolution authorizing the Secretary of War to apply the unexpended balance of the donation made by the citizens of Dallas, Tex., under the provisions of the river and harbor act of March 3, 1905, to work in construction of Lock and Dam No. 2 in section 1 of Trinity River;

H. R. 16051. An act to authorize the Cahaba Power Company, a corporation organized under the laws of the State of Alabama, to construct a dam across the Cahaba River, in said State, at or near Centerville, Ala.;

H. R. 16955. An act to extend the time for building a bridge across Red River at Shreveport, La.; and

H. R. 17227. An act to authorize the city of St. Joseph, Mich., to construct a bridge across the St. Joseph River at or near its mouth.

On March 7:

H. R. 17524. An act to provide for circuit and district courts of the United States at Dothan, Ala.;

H. R. 17422. An act to authorize the counties of Henry and Rock Island, in the State of Illinois, to construct a bridge across Rock River at or near Colona Ferry, in said State; and

H. R. 17220. An act to amend an act entitled "An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County," approved April 23, 1906.

On March 10:

H. R. 4777. An act restricting in certain cases the right of appeal to the Supreme Court in habeas corpus proceedings;

H. R. 6195. An act to authorize A. J. Smith and his associates to erect a dam across the Choctawhatchee River in Dale County, Ala.; and

H. R. 15247. An act to authorize the Idaho and Northwestern Railway Company to construct a bridge across the Spokane River near the city of Coeur d'Alene, Idaho.

On March 11:

H. R. 3923. An act to fix the limitation applicable in certain cases.

On March 12:

H. R. 598. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and to certain widows and dependent relatives of such soldiers and sailors; and

H. R. 13102. An act to authorize the county of Elmore, Ala., to construct a bridge across Coosa River, Alabama.

On March 13:

H. R. 2429. An act granting pensions and increase of pensions to certain soldiers and sailors of the war with Spain and other wars, and to the widows of such soldiers and sailors.

On March 16:

H. R. 9205. An act to make the provisions of an act of Congress approved February 28, 1891 (26 Stats., p. 796), applicable to the Territory of New Mexico;

H. R. 12803. An act allowing Chandler Bassett to perfect final proof in his homestead entry;

H. R. 14043. An act to provide for the extension of time within which homestead entrymen may establish their residence upon certain lands within the limits of the Huntley irrigation project, in the county of Yellowstone, in the State of Montana;

H. R. 16073. An act to authorize the town of Edgecomb, Lincoln County, Me., to maintain a free bridge across tide waters;

H. R. 16746. An act to authorize T. H. Friel or assigns to construct a dam across Mulberry Fork of the Black Warrior River;

H. R. 16749. An act to amend an act entitled "An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Company," approved March 2, 1907; and

H. R. 16860. An act to establish a United States land district in the Territory of New Mexico to be known as the Tucumcari land district.

FORTIFICATIONS APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For installation of electric plants at the defenses of the following localities:

In the Hawaiian Islands, $20,000;

In the Philippine Islands, $115,000.

In all, $135,000.

Mr. PERKINS. Mr. Chairman, I move to strike out the last word. I am sorry to occupy the time of the committee further, but I should like to get a little information from the gentleman in charge of the bill. This bill, as I understand, appropriates for fortifications about $8,000,000 altogether.

Mr. SMITH of Iowa. That is correct.

Mr. PERKINS. What proportion of that is expended in various ways and shapes on the Philippine Islands?

Mr. SMITH of Iowa. In round numbers, about $2,000,000.

Mr. PERKINS. About one-quarter of the entire expense of the Government for fortifications is spent in the Philippine Islands?

Mr. SMITH of Iowa. For this one year.

Mr. PERKINS. Has not that been the case, to some extent, for many years?

Mr. SMITH of Iowa. Oh, no.

Mr. PERKINS. What proportion was spent last year?

Mr. SMITH of Iowa. My recollection is that the total amount for the insular possessions last year was $1,600,000.

Mr. PERKINS. And what was the total amount for the United States, in all its fortifications?

Mr. SMITH of Iowa. About $6,000,000.

Mr. PERKINS. Then it was about one-fourth last year.

Mr. SMITH of Iowa. You asked me about the Philippines in the first instance, and now you are asking me about the insular possessions, a different thing.

Mr. PERKINS. The bulk of the money spent in the insular possessions goes to the Philippines, does it not?

Mr. SMITH of Iowa. No, sir.

Mr. PERKINS. The larger proportion.

Mr. SMITH of Iowa. Not last year.

Mr. PERKINS. Where did it go last year?

Mr. SMITH of Iowa. To the Hawaiian Islands, and the previous year, too, I may say.

Mr. PERKINS. The gentleman is familiar with the subject. What proportion of the expenditures, not only for fortifications, but for an enlarged army and an enlarged navy, does the gentleman say is due, directly and indirectly, to the supposed necessity of guarding against all enemies the Philippine Islands?

Mr. SMITH of Iowa. Oh, I am not capable of giving the gentleman an answer at this time as to what the increased expense of the Army and Navy and the Marine Corps, and so forth, would be because of our ownership of the Philippine Islands.

Mr. PERKINS. Does not the gentleman think that an increase from 20 per cent to 25 per cent in our military expenses during the last seven or eight years has been due, and necessitated in various ways, to the fact that we are in the Philippine Islands, as the gentleman from Ohio says, so long as the flag shall wave?

Mr. SMITH of Iowa. I think 25 per cent of the expense of the Army has been for the Philippine Islands.

Mr. PERKINS. And of the Navy expenses in the Philippine Islands?

Mr. SMITH of Iowa. I do not think that there has been any increase of the naval expenses to amount to anything on account of the Philippine Islands, except for construction of the naval base at Subic Bay.

Mr. PERKINS. Oh, we must have had additional ships on that account.

Mr. SMITH of Iowa. I do not think the Navy has grown any faster than it would have if we had not had the Philippine Islands.

Mr. DRISCOLL. Does not coal and other supplies cost more there?

Mr. SMITH of Iowa. Some of our ships would be over there in that part of the world if we didn't own the Philippines. As I understand it, Dewey's fleet was in the Orient when we did not have the Philippine Islands.

Mr. PERKINS. But a very much smaller fleet than we have now.

Mr. SMITH of Iowa. Yes; but we had a larger fleet in the Orient than we have there now.

Mr. PERKINS. I would like to ask the gentleman one more question, because he has studied economic questions. I would like to ask him to what he attributes the large increase in the expenses of the Navy unless to a considerable degree it is due to our insular possessions?

Mr. SMITH of Iowa. I think I am the least of all qualified to answer that question, as I have usually voted for the smallest number of battle ships proposed.

Mr. PERKINS. I have had the pleasure of joining with the gentleman from Iowa in that.

Mr. SMITH of Iowa. My judgment is that the increase in the Navy is due to the changed spirit of the people and their desire to dominate upon the seas.

Mr. PERKINS. Mr. Chairman, I wish to say just a word suggested by the answers of my friend, the gentleman from Iowa, although my remarks are not pertinent to anything now under consideration. The gentleman in charge of the bill, who has given much study to the question of appropriations, states before the House, and in that I think we all agree with him, that to the extent of 25 per cent the increase in our Army expenses during the last seven or eight years has been due to the fact that we are in possession of the Philippines. It appears here that in reference to the fortifications this year, for instance, and to some extent last year, nearly one quarter of the money spent is spent on the Philippine Islands. While the gentleman does not wholly agree with me, I feel confident myself that of the various causes that have concurred to make the great increase in our naval forces and naval expenditure 25 per cent can fairly be accredited and charged to the Philippines.

Mr. PARSONS. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. PERKINS. Mr. Chairman, I ask that my time be extended five minutes.

The CHAIRMAN. The gentleman from New York asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. PARSONS. Will the gentleman point out any items in this bill relating to the Philippines providing for the building of fortifications there that would not be provided for if we were simply retaining a naval base in the Philippine Islands?

Mr. PERKINS. The gentleman from New York may be entirely right in that. I was not especially criticising the form of this appropriation.

Mr. DRISCOLL. We would not want Cavite or Manila Harbor; we would simply have Olongapo and Subic Bay.

Mr. PERKINS. Apart from that, Mr. Chairman, it is deserving of consideration, because this is a question that looms up largely before us, that we may fairly attribute of the more than $200,000,000 spent on the Army and Navy and coast defense and fortifications an increase of from 20 to 25 per cent, which would not exist if to-day we were not so fortunate or unfortunate as to be in possession of those islands.

At this very session appropriations are asked, for instance, for the purchase of the Appalachian and White Mountains reserves. I am not here either to defend them or to attack them, but there is no possible doubt, Mr. Chairman, that the question of preserving the water supply of the United States, in view of the rapid diminution of the coal supply, is one of the great questions of the future.

No such question can be considered, it is said, because we have not the money. There are proposals for the development of our internal waterways, much advocated by our friends from Pennsylvania. I am not here to say that those are wise or unwise; but the problem of the future development of waterways, the extension of canals, is one of the great problems of the future, and one of infinite importance in increasing the industrial wealth and development of this land. No one can question that the development of the waterways is just as important in the development of the industrial wealth of the country as has been the growth of the railways. All of those things are stopped because we have not sufficient money. Certainly, I think, it is a problem for all Members of this House to consider, when the increase in our military expenses, due to these possessions, is forty or fifty million dollars a year, when that sum, spread over a period of only ten or twenty years—not so long as the flag flies, as was suggested by the gentleman from Ohio—would furnish this Government with more money than is needed to develop a system of internal waterways, and to develop systems by which the water supply of this country and its river sources may be preserved—to develop systems the importance of which in the industrial growth of this country in the future no man can estimate.

It is something for us to think about, if in place of spending the money required for these military matters, we could have a sum more than ample for the largest requirements made by those interested in internal developments. Year by year we are expending vast sums for the increase of the military and naval establishments supposed to be required for the preservation and the perpetual holding of the Philippine Islands. It certainly is a question for the people of this country as to which way that money could most profitably be expended for the national good and greatness. [Applause.]

Mr. DRISCOLL. Mr. Chairman, I move to strike out the last two words, for the purpose of asking a question, since this seems to be a catechising session. We have been receiving from prominent people petitions against the expenditure of $60,000,000 for battle ships, cruisers, etc. One set was signed by prominent clergymen in New York City. This one here which I have is signed by Andrew Carnegie and a lot of distinguished business men in New York City. The following statement is set forth in all of these petitions:

Sixty-five per cent of the national income is now expended on war, past and present.

I would like to ask the chairman of this committee, who seems to be interested in affairs of war, or the chairman of the Committee on Appropriations, if that allegation is correct? The chairman of the Committee on Appropriations a year ago said that we are expending 57 per cent, if I recollect, of our total expenditures for wars which we have had and wars which we are looking for.

Mr. TAWNEY. Mr. Chairman, if the gentleman from New York [Mr. DRISCOLL] will pardon me, I will correct him. The chairman of the Committee on Appropriations two years ago made the statement that we were that year expending 63⅝ per cent of our aggregate revenue on account of wars that we have had and wars that we are preparing for. I think that it is a conservative statement to say that for the objects which I then enumerated much in detail we are this year expending at least 65 per cent of the aggregate revenue of the Government on account of the Army and Navy, including expenditures on account of wars we have had in the past; and if all these expenditures increase in the next three years as they have in the last three years and our revenues continue to diminish, it will not be two years before we will be spending 70 per cent of our aggregate revenue on account of wars that we have had and wars we are preparing for which we anticipate.

Mr. DOUGLAS. I would like to ask the gentleman what proportion of that 63⅝ per cent is expended on wars we have had, to wit, pensions, and what part on wars we expect?

Mr. TAWNEY. I can not give the gentleman the exact figures, but for the fiscal year 1907 our expenditures on account of pensions were 22 per cent of our aggregate revenue. That, however, does not include the entire expenditure on account of wars we have heretofore had.

Mr. SMITH of Iowa. Mr. Chairman, I simply want to suggest that the gentleman from New York [Mr. PERKINS] called attention to a matter here that could readily be misunderstood. We annexed certain new territory that was unfortified at a time when for many years we had been fortifying continental United States. With continental United States fairly well fortified and with this new territory unfortified it is not surprising that for a few years a large percentage of the money expended for that purpose should be expended in the new territory. He asked me how much of the bill this year was for the insular possessions or the Philippines, and how much last year, but he failed to ask me what percentage of the money expended for fortifications since the inauguration of the modern fortification scheme had been expended in the insular possessions and what portion in continental United States.

But I wish to state, although not asked the question, as nearly as I can compute it at this time, when this bill has passed about 3 per cent of the money appropriated for fortifications will have been appropriated for the insular possessions and about 97 per cent for continental United States.

The Clerk read as follows:

That all material purchased under the foregoing provisions of this act shall be of American manufacture, except in cases when, in the judgment of the Secretary of War, it is to the manifest interest of the United States to make purchases in limited quantities abroad, which material shall be admitted free of duty, as shall other similar material furnished without charge.

Mr. SHERLEY. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. SHERLEY. I rise for the purpose of offering an amendment. I move to strike out the words "in limited quantities" in the paragraph just read.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 13, page 4, strike out the words "in limited quantities."

Mr. SHERLEY. Mr. Chairman, this provision at the close of the fortification bill properly instructs the Department to purchase material of American manufacture. It also provides, however, that in cases when, in the judgment of the Secretary of War, it is to the manifest interest of the United States to make purchases in limited quantities abroad they may be so made. My motion is to strike out the words "in limited quantities." Now, I am in entire accord with the position of the Department and of the majority Members of the House that a different rule should pertain to the purchase of articles used in

the way of ordnance and fortifications from what might apply to other purchases to be made by the Government. In other words, it is manifest that we should endeavor to have the Government self-sustaining and the country self-sustaining so far as needs may be for ordnance or for fortifications.

In every instance preference should be given to American manufacturers, but I believe that giving to the Secretary of War the power to buy, not in limited quantities, but in unlimited quantities when necessary in order to protect the Government from extortion, would be a proper rule. And I can not understand how the gentlemen of the majority can object to giving to the Secretary of War, particularly to the present Secretary of War, the power to buy abroad when, in his judgment, it is necessary for the best interests of the country and of the Army. They need have no fear that that Secretary will abuse the discretion, but it may be that a time will arise when, in the judgment of the Department, such power ought to be possessed. Now, it may be answered that no request for this change in law has occurred. That is true, but the absence of a request indicates nothing. It is manifest that no officer of the War Department is going to suggest such a change, suggestive, as it is, of opposition to one of the fundamental principles of the party in power, that we should buy at home, no matter how extortionate the price we pay.

I have made this motion not with the idea of convincing the majority of the error of their way—I am afraid they are too deeply wedded to their sins—but because I believe it is a proper motion, and I should be derelict in my duty to the House and to the country if I did not at least make an attempt to give to the War Department power to protect itself from extortion and to buy its munitions of war abroad when it was necessary. I have enough faith in the patriotism of any Secretary of War; I have enough respect for the patriotism of the present Republican Secretary of War to believe that in every instance he will give a proper preference to ordnance of American manufacture and other material needed, and I also have enough belief in the patriotism of the present Secretary of War to believe that he would take advantage of this change in the law in order to prevent extortion, as he has several times suggested he would like to have the power in regard to supplies for the Isthmian Canal. So I make this motion, believing that it is to the interest of the country and of the War Department. [Applause.]

Mr. GAINES of Tennessee. Mr. Chairman, just a moment, following along the same line of thought of the distinguished gentleman from Kentucky [Mr. SHERLEY], I desire to call the attention of the committee to the fact that Secretary Taft previous to the resolution passed by Congress prohibiting him from so doing, did buy a large amount of supplies in foreign markets to be used in the Zone, and possibly in the Philippine Islands, and he so reported to Congress, and the matter was discussed here in the last Congress. Now, there was no law to prohibit him from doing that, and he showed wisdom, he showed a full sense of duty, good judgment, and good business sense in doing that very thing. I remember, in a general way, he said he bought many supplies in Australia for the army and our officers in the Philippine Islands, and he bought many things in other foreign markets—I think some ships, supplies, and pieces of machinery to start and continue up to that time the work in the Canal Zone.

Now, then, gentlemen, the Department of Justice and the Bureau of Corporations and the President of the United States, from what we actually know and from what we see in the papers, are trying their best to unhorse the monopolies, trusts, and combinations existing in restraint of Federal trade in the United States. Why do not you Republicans help to do that by this legislation? If you propose to stand by the President, if you propose to stand by your wise Secretary of War, and he is a great Secretary, and your Bureau of Corporations, why do not you gentlemen take up the line of relief so well suggested and argued by the gentleman from Kentucky? Why do not you follow the example set by Secretary Taft, until you passed a resolution last Congress, over the protest of the Democrats, and rescue, as it were, the United States from this wilderness of monopolies in restraint of Federal commerce? Throw open the markets of the world and save the Treasury and prevent the Government from being held up in the millions and millions of dollars of supplies which you know we are obliged to buy yearly to carry on this work?

Mr. TAWNEY. Will the gentleman permit a question?

Mr. GAINES of Tennessee. Yes; with pleasure.

Mr. TAWNEY. Would the gentleman recommend going into foreign countries and purchasing armament, arms, and ammunition necessary for the defense of the United States? That is this proposition.

Mr. SHERLEY. Will the gentleman permit me a question?

Mr. TAWNEY. I want the gentleman from Tennessee [Mr. GAINES] to answer the question. I asked the question primarily for the purpose of calling attention to the fact that the gentleman is not talking to the subject that is under consideration.

Mr. GAINES of Tennessee. I am talking on the general proposition.

The CHAIRMAN. The time of the gentleman from Tennessee [Mr. GAINES] has expired.

Mr. GAINES of Tennessee. I do not want to leave a question like that unanswered. I ask unanimous consent for three minutes in order to answer the gentleman's question.

The CHAIRMAN. Is there objection.

There was no objection.

Mr. GAINES of Tennessee. The gentleman knows that we have had trouble about war supplies in times of war and of peace. The gentleman knows that Secretary Long recommended to Congress during the Spanish war the immediate establishment of a smokeless-powder plant, and we did it. The gentleman knows that the buying of our heavy shooting guns is an immense expenditure that we must meet every year. Now, as to whether we should buy the foreign gun or not would depend on circumstances. If it were shown to be a better gun than the one we have, we should buy it; and if it be shown that the gun we have to buy from our private manufacturers were at exorbitant prices and the other one was fairly as good as that, we certainly would buy some of those in foreign countries before we would be held up year after year by our home concerns and monopolies, and thus moralize with these monopolies. In addition to that, Mr. Chairman, the gentleman knows that we have been forced by these monopolies, as a Government, to build our gun factories and our powder factories, to build our manufactories to make every bit of the ammunition, if necessary, or a part of it, if we so desire, that we use in our Army and our Navy. We have had to build some of our ships in Government manufactories to temper these monopolies.

We have had to establish a great manufactory supply plant at Rock Island, and the gentleman knows that we make a great many things there—harness, and so forth. Now, why have we done this? That is simply because the private manufacturers of this country have been holding up the Government of the United States, and, I may say, not only in time of peace, but in time of war. Why not in this bill provide for the equivalent of all this and say we may or can buy in the open market in case the prices are unjust?

I believe, Mr. Chairman, that the Government of the United States should make herself independent in all these great governmental matters. Go back and read the messages of President Lincoln and you will find that that great President, that great and good man, said that the Government of the United States was put at a great disadvantage during the late civil war because we did not have Government factories to make some of our munitions of war. The Government of the United States should be made independent in these matters. We could run Government manufactories part of the time, or to a certain degree all of the time, and at the same time encourage the private manufacturers, so that if the private manufactories were burned down, or if the private manufactories were sold out to the enemy, or some disaster to them occurred, we would then have our own Government factories already at work to fall back on both in time of war and peace.

Not only that, Mr. Chairman, but I want to say that the foreign governments have that very thing. France and Italy and Japan and other foreign countries have their great government war-supplies manufactories. France and Italy have their armor-plate manufactories. We should have them, rather than be held up continuously year after year, as we have been for many years, by this Bethlehem-Carnegie combination charging us $750, the maximum price, as they did for years, for armor plate, and yet shipping the same plate to Russia and putting it upon her great men-of-war to fight her battles at $169 per ton. By the effort we have made here in Congress to establish armor factories and other factories we have driven down the price of monopolies of this country that have imposed upon the Federal Government.

I am not talking about Government ownership of railroads, unlike, I may say, the great Republican committee headed by Senator CULLOM, which reported to Congress in 1886 that sooner or later the United States may be "forced" to the Government ownership of railroads "as the surest method of securing the highest perfection and greatest efficiency of the railroad system in its entirety and the best method of making it an harmonious whole in its operation and of bringing about that uniformity and stability of rates which is the greatest need of trade and commerce."

But that is not what I have in mind. I am talking about the proposition that we are putting on our statute books provisions forcing the American Government to buy from home concerns when we know they are almost all more or less in combinations and sell at oppressive rates. Such legislation makes it harder to overcome lawless commerce and for the Government to make businesslike contracts and save the Treasury and the people from the clutches of the cormorants.

Mr. SMITH of Iowa. I admit that one who is a protectionist could not consistently vote to buy material abroad for the Government, and not allow our citizens to so buy without paying duty. I think there is no reason why any man, even a believer in a low tariff, should be in favor of the amendment offered by the gentleman from Kentucky, whatever we may think about the wisdom of compelling our own people to buy the ordinary merchandise from the American manufacturer; it would be extremely unwise for us to buy anything in but limited quantities of munitions of war abroad.

Now, the object of this provision is this: If the War Department hears of a new gun, a new device of any kind anywhere in the world, it buys it, if necessary brings it here, studies it, and if it should be of value, adopts it for American use, making arrangements by which it shall be produced here in America by the manufacturers of the country.

That is true of the Vickers-Maxim rapid-fire gun. It is an English model; but the American Government would not consent to buy these guns made in an English factory, so that in time of war it could purchase no repairs or any additional guns. So, while adopting an English pattern of gun, it was made a condition of its introduction into the American Army that factories should be established here and the gun produced here. Now, it seems to me, without investigating further as to what are the facts, that every man ought to see that the purchase of munitions of war for the use of the American Army abroad should only be in limited quantities. So I insist that every protectionist must, to be consistent, vote against this amendment, and every low tariff man ought to vote against it.

Mr. GAINES of Tennessee. Will the gentleman yield to an inquiry?

Mr. SMITH of Iowa. Oh, certainly.

Mr. GAINES of Tennessee. Does the gentleman from Iowa think that the Government of the United States should permit a man in the Navy or the Army to take the time of the Government, take its machinery and the opportunities that it affords him, and he makes a discovery, and takes out a patent in his name, that he should be permitted to take that patent and sell it to foreign countries, thus arming and teaching them how they may better fight us in time of war?

Mr. SMITH of Iowa. I do not think so; but I do not think that has anything to do with the question.

Mr. GAINES of Tennessee. The gentleman knows that is what is being done with guns and powder, too.

Mr. SMITH of Iowa. I do not know that.

Mr. GAINES of Tennessee. I know it.

Mr. DOUGLAS. Mr. Chairman, it seems to me that the gentleman from Kentucky, utterly unlike the gentleman to whom the remark was originally applied, "strains at a gnat, but swallows a camel." What does he accomplish by this amendment? Nothing, I submit; absolutely nothing. What does it amount to to strike out the words "in limited quantities?" I submit, Mr. Chairman, that we can not purchase munitions of war abroad in unlimited quantities. Consequently I say that if, in the judgment of the Secretary of War, it becomes to the interest of the United States to make purchases abroad, he may so purchase in any quantity he sees fit. The amendment adds nothing to this. It reminds me of what my father once told me—that I should not say "a piece of string," for a string was a string whatever its length. [Applause]

Mr. SHERLEY. Mr. Chairman, the gentleman from Kentucky may "strain at a gnat," but I trust he is not quite as inconsistent as the gentleman who referred to him. If this amendment be of such little importance, why all of this strenuous opposition on the part of the gentleman and the distinguished chairman having the bill in charge?

Mr. DOUGLAS. The strenuosity is upon your side.

Mr. SHERLEY. Well, I am glad to know that the blow is sufficient to bring back a recoil. I say to you that this is not an insignificant amendment. I still say that there is no man on either side of the aisle that desires we should buy permanently our material for fortifications abroad. I say to you that every patriotic American wants to put into the hands of a patriotic Secretary of War power to prevent extortion upon the part of the American manufacturers [applause], which is the purpose of this amendment, and the only purpose. As it is now construed, the words "in limited quantities" means that the Department can only buy an insignificant quantity.

As stated by the gentleman from Iowa [Mr. SMITH] it would mean buying a chance instrument of new invention abroad, in order to have a sample. It does not give to the Secretary of War the power to say to American manufacturers, "If you forget your patriotism to such an extent that you try to hold up your Government and to force from it a false price, then we will go temporarily into the foreign market to get what the needs of the country demand and what your greed asks a false price for." Now, if that be straining at a gnat, I am proud of having done it. I think it is a matter worthy the dignity of the House.

Mr. DOUGLAS. I beg the gentleman's pardon for interrupting him——

Mr. SHERLEY. I yield with pleasure.

Mr. DOUGLAS. But if the gentleman will read it again, I care not what the gentleman from Iowa [Mr. SMITH] or anybody else says, for I can read it as well as he can, you will see that you accomplish nothing by your amendment.

Mr. SHERLEY. I beg to differ with the gentleman. I have read it perhaps a good many more times than the gentleman himself. I know that it would give additional power, and I know that if it would not we would not have had any opposition from your side. If you think it does nothing, then let it go through. What is the objection? I think it will give to your Secretary of War, whom you must believe is worthy of being trusted, a power that will enable him to prevent extortion, and that is all we ask; not that we should buy permanently abroad, or at all. It simply gives him a club to hold over the heads of American manufacturers, to prevent them charging a false price. It can do no harm. I have enough faith in Secretary Taft to know that it will not be abused, whatever the Republican side may believe about it.

Mr. SMITH of Iowa. Mr. Chairman, I call for a vote.

The CHAIRMAN. The question is on the amendment of the gentleman from Kentucky [Mr. SHERLEY].

The question being taken, on a division (demanded by Mr. SHERLEY) there were—ayes 53, noes 64.

Accordingly the amendment was rejected.

Mr. MAYNARD. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

On page 13, after line 6, add as an independent section: "For the procurement or reclamation of land or rights pertaining thereto, needed for the site, location, and construction of works for fortifications and coast defenses at the mouth of the Chesapeake Bay, $100,000."

Mr. SMITH of Iowa. I make the point of order against that amendment, first, that the paragraph has been passed, and second, that it is not germane to the bill, and is not pursuant to any authority of law.

Mr. MAYNARD. Mr. Chairman, this particular paragraph may have been passed, but it is provided that it shall be added as an independent section, and so it can be offered at any place in the bill.

As to the question whether it is germane to the matter contained in this bill, there is a section on page 3 which provides for the procurement of land for fortification purposes, and this is an exact copy of the language of that section.

Mr. SMITH of Iowa. Mr. Chairman, the amendment specifically provides that it shall be inserted on page 13, after line 6. That paragraph has been passed, and this amendment was held out of order at the last session, independently of that question.

Mr. MAYNARD. The Clerk was reading on page 13 when I offered the amendment, and we had not passed page 13.

Mr. SMITH of Iowa. All right.

The CHAIRMAN. Does the gentleman from Virginia claim that this appropriation is pursuant to any law heretofore enacted, that it is authorized by existing law?

Mr. MAYNARD. It is a continuing work, and the building of fortifications in this country is authorized by law, and the bill for fortifications every session usually carries a provision for the appropriation of money for this purpose. This bill, on page 3, carries a provision of this character, of which the amendment is an exact copy.

The CHAIRMAN. The pending bill provides for continuing fortifications upon a general scheme, and the provisions therein are clearly in order, but it has been held heretofore, and the Chair can only follow that ruling at this time, that while a fortification appropriation bill carries general appropriations for a plan of work in progress, specific provision for intended works not authorized by law and not in progress are not in order thereon.

In accordance with that ruling, it appearing that this particular work has not been authorized by law, has not been entered upon, the point of order is sustained.

Mr. DE ARMOND. Mr. Chairman, I wish to offer an amendment. Strike out, in line 4, the words "in limited quantities" and insert the word "temporarily."

The Clerk read as follows:

On page 13, line 4, strike out the words "in limited quantities" and insert the word "temporarily."

Mr. SMITH of Iowa. Mr. Chairman, I raise the point of order that we have passed that section and an additional section has been offered by the gentleman from Virginia, and that the gentleman's motion is not now in order.

Mr. KEIFER. And, Mr. Chairman, I make the further point of order that we have passed on the particular language that the gentleman proposes to strike out.

Mr. DE ARMOND. Mr. Chairman, I would like to be heard on the several points of order, and I will take them in inverse order to what they were offered. The gentleman from Ohio suggests that it is not in order because a motion was made by the gentleman from Kentucky to amend by striking out the words "in limited quantities," and therefore the gentleman from Ohio understands that a motion to strike out these words and insert others is the same, in effect, as a motion to strike out and not insert anything.

The gentleman from Iowa makes the point of order that the section has been passed. Now, if there is anything we have beyond this section, my copy does not show what it is. The last performance, except the offering of a provision by the gentleman from Virginia [Mr. MAYNARD], which was ruled out, was the consideration of this very section and this very clause. I think the gentleman from Iowa is perhaps drawing the line a little close on this matter of time. If that is the best objection that can be offered to the amendment, if seems to me the gentleman from Iowa will see the propriety of not being very strenuous. I do not think the objection is a good one, and, not being a good one, I do not think it ought to be urged. I do not think it is good, for we have not commenced on anything else. There is nothing to commence on. We have finished the bill, and there is nothing further in the bill to devote our attention to.

The CHAIRMAN. The question is a close one. The gentleman from Virginia having offered an amendment by a new paragraph, if that had been entertained, the motion of the gentleman from Missouri would be too late beyond question; but that not having been entertained, it can scarcely be held that the paragraph is passed, and consequently the Chair overrules the point of order.

Mr. DE ARMOND. And the point of order made by the gentleman from Ohio, I suppose, Mr. Chairman, virtually overrules itself. [Laughter.]

Mr. KEIFER. That is a parliamentary rule which, unless modified by special rule, has always been the practice.

Mr. DE ARMOND. Well, Mr. Chairman, the object of this provision, I assume, is to enable the Secretary of War to make purchases of material and expend the large sum of money which he is authorized to expend under the act so as to protect the Government, in case of necessity, against a hold-up by somebody who is an American. If the person holding up the Government and filching from the Treasury, endeavoring to take advantage of circumstances to be extortionate in dealing with this country and our countrymen were a foreigner, I suppose there would be no man here who would be found to apologize for or defend him. Then, the defense and apology, I assume, must rest entirely on the proposition that the would-be wrongdoer, the extortioner, the man who, under the pretense and color of law, would rob his Government when the Government is buying the necessary material for the defense and protection of the country, being an American, the robbery ought to be condoned and justified. Why "in limited quantities?"

Are you afraid of the exercise of discretion on the part of the Secretary of War, or do you wish to protect the Government just a little, and if the demand is for large quantities, allow the extortion to go the main length, but stop it before the entire robbery is complete? Suppose it becomes necessary for the Secretary of War, or it is desirable, in the interest of the country, to promote its welfare or to prepare for its defense, to buy a large quantity of material at one time, to expend a great sum of money, then, under the wording of this provision, as we have it, the Secretary of War would either be powerless to stop the hand of the robber, or he could only do it partially. He might prevent him from robbery to the extent of forty or fifty thousand dollars, but must suffer him to rob to the extent of millions. Now, if that is the purpose of this provision, well and good; let it be left as it is, with full understanding. If the object be, as it ought to be, to enable the Secretary of War to stand between the Treasury and the interests of the United States and the would-be robbers, whether American or foreign, let him be given the power, and then if he fails to exercise it in case of necessity, the responsibility will rest upon him and not upon this House. If there be no necessity, the provision will be harmless. The provision itself would stand as a warning, if it were made broad enough and ample for the purpose, and a notice to all men who would be extortioners at the expense of the Government not to try to draw from the Treasury that to which they are not entitled, because if they should do so they would lose legitimate profits by force of the power vested in the Secretary of War to make the purchases elsewhere, whether they be large or small. Now, the word "temporarily" limits more than I would limit, if I had the power to extend the protective power, but it is not a limitation as to quantity, it is a limitation as to time. It is a limitation for a particular emergency which may arise, whether at that time the Government desires to purchase large or desires to purchase little, whether it involves thousands or hundreds of thousands or millions of dollars. The temporary emergency would be met by the exercise of the temporary power. I believe the amendment ought to be adopted.

Mr. KEIFER. Mr. Chairman, I will ask that the Clerk read the paragraph as it would be if the amendment were adopted.

The CHAIRMAN. Without objection, the Clerk will read the paragraph as requested.

The Clerk read as follows:

That all material purchased under the foregoing provisions of this act shall be of American manufacture, except in cases when, in the judgment of the Secretary of War, it is to the manifest interest of the United States to make purchases temporarily abroad, which material shall be admitted free of duty, as shall other similar material furnished without charge.

Mr. KEIFER. Mr. Chairman, I understood, as well as I could hear, the distinguished gentleman from Missouri [Mr. DE ARMOND] to contend that the language now in the bill left the situation such as to work a robbery of some kind. If I am mistaken in my hearing or my construction, I will be corrected. But now he proposes that we shall not buy abroad permanently at all, so that we are to stand and elongate our robbery all the time, and add to it; that we are to go abroad and spend money to buy something temporarily, but not to be used in any permanent way. This is to augment the gentleman's great idea of robbery. The object of the bill is to give a discretion to the Secretary of War, or to the purchasing power, to buy in limited quantities goods or materials of any kind that were needed, to use them permanently, but we are to get them temporarily now if we adopt this amendment, and then buy permanently afterwards—not for use, but we are to have a proposition to go abroad for some temporary thing, and then buy at home permanently later. I think the bill is right—that we should use our own material where we can, but if there is an emergency, or somebody proposes to rob us, to use the words of the distinguished gentleman from Missouri, we will buy in limited quantities abroad so as to regulate that—and therefore I am opposed to the amendment.

Mr. DE ARMOND. Mr. Chairman, having found the gentleman from Ohio [Mr. KEIFER], as I judge from what he has stated here, fully in sympathy with the purpose of protecting the Government, I am indeed pained that the gentleman is constrained to oppose this amendment. The gentleman from Ohio, if I understand him, understands this amendment to mean that there shall be authority given to the Secretary of War to buy things temporarily—that is, to buy a gun for a salute and then to send it back [laughter], to buy the material for fortification to put up a wall on which a gun might be mounted, and then later to take it down and send the material back.

Mr. KEIFER. That is what the amendment proposes. [Laughter.]

Mr. DE ARMOND. That is what the understanding of the gentleman is as to what the amendment means. Inasmuch as the gentleman is so much in sympathy with the purpose of protecting the Government, I hope that his fellow Members on the other side will adopt his avowed purpose and then give their own understanding to an interpretation of the language which I have employed. If so, this amendment, I am quite confident, will be adopted without a dissenting vote, unless it should be the vote of the gentleman from Ohio on his own construction of the language of the amendment.

Buying temporarily is to buy for temporary use, as I understand the gentleman from Ohio. "Temporarily" I thought, and I yet think—I say this modestly and with deference—I thought and yet think "temporarily" has reference to the time, the period of time, of the buying, and that it does not have anything to do, as the gentleman from Ohio seems to think, and evidently does think—I assume he thinks; I take it his conclusion stated is the result of thought—that it has reference to the use of the article bought and not to the time to be consumed in the acquisition of a particular article. Now, I felt I ought to say this much, Mr. Chairman, having offered this amendment, lest I might be understood by the gentleman from Ohio—I am satisfied I might not be misunderstood by anyone else—as really trying to circumscribe the power of the Secre-

tary of War. Perish the thought, Mr. Chairman, that in this presence, in this House and against the influence of the gentleman from Ohio, I would have the temerity to try to lessen any power given to the Secretary of War, or to anybody else, to protect the Government against any kind of extortion. Now, then, if we really could adopt this amendment——

The CHAIRMAN. The time of the gentleman has expired.

Mr. DE ARMOND. Well, the time having expired, and having great regard for the rules, I shall not endeavor to trespass by speaking longer. [Applause on the Democratic side.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. DE ARMOND. Mr. Chairman, division on this; I would like to see the brethren vote standing.

Mr. SHERLEY. Will the gentleman from Ohio just vote "temporarily" with us?

The committee again divided, and there were—ayes 53, noes 64.

So the amendment was rejected.

Mr. DE ARMOND. Mr. Chairman, I move to strike out the words "limited quantities" and insert the words "any quantity."

The CHAIRMAN. The gentleman from Missouri offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 13, line 4, strike out the words "limited quantities" and insert the words "any quantity."

Mr. DE ARMOND. Mr. Chairman, I would like to say just a few words upon that, not that it raises any new proposition, but I am inspired to say something very largely from the conviction that the other amendment must have been lost in consequence of the House having been misled by the definition of the gentleman from Ohio. The amendment is lost just the same, whether lost owing to a difference in lexicographers or lost for some other reason. This leaves, I think, nothing of doubt, even to the mind of the gentleman from Ohio. I believe this amendment would mean, according to the conception of everybody, that the Secretary of War could buy abroad substantially in case of necessity. Let us see what the paragraph is for anyhow:

That all material purchased under the foregoing provision of this act shall be of American manufacture—

It is a general, broad statement—

except in cases when, in the judgment of the Secretary of War, it is to the manifest interest of the United States to make purchases in limited quantities abroad.

What kind of purchases? Why, say the gentlemen, in limited quantities.

It can not be to the manifest interest of the United States or to the interest of the United States at all, no matter what the threatened robbery is, no matter what the certainty of its perpetration unless some means of escaping it be provided—certainly there can not be any manifest interest of the United States—to protect itself against anything more than a little of the threatened robbery. Now, this ought to be put in harmony. I am satisfied my friend from Iowa will sympathize with my purpose, whether he entirely agrees with me as to what will be accomplished by its execution. I suggest that there is a want of harmony between the proclamation and the concluding part, between the whereas, as it were, and the resolution; between the words of hope and the fulfillment to be found later on. The general proposition is that articles of American manufacture shall be purchased. Nobody is trying to interfere with it. When is the exception to come in? Carefully worded, the fine Italian hand of the gentleman from Iowa can be traced easily in these words, "in cases when, in the judgment of the Secretary of War, it is to the manifest interest of the United States" to make purchases abroad. Now, that would read pretty well as it is, as I have read it, but no.

That would not do. These purchases have to be limited. Then the manifest interest of the United States has curbs, and bars, and checks. Let the United States be protected in part. Oh yes, but do not let the Government have everything, hold it down to nickel purchases, but when it comes to the dollar transactions then the manifest interest of the United States comes down before the manifest interests of the American persons who deal with the United States.

Now, I appeal to the pride of my friend from Iowa in the symmetry of things. Does my friend from Iowa really desire to perpetrate in solemn legislative form an absurdity, a mere pretense to guard the interests of the United States? These manifest interests of the United States, are they to be guarded only against manifest robbery by piecemeal? Protected only partly or half way? Great God, if a man were to offer an amendment here that the War Secretary might purchase abroad when robbery is certain and impending, half of what it is to the manifest interest of the United States to purchase abroad, there would be trouble.

Not only would the new dictionary be swung into the breach, but there would be—I do not know what kind of "reasons" interposed. I do not know what sorts of "reasons" are offered.

Who is to be hurt by the adoption of such an amendment as this? The American people in general? Any institution of the American Republic? Any legitimate interest of it? No. The extortioner! Do you propose to turn the Government over manacled and bound to the extortioner, with the slight modification that the extortion may be checked "in limited quantities?" Let most of it go, but save something for the sake of grace and form! Limited quantities! Now, I say, "in any quantity." Is that too much? Why do you parcel this sort of robbery? It is only when it is to the manifest interest of the United States that the purchases be made abroad that the Secretary is to be authorized in any event to make them. Now, then, how absurd! You have assumed a manifest interest——

The CHAIRMAN. The time of the gentleman has expired.

Mr. DE ARMOND. I would like to have a few minutes more, because I am at a very interesting part of this discussion.

The CHAIRMAN. Without objection, the time of the gentleman will be extended five minutes.

There was no objection.

Mr. DE ARMOND. I am trying now, Mr. Chairman, to convert the gentleman from Iowa [Mr. SMITH]. I failed, and I admit my failure with the gentleman from Ohio [Mr. KEIFER], but I have hopes of the gentleman from Iowa [Mr. SMITH], because so far he has not swung in any dictionary against me.

Mr. Chairman, it is only when the manifest interests of the United States demand it, when there is a loud call heard by the Secretary of War, in the interest of honesty and to protect the Treasury of the United States from spoliation, that any part of this provision for purchases abroad comes into play, and then how far shall it come in? Oh, only "in limited quantities!" It must not do much to the extortioners. It must not interfere with the legitimate business of robbery, barring curtailment in limited quantities.

It is an absurd proposition, Mr. Chairman, in all seriousness. Either take it out and get away from the pretense or put in something that amounts to something. Either enable the Secretary of War to protect the United States, if there be need for it, or boldly and openly deny to him and deny to every other agent of the Government all ability to protect.

Have one thing or the other. Come up and get on one side or the other. Get off the fence and come down on one side. You see we have very old and very good authority for the proposition that you can not be on two sides. You can not serve God and mammon, you know. In other words, you can not, in this question of a Government contract, protect your country and at the same time protect those who are its despoilers. Can you not determine whom you will stand for? If you try to stand for both, the country, as always happens in such cases, will be the sufferer. Now, for once, come up and stand for the country, even against the protective plutocrats who would despoil her.

This, I believe, is the 21st day of March. Make it a red-letter day in our calendar! Do something notable here to-day. Do something here to-day that really means something for the country. Or, if you are not going to do that, for once throw pretense to the winds and go wrong boldly.

Let us consider these words "in limited quantities."

That expression is a little vague. Can you not trim that down somehow and put in a few other qualifiers? For instance, say "in very limited limited quantities," or "in diminutive quantities," or "in infinitesimal quantities," or say anything to save the color, at least. Put it in the phraseology of the breezy West, the free and honest West, and say, "Let the hide go, but save the tail." [Laughter.] Put something of that kind in. Make your language picturesque, at least. As you have it, it is solemnly farcical. The farcical character of it, the humor of it, is intensified and made keener by the gravity of the phraseology. Manifest destiny calls upon the Secretary of War to protect the United States from spoliation. Ah, then, the Secretary of War shall have the power to do it. Then the United States shall have the guardian on duty at the door of the Treasury to protect it "in limited quantities." [Laughter.]

I appeal to the gentleman from Iowa [Mr. SMITH] as the leader upon this matter—as I said before, my appeal to the gentleman from Ohio [Mr. KEIFER] having failed, and I offered a second amendment to get a second chance—I appeal to

him to trust a little more to the Secretary of War. Give him a little more of a chance. Better risk the Treasury with him than to risk it with these fellows whose operations make it to the manifest interest of the United States to purchase abroad.

But I do not care to say anything more about it. I am now expecting, and let me hope that I shall not be disappointed. This is a world of disappointments. It is a world of expectations, a world of bright anticipations, and a world of disappointments. Now, I am indulging in the expectations and anticipations. Let not the gentleman from Iowa dash these with disappointment. Let us do something now, or let us simply change the programme and not pretend to do something. [Applause on the Democratic side.]

Mr. SMITH of Iowa. Mr. Chairman, the gentleman appeals to my pride to yield upon the proposition that he now makes. As suggested by one of my friends, my pride is "in limited quantities." I think that I can show before I am through that the pride of the gentlemen on the other side on this subject ought to be in exceedingly limited quantities. When did this language originally come into the bill? Now the gentleman suggested that it is my "fine, artistic work." "Perish the thought" that I am entitled to such distinguished credit as that. I want to tell the gentleman when the language originated, where it originated, and from whom it came.

In the election of 1890 the Democratic party elected not only an overwhelming majority of the Members of Congress but elected for the first time since the civil war a majority of all the Members from the Northern States; and the first time that this language was ever written in the fortification law was by that Democratic Congress elected in 1890. [Great laughter and applause on the Republican side.]

I want to read the language for the instruction of the gentleman from Missouri. I read from the fortification bill, approved July 23, 1892—

That all material purchased under the foregoing provisions of this act shall be of American manufacture, except in cases where, in the judgment of the Secretary of War, it is to the manifest interest of the United States to make purchases in limited quantities abroad, which material shall be admitted free of duty.

[Great laughter and applause on the Republican side.]

My pride does not extend to the modificaton of this, the first product of the Democratic party restored to power in the House of Representatives of the United States. [Laughter and cries of "Vote!"]

The CHAIRMAN. Debate is exhausted on the pending amendment.

Mr. DE ARMOND. I move to strike out the last word.

Mr. SMITH of Iowa. The gentleman has an amendment pending.

Mr. DE ARMOND. I move to strike out the last word of the amendment.

Mr. Chairman, there was a Democratic House elected in 1890; but my recollection serves me ill if there was not a Republican Senate along about that time. How was that? I rather think that there was, and with that maybe there was a Republican President then. The gentleman from Iowa has shown that with the small leaven of a Democratic House in the tripartite division of the agencies that make the laws, a Republican President and a Republican Senate, they had managed to do this much; and that is the best defense that I have heard yet offered in opposition to the amendments that have been proposed upon this.

Gentlemen do well when they cite Democratic precedents; but it is not a Democratic precedent, because the Democratic House constituted only one-third of the law-making power, the Senate being Republican. The best that can be said, then, upon this subject is that when the Democrats had one-third of the power to legislate and put this anywhere, it was put in where it was not before. Therefore my hope has fallen in the gentleman from Iowa. Therefore the gentleman from Iowa has given us no better reason for not going further and doing better now. That seems to be about all he has done.

Mr. SMITH of Iowa. You were in full power, both with the President and the Senate since then, and did not attempt to modify that provision.

Mr. DE ARMOND. That goes to another question. My amendment should be rejected now, because once the Democrats had in the Senate, by counting all the odds and ends against all the elements of dyed-in-the-wool Republicanism under the sun, a majority on paper of one. [Laughter on the Republican side.] My friends, do not be too facetious over that. The time may not be far distant when, in order to get any kind of a majority, you will be forced to count all the odds and ends. [Laughter on the Democratic side.] Because at one time there was a Democratic President and a Democratic House, and a majority of one on paper in the Senate, there was not something better done, it has occurred to the gentleman from Iowa that there ought to be nothing better done now. Let us sum up for a moment. First, there ought not to be anything better done "when the manifest interest of the United States requires," because the Democratic party, when they had one House of Congress did not do any better; second, because they did not do anything better when they had the Government for a short period—the House, the President, and a nominal majority of one in the Senate.

I wish this could be determined upon a matter of reasonable argument. I wish there was some opportunity of submitting this question: Shall the powers of the Secretary of War be enlarged to protect the Government of the United States, or shall they not be enlarged, upon the ground that this is the best the Democrats did when they did the best they could do? I wish we could vote upon that proposition, but we can not, so we will have to take it in a lump. Another hope has failed. Apparently the gentleman from Iowa is going to vote as the gentleman from Ohio voted upon another proposition; and if the majority sustain them, we will have done this: We will have said that in a case where the manifest interests of the United States require large purchases abroad only small ones shall be made. I am willing to leave it there, and let the country judge of it.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. You quoted from ancient authority, and now I want to quote from modern authority. Mr. Chairman, on June 25, 1906, the President of the United States approved this resolution:

Resolved, etc., That purchases of material and equipment for use in the construction of the Panama Canal shall be restricted to articles of domestic production or manufacture from the lowest responsible bidder, unless the President shall in any case deem the bids or tenders therefor to be extortionate or unreasonable.

The Democrats voted against this resolution, the Republicans for it.

Now, did the President find so many things "extortionate and unreasonable" that you in this bill run back and adopt this language? Why, Mr. Chairman, have the Republicans receded; why have they gone back to a rule that was applied twenty years ago?

Mr. Chairman, last Congress Secretary Taft recommended this:

Resolved, That purchases of material and equipment for use in the construction of the Panama Canal shall be restricted to articles of domestic production or manufacture, *unless the President deem the bids therefor to be unreasonable.*

You defeated that.

In the Senate the Republicans also refused to adopt this resolution of a Democrat, Senator Carmack:

That in all the contracts for the purchase of equipment and material for use in the construction of the Panama Canal, preference shall be given to articles of domestic production or manufacture, *conditions of quality and price being equal.*

You Republicans defeated that, gentlemen. Now, why has the Republican party abandoned the language of 1906 and gone back to the language that the gentleman from Iowa [Mr. SMITH] says the Democratic party provided in a law in 1890, long before combinations of this country had risen up to be giants to flay the people and rob the Treasury of the United States. [Applause on the Democratic side.] Why have you receded? I ask you Republicans as a matter of information. Let us read the language of 1906 again. I do not want to misquote the Republicans.

Unless the President shall in any case deem the bids or tenders therefor to be extortionate or unreasonable.

Now, I ask my learned friend from Iowa [Mr. SMITH], why have you abandoned that language and retreated to this language? I await a reply.

Mr. BARTLETT of Georgia. Mr. Chairman, the gentleman from Iowa [Mr. SMITH] is always fair and generally accurate. He made a statement a minute ago that this provision appeared for the first time in a bill passed in June, 1892, by a Democratic House elected by an overwhelming majority in 1890. The gentleman did not rely upon his own information, or he would not have been so inaccurate. The gentleman gave the information as it was given to him. I have not had an opportunity to go any further back than the preceding year, February 24, 1891, when they had a Republican Congress, the Fifty-first Congress, known as the "Reed House."

Mr. KEIFER. That same Congress was sitting in 1892, was it not?

Mr. BARTLETT of Georgia. No; because it expired on the 4th of March, 1891. The gentleman from Ohio can recollect a

great many years back, but he is not always accurate in his recollection. This provision is:

That all material purchased under the foregoing provisions of this act shall be of American manufacture, except in cases when, in the judgment of the Secretary of War, it is to the manifest interest of the United States to make purchases in limited quantities abroad, which materials shall be admitted free of duty.

[Applause on the Democratic side.]

So, if it went into a bill passed by a Democratic House in 1892, it was but following the bad example of the Republican House prior thereto. [Applause on the Democratic side.]

Mr. KÜSTERMANN. Mr. Chairman, the words "in limited quantities" should be stricken out, and for this reason: You can not buy proportionately 100 pounds for the same price that you can buy a thousand. You will have to pay more when you buy limited quantities—more for a thousand pounds, in proportion, than you will if you buy a hundred thousand pounds. Competition in this country along the lines provided for in the bill before the House is very limited. So, for this reason, if exorbitant prices are charged in this country, we should authorize the Secretary of War to purchase abroad whenever goods can be purchased cheaper than in this country. Give the preference, by all means, to Americans; but if they want to take advantage by charging trust prices, then let us buy abroad. [Applause on the Democratic side.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. DE ARMOND].

The question was taken, and on a division (demanded by Mr. DE ARMOND) there were—ayes 75, noes 70.

Mr. SMITH of Iowa. Mr. Chairman, I demand tellers.

Tellers were ordered. The Chair appointed as tellers Mr. SMITH of Iowa and Mr. DE ARMOND.

The committee again divided, and the tellers reported that there were—ayes 85, noes 82.

So the amendment was agreed to.

Mr. HITCHCOCK. Mr. Chairman, I have an amendment I wish to offer.

Mr. SMITH of Iowa. Mr. Chairman, I move that at the end of the fifteen minutes allotted to the gentleman from New York [Mr. SULZER], the committee do rise and report the bill with amendment to the House with the recommendation that the bill, as amended, do pass.

The CHAIRMAN. The proposed amendment by the gentleman from Nebraska has precedence over the motion of the gentleman from Iowa.

Mr. SMITH of Iowa. Is the gentleman's amendment to the last section?

Mr. HITCHCOCK. It is.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add, after line 6, page 13, the following: "*Provided*, No money appropriated in this bill shall be used in payment of goods of American manufacture when it shall be made known to the Secretary of War that the same are sold abroad for lower prices than in America."

Mr. TAWNEY. Mr. Chairman, I make a point of order.

Mr. KEIFER. I make a point of order to that amendment.

Mr. HITCHCOCK. I would like to know what the point of order is.

Mr. TAWNEY. It is new legislation, Mr. Chairman.

The CHAIRMAN. The Chair will hear the gentleman from Minnesota.

Mr. TAWNEY. Mr. Chairman, the law at present, as I understand it, authorizes the Secretary of War to purchase certain munitions of war in foreign markets in limited quantities. As I understand the amendment, it is not only a limitation on the appropriation carried in the bill, but changes existing law in respect to the purchase of munitions of war in foreign countries.

Mr. MANN. Mr. Chairman, the amendment is in the form of a limitation. I am not able to lay my hand on the ruling that has been made, but my recollection is that the identical proposition has been ruled upon before.

Mr. HITCHCOCK. And in order.

Mr. MANN. It may have been ruled in order. I thought that possibly we might discuss the question in the House while it was being ascertained what it was, but if the gentleman has the ruling, very well. [Laughter.] Now, Mr. Chairman, while I say it is in the form of a limitation, it may well be held that it does change existing law, because the law now provides how these expenditures shall be made. This proposition would change the law, namely, providing that no part of the money appropriated shall be expended for the purchase of a certain class of goods under certain circumstances which, in fact, changes the law that provides for the sale of goods to the lowest bidder; and in that respect it is clearly a change of existing law. The law provides that the goods shall be advertised for and shall be purchased from the lowest responsible bidder. This changes that law and provides that the goods shall no longer be purchased from the lowest responsible bidder, and while in form of a limitation, and while it is true the House can restrict the expenditure of money, it has been repeatedly held that an amendment in the form of a limitation which in effect changes existing law, which seeks to accomplish indirectly what the rules do not permit to be accomplished directly, is a change of law, and hence not in order.

The CHAIRMAN (Mr. CAPRON). The Chair, after examining the amendment carefully and receiving advice which no one can dispute, is ready to rule. The amendment provides that no money appropriated in this bill shall be used in the payment for goods of American manufacture when it shall be made known to the Secretary of War that the same are sold abroad for lower prices. It seems to the Chair that that can be construed in no other way than a limitation, and consequently the Chair will overrule the point of order.

Mr. HITCHCOCK. Mr. Chairman, I want to say in behalf of this amendment that it meets some objections which gentlemen raised on the other side against other amendments offered upon the last paragraph of the bill. Certainly there can be no possible excuse for allowing the United States Government to pay to American manufacturers prices higher than those manufacturers receive from other governments and other customers abroad.

Mr. MANN. Will the gentleman yield for a question?

Mr. HITCHCOCK. Yes, sir.

Mr. MANN. I assume that the gentleman has given study to the subject. Who would determine and how would it be determined as to whether goods were sold abroad at lower prices? Would it be the duty of the War Department to ascertain with reference to all contracts made abroad or learn the prices of all materials abroad——

Mr. HITCHCOCK. Let me answer the question the gentleman has put——

Mr. MANN. I have not finished it.

Mr. HITCHCOCK. I considered that objection might be made, and I have said in my amendment that the Secretary shall only refuse to buy American-made goods when it has been shown to him that those identical goods are sold abroad at lower prices; and, Mr. Chairman, this is not a matter in which there will be a great amount of difficulty in demonstrating that American-made goods are being sold abroad at lower prices than they are sold in this country. For some time there was a denial of this charge, but it has become a matter of notoriety that a large proportion of all the various goods manufactured by the tariff-protected American trusts are being sold in many foreign countries at prices lower than they are being sold in this country. The first attempt to controvert those charges has been abandoned, and we now find that some of the gentlemen who originally denied the charges arise occasionally to excuse them upon one reason or another. It has been clearly proven, for instance, Mr. Chairman, that American watches are being sold abroad at prices much lower than they are sold at home, where they are made under the protection of this Dingley tariff. It has been shown that American steel rails are being sold in the markets of London, after the payment of freight, at prices lower than they are being sold to the American railroads, which are compelled to buy the trust-made American rails——

Mr. TAWNEY. Will the gentleman permit——

Mr. HITCHCOCK. It has been shown typewriters are being sold abroad at prices far below the prices they are sold in this country under the protective tariff. It has been shown that sewing machines are being sold abroad at prices much less than they are being sold in this country——

Mr. TAWNEY. Can you buy sewing machines under the appropriation made in this bill?

Mr. HITCHCOCK. It has been shown American plows are being sold abroad by the American trust at prices far below what they are sold to the American farmers. I mention these only as specimens of the trust programme. It has been shown that self-binders and other agricultural implements are sold cheaper abroad than to American farmers. So also that paper made by the American paper trust is being sold in foreign countries cheaper than it is sold to the consumers in this country, and so on. Oil and oil products——

Several MEMBERS. And armor plate.

Mr. HITCHCOCK. Yes; and other goods, possibly armor plate; and now we have offered to say to the Secretary of War, "You shall not pay American money to American manufacturers for goods which these same manufacturers sell abroad to foreign governments at lower prices than they sell to the United States." Can the Republican party afford to go

on record as against such a limitation upon an expenditure out of the Treasury? [Applause on the Democratic side.]

Mr. TAWNEY. Mr. Chairman, I endeavored to interrupt the gentleman from Nebraska during his remarks for the purpose of asking him if he understood that the appropriation bill which we have been considering, namely, the fortification appropriation bill, authorized the purchase of sewing machines, steel rails, and typewriters, for the purpose of showing how absolutely irrelevant is the argument he made in support of his amendment. Everybody knows that there is nothing authorized to be purchased in this bill except that which relates to the arms, armament, or munitions of war. Now, the gentleman upon the other side is evidently endeavoring to create the impression that we are about to pass an appropriation bill under which the Secretary of War is authorized to purchase any old thing that he may see fit. They seek to create the impression that on this side of the House we favor purchasing material other than war material regardless of cost. Our opposition to this amendment is because we propose to not rely upon any foreign government, I care not where it is, for our munitions of war or articles which we may require for the defense of our country. We can manufacture them ourselves if the individual manufacturer charges more than he should. The war material we provide for in this bill should be either purchased here or manufactured here. And the amendment should be voted down.

Mr. WILLIAMS. Mr. Chairman, I have listened very attentively to the remarks of the gentleman from Minnesota [Mr. TAWNEY]. It is an ad captandum argument, I take it. He knows, of course, that this amendment would apply to smokeless powder and armor plate, and if at any time the American manufacturers of smokeless powder or armor plate were selling those products cheaper abroad than at home, this amendment would apply and save the Government that much expense.

Mr. TAWNEY. For the information of the gentleman from Mississippi [Mr. WILLIAMS] I will say that there is no armor plate purchased under this appropriation.

Mr. WILLIAMS. The fortification armor is to be bought, whether to be put upon ships or not. And then I see a provision "for the repair of railroad tracks" in a certain part of the bill. So that one of the things referred to by the gentleman from Nebraska [Mr. HITCHCOCK] to wit, steel rails, comes directly into play. Now, Mr. Chairman, there is nothing sillier in the world than to have a government pay duty into the treasury upon goods bought for the government through one department, or paying a price with the duty added to it on one hand by one department of the government, while it takes the money out of the same treasury in behalf of another department. It is simply a question of cancellation.

Now, the truth is that nine-tenths of the Republican party probably in this country, if confronted with the single proposition of doing away with a condition under which the American manufacturers could continue to sell cheaper abroad than to their own people or their own Government, would be willing to do away with that condition. The truth is that you dare not, even in the most insignificant particular, make a break in this endless chain of protective industries which are robbing the American people. You are afraid to vote for a most palpable, plain, obvious provision of justice, if it takes a hundred thousand dollars away from the combined trusts, for fear that you shall have broken the arch of your structure and will let other "depredators" in upon your system—the depredators being the American consumers, whom you are yearly robbing, and their depredation consisting in buying what they must have cheaper.

Just a moment ago you were positively united in indulging in the fine art of saying that you would not give your own Secretary of War the power to stop exploitation of your own Government, except "in limited quantities." You would not give him power to do it in unlimited quantities, and here you are going to stand in a few minutes—every man of you, with perhaps one or two or three exceptions, and I do not hope for as many as three—announcing to the country that you think it is right for American manufacturers of smokeless powder, for American manufacturers of rails, for American manufacturers of guns, to sell to their own Government, protected by their own Government's protective tariff shelter law, at a higher price than they sell to other governments who at some time in the future may be deadly antagonistic on the field of battle with your own. What does the argument of the gentleman from Minnesota [Mr. TAWNEY] amount to? Nobody is saying here that the Federal Government *shall* buy abroad instead of at home. We are merely saying that under certain contingencies it *may* buy when it can buy cheaper abroad than at home; that under certain contingencies it may refuse to buy from American producers. When? In the judgment of your own Secretary they are exploiting your own Government. These particular American producers are robbing the United States Government by selling to it at a price higher than they sell to others abroad—in this particular case to other governments, because munitions of war are sold to governments rather than to private individuals. [Applause on the Democratic side.]

Mr. SMITH of Iowa. Mr. Chairman, I wish to call attention to the language of this amendment, and that it does not provide that this money may be expended abroad; that the provision is that no money appropriated in this bill shall be used in payment for goods of American manufacture when it shall be made known to the Secretary of War that the same are sold abroad for lower prices than in America.

Mr. HITCHCOCK. Mr. Chairman, we have already adopted an amendment providing for the purchase of goods abroad.

Mr. SMITH of Iowa. Yes.

Mr. HITCHCOCK. So that objection will not lie.

Mr. SMITH of Iowa. The provision is that you must buy goods at home except when it is to the manifest interest of the United States to buy abroad.

Mr. HITCHCOCK. It certainly would be.

Mr. SMITH of Iowa. In my judgment it would certainly not be. In other words, in these particular matters of national defense we are peculiarly interested in building up American institutions capable of producing our material. It is wholly different from any tariff proposition. We can better afford to pay more money than the goods would cost abroad to have them produced here, in these lines, independently of any tariff proposition whatever. It is absurd for gentlemen to be making a patriotic appeal to this House about buying American munitions and material of war manufactured in some foreign land. [Applause on the Republican side.]

I like to hear of patriotism and high purposes, but it is nonsense for a man to claim that in seeking to transfer to foreign lands the production of American material of war he is actuated solely by lofty, patriotic motives. Nor am I questioning the patriotism of the gentleman from Nebraska.

Mr. HITCHCOCK. Will the gentleman allow me to interrupt him?

Mr. SMITH of Iowa. Certainly.

Mr. HITCHCOCK. Does not the gentleman realize that if the amendment is adopted and becomes law, that these very manufacturing concerns will sell to this Government at the same rate as they do to foreign governments?

Mr. SMITH of Iowa. The gentleman assumes that the manufacturing establishments are now in the United States. Now, when we adopted the Vickers-Maxim gun that very question arose. We could not get one of them except in a foreign land, and we stipulated that they must found an American factory for the production of those guns before we would introduce them into the American Army at all. Now, I presume that they charged us more for those guns than they would have done if they manufactured them in their foreign factory, with foreign labor, at a place where we could not get them in time of war.

Mr. HITCHCOCK. Mr. Chairman, the gentleman does not state the question correctly. He takes the position that this newly established factory in this country would sell abroad. The American factory so specially established would sell to no one but the United States. Without the amendment which I have offered, the Department can purchase goods made in American factories doing business not only with the United States but with foreign countries, and giving those foreign countries a great advantage in price.

Mr. SMITH of Iowa. The gentleman misunderstood me. Now, I ask the gentleman to give us his judgment, if it should happen if we should adopt some foreign form of arm, and we wanted in future to establish that factory, when it would be subject to seizure in time of war, whether the gentleman says it would be wrong for them to sell for a higher price an arm made in that factory than for making the arm in a foreign factory by foreign labor?

Mr. HITCHCOCK. This amendment applies only to American manufacturers who sell their American-made goods in foreign countries cheaper than in the United States.

Mr. SMITH of Iowa. I understand.

Mr. HITCHCOCK. The gentleman is referring to a case in which the American factory is established simply for the purpose of making and selling a foreign arm to the United States. My amendment does not affect that. It only reaches an American manufacturing concern which makes goods in America and then sells them cheaper, say, in Europe than in America.

Mr. SMITH of Iowa. Would they buy foreign guns—guns not made in American factories?

Mr. HITCHCOCK. It says "American-made goods" in plain language. [Applause on the Democratic side.]

Mr. SMITH of Iowa. This proposition is plain, that we ought to be able to hold forth encouragement to have these establishments here and pay them a higher price in order to get them to manufacture here rather than to manufacture them abroad, even though the factories thus founded should sell cheaper abroad than here.

Mr. MANN. Mr. Chairman, outside of the broad question which is involved, and with which I am not in sympathy with the gentleman from Nebraska, there is somewhat a technical question involved in the amendment. Under the terms of the amendment proposed by the gentleman from Nebraska the sale of the goods abroad is not confined to sale by the manufacturers. In case there were two bidders for goods to sell to the Government and one of them was the lowest bidder, if the other bidder should persuade some one in England to buy goods at their factory and sell them abroad, the Government would be forbidden to let the contract to the lowest bidder and be forced to let the bid to the highest bidder.

The mere statement of the case shows the absurdity of the amendment as it now reads. Of course the gentleman will say that that is not the intention of the amendment. Very likely. That shows that the form of the amendment is not well considered, because in a competition between bidders tricks are frequently resorted to where they can be resorted to, and there is nothing to prevent that in this amendment.

Now, Mr. Chairman, it does frequently occur that the manufacturers here may have an opportunity to enter into competition with foreign manufacturers in selling goods in the Orient, say. It is undoubtedly true that both England and Germany and America at times sell goods in China and Japan at less prices than they sell at home.

And it seems to me that this side of the House, maintaining the principles it has maintained for years, can well afford to vote against a proposition of this sort, which has no application to this bill, and which is intended merely for campaign purposes across the line of the Missouri. I do not wish to participate in the contest between the gentlemen on the two sides of the Missouri River—at Omaha and Council Bluffs—but I sympathize with both of them.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska [Mr. HITCHCOCK].

The question was taken, and on a division (demanded by Mr. HITCHCOCK) there were—ayes 77, noes 108.

Mr. WILLIAMS. Mr. Chairman, let us have tellers on that.

Tellers were ordered, and the Chairman appointed Mr. SMITH of Iowa and Mr. HITCHCOCK.

The committee again divided and there were—ayes 88, noes 110.

Accordingly the amendment was rejected.

Mr. SMITH of Iowa. I now move to strike out the last paragraph of the bill and insert the following substitute therefor:

The Clerk read as follows:

Strike out the last paragraph of the bill and insert:

"That all material purchased under the provisions of this act shall be of American manufacture, except in cases when, in the judgment of the Secretary of War, it is to the manifest interest of the United States to make purchases in limited quantities abroad; such material, purchased in limited quantities, shall be admitted free of duty, as shall other similar material furnished without charge."

Mr. SHERLEY. I make the point of order against the amendment. It raises the same subject-matter that the committee has just expressed its view upon. It undertakes to restore and put back what the committee determined to change.

Mr. MANN. Oh, no; it is a substitute.

The CHAIRMAN. It is not for the Chair to enter into the question of the consistency of an amendment or the intent of an amendment. On its face it is a different amendment from the original proposition, as the gentleman will appreciate.

Mr. SHERLEY. Will the Chair permit me to see the amendment?

The CHAIRMAN. The Chair will be pleased to do so. The Chair is ready to rule on the point of order.

Mr. SHERLEY. The substitute offered in lieu of the paragraph as amended by the committee makes a change by striking out the word "foregoing," in the first line; by striking out the word "which," before the word "material," and then substituting the word "such," and by inserting the words "purchased in limited quantities;" and otherwise it is in accordance with the paragraph previously perfected. If it be in order simply by amplifying an amendment by adding certain words, to have a reconsideration of it and a vote in committee, it will be impossible for the committee ever to arrive at any conclusion to report to the House. Now, I submit to the Chair that it would be in order for the gentleman from Iowa to offer the words "purchased in limited quantities" after the word "material," which would have looked to a further perfection of the paragraph; but now to move to so perfect as to undo what the committee has done is to make a circle of parliamentary proceeding and to lead the committee nowhere.

Mr. SMITH of Iowa. I am not proposing to perfect it; I am proposing a substitute for it.

Mr. MANN. The universal parliamentary rule is that a substitute can not be put to the House so long as there are amendments pending to perfect the original paragraph. Up to this time there have been amendments proposed for the purpose of perfecting the original paragraph. The gentleman from Iowa now, at the proper time under parliamentary practice, offers a substitute, proposing to strike out the paragraph entirely and substitute another paragraph for it. The substitute offered could not have been offered prior to this time, because up to this time amendments have been offered to the original proposition in the bill, and for the first time the gentleman from Iowa has an opportunity to do what he is now doing, moving to substitute a paragraph in place of the one in the bill.

Mr. SHERLEY. If the Chair will permit, in furtherance of my point of order, I would say that if the substitute makes a change of law from the paragraph as it exists, it would seem to be subject to a point of order, because it is not based on existing law and undertakes to legislate upon an appropriation bill.

Mr. DE ARMOND. Mr. Chairman, I would like to say a word in reply to the gentleman from Illinois. He suggests that this is the earliest period at which a substitute could be offered, and that a substitute can be offered for perfecting the paragraph. The gentleman jumps one little hurdle in the progress of his argument. Does the gentleman mean that you can offer a substitute for a paragraph which the House has amended, because you call it a substitute? A substitute is in the nature of an amendment, and while you can offer a substitute for a paragraph that has or has not been amended, the same rule precisely applies for determining whether or not the substitute is in order that applies when there is a proposition to make an amendment that the House has declined to make, to restore what the House has stricken out; so it brings it back to the proposition stated by the gentleman from Kentucky [Mr. SHERLEY], whether there is any substantial difference between what is now offered as a so-called "substitute" and what before was in the passage as reported and has been changed by vote of the House. Calling it a substitute does not change its character and nature and does not make it admissible under that name if it would not be admissible under another name.

To make a test, suppose the proposition was to restore in precisely the same words by way of a substitute the language that the House before amended, would the gentleman from Illinois or anybody else contend that that would be admissible?

Mr. MANN. I would not.

Mr. DE ARMOND. Exactly; and so the gentleman did not complete his argument. So it comes back to the proposition suggested by the gentleman from Kentucky that it is merely a juggling with words, and under a pretext depended upon to be sustained by a majority under the pretext that it is a new proposition, it has really submitted to the committee again the old proposition; in other words, having gathered in a few more votes, the proposition now is to undo what was done before. [Applause on the Democratic side.]

The CHAIRMAN. The Chair desires to call the attention of the gentleman from Missouri to the fact that the Chair does not consider it the same proposition, and the gentleman could not so construe it, the Chair is assured, if he will read it carefully. It is a substantial change of words, and it is not for the Chair to say what the effect of it is.

Mr. DE ARMOND. I think the gentleman from Kentucky has answered that, and I was devoting myself to the persuasive proposition of the gentleman from Illinois.

Mr. MANN. Mr. Chairman, it is a perfectly plain case that the Chair can not determine the meaning of the amendment offered in the House. The Chair must permit the House to determine whether the substitute is a different proposition from the one in the bill. It is for the House to determine; the House votes on that proposition. The Chair does not undertake to determine whether the new language means precisely the same thing as the paragraph did before. It is a new proposition different from the one in the bill and can be voted upon now for the first time, and hence is in order.

Mr. SHERLEY. If the Chair will permit, the Chair must determine many matters of construction. The Chair frequently determines on a point of order whether the amendment offered in the form of a limitation is really a limitation or whether its effect is to change existing law. Now, the proposition of the

gentleman from Illinois, carried to its logical conclusion, means that by offering an amendment over again, and simply saying "I offer it as a substitute," it becomes a substitute, and the Chair must become entirely lacking in intelligence and say: "It is not within the province of the Chair to determine whether it is the same matter or proposition." That is absolutely destructive of parliamentary proceeding. The whole theory of parliamentary law is to have an orderly procedure that leads to a conclusion. I submit to the Chair if it is possible under the guise of a substitute to raise the identical question upon which the Committee of the Whole House has already acted? It is simply working in a circle and is against the fundamental reason of parliamentary law.

The CHAIRMAN. If the statement of the gentleman from Kentucky applied in its entirety to the proposition, the gentleman would be correct, but as it does not, the gentleman is entirely in error, and the Chair would like to offer further proof by asking the Clerk to read from Jefferson's Manual.

The Clerk read as follows:

If an amendment be proposed inconsistent with one already agreed to, it is a fit ground for its rejection by the House, but not within the competence of the Speaker to suppress as if it were against order. For were he permitted to draw questions of consistence within the vortex of order, he might usurp a negative on important modifications and suppress instead of subserving the legislative will.

The CHAIRMAN. The Chair therefore overrules the point of order.

Mr. SHERLEY. Does the Chair rule on the further point of order that if the substitute offered for the paragraph as amended be a change, it is legislation upon an appropriation bill?

The CHAIRMAN. The ruling of the Chair in overruling the point of order would certainly cover the proposition last stated by the gentleman from Kentucky. The question is upon the amendment offered by the gentleman from Iowa.

The question was taken, and the Chair announced the ayes appeared to have it.

On a division (demanded by Mr. DE ARMOND), there were—ayes 114, noes 95.

Mr. SHERLEY. Tellers, Mr. Chairman.

Tellers were ordered.

The committee again divided, and the tellers (Mr. SMITH of Iowa and Mr. SHERLEY) reported that there were—ayes 108, noes 84.

So the amendment was adopted.

Mr. SMITH of Iowa. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation, and upon the expiration of the fifteen minutes allotted to the gentleman from New York [Mr. SULZER] I move that the committee do rise and report the bill to the House with the recommendation that the amendment be adopted and the bill as amended do pass.

The motion was agreed to.

The CHAIRMAN. The gentleman from New York [Mr. SULZER] is recognized for fifteen minutes.

Mr. SULZER. Mr. Chairman, in my opinion the House made a serious mistake yesterday in tabling the resolution introduced by the gentleman from Georgia [Mr. HARDWICK]. I know something about the legislation creating the Bureau of Corporations and the intention of the men who had that legislation in view, and I can say it was the purpose of the men who wrote that law into the statute books that the Bureau of Corporations should furnish Congress with information, as well as the President. If that Bureau has any information such as this resolution calls for, we should be in possession of it, as well as the President. In my opinion, that resolution was parliamentary. It did not ask for anything incompatible with public interests, and, in my opinion, it should have been passed, and if there is any information that will guide us to better legislation we should be in possession of it. The gentleman from Illinois [Mr. MANN] opposed the adoption of that resolution and made the motion to lay it on the table. He said in his speech regarding the law creating the Bureau of Corporations:

I believe it is a right law, and I claim the credit of having originated the idea of the Bureau of Corporations and putting that provision into the law creating the Department of Commerce and Labor.

Mr. Chairman, I asked the gentleman when he finished his speech to yield me five minutes in order to correct that statement. The gentleman declined to yield me the five minutes. I then asked for unanimous consent to address the House in order to correct that statement, and the gentleman from Illinois, who had misinformed this House, objected to my having five minutes by unanimous consent. Now, sir, let us take the RECORD in regard to the creation of this Bureau of Corporations. We Democrats work so hard here that if we can possibly accomplish any good we ought to have the credit of it. The gentleman said that he originated the idea. The gentleman says that he created this Bureau of Corporations. Let us see about that. Mr. Chairman, the first bill introduced in this Congress providing for a Department of Commerce containing a provision for a Bureau of Corporations was introduced by me on the 2d day of May, 1902. The provision for the Bureau of Corporations in that bill is section No. 5, and I will put that section in my speech to-day, so that he who runs may read.

The section referred to is as follows:

Section 5, of a bill introduced by Mr. SULZER, of New York, on May 2, 1902, entitled "An act to create a Department of Commerce:"

That there shall be established in the Department of Commerce and Labor a bureau called the "Bureau of Corporations," and a chief of said bureau, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive a salary of $4,000 per annum. There shall also be in said bureau one chief clerk and one auditor and such number of examiners as shall be needed to carry out the purposes of this act. Said auditor and examiners shall be expert accountants, and shall be paid salary and necessary expenses. There shall also be such other clerical assistants as may from time to time be authorized by Congress. It shall be the province and duty of said Bureau of Corporations, under the direction of the Secretary of Commerce and Labor, to inspect and examine all corporations engaged in interstate and foreign commerce by gathering, compiling, publishing, and supplying all available and useful information concerning such corporations, including the manner in which their business is conducted, and by such other methods and means as may be prescribed by the said Secretary.

Every corporation governed by this act shall make annual reports in writing to the said auditor of said bureau, and such report shall in all cases include:

(a) Capital authorized and issued, the amount paid up in cash or otherwise, with a statement of the method of paying where it is not in cash.

(b) Debts, including details as to the amount thereof and security given therefor, if any.

(c) Obligations due from officers, which shall be separately stated.

(d) A statement of assets and the method of valuing the same, whether at cost price, by appraisal, or otherwise, and of the allowance made for depreciation. Small items of personal property included in a plant may be described by the term "sundries" or like general term.

(e) Gross earnings for the period covered by the report, all deductions necessary for interest, taxes, and expense of all sorts, the surplus available for dividends, and dividends actually declared.

(f) Increase of assets since the last statement, with a showing in what way such increase has been secured.

(g) The names and addresses of stockholders, with the number of shares held by each at the date of the report.

(h) The amount of stock disposed of and the amount of property taken for stock sold since the last report, with all facts necessary to show the results of the transaction.

(i) A statement showing that the corporation in question has not, during the period covered by the said report, received any rebates, drawbacks, special rates or discriminations, advantages, or preferences, by money payments or otherwise, from any railroad, pipe line, water carrier, or other transportation company, or if any such have been received or given, stating when, from whom, on what account, and in what manner they were so received, with all other details necessary to a full understanding of the transaction or transactions.

(j) The names and addresses of all officers; location of transfer or registry offices, wherever located.

(k) A statement that the corporation has not fixed prices or done any other act with a view to restricting trade or driving any competitor out of business.

(l) A statement that the corporation is or is not a party to any contract, combination, or conspiracy in the form of trust or otherwise in restraint of trade or commerce among the several States or Territories or with foreign nations.

(m) A statement of the proportion of goods going into interstate commerce.

That it shall be the duty of the auditor to prescribe the form of the reports before mentioned. He may in his discretion require additional reports at any time when he may see fit, upon reasonable notice; but his determination shall be prima facie proof that the notice is reasonable. He may also require supplemental reports whenever, in his judgment, the report rendered is in any particular or particulars insufficient, evasive, or ambiguous. He may prescribe rules so as to avoid undue detail in making reports, but no detail of the business of the corporation shall be considered private so as to be exempt from the examination of the auditor whenever he may demand report thereon. He shall make public in his reports, which shall be issued annually, all the information contained in the reports so made to him. When a report has been made by a corporation, and, with all supplemental and additional reports required by the auditor, shall have been approved by him, the corporation making such report or reports shall publish the same in a daily newspaper, after the usual custom in such cases, with the auditor's minutes of approval, and shall file with the auditor proof of such publication by the publisher's certificate.

That if any corporation shall fail to make a report when required, either by the terms of this act or when required by the auditor, as herein provided, said corporation shall be fined not less than 1 per cent or not more than 10 per cent of its last annual gross earnings for each offense. Every day of failure after a written demand has been made by the auditor shall constitute a separate and distinct offense. In case of failure, also, each of the directors of the said corporation shall be ineligible, for the year succeeding the next annual meeting, to hold either directorship or any other office in the said corporation. If such report is false in any material respect, the corporation shall be fined not less than 2 per cent and not more than 20 per cent of its last annual gross earnings, and each false statement in any material matter shall constitute a separate offense. All fines and penalties imposed by this act shall be recovered or enforced in any court of competent jurisdiction.

That it shall be the duty of examiners, under the direction of the Auditor, to make examinations of any corporation governed by this act. Any of said examiners presenting his official credentials shall be furnished by the officers of the corporation every facility for complete and full examination, not only of the books, but of all property, records, or papers of the corporation which may be necessary, in the judgment of the examiner, for a complete knowledge of the affairs of

the concern. Such examinations shall not be at fixed periods, but shall be at such times as the Auditor shall fix and without notice. Examiners shall have the power to examine under oath all officers or employees of a corporation, or any other persons having any knowledge of its affairs, and to send for, demand, and inspect books, papers, and any other matter of evidence whatever which is in the possession or control of the said corporation. For the purpose of this act examiners shall have power to require, by subpœna, the attendance and testimony of witnesses under oath and the production of all books, papers, contracts, agreements, and documents relating to any matter under investigation. Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States at any designated place of hearing. And in case of disobedience to a subpœna the examiner may invoke the aid of any court of the United States in requiring such attendance.

And any of the circuit courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpœna issued to any corporation subject to the provisions of this act, or other person, to issue an order requiring such corporation or other person to appear before said examiner and produce books and papers, if so ordered, and give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. The claim that any such testimony or evidence may tend to criminate the person giving such evidence or testimony shall not be used against such person on the trial of any criminal proceeding. The auditor shall likewise have all the authority of an examiner in any case wherein he chooses himself to act. No examiner shall be assigned to examine any corporation who is himself interested in the business thereof, or any competing concern, or who has relatives who are so interested.

That it shall be unlawful for an examiner to divulge private business, except by his report to the auditor. But such report, or the substance thereof, shall be opened for public inspection. Each examiner shall follow the rules, regulations, and directions which the auditor may from time to time lay down or communicate to him as to the method of examination, the form of report, the matters to be covered by the said examination, and all matters pertaining to his duties. Said examinations and reports shall always cover, among others, the following questions:

(a) Has the said corporation, during the period covered by the examination and report, received any rebates, drawbacks, special rates, or other discriminations, advantages, or preferences, by money payments or otherwise, from any railroad, pipe line, water carrier, or other transportation company?

(b) If there have been such preferences, when were they received, from whom, on what account, and in what manner, giving all details necessary to a full understanding of the transaction?

(c) Is the said corporation a member of any combination having or intending to secure a monopoly of any commodity other than such monopolies as are legally granted by patent or otherwise?

(d) Has the said corporation any such monopoly, or does it use methods tending to secure such monopoly?

(e) Has it made any contracts or agreements tending to secure any such monopoly to itself or any other concern, whether owned by an individual or individuals, a corporation, or some combination of individuals and corporations?

(f) Is such corporation a party to any contract, agreement, or combination, in the form of a trust or otherwise, in restraint of trade or commerce among the several States or with foreign nations?

(g) Has the corporation purchased or does it hold the stock of any corporation for the purpose of controlling its management?

Said reports of examiners shall be prima facie true and may be introduced in evidence in all courts to prove the facts therein set forth. Copies certified by the auditor shall be admissible with like effect and under the same circumstances as the original. The word "corporation" wherever used in this act shall be deemed to include associations existing or authorized either by the law of the United States, the laws of any State, or the laws of any foreign country.

Mr. SULZER. That was on the 2d of May, 1902. On the 12th day of December, 1902, the gentleman from Illinois [Mr. MANN] introduced a bill known as H. R. 16282, a bill to establish the Department of Commerce and Labor, and in his bill he has a little brief section, which I will also place in the RECORD, for the establishment of a Bureau of Corporations. Now, what is the truth about this matter? The truth is after I introduced that bill I went before the committee having the bill in charge, the Committee on Interstate and Foreign Commerce, of which the gentleman from Illinois is a member and was a member then. I argued in favor of that bill to create that Department of Commerce and Labor containing a provision for a Bureau of Corporations. The gentleman was present and heard the argument, not only of myself, but of several distinguished gentlemen who came to Washington in that session of Congress and argued in favor of the bill and this provision for the creation of a Bureau of Corporations. That session of Congress passed and the committee took no action on the bill, but at the beginning of the next session of the Fifty-seventh Congress the gentleman from Illinois introduced a bill along similar lines and took this idea of mine for a Bureau of Corporations [laughter] and put it into his bill.

But let me proceed. That is not all. The bill to create the Department of Commerce and Labor was reported to the House by the gentleman from Iowa, and was called up by him on January 17, 1903. When the bill was being considered in the Committee of the Whole House on the state of the Union on the 17th day of January, 1903, it appeared that that bill——

Mr. MANN. Will the gentleman yield?

Mr. SULZER. I can not yield. You would not give me five minutes yesterday when you had lots of time. Now, do not try to steal my time like you stole my ideas. [Laughter].

Mr. MANN. If I did not steal any more of your time than I stole of your ideas——

Mr. SULZER. Now, Mr. Chairman, that is not to come out of my time.

Now, Mr. Chairman and gentlemen, when that bill to create the Department of Commerce and Labor was reported from the committee of the gentleman from Illinois [Mr. MANN] there was no provision in the bill for the establishment of a Bureau of Corporations—absolutely no provision. And when the bill was being read in the Committee of the Whole House on the state of the Union I offered section 5 of my bill as an amendment to the pending bill, as a new section, and the RECORD of January 17, 1903, reads as follows:

Mr. SULZER. Mr. Chairman, I now offer the amendment which I ask the Clerk to read. I propose that it come in as section 6.

* * * * * * *

This is designed to follow section 5.

The CHAIRMAN. Then the gentleman offers it as a new section?

Mr. SULZER. Yes, sir.

The Clerk proceeded to read the following amendment proposed by Mr. SULZER:

And then follows the amendment identical with section 5 of my bill, to create the Department of Commerce and Labor. I said after the amendment was read:

Mr. Chairman, regarding this amendment I want to say that on the 2d day of May, 1902, I introduced in this House a bill to establish a Department of Commerce, and the amendment just read is section 5 of that bill. The bill was referred to and considered by the Committee on Interstate and Foreign Commerce. I appeared before the committee in favor of my bill to establish a Department of Commerce, and so did a number of distinguished gentlemen representing commercial bodies, labor organizations, the American Anti-Trust League, and other associations which are in favor of publicity in regard to the great trusts of the land.

I will put in the balance of what was then said in my speech.

Mr. MANN. Read it.

Mr. SULZER. I have not time now. I will put it in the RECORD all right. It is in the RECORD now, but I will put it in again to refresh your memory.

Now, at that time, Mr. Chairman, the gentleman from Illinois debated a proposition to create a Bureau of Corporations, and was very much opposed to it. He did not want it done. [Laughter.] And when the question came up in the Committee of the Whole he voted against putting the amendment in the bill. He voted against the Bureau of Corporations, and when the bill was reported to the House, and as it was on its final passage, the then Democratic leader of the House [Mr. Richardson] moved to recommit the bill to the committee with instructions which the Clerk then read. It was the same identical amendment. There was a roll call on my demand on that motion. The RECORD here shows that the gentleman from Illinois voted against it. Every Republican on that side of the House at that time voted against the amendment to create the Bureau of Corporations, and every Democrat on this side of the House voted in favor of it. That appears in the RECORD, on page 929, January 17, 1903.

Now, Mr. Chairman, the bill passed the House without any Bureau of Corporations provided for in it, a provision which I strenuously struggled for for a year. It went to the Senate. When it reached the other body the Senator from Ohio [Mr. Hanna] moved to commit the bill to the committee. It went to his committee. It was reported out of his committee. There was absolutely no debate on the question. He asked for a conference, and the Senate ordered a conference. It came over to the House, and the House agreed to a conference and there was one. In that conference, although this Bureau of Corporations was not before the conference at all, the conferees put into the bill, in violation of the rules of the Senate and in violation of the rules of the House, this provision from my bill to create a Bureau of Corporations. But they left out practically the best of it. They only put in a part. I could not understand it at the time. I do not really understand it to-day, but there was a reason why the conferees on the part of the House and the conferees on the part of the Senate violated the rules of Congress and put that provision for this Bureau of Corporations into that bill.

There was a reason for it, and if I mistake not the reason was that at that time the Standard Oil trust sent to Congress—to various Members of Congress—telegrams that they did not want any more antitrust legislation. These telegrams, in some way or other, got to the White House, and they were given out from the White House, and they created a revulsion of public feeling all over this country. So that the conferees, one of whom, I think, was the gentleman from Illinois, got worried, got frightened, got scared. I am informed—I do not know whether it is true or not, but I hope it is true—I am informed the far-seeing President of the United States, with his usual political

acumen, sent for these conferees and told them, "You made a great mistake when you beat SULZER's amendment for the Bureau of Corporations." [Great laughter.] "If that were law, we could investigate the trusts and find out the truth; if that were law, we could get publicity, and publicity is what the people want to-day. I tell you, gentlemen, go back to Congress and put that Sulzer amendment into the bill." And they came back and they put it partially in the bill. Now, what did the President say about it afterwards, when he wrote his letter of acceptance as candidate for President in 1904? He said:

The action of the last Congress in enlarging the scope of the interstate-commerce law and in creating the Department of Commerce and Labor, with a Bureau of Corporations, have for the first time opened a chance for the National Government to deal intelligently and adequately with the questions affecting society, whether for good or for evil, because of the accumulation of capital in great corporations and because of the new relations caused thereby.

* * * * * * *

Mr. Chairman, that is what the President said. I substantially agree with him. [Great laughter.] I think I have made it clear that the gentleman from Illinois was not the author of the Bureau of Corporations, did not originate the idea, and instead of doing anything to help create it, he was against it whenever he got an opportunity.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SULZER. One moment. [Laughter.]

The CHAIRMAN. The gentleman asks unanimous consent to proceed for one moment.

Mr. SULZER. I am glad to enlighten the gentleman from Illinois about this matter, although I think his memory serves him pretty good, and I think he thought somebody else's memory did not serve him quite as well, and that is the reason he made the speech he made yesterday. I want to be charitable to the gentleman from Illinois. I do not want to be cruel. If I wanted to be real mean and cruel I could be; but it seems to me when a Democrat has been working as hard and as long in the minority as I have, when he has really accomplished something good, something that a Republican President commends, it is the quintessence of partisan meanness for a Republican to endeavor to take it away from him. [Great laughter.]

The provisions referred to are as follows (see p. 977, CONGRESSIONAL RECORD, 1903):

Mr. SULZER. Mr. Chairman, I now offer the amendment which I ask the Clerk to read. I propose that it come in as section 6.

* * * * * * *

This is designed to follow section 5.

The CHAIRMAN. Then the gentleman offers it as a new section?

Mr. SULZER. Yes, sir.

The Clerk proceeded to read the following amendment proposed by Mr. SULZER:

SEC. 5. That there shall be in the Department of Commerce a bureau to be called the Bureau of Corporations, and a chief of said Bureau, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive a salary of four thousand dollars per annum. There shall also be in said Bureau one chief clerk and one auditor and such number of examiners as may be needed to carry out the purposes of this Act; said auditor and examiners shall be expert accountants and shall be paid salary and necessary expenses. There shall also be such other clerical assistants as may from time to time be authorized by Congress. It shall be the province and duty of said Bureau of Corporations, under the direction of the Secretary of Commerce, to inspect, examine, and regulate all corporations engaged in interstate or foreign commerce by gathering, compiling, publishing, and supplying all available and useful information concerning such corporations, including the manner in which their business is conducted, and by such other methods and means as may be prescribed by the Secretary of Commerce or provided by law.

Every corporation governed by this Act shall make annual reports in writing to the Auditor, and such report shall in all cases include:

(a) Capital authorized and issued, the amount paid up in cash or otherwise, with a statement of the method of payment where it is not in cash.

(b) Debts, including details as to the amount thereof, and security given therefor, if any.

(c) Obligations due from officers, which shall be separately stated.

(d) A statement of assets and the method of valuing the same, whether at cost price, by appraisal, or otherwise, and of the allowance made for depreciation. Small items of personal property included in a plant may be described by the term "sundries" or like general term.

(e) Gross earnings for the period covered by the report, all deductions necessary for interest, taxes, and expenses of all sorts, the surplus available for dividends, and dividends actually declared.

(f) Increase of assets since the last statement, with a showing in what way such increase has been secured.

(g) The names and addresses of stockholders, with the number of shares held by each at the date of the report.

(h) The amount of stock disposed of and the amount of property taken for stock sold since the last report, with all facts necessary to show the result of the transaction.

(i) A statement showing that the corporation in question has not, during the period covered by the said report, received any rebates, drawbacks, special rates, or other discriminations, advantages, or preferences by money payments or otherwise from any railroad, pipe line, water carrier, or other transportation company, or if any such have been received or given, stating when, from whom, on what account, and in what manner they were so received, with all other details necessary to a full understanding of the transaction or transactions.

(j) The names and addresses of all offices, location of transfer or registry offices wherever located.

(k) A statement that the corporation has not fixed prices or done any other act with a view of restricting trade or driving any competitor out of business.

(l) A statement that the corporation is or is not a party to any contract, combination, or conspiracy in the form of trust or otherwise, in restraint of trade or commerce among the several States or Territories or with foreign nations.

(m) A statement of the proportion of goods going into interstate commerce.

It shall be the duty of the Auditor to prescribe the form of the reports before mentioned. He may in his discretion require additional reports at any time when he may see fit upon reasonable notice. But his determination shall be prima facie proof that the notice given is reasonable.

He may also require supplemental reports whenever, in his judgment, the report rendered is, in any particular or particulars, insufficient, evasive, or ambiguous.

He may prescribe rules so as to avoid undue detail in making reports, but no detail of the business of the corporation shall be considered private so as to be exempt from the examination of the Auditor, whenever he may demand report thereon.

He shall make public in his reports, which shall be issued annually, all the information contained in the reports so made to him. When a report has been made by a corporation, and, with all supplemental and additional reports required by the Auditor, shall have been approved by him, the corporation making such report or reports shall publish the same in some newspaper or newspapers, after the usual custom in such cases, with the Auditor's minute of approval, and shall file with the Auditor proof of such publication by the publishers' certificate.

If any corporation shall fail to make a report when required, either by the terms of this Act or when required by the Auditor, as herein provided, said corporation shall be fined not less than one per centum or not more than ten per centum of its last annual gross earnings for each offense. Every day of failure after a written demand has been made by the Auditor shall continue a separate and distinct offense. In case of failure, also, each of the directors of the said corporation shall be ineligible, for the year succeeding the next annual meeting, to hold either directorship or any other office in the said corporation; but any director shall be exempt from said penalty upon making a showing that he has individually made such a report as he was able from the facts at his disposal.

If such report is false in any material respect, the corporation shall be fined not less than two per centum and not more than twenty per centum of its last annual gross earnings, and each false statement in any material matter shall constitute a separate offense. All fines and penalties imposed by this Act shall be recovered or enforced in any court of competent jurisdiction.

It shall be the duty of examiners, under the direction of the Auditor, to make examinations of any corporation governed by this Act.

Any of said examiners presenting his official credentials shall be furnished by the officers of the corporation every facility for complete and full examination, not only of the books, but of all the property, record, or papers of the corporation, which may be necessary, in the judgment of the examiner, for a complete knowledge of the affairs of the concern.

Such examinations shall not be at fixed periods, but shall be at such times as the auditor shall fix and without notice.

Examiners shall have the power to examine under oath all officers or employees of a corporation, or any other persons having any knowledge of its affairs, and to send for, demand, and inspect books, papers, and any other matter of evidence whatever which is in the possession or control of the said corporation.

For the purpose of this Act examiners shall have power to require, by subpœna, the attendance and testimony of witnesses and other production of all books, papers, contracts, agreements, and documents relating to any matter under investigation.

Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States at any designated place of hearing. And in case of disobedience to a subpœna the examiner may invoke the aid of any court of the United States in requiring the attendance.

And any of the circuit courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpœna issued to any corporation subject to the provisions of this Act, or other person, issue an order requiring such corporation or other person to appear before said examiner (and produce books and papers if so ordered) and give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. The claim that any such testimony or evidence may tend to criminate the person giving such evidence or testimony shall not be used against such person on the trial of any criminal proceeding.

The auditor shall likewise have all the authority of an examiner in any case wherein he chooses himself to act.

No examiner shall be assigned to examine any corporation who is himself interested in the business thereof, or of any competing concern, or who has relatives who are so interested.

Any blackmailing or receiving of bribes by any examiner or by the auditor shall be duly punished.

It shall be unlawful for an examiner to divulge private business, except by his report to the auditor. But such report, or the substance thereof, shall be open to public inspection.

Each examiner shall follow the rules, regulations, and directions which the auditor may from time to time lay down or communicate to him as to the method of examination, the form of report, the matters to be covered by the said examination, and all matters pertaining to his duties.

Said examinations and reports shall always cover, among others, the following questions:

(a) Has the said corporation, during the period covered by the examination and report, received any rebates, drawbacks, special rates, or other discriminations, advantages, or preferences, by money payments or otherwise, from any railroad, pipe line, water carrier, or other transportation company?

(b) If there have been such preferences, when were they received, from whom, on what account, and in what manner, giving all details necessary to a full understanding of the transaction?

(c) Is the said corporation a member of any combination having or intending to secure a monopoly of any commodity other than such monopolies as are legally granted by patent or otherwise?

(d) Has the said corporation any such monopoly, or does it use methods tending to secure such monopoly?

(e) Has it made any contracts or agreements tending to secure any such monopoly to itself or any other concern, whether owned by an individual or individuals, a corporation, or some combination of individuals and corporations?

(f) Is such corporation a party to any contract, agreement, combination, or conspiracy, in the form of a trust or otherwise, in restraint of trade or commerce among the several States or with foreign nations?

(g) Has the corporation purchased or does it hold the stock of any other corporation for the purpose of controlling its management?

Said reports of examiners shall be prima facie true and may be introduced in evidence in all courts to prove the facts therein set forth. Copies certified by the auditor shall be admissible with like effect and under the same circumstances as the original.

The word "corporation" wherever used in this Act shall be deemed to include associations existing or authorized by the law of either the United States, the laws of any State, or the laws of any foreign country.

The amendment is identical with section 5 of my bill, to create the Department of Commerce and Labor.

Mr. SULZER. Mr. Chairman, regarding this amendment I want to say that on the 2d day of May, 1902, I introduced in this House a bill to establish a department of commerce, and the amendment just read is section 5 of that bill. The bill was referred to and considered by the Committee on Interstate and Foreign Commerce. I appeared before that committee in favor of my bill to establish a Department of Commerce, and so did a number of distinguished gentlemen representing commercial bodies, labor organizations, the American Anti-Trust League, and other associations which are in favor of publicity in regard to the great trusts of our land.

All of these gentlemen advocated my bill or the incorporation in the Department of Commerce bill of a provision similar to the amendment just offered by me. The committee did not see fit to do that. They left it out of the bill they reported and now before the House.

Mr. Chairman, I desire to state briefly that this amendment brings before the House, as clearly and as positively as any proposition can, the question of whether the Members of this House are in favor of publicity regarding the trusts or not. If we are sincerely in favor of publicity regarding the trusts, we can not, it seems to me, object to this amendment. If we want publicity, we can not object to the establishment of this Bureau of Corporations in the Department of Commerce and Labor, for it is something which will create publicity and secure the information the Attorney-General says he wants in order to enforce the antitrust laws.

In my opinion it is the best plan for publicity yet devised, and will secure the information that every citizen wants regarding the conduct and the management of the great trusts of our country, and go far, in my judgment, to prevent the trusts from violating or evading the law now on the statute books against trusts and monopolies. It has been stated by those more competent to judge perhaps than myself that if this amendment were a law no trust in this country, no corporation, no monopoly, would or could violate the law.

Besides, it would secure all the information desired, and if the laws were violated the Attorney-General would have officially the facts to proceed forthwith and punish such violations. It would prevent the excuse now offered by the Department of Justice.

I think this amendment ought to be adopted. It will be if those who oppose trusts and monopolies and want publicity regarding them, so that the truth shall be known, vote for it. So I offered this amendment to find out and have the country know the names of the Members who are sincerely in favor of publicity and who are not. Let the record tell. Now is the time to stand by your professions and live up to your promises. [Applause.]

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from New York.

Mr. MANN. Mr. Chairman, the report of the bill from the committee provides for a Bureau of Corporations for the very purpose of providing an executive agency on publicity. Probably this side of the House would not always feel disposed to accept the language arranged by the gentleman from New York [Mr. SULZER] in reference to the method of obtaining publicity.

Very likely the other side of the House will accept the leadership of the gentleman from New York on this question. If so, we shall be content, but the committee which reported the bill has been rather inclined to await the report of the gentlemen from the Judiciary Committee, from both sides of the House, who are engaged in endeavoring to find a proper solution of the method of publicity. There is no disposition on the part of the committee which reported the bill, no disposition on the part of this House, to refuse proper legislation to effect publicity, but, with all due respect to the distinguished gentleman from New York [Mr. SULZER], I trust that we may be forgiven if we do not always adopt his views upon this subject.

Mr. HENRY C. SMITH. Mr. Chairman, I desire to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. MANN. Certainly.

Mr. HENRY C. SMITH. The section to which the gentleman refers as creating this Bureau of Corporations, I take it, is section 7?

Mr. MANN. Section 7.

Mr. HENRY C. SMITH. I would ask the gentleman's construction as to what powers such a Bureau would have? I have read the section hastily, and it seemed to me that it did not give the Bureau very much, if any, power to get the information.

Mr. SULZER. That is quite true.

Mr. MANN. There is no doubt whatever, Mr. Chairman, that section 7, as it reads in the bill, will not confer upon the Bureau of Corporations the power to compel the giving of information, and in that respect it might be said to be defective, and clearly would be defective if it were not the purpose to follow it up with additional legislation; but we all know that the Members of this House and the Members of this Congress are proposing to have additional legislation, and if this bill becomes a law and this Bureau of Corporations is created, undoubtedly there will be conferred either upon the Bureau itself or upon the Department the necessary powers to carry out the idea for which the Bureau is created.

If it is the preference of the House to take the suggestions—admirable in their nature, but more or less crude in the drawing of the language—of the gentleman from New York, very good; but I should prefer that the House should have the information which comes from the distinguished Judiciary Committee of this House, which intends, as I understand, to report some kind of a bill to the House covering ground like this.

Mr. SULZER. Oh, yes; they will doubtless report a bill some time, somehow, some way, and too late in the closing days of this session of Congress ever to pass before we adjourn. You may pass some kind of a bill through the House only to die in the Senate. It is the old, old story.

Mr. THAYER. Mr. Chairman, I have been waiting in this House for three years to see what action would be taken that would amount to anything to clip the wings of the trusts, and it is immaterial to me whom I am following if the road is clear, whether it be the gentleman from New York [Mr. SULZER] or the gentleman from Illinois [Mr. MANN]. I am here to help do something to curtail the increasing power of the trusts, and it is immaterial to me who leads in this, to my mind, good work.

Here is an amendment which proposes some practical legislation to make public the acts and doings of the great trusts and combines of this country, and the gentleman from Chicago [Mr. MANN] fails entirely to point out in this amendment anything which he thinks even is obnoxious, or is not in accordance with his views. He simply wishes to put off the matter to a more convenient time. It is the same old plea. We have been told, from the President of the United States down, that something should be done to make public the conduct of the trusts. Publicity is the great question which the public is demanding to-day of those corporations. Now, if the gentleman from Illinois [Mr. MANN] can not find any fault with this amendment, if he is simply waiting for something better, why not point out what is wrong in this bill, which is specific, directing, and comprehensive? We are confronted with the proposition now whether we shall do something or continue to do nothing, as we have for the last three years. Let us not dodge or evade our responsibility. The country is looking and waiting to see if we will keep our promises and do something to give publicity to the working of the trusts.

Mr. MANN. The gentleman will pardon me for saying that while it possibly is negligence on my part, I never have read the proposition of the gentleman from New York. It may be heavenly for aught I know. It may be perfect; but I should prefer to have it presented to the House in such a way that it can be properly considered by the committee.

Mr. THAYER. Unless the gentleman from Illinois is deaf, he must have heard the reading of it, line by line and word by word, within the last ten minutes.

Mr. MANN. Well, I am not as smart as the gentleman from Massachusetts, if he can understand it from hearing it read.

Mr. THAYER. I hope the opportunity will be granted for gentlemen of this House to discuss and analyze this amendment. I think it comes nearer to the bull's-eye than anything that has been presented. I had occasion to vote with the majority of this House for a constitutional amendment in the last Congress which it was never intended should be passed by the coordinate branch at the other end of this building and which I had very grave doubts about our right to pass; but I want to do something while I am a Member of this House or help others in doing something that will make public the acts of the trusts, a proposition which all parties agree is needed, and something that will in some measure satisfy the public. This amendment provides for the very thing we have been discussing here for the last four years. The opportunity is now here. Now is the accepted time; now is the day of salvation for those who do not believe in permitting these trusts to go on in the way they have been going.

Mr. SULZER. Mr. Chairman, I desire to say just a few words more. In discussing this amendment after it was offered the gentleman from Illinois [Mr. MANN] said it was crude. That is the word I believe he used. Subsequently, in answer to the gentleman from Massachusetts [Mr. THAYER], the gentleman from Illinois said he never read the amendment, that he had not heard it read, that he knew nothing whatever about it. It seems to me, sir, it comes with very bad grace for the gentleman from Illinois to characterize an amendment as crude that he has never read and never heard read. But it is characteristic of the gentleman, and shows how much reliance should be given his speech.

And yet, Mr. Chairman, this amendment has been pending before his committee ever since the 2d day of last May. And further, sir, he was present in the Committee on Interstate and Foreign Commerce when a delegation of the distinguished and representative gentlemen with myself went before his committee and urged a favorable report on my bill, or at least the incorporation of this amendment, being section 5 in my bill, in a bill creating a Department of Commerce. He heard every word of that discussion. He asked questions of the gentlemen on that occasion. That discussion is printed. Any Member can get a copy of it. It is a part of the records of the Committee on Interstate and Foreign Commerce on this bill.

It is too late for him now to say that he never read, or heard read, the amendment. In my opinion, he knows all about it, or he would not now oppose it so tenaciously. But if he says it is crude, let me say to him it has been submitted to some of the greatest lawyers in all this land—lawyers not employed by the trusts—and to men who have studied this trust question, not in the interest of the trusts, but in the interests of all the people, and they have all approved it. They say it will absolutely establish publicity, and do it in the only logical and legal way.

Again, sir, this amendment has been favorably passed on by the labor organizations, by the American Anti-Trust League, by leading thinkers and political economists, and by the honest folk of the land who are earnestly and honestly and fearlessly opposed to trusts and monopolies. The independent press of the country ask for publicity. In editorial after editorial they favor this amendment. The President asks for publicity. The Democrats ask for publicity and will vote to a man for this amendment. The people of the land, from one end of it to the other, demand publicity. The Republicans—that is, a few Republicans—say they want publicity; they say it, but they are afraid to vote for publicity. [Applause.]

The Republicans say they are going to give the people publicity as to the trusts some time, some way, somehow; but the days are going on. This Congress will adjourn on the 4th of next March. The time, gentlemen, is short, and I undertake to say that if this amendment is not adopted now, if it is not put in this bill and kept there, that there will be no antitrust legislation, no law for publicity passed during this session of Congress. The President, the Attorney-General, and all of the distinguished Republicans, including my friend from Maine [Mr. LITTLEFIELD], will keep on talking against the trusts, but they will do nothing against them.

The people will not and can not be deceived much longer in this matter. The record here to-day on this amendment will tell the tale. It will show whether the Republicans or the Democrats are sincere. It will tell the world who is for and who is against publicity—who are the friends of the trusts and who are the enemies of monopoly. An

ounce of performance is worth a ton of promise. If gentlemen on the other side are sincerely in favor of what the people want, if they favor publicity, you will give the people this ounce of performance to-day, and in my judgment it will truly establish publicity and go far to do away with trust evils.

With publicity—like a searchlight, exposing to public view every violation of law—the trusts and monopolies would hesitate a long time ere they violated the law; and if the Attorney-General promptly enforced the law against them, violations of law would soon cease entirely. But the Attorney-General says substantially in his Pittsburg speech that he can not enforce the law against the trusts because he can not get the evidence of violations of law. Make this amendment a law as a part of this bill, and the Attorney-General will have no difficulty in getting the facts—the evidence—to successfully prosecute every trust that is violating the law.

The law now on the statute books against trusts is clear and plain, and the highest court in the land has passed on its validity and sustained the constitutionality of its provisions. The antitrust act of 1890 declares that every contract or combination in the nature of a trust in restraint of trade and commerce among the several States and Territories or with foreign nations is a conspiracy, illegal and void, and punishable by fine and imprisonment.

Under this antitrust act it seems to me every trust in the United States can be prosecuted for violation of law, the charter annulled, and the men behind it punished for conspiracy. Every trust by its very nature is in restraint of trade and commerce and in violation of this law.

If you will read the antitrust act of 1890 and the decisions of the United States Supreme Court in the trans-Missouri freight case and the Addyston Pipe Line case, the conclusion will be irresistible to the logical mind that the fault is not so much with the law as it is with the men who are sworn to enforce the law.

In my opinion—and I say so advisedly—the Department of Justice under the present law can institute and successfully maintain actions against every trust doing business in the United States. The law is clear and plain, and the facts are within the knowledge of all.

Now, adopt this amendment offered by me for publicity regarding the trusts and monopolies, make it a part of this bill, so that it will soon be a law, and the Attorney-General will get all the facts he wants, and official facts that will be evidence sufficient to prosecute and sufficient to win every case against every trust violating the law. [Applause.]

The CHAIRMAN. The question is on the amendment of the gentleman from New York [Mr. SULZER].

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. SULZER. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 63, noes 88.

Mr. SULZER. I ask for tellers, Mr. Chairman.

Tellers were ordered.

The CHAIRMAN. The Chair will appoint as tellers the gentleman from New York [Mr. SULZER] and the gentleman from Illinois [Mr. MANN].

The committee again divided, and the tellers reported—ayes 75, noes 90.

So the amendment was rejected.

Mr. SULZER. Mr. Chairman, I desire now to say one thing. All the Republicans voted against this amendment for publicity and all the Democrats voted for it. That tells the story and the whole story. [Applause on the Democratic side.]

Mr. RICHARDSON of Alabama. Mr. Speaker, I have a motion to recommit the bill with instructions, which I send to the Clerk's desk.

The Clerk read as follows:

"*Resolved*, That the pending bill be recommitted to the Committee on Interstate and Foreign Commerce with instructions to report a bill or bills to the House to create and establish two separate departments, a department of labor and a department of commerce, each of the same dignity as existing departments and each with a secretary in the Cabinet of the President, and to assign to each of the departments proper and relative bureaus; with instructions also to strike out section 7 of the bill and insert the following as section 7:

"SEC. 7. That there shall be established in the department of commerce a bureau to be called the bureau of corporations, and a chief of said bureau, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive a salary of $4,000 per annum. There shall also be in said bureau one chief clerk and one auditor and such number of examiners as shall be needed to carry out the purposes of this act. Said auditor and examiners shall be expert accountants, and shall be paid salary and necessary expenses. There shall also be such other clerical assistants as may from time to time be authorized by Congress. It shall be the province and duty of said bureau of corporations, under the direction of the secretary of commerce, to inspect and examine all corporations engaged in interstate or foreign commerce by gathering, compiling, publishing, and supplying all available and useful information concerning such corporations, including the manner in which their business is conducted, and by such other methods and means as may be prescribed by the secretary.

"Every corporation governed by this act shall make annual reports in writing to the said auditor of said Bureau, and such report shall in all cases include—

"(a) Capital authorized and issued; the amount paid up in cash or otherwise, with a statement of the method of paying where it is not in cash.

"(b) Debts, including details as to the amount thereof and security given therefor, if any.

"(c) Obligations due from officers, which shall be separately stated.

"(d) A statement of assets and the method of valuing the same, whether at cost price, by appraisal, or otherwise, and of the allowance made for depreciation. Small items of personal property included in a plant may be described by the term "sundries" or like general term.

"(e) Gross earnings for the period covered by the report, all deductions necessary for interest, taxes, and expense of all sorts, the surplus available for dividends, and dividends actually declared.

"(f) Increase of assets since the last statement, with a showing in what way such increase has been secured.

"(g) The names and addresses of stockholders, with the number of shares held by each at the date of the report.

"(h) The amount of stock disposed of and the amount of property taken for stock sold since the last report, with all facts necessary to show the results of the transaction.

"(i) A statement showing that the corporation in question has not, during the period covered by the said report, received any rebates, drawbacks, special rates or discriminations, advantages or preferences, by money payments or otherwise, from any railroad, pipe line, water carrier, or other transportation company, or if any such have been received or given, stating when, from whom, on what account, and in what manner they were so received, with all other details necessary to a full understanding of the transaction or transactions.

"(j) The names and addresses of all officers; location of transfer or registry offices, wherever located.

"(k) A statement that the corporation has not fixed prices, or done any other act with a view to restricting trade or driving any competitor out of business.

"(l) A statement that the corporation is or is not a party to any contract, combination, or conspiracy in the form of trust or otherwise in restraint of trade or commerce among the several States or Territories or with foreign nations.

"(m) A statement of the proportion of goods going into interstate commerce.

"That it shall be the duty of the auditor to prescribe the form of the reports before mentioned. He may in his discretion require additional reports at any time when he may see fit, upon reasonable notice; but his determination shall be prima facie proof that the notice is reasonable. He may also require supplemental reports whenever, in his judgment, the report rendered is in any particular or particulars insufficient, evasive, or ambiguous. He may prescribe rules so as to avoid undue detail in making reports, but no detail of the business of the corporation shall be considered private so as to be exempt from the examination of the auditor whenever he may demand report thereon. He shall make public in his reports, which shall be issued annually, all the information contained in the reports so made to him. When a report has been made by a corporation, and, with all supplemental and additional reports required by the auditor, shall have been approved by him, the corporation making such report or reports shall publish the same in a daily newspaper, after the usual custom in such cases, with the auditor's minutes of approval, and shall file with the auditor proof of such publication by the publisher's certificate.

"That if any corporation shall fail to make a report when required, either by the terms of this act or when required by the auditor, as herein provided, said corporation shall be fined not less than 1 per cent or not more than 10 per cent of its last annual gross earnings for each offense. Every day of failure after a written demand has been made by the auditor shall constitute a separate and distinct offense. In case of failure, also, each of the directors of the said corporation shall be ineligible, for the year succeeding the next annual meeting, to hold either directorship or any other office in the said corporation. If such report is false in any material respect, the corporation shall be fined not less than 2 per cent and not more than 20 per cent of its last annual gross earnings, and each false statement in any material matter shall constitute a separate offense. All fines and penalties imposed by this act shall be recovered or enforced in any court of competent jurisdiction.

"That it shall be the duty of examiners, under the direction of the auditor, to make examinations of any corporation governed by this act. Any of said examiners presenting his official credentials shall be furnished by the officers of the corporation every facility for complete and full examination, not only of the books, but of all property, records, or papers of the corporation which may be necessary, in the judgment of the examiner, for a complete knowledge of the affairs of the concern. Such examinations shall not be at fixed periods, but shall be at such times as the auditor shall fix and without notice. Examiners shall have the power to examine under oath all officers or employees of a corporation, or any other persons having any knowledge of its affairs, and to send for, demand, and inspect books, papers, and any other matter of evidence whatever which is in the possession or control of the said corporation. For the purpose of this act examiners shall have power to require, by subpœna, the attendance and testimony of witnesses under oath and the production of all books, papers, contracts, agreements, and documents relating to any matter under investigation.

"Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States at any designated place of hearing. And in case of disobedience to a subpœna the examiner may invoke the aid of any court of the United States in requiring such attendance. And any of the circuit courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpœna issued to any corporation subject to the provisions of this act, or other person, issue an order requiring such corporation or other person to appear before said examiner and produce books and papers, if so ordered, and give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. The claim that any such testimony or evidence may tend to criminate the person giving such evidence or testimony shall not be used against such person on the trial of any criminal proceeding. The auditor shall likewise have all the authority of an examiner in any case wherein he chooses himself to act. No examiner shall be assigned to examine any corporation who is himself interested in the business thereof, or any competing concern, or who has relatives who are so interested.

"That it shall be unlawful for an examiner to divulge private business, except by his report to the auditor. But such report, or the substance thereof, shall be opened for public inspection. Each examiner shall follow the rules, regulations, and directions which the auditor may from time to time lay down or communicate to him as to the method of examination, the form of report, the matters to be covered by the said examination, and all matters pertaining to his duties. Said examinations and reports shall always cover, among others, the following questions:

"(a) Has the said corporation, during the period covered by the examination and report, received any rebates, drawbacks, special rates, or other discriminations, advantages, or preferences, by money payments or otherwise, from any railroad, pipe line, water carrier, or other transportation company?

"(b) If there have been such preferences, when were they received, from whom, on what account, and in what manner, giving all details necessary to a full understanding of the transaction?

"(c) Is the said corporation a member of any combination having or intending to secure a monopoly of any commodity other than such monopolies as are legally granted by patent or otherwise?

"(d) Has the said corporation any such monopoly, or does it use methods tending to secure such monopoly?

"(e) Has it made any contracts or agreements tending to secure any such monopoly to itself or any other concern, whether owned by an individual or individuals, a corporation, or some combination of individuals and corporations?

"(f) Is such corporation a party to any contract, agreement, or combination, in the form of a trust or otherwise, in restraint of trade or commerce among the several States or with foreign nations?

"(g) Has the corporation purchased or does it hold the stock of any corporation for the purpose of controlling its management?

"Said reports of examiners shall be prima facie true and may be introduced in evidence in all courts to prove the facts therein set forth. Copies certified by the auditor shall be admissible with like effect and under the same circumstances as the original. The word 'corporation' wherever used in this act shall be deemed to include associations existing or authorized either by the law of the United States, the laws of any State, or the laws of any foreign country."

Mr. OVERSTREET (before the reading of the amendment was concluded). Mr. Speaker, this amendment has already been read to the House, when offered by the gentleman from New York. I therefore ask unanimous consent that the further reading of the amendment be dispensed with.

The SPEAKER pro tempore. The gentleman from Indiana asks unanimous consent that the further reading of the amendment be dispensed with. Is there objection? The Chair hears none.

Mr. MANN. I make this point of order against the motion to recommit, that it directs the Committee on Interstate and Foreign Commerce to report a bill creating a department of labor, which, under the rules of the House, can not be done by this committee. The Committee on Interstate and Foreign Commerce has not jurisdiction, and could not have jurisdiction, of a bill to organize a department of labor.

Mr. PAYNE. And besides it is not germane.

Mr. RICHARDSON of Tennessee. In answer to the gentleman from Illinois [Mr. MANN], if he has concluded his statement——

Mr. MANN. I make the further point that a bill to create a Department of Labor is not germane as an amendment to the bill pending before the House.

Mr. RICHARDSON of Tennessee. In reply to the point of order of the gentleman from Illinois, I desire only to say that it is competent for the House of Representatives to refer a bill to any committee that it may choose. A particular committee might not have jurisdiction in the first place without the direct action of the House. A bill might inadvertently be referred to a committee not having jurisdiction of the subject under the rules the bill would not go there. But it is competent for the House in its majesty, as the House sits here this evening, to refer this or any other bill to the Committee on Interstate and Foreign Commerce.

The SPEAKER pro tempore. The Chair is very clearly of opinion that the view expressed by the gentleman from Tennessee [Mr. RICHARDSON] as to the power of the House to refer this matter to the Committee on Interstate and Foreign Commerce states correctly the situation. The Chair will hear the gentleman from Illinois [Mr. MANN] on the other proposition—that the motion is not germane.

Mr. UNDERWOOD. A provision for the establishment of a department of labor was part of the original bill.

Mr. MANN rose.

Mr. SHACKLEFORD. May I put an interrogatory to the gentleman from Illinois? I want to ask him this question: If this proposition is not germane, how was it that it was contained originally in this bill? There is nothing embraced in the motion to recommit that is not already contained in some form in the bill as reported.

Mr. MANN. Well, Mr. Speaker, it may be beyond the comprehension of some people—it certainly is not beyond the lucid comprehension of the gentleman from Missouri [Mr. SHACKLEFORD]—that a certain provision which may be in a bill may come properly before a committee which has jurisdiction of the whole subject-matter of the bill, while it would not have jurisdiction of another proposition, because that other proposition would not be germane.

Here is a proposition to create two departments. On the same theory on which this proposition is defended this motion might be a direction to the committee to provide for the creation of a department of mines and mining, and a department of transportation, and a department of interstate and foreign commerce, and forty other departments of the Government.

Now, it does not seem to me (although I do not care to detain the House upon the question) that the proposition is germane to the bill before the House.

Mr. LIVINGSTON. The original bill was a proposition to establish a department of commerce and labor. The motion to recommit proposes simply to have two separate departments instead of one. The motion is just as germane as anything could be.

The SPEAKER pro tempore. There is no question in the mind of the Chair as to the power of the House to authorize the Committee on Interstate and Foreign Commerce to report a bill creating a department of labor, if the House sees fit to refer that subject to that committee. This is a bill creating a department of commerce and labor. The proposition contained in the motion is to return this bill to that committee with instructions to separate the two branches of the subject, and to report instead of a measure for one department a measure for two departments, covering the same subjects as are now covered in the bill pending before the House. The Chair holds that the motion is germane. The point of order is therefore overruled. The question is on the motion of the gentleman from Alabama [Mr. RICHARDSON] to recommit the bill with instructions, as read by the Clerk.

The question having been put,

The SPEAKER pro tempore. The noes seem to have it.

Mr. SULZER. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 86, nays 116, answered "present" 13, not voting 138, as follows:

YEAS—86.

Aplin	Green, Pa.	Mahoney	Slayden
Bartlett	Griffith	Maynard	Small
Benton	Hay	Mickey	Smith, Ky.
Breazeale	Henry, Tex.	Moon	Snook
Brundige	Jackson, Kans.	Naphen	Stark
Candler	Johnson	Neville	Stephens, Tex.
Clark	Jones, Va	Padgett	Sulzer
Clayton	Kehoe	Patterson, Tenn.	Talbert
Cochran	Kern	Pou	Tate
Cowherd	Kitchin, Claude	Randell, Tex.	Thayer
Crowley	Kleberg	Richardson, Ala.	Thomas, N. C.
Davis, Fla.	Kluttz	Richardson, Tenn.	Tompkins, N. Y.
De Armond	Lamb	Robb	Underwood
Dinsmore	Latimer	Robertson, La.	Vandiver
Dougherty	Lever	Robinson, Nebr.	Wheeler
Feely	Lewis, Ga.	Rucker	White
Fleming	Little	Russell	Wiley
Flood	Livingston	Ryan	Williams, Ill.
Gaines, Tenn.	Lloyd	Scarborough	Wooten
Glass	McAndrews	Shackleford	Zenor
Gooch	McClellan	Shafroth	
Gordon	McCulloch	Sheppard	

NAYS—116.

Adams	Deemer	Hughes	Powers, Me.
Alexander	Draper	Jones, Wash.	Powers, Mass.
Allen, Me.	Driscoll	Joy	Reeder
Babcock	Dwight	Kyle	Reeves
Bartholdt	Eddy	Lacey	Roberts
Bates	Esch	Landis	Scott
Boreing	Fletcher	Lawrence	Shattuc
Brantley	Fordney	Littlefield	Shelden
Brick	Foster, Vt.	Loudenslager	Showalter
Brown	Gaines, W. Va.	McCall	Sibley
Brownlow	Gardner, Mich.	McCleary	Smith, Ill.
Burk, Pa.	Gardner, N. J.	McLachlan	Smith, Iowa
Burke, S. Dak.	Gibson	Maddox	Smith, H. C.
Burkett	Gill	Mann	Smith, S. W.
Burleigh	Graff	Marshall	Southwick
Burton	Greene, Mass.	Martin	Stevens, Minn.
Cannon	Grow	Miller	Stewart, N. J.
Capron	Haskins	Minor	Stewart, N. Y.
Cassel	Heatwole	Morgan	Sulloway
Conner	Hedge	Morris	Tawney
Coombs	Hemenway	Mudd	Tayler, Ohio
Cooper, Wis.	Henry, Conn.	Nevin	Thomas, Iowa
Corliss	Hepburn	Otjen	Tirrell
Cromer	Hildebrant	Overstreet	Van Voorhis
Crumpacker	Hill	Palmer	Vreeland
Currier	Hitt	Parker	Warner
Dahle	Holliday	Payne	Warnock
Dalzell	Howard	Pearre	Watson
Darragh	Howell	Perkins	Woods

ANSWERED "PRESENT"—13

Adamson	Emerson	Kitchin, Wm. W.	Swanson
Barney	Finley	Rixey	
Boutell	Griggs	Snodgrass	
Bromwell	Haugen	Steele	

NOT VOTING—138.

Acheson	Cushman	Jett	Pugsley
Allen, Ky.	Davey, La.	Kahn	Ransdell, La.
Ball, Del.	Davidson	Ketcham	Reid
Ball, Tex.	Dayton	Knapp	Rhea, Va.
Bankhead	Dick	Knox	Robinson, Ind.
Beidler	Douglas	Lassiter	Rumple
Bell	Dovener	Lessler	Ruppert
Bellamy	Edwards	Lester	Schirm
Belmont	Elliott	Lewis, Pa.	Selby
Billmeyer	Evans	Lindsay	Shallenberger
Bingham	Fitzgerald	Littauer	Sherman
Bishop	Flanagan	Long	Sims
Blackburn	Foerderer	Loud	Skiles
Blakeney	Foss	Lovering	Smith, Wm. Alden
Bowersock	Foster, Ill.	McDermott	Southard
Bowie	Fowler	McLain	Sparkman
Brandegee	Fox	McRae	Sperry
Bristow	Gardner, Mass.	Mahon	Spight
Broussard	Gilbert	Mercer	Storm
Bull	Gillet, N. Y.	Metcalf	Sutherland
Burgess	Gillett, Mass.	Meyer, La.	Swann
Burleson	Glenn	Miers, Ind.	Taylor, Ala.
Burnett	Goldfogle	Mondell	Thompson
Butler, Mo.	Graham	Moody, N. C.	Tompkins, Ohio
Butler, Pa.	Grosvenor	Moody, Oreg.	Trimble
Calderhead	Hamilton	Morrell	Wachter
Caldwell	Hanbury	Moss	Wadsworth
Cassingham	Henry, Miss.	Mutchler	Wagner
Connell	Hooker	Needham	Weeks
Conry	Hopkins	Newlands	Williams, Miss.
Cooney	Hull	Norton	Wilson
Cooper, Tex.	Irwin	Olmsted	Wright
Cousins	Jack	Patterson, Pa.	Young
Creamer	Jackson, Md.	Pierce	
Curtis	Jenkins	Prince	

Mr. MANN. Mr. Chairman, I ask unanimous consent that I may proceed for ten minutes.

The CHAIRMAN. Is there objection? [After a pause]. The Chair hears none.

Mr. MANN. Mr. Chairman, sometimes some Member of the House is kind enough to come to me and say "How did you happen to be informed upon that question?" And I have refused to make answer. I thought it was a secret of mine. But I am willing to disclose that secret now. All the things that I have ever happened to know on any matter in the House I learned from the distinguished gentleman from New York. [Laughter.] I have great honor for him. I have been in favor of his selection as the leader of the minority; I have been in favor of his nomination for governor of New York; I am now willing to bow to the judgment of the people and urge his selection as the Democratic candidate for President or Vice-President of the United States [laughter and applause], and I am going to charge gentlemen on the Democratic side that if in their wisdom they shall select the gentleman from New York they will do credit to themselves and give great opportunities to the Republicans to pour hot shot into their nominee. [Laughter.]

The gentleman from New York says that the Department of Commerce and Labor bill was reported to the House by the distinguished gentleman from Iowa [Mr. HEPBURN]. He is substantially correct, except I reported the Department of Commerce and Labor bill into the House——

Mr. SULZER. That makes it worse.

Mr. MANN. By direction of the gentleman from Iowa, chairman of the Committee on Interstate and Foreign Commerce.

That bill, when reported into the House, contained section 6, providing for a Bureau of Corporations.

Mr. SULZER. No; it did not. That section 6 provided for a Bureau of Manufactures.

Mr. MANN. The trouble is that the gentleman is not informed. Section 6, as it passed the House, provided for the Bureau of Corporations. The gentleman stated that it was inserted in the bill in conference contrary to the rules of the House and the Senate. The bill, which became a law, was introduced into the Senate in December, I think, 1901. It was reported by Senator NELSON into the Senate on January 2, 1902.

Mr. SULZER. Will the gentleman be kind enough to read in the bill, which he reported to the House, any provision for a Bureau of Corporations, in section 6? I have it right here. Read it.

Mr. MANN. I ask the gentleman to take his seat. I am doing this talking.

Mr. SULZER. Let us be honest. Read the section.

Mr. HEPBURN. Mr. Chairman, I demand order.

Mr. MANN. I will read the section.

Mr. SULZER. I have it right here. I will send it to the Clerk's desk and ask to have it read.

The CHAIRMAN. The gentleman from Illinois has the floor and declines to be interrupted.

Mr. SULZER. The RECORD speaks for itself.

The CHAIRMAN. The gentleman from New York must not interrupt the gentleman from Illinois without his permission.

Mr. MANN. Mr. Chairman, of course I know it was said here this morning that the wind rose in Manila with the sun, and the gentleman is much like Manila. [Laughter.] The bill came over from the Senate to the House in January, 1902. The House Committee on Interstate and Foreign Commerce held hearings on that bill and upon other House bills, not including the bill offered by the gentleman from New York, during March and April, 1902. At the time of those hearings an amendment was substantially drawn creating the Bureau of Corporations. I do not know where the gentleman got his section that he introduced in May, but I presume he gathered it up as it came from the Committee on Interstate and Foreign Commerce at the time, as it was then in typewriting and submitted to members of that committee. He introduced a bill in May, 1902. He says he had hearings before that committee. I will not deny it.

I hold in my hand all the printed hearings of that committee upon the subject. There is no hearing from the gentleman from New York in the printed volume, but that is no sign he was not heard; because that committee very often does not print hearings unless it takes them seriously, and that committee never takes the gentleman from New York seriously. [Laughter.] But by direction of the committee in December I introduced the bill that the gentleman has referred to, for the purpose only of having the bill in print for the benefit of the committee. The committee was considering the Senate bill. It had prepared the bill which I introduced, a very common practice. On January 6, 1903, I reported the Senate bill back to the House. The report was drawn and considered during the holidays. Section 6 of the bill as reported back in the House contained a Bureau of Insurance, which afterwards went out, so that the sections in the bill were advanced one number. Section 7 of that bill as reported into the House on January 6, 1903, Senate bill 569. report No. 2970, contained this provision:

SEC. 7. That there shall be in the Department of Commerce and Labor a Bureau to be called the Bureau of Corporations, and the Chief of said Bureau shall receive a salary of $4,000 per annum. There shall also be in said Bureau such clerks and assistants as may from time to time be authorized by law—

And various other provisions upon the same subject. The gentleman stated that there was no such section in the bill as reported to the House. The gentleman can put his word against mine if he pleases, but there is the bill, and it speaks for itself. [Applause on the Republican side.] Now, what took place when the bill was reached for consideration in the House? The gentleman offered an amendment, and I said to the House:

Mr. Chairman, the report of the bill from the committee provides for a Bureau of Corporations, for the very purpose of providing an Executive agency of publicity.

The matter was considerably discussed. The gentleman offered his amendment and had it read, an amendment occupying nearly a column and a half in the RECORD.

Of course nobody listened to its reading except the gentleman from New York, and the gentleman from New York then said:

All of these gentlemen—

Referring to the hearings before the committee—

advocated my bill or the incorporation in the Department of Commerce bill of a provision similar to the amendment just offered by me. The committee did not see fit to do that. They left it out of the bill they reported and now before the House.

The amendment reported by the committee then contained the Bureau of Corporations. I dare say that no member of the Committee on Interstate and Foreign Commerce at that time knew that the gentleman from New York had ever heard of creating a Bureau of Corporations. The gentleman may have appeared before the committee. I do not deny it. I do not remember it. I make no effort to remember any of the appearances of the gentleman before the committee. But the item was in the bill, and the section was in the bill when it was reported into the House. I reported it into the House; I drew it with my own hand. When it went into conference it was changed and enlarged. The gentleman can claim all the credit he pleases, but the gentleman from New York had better consult the RECORD before he puts his memory so vigorously against mine. [Applause on the Republican side.]

Mr. SULZER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing in my speech this record that I have referred to.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MANN. I will not ask to print this history of the Bureau, for it is a little too large.

Mr. SMITH of Iowa. I move that the committee do now rise and report the bill and amendment to the House with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CAPRON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 19355) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, and had directed him to report the same back with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. SMITH of Iowa. Mr. Speaker, I move the previous question on the bill and amendment to its final passage.

The motion was agreed to.

The SPEAKER. The question is on the amendment, and the Clerk will report the amendment.

The Clerk read as follows:

Strike out the last paragraph of the bill and insert: "All materials purchased under the provisions of this act shall be of American manufacture, except in cases when, in the judgment of the Secretary of War, it is for the manifest interest of the United States to make purchases in limited quantities abroad, such material purchased in limited quantities to be admitted free of duty, as shall other similar material furnished without charge."

Mr. SHERLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The House is dividing.

Mr. SHERLEY. I think the inquiry is in order because it goes to the subject-matter. I would like to have the House know what the words are that are stricken out by the amendment, because that paragraph was in committee amended.

The SPEAKER. The Chair knows nothing about what took place in committee except the report of the chairman of the committee.

Mr. SHERLEY. It does not require such knowledge. I ask to have reported the words for which this is a substitute.

The SPEAKER. It could only be by unanimous consent. Is there objection?

Mr. PAYNE. I object.

The House then divided; and there were—ayes 131, noes 106.

Mr. SHERLEY. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. SHERLEY. Mr. Speaker, would it be in order now, in order that the House may vote intelligently on the amendment——

Mr. PAYNE. The regular order.

The SPEAKER. The regular order is called for; the House is dividing and the Clerk will call the roll.

The question was taken, and there were—yeas 121, nays 106, answering "present" 5, not voting 156, as follows:

YEAS—121.

Allen	Burton, Ohio	Cushman	Ellis, Mo.
Ames	Butler	Dalzell	Ellis, Oreg.
Andrus	Calderhead	Darragh	Englebright
Barchfeld	Campbell	Davis, Minn.	Esch
Barclay	Capron	Dawson	Foss
Bede	Cary	Diekema	French
Birdsall	Caulfield	Douglas	Gaines, W. Va.
Bonynge	Chaney	Draper	Gardner, Mich.
Boyd	Cocks, N. Y.	Driscoll	Gillett
Brick	Conner	Durey	Goebel
Brownlow	Crumpacker	Dwight	Graff

Graham	Jones, Wash.	Marshall	Steenerson
Greene	Kahn	Miller	Stevens, Minn.
Gronna	Keifer	Mondell	Sturgiss
Haggott	Keliher	Mouser	Sulloway
Hall	Kinkaid	Mudd	Tawney
Hamilton, Mich.	Knapp	Murdock	Thistlewood
Haskins	Knowland	Needham	Thomas, Ohio
Haugen	Langley	Norris	Tirrell
Hawley	Laning	Nye	Townsend
Hayes	Lawrence	Parker, N. J.	Volstead
Henry, Conn.	Littlefield	Payne	Vreeland
Hepburn	Loud	Pollard	Washburn
Higgins	McCreary	Pray	Wheeler
Hill, Conn.	McGavin	Reeder	Wilson, Ill.
Hinshaw	McKinney	Rodenberg	Wood
Holliday	McLaughlin, Mich.	Smith, Cal.	Woodyard
Howell, Utah	McMorran	Smith, Iowa	Young
Howland	Madison	Smith, Mich.	
Hubbard, Iowa	Malby	Southwick	
Jenkins	Mann	Stafford	

NAYS—106.

Adair	Davenport	Hill, Miss.	Rauch
Aiken	De Armond	Hitchcock	Richardson
Alexander, Mo.	Denver	Hobson	Rothermel
Ansberry	Edwards, Ga.	Houston	Russell, Mo.
Ashbrook	Ellerbe	Howard	Russell, Tex.
Bartlett, Ga.	Favrot	Hughes, N. J.	Ryan
Bartlett, Nev.	Ferris	Hull, Tenn.	Sabath
Beall, Tex.	Finley	Humphreys, Miss.	Saunders
Bell, Ga.	Flood	Johnson, Ky.	Shackleford
Booher	Floyd	Kimball	Sheppard
Bowers	Foster, Ill.	Kipp	Sherley
Brodhead	Fulton	Kitchin, Claude	Sims
Brundidge	Gaines, Tenn.	Kitchin, Wm. W.	Slayden
Burgess	Garner	Küstermann	Small
Burleson	Gill	Lassiter	Smith, Mo.
Burnett	Gillespie	Lloyd	Smith, Tex.
Byrd	Godwin	McHenry	Spight
Caldwell	Gregg	Moore, Tex.	Stephens, Tex.
Candler	Griggs	Murphy	Sulzer
Carter	Hackney	Nicholls	Thomas, N. C.
Clark, Fla.	Hamill	O'Connell	Tou Velle
Clark, Mo.	Hamilton, Iowa	Padgett	Watkins
Clayton	Hamlin	Page	Webb
Cox, Ind.	Hammond	Patterson	Weisse
Craig	Hardy	Pou	Williams
Cravens	Hay	Rainey	
Crawford	Henry, Tex.	Randell, Tex.	

ANSWERING "PRESENT"—5.

Adamson	Bradley	Garrett	Lee
Bennet, N. Y.			

NOT VOTING—156.

Acheson	Focht	Lamar, Mo.	Pearre
Alexander, N. Y.	Fordney	Lamb	Perkins
Anthony	Fornes	Landis	Peters
Bannon	Foster, Ind.	Law	Porter
Bartholdt	Foster, Vt.	Leake	Powers
Bates	Foulkrod	Legare	Pratt
Beale, Pa.	Fowler	Lenahan	Prince
Bennett, Ky.	Fuller	Lever	Pujo
Bingham	Gardner, Mass.	Lewis	Ransdell, La.
Boutell	Gardner, N. J.	Lilley	Reid
Brantley	Gilhams	Lindbergh	Reynolds
Broussard	Glass	Lindsay	Rhinock
Brumm	Goldfogle	Livingston	Riordan
Burke	Gordon	Longworth	Roberts
Burleigh	Goulden	Lorimer	Robinson
Burton, Del.	Granger	Loudenslager	Rucker
Calder	Hackett	Lovering	Scott
Carlin	Hale	Lowden	Sherman
Chapman	Harding	McCall	Sherwood
Cockran	Hardwick	McDermott	Slemp
Cole	Harrison	McGuire	Snapp
Cook, Colo.	Heflin	McKinlay, Cal.	Sparkman
Cook, Pa.	Helm	McKinley, Ill.	Sperry
Cooper, Pa.	Howell, N. J.	McLachlan, Cal.	Stanley
Cooper, Tex.	Hubbard, W. Va.	McLain	Sterling
Cooper, Wis.	Huff	McMillan	Talbott
Coudrey	Hughes, W. Va.	Macon	Taylor, Ala.
Cousins	Hull, Iowa	Madden	Taylor, Ohio
Currier	Humphrey, Wash.	Maynard	Underwood
Davey, La.	Jackson	Moon, Pa.	Waldo
Davidson	James, Addison D.	Moon, Tenn.	Wallace
Dawes	James, Ollie M.	Moore, Pa.	Wanger
Denby	Johnson, S. C.	Morse	Watson
Dixon	Jones, Va.	Nelson	Weeks
Dunwell	Kennedy, Iowa	Olcott	Weems
Edwards, Ky.	Kennedy, Ohio	Olmsted	Wiley
Fairchild	Knopf	Overstreet	Willett
Fassett	Lafean	Parker, S. Dak.	Wilson, Pa.
Fitzgerald	Lamar, Fla.	Parsons	Wolf

So the amendment was agreed to.

The Clerk announced the following pairs:

On the vote:

Mr. LOVERING with Mr. LEE.

For the day:

Mr. SNAPP with Mr. WALLACE.

Mr. SCOTT with Mr. TAYLOR of Alabama.

Mr. ROBERTS with Mr. STANLEY.

Mr. REYNOLDS with Mr. REID.

Mr. PRINCE with Mr. RUCKER.

Mr. OLMSTED with Mr. SPARKMAN.

Mr. OLCOTT with Mr. RHINOCK.

Mr. NELSON with Mr. SHERWOOD.

Mr. MOORE of Pennsylvania with Mr. RANSDELL of Louisiana.

Mr. MORSE with Mr. MAYNARD.

Mr. STERLING with Mr. WILEY.

Mr. TAYLOR of Ohio with Mr. WILLETT.

Mr. WALDO with Mr. WILSON of Pennsylvania.

Mr. WATSON with Mr. WOLF.

Mr. MCMILLAN with Mr. PUJO.

Mr. MCKINLEY of Illinois with Mr. MCDERMOTT.

Mr. LOUDENSLAGER with Mr. LEWIS.

Mr. LONGWORTH with Mr. MOON of Tennessee.

Mr. HUMPHREY of Washington with Mr. LENAHAN.

Mr. HULL of Iowa with Mr. LEVER.

Mr. HOWELL of New Jersey with Mr. LEGARE.

Mr. HARDING with Mr. LAMAR of Missouri.

Mr. HALE with Mr. LAMAR of Florida.

Mr. FOULKROD with Mr. JOHNSON of South Carolina.

Mr. FOSTER of Vermont with Mr. KELIHER.

Mr. FOCHT with Mr. HELM.

Mr. FAIRCHILDS with Mr. JONES of Virginia.

Mr. DAVIDSON with Mr. HARRISON.

Mr. COOPER of Pennsylvania with Mr. HARDWICK.

Mr. COLE with Mr. HACKETT.

Mr. CALDER with Mr. GRANGER.

Mr. BURTON of Delaware with Mr. GORDON.

Mr. BURLEIGH with Mr. GOLDFOGLE.

Mr. BURKE with Mr. GLASS.

Mr. BINGHAM with Mr. FITZGERALD.

Mr. BOUTELL with Mr. BROUSSARD.

Mr. BEALE of Pennsylvania with Mr. COOPER of Texas.

Mr. BATES with Mr. CARLIN.

Mr. ACHESON with Mr. BEALL of Texas.

Mr. CURRIER with Mr. COCKRAN.

Mr. HUGHES of West Virginia with Mr. TALBOTT.

Mr. FASSETT with Mr. DAVEY of Louisiana.

Mr. LOWDEN with Mr. PETERS.

Mr. POWERS with Mr. PRATT.

Mr. SLEMP with Mr. LINDSAY.

Mr. MADDEN with Mr. LIVINGSTON.

Mr. PEARRE with Mr. ROBINSON.

Mr. HUFF with Mr. OLLIE M. JAMES.

Mr. BARTHOLDT with Mr. MCLAIN.

Mr. COUDREY with Mr. MACON.

Mr. ALEXANDER of New York with Mr. LAMB.

Mr. HUBBARD of West Virginia with Mr. UNDERWOOD.

Until further notice:

Mr. CHAPMAN with Mr. GARRETT.

Mr. FOSTER of Indiana with Mr. BRANTLEY.

Mr. DUNWELL with Mr. HEFLIN.

Mr. OVERSTREET with Mr. DIXON.

For the session:

Mr. BENNET of New York with Mr. FORNES.

Mr. SHERMAN with Mr. RIORDAN.

Mr. WANGER with Mr. ADAMSON.

Mr. BRADLEY with Mr. GOULDEN.

The result was announced as above recorded.

Mr. SHERLEY. Mr. Speaker, I desire to move that the bill be recommitted to the committee.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The question was taken, and the bill was ordered to be engrossed and read a third time, and was read a third time.

Mr. SMITH of Iowa. Mr. Speaker, I move to recommit the bill, and upon that motion I demand the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken, and the motion was rejected.

Mr. SHERLEY. Mr. Speaker, is it in order to move to recommit with instructions?

The SPEAKER. Only one motion under the rules is in order. The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. SMITH of Iowa, a motion to reconsider the vote by which the bill was passed was laid upon the table.

REPORT OF BUREAU OF ANIMAL INDUSTRY.

The Speaker laid before the House the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Agriculture and ordered to be printed:

To the Senate and House of Representatives:

In compliance with the requirements of section 11 of the act approved May 29, 1884, for the establishment of a Bureau of Animal Industry in the Department of Agriculture, I transmit herewith a report of the operations of that Bureau for the fiscal year ended June 30, 1907.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *March 21, 1908.*

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles:

H. J. Res. 101. Joint resolution authorizing the Secretary of War to secure a suitable design for a statue of the late Commodore John D. Sloat at Monterey, Cal.;

H. R. 16078. An act providing for second desert-land entries;

H. R. 14434. An act to validate certain entries of public lands in the State of Colorado;

H. R. 17710. An act to increase the efficiency of the personnel of the Life-Saving Service of the United States; and

H. R. 16874. An act to amend section 13 of an act entitled "An act to divide the State of Texas into four judicial districts," approved March 11, 1902.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6235. An act to amend an act entitled "An act to authorize and provide for the disposition of useless papers in the Executive Departments" approved February 16, 1889, and the act amendatory thereof approved March 2, 1895—to the Committee on Rules.

S. 3939. An act for the widening of Sixteenth street NW. at Piney Branch, and for other purposes—to the Committee on the District of Columbia.

S. 28. An act to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce"—to the Committee on the Post-Office and Post-Roads.

COMPAÑÍA DE LOS FERROCARRILES DE PUERTO RICO.

The SPEAKER laid before the House the following message from the President of the United States, which, with the accompanying papers, was referred to the Committee on Insular Affairs and ordered to be printed:

To the Senate and House of Representatives:

In accordance with the provisions of section 32 of the act of April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes" (31 Stat., 77), and section 2 of joint resolution of May 1, 1900 (31 Stat., 717), amending the act above referred to, I transmit herewith copy of a franchise granted by the executive council of Porto Rico to the Compañía de los Ferrocarriles de Puerto Rico, and its assigns, the American Railroad Company of Porto Rico.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *March —, 1908.*

LEAVE OF ABSENCE.

Mr. PEARRE, by unanimous consent, was granted leave of absence for two weeks, on account of important business.

ADJOURNMENT.

Mr. SMITH of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 43 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of Commerce and Labor, transmitting the report of Special Agent W. A. Graham Clark on the cotton textile trade in the Turkish Empire, Greece, and Italy—to the Committee on Interstate and Foreign Commerce.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the sloop *Julia*, William Green, master—to the Committee on Claims and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the secretary of the Interstate Commerce Commission submitting an estimate of appropriation for the authorized expenditures of the Commission for the fiscal year 1909—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for repairs, etc., of Patent Office, Land Office, and Pension Office buildings—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for repairs and improvements on the buildings of the Interior Department—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BURTON of Ohio, from the Committee on Rivers and Harbors, to which was referred the joint resolution of the Senate (S. R. 17) to amend the provision in the river and harbor act of March 2, 1907, relating to the Sandy Lake reservoir dam, reported the same without amendment, accompanied by a report (No. 1286), which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GREGG, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 15463) providing for changing the title of warrant machinist, United States Navy, to machinist, for the promotion of machinists after six years from date of warrant, according to law governing the promotion of other warrant officers, and for other purposes, reported the same with amendment, accompanied by a report (No. 1288), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HOWELL of Utah, from the Committee on Claims, to which was referred the bill of the House (H. R. 17026) for the relief of Samuel L. Barnhart, reported the same with amendments, accompanied by a report (No. 1285), which said bill and report were referred to the Private Calendar.

ADVERSE REPORT.

Under clause 2, Rule XIII,

Mr. JENKINS, from the Committee on the Judiciary, to which was referred the resolution of the House (H. Res. 304) requesting the Attorney-General for information in regard to peonage cases in the State of Florida, reported the same adversely, accompanied by a report (No. 1287), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 19631) granting an increase of pension to Joshua Brown Hannum; and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. NYE: A bill (H. R. 19656) authorizing the extension of lines of Washington Railway and Electric Company in the District of Columba, and for other purposes—to the Committee on the District of Columbia.

By Mr. PEARRE: A bill (H. R. 19657) to grant honorable discharges to the quartermaster volunteers who served in the military service in the civil war, and include their names in the roster of Union and Confederate armies—to the Committee on Military Affairs.

By Mr. ENGLEBRIGHT: A bill (H. R. 19658) to amend section 2325 of the Revised Statutes of the United States—to the Committee on the Public Lands.

By Mr. PEARRE: A bill (H. R. 19659) to place volunteer soldiers and seamen who served not less than sixty days on an equality as to pensions with those who served ninety days or more under the act of June 27, 1890, and the amendments thereto—to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 19660) to amend an act to authorize the employment of volunteers to aid in enforcing the laws and protecting public property, approved March 3, 1863—to the Committee on War Claims.

By Mr. OLCOTT: A bill (H. R. 19661) to amend sections 4467 and 4468 of the Revised Statutes—to the Committee on the Merchant Marine and Fisheries.

By Mr. BARTHOLDT: A bill (H. R. 19662) to amend an act entitled "An act to establish the Foundation for the Promotion of Industrial Peace"—to the Committee on Labor.

By Mr. COUDREY: A bill (H. R. 19663) providing for the establishment of a Bureau of Mines in the Department of the Interior—to the Committee on Mines and Mining.

Also, a bill (H. R. 19664) requiring the United States Government to own its own post-office building in every county seat in the United States—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 19665) to regulate the settlement of shippers' claims against express companies—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 19666) relative to ex-Presidents of the United States—to the Committee on the Judiciary.

By Mr. BURLESON: A bill (H. R. 19667) granting increase of pensions to survivors of the Indian wars and disturbances under the act of June 27, 1902—to the Committee on Pensions.

By Mr. McCREARY (by request): A bill (H. R. 19668) for the retirement of employees who served in the civil war who are 70 years of age or over now in the classified service—to the Committee on Military Affairs.

By Mr. BENNET of New York: A bill (H. R. 19669) to provide for the better security of life on certain water craft—to the Committee on the Merchant Marine and Fisheries.

By Mr. GRIGGS: A bill (H. R. 19670) granting increase of pensions to survivors of the Indian wars and disturbances under the act of July 27, 1892—to the Committee on Pensions.

By Mr. SMALL: A bill (H. R. 19671) to authorize the Secretary of the Treasury to appoint a deputy collector of customs at Belhaven, N. C.—to the Committee on Ways and Means.

Also, a bill (H. R. 19672) to amend section 2513, Revised Statutes of the United States—to the Committee on Ways and Means.

Also, a bill (H. R. 19673) to amend the navigation laws and to secure the safety of vessels—to the Committee on the Merchant Marine and Fisheries.

By Mr. McKINLEY of Illinois: A bill (H. R. 19674) to provide for the purchase of a site and the erection of a public building thereon at Mattoon, in the State of Illinois—to the Committee on Public Buildings and Grounds.

By Mr. CARLIN (by request): A bill (H. R. 19675) providing for the establishment of a public park in the District of Columbia—to the Committee on Public Buildings and Grounds.

By Mr. SMALL: Joint resolution (H. J. Res. 156) authorizing the Postmaster-General to investigate and report plans for a safe, substantial, and fireproof mail car—to the Committee on the Post-Office and Post-Roads.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 19676) granting an increase of pension to Jefferson R. Martin—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 19677) granting an increase of pension to Sarah M. Buck—to the Committee on Invalid Pensions.

By Mr. BELL of Georgia: A bill (H. R. 19678) granting an increase of pension to Bright Evans—to the Committee on Pensions.

By Mr. BRADLEY: A bill (H. 19679) granting an increase of pension to Isaac Beckett—to the Committee on Invalid Pensions.

By Mr. BRODHEAD: A bill (H. R. 19680) granting an increase of pension to Solomon Johnson—to the Committee on Invalid Pensions.

By Mr. COX of Indiana: A bill (H. R. 19681) granting a pension to Joseph R. Palmer—to the Commitee on Invalid Pensions.

By Mr. DRISCOLL: A bill (H. R. 19682) granting an increase of pension to Michael Auer—to the Committee on Invalid Pensions.

By Mr. ENGLEBRIGHT: A bill (H. R. 19683) granting an increase of pension to William G. Hubley—to the Committee on Invalid Pensions.

By Mr. FLOYD: A bill (H. R. 19684) to correct the military record of Andrew J. Wilhoit—to the Committee on Military Affairs.

By Mr. FORDNEY: A bill (H. R. 19685) granting a pension to George W. Graves—to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 19686) granting an increase of pension to Eugene B. Payne—to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 19687) granting an increase of pension to Thomas Phillips—to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 19688) granting an increase of pension to William H. Beardsley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19689) granting an increase of pension to Theodore Clark—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 19690) granting an increase of pension to James W. Holt—to the Committee on Invalid Pensions.

By Mr. HAMILL: A bill (H. R. 19691) to correct the military record of George W. Spencer—to the Committee on Military Affairs.

By Mr. HAMILTON of Michigan: A bill (H. R. 19692) granting an increase of pension to John S. Curtis—to the Committee on Invalid Pensions.

By Mr. HENRY of Texas: A bill (H. R. 19693) granting an increase of pension to Silas A. Brown—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: A bill (H. R. 19694) granting a pension to Matthew M. Finch—to the Committee on Invalid Pensions.

By Mr. HUGHES of New Jersey: A bill (H. R. 19695) granting an increase of pension to George Williamson—to the Committee on Invalid Pensions.

By Mr. KIPP: A bill (H. R. 19696) granting an increase of pension to George W. Kilmer—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 19697) granting a pension to George W. Adkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19698) granting a pension to Mary Shearer—to the Committee on Invalid Pensions.

By Mr. LANING: A bill (H. R. 19699) for the relief of Thornton Ralls—to the Committee on War Claims.

By Mr. LITTLEFIELD: A bill (H. R. 19700) granting a pension to Charity Durgin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19701) to correct the military record of Edgar Crockett—to the Committee on Military Affairs.

By Mr. LLOYD: A bill (H. R. 19702) to correct the military record of William A. Viles and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. LONGWORTH: A bill (H. R. 19703) granting an increase of pension to Arabella M. Probasco—to the Committee on Invalid Pensions.

By Mr. McKINLEY of Illinois: A bill (H. R. 19704) granting an increase of pension to Nathan Collins—to the Committee on Invalid Pensions.

By Mr. McGUIRE: A bill (H. R. 19705) granting an increase of pension to Xerxes C. Reed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19706) granting an increase of pension to M. G. King—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19707) granting a pension to Samuel C. Baxter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19708) granting a pension to Evan Watson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19709) to remove the charge of desertion from the military record of Daniel Bryant—to the Committee on Military Affairs.

Also, a bill (H. R. 19710) to remove the charge of desertion from the military record of John W. Bayne—to the Committee on Military Affairs.

Also, a bill (H. R. 19711) to remove the charge of desertion from the military record of Henry Brown—to the Committee on Military Affairs.

By Mr. MARSHALL: A bill (H. R. 19712) granting an increase of pension to William H. H. Mallory—to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 19713) granting an increase of pension to William F. Bockhouse—to the Committee on Invalid Pensions.

By Mr. PRATT: A bill (H. R. 19714) granting a pension to David C. Demarest—to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 19715) granting an increase of pension to Andrew Estes—to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 19716) for the relief of the estate of Richard A. Bynum, deceased—to the Committee on Claims.

Also, a bill (H. R. 19717) for the relief of the estate of Josiah Barrett, deceased—to the Committee on Claims.

Also, a bill (H. R. 19718) for the relief of the estate of John T. Bynum, deceased—to the Committee on Claims.

Also, a bill (H. R. 19719) for the relief of the estate of Peter H. Knight—to the Committee on War Claims.

Also, a bill (H. R. 19720) for the relief of the estate of Thomas A. Dough, deceased—to the Committee on War Claims.

Also, a bill (H. R. 19721) for the relief of the estate of Esau Berry, deceased—to the Committee on War Claims.

Also, a bill (H. R. 19722) for the relief of the estate of the late Jesse R. Stubbs—to the Committee on the Judiciary.

Also, a bill (H. R. 19723) for the relief of the estate of the late Thomas C. Fuller—to the Committee on the Judiciary.

Also, a bill (H. R. 19724) for the relief of Mary E. Manning—to the Committee on Claims.

Also, a bill (H. R. 19725) for the relief of Abner Gibson—to the Committee on War Claims.

Also, a bill (H. R. 19726) for the relief of Spencer Etheredge, J. E. Berry, and Charles Meekins, trustees of Roanoke Island Baptist Church, of Roanoke Island, North Carolina—to the Committee on War Claims.

Also, a bill (H. R. 19727) granting a pension to Mary E. Alford—to the Committee on Pensions.

Also, a bill (H. R. 19728) granting a pension to Greenwood Griffin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19729) granting a pension to Thomas M. Davis—to the Committee on Pensions.

By Mr. STEENERSON: A bill (H. R. 19730) granting an increase of pension to Ovid B. Todd—to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 19731) granting an increase of pension to Edwin A. Atwood—to the Committee on Invalid Pensions.

By Mr. TOU VELLE: A bill (H. R. 19732) granting an increase of pension to Henry Wieser—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19733) granting an increase of pension to Levi Boysel—to the Committee on Invalid Pensions.

By Mr. TOWNSEND: A bill (H. R. 19734) to remove the charge of desertion from the record of Joseph Neveux, alias John Nevah—to the Committee on Military Affairs.

By Mr. SHERLEY: A bill (H. R. 19735) granting an increase of pension to Charles Holzner—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: A bill (H. R. 19736) authorizing the appointment of Col. J. H. Gilman, United States Army, retired, to the rank and grade of brigadier-general on the retired list of the Army—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Eastern States Retail Lumber Dealers' Association, for census of standing timber in the United States—to the Committee on the Census.

Also, petition of Phebe A. Smith (94 years old), of Loup City, Sherman County, Nebr., and 165 others, for restoration of motto "In God we trust" on United States coins—to the Committee on Coinage, Weights, and Measures.

Also, petition of Champaign-Danville Dental Association, of Danville, Ill., for Army dental corps—to the Committee on Military Affairs.

Also, petition of Chamber of Commerce of New Haven, Conn., for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petitions of Charles M. Towle and 7 others, A. G. Fowler and 8 others, John A. Lyons and 5 others, of Franklin County, N. Y., and Poca Grange, of West Virginia, for a national highway commission—to the Committee on Agriculture.

Also, petition of Leavenworth Waslin Division, Brotherhood of Locomotive Engineers, and Division No. 100, Brotherhood of Locomotive Engineers, of Danville, Ill., for employers' liability legislation, use of writ of injunction, and issuing of free passes—to the Committee on the Judiciary.

Also, petition of Silver Tip Lodge, Brotherhood of Railway Trainmen, of Billings, Mont., for employers' liability and use of writ of injunction—to the Committee on the Judiciary.

Also, petition of Colorado State Forestry Association, for forest reservations in White Mountains and Southern Appalachian range—to the Committee on Agriculture.

Also, petition of John S. Dombkowski, of Michigan City, Ind.; Rev. W. B. Polaczyk, president of the meeting of the Polish-American citizens of central and eastern Wisconsin, of Casimir, Wis.; Peter Kuczyinski, president of the meeting of the Polish-American citizens of South Milwaukee, Wis.; Mrs. Leokadye Kadow, of Chicago, Ill., high treasurer Polish Women's Alliance of America, and Micheal Kruszka, of Milwaukee, Wis., president Polish Newspaper Association of America, for the relief of the Polish people under Prussian Government—to the Committee on Foreign Affairs.

Also, petition of Retail Merchants' Association, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Retail Merchants' Association of Illinois, for legislation for amendment of the present laws relating to the manufacture and sale of oleomargarine—to the Committee on Agriculture.

Also, petition of American Federation of Labor, for employers' liability legislation, the amendments of the antitrust law, and for restriction of the jurisdiction of the courts in certain respects—to the Committee on the Judiciary.

Also, petition of Palestine Trias Lodge, Brotherhood of Railway Trainmen, for employers' liability act, and use of writ of injunction, and free passes—to the Committee on Interstate and Foreign Commerce.

Also, petitions of Buffalo Credit Men's Association, of Buffalo, N. Y.; St. Paul Credit Men's Association, of St. Paul, Minn., and Portland Credit Men's Association, of Portland, Oreg., for national bankruptcy act—to the Committee on the Judiciary.

By Mr. ADAIR: Petition of the organization of the *General Slocum* survivors, for appropriation for heirs of victims of *General Slocum* disaster—to the Committee on Appropriations.

By Mr. AIKEN: Paper to accompany bill for relief of W. F. Parker—to the Committee on War Claims.

By Mr. ALEXANDER of New York: Petition of John Shillady and others, against S. 1518—to the Committee on the Post-Office and Post-Roads.

Also, petition of Sts. Peter and Paul's Polish Church and societies, of Depew, N. Y., against oppression of the Polish people by the Prussian Government—to the Committee on Foreign Affairs.

By Mr. AMES: Petition of citizens of Massachusetts, for a national highway commission—to the Committee on Agriculture.

By Mr. ANSBERRY: Petition of electors of Highland Township, Defiance County, Ohio, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. ASHBROOK: Papers to accompany bills for special relief of William Smith and William Seymour—to the Committee on Invalid Pensions.

Also, petition of Creston (Ohio) Presbyterian Church and Jackson (Ohio) Presbyterian Church, for the Littlefield bill—to the Committee on the Judiciary.

By Mr. BELL of Georgia: Papers to accompany H. R. 14134, for the relief of First Georgia State Troops—to the Committee on War Claims.

By Mr. BINGHAM: Petition of Woman's Christian Temperance Union of New Providence, Pa., to prohibit importation of opium—to the Committee on Interstate and Foreign Commerce.

Also, petition of Board of Trade of Philadelphia, Pa., for establishment of merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Woman's Christian Temperance Union of New Providence, Pa., in favor of Tirrell bill—to the Committee on the Judiciary.

Also, petition of directors of Trade League, urging completion of Government work now on hand—to the Committee on Public Buildings and Grounds.

By Mr. BIRDSALL: Petition of Dubuque, Iowa, workingmen, against employers' liability act, and to amend Sherman antitrust law—to the Committee on the Judiciary.

Also, petition of Frank Lohstreter, president Nie Wagner Society, for building battle ships in United States navy-yards—to the Committee on Naval Affairs.

Also, petition of Waterloo Division, No. 114, Brotherhood of Locomotive Engineers, referring to H. R. 17137, and for S. 4260—to the Committee on the Judiciary.

By Mr. BONYNGE: Petition of Left Hand Grange, No. 9, for a national highway act—to the Committee on Agriculture.

By Mr. BRADLEY: Papers to accompany bill granting a pension to Col. Isaac Beckett—to the Committee on Invalid Pensions.

By Mr. BURKE: Petition of Philadelphia Board of Trade, against passage of H. R. 17290—to the Committee on the Judiciary.

Also, petition of Michael Kruyka, for the Bates resolution—to the Committee on Foreign Affairs.

By Mr. CALDER: Petition of Michael Kruyka, in favor of the Bates resolution—to the Committee on Foreign Affairs.

Also, petition of Mr. A. Jochens, against parcel post—to the Committee on the Post-Office and Post-Roads.

Also, petition of Retail Grocers' Association, against parcel post—to the Committee on the Post-Office and Post-Roads.

Also, petition of New York Lumber Trade Journal, for the abolishment of duty on wood pulp—to the Committee on Ways and Means.

By Mr. COX of Indiana: Resolutions of De La Hunt Post, No. 152, Grand Army of the Republic, of Cannelton, Ind., in favor of the Sherwood bill—to the Committee on Invalid Pensions.

Also, petition of members of the American Society of Equity of North America, in favor of the McCumber Federal inspection bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Marengo, Ind., in favor of bill to retire volunteer officers of the Army on half pay—to the Committee on Military Affairs.

Also, petition of merchants of Lexington, Ind., against parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, memorial of members of Women's Missionary Societies of Trinity Church, New Albany, Ind., in favor of the Littlefield bill—to the Committee on the Judiciary.

Also, petition of citizens of Corydon, Ind., in favor of S. 5122, to establish a rural parcels post—to the Committee on the Post-Office and Post-Roads.

Also, petitions of numerous citizens, against the Penrose bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Indianapolis Musicians' Protective Association, in favor of H. R. 103—to the Committee on Patents.

Also, petition of Manufacturers' Bureau of Indiana, in favor of remedial legislation—to the Committee on the Judiciary.

Also, petition of Travelers' Protective Association of New Albany, Ind., against parcels-post legislation—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Tell City, Ind., in favor of parcels post—to the Committee on the Post-Office and Post-Roads.

Also, petition of Clark County (Ind.) Farmers' Institute, in favor of parcels post—to the Committee on the Post-Office and Post-Roads.

Also, petition of A. E. Hull and others, of Indiana, for Federal aid in building public highways—to the Committee on Appropriations.

Also, petition of Central Christian Church, of New Albany, Ind., in favor of prohibiting shipment of liquor into dry districts—to the Committee on the Judiciary.

Also, petition of Centenary Methodist Episcopal Church, of New Albany, Ind., in favor of the Littlefield bill—to the Committee on the Judiciary.

Also, petition of citizens of Marengo, Ind., against a parcels post—to the Committee on the Post-Office and Post-Roads.

Also, petition of veterans of the civil war residing in Perry County, Ind., in favor of H. R. 7625—to the Committee on Invalid Pensions.

Also, petition of Lew Taylor's Post, No. 243, of Alexandria, Ind., in favor of House bills introduced by Mr. ADAIR—to the Committee on Invalid Pensions.

Also, petition of Women's Missionary Societies of California Avenue Baptist Church, of New Albany, Ind., in favor of the Littlefield bill—to the Committee on the Judiciary.

Aso, petition of Post "Q," New Albany, Ind., Division Travelers' Protective Association of America, for river and harbor improvement—to the Committee on Rivers and Harbors.

By Mr. COCKS of New York: Protest of Merchants' Association of New York, against eight-hour bill—to the Committee on Labor.

By Mr. CLARK of Florida: Papers to accompany H. R. 13888 (granting an increase of pension to Texas Niblock)—to the Committee on Pensions.

Also, papers to accompany H. R. 9602 (granting an increase of pension to Louis Lamb)—to the Committee on Invalid Pensions.

Also, petition of Travelers and Merchants' Association of Baltimore, Md., in favor of Fowler bill—to the Committee on Banking and Currency.

By Mr. COCKRAN: Petitions of New York Board of Trade and Transportation, in relation to Aldrich bill (S. 3023), and National Clothiers' Association, for Fowler currency bill and against S. 3023—to the Committee on Banking and Currency.

By Mr. COOPER of Texas: Petition of F. H. Cromwell and other citizens of Sourlake, Tex., against S. 1518—to the Committee on the Post-Office and Post-Roads.

By Mr. COUDREY: Petition of St. Louis Chemical Society, for fuel-testing plant at St. Louis, Mo.—to the Committee on Appropriations.

Also, petition of L. N. Van Hook, for H. R. 14934 (Maynard bill) and S. 4914 (McLaurin bill)—to the Committee on Interstate and Foreign Commerce.

Also, petition of National Association of Clothiers, of New York City, against S. 3023—to the Committee on Banking and Currency.

Also, petition of George C. Dyer, concerning American Newspapers and Publishers' Association—to the Committee on Ways and Means.

By Mr. DALZELL: Petition of Philadelphia Board of Trade, in favor of a currency commission—to the Committee on Banking and Currency.

Also, petition of Philadelphia Board of Trade, against H. R. 17290—to the Committee on Interstate and Foreign Commerce.

Also, petition of National Association of Clothiers, in favor of passage of Fowler bill—to the Committee on Banking and Currency.

By Mr. DRAPER: Petition of citizens of New York, for improvement of national highways—to the Committee on Agriculture.

By Mr. DUNWELL: Petition of United Retail Grocers' Association, of Brooklyn, N. Y., for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Francis Taylor, jr., for the anticoupon bill—to the Committee on Ways and Means.

Also, petition of National Association of Clothiers, in reference to the Fowler and Aldrich bills—to the Committee on Banking and Currency.

By Mr. ESCH: Petitions of Howard Manufacturing Association of the United States (Cincinnati, Ohio, and Nashville, Tenn.), for amendments to interstate and foreign commerce law—to the Committee on Interstate and Foreign Commerce.

Also, petition of Merchants and Manufacturers' Association of Milwaukee, Wis., for H. R. 18204—to the Committee on Agriculture.

Also, petition of Mrs. W. A. Lawson, president, for the Sims bill, for prohibition in the District of Columbia, Littlefield interstate and foreign commerce bill, and Hansbrough antipolygamy bill—to the Committee on the District of Columbia.

Also, petition of Wisconsin State Federation of Labor, for H. R. 10556—to the Committee on the Post-Office and Post-Roads.

Also, petition of Wisconsin Retail Implement and Vehicle Dealers' Association, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. FLOYD: Papers to accompany House bill to correct the military record of Andrew J. Wilhoit—to the Committee on Military Affairs.

Also, papers to accompany H. R. 14504, for the relief of Robert A. Hawkins—to the Committee on Invalid Pensions.

By Mr. FORNES: Petition of R. A. O'Brien, of Scranton, Pa. (Military Telegraphers' Corps, war 1861–1865), for H. R. 175—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition for forest reservations in White Mountains and Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Chicago Architectural Clubs, against changing site for Grant Memorial—to the Committee on the Library.

By Mr. GOULDEN: Memorial of postal carriers of Tremont Station, New York City, conveying thanks for increase of salary—to the Committee on the Post-Office and Post-Roads.

Also, petition of Merchants' Association of New York, for H. R. 15651—to the Committee on Labor.

Also, petition of A. B. Isaacs, of New York City, for copyright-law amendments—to the Committee on Patents.

Also, petition of North American Fish and Game Protective Association, of Albany, N. Y., for stringent game laws—to the Committee on Foreign Affairs.

Also, petition of New York Clerks and Draftsmen's Association, F. L. 12327, American Federation of Labor, of New York, for increase of salary and change of grades—to the Committee on Naval Affairs.

Also, petition of Charles D. Steuver, editor North Side News, of New York City, for abolishment of duty on pulp and paper—to the Committee on Ways and Means.

Also, petition of National Association of Clothiers, of New York City, for Fowler bill—to the Committee on Banking and Currency.

By Mr. GRAHAM: Petition of Philadelphia Board of Trade, against passage of H. R. 17290—to the Committee on the Judiciary.

Also, petition of Michael Kruyke, in favor of the Bates resolution—to the Committee on Foreign Affairs.

By Mr. GRANGER: Petition of Central Labor Union of Woonsocket, R. I., against prohibition in District of Columbia—to the Committee on the District of Columbia.

Also, petition of Central Labor Union of Woonsocket, R. I., for H. R. 10556 and H. J. Res. 99 and 100—to the Committee on Public Buildings and Grounds.

By Mr. GRONNA: Petition of citizens of Esmond, N. Dak., against the Penrose bill (S. 1518)—to the Committee on the Post-Office and Post-Roads.

Also, petition of Local Union No. 4930, American Society of Equity, of Manvel, N. Dak., for Federal inspection of grain bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HAMILL: Petition of Essex Trades Council, of Newark, N. J., against prohibition in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HASKINS: Petition of Congregational Church of Newfane and sunday school of Newfane, Vt., in favor of Littlefield bill—to the Committee on the Judiciary.

Also, petition of Congregational Church of Newfane, and Sunday school of Newfane, Vt., in favor of the so-called "Hansbrough antipolygamy bill"—to the Committee on the Judiciary.

Also, resolutions of Sutton Grange, Williamsville Grange, Western Grange, and Pomona Grange, all of the State of Vermont, in favor of good-roads bill—to the Committee on Agriculture.

By Mr. HAYES: Resolutions of the National Association of Clothiers, of New York City, against the Aldrich bill (S. 3028) and in favor of the Fowler bill (H. R. 12677)—to the Committee on Banking and Currency.

Also, petition of San Francisco Photo-Engravers, for the removal of duty on white paper—to the Committee on Ways and Means.

By Mr. HEPBURN: Petition of citizens of Blanchard, Iowa, in favor of Littlefield bill and for prohibition of the opium trade—to the Committee on the Judiciary.

By Mr. HOWELL of New Jersey: Petition of Essex Trade Council, of Newark, N. J., against prohibition in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HUGHES of New Jersey: Petition of citizens of New Jersey, in favor of a national highways commission—to the Committee on Agriculture.

By Mr. JONES of Washington: Petition of citizens of San Juan County, Wash., against H. R. 4897 and 4929, and for H. R. 40—to the Committee on the District of Columbia.

By Mr. KNOWLAND: Paper to accompany bill for relief of William H. Orne (H. R. 19635)—to the Committee on Invalid Pensions.

By Mr. KÜSTERMANN: Petitions of residents of Appleton, Wis., against religious legislation and against intoxicating liquors—to the Committee on the District of Columbia.

By Mr. LAW: Petition of Travelers and Merchants' Association of Baltimore, Md., for Fowler bill (H. R. 12677)—to the Committee on Banking and Currency.

By Mr. LEVER: Resolutions to accompany H. R. 10456—to the Committee on Agriculture.

By Mr. LINDBERGH: Petition of citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of Minnesota State Builders' Exchange, against passage of eight-hour law—to the Committee on Labor.

By Mr. LITTLEFIELD: Petitions of Union Grange, No. 80, of East Sumner, Me., and Rowes Corner Grange, No. 386, of Auburn, Me., Patrons of Husbandry, and of other citizens of Maine, for a national highways commission—to the Committee on Agriculture.

Also, petition of 9 citizens of Maine, for a parcels-post law as provided in S. 5122—to the Committee on the Post-Office and Post-Roads.

By Mr. LONGWORTH: Petition of citizens of Hamilton County, Ohio, in favor of a parcels post—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Hamilton County, Ohio, in favor of a national highways commission—to the Committee on Agriculture.

Also, petition of citizens of Ohio, asking for improvements of highways—to the Committee on Agriculture.

By Mr. LOUD: Petitions of William Kilpatrick and other citizens of Michigan; Storm Twining Grange, No. 1099, and F. Drzwieski and others, for a national highways commission—to the Committee on Agriculture.

By Mr. McMORRAN: Petition of citizens of Hadley, Mich., against a parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. MURPHY: Papers to accompany bill for the relief of William F. Blockhouse—to the Committee on Invalid Pensions.

By Mr. NORRIS: Petition of Nebraska State Historical Society, for a United States military reservation at Fort Kearney—to the Commmittee on Military Affairs.

By Mr. NYE: Petition of residents of Hennepin County, Minn., for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. O'CONNELL: Resolutions of Polish citizens of the United States, against the proposed action of the Prussian Government in depriving the Poles of their rights—to the Committee on Foreign Affairs.

By Mr. OVERSTREET: Petition of Sallie W. Barbour, of Nora, Ind., for H. R. 17295—to the Committee on Appropriations.

By Mr. PAYNE: Paper to accompany bill for relief of Dennys Flynn—to the Committee on Invalid Pensions.

Also, petition of citizens of Walworth, N. Y., favoring a rural parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. POLLARD: Petition of Nebraska State Horticultural Society, in favor of making national reserve of old Fort Kearney—to the Committee on Agriculture.

By Mr. PRATT: Petition of Board of Trade of Newark, N. J., for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. RICHARDSON: Paper to accompany bill for relief of Henry C. Haynes (H. R. 18742) (previously referred to the Committee on Invalid Pensions)—to the Committee on Military Affairs.

By Mr. RYAN: Petition of Buffalo Credit Men's Association, of Buffalo, in favor of H. R. 13226—to the Committee on Banking and Currency.

Also, petition of Painters' Local, No. 43, of Buffalo, N. Y., in favor of building battle ships in Government yards—to the Committee on Naval Affairs.

Also, protest of Local No. 13, Boot and Shoe Makers' Union, of Buffalo, against prohibition—to the Committee on the Judiciary.

Also, petition of Buffalo Division of Blue Jackets Friends' Society, in favor of abolishing of irons for punishment in United States Navy—to the Committee on Naval Affairs.

Also, papers to accompany H. R. 19644 (granting an increase of pension to Timothy Hays)—to the Committee on Invalid Pensions.

By Mr. SMITH of Missouri: Petition of citizens of Bonne Terre, Mo., for Littlefield interstate liquor bill—to the Committee on the Judiciary.

By Mr. STEVENS of Minnesota: Petition of Builders' Exchange of St. Paul, against eight-hour law—to the Committee on Labor.

By Mr. SULZER: Petition urging support of the authors and composers' bill introduced by Senator KITTREDGE and Representative BARCHFELD—to the Committee on Patents.

Also, petition of National Association of Clothiers, in session in New York, indorsing the Fowler bill—to the Committee on Banking and Currency.

Also, letter of Ainslie B. Isaacs, of New York, relative to copyright bill—to the Committee on Patents.

Also, letter of Arthur Bailey, of Waverly, Kans., relative to copyright law—to the Committee on Patents.

Also, resolution of Michael Kruska, president Polish Newspaper Association of America, in favor of resolution offered by Mr. BATES extending sympathy with the Poles in Prussia—to the Committee on Foreign Affairs.

Also, memorial of Brill Brothers, clothiers, of New York City, against the Aldrich bill—to the Committee on Banking and Currency.

By Mr. TIRRELL: Petition of Charles R. Horsey, G. H. Wheeler, and others, for the establishment of a national highway commission—to the Committee on Agriculture.

By Mr. THISTLEWOOD: Protest of citizens of Duquoin, Ill., against religious legislation—to the Committee on the Judiciary.

By Mr. TOWNSEND: Petition of Wolf Creek Grange, of Adrian, Mich., for a national highways commission—to the Committee on Agriculture.

By Mr. WANGER: Petition of Business Men's Association of Eastern Pennsylvania, against S. 5122, relating to the parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. WASHBURN: Petition of citizens of Sturbridge, Mass., for a national highways commission—to the Committee on Agriculture.

SENATE.

MONDAY, *March 23, 1908.*

Rev. ULYSSES G. B. PIERCE, of the city of Washington, offered the following prayer:

*Now we would not have you ignorant concerning them that fall asleep; that ye sorrow not as they that have no hope. For God appointed us not unto wrath, but unto the obtaining of eternal life; that, whether we wake or sleep, we should live together with Him. For whether we live, we live unto the Lord; or whether we die, we die unto the Lord; whether we live therefore, or die, we are the Lord's. * * **

We beseech you, therefore, touching these things, that ye be not quickly shaken from your mind, nor yet be troubled. For I am persuaded that neither death nor life, nor angels nor principalities nor powers, nor things present nor things to come, nor height nor depth, nor any other creation, shall be able to separate us from the love of God our Father.

Again, our Father, with bowed heads and saddened hearts we come to acknowledge the mystery of Thy Providence and to discover anew that the way of man is not in himself alone; that it is not in man that walketh to direct his steps. But though we come to Thee with saddened hearts, we come to Thee with no fear, with no distrust, for Thou hast taught us that though we make our bed in the grave, yet Thou art there.

So for him whom Thou hast called to Thy higher service, our Father, we pray less than for the bereaved family and for ourselves, that something of his kindliness and energy may fall on us, to anoint us anew for Thy service, that Thy kingdom may come, and Thy holy will be done, now and forever more. Amen.

THE JOURNAL.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. CLAY, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

DEATH OF SENATOR WILLIAM JAMES BRYAN.

Mr. CLAY. Mr. President, in the absence of the senior Senator from Florida [Mr. TALIAFERRO] it becomes my painful duty to announce to the Senate the death of WILLIAM JAMES BRYAN, the junior Senator from that State.

Mr. BRYAN died in this city at Providence Hospital at 8.30 a. m. yesterday of typhoid fever.

He was appointed by the governor of Florida on December 26 last to fill the unexpired term of the late Senator Mallory, ending March 4, 1909. He took his seat in this body January 9 and attended only a few sessions of the Senate before he was stricken down with typhoid fever, from which disease he never recovered. He was the youngest member of the Senate, not having reached his thirty-second year at the time of his death.

His friends thought he had before him a career of great usefulness. Had his life been spared, doubtless their most sanguine expectations would have been realized. He possessed a charming personality and made friends wherever he went. He was studious, industrious, and ambitious for his country's good. The people of Florida loved and trusted him and he loved them, and Florida to-day mourns his death. This is not the proper time to eulogize his memory.

At some future time and on an occasion appointed for that purpose the senior Senator from Florida will join with other friends of the deceased Senator in paying to his memory that tribute of affection, confidence, and esteem which I know is felt by all.

In order that the Senate may give expression to the feeling which I feel sure is entertained by all his associates, I ask for the immediate consideration and adoption of the resolutions which I send to the desk.

The VICE-PRESIDENT. The Senator from Georgia offers the following resolutions.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with deep regret and profound sorrow of the death of the Hon. WILLIAM JAMES BRYAN, late a Senator from the State of Florida.

Resolved, That a committee of eight Senators be appointed by the Vice-President to take order for superintending the funeral of Mr. BRYAN.

Resolved, That as a further mark of respect his remains be removed from Washington to Jacksonville, Fla., for burial in charge of the Sergeant-at-Arms, attended by the committee, who shall have full power to carry these resolutions into effect.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased Senator.

The VICE-PRESIDENT. The question is on agreeing to the resolutions submitted by the Senator from Georgia.

The resolutions were unanimously agreed to.

The VICE-PRESIDENT appointed as members of the committee under the second resolution Mr. TALIAFERRO, Mr. DANIEL, Mr. BACON, Mr. CLARK of Wyoming, Mr. SCOTT, Mr. CLAPP, Mr. STONE, and Mr. CARTER.

Mr. CLAY. Mr. President, I ask for the adoption of the additional resolution which I send to the desk.

The VICE-PRESIDENT. The Senator from Georgia offers an additional resolution, which will be read.

The Secretary read the resolution, as follows:

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

The VICE-PRESIDENT. The question is on agreeing to the resolution submitted by the Senator from Georgia.

The resolution was unanimously agreed to, and the Senate (at 12 o'clock and 6 minutes p. m.) adjourned until to-morrow, Tuesday, March 24, 1908, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *March 23, 1908.*

The House met at 12 o'clock m.

The Chaplain, Rev. HENRY N. COUDEN, D. D., delivered the following prayer:

Almighty God, our heavenly Father, whose ways are past finding out, yet in whom we live and move and have our being, strengthen Thou our faith, increase our hopes, and renew our courage that we may go forward to the work Thou hast given us to do. Though our hearts be bowed in sorrow because a young life, full of hopes and promises, has been taken from the Congressional body, help us to realize that our lives are Thine, that Thy will is good will, that no harm can come to us in life or death, for Thou art love.

> That nothing walks with aimless feet,
> That not one life shall be destroyed,
> Or cast as rubbish to the void,
> When God hath made the pile complete.

So comfort, we beseech Thee, those who knew, loved, and admired him. Especially be a solace and comfort to the young wife, and bid her look forward with hope to a bright beyond, in Jesus Christ our Lord. Amen.

The Journal of the proceedings of Saturday, March 21, 1908, was read and approved.

RESIGNATION OF REPRESENTATIVE CHARLES E. LITTLEFIELD.

The SPEAKER. The Chair lays before the House the following communication:

COMMITTEE ON THE JUDICIARY,
HOUSE OF REPRESENTATIVES,
Washington, D. C., March 21, 1908.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives of the United States.

DEAR SIR: I hereby tender my resignation as a Member of the Sixtieth Congress from the Second District of Maine, to take effect on and after the 30th day of September, 1908.

I am, sir, with the highest regard,
Your most obedient servant, CHARLES E. LITTLEFIELD.

CORRECTION OF THE RECORD.

Mr. MANN. Mr. Speaker, I have a privileged resolution which I desire to present.

The SPEAKER. The gentleman from Illinois [Mr. MANN] rises to a privileged resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That the CONGRESSIONAL RECORD of March 21, 1908, be corrected by striking out, on pages 3820, 3821, 3822, 3823, 3824, 3825, and 3826, the speech purporting to have been delivered by the gentleman from New York [Mr. SULZER], and inserting in lieu thereof the transcript of the notes of the official reporters of the House of the speech actually made, together with the copy of any record referred to in such speech.

Mr. MANN. Mr. Speaker, I do not desire to discuss the resolution at any length. I have the transcripts supposed to have been made by the official reporters of the House, corrected, I suppose, by the gentleman from New York [Mr. SULZER]. Where they are corrected they show for themselves more changes than there was substance in the original speech.

I desire to call attention to two or three particular parts of the speech as reported in the RECORD, as compared with the speech as delivered in the House. On page 3822 the gentleman is reported by the RECORD to have said:

But, Mr. Chairman, let us proceed. That is not all. Let us continue and confine ourselves to the record of Congress. I want the truth to be known by all men. On January 6, 1903, a bill to create the Department of Commerce and Labor was reported to the House by the gentleman from Illinois [Mr. MANN] and was called up for consideration on January 17, 1903. When the bill was being considered in the Committee of the Whole House on the state of the Union on the 17th of January, 1903.

What the gentleman actually said was:

But let me proceed. That is not all. The bill creating the Department of Commerce and Labor was reported to the House by the gentleman from Iowa and was called up by him on January 17, 1903. When the bill was being considered in the Whole House on the state of the Union on the 17th of January, 1903.

On page 3822 the gentleman from New York is reported to have said:

Now, Mr. Chairman, when the bill to create the Bureau of Commerce and Labor was reported from the committee of the gentleman from Illinois [Mr. MANN] it was not my bill first introduced, nor the bill of the gentleman from Illinois, but there was a small provision in the bill for the establishment of a Bureau of Corporations, and it was as follows. I will read it—

Reading what was then section 7 of the bill:

"SEC. 7. That there shall be in the Department of Commerce and Labor a bureau, to be called the 'Bureau of Corporations,' and the chief of said bureau shall receive a salary of $4,000 per annum.

Then follows the remainder of that section, which I will not read.

Mr. Chairman, it is apparent from the reading of the RECORD that my provision for a Bureau of Corporations was intended to accomplish something for good, but the provision in the bill reported by the committee was a mere sop, and if it had become a law it would have accomplished practically nothing.

What the gentleman really said was:

Now, Mr. Chairman and gentlemen, when that bill creating the Department of Commerce and Labor was reported from the committee by the gentleman from Illinois, there was no provision in the bill for the establishment of a Bureau of Corporations—absolutely no provision.

And, again, the gentleman is reported in the RECORD to have said, on page 3826:

And now, Mr. Chairman, it appears that on the final roll call in this House the gentleman from Illinois [Mr. MANN] and every Republican on that side of the House voted against my proposition to establish a Bureau of Corporations that would really accomplish some good. And I submit that the gentleman from Illinois [Mr. MANN], or, for that matter, any other Republican in this House, can not now take credit for the creation of this Bureau of Corporations. But let us proceed by the record. After the bill passed the House it went to the Senate and was referred, without debate, to the Senate committee. A few days afterwards it was reported to the Senate and a conference was asked and conference committee appointed, and then the bill came back to the House, and a conference committee was appointed on the part of the House, and the bill then went to conference. In the conference committee the bill was perfected, and the provision for the Bureau of Corporations greatly enlarged, although it did not go as far as my provision. The conferees took out of my provision certain parts of it and ignored the other parts. The parts they took out and incorporated in the bill made the bill very much better.

What the gentleman actually said was:

There was a roll call on my demand. On that motion the RECORD here shows that the gentleman from Illinois voted against it, and every Republican on that side of the House at that time voted against a motion to create the Bureau of Corporations, and every Democrat on this side of this House voted in favor of it.

That appears in the RECORD, on page 929, of January 17, 1903.

Now, Mr. Chairman, the bill passed the House without any Bureau of Corporations provided for in it, a provision which I strenuously struggled for for a year. It went to the Senate. When it reached the other body the Senator from Ohio [Mr. Hanna] moved to commit the bill to the committee. It went to his committee. It was reported out of his committee. There was absolutely no debate on the question. He asked for a conference, and the Senate ordered a conference. It came over to the House, and the House agreed to a conference, and there was one. In that conference, although this Bureau of Corporations was not before the conference at all, the conferees put into the bill, in violation of the rules of the Senate and in violation of the rules of the House, this provision from my bill to create a Bureau of Corporations. But they left out practically the best of it. They only put in a part. I could not understand it at the time. I do not really understand it to-day, but there was a reason why the conferees on the part of the House and the conferees on the part of the Senate violated the rules of Congress and put that provision for this Bureau of Corporations into that bill.

Now, it was that portion of the gentleman's speech which I have read which was the real substance of his speech. He has absolutely changed the record, or some one has, in the speech as reported in the CONGRESSIONAL RECORD, to show that where he said "no" he now says "yea," and where he said "yea" he now says "nay." I do not desire to be captious; I do not believe in beating the air. It is immaterial to me what kind of a speech the gentleman puts into the RECORD, but I do not desire to answer speeches of the gentleman and then find when the speech is printed in the RECORD it is entirely different. The gentleman had unanimous consent. He said:

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing in my speech this record that I have referred to.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The only authority the gentleman from New York had to change his remarks was by inserting the record. But he was not satisfied with making the changes which have been referred to. The gentleman from New York—and I have no disposition to criticise him for that specially—inserted various other remarks in the RECORD, on paper which is practically the paper used by the official reporters, but it was not furnished by the official reporters, and inserted, with that degree of candor which compels admiration, in his own handwriting, in this imaginary speech of his, "Applause on the Democratic side." [Laughter.]

That occurs, Mr. Speaker, more than once, in his own handwriting: "Applause on the Democratic side."

That appears in the imaginary speech, or perhaps a speech delivered by the gentleman to his stenographer. Now I should like to yield the gentleman some time if he desires it.

Mr. SULZER. I will speak in my own time.

Mr. MANN. Does the gentleman desire any time?

Mr. SULZER. Not from you.

Mr. MANN. Then, Mr. Speaker, I move the previous question on the resolution. If the gentleman desires time, I am perfectly willing to yield to him.

Mr. SULZER. I do not know that the gentleman controls anybody's time but his own.

The SPEAKER. The gentleman from Illinois is entitled to an hour and can yield time to the gentleman from New York if the gentleman will accept it.

Mr. SULZER. When the gentleman concludes I want some time.

The SPEAKER. Well, but the gentleman from Illinois has the floor and has not yielded it.

Mr. SULZER. Very well; let him conclude.

The SPEAKER. The gentleman from Illinois has the floor. He can yield it absolutely, or he can move the previous question.

Mr. MANN. I yield to the gentleman one-half of my time, one-half hour.

Mr. BARTLETT of Georgia. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT of Georgia. I desire to raise a question whether, by our parliamentary law, this is a question of privilege in such a way as to entitle the gentleman from Illinois to the floor as a matter of privilege; and I call the attention of the House and of the Chair to page 439 of the Manual, which declares:

A resolution to expunge a speech from the RECORD must be entertained as a matter of privilege. This does not necessarily entitle the Member implicated to the floor on a question of personal privilege.

I have no desire to cut anybody off——

The SPEAKER. Will the gentleman from Georgia refer the Chair to the page from the Manual?

Mr. BARTLETT of Georgia. Page 439.

The SPEAKER. Well, that reads as follows:

A resolution to expunge a speech from the RECORD must be entertained as a matter of privilege—

That is this case.

but this does not necessarily entitle the Member implicated—

Mr. SULZER—

to the floor on a question of personal privilege.

Mr. BARTLETT of Georgia. Will the Speaker read the section just below that?

The SPEAKER. It reads—

A resolution to omit from the CONGRESSIONAL RECORD certain remarks declared out of order does not present a question of privilege.

Which is not this case.

Mr. BARTLETT of Georgia. But it is similar to this case. It proposes to strike from the RECORD matters that were not delivered, and therefore not in order.

The SPEAKER. This would apply, and no doubt did, to omitting from the RECORD certain remarks declared out of order. That was before the remarks had gone in—before the RECORD had appeared.

Mr. BARTLETT of Georgia. This is a motion to strike from the RECORD certain remarks.

The SPEAKER. Precisely.

Mr. BARTLETT of Georgia. Then, Mr. Speaker, I ask unanimous consent that the gentleman from New York may be heard.

The SPEAKER. But the gentleman from Illinois [Mr. MANN] has the floor.

Mr. MANN. Mr. Speaker, I have no desire to take any advantage of the gentleman from New York in any way whatever. Therefore I reserve the balance of my time, and let the gentleman take the floor in his own right.

The SPEAKER. The gentleman reserves the balance of his time. The gentleman from New York.

Mr. SULZER. Mr. Speaker, it is not my purpose to allow this discussion to descend to a personal controversy between the gentleman from Illinois [Mr. MANN] and myself. It is a subject that rises very much above that; it is a matter of moment to the people of the entire country, and it is my purpose to see to it that the people of the country are not deceived by the gentleman from Illinois.

Now, sir, in answer to the gentleman from Georgia [Mr. HARDWICK], last Friday the gentleman from Illinois said on the floor of this House that he was the author of the law to create the Bureau of Corporations; that he originated the "idea;"

that he claimed the credit for it, and that it was one of the most laudable laws ever placed on the statute books by Congress.

That is not entirely true, and at the time I called his attention to the error and to the fact that I was the author of the law to create the Bureau of Corporations, that I originated it, and I said to him, sitting in front of his desk, that I would bet him a thousand dollars that I originated it, and introduced the first bill to bring it about, and that I would leave the question for settlement to the President. He declined to take the bet. [Laughter.] And yet when I asked him for five minutes' time to correct the error he had made, he declined to give me five minutes, although he controlled the time. I then asked for unanimous consent to speak for five minutes in order to tell the truth about how this Bureau of Corporations originated, and, to my surprise, the gentleman from Illinois rose up on his hind heels and objected. I did not think that was fair treatment, and I told him so at the time.

During that day it was impossible for me to get time to speak on the matter, but last Saturday I secured time, and I spoke on it and I quoted from the RECORD, telling the truth about the matter, from its inception down to its final enactment into law, and I think I demonstrated most conclusively to every Member of this House that the gentleman from Illinois [Mr. MANN] did not originate the "idea" of this Bureau of Corporations; that the gentleman from Illinois was not the author of this law, and that the gentleman from Illinois had very little to do with it.

Now, Mr. Speaker, I did not have very much time last Saturday to go into this matter at length, because the hour was growing late and I had been yielded only fifteen minutes. At the conclusion of my speech I asked unanimous consent to extend my remarks by placing in the RECORD, as a part of my speech, the previous RECORD of Congress of 1903, showing conclusively who was the author of this provision for the establishment of the Bureau of Corporations. It is a matter of history, it is a matter of record. It is not only in the CONGRESSIONAL RECORD of 1903, but it is in the book published by the Government and known as "The Department of Commerce and Labor Organization and Law." Any Member can get this book from the Congressional Library. According to this RECORD, it appears conclusively that I introduced the first bill ever introduced in Congress creating a Department of Commerce containing a provision to establish this Bureau of Corporations.

Now, sir, the RECORD of Congress shows that I introduced that bill on the 2d day of May, 1902, in the first session of the Fifty-seventh Congress. I appeared before the committee and other citizens appeared before the committee and argued in favor of my bill, and especially in favor of creating this Bureau of Corporations. The gentleman from Illinois was a member of the committee, and he heard the arguments and asked questions of me and of these gentlemen, all of which is a matter of record. The first session of the Fifty-seventh Congress adjourned; nothing was done. The bill was left pending in the Committee on Interstate and Foreign Commerce. The second session of the Fifty-seventh Congress convened on the first Monday of December, 1902, and on the 12th day of December, 1902, the gentleman from Illinois introduced a bill for the establishment of a Department of Commerce and Labor, and in that bill he had one little provision for the establishment of a Bureau of Corporations, but it was absolutely impotent, so far as any power was concerned, and practically amounted to nothing. I appeared before the committee again and suggested the advisability of substituting my provision for the provision in the gentleman's bill.

However, a bill was reported in January, 1903, and, as I said on Saturday, I thought the bill was reported by the gentleman from Iowa [Mr. HEPBURN], the distinguished chairman of the committee, but when I looked up the records I found the bill was reported at the request of the gentleman from Iowa [Mr. HEPBURN] by the gentleman from Illinois [Mr. MANN], and I put that in the RECORD, giving the gentleman from Illinois [Mr. MANN] credit for that, although I had not given him the credit for it in my speech on Saturday. That was honest on my part; it shows how fair I wanted to be to the gentleman from Illinois [laughter on the Republican side], and how unfair the gentleman from Illinois had been in the whole matter to me. Now, when the bill came up in the House, in the Committee of the Whole, I offered, as an amendment, my provision for the establishment of this Bureau of Corporations, and the question was debated, the gentleman from Illinois [Mr. MANN] taking a leading part in the debate, as the RECORD shows.

Finally it came to a vote in the Committee of the Whole. The gentleman from Illinois was a teller on his side, he being against this Bureau of Corporations, and I was a teller on my side, being in favor of this Bureau of Corporations; and the vote shows that the gentleman, being in the majority, had a few more votes than I had, and the amendment went out in the Committee of the Whole, every Democrat voting for it and every Republican voting against it. Then, when the question came up in the House, the leader of the minority, Mr. Richardson, of Tennessee, at my suggestion and at the suggestion of other Members on this side of the House, offered my identical amendment for this Bureau of Corporations, on a motion to recommit the bill with instructions to amend accordingly, and on that motion the yeas and nays were demanded by myself, and on the roll call the RECORD shows that I was in favor of it and the gentleman from Illinois voted against it, and the RECORD also shows that every Republican in the House at the time voted against this Bureau of Corporations and every Democrat voted for it.

Then the bill went over to the Senate. There was no debate on it in the Senate. It was referred in a perfunctory way to the committee and reported back from the committee and went to conference. The conferees met, and in that conference they adopted part of my provision and put it in the bill, but I want to say that the best part of my provision for this Bureau of Corporations was not put in the bill, and if it had been it would have been a very much better bill and it would have been a very much better Bureau of Corporations, because my amendment provided—and any Member here who will read it will see for himself—that this information when collated by these investigations of the criminal trusts of the country should be furnished to the Congress as well as to the President of the United States. [Applause on the Democratic side.]

That is the point I wanted to make the other day when this resolution of the gentleman from Georgia [Mr. HARDWICK] was pending in this House and the gentleman from Illinois [Mr. MANN] shut me out and prevented me from doing so. But there was a lot of other matter left out, and finally they did agree in conference upon the establishment of a Bureau of Corporations, and as it was agreed to it was reported by the conferees and printed in the RECORD, and if any Member or anybody in this country will read that conference report and will read my original provision for the establishment of this Bureau of Corporations he will see that the conferees took out of my provision practically what is in the law to-day, but did not take out enough to make the law what the law ought to be in order to get the data regarding violations of the law by the criminal trusts of our country, so that the President could act, so that the Attorney-General could act, so that Congress could act in case additional legislation was needed.

Now, Mr. Speaker, that is practically the story of the creation of this Bureau of Corporations, and I submit to any impartial Member of this House whether the gentleman from Illinois [Mr. MANN] was the "author" of the law; whether he originated the "idea" or whether I originated the idea; and I submit that question to the people of this country, and if the gentleman wants additional information in regard to it, I would commend him to the President of the United States, who knows the truth about what the conferees were finally compelled to do after telegrams were sent to members of the Senate saying no more antitrust legislation was wanted. [Applause on the Democratic side.]

Now, Mr. Speaker, I think it is an injustice to a Member when he has unanimous consent to extend his remarks, and in the extension tells the truth, and the whole truth, and nothing but the truth, regarding a matter under consideration, for a Republican Member who has been "caught with the goods" to come into the House, and because he is in the majority get another Republican Member to offer a resolution to strike out of the RECORD a Democratic speech because the Democratic speech tells the truth and the truth happens to hurt the Republican party. [Applause on the Democratic side.]

Mr. Speaker, never since I have been a Member of this House have I asked for recognition on the ground of personal privilege. I have never asked for anything but my rights, and I hardly get them; but I say to you, and I serve notice on the Republicans, that if they adopt this resolution to strike out of the RECORD a part of my speech, they will hear more from me from now until the close of this Congress. [Laughter.] Do not be in a hurry, my friends. The Republican party is the opportunist party of the country. Whenever a Democrat or the Democratic party originates anything that is good the Republican party comes along a few years afterwards and seizes it and claims it as its own. Republicans have been doing that; the Republican party has been doing that for years; and it is time that we Democrats who have to take the Republicans by the nape of the neck every now and then to compel them to respond to the demands of the people of the

country, should tell the truth about it, and when we do get the Republicans to respond and enact the legislation we originate, that we initiate, we do not intend that you shall steal the credit and claim the glory or get away with the goods. [Laughter and applause on the Democratic side.]

Mr. Speaker, I want to say to the gentleman from Illinois that if there is anything in my speech in the RECORD that reflects on him personally I will consent to strike it out. If there is anything in my speech that is not strictly in accordance with the facts relating to the history of the legislation to create the Bureau of Corporations I will consent to strike it out; but if you ruthlessly strike out a part of my speech by adopting the resolution just offered, because you have the power and numbers to do so, I will get it back in the RECORD, and I will get it back in the RECORD in a way that will do the Republicans more harm before the people of the country than does the present RECORD.

As I said in the beginning, I repeat now, that I do not intend to allow this question to sink into a personal controversy between the gentleman from Illinois and myself. It rises above that. This is a question which I have placed right before the people of the country and right before the Members of this House. I stand on the RECORD. I abide by the RECORD, and I say to the gentleman from Illinois that he barks and gets bitten and then whines; and I am surprised that the gentleman has appeared to-day in his mean, little, pettifogging way, whining and squealing—because he deceived the House and he deceived the country the other day when he said he originated the "idea;" that he was the author of the "law" to create the Bureau of Corporations. His claim was preposterous and ridiculous, and nobody knew it better than the gentleman from Illinois when he said it; but he did it deliberately, and when he was told he was deceiving the House he refused to give me permission to reply to correct the misstatement.

The SPEAKER. The gentleman from New York will suspend.

Mr. SULZER. Well, I have. Hit the gavel again if you want to.

The SPEAKER. The gentleman will suspend. The gentleman is out of order in his remarks, and it is the duty of the Chair to so state to the gentleman.

Mr. SULZER. Is my time up, Mr. Speaker?

The SPEAKER. And the gentleman will proceed in order.

Mr. SULZER. Exactly. I will proceed in order. Now, Mr. Speaker, I want to ask how much time I have remaining?

The SPEAKER. The gentleman has forty-three minutes.

Mr. SULZER. Then, Mr. Speaker, for fear that the Republicans may adopt this resolution and strike out my speech, I will send to the Clerk's desk and ask to have those parts read in my time, or if they will allow the RECORD to stand as it is, I will close and say nothing further. I ask the Clerk to read all of the speech to which exception is made. What I mean by that is all that part of the RECORD to which exception is made in the pending resolution.

Mr. PAYNE. Mr. Speaker, I understand the request of the gentleman is to print in the RECORD now that which the gentleman from Illinois moves to strike out.

The SPEAKER. The Chair is trying to ascertain.

Mr. SULZER. I will read it, Mr. Speaker.

The SPEAKER. The gentleman will indicate what it is. Does the gentleman propose to put in at this time, now, what the gentleman from Illinois proposes to strike out?

Mr. SULZER. Not exactly.

The SPEAKER. Please indicate.

Mr. SULZER. For fear the Clerk might read slowly, and I can read pretty fast, I will read it myself.

Mr. SULZER (reading).

When the gentleman had finished his speech I requested him to yield me five minutes—

Mr. PAYNE. The gentleman can not read and put in the RECORD that which the House is now deliberating upon striking out.

Mr. SULZER. The gentleman does not know whether I am going to put that identical matter in the RECORD or not. The gentleman can not tell what I am going to put in the RECORD until I read it.

Mr. PAYNE. Mr. Speaker, I understand so far as he has read a portion of that which the gentleman from Illinois moves to strike out now, so judging from that I think even the gentleman from New York understands what the proposition does.

Mr. SULZER. I hope the time used by the gentleman from New York is not coming out of my time.

The SPEAKER. The Chair desires to understand what the point is that the gentleman from New York [Mr. PAYNE] makes, if any. [Laughter.]

Mr. PAYNE. I make the point that this is not germane to the resolution before the House.

The SPEAKER. Does the gentleman make the point that the gentleman from New York [Mr. SULZER] must confine himself to the discussion of the matter before the House?

Mr. PAYNE. Yes; my point was that what he is proposing to read is not germane to the question before the House and not in order, and that he should confine his remarks to the question before the House.

The SPEAKER. So far as the Chair has heard the gentleman from New York [Mr. SULZER], considering the point that the gentleman makes, as the Chair understands his point, the gentleman is not devoting his remarks to the resolution before the House. The Chair will say to the gentleman from New York [Mr. SULZER] that in the opinion of the Chair the point is well taken, and that the gentleman from New York [Mr. SULZER] under the rules of the House should confine himself to the discussion of the resolution pending.

Mr. SULZER. Exactly. That is what I intend to do, Mr. Speaker. I trust the gentleman from New York [Mr. PAYNE] will not interrupt me again. I have only forty-three minutes. [Laughter.]

The SPEAKER. The gentleman will proceed in order.

Mr. SULZER. Now, Mr. Speaker, the gentleman from Illinois [Mr. MANN], like a pettifogging lawyer, has dodged all around this question——

The SPEAKER. The Chair desires to say to the gentleman from New York that it is not in order to use such terms——

Mr. SULZER. I did not call him any names. I said like——

The SPEAKER. Toward any Member of the House, and it is the duty of the Chair to call the gentleman to order. The gentleman will proceed in order under the rules of the House.

Mr. SULZER. The gentleman from Illinois [Mr. MANN], as I was saying [laughter], carefully ignores the real question at issue, both in his answer to my speech the other day and in his supplication to-day. He did not dare assert again, in answer to my speech the other day (Saturday), that he was the author of the Bureau of Corporations. He did not again claim that he originated the "idea." He does not dare claim that now. He leaves that all out now. But he wants to strike out of the RECORD the part of my speech which tells the exact facts regarding the matter, and does not talk about the real issue. Did he, or did he not, originate the "idea" of the Bureau of Corporations? That is the question before the House; that is the question before the country. The question is whether he originated the "idea," as he claimed originally, or whether he did not. And I think I have demonstrated most conclusively that he did not.

Mr. MACON. Read the parts he wants you to strike out.

Mr. SULZER. As I said in my speech the other day, that is the RECORD all right, so far as this Bureau of Corporations is concerned. It is in the CONGRESSIONAL RECORD of 1903, and I put it in the RECORD again Saturday to refresh the memory of the gentleman from Illinois. And it appears at that time, in 1903, that the gentleman debated the proposition to create a Bureau of Corporations, and was very much opposed to it. When the question came up in the House in 1903, he voted against my amendment for a Bureau of Corporations—that could accomplish something. He also voted against the Bureau of Corporations, as appears by the RECORD, when the bill was on its final passage, and the then Democratic leader of the House [Mr. Richardson] moved to recommit the bill to the committee with instructions to amend by adopting my provision for the Bureau of Corporations. It was the same identical amendment, as the RECORD will show. That question was voted upon in the House and the gentleman from Illinois [Mr. MANN] voted against it.

Now, sir, let us see what else the gentleman from Illinois now objects to. He can not object to that. That is a matter of record. The RECORD speaks for itself, and I appeal to the RECORD. And I submit that the gentleman from Illinois [Mr. MANN], or, for that matter, any other Republican in this House, can not now take credit for the creation of this Bureau of Corporations. But let us proceed by the RECORD. After the bill passed the House it went to the Senate and was referred, without debate, to the Senate committee. A few days later it was reported to the Senate and a conference was asked and a conference committee appointed, and then the bill came back to the House, and a conference committee was appointed on the part of the House, and the bill then went to conference. In the conference committee the bill was perfected and the provision for the Bureau of Corporations greatly enlarged, although it did not go as far as my provision went, by a long way. Now, I repeat that. That is the fact. That is the truth. That

is the record. The conferees at that time, in 1903, took out of my provision for this Bureau certain parts of it and ignored other parts—the best and most vital parts. The parts they took out and incorporated in the bill made the bill very much better. But if they had adopted all of the provisions in my bill for this Bureau of Corporations, it would have been a very much better bill.

Now, sir, how did the conferees at that time come to do this? That is the question. As I said the other morning, and I will repeat, if the conferees would tell the truth about this matter, the country would know that the President of the United States had something to do with this matter, and for that reason in my remarks on Saturday I quoted from the President's letter of acceptance. Mr. Chairman, I am glad to enlighten the gentleman from Illinois [Mr. MANN] again at this time about this matter. I wanted to do it Saturday, and he declined to let me do so then. I think his memory serves him quite well, but I think when he made the misstatement he did he thought that somebody else's memory was not quite so good, and that is the reason he indulged in a speech so wide of the real facts of the case.

But I want to be charitable to the gentleman from Illinois. I do not want to be cruel. If I wanted to be real mean, I could be; but, in all fairness, it seems to me that when a Democrat who has been working as hard and as long and as faithfully in the minority as I have, trying, as I have been trying, for nearly fourteen years as a Member of this House to do something good, to accomplish something for the benefit of all the people—and doing it in the face of intense Republican opposition—and then when I have finally accomplished something good, something that a Republican President sees fit to commend in his letter of acceptance, it seems to me, I say, that it is cruel for a Republican Member to attempt to take away the credit; and I submit to the impartial judgment of the country that any Republican who does do it is small indeed, and stoops to the very quintessence of partisan meanness.

Mr. Speaker, as I said in my speech the other day, I want to repeat now, and I hope that it will settle this question of the "idea" of the Bureau of Corporations for all time to come, so far as the gentleman from Illinois is concerned and so far as this question is concerned, that the gentleman did not originate this idea of the Bureau of Corporations. I claim, and the RECORD sustains me, that this was my handiwork, my idea, and not the idea of the gentleman from Illinois. My bill was introduced on the 2d of May, 1902. It was referred by the Speaker to the Committee on Interstate and Foreign Commerce. There were hearings on the bill before the committee in the first session of the Fifty-seventh Congress, and I appeared before the committee and argued in favor of my bill, and especially in favor of the provision in my bill for this Bureau of Corporations.

That was the first time the "idea" for such a bureau ever was introduced by a bill in this House. In those hearings I stated to the committee that I hoped it would report my bill, but that if it reported another bill I indulged the expectation that the committee would incorporate in the bill the provision in my bill to create this Bureau of Corporations. The gentleman from Illinois was present at these hearings and heard all that was said. He was listening, and he is a good listener. Other gentlemen also appeared before the committee in favor of my bill, and especially in favor of the provision creating the Bureau of Corporations. I reiterate now all that I said at that time. Let the RECORD of Congress speak for itself. It tells the story.

Now, Mr. Chairman, that is the record and the history of this Bureau of Corporations.

The first session of the Fifty-seventh Congress adjourned. I want to say, gentlemen, that at the beginning of the second session of the Fifty-seventh Congress the people of the country who favored this legislation, in order to find out whether the criminal trusts of the country were violating the laws or not, came to Washington and urged the committee to report my bill, or especially a bill with this provision of mine in it, for this Bureau of Corporations. Now, I submit to the candid judgment of this House and to the country the question whether the gentleman from Illinois or myself originated the "idea" of this provision to create the Bureau of Corporations; and I submit to the fairness of the membership of this House and to the country the difference between the provision in the bill of the gentleman from Illinois, introduced December 12, 1902, and the provision in my bill, introduced May 2, 1902, for the establishment of this Bureau of Corporations. There is as much difference between the two provisions as there is between day and night.

Now, where did the gentleman from Illinois get the "idea" of the Bureau of Corporations? It must be apparent to anyone who studies the history of the legislation on the matter that he got his "idea" from me and from my bill. He has talked twice on the proposition within the past few days and he has not denied that he got the "idea" from me. He never originated the "idea," and he has no right to stand on the floor of this House and claim the credit. I claim that I am entitled to the credit, if anyone is, because I am the author of it and introduced the first bill; and I, and not the gentleman from Illinois, according to the RECORD, was the author of this Bureau of Corporations, and originated the "idea."

Now, sir, that I have read substantially what the gentleman from Illinois takes exception to and what he wants stricken out of the RECORD, I am satisfied to let the matter stand in the RECORD as it is. I am content to let this matter go before the people of this country upon the facts and upon the RECORD, and I undertake to say that there is not a man in all this land who looks into this question and studies it from its inception to its consummation who will not agree with me that the gentleman from Illinois was not the author of, and did not originate the "idea" of the law for the Bureau of Corporations, and that he is entitled to no credit for the "idea." And that is what I want to get before the people of the country. And now it goes before the people of the country, and I want to say again to the gentleman from Illinois that the trouble with him is that as a Member of this House he is the mere alter ego of the Speaker; he carries the orders from the Speaker's room to the floor of the House, and is always ready to get up and object to any bill that some Member thinks he is going to get through by unanimous consent. The gentleman from Illinois [Mr. MANN] stands before the membership of this House as the man who knows it all, claims it all, and wants it all. [Laughter on the Democratic side.]

Mr. MANN. Mr. Speaker, I ask to have the resolution reported again in my time.

The SPEAKER. The Clerk will report the resolution in the time of the gentleman from Illinois.

The Clerk read as follows:

Resolved, That the CONGRESSIONAL RECORD of March 21, 1908, be corrected by striking out, on pages 3820, 3821, 3822, 3823, 3824, 3825, and 3826, the speech purporting to have been delivered by the gentleman from New York [Mr. SULZER] and inserting in lieu thereof the transcript of the notes of the official reporters of the House of the speech actually made, together with the copy of any record referred to in such speech.

Mr. MANN. Mr. Speaker, I do not propose at this time to discuss the matter as to who originated the Department of Commerce and Labor or any Bureau of it. That is not the question before the House. All I want and ask is that the CONGRESSIONAL RECORD, purporting to give the substance of a debate in this House, shall give it substantially as it was delivered in the House, and that it shall not be absolutely changed and falsified in a way to make it appear that something entirely different was said and done in the House from what actually was said and done.

The resolution proposes to strike out what is now in the RECORD and to insert what the gentleman from New York said, with the copies of the records that he referred to, and which he had consent to insert in the RECORD.

I ask for the previous question on the motion.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. SULZER. Division!

The House proceeded to divide.

Pending the division—

Mr. SULZER. In order to save time, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 151, nays 92, answering "present" 24, not voting 121, as follows:

YEAS—151.

Alexander, N. Y.	Campbell	Denby	Goebel
Allen	Capron	Diekema	Graff
Andrus	Caulfield	Douglas	Graham
Anthony	Chaney	Driscoll	Greene
Barclay	Chapman	Dwight	Haggott
Bates	Cocks, N. Y.	Edwards, Ky.	Hall
Beale, Pa.	Conner	Ellis, Mo.	Hamilton, Mich.
Bede	Cook, Pa.	Ellis, Oreg.	Hammond
Bennet, N. Y.	Cooper, Tex.	Englebright	Harding
Bennett, Ky.	Cousins	Esch	Haskins
Birdsall	Crumpacker	Fairchild	Hawley
Bonynge	Currier	Foss	Hayes
Boutell	Cushman	Foulkrod	Henry, Conn.
Boyd	Dalzell	French	Hepburn
Bradley	Darragh	Fuller	Higgins
Brick	Davis, Minn.	Gaines, W. Va.	Hinshaw
Brownlow	Dawes	Gilhams	Holliday
Burton, Ohio	Dawson	Gillett	Howell, N. J.

Howell, Utah.	Lindbergh	Mudd	Stafford
Howland	Littlefield	Needham	Steenerson
Hubbard, Iowa	Longworth	Nelson	Stevens, Minn.
Hubbard, W. Va.	Loud	Norris	Sturgiss
Huff	Loudenslager	Nye	Sulloway
Hull, Iowa	Lowden	Olcott	Tawney
James, Addison D.	McCall	Olmsted	Taylor, Ohio
Jones, Wash.	McGavin	Parker, S. Dak.	Thistlewood
Keifer	McGuire	Payne	Thomas, Ohio
Kennedy, Ohio	McKinney	Perkins	Tirrell
Kinkaid	McLachlan, Cal.	Pollard	Townsend
Knapp	McLaughlin, Mich.	Pray	Volstead
Knowland	Madden	Reeder	Vreeland
Küstermann	Madison	Rodenberg	Wanger
Lafean	Malby	Scott	Washburn
Landis	Marshall	Slemp	Weeks
Langley	Mondell	Smith, Cal.	Wheeler
Laning	Moore, Pa.	Smith, Iowa	Wilson, Ill.
Law	Morse	Southwick	Woodyard
Lawrence	Mouser	Sperry	

NAYS—92.

Adair	Denver	Henry, Tex.	Randell, Tex.
Adamson	Edwards, Ga.	Hitchcock	Ransdell, La.
Aiken	Ellerbe	Hobson	Rauch
Ansberry	Favrot	Houston	Reid
Ashbrook	Ferris	Hughes, N. J.	Rhinock
Bartlett, Nev.	Finley	Johnson, Ky.	Richardson
Beall, Tex.	Flood	Johnson, S. C.	Riordan
Bell, Ga.	Floyd	Jones, Va.	Rothermel
Booher	Fornes	Kimball	Rucker
Brodhead	Fulton	Kipp	Russell, Mo.
Burgess	Garrett	Kitchin, Claude	Ryan
Burnett	Gill	Lamar, Mo.	Sheppard
Byrd	Godwin	Lamb	Sims
Candler	Gordon	Lee	Smith, Mo.
Carlin	Goulden	Lever	Smith, Tex.
Carter	Granger	Lewis	Stanley
Clark, Fla.	Hackett	Lloyd	Sulzer
Clark, Mo.	Hamill	Maynard	Talbott
Clayton	Hamlin	Moore, Tex.	Tou Velle
Cockran	Hardy	Murphy	Weisse
Cox, Ind.	Harrison	Nicholls	Wiley
Cravens	Hay	O'Connell	Willett
Crawford	Helm	Pou	Wolf

ANSWERING "PRESENT"—24.

Bartlett, Ga.	Gillespie	McLain	Russell, Tex.
Bowers	Gregg	Mann	Small
Burleson	Hamilton, Iowa	Overstreet	Smith, Mich.
Foster, Ind.	Hull, Tenn.	Padgett	Spight
Gaines, Tenn.	Humphreys, Miss.	Page	Stephens, Tex.
Garner	Jenkins	Pujo	Webb

NOT VOTING—121.

Acheson	Dunwell	Kitchin, Wm. W.	Pratt
Alexander, Mo.	Durey	Knopf	Prince
Ames	Fassett	Lamar, Fla.	Rainey
Bannon	Fitzgerald	Lassiter	Reynolds
Barchfeld	Focht	Leake	Roberts
Bartholdt	Fordney	Legare	Robinson
Bingham	Foster, Ill.	Lenahan	Sabath
Brantley	Foster, Vt.	Lilley	Saunders
Broussard	Fowler	Lindsay	Shackleford
Brumm	Gardner, Mass.	Livingston	Sherley
Brundidge	Gardner, Mich.	Lorimer	Sherman
Burke	Gardner, N. J.	Lovering	Sherwood
Burleigh	Glass	McCreary	Slayden
Burton, Del.	Goldfogle	McDermott	Snapp
Butler	Griggs	McHenry	Sparkman
Calder	Gronna	McKinlay, Cal.	Sterling
Calderhead	Hackney	McKinley, Ill.	Taylor, Ala.
Caldwell	Hale	McMillan	Thomas, N. C.
Cary	Hardwick	McMorran	Underwood
Cole	Haugen	Macon	Waldo
Cook, Colo.	Heflin	Miller	Wallace
Cooper, Pa.	Hill, Conn.	Moon, Pa.	Watkins
Cooper, Wis.	Hill, Miss.	Moon, Tenn.	Watson
Coudrey	Howard	Murdock	Weems
Craig	Hughes, W. Va.	Parker, N. J.	Williams
Davenport	Humphrey, Wash.	Parsons	Wilson, Pa.
Davey, La.	Jackson	Patterson	Wood
Davidson	James, Ollie M.	Pearre	Young
De Armond	Kahn	Peters	
Dixon	Keliher	Porter	
Draper	Kennedy, Iowa	Powers	

So the resolution was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. SHERMAN with Mr. RIORDAN.

Mr. KNOPF with Mr. WEISSE.

Until further notice:

Mr. HILL of Connecticut with Mr. HOWARD.

Mr. FOSTER of Indiana with Mr. BRANTLEY.

Mr. DUNWELL with Mr. HEFLIN.

Mr. OVERSTREET with Mr. DIXON.

For this day:

Mr. BURLEIGH with Mr. CRAIG.

Mr. BURTON of Delaware with Mr. DAVENPORT.

Mr. CALDER with Mr. DAVEY of Louisiana.

Mr. CALDERHEAD with Mr. FITZGERALD.

Mr. CARY with Mr. GLASS.

Mr. COLE with Mr. GOLDFOGLE.

Mr. COOK of Colorado with Mr. GRIGGS.

Mr. COOPER of Wisconsin with Mr. HACKNEY.

Mr. DAVIDSON with Mr. HILL of Mississippi.

Mr. FOCHT with Mr. HAMILTON of Iowa.

Mr. FOSTER of Vermont with Mr. OLLIE M. JAMES.

Mr. FOWLER with Mr. KELIHER.

Mr. GARDNER of Massachusetts with Mr. WILLIAM W. KITCHIN.

Mr. GARDNER of Michigan with Mr. LAMAR of Florida.

Mr. DUREY with Mr. LASSITER.

Mr. GRONNA with Mr. LEAKE.

Mr. HALE with Mr. LEGARE.

Mr. HAUGEN with Mr. LINDSAY.

Mr. HUGHES of West Virginia with Mr. LIVINGSTON.

Mr. LOVERING with Mr. MCHENRY.

Mr. MCCREARY with Mr. MACON.

Mr. MCKINLAY of California with Mr. MOON of Tennessee.

Mr. MCKINLEY of Illinois with Mr. PATTERSON.

Mr. MCMILLAN with Mr. RUSSELL of Texas.

Mr. MCMORRAN with Mr. SABATH.

Mr. MILLER with Mr. SHACKLEFORD.

Mr. MOON of Pennsylvania with Mr. SAUNDERS.

Mr. MURDOCK with Mr. SHERLEY.

Mr. PARSONS with Mr. SHERWOOD.

Mr. PRINCE with Mr. SLAYDEN.

Mr. REYNOLDS with Mr. SMALL.

Mr. ROBERTS with Mr. SPARKMAN.

Mr. SNAPP with Mr. TAYLOR of Alabama.

Mr. WATSON with Mr. WATKINS.

Mr. WEEMS with Mr. THOMAS of North Carolina.

Mr. WOOD with Mr. WALLACE.

Mr. BRUMM with Mr. WILSON of Pennsylvania.

Mr. BURKE with Mr. CALDWELL.

Mr. BANNON with Mr. BRUNDIDGE.

Mr. AMES with Mr. BROUSSARD.

Mr. ACHESON with Mr. ALEXANDER of Missouri.

Mr. BUTLER with Mr. BARTLETT of Georgia.

Mr. FORDNEY with Mr. WILLIAMS.

Mr. COOPER of Pennsylvania with Mr. HARDWICK.

Mr. FASSETT with Mr. DE ARMOND.

Mr. BARCHFELD with Mr. UNDERWOOD.

Mr. COUDREY with Mr. GAINES of Tennessee.

Mr. DRAPER with Mr. PETERS.

Mr. SMITH of Michigan with Mr. RAINEY.

Mr. JENKINS with Mr. SLAYDEN.

Mr. BINGHAM with Mr. BURLESON.

Mr. LORIMER with Mr. HUMPHREYS of Mississippi.

Mr. STERLING with Mr. BOWERS.

Mr. WALDO with Mr. FOSTER of Illinois.

Mr. HUMPHREY of Washington with Mr. LENAHAN.

Mr. POWERS with Mr. PRATT.

Mr. PEARRE with Mr. ROBINSON.

On this vote:

Mr. KAHN with Mr. MCDERMOTT.

The result of the vote was announced as above recorded.

DELAWARE AND HUDSON COMPANY.

Mr. MALBY. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (S. 5043) authorizing and empowering the Secretary of War to convey to the Delaware and Hudson Company a right of way for railway purposes upon and across the military reservation of Plattsburg Barracks, at Plattsburg, in the county of Clinton and State of New York, in exchange for the release to the United States of all rights of said company and its subsidiary companies within the limits of said military reservation, and that it be considered in the House at this time.

The SPEAKER. The gentleman from New York asks unanimous consent——

Mr. SULZER. Mr. Speaker, I object.

The SPEAKER. The other gentleman from New York objects.

LEAVE TO EXTEND REMARKS.

Mr. COX of Indiana. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. COX of Indiana. Mr. Speaker, I rise to ask unanimous consent to extend in the RECORD my remarks which I made on last Friday on the pension appropriation bill.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks on the pension appropriation bill. Is there objection?

Mr. SULZER. Mr. Speaker, reserving the right to object, I would like to inquire whether the gentleman from Illinois would move to strike it out of the RECORD after it comes in?

The SPEAKER. The gentleman is not in order. Is there objection? [After a pause.] The Chair hears none.

MARY A. COULSON.

Mr. CHANEY. Mr. Speaker, I ask unanimous consent to have printed as a House document, to accompany report No. 629 on the bill (H. R. 1072), for the relief of Mary A. Coulson, executrix of Sewell Coulson, deceased, a letter from the Attorney-General of the United States dated March 20, 1906, discussing the merits of the claim embraced in the bill.

The SPEAKER. Is there objection?

Mr. SULZER. Mr. Speaker, reserving the right to object, I would like to inquire what the letter is about.

Mr. CHANEY. It is a response of the Attorney-General of the United States to a call of the committee respecting the merits of the claim, which is reported favorably for action in the House.

Mr. SULZER. Was there a report accompanying the bill?

Mr. CHANEY. There is a report which has already been made from the committee, and I want the letter of the Attorney-General in.

Mr. SULZER. Was this letter written after the report was made?

Mr. CHANEY. No; this letter was written on the 20th of March, 1906.

Mr. SULZER. Then it should have been in the report in the first instance, and I object.

The SPEAKER. The gentleman from New York objects.

RAILROAD BRIDGE OVER MISSISSIPPI RIVER.

Mr. BEDE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 18450) authorizing the construction of a railroad bridge over the Mississippi River, which I send to the desk and ask to have read.

Mr. SPEAKER. Is there objection?

Mr. SULZER. Mr. Speaker, I object.

The SPEAKER. The gentleman from New York objects.

EXTENDING TIME FOR COMPLETION OF LINES OF EAST WASHINGTON HEIGHTS TRACTION RAILROAD COMPANY.

Mr. SMITH of Michigan. Mr. Speaker, I call up the bill (H. R. 12438) extending the time limit for the completion of the lines of the East Washington Heights Traction Railroad Company, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the time limit for the completion of the lines of the East Washington Heights Traction Railroad Company is hereby extended for eighteen months from the passage of this act.

With the following amendments.

Insert at the end of the bill the words:

"*Provided*, That within one month after the approval of this act the said East Washington Heights Traction Railroad Company shall deposit with the collector of taxes of the District of Columbia the sum of $1,000 to guarantee the construction of said railway within the time herein limited. If this sum is not so deposited this act shall be void; if this sum is deposited and the said railroad company shall fail to construct and have in operation at least 1 mile of track in addition to that now in operation, within the time herein prescribed, the said sum shall be forfeited to the District of Columbia and this act shall be void."

Mr. SMITH of Michigan. Mr. Speaker, I ask to have the report in this case read.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

Report No. 1169.

The Committee on the District of Columbia, to whom was referred the bill (H. R. 12438) extending the time limit for the completion of the lines of the East Washington Heights Traction Railroad Company, report the same back to the House with the recommendation that it do pass when amended as follows:

Add at the end of line 5, page 1, the following proviso:

"*Provided*, That within one month after the approval of this act the said East Washington Heights Traction Railroad Company shall deposit with the collector of taxes of the District of Columbia the sum of $1,000 to guarantee the construction of said railway within the time herein limited. If this sum is not so deposited this act shall be void; if this sum is deposited and the said railroad company shall fail to construct and have in operation at least 1 mile of track in addition to that now in operation within the time herein prescribed, said sum shall be forfeited to the District of Columbia and this act shall be void."

The bill as originally introduced and referred to this committee was submitted to the Commissioners of the District of Columbia for examination and report before consideration by the committee. The amendment above recommended was suggested by the Commissioners, in view of the extensions of time which have been heretofore granted in the premises, and it is entirely satisfactory to the company. The circumstances of such extensions and the reasons for the proposed further extension are set forth by the Commissioners in the following letter:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, January 29, 1908.

SIR: The Commissioners of the District of Columbia have the honor to submit the following on House bill 12438, Sixtieth Congress, first session, "Extending the time limit for the completion of the lines of the East Washington Heights Traction Railroad Company," which you referred to them for examination and report.

The original charter of the East Washington Heights Traction Railroad Company was granted by act of June 18, 1898, the road to be completed within two years from the date of the passage of the act. Extensions of time have since been granted by acts of April 30, 1900, July 1, 1902, and April 26, 1904, the last extension being for a term of eighteen months from the passage of the act, and providing that at the expiration of the said period the franchise should be void for such lines, and for only such lines, as had not been constructed. Prior, however, to the expiration of this period the portion of the line had been constructed, of about three-fourths of a mile in length, running from the western end of the Pennsylvania Avenue Bridge across the said bridge to a point just beyond Minnesota avenue, and since the construction of this line a service which is believed to be entirely satisfactory to the people living in Randle Highlands and Twining City has been given by this company.

The purpose of the within bill is to revive or extend such portions of the franchise as were allowed to lapse by the failure to construct within the period prescribed in the act of April 26, 1904. There seems to be no objection to this extension and the Commissioners recommend favorable action, but believe that some forfeiture should be imposed for failure to construct at least a portion of the line for which the franchise extension is asked. They have therefore to suggest an addition to the bill, as shown on the amended copy submitted herewith, which provides for the deposit of $1,000 by the company prior to the beginning of the work of construction and the forfeiture of this $1,000 upon the failure of the company to build and operate at least 1 mile of road within the time of extension called for in the bill.

Very respectfully,

HENRY B. F. MACFARLAND,
President Board of Commissioners District of Columbia.

Hon. S. W. SMITH,
Chairman Committee on District of Columbia,
House of Representatives.

Mr. SMITH of Michigan. Mr. Speaker, I ask for a vote.

Mr. CRUMPACKER. Mr. Speaker——

The SPEAKER. Does the gentleman yield?

Mr. SMITH of Michigan. Yes.

Mr. CRUMPACKER. I would like to inquire of the gentleman from Michigan if there is any assurance of the extension of this road aside from the thousand-dollar forfeiture, if the bill be enacted into law, if the additional time be granted.

Mr. SMITH of Michigan. Yes; I understand——

Mr. CRUMPACKER. I learn from the reading of the report that the original grant was made in 1898, and there have been three separate acts of Congress extending the time.

Mr. SMITH of Michigan. That is correct.

Mr. CRUMPACKER. Now, it seems to me that the time of Congress ought not to be taken up in further extending the time in which this road is to be constructed unless there is some assurance aside even from the thousand-dollar forfeiture.

Mr. SMITH of Michigan. I will say to the gentleman that in addition to the thousand dollars provided for, they have some material on the ground and expect to go ahead and complete the line.

Mr. CRUMPACKER. And the gentleman I presume is of the opinion that Congress will not be called upon in eighteen months to pass a still further act of extension.

Mr. SMITH of Michigan. I hope not.

Mr. DRISCOLL. I would like to ask the gentleman how much road this particular company has now in operation?

Mr. SMITH of Michigan. One mile, as stated in the report.

Mr. DRISCOLL. Is that actually being used?

Mr. SMITH of Michigan. Oh, yes.

Mr. DRISCOLL. This company was created for the purpose of building this particular line of road?

Mr. SMITH of Michigan. Yes, sir.

Mr. DRISCOLL. It had no road before that, or any franchise before that?

Mr. SMITH of Michigan. Not that I know of.

Mr. DRISCOLL. The company has built about a mile, and how many miles are yet to be built by this particular bill?

Mr. SMITH of Michigan. One or 2 miles.

Mr. DRISCOLL. That is all?

Mr. SMITH of Michigan. Yes.

Mr. DRISCOLL. Has this particular company any other franchise by which it is permitted to build roads?

Mr. SMITH of Michigan. I do not know of any. I think this is a meritorious proposition. They have been giving service to the people over there, and I think the franchise ought to be extended.

Mr. DRISCOLL. Is this one of the subsidiary companies; and, if so, what company is its parent?

Mr. SMITH of Michigan. It is not a subsidiary company; it has nothing to do with the Capital Traction Company or the Washington Railway and Electric Company; it is an independent company.

Mr. DRISCOLL. It may be independent in form, but is it independent in fact and in substance?

Mr. SMITH of Michigan. It is independent in every sense, as far as I know.

Mr. DRISCOLL. I have not heard of any excuse the company has given in recent years for not building the road——

Mr. SMITH of Michigan. I think the excuse is that they could not get the capital. That is, of course, one of the best excuses that can be given.

Mr. DRISCOLL. Its franchise has already elapsed, more than two years ago.

Mr. SMITH of Michigan. Yes, sir; that is true. I think the amount they are asked to put up, a thousand dollars, is an ample amount to ask for a forfeit and all that could possibly be asked under the circumstances.

Mr. DRISCOLL. You think it is an ample forfeit?

Mr. SMITH of Michigan. I think it is, right at this time. I think it is proper, and certainly no harm can come to anybody by the extension of the franchise.

Mr. DRISCOLL. There is no other company that wants to build it?

Mr. SMITH of Michigan. Not that I have heard of.

Mr. DRISCOLL. And the gentleman from Michigan favors it?

Mr. SMITH of Michigan. I do, sir.

Mr. CLARK of Florida. Mr. Speaker——

The SPEAKER. Does the gentleman yield to the gentleman from Florida?

Mr. CLARK of Florida. I just wanted to inquire of the Speaker upon what the vote is to be taken.

The SPEAKER. Upon the committee amendment, as the Chair understands it.

Mr. CLARK of Florida. Then I want to offer an amendment.

The SPEAKER. The question is on agreeing to the committee amendment.

Mr. SULZER. Mr. Speaker, can we have the amendment again reported?

The SPEAKER. The Clerk will again report the amendment.

The amendment was again reported.

Mr. SULZER. I would like to ask the gentleman——

The SPEAKER. Does the gentleman from Michigan yield?

Mr. SMITH of Michigan. Yes.

Mr. SULZER. This amendment is a committee amendment?

Mr. SMITH of Michigan. Pardon me; yes.

Mr. SULZER. Then, I wish to know why the committee did not put it in the bill when it reported the bill?

Mr. SMITH of Michigan. It was reported in the bill when it was reported.

Mr. SULZER. It is reported in the bill as an amendment?

Mr. SMITH of Michigan. Yes, sir; it is in the bill H. R. 12438 and recommended by the Commissioners.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. CLARK of Florida. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Florida offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by striking out the word "one," in line 9 of the printed bill, and insert in lieu thereof the word "ten," so as to read, "$10,000."

Mr. CLARK of Florida. Now, Mr. Speaker, I simply wanted to say that my information is that this charter has been in the hands of the present company for five or six years. The charter has existed, according to my information, for more than fifteen years. They have now constructed but three-quarters of a mile of road across the bridge, and the company, my information is, has only two second-class, secondhand "bobtail" cars. They have no power of their own, but get it from the Capital Traction Company, as I understand it, and a thousand dollars is, in my judgment, no bonus to deposit for good faith in this matter, where the company has dillydallied with this proposition for so many years. I hope the chairman of the committee will accept the amendment requiring the company to deposit $10,000 as an evidence of good faith.

Mr. SMITH of Michigan. I desire to say to the gentleman that I do not think that is a reasonable amendment under the circumstances. If I did not believe these people intended in good faith to go on and try and complete the line, I should not present the bill which is offered here. I think $10,000 would be too great a burden, and I hope the gentleman will withdraw the amendment. But if he insists upon it, I do hope it will be voted down.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. CLARK of Florida. Mr. Speaker, I desire to offer another amendment.

The SPEAKER. The gentleman from Florida [Mr. CLARK] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by striking out the words "the time herein prescribed," in lines 2 and 3, on page 2 of Senate bill, and insert in lieu thereof the words "six months after the approval of this act."

Mr. CLARK of Florida. Now, Mr. Speaker, under the bill as it now stands this company has eighteen months in which to complete 1 mile of railway track. It is an absolute injustice to the people living in that section of the country, without any street railroad privileges, and utterly impossible for them to get any, that this concern, holding a franchise, should delay the necessary improvements that would be made in that section. Now, certainly, Mr. Speaker, six months is long enough for any railroad company that has held its charter four or five years to build one mile of railway track, when the people over there have been kept out of it for all these years. Other companies have been prevented from going there, the organization of other companies that would build the line has been prevented, and those people have been denied these privileges on account of the franchise owned by this dilatory company which, I am informed, is simply a speculative affair, and now they are to be held out for eighteen months longer. I submit, Mr. Chairman, that the gentleman ought to accept this amendment in justice to the people who live in the locality to be benefited by this railroad company.

Mr. SMITH of Michigan. I desire to say to the gentleman that after full hearing had before the Commissioners on this question they reported they thought eighteen months was not an unjustifiable length of time.

Mr. CLARK of Florida. Will the gentleman allow me to ask him a question?

Mr. SMITH of Michigan. Yes, sir.

Mr. CLARK of Florida. Does the gentleman think that his committee or that this House ought to make legislation in reference to the District of Columbia dependent upon what the Commissioners say?

Mr. SMITH of Michigan. Oh, not altogether; but, of course, we are guided to some extent by their judgment. They certainly have much more time to investigate many of these questions than does the District Committee or any individual member of it.

Mr. CLARK of Florida. That is true; and will not the gentleman say it is true that ex-Congressman Bliss, formerly a Member of this body from the State of New York, and other citizens interested out there, came before the committee and insisted upon having these people expedite that work? And is it not true that he and the other people interested are practically unanimous in their opposition to this eighteen months' extension of time?

Mr. SMITH of Michigan. I do not so understand it, and I do not recall that Mr. Bliss, and I do not think anybody else, has been before the committee, as the gentleman suggests, at this Congress and objected to any extension of time. The fact is, the only stockholder or the only person I know in connection with it is the gentleman mentioned in the last annual report, Mr. Randall. I met him on a car somewhere in the city during the last three or four months, and he said that if they were permitted to have this extension of time that they would complete the road and that they also had material upon the ground.

Mr. CLARK of Florida. I would like to ask the gentleman if he knows Mr. Randall?

Mr. SMITH of Michigan. Only casually. I remember meeting the gentleman. I think the gentleman was before the Committee on the District of Columbia in the last Congress, and I think I can say to the gentleman from Florida [Mr. CLARK] that if Mr. Randall should come into the room now I do not think I would know him.

Mr. CLARK of Florida. If the gentleman will permit me, and I hope he will, I desire to make this statement: Ex-Congressman Bliss was at my office this morning, and he certainly does protest. He tells me that he represents the citizens out there and that they protest very strongly against giving these people eighteen months' additional time in which to build 1 mile of track.

Mr. SMITH of Michigan. Well, certainly these people have been accommodated by the tracks and line which these people have already built, and the gentleman has only to visit that locality to see the character of the country.

Mr. MADDEN. I would like to ask the gentleman a question, if he will yield.

Mr. SMITH of Michigan. Certainly.

Mr. MADDEN. This bill, I notice, does not make any provision for universal transfer and for regulation by the Commissioners of the District. Does the gentleman from Michigan understand that the provision for universal transfers and regulation by the District Commissioners in the general railway bill will be sufficiently comprehensive to cover all the street railway legislation?

Mr. SMITH of Michigan. If the bill we passed some time ago becomes a law, I believe it will govern this case, too. This road now gives transfers to the Capital Traction Company.

Mr. MADDEN. It is what we can force them to do that I am interested in.

Mr. SMITH of Michigan. If the bill we passed some time ago becomes a law, I think it will control in this case.

Mr. MADDEN. I have a copy of the other bill before me, but I am rather inclined to agree with the gentleman; and I am willing to take his word just now, that if it does not cover it we can make provision for it hereafter.

Mr. DOUGLAS. How often, may I ask the gentleman from Michigan, has this franchise been extended?

Mr. SMITH of Michigan. Three times.

Mr. DOUGLAS. When was the franchise originally granted?

Mr. SMITH of Michigan. In 1898.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced that the noes appeared to have it.

Mr. CLARK of Florida. Division!

The House divided, and there were—ayes 30, noes 48.

Mr. SULZER. No quorum, Mr. Speaker.

The SPEAKER. Under the rules the doors will be closed; the Sergeant-at-Arms will notify absentees. The question is on agreeing to the amendment. As many as are in favor of agreeing to the amendment will, as their names are called, answer "yea;" as many as are opposed will answer "nay;" those not voting will answer "present;" and the Clerk will call the roll.

The question was taken, and there were—yeas 93, nays 141, answered "present" 18, not voting 136, as follows:

YEAS—93.

Adair	Finley	Kimball	Rothermel
Aiken	Flood	Kipp	Russell, Mo.
Alexander, Mo.	Floyd	Lamar, Mo.	Russell, Tex.
Ansberry	Fornes	Lamb	Ryan
Beall, Tex.	Fulton	Lawrence	Sabath
Bell, Ga.	Gardner, Mich.	Leake	Saunders
Bowers	Garner	Lee	Scott
Boyd	Gill	Lever	Shackleford
Brundidge	Godwin	Lindbergh	Sheppard
Burgess	Granger	Lloyd	Sherley
Caldwell	Gregg	McHenry	Smith, Tex.
Candler	Gronna	Malby	Stafford
Carter	Hamill	Maynard	Stanley
Clark, Fla.	Harrison	Moore, Tex.	Sulzer
Clark, Mo.	Hay	Nicholls	Talbott
Clayton	Helm	Norris	Tou Velle
Craig	Henry, Conn.	O'Connell	Volstead
Cravens	Henry, Tex.	Pou	Watkins
Dawes	Hitchcock	Pujo	Webb
Denver	Hobson	Randell, Tex.	Willett
Dwight	Houston	Ransdell, La.	Wolf
Ellerbe	Hull, Tenn.	Rauch	
Favrot	Humphreys, Miss.	Reid	
Ferris	Jones, Va.	Richardson	

NAYS—141.

Alexander, N. Y.	Driscoll	Jenkins	Olmsted
Allen	Ellis, Mo.	Johnson, Ky.	Padgett
Ames	Ellis, Oreg.	Jones, Wash.	Page
Andrus	Englebright	Kahn	Payne
Anthony	Esch	Keifer	Perkins
Barclay	Foss	Kennedy, Ohio	Pollard
Bartlett, Nev.	Foulkrod	Kinkaid	Pray
Bates	French	Knapp	Reeder
Bede	Fuller	Knowland	Roberts
Bennet, N. Y.	Gaines, W. Va.	Lafean	Rodenberg
Birdsall	Garrett	Landis	Sims
Bonynge	Gilhams	Laning	Slayden
Booher	Gillett	Littlefield	Slemp
Boutell	Goebel	Loud	Smith, Cal.
Brownlow	Graff	Lowden	Smith, Iowa
Burton, Ohio	Graham	McCall	Smith, Mich.
Byrd	Greene	McGavin	Southwick
Campbell	Haggott	McGuire	Sperry
Cary	Hall	McKinlay, Cal.	Steenerson
Caulfield	Hamilton, Iowa	McKinney	Stephens, Tex.
Chapman	Hamilton, Mich.	McLachlan, Cal.	Stevens, Minn.
Cocks, N. Y.	Hammond	McLaughlin, Mich.	Tawney
Conner	Harding	McMillan	Taylor, Ohio
Cook, Pa.	Haskins	McMorran	Thomas, Ohio
Cooper, Tex.	Haugen	Madden	Tirrell
Coudrey	Hawley	Mann	Townsend
Cousins	Hayes	Moore, Pa.	Vreeland
Crumpacker	Hepburn	Morse	Washburn
Currier	Higgins	Mouser	Weeks
Cushman	Hinshaw	Mudd	Wheeler
Dalzell	Holliday	Murdock	Wilson, Ill.
Darragh	Howell, N. J.	Murphy	Woodyard
Davis	Howland	Needham	Young
Dawson	Hubbard, Iowa	Nelson	
Diekema	Hubbard, W. Va.	Nye	
Douglas	Huff	Olcott	

ANSWERED "PRESENT"—18.

Adamson	Foster, Ill.	Lewis	Rucker
Bartlett, Ga.	Foster, Ind.	McLain	Taylor, Ala.
Burleson	Goulden	Macon	Wanger
Burton, Del.	Hardwick	Overstreet	
Cockran	Hill, Conn.	Parker, S. Dak.	

NOT VOTING—136.

Acheson	Bradley	Burnett	Cook, Colo.
Ashbrook	Brantley	Butler	Cooper, Pa.
Bannon	Brick	Calder	Cooper, Wis.
Barchfeld	Brodhead	Calderhead	Cox, Ind.
Bartholdt	Broussard	Capron	Crawford
Beale, Pa.	Brumm	Carlin	Davenport
Bennett, Ky.	Burke	Chaney	Davey, La.
Bingham	Burleigh	Cole	Davidson
De Armond	Hamlin	Lilley	Reynolds
Denby	Hardy	Lindsay	Rhinock
Dixon	Heflin	Livingston	Riordan
Draper	Hill, Miss.	Longworth	Robinson
Dunwell	Howard	Lorimer	Sherman
Durey	Howell, Utah	Loudenslager	Sherwood
Edwards, Ga.	Hughes, N. J.	Lovering	Small
Edwards, Ky.	Hughes, W. Va.	McCreary	Smith, Mo.
Fairchild	Hull, Iowa	McDermott	Snapp
Fassett	Humphrey, Wash.	McKinley, Ill.	Sparkman
Fitzgerald	Jackson	Madison	Spight
Focht	James, Addison D.	Marshall	Sterling
Fordney	James, Ollie M.	Miller	Sturgiss
Foster, Vt.	Johnson, S. C.	Mondell	Sulloway
Fowler	Kelliher	Moon, Pa.	Thistlewood
Gaines, Tenn.	Kennedy, Iowa	Moon, Tenn.	Thomas, N. C.
Gardner, Mass.	Kitchin, Claude	Parker, N. J.	Underwood
Gardner, N. J.	Kitchin, Wm. W.	Parsons	Waldo
Gillespie	Knopf	Patterson	Wallace
Glass	Küstermann	Pearre	Watson
Goldfogle	Lamar, Fla.	Peters	Weems
Gordon	Langley	Porter	Weisse
Griggs	Lassiter	Powers	Wiley
Hackett	Law	Pratt	Williams
Hackney	Legare	Prince	Wilson, Pa.
Hale	Lenahan	Rainey	Wood

So the amendment was rejected.

The Clerk announced the following additional pairs:

For this session:

Mr. WANGER with Mr. ADAMSON.

Until further notice:

Mr. CHANEY with Mr. COX of Indiana.

Mr. GAINES of West Virginia with Mr. GILLESPIE.

Mr. FASSETT with Mr. LAMAR of Florida.

For the balance of this day:

Mr. BARTHOLDT with Mr. BRODHEAD.

Mr. BRICK with Mr. BURNETT.

Mr. CAPRON with Mr. GLASS.

Mr. DENBY with Mr. CRAWFORD.

Mr. FAIRCHILD with Mr. EDWARDS of Georgia.

Mr. LONGWORTH with Mr. MOON of Tennessee.

Mr. WATSON with Mr. WILEY.

Mr. LOUDENSLAGER with Mr. SPIGHT.

Mr. BEALE of Pennsylvania with Mr. CARLIN.

Mr. KENNEDY of Iowa with Mr. ASHBROOK.

Mr. BARTLETT of Georgia. I desire to know if the gentleman from Pennsylvania [Mr. BUTLER] has voted.

The SPEAKER. He has not voted.

Mr. BARTLETT of Georgia. I desire to change my vote, then, and answer present.

The Clerk called the name of Mr. BARTLETT of Georgia and he answered present.

The result of the vote was announced as above recorded.

The SPEAKER. The Doorkeeper will open the doors.

Mr. SMITH of Michigan. Mr. Speaker, I call for a vote on the bill.

Mr. SHACKLEFORD. In that connection, I desire to amend by striking out the word "eighteen" and inserting the word "twelve," making it twelve months instead of eighteen.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out "eighteen months" and insert "one year."

Mr. SMITH of Michigan. I desire to say that the committee will accept that amendment, making the time twelve months instead of eighteen.

Mr. SHACKLEFORD. I understand the chairman of the committee to say that on behalf of the committee they accept the amendment.

The SPEAKER. The House will have to dispose of the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. SMITH of Michigan, a motion to reconsider the last vote was laid on the table.

MEDICAL OR SURGICAL SERVICES TO FIREMEN.

Mr. SMITH of Michigan. Mr. Speaker, I call up the bill (H. R. 15230) to amend an act approved February 28, 1901, entitled "An act relating to the Metropolitan police of the District of Columbia."

The bill was read, as follows:

Be it enacted, etc., That the act of February 28, 1901, entitled "An act relating to the Metropolitan police of the District of Columbia," be amended by adding thereto the following:

"SEC. 4a. That hereafter whenever any member of the fire department of the District of Columbia in the actual discharge of his duty shall become so disabled by sickness or injury as to require services or treatment other than such as can be rendered by the board of police and fire surgeons, the expense of such services or treatment may be paid from the firemen's pension fund: *Provided*, That no such expenses shall be paid except upon the recommendation of the chief engineer of the fire department, approved by the Commissioners of said District, and such recommendation must be accompanied by a certificate

from some competent surgeon setting forth the nature and cause of the sickness or disability which rendered such services or treatment necessary."

With the following committee amendments:

Insert, on page 1, line 10, after the word "require," the words "medical or surgical."

Strike out of page 2, lines 4 and 5, the words "some competent surgeon" and insert in lieu thereof the words "a member of the board of fire surgeons."

The committee amendments were agreed to.

Mr. DRISCOLL. Mr. Speaker, I should like to ask the gentleman a question.

Mr. SMITH of Michigan. I yield to the gentleman from Ohio [Mr. TAYLOR].

Mr. DRISCOLL. I want to ask what the firemen themselves say about this. Are they in favor of it or not?

Mr. TAYLOR of Ohio. The firemen, as represented by their chief officer, are in favor of it.

Mr. DRISCOLL. Do you know anything about what the rank and file think of it?

Mr. TAYLOR of Ohio. I have not made calls on the rank and file, but there has been absolutely no objection to it, and from the terms of the bill it must be one that they want, because it simply gives them the right to have special service in addition to that which they already receive from the police surgeons.

Mr. DRISCOLL. But it is taken out of their fund.

Mr. TAYLOR of Ohio. But only a small portion of that fund is created by the firemen themselves.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

LICENSES FOR DRIVERS OF PASSENGER VEHICLES.

Mr. SMITH of Michigan. Mr. Speaker, I call up the bill (H. R. 15231) to amend the license law approved July 1, 1902, with respect to licenses of drivers of passenger vehicles for hire.

The bill was read, as follows:

Be it enacted, etc., That paragraph 11 of section 7 of the act of Congress approved July 1, 1902, entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," providing for license taxes in the District of Columbia, be, and the same is hereby, amended by adding thereto the following:

"That any and all persons employed or engaged in driving a horse or horses or other animal or animals attached to coaches, omnibuses, carriages, wagons, or other passenger vehicles for hire shall pay an annual license tax of $1: *Provided*, That such license shall not in any case be issued except upon application therefor to the assessor by the person desiring the license and upon approval of such issue by the Commissioners of the District of Columbia, under such general regulations as they may prescribe, after report made by some member of the Metropolitan police designated to inspect public vehicles to the major and superintendent of police; and it shall be the duty of the major and superintendent of police to forward said report to said Commissioners through the assessor of the District of Columbia. And there shall be kept in the department of police a list of names of all drivers, their annual license number, and any record that may be necessary concerning the conduct of drivers of public vehicles that may be required in connection with good public vehicle service: *Provided*, That licenses issued under the provisions hereof shall not be assigned or transferred, and every assignment or transfer of any such license shall be illegal, null, and void. Any person who shall violate any of the provisions of this amendment shall be punished as provided in paragraph 47 of said section 7."

Mr. LANDIS. I should like to ask the gentleman what the license is at the present time?

Mr. SMITH of Michigan. I yield to the gentleman from New York [Mr. MCMILLAN].

Mr. MCMILLAN. The present license is from $6 to $11, but that only applies to the owner and proprietor. It does not cover the driver. This only means that the driver shall be registered and his position qualified. It lends dignity to the driver. He has an opportunity of saying, "I am a licensed driver." He pays a dollar for that, and, in case of accident, the Department has his name and knows where it can find him. This bill is solely for the purpose of registering the drivers, and it will have the ultimate effect of affording protection to a good driver.

Mr. LANDIS. It simply adds to the law; it does not change existing law?

Mr. MCMILLAN. It changes no existing law.

Mr. DRISCOLL. I would like to know whether this is for the purpose of raising the grade of the driver or for the purpose of raising money?

Mr. MCMILLAN. It is for the purpose of raising the grade of the driver.

Mr. DRISCOLL. Why does not the gentleman include, if this is for the purpose of raising the grade of the driver and to prevent accidents, why does not the committee include chauffeurs of automobiles?

Mr. MCMILLAN. I think the law covers that in a separate section.

The bill was ordered to be engrossed and read a third time; and being engrossed, was read the third time and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, one of its secretaries, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5966. An act to establish a fish-hatching and fish-culture station for the hatching and propagation of shad upon or near the seacoast in the State of Georgia;

S. 5639. An act to amend an act entitled "An act to authorize the construction of a bridge across the Missouri River at a point to be selected within 5 miles north of the Kaw River, in Wyandotte County, State of Kansas, and Clay County, State of Missouri, and to make the same a post route," approved December 17, 1902;

S. 4441. An act to acquire certain land in the District of Columbia as an addition to Rock Creek Park;

S. 3973. An act to amend the laws of the United States relating to registration of trade-marks;

S. 2999. An act to amend an act entitled "An act to provide for the extension of New Hampshire avenue, in the District of Columbia, and for other purposes," approved February 27, 1907;

S. 2986. An act to acquire certain lands in Hall and Elvan's subdivision of Meridian Hill, in the District of Columbia, for a public park; and

S. 2232. An act to correct the naval record of Charles C. Lee.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 16882. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes;

H. R. 16621. An act to extend the time for the construction of a dam across Savannah River at Cherokee Shoals.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 16493. An act limiting and restricting the right of entry and assignment under the desert-land law and authorizing an extension of time within which to make final proof;

H. R. 15660. An act to provide for the repayment of certain commissions, excess payments, and purchase moneys paid under the public laws;

H. R. 17167. An act authorizing the Woodlawn Cemetery Association, of St. Maries, Idaho, to purchase not to exceed 40 acres of land in the Cœur d'Alene Indian Reservation in Idaho; and

H. R. 19408. An act to authorize the Secretary of War to donate to the Albert Sidney Johnston Camp, Confederate Veterans, of San Antonio, Tex., not to exceed fifty obsolete Springfield rifles, bayonets, and bayonet scabbards for same.

PRIVATE HOSPITALS AND ASYLUMS IN THE DISTRICT OF COLUMBIA.

Mr. SMITH of Michigan. Mr. Speaker, I now call up the bill (H. R. 17305) to regulate the establishment and maintenance of private hospitals and asylums in the District of Columbia.

The Clerk read the bill, as follows:

Be it enacted, etc., That no person shall in the District of Columbia establish or maintain any private hospital or asylum, either for the reception of human beings or of domestic animals, unless or until licensed by the Commissioners of said District so to do.

SEC. 2. That it shall be the duty of the health officer of the District of Columbia, and of such agents and employees in the service of the health department of said District as he may designate for that purpose, to enforce the provisions of this act and of all regulations made by authority thereof; and said health officer and agents and employees are hereby authorized, in the performance of the duty aforesaid, to enter and inspect during all reasonable hours all private hospitals and asylums in said District. No person shall interfere with said health officer, or with any agent or employee aforesaid, in the performance of his official duty, nor hinder, prevent, or refuse to permit any inspection authorized by this act.

SEC. 3. That any person who, for himself or as the employee or agent of another person, or as a member, officer, or employee of a firm or corporation, violates any of the provisions of this act or any regulations made hereunder by the Commissioners of the District of Columbia, or aids in the violation thereof, shall be punished by a fine not exceeding $200 or by imprisonment for not more than thirty days, or by both fine and imprisonment, in the discretion of the court.

SEC. 4. That the Commissioners of the District of Columbia be, and they are hereby, authorized and empowered to promulgate from time to time such regulations as in their judgment public interests require to govern the establishment and maintenance of private hospitals and asylums, whether for human beings or for domestic animals, and to regulate the issue, suspension, and revocation of licenses aforesaid.

SEC. 5. That all prosecutions under this act shall be in the police court of the District of Columbia upon information signed by the corporation counsel of said District or by one of his assistants.

SEC. 6. That all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

The following committee amendment was read:

Strike out of page 1, line 6, the words "so to do" and insert a period after the word "District," in said line.

Mr. SULZER. Mr. Speaker, I wish to inquire if there is anything in this bill that restricts in any way chiropractic treatment in the District of Columbia?

Mr. SMITH of Michigan. Mr. Speaker, I will yield to the gentleman from New York [Mr. OLCOTT].

Mr. OLCOTT. Nothing whatever; the bill provides that if a private hospital is established, permit must be obtained from the Commissioners, and that they shall have the supervision over the hospital. It has nothing to do with chiropractic treatment.

Mr. SULZER. What change does it make in existing law?

Mr. OLCOTT. The District appropriation bill of March 2, 1895, provided:

That hereafter no other building for use as a public or private hospital for contagious diseases shall be erected in the District of Columbia within 300 feet of any building owned by a private individual or any other party than the one erecting the building. All private hospitals in the District of Columbia shall be required to secure a permit from the Commissioners of the District of Columbia, and said hospitals shall be at all times subject to inspection by the health officer of said District or his deputy, and any person or persons refusing to permit such inspection shall each be subject to a fine of not less than $50 nor more than $200 for each of such refusals.

Mr. SULZER. Does this bill increase the license fee?

Mr. OLCOTT. Absolutely not. It is a law which enables the provision attached to the appropriation bill to be carried out. No means were provided to enable the Commissioners to carry out the law.

Mr. SULZER. Is it the unanimous report of the committee?

Mr. OLCOTT. Yes.

Mr. DRISCOLL. I would like to ask the gentleman if this discriminates between the several schools of medicine?

Mr. OLCOTT. Not in the slightest.

Mr. DRISCOLL. Does it involve in any way the merit of the several schools?

Mr. OLCOTT. Not in the slightest degree.

Mr. DRISCOLL. Does this apply to Christian Science in any way, or to mental healing, in case Scientists or healers take the patients to their homes?

Mr. OLCOTT. It is merely for the establishment of private hospitals.

Mr. DRISCOLL. If a man takes a patient or two to his home and treats them in his way, is not that a private hospital, and would it not be so construed?

Mr. OLCOTT. The laws of the District of Columbia provide for the granting of a license to practicing physicians of the several schools of medicine. I do not know whether there is any particular provision relative to the Christian Science cult, but I know that this does not in any way affect the law relative to that.

Mr. DRISCOLL. I think it would. If this applies to a private asylum, if a man should take a few patients into his home for the purpose of treating them mentally, or by Christian Science, he may be within the provisions of this statute.

Mr. LANDIS. Well, why not?

Mr. DRISCOLL. I think it ought to have more consideration than we are giving it here.

Mr. OLCOTT. Then he would come under the provisions of the law as it now exists.

Mr. DRISCOLL. Will he not come under the provision of this law?

Mr. OLCOTT. No; no person can practice medicine in the District of Columbia without taking out a license.

Mr. DRISCOLL. He may not be practicing medicine; he may have people in his house, treating them in his way, and he may be deemed to come under this law. He may be prohibited from doing it under this proposed statute. Was it the intention of the gentleman to make any attack on them?

Mr. OLCOTT. Not the slightest; it has absolutely nothing to do with that. It is merely to provide a method to give effect to the law as it now exists under this proviso in a former appropriation bill.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. OLCOTT, a motion to reconsider the last vote was laid on the table.

REGISTRATION OF CASES OF TUBERCULOSIS IN THE DISTRICT OF COLUMBIA, ETC.

Mr. SMITH of Michigan. Mr. Speaker, I now call up the bill (S. 29) to provide for registration of all cases of tuberculosis in the District of Columbia, for free examination of sputum in suspected cases, and for preventing the spread of tuberculosis in said District, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That it shall be the duty of every physician in the District of Columbia to report in writing to the health officer of said District, within one week after the disease is suspected, on forms to be provided by said health officer, the name, age, sex, color, occupation, and address of every person under his care in said District who, in his opinion, is afflicted with pulmonary or other communicable form of tuberculosis. It shall also be the duty of the officer having charge for the time being of each and every hospital, dispensary, asylum, or other similar public or private institution in said District to report in like manner the name, age, sex, color, occupation, and last address of every person who is in his care or who has come under his observation within one week of such time who, in his opinion, is afflicted with pulmonary or other communicable form of tuberculosis.

SEC. 2. That the health officer of said District shall promptly make, or cause to be made by a competent microscopist, a microscopical examination of the sputum of persons thus reported, and shall make a report thereof, free of charge, to the physician or officer upon whose application the examination was made. If the examination fails to show the existence of the disease, that fact shall be recorded.

SEC. 3. That the health officer of said District shall cause all cases showing the presence of tubercle bacilli to be recorded in a register of which he shall be the custodian, which register shall not be open to inspection by anyone except the health officer and the deputy health officer of said District, and neither said health officer nor said deputy health officer shall permit any such record to be divulged in such manner as to disclose the identity of the person to whom it relates except as it may be necessary in carrying out the provisions of this act.

SEC. 4. That it shall be the duty of the health department, in every case where a microscopical examination reveals the existence of tuberculosis, to supply to such person, or those in charge of such person, unless otherwise requested by the attending physician, printed instructions as to the methods to be employed to prevent the spread of the disease.

SEC. 5. That in case of death from pulmonary or other communicable form of tuberculosis, or the removal from any apartment or premises of a person or persons so afflicted, it shall be the duty of the attending physician, if he has such knowledge, or, if there be no such physician or if such physician be absent, of the owner, lessee, tenant, occupant, or other person in charge of said apartment or premises to notify the health officer, in writing, of such death or removal, within twenty-four hours thereafter, and such apartment or premises shall then be disinfected by the health department at public expense or, if the owner prefers, by the owner to the satisfaction of the health department, and shall not again be occupied until so disinfected.

SEC. 6. That it shall be the duty of every person afflicted with tuberculosis, and of every person in attendance upon anyone afflicted therewith, and of the authorities of public and private institutions or dispensaries in said District to observe and enforce all sanitary rules and regulations of the Commissioners of the District of Columbia for preventing the spread of the disease.

SEC. 7. That upon the recovery of any person who has been found to be suffering from tuberculosis a report to that effect to the health department, made by the attending physician, shall be recorded in the register aforesaid, and shall relieve such person from further liability to any requirements imposed by this act.

SEC. 8. That any person violating any of the provisions of this act shall, upon conviction thereof, be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding $25.

SEC. 9. That all prosecutions under this act shall be in the police court of said District upon information brought in the name of the District of Columbia and on its behalf.

SEC. 10. That all acts and parts of acts contrary to or inconsistent with the provisions of this act be, and they are hereby, repealed.

With the following committee amendments:

On page 1, line 5, strike out the word "suspected" and insert the word "recognized."

On page 3, lines 7 and 8, strike out the words "or the removal from any apartment or premises of a person or persons so afflicted."

Page 3, line 13, strike out the words "or removal."

Mr. MANN rose.

The SPEAKER. Does the gentleman yield?

Mr. SMITH of Michigan. Mr. Speaker, I yield to the gentleman from New York [Mr. OLCOTT].

Mr. MANN. Mr. Speaker, I notice in section 6 it is provided that it shall be the duty of every person afflicted with tuberculosis and of every person in attendance upon anyone afflicted therewith, and of the authorities of public and private institutions or dispensaries in said District to observe and enforce all sanitary rules and regulations of the Commissioners of the District of Columbia for preventing the spread of the disease. How is it proposed to enforce that provision of the law?

Mr. OLCOTT. I think that can be enforced just as readily as all other health ordinances are enforced, by the proper health authorities.

Mr. MANN. In what way—by penalty?

Mr. OLCOTT. It is true that they would be liable to a penalty of $25, but that same provision is made for violations of any of the ordinances of the board of health to-day.

Mr. MANN. Section 8 provides that any person violating any of the provisions of this act shall, upon conviction thereof, be deemed guilty of misdemeanor and shall be punished by a fine not exceeding $25, so that that provision provides a penalty for violation of section 6, and we enact a law providing that it shall be a misdemeanor for any person afflicted with tuberculosis, or any person in attendance upon anyone afflicted therewith, to not enforce or observe all sanitary rules and regulations of the Commissioners. Have we the power to say that there shall be a penalty if somebody afflicted with tuberculosis shall not enforce or observe all the rules and regulations of the Commissioners?

Mr. OLCOTT. I think we have the same power to enforce regulations we are now making for the prevention of the spread of tuberculosis as we have for any other health regulation.

Mr. MANN. Undoubtedly.

Mr. STAFFORD. What power, I would like to ask the gentleman, have we to provide a penalty for some regulation the Commissioners may see fit to prescribe.

Mr. OLCOTT. There is the general provision in the Code of the District of Columbia as to how persons guilty of misdemeanors of any kind shall be proceeded against and how penalties and fines shall be collected. If it is proper to attach a penalty for misdemeanor under this act, the law can be enforced in exactly the same way as in other cases where there are violations of the rules of the health department.

Mr. STAFFORD. Does the gentleman think it is within the power of Congress to make criminal any regulation department officials may in the future formulate?

Mr. OLCOTT. I have no doubt whatever that under the act as it now exists where we make something a misdemeanor that is not now a misdemeanor the same code will give authority to enforce the provisions of the law.

Mr. STAFFORD. My point is directed to the authority of delegating to a department official the right to make criminal any regulation that he may prescribe.

Mr. OLCOTT. We do not. This law says certain things must be done and that the failure to carry out the law shall be deemed a misdemeanor.

Mr. STAFFORD. I understand the point of the objection of the gentleman from Illinois [Mr. MANN] was that section 8 provides that any person violating any of the provisions of this act would be guilty of a misdemeanor, and that that extended to the regulations that might be prescribed by the Commissioners of the District under section 6.

Mr. OLCOTT. Well, that is true as to the present ordinance regulations, not only of the health department, but of all the subsidiary departments, and the violation of any of those regulations is a misdemeanor.

Mr. STAFFORD. Then we are vesting in the District Commissioners authority to make criminal law?

Mr. OLCOTT. No; it makes a violation of the regulations of a department which has charge of several subjects a misdemeanor.

Mr. CRUMPACKER. I believe the Federal Government does have the power to vest in the District Commissioners or local board of health authority to make laws. The provision of the Federal Constitution declaring that all legislative power shall be vested in Congress relates to the Government of the United States proper. The courts hold that Congress has authority to create boards or legislatures for the government of territory, and we have a number of instances in the history of this country where boards were created or appointed and Congress authorized them to make all laws, penal and civil, for the government of Territories, and the objection that is suggested by the gentleman from Wisconsin, it seems to me, does not apply to the District of Columbia. The Congress does have authority to confer upon a board or to delegate to a board or a legislative body in the District of Columbia power to legislate, power to make regulations, and particularly regulations of a sanitary character—regulations to promote public health—and it seems to me that the power contained in this bill is authorized by Congress. It seems to me that it is reasonable, and that it is the only practical way to make and enforce health laws. I regard the bill a valid and wise measure.

Mr. MANN. Will the gentleman yield for a moment?

Mr. CRUMPACKER. If I have control of the time.

Mr. MANN. The contention of the gentleman, I think, does not apply to the question at issue. There is no pretense that in this bill, so far as I have been able to find out, Congress confers any authority upon the District Commissioners to make rules and regulations.

Mr. OLCOTT. It confers in the health officer in said District power to make regulations—we prescribe a number of them—and in section 2——

Mr. MANN. What portion of the section confers that authority, vesting it in the health officer or——

Mr. OLCOTT. I will say that section 1 provides that it shall be the duty of every physician to report in writing to the health officer——

Mr. MANN. That is a regulation which we make.

Mr. OLCOTT. Certainly we do; that is the law we are enacting. Then it goes on to say that it shall be the duty of every officer in charge of every hospital to make similar reports to the health officer in said District, and that he shall directly make, or cause to be made, certain microscopical examinations, and so forth.

Mr. MANN. Of course, I assume the gentleman himself is not responsible for this bill. I expect it was sent in by the District Commissioners. There is nothing in the bill that authorizes the District Commissioners to make any regulations, but there is a provision in the bill that anybody shall be fined who did not observe the regulations that they make.

Mr. OLCOTT. Let me say, under the general law governing this District, the board of health, acting under the Commissioners, are empowered to make proper regulations in all matters affecting the sanitary conditions of this city.

Mr. MANN. Well, under that power now conferred upon the Commissioners, I take it that they have the power to regulate tuberculosis. If they have, what is the object of passing this law? If they have not, then you do not confer that power upon them by this bill.

Mr. OLCOTT. They have general power to make regulations for the carrying out of all laws affecting the sanitary conditions of the District. Now, we say that certain things shall be done, which pertain to the sanitary affairs of the District, by the board of health under the law which they already have, acting in connection with their power to make regulations.

Mr. MANN. I am not familiar with this question, but I assume—if I am wrong I would like to be corrected—that under existing laws the District Commissioners have not power to make sanitary rules and regulations governing the question of tuberculosis. If they have, why do you bring this bill in?

Mr. OLCOTT. They have not the power to compel registration of tuberculosis cases as they have now for smallpox and diseases of that character. Now, this gives them power to require registration of tuberculosis cases.

Mr. MANN. I beg the gentleman's pardon, this does not give them the power. This puts upon them the duty. We say it shall be done; we do not confer any power upon them about rules and regulations in this bill. There is not a line giving the Commissioners or health officer authority, but we put a duty upon them.

Mr. OLCOTT. The health officer has general duties to perform in connection with the health of this city.

Mr. MANN. I am in sympathy with the gentleman's proposition. I would like to see a good tuberculosis law passed, but can say to him that, in my judgment, if this bill becomes a law, the first time it is tested it will be decided that Congress has passed a law that provides nothing.

Mr. OLCOTT. I would say that practically the same bill was passed by the House during the last session of the Fifty-ninth Congress. I am not saying that as an argument in favor of the bill. It has also passed the Senate this session, and I would further say, when we considered it a year ago in our committee we were quite convinced that the powers given to the health department of the District of Columbia were amply sufficient to enable the Commissioners to see that this bill and its provisions were carried out.

Mr. MANN. It is just batting the air to pass this bill.

Mr. CRUMPACKER. It is a strange situation, it seems to me, if there is not now ample authority in the Commissioners of the District of Columbia to adopt regulations to prevent the spread of infectious and contagious diseases. There is a general health law that describes, I understand, some diseases as contagious and infectious. This law brings the disease of pulmonary tuberculosis, and all kind of tuberculosis, within that classification, and therefore it extends the power of the District Commissioners contained in the general law to make regulations governing this as well as other contagious and infectious diseases.

Mr. MANN. That is a statute of the imagination that I have not reached yet.

Mr. CRUMPACKER. I do not think it requires any imagination to read it.

Mr. MANN. It would if you would read the bill.

Mr. CRUMPACKER. The section the gentleman is criticising only requires the observance of regulations adopted by the Commissioners to prevent the spread of the disease. I have no doubt, I repeat, that the Commissioners already have authority to make regulations to prevent the spread of infectious and contagious diseases. Heretofore tuberculosis has not been classified as a contagious or an infectious disease. This bill so classifies it, and, of course, legally the power the District Commissioners already have will extend to tuberculosis.

Mr. MANN. It is somewhat of a mooted question as to whether tuberculosis is a contagious or an infectious disease; and I understand it is proposed, then, to take that away from the scope of the learned men of the profession and have Congress determine a fact that the profession has not yet been able to ascertain.

Mr. CRUMPACKER. Congress acts upon a fact when science has demonstrated it to be a fact.

Mr. MANN. If it be the fact, and the law say "contagious and infectious diseases," then it is a fact. It does not require additional legislation, and if it was not the fact, then Congress can not make it the fact.

Mr. CRUMPACKER. The law as it exists now specifies certain diseases as contagious and infectious, and having so specified by the rule of exclusion, it leaves all diseases not specified out of the classification.

Mr. OLCOTT. I would like to say to the gentleman from Illinois [Mr. MANN] that as a matter of fact the health department of this city has power to make regulations affecting all diseases and to see that those regulations are properly carried out and enforced for the benefit of the sanitary condition of the District. If the gentleman is only afraid that this bill can not be carried out, I hope he will not press any serious objections to it, because I know it is a good bill.

Mr. MANN. I have seen many bills that were good bills, and the courts knock out bills every day, and more, apparently, of the bills that come from the Committee on the District of Columbia than any other committee.

Mr. CRUMPACKER. I doubt if the courts knock out as many bills as the gentleman from Illinois [Mr. MANN] does.

Mr. MANN. If "the gentleman from Illinois" would knock out some more, the courts would not have opportunity to knock out some of them.

Mr. SHACKLEFORD. Will the gentleman inform me how many new employees will be called for by this bill?

Mr. OLCOTT. As far as I know there will not be any. I have not investigated, but I have not learned that it will be necessary to have any additional employees. There is nothing in the bill itself that provides for any. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

ORDER OF BUSINESS.

Mr. SMITH of Michigan. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of District business.

The question was taken, and the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. DALZELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union to consider bills relating to the District of Columbia.

AMENDING ACT TO EXTEND MERIDIAN PLACE NW.

Mr. SMITH of Michigan. I call up the bill S. 3416.

The Clerk read as follows:

A bill (S. 3416) to amend an act entitled "An act authorizing the extension of Meridian place NW.," approved January 9, 1907.

Be it enacted, etc., That the act entitled "An act authorizing the extension of Meridian place NW.," approved January 9, 1907, be, and the same is hereby, amended by adding after the words "fifty feet," at the end of section 1 thereof, the words "along such line as said Commissioners shall deem most advantageous."

Mr. SMITH of Michigan. I ask for a vote.

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

Mr. SULZER. Mr. Chairman, I would like to have some explanation in regard to this bill.

Mr. SMITH of Michigan. It is very brief. There is no change except an amendment by adding the words "along such line as said Commissioners shall deem most advantageous." The bill was passed during the last Congress, and when the Commissioners came to lay out the road they found it interfered with improved property. They simply ask to amend the provision in this way, so that they can deflect the road.

Mr. SULZER. Is it a unanimous report?

Mr. SMITH of Michigan. Yes, sir.

The bill was ordered to be laid aside with a favorable recommendation.

WIDENING OF BENNING ROAD.

Mr. SMITH of Michigan. Mr. Chairman, I call up the bill H. R. 4063.

The bill was read, as follows:

A bill (H. R. 4063) for the widening of Benning road, and for other purposes.

Be it enacted, etc., That under and in accordance with the provisions of sections 491a to 491n, both inclusive, of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within twenty days after the dedication to the District of Columbia of 50 per cent of the land necessary for the widening of Benning road in the District of Columbia from Fifteenth street NE. to Oklahoma avenue, exclusive of the strip of land 30 feet in width acquired by the Columbia Railway Company under the provisions of the act of Congress approved June 13, 1898, entitled "An act to authorize the extension eastwardly of the Columbia Railway," according to the street-extension plans of said District, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary to complete the widening of said road to a width of 110 feet between the limits named.

SEC. 2. That assessments shall be made by the jury as benefits, as contemplated in section 491g of the subchapter of the code hereinbefore referred to: *Provided*, That the total amount found to be due and awarded as damages, plus the cost and expenses of the proceedings, shall be assessed by the said jury as benefits.

SEC. 3. That the Washington Railway and Electric Company be, and is hereby, required to extend its underground conduits and operate through cars to Oklahoma avenue and place its tracks in the center of said Benning road, as widened according to the provisions of this act, and to complete the construction and equipment of said extension within one year from the date of the approval of this act.

SEC. 4. That the sum of $600, or so much thereof as may be necessary, is hereby appropriated out of the revenues of the District of Columbia to provide the necessary funds for the cost and expenses of the condemnation proceedings taken pursuant hereto, to be repaid to the District of Columbia from the assessments for benefits when the same are collected, and a sufficient sum to pay the amounts of all judgments and awards is hereby appropriated out of the revenues of the District of Columbia.

SEC. 5. That all acts and part of acts inconsistent with this act be, and the same are hereby, repealed.

The amendments recommended by the committee were read, as follows:

Strike out of page 1, line 3, the words "of sections."

Strike out of page 1 entire line 4.

Strike out of page 1, line 5, the words "one n, both inclusive," and both commas.

Strike out of page 1, line 7, the word "twenty" and insert in lieu thereof the word "ninety."

Insert in page 2, at the end of line 6, the following provisos to section 1:

Provided, however, That the entire amount found to be due and awarded by the jury in said proceedings as damages, for and in respect of the land to be condemned for said extension plus the costs and expenses of said proceeding, shall be assessed by the jury as benefits: *And provided further*, That nothing in said subchapter 1 of chapter 15 of said code shall be construed to authorize the jury to assess less than the aggregate amount of the damages awarded for and in respect of the land to be condemned and the costs and expenses of the proceeding hereunder."

Strike out of page 2 all of lines 7 to 25, both inclusive.

Strike out of page 3 lines 1 to 5, both inclusive.

Insert in lieu of the lines stricken out by the last two amendments the following to stand as section 2 of the bill:

"SEC. 2. That there is hereby appropriated from the revenues of the District of Columbia an amount sufficient to pay the necessary costs and expenses of the condemnation proceedings taken pursuant hereto and for the payment of amounts awarded as damages; to be repaid to the District of Columbia from the assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia."

Mr. SIMS. Mr. Chairman, I move to amend the bill by inserting an additional section.

The CHAIRMAN. The gentleman from Tennessee moves an amendment, which the Clerk will report.

The Clerk read as follows:

That section 869 of the act of Congress entitled "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901, be amended by striking out the words "in the cities of Washington and Georgetown" and the words in said act "or within said District, within 1 mile of the boundaries of said cities."

Mr. CRUMPACKER. I reserve the point of order upon the amendment offered by the gentleman from Tennessee until I know what it is.

Mr. SIMS. Mr. Chairman, I will explain the object and purpose of this amendment. In order to do so, I will read the section in the code which this is intended to amend. Section 869 of the code reads:

SEC. 869. Pool selling, etc.: It shall be unlawful for any person or association of persons in the cities of Washington and Georgetown, in the District of Columbia, or within said District within 1 mile of the boundaries of said cities, to bet, gamble, or make books or pools on the result of any trotting race or running race of horses, or boat race, or race of any kind, or on any election, or any contest of any kind, or game of baseball. Any person or association of persons violating the provisions of this section shall be fined not exceeding $500 or be imprisoned not more than ninety days, or both.

Under a decision of the court it has been held, as I understand it and as I am informed, that under this section of the code it does not include Benning race track and does not make it, therefore, unlawful for any person to bet on a horse race at Benning; but by striking out the words "in the cities of Washington and Georgetown" and "or within said District within 1 mile of the boundaries of said cities," it reads as follows:

It shall be unlawful for any person or association of persons in the District of Columbia to bet, gamble, or make books or pools on the result of any trotting race or running race of horses, or boat race, or race of any kind, or on any election, or any contest of any kind, or game of baseball.

The object of the amendment is simply to extend the anti-gambling laws of the District to the entire District, so as to

make gambling and betting unlawful in every part of the District. Under the language of the section as it is in the act, it is within 1 mile of the limits of the city of Washington, and 1 mile does not extend to the limits of the District of Columbia, and therefore the courts are without jurisdiction to enforce the law.

Mr. LANDIS. I would like to ask the gentleman from Tennessee if the gentleman from Illinois had accepted the proposition offered from the gentleman from New York, would that wager have been a violation of the code?

Mr. SIMS. Well, I am not undertaking to define what wagers are. But, speaking of the gentleman from New York, this in part is for the benefit of some gentlemen from New York. We know, as it has been stated, that New York has been hard up for money for a long time, so much so that a panic was the result, and the Secretary of the Treasury had to make very large deposits in the banks of the city of New York to prevent the panic from being prolonged. It is suggested that these gentlemen from New York are fleeced and robbed by the clerks and employees of the Government and citizens of the District, including statesmen, by winning their money, and as an additional reason for the passage of this bill I want to prevent this local crowd from fleecing the citizens of New York and sending them home impoverished.

Mr. CRUMPACKER. If the gentleman will permit me, I reserved the point of order for the purpose of ascertaining what the amendment the gentleman offered really meant, what its significance really was. I find that it is to extend the antigambling law to the race tracks at Benning, where, I suppose, it ought to apply if it applies anywhere. The amendment is doubtless subject to a point of order. It is somewhat illogical to amend the bill in this way, but I do not propose to stand in the way of the enactment of proper antigambling laws for the District. I believe in that kind of legislation, and therefore I withdraw the point of order and will support the amendment.

Mr. SIMS. I was satisfied that the gentleman from Indiana would do that as soon as he knew what the purpose of the amendment was.

Mr. KAHN. I desire to make the point of order, and to say in that connection that this matter has not been before our committee in such a way that the committee could take action on it. It is an unusual way to come in here and offer an amendment on a bill of this character, and I submit it is of sufficiently serious importance to be considered by the committee. I make the point of order.

Mr. SIMS. I ask the gentleman to withhold it for a moment. He has referred to the action of the District Committee, and I should like to make a statement about that.

Mr. KAHN. I reserve the point of order.

Mr. SIMS. A bill of this kind, except broader, and going to the extent of making it unlawful to make wagering contracts on futures, was introduced and went to the District Committee. The bill was introduced by the gentleman from Kansas [Mr. CAMPBELL], and it was well, thoroughly, and fully considered, and I offered this provision as a substitute for the bill, and it was voted down. Then, after consideration of the bill, which included this and other matters, the bill of the gentleman from Kansas [Mr. CAMPBELL] was tabled. So the subject-matter has been considered by the committee, but I am sorry to be compelled to say that it did not meet with the approval of a majority of those present.

I hope the gentleman from California will not make the point of order, because here is a law which plainly says it shall be unlawful to lay wagers and make bets within 1 mile of the limits of the cities of Washington and Georgetown, leaving all the rest of the District of Columbia without protection from a law which is thought to be necessary within the city. Now, if the existing law is a good law a little beyond the limits of these cities, why is it not a good law a little farther, to the limits of the District of Columbia, which does not exceed 10 miles square. I hope the gentleman will not insist on his point of order.

Mr. KAHN. Mr. Chairman, this matter was brought up in the committee for the first time at the last meeting. As I remember, it was not fully considered. It is a very important matter. I am just as anxious as the gentleman is to limit gambling. I have never laid a wager on a horse race in my life, but I submit that this is not the proper way to legislate, and I insist on the point of order.

The CHAIRMAN (Mr. DALZELL). This is a bill, as the Chair understands, to widen the Benning road. The amendment offered by the gentleman from Tennessee goes to the prohibition of gambling. The Chair thinks the amendment is not germane to the purpose of the bill, and therefore the Chair sustains the point of order.

Mr. SIMS. As there is nothing objectionable in the bill, and as it is a good bill, I will ask for a vote on it.

Mr. MADDEN. Did I understand the Chair to sustain the point of order on this amendment?

Mr. SIMS. On the amendment I offered, yes.

Mr. MADDEN. I think inasmuch as this bill appropriates an indefinite sum of money out of the treasury of the District of Columbia, it is exceeding its authority when it recommends this appropriation. It seems to me that under the rule the appropriation is not in order. I did not make the point of order against the section of the bill in time to have it considered from that standpoint, but I believe there should be an investigation of the amount of money required to meet the expenditure provided for in this bill before an appropriation is made. I beg to suggest that page 3, section 2, line 18, after the word "hereby," ought to be amended so as to substitute the word "authorized" for the word "appropriated." I offer that amendment.

Mr. SIMS. I do not care anything about the language of the amendment, provided its purpose is accomplished.

Mr. MADDEN. The purpose is to give authority for the appropriation, rather than to make the appropriation.

Mr. SIMS. I will accept the amendment.

The CHAIRMAN. Will the gentleman from Illinois repeat his amendment?

Mr. MADDEN. My amendment is to substitute the word "authorized" for the word "appropriated," on line 18, page 3.

The Clerk read as follows:

In line 18, page 3, strike out the word "appropriated" and insert the word "authorized," so it will read "there is hereby authorized."

Mr. SMITH of Michigan. Should not it be "authorized to be expended?"

Mr. MADDEN. Yes; I will modify it to that extent.

The Clerk read as follows:

Strike out the word "appropriated" and insert the words "authorized to be expended," so it will read "there is hereby authorized to be expended."

The amendment was agreed to.

Mr. SHACKLEFORD. Mr. Chairman, I would like to ask the gentleman from Tennessee, if he wants to stop gambling, why he wants to widen this road so that the gamblers can get to it so easily?

The CHAIRMAN. The question is on the amendment recommended by the committee.

Mr. MANN. Mr. Chairman, I think the gentleman from Tennessee ought to answer the question of the gentleman from Missouri. I want to ask if this is in the interest of the race track at Benning?

Mr. SIMS. I certainly did not think so, and I should be glad to read to the gentleman from Illinois the following resolution from the East End Suburban Association. It is as follows:

EAST END SUBURBAN CITIZENS' ASSOCIATION,
Washington, D. C., March 23, 1908.

Hon. THETUS W. SIMS,
House of Representatives, Washington, D. C.

MY DEAR SIR: I take pleasure in notifying you that the following resolution, introduced by me at the last regular meeting of our association, held the 12th instant, was unanimously adopted:

"*Resolved*, That the thanks of this association are due, and the same are hereby tendered, the Hon. THETUS W. SIMS, of Tennessee, for his efforts in behalf of the passage of the bill (H. R. 4063) for the widening of Benning road."

All of which is respectfully submitted.

Very truly, yours, JAMES M. WOOD, *Secretary.*

Now, Mr. Chairman, the amendment I offered was to prevent betting, not horse racing. You can go out and see all the horses run you want to and spend all the time you want to there and not lose your money. [Laughter.]

Mr. MANN. The gentleman from Tennessee assumes that. The gentleman knows very well that Benning would not last very long if they were not allowed to bet. Do I understand that the bill is being passed to help the race track, regardless of betting?

Mr. SIMS. It has no reference to the race track. People going out there take the cars, autos, or carriages and get back the best way they can.

Mr. MANN. Is there a settlement there where people take the cars for their own use?

Mr. SIMS. I have just read the gentleman a letter. Perhaps I ought not to have read it, as the resolution was addressed to me.

Mr. MANN. Oh, the gentleman is entitled to all the thanks and flowers that are thrown out to him.

Mr. SIMS. I would not have put it in the RECORD if I had not been called upon to show the necessity of this widening.

Mr. MADDEN. I understood the gentleman from Tennessee to say that there was no objection to this bill as it now stands?

Mr. SIMS. No.

Mr. MADDEN. This matter of betting is like the question of the bedbug; there is not so much objection to the bedbug, but it is the infernal method he has of getting a living. [Laughter.] Will not this afford the same opportunity to the gamblers that it will afford to anyone else?

Mr. SIMS. No; you have to go across the Anacostia River to get to Benning—or at least that used to be the way. This is for the improvement this side of Benning. I have no map here to show gentlemen how far this side of Benning, but it has no effect on Benning as a race track. I ask for a vote.

Mr. MADDEN. What effect does it have?

Mr. SIMS. It is for the benefit of the people who use the road.

Mr. MADDEN. What effect does it have on them?

Mr. SIMS. The road now is not sufficiently wide.

Mr. MADDEN. Is that because the gamblers who go out there have to have a wider road than anybody else?

Mr. SIMS. No; the people out there do not gamble; that is reserved for visiting gentlemen and statesmen. [Laughter.]

The committee amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

EXTENSION OF NINTH STREET NW.

Mr. SMITH of Michigan. Mr. Chairman, I now call up the bill (H. R. 16269) authorizing the extension of Ninth street NW.

The Clerk read the bill, as follows:

Be it enacted, etc., That under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within ninety days after the passage of this act, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension of Ninth street NW. from Barry place to Euclid street, with a width of 50 feet along such line as said Commissioners may deem most advantageous: *Provided, however*, That the entire amount found to be due and awarded by the jury in said proceeding as damages, for and in respect of the land to be condemned for said extension plus the costs and expenses of said proceeding, shall be assessed by the jury as benefits: *And provided further*, That nothing in said subchapter 1 of chapter 15 of said code shall be construed to authorize the jury to assess less than the aggregate amount of the damages awarded for and in respect of the land to be condemned and the costs and expenses of the proceeding hereunder.

SEC. 2. That there is hereby appropriated, one-half from the revenues of the District of Columbia and one-half from any money in the Treasury not otherwise appropriated, an amount sufficient to pay the necessary costs and expenses of the condemnation proceedings taken pursuant hereto and for the payment of amounts awarded as damages, to be repaid to the District of Columbia from the assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia and the United States in equal part.

The Clerk read the following committee amendments:

Strike out of page 2, line 8, the comma and the word "one-half."

Strike out of page 2, line 9, the words "and one-half."

Strike out of page 2 the entire line 10.

Strike out of page 2, lines 16 and 17, the words "and the United States in equal part" and insert a period after the word "Columbia" in line 16.

Mr. SMITH of Michigan. Mr. Chairman, on page 2, line 11, I move to strike out the word "appropriated" and insert the words "authorized to be expended."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 11, strike out the word "appropriated" and insert the words "authorized to be expended."

Mr. CRUMPACKER. Mr. Chairman, I have no objection to any of the amendments or to the bill, but I am prompted to inquire of the gentleman from Michigan whether he has investigated the feasibility of enacting a general law authorizing citizens who are interested in the widening of streets to petition the District Commissioners for authority to go into the courts to have land condemned for street purposes under limitations requiring the assessment of benefits of lands that are benefited and awarding damages for property taken for the use of public streets.

I have wondered if it is not practicable to have that kind of a system so as to relieve the Congress from the necessity of passing upon every proposition to widen a street or alley in the city. Here are now six or eight bills pending to-day for that purpose. Has such a scheme ever been considered by the District Committee?

Mr. SMITH of Michigan. I think the gentleman will remember that during the last three or four Congresses there has been a good deal of discussion about the question of opening the streets in the city of Washington, and it was during the last Congress that a special committee was appointed from the Committee on the District of Columbia, and that committee brought in a bill by which streets are now opened, and each of these street-opening cases specifically follows that law.

Mr. CRUMPACKER. Yes; but there can not be a street opened or widened in the city even for a block——

Mr. SMITH of Michigan. That is true.

Mr. CRUMPACKER. Without an act of Congress approved by the President. It seems to me that the law might be made so as to be not self-executing, but to confer authority under certain conditions upon the District Commissioners or some other body to authorize proceedings for the opening of a street upon petition signed by a certain number of property owners, or something like that.

Mr. SMITH of Michigan. I am inclined to think that if we took the time to read the various sections of the law which was passed, the gentleman would think that we had conferred as much authority on the Commissioners as we ought to.

Mr. DRISCOLL. I would like to ask the gentleman from Indiana if he knows of any city in this country in which streets could be widened or extended without definite action of the common council in those cities?

Mr. CRUMPACKER. I do not know of any, but I think it would not be bad legislation to confer upon the District Commissioners some of the functions usually exercised by the common councils of municipalities, and probably that power would be more wisely and safely administered or executed, under proper safeguards, than it is by the Congress of the United States.

Mr. DRISCOLL. This Congress is the common council of the District.

Mr. CRUMPACKER. Oh, I understand that.

Mr. DRISCOLL. And I would like to ask the gentleman if he would want to waive any of the powers now possessed by Congress with reference to this?

Mr. CRUMPACKER. Most certainly, if there is any feasible or practical way to relieve the Congress from a good deal of the burden of this detail legislation.

Mr. SMITH of Michigan. Mr. Chairman, I can assure the gentleman that the District Committee would be glad also to be relieved as much as possible of that work, but it does seem to me, under the law passed last Congress, and which is spoken of in all of these bills that we have introduced here, perhaps we have simplified it just as far as we are justified in doing it.

Mr. CRUMPACKER. That is possible. I have not studied the matter.

Mr. McMILLAN. Mr. Chairman, having been a member of the street-opening board and as a commissioner for about seven years in the city of New York, I am more or less acquainted with the matters of street opening.

I claim that Congress should have a voice in all street openings in the city of Washington. The beauty and grace of our city depends largely upon how our streets are opened. The same should have every care, and the original layout or plan of the city that was so well considered originally should be, as far as possible, carried out.

I claim that it is the most beautiful city of our country, because it is becoming the city of culture and learning and will be largely the city of retired wealth—the Paris of America—and as a factor of safety to see that the streets and avenues are well considered and that no selfish purpose creeps into the same, it should have the watchful eye of Congress as a factor to that safety. Congress should always have a voice in the direction of it. That may take up some of our time, but that time is well spent. I take pleasure in commending the good work of the present Commission of the District in having presented to the District Committee such street openings and widenings, which had every evidence of being well considered for the beauty and utility of the city. There was no evidence of any selfish motive that sometimes creeps in in the opening of streets simply for the purpose of real-estate speculations. There is no burden harder to bear to the property owners than the assessment for street openings if the same is not actually needed. It is like borrowing money and paying interest on it when you have no use for it. So perfect your map and consider all the physical and topographical elements in your new District. Beauty and utility should guide the pencil, compass, and square of the engineer; then you can improve your streets and avenues when needed, and real-estate interests, which are so largely a question in your city, would be well calculated and investments intelligently made. These locations may be good, but if poorly laid out and considered, they are largely lessened in value, and because of such the city will lose by way of less taxation and realty damage.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Michigan.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now is on agreeing to the committee amendments.

The question was taken, and the committee amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EXTENSION OF GIRARD STREET NW.

Mr. SMITH of Michigan. Mr. Chairman, I call up the bill (H. R. 17303) authorizing the extension of Girard street NW. from its western terminus to Fifteenth street NW., which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That, under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within ninety days after the passage of this act, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute a proceeding in rem to condemn the land that may be necessary for the extension of Girard street from its western terminus to Fifteenth street, with a width of 60 feet, more or less, upon such lines as the Commissioners of the District of Columbia may deem most advantageous to the abutting property: *Provided, however*, That the entire amount found to be due and awarded by the jury in said proceeding as damages for and in respect of the land to be condemned for said extension shall be assessed by the jury as benefits: *And provided further*, That nothing in said subchapter 1 of chapter 15 of said code shall be construed to authorize the jury to assess less than the aggregate amount of the damages awarded for and in respect of the land to be condemned and the costs and expenses of the proceeding hereunder.

SEC. 2. That there is hereby appropriated, one-half from the revenues of the District of Columbia and one-half from any money in the Treasury not otherwise appropriated, an amount sufficient to pay the necessary costs and expenses of the condemnation proceedings taken pursuant hereto and for the payment of amounts awarded as damages, to be repaid to the District of Columbia from the assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia and the United States in equal parts.

With the following committee amendments:

Strike out of page 2, line 8, the comma and the word "one-half."
Strike out of page 2, line 9, the words "and one-half."
Strike out of page 2 the whole of line 10.
Strike out of page 2, lines 16 and 17, the words "and the United States in equal parts."

Mr. SMITH of Michigan. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 2, line 10, strike out the word "appropriated" and insert in lieu thereof the words "authorized to be expended."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Michigan.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now is on agreeing to the committee amendments.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EXTENSION OF NEW YORK AVENUE TO BLADENSBURG ROAD.

Mr. SMITH of Michigan. Mr. Chairman, I call up the bill H. R. 17297.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 17297) authorizing the extension of New York avenue from its present terminus near Fourth street NE. to the Bladensburg road.

Be it enacted, etc., That, under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within ninety days after the passage of this act, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute a proceeding in rem to condemn the land that may be necessary for the extension of New York avenue from its present eastern terminus near Fourth street NE. to the proposed line of Montana avenue, and from Montana avenue to the Bladensburg road, upon such lines as the Commissioners may deem best for the public interests, with a width of 130 feet: *Provided, however*, That the entire amount found to be due and awarded by the jury in said proceeding as damages for and in respect of the land to be condemned for said extension shall be assessed by the jury as benefits: *And provided further*, That nothing in said subchapter 1 of chapter 15 of said code shall be construed to authorize the jury to assess less than the aggregate amount of the damages awarded for and in respect of the land to be condemned and the costs and expenses of the proceeding hereunder.

SEC. 2. That there is hereby appropriated, one-half from the revenues of the District of Columbia and one-half from any moneys in the Treasury not otherwise appropriated, an amount sufficient to pay the necessary costs and expenses of the condemnation proceedings taken pursuant hereto and for the payment of amounts awarded as damages, to be repaid to the District of Columbia from the assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia and the United States in equal parts.

The committee amendments were read, as follows:

Strike out of page 2, line 11, the comma and the word "one-half."
Strike out of page 2, line 12, the words "and one-half."
Strike out of page 2 the entire line 13.
Strike out of page 2, lines 19 and 20, the words "and the United States in equal parts," and insert a period after the word "Columbia" in line 19.

Mr. SMITH of Michigan. Mr. Chairman, I move, page 2, line 13, to strike the word "appropriated" and insert the words "authorized to be expended."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 2, line 13, strike the word "appropriated" and insert the words "authorized to be expended."

The question was taken, and the amendment was agreed to.

The committee amendments were agreed to.

The bill, as amended, was ordered to be laid aside with a favorable recommendation.

Mr. SMITH of Michigan. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DALZELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration sundry bills relating to the District of Columbia and had instructed him to report the same, some with and some without amendments, with the recommendation that the amendments be agreed to and the bills as amended do pass.

EXTENSION OF MERIDIAN PLACE.

The first bill reported from the Committee of the Whole House on the state of the Union was the bill (S. 3416) to amend an act entitled "An act authorizing the extension of Meridian place NW.," approved January 9, 1907.

The bill was ordered to be read a third time, was read a third time, and passed.

WIDENING OF BENNING ROAD.

The next bill reported from the Committee of the Whole House on the state of the Union was the bill (H. R. 4063) for the widening of Benning road, and for other purposes, with amendments.

Mr. SIMS. Mr. Speaker, has the bill been read the third time?

The SPEAKER. It has not.

Mr. SIMS. Mr. Speaker, after it is ordered to a third reading I wish to make a motion.

The bill was ordered to be engrossed and read the third time.

Mr. SIMS. Between the third reading and the passage of the bill I wish to make a motion.

The bill was read a third time.

Mr. SIMS. Mr. Speaker, I move to recommit the bill to the Committee on the District of Columbia, with instructions to report back the bill with the following amendment.

The SPEAKER. The Clerk will report the instructions in the nature of an amendment.

The Clerk read as follows:

That section 869 of an act of Congress entitled "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901, be amended by striking out the words "in the cities of Washington and Georgetown" and the words in said act "or within said District within 1 mile of the boundaries of said cities."

The SPEAKER. The gentleman from Tennessee moves to recommit the bill with the instructions just read.

The question was taken, and the Chair announced the "noes" seemed to have it.

On a division (demanded by Mr. SIMS) there were—ayes 70, noes 4.

So the bill was ordered to be recommitted.

Mr. SIMS. Now, Mr. Speaker, if it is in order, I ask that it be called up as amended and passed.

The SPEAKER. Well, the bill has been recommitted to the committee.

Mr. SIMS. With a direction for them to make a report. I suppose the committee is ready to make the report and have a vote.

The SPEAKER. There would have to be a report from the committee.

Mr. SMITH of Michigan. I understood, Mr. Speaker, the gentleman desired——

The SPEAKER. The gentleman did not put the word "forthwith" in his motion.

Mr. SMITH of Michigan. I could not just understand what the gentleman from Tennessee wanted to have done.

Mr. SIMS. Mr. Speaker, I move that the word "forthwith" be added to the motion.

Mr. KAHN. I make the point of order——

The SPEAKER. What is the suggestion of the gentleman?

Mr. SIMS. That the committee report back "forthwith."

The SPEAKER. But the motion has already been agreed to; it is not subject to amendment.

Mr. SIMS. Then the parliamentary situation is that the bill must be reported back by the committee.

The SPEAKER. That is the parliamentary situation, as the Chair understands it.

EXTENSION OF NINTH STREET NW.

The next bill reported from the Committee of the Whole House on the state of the Union was the bill (H. R. 16269) authorizing the extension of Ninth street NW., with an amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

EXTENSION OF GIRARD STREET NW.

The next bill reported from the Committee of the Whole House on the state of the Union was the bill (H. R. 17303) authorizing the extension of Girard street NW.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed.

EXTENSION OF NEW YORK AVENUE.

The next bill reported from the Committee of the Whole House on the state of the Union was the bill (H. R. 17297) authorizing the extension of New York avenue from its present terminus near Fourth street NE. to the Bladensburg road, with amendment.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

WIDENING OF BENNING ROAD.

Mr. SIMS. Mr. Speaker, I move to reconsider the vote by which the bill H. R. 4063, a bill for the widening of Benning road, and for other purposes, was recommitted to the District Committee.

The SPEAKER. The gentleman from Tennessee moves to reconsider the vote by which the bill H. R. 4063 was recommitted to the District Committee a few moments ago. The question is on the motion of the gentleman from Tennessee.

The question was taken, and the motion was agreed to.

Mr. SIMS. Now, Mr. Speaker, I move to recommit in the same language, and adding thereto that the committee report forthwith.

The SPEAKER. The question is on the motion of the gentleman from Tennessee.

The question was taken, and the motion was agreed to.

The SPEAKER. There is a question as to whether the gentleman's motion to reconsider was in order or not, but there was no point of order made and the motion was agreed to, and then the motion was adopted as amended.

Mr. SMITH of Michigan. I would like to ask a parliamentary question. What is the present status of the bill?

The SPEAKER. The present status is that the bill referred to awaits a report from the gentleman.

Mr. SMITH of Michigan. One further question. I would like to ask if "forthwith" means here what it ordinarily means—within twenty-four hours?

Mr. SIMS. It means at once.

The SPEAKER. It means forthwith. It requires, as the Chair understands it, a report of the bill from the committee, under instruction of the House.

Mr. SIMS. Mr. Speaker, I ask unanimous consent to consider the bill in the House and in the Committee of the Whole.

The SPEAKER. But the gentleman must first report the bill.

Mr. PERKINS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PERKINS. Suppose the chairman of the committee does not report the bill; then what happens?

The SPEAKER. The Chair will not decide that question, because the chairman of the committee would be acting under the order of the House, and it is not a supposable case.

Mr. SMITH of Michigan. Mr. Speaker, I desire to report the bill.

The SPEAKER. The gentleman from Michigan reports a bill from the Committee on the District of Columbia, of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 4063) for the widening of Benning road, and for other purposes.

With amendment.

Mr. SMITH of Michigan. Now, Mr. Speaker, I would like to have the amendment read.

The SPEAKER. The question is on the amendment offered by the gentleman from Tennessee [Mr. SIMS].

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the bill was passed.

The SPEAKER. The Clerk at the Speaker's table reminds the Chair that, notwithstanding the bill has been engrossed and read a third time, as it is now it will have to be engrossed and read a third time, and, without objection, it will be considered as engrossed and read a third time.

There was no objection.

On motion of Mr. SIMS, a motion to reconsider the vote by which the bill was passed was laid on the table.

On motion of Mr. SMITH of Michigan, a motion to reconsider the vote by which the various other bills were passed was laid on the table.

EXTENDING MINING LAWS.

Mr. PRAY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 206.

The Clerk read as follows:

A bill (S. 206) to extend the provisions of the mining laws of the United States to certain lands situated in the Bitter Root Valley, State of Montana, above the mouth of the Lo Lo fork of the Bitter Root River.

Be it enacted, etc., That all the provisions of the present mining laws of the United States are hereby extended and made applicable to the undisposed of lands in the Bitter Root Valley, State of Montana, above the mouth of the Lo Lo fork of the Bitter Root River, designated in the act of June 5, 1872: *Provided*, That all mining locations and entries heretofore made or attempted to be made upon said lands shall be determined by the Department of the Interior as if said lands had been subject to mineral location and entry at the time such locations and entries were made or attempted to be made: *And provided further*, That this act shall not be applicable to lands withdrawn for administration sites for use of the Forest Service.

Mr. MANN. Mr. Speaker, reserving the right to object, the gentleman and I talked about this bill. I have not my notes with me, but this bill by the report is stated to have been referred to the Secretary of the Interior, and the report made by the gentleman to the House contains a letter from the Secretary of the Interior indorsing the bill; but the bill which was referred to the Secretary of the Interior was not the bill which is now before the House in perhaps one of its most vital features. There was inserted in the bill this provision, which was not in the bill as referred to the Secretary of the Interior:

Provided, That all mining locations and entries heretofore made or attempted to be made upon said lands shall be determined by the Department of the Interior as if said lands had been subject to mineral location and entry at the time such locations and entries were made or attempted to be made.

That, of course, gives a preference right to certain people who in the past have made an effort to obtain mineral rights in these lands. That provision was not submitted to the Secretary of the Interior. Now, will the gentleman tell us why that should go into the bill?

Mr. PRAY. As to the inquiry made, I understand that all the features of this bill were passed upon favorably by the Secretary of the Interior. It was referred to him from the Senate. The Senate committee referred the bill to the Secretary of the Interior, and he made a favorable report. It is my understanding that all these provisions were referred to him. If this one was omitted from his letter, it must have been an oversight.

Mr. MANN. It was not in the bill referred to him at all.

Mr. PRAY. It was not?

Mr. MANN. No. He recommended the second proviso which is in the bill, but did not recommend the first provision, nor was the first proviso in the bill which was sent to the Secretary of the Interior. Now, then, there may be good reason for putting it in. I do not say it is objectionable; but where a bill is introduced pertaining to such matters and is sent to the Secretary of the Interior and a very vital feature is not included in the bill, there ought to be some reason given for it.

Mr. PRAY. This is a very important proviso, and it should be in. As a matter of fact, and in explanation of it, I would say to the gentleman that a number of mineral entries have been made on these lands and a great many valuable improvements have been placed thereon, and that provision was to enable the entrymen who have made these mining locations there to protect themselves and to protect their interests by giving them a preference right over others who had not made entries and improvements, but who would be likely to do so when the lands are opened to this character of entry.

Mr. MANN. The gentleman has investigated this matter and knows about it. I will ask him a question about it: This relates to extending the mineral laws, as I understand, over a

certain portion of an old Indian reservation which has been put into the public domain?

Mr. PRAY. Yes.

Mr. MANN (continuing). And the people supposed the mineral laws did extend over the reservation, and some of them made efforts to make mining claims and mineral rights on the land, and the Department subsequently held that they were not entitled to make these claims, because the mineral laws did not extend to this reservation.

Mr. PRAY. That is about the case.

Mr. MANN. Is the gentleman prepared to say that these people upon these reservations, who are now claiming the mineral rights, have endeavored to acquire those rights in good faith?

Mr. PRAY. Yes, sir. I would say to the gentleman that the facts are slightly different, however; that by the acts of 1872 and 1874, the latter being supplementary to the former law, but practically along the same line, fifteen townships above the mouth of Lo Lo fork of the Bitter Root River were opened to homestead settlement. Mineral entries were subsequently located along the side of the mountain there, and the Department had been allowing these entries to be made, and for a time patents were regularly issued. But later on the question as to the right to make mineral entry was carried to the Secretary of the Interior, and it was decided that they were not open to such entry, and it is in order to protect these entrymen that the enactment of this law is now sought, so as to enable them to protect their entries and improvements and receive their patents.

The SPEAKER. Is there objection?

Mr. SULZER. I object.

The SPEAKER. The gentleman from New York objects.

DAM ACROSS SAVANNAH RIVER.

The Speaker laid before the House the bill (H. R. 16621) to extend the time for the construction of a dam across Savannah River at Cherokee Shoals, with Senate amendments thereto.

The Senate amendments were read and agreed to.

PROPOSED LABOR LEGISLATION.

The SPEAKER. The Chair desires the indulgence of the House for a moment, to state that a few days ago a committee representing the Federation of Labor called upon the Speaker and presented a memorial. In connection with the presentation of that memorial there were brief remarks by the Speaker and by one member of the committee. The Chair will ask unanimous consent that the memorial and the remarks be printed in the RECORD.

Mr. SULZER. Mr. Speaker, what is this about?

The SPEAKER. The Chair has stated what it is about, but will state again. A few days ago a committee that purported to be from the Federation of Labor, and no doubt was, called upon the Speaker of the House and presented a memorial.

Mr. SULZER. Is this in regard to the labor leaders who called on you?

The SPEAKER. Yes.

Mr. SULZER. Then I have no objection.

The SPEAKER. The gentleman from New York has no objection, and if there be no objection, it will be printed in the RECORD.

There was no objection.

The matter referred to is as follows:

INTERVIEW BETWEEN HON. J. G. CANNON, SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND A COMMITTEE OF SEVEN, REPRESENTING NATIONAL AND INTERNATIONAL TRADE AND LABOR UNIONS AND ORGANIZATIONS OF FARMERS.

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., Thursday, March 19, 1908, 4 p. m.

Present: Hon. JOSEPH G. CANNON, the Speaker; Mr. Samuel Gompers, Mr. W. R. Fairley, Mr. Joseph F. Valentine, Mr. T. C. Parsons, Mr. P. J. McArdle, Mr. C. M. Barnett, and Mr. W. D. Mahon.

Mr. GOMPERS. Mr. Speaker, we realize that your time is very much occupied, and it is therefore not necessary to prolong the preliminaries or take more of your time than is required to present to you the matter that I referred to in my note of yesterday.

The conference held here in the last few days has directed us, as a committee, to present its views to you as the representative of the majority party in power. What we have to say has been reduced to writing, and if you consent, Mr. Fairley, the chairman of the committee, will read it. It will take only about twenty minutes to read it.

The SPEAKER. Very well; have you a copy that you will leave?

Mr. GOMPERS. We will leave the original.

The SPEAKER. All right. Do not stand up, Mr. Fairley, unless you want to.

Mr. FAIRLEY. You will understand better. My English is not the best in the world.

The SPEAKER. If your legs are good, I guess your English will be all right.

Mr. Fairley read the memorial, as follows:

AMERICAN FEDERATION OF LABOR,
Washington, D. C., March 19, 1908.

We, the official representatives of the national and international trade and labor unions and organization of farmers, in national conference assembled, in the District of Columbia, for the purpose of considering and taking action deemed necessary to meet the situation in which the working people of our country are placed by recent decisions of the courts, now appear before Congress to voice the earnest and emphatic protest of the workers of the country against the indifference, if not actual hostility, which Congress has shown toward the reasonable and righteous measures proposed by the workers for the safeguarding of their rights and interests.

In the name of labor we now urge upon Congress the necessity for immediate action for relief from the most grave and momentous situation which has ever confronted the working people of this country. This crisis has been brought about by the application by the Supreme Court of the United States of the Sherman antitrust law to the workers both organized and in their individual capacity.

Labor and the people generally look askance at the invasion of the court upon the prerogatives of the law-making and executive departments of our Government.

The workers feel that Congress itself must share our chagrin and sense of injustice when the courts exhibit an utter disregard for the real intent and purpose of laws enacted to safeguard and protect the workers in the exercise of their normal activities. There is something ominous in the ironic manner in which the courts guarantee to workers:

The "right" to be maimed and killed without liability to the employer;

The "right" to be discharged for belonging to a union;

The "right" to work as many hours as employers please and under any conditions which they may impose.

Labor is justly indignant at the bestowal or guaranteeing of these worthless and academic "rights" by the courts, which in the same breath deny and forbid to the workers the practical and necessary protection of laws which define and safeguard their rights and liberties and the exercise of them individually or in association.

The most recent perversion of the intent of a law by the judiciary has been the Supreme Court decision in the hatters' case, by which the Sherman antitrust law has been made to apply to labor, although it was an accepted fact that Congress did not intend the law to so apply and might even have specifically exempted labor but for the fear that the Supreme Court might construe such an affirmative provision to be unconstitutional.

The workers earnestly urge Congress to cooperate with them in the upbuilding and educating of a public sentiment which will confine the judiciary to its proper function, which is certainly not that of placing a construction upon a law the very opposite of the plain intent of Congress, thus rendering worthless even the very moderate efforts which Congress has so far put forth to define the status of the most important, numerous, and patriotic of our people—the wage-workers, the producers of all wealth.

We contend that equity, power, and jurisdiction, discretionary government by the judiciary for well-defined purposes and within specific limitations, granted to the courts by the Constitution, has been so extended that it is invading the field of government by law and endangering individual liberty.

As government by equity, personal government, advances, republican government, government by law, recedes.

We favor enactment of laws which shall restrict the jurisdiction of courts of equity to property and property rights and shall so define property and property rights that neither directly nor indirectly shall there be held to be any property or property rights in the labor or labor power of any person or persons.

The feeling of restless apprehension with which the workers view the apathy of Congress is accentuated by the recent decision of the Supreme Court.

By the wrongful application of the injunction by the lower courts the workers have been forbidden the right of free press and free speech, and the Supreme Court in the hatters' case, while not directly prohibiting the exercise of these rights, yet so applies the Sherman law to labor that acts involving the use of free press and free speech, and hitherto assumed to be lawful, now become evidence upon which triple damages may be collected and fine and imprisonment added as a part of the penalty.

Indeed, the decision goes so far as to hold the agreements of unions with employers to maintain industrial peace to be "conspiracies" and the evidence of unlawful combinations in restraint of trade and commerce, thus effectually throttling labor by penalizing as criminal the exercise of its normal, peaceful rights and activities. The fact that these acts are, in reality, making for the uplift and the betterment of civilization as a whole does not seem to be understood or appreciated by the courts. The workers hope for a broader and more intelligent appreciation from Congress.

It is not necessary here to enter into a detailed review of this decision.

The workers ask from Congress the relief which it alone can give from the injustice which will surely result from the literal enforcement of the Sherman antitrust law as interpreted by this decision. The speedy enactment of labor's proposed amendment to the Sherman antitrust law will do much to restore the rights from which the toilers have been shorn.

We submit for consideration, and trust the same will be enacted, two provisions amendatory of the Sherman antitrust law, which originally were a part of the bill during the stages of its consideration by the Senate and before its final passage, and which are substantially as follows:

That nothing in said act (Sherman antitrust law) or in this act is intended, nor shall any provision thereof hereafter be enforced, so as to apply to organizations or associations not for profit and without capital stock, nor to the members of such organizations or associations.

That nothing in said act (Sherman antitrust law) or in this act is intended, nor shall any provision thereof hereafter be enforced so as to apply to any arrangements, agreements, or combinations among persons engaged in agriculture or horticulture, made with a view of enhancing the price of their own agricultural or horticultural products.

It is clearly an unwarranted assumption on the part of the courts or others to place the voluntary associations of the workers in the same category as trusts and corporations owning stock and organized for profit.

On the one hand we have the trusts and corporations dealing with purely material things and mostly with the inanimate products of labor; on the other hand there are workers, whose labor power is part of their very life and beings and which can not be differentiated from their ownership in and of themselves.

The effort to categorically place the workers in the same position as those who deal in the products of labor of others is the failure to discern between things and man.

It is often flippantly averred that labor is a commodity, but modern civilization has clearly and sharply drawn the line between a bushel of coal, a side of pork, and the soul of a human, breathing, living man.

The enactment of the legislation which we ask will tend to so define and safeguard the rights of the workers of to-day and those who will come after them that they may hope to continue to enjoy the blessings of a free country as intended by the founders of our Government.

In the relief asked for in the proposed amendment to the Sherman antitrust law which we present to Congress, labor asks for no special privileges and no exemption from the treatment which any law-abiding citizen might hope to receive in a free country.

Indeed, the present Parliament of Great Britain, at its session in December, 1906, enacted into law what is known as the "trades dispute act." It is brief, and we therefore quote its provisions in full:

"1. It shall be lawful for any person or persons, acting either on their own behalf or on behalf of a trade union or other association of individuals, registered or unregistered, in contemplation of or during the continuance of any trade dispute, to attend for any of the following purposes at or near a house or place where a person resides or works or carries on his business or happens to be—

"(1) For the purpose of peacefully obtaining or communicating information;

"(2) For the purpose of peacefully persuading any person to work or abstain from working.

"2. An agreement or combination by two or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute shall not be ground for an action if such act when committed by one person would not be ground for an action.

"3. An action shall not be brought against a trade union or other association aforesaid for the recovery of damage sustained by any person or persons by reason of the action of a member or members of such trade union or other association aforesaid."

We submit that if such relief from the onerous conditions brought about by the Taff-Vale decision of the highest court of Great Britain can be enacted by a monarchial government, there ought to be no hesitancy in conceding it in our own Republic.

The unions of labor aim to improve the standard of life; to uproot ignorance and foster education; to install character, manhood, and an independent spirit among our people; to bring about a recognition of the interdependence of man upon his fellow-man. We aim to establish a normal workday; to take the children from the factory and workshop and give them the opportunity of the schools, the home, and the playground. In a word, our unions strive to lighten toil, educate their members, make their homes more cheerful, and in every way contribute an earnest effort toward making life the better worth living. To achieve these praiseworthy ends we believe that all honorable and lawful means are justifiable and commendable and should receive the sympathetic support of every right-thinking American.

Labor asks only for justice. It asks that it be not victimized and penalized under laws never intended to apply to it.

We hope for a prompt recognition on the part of Congress of the wage workers' very reasonable and moderate insistence in this important matter.

In addition, the other most important measures which labor urges are:

The bill to regulate and limit the issuance of injunctions—Pearre bill.

Employers' liability bill.

The bill extending the application of the eight-hour law to all Government employees and those employed upon work for the Government, whether by contractors or subcontractors.

There are other measures pending which we regard as important, but we feel especially justified in urging the passage of those mentioned, because they have been before Congress for several sessions and upon which extended hearings have been had before committees, every interest concerned having had ample opportunity to present arguments, and there is no good reason why action should longer be deferred by Congress.

We come to Congress hoping for a prompt and adequate remedy for the grievances of which we justly complain. The psychological moment has arrived for a total change of governmental policy toward the workers; to permit it to pass may be to invite disaster even to our national life.

In this frank statement of its grievances the attitude of labor should not be misinterpreted, nor should it be held as wanting in respect for our highest lawmaking body.

That the workers, while smarting under a most keen sense of injustice and neglect, turn first to Congress for a remedy, shows how greatly they still trust in the power and willingness of this branch of the Government to restore, safeguard, and protect their rights.

Labor proposes to aid in this work by exercising its utmost political and industrial activity, its moral and social influence, in order that the interests of the masses may be represented in Congress by those who are pledged to do justice to labor and to all our people, not to promote the special interests of those who would injure the whole body politic by crippling and enslaving the toilers.

Labor is most hopeful that Congress will appreciate the gravity of the situation which we have endeavored to present. The workers trust that Congress will shake off the apathy which has heretofore characterized it on this subject and perform a beneficent social service for the whole people by enacting such legislation as will restore confidence among the workers that their needs as law-abiding citizens will be heeded.

Only by such action will a crisis be averted. There must be something more substantial than fair promises. The present feeling of widespread apprehension among the workers of our country becomes more acute every day. The desire for decisive action becomes more intense.

While it is true that there is no legal appeal from a Supreme Court decision, yet we believe Congress can and should enact such further legislation as will more clearly define the rights and liberties of the workers.

Should labor's petition for the righting of the wrongs which have been imposed upon it and the remedying of injustices done to it pass unheeded by Congress and those who administer the affairs of our Government, then upon those who have failed to do their duty and not upon the workers will rest the responsibility.

The labor union is a natural, rational, and inevitable outgrowth of our modern industrial conditions. To outlaw the union in the exercise of its normal activities for the protection and advancement of labor and the advancement of society in general is to do a tremendous injury to all people.

The repression of right and natural activities is bound to finally break forth in violent form of protest, especially among the more ignorant of the people, who will feel great bitterness if denied the consideration they have a right to expect at the hands of Congress.

As the authorized representatives of the organized wage-earners of our country, we present to you in the most conservative and earnest manner that protest against the wrongs which they have to endure, and some of the rights and relief to which they are justly entitled. There is not a wrong for which we seek redress, or a right to which we aspire which does not or will not be equally shared by all the workers—by all the people.

While no Member of Congress or party can evade or avoid his or their own individual or party share of responsibility, we aver that the party in power must, and will, by labor and its sympathizers, be held primarily responsible for the failure to give the prompt, full, and effective Congressional relief we know to be within its power.

We come to you not as political partisans, whether Republican, Democratic, or other, but as representatives of the wageworkers of our country, whose rights, interests, and welfare have been jeopardized and flagrantly, woefully disregarded and neglected. We come to you because you are responsible for legislation or the failure of legislation. If these, or new questions, are unsettled and any other political party becomes responsible for legislation, we shall press home upon its Representatives and hold them responsible, equally as we now must hold you.

SAM'L GOMPERS,
W. R. FAIRLEY,
JOS. F. VALENTINE,
T. C. PARSONS,
P. J. MCARDLE,
C. M. BARNETT,
W. D. MAHON,
Committee.

Samuel Gompers, President;
James O'Connell, Third Vice-President;
Max Morris, Fourth Vice-President;
D. A. Hayes, Fifth Vice-President;
Daniel J. Keefe, Sixth Vice-President;
William D. Huber, Seventh Vice-President;
Joseph F. Valentine, Eighth Vice-President;
Frank Morrison, Secretary; and
John B. Lennon, Treasurer.

Executive Council American Federation of Labor.

George L. Berry, International Printing Pressmen's Union.
Norman C. Sprague, International Printing Pressmen's Union.
John P. Frey, Iron Molders' Union of North America.
G. M. Huddleston, International Slate and Tile Roofers' Union.
James Wilson, Pattern Makers' League of North America.
Richard Braunschweig, Amalgamated Wood Workers' International Union.
Charles R. Atherton, Metal Polishers, Buffers, Plates, and Brass Workers' Union.
A. B. Grout, Metal Polishers, Buffers, Platers, and Brass Workers' Union.
Jere L. Sullivan, Hotel and Restaurant Employees' International Alliance.
W. R. Fairley, United Mine Workers' Union of North America.
Thomas Haggerty, United Mine Workers' Union of North America.
A. McAndrews, Tobacco Workers' International Union.
E. Lewis Evans, Tobacco Workers' International Union.
James J. Freel, International Stereotypers and Electrotypers' Union.
W. F. Costello, International Steam and Hot Water Fitters and Helpers' Union.
H. T. Rogers, International Steam and Hot Water Fitters and Helpers' Union.
James O'Connell, International Association of Machinists.
Arthur E. Holder, International Association of Machinists.
A. McGilray, International Association of Machinists.
M. O'Sullivan, Amalgamated Sheet Metal Workers' International Alliance.
Thomas F. Ryan, Amalgamated Sheet Metal Workers' International Alliance.
J. E. Pritchard, International Pavers and Rammermen.
Thomas T. Maher, Amalgamated Sheet Metal Workers' International Alliance.
J. L. Feeney, International Brotherhood of Bookbinders.
C. M. Barnett, American Society of Equity.
O. D. Pauley, American Society of Equity.
Timothy Healy, International Brotherhood of Stationary Firemen.
Rezin Orr, Amalgamated Street and Electric Railway Employees.
W. D. Mahon, Amalgamated Street and Electric Railway Employeees.
John A. Moffitt, United Hatters of North America.
Martin Lawlor, United Hatters of North America.
J. W. Kline, International Brotherhood of Blacksmiths and Helpers.
H. G. Poulesland, International Brotherhood of Blacksmiths and Helpers.
J. M. Cox, International Brotherhood of Blacksmiths and Helpers.
F. M. Ryan, Bridge and Structural Iron Workers' International Association.
William J. Barry, Pilots' Association.
A. B. Lowe, International Brotherhood of Maintenance of Way Employees.
W. W. Beattie, Commercial Telegraphers' International Union of America.
Wesley Russell, Commercial Telegraphers' International Union of America.
Percy Thomas, Commercial Telegraphers' International Union of America.
J. E. Davenport, International Brotherhood of Maintenance of Way Employees.
A. B. Wilson, International Brotherhood of Maintenance of Way Employees.
M. J. Shea, International Stereotypers and Electrotypers' Union.
James L. Gernon, Patternmakers' League of North America.
J. M. McElroy, Brush Makers' International Union.
T. A. Rickert, United Garment Workers of America.
B. A. Larger, United Garment Workers of America.
M. Zuckerman, United Cloth Hat and Cap Makers of North America.
H. Hinder, United Cloth Hat and Cap Makers of North America.
H. B. Perham, Order of Railroad Telegraphers.
A. T. McDaniel, Order of Railroad Telegraphers.
W. J. Gregory, Order of Railroad Telegraphers.
James F. Speirs, Brotherhood of Boiler Makers and Iron Ship Builders.
Thomas C. Nolan, Brotherhood of Boiler Makers and Iron Ship Builders.
William Grant, Brotherhood of Boiler Makers and Iron Ship Builders.
F. J. Kelly, International Photo-Engravers' Union.
William D. Huber, United Brotherhood of Carpenters and Joiners.

James Kirby, United Brotherhood of Carpenters and Joiners.
Samuel Gompers, Cigarmakers' International Union.
G. W. Perkins, Cigarmakers' International Union.
Thomas F. Tracy, Cigarmakers' International Union.
J. T. Carey, International Brotherhood of Paper Makers of North America.
J. B. Espey, International Brotherhood of Bookbinders.
M. J. Kelly, International Brotherhood of Bookbinders.
John F. Breen, Hod Carriers and Building Laborers' International Union.
Max Morris, Retail Clerks' International Protective Association.
J. A. Anderson, Retail Clerks' International Protective Association.
Herman Robinson, Retail Clerks' International Protective Association.
D. F. Manning, Retail Clerks' International Protective Association.
John F. Tobin, Boot and Shoe Workers' Union.
John P. Murphy, Boot and Shoe Workers' Union.
William Silver, Granite Cutters' International Association.
W. A. James, International Brotherhood of Stationary Firemen.
F. M. Nurse, International Brotherhood of Stationary Firemen.
J. C. Balhorn, Brotherhood of Painters, Decorators, and Paperhangers of America.
Charles C. Bradley, American Wire Weavers' Protective Association.
E. E. Desmond, American Wire Weavers' Protective Association.
John A. Dyche, International Ladies' Garment Workers' Union.
William J. Spencer, United Association of Plumbers, Gas Fitters, Steam Fitters, and Steam Fitters' Helpers.
Joseph N. Weber, American Federation of Musicians.
T. J. Sullivan, Hotel and Restaurant Employees' International Alliance.
J. H. Williams, Order of Railway Telegraphers.
F. L. Mahan, International Plate Printers.
Ed. L. Schrack, International Plate Printers.
John J. Hanrahan, Brotherhood of Locomotive Firemen and Engineers.
A. P. Kelly, Brotherhood of Locomotive Firemen and Engineers.
H. Brosmer, Brotherhood of Locomotive Firemen and Engineers.
John Manning, Shirt, Waist, and Laundry Workers' International Union.
C. A. Laflin, Brotherhood of Locomotive Firemen and Engineers.
William H. Frazier, International Seamen's Union.
T. J. Duffy, International Brotherhood of Operative Potters.
Frank H. Hutchens, International Brotherhood of Operative Potters.
Ed. Menge, International Brotherhood of Operative Potters.
V. A. Olander, International Seamen's Union.
Frank L. Ronemus, Brotherhood of Railway Car Men of America.
George C. Griffin, United Brotherhood of Carpenters and Joiners of America.
Louis Kemper, International Union of Brewery Workers of America.
A. J. Kugler, International Union of Brewery Workers of America.
William Hellmuth, International Union of Brewery Workers of America.
T. C. Parsons, International Typographical Union.
George G. Seibold, International Typographical Union.
D. A. Hayes, Glass Bottle Blowers' Association.
William Launer, Glass Bottle Blowers' Association.
James J. Dunn, Glass Bottle Blowers' Association.
F. H. Williams, Glass Bottle Blowers' Association.
James McHugh, Journeymen Stone Cutters' Association.
Daniel J. Keefe, International Longshoremen's Association.
Thomas Gallagher, International Longshoremen's Association.
T. A. Rickert, United Garment Workers of America.
J. J. Flynn, Interior Freight Handlers and Warehousemen's Union.
P. J. Flannery, Interior Freight Handlers and Warehousemen's Union.
W. J. McSorley, Wood, Wire, and Metal Lathers' International Union.
R. V. Brandt, Wood, Wire, and Metal Lathers' International Union.
P. J. McArdle, Amalgamated Association of Iron and Steel Workers.
John Williams, Amalgamated Association of Iron and Steel Workers.
Jacob Fischer, Journeymen Barbers' International Union.
Frank K. Noschang, Journeymen Barbers' International Union.
John Golden, United Textile Workers of America.
Albert Hibbert, United Textile Workers of America.
Daniel J. Tobin, International Brotherhood of Teamsters.
Matt Comerford, International Union of Steam Engineers.
F. A. Didsbury, Pocket Knife Blade Grinders and Finishers' National Union.
Edward W. Potter, Amalgamated Meat Cutters and Butcher Workers of North America.
Homer D. Call, Amalgamated Meat Cutters and Butcher Workers of North America.
H. L. Eichelberger, Amalgamated Meat Cutters and Butcher Workers of North America.
A. L. Webb, Amalgamated Meat Cutters and Butcher Workers of North America.
Frank Gehring, Lithographers' International Protective and Beneficial Association.
J. F. Murphy, International Union of Elevator Constructors.
Frederick Benson, International Seamen's Union.
John H. Brinkman, Carriage and Wagon Workers' International Union.
P. F. Richardson, International Car Workers.
Joseph Reilly, United Brotherhood of Carpenters.
I. B. Kuhn, Cigarmakers' International Union.
Thomas McGilton, Brotherhood of Painters, Decorators, and Paperhangers.
John Weber, Bakery and Confectionery Workers' International Union.
James J. McCracken, International Union of Steam Engineers.
James H. Hatch, Upholsterers' International Union.
J. F. McCarthy, Hotel and Restaurant Employees' International Alliance.

Mr. GOMPERS. That is signed by the executive officers of all the national and international unions of America, with the names of their organizations, and also of the American Society of Equity, an organization of farmers; and to-day we received a telegram from the Farmers' Cooperative Union, the secretary of which is at Fort Worth, Tex., expressing full sympathy with the purposes of our conference.

(Mr. Fairley submits memorial to the Speaker.)

Mr. GOMPERS. The names are not written there. They are on the original document, and this is typewritten for better legibility.

The SPEAKER. Gentlemen, is that all?

Mr. GOMPERS. Yes.

The SPEAKER. Gentlemen, this communication will, under the rules of the House, be referred to the appropriate committee for consideration.

I have listened with much interest to the reading of your communication, and I now speak as a Representative, and not for Congress. The House of Representatives, embracing almost 400 Members, is one of the coordinate branches of Congress, and, of course, is represented substantially by two great party organizations. As one Representative, I realize fully that this is a Government through parties and party responsibility, the parties changing from time to time as the people may determine at the ballot box.

It is proper for me to say, touching your reference to the employers' liability law recently construed by the court of last resort, which under our form of government is supreme in the construction of the law, that I am satisfied that the sentiment of the House is favorable to the enactment of such an employers' liability bill, in conformity with the opinion of the court, as will give a remedy to employees for injuries, taking care, so far as Congress or the House may be able to do so, that the law to be enacted is so framed that it will be sustained by the courts. I can not tell just when, because with respect to that and to the 15,000 other bills that have already been introduced and referred to the appropriate committees, the House, as is the case with any other deliberative body in the orderly transaction of business, must await the action of the committees. And yet I apprehend and am convinced that after full consideration there will be action on that bill by the House and possibly or probably, as far as I know and believe, by the Senate.

There is another bill concerning which I have received many letters and memorials from various localities throughout the country, known as the "Clapp bill," a bill that pertains to the act that was passed that prevented the issuance of free transportation, with an exception as to railway employees. The Clapp bill has passed the Senate and is now pending before the House Committee on Interstate and Foreign Commerce, and, I am informed, is being considered by that committee. I am satisfied, from the best information I can obtain, that it will in the near future be reported to the House, and I have every reason to believe that on consideration it will be passed by the House.

You refer to many matters in your protest, prepared with much care and entitled to candid and courteous and searching investigation. I can not discuss the various matters as a Representative with you at this time. But I will make one remark, and I will make it for myself: That as to our form of government, with the three coordinate branches, executive, legislative, and judicial, I believe it to be the best form of government on earth. If somebody having the attributes of Deity, with all wisdom and power, could act, then there would be a better government than any that human beings could devise. But it has been so ordered, under God's law in the beginning, that the human race must work out its own salvation, and in a government of the people, in the last analysis the people control. And in the fullness of time, if there be a just public sentiment, all laws, constitutional or statutory, will conform to that just sentiment, and ought to conform to it.

Unfortunately all men are not wise, and in the struggle for subsistence, law is necessary to curb those who would unfairly profit at the expense of others. It is a long road. When you and I are dead and forgotten, in this government of the people, new or additional legislation, with new and changed conditions, will no doubt be necessary. I am getting to be now an old man—past three score and ten—but as for me, while I appreciate the necessity on the part of all our people of contributing to a just public sentiment, as one individual I believe that after discussion, full, free, and frank, no law should be enacted or can abide that does not, like the grace of God, cover every individual in the Republic, whether he be wise or unwise, whether he be rich or poor, whether he labor in the countinghouse or sail upon the sea, or toil in the mine or factory.

I am very glad indeed to have met you, gentlemen.

Mr. GOMPERS. May I say just a word in connection with this matter?

The SPEAKER. Yes.

Mr. GOMPERS. The decision of the Supreme Court, recently handed down in the hatters' case, the case of Dietrich Loewe and others against Martin Lawler and others, commonly known as the "hatters' case," establishes a rule of law that the very agreements that our organizations made with the employers are in unlawful restraint of trade and become amenable to all the provisions of the Sherman antitrust law; that these agreements with employers to maintain industrial peace, or to reestablish peace with employers of workmen after any rupture has occurred, are evidences of conspiracies and unlawful restraint of trade, making not only the men who may be engaged in the trade disputes, in the organizations, and the officers of the organizations themselves, amenable to the law, prescribing not only threefold damages for any injury received by reason of a dispute or an attempt to reach an agreement, but also rendering the men and the organizations which I have just mentioned liable to imprisonment for one year, or a fine of $5,000, or both, at the discretion of the court.

Under the interpretation of the law by the Supreme Court in its decision, there is not anything that a labor organization can do or that the laborers can do in an associated effort, even if they be unorganized prior to the dispute, but which is unlawful. It is indeed true that under the decision our very organized existence is unlawful, rendering our men and our organizations, all of us, amenable to the law and to the penalties and punishments prescribed therein. Such a condition of affairs, of course, we regard not only as unfair and improper, but intolerable.

There are, I should say, roughly speaking, three million or more workmen in the United States who are organized in these unions, every one of them belonging to an organization which is an unlawful organization under that decision, and every member of the organization is acting in violation of the law; and there is not a thing of an ordinary character that these men or these organizations can do but what is in violation of the law under this decision of the court.

You can readily understand the position in which we are placed, and the question arises, Is it wise that such a condition should continue, and whether Congress ought not to remedy that?

How voluntary associations, not organized for profit or owning or issuing capital stock can be placed in the same category with those who deal in the products of others is beyond our ken. Is it wise, is it practicable, is it good for all our people, for the institutions of our country, that three millions of men who have associated themselves in organizations to advance their natural rights, the ownership of themselves, their power to labor, should be outlawed?

I may say this, Mr. Speaker, that the organizations of labor have in our country gone on practical lines, not violent, not on the lines that we find movements of labor have pursued in other countries, but on the contrary it has been the aim to conduct organizations and their efforts strictly within the law and with a desire to be within the law always. I think that in all the world there is not a condition parallel with ours at this moment, when there are so many unemployed workers; yet I doubt if there could be duplicated anywhere, with respect to what we are fortunate to have in the United States; that is, a feeling of security both for life and property, notwithstanding that awful condition of affairs. It has not come by mere accident. It is

true that the influence of American institutions and of American ideas and ideals has contributed much; but from our observation we are justified in the statement that there is no element in all our country that has instilled such a feeling and sense of self-restraint as the organizations of labor into the working people of the country. Our efforts in this direction, in the direction to instill still further this sense into the minds of our fellow-workmen and operate upon their course of conduct, ought to have some consideration. Is that influence for good to be wholly ignored and our organizations to be wholly outlawed, our men outlawed, our organizations attempted to be dissolved in some form or other by the process of Government execution, or suits at law, instituted by anybody, and under the provisions of a law that never was intended to apply to voluntary associations of labor? It is not good for the present, and it must be exceedingly injurious, if not dangerous, to the future. If we can not conduct our movement as we have conducted it heretofore, so that in the future the men who have endeavored to devote their abilities, whatever they may be, to develop this spirit of self-restraint and respect—if these are outlawed, then there is no use, there is no place, for the men of the American labor movement where they can exercise any influence whatever for rationalism, for development, for progress upon lawful lines.

It is not a question of position in the labor movement, or salary in the offices of the labor movement, to which we refer, because I may say with every degree of confidence that there is not a man within my knowledge who is devoting his efforts to the labor movement who could not do infinitely better, so far as financial consideration is concerned, if he devoted half his ability and energy in any other direction. It is not that. But if the men who are now devoting their energies in the labor movement are by the law outlawed and can not exercise that influence for good among their fellows, discontent with existing wrongs, the defense against greed, the hope to aspire to something better, will not die, but it will find its expression somewhere else in some other form. What that form is or may be no one can foretell, but that it will be along the lines of rational development and progress I doubt very much.

It is a matter, really considered from that view point, of choice as to whether those in responsible positions, having opportunity to determine—whether the labor movement, as we understand it and as we have tried to conduct it, shall be lawful and proper and recognized for its social effect and for its support of republican institutions, as you and all of us understand them and as you have so very splendidly portrayed them, shall continue, or whether this discontent shall find its expression in another form, whatever that may be.

The feeling among our fellow-workmen all through the country is certainly more intense than we could attempt to describe in words. What they feel should be accomplished, and how it is to be done is diverse, and the true portrayal of it I can not give. But as I say, the feeling is very intense. The impatience for relief is exceedingly marked; and we have endeavored—in conference the representatives of fully two million organized workers and of a large number of farmers have met together and discussed this matter, as well as the executive council of the American Federation of Labor, meeting two days in advance—we have tried to express in the document, in as moderate and concise a form as possible, what we believe to be the best way out of the situation; and for that reason we have submitted some suggestions in order to meet and overcome the situation.

The SPEAKER. Mr. Gompers, I have read the case that you have referred to, the "hatters' case." I know nothing of that case except what appears of record. When a case is presented to a court and is decided, whatever is necessary to decide touching the matter at issue, upon the record as presented, makes a precedent. That case alone is decided, and it then becomes the law for all similar cases. I do not profess to be a great lawyer. On a country circuit thirty years ago I got my bread and butter, after I had grown up——

Mr. MAHON. A cornfield lawyer?

The SPEAKER. The cornfield preceded that.

Mr. MAHON. Mr. TILLMAN said he was that kind of a lawyer.

The SPEAKER. The cornfields abounded in Illinois, and still do.

Now, frankly, as I read that case, I do not find anything in it that makes unlawful the voluntary association of labor to better its condition, nor do I find anything in the decision involved in the record that would render unlawful the organization of a union and the unity of a contract. What may be held by the courts in the future, when a case is presented, I am sure I do not know; but I think I know one thing, that as to the right of voluntary organization—and I emphasize voluntary organization—of men who live in the sweat of their faces to better their condition, whether it be a society, a benevolent society, or whether it be a so-called "labor organization," it has the right to its organization, and will continue and ought to continue to have that right protected by law, subject only to one limitation—that in any legislation enacted it shall apply to all alike.

Do not misunderstand me. I have said many times that if by the exercise of my muscle, crossed on skill, I lived in the sweat of my face, I should belong to the organization which, under the changed conditions of production, you call a labor organization. So far as I am concerned, I do not believe that the courts will hold, even under existing law, what you fear. If there is anything in the law that prevents labor from organizing so as to enable it, through organization, to make contracts with employers, I am ready to go, hotfoot, to help change the law.

Confining myself to the record in the hatters' case, I find that the record showed, briefly, that there was a boycott prosecuted against an American citizen, or citizens, who were engaged in the production of hats. The record shows that they did not recognize the union; whereupon a boycott was organized all across the continent, which extended to their customers, and in turn to the customers of their customers, and so on. That is the record, and it was upon that record that that decision was made.

I believe the interests of union labor lie along the line of cooperation under the law; and there is not a nerve in my body that fails to protest and cry aloud against two things: The black list and the boycott. I am quite in harmony with the views of the commission in the anthracite coal strike. I do not believe union labor is to be harmed, but rather is to be strengthened by insisting that the black list shall not exist, and that the boycott shall not exist.

I say again, your memorial will be referred, and I believe it will receive honest and careful consideration by the House of Representatives. And if it does not, Brother Gompers, there is an appeal that is open to me, and you, and every other citizen; that is, to appeal to all the people, and they will condemn or approve at the ballot box, after full discussion. As one who believes in the policy that I have indicated I am willing to meet and discuss it. I may be wrong, but if so, and if the party that I cooperate with is wrong, we ought to fail, and the same with every other party.

Thank God, I am an optimist. I am not in sympathy in respect to one thing that you say, namely, that you can not speak as to what may happen. I think I can. I believe this Caucasian race of yours and mine is competent in the United States for self-government.

Mr. GOMPERS. Let me say just a word. In one of the Supreme Court decisions, under the Erdman Act, it was decided that employers may discharge workmen for any reason whatever.

The SPEAKER. Yes; and the workman may refuse to be employed for any reason whatever.

Mr. GOMPERS. The black list—that is, one employer sending to another employer information regarding an employee, with a request, perhaps, for his nonemployment or his discharge——

The SPEAKER. Yes; and where that would amount to concerted action amongst employers, that would constitute the black list, and I say, blast the black list!

Mr. GOMPERS. That is upheld by that decision.

The SPEAKER. I do not think that is involved in it at all. Suppose you are an employer and I come to you, Mr. Gompers, and I want to be employed by you. You say to me, "Do you belong to union labor, or are you outside of union labor?" I would say according to the fact. Suppose I would say, "I am outside of union labor," and you would say, "Then I will not employ you." Or suppose I should say, "I am inside of union labor," and you would say, "I will not employ you." That is your right. You could employ or not employ for any fantastic notion, as between you and me, that you chose to. But if you go out to other employers and procure or induce them not to employ me, so that I, weary of foot, may go and knock and knock for employment, and the answer comes, on account of such conspiracy, "I will not employ you"—that, I say, is the black list, and I would damn it.

Mr. GOMPERS. In according the employer the right to discharge an employee without reason, or for any reason, that implies unquestionably the right to discharge him because he is a member of a union, whether by an association of employers or by an individual.

The SPEAKER. Oh, nay, nay! A man may employ or not employ for any reason, or no reason. A man may receive or refuse employment for any possible reason. Take a man that belongs to union labor. You may lawfully refuse to employ him. Take a man that does not belong to union labor. You may lawfully refuse to employ him. But when you reach out, after you have exercised your right not to employ—you may have done it foolishly and selfishly and wickedly—when you reach out and enlist people that stretch across the continent and pursue the poor fellow and, by virtue of that pursuit which is, in effect, a conspiracy, he goes footsore and hungry without employment, that is a different thing. That is a black list and unlawful.

After all, if we could go out to the people, all of us, and could get the records and stand and fight it out on the merits, it would be well. But all of us never have done that, and never will, short of the millennium, do that, because in contests as to who shall be intrusted with power we fight fair or we seize hold of something that is unfair, we strike above the belt or we strike below the belt. However, it has improved in that respect since I was a boy. Politics is fairer to-day in discussion than it ever was before in sixty years.

Gentlemen, I am glad to have met you, and I want to say another thing right here, and I say it because I mean it: There are no eight men or no hundred men, if you have that many gathered together here, that have greater responsibilities than you have, and I want you to know that I realize that. I may not agree with you; we have not always agreed in the past, and when we do not agree, man to man, we fight it out. But I ask you to understand that I realize the responsibility that rests upon you gentlemen and upon those that you cooperate with, and I do not object in the slightest to your organization, because it tends, when it comes out in the sunlight, after full discussion, to the betterment of the race. So do not go away feeling that I have gotten a prejudice or that I would embarrass you.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 5639. An act to amend an act entitled "An act to authorize the construction of a bridge across the Missouri River at a point to be selected within 5 miles north of the Kaw River in Wyandotte County, State of Kansas, and Clay County, State of Missouri, and to make the same a post route," approved December 17, 1902—to the Committee on Interstate and Foreign Commerce.

S. 5966. An act to establish a fish-hatching and fish-culture station for the hatching and propagation of shad upon or near the seacoast in the State of Georgia—to the Committee on the Merchant Marine and Fisheries.

S. 2999. An act to amend an act entitled "An act to provide for the extension of New Hampshire avenue, in the District of Columbia, and for other purposes," approved February 27, 1907—to the Committee on the District of Columbia.

S. 2232. An act to correct the naval record of Charles C. Lee—to the Committee on Naval Affairs.

S. 3973. An act to amend the laws of the United States relating to registration of trade-marks—to the Committee on Patents.

S. 2986. An act to acquire certain land in Hall & Elvan's subdivision of Meridian Hill, in the District of Columbia, for a public park—to the Committee on Appropriations.

S. 4441. An act to acquire certain land in the District of Columbia as an addition to Rock Creek Park—to the Committee on Appropriations.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 15660. An act to provide for the repayment of certain commissions, excess payments, and purchase moneys paid under the public land laws; and

H. R. 17167. An act authorizing the Woodlawn Cemetery As-

sociation, of St. Maries, Idaho, to purchase not to exceed 40 acres of land in the Coeur d'Alene Indian Reservation in Idaho.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 6135. An act providing for the disposal of the interests of Indian minors in real estate in Yakima Indian Reservation, Wash.;

S. 4922. An act providing for the platting and selling of the south half of section 30, township 2 north, range 11 west of the Indian meridian, in the State of Oklahoma, for town-site purposes; and

S. 4046. An act to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests on certain lands reserved for Indian reservations in the State of Wisconsin.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. GRIGGS, indefinitely, on account of sickness in his family.

To Mr. FASSETT, indefinitely, on account of sickness in his family.

To Mr. CHANEY, for two weeks, on account of business.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with deep regret and profound sorrow of the death of the Hon. WILLIAM JAMES BRYAN, late a Senator from the State of Florida.

Resolved, That a committee of eight Senators be appointed by the Vice-President to take order for superintending the funeral of Mr. BRYAN.

Resolved, That as a further mark of respect his remains be removed from Washington to Jacksonville, Fla., for burial, in charge of the Sergeant-at-Arms, attended by the committee, who shall have full power to carry these resolutions into effect.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased Senator.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

And that, in compliance with the foregoing, the Vice-President had appointed as said committee Mr. TALIAFERRO, Mr. DANIEL, Mr. BACON, Mr. CLARK of Wyoming, Mr. SCOTT, Mr. CLAPP, Mr. STONE, and Mr. CARTER.

DEATH OF SENATOR BRYAN.

Mr. CLARK of Florida. Mr. Speaker, the House has just heard of the death of the brilliant young junior Senator from Florida, the Hon. WILLIAM JAMES BRYAN. At some future time the Florida delegation will ask the House to set apart a day in order that the Members may pay tribute to the life and services of this illustrious son of our beloved Commonwealth. At the present time I offer the following resolutions and move their adoption.

The SPEAKER. The gentleman from Florida offers resolutions which will be reported by the Clerk.

The Clerk read as follows:

Resolved, That the House has learned with profound sorrow of the death of Hon. WILLIAM JAMES BRYAN, late a Senator of the United States from the State of Florida.

Resolved, That as a further mark of respect the House do now adjourn.

The resolutions were agreed to.

Accordingly (at 4 o'clock and 1 minute p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting papers in the claim of E. W. Boyce, for Boyce & Hatfield, for damages to the Ottawa House, at Cushing Island, Maine, was taken from the Speaker's table, referred to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 18443) authorizing a resurvey of certain townships in the State of Wyoming, reported the same with amendments, accompanied by a report (No. 1291), which said bill and report were referred to the House Calendar.

Mr. McCALL, from the Committee on the Library, to which was referred the joint resolution of the Senate (S. R. 6) directing the selection of a site and the erection of a pedestal for a bronze statue in Washington, D. C., in honor of John Witherspoon, reported the same without amendment, accompanied by a report (No. 1292), which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DIXON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19737) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 1289), which said bill and report were referred to the Private Calendar.

Mr. GRONNA, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 558) to authorize a patent to be issued to Annie Ward, formerly Annie Brown, for certain lands therein described, reported the same without amendment, accompanied by a report (No. 1290), which said bill and report were referred to the Private Calendar.

Mr. WALDO, from the Committee on Claims, to which was referred the bill of the House (H. R. 4119) to pay John Wagner, of Campbell Hall, N. Y., for carrying mails, reported the same without amendment, accompanied by a report (No. 1294), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 2675) granting a pension to Christina B. Offer—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19685) granting a pension to George W. Graves—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6477) granting a pension to Mattie Ashby Birney—Committee on Pension discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 7174) granting an increase of pension to Edwin D. North—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. DIXON, from the Committee on Invalid Pensions: A bill (H. R. 19737) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors—to the Private Calendar.

By Mr. ASHBROOK: A bill (H. R. 19738) to authorize the Secretary of War to furnish the city of Newark, Ohio, with a condemned cannon and suitable outfit of cannon balls—to the Committee on Military Affairs.

By Mr. GRAHAM: A bill (H. R. 19739) to provide a sound currency which will expand and contract with the requirements of trade—to the Committee on Banking and Currency.

By Mr. GREENE: A bill (H. R. 19740) to amend section 4438 of the Revised Statutes of the United States—to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 19741) to amend section 4414 of the Revised Statutes of the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. LOUDENSLAGER: A bill (H. R. 19742) for a survey of Salem River, New Jersey—to the Committee on Rivers and Harbors.

By Mr. MOORE of Pennsylvania (by request): A bill (H. R. 19743) to provide a sound currency which will expand and contract with the requirements of trade—to the Committee on Banking and Currency.

Also, a bill (H. R. 19744) to appropriate the sum of $30,000 as a part contribution toward the erection of a monument at Germantown, Pa., in commemoration of the founding of the first permanent German settlement in America—to the Committee on the Library.

By Mr. HEPBURN: A bill (H. R. 19745) to regulate commerce among the several States or with foreign nations, and to

amend the act approved July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies"—to the Committee on the Judiciary.

By Mr. ALEXANDER of New York: A bill (H. R. 19746) to ratify a certain lease with the Seneca Nation of Indians—to the Committee on Indian Affairs.

By Mr. AIKEN: A bill (H. R. 19747) to provide for refunding to lawful claimants the proceeds of the cotton tax unlawfully collected—to the Committee on War Claims.

By Mr. WOLF: A bill (H. R. 19748) for an additional appropriation for the erection of an addition to the post-office building at Baltimore, Md.—to the Committee on Public Buildings and Grounds.

By Mr. ANDREWS: A bill (H. R. 19749) to authorize grants of land in national forests for cemetery purposes—to the Committee on the Public Lands.

By Mr. CRUMPACKER: A bill (H. R. 19750) to provide for the establishment of judicial divisions in the district of Indiana, and for other purposes in connection therewith—to the Committee on the Judiciary.

By Mr. CHANEY: A bill (H. R. 19751) to amend sections 4924, 4925, 4926, and 4927 of the Revised Statutes, relating to patents—to the Committee on Patents.

By Mr. TAWNEY: Resolution (H. Res. 310) to pay the widow of Charles Carter a certain sum of money—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 19752) for the relief of Freedom Oil Works Company, of Freedom, Pa.—to the Committee on Claims.

By Mr. ALEXANDER of New York: A bill (H. R. 19753) granting an increase of pension to John Cook—to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 19754) granting school land section 36, township 1 south, range 34 east, New Mexico principal base and meridian, to school district No. 1, Roosevelt County, N. Mex.—to the Committee on the Territories.

By Mr. BEALE of Pennsylvania: A bill (H. R. 19755) granting an increase of pension to Hermanns Ickes—to the Committee on Invalid Pensions.

By Mr. BOYD: A bill (H. R. 19756) for the relief of Robert Gray—to the Committee on War Claims.

By Mr. CALE: A bill (H. R. 19757) for the relief of Charles Engstrom and C. Petersen—to the Committee on Claims.

By Mr. CARTER: A bill (H. R. 19758) granting an increase of pension to Wellington P. Hause—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 19759) granting a pension to Susan Hopewell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19760) granting an increase of pension to Adolph Legout—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19761) for the relief of Irene E. Johnson, administratrix of the estate of Leo L. Johnson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 19762) to reimburse the postmaster at Sandborn, Ind.—to the Committee on Claims.

By Mr. CONNER: A bill (H. R. 19763) granting an increase of pension to Chauncy C. Phillips—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19764) granting an increase of pension to M. D. Wright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19765) granting an increase of pension to Howard Haworth—to the Committee on Invalid Pensions.

By Mr. COOK of Pennsylvania: A bill (H. R. 19766) granting an increase of pension to Thomas Chase—to the Committee on Pensions.

By Mr. COOPER of Texas: A bill (H. R. 19767) for the relief of David Tooke—to the Committee on War Claims.

Also, a bill (H. R. 19768) for the relief of Isam Tooke—to the Committee on War Claims.

By Mr. DAVEY of Louisiana: A bill (H. R. 19769) for the relief of John Rhodes and wife—to the Committee on War Claims.

Also, a bill (H. R. 19770) for the relief of Antonio Hook—to the Committee on War Claims.

Also, a bill (H. R. 19771) for the relief of the estate of Victor Faisons, deceased—to the Committee on War Claims.

By Mr. DENVER: A bill (H. R. 19772) granting an increase of pension to Thompson W. Dye—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19773) granting an increase of pension to James C. Rigdon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19774) granting an increase of pension to William H. Few—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19775) granting an increase of pension to William Mull—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19776) granting an increase of pension to William P. Jackson—to the Committee on Invalid Pensions.

By Mr. ENGLEBRIGHT: A bill (H. R. 19777) granting a pension to Lydia J. Montgomery—to the Committee on Invalid Pensions.

By Mr. HAMILTON of Iowa: A bill (H. R. 19778) granting an increase of pension to William Elkin—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 19779) for the relief of Hugh T. Nelson, jr.—to the Committee on Claims.

By Mr. LEVER: A bill (H. R. 19780) for the relief of Powell S. Boatwright—to the Committee on War Claims.

Also, a bill (H. R. 19781) for the relief of heirs of Micheal H. Brennen—to the Committee on War Claims.

By Mr. LINDBERGH: A bill (H. R. 19782) granting an increase of pension to S. A. Howard—to the Committee on Invalid Pensions.

By Mr. LOUD: A bill (H. R. 19783) to correct the military record of George S. Smith—to the Committee on Military Affairs.

By Mr. McGAVIN: A bill (H. R. 19784) granting an increase of pension to Lauritz Rasmussen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19785) granting an increase of pension to Andrew J. Haslam—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19786) granting an increase of pension to Bradford Jones—to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 19787) granting an increase of pension to Henry H. Pennington—to the Committee on Invalid Pensions.

By Mr. SPIGHT: A bill (H. R. 19788) for the relief of the heirs or estate of Ransom Vick, deceased—to the Committee on War Claims.

Also, a bill (H. R. 19789) for the relief of heirs or estate of W. H. Cooper, deceased—to the Committee on War Claims.

By Mr. THISTLEWOOD: A bill (H. R. 19790) granting an increase of pension to Francis M. Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19791) granting an increase of pension to Joseph G. Lanham—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 19792) granting an increase of pension to William Nelson—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Chamber of Commerce of Pittsburg, Pa., in favor of H. R. 17979—to the Committee on Interstate and Foreign Commerce.

By Mr. ADAIR: Petition of citizens of New York and vicinity, for relief for heirs of victims of the *General Slocum* disaster—to the Committee on Claims.

By Mr. ANSBERRY: Petition of Universalist Club, of Haverill, Mass., for forest reservations in White Mountains and Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Trades League of Philadelphia, in favor of H. R. 6169—to the Committee on Interstate and Foreign Commerce.

By Mr. ASHBROOK: Paper to accompany bill for relief of Andrew T. Hoggie—to the Committee on Invalid Pensions.

Also, petition of Stacy Noe and others, of Pataskala, Ohio, for a national highway commission—to the Committee on Agriculture.

Also, petition of Universalist Club, of Haverhill, Mass., for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Trades League of Philadelphia, for H. R. 6169, to promote efficiency of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. BATES: Petition of Bloomfield Grange, Patrons of Husbandry, of Erie County, Pa., for a national highway commission—to the Committee on Agriculture.

By Mr. BURKE: Petition of Trades League of Philadelphia, for S. 25 and H. R. 6169, to promote efficiency of the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, petition of Nathan T. Folwell and other business men of Philadelphia, for the Justice currency bill—to the Committee on Banking and Currency.

By Mr. BURTON of Ohio: Petitions of North Royalton (Ohio) Grange, No. 1505, and C. W. Veber and others, for a national highway commission—to the Committee on Agriculture.

Also, petition of Daily Kuryer Polski, favoring the Bates resolution of sympathy for the Poles in Prussia—to the Committee on Foreign Affairs.

By Mr. CALDER: Petition of Trades League of Philadelphia, for S. 25 and H. R. 6169, to promote efficiency of the Life-Saving Service—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Universalist Club of Haverhill, Mass., for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. CAPRON: Petition of Fiskeville Grange (R. I.) Patrons of Husbandry, in favor of the creation of a national highway commission—to the Committee on Agriculture.

Also, petition of Central Labor Union, of Woonsocket, R. I., in favor of creating a Bureau of Mines—to the Committee on Mines and Mining.

Also, petition of Central Labor Union, of Woonsocket, R. I., against prohibition in the District of Columbia—to the Committee on the District of Columbia.

By Mr. CARLIN: Paper to accompany bill for relief of Mattie A. Birney—to the Committee on Invalid Pensions.

By Mr. CARTER: Paper to accompany bill for relief of Wellington P. Hause—to the Committee on Invalid Pensions.

By Mr. CAULFIELD: Petitions of Central Labor Union of Washington, D. C., and St. Louis Local Union No. 115, Brotherhood of Painters and Decorators, against prohibition in the District of Columbia—to the Committee on the District of Columbia.

By Mr. CHANEY: Paper to accompany bill for relief of Susan Hopewell—to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: Papers to accompany H. R. 10725, granting a pension to William A. Ballinger—to the Committee on Invalid Pensions.

Also, papers to accompany H. R. 9597 (granting a pension to David Raulerson) and H. R. 9592 (granting a pension to James W. Beville)—to the Committee on Pensions.

By Mr. COOK of Pennsylvania: Petition of Philadelphia Board of Trade, favoring an appointment of a commission to revise our banking system—to the Committee on Banking and Currency.

By Mr. CRAVENS: Paper to accompany bill for relief of George W. Wooten (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. DAVEY of Louisiana: Paper to accompany bill for relief of estate of Joseph D. Mittelbronn—to the Committee on War Claims.

By Mr. DENVER: Papers to accompany bills for relief of Thompson W. Dye, Rev. W. C. Jackson, William Mulls, William H. Few, and James C. Rigdon—to the Committee on Invalid Pensions.

By Mr. ESCH: Petitions of Zion Evangelical Church, Methodist Episcopal Church, and H. W. Burker, superintendent of Congregational Sunday School, of Sparta, Wis., for the Littlefield original-package bill, the Hansbrough antipolygamy resolution, and the Sims bill for prohibition in the District of Columbia—to the Committee on the Judiciary.

Also, petition of Trades League of Philadelphia, for S. 25 and H. R. 6169, to promote efficiency of the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of Alfred Barker, of Rockford, Ill., for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of Williams Post, No. 25, Grand Army of the Republic, of Watseka, Ill., for the Sherwood bill—to the Committee on Invalid Pensions.

By Mr. GRAHAM: Petition of Trades League of Philadelphia, for S. 25 and H. R. 6169, to promote efficiency of the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, petition of Nathan F. Tolwell and other business men of Philadelphia, favoring the Justice currency bill—to the Committee on Banking and Currency.

By Mr. GILLESPIE: Papers to accompany bills for relief of Thomas C. Capell (previously referred to the Committee on War Claims), and Thomas H. Holcomb, Alfred C. Caker, Walter Barbee, William F. McGee, Mrs. Tennessee Spiller, and Hans Peter Guttormsen—to the Committee on Claims.

Also, petition of Grange No. 1040, of Dublin, Tex., for a rural parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. GREENE: Petitions of George G. Gifford and others and Lilburne Hiller and others, for a national highway commission—to the Committee on Agriculture.

Also, petition of J. F. Adams, for the Littlefield original-package bill and for the Sims bill (prohibition in the District of Columbia)—to the Committee on the Judiciary.

By Mr. HAMLIN: Paper to accompany bill for relief of Napoleon B. Goodknight—to the Committee on Invalid Pensions.

By Mr. HAMILTON of Michigan: Petition of Henry F. Rine and others, in favor of a national highway commission—to the Committee on Agriculture.

By Mr. HAMMOND: Petition of St. Paul Jobbers and Manufacturers' Association, in favor of improvement of Mississippi River—to the Committee on River and Harbors.

By Mr. HOWELL of New Jersey: Petition of Board of Trade of Newark, N. J., for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of Matthew M. Finch—to the Committee on Invalid Pensions.

By Mr. HAYES: Petition of Sailors' Union of the Pacific, against bill to revise section 4463 of the Revised Statutes—to the Committee on the Merchant Marine and Fisheries.

By Mr. KELIHER: Petition of Boston Homeopathic Medical Society, for amendment to pure-food law (favoring H. R. 6089)—to the Committee on Interstate and Foreign Commerce.

Also, petition of Charles F. Dole, of Boston, Mass., and others, for the Bates resolution of sympathy for the Poles, anent inhumanity of the Russian Government—to the Committee on Foreign Affairs.

Also, petition of Peace Association of Friends of Philadelphia and citizens of New York City, against building four new battle ships—to the Committee on Naval Affairs.

Also, petition of Boston Credit Men's Association, against the Aldrich currency bill—to the Committee on Banking and Currency.

Also, petition of American Association of Masters, Mates, and Pilots, against the Littlefield bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Eastern Wholesale Dry Goods Association, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. HILL of Connecticut: Petition of Concordia Society of Bridgeport, Conn., against passing any prohibitory laws—to the Committee on the Judiciary.

By Mr. LINDBERGH: Petition of Minnesota State Federation of Women's Clubs, for establishment of laboratories under Federal, State, and city governments for study of criminal, pauper, and defective classes—to the Committee on the Judiciary.

Also, petitions of Post No. 189, of Akely, Minn., and Post No. 35, of Litchfield, Minn., Grand Army of the Republic, against abolishment of pension agencies—to the Committee on Appropriations.

Also, petition of South St. Paul Live Stock Exchange, for H. R. 13841 (Culberson-Smith bill)—to the Committee on Interstate and Foreign Commerce.

By Mr. McMORRAN: Petition of Local Union No. 300, of Port Huron, Mich., International Typographical Union, for the removal of duty on white paper—to the Committee on Ways and Means.

By Mr. McGAVIN: Petition of National Association of Clothiers, for the Fowler bill—to the Committee on Banking and Currency.

Also, petition of Chicago Architectural Club, indorsing plan to beautify Washington City—to the Committee on the District of Columbia.

By Mr. MOORE of Pennsylvania: Memorial of Trades League of Philadelphia, for authorization to push to completion Government contracts in certain shipyards—to the Committee on Naval Affairs.

Also, petition of citizens of Philadelphia, Pa., in favor of Justice currency bill—to the Committee on Banking and Currency.

Also, petition of Winfield Scott Post, No. 114, Grand Army of the Republic, protesting against abolishment of pension agencies—to the Committee on Appropriations.

Also, petition of Philadelphia Board of Trade, in favor of a commission to revise our banking system—to the Committee on Banking and Currency.

Also, petition of Local No. 12347, Hair Spinners' Union, of Philadelphia, Pa., against extending right of naturalization—to the Committee on Immigration and Naturalization.

Also, protest of Philadelphia Board of Trade, against amend-

ments to Sherman antitrust law—to the Committee on Interstate and Foreign Commerce.

By Mr. OVERSTREET: Petition of Meridian Life and Trust Company, of Indianapolis, in favor of a national memorial to Abraham Lincoln—to the Committee on Appropriations.

By Mr. PADGETT: Paper to accompany bill for relief of George L. Cowan—to the Committee on War Claims.

By Mr. PETERS: Petition of John Martin Club, of Roxbury, Mass., against any treaty of arbitration with Great Britain—to the Committee on Foreign Affairs.

By Mr. PRATT: Paper to accompany bill for relief of David C. Demarest—to the Committee on Invalid Pensions.

By Mr. RYAN: Petition of Hardwood Manufacturers' Association of the United States, for amendment to interstate-commerce laws—to the Committee on Interstate and Foreign Commerce.

Also, petition of 3,000 Poles near Buffalo, N. Y., against oppression of the Polish people by the Prussian Government—to the Committee on Foreign Affairs.

Also, petition of Manufacturers' Club of Buffalo, N. Y., for H. R. 13266, amending national bankruptcy act—to the Committee on the Judiciary.

Also, petition of Philadelphia Board of Trade, against H. R. 17290, amending interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

Also, petition of Richard O'Brien, of Scranton, Pa., for the Lorimer bill (H. R. 175), amending pension laws so as to apply to members of the telegraph corps in the United States—to the Committee on Invalid Pensions.

Also, petition of Brotherhood of Locomotive Firemen of the States of Oregon, California, Nevada, Utah, and Texas, and Territories of Arizona and New Mexico, for the Clapp free-pass amendment—to the Committee on Interstate and Foreign Commerce.

By Mr. SABATH: Petition of Trades League of Philadelphia, for S. 25 and H. R. 6169, efficiency of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, petition of National Association of Clothiers, for the Fowler currency bill—to the Committee on Banking and Currency.

Also, petition of Association of American Directory Publishers, for the Kittredge copyright bill—to the Committee on Patents.

Also, petition of Williams Post, No. 25, Grand Army of the Republic, of Watseka, Ill., for the Sherwood pension bill—to the Committee on Invalid Pensions.

Also, petition of the Universalist Club, of Haverhill, Mass., for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. SMITH of California: Petition of citizens of California, in favor of Littlefield bill—to the Committee on the Judiciary.

By Mr. SPERRY: Petition of Authors' Club of Bridgeport, Conn., against the Crumpacker census bill—to the Committee on the Census.

Also, petition of Westfield Grange, of Middletown, Conn., for a national highway commission—to the Committee on Agriculture.

Also, petition of Robert Emmet Club, of Dahbury, against treaty of arbitration with Great Britain—to the Committee on Foreign Affairs.

By Mr. SPIGHT: Papers to accompany bills for relief of estate of W. H. Cooper and estate of Ransom Vick—to the Committee on War Claims.

By Mr. SULZER: Petition of International Reform Bureau, for the Sims antigambling bill—to the Committee on the District of Columbia.

Also, petition of Walter Woods, Franz Mueller, and Van Horn & Texter, for the Kittredge copyright bill—to the Committee on Patents.

Also, petition of the Universalist Club, of Haverhill, Mass., for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of American Musical Copyright League, for the Smoot-Currier copyright bill—to the Committee on Patents.

Also, petition of Sailors' Union of the Pacific, against a bill to amend section 4463 of the Revised Statutes of the United States—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Trades League of Philadelpha, for S. 25 and H. R. 6169 (to proomte efficiency of the Life-Saving Service)—to the Committee on Interstate and Foreign Commerce.

By Mr. TALBOTT: Petition of Automobile Club of Maryland, in favor of a volunteer motor corps in United States—to the Committee on Military Affairs.

By Mr. THISTLEWOOD: Petition of citizens of Carbondale, Ill., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Woman's Christian Temperance Union and Antisaloon League of Jackson County, Ill., for the Littlefield bill—to the Committee on the Judiciary.

By Mr. WANGER: Petition of Keystone Grange, No. 2, of Montgomery County, Pa., for a national highway commission—to the Committee on Agriculture.

Also, petition of George W. West Division, No. 468, Brotherhood of Locomotive Engineers, of Carbondale, Pa., for the La Follette-Sterling employers' liability bill, Rodenberg anti-injunction bill, and the Clapp free-pass amendment—to the Committee on Interstate and Foreign Commerce.

Also, petition of Chartiers Valley Division, No. 416, International Brotherhood of Locomotive Engineers, of Ingram, Pa., Brotherhood of Railway Trainmen of Hazleton, Pa., and Lumber City Lodge, No. 524, Brotherhood of Railway Trainmen, for S. 4260—to the Committee on Interstate and Foreign Commerce.

By Mr. WEISSE: Petition of Central Labor Union in the District of Columbia, against prohibition law in the District of Columbia—to the Committee on the District of Columbia.

By Mr. WILEY: Paper to accompany bill for relief of Ben de Lemos (previously referred to the Committee on Pensions)—to the Committee on Invalid Pensions.

SENATE.

TUESDAY, *March 24, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 3416) to amend an act entitled "An act authorizing the extension of Meridian place NW.," approved January 9, 1907.

The message also announced that the House had passed the bill (S. 29) to provide for registration of all cases of tuberculosis in the District of Columbia, for free examination of sputum in suspected cases, and for preventing the spread of tuberculosis in said District, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 16621) to extend the time for the construction of a dam across Savannah River at Cherokee Shoals.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 4063. An act for the widening of Benning road, and for other purposes;

H. R. 12438. An act extending the time limit for the completion of the lines of the East Washington Heights Traction Railroad Company;

H. R. 15230. An act to amend an act approved February 28, 1901, entitled "An act relating to the Metropolitan police of the District of Columbia;"

H. R. 15231. An act to amend the license law approved July 1, 1902, with respect to licenses of drivers of passenger vehicles for hire;

H. R. 16269. An act authorizing the extension of Ninth street NW.;

H. R. 17297. An act authorizing the extension of New York avenue from its present terminus near Fourth street NE. to the Bladensburg road;

H. R. 17303. An act authorizing the extension of Girard street NW. from its western terminus to Fifteenth street NW.;

H. R. 17305. An act to regulate the establishment and maintenance of private hospitals and asylums in the District of Columbia; and

H. R. 19355. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The message also announced that the House insists upon its amendments to the bill (S. 1424) to increase the efficiency of the Medical Department of the United States Army, disagreed to by the Senate; agrées to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and

had appointed Mr. YOUNG, Mr. CAPRON, and Mr. SLAYDEN, managers at the conference on the part of the House.

The message further transmitted to the Senate resolutions of the House on the death of Hon. WILLIAM JAMES BRYAN, late a Senator from the State of Florida.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice-President:

S. 4046. An act to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests on certain lands reserved for Indian reservations in the State of Wisconsin;

S. 4922. An act providing for the platting and selling of the south half of section 30, township 2 north, range 11 west of the Indian meridian, in the State of Oklahoma, for town-site purposes;

S. 6135. An act providing for the disposal of the interest of Indian minors in real estate in Yakima Indian Reservation, Wash.;

H. R. 14434. An act to validate certain entries of public lands in the State of Colorado;

H. R. 15660. An act to provide for the repayment of certain commissions, excess payments, and purchase moneys paid under the public-land laws;

H. R. 16078. An act providing for second desert-land entries;

H. R. 16874. An act to amend section 13 of an act entitled "An act to divide the State of Texas into four judicial districts," approved March 11, 1902;

H. R. 17167. An act authorizing the Woodlawn Cemetery Association, of St. Maries, Idaho, to purchase not to exceed 40 acres of land in the Cœur d'Alene Indian Reservation in Idaho;

H. R. 17710. An act to increase the efficiency of the personnel of the Life-Saving Service of the United States; and

H. J. Res. 101. Joint resolution authorizing the Secretary of War to secure a suitable design for a statue of the late Commodore John D. Sloat at Monterey, Cal.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the memorial of James H. S. Lowes, registrar of Indiana Commandery, Loyal Legion, United States Army, of Indianapolis, Ind., remonstrating against the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

He also presented a petition of the Jobbers and Manufacturers' Association, of St. Paul, Minn., and a petition of the city council of Nauvoo, Ill., praying that an annual appropriation of $2,000,000 be made for the improvement of the upper Mississippi River, which were referred to the Committee on Commerce.

He also presented a petition of the New York Board of Trade and Transportation, praying that an appropriation be made to continue the investigation of the rivers and water resources of the country, which was referred to the Committee on Commerce.

He also presented a petition of the American Association of Masters, Mates, and Pilots, of New York City, N. Y., praying for the adoption of a certain amendment to House bill 225, placing a fine on the owner as well as the master of a vessel, which was referred to the Committee on Commerce.

He also presented a memoral of the Central Labor Union of Washington, D. C., remonstrating against the confirmation by the Senate of any person to the position of Public Printer who is not a practical printer and versed in the art of bookbinding, which was referred to the Committee on Printing.

He also presented a petition of sundry citizens of Brookline, Mass., praying for the enactment of legislation canceling mile limit and incorporating the ruling of the court of appeals in gambling laws in the District of Columbia, to defend the capital against invasion by discredited New York gamblers, which was referred to the Committee on the District of Columbia.

Mr. CULLOM presented a petition of the Farmers and Grain Dealers' Association of Illinois, which was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

THE FARMERS AND GRAIN DEALERS'
ASSOCIATION OF ILLINOIS,
OFFICE OF THE SECRETARY,
Mason City, Ill., March 19, 1908.

Hon. SHELBY M. CULLOM, *Washington, D. C.*

DEAR SIR: You will find attached hereto copy of a resolution unanimously adopted at the annual meeting of the Farmers and Grain Dealers' Association of Illinois, held in Bloomington February 26 and 27. Over 1,500 delegates were present, representing 170 farmer grain companies in Illinois, with a membership of over 25,000 grain growers. The men who grow the grain and the really independent dealer are most emphatically unanimous in demanding Federal inspection. The big terminal elevator interests which control the board of trade in the large centers are the people who are at the bottom of the fight on Federal inspection, as they desire the same old system, by which the grain from the producers may be inspected into their elevators a grade or two lower than it really is and inspected out a grade or two higher than it really is.

The grain growers of Illinois respectfully request your support in behalf of the Federal inspection and grading of grain. Will you kindly let us hear from you?

Yours, truly, J. A. MCCREERY.

Resolved, That we favor the inauguration of a system of Federal grain inspection and grading of grain along the lines provided for in the McCumber bill, and we call upon the Senators and Representatives from the State of Illinois to bend every effort toward securing the enactment of such legislation by Congress at an early date.

He also presented a petition of the Trades Assembly of Belleville, Ill., praying for the enactment of legislation providing for the construction of at least one of the proposed new battle ships at one of the Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented a petition of the National Guard Officers' Association of Peoria and Pekin, in the State of Illinois, praying for the enactment of legislation to promote the efficiency of the militia, which was referred to the Committee on Military Affairs.

Mr. FRYE presented a petition of Casco Grange, Patrons of Husbandry, of Casco, Me., and a petition of Rowes Corner Grange, No. 386, Patrons of Husbandry, of Auburn, Me., praying for the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

Mr. GALLINGER presented a petition of sundry citizens of Hampton Falls, Brentwood, North Hampton, and Seabrook, all in the State of New Hampshire, praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committeee on Post-Offices and Post-Roads.

He also presented memorials of sundry citizens of the States of Tennessee, Ohio, Oklahoma, Michigan, California, Illinois, Alabama, Utah, Indiana, and Wisconsin, remonstrating against the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a memorial of the Southern Intelligence Bureau, of New Orleans, La., remonstrating against the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented sundry petitions of citizens of Washington, D. C., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented sundry petitions of citizens of Washington, D. C., praying for the enactment of legislation to prohibit gambling and bookmaking in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of New London, N. H., praying for the enactment of legislation to abolish slavery in the Philippine Islands, which was referred to the Committee on the Philippines.

He also presented the petition of J. W. Nigh, of Langdon, D. C., praying for the enactment of legislation providing for the protection against fire in public school buildings in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. GALLINGER. I also present two telegrams, one from the Manchester (N. H.) Ministers' Association, which reads as follows:

Seventeen ministers of Manchester Ministers' Association in conference assembled unanimously favor legislation to clear the District of Columbia of race-track gambling.

That is from Manchester, N. H. I also present a telegram from the Woman's Interdenominational Union of the District of Columbia, making the same prayer.

I move that the telegrams be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. PLATT presented petitions of Junius Grange, No. 34, Patrons of Husbandry, of Junius; of Hermon Grange, No. 886, Patrons of Husbandry, of Hermon; of Carlton Grange, No. 1057, Patrons of Husbandry, of Carlton; of Otsego County Pomona Grange, Patrons of Husbandry, of Schenevus, and of Clarksville Grange, No. 781, Patrons of Husbandry, of Voorheesville, all in the State of New York, praying for the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Clarksville Grange, No. 781, Patrons of Husbandry, of Voorheesville, N. Y., and a petition of Elmer Price and Byron S. Burdsall, of Olean, N. Y., praying

for the passage of the so-called "postal savings-bank bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Board of Supervisors of Cattaraugus County, N. Y., praying for the enactment of legislation providing for a complete survey of the soil of Cattaraugus County, in that State, which was referred to the Committee on Agriculture and Forestry.

He also presented the memorial of Hamilton S. Gordon, of New York City, N. Y., remonstrating against the adoption of certain amendments to the present copyright law relating to musical compositions, which was referred to the Committee on Patents.

He also presented a petition of the Republican County Committee of New York, praying for the enactment of legislation to provide for the reenlistment of certain men of the Twenty-fifth United States Infantry, which was referred to the Committee on Military Affairs.

He also presented a memorial of the Grand Army of the Republic, Department of New York, of Rochester, N. Y., remonstrating against the enactment of legislation to abolish certain pension agencies throughout the country, which was referred to the Committee on Pensions.

He also presented a memorial of sundry citizens of New York, and a memorial of the Patrick Sarsfield Club, of Oswego, N. Y., remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented the petition of Mrs. Mary Grinnell Mears, first vice-president National Congress of Mothers, of Albany, N. Y., praying for the enactment of legislation to promote the welfare of children as affects educational efficiency, which was referred to the Committee on Education and Labor.

Mr. DILLINGHAM presented a petition of sundry citizens of West Woodstock, Vt., and a petition of sundry citizens of East Hardwick, Vt., praying for the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

Mr. GAMBLE presented a petition of sundry citizens of Bowdle, S. Dak., praying for the enactment of legislation to provide for the payment of the claims of the Roman Catholic Church in the Philippine Islands, which was ordered to lie on the table.

Mr. WARREN presented a memorial of the Merchants' Protective Association of Thermopolis, Wyo., remonstrating against the passage of the so-called "parcels-post bill" and praying for the enactment of legislation to increase the limit of weight on fourth-class mail matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the National Association of Clothiers, of New York City, N. Y., remonstrating against the passage of the so-called "Aldrich currency bill" and praying for the passage of the so-called "Fowler currency bill," which was ordered to lie on the table.

Mr. DEPEW presented a petition of the board of supervisors of Cattaraugus County, N. Y., praying that the Bureau of Soils, Department of Agriculture, be authorized to make a soil survey of that county as soon as practicable, which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of Syracuse, Cooperstown, and Washingtonville, all in the State of New York, praying for the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the New York Board of Trade and Transportation, praying for the enactment of legislation to establish a national forest reserve in the Southern Appalachian and White Mountains, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. BURNHAM presented a petition of sundry citizens of Portsmouth, N. H., praying for the enactment of legislation providing for the construction of colliers, as recommended by the Secretary of the Navy, and also that one be constructed at the navy-yard of that city, which was referred to the Committee on Naval Affairs.

He also presented petitions of sundry citizens of Deerfield, Peterboro, and Antrim, all in the State of New Hampshire; of the Farmers' Institute, of Ottumwa, Iowa, and of F. H. Inghran, of St. Albans, W. Va., praying for the passage of the so-called "Burnham rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

Mr. ANKENY presented a memorial of sundry citizens of Walla Walla, Wash., and a memorial of sundry citizens of College Place, Wash., remonstrating against the enactment of legislation to prohibit Sunday banking in post-offices in the handling of money orders and registered letters, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of College Place, Wash., and a memorial of sundry citizens of Walla Walla, Wash., remonstrating against the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. BROWN presented a memorial of the Clearing House Association of Omaha, Nebr., remonstrating against the enactment of legislation to prevent national banks from accepting deposits from or making loans to any one dealing in futures, which was referred to the Committee on the Judiciary.

He also presented petitions of the Woman's Club of Peru, of the Women's Club of Decatur, of the Equal Suffrage Club of Roca, of the Political Equality Club of Humboldt, and of the Woman's Suffrage Association of Table Rock, all in the State of Nebraska, praying for the adoption of an amendment to the Constitution to prohibit the disfranchisement of citizens of the United States on account of sex, which were referred to the Select Committee on Woman Suffrage.

He also presented a petition of Pine Ridge Lodge, No. 17, Brotherhood of Locomotive Firemen and Enginemen of Chadron, Nebr., praying for the passage of the so-called "La Follette-Sterling employers' liability bill," which was referred to the Committee on the Judiciary.

He also presented a petition of the State Historical Society of Fort Kearney, Nebr., praying for the enactment of legislation to establish a national military reservation at that city, which was referred to the Committee on Military Affairs.

He also presented a petition of Local Division, Union Veterans Union, of Omaha, Nebr., praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

Mr. WETMORE presented a memorial of the Central Labor Union of Woonsocket, R. I., remonstrating against the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Irish-American Social Club of Westerly, R. I., remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Central Labor Union of Woonsocket, R. I., praying for the enactment of legislation providing for an investigation into the conditions of labor in mines, and also for the relief of the families of those killed in mine disasters, which was referred to the Committee on Mines and Mining.

Mr. BRANDEGEE presented a memorial of the Emmet Club of Danbury, Conn., remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Haverhill, Mass., praying for the enactment of legislation to establish a national forest reserve in the Southern Appalachian and White Mountains, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. BURKETT presented a petition of Local Union No. 120, International Brotherhood of Bookbinders, of Lincoln, Nebr., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Bridgeport, Nebr., remonstrating against the enactment of legislation to prohibit Sunday banking in post-offices in the handling of money orders and registered letters, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the State Historical Society of Fort Kearney, Nebr., praying for the enactment of legislation to establish a national military reservation at that city, which was referred to the Committee on Military Affairs.

Mr. KNOX presented petitions of S. R. Sleeper and sundry other citizens of Warren Center, C. Irwin and sundry other citizens of Barneston, K. Graham and sundry other citizens of Saegertown, G. R. Barnes and sundry other citizens of Gelatt, J. E. Brownlee and sundry other citizens of Costello, C. E. Bittinger and sundry other citizens of Northumberland, M. C. Brindlinger and sundry other citizens of Spring City, W. W. Torrey and sundry other citizens of Millport, W. B. Cowan and

sundry other citizens of Brookville, G. E. Smith and sundry other citizens of North East, W. E. Metzger and sundry other citizens of Allenwood, C. G. Anderson and sundry other citizens of Scandia, H. D. Wilson and sundry other citizens of Laceyville, J. D. Durnall and sundry other citizens of Swarthmore, L. O. Andrews and sundry other citizens of Lawrenceville, M. L. Bolles and sundry other citizens of West Auburn, C. C. Ricker and sundry other citizens of McElhattan, R. M. Tingley and sundry other citizens of Gibson, H. J. Osborn and sundry other citizens of Erie, W. M. Johnson and sundry other citizens of Vanderbilt, J. H. Carey and sundry other citizens of Clarks Mills, H. A. Talcott and sundry other citizens of Shickshinney, J. J. Morrison and sundry other citizens of Tidioute, E. E. Chubbish and sundry other citizens of Potterville, Amos Evans and sundry other citizens of Cassville, D. G. Wilson and sundry other citizens of West Pike, A. Wiggins and sundry other citizens of Dixon, J. M. Evans and sundry other citizens of Morrisdale, D. W. Hartman and sundry other citizens of Richland Center, Daniel Waltz and sundry other citizens of Ramey, C. E. Brewster and sundry other citizens of Mansfield, J. L. Hall and sundry other citizens of Corry, H. Buckley, jr., and sundry other citizens of Townville, M. W. Powell and sundry other citizens of Hadley, M. L. Cook and sundry other citizens of Rutland, I. S. Moyer and sundry other citizens of Spring City, H. D. Nelson and sundry other citizens of Cessna, C. J. Garrett and sundry other citizens of Westgrove, G. L. Daily and sundry other citizens of Utica, M. A. Gay and sundry other citizens of Media, L. Carpenter and sundry other citizens of Milan, J. B. Merrick and sundry other citizens of West Bingham, L. L. Simmons and sundry other citizens of Genesee, S. W. Smith and sundry other citizens of Buckmanville, E. Gilfoy and sundry other citizens of Birchardville, W. A. Palmeter and sundry other citizens of Roulette, F. C. Bixby and sundry other citizens of Canton, E. M. Griffis and sundry other citizens of Susquehanna, S. A. Wright and sundry other citizens of Forest Lake, W. H. Swarts and sundry other citizens of Madisonville, D. E. Windsor and sundry other citizens of Smethport, O. W. Abbey and sundry other citizens of Turtlepoint, W. H. Van Fleet and sundry other citizens of Nicholson, F. B. Davis and sundry other citizens of Randolph, W. N. Sterrett and sundry other citizens of Mifflintown, J. C. Craig and sundry other citizens of Cogan Station, R. Boyle and sundry other citizens of Olanta, D. A. Coolidge and sundry other citizens of Wattsburg, C. E. Parke and sundry other citizens of Troy, G. A. Woodside and sundry other citizens of Sugargrove, A. J. Hay and sundry other citizens of Elk Lake, W. H. Pettit and sundry other citizens of Burgettstown, and F. I. Shultz and sundry other citizens of Benton, all in the State of Pennsylvania, praying for the enactment of legislation providing for additional protection to the dairy interests of the country, which were referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

Mr. OVERMAN, from the Committee on Claims, to whom was referred the bill (S. 5268) for the relief of J. de L. Lafitte, reported it without amendment and submitted a report thereon.

Mr. DILLINGHAM, from the Committee on the District of Columbia, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to, and the bills were postponed indefinitely:

A bill (S. 4790) to declare the 12th day of February, 1909, a legal holiday in the District of Columbia, and for other purposes; and

A bill (S. 1582) making the 12th day of October of each year a legal holiday in the District of Columbia.

Mr. BANKHEAD, from the Committee on Public Lands, to whom was referred the bill (S. 5620) to authorize the issuance of a patent to the assignee of Warner Bailey, for land located in Choctaw County, State of Alabama, reported it with an amendment and submitted a report thereon.

Mr. PLATT, from the Committee on Naval Affairs, to whom were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 5227) granting an honorable discharge to Seth Wardell; and

A bill (S. 4782) to remove the charge of desertion against Thomas L. Rodgers.

Mr. ALDRICH, from the Committee on Finance, to whom was referred the bill (S. 5694) to provide for the lading or unlading of vessels at night, to facilitate the entry of vessels, and for other purposes, asked to be discharged from its further consideration and that it be referred to the Committee on Commerce, which was agreed to.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 603) granting an increase of pension to John A. M. La Pierre, reported it with an amendment in the nature of a substitute and submitted a report thereon, the amended bill being a substitute for the following House bills heretofore referred to that committee:

H. R. 603. John A. M. La Pierre.
H. R. 1034. James Carroll.
H. R. 1037. Edward A. Russell.
H. R. 1055. Joel F. Overholser.
H. R. 1059. Hannegan C. Norvell.
H. R. 1063. Nicholas S. Chrisman.
H. R. 1215. Phebe A. Barteaux.
H. R. 1496. Elbert M. Watts.
H. R. 1590. Nelson Wolfley.
H. R. 1673. George Athey.
H. R. 2200. William H. H. Lang.
H. R. 2204. Andrew Risser.
H. R. 2350. Richard P. McGrath.
H. R. 2354. Amos Foust.
H. R. 2355. Samuel Donaldson.
H. R. 2535. John B. Evans.
H. R. 2648. Ellison Gilbert.
H. R. 2711. Simon Levi.
H. R. 2724. John L. Cleary, alias John L. Clark.
H. R. 2846. Linsay C. Jones.
H. R. 2855. Samuel H. Hurst.
H. R. 2863. John Findlay.
H. R. 2873. Frank Rushaloo.
H. R. 2955. James C. Booth.
H. R. 2961. Hazzard P. Gavitt.
H. R. 2999. George P. Mattison.
H. R. 3164. Osiah Attison.
H. R. 3229. William McCue.
H. R. 3232. John Foster.
H. R. 3243. Charles D. Copeland.
H. R. 3244. Ebenezer L. Briggs.
H. R. 3329. Theodore F. Kendall.
H. R. 3339. James M. Neal.
H. R. 3350. Edward M. Lee.
H. R. 3491. William Hall.
H. R. 3493. Levi Nicholson.
H. R. 3611. Alexander McNabb.
H. R. 3614. Jacob B. Boyer.
H. R. 3635. Jesse T. Power.
H. R. 3641. John N. Dickerson.
H. R. 3802. Andreas Schmidt.
H. R. 3845. Philip Ebright.
H. R. 4072. Henry B. Keffer.
H. R. 4094. John B. Southworth.
H. R. 4102. William H. C. Davis.
H. R. 4103. David M. Myers.
H. R. 4125. Judson P. Adams.
H. R. 4128. Isaac W. Corgill.
H. R. 4149. John W. Armstrong.
H. R. 4170. Bernhard Herber.
H. R. 4265. John W. Hudson.
H. R. 4290. Howard F. Hess.
H. R. 4295. John Maguire.
H. R. 4351. Osborne Eddy.
H. R. 4355. John M. Hoisington.
H. R. 4387. Margret Orst.
H. R. 4416. John H. Wells.
H. R. 4490. James H. Thompson.
H. R. 4497. Alexander Depuy.
H. R. 4522. William H. Hanson.
H. R. 4538. Charles F. Read.
H. R. 4539. John W. Pressley.
H. R. 4651. Cornelia H. Keyes.
H. R. 4674. Henry R. Fancher.
H. R. 4677. Sylvia M. Anthony.
H. R. 4678. David L. Arwine.
H. R. 4758. Edwin P. Gurney.
H. R. 4934. Andrew Hiram Woods.
H. R. 4962. Josephine M. Pearsall.
H. R. 5347. William M. Stevenson.
H. R. 5382. John Bowen.
H. R. 5422. William Dunlap.
H. R. 5450. Calvin E. Breed.
H. R. 5639. George S. Bennett.
H. R. 5764. Mary O'Brien.
H. R. 5803. Daniel Harter.
H. R. 5868. Jane Dorsey.
H. R. 5880. Addi C. Pindell.
H. R. 6035. Charles R. Fox.
H. R. 6038. Edwin May.
H. R. 6057. Katharine Seiberlich.
H. R. 6064. Jeremiah Beck.

H. R. 6065. George M. Coykendall.
H. R. 6070. William F. Moyer.
H. R. 6487. Alexander W. Brownlie.
H. R. 6492. Irvin Austin.
H. R. 6505. John N. Kundert.
H. R. 6641. James A. Cobb.
H. R. 6647. Elizabeth J. McCoy.
H. R. 6688. Isaac Steely.
H. R. 6736. Rosenia Writer.
H. R. 6819. Andrew Clark.
H. R. 6866. Ezra Prouty.
H. R. 6875. James S. Walsh.
H. R. 6876. Carrie A. Chaplin.
H. R. 6900. Hiram Spear.
H. R. 6932. John O. Warwick.
H. R. 7012. Jacob B. Nelson.
H. R. 7060. Simon White.
H. R. 7223. Jeremiah Keefe.
H. R. 7288. John J. Banks.
H. R. 7300. Magdalena Hansman.
H. R. 7307. Benjamin L. Shepard.
H. R. 7325. Joseph Chisam.
H. R. 7431. Florence K. Patterson.
H. R. 7439. Joshua Gill.
H. R. 7450. Eugene Lattin.
H. R. 7530. Charles Brown.
H. R. 7781. Phineas P. Trowbridge.
H. R. 7790. Milo L. Pierce.
H. R. 7792. Susan A. Jackson.
H. R. 7815. William H. Patterson.
H. R. 7879. Hiram Still.
H. R. 7893. Sarah J. Toncray.
H. R. 7946. William Brogan.
H. R. 8053. Samuel Cozine.
H. R. 8061. Archibald Huston.
H. R. 8094. Leander Wagers.
H. R. 8142. Wilson Graham.
H. R. 8145. Edward E. Hackett.
H. R. 8222. Robert Simpson.
H. R. 8332. George W. Uhles.
H. R. 8385. Jackson Weathers.
H. R. 8427. John Gaffney.
H. R. 8489. Adlade Holland.
H. R. 8548. Joseph T. Walker.
H. R. 8610. John Shields.
H. R. 8640. Barbara Haase.
H. R. 8644. Ida W. Maples.
H. R. 8672. Isaiah Fowler.
H. R. 8695. William Thomas.
H. R. 8745. Cornelius W. Smith.
H. R. 8747. Alfred Jervais.
H. R. 8773. Alfred Lindsay.
H. R. 8829. Milton Frame.
H. R. 8970. Anthon W. Mortenson.
H. R. 8978. Marquis D. Mason.
H. R. 8999. John Hancock.
H. R. 9311. George Harkless.
H. R. 9331. Francis H. Britton.
H. R. 9390. Nancy Woodruff.
H. R. 9560. John H. Keys.
H. R. 9612. Emil Christian.
H. R. 9647. William W. Mayne.
H. R. 9695. Albert C. Lee.
H. R. 9748. Herbert C. Mattoon.
H. R. 9768. Martha A. Atkinson.
H. R. 9789. Samuel P. Hallam.
H. R. 9811. Daniel H. Sumner.
H. R. 9813. Henry L. Williams.
H. R. 9824. William Hines.
H. R. 9983. James Burke.
H. R. 10035. William L. Skinner.
H. R. 10040. Milton Williams.
H. R. 10041. Jenkin Evans.
H. R. 10163. Myron A. Hawks.
H. R. 10267. Alice George.
H. R. 10307. Susie Harkey.
H. R. 10436. Henry Hill.
H. R. 10442. John Sullivan.
H. R. 10692. David H. House.
H. R. 10698. Andrew J. Lyons.
H. R. 10716. August Gehb.
H. R. 10723. William H. White.
H. R. 10753. Michael P. Donley.
H. R. 10763. William C. Milliken.
H. R. 10800. Charles Gardner.
H. R. 10824. Caswell Lovitt.
H. R. 10855. Frances A. Payne.
H. R. 10869. William C. Tanner.
H. R. 10949. Leonard C. Hill.
H. R. 10954. Russell Arnold.
H. R. 11010. George W. Florye.
H. R. 11043. Elisha Cole.
H. R. 11055. Joseph Price.
H. R. 11102. Charles Wells.
H. R. 11114. Michael McManus.
H. R. 11120. John T. Hogg, jr.
H. R. 11250. Louis P. Sothoron.
H. R. 11282. John W. McCormick.
H. R. 11286. John H. Stephens.
H. R. 11288. Alfred Booze.
H. R. 11413. Noah Jones.
H. R. 11471. Frederick Spackman.
H. R. 11522. John Sonia.
H. R. 11679. Celina C. Fleming.
H. R. 11868. Alexander Hyde.
H. R. 11891. Albert Munger.
H. R. 11911. Samuel Beckley.
H. R. 11966. Sophia Winters.
H. R. 12027. Daniel A. Stedman.
H. R. 12028. Patrick Dolan.
H. R. 12034. Henry C. Crowell.
H. R. 12081. William H. H. Kellogg.
H. R. 12234. Martin V. Monroe.
H. R. 12252. William B. Swisher.
H. R. 12395. Andrew H. Clutter.
H. R. 12534. Harvey Fowler.
H. R. 12616. Horace A. Rexford.
H. R. 12619. Hannah M. Crowley.
H. R. 12719. Henry H. Searl.
H. R. 12735. William H. Stump.
H. R. 12739. Lemuel L. Kelso.
H. R. 12766. Francis M. Woodruff.
H. R. 12809. Carlton Cross.
H. R. 12810. Michael H. Glass.
H. R. 12811. John Riley.
H. R. 12849. Benjamin B. Hardman.
H. R. 12936. Cynthia A Benson.
H. R. 12947. James H Pearce.
H. R. 12950. Hylas S. Moore.
H. R. 12970. James McConnaha.
H. R. 12990. Jerome Long.
H. R. 12992. Thomas Coughlin.
H. R. 13065. John E. Lapsley.
H. R. 13137. Thomas J. Shoffner.
H. R. 13152. John Sain.
H. R. 13190. John Loughmiller.
H. R. 13220. Frank H. Wells.
H. R. 13226. Charles S. Derland.
H. R. 13245. Martin V. B. Davis.
H. R. 13336. Regina Albert.
H. R. 13355. Samuel A. Slemmons.
H. R. 13372. John H. Seagrist.
H. R. 13391. Stephen Lyons.
H. R. 13683. Thomas W. Treadwell.
H. R. 13708. William Goulding.
H. R. 13713. Anton Geiser.
H. R. 13783. William H. Murray.
H. R. 13889. Martha Foster.
H. R. 13916. Charles R. Bockins.
H. R. 13920. Fernando D. Stone.
H. R. 13930. Caroline Morse.
H. R. 13945. Abbie E. Barr.
H. R. 13951. William Herbert.
H. R. 13962. John D. Wells.
H. R. 14199. George Walton.
H. R. 14226. George W. Child.
H. R. 14232. Reuben R. Pitman.
H. R. 14310. Thomas Porter.
H. R. 14314. Randolph Snell.
H. R. 14316. Dewitt Eldrid.
H. R. 14363. Frank Schader.
H. R. 14427. Calvin Morehead.
H. R. 14474. Nancy J. Walker.
H. R. 14477. Edward Carr.
H. R. 14532. Michael J. Hawley.
H. R. 14584. Marcus T. Camp.
H. R. 14606. Francis L. Smith.
H. R. 14621. Thomas A. Sorrell, alias Thomas A. Martin.
H. R. 14632. Mary Ten Eyck.
H. R. 14671. Benjamin Johnson.

H. R. 14724. Rush Patterson.
H. R. 14747. William B. Haines.
H. R. 14798. Peter C. Parker.
H. R. 14807. Cornelius D. McCombs.
H. R. 14818. Roswell L Nason.
H. R. 14829. Andrew J. Black.
H. R. 14844. John B. Wheeler.
H. R. 14869. Carlos L. Buzzell.
H. R. 14916. James Tenbrook.
H. R. 14958. John L. Bennett.
H. R. 14969. Abraham H. Tompkins.
H. R. 14978. Josiah Dixon.
H. R. 14982. Missouri L. Herron.
H. R. 14988. Joseph Farley.
H. R. 14989. Jerome King.
H. R. 15037. Albert Falcon.
H. R. 15063. Alexander Mattison.
H. R. 15071. James M. Reed.
H. R. 15158. Francis S. Fletcher.
H. R. 15167. Titus W. Allen.
H. R. 15193. Milo Brewster.
H. R. 15280. Ezra Taylor.
H. R. 15305. Edward B. Wright.
H. R. 15356. Mary Herndon.
H. R. 15380. Cleanthus Burnett.
H. R. 15429. William R. Moore.
H. R. 15475. Fannie T. Shipley.
H. R. 15538. George W. Fairchild.
H. R. 15579. Alonzo C. Abbey.
H. R. 15616. Hugh Irwin.
H. R. 15686. William H. Turner.
H. R. 15688. Martha A. Elliott.
H. R. 15722. John W. Betts.
H. R. 15821. Thomas Larkin.
H. R. 15927. William McGovern.
H. R. 16020. Moses T. Kelly.
H. R. 16194. William F. Paris.
H. R. 16237. Amanda Bonnell.
H. R. 16308. Daniel C. Foster.
H. R. 16335. Henry F. Tomlin.
H. R. 16349. Frank Upchurch.
H. R. 16394. Isaac N. Forman
H. R. 16610. Michael Conniff.

Mr. MARTIN, from the Committee on Commerce, to whom was referred the bill (S. 6131) to authorize the construction of a bridge across the Rock River, State of Illinois, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 18616) to authorize the Cairo and Norfolk Railroad Company to construct a bridge across the Tennessee River;

A bill (H. R. 18615) to authorize the Cairo and Norfolk Railroad Company to construct bridges across the Cumberland River; and

A bill (H. R. 13448) to authorize the counties of Allegheny and Washington, in the State of Pennsylvania, to change the site of the joint county bridge which now crosses the Monongahela River at Monongahela City, Pa., and to construct a new bridge across said river in the place of said present bridge upon a new site.

BILLS INTRODUCED.

Mr. TELLER introduced a bill (S. 6287) allowing homesteaders on the Gunnison tunnel project to leave their claims until water is available, which was read twice by its title and referred to the Committee on Public Lands.

He also introduced a bill (S. 6288) for the relief of Baer, sr., & Co.'s successors and C. Ingenohl, which was read twice by its title and, with the accompanying papers, referred to the Committee on the Philippines.

Mr. TAYLOR introduced a bill (S. 6289) to correct the lineal and relative rank of Granville Sevier, captain, Coast Artillery Corps, United States Army, which was read twice by its title and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. FRYE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Commerce:

A bill (S. 6290) to amend section 4414 of the Revised Statutes of the United States; and

A bill (S. 6291) to amend section 4438 of the Revised Statutes of the United States.

He also introduced a bill (S. 6292) granting an increase of pension to Cynthia P. Lapham, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 6293) for the relief of Robert Davis, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 6294) authorizing the appointment of Col. J. H. Gilman, United States Army, retired, to the rank and grade of brigadier-general on the retired list of the Army, which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. GALLINGER introduced a bill (S. 6295) for the relief of Robert Shakespeare, which was read twice by its title and referred to the Committee on Claims.

Mr. CULLOM introduced a bill (S. 6296) granting an increase of pension to Henry Clay Doyle, which was read twice by its title and referred to the Committee on Pensions.

Mr. FLINT introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6297) granting an increase of pension to Calvin W. Cooke; and

A bill (S. 6298) granting an increase of pension to Franklin Presley.

Mr. WETMORE introduced a bill (S. 6299) for the relief of E. W. and A. Cross, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. GUGGENHEIM introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6300) granting an increase of pension to James W. Nelson;

A bill (S. 6301) granting an increase of pension to James H. L. Potter; and

A bill (S. 6302) granting an increase of pension to Ella L. Deweese.

Mr. GAMBLE introduced a bill (S. 6303) authorizing the allotment of lands to certain Sioux Indians of the Rosebud Reservation, in the State of South Dakota, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. SUTHERLAND introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6304) granting an increase of pension to George A. Hicks;

A bill (S. 6305) granting an increase of pension to Mary Robertson; and

A bill (S. 6306) granting an increase of pension to Elizabeth McKell.

Mr. ANKENY introduced a bill (S. 6307) granting an increase of pension to James Wilson, which was read twice by its title and referred to the Committee on Pensions.

Mr. SMITH introduced a bill (S. 6308) for the relief of Clarence A. Rendt, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 6309) to provide for the completion of the park surrounding the filtration plant in the District of Columbia, and for other purposes, which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 6310) granting a pension to Harry W. Bershon, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. KNOX introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 6311) for the relief of the Freedom Oil Works Company, of Freedom, Pa.; and

A bill (S. 6312) for the relief of the Philadelphia Company, of Pittsburg, Pa.

He also (by request) introduced a bill (S. 6313) providing for the retirement of petty officers and enlisted men of the United States Navy, which was read twice by its title and referred to the Committee on Naval Affairs.

Mr. McCREARY introduced a bill (S. 6314) for the relief of the Methodist Episcopal Church South, of Campbellsville, Taylor County, Ky., which was read twice by its title and referred to the Committee on Claims.

Mr. CLAY introduced a bill (S. 6315) for the relief of Elizabeth A. C. Galloway, which was read twice by its title and referred to the Committee on Claims.

Mr. CURTIS introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6316) granting an increase of pension to Jacob F. Denneler;

A bill (S. 6317) granting an increase of pension to Austin Gill (with accompanying papers); and

A bill (S. 6318) granting an increase of pension to Albert Newberry (with an accompanying paper).

He also introduced a bill (S. 6319) for the relief of Joseph P. Tyler, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. HEMENWAY introduced a bill (S. 6320) to promote the safety of employees upon railroads, which was read twice by its title and referred to the Committee on Interstate Commerce.

Mr. McCUMBER introduced a bill (S. 6321) granting an increase of pension to N. A. Way, which was read twice by its title and referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 6322) granting an increase of pension to Andrew H. Yeazell, which was read twice by its title and referred to the Committee on Pensions.

Mr. HOPKINS introduced a bill (S. 6323) granting a pension to Ruhamah D. Sawyer, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. McENERY introduced a bill (S. 6324) for the relief of Antonio Hook, which was read twice by its title and referred to the Committee on Claims.

Mr. GALLINGER introduced a joint resolution (S. R. 72) authorizing an inquiry by a commission concerning the jail and workhouse within the District of Columbia, which was read twice by its title and referred to the Committee on the District of Columbia.

Mr. SMITH introduced a joint resolution (S. R. 73) granting condemned cannon for a statue to Gen. George A. Custer, of Michigan, which was read twice by its title and referred to the Committee on Military Affairs.

AMENDMENT TO FORTIFICATIONS APPROPRIATION BILL.

Mr. CULBERSON submitted an amendment proposing to appropriate $350,000 for the construction of a sea wall at Fort Travis, Galveston, Tex., intended to be proposed by him to the fortifications appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENT TO FINANCIAL BILL.

Mr. SIMMONS submitted an amendment intended to be proposed by him to the bill (S. 3023) to amend the national banking laws, which was ordered to lie on the table and be printed.

AMENDMENTS TO OMNIBUS CLAIMS BILL.

Mr. BANKHEAD submitted two amendments intended to be proposed by him to the House bill 15372, known as the "omnibus claims bill," which were ordered to lie on the table and be printed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on the District of Columbia:

H. R. 4063. An act for widening of Benning road, and for other purposes;

H. R. 12438. An act extending the time limit for the completion of the lines of the East Washington Heights Traction Railroad Company;

H. R. 15230. An act to amend an act approved February 28, 1901, entitled "An act relating to the Metropolitan police of the District of Columbia;"

H. R. 15231. An act to amend the license law approved July 1, 1902, with respect to license of drivers of passenger vehicles for hire;

H. R. 16269. An act authorizing the extension of Ninth street NW.;

H. R. 17297. An act authorizing the extension of New York avenue from its present terminus near Fourth street NE. to the Bladensburg road;

H. R. 17303. An act authorizing the extension of Girard street NW. from its western terminus to Fifteenth street NW.; and

H. R. 17305. An act to regulate the establishment and maintenance of private hospitals and asylums in the District of Columbia.

H. R. 19355. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

REGISTRATION OF TUBERCULOSIS IN THE DISTRICT.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 29) to provide for registration of all cases of tuberculosis in the District of Columbia, for free examination of sputum in suspected cases, and for preventing the spread of tuberculosis in said District, which were:

On page 1, line 5, to strike out "suspected" and insert "recognized;"

On page 3, line 2, to strike out all after "tuberculosis," down to and including "afflicted," in line 3; and

On page 3, line 8, to strike out "or removal."

Mr. GALLINGER. I move that the Senate agree to the amendments made by the House of Representatives.

The motion was agreed to.

TARIFF COMMISSION.

The VICE-PRESIDENT laid before the Senate the bill (S. 3163) to create a tariff commission.

Mr. BEVERIDGE. Mr. President, I wish at this time to detain the Senate for a very few minutes to answer the objections which have been suggested to the idea of having experts find out the facts upon which a tariff should be built, and to have those experts make classifications for a tariff statute. Later on I shall hope to go more at length into particular schedules.

Before I begin what I have to say, I will state that I have received a great many hundreds of resolutions from various commercial bodies throughout the country, and a larger number of letters from important manufacturers and producers of other kinds throughout the country. I shall not, of course, burden the RECORD with all of them (that would be asking too much), but I shall ask, without reading, that a few of the letters and a few of the resolutions shall be spread upon the RECORD as a fair sample of many hundreds of others.

The VICE-PRESIDENT. Without objection permission is granted.

The matter referred to is as follows:

INDIANA REPUBLICAN EDITORIAL ASSOCIATION,
Seymour, Ind., March 19, 1908.

Hon. ALBERT J. BEVERIDGE, *Washington, D. C.*

MY DEAR SENATOR: At the midwinter meeting of the Indiana Republican Editorial Association held in Indianapolis January 17, 1908, the following resolution was unanimously adopted:

"Resolved, That we enthusiastically indorse the bill introduced by Senator BEVERIDGE providing for a commission of tariff experts, whose duty it shall be to study the tariff in all its varying phases and applications and report to the next Congress. We believe that in this way the true condition of the tariff situation will be disclosed and the needed revisions of the schedules suggested."

The above resolution not only expresses the judgment of the Republican newspaper men of Indiana, but the people of the State in general. The more they study this important question the more firmly are they convinced that your bill creating a commission of tariff experts should become a law.

Very truly,
EDWARD A. REMY,
Secretary Indiana Republican Editorial Association.

[Resolution of National Board of Trade, Washington, D. C., January 23, 1908.]

PERMANENT TARIFF COMMISSION.

Whereas the changed conditions, both at home and abroad, have indicated the necessity for a reclassification of many of the items in the present tariff list and the possible creation of new classification in certain directions;

Resolved, That it is the sense of the National Board of Trade that Congress should enact laws revising the tariff as expeditiously as possible; further be it

Resolved, That we indorse the general principles of Senate bill 3163 introduced by Senator BEVERIDGE creating a permanent tariff commission.

THE MANUFACTURERS' ASSOCIATION OF NEW YORK,
March 14, 1908.

Hon. ALBERT J. BEVERIDGE,
United States Senate, Washington, D. C.

DEAR SIR: This association is on record in favor of treating the subject of tariff revision as a business proposition and not as a means to an end for the temporary needs or advantages of any political party.

The association favors the establishment of a standing national expert commission to investigate such matters as may relate to the subject of tariff, to the end that the result of such investigations shall be made the basis for wise recommendations to Congress for suitable legislation in the interests of the country as a whole.

In view of the fact that the subject of tariff revision is now being discussed, we beg to ask that you kindly present this communication to the United States Senate, and oblige,

Yours, very truly,
JAMES T. HOILE, *Secretary.*

MANUFACTURERS' ASSOCIATION OF YORK, PA.,
York, Pa., March 3, 1908.

Hon. ALBERT J. BEVERIDGE,
Washington, D. C.

DEAR SIR: At a well-attended meeting of the above association, held March 2, 1908, the following resolution was unanimously passed:

"*Resolved:* That the Manufacturers' Association of York, Pa., enthusiastically indorses the proposed tariff commission as outlined in Senator Beveridge's bill, S. 3163. The association believes the time

has come to correct the glaring inequalities which exist in our tariff laws, and that a capable, fair-minded commission, such as is proposed in Senator Beveridge's bill, is the best practical method of accomplishing tariff revision."

We submit the above to you for what it may be worth, and we earnestly trust that your proposed bill will become a law.

Yours, truly,

THE MANUFACTURERS' ASSOCIATION OF YORK, PA.,
R. E. GEPHART, *Secretary.*

KANSAS STATE GRANGE,
Olathe, Kans., March 19, 1908.

Hon. ALBERT J. BEVERIDGE,
United States Senator, Washington, D. C.

DEAR SIR: As the representative of the grange in Kansas I write you to express our approval of your bill to establish a tariff commission, and not only hope but will do what we can to make your effort successful.

The National Grange placed themselves on record at Hartford, Conn., last November in regard to this matter, and the Kansas State Grange at its session in Lawrence, Kans., last December expressed themselves strongly in favor of a revision of the tariff.

We want to assure you that we heartily indorse your bill and appreciate your effort.

Yours, truly,

GEO. BLACK.

THE BOARD OF TRADE OF THE CITY OF NEWARK, N. J.,
March 15, 1908.

Hon. ALBERT J. BEVERIDGE,
United States Senate, Washington, D. C.

DEAR SIR: I beg to call your attention to a resolution adopted at a regular meeting of the board of directors of this body held on February 4, 1908:

"Resolved, That the board of directors of the Board of Trade of the city of Newark favor the enactment of Senate Bill No. 3163 introduced by Mr. Beveridge, providing for the appointment of a tariff commission, as a measure which will tend to improve the industrial interests of the country; *further,* that the Senators and Members of Congress from New Jersey be respectfully requested to advocate and vote for its enactment."

Respectfully yours,

JAS. M. REILLY, *Secretary.*

CONNECTICUT STATE GRANGE,
North Woodstock, Conn., March 20, 1908.

ALBERT J. BEVERIDGE, Esq.

MY DEAR SIR AND SENATOR: We are heartily in favor of your resolution appointing a commission on tariff revision.

Very respectfully,

L. H. HEALEY,
Master Conn. State Grange.

OHIO STATE GRANGE,
Mantua, Ohio, March 20, 1908.

SENATOR BEVERIDGE,
Washington, D. C.

DEAR SIR: I note the introduction of your bill for the creating of a "non-partisan tariff commission." The national grange has given their unqualified indorsement and I sincerely hope you can pass the measure.

Respectfully,

F. A. DERTHICK, *Master O. S. G.*

PENNSYLVANIA STATE GRANGE,
Huntingdon, Pa., March 17, 1908.

Hon. A. J. BEVERIDGE,
U. S. Senate, Washington, D. C.

DEAR SIR: I have noted your efforts to secure the appointment of a nonpartisan tariff commission with decided approval. I trust they may be successful. The grange membership in Pennsylvania are in sympathy with this movement.

Very truly, yours,

W. F. HILL,
Master State Grange.

NORDYKE & MARMON COMPANY,
Indianapolis, Ind., March 16, 1908.

DEAR SIR: We have heretofore written to you expressing our indorsement of the tariff-commission bill, and wish to reiterate all that we have heretofore said in favor of this bill. We have for years been in favor of legislation of this kind, and our present attitude is not prompted by any person or organization. We sincerely trust that you will be successful in securing the passage of the tariff-commission bill.

Respectfully,

NORDYKE & MARMON CO.

Hon. ALBERT J. BEVERIDGE,
Washington, D. C.

STATE GRANGE OF WISCONSIN,
Medina, Wis., March 20, 1908.

Hon. ALBERT J. BEVERIDGE,
United States Senate, Washington, D. C.

DEAR SIR: I understand that you have introduced into the United States Senate a very commendable measure, providing for the appointment of a nonpartisan tariff commission. This is a step taken in the right course, and to place this important feature outside of partisan policies is certainly placing it where it must be to measure equality.

In behalf of the membership of the Wisconsin granges I wish to say you have our support.

Very respectfully,

H. M. CULBERTSON,
Master Wisconsin State Grange.

NEW JERSEY STATE GRANGE,
Mullica Hill, N. J., March 21, 1908.

Hon. ALBERT J. BEVERIDGE,
United States Senate, Washington, D. C.

MY DEAR SIR: It affords me pleasure to congratulate you on the stand you have taken with reference to a nonpartisan tariff commission, and as a representative of nearly 20,000 patrons of husbandry of the State of New Jersey, I sincerely trust that your colleagues will give you that support that your measure is entitled to, and at the same time heed the request of the more than 200,000 members of the grange represented at its recent annual session at Hartford, when without a dissenting voice a resolution was adopted calling for such a commission.

Very truly, yours,

G. W. F. GAUNT,
Master New Jersey State Grange.

VERMONT STATE GRANGE,
Brattleboro, Vt., March 17, 1908.

Hon. ALBERT J. BEVERIDGE,
United States Senate, Washington, D. C.

MY DEAR SIR: I heartily commend the action you have taken in introducing in the United States Senate a bill favoring the appointment of a nonpartisan tariff commission. I certainly hope this measure will become a law and that we shall be able to realize the same in the near future.

Again assuring you that I heartily indorse the measure, and that you can depend upon me to help you in any legitimate way in securing the passage of the same, I remain,

Very truly,

G. W. PIERCE,
Master of the Vermont State Grange.

Mr. BEVERIDGE. Mr. President, when I had the honor of addressing the Senate upon the tariff-commission bill, which I presented, I said at the beginning that I was not personally wedded to that bill or to any particular measure; that I was determined only upon the idea—the idea that seemed to me to be so full of common sense—and so demanded by the exigencies of the present situation.

Since that time two criticisms have been made, usually in conversation, and only once publicly, of the idea of having experts help Congress in finding out the facts and in making the classifications, and it is to reply to these two points that I have risen at this particular moment to address the Senate.

It is first said, Mr. President, that we ought not to have any measure, whether a tariff-commission bill or a joint resolution, directing the designation of experts to do this detailed work for Congress, because Congress should part with none of its legislative power. I believe that is the objection most frequently heard and in conversation most frequently discussed.

The criticism, Mr. President, shows that those who have made it, making it sincerely I doubt not, have nevertheless *not read the bill* or examined a single argument advanced in support of it. For the first thing to which attention was called was that this bill carefully refrains from taking from Congress, either directly or indirectly, any of its legislative power.

It neither authorizes nor permits the commission or other body of experts to make a recommendation concerning a single item of a single schedule.

It confines the body of experts solely to the work of investigating the facts and making the classifications. One of those, as has been pointed out already, is purely investigating work and the other is purely scientific clerical work. Neither one of them by any stretch of the imagination or any construction of language can be considered legislative work.

Fixing the duties is legislative work, and fixing the duties by experts is not contemplated by those who not only here, but much more throughout the whole country, are insisting upon this modern, this common sense, and this scientific method of preparing for tariff revision.

So the answer to the first objection which has been made is that *it simply is not true.* Neither is it in the bill which I had the honor to present, so far as the bill is concerned, nor is it in the language of anyone who has advocated the idea. I have pretty thoroughly read the now voluminous literature that has grown up, issued by various producing bodies throughout the country, such as the National Manufacturers' Association, the National Stock Breeders' Association, various associations of farmers, etc., and in none of this literature is it contemplated to deprive Congress of the minutest and most infinitesimal fraction of its legislative power.

So anyone who takes a stand against this proposition upon that ground must depart to some other ground.

Why anyone, Mr. President, with any view of any tariff theory should object to having experts do the clerical work of Congress, merely because Congress has not time to do that particular work, I have not been able to comprehend. Surely no one objects to having facts found out; surely no one objects to a scientific classification. And Congress can not do this work.

I had the honor to present to the Senate the exact facts, giving dates as to the time spent by the committees of the two Houses when they have heretofore framed a tariff bill; and I showed that the very limited time which they were compelled to occupy proved that they could not do this vast and this detailed work.

I quoted an article from the former Senator from Missouri [Mr. Vest] giving the experience of the subcommittee which had this work in charge when the Wilson bill was being framed,

Senator Vest testified that three Senators on the Finance Committee from sheer overwork and worry were stricken, and I believe that not one of them finally recovered, and each one of them owed his death to the hurried toil incident to the framing of that bill.

But, Mr. President, briefly as I intend to speak, I wish to call the attention of the Senate to an even more conclusive piece of evidence than this testimony of Senator Vest, and I hope that I shall have the attention of Senators while I read it, because if they take a stand upon this measure they will want to bear this in mind.

I hold in my hand the second volume of a work entitled "The Making of America," in which I find an article on "The Tariff and the Trusts," written by one of the ablest men of either party in either House of Congress, a man who perhaps has, with the exception of probably two men in the Senate, more familiarity with tariff making than any man in either House. I refer to the Hon. SERENO E. PAYNE, and I wish to read a few extracts from this article. He says:

> But let us first consider the history of trusts in the United States.

Then I skip some details. Mr. PAYNE continues:

> Perhaps as good an example as we can find of the earlier form of a trust is in "The Sugar Refineries Company," which was formed in 1887. The facts in respect to this company have been pretty thoroughly investigated in an action brought by The People of the State of New York against The North River Sugar Refining Company, which was one of the original parties to the deed of trust. This case is reported in full in 121 New York Reports, page 582. There were seventeen sugar refining companies which entered into this combination. Some of these companies were copartnerships, others were incorporated.

Then follows a long and detailed account of the Sugar Trust, and Mr. PAYNE goes on:

> Here, then, was a trust, pure and absolute, formed by these seventeen companies. Each put its property, and endeavored to place its franchise, under the control of a board which was to hold the property as joint tenants and as trustees, but had the power of absolute control. *It was a trust pure and simple.*
>
> * * * * *
>
> The board of trustees, formed as we have seen—

And now we come to the making of the tariff upon this matter—

> forgot to carry out the original intention of the deed of trust. They did endeavor "generally to promote the interests of the parties hereto" with a vengeance, but they evidently did not keep the price of sugar as low as was consistent with reasonable profit. Notwithstanding the enormous watering of stock, *dividends unheard of before were declared and paid* upon the certificates issued by this board of trustees. As the product of this combination was *a necessary of life required by every class of people*, the excessive profits demanded soon called the attention of the people to the existence of this monopoly. Nobody objected to refining sugar in this country.

Now, I come to the quotation from this article for which I would be very much obliged to have the particular attention of the Senators. This is Mr. PAYNE, who is testifying from his own experience:

> Indeed, there was every reason why this business should be carried on exclusively in the United States in order to supply our markets. The object in forming the sugar schedule of the tariff in 1890, and again in 1897, was *to learn, as nearly as possible, the exact cost of refining sugar*, and then to adjust the tariff as to protect the labor interests, and no more. INVESTIGATION INTO THIS SUBJECT PROVED VERY IRKSOME AND TROUBLESOME. IT WAS IMPOSSIBLE TO GET AT THE EXACT FACTS, AS THE EXPERTS WERE NOT INCLINED TO REVEAL THE SECRETS OF THEIR BUSINESS TO THE COMMITTEE ON WAYS AND MEANS. Different statements were made as to the cost of refining by different refineries, and then the best that could be done was a compromise rate for the differential duty between raw and refined sugar.

Mr. SUTHERLAND. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Utah?

Mr. BEVERIDGE. Certainly.

Mr. SUTHERLAND. The Senator from Indiana has quoted from something said by Mr. PAYNE. As the Senator from Indiana, I think, very justly says, Mr. PAYNE may be regarded as one of the greatest tariff experts in the United States.

Mr. BEVERIDGE. I did not say "experts." I said he is one of the ablest men in either House of Congress in either party, and that he has had probably as much to do with the framing of tariffs, and therefore I read this quotation from the article.

Mr. SUTHERLAND. I think Mr. PAYNE may be regarded as one of the greatest tariff experts in the United States.

Mr. BEVERIDGE. Very well.

Mr. SUTHERLAND. I wish to ask the Senator from Indiana whether Mr. PAYNE has not quite recently declared very emphatically that he is opposed to any commission such as the Senator from Indiana has advocated.

Mr. BEVERIDGE. Yes, I think he did; and I am trying to very clearly and conclusively answer the only objections that have ever been made, either in public or private, to this bill by Mr. PAYNE or anybody else.

The Senate has heard the first, which was that Congress should not part with any of its legislative power. I have shown that that criticism could have been made only by persons who have not even read the bill; for, in my bill at least, I very carefully guard against Congress parting with any of its legislative power. I provide that the commission, or body of experts—it is immaterial what you call it—is confined to exclusive business of investigation and classification, which I tried to show at a former time could not possibly be done, and as I shall show in a moment never has been done by a committee of Congress, at least so far as classifications are concerned.

Then I referred to the fact that it seemed incomprehensible to me that anyone who wanted the facts—whether a Senator, a Representative, or a committee of Congress itself—should object to having experts help them with that work any more than a Senator or Representative should object to having a secretary help him with his work.

To reenforce the testimony that I have heretofore presented as to the difficulties of the Ways and Means Committee of the House, or the Finance Committee of the Senate, in doing this very work, I added to that testimony the statement of Mr. PAYNE, made in this article, in which he says it *was impossible to get at the facts* because the sugar experts would not give the facts to the Ways and Means Committee. Of course if a body of experts is authorized by Congress to find out the facts, with power to administer oaths, and if necessary to produce books and papers, that extreme difficulty so clearly presented by Mr. PAYNE would disappear.

Now, Mr. President, hurrying on, for I do not want to occupy attention more than five minutes longer, to the second objection which has been made, which is that we had a former commission in 1882 and that its work was totally unavailing, all of us have heard it said, until it has been accepted as more or less true, that the work of this commission amounted to nothing; that Congress paid no attention to it. Indeed, it has often been stated that the report of the commission of 1882 was so long that nobody read it.

I have the report of that commission before me. Here it is. It consists of 45 pages of carefully reasoned matter; and it embraces in its recommendations, so far as the report itself is concerned, provision for a customs court, which has since been adopted, provision for the administrative tariff laws of the Treasury Department, which has since been adopted, and it may be accurately said that every substantive recommendation of that commission has since been followed by Congress.

But, Mr. President, that was not all. Unlike the commission which my bill contemplates, the commission of 1882, in addition to its 45-page report, also reported a tariff bill. This tariff bill, which I have before me, does two things. First, it makes a classification of schedules, and, second, it fixes duties upon several thousand items under those schedules.

First, then, as to the classifications. It is a fact of history to which no one apparently has paid any attention—not I more than anyone else, because we have not studied it—that the first and only scientific classification of the tariff schedules ever made in America was made by the tariff commission of 1882, and *that classification adopted by Congress remains with a few changes to this day.* The present classification is in substance the classification made by the commission of 1882, with some detailed additions and some detailed subtractions; but the classification itself as a scheme of a tariff is kept practically intact to this day.

So we find that every substantive recommendation of that commission was the foundation of nearly all of our tariff laws since, such as the customs court, such as the administrative laws of the tariff for the Treasury Department, and also that its classification was the first scientific classification ever made in this country.

Now, is it true that Congress waived aside this commission's recommendations in other respects? I have before me the bill which was the recommendation of the commission of 1882. Here it is on my desk. Here on this other desk is the law of 1883. I have compared the bill recommended by the commission and the bill passed by Congress. I find, first, *that the classifications recommended by the commission were adopted as a scheme practically intact*, and I find, second, THAT CONGRESS EVEN ADOPTED THE ENORMOUS MAJORITY OF THE DUTIES RECOMMENDED BY THE COMMISSION.

This is no mere assertion. It is merely a condensation into one sentence of what any Senator will find by comparing the bill reported by the commission of 1882 and the bill adopted by Congress in 1883.

So it would not appear to be an entirely accurate statement that the work of the commission of 1882 had no effect upon Congress, and was waived aside as being of no account; for Congress not only adopted the scheme of classification almost intact as recommended by the commission, but also actually adopted an enormous majority of the duties as recommended by the commission.

The law of 1883 is, with some exceptions, that at a later time in this session I shall point out, practically the bill reported by the commission. So the statement that has hitherto gone undisputed, until all of us had come to believe it, that the work of the commission of 1882 was of no value and did not receive the attention of Congress, is refuted by the statute itself when laid along with the report of the commission itself.

I find, Mr. President, to be specific, that classification Schedule A, chemicals; Schedule B, woods, etc.; Schedule F, tobacco; G, provisions; J, hemp, jute, flax; H, liquors; L, silk; M, books and papers; M, sundries, were adopted by the bill as passed by Congress from the report of the commission, without many changes. I find that the changes made were in Schedule C, metals; E, sugar; L, cotton, and K, wool.

The changes that were made in these rates I shall not occupy the attention of the Senate this morning in explaining, but I will refer to one or two as examples. It may be possible that I shall have occasion hereafter to go over nearly all the changes in detail in the duties recommended by the commission and the duties as fixed by the law itself based upon it, nearly all of which I say are identical with the report of the commission, but with some changes.

But at the present moment I shall refer to but two examples. I find that wood pulp, dried and ready for paper making, was placed by the commission of 1882 on the free list, and that wood pulp, dried ready for paper making, was one of the recommendations that was changed. It was put by the commission on the free list. The bill itself places upon this article 10 per cent ad valorem. And I have found it in the wrong classification. Of course, I know that placing it in the wrong classification was not intentional—I do not even intimate that it was—but it is found under "Books and papers," instead of under the proper classification.

Now, Mr. President, that is one. I call attention to another. I find that iron ore was placed by the commission at 50 cents a ton and was raised by Congress to 75 cents a ton. It is only these two items to which I wish to call attention this morning, but the thing to which I particularly wish to call attention is—and I repeat it for the third time—that not only is the scheme of classification made by the commission the one which was adopted by Congress in its entirety, but it has been preserved to this day with additions from time to time; and, second, that Congress actually adopted the rates of duty on the enormous majority of all the items as recommended by the commission of 1882.

Mr. President, this concludes about all that I have to say this morning, and I call this very brief attention to these two objections because they are the only two ones I have heard.

Mr. HEYBURN. I wish to ask the Senator a question.

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Idaho?

Mr. BEVERIDGE. Certainly.

Mr. HEYBURN. Mr. President, I am not one of those within the class suggested by the Senator from Indiana who have not read his bill. I have read it with a great deal of care.

Mr. BEVERIDGE. I did not have any reference to the Senator, either.

Mr. HEYBURN. And I have listened to his remarks both on the former occasion and this morning.

I should like to inquire the purpose of appointing these commissioners for a period of seven years as provided for in line 12 on page 2. If the commission is to be of any assistance or use in tariff legislation in the near future it seems to me that there is no occasion for appointing it for seven years.

Mr. BEVERIDGE. That may be true, I will say to the Senator.

Mr. HEYBURN. The only report provided for in the bill is contained in lines 16 and 17 on page 3, which says that they shall do certain things and that they shall lay the result of their work before Congress at the earliest possible moment. The appointment of a commission for seven years arbitrarily, when there is no provision for the office terminating in less than seven years, seems to me like looking a good ways into the future in ascertaining facts to be used at a comparatively early day.

Mr. BEVERIDGE. I think that the Senator's criticism is very intelligent, indeed, and it was not to any such criticism as that that I rose to speak this morning. It may be that that provision of the bill should be modified. I will say to the Senator my purpose in putting that in, as well as my purpose in drafting the entire bill, was to provide what you might call a permanent scientific commission; but my main purpose, as explained in my first speech and as I repeat this morning, was the idea of having facts and having classifications made by a body of experts who could assist the committees of Congress in doing this necessary preparatory work which Congress can not do.

The Senator will call to mind the first sentence of my remarks upon this bill, that I was not wedded to my own bill or to any particular measure, but that I was very emphatic upon the idea itself. Perhaps the Senator's suggestion may be, for practical and immediate purposes, very wise. I am not insistent upon the period of seven years. The point about it is the idea, the very simple idea of having help for Congress in finding facts and in doing its detailed work, and my purpose in addressing the Senate this morning was to answer the criticisms that have been made of the idea.

Mr. HEYBURN. Mr. President, I realize that, and it was only because it seemed convenient this morning to obtain light as to certain provisions in the bill that I took an opportunity to make the inquiry.

Mr. BEVERIDGE. I am always very glad to hear the Senator.

Mr. HEYBURN. There was another suggestion which occurred to me upon the occasion when the Senator from Indiana first presented this bill, and that was as to the language contained on page 3, beginning in line 20, where it is provided that—

> or by the direction of Congress by resolution, said commission shall sit with said above-named committees of the House and of Senate during the said sessions of said committees when said committees are drafting or considering any bill affecting the customs tariff laws of the United States.

Now that is rather a mandatory provision, that they shall sit with the standing committees of Congress.

Mr. BEVERIDGE. No, if the Senator will pardon me a moment, I think he will, on rereading that, see that that was designed—and perhaps it is not necessary in the bill—only to put this commission at the service of the appropriate committee of either House whenever they wanted it. That was all; that is to say, this body of experts, whatever you call them, commission or anything else which does this work, would help the committee, so that they can be ready to go on without the stress and difficulty which we have shown has heretofore existed; that these experts shall not only lay the report of their work before the two committees, but if the committees feel that they need their further help the experts shall sit with the committees. Perhaps it is surplusage, however.

Mr. HEYBURN. I suppose that the intention of the Senator in drawing the bill was to place the service of the commission at the disposal of the committees?

Mr. BEVERIDGE. Yes, absolutely.

Mr. HEYBURN. Not at the pleasure of the commission, but at the pleasure of the committees?

Mr. BEVERIDGE. Absolutely. I will say to the Senator that he has the idea that is in my mind precisely. My idea, I will say to the Senator from Idaho and to other Senators, is that these experts shall be a servant, a clerk, an aid to Congress. That is all. The Senator has the precise idea; and the purpose, as I have explained that language, was that if the committees want the commission to sit with them, they can have it sit, and nothing is to be at the pleasure of the commission—nothing. It is to be absolutely a servant of Congress, to do work which Congress finds, on account of the magnitude of its other labors, it can not do itself.

Mr. President, there is this one further thing to be said about the commission of 1882. Although I have shown that it made the first scientific classfication ever made in this country, which has been the foundation for every classification since then; although I have shown that this classification as a scheme was adopted substantially intact by Congress in the law of 1883; although I have shown that even the great majority of the duties that the commission recommended on thousands of items were adopted by Congress practically without change.

I have cited two changes that were made and the schedules in which large changes were made, and it may be necessary at some time further on in the session to call attention to that at great length. But although Congress accepted all of this work of the commission of 1882 it must be said that that commission was not a fair sample of what a commission could do if it had ample time. It must be remembered that that commission of 1882 had only five months, and that those five months were chiefly in the heat of the summer. The report, which any Senator can read, is only 45 pages long. It is at the

head of this suggested bill, and it is signed by every member of the commission, only one of whom, Mr. Robert Porter, an able and accomplished economist, is now living. It is a most comprehensive and moderate statement of their difficulties and of the work they had accomplished.

Of course, the ideal commission should have at least one year, and, preferably, a year and a half to do the work. A body of experts created now—and, I repeat, it is immaterial by what name you call them—to do the work of preparing for tariff revision by the Congress which will be elected this fall, would have practically an entire year; that is to say, they would have seven months more time than the former commission had. Notwithstanding the limited time in which that commission was compelled to do its work, its work was nevertheless, in spite of those obstacles, so excellent that Congress adopted it almost entirely, and the laws since added to our general tariff scheme, such as the customs court and the administrative laws, will be found to be those suggested in the report of that commission, which was their basis.

Mr. President, I shall not detain the Senate any longer; but I rose at this time to occupy only these five or ten minutes to say that the first criticism which has been made to the bill, namely, that Congress should not part with any of its legislative power, does not apply to the idea now advanced, and, secondly, that the work of the commission which existed in 1882, limited as it was as to time and great as were the difficulties that surrounded it, nevertheless was not laid aside by Congress, but the great body of it, both as to classification and even as to recommendation of duties, was adopted in both branches and enacted into law. Why should anyone who has expert work to do and can not do it himself object to having experts help him? Why should he object to help, even if he had time to do the work itself? What is the bottom reason for resistance to finding out the facts?

SILETZ INDIAN RESERVATION.

Mr. BROWN. I ask unanimous consent for the present consideration of the bill (S. 4713) to authorize the sale of certain lands belonging to the Indians on the Siletz Indian Reservation, in the State of Oregon.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Interior to dispose of the lands reserved under the provisions of article 4 of the agreement concluded with the Indians of the Siletz Reservation on October 31, 1892, and ratified by the act of Congress approved August 15, 1894 (28 Stat. L., p. 325), at public auction or on sealed bids, in such areas and on such terms and conditions as he may prescribe, etc.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PARK IN THE DISTRICT OF COLUMBIA.

Mr. WETMORE. I ask unanimous consent for the present consideration of the bill (S. 158) for the establishment of a park at the junction of Maryland avenue, Fifteenth street, and H street, NE., Washington, D. C.

There being no objecton, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment to strike out all after the enacting clause and insert:

That the Commissioners of the District of Columbia be, and they are hereby, authorized to purchase, should they deem it advisable, that part of the tract of land formerly known as Graceland Cemetery, situated at the intersection of Maryland Avenue, H street, and Fifteenth street NE., consisting of all of parcel 151, sub 2, as recorded in the office of the surveyor of the District of Columbia, and containing 25 acres, more or less, at an expense not exceeding $150,000; and for that purpose the sum of $150,000, or so much thereof as may be necessary, is hereby appropriated, payable one-half out of the revenues of the District of Columbia and one-half out of any money in the Treasury not otherwise appropriated.

SEC. 2. That after the said land has been conveyed to the United States it shall be dedicated to the uses of a public park and be improved and cared for under the same regulations that govern the care and improvement of other parks in the District of Columbia.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REGISTRATION OF TRADE-MARKS.

Mr. SMOOT. I ask unanimous consent for the present consideration of the bill (S. 3969) to amend the laws of the United States relating to the registration of trade-marks.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. SMOOT. Mr. President, on behalf of the Committee on Patents, I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Utah will be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause and in lieu thereof to insert:

That section 2 of the act of February 20, 1905, and section 1 of the act of May 4, 1906, be, and the same are hereby, amended so that the sections shall, respectively, read as follows:

"SEC. 2. That the application prescribed in the foregoing section, in order to create any right whatever in favor of the party filing it, must be accompanied by a written declaration verified by the applicant, or by a member of the firm or an officer of the corporation or association applying, to the effect that the applicant believes himself or the firm, corporation, or association in whose behalf he makes the application to be the owner of the trade-mark sought to be registered, and that no other person, firm, corporation, or association, to the best of the applicant's knowledge and belief, has the right to use such trade-mark in the United States, either in the identical form or in such near resemblance thereto as might be calculated to deceive; that such trade-mark is used in commerce among the several States, or with foreign nations, or with Indian tribes, and that the description and drawing presented truly represent the trade-mark sought to be registered. If the applicant resides or is located in a foreign country, the statement required shall, in addition to the foregoing, set forth that the trade-mark has been registered by the applicant, or that an application for the registration thereof has been filed by him in the foreign country in which he resides or is located, and shall give the date of such registration, or the application therefor, as the case may be, except that in the application in such cases it shall not be necessary to state that the mark has been used in commerce with the United States or among the States thereof. The verification required by this section may be made before any person within the United States authorized by law to administer oaths, or, when the applicant resides in a foreign country, before any minister, chargé d'affaires, consul, or commercial agent holding commission under the Government of the United States, or before any notary public, judge, or magistrate having an official seal and authorized to administer oaths in the foreign country in which the applicant may be whose authority shall be proved by a certificate of a diplomatic or consular officer of the United States."

"SEC. 1. That the owner of a trade-mark used in commerce with foreign nations, or among the several States, or with Indian tribes, provided such owner shall be domiciled within the territory of the United States, or resides in or is located in any foreign country which, by treaty, convention, or law, affords similar privileges to the citizens of the United States, may obtain registration for such trade-mark by complying with the following requirements: First, by filing in the Patent Office an application therefor, in writing, addressed to the Commissioner of Patents, signed by the applicant, specifying his name, domicile, location, and citizenship; the class of merchandise and the particular description of goods comprised in such class to which the trade-mark is appropriated; a statement of the mode in which the same is applied and affixed to goods, and the length of time during which the trade-mark has been used; a description of the trade-mark itself shall be included, if desired by the applicant or required by the Commissioner, provided such description is of a character to meet the approval of the Commissioner. With this statement shall be filed a drawing of the trade-mark, signed by the applicant, or his attorney, and such number of specimens of the trade-mark as actually used as may be required by the Commissioner of Patents. Second, by paying into the Treasury of the United States the sum of $10, and otherwise complying with the requirements of this act and such regulations as may be prescribed by the Commissioner of Patents."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

Mr. GALLINGER. Mr. President, I ask for the regular order.

The VICE-PRESIDENT. The regular order is demanded. The Secretary will state the first bill on the Calendar.

Mr. McCUMBER. Mr. President, I ask the Senator to yield to me to ask for the consideration of a pension bill.

Mr. GALLINGER. Very well; I will withdraw the demand for the regular order and yield to the Senator from North Dakota.

The VICE-PRESIDENT. The demand for the regular order is withdrawn.

Mr. McCUMBER. I ask unanimous consent for the present consideration of the bill (S. 5938) granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and certain widows and helpless and dependent relatives of such soldiers and sailors.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place upon the pension roll, at the rate per month therein specified, the following-named persons:

Charles E. Dunn, late of Companies I and M, First Regiment Maine Volunteer Heavy Artillery, $30.

Stephen L. Ethridge, late of Company E, Twenty-seventh Regiment Maine Volunteer Infantry, $24.

Delia R. Seely, widow of Franklin A. Seely, late captain and assistant quartermaster, United States Volunteers, $20.

James Henry, late sergeant-major Fiftieth Regiment Illinois Volunteer Infantry and major One hundred and eleventh Regiment United States Colored Volunteer Infantry, $30.

James H. Hutchins, late of Company H, Third Regiment Wisconsin Volunteer Cavalry, $30.

Henry S. White, late chaplain Fifth Regiment Rhode Island Volunteer Heavy Artillery, $30.

Nathaniel Walker, late of Company B, One hundred and twenty-second Regiment Illinois Volunteer Infantry, $30.

James Ferguson, late of Company D, Twelfth Regiment Pennsylvania Volunteer Infantry, $24.

Almond J. Whaley, late of Company H, Ninth Regiment New York Volunteer Cavalry, $30.

J. Woodruff Lewis, late captain Company K, One hundred and second Regiment New York Volunteer Infantry, $30.

John H. Shumway, late of Company F, Seventh Regiment Connecticut Volunteer Infantry, $24.

Mary McCandless, widow of David McCandless, late of Company G, Ninth Regiment New Jersey Volunteer Infantry, and unassigned Veteran Reserve Corps, $16.

Daniel McDonald, late of Company K, Third Regiment New Jersey Volunteer Infantry, $24.

Martha Doty, widow of Theodore M. Doty, late of U. S. S. *North Carolina* and *Santiago de Cuba*, United States Navy, $16.

John C. Collins, late of Company K, Fifth Regiment Connecticut Volunteer Infantry, $24.

Henry T. Ayers, late of Company K, Seventeenth Regiment Maine Volunteer Infantry, $24.

Jennie E. Sawyer, widow of Frank C. Sawyer, late first-class fireman, U. S. S. *Ohio*, *Fort Donelson*, and *Princeton*, United States Navy, $12.

Daniel R. Hanwell, late of Company K, Third Regiment Massachusetts Volunteer Cavalry, $30.

Amanda A. Trueworthy, widow of Augustus J. Trueworthy, late of Company B, Sixth Regiment Maine Volunteer Infantry, $8.

Michael Brannan, late of Company D, Tenth Regiment Kansas Volunteer Infantry, $30.

Henry J. F. Wert, late of Company B, First Regiment Mississippi Marine Brigade Volunteer Cavalry, $30.

Mary P. Bradley, widow of Amos R. Bradley, late of Company D, Fifth Regiment Missouri State Militia Cavalry, $12.

George Harwood, late of Company C, First Regiment New Hampshire Volunteer Heavy Artillery, $24.

Henry A. Redfield, late of Company G, Second Regiment United States Volunteer Sharpshooters, $30.

Andrew J. Boswell, late of Company F, Forty-fourth Regiment Illinois Volunteer Infantry, $24.

Orville E. Campbell, late of Company G, Seventeenth Regiment Michigan Volunteer Infantry, $24.

Charles E. Mayhew, late of Company H, One hundred and ninth Regiment New York Volunteer Infantry, $24.

Martha E. Doebler, widow of Thomas S. Doebler, late first lieutenant, Fourteenth Regiment United States Infantry, $12.

Charles M. R. Atwell, late of Company B, Forty-first Regiment Wisconsin Volunteer Infantry, $30.

William Foster, late of Company F, One hundred and fifteenth Regiment United States Colored Volunteer Infantry, $30.

Eliza W. Garwood, widow of William L. Garwood, late first lieutenant Company C, Ninety-third Regiment Illinois Volunteer Infantry, $16.

Jacob F. Greenman, late of Company F, Forty-second Regiment Wisconsin Volunteer Infantry, $30.

Catherine Lyda and Samuel Lyda, helpless and dependent children of Michael Lyda, late of Company D, Ninety-seventh Regiment Illinois Volunteer Infantry, $12 each.

William T. Trott, late of Company H, Thirty-first Regiment Maine Volunteer Infantry, $30.

Henry C. Hart, late of Company A, One hundred and seventy-sixth Regiment New York Volunteer Infantry, $30.

George Callender, late of Company I, Tenth Regiment Minnesota Volunteer Infantry, $30.

Ignatz Gresser, late of Company D, One hundred and twenty-eighth Regiment Pennsylvania Volunteer Infantry, $24.

Albert Pohl, late of Companies F and D, Seventh Regiment New York Volunteer Heavy Artillery, $24.

David L. Beard, alias Lewis Beard, late of Company F, Second Regiment Potomac Home Brigade Maryland Volunteer Infantry, $24.

John W. Vest, late of Company B, First Regiment Indiana Volunteer Heavy Artillery, $30.

John McDonnell, late of Company B, First Regiment Minnesota Volunteer Mounted Rangers, $24.

Wellington W. Whitney, late of Company C, Maine Coast Guards Volunteer Infantry, $24.

Benjamin F. Housley, late of Company M, First Regiment Tennessee Volunteer Cavalry, $24.

Caleb Houdyshell, late of Company G, One hundred and forty-second Regiment Indiana Volunteer Infantry, $30.

James W. Develbiss, late of Company L, Second Regiment Minnesota Volunteer Cavalry, $24.

Charles Kort, late of Company A, First Regiment Missouri Volunteer Light Artillery, $30.

William Elias, late of Company G, Twenty-fourth Regiment Illinois Volunteer Infantry, $30.

John W. Taylor, late of Company K, Thirty-first Regiment Illinois Volunteer Infantry, and Company C, One hundred and thirty-fifth Regiment Illinois Volunteer Infantry, $36.

John D. Dillingham, late of Company C, Forty-seventh Regiment Illinois Volunteer Infantry, $24.

William Dickerman, late of Company E, Eleventh Regiment New Hampshire Volunteer Infantry, $24.

Eldred Huff, late captain Company A, Fourth Regiment Iowa Volunteer Cavalry, $30.

John M. Taylor, late of Company F, Second Regiment Missouri Volunteer Cavalry, $24.

John Hunter, late of Company F, Eleventh Regiment, and Company K, Eighth Regiment, Michigan Volunteer Cavalry, $30.

James W. Lankford, late of Company A, Forty-ninth Regiment Indiana Volunteer Infantry, $24.

Annie T. Penrose, widow of James W. Penrose, late captain Company F, Fifteenth Regiment New Jersey Volunteer Infantry, and major Second Battalion New Jersey Veteran Volunteer Infantry, $20.

Lewis F. Sycks, late of Company I, Ninth Regiment Minnesota Volunteer Infantry, $30.

Handy S. Day, late of Company C, Twelfth Regiment Ohio Volunteer Infantry, $30.

James S. Henry, helpless and dependent child of Samuel B. Henry, late of Company A, Thirty-fifth Regiment Missouri Volunteer Infantry, $12.

Francis M. Frazier, late of Company H, Fifty-ninth Regiment Ohio Volunteer Infantry, $30.

Wiliam N. Berry, late captain Company L, Fifth Regiment Illinois Volunteer Cavalry, $30.

Stephen O. Bryant, late of Company C, Twentieth Regiment Michigan Volunteer Infantry, $30.

Helen E. Fish, dependent and helpless child of Simeon G. Fish, late first lieutenant Company K, Twenty-sixth Regiment Connecticut Volunteer Infantry, $12.

Ira D. Marston, late of Company B, Forty-second Regiment Illinois Volunteer Infantry, $24.

James R. Potter, late of Company D, Sixteenth Regiment Missouri Volunteer Cavalry, $24.

John D. Harris, late of Company F, One hundred and fiftieth Regiment Pennsylvania Volunteer Infantry, $30.

David Kohr, late of Company A, Eighty-seventh Regiment Pennsylvania Volunteer Infantry, $24.

George W. Thomas, late of Company I, Twenty-eighth Regiment Iowa Volunteer Infantry, $24.

Milton S. Lytle, late of Company C, One hundred and twenty-fifth Regiment Pennsylvania Volunteer Infantry, $24.

James Rugan, late of Company E, First Regiment Maine Volunteer Cavalry, $30.

Samuel N. King, late captain Company M, Fourth Regiment Pennsylvania Volunteer Cavalry, $24.

Martha E. Gabriel, widow of George F. Gabriel, late of Company C, Twenty-first Regiment Connecticut Volunteer Infantry, $16.

John L. Welch, late of Company E, Fourth Regiment Kentucky Volunteer Infantry, $24.

George W. Belknap, late of Company F, Fifteenth Regiment, and Company H, Ninety-fifth Regiment, Illinois Volunteer Infantry, $30.

William F. Fowler, late first lieutenant Company A, First Regiment Tennessee Volunteer Cavalry, $24.

William M. Gentry, late of Company C, Second Regiment North Carolina Volunteer Mounted Infantry, $24.

Alice J. Hackney, widow of James F. Hackney, late of Company D, Twenty-first Regiment Kentucky Volunteer Infantry, $16.

Calvin T. Blessing, late of Company B, Thirteenth Regiment West Virginia Volunteer Infantry, $30.

Philester S. Elliott, late of Company G, Fifteenth Regiment New Hampshire Volunteer Infantry, $24.

William H. Elliott, late of Company F, Eleventh Regiment Vermont Volunteer Infantry, $36.

John H. Steward, late of Company C, Twenty-fourth Regiment Maine Volunteer Infantry, $24.

Joseph T. Hanna, late of Company G, Eleventh Regiment Indiana Volunteer Infantry, $30.

Celia A. Baldwin, widow of Aaron P. Baldwin, late captain Sixth Independent Battery Ohio Volunteer Light Artillery, $20.

Rose Maxey, widow of John W. Maxey, late of Company A, One hundred and twenty-eighth Regiment Indiana Volunteer Infantry, $12.

Lewis E. Kauffer, late of Company E, Third Regiment Maine Volunteer Infantry, and Company F, Twentieth Regiment Veteran Reserve Corps, $24.

Charlotte M. Peters, widow of William H. Peters, late of Company E, Fifty-fourth Regiment Massachusetts Volunteer Infantry, $16.

David K. Adkins, late of Company B, Seventh Regiment West Virginia Volunteer Cavalry, $24.

James M. Swisher, late of Company G, Second Regiment Illinois Volunteer Cavalry, $24.

Nathaniel T. Gourley, late of Company F, Eighth Regiment Tennessee Volunteer Cavalry, $30.

Julia A. Derby, widow of William Derby, late of Company H, Sixteenth Regiment Connecticut Volunteer Infantry, and Company F, Third Regiment Veteran Reserve Corps, $16.

Lewis L. Bell, late of Company F, One hundred and tenth Regiment Ohio Volunteer Infantry, $24.

August Ihringer, late of Company K, Twenty-ninth Regiment New York Volunteer Infantry, and Company I, Fifteenth Regiment New York Volunteer Heavy Artillery, $30.

John W. Cheatham, late of Company B, First Regiment Tennessee Volunteer Light Artillery, $30.

Martin B. Bartholomew, late of Company A, Tenth Regiment Massachusetts Volunteer Infantry, $24.

Edward D. Barker, late of Company F, Second Regiment Minnesota Volunteer Cavalry, $24.

Newbry Briggs, late of Second Battery Minnesota Volunteer Light Artillery, $30.

Thomas Wallace, late of Company E, Twentieth Regiment New York State Militia (Eightieth New York Volunteer Infantry), $24.

Caroline P. Hill, widow of Sylvester L. Hill, late of Company A, Forty-seventh Regiment Illinois Volunteer Infantry, $20: *Provided*, That in the event of the death of Lois Jane Hill, the helpless and dependent child of said Sylvester L. Hill, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Caroline P. Hill the name of Lois Jane Hill be placed on the pension roll at $12.

Elijah H. Bartlett, late veterinary surgeon, First Regiment Iowa Volunteer Cavalry, $30.

Charles Kane, late of U. S. S. *Nereus*, *Cambridge*, and *St. Louis*, United States Navy, $30.

James H. Wright, late hospital steward, United States Army, $24.

John McCann, late of Company D, Sixty-third Regiment Enrolled Missouri Militia, $12.

Emily C. Cummings, former widow of Benjamin G. Calef, late of Company H, Eighth Regiment Illinois Volunteer Cavalry, $8.

James A. Miller, late of Company A, Twenty-first Regiment Massachusetts Volunteer Infantry, $30.

John S. Bagley, formerly John S. Brown, late of Company C, First Regiment Rhode Island Volunteer Cavalry, $30.

William R. Drake, late of Company F, Fourth Regiment Massachusetts Volunteer Heavy Artillery, $30.

Ann Eliza Hemenway, dependent mother of Haskell S. Hemenway, late of Company D, Tenth Regiment Massachusetts Volunteer Infantry, $24.

Rose Anna Griffiths, helpless and dependent daughter of William Griffiths, late of Company D, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, $12.

Samuel E. Bernard, late of Company A, Sixteenth Regiment New Hampshire Volunteer Infantry, $24.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. McCUMBER. Mr. President, with the consent of the Senator from New Hampshire [Mr. GALLINGER], I ask unanimous consent also for the present consideration of the bill (S. 6192) granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and to certain widows and helpless and dependent children of such soldiers and sailors.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place upon the pension roll at the rate per month therein specified the following-named persons:

Thomas H. Wilson, late of Company A, Ninth Regiment Tennessee Volunteer Cavalry, $24.

John R. Boso, late of Company D, Seventeenth Regiment West Virginia Volunteer Infantry, $30.

John T. Ross, late of Company D, Second Regiment District of Columbia Volunteer Infantry, $24.

Nathaniel Davis, late of U. S. S. *Galatea*, *Powhatan*, and *Ino*, United States Navy, $24.

William Cody, late of Company G, Third Regiment North Carolina Volunteer Mounted Infantry, $24.

George Franklin, late of Company E, Second Regiment North Carolina Volunteer Mounted Infantry, $30.

Susan Coffee, widow of George Coffee, late of Company B, Second Regiment Pennsylvania Volunteer Cavalry, $8.

Martin Covert, late of Company F, Seventy-fifth Regiment Ohio Volunteer Infantry, $24.

Dora A. Skinner, widow of Samuel W. Skinner, late surgeon Fourth Regiment Connecticut Volunteer Infantry, $25.

Charles Rote, late of Company G, One hundred and ninety-second Regiment Pennsylvania Volunteer Infantry, $24.

Daniel Cunningham, late of Company C, Seventh Regiment Pennsylvania Volunteer Cavalry, and Company D, Seventeenth Regiment Veteran Reserve Corps, $30.

Dallas Bumbaugh, late of Battery C, First Battalion (Knap's) Pennsylvania Militia Light Artillery, $24.

Robert B. Smith, late acting master's mate, United States Navy, $30.

Thomas H. Dunham, jr., late second lieutenant Company K, first lieutenant Company G, and lieutenant-colonel Eleventh Regiment Massachusetts Volunteer Infantry, $30.

John Patrick, late of Company D, One hundred and forty-fourth Regiment Indiana Volunteer Infantry, $24.

Austin S. Bump, late captain Company A, Eighth Regiment Maine Volunteer Infantry, $24.

John F. Blanchard, late of Company F, One hundred and ninety-ninth Regiment Pennsylvania Volunteer Infantry, $36.

Frederick Rice, late of Company A, Tenth Regiment New York Volunteer Infantry, $24.

Mollie Tarvin, widow of Alvin W. Tarvin, late first lieutenant and regimental quartermaster, Twenty-third Regiment Kentucky Volunteer Infantry, $17.

Franklin Teets, late captain Company E, First Regiment Wisconsin Volunteer Infantry, $30.

George P. V. Tritipoe, late of Company F, First Regiment Maryland Volunteer Cavalry, $30.

Benjamin Woosley, late of Company G, Second Regiment Tennessee Volunteer Infantry, $24.

Benjamin Hammons, late of Company B, Twenty-fourth Regiment Missouri Volunteer Infantry, $30.

Commodore P. Barker, late of Company G, Eighth Regiment Kentucky Volunteer Cavalry, $24.

John W. Fox, late of Company B, Seventh Regiment Maryland Volunteer Infantry, $24.

Samuel Wilhelm, late of Company A, Eleventh Regiment Maryland Volunteer Infantry, $24.

Thomas Austin, late of Company G, First Regiment Kentucky Cavalry, $24.

David E. Hurlburt, late captain Company K, Twenty-ninth Regiment Ohio Volunteer Infantry, $30.

Spencer Rice, late of Company B, Second Regiment North Carolina Volunteer Mounted Infantry, $24.

Thomas G. Pratt, late of Company B, Tenth Regiment Illinois Volunteer Infantry, $30.

John B. Reed, late of Company G, Eighth Regiment, and Company M, Sixteenth Regiment, Pennsylvania Volunteer Cavalry, $24.

Frank J. C. Tyler, late of Company F, Thirteenth Regiment Vermont Volunteer Infantry, $24.

Archibald W. Collins, late of Company A, Sixteenth Regiment Kentucky Volunteer Infantry, $24.

Lemon H. Wiley, late principal musician Seventy-seventh Regiment Illinois Volunteer Infantry, $24.

Jane Hunt, former widow of Chester P. Elliott, late of Company K, Sixteenth Regiment Iowa Infantry, $8.

Adaline J. Richardson, widow of James R. Richardson, late of Company C, Sixth Regiment Iowa Volunteer Infantry, $16.

Stillman J. Perkins, late of Company A, Sixteenth Regiment Vermont Volunteer Infantry, $30.

Martin A. Butterfield, late of Company I, Eighty-third Regiment Pennsylvania Volunteer Infantry, and Company H, Sixteenth Regiment Pennsylvania Volunteer Cavalry, $24.

Martin V. Strine, late of Company C, Forty-first Regiment Ohio Volunteer Infantry, $24.

Harriet S. Robins, widow of James P. Robins, late of Company C, Seventh Regiment Indiana Volunteer Infantry, $12.

Alexander C. Carman, late of Company A, First Regiment Kentucky Volunteer Cavalry, $24.

Constantine P. Berry, late of Company G, Fourteenth Regiment, and Company L, Eighth Regiment Missouri State Militia Cavalry, $30.

Daniel Umstead, late of Company K, Fifteenth Regiment Iowa Volunteer Infantry, $24.

Thomas F. Callan, alias Thomas Cowan, late of Company I, Second Regiment United States Infantry, $30.

Julia C. Danels, widow of Joseph D. Danels, late lieutenant-commander United States Navy, $40.

Norman Lebo, late of Company F, Ninety-fourth Regiment Illinois Volunteer Infantry, $30.

Samuel Dailey, late of Company G, Seventy-second Regiment Ohio Volunteer Infantry, $24.

Menzo Wixson, late of Company I, Thirty-third Regiment New York Volunteer Infantry, $30.

William M. Higby, late of Company C, Twentieth Regiment Pennsylvania Volunteer Cavalry, $24.

Isaac N. Stotts, late of Company I, One hundred and ninety-fifth Regiment Ohio Volunteer Infantry, $24.

David L. Jones, late of Company B, Sixty-fifth Regiment Illinois Volunteer Infantry, $30.

Mathias Ault, late of Company B, One hundred and ninety-eighth Regiment Pennsylvania Volunteer Infantry, $24.

Clara J. Swain, widow of Edgar D. Swain, late captain Company I, and lieutenant-colonel Forty-second Regiment Illinois Volunteer Infantry, $30.

John A. Houston, late of Company F, First Regiment Wisconsin Volunteer Infantry, $24.

Josephus Allen, late of Company C, Brackett's battalion Minnesota Volunteer Cavalry, $30.

John Medcalf, late of Company C, Ninth Regiment Tennessee Volunteer Cavalry, $24.

John T. Hadden, late of Company E, One hundred and fifty-fourth Regiment Illinois Volunteer Infantry, $30.

William M. Irvin, late of Company C, and first lieutenant Company G, Forty-ninth Regiment Pennsylvania Volunteer Infantry, $30.

Hannah E. Barber, widow of Henry H. Barber, late of Company A, Twenty-third Regiment Connecticut Volunteer Infantry, $16.

Margaret Clark, widow of John R. Clark, late of Company A, Twenty-second Regiment New Jersey Volunteer Infantry, $16.

John Coats, late of Company D, Phelp's regiment Missouri Volunteer Infantry, $24.

Milford W. Oxley, late of U. S. S. *Franklin*, United States Navy, $12.

John M. Harris, late of Company C and first lieutenant and adjutant First Regiment Tennessee Volunteer Cavalry, $30.

George H. Paddock, late of Company D, First Regiment Rhode Island Volunteer Infantry, $24.

Charles Henry Palmer, late of Company C, Twelfth Regiment Michigan Volunteer Infantry, $24.

Mary J. Collett, widow of Eustace Collett, late of Company A, Purnell Legion, Maryland Volunteer Cavalry, $20.

Charles F. Still, late of Company F, One hundred and fifty-third Regiment New York Volunteer Infantry, $24.

Shedrach M. Cordon, late of Company F, Sixty-fourth Regiment Illinois Volunteer Infantry, $24.

Bradford H. Hall, late of Company I, Second Regiment Minnesota Volunteer Infantry, $30.

Joseph W. Pierson, late of Company A, Thirteenth Regiment New Jersey Volunteer Infantry, $30.

Thomas W. D. Horton, late of Company D, First Regiment Rhode Island Volunteer Infantry, and Company I, Tenth Regiment Rhode Island Volunteer Infantry, $24.

John G. Hibbs, late of Company D, Seventeenth Regiment Iowa Volunteer Infantry, $24.

Thurman H. Rodeheaver, late of Company H, Sixth Regiment West Virginia Volunteer Cavalry, $24.

Henry C. Ferguson, late of Company A, Fourth Regiment Indiana Volunteer Cavalry, $30.

John Barr, late of Company D, Second Battalion, Fifteenth Regiment United States Infantry, $24.

Anna O. D. Mickley, widow of Joseph P. Mickley, late chief engineer, United States Navy, $40.

Isadore L. W. Terry, widow of Adrian Terry, late lieutenant-colonel and assistant adjutant-general, United States Volunteers, $20.

Mory Mulliken, late of Company E, Eleventh Regiment Maine Volunteer Infantry, $24. The same to be paid him without deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

John Kugle, late of Battery B, Fifth Regiment United States Artillery, $24.

Henry Beal, late of Company G, Second Regiment of the District of Columbia Volunteer Infantry, $30.

Wilton C. Hall, late a captain's clerk, U. S. S. *Circassian*, United States Navy, $12.

Imogen P. Stone, widow of Ebenezer W. Stone, late captain, Twenty-first Regiment United States Infantry, $30.

Elizabeth M. Rutherford, widow of George Rutherford, late of Company F, Second Regiment Minnesota Volunteer Infantry, $12.

Peter A. Frey, late of Company I, Thirty-first Regiment New Jersey Volunteer Infantry, $24.

Margaretha S. Schaffel, widow of Michael Schaffel, late first lieutenant Company G, Twenty-first Regiment New Jersey Volunteer Infantry, and Seventh Independent Company, Veteran Reserve Corps, $17.

Amanda Ewing, widow of Isaac N. Ewing, late of Company C, Seventy-ninth Regiment Illinois Volunteer Infantry, $20.

David Warner, late of Company F, Fifty-fifth Regiment Ohio Volunteer Infantry, $24.

Philip Ward, late of Company H, Second Regiment Vermont Volunteer Infantry, $40.

Minnie B. Jeffries, widow of Noah L. Jeffries, late captain and assistant adjutant-general, United States Volunteers, $30.

Alonzo D. Holcomb, late of Company G, Sixty-fourth Regiment Ohio Volunteer Infantry, $30.

George Hazzard, late of Company C, Thirty-sixth Regiment Indiana Volunteer Infantry, $50.

William McCaw, late of Company L, First Regiment United States Veteran Volunteer Engineers, $24.

Lizzie Kapus, widow of William Kapus, late first lieutenant Company F, First Regiment Washington Territory Volunteer Infantry, $17.

Bridget Malloy, widow of James Malloy, late of Battery L, Fourth Regiment United States Artillery, $16.

Abbie W. Fessenden, widow of Rebert Fessenden, late first lieutenant and adjutant Eleventh Regiment Rhode Island Volunteer Infantry, $12.

Darius A. Sweet, late of Company E, First Regiment Rhode Island Volunteer Light Artillery, $24.

Thomas J. Griffin, late hospital steward, Fourth Regiment Rhode Island Volunteer Infantry, $24.

George C. Simmons, late of Company K, Thirty-fifth Regiment Massachusetts Volunteer Infantry, $24.

Martha M. Allen, former widow of Doc B. Sherman, late of Battery M, Fourth Regiment United States Artillery, $20.

Joseph R. Thomas, late of Company B, First Regiment Pennsylvania Reserve Volunteer Infantry, $24.

Emma S. Schletzbaum, helpless and dependent daughter of Joseph Schletzbaum, late of Company B, Twelfth Regiment Missouri Volunteer Infantry, $12.

Eli Conn, late of Company H, One hundred and second Regiment Pennsylvania Volunteer Infantry, $30.

George H. Smith, late of Company G, Sixteenth Regiment United States Infantry, and Company B, Ninth Regiment Michigan Volunteer Cavalry, $24.

Elizabeth R. Allen, widow of Corodon Allen, late surgeon Sixty-second Regiment United States Colored Volunteer Infantry, $20.

John D. Lankton, late of Company I, Fourteenth Regiment Illinois Volunteer Infantry, $36.

Robert F. Appleby, late of Companies E and F, Fourth Regiment Provisional Enrolled Missouri Militia, $24.

Sarah B. Norris, widow of Delu Norris, late of Company E, Twenty-third Regiment Iowa Volunteer Infantry, $12.

James A. Irvin, late of Company H, Twenty-fifth Regiment Iowa Volunteer Infantry, $24.

Charles W. McKay, late of Company C, One hundred and fifty-fourth Regiment New York Volunteer Infantry, $30.

Laura H. Snider, widow of Joseph Snider, late colonel Seventh Regiment West Virginia Volunteer Infantry and Fourth Regiment West Virginia Volunteer Cavalry, $40.

Patrick P. Toale, late of Company G, Sixty-first Regiment New York Volunteer Infantry, $24.

Hartford M. Harding, late of Company D, Sixth Regiment Michigan Volunteer Cavalry, $24.

Jacob Watson, late of Companies K and A, Third Regiment West Virginia Volunteer Infantry (Sixth West Virginia Volunteer Cavalry), $30.

Andrew J. Moore, late of Company A, One hundred and seventeenth Regiment Indiana Volunteer Infantry, $40.

Harry C. Gallaher, late of Company B, Forty-sixth Regiment Illinois Volunteer Infantry, $24.

Thomas J. Redman, late of Company B, Fifth Regiment Iowa Volunteer Cavalry, $24.

Ida R. Foss, widow of William A. Foss, late of Sixth Battery, First Battalion Maine Volunteer Light Artillery, $8.

Timothy J. Sheehan, late captain Company C, Fifth Regiment Minnesota Volunteer Infantry, $50.

Nelson E. Nelson, late of Company A, First Regiment Minnesota Volunteer Infantry, $40.

Ira A. Taylor, late of Company H, First Regiment New Hampshire Volunteer Heavy Artillery, $24.

Abram Bickford, late of Company I, First Regiment New Hampshire Volunteer Cavalry, $24.

Mr. MCCUMBER. Mr. President, I offer the amendment which I send to the desk.

The SECRETARY. On page 18, line 11, before the word "dollars," it is proposed to strike out "twenty-four" and to insert "thirty," so as to read:

The name of Joseph R. Thomas, late of Company B, First Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DEWITT EASTMAN.

Mr. BULKELEY. I ask unanimous consent for the present consideration of the bill (S. 4749) for the relief of Dewitt Eastman.

Mr. GALLINGER. Mr. President, I will not object to the consideration of this bill, but when it has been considered I shall insist upon the regular order.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, in line 6, after the word "Artillery," to insert: "*Provided*, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act," so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the name of Dewitt Eastman, late of Company B, Second Minnesota Volunteers, and of the Fourth United States Artillery: *Provided*, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN M. MILLER.

Mr. BULKELEY. I also ask unanimous consent for the present consideration of the bill (S. 6006) to correct the military record of John M. Miller.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of War to review the military record of John M. Miller, late of Battery K, Fifth United States Artillery, and to grant to him an honorable discharge from the service as of date December 14, 1865; but no pay, bounty, or other emolument shall accrue by virtue of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MINING TECHNOLOGY BRANCH IN THE GEOLOGICAL SURVEY.

Mr. GALLINGER. Mr. President, I now insist upon the regular order.

The VICE-PRESIDENT. The regular order is demanded, which is the Calendar under Rule VIII. The Secretary will state the first business on the Calendar.

The SECRETARY. A joint resolution (S. R. 35) to provide for a mining technology branch in the Geological Survey.

The VICE-PRESIDENT. The senior Senator from Massachusetts [Mr. LODGE] has left a memorandum at the desk, to the effect that he wishes to be present when the joint resolution is considered.

Mr. GALLINGER. Let the joint resolution go over, then, Mr. President.

The VICE-PRESIDENT. The joint resolution will go over without prejudice.

ADDITIONAL LAND DISTRICT IN SOUTH DAKOTA.

The bill (S. 4132) creating an additional land district in the State of South Dakota was announced as next in order.

The VICE-PRESIDENT. A memorandum has been left at the desk by the junior Senator from South Dakota [Mr. KITTREDGE] to the effect that he desires to be present when this bill comes up. He is not now in the Chamber.

Mr. GAMBLE. Mr. President, the bill has been pending on the Calendar since the 5th of February, when it was reported from the Committee on Public Lands. I am very anxious that it should be disposed of. I understand a memorandum has been made by my colleague that he wants to be present when the bill is taken up. He was in the Chamber just a few minutes ago. I ask that the bill be laid aside temporarily. I do not want the bill to lose its place.

The VICE-PRESIDENT. The bill will be laid aside for a moment.

Mr. TELLER. Mr. President, I am informed that the Senator from North Dakota would like to be present when that bill is considered, as he has some amendment he desires to offer to it.

Mr. KITTREDGE entered the Chamber.

The VICE-PRESIDENT. The junior Senator from South Dakota is now present. The Secretary will again state the title of the bill.

The SECRETARY. A bill (S. 4132) creating an additional land district in the State of South Dakota.

Mr. KITTREDGE. I take it, Mr. President, that that bill is not to be pressed this morning, in the light of negotiations which are pending.

Mr. GAMBLE. Mr. President, as I have before stated, great pressure has been made for the passage and consideration of this bill. It affects a large number of people in the northwestern part of the State of South Dakota. They are far removed from a land office, being 300 miles, practically, from the land office on the east and from 150 to 200 miles from the land office on the south. Petitions have come to me, reports have been made, and arguments submitted strongly urging the passage of this bill. I do not know whether there was any understanding, but some suggestion was made by my colleague this morning, and I spoke to the junior Senator from North Dakota [Mr. MCCUMBER] regarding the matter and suggested to him that this bill be taken up and considered.

I understand some amendments have been suggested by Representatives in the House from North Dakota. I was in conference with the Commissioner of the General Land Office a day or two since in regard to the bill, which is strongly urged by the Department, and there has already been very great delay. It seems to me, with a unanimous report coming from the Committee on Public Lands, with the proposition sustained by the Department, and strongly insisted upon by the people in that region, that some action should be taken on this bill. During the last fiscal year 350,000 acres were filed upon in this particular land district. In the county of Butte alone there are upward of 3,000,000 acres in this new land district. If it is suggested that there should be an amendment to cover counties in the State of North Dakota, let that come from the Representatives of that State. None of them have conferred with me in regard to it. I strongly insist upon the consideration of the bill this morning.

Mr. KITTREDGE. Mr. President, I am not prepared to say this morning that I shall oppose the passage of the bill. The boundaries of this land district are not satisfactory to all the people who reside within its limits. There are also suggestions of amendments to the bill bringing some parts of North Dakota within the limits of this land district.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. KITTREDGE. I do not want to put it in that way, Mr. President. I trust that my colleague will not, under the circumstances, insist upon its consideration. No later than 11 o'clock this morning——

Mr. GAMBLE. Mr. President——

The VICE-PRESIDENT. Does the junior Senator from South Dakota yield to the senior Senator from South Dakota?

Mr. KITTREDGE. I have the floor, I think, in my own right.

The VICE-PRESIDENT. The Senator declines to yield.

Mr. KITTREDGE. Not later than 11 o'clock this morning my colleague and I had a conference concerning the boundaries of this land district, and, as I understand, it was arranged that we should consult with the delegation from North Dakota concerning their wishes touching the incorporation of certain counties within the provisions of this new land district, if one is to be created. In the light of those circumstances, I am surprised that this bill should this morning be urged for passage. I do not like to be placed in the attitude of opposing the creation of a land office in my own State.

Mr. GAMBLE. Mr. President, as I have heretofore said, this bill was introduced on the 20th of January last. The movement for the creation of the land district was initiated prior to that time by the Interior Department, and, after conference with the Department, I subsequently introduced the bill. The lines of the land district are agreed to and recommended by the Department. It is true that there was an informal conference between my colleague and myself this morning, and it was suggested that a conference be had with the North Dakota delegation. In pursuance of that suggestion I spoke to the junior

Senator from North Dakota, and it was suggested that this bill had better be passed here, and if there are to be modifications or changes let them be made in the House of Representatives. No member of the North Dakota delegation has made application to me regarding the matter, nor has any suggestion come to me from a single member of the North Dakota delegation. As I said, this bill has been pending upon the Calendar for upward of six weeks. If they are interested in any modification or change, it seems to me some suggestion should come from them, and the only suggestion that I heard in connection with it was the fact in my conference with the Commissioner of the General Land Office that an inquiry had been made of him—and that is all—as to whether in the administration of the office lands in two States could be embraced in one land district. I was informed by the Commissioner that such had never been the case, but that at the same time he did not see any reason why it could not be properly administered. This bill has lain here so long and has been so delayed that it seems to me if there are any reasonable objections to its consideration they ought to have been made known prior to this time. If the North Dakota delegation—and I speak with the utmost consideration concerning them—were anxious for or had any interest in the modification of the lines of this land district, they would have made it known before this time. In addition to that, I will make the suggestion that I conferred with the representative in the Senate, the junior Senator, and he suggested that the bill be passed, and that any modification could be had in the House.

Mr. KITTREDGE. Mr. President, with my understanding of the situation I do not think this bill ought to be pressed at the present time. If my colleague insists upon my taking the position, I must object to its consideration this morning.

The VICE-PRESIDENT. Objection is made, and the bill will lie over without prejudice.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

The bill (S. 48) to reimburse depositors of the late Freedman's Savings and Trust Company was announced as the next business in order on the Calendar.

Mr. MCLAURIN. Let the bill go over, retaining its place on the Calendar.

The VICE-PRESIDENT. The bill will go over, retaining its place on the Calendar, at the request of the Senator from Mississippi.

WILLIAM CRAMP & SONS SHIPBUILDING COMPANY.

The bill (S. 3126) to carry into effect the judgment of the Court of Claims in favor of the contractors for building the U. S. battle ship *Indiana* was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to the William Cramp & Sons' Ship and Engine Building Company $135,560, the amount found due the company by judgment of the Court of Claims for the preservation, care, maintenance, and insurance of the battle ship *Indiana* during the two years' delay in its construction caused by the failure of the Navy Department to furnish the armor as it covenanted to do in the contract.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DEPUTY CLERK AT BIG STONE GAP, VA.

The bill (H. R. 14282) to authorize the appointment of a deputy clerk at Big Stone Gap, Va., was announced as the next business in order on the Calendar.

The VICE-PRESIDENT. The junior Senator from Virginia [Mr. MARTIN] asked to be present when the bill was considered.

Mr. GALLINGER. Let the bill go over, Mr. President.

The VICE-PRESIDENT. It will be passed over without prejudice.

WHITE RIVER UTES, ETC.

The bill (S. 5038) for the relief of the White River Utes, the Southern Utes, the Uncompahgre Utes, the Tabeguache, Muache, Capote, Weeminuche, Yampa, Grand River, and Unita bands of Ute Indians, known also as the Confederated Bands of Ute Indians of Colorado was announced as the next business in order on the Calendar.

The VICE-PRESIDENT. A similar request was made by the Senator from Massachusetts [Mr. LODGE] with respect to this bill.

Mr. GALLINGER. Mr. President, let it go over.

Mr. TELLER subsequently said: What became of Order of Business No. 294?

The VICE-PRESIDENT. The bill was passed over without prejudice, at the request of the Senator from New Hampshire [Mr. GALLINGER].

Mr. GALLINGER. I did so for the reason that the Chair stated that a request had been filed by an absent Senator that he wished to be present when the bill was considered. I have no interest in the bill.

The VICE-PRESIDENT. The Senator from Massachusetts [Mr. LODGE] filed such a notice.

Mr. TELLER. There has grown up here a custom that a Senator may intervene, to which we must always submit, but I deny the right of any Senator to lodge with the Chair an objection to a bill to be considered. It never has been the rule and it never ought to be the rule. Of course if the Senator from New Hampshire objects, I can not inquire why he objects.

Mr. GALLINGER. Mr. President, I do not object, and if the Senator from Colorado wishes the bill now considered, I will withdraw my objection. I did it simply for the reason that I understood the senior Senator from Massachusets had made the request, and I knew that we had fallen into that habit. I think myself it is not a very good habit.

Mr. TELLER. I will not insist upon the consideration of the bill at this time, but I shall insist that that is an irregular method of attacking a bill, and I am not willing to consent to it in the future.

Mr. GALLINGER. I withdraw my request that the bill go over.

Mr. TELLER. If the Senator from Massachusetts had asked me to withhold action on the bill until he could be present, I should certainly have done so. It is a bill touching matters in my own State, and nobody else has any interest in it, and the Senator from Massachusetts has not any knowledge of it. But I do not desire to have it taken up in his absence.

The VICE-PRESIDENT. The Secretary will read the bill.

The Secretary read the bill.

Mr. TELLER. Under the circumstances, I will ask that the bill may keep its place on the Calendar.

The VICE-PRESIDENT. The bill will be passed over, if that is the desire of the Senator from Colorado.

Mr. TELLER. Certainly.

The VICE-PRESIDENT. The bill will be passed over, at the request of the Senator from Colorado, retaining its place on the Calendar.

CHILD LABOR IN THE DISTRICT OF COLUMBIA.

The bill (S. 4812) to regulate the employment of child labor in the District of Columbia was announced as the next business in order on the Calendar.

Mr. GALLINGER. The senior Senator from Indiana [Mr. BEVERIDGE] desires to be present when the bill is considered, and I ask that it go over without prejudice.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from New Hampshire.

REIMBURSEMENT OF CERTAIN INSURANCE COMPANIES.

The bill (S. 1368) to reimburse certain fire insurance companies the amounts paid by them for property destroyed by fire in suppressing the bubonic plague in the Territory of Hawaii in the years 1899 and 1900 was considered as in Committee of the Whole.

Mr. CLAY. Is there a report accompanying the bill?

The VICE-PRESIDENT. There is a report.

Mr. CLAY. I should be glad to have it read.

The Secretary proceeded to read the report submitted by Mr. CLAPP February 26, 1908, which is as follows:

The Committee on Claims, to whom was referred Senate bill 1368, have examined the same and report it favorably with certain amendments, and as amended recommend its passage.

On page 1, line 3, strike out the word "seven" and insert the word "two," and strike out the word "five" and insert the word "two."

In line 4 strike out the word "eighty-five" and insert the word "twenty-five," and strike out the words "and thirty-eight cents."

In line 7 strike out the word "ten" and insert the word "nine," and strike out the word "one" and insert the word 'five," and strike out the words "and ten dollars."

In line 10 strike out the words "four hundred and."

In line 11 strike out the word "fifty" and the words "and fourteen cents."

In line 12 strike out the words "nine hundred and sixty-six" and insert the words "four hundred and fifty."

On page 2, line 1, strike out the words "dollars and eighty-six cents."

In line 2 strike out the word "eight" and insert the word "five;" strike out the word "two" and insert the word "one," and strike out the words "and seventy-two."

In line 5, at the end of the line, strike out the word "six."

In line 6 strike out the words "hundred and forty-five" and the words "and fifty cents," and insert before the word "dollars" the words "and twenty-five."

In support of the foregoing recommendation your committee beg leave to submit the following:

In the years 1899 and 1900, in order to prevent the spread of the bubonic plague in Honolulu, Hawaii, the American authorities at Honolulu destroyed by fire a large portion of the infested district, destroying many buildings and other properties. The losses now sought to be paid for were within the district burned at that time. Your committee refers to Senate report 1933, dated January 16, 1902,

Fifty-seventh Congress, first session. No appropriation has heretofore been made to cover the losses mentioned in the pending bill. The property owners, whose property was destroyed, not knowing what action would be taken by the United States, instituted proceedings against the insurance companies, and compelled the insurance companies to pay the fire losses.

In the former consideration of this subject, no part of the claims now presented were considered, nor was any appropriation made to cover the same.

The total amount provided for in this bill is $82,225, of which $13,400 is for American companies, $13,800 for German companies, and $38,025 for English companies.

The English and German Governments have, through their respective ambassadors, made representations to this Government respecting the payment of the claims of the companies of their respective Governments, and the honorable Secretary of State having investigated the situation has recommended legislation to that end. (See letter attached.)

After the fire, which was ordered by the Government, the Congress of the United States promptly recognized the liability of the Government for all losses sustained by reason thereof, and, with the exception of those paid by the insurance companies, paid the same.

When the insurance companies paid these losses, the companies became subrogated to all of the rights of the original property owners, and as such, are entitled to be reimbursed for the amounts paid by them.

Your committee has had before it and has carefully examined all of the proofs and find that the amounts stated in the bill have been paid by the respective companies, exclusive of interest and costs of litigation.

The present case presents this condition of affairs:

A plague existed—the authorities believed that it ought to be stamped out, and could only be done by the burning of the property. After the fire the companies made the defense that, as the Government had destroyed the property, the companies should not be held to pay the losses. The courts held otherwise, and the companies were compelled to pay. They became subrogated to all of the rights of the property owners, and it is now plainly the duty of the United States to pay back to the companies the amounts so paid by them.

The following is a list of the companies, together with the number of such policies, the amounts thereof, and the amount paid on each policy, exclusive of interests and costs:

	No. of policy.	Amount of policy.	Amount paid, exclusive of interest and costs.
1. Transatlantic Fire Insurance Co	1115	$2,000	$2,000
	1158	5,000	5,000
	1907	1,500	1,500
	2031	1,000	1,000
Total (policies 4)			9,500
2. Prussian National Fire Insurance Co	943	1,000	1,000
	961	1,500	1,500
	969	250	350
Total (policies 3)			2,850
3. North German Fire Insurance Co	757	1,000	1,000
	758	1,000	1,000
	1016	1,500	1,500
	1117	1,000	1,000
	1223	1,000	1,000
	1788	1,000	1,000
	1826	1,500	1,500
Total (policies 7)			8,000
4. Hamburg-Bremen Fire Insurance Co	9187	1,000	1,000
	9338	3,000	3,000
	9411	2,000	2,000
	9492	1,150	1,150
	9637	500	500
	9654	800	800
	9758	2,000	2,000
Total (policies 7)			10,450
5. Royal Insurance Co	4830947	900	900
	4861195	500	500
	4861203	1,000	1,000
	5853336	500	500
	5853337	750	750
	5853366	1,000	1,000
	5853464	1,000	1,000
	5853473	700	700
	5853477	900	900
	5853569	500	500
	5853578	500	500
	5853585	1,000	1,000
	5853601	1,000	1,000
	5853626	700	700
	5853640	1,000	1,000
	5853645	1,500	1,500
	5853659	400	400
	5853684	1,500	1,500
	5853699	500	500
	5853712	500	500
	5853720	1,250	1,250
	5853725	600	600
	5853740	300	300
	5853742	600	600
	5853761	2,000	2,000
	5853767	1,000	1,000
	5853789	1,000	1,000
	5853344	2,000	2,000
Total (policies 28)			25,100
6. Liverpool-London and Globe Insurance Co	3540997	$2,000	$2,000
	3541038	2,000	2,000
	3541039	1,000	1,000
	3541061	1,500	1,500
	3541083	400	400
Total (policies 5)			6,900
7. New Zealand Fire Insurance Co	24	1,000	1,000
	29	1,500	1,500
	30	1,000	210
	39	1,000	1,000
	66	500	500
	74	015	015
	78	1,500	1,500
	80	300	300
Total (policies 8)			6,025
8. Fireman's Fund Insurance Co	627778	400	400
	627780	1,250	1,250
	627807	500	500
	627844	600	600
	627852	2,000	2,000
	627858	1,500	1,500
	627873	1,000	1,000
	627925	2,000	2,000
Total (policies 8)			9,250
9. National Fire Insurance Co. of Hartford, Conn	115345	2,000	2,000
	115362	1,500	1,500
	115367	350	350
	115371	300	300
Total (policies 4)			4,150

DEPARTMENT OF STATE,
Washington, April 4, 1906.

SIR: It has been brought to the attention of the Department that in 1889 and 1900 the American authorities at Honolulu, in order to check the spread of the bubonic plague then epidemic in that city, destroyed many buildings in the infected district by fire; that a commission was appointed under an act of the legislature of Hawaii to hear and adjudicate all claims for property destroyed by order of the authorities in the suppression of the plague, which has rendered judgments aggregating a little more than $1,500,000, and that by act of Congress of January 26, 1903, an appropriation of $1,000,000 was made to pay such judgments and an issue of bonds of Hawaii authorized to liquidate the balance of the claims.

Much of the property so destroyed had been insured, but most of the policies contained a protecting clause, known as the New York standard form, exempting the insurers from liability for any loss for property destroyed by the act of the civil authorities. In all of this class of cases the Department understands that awards were made by the commission to cover such losses.

It has been represented to the Department that in other cases, particularly in the case of some foreign insurance companies, there was no protecting clause in the policy, and in these cases the holders recovered the face of their policy from the companies. It would appear that in some of these cases the beneficiaries executed "Articles of subrogation," assigning their claim to the extent of the face of the policy to the insurers. In others the entire claim appears to have been so assigned.

The fire-claims commission, it is represented, has failed to make awards to the companies on their subrogated rights, and a bill has been introduced in Congress (S. 3900) to reimburse these companies to the extent of their losses. The ambassadors of Great Britain and Germany have made representations to the Department on the subject and have informed it that they would gladly welcome the passage of the bill as an act of equity.

While the Department has not investigated the claims individually for the purpose of ascertaining the amounts of the losses suffered by the companies in question, it would be glad to indorse any legislation having for its object the reimbursement of these companies for the actual losses which they sustained as an immediate consequence of the fire.

I have the honor to be, sir, your obedient servant,
ELIHU ROOT.

Hon. JOSEPH B. FORAKER,
Chairman Committee on Pacific Islands and Porto Rico, United States Senate.

During the reading of the report,

Mr. CLAY. It strikes me that that covers the case. I understand the Government had the property destroyed, the insurance companies paid the losses, and now the Government is to repay them.

The bill had been reported from the Committee on Claims with amendments, which were, in line 3, after the words "sum of," to strike out "eighty-seven thousand five hundred and eighty-five dollars and thirty-eight cents" and insert "eighty-two thousand two hundred and twenty-five dollars;" in line 10, after the word "company," to strike out "ten thousand one hundred and ten" and insert "nine thousand five hundred;" on page 2, line 1, after the word "thousand," to strike out "four hundred and fifty dollars and fourteen cents" and insert "dollars;" in line 3, after the word "thousand," to strike out

"nine hundred and sixty-six dollars and eighty-six cents" and insert "four hundred and fifty dollars;" in line 5, after the word "Company," to strike out "twenty-eight thousand two hundred and seventy-two dollars and twenty-one cents" and insert "twenty-five thousand one hundred dollars;" and in line 10, after the word "thousand," to strike out "six hundred and forty-five dollars and fifty cents" and insert "and twenty-five dollars," so as to make the bill read:

Be it enacted, etc., That the sum of $82,225 is hereby appropriated out of any money in the Treasury not otherwise appropriated, to pay to the Transatlantic Fire Insurance Company, $9,500.62; Prussian National Fire Insurance Company, $2,850; North German Fire Insurance Company, $8,000; Hamburg-Bremen Fire Insurance Company, $10,450; Royal Insurance Company, $25,100; Liverpool and London and Globe Insurance Company, $6,900; New Zealand Fire Insurance Company, $6,025; Fireman's Fund Insurance Company, $9,250; National Fire Insurance Company, of Hartford, Conn., $4,150; the aforesaid sums being the amounts paid by each of the said companies on account of insurance against fire on property in the Territory of Hawaii, which property was destroyed by the Government in the suppression of the bubonic plague in said Territory in the years 1899 and 1900.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CAPT. GEORGE VAN ORDEN.

The bill (S. 568) for the relief of Capt. George Van Orden, United States Marine Corps, was considered as in Committee of the Whole. It proposes to appropriate $291.37, to be placed to the credit of Capt. (formerly First Lieut.) George Van Orden, United States Marine Corps, in the final settlement of his accounts as acting commissary of subsistence, United States Army, island of Guam, by the Auditor for the War Department, in lieu of Government funds to the same amount which were stolen and embezzled by a clerk in the office of the commissary of subsistence.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PORT ARTHUR, TEX.

The bill (H. R. 9079) to extend to Port Arthur, in the State of Texas, the privileges of immediate transportation without appraisement of dutiable merchandise was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SURVEY OF PIGEON RIVER, MICHIGAN.

Senate concurrent resolution 41, reported by Mr. SMITH from the Committee on Commerce February 27, 1908, was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of Pigeon River from its mouth, in the vicinity of Port Sheldon, Mich., for 4 miles, with a view to providing a 10-foot channel and turning basin, and to submit estimates for the same.

FISH-CULTURAL STATION IN RHODE ISLAND.

The bill (S. 5530) to establish a fish-hatching and fish-culture station at Strawberry Island, Point Judith Pond, Rhode Island, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Fisheries with an amendment, in line 5, after the words "of a," to strike out "fish-hatching and fish-culture" and insert "fish-cultural;" and in line 7, after the word "at," to strike out "Strawberry Island, Point Judith Pond, Rhode Island," and insert "some suitable point in the State of Rhode Island to be selected by the Secretary of Commerce and Labor," so as to make the bill read:

Be it enacted, etc., That the sum of $25,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated for the establishing of a fish-cultural station, including purchase of site, construction of buildings and ponds, and equipment, at some suitable point in the State of Rhode Island to be selected by the Secretary of Commerce and Labor.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to establish a fish-cultural station in the State of Rhode Island."

A LEGAL CORD OF WOOD IN THE DISTRICT.

The bill (H. R. 14772) prescribing what shall constitute a legal cord of wood in the District of Columbia was considered as in Committee of the Whole. It provides that hereafter a legal cord of wood in the District of Columbia shall consist of and contain 128 cubic feet.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PHILIPPINE SHIPPING TRADE.

The bill (S. 5262) to repeal an act approved April 30, 1906, entitled "An act to regulate shipping in trade between ports of the United States and ports or places in the Philippine Archipelago, between ports or places in the Philippine Archipelago, and for other purposes," and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Philippines with amendments.

The first amendment was, in section 1, line 5, after the word "Philippine," to strike out "Archipelago" and insert "Islands," so as to make the section read:

That until Congress shall have authorized the registry as vessels of the United States of vessels owned in the Philippine Islands, the government of the Philippine Islands is hereby authorized to adopt, from time to time, and enforce regulations governing the transportation of merchandise and passengers between ports or places in the Philippine Archipelago.

The amendment was agreed to.

The next amendment was, on page 2, section 2, line 4, after the word "Philippine," to strike out "Archipelago" and insert "Islands," so as to make the section read:

SEC. 2. That on and after the passage of this act the same tonnage taxes shall be levied, collected, and paid upon all foreign vessels coming into the United States from the Philippine Islands which are required by law to be levied, collected, and paid upon vessels coming into the United States from foreign countries.

The amendment was agreed to.

The next amendment was, in section 3, page 2, line 12, after the word "Philippine" to strike out "Archipelago" and insert "Islands," so as to make the section read:

SEC. 3. That the provisions of law restricting to vessels of the United States the transportation of passengers and merchandise directly or indirectly from one port of the United States to another port of the United States shall not be applicable to foreign vessels engaging in trade between the Philippine Islands and the United States.

The amendment was agreed to.

The next amendment was, in section 5, line 22, after the word "Philippine," to strike out the word "Archipelago" and insert "Islands," so as to make the section read:

SEC. 5. That such of the navigation laws of the United States as are in force in the Philippine Islands in regard to vessels arriving in the Philippine Islands from the mainland territory and other insular possessions of the United States shall continue to be administered by the proper officials of the government of the Philippine Islands.

The amendment was agreed to.

The next amendment was, in section 6, line 5, after the word "Philippine," to strike out the word "Archipelago" and insert "Islands;" and in line 6, after the word "Philippine," to strike out "Archipelago" and insert "Islands," so as to make the section read:

SEC. 6. That the act entitled "An act to regulate shipping in trade between ports of the United States and ports or places in the Philippine Islands, between ports or places in the Philippine Islands, and for other purposes," approved April 13, 1906, and all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEASING OF CERTAIN ALLOTTED INDIAN LANDS.

The bill (S. 4703) to provide for the leasing of allotted Indian lands for mining purposes was announced as the next business in order on the Calendar.

Mr. OWEN. I ask that the bill go over.

The VICE-PRESIDENT. The bill will be passed over without prejudice, at the request of the Senator from Oklahoma.

CITIZENSHIP OF NAVAL DESERTERS.

The bill (S. 5473) to authorize the Secretary of the Navy in certain cases to mitigate or remit the loss of rights of citizenship imposed by law upon deserters from the naval service was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUEBLO INDIAN LANDS IN NEW MEXICO.

The bill (S. 4545) to authorize the Secretary of the Interior to accept conveyances to the United States of lands from the Pueblo Indians in New Mexico, and for other purposes was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to accept a conveyance to the United States of the lands belonging to any of the Pueblo Indians in New Mexico, to be held in trust for the Indians belonging thereon, and when any such pueblo has been so conveyed, the lands shall be allotted to the members of the pueblo in severalty, in accordance with the provisions of the allotment acts.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COMPLEMENT OF CREWS OF VESSELS.

The bill (H. R. 225) to amend section 4463 of the Revised Statutes, relating to the complement of crews of vessels, and for the better protection of life, was announced as the next business in order on the Calendar.

Mr. GALLINGER. The Senator from Maine [Mr. FRYE] desires the bill to go over without prejudice, as he has some amendments to offer.

The VICE-PRESIDENT. Without objection, the bill will go over without prejudice, at the request of the Senator from New Hampshire.

IMPROVEMENT OF CERTAIN DELAWARE WATERWAYS.

Concurrent resolution 44, submitted by Mr. DU PONT on the 3d instant, was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made and to submit a plan and estimate for dredging and otherwise improving the navigation of each of the following-named waters:

The upper waters of the Pokomoke River from the town of Snow Hill, Md., up to or near the town of Gumboro, Del.

The Nanticoke River from the town of Seaford to the town of Middleford, in Sussex County, Del.

The Christiana River from the city of Wilmington to the town of Christiana, in Newcastle County, Del.

O. MAURY & CO.

The bill (S. 2969) for the relief of O. Maury & Co., of Bordeaux, France, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments, in line 3, after the words "Secretary of," to strike out "Agriculture" and insert "the Treasury," and in line 11, before the word "cents," to strike out the word "ten" and insert "fifteen," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to L. Renard, agent of O. Maury & Co., of Bordeaux, France, in full reimbursement of losses sustained by them by reason of the erroneous detention and subsequent destruction by the Bureau of Chemistry of said Department of three casks of wine imported into the United States by said firm, which payment is recommended by said Department, the sum of $238.15, which amount is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendments were agreed to.

Mr. GALLINGER. It is manifest that the bill requires further amendment. In line 8, I move to strike out the word "said" before "Department" and insert "the," and after the word "Department" to insert the words "of Agriculture."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In line 8, it is proposed to strike out "said" and insert "the" and after the word "Department" to insert the words "of Agriculture," so as to read "the Department of Agriculture."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GIFTS TO NAVAL VESSELS.

The bill (S. 5617) authorizing the Secretary of the Navy to accept and care for gifts presented to vessels of the Navy of the United States was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM G. GOSSLIN AND ASSIGNS.

The bill (S. 4687) to relieve William G. Gosslin and his assigns of and from the effect of a release made by him and his wife, Marthena Gosslin, of certain land in California was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment, to strike out all after the enacting clause and insert:

That the release executed unto the United States of America on March 5, 1900, by William G. Gosslin and his wife, Marthena Gosslin, under the provisions of an act of Congress of June 4, 1897, of the northwest quarter of section 21, township 2 north, range 4 west, San Bernardino base and meridian, situated in the county of San Bernardino, State of California, containing 160 acres, which said release was recorded March 12, 1900, in the office of the county recorder of said county, in book No. 283 of deeds, page 2, and also recorded March 12, 1903, in book No. 332 of deeds, page 92, in the same records, be, and the same is hereby, declared null and void, and the cloud upon the said title of the said Gosslin made by said release is extinguished and nullified.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The committee reported an amendment, to strike out the preamble, which was agreed to.

BRIDGE ACROSS BAYOU BARTHOLOMEW AT PARKDALE, ARK.

The bill (H. R. 17511) to authorize the construction of a bridge across Bayou Bartholomew at Parkdale, Ashley County, Ark., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIGHT-HOUSE AND FOG SIGNAL ON LAKE SUPERIOR, WISCONSIN.

The bill (S. 5594) for the establishment of a light-house and fog signal at the easterly end of Michigan Island, Apostle Group, westerly end of Lake Superior, Wisconsin, was considered as in Committee of the Whole. It proposes to appropriate $100,000, to be expended under the direction of the Secretary of Commerce and Labor, for the construction of a light-house and fog-signal station of the second order, together with a keeper's house and all necessary equipment, under plans prepared by the Light-House Board, to be located at or near the easterly end of Michigan Island, Apostle Group, westerly end of Lake Superior, Wisconsin.

Mr. SMITH. I should like to have the Secretary read a letter from the president of the Lake Carrier's Association. I want it to go into the RECORD.

Mr. GALLINGER. Let it go in without reading.

Mr. SMITH. Very well, without reading.

Mr. KEAN. Accompanied by the report.

There being no objection, the report submitted by Mr. SMITH, from the Committee on Commerce, on the 9th instant, and the letter from the president of the Lake Carriers' Association were ordered to be printed in the RECORD, as follows:

The Committee on Commerce, to whom was referred the bill (S. 5594) for the establishment of a light-house and fog signal at the easterly end of Michigan Island, Apostle Group, westerly end of Lake Superior, Wisconsin, having considered the same, report it with an amendment to the title, and as amended recommend its passage.

The bill thus amended has the approval of the Department of Commerce and Labor, as will appear by the annexed letter, the amendment referred to therein having been incorporated in the bill as reported.

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, February 28, 1908.

DEAR SIR: Referring to the committee's letter dated February 26, 1908, inclosing a copy of S. 5594, "For the establishment of a light-house and fog signal at the easterly end of Michigan Island, Apostle Group, westerly end of Lake Superior, Wisconsin," and asking that the committee be furnished with such suggestions as may be deemed proper touching the merits of the bill and the propriety of its passage, this Department has the honor to state, at the instance of the Light-House Board, to which the matter was referred, that the words "or near" should be inserted in the first line of the title of the bill to agree with the tenth line of the body thereof, and with this amendment made recommends that the bill be passed.

Several vessels have gone ashore in this locality during storms in the past three or four years, so that a light and fog-signal station here is greatly desired by the maritime interests on the Lakes.

Very truly, yours,

OSCAR S. STRAUS,
Secretary.

The CHAIRMAN OF THE COMMITTEE ON COMMERCE,
United States Senate.

LAKE CARRIERS' ASSOCIATION,
Detroit, Mich., February 29, 1908.

Hon. WM. ALDEN SMITH,
United States Senate, Washington, D. C.

DEAR SENATOR: Relative to bill introduced by you in the Senate for the building of a light-house on or near the easterly end of Michigan Island, I desire to call your attention to some of the reasons existing why this light-house should be built.

There is at present a light-house on the westerly end of Michigan Island, but this has no value to boats navigating to Ashland on the course from Keweenaw Point, as the light can not be seen until steamers are abreast of it, and the Ashland traffic is the principal commerce on that portion of the lake.

Michigan Island light was originally established as an aid to boats navigating from Portage entry and Ontonagon through the islands to Bayfield, which commerce has very largely decreased; in fact is now

only nominal, while a very large commerce to Ashland has come into existence and is constantly increasing. The result is that a great necessity exists for a light and fog signal at this point, as it is on the direct course for vessels from Keweenaw Point to Ashland.

A great many ships go light to Ashland for ore and also a great many take cargoes of coal to Duluth and Superior and come from there to Ashland to load ore, and this aid to navigation would be of the greatest assistance to them as well as to ships coming up the lake direct to Ashland.

Of the many casualties which have occurred at that point, I desire to call your attention to two alone. In the heavy gale of November, 1905, the steel steamer *W. E. Corey* stranded at this point, costing about a quarter of a million dollars to release and repair her. In the fall of 1906 the steel steamer *R. W. Ireland* stranded in the same place, costing $200,000 to release and repair her. The damage to these two boats alone was over $450,000. In addition to this there have been quite a number of minor casualties.

The Lake Superior commerce of the Great Lakes now comprises about 80 per cent of the whole, and is constantly increasing, so that the importance and value of this light and fog signal is very great.

At a meeting of our masters held in Cleveland expressly for the purpose of going over lights and aids needed for navigation they unanimously agreed that a great necessity existed for this light.

A bill was introduced in the Senate last session by Senator Spooner for the building of this light-house. The bill passed in the Senate, but failed in the House.

The building of this light-house is recommended by Maj. Charles Keller, light-house engineer of this (the eleventh) district, and also approved and recommended by the Light-house Board.

I sincerely trust that you will use your best efforts to have this bill passed.

I am reasonably sure that Senator FRYE is somewhat familiar with this bill, and should you want any further information on the subject I will be pleased to send it to you.

Truly, yours, W. LIVINGSTONE, *President.*

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the establishment of a light-house and fog signal at or near the easterly end of Michigan Island, Apostle Group, westerly end of Lake Superior, Wisconsin."

CODE OF CRIMINAL PROCEDURE IN ALASKA.

The bill (S. 4748) to amend an act entitled "An act to define and punish crimes in the district of Alaska and to provide a code of criminal procedure for said district," approved March 3, 1899, was next in order and was read.

Mr. GALLINGER. The Senator from Minnesota [Mr. NELSON] not being present, as I wish to inquire of that Senator concerning one or two provisions in the bill, I ask that it may go over without prejudice, it having been read.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from New Hampshire.

GEORGE H. PENROSE.

Mr. HEMENWAY. I have to leave the Chamber, and I ask unanimous consent to call up the bill (H. R. 16471) for the relief of George H. Penrose.

There being no objection, the bill was considered as in Committee of the Whole. It directs the accounting officers of the Treasury to credit in the accounts of Capt. George H. Penrose, Quartermaster's Department, United States Army, $5,151.89 standing against him on the books of the Treasury, of which $3,331.48 pertains to the Quartermaster's Department and $1,820.41 pertains to the Subsistence Department, the said sum having been embezzled by one McCaull through no fault of the officer.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM RADCLIFFE.

The bill (S. 5207) for the relief of William Radcliffe was announced as next in order.

Mr. SMOOT. I ask that the bill may go over without prejudice.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from Utah.

HENRY RUSTAN.

The bill (H. R. 6902) for the relief of Henry Rustan was considered as in Committee of the Whole. It proposes to pay to Henry Rustan $196 to reimburse him for money paid by him at the direction of the register and receiver of the United States land office at Grand Forks, N. Dak., for making cash entry No. 1764, dated November 28, 1904, when no part of the payment was required, as Henry Rustan was entitled to patent for the land entered without such payment under section 2291, Revised Statutes.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRIDGE ACROSS BAYOU BARTHOLOMEW AT WILMOT, ARK.

The bill (H. R. 17512) to authorize the county of Ashley in the State of Arkansas to construct a bridge across Bayou Bartholomew, Ashley County, Ark., at Wilmot, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRIDGE ACROSS BAYOU BARTHOLOMEW AT PORTLAND, ARK.

The bill (H. R. 17510) to authorize the county of Ashley, in the State of Arkansas, to construct a bridge across Bayou Bartholomew, Ashley County, Ark., at Portland, was considered as in the Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN V. JOHNSON.

The bill (H. R. 13875) for the relief of John V. Johnson was considered as in Committee of the Whole. It proposes to relieve John V. Johnson (doing business under the name of the Brooklyn Architectural Iron Works) from any penalty, forfeiture, or claim for liquidated damages under his contract with the United States of America, dated on or about the 22d day of December, 1906, to install a steel book stack gallery in the record vault at the United States Immigration Station, Ellis Island, New York Harbor.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT MARYVILLE, MO.

The bill (S. 513) to provide for the purchase of a site and the erection of a public building thereon at Maryville, in the State of Missouri, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, on page 2, line 15, after the word "sites," to strike out the following:

If upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites and such others as the Secretary of the Treasury shall designate and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other governmental offices in the city of Maryville and State of Missouri, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, not to exceed the sum of $50,000.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination and of his recommendation thereon and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SANTEE RESERVATION LANDS, NEBRASKA.

The bill (H. R. 10671) to authorize the Secretary of the Interior to issue patent in fee simple for certain lands of the Santee Reservation, in Nebraska, to the directors of school district No. 36, in Knox County, Nebr., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROOF IN HOMESTEAD ENTRIES.

The bill (S. 3722) to amend section 3 of the act entitled "An act providing for second and additional homestead entries, and for other purposes," approved April 28, 1904, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment, to strike out all after the enacting clause and insert:

That section 3 of the act entitled "An act providing for second and additional homestead entries, and for other purposes," approved April 28, 1904, be, and the same is hereby, amended to read as follows:

"SEC. 3. That commutation under the provisions of section 2301 of the Revised Statutes shall not be allowed of an entry made under section 1 of this act; and where an entry has been made under section 2 of this act as additional to an entry which has been commuted, payment shall be made for the land embraced in the additional entry unless proof is made of five years' residence upon the land covered by the original or additional entry, but where, at the date of the additional entry, proof has not been made upon the original entry, both entries shall be completed at the same time and in the same manner as one entry, and as of the date of the original entry."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

The bill (S. 6071) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole. It proposes to pension the following persons at the rate per month stated:

Robert White, late of Company F, Seventeenth Regiment United States Infantry, $24.

Andrew E. Waterman, late of Company H, First Regiment South Dakota Volunteer Infantry, $20.

Mary A. Kinsey, widow of Stephen Kinsey, late captain, First Regiment Texas Cavalry, war with Mexico, $12.

Victoria St. C. E. C. Mickelson, widow of Michael Mickelson, late of Capt. Thomas Smith's company, Ninth Regiment Oregon Mounted Militia, Oregon and Washington Territory Indian war, $8.

Manuel R. Sanchez, late of Capt. William Mosley's independent company, Florida Mounted Volunteers, Seminole Indian war, $16.

George E. Ryno, late of Company F, Twenty-second Regiment United States Infantry, $12.

Hattie S. Carruth, widow of George L. Carruth, late of ordnance detachment, United States Army, $12, with $2 per month additional on account of each of the minor children of the said George L. Carruth until they reach the age of 16 years.

Frank Bremigam, late of Company H, Twentieth Regiment United States Infantry, $16.

Patrick Burton, late of Company H, First Regiment Tennessee Volunteer Infantry, war with Spain, $12.

Lawrence Nichols, late of Company L, First Regiment Tennessee Volunteer Infantry, war with Spain, $20.

John D. McKinlay, late of Capt. James G. Dell's company, Florida Volunteers, Florida Indian war, $16.

Martha A. Gardner, widow of John H. Gardner, late of Capt. Aaron Jernigan's company, Florida Mounted Volunteers, Florida Indian war, $12.

Charles A. Young, late of Capt. Robert Mickler's independent company, Florida Mounted Volunteers, Seminole Indian war, $16.

Mansfield Burris, late of Capt. William Fitzhugh's Company D, Texas Mounted Volunteers, Texas and New Mexico Indian war, $16.

Susan E. Hodges, widow of Marcus A. Hodges, late of Capt. Henry's company, Second Regiment Tennessee Volunteers, Florida Indian war, $12.

William H. Jones, late of Capts. Hembree's and Swan's companies, Tennessee Volunteers, Cherokee Indian disturbance, $16.

Annie A. Robbins, late nurse, Medical Department, United States Army, war with Spain, $12.

William Kelly, late of Company A, Fifth Regiment, and Compan H, Seventeenth Regiment, United States Infantry, $24.

Elizabeth E. Wood, widow of Francis Wood, late pharmacist, United States Navy, $20.

Renvey E. Dees, widow of Henry Dees, late of Captain Coffee's company, Florida Volunteers, war with Mexico, $8.

Margaret Aston, formerly Margaret Dunn, late nurse, Medical Department United States Army, war with Spain, $12.

Harriette M. Maxwell, late nurse, Medical Department United States Army, war with Spain, $12.

Agnes Boon Otis, widow of Elmer Otis, late lieutenant-colonel Seventh Regiment and colonel Eighth Regiment United States Cavalry, $40.

Elenor Sanborn, widow of Nathaniel Sanborn, late of Captain Holt's company, Massachusetts Militia, war of 1812, $24.

Hutchinson Smith, late of Captain Hardee's company, First Regiment Florida Mounted Volunteers, Seminole Indian war, $16.

Josiah B. Law, late of Captain Stewart's mounted company, Special Battalion Florida Volunteers, Seminole Indian war, $16.

Edward C. McGeachy, late of Captain Kendrick's company, Florida Mounted Volunteers, Florida Indian war, $16.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT MANCHESTER, N. H.

The bill (S. 5123) to authorize the extension of the public building in the city of Manchester, N. H., and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in line 7, before the word "thousand," to strike out "forty" and insert "twenty-five," so as to read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause the public building in the city of Manchester, N. H., now used for a post-office and for other purposes, to be extended, altered, and improved at a total cost to the United States of not to exceed $25,000, including all necessary changes in, additions to, alterations of, and repairs to the present building, and of the heating, plumbing, and lighting systems therein, and drainage and approaches thereto, which may be incident to such extension of said building.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXTRA OFFICERS FOR THE ARMY.

The bill (S. 2671) authorizing extra officers for the Army was considered as in Committee of the Whole. It provides that hereafter positions vacated by officers on the active list of the Army detailed for stated tours of duty, the usual length of which is not less than one year, in the General Staff Corps, not exceeding 42; as aids to general officers, not exceeding 36; to college duty in the several States and Territories, not exceeding 100; to duty with the organized militia, not exceeding 1 to each State, Territory, and the District of Columbia; at the United States Military Academy, West Point, N. Y., not exceeding 75; upon recruiting service, not exceeding 95; as instructors and staffs at the special service schools for officers at Fort Monroe, Va., Fort Riley, Kans., and Fort Leavenworth, Kans., not exceeding 60; to duty with the civil government in the Philippines, with the Philippine Scouts, and with the Isthmian Canal Commission, not exceeding 60; as military attachés abroad, not exceeding 15; at the military prisons, not exceeding 15; as acting judge-advocates, not exceeding 8; other miscellaneous details, not exceeding 57; in all, not exceeding 612, shall be subject to the provisions of section 27 of the act approved February 2, 1901, respecting the filling of such vacancies and the return of such officers to duty with their permanent arm, corps, or department; but that all the details thereinbefore named shall be distributed among the several grades from colonel to second lieutenant in the discretion of the President, subject only to the limitation that they shall be, as nearly as practicable, in the following proportions, to wit: Two colonels to three lieutenant-colonels to five majors to nine captains to eight first lieutenants to seven second lieutenants.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIFE-SAVING APPARATUS AT FARALLONE ISLANDS, CALIFORNIA.

The bill (S. 5983) authorizing certain life-saving apparatus to be placed at the Farallone Islands, off the coast of California, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEASE OF SAN CLEMENTE ISLAND, CALIFORNIA.

The bill (S. 4856) authorizing the Secretary of Commerce and Labor to lease San Clemente Island, California, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, page 2, line 2, after the word "use," to insert "except as hereinafter specified;" in line

3, after the word "thousand," to insert "five hundred;" in line 6, after the word "than," to insert "approximately;" in line 12, after the word "buildings," to insert "stone quarries, piers, landings," and in line 25, after the word "farming," to insert "and that all ranches and buildings shall be kept in good sanitary condition," so as to make the section read:

That the Secretary of Commerce and Labor be, and he is hereby, authorized, directed, and empowered to lease and demise to the San Clemente Wool Company, a corporation organized and existing under and by virtue of the laws of the State of California, its successors and assigns, for the purpose, however, of farming, the unused light-house reservation in California known as "San Clemente Island" for and during the full period of twenty-five years, for its and their sole and exclusive use, except as hereinafter specified, at an annual rental, payable in advance, of $1,500, and an expenditure by said company, or its successors or assigns, of $25,000 (not less than approximately $1,000 in any one year of said term) in improving the said island and protecting it from devastation by accretions of sand: *Provided*, That in said lease it shall be stipulated that the Government of the United States may at any time during the term thereof go upon said island and construct thereon at any point light-house buildings, stone quarries, piers, landings, or other governmental structures, and take possession of such portion or portions of said island as may be required for such purposes. It shall be further stipulated in said lease that the said expenditure of $25,000 in improving said island shall be expended in developing water, constructing dams and reservoirs for the storage of water, erecting windmills, water tanks, building fences, houses, buildings, and wagon roads, reseeding the island to trees and grasses, and planting spineless cactus for the purpose of stopping the drifting of the sands and of creating additional pasturage, and such other general improvements as may be necessary for the conduct of the business of sheep and general farming, and that all ranches and buildings shall be kept in good sanitary condition. Said lease shall confer upon the said company the authority to construct on said island such reservoirs, dams, windmills, water tanks, fences, houses, barns, buildings, ditches, flumes, canals, roads, telegraph and telephone lines, trails, wharves, piers, and landings as may be necessary or proper for the uses and purposes herein set forth.

The amendment was agreed to.

The next amendment was, in section 3, page 3, line 25, after the word "thousand," to insert "five hundred;" on page 4, line 20, after the word "lease," to insert "in natural term or by cancellation of the same;" and in line 22, at the end of the section, to insert "It shall also be stipulated that no part of the said island of San Clemente shall be sublet to other parties," so as to make the section read:

SEC. 3. That the Secretary of Commerce and Labor may at any time during the said period of twenty-five years, at his discretion, terminate and cancel said lease, in case said company shall fail to pay the said rental of $1,500 per annum in advance or shall fail and neglect to expend the sum of $25,000 in the improvement of said island, as herein specified; and, in order that the Secretary may be advised regarding the expenditures made by said company, it shall be further stipulated in said lease that said company shall annually, on the 1st day of January, file with the Secretary of Commerce and Labor a statement, under oath of its president, showing in detail the expenditures made by said company during the previous year and the character and extent of the improvements made on said island by said company, which statement shall be accompanied by good and sufficient vouchers. It shall be further stipulated in said lease that Government officials shall have the right to go upon said island at any time, and shall have the right to inspect the improvements made by said company under the terms of said lease. It shall also be stipulated in said lease that all improvements made upon said island by said company, and all buildings and other structures erected thereon by said company under the terms of said lease shall upon the termination of said lease, in natural term or by cancellation of the same, be and become the property of the Government of the United States. It shall also be stipulated that no part of the said island of San Clemente shall be sublet to other parties.

The amendment was agreed to.

Mr. PERKINS. In section 1, on page 2, line 13, after the word "structures," I move to insert:

May set aside certain tracts of land on the shore for fishing and gaming places.

The amendment was agreed to.

Mr. PERKINS. On page 2, line 15, after the word "purposes," I move to insert:

And may at any time introduce game animals on said island.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF NATIONAL BANKING LAWS.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business, which is Senate bill 3023.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3023) to amend the national banking laws.

Mr. LA FOLLETTE. Mr. President, I ask leave to have printed, without detaining the Senate to read at length, a protest against the Aldrich bill by the Boston Chamber of Commerce, and a like protest from the Wilmington Board of Trade, of Wilmington, Del.

The VICE-PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

Protest against Aldrich bill to amend the national banking laws by the Boston Chamber of Commerce.

At a very fully attended meeting of the Boston Chamber of Commerce, held March 6, 1908, and specially called for the consideration of currency legislation, the report of the committee on banking, recommending the following action, was accepted, and the resolution was unanimously adopted:

"*Resolved*, That the Boston Chamber of Commerce is opposed to the passage of Senate bill 3023 for the amendment of the national banking laws, known as the "Aldrich bill," because

"1. It is makeshift legislation, which tends to perpetuate another piece of makeshift legislation originally adopted as a war measure, and which had chiefly for its object the creation of an artificial demand for Government bonds rather than a scientific elastic currency.

"2. It provides for the subtraction of $500,000,000 of mercantile balances from active trade.

"3. It contemplates the investment of $500,000,000 of deposits payable on demand in long-time obligations instead of in short time and constantly maturing obligations, which constitute the proper and customary method of employing bank deposits."

The acute strain on our national banks of the recent panic is now over, the country is not under the stress of war, and the Boston Chamber of Commerce believes that now is the proper time to set the house in order by a comprehensive, constructive, and scientific piece of currency legislation, and we have confidence that the intelligence and patriotism of Congress can give us a currency system which will equal in merit the best system in vogue in any other country.

The contemplated legislation should embody the following features:

1. An elastic currency which shall expand and contract not merely under the crux of a great commercial crisis, but shall be sensitive to the seasonable and other minor fluctuations of trade.
2. The currency should be guaranteed by the Government.
3. The Government should be amply protected in its guaranty by such tax as shall serve to fully cover any possible loss under the guaranty.
4. The emergency currency should not be marked or labeled in any way as emergency currency, but should consist of a fluctuation in amount of the currency normally in use.
5. If the currency is to be secured by the special pledge of collateral, the banks should be permitted to deposit with the Government clearing-house certificates secured in turn by the deposit with the local clearing house of short-time mercantile paper.

A true copy of the action taken by the Boston Chamber of Commerce, March 6, 1908.

DANIEL D. MORSS, *Secretary.*

MARCH 19, 1908.

Whereas the Trade League of Philadelphia, the Merchants' Association of New York, and other commercial bodies of the country have adopted resolutions strongly opposing the so-called "Aldrich currency bill" now pending in Congress, because it would injure business interests in the United States: Therefore be it

Resolved, That the Board of Trade of Wilmington, Del., hereby join in protesting against said bill, and respectfully asks the representatives of this State in Senate and House to vote against said measure.

Resolved further, That a copy of this resolution be sent by this board to each of Delaware's Senators and its Representative in Congress.

CRITICS ANSWERED—TRUST CONTROL ANALYZED.

Mr. LA FOLLETTE. Mr. President, in the beginning of my remarks I directed attention to the industrial reorganization the country has witnessed within the last ten years. It was made clear that our industrial and commercial life has passed into the hands of a few men. I produced in evidence the names of certain men and the directorships they hold, showing community of interest and centralized control of all the great national industries. I stated that control was lodged in less than one hundred of those named. That was a very conservative statement, Mr. President, but it has been assailed by a section of the press, as a sensational invention, to create prejudice for political advantage.

Mr. President, there was no occasion for the organs and claquers of the System to become frenzied over my statement, so easily proven by the directorates of trusts and combinations controlled by the System.

I am able to cite to-day an authority they will not dispute. The significance of reorganization and consolidation was so manifest that economic and financial writers have discussed it for years. Permit me to quote one that even Wall street must accept.

Mr. Sereno S. Pratt, editor of the Wall Street Journal, and the author, sir, of a most excellent economic study of Wall street, as a great financial and market center, published in the World's Work, a little more than two years ago, an article entitled "Our Financial Oligarchy." Among other things he said:

Already in this country one-fifth of the estimated wealth is represented by the capitalization of the trusts. As one-third of the capital stock held in block is sufficient to control a company, if the rest of the stock is widely distributed, so the highly concentrated trust power may be said to control the business of America.

Notwithstanding the fact that stock may be widely distributed, the method of control by a very limited number is thus stated by Mr. Pratt:

In practical operation, however, the stock company is subject to autocratic or oligarchical control. The stockholders do not vote—they send proxies that are held by the powers that be. Many of the directors are mere dummies or fillers-in, or salaried officials, or repre-

sentatives of dominant interests that may not always appear openly. The power is commonly exercised either by one man or by an executive committee, composed of those who by ownership or monopoly are able to control. It is not difficult for a small group of financiers to dominate properties worth billions of dollars, belonging to thousands of investors, who have really no voice in their management. This power of control may occasionally be lost; the stockholders may revolt or rival capitalists buy in, but in general it can be perpetuated. There has thus been developed what may be termed the divine right of high finance to rule.

Mr. Pratt then submits a list of seventy-six men and denominates them "our business rulers." He states that these seventy-six men were, at that time, holding, in round numbers, sixteen hundred directorships in the trusts and combinations of the country. Of this list he states, and I quote further:

Possibly there are several names on this roll that a more discriminating judgment would reject; probably there are ten or fifteen more names that should be included. At least fifty of the names can not be questioned; and of the list as a whole it may be said that it is fairly representative of the corporation power of the United States.

He says further:

Mr. John Moody estimates that the trust power of the United States is $20,379,000,000. These men control that power and more. They are also the dominant influence in the banks and trust companies having deposits of $10,000,000,000 and a capital investment of $2,750,000,000. An analysis of their power will show that fully 100 of the greatest railroad, industrial, and banking corporations, with a capitalization equal to more than one-fifth of the nation's wealth, are controlled by them.

Here are the more important of the interests which they either control or in which they are very influential:

Interests controlled.—Banking, iron and steel, coal, gas, electric light, shipping, oil, beef, insurance, copper, cotton, hardware, real estate, dry goods, agricultural implements, railroads, telegraph, cable, telephone, traction, express, mining, sugar, tobacco, coffee, wool, machinery, building paper, and food products.

As illustrating the centralization of railroad control, the author cites eight men, who control two-thirds of the railway mileage of the country, and nine billion of the thirteen billion of railroad capitalization as it then stood. The men named as masters of transportation were: J. Pierpont Morgan, A. J. Cassatt, James J. Hill, E. H. Harriman, George J. Gould, W. K. Vanderbilt, W. H. Moore, and William Rockefeller. Of these eight men he says further:

They control the coal trade also, and their influence extends over the express companies and through many industrial corporations. As masters of the railroads they have a taxing power—if prices charged for transportation can be so termed—equal to the taxing power of Congress, and the gross income of the railroads is nearly two thousand million a year, as compared with the Federal Government revenue of about seven hundred million.

The author discusses further the control of banking, insurance, and industrial organizations of the country, by various small groups within the list. Running through these groups, however, is seen the "tie that binds," through individual ownership, and through those who serve as agents or attorneys for others, representing allied interests.

While the editor of the Wall Street Journal expressed the belief that there were "signs" of revolt, division, and declining power in this oligarchy, yet events which have since transpired, such, for instance, as Harriman's still further combining great railroad systems and the United States Steel absorbing Tennessee Coal and Iron, indicate the ruling tendency for still greater centralization and control in the hands of a yet more limited number of men.

That such consolidation has gone forward more rapidly since the publication of Mr. Pratt's article is abundantly proven, as I shall presently show.

In the list which I have prepared, and shall incorporate in the printed record of my remarks, there will be found practically all of the names selected by Mr. Pratt, with additions thereto, resulting from such investigation as I have been able to prosecute. It was my purpose to err upon the side of making the list too large, rather than too small, as representing the control of the business interests of the country. I did this well understanding that critics would point out the names of those having the least power and influence as typical of the entire list.

But any fair presentation of the subject requires that there should be embraced within such list not only the men powerful through individual ownership, but those who serve as agents or attorneys for others representing allied interests.

Some of the men whose names appear on this list seem sensitive about it, as though they were personally assailed. Some of them have even grown violent in denunciation and denial.

It was no surprise that Mr. Forgan, of the First National Bank of Chicago, and Mr. Dawes, of the Central Trust Company of Chicago, should both protest and deny. They declare that they do not share in any such control of the business of the country. In a way they state the fact. They do not control, in the sense that they are even an infinitesimal part of the real, dominant power. They are at the head of two System institutions. They are "mere bank presidents," as they would be designated by the head of the System. Their position is well understood anywhere in Wall street. They take their orders from higher up. Even a glance at their directorates shows the System connections.

Upon the directorate of Mr. Dawes's trust company you will find a Standard Oil railroad, the beef trust, and other special interests represented. Among the directors of Mr. Forgan's bank you will find men who serve in the same capacity upon the directorates of Standard Oil and Morgan railroads, transit companies, trust companies, insurance companies, industrial trusts, and System banks. G. F. Baker, a portion of whose testimony during the Armstrong investigation I have placed before you, president of the First National Bank of New York, the principal national bank in the Morgan group, is found upon the board of directors of Mr. Forgan's Chicago bank.

Dawes and Forgan are a part of the business control of the country, as the ward boss is an essential part of the machine control of a city. Their positions are of no more importance than those of some others in the list who serve as mere "dummies" or "fillers-in" in various places for the System. They were all named as necessary to show the general plan of government which these financial masters have set up over us. It would have served a useful purpose to have still further enlarged the list from this class, as it would have aided to a better understanding of the real interests of some apparently disinterested capitalists.

On the other hand, Mr. President, it would have much reduced the list had I named only those who constitute the real governing power. I repeat, sir, I was very conservative in making the list and the statement with which I presented it to the Senate.

In naming the men who controlled the trust power of this country in 1905, Mr. Pratt cited Mr. John Moody as to the magnitude of this power. John Moody is the author of publications which are consulted every hour of the day in Wall street as a guide to investors in railroad, industrial, and other securities. I doubt, Mr. President, if there can be found in the United States a man equally well informed upon the subjects concerning which he writes. Mr. Moody's work, from which Mr. Pratt quoted, gave the statistics as of January 1, 1904. Since that time an enormous increase in trust consolidation has taken place.

TRUST GROWTH, 1904 TO 1908.

Mr. President, Mr. Pratt thought he saw symptoms or "signs," as he expressed it, of possible division among these great organized groups that were in control. All signs fail, Mr. President. *Statistics prove that centralization has never made greater progress in the history of this country than it has made since the article was printed by Mr. Pratt.*

Mr. Moody has just prepared a revision of these statistics, bringing the figures down to January 1, 1908. I have been fortunate in obtaining the proof sheets of this revision, and present in the following table the figures for 1904 and 1908, in parallel columns:

Table showing growth of trusts, 1904–1908.

[Statistics by John Moody.]

Classification of trusts.	January 1, 1904.		January 1, 1908.	
	Number of plants acquired or controlled.	Total capitalization, stocks and bonds outstanding.	Number of plants acquired or controlled.	Total capitalization, stocks and bonds outstanding.
Seven greater industrial trusts	1,528	$2,662,752,100	1,638	$2,708,438,754
Lesser industrial trusts	3,426	4,055,039,433	5,038	8,243,175,000
Important industrial trusts in reorganization	282	528,551,000	----------	----------
Total important industrial trusts	5,288	7,246,342,533	6,676	10,951,613,754
Franchise trusts	1,336	3,735,456,071	2,599	7,789,393,000
Great railroad groups	1,040	9,397,363,907	745	12,931,154,000
All trusts	8,664	20,379,162,511	10,020	31,672,160,754

This table shows an increase in trust consolidation and capitalization almost beyond human comprehension. It shows that in these four years the trust capitalization was increased by these few men in control of the big business of the country more than $11,000,000,000, or more than 55 per cent. This $31,000,000,000 of industrial, franchise, and transportation trust capitalization in 1908 does not represent all the corporate power in the hands of the Standard Oil-Morgan combination. It does not include their financial consolidations—their banks, trust companies, and insurance companies.

Mark you, sir, four years ago the consolidation of industrial, franchise, and steam railroad corporations aggregated, in round

numbers, $20,000,000,000. To-day, in four short years, just those three lines of consolidation aggregate over $31,000,000,000.

Men may treat with indifference this tendency. To me, sir, and I believe to the awakened interest of the great American public, it is becoming the one question, the one issue. System ownership and control of business is of course approved by all who profit by it directly or indirectly, but to the independent American citizen who is thinking of the welfare of his country it assumes a grave and portentous aspect.

CLASSIFICATION OF THOSE IN CONTROL.

Along with this enormous increase in trust power has gone a steady process of centralization in the control of that power, until now the entire situation is dominated by the Standard Oil-Morgan combination. Mr. Pratt named seventy-six men. I named nearly one hundred, because I wished to include in my list enough men to show the method and connections of the System. When you begin the process of elimination to reach the real source, the true fountain head of control over the business life of the people of this country, you come down, sir, to two names:

STANDARD OIL AND MORGAN.

All feuds between these two great powers have been put aside. Mr. Morgan's picture hangs on the wall of the inner room of the Rockefellers, at 26 Broadway. This union was inevitable unless stayed by the strong arm of Government. In combination to-day they are steadily absorbing the smaller powers. Some gentlemen in this country may feel content with the present situation. Wait a little, Mr. President, the hour will strike for them. Mr. Hill has been taught that he must not oppose the big ones. The Gould interests are being swallowed up by the combine. Morse and Heinze were neatly pocketed during the recent panic. The smelter trust was given a drubbing and started in the same direction. The Vanderbilts can not long retain their important control, and themselves see the handwriting on the wall.

In the list of men who may still be said to be in control of the country's business, there are only fourteen who can treat with the Standard Oil-Morgan combine on anything, even remotely approaching a footing. These men may be roughly classified and described in groups. We have the men of large means and considerable independent control who, a few years ago, might have been, in combination, a potential menace to either Standard Oil or Morgan, but to-day they find their only success lies in maintaining harmony with the big ones. These men are:

W. K. Vanderbilt.	E. H. Harriman.
George J. Gould.	James J. Hill.
John Jacob Astor.	Henry C. Frick.
August Belmont.	Thomas F. Ryan.
Jacob Schiff.	W. H. Moore.
James Speyer.	J. Ogden Armour.
Frederick Weyerhauser.	Louis F. Swift.

In the foregoing group are found big operators and men of large power and interest in their own right. Here are also found the big independent bankers, Jacob Schiff, James Speyer, and August Belmont. The two latter have a special element of strength in the support of foreign money. They all find that existence depends upon maintaining the most cordial relations with the Standard Oil-Morgan combine. These fourteen men are, next to Standard Oil and Morgan, the great powers in the control of our industrial and commercial life.

The balance of the list may be divided roughly into two classes. The first class comprises men of large wealth and real power, nearly every one of whom would fit into the group I have just given, except that they are stars of lesser magnitude. Some are "mere bank presidents" who, for the most part, take orders; others are attorneys and representatives of the combine of the same rank. These men are:

C. H. Dodge.	C. Ledyard Blair.
J. H. Post.	J. F. Dryden.
P. A. Valentine.	J. B. Duke.
Cyrus H. McCormick.	D. Guggenheim.
M. Taylor Pyne.	V. P. Snyder.
William D. Sloan.	John Claflin.
Stephen S. Palmer.	Charles Lanier.
T. H. Hubbard.	A. N. Brady.
Adrian Iselin, jr.	James C. Fargo.
Brayton Ives.	Edwin Hawley.
G. G. Haven.	John R. Hegeman.
Frederick Cromwell.	D. O. Mills.
C. A. Peabody.	C. H. Mackay.
W. J. Oakman.	Daniel G. Reid.
G. W. Young.	Charles Steele.
G. F. Baker.	F. W. Vanderbilt.
E. J. Berwind.	Henry Walters.
John J. Waterbury.	Thomas Dolan.
J. J. Mitchell.	P. A. B. Widener.
Norman B. Ream.	E. H. Gary.
Oliver Ames.	Samuel Rea.
T. Jefferson Coolidge.	W. A. Clark.
H. L. Higginson.	Dumont Clarke.
Nathanial Thayer.	E. B. Morris.

The balance of the list, embracing thirty-five names, are the handy men of the System. They have little or no power except that which is delegated. In so far as they have any power at all they exercise it in a representative capacity. This group contains the attorneys, the bank presidents of lesser order, the dummy directors, the fillers-in, the figureheads. These men are:

Edwin S. Marston.	Levi P. Morton.
Moses Taylor.	J. H. Parker.
Henry A. C. Taylor.	H. C. Demming.
G. W. Perkins.	H. H. Vreeland.
Francis M. Bacon.	Frederick Sturgis.
C. S. Fairchild.	Charles H. Russell.
John W. Sterling.	Woodbury Langdon.
Samuel Sloan.	Chauncey M. Depew.
Otto H. Kahn.	A. E. Orr.
Luther Kountze.	Oliver H. Payne.
A. D. Juilliard.	Charles M. Schwab.
James N. Jarvie.	H. McK. Twombly.
H. P. Whitney.	W. S. Webb.
C. H. Allen.	James H. Parker.
A. W. Kretch.	E. F. C. Young.
P. D. Cravath.	Charles Dawes.
V. Morawetz.	James B. Forgan.
Paul Morton.	

Mr. President, any man with ordinary intelligence, who sees the same names repeated over and over again on the various directorates which, in a national sense, dominate the great industries of this country, will understand how the important business interests are in fact welded and fused together into one mass under one control.

Sir, I have named certain individuals from time to time in the course of my argument upon the pending bill. If I am understood as making war upon these men, I disavow it here and now, I do not direct my attack against a Rockefeller, a Morgan, a Harriman. They are but types. They but embody an evil. Back of these men is the THING which we must destroy if we would preserve our free institutions. Men are as nothing; the System which we have built up by privileges, which we have allowed to take possession of Government and control legislation, is the real object of my unceasing warfare.

Mr. President, the statement that the business of the country in a national sense is controlled by less than 100 men—by less than 50 men—aye, by a mere handful of men, requires the citation of no authority further than the list of directors of transportation, industrial, and financial trusts, combinations, and corporations of the country. The official records of those institutions are in themselves the proof.

The business of the country is transacted by corporations and combinations of corporations. The control of corporations rests of necessity with a board of directors, the executive committee, and the officers of the organization. It is therefore only necessary to take the great controlling transportation and business organizations of the country, analyze the directorates, and the truth is ascertained. When the most significant names in the Standard Oil-Morgan groups are distributed with their all-powerful influence on the boards of directors controlling in a broad way transportation, industrial institutions, mining, iron and steel, coal, gas, electric light, shipping, copper, and other natural products and the industrial life resting upon them, together with the great insurance companies, and an overbalancing control of the banking institutions of the country, no amount of denunciation and personal abuse, from whatever source it may come, can by any possibility obscure the facts. So long as the official records of these controlling bodies stand as published to-day, the proof stands, and the case is made.

I apprehend, Mr. President, that in the near future in the various volumes entitled "The Directory of Directors" for the great industrial and commercial centers of the country, after the publicity which these names and their manifest connection and control have evoked, more "dummies" will be found [laughter], and that it will be a work requiring more industry and research to root out the control of the men whose names appear and what they represent. But it can be done. It will be done.

Mr. President, in the course of my discussion of this momentous question I have produced official records to prove that the massing and centralization of this great money power in

the hands of these few men, coupled with the operation of the national banking laws, has resulted in gathering into a few great group banks in New York City practically all the surplus money of the entire country. I have produced record evidence to prove that commercial banking is being swallowed up in financial and speculative banking. I tried to suggest something of the enormous danger threatening our business integrity resulting from this change. I traced briefly the story of the recent panic; showed that legitimate industry was prosperous; that commercial reasons for a panic were wanting; but that there were other reasons sufficient for its promoters—speculative, political, and legislative reasons. To accomplish these several purposes the panic was carefully planned and skillfully staged. It was eminently successful. It removed obstacles in the highways of finance, settled old scores, made money for its managers, rebuked the "square-deal" Administration, disposed of the "third-term" menace, weakened support for political policies inimical to fictitous capitalization, and prepared the way for emergency currency legislation. Accordingly, we have this bill before the Senate.

WOULD STRENGTHEN WALL STREET POWER.

Mr. President, will not this bill invest the few masters of Wall street finance with still greater power? Will it not give them five hundred million more dollars of emergency money with which to play their Wall street game?

With the vast capital at their command they can still further extend their centralized banking power already established in the chief business centers of the country.

No one in the debate has undertaken to demonstrate that there is well-grounded business need for a $500,000,000 emergency currency. It has been assumed that the need of money to move the crops is the high function of this $500,000,000. It is convenient to seize upon some subject of human interest to promote or to defeat legislation that can not stand by itself.

Speak of railroad-rate legislation, and the railroads at once threaten a reduction in wages to elicit sympathy for the employees, whose wages, it is claimed, "must be reduced"—who may, indeed, "be thrown entirely out of employment." Nothing is said of reducing dividends on watered stock.

So the panic, originating primarily in reckless promotion and speculation, is attributed to lack of money to transport wheat and corn and cotton.

There was a time when the West looked to the East for money to move the crops.

But the West was not begging to borrow Eastern money last October. It was asking for its own money. It was praying to get back the savings of Western farmers, the product of Western industry, which, under the reserve system, had been drawn into New York and tied up in Wall street.

Not more than $200,000,000 is needed to move the crop. When some basis is required upon which to predicate any legitimate need for this elastic addition to the currency, we are always referred to the moving of the crops. Why, sir, it lies in the mouth of no man of fair intelligence here or elsewhere in this country to contend for a larger per capita circulation than we have already for ordinary business transactions. But there comes a time each year, a brief period, when a temporary demand is created for additional money for the moving of the crops. But this demand does not exceed in amount $200,000,000. No authority of standing has made a higher estimate.

The country banks of the Southern, Western, and Middle States—the principal crop-producing States—demanding such money, at or about the same time had on deposit elsewhere with reserve agents August 22, 1907, $124,630,240. The reserve cities in these same States had on deposit elsewhere in central reserve cities $150,607,745. Allowing for duplication, and allowing that some of this amount was on deposit in central reserve banks of Chicago and St. Louis, I believe these figures will warrant the assumption that fully half of the $410,000,000 which New York national banks owed the country last fall belonged to the crop-producing States of the South and West. If this money had been retained in the Western and Southern banks and not forwarded to Wall street, it would have moved the crops. This fallacious excuse would not now be offered for a $500,000,000 "emergency currency."

Let it not be said, sir, that this money that the country banks had on deposit in New York was lawful reserve money and that it could not have been used to move the crops had the banks in the crop-producing States retained it in their own vaults. I contend, sir, that the discretion of the Secretary of the Treasury could be exercised to allow these banks to impair their reserves in time of need, if they had been retained at home, with as high justification as he could permit New York banks to allow their reserves to fall below the statutory limitation. If the banks of the crop-producing States were required to keep the money they send to New York, it would move the crops without taking anything from the amount of money which they are now required by the reserve system to keep on hand.

BILL DOES NOT MEET CONDITIONS.

All that can be urged for the relief that might be expected from this legislation must be predicated upon the claim that it will impart elasticity to our currency system. This it is argued will be secured by taxing the circulation. But, Mr. President, will there be any tax under this bill? That depends upon the machinery provided for its enforcement. The bill provides that the banks shall make monthly return of the amount of their notes in circulation, and the tax is to be determined accordingly. No penalty is provided for failure to report correctly. This opens the way to evade the tax on this circulation and leaves these bankers free to inflate and contract the currency at will.

Mr. President, this is precisely the manner in which we assessed railroads in Wisconsin. The officers of the roads were required to report under oath their gross earnings in the State each year. When we examined their books we discovered that for years they had systematically falsified their sworn reports, and defrauded the State out of millions of dollars. When the State brought suit to recover these taxes, the roads went into the circuit court and stipulated that they had so falsified their reports and went to the supreme court on the legal question whether the acceptance of the reports by the State officials did not bind the State and bar the recovery.

Mr. President, I believe the evidence I have quoted in this discussion from the Armstrong committee and other sources will show that the men in charge of the great financial banks are of no higher moral character and of no higher business ideals than the railroad managers who falsified their reports of gross earnings to escape taxation in Wisconsin.

But, sir, why did not the Committee on Finance in reporting out a measure take up this question of the reserves, around which so much of this debate has centered, in which, according to all the judgment and opinion of the leading financial writers of this country, lies so much of the weakness of our present system, and deal with that as one of the leading features of the bill?

It had a little place in the bill originally; it was stricken out; and we are told that some time, somewhere, later on, we may get something on this subject of reserves. We are about to vote upon this bill. We should know what its provisions are. I say, sir, the matter of reserves, together with some other subjects to which I shall call attention, should have had early and thorough consideration in any bill framed in the public interest pretending to avert the recurrence of conditions that gave rise to the panic of 1907.

As first proposed the bill contained no provisions which pretended to secure a distribution of the proposed currency issue equitably throughout the country.

The criticism of that defect of the measure compelled an amendment which on its face might seem to insure an equitable distribution of the increased circulation which the bill contemplates. I say that on its face this bill looks as if it might provide an equitable distribution of the $500,000,000, but every piece of legislation must be considered in contemplation of existing conditions. What are the existing conditions? What is the power of a limited number of men to-day with respect to such additional currency as this bill provides for? The Standard Oil group and the Morgan group have their connections through their investments in banks wherever it serves their interests throughout the Union. You need but take the bankers' directory of the country and study it to be convinced of this. You will be able to spot banks all over the country into which the control of those two groups extends. The Riggs Bank here in this city is one of them. I have called attention to two Chicago institutions. You can follow it over the country and trace it to a certainty, with sufficient investigation.

Morgan and Standard Oil have the financial power to extend that connection practically without limit. They have their own trust companies associated with their banks wherever located. They already hold the very securities for which this bill provides. They have the ability to acquire a practical monopoly of such securities. Their resources and profits from the control of all the great banking, transportation, and industrial institutions of the country not only put it within their power but make it worth their while to invest in such securities, where banks of small capital can under no circumstances afford to carry them. The control over the emergency currency that the possession of the specified securities, especially in time of panic, when call-money rates in Wall street run to 100 per cent, would make it well worth while for the big banks to ac-

quire directly and indirectly a substantial monopoly of these securities. The smaller banks engaged only in commercial banking could under no circumstances compete with them or afford to acquire them.

Need I remind the Senate of the statements of former Secretary Gage, of former Secretary Shaw, of the many Western and Middle Western and Southern bankers who have sent their protests here that such banks do not hold and can not acquire these securities? Need I remind the Senate again that the chairman of the Finance Committee only one short year ago declared that municipal bonds, the very securities designated in this bill as a basis for this emergency currency, were so widely fluctuating that no prudent banker could afford to invest in them? He stated particularly that small banks could not afford to make such investments. He argued that such securities were held only by the big banks of New York and of other principal money centers.

IS AN AID TO FURTHER CENTRALIZATION.

Now, going a step further, sir, to see the effect, I do not say the purpose of this legislation, but the effect of it, you have these two groups. You can not brush aside the overwhelming testimony of their existence. The slightest investigation on the part of Senators will convince them, will overcome all doubt. This centralization has gone on and on. I cited the warnings of some of the leading economists of the country five years ago of the dangers of it. Now you have it. Its ramifications extend into every State in this Union. At a given word their banks, acting together for any section or for the entire country, can be first in line, offering their securities for this so-called emergency circulation, and through the power of their nation-wide organization they can impress upon the Secretary—any Secretary of the Treasury, whatever his politics may be—the necessity for such an issue. It is an awful situation in which to place a Secretary of the Treasury. They can pour their telegrams upon him. They can send upon every train men of ability and influence, an army of them, to plead with the Treasury that the hour has come, that a panic threatens, that an issue of emergency currency is needed to ward off disaster. If need be, they can create, whenever it suits their interests, the very conditions which, upon the theory of this bill, would call for an issue of emergency currency.

Nay, more than that, so vast are their resources, so complete their domination of the markets whenever trouble comes, that the assurance which this bill gives of panic money issued to order will serve to make the ordinary commercial business of the country more completely the prey of this mighty power. Talk about the equitable distribution which this bill provides for——

Mr. SMITH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Michigan?

Mr. LA FOLLETTE. I do for a brief question. I am anxious to conclude my remarks to-day, if possible.

Mr. SMITH. I should like to ask the Senator whether in his suggestion that the banks of the country could not get these municipal and State securities as the basis of circulation he has considered the fact that already, under laws that have been in force for many years, the savings banks of New England have purchased these securities in large quantities and hold them as legal investments?

Mr. LA FOLLETTE. I think I have considered that, Mr. President; and let me say to my friend the Senator from Michigan that a thorough study of this subject will convince him that these great interests are not limited in their organization to national banks. They take in by purchase of stock or exchange of securities banks of whatever kind and trust companies wherever located.

The holdings of these securities by the State, private, and savings banks and trust companies under their control would be at the command of their national banks for securing circulation. Only national banks could take out circulation. Independent national banks engaged in commercial banking could not compete with the System banks over the country for control of these securities, even those held by other independent concerns.

The thought which I wish every Senator to keep in mind throughout the consideration of this question is that there is a mighty power to be dealt with here which will be the special beneficiary of this legislation, and that is a standing menace to the business of this country, a menace to legislation everywhere, and to the industrial and commercial independence of the people.

Mr. SMITH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield further to the Senator from Michigan?

Mr. LA FOLLETTE. I do.

Mr. SMITH. I have been under the impression that the placing of this class of securities in an emergency measure might tend to localize their purchase. If the securities now enumerated in the bill are issued by municipalities, it has seemed to me that the local banks and local investors would purchase them because of their added value and convertibility, and that the tendency of this legislation now would be to reduce the rate of interest that the municipalities now pay, because of the additional value given to their securities for this purpose, and that it would operate to decentralize rather than to centralize their market.

I should like very much to hear the Senator from Wisconsin upon that phase of this question, because it goes directly to the merits of the question itself.

Mr. LA FOLLETTE. Let me suggest to the Senator from Michigan that it does not lie with a little bank in Allegan, Mich., or anywhere else, to enter into competition with this System in bidding for municipal bonds, local or otherwise. What power, compared with the power of these group organizations, have the independent banks to gather in by purchase or otherwise the control of these securities?

Just look, Mr. President! On the 14th day of February, 1908, the report of the condition of the National City Bank of New York showed among its liabilities fourteen millions of borrowed bonds. It lies in the power of those great institutions, with their connections, to control the placing of these bonds. It seems to me that is too patent for argument.

Mr. SMITH. On that particular point, if the Senator will indulge me, I have had the impression and have given it some thought and study, that latterly Western banks and Western communities are investing in their own bonds; that it has become the custom of cities of the size of the one in which I live and of other cities in the West to buy their own securities at home. I think the same custom prevails in many Western States, and that the Eastern market is not left alone to bid, without opposition or competition, for these securities. A very recent issue of securities in my own home city illustrates that point. Our citizens and bankers bought them at what seemed to be the most favorable rate for that investment.

If I am wrong in that, if this bill will not tend to decentralize rather than to centralize these securities and their market, it puts an entirely different phase upon the situation than has heretofore been my view.

Mr. LA FOLLETTE. I am very glad to have the Senator say so, for he must surely see that this bill, if passed, will place a premium on these securities, that it will give them an added value when it invests them with the control of a currency issue. He must also see that this added value will be realized only by banks which can with profit use the securities to take out this emergency currency. This value will be far greater to those interests which can use this currency to make the enormous profits only known to Wall street in times of tight money. Legitimate commercial banking could earn no such profits. Does the Senator suppose that the little banks of Wisconsin or of Michigan or any other State can ever compete for the control of these securities with this mighty centralized money power? No; not for a moment, and I am sure the Senator must see that.

WILL PROMOTE MORE PANICS.

Mr. President, whatever the purposes of this bill, is it not manifest that it must inevitably aggravate the very conditions that now afflict commercial banking, whose office it is to promote all of the business transactions in this vast country between the producer and the consumer?

Sir, I would wrong no man. I would not unjustly decry Wall street or ignore the necessity of a great central market to provide capital for the large business undertakings of this country. I recognize the rights of capital and the service which capital can render to a great producing nation such as ours. But this Government guarantees equality of opportunity for all men, and it likewise guarantees equality of opportunity for all capital. Corporations and combinations of corporations, with their centralized banking and extending branch connections from State to State, are not entitled to special favors in legislation. This is not a bill for country banks, under which they can have equality of opportunity with city banks. It is the universal testimony, without, so far as my observation and correspondence extend, one dissenting voice from country bankers, that this bill is not for country bankers. It is not a bill even for the city banks engaged in commercial banking. It is a bill distinctively and specially for financial banks and trust companies speculating in securities.

Mr. GORE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Oklahoma?

Mr. LA FOLLETTE. I do.

Mr. GORE. I ask the Senator if this bill might not hold out a temptation or a reward or a premium of $500,000,000 to those who can control the securities, for with a panic they can get the money and without a panic they can not.

Mr. LA FOLLETTE. I will say to the Senator from Oklahoma that I have aimed to make it clear by my whole argument that the great and immediate danger back of this bill is that it offers a premium to the Interests that can make profit out of a panic. It would furnish them, sir, it seems to me, with every incentive to promote the conditions which would bring on panics, when you consider how wide their control is and how large a proportion of this so-called "emergency currency" they could command. They could take out this circulation through their System-controlled banks in the various States, and once it is in their control it can be sent to Wall street, where panic money brings a hundred per cent on stock-market loans.

PLAIN DUTY OF GOVERNMENT.

What is the duty of government in this legislation? The Government control of banks invites confidence because it increases business. The fact that a bank is a national bank carries with it the sanction of national protection.

Betrayal of the public by a Government-controlled bank is the Government betraying its own.

If the Government name is used in connection with a bank, its control should be sufficient, at least, to provide for decently honest bank management.

Mr. President, in the light of the panic, what legislation was demanded to meet the emergency? Legislation providing an abundance of quick money on which to run other panics or legislation taking banks, over which the Government had supervision, out of speculation; legislation which would contribute to private interests or legislation which would contribute to public interests?

To assume that nothing can be done, confesses a desire to do nothing.

Mr. President, I have not at any time discussed this subject professing an expert knowledge of banking and currency, but from the standpoint of experience in securing laws in the public interest, opposed by Special Interests.

I do not know how many Senators, on looking over their papers a day or two ago, saw an interview with the Deputy Comptroller of the Currency. It is an awful thing to put into the RECORD. Deputy Comptroller of the Currency Kane, in an interview in the Washington Post of March 21, says:

While numerous have been the recommendations of the eleven Comptrollers who have presided over the affairs of the Currency Bureau since its establishment, which, in the judgment of each, would have increased the security of the depositors and creditors of the banks, practically none has been enacted into law or has received the serious consideration of the legislative branch of the Government. No one has had better opportunities to observe from an impartial and disinterested standpoint the practical operation of the banking laws and to note their weak features in regard to the security of creditors than the respective Comptrollers of the Currency. Notwithstanding this indisputable fact and the many recommendations made by the several Comptrollers, there has been practically no amendment of the law since the passage of the original bank act of February 25, 1863, which can be said to have had for its object the particular welfare of the depositor.

Of the fifty-four acts amendatory of the original enactment which have been adopted since that date, practically all have been in the interest of greater latitude or privileges to the banks.

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The remedies suggested for the many unsatisfactory conditions for which the national banking laws are primarily responsible may be found in the recommendations made from time to time by the Comptrollers of the Currency in the forty-five annual reports submitted to Congress since the establishment of the Currency Bureau, and until supplied by legislative enactment the responsibility should rest where it properly belongs—upon the law and the lawmakers, and not upon administrative officials."

Oh, what an arraignment!

IGNORES NEED OF NEW RESERVE REQUIREMENTS.

The details of legislation are always possible when the basic principle is once determined. If it is once settled that Government-controlled banks are to be controlled in the public interest, the details can then be wrought out.

The Aldrich bill does not show any such intent.

Figures from the official record show how the massing and centralization of the money power, coupled with the operation of the national banking law, has resulted in gathering into a few group banks in New York City practically all the surplus money of the entire country, for use there in promotion and stock-market manipulations.

It clearly appears that these great group banks, as approved reserve agents for other national banks, gather the money reserves of the country in ever-increasing millions. The official figures of the Treasury Department show that the national banks of New York City owed the banks of the rest of the country during the panic a net balance of more than $410,000,000. Of this the country banks were unable to withdraw more than 5 per cent in their time of direst need. The payment of even this meager 5 per cent was made possible, or morally forced, by the deposit of Government money with the New York banks. While the official records are imperfect evidence of the growth of financial and speculative banking in recent years, they do show its trend and extent. They show, as I have before said, that the ratio of bank investment in stocks and bonds to individual deposits increased from 8.9 per cent in 1890 to 28.2 per cent in 1907 and that the aggregate of such investment is now more than $3,690,000,000.

Yet this bill does not provide that sufficient reserves in lawful money—not watered stocks and bonds—shall be kept where they will subserve the interests of legitimate business and the depositors to whom they belong. *There is no provision to prevent the money of the country being absorbed by the System and managed by the bank groups to carry on great speculating and promotion schemes.*

NO PROVISIONS TO RESTRICT FINANCIAL BANKING.

The official records of the Armstrong report and the Interstate Commerce Commission proved beyond all question that men at the great national-bank center and in control of banking and the money system were engaged in operations in violation of their trust obligations and in contempt of public interest and statutory law.

I want to lay before the Senate a simple comparison between the manner in which bank funds and deposited money are invested by one of the leading financial banks of New York and by a large bank of London, England.

Mr. E. Clarence Jones, a New York banker, who is opposed to financial banking, before the joint committee on banks of the New York legislature February 18, 1908, made this comparative statement of the ratio of investment in stocks and bonds of the First National Bank of New York (December 3, 1907) and the London City and Midland Bank (Limited) (December 31, 1907):

Name of bank.	Deposits.	Investments in stocks and bonds other than Government bonds.	Per cent.
First National Bank of New York	$94,773,274.97	$55,221,761.77	58.26
London City and Midland Bank (Limited)	266,410,306.00	17,293,593.00	6.49

Permit me to quote briefly from this banker's argument in analysis of these figures:

The importance of the above figures with reference to the First National Bank of New York may be presented in another form. The deposits in the First National Bank on December 3, 1907, amounted to $94,773,247.97. The reserve of 25 per cent required by the national-bank act was $23,693,318.74. Deducting this reserve of $23,693,318.74 leaves a balance of deposits available for lending amounting to $71,079,956.23. Of this amount $55,221,761.77 *was invested in stocks and bonds other than United States bonds.* The result is that the First National Bank on December 3, 1907, had only $15,858,194.46 in addition to its capital and surplus which it could possibly loan to its customers. *If this were generally done, would not banking become largely speculation, where the depositors could not win and might lose?* Doubtless other institutions are conducted, perhaps not in the same proportions, but on the same lines. Banks and trust companies should not be allowed to invest in stocks and bonds, but should keep their money for loans to their customers. * * *

All loans to officers and directors should be prohibited.

This comparison brings out in a most striking way the proportions to which financial banking in this country has attained. Here we have the First National Bank of New York, one of the great banks of the Morgan group, with nearly 60 per cent of its depositors' money invested in stocks and bonds more or less speculative.

How much more of the bank's and depositors' money was tied up in collateral loans on this same kind of security I do not know. I can only draw certain inferences from the fact that when I asked for this particular information as to this and a few other of the leading New York banks I was informed that the Comptroller's office felt bound to guard these facts in secrecy, lest their publication "raise havoc with the banks."

NEED OF PUBLICITY IGNORED.

But this bill has no provision requiring publicity as to the affairs of national banks; as to their loans and investments that will safeguard in some measure the interest of stockholders and depositors; as to what banks are engaged in legitimate commercial banking and what banks are engaged in financial banking; as to what banks not themselves engaged in financial banking are forwarding the money of their depositors to other banks which are engaged in financial banking, in stockjobbing, and speculation.

There is nothing in this bill prohibiting bank officers and bank directors from engaging in underwriting and promotion

syndicates; nothing to prevent their investing the funds of the banks which they manage and their deposits in the stocks and bonds of other corporations which they are promoting, or have promoted, or in which they are interested.

And yet, Mr. President, one of the bank failures in this very panic time cried to heaven for such legislation. Receivers found millions of its deposits invested in worthless promotion ventures in which the head and management of the bank was engaged. One would have supposed, if this were real emergency legislation, that it would have had something written in it providing for emergencies of that character.

There is nothing in this bill prohibiting officers and directors of national banks from borrowing the funds of the institutions which they control, the funds of their depositors, on securities which would not be accepted by an independent bank in which they would not have like authority and influence as in their own.

Whether Senators agree with me or not, that the panic of 1907 was deliberately planned for speculative, political, and legislative reasons, candid men reviewing the situation must conclude that unusual circumstances and strange conditions accompanied it. The country was materially prosperous. There were no commercial reasons for a panic. It was charged on high authority that there were political reasons. There is overwhelming proof of speculative reasons.

The situation at least calls for inquiry, for official investigation, to obtain facts upon which to prepare a measure commensurate with the evils shown to exist.

I submit that at least one new here, might have expected that a committee charged with preparing legislation on the heels of such a panic as that, would have made an investigation before reporting a bill.

No steps were taken for an investigation until a resolution was offered by the Senator from South Carolina [Mr. TILLMAN], and that very recently.

NEEDED PENAL AMENDMENTS NOT PROVIDED.

The Aldrich bill does not provide the manifestly needed amendments to the penal statutes for the punishment of wrongdoing of officers of national banks—punishment which, added to the assurance of an occasional impartial investigation by a Federal grand jury of their conduct and management, will do much to keep men in important trust positions mindful of their obligations and the duties imposed by law.

Legislation along these lines, Mr. President, is the sort of emergency legislation most urgently demanded to prevent the recurrence of panics of the kind that terrorized the country last October.

I undertake to say, that, except the Special Interests—with whose predatory operations it might interfere—there would be found in behalf of legislation such as I have suggested a "substantial consensus of opinion."

This much could be done at once. To work out a thoroughgoing revision of our banking and currency laws will require preparation; I concede that.

A CURRENCY COMMISSION DEMANDED.

It is quite generally admitted that our currency and banking laws need revision. In my reading I have found no authority to the contrary. Throughout this debate there has run a note of apology and excuse for this bill; that it is, granting all that its author and friends claim for it, but an expedient for extreme and perilous situations. It is admitted to be a makeshift.

A review of the debates of recent years touching our banking laws shows that necessity for revision has long been recognized. The subject has recurred from time to time whenever forced upon the attention of the Senate by some financial or commercial disturbance, but not otherwise. Propositions are always forthcoming, timed to fit some particular trouble, calling for some specific action, and usually resulting in benefit to the Special Interests. It would appear that we might learn much from European countries in regard to bank management and currency legislation.

For my own part, Mr. President, I believe this subject one of supreme importance, requiring study and research, such as no committee of this body will bestow upon it. I do not believe that any other great nation in the world situated as we are would fail to create a suitable commission for investigation and report. Such a commission should be composed of men representing not the banking interests of the country alone, representing not the banking interests engaged in speculative banking at all, but representing commercial banking interests, representing transportation interests, representing producers and consumers, to which should be added a Government expert who has served in the office of the Comptroller of the Currency, and one or more eminent economists who have made a special study of Government finance.

WHAT THE BILL SHOWS ON ITS FACE.

Mr. President, in conclusion I would remind Senators that when the bill first came here the character of securities, especially railroad bonds, proposed as a basis for currency issue, was criticised. Their speculative and uncertain character was pointed out, and the absence of any safeguards in the bill as to the ascertainment of the value of the securities was called in question.

It was with manifest reluctance that for the time being the railroad provision was abandoned.

Will not this surrender of the main provision of the bill be looked upon as a confession that it was not defensible, and that the bill as a whole was of the same character?

It is still proposed to allow the issue of this emergency currency on other securities which the chairman of the Finance Committee a year ago arraigned in this Chamber as unstable and "widely fluctuating in value," and to create an inducement for honest bankers to go into financial banking and invest in these securities, in which the Senator then declared "no prudent banker could afford to invest."

Mr. President, this bill is of a piece with other legislation enacted in recent years. It is not concerned with the interests of depositors—the public interest. It does give added power and privilege to the financial banks. It does reduce reserve requirements for favored banks. It carries a provision for taxation of emergency currency that puts a premium on fraud. It did provide for working the securities of overcapitalized railroads into the currency system. It did propose to put a premium on railroad-rate extortion. It did attempt to give the banks a free hand for the contraction of the circulating medium. It sought to place the Government in an attitude toward the watered securities of railroads that would forestall railway valuation.

THE REAL ISSUE PRESENTED.

Mr. President, I have talked in vain if I have not made plain the thought that there is just one issue before the country today. It is not currency. It is not tariff. It is not railroad regulation. These and other important questions are but phases of one great conflict.

Let no man think he is not concerned; that his State or his constituency is not interested. There is no remote corner of this country where the power of Special Interests is not encroaching on public rights.

Let no man think this is a question of party politics. It strikes down to the very foundation of our free institutions. The System knows no party. It is supplanting government.

Mr. President, I think I may say without risk of being misunderstood, at least by those of whom I speak, that I know something of the sentiment of the people of this country.

I have found no difference of opinion among them as to existing conditions and the causes underlying it all. In Wisconsin, and from New York to the Pacific States, the people I have met hold one opinion, have one conviction.

They are deeply concerned. They understand. Men back of the System seem to know not what they do.

In their strife for more money, more power—more power, more money—there is no time for thought, for reflection. They look neither forward nor backward. Government, society, and the individual are swallowed up in the struggle for greater control. The plain man living the wholesome life of peace and contentment has a better perspective, a saner judgment. He has ideals and conscience and human emotion. Home, children, neighbors, friends, church, schools, country, constitute life. He knows very definitely the conditions, affecting the rights guaranteed him by the Constitution, but he longs for expression, he longs for leadership.

This makes plain, sir, the powerful hold of President Roosevelt and of Mr. Bryan upon the confidence and affection of the American people. This makes plain why the President and Mr. Bryan each have, not the Republican party alone, not the Democratic party alone, but the whole people in sympathy with their purposes.

Whatever the difference in party policy, whatever the difference in personality, they are striving, each in his own way, for certain fundamental truths that the American people demand shall be settled right, and shall be settled soon.

Whatever mistakes Mr. Bryan may have made in policies, whatever mistakes the President may make in compromising legislation, they are beloved of the people because they are both fighting to preserve, for the people, the principle of government, by the people.

Blind indeed is he who does not see what the time portends. He who would remain in public service must serve the public, not the System. He must serve his country, not Special Interests.

I believe this bill will strengthen the power that grows every day a greater menace to the industrial and commercial liberty

of the American people. I believe this bill will strengthen the very element that is undermining the commercial banking of the country.

I appeal to the progressive men in the Senate not to allow this measure to pass; not to be misled by any false conception of party obligation. The highest official obligation is to serve the public interest.

APPENDIX.

Extracts from public records showing the participation of bank managers and directors in promotions and stockjobbing operations, with comment and explanation.

It is well known that there exists a community of interest between the large financial institutions of New York and the banking and other financial institutions of other large cities of this country. As the members of the directorates of the New York banks and the banks themselves are engaged in speculative flotations, so also are the directorates of large financial institutions in other cities of the country engaged in like transactions and have been and are associated with the great manipulators of the stock market of New York. In this connection I desire to call attention to the testimony of Edward H. Harriman before the Interstate Commerce Commission. The testimony which I give is taken from the print published at the instance of the Union Pacific Railroad Company, which certainly is not a source unfriendly to Mr. Harriman. It is taken from pages 23 and 24 of this report:

"Mr. KELLOGG. Was there a circular sent out asking for a deposit of stock of the Chicago and Northern Railroad Company for the purpose of selling it?

"Mr. HARRIMAN. My recollection is that Kuhn, Loeb & Co. issued a circular asking for a deposit of Chicago and Alton preferred, to be left in their hands to be sold under the control—I believe it was under the control, or under conference with a committee.

"Mr. KELLOGG. Who was the committee?

"Mr. HARRIMAN. Myself—I beg pardon for putting myself first—I should have said Mr. Stuart (Stewart).

"Mr. KELLOGG. We do it.

"Mr. HARRIMAN. And Mr.—you have it there—I think it was Mr. Mitchell and myself—John A. Stuart (Stewart), John J. Mitchell, and myself, was it not?"

John A. Stuart (Stewart) is a director of the Merchants' National Bank and chairman of the board of trustees of the United States Trust Company of New York. Edward H. Harriman—I will not mention his railroad connections, but I desire here to mention a few of his banking connections—is a member of the board of directors of the National City Bank, the Night and Day Bank, and the International Banking Corporation, of New York. He is a trustee of the Equitable Trust Company, and director of the Guaranty Trust Company, and director of the Mercantile Trust Company. John J. Mitchell, of Chicago, is the president of the Illinois Trust Savings Bank of Chicago. He is also director of the First National Bank of New York. Mr. Walsh is also director of the New York Trust Company, of the Chicago and Alton, the Chicago, Burlington and Quincy, the Chicago, Rock Island and Pacific, the Kansas City Southern, the Rock Island Company, and the Pullman Company, so it can be seen how closely he is allied to Mr. Harriman in other ways than merely an interest in the banking business.

"Mr. KELLOGG. I offer in evidence an agreement dated December 23, 1903, for the deposit of Chicago and Alton stock. Under this agreement the preferred stock owners of the Chicago and Alton Railway Company, I believe, in a general way, are assumed to deposit their stock with the bankers, Kuhn, Loeb & Co., subject to sale?

"Mr. HARRIMAN. That is right.

"Mr. KELLOGG. The price to be fixed by John A. Stuart (Stewart), Edward H. Harriman, and John J. Mitchell?

"Mr. HARRIMAN. That is right

"Mr. KELLOGG. Did you fix the price at which that stock was sold to the Union Pacific Company?

"Mr. HARRIMAN. I joined in it.

"Mr. KELLOGG. You joined in it?

"Mr. HARRIMAN. Yes, sir.

"Mr. KELLOGG. What was the price fixed. Eighty-six and one-half, was it?

"Mr. HARRIMAN. That is right.

"Mr. KELLOGG. Two and one-half per cent commission?

"Mr. HARRIMAN. Well, we didn't pay 2½ per cent commission.

"Mr. KELLOGG. Well, taken out of that. Eighty-six and one-half was the gross sum paid?

"Mr. HARRIMAN. Net price to the Union Pacific?

"Mr. KELLOGG. Net price to the Union Pacific; yes, sir. How much did the owners of the stock get?

"Mr. HARRIMAN. Eighty-four.

"Mr. KELLOGG. Have you the list of stockholders who deposited their stock with Kuhn, Loeb & Co.?

"Mr. HARRIMAN. I have not."

* * * * * * *

"Mr. KELLOGG. Who has the list?

"Mr. HARRIMAN. That I don't know; that I had nothing to do with.

"Mr. KELLOGG. You fixed the price?"

* * * * * * *

"Mr. HARRIMAN. The committee fixed the price.

"Mr. KELLOGG. Did you own any that was so deposited?"

Mr. Harriman did not answer this question. Mr. Milburn, his attorney, entered an objection. The question involved the right of the executive officers of railroad companies to purchase stock of another railroad company as individuals and to sell that stock as individuals to themselves as executive officers of the railroad and the right of the Interstate Commerce Commission to inquire into such a transaction. Mr. Harriman did not answer, and only a few days ago, upon appeal, Judge Hough decided that he must answer this and other questions which will throw light upon the methods of these high financiers, of these trusted agents who have control of the banking machinery in this country.

I desire to offer some testimony given on pages 42 and 43 of the hearings of the Interstate Commerce Commission, February 25 to 28, 1907. I desire again to call attention to the banking connections of Mr. Harriman. Mr. Mortimer Schiff, of the firm of Kuhn, Loeb & Co., was a director of the Mercantile Trust Company, of the Provident Loan Society, and the United States Loan and Trust Company—one of the principal Standard Oil financial institutions; George J. Gould, the director of the National Bank of Commerce, the great Morgan institution; and James Stillman, the financier of the Standard Oil institutions, the president of the National City, and the director of the Bank of the Metropolis, Bowery Savings Bank, Columbia Bank, Farmers' Loan and Trust Company, The Fidelity Bank, The Fifth Avenue Safe Deposit Company, The Hanover National Bank, The Lincoln National Bank, The National Butchers and Drovers' Bank, The New York Trust Company, The Riggs National Bank of Washington, the Second National Bank of New York, and a member of the clearing-house committee of the New York Clearing-House Association. These, with Mr. Harriman, were members of a syndicate. The following is from the testimony:

"Mr. KELLOGG. In 1899 you organized a syndicate to buy the Chicago and Alton stock, did you not?

"Mr. HARRIMAN. Let me see. Was I the one that did that? I think so; I had a hand in it, anyway.

"Mr. KELLOGG. I think you did. That syndicate was composed of yourself, Mr. Mortimer Schiff, George J. Gould, and James Stillman, was it not?

"Mr. HARRIMAN. I am not sure about Mortimer Schiff.

"Mr. KELLOGG. Was it some representative of Kuhn, Loeb & Co.?

"Mr. HARRIMAN. Whatever was done was published at the time, and I presume you have all those papers. There was no concealment of what was done.

"Mr. KELLOGG. I understand that. I am only asking the general questions, Mr. Harriman. The statement shows that George J. Gould acquired 54,534 shares of stock, E. H. Harriman 54,535, Mortimer Schiff 54,535, and James Stillman 54,535. That is substantially correct, is it not?

"Mr. HARRIMAN. I think so.

"Mr. KELLOGG. There may have been a few shares in the names of directors. In other words, this syndicate acquired all but about $436,000?

"Mr. HARRIMAN. About 97 per cent, if I recollect right.

"Mr. KELLOGG. About 97 per cent, that is right, of the capital stock of the Chicago and Alton Railroad Company. That capital is about $21,000,000, is it not, par value?

"Mr. HARRIMAN. I think it was $22,000,000.

"Mr. KELLOGG. Well, $22,000,000, par value. You became president of the company immediately thereafter, did you not, and were president for a short time—perhaps a year?

"Mr. HARRIMAN. That I don't recollect—that I have ever been president of the Chicago and Alton.

"Mr. KELLOGG. The record shows you were president until Mr. Felton became president.

"Mr. HARRIMAN. That may have been.

"Mr. KELLOGG. You were chairman of the board of directors or of the executive committee, or both—both, I think—until October last, were you not?

"Mr. HARRIMAN. That is so.

"Mr. KELLOGG. And during that time you had charge of the financial operations of the railroad company, did you?

"Mr. HARRIMAN. Through the executive committee and board, yes, or subject to their control.

"Mr. KELLOGG. The property was bonded at that time—at the time you bought it—for about eight and a half millions, was it not?

"Mr. HARRIMAN. Something like that—eight and a half or nine millions.

"Mr. KELLOGG. Yes; somewhere about eight and a half or nine millions. You immediately placed a mortgage of $40,000,000 upon the property, did you not?

"Mr. HARRIMAN. Yes; and sold $32,000,000 out of it.

"Mr. KELLOGG. You sold those $32,000,000 of bonds to the stockholders for $650 a bond, did you not, or 65 cents on the dollar?

"Mr. HARRIMAN. That is right.

"Mr. KELLOGG. And this syndicate got substantially all of the bonds, all but about $436,000?

"Mr. HARRIMAN. Was it that syndicate? I think there was a subsequent syndicate formed, composed of 100 different individuals.

"Mr. KELLOGG. No; I think the bonds were divided among that syndicate.

"Mr. HARRIMAN. That is, it was divided with the stockholders, whoever they were.

"Mr. KELLOGG. Yes; but the syndicate——

"Mr. HARRIMAN. Yes; I know, but that does not bear on this question. It is a question whether they did not represent a large number of subscribers to a syndicate other than themselves.

"Mr. KELLOGG. I do not know anything about that.

"Mr. HARRIMAN. I think the records show that.

"Mr. KELLOGG. The record shows that the bonds were sold——

"Mr. HARRIMAN. To the stockholders.

"Mr. KELLOGG. To the stockholders, of which these four men whom I mentioned got substantially all?

"Mr. HARRIMAN. They were the largest holders; yes.

"Mr. KELLOGG. Eight millions of those bonds have not been sold, have they?

"Mr. HARRIMAN. I think they have been pledged.

"Mr. KELLOGG. They have been pledged as collateral security to a $5,000,000 note of the railway company?

"Mr. HARRIMAN. That is so.

"Mr. KELLOGG. Then $32,000,000 of those bonds were sold and substantially all of them went to these four gentlemen?

"Mr. HARRIMAN. Went to the stockholders.

"Mr. KELLOGG. They were the stockholders, were they?

"Mr. HARRIMAN. Went to the stockholders.

"Mr. KELLOGG. Well, these men were the stockholders, principally, were they not? There were no other stockholders except of small amounts?

"Mr. HARRIMAN. You have shown that. They had 97 per cent. They were the stockholders.

"Mr. KELLOGG. You sold some of those bonds immediately thereafter, did you not?

"Mr. HARRIMAN. I think not."

* * * * * * *

"Mr. KELLOGG. Did you sell your bonds?

"Mr. HARRIMAN. Some of them.

"Mr. KELLOGG. Did you sell all of them?

"Mr. HARRIMAN. I think I did.

"Mr. KELLOGG. And $10,000,000 of them went to the New York Life, did they not?

"Mr. HARRIMAN. I don't know whether they did or not?

"Mr. KELLOGG. Ten million dollars of them were sold for 96, were they not?

"Mr. HARRIMAN. I think they were. I don't know whether they were my bonds or not.

"Mr. KELLOGG. And thereby the stockholders, you gentlemen, reaped a profit of over $300 a bond? Is that correct?"

* * * * * * *

"Mr. HARRIMAN. I have not seen the list, Mr. Kellogg.

"Mr. KELLOGG. Very well. It purports to give the total number of shares of the Chicago and Alton Railroad as 222,102, and as owned by George J. Gould, 54,534, and the same amount by each one of the other three gentlemen, yourself, Mr. Schiff, and Mr. Stillman, and the amount of the $40,000,000 subscribed by each, amounting to $39,978,360 altogether, and you gentlemen subscribed for substantially all of it.

"Mr. HARRIMAN. Thirty-nine million dollars?

"Mr. KELLOGG. Yes; originally subscribed for.

"Mr. HARRIMAN. Oh, yes.

"Mr. KELLOGG. And you four gentlemen owned substantially all the stock?

"Mr. HARRIMAN. We were the Chicago and Alton Railroad, practically.

"Mr. KELLOGG. That is it; and you sold those bonds to yourselves for 65 cents on the dollar?

"Mr. HARRIMAN. We sold them to the stockholders, whoever they may be. I don't know whether other people were interested in mine or not."

* * * * * * *

"Mr. KELLOGG. As a matter of fact, the Chicago and Alton Railroad Company had paid its accumulated profits from year to year in the form of dividends at 8 per cent and over, had it not?

"Mr. HARRIMAN. It had paid some of them.

"Mr. KELLOGG. The books of the Chicago and Alton Railroad Company showed no surplus of any considerable amount at the time you bought the property, did they?

"Mr. HARRIMAN. That I don't remember.

"Mr. KELLOGG. As a matter of fact, they showed less than $200,000, did they not?

"Mr. HARRIMAN. The books may have——

"Mr. KELLOGG. They did not show any $6,000,000 surplus, did it?

"Mr. HARRIMAN. Mr. Kellogg, as I remember it, there was a recasting of the statements of the Chicago and Alton, and it was shown that there had been appropriated out of income to the Chicago and Alton, and expended on the road, more than $12,000,000.

"Mr. KELLOGG. Yes, sir.

"Mr. HARRIMAN. And this syndicate, or this body of stockholders, readjusted the finances of the Chicago and Alton and distributed to the stockholders about half that amount which had gone into the property from profits."

* * * * * * *

"Mr. KELLOGG. Is it not a fact that from year to year, during the management of the prior Chicago and Alton, whatever had been charged against its income and spent upon the road had been closed each year by the board of directors?

"Mr. HARRIMAN. I presume so, but under the former management the Chicago and Alton was drying up very fast, and so was the railroad itself.

"Mr. KELLOGG. It certainly has not dried up since.

"Mr. HARRIMAN. No, sir; it has not.

"Mr. KELLOGG. There was water enough to satisfy anybody.

"Mr. HARRIMAN. Yes; and business enough to satisfy.

"Mr. KELLOGG. Would you think distributing $6,669,000 as a 30 per cent dividend to the stockholders who had already had 8 per cent would prevent if from drying up?

"Mr. HARRIMAN. Combined with the other methods of financing which were adopted by the Chicago and Alton; yes.

* * * * * * *

"Commissioner CLEMENTS. Mr. Kellogg, what is the date of that 30 per cent dividend in that case?

"Mr. KELLOGG. The 30 per cent dividend was paid on May 7, 1900, shortly after the acquisition of the property by Mr. Harriman and his syndicate, $6,669,180. It may have been declared before. I think it was."

* * * * * * *

"Mr. KELLOGG. You understood, didn't you, that this $12,000,000 had already been charged against operating expenses?

"Mr. HARRIMAN. I did not understand it at all. All I know was we went into the affairs of the Chicago and Alton and found that $12,000,000 of the profits of the company had been expended for improvements and additions to the Chicago and Alton Railroad.

"Mr. KELLOGG. And that $12,000,000 had been paid out of the earnings of the company, hadn't it?

"Mr. HARRIMAN. Of course it had.

"Mr. KELLOGG. And while the company had paid 8 per cent dividends. That is true, isn't it?

"Mr. HARRIMAN. Yes. Eight and 7, I think.

"Mr. KELLOGG. And was capitalized for $38,000,000 and carried its property on its books at $39,000,000? That is correct. I am speaking round numbers."

Now, what this testimony discloses is this: That a syndicate was formed, composed of these four men. These four men are bank directors, are the directing geniuses of some of the largest financial institutions of this country, institutions which in Wall street are rated high, institutions which have unlimited credit, which are supposed to be models of business honesty and integrity. These four men entered into a syndicate to acquire control of the Chicago and Alton road. They agreed to have the stock deposited with Kuhn, Loeb & Co. They secured 97 per cent of the stock, the absolute control of the road; they issued the bonds of the road and sold them to themselves at 65. They manipulated the stock and the officers of the company so that they resold these bonds at from 83½ to 96. They sold the bonds to insurance companies.

Edward Harriman was a director of the Equitable Life Insurance Company, one of the purchasers of these bonds. Mortimer Schiff, member of the firm of Kuhn, Loeb & Co., which firm was the financial agent that sold the bonds to the Equitable Life Insurance Company. Mr. Stillman was a representative of the National City Bank and its allied financial institutions.

After accumulating this stock, and becoming, as Mr. Harriman very aptly phrases it, "the Chicago and Alton Railroad," these men took the money which they paid to the Chicago and Alton Railroad—that is, to themselves—for these bonds and declared to themselves a 30 per cent dividend upon their stock. I desire to call attention to an exhibit which was submitted in the Harriman investigation and which will be found on page 134 of the printed testimony, and is as follows:

No. 65. Special common-stock dividend.

THE NATIONAL CITY BANK OF NEW YORK,
New York, N. Y., May 7, 1900.

Will pay to the order of Kuhn, Loeb & Co., syndicate managers, $5,562,900 (five million five hundred and sixty-two thousand nine hundred dollars).

CHICAGO AND ALTON RAILROAD COMPANY,
By FRED V. S. BROSBY,
Assistant Treasurer.

H. S. BRADT,
For the Secretary.

(Indorsed): Pay to the order of Kuhn, Loeb & Co. Kuhn, Loeb & Co. Pay to the order of the National City Bank. Kuhn, Loeb & Co.

"The other check, Exhibit 10, for the preferred-stock dividend is in the same words and form and is for $1,041,660. Both of them have like indorsements."

These indorsements are made to the order of the National City Bank—that is, these checks were made payable to that institution. James Stillman, a member of this syndicate, is the president of that bank, and if these checks and these exhibits show anything, they show that this national bank is engaged in this business for itself.

I have demonstrated that these men—such men as Harriman, Stillman, Schiff, Baker, and all of this crowd of high financiers that control the large banking houses in New York—control the national banks, that is, the large national banks of the system. They also control the principal railroads of the country. They should be concerned in conserving the property interests of the railroads for the benefit of the stockholders of these companies. That they have a greater concern in manipulating the stocks and securities of the companies that they may reap personal profits for themselves and their associates in the banking, trust, and security companies of which they are members, is evident from the manner in which the bull market was manipulated during 1904, 1905, and 1906. I wish to direct your attention to such testimony as is obtainable and which tends to show how this bull market was manipulated.

It is unfortunate that there was not conducted a general investigation and the testimony secured in regard to all of the railroad stocks which were dealt in and which were a part in this bull movement. But there is the testimony secured by the Interstate Commerce Commission in its investigation of the deals by E. H. Harriman and associates during this period. The evidence which I have quoted from the Armstrong report has relation largely to transactions of the old "blind pool" and to other transactions previous to the bull movement which started in 1904. The testimony which I now desire to quote shows that these men continued their operations up to and including 1906. The following is quoted from page 179 of the testimony taken before the Interstate Commerce Commission and shows how Harriman, Rogers, and Stillman and others began collecting in 1904 the stock of the Illinois Central, purchasing it in the market and concentrating it with the firm of Kuhn, Loeb & Co.:

"Mr. KELLOGG. Mr. Harriman, the company bought 281,231 shares of Illinois Central stock at that time, did it not?

"Mr. HARRIMAN. If that is the amount. I suppose that is the amount.

"Mr. KELLOGG. Thirty thousand shares of stock from each of you, Mr. Rogers and Mr. Stillman?

"Mr. HARRIMAN. Yes, sir.

"Mr. KELLOGG. For 175?

"Mr. HARRIMAN. That is right.

"Mr. KELLOGG. Ex dividend?

"Mr. HARRIMAN. That is right.

"Mr. KELLOGG. That sale was made on July 19, 1906, or about that time, was it not? That stock is now worth less than 160, is it not?

"Mr. HARRIMAN. The market value is apparently less than 160.

"Mr. KELLOGG. Was that a pool of stock, 30,000 each from you gentlemen?

"Mr. HARRIMAN. I don't remember that.

"Mr. KELLOGG. How did you happen to own 30,000 shares each?

"Mr. HARRIMAN. *Well, we had bought it during a long time.* We had acquired a certain amount of Illinois Central, bought it in the open market.

"Mr. KELLOGG. How long before that had you bought that?

"Mr. MILBURN. That comes, I think, within the objection.

"Mr. KELLOGG. He volunteered the information that he sold this stock to the Union Pacific. I did not ask him.

"Mr. MILBURN. I do not think he volunteered it.

"Mr. LOVETT. The record shows you asked him the question.

"The CHAIRMAN. He has stated, in giving his account of the transaction, that part of the stock of the Illinois Central that the Union Pacific acquired was his stock.

"Mr. MILBURN. There is no doubt about that; but that is in the record, and is fully stated, and there is no dispute about it. When we acquired it is another question. That, I think, is within the range of the objection I have made.

"Mr. KELLOGG. Let me ask a few questions in advance of that. Was that a pool?

"Mr. MILBURN. I think that is a purely private arrangement. Here are these gentlemen who own these shares in this corporation. The corporation takes the matter up. The ownership is disclosed. The corporation decides to buy. A committee is appointed to fix the price, and the price is fixed. Now, I think it is an entirely irrelevant and immaterial matter, entirely in the domain of private business, as to when they acquired that stock or for what they acquired it, or whether they acquired it separately or cooperating together.

"Commissioner HARLAN. Mr. Milburn, the record shows, as I understand it, that the motion to acquire this stock was made by Mr. Harriman.

"Mr. MILBURN. It shows that there was a report made on this matter, not a motion.

"Commissioner HARLAN. Very well; a report by Mr. Harriman.

"Mr. MILBURN. They did not vote on it, and a committee was appointed to fix the price of the stock.

"Commissioner HARLAN. I understand all that; but the report was made by Mr. Harriman. He was then an officer of the company, and put himself in the position of recommending the company to purchase his stock. Now, do you say that it is not proper for the Commission to know all the details of that transaction? That is, that he can act in one moment as an officer of the company and in another moment claim protection against full information as a private citizen?

"Mr. MILBURN. I do not think, if the Commissioner will excuse me, that that question is raised here. Here is an officer of a corpora-

tion, a director. He is also an individual. Now, there is no concealment; the matter comes before the board of directors with respect to a purchase of Illinois Central stock. Here is a director who says, 'I own these shares of stock;' and the company decides it is a good thing to buy them. He says: 'Because I own them, I can not act on this proposition.'"

Now, then, I wish to direct attention to another disclosure which is made by this evidence and which it all seems to me has bearing upon this bull movement—that is, to the increase in freight rates on the line over which Mr. Harriman and his associates have control:

"Mr. KELLOGG. Now, is it not a fact that within the last ten years nearly all products from the Atlantic seaboard to California have been increased 10 cents a hundred?

"Mr. HARRIMAN. That may be. I had nothing to do with that.

"Mr. KELLOGG. Then the rates have not been reduced much, have they?

"Mr. HARRIMAN. In what time is that?

"Mr. KELLOGG. About 1904, just previous thereto. Do you know that from nearly all eastern points to all California points the rates on all classes of products, commodity rates, and other rates were increased substantially 10 cents a hundred?

"Mr. HARRIMAN. You will have to go to the traffic men for that. What were they in 1904 as compared with 1902 and 1901?

"Mr. KELLOGG. They were higher in 1904 than in 1902 and 1901.

"Mr. HARRIMAN. They were, eh?

"Mr. KELLOGG. Yes, sir. They were increased just prior to 1904. Now, here is the tariff with the increases. Do you wish to look at it?

"Mr. HARRIMAN. I really don't know the reasons, but I presume that the prices of these very things that you spoke about have increased materially during that time.

"Mr. KELLOGG. The tariff I refer to is the westbound transcontinental freight bureau tariff.

"Mr. HARRIMAN. I had nothing to do with that.

"Mr. KELLOGG. Of January 18, 1904.

"Mr. HARRIMAN. The tariff on all railroads on all commodities was alike.

"Mr. KELLOGG. On all Pacific railroads; certainly.

"Mr. HARRIMAN. I mean on all railroads from the Atlantic coast line to the Pacific; it don't make any difference which way they went.

"Mr. KELLOGG. Oh, certainly not; that is all right.

"Mr. HARRIMAN. Did it make any difference whether they went to Union Pacific or Southern Pacific or Great Northern?

"Mr. KELLOGG. They were increased on all of them.

"Mr. HARRIMAN. That does not bear on this question.

"Mr. KELLOGG. It bears on the reasonableness of your rates, and it bears upon the question of whether the rates have been decreased on the Pacific roads, as you say.

"Mr. HARRIMAN. There may have been reasons why they should have been increased. Is there any law against our increasing rates?"

The increased earnings which would come in a great measure from increased rates, the addition of 10 cents a hundred on all commodities between the Pacific and Atlantic would certainly increase the earning power of these roads.

Now, then, I wish to present the following evidence of another deal of Mr. Harriman and associates. On page 277 of the testimony will be found the following:

"Mr. KELLOGG. Of whom were the New York Central stocks purchased?

"Mr. HARRIMAN. They were purchased in the market through brokers and bankers.

"Mr. KELLOGG. Were any of the directors of the Union Pacific interested directly or indirectly in the New York Central stocks at the time they were sold?

"Mr. MILBURN. That is the same line.

"Mr. KELLOGG. I mean these particular New York Central stocks?

"Mr. MILBURN. Same objection.

"The CHAIRMAN. The same objections are made and they are overruled, and the witness declines to answer.

"Mr. KELLOGG. You decline to answer for the same reasons?

"Mr. HARRIMAN. Yes.

"Mr. KELLOGG. I mean at the time the Union Pacific bought these shares of New York Central stock, were any of the directors interested in the sale of those particular shares?

"The CHAIRMAN. It will be understood that the question relates to that time.

"Mr. KELLOGG. And the same position is taken?

"Mr. MILBURN. Yes; and the same answer."

Mr. Harriman declined to answer. It is clearly evident that Mr. Harriman and his associates, or at least that some of the Union Pacific directors, were interested in the sale of stock of the New York Central to the Union Pacific. Justice Hough has ordered that he should make answer to these questions.

Now, as illustrative of the speculative propensities of these men who are intrusted with the administration of the great properties of the railroad companies, and with the handling of the great funds of the insurance companies, and with the handling of the deposits of the people through their national and other banking connections, I desire to call attention to the testimony on pages 294 and 295:

"Mr. SEVERANCE. Now, from the time of the reorganization of the Union Pacific down, I might say, to the present time your bank has been the fiscal agent of the Union Pacific, has it not?

"Mr. KAHN. Yes.

"Mr. SEVERANCE. And still is?

"Mr. KAHN. Still is.

"Mr. SEVERANCE. That is, when they wanted to sell securities they sell them through you, and when they want to buy securities they buy them through you, as a rule?

"Mr. KAHN. Provided that we offer as good or better terms than anybody else.

"Mr. SEVERANCE. Well, we will come to that a little later. But, as a matter of fact, whatever may have been the inducements to do it, practically all the securities that have been puchased by—or a very large percentage of the securities purchased by the Union Pacific, and a very large percentage of securities sold by the Union Pacific, have passed through your hands, haven't they?

"Mr. KAHN. Yes. That is the practice in the case of all large railroad companies, that they deal with one particular banker.

"Mr. SEVERANCE. Yes; and you have been the particular banker of the Union Pacific?

"Mr. KAHN. Yes."

As evidence of the loyalty to trust which marks the dealings of these men, I desire to call attention to the testimony of Mr. Kuhn, member of the firm of Kuhn, Loeb & Co., pages 308, 309, and 310:

"Mr. KAHN. No. The one 2½ per cent was for the risk taken in acquiring the stock of the Southern Pacific, for the responsibility involving that, and for ourselves as fiscal agents. The other one we got for guaranteeing and insuring the success of an issue of $40,000,000 of 4 per cent convertible bonds at par, which was an untried issue and a new departure in finance. It was very questionable, indeed, whether 4 per cent convertible bonds on a road that had just emerged from bankruptcy would be salable at par or anywhere near it if it had not been for our active efforts and the syndicate's active efforts. I think I may also say if it had not been for the moral responsibility which we incurred in coming before the public and practically guaranteeing the goodness and soundness of the security, and that we received an additional commission. The two transactions are entirely separate, and the risk and responsibility involved are distinctly separate.

"Mr. SEVERANCE. And you got that commission of 2½ per cent, as I understand, for this moral responsibility, and the syndicate got 2½ per cent, practically a discount, of course, on the bonds for underwriting?

"Mr. KAHN. Yes.

"Mr. SEVERANCE. And $25,000,000 of the $40,000,000 were not taken by the syndicate at all or by you, but by the stockholders of the Union Pacific. That is in substance the transaction, is it not?

"Mr. KAHN. That is in substance the transaction; yes.

"Mr. SEVERANCE. So that the Union Pacific paid to you, with the exception of such amount as might have gone to the other members of your syndicate, these bonds and about 10 per cent commission, and the stockholders took about $25,000,000 of the bonds.

"Mr. KAHN. No; the Union Pacific paid us 2½ per cent commission upon the entire $40,000,000, and we ran the risk on the entire $40,000,000 that we undertook to underwrite at par.

"Mr. SEVERANCE. Yes; I understand the transaction. I was just getting at it.

"Mr. KAHN. I think it is a most unfair way of putting it.

"Mr. SEVERANCE. I do not mean to be unfair, Mr. Kahn.

"Mr. KAHN. I think you distinctly are, if you state we made 10 per cent.

"Mr. SEVERANCE. I do not mean to be unfair; I simply want to get in a nutshell the net figures, without reference to the explanation of why it is done.

"Mr. KAHN. That is unfairness. You can not get the net figures without the explanation of how it is done and why it is done.

"Mr. SEVERANCE. I think we agree on the figures, and your explanation will go with it. That is all right, Mr. Kahn. We will not have any trouble about that. Now, that money was paid over and the stock was acquired by the Union Pacific. A little later on, as I understand it, the Union Pacific bought some more of this stock. That was the next year, was it not?"

Now, this means that while Mr. Kahn said they got 2½ for one transaction and 2½ per cent for another transaction, it really means that Mr. Kahn's firm got 5 per cent on the sale price of the stock and that the syndicate composed of Mr. Harriman and his associates got 5 per cent on the sale price as a discount. That is, Mr. Harriman and associates were the Union Pacific Railroad, and they sold these securities to Mr. Harriman and associates, the syndicate, and they took 5 per cent of the sale price out of the treasury of the Union Pacific Railroad and paid it to themselves as the syndicate.

In the Harriman investigation it was also brought out that Kuhn, Loeb & Co. acted for the Union Pacific in the sale of large amounts of the securities of the Northern Pacific and Great Northern roads, and Mr. Kuhn, in his testimony on page 331, describing this transaction says: "We acted simply as the agents of the company in effecting the sales to the best of our ability, and I think I may say that we did pretty well and that *we worked off a huge amount of stock*, particularly without depressing the market, just as I may say we did pretty well in buying the Northern Pacific stock, because we paid about seventy millions of it before anybody had any idea we were doing it."

Now, what does this mean? It is direct evidence, as direct as exists, that these men, Kuhn, Loeb & Co., the fiscal agents for the Union Pacific, the company that the Standard Oil-Harriman alliance deals with largely in the stock market, were engaged in the business of washing stocks. In other words, they were working the market. They were maintaining the prices by their washed transactions.

An additional proof of the manipulating methods used by these concerns I desire to quote from pages 232, 233, and 234 of the testimony:

"Mr. SEVERANCE. Later on, I see by this report, that a large amount of the Great Northern and Northern Pacific was sold through Kuhn, Loeb & Co.?

"Mr. KAHN. Yes.

"Mr. SEVERANCE. Was that sold under a contract?

"Mr. KAHN. May I ask under what date?

"Mr. SEVERANCE. It begins on the 17th day of last July and runs down to the 1st of February, 1907—the 17th of last July. I mean 1906.

"Mr. KAHN. There were direct purchases made from the company by us.

"Mr. SEVERANCE. What I wanted to get at, Were these made pursuant to a single contract, or were they various blocks sold from time to time?

"Mr. KAHN. They were in various blocks.

"Mr. SEVERANCE. And sold under the dates stated?

"Mr. KAHN. And sold under the dates stated.

"Mr. SEVERANCE. According to this there is a block of $2,800,000 of the capital stock of the Northern Pacific sold the 1st of February for five million nine hundred and fifty-four thousand and odd dollars.

"Mr. KAHN. What, a block of how much?

"Mr. SEVERANCE. That is what made me think that it must have been under some contract. That is a pretty high market price for Northern Pacific.

"Mr. KAHN. A block of how much? Two million eight hundred thousand dollars sold for $5,954,000? That is correct. We sold that at about 250. That would work out about right.

"Mr. SEVERANCE. For the Northern Pacific?

"Mr. KAHN. Yes.

"Mr. SEVERANCE. Are you not mixed up with the Great Northern?

"Mr. KAHN. No. We bought Great Northern from the company as high as 335.

"Mr. SEVERANCE. This is Northern Pacific.

"Mr. KAHN. And we bought Northern Pacific as high as 225.

"Mr. SEVERANCE. I am speaking about the 1st of February, 1907; this was only the other day.

"Mr. KAHN. The 1st of February, 1907?

"Mr. SEVERANCE. Yes; the 1st of February, 1907.

"Mr. KAHN. No.

"Mr. SEVERANCE. You certainly could not have paid over 200 for Northern Pacific stock then, could you?

"Mr. KAHN. No—yes; that is right.
"Mr. SEVERANCE. You paid 210 for it the 1st of February, did you, for Northern Pacific stock?
"Mr. KAHN. Yes.
"Mr. SEVERANCE. And that was an independent transaction, and not pursuant to any contract?
"Mr. KAHN. Yes; an independent transaction.
"Mr. SEVERANCE. Then, as I understand you, since last summer all of these sales that have been made to you were made in small or comparatively small blocks?
"Mr. KAHN. Yes.
"Mr. SEVERANCE. From time to time?
"Mr. KAHN. Yes—sales to us or the sales which were made through us?
"Mr. SEVERANCE. What?
"Mr. KAHN. Did you say the sales to us or through us?
"Mr. SEVERANCE. To you.
"Mr. KAHN. No; the sales to us were made in quite substantial blocks, and the sales through us were smaller blocks.
"Mr. SEVERANCE. They are quite substantial blocks, but they are smaller than some of the other blocks?
"Mr. KAHN. Well, but in the aggregate——
"Mr. SEVERANCE. They are in blocks of not less than 2,800 shares or more than a million?
"Mr. KAHN. Yes.
"Mr. SEVERANCE. Some of the sales last summer went as high as seven millions in some of the other stocks?
"Mr. KAHN. Yes."

Here this merely means that Kuhn, Loeb & Co. went into the stock market, sold securities owned by this company in small blocks, and the company would deliver the stock to them as called for. In other words, the company was engaged in open speculation through its bankers. The speculative end of this transaction is clearly proven by the fact that if Kuhn, Loeb & Co. were buying these stocks for investment for themselves or as representatives of any large syndicate they would have taken the amount of stock at one time in its entirety or in large blocks according to contract, whereas as shown by Mr. Kuhn's testimony they took the stock in small blocks from the Union Pacific Railroad as Kuhn, Loeb & Co.

As an illustration of the devious methods to which these men resort to cover up their dealings, I present the following from the Armstrong Report, volume 10, pages 72, 73, 74 and 75, and page 80:

"In 1902 the New York Life applied for a participation of $5,000,000 in the syndicate underwriting the securities of the International Mercantile Marine Company, known as the 'Navigation Syndicate,' of which J. P. Morgan & Co. were the syndicate managers, and received an allotment of $4,000,000. Upon this $3,200,000 was called in 1902, and this amount appeared in its annual statement for that year. In 1903 an additional amount of $800,000 was called, and in order that its interest in this syndicate, the prospects of which were not at the time particularly bright, should not appear at an increased figure in its statement for 1903, it was determined to make some disposition of the $800,000 interest. Accordingly, on December 31, 1903, it was arranged that J. P. Morgan & Co. should pay the New York Life $800,000, which was deposited to the credit of the company. The $800,000 interest was entered in its books as sold and the report to the insurance department stated that the company's entire interest in the syndicate was $3,200,000 instead of $4,000,000, and the value was stated at par, the price at which the $800,000 interest had been apparently disposed of. On January 2, 1904, the New York Life gave its check to J. P. Morgan & Co. for $800,266.67, that is, $800,000 and two days' interest. The arrangement was made by Mr. Perkins, who acted both for the New York Life and his firm. It is plain that there was no bona fide sale and that the whole purpose of the transaction was to conceal the extent of the company's interest in the Navigation Syndicate. The interest of $800,000 was closed out in 1904 at a loss of $80,000 to the company.

"In March, 1904, on the increase of the stock of the New York Security and Trust Company, 1,000 shares of the increased stock was used for the acquisition of the stock of the Continental Trust Company, which was subsequently merged with the former company. In connection with the carrying out of this plan objection was made to the large interest of the New York Security and Trust Company in the syndicate relating to the securities of the New Orleans Railways Company. Influenced, as it is claimed, by the argument that the New York Life had made an advantageous sale of its stock some two years before, and apparently with no other object than to assist the New York Security and Trust Company and those interested in it, the New York Life took from the trust company a participation of $2,500,000 in the New Orleans Railways Company Syndicate, and $1,500,000 in par value of the bonds of that company at 85, paying therefor, with interest, the aggregate sum of $3,805,679.55. This was an investment wholly without justification. The syndicate interest was afterwards transferred to and settled through the temporary loan account. Two hundred and fifty thousand dollars of the bonds were sold at about 80 in November, 1904. On or about December 31, 1904, the remainder of the bonds, $1,250,000 in par value, were nominally sold for the apparent price of $937,500. In this way the bonds were closed out of the books of the New York Life and were not included in its annual statement as of December 31, 1904.

"The transaction was carried out as follows: One million dollars of the bonds, through an arrangement made by George W. Perkins, were sold pro forma to W. S. Fanshawe, a bond dealer with whom the New York Life had numerous transactions, for $750,000. The bonds were delivered to the New York Security and Trust Company, from which Mr. Perkins obtained the money without Fanshawe's intervention. The remaining $250,000 of the bonds were taken at the price of $187,500 by Mr. Perkins for the benefit of the 'Nylic' fund, a trust fund created for agency directors, of which Mr. Perkins was the managing trustee. On January 5, 1905, the subcommittee of the finance committee, composed of Messrs. Perkins, Langdon, and Randolph, reported, in connection with the 'New Orleans Railways interest referred to them with power,' 'that the proposed reorganization, although promising profitable results, involves the conversion of a portion of the bonds into stock, which could not therefore be entertained, and, in the judgment of the committee, made the sale desirable, to effect which involved a loss against which the committee provided in part by agreeing with the purchaser, in consideration of a division of the resulting profits upon the securities, to protect him against loss. The sale of $1,250,000 bonds at 75 was thereupon authorized on above basis.' On or about the same day Fanshawe took up the $1,000,000 bonds from the New York Security and Trust Company and the $250,000 bonds from 'Nylic,' paying the aggregate sum of $937,500, which at the same time was loaned him by the New York Life. He took them under an arrangement made with Mr. Perkins whereby the New York Life was to have 95 per cent of the net profits on their resale. In other words, Fanshawe merely agreed to take the bonds and sell them in his own name in consideration of 5 per cent of the net profits. The transaction was closed in June, 1905, when the securities were sold, and Fanshawe took up the loan and gave a check to the New York Life for 95 per cent of the excess over the price at which he had nominally taken them.

"Brief allusion may also be made to the manner in which other transactions in securities have been dealt with in the company's accounts. In 1898 the company took an allotment in the Toronto, Hamilton and Buffalo Railway syndicate of $875,000, receiving bonds at par value and paying for them at 91, or $796,250. In July, 1899, the account was credited with $500,000 bonds as 'delivered to the New York Life at 99,' and these were transferred to another account then opened, which was debited with an equivalent amount, importing an investment in $500,000 of the bonds at 99. In fact, there had been no such investment, but the bonds were part of the lot acquired at 91. In December, 1899, the syndicate account was closed with an apparent profit of $44,908.96, which was carried to the credit of profit and loss, when in fact there had been no such profit. The transaction was simply that $500,000 of the bonds were marked up from 91 to 99, the company treating itself, on the one hand, as investing in them at the latter figure, and, on the other, as having made the profit by the resale.

* * * "It has been the boast of the company that it has made large profits in its dealings and securities. Its financial transactions, under the supervision of the finance committee, have been largely, including those already mentioned, in the immediate charge of George W. Perkins. On his becoming, in 1901, a member of the firm of J. P. Morgan & Co., his salary as an officer of the New York Life was reduced from $75,000 to $25,000, and he has testified that he has paid to the New York Life his share of the profits since made by his firm through his dealings with the company. The total amount paid by him to the company on account of such profits is $10,490.67, of which $10,412.57 was paid on December 30, 1903 ($9,730 through an offset of amounts claimed to have been disbursed by him for the company in the two prior years), and $78.10 on July 19, 1905. The explanation of the small amount paid by Mr. Perkins to the company on account of his share of the profits in these transactions is that they were high-grade securities yielding little profit to the firm, and that his interest in the firm was relatively small. The evidence is that while Mr. Perkins has been a member of the firm of J. P. Morgan & Co., the New York Life had purchased from it securities of the par value of $39,286,075 for the price of $38,804,918.51. Of these $3,657,000 in par have since been sold at a profit to the company of $35,131.25, and the market value of the remainder is stated to be $749,533.75 over cost.

"It has been the policy of the company not to limit itself strictly to investments. It has engaged largely in syndicate underwritings, and these, it claims, have been very profitable. Exclusive of its interests in the United States Steel Corporation syndicate, it states that its profits from syndicate participations have amounted during the past ten years to $2,399,695.22. It has been the practice, at least in recent years, to keep an account of profits from those sources in the ledger of the treasury department, against which have been entered sundry charges of syndicate losses and other items which it was convenient to charge against syndicate profits, such as $9,000 for furniture for the Hanover Bank office, and the balance has been carried to profit and loss in the general ledger."

To illustrate how lightly the obligations of a trusteeship rest upon these men, I desire to read from this same report, volume 10, pages 81 and 82:

"The company has also entered into numerous transactions on joint account, where the object was not to buy for investment, but for the purpose of early sale on a rising market. In other words, it has sought to take advantage of the financial connections and information of those charged with its financial operations by an approach, as close as possible, to the banking business. The course of business has been to make, with others, a joint purchase of securities, frequently furnishing all the money required in carrying the securities for the interest, and to divide the profits from the resale in agreed proportions.

"The company claims that its profits in cash and on bonds retired in connection with these ventures have amounted to $886,604.88. While it has made money for itself, it has given large shares of the profits to the bankers, who have used its money and attended to the business. Thus, in 1899, on a joint account with Goldman, Sachs & Co. and G. W. Bartholomew, the New York Life supplied upward of $2,000,000 for the purchase of $2,300,000 Missouri Pacific fives at 90; they were carried until September, 1900, when they were sold and the profits, after paying interest, were divided as follows: Eleven twenty-thirds, or $98,172.94, to Goldman, Sachs & Co.; one twenty-third, or $8,924.94, to G. W. Bartholomew, and eleven twenty-thirds, or $98,172.94, to the New York Life. In April, 1904, Chairman Perkins reported to the finance committee an 'offering by Kuhn, Loeb & Co. of about $3,000,000 Long Island Railroad Company refunding mortgage 4 per cent bonds, guaranteed by Pennsylvania Railroad at 98, accompanied by guaranty that our interest of $750,000 in syndicate through which said bonds are issued shall yield a profit equivalent to one-half per cent reduction in price of said $3,000,000 bonds. The chairman thereupon proposed to take the amount offered on those terms in joint account with William S. Fanshawe (he to surrender to us his own syndicate interest of $100,000)—$1,000,000 of bonds to be withdrawn as an investment for the company—which was approved.'

"Accordingly the New York Life supplied $2,984,590 for the purchase on joint account of $3,045,500 of these bonds at 99, less than 1 per cent, retired $1,000,000 at 97½, and the remainder was sold in June, 1904. The New York Life received the proceeds and paid over to Mr. Fanshawe $22,500 for his share, retaining $8,182.50 for its share of the profits. In 1904 the New York Life furnished the moneys for the purpose of purchase and sale on joint account with W. S. Fanshawe, of Chicago, Burlington and Quincy joint fours up to $1,000,000. Purchases were made in September and October at from 97 to 97½, and were sold from time to time in November, the account being closed with a profit of $4,656.20 to each party. There were numerous transactions of this general description, in some of which the other parties to the joint account carried their shares of the purchases, and the justification for the division of the profits is sought to be found in the command of expert services."

Is it reasonable to assume that George W. Perkins or George F. Baker or any other of these men will or are or can be any more faithful to their trusteeship as bankers than the evidence shows them to the trust which they assumed as officers of the insurance companies?

Mr. BEVERIDGE. Mr. President, I was impressed with what the Senator from Wisconsin said about five minutes ago concerning the necessity for investigation. One thing has sug-

gested itself to everybody, and that is the possibility that this bill might in some way delay the beginning of a thorough-going and scientific currency reform, which all men of all parties conceive is necessary.

I have thought of asking the distinguished Senator from Rhode Island, who is the chairman of the Committee on Finance, what he thinks of the wisdom and expediency, in order that it may not be delayed, of a commission to investigate and to inquire into and give Congress the benefit of its deliberations upon this very grave subject.

Mr. ALDRICH. Mr. President, the bill before the Senate is a bill to provide an emergency currency for use whenever emergencies arise. It does not undertake to treat the general question of currency or of banking reform. I realize, and I have so stated to the Senate, the necessity of the immediate consideration and treatment of that subject, and I hope that before the present Congress adjourns legislation will be enacted which will provide for a commission, either a commission of Members of the House and Senate or a mixed commission, to consider this question, with a view of reporting at an early day in the future. It was not possible to do this at the present session. I think every Senator who listens to me realizes that fact.

Mr. President, it was my purpose to ask the Senate to take up the pending bill to-morrow and proceed with its consideration and reach a final vote some time during the day; but after a conference with Senators upon both sides of the Chamber, I will make the request now that the bill shall be taken up on Wednesday after the morning business and be considered on Wednesday and Thursday, and that a final vote shall be taken upon the bill and amendments before the adjournment on Thursday.

The VICE-PRESIDENT. The Senator from Rhode Island asks unanimous consent that the pending bill be taken up for consideration at the close of the routine morning business to-morrow; that the consideration of the bill be proceeded with the residue of to-morrow's session and on Thursday following and that a vote be taken upon the bill, amendments pending and to be offered, before adjournment on that day. Is there objection to the request?

Mr. LA FOLLETTE. Mr. President, I am constrained to interpose an objection to that request. I believe this to be a measure of such importance that it should be debated out fully. It may be that Thursday or Friday or Wednesday will see the termination of that debate, but I have witnessed in my limited time in the Senate the disposal of important legislative measures where debate was cut off by unanimous-consent agreements and where Senators were denied the opportunity to reply to arguments made and to which reply was, as it seemed to me, of vital importance.

I remember when the rate bill was pending in the Senate the debate was curtailed by a unanimous-consent agreement and that with respect to certain propositions which I desired to present and argue out to the Senate I was foreclosed. I then said that no unanimous-consent agreement of like character would be made in my presence in this body while I remained here upon any important piece of legislation.

Now, let me say that it is not my purpose to prolong the discussion upon this measure at all. But I do want that latitude which shall yield to me, representing in part one State in this Union, the right to be heard here on any proposition and on any phase of this legislation whenever any argument may be made with respect to it, or the right to advance at any time when the bill is still pending before the Senate any further argument which it may occur to me as important to present.

The VICE-PRESIDENT. Objection is made.

Mr. ALDRICH. Mr. President, it is not my purpose, of course, to cut off any debate on amendments. I do not know of any Senator who desires to be heard upon this measure at length. I now give notice that to-morrow, after the routine morning business, I shall ask the Senate to proceed to the consideration of this bill, and I shall ask that they proceed to the consideration of it to the exclusion of all other business until it is disposed of.

Mr. LA FOLLETTE. Mr. President, let me inquire of the Senator from Rhode Island whether that notice contemplates the limitation of debate?

Mr. ALDRICH. Not at all.

Mr. BEVERIDGE. Mr. President, I think the predicament which we are in is very clear to all of us. Notice now served by the Senator from Rhode Island [Mr. ALDRICH] merely means that to-morrow and from that time on this bill must be considered to the exclusion of everything else so long as anybody has anything to say regarding it, and when nobody has anything to say, a vote must be taken upon the bill. In view of that fact, I now suggest to the Senator from Wisconsin [Mr. LA FOLLETTE], whether it is not the more practical thing to do, as well as the thing which would perhaps be most acceptable to all Senators on the floor, to fix the date for a vote by unanimous consent—if Thursday is not satisfactory, then perhaps Friday.

I think that all will agree that the Senator from Rhode Island, no matter how much we may all have disagreed with him on this bill—and I have been one of those who have very earnestly disagreed on one feature of the bill, which has now gone out—must concede that he has not pressed the bill unduly, but has been very patient, indeed, in waiting until this time to ask for a unanimous-consent agreement.

The bill has been before the Senate—it is now practically the 1st of April—since the holiday recess, which is quite a long time. I should not interpose this suggestion, which is made, as I think the Senator from Wisconsin will perceive, with the utmost desire to produce some practical result, if there had been a dispositon to press things here. I think, further, that everybody will concede that one of the objections which has been in the minds, not only of Senators, but of the country, that this legislation might put off a thorough-going reform of this whole great subject has been very largely obviated by the statement of the Senator from Rhode Island in favor of a commission to investigate and report upon this subject.

But the object in my rising at this juncture is to suggest whether it is not more expedient, instead of meeting to-morrow and going right on and voting upon this bill only when no Senator has anything further to say, to fix, as is the custom of the Senate, a day—no matter how far distant, and if Thursday is not agreeable, then Friday or Saturday—to vote upon it.

I offer the suggestion for what it may be worth. I do not know whether it is acceptable to the Senator from Rhode Island or to the other side.

Mr. CULBERSON. Mr. President, so far as the suggestion which the Senator from Indiana [Mr. BEVERIDGE] makes about the commission, that can take care of itself, but I remind the Senator from Rhode Island [Mr. ALDRICH] of the fact that before Christmas a resolution was introduced and referred to his committee—the Committee on Finance—to make an inquiry into the causes of the panic and to report such legislation as, in the judgment of the committee, might prevent a recurrence of such conditions. That resolution is still in that committee.

With reference to the suggestion about a vote, it appears to me, on inquiry on this side of the Chamber, that no other Senator on this side desires to address the Senate at any considerable length. I was therefore of the opinion that taking to-morrow and the next day for the consideration of amendments and the bill itself, it would probably afford all the necessary time for the submission of remarks by Senators who desire to speak either on amendments or on the general bill.

It ought to be recalled that in the proposal of the Senator from Rhode Island the debate is not limited, as is often the case, to the five-minute rule, the ten-minute rule, or the fifteen-minute rule. Debate is to be general and unlimited on the amendments and on the bill; nor is an hour on Thursday proposed to be fixed for the final vote; in other words, so long as any Senator on Thursday desires to be heard upon this bill, he can be heard under the proposed unanimous-consent agreement, and must be heard, notwithstanding the length of the session on that day.

I suggest to the Senator from Wisconsin [Mr. LA FOLLETTE] that, under all the circumstances, the proposal made for the final vote on Thursday, not at any particular hour, but before adjournment on that day—of course we can hold the session until midnight or even longer if any Senator desires to be heard—would in all likelihood meet any emergency that might probably arise.

Mr. ALDRICH. Mr. President, I do not know of any Senator on this side of the Chamber who desires to take any part in this discussion at any length, and I thought the proposition which I made was exceedingly liberal. There is no disposition to cut off debate or to cut off amendments in any form. Therefore I hope that the Senator from Wisconsin will, upon consideration, withdraw his objection, as there is certainly no intention to cut that Senator or any other Senator off from any course of proceeding which he may see fit to adopt.

Mr. LA FOLLETTE. Mr. President, it seems to me that with the chairman of the Finance Committee in control of the time when the Senate shall be required to consider this legislation he can hasten it to a conclusion, sitting at such hours as in his wisdom the Senate ought to be required to devote to it. I can see no reason why this legislation should not be considered by the Senate, amendments offered and debated as their importance may require, and voted up or voted down without

having the stake set at some fixed time when there shall be no further discussion. Supposing it shall occur to someone to offer an amendment of vital importance at the last moment, debate being cut off on it by the limitation fixed by the unanimous-consent agreement, which can not be revoked.

This is very important legislation. I know of no reason why it should not run its course. As I have said to the Senator from Rhode Island, I have no disposition to prolong the consideration of this bill beyond giving it careful, full, and complete consideration.

Mr. HOPKINS. Mr. President, I see no trouble with the suggestion made by the Senator from Rhode Island [Mr. ALDRICH], that we meet to-morrow to consider amendments, and when amendments are disposed of to take a vote on the merits of the bill.

As has been stated by the Senator from Texas [Mr. CULBERSON] and by the Senator from Rhode Island, no Senator on either side of the Chamber desires to speak at length upon the bill. Now, unless it is developed, on a consideration of these amendments, that some Senator wants to talk against time, I for one see no reason why we can not dispose of all the amendments to this bill to-morrow.

Mr. TELLER. Mr. President, there has grown up in this Senate quite a custom of fixing a time for a vote on pending legislation. I have never felt very much in sympathy with that custom, and I am rather glad to have the discussion on the pending bill go along in its regular way. I am confident we shall be able to vote on the bill as early as suggested by the chairman of the Committee on Finance [Mr. ALDRICH]. If he will keep the bill to the front, and it be understood that he will object to the intervention of any other legislation—which I want to say now I am going to do, no matter how important it may be—if he will keep this bill before the Senate, I think we can finish it before adjournment on Friday night.

Mr. President, I expect there will be a great many amendments offered to the bill. Certainly, after listening to the Senator from Wisconsin, who has portrayed in vivid colors the enormities of this bill and described what it lacks, and who seems to think we ought to take up the entire financial system, although he has ignored the fact that some of the things of which he has complained are already provided in the statutes, such as penal sentences for certain banking derelictions, I shall expect that Senator to avail himself of the universal freedom of this Senate to give us his views on all these questions in the way of amendments. I presume somebody will want to talk about them for a few minutes, perhaps, or at least some Senator may ask for a yea-and-nay vote of the Senate, and it will take a little time to vote the amendments down, for I have no doubt that most of them will be voted down, because this bill does not provide for a reorganization of the banking system, and nobody supposed it would, although the Senator from Wisconsin seemed to think it ought.

I have said, and I think it is apparent to everybody, that the purpose of this bill is simply to meet emergencies that may arise, as they have existed heretofore and are likely to exist again. This is not a good time to attempt a reorganization of the banking system.

I do not believe myself in the advisability of the appointment of a commission to investigate this subject. I believe the Senate is as able to take up the financial question when we reach it and determine how we should change the present banking system, if we are going to change it at all, as any commission can be.

My experience with commissions, Mr. President, has not been such as to make me very strongly in favor of them. You may appoint a commission of six or eight men, and each man will have his own views, and when you come back here you will be at sea just as you are now. The Senate ought to be capable of taking up the financial question and considering it in a very conservative and careful way. That is what you have got to do, but you will not do it at this session, I am sure, and nobody expects you can. If you appoint a commission, you will not enact such legislation at the next session.

We are going to be faced, Mr. President, at the next session with an asset currency bill. It may not get through the other body at this time; but it is like the poor, you will always have it with you. It will be here because the banking interests of this country have made up their minds that, if there is anything that is good for them, it is an asset currency. I do not wonder at that. I can understand how a bank having a lot of paper, some of it good and some of it bad, would like to issue bills and send them over the country. They want of course—it is a part of the programme—that the Government shall guarantee these bills. There will never be in this country a new banking system that shall depart from the present system if the Government is going to guarantee the paper so put out, and asset currency goes upon the theory that when a bank has exercised its judgment and issued all the paper it thinks it can issue the Government is to stand back of it.

Mr. President, I am quite content with this matter as it is. I believe we can get through and have a fair discussion, and, if we do not, we can extend it into Friday or even Saturday, I suppose.

Mr. ALDRICH obtained the floor.

Mr. LA FOLLETTE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Wisconsin?

Mr. LA FOLLETTE. I prefer to wait, Mr. President.

Mr. ALDRICH. Mr. President, it has been the habit of the Senate for very many years, after discussion upon a measure was practically exhausted, to fix a time for taking a vote. This custom has grown out of a universal necessity, due to the pressure of public business in this body and the absence of a rule for the previous question. In making the suggestion which I did, I have followed the usual custom in such cases. I think no Senator can complain that there has been any attempt, on my part, to press this measure unduly. I shall, as I said before, ask the Senate to proceed to consideration of the bill, and I shall feel constrained to object to the consideration of any other business until this measure is disposed of.

Mr. CULBERSON. Mr. President, I understand the Senator from Rhode Island simply gives notice that at 2 o'clock to-morrow——

Mr. ALDRICH. No; immediately after the morning business.

Mr. CULBERSON. This bill is the unfinished business.

Mr. ALDRICH. My notice was that immediately after the routine morning business I should ask the Senate to consider this measure and proceed with the consideration of it until it is disposed of.

Mr. LA FOLLETTE obtained the floor.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Idaho?

Mr. LA FOLLETTE. I shall occupy the floor only a moment, and then I will yield to the Senator from Idaho.

I merely wish to say, in reply to the observation of the Senator from Colorado [Mr. TELLER], that I have exercised what I conceive to be a right upon this floor to speak upon this bill and to speak my mind upon it. I do not think I have misconceived the bill or the purpose of it or the effect of it. I do not understand it to be, Mr. President, a revision of the currency and banking laws of the country. I understand that for many years the necessity of such revision has been recognized. I understand that you can not get a revision succeeding a panic, because there is a disturbed condition, and you can not get such a revision in a time of industrial prosperity and peace, because there is no necessity for it.

As to whether I shall offer any amendments to this bill, I will be governed in that, too, by what seems to me to be the right thing for me to do at the time, and I shall not be influenced at all by any consideration as to whether those amendments are voted up or voted down.

I have listened to all the suggestions that have been made here with respect to curtailing debate and fixing a time to vote upon the bill, and no suggestion has been made which leads me to withdraw my objection.

Mr. TELLER. Mr. President, I did not mean any reflection upon the Senator from Wisconsin. I have listened to every word the Senator has said, I believe, in his speeches, and it occurred to me that if he found so many errors in the bill he would exercise the right of every Senator on this floor to move amendments. Whether they prove popular or acceptable to the Senate will be another question, but nobody usually cares about that until at least a vote has been taken, although sometimes one may feel a little bit hurt if an amendment does not succeed.

I in nowise intended to reflect upon the Senator from Wisconsin, and if the defects in the bill are such as he declares, I hope he will take the sense of the Senate on them, because if there are such defects, then we ought to vote amendments in, and if we do not think they are defects we will vote the amendments down.

Mr. ALDRICH. It is very evident that we can not now reach a unanimous conclusion upon this subject, and I therefore move that the Senate adjourn.

Mr. HEYBURN. I hope the Senator will withhold that motion for a moment. I have but a word to say.

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Idaho?

Mr. ALDRICH. I withhold the motion for a moment.

Mr. HEYBURN. Mr. President, I think, in the interest of good government and wise legislation, that when a question has been thoroughly discussed in this body, or any other legislative body, it should come to a vote, and I am not at all inclined to do anything that would postpone that vote after a bill has been thoroughly considered. I think, however, if the request of the Senator from Rhode Island is to be considered at this time, that it ought to specify in some detail the time to be devoted to the consideration of amendments and the time that might be occupied by any Senator in discussing an amendment or in discussing the bill. I shall offer no objection to the fixing of a time for the final vote upon the amendments or upon the bill as amended. I believe that when the time comes the Senate should speak its sentiments and that there should be such a consent given as would enable this to be done.

I was rather startled at the suggestion of the Senator from Rhode Island in regard to the appointment of a commission. Under no circumstances and at no time am I in favor of delegating to any outside body of men or any man the duty of advising us as to legislation. The Committee on Finance of this body is quite capable of determining and presenting to the Senate whatever is important to be considered in this body for the country, and I should certainly not favor at any time the appointment of any commission to advise us. We have a most competent commission in the Finance Committee of this body and the appropriate committee of the other body of Congress.

Mr. President, I think that the request of the Senator from Rhode Island ought to divide the time for the consideration of this question and that an hour should be fixed. Otherwise, as has been suggested, at the last hour some motion or suggestion might be made that we would all deem it important to consider. I suggest that the request should be to fix an hour at which the vote should be taken upon amendments, the time that should be consumed in the debate, and the time when a vote should be taken upon the bill.

Mr. HOPKINS. Mr. President, will the Senator from Idaho allow me?

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Illinois?

Mr. HEYBURN. Certainly.

Mr. HOPKINS. Under the notice that has been given, the bill is to be taken up, as I understand, and the amendments to be considered, and there is no limitation, either in the consideration of the bill or in the consideration of the amendments, but every Senator will have as much time as he desires to speak upon the merits of the bill or any one of the amendments that is proposed. If, after everybody supposes that we are through with the consideration of the bill, another amendment is offered, that can be debated and voted on also.

Mr. HEYBURN. But, Mr. President, unfortunately a legislative day has a legal termination, and that hour upon which a legislative day expires is one that we can not very well change, and it is so convenient to fix an hour that it seems to me it would obviate that question. We might be called upon to sit here until 12 o'clock on Friday—that is, sit all night Thursday—for the purpose of carrying into effect the agreement suggested by the Senator from Rhode Island.

Mr. ALDRICH. Personally I should have preferred very much to have a limit put upon the debate and upon amendments and to have had a time fixed for the final vote, but, knowing that that certainly would be objected to, I made the proposition which I did in the most liberal way in which it was possible to make it.

Mr. HEYBURN. Mr. President, I would suggest to the Senator from Rhode Island that he probably will meet with no more opposition to a resolution or motion carrying the details than he would meet to a general resolution or motion, and it certainly would work out better in the end.

Mr. ALDRICH. I will try at some future time to carry out the suggestion of the Senator from Idaho.

Mr. HEYBURN. I hope so.

EXECUTIVE SESSION.

Mr. ALDRICH. I understand that there is a desire for an executive session, and I therefore move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, March 25, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate, March 24, 1908.

ASSISTANT SURGEONS MARINE-HOSPITAL SERVICE.

Charles M. Fauntleroy, of Virginia, to be assistant surgeon in the Public Health and Marine-Hospital Service of the United States.

Lasher Hart, of New York, to be assistant surgeon in the Public Health and Marine-Hospital Service of the United States.

George H. McConnon, of Pennsylvania, to be assistant surgeon in the Public Health and Marine-Hospital Service of the United States.

Robert Olesen, of Minnesota, to be assistant surgeon in the Public Health and Marine-Hospital Service of the United States.

Harry J. Warner, of Illinois, to be assistant surgeon in the Public Health and Marine-Hospital Service of the United States.

Charles E. Wood, of New York, to be assistant surgeon in the Public Health and Marine-Hospital Service of the United States.

PROMOTIONS IN THE ARMY.

Quartermaster's Department.

Maj. Isaac W. Littell, quartermaster, to be deputy quartermaster-general, with the rank of lieutenant-colonel, from March 19, 1908, vice French, retired from active service.

Capt. B. Frank Cheatham, quartermaster, to be quartermaster, with the rank of major, from March 17, 1908, vice Swobe, retired from active service.

Capt. George G. Bailey, quartermaster, to be quartermaster, with the rank of major, from March 19, 1908, vice Littell, promoted.

Ordnance Department.

Lieut. Col. Frank Baker, Ordnance Department, to be colonel from March 17, 1908, vice MacNutt, retired from active service.

Maj. Beverly W. Dunn, Ordnance Department, to be lieutenant-colonel from March 17, 1908, vice Baker, promoted.

Capt. Thales L. Ames, Ordnance Department, to be major from March 17, 1908, vice Dunn, promoted.

Field Artillery.

First Lieut. Clarence N. Jones, Third Field Artillery, to be captain from February 25, 1908, vice Lassiter, Sixth Field Artillery, promoted.

Second Lieut. Henry L. Harris, jr., Sixth Field Artillery, to be first lieutenant from February 25, 1908, vice Jones, Third Field Artillery, promoted.

Second Lieut. Edwin E. Pritchett, First Field Artillery, to be first lieutenant from March 5, 1908, vice Millar, Fourth Field Artillery, dismissed.

Second Lieut. Roy B. Staver, Fifth Field Artillery, to be first lieutenant from March 17, 1908, vice Arnold, First Field Artillery, honorably discharged.

Coast Artillery Corps.

First Lieut. Theodore H. Koch, Coast Artillery Corps, to be captain from March 11, 1908, vice Clark, detailed as quartermaster.

Second Lieut. Clarence E. Seybt, Coast Artillery Corps, to be first lieutenant from January 1, 1908, vice Wieczorek, detailed in the Signal Corps.

Second Lieut. Thomas F. McNeill, Coast Artillery Corps, to be first lieutenant from January 1, 1908, vce Beckham, promoted.

Second Lieut. George M. Peek, Coast Artillery Corps, to be first lieutenant from January 3, 1908, vice Lipop, resigned.

Second Lieut. Perry M. Gallup, Coast Artillery Corps, to be first lieutenant from January 20, 1908, vice Marshall, promoted.

Second Lieut. William P. Wilson, Coast Artillery Corps, to be first lieutenant from January 21, 1908, vice Steger, promoted.

Second Lieut. Charles L. Williams, Coast Artillery Corps, to be first lieutenant from January 23, 1908, vice Lefort, dismissed.

Second Lieut. Alexander J. Stuart, Coast Artillery Corps, to be first lieutenant from March 11, 1908, vice Koch, promoted.

Infantry.

Maj. Colville P. Terrett, Eighth Infantry, to be lieutenant-colonel from March 14, 1908, vice Byrne, Seventeenth Infantry, retired from active service.

Capt. William M. Wright, Second Infantry, to be major from March 14, 1908, vice Terrett, Eighth Infantry, promoted.

Capt. André W. Brewster, Twenty-fifth Infantry, to be major from March 15, 1908, vice Goe, Nineteenth Infantry, retired from active service.

First Lieut. Howard C. Price, Fifth Infantry, to be captain from March 14, 1908, vice Stevens, Twenty-third Infantry, retired from active service.

First Lieut. Eldred D. Warfield, Thirtieth Infantry, to be captain from March 14, 1908, vice Krüg, Twentieth Infantry, retired from active service.

First Lieut. Walter B. McCaskey, Twenty-first Infantry, to be captain from March 14, 1908, vice Pardee, Twelfth Infantry, retired from active service.

First Lieut. Frank R. Lang, Fifteenth Infantry, to be captain from March 14, 1908, vice Wright, Second Infantry, promoted.

First Lieut. Oliver H. Dockery, jr., Third Infantry, to be captain from March 15, 1908, vice Brewster, Twenty-fifth Infantry, promoted.

First Lieut. John R. Thomas, jr., Seventeenth Infantry, to be captain from March 16, 1908, vice Whitworth, First Infantry, detailed as quartermaster.

First Lieut. Milton A. Elliott, jr., Thirteenth Infantry, to be captain from March 18, 1908, vice Hutton, Twenty-seventh Infantry, retired from active service.

PROMOTIONS IN THE NAVY.

Asst. Surg. Robert E. Stoops to be a passed assistant surgeon in the Navy from the 26th day of December, 1906, upon the completion of three years' service in present grade.

Asst. Surg. George L. Wickes to be a passed assistant surgeon in the Navy from the 12th day of April, 1907, upon the completion of three years' service in present grade.

Charles F. Sterne, a citizen of the District of Columbia, and William Chambers, a citizen of Pennsylvania, to be assistant surgeons in the Navy from the 19th day of March, 1908, to fill vacancies existing in that grade on that date.

Professor of Mathematics Omenzo G. Dodge to be a professor of mathematics in the Navy, with the rank of captain, from the 21st day of February, 1908.

Professor of Mathematics William S. Eichelberger to be a professor of mathematics in the Navy, with the rank of commander, from the 21st day of February, 1908.

Carpenter John A. Lord to be a chief carpenter in the Navy from the 5th day of February, 1908, upon the completion of six years' service in present grade.

POSTMASTERS.

CALIFORNIA.

Edward T. Ketcham to be postmaster at Santa Maria, Santa Barbara County, Cal., in place of Edward T. Ketcham. Incumbent's commission expired January 29, 1908.

Charles E. Tucker to be postmaster at Fortuna, Humboldt County, Cal., in place of Charles E. Tucker. Incumbent's commission expires April 27, 1908.

Calla J. Westfall to be postmaster at Venice, Los Angeles County, Cal. Office became Presidential October 1, 1906.

CONNECTICUT.

George P. Edwards to be postmaster at Collinsville, Hartford County, Conn., in place of George P. Edwards. Incumbent's commission expires April 19, 1908.

George W. Randall to be postmaster at Rockville, Tolland County, Conn., in place of George W. Randall. Incumbent's commission expires April 5, 1908.

Charles T. Welch to be postmaster at Windsor, Hartford County, Conn., in place of Charles T. Welch. Incumbent's commission expires April 5, 1908.

ILLINOIS.

Elmer E. Smith to be postmaster at Clayton, Adams County, Ill., in place of Elmer E. Smith. Incumbent's commission expires April 21, 1908.

Paul Spitzer to be postmaster at Techny, Cook County, Ill. Office became Presidential October 1, 1907.

IOWA.

William G. Ross to be postmaster at Fairfield, Jefferson County, Iowa, in place of William G. Ross. Incumbent's commission expires April 27, 1908.

KANSAS.

Henry C. Abbott to be postmaster at Le Roy, Coffey County, Kans., in place of Henry C. Abbott. Incumbent's commission expires April 8, 1908.

Charles T. Dallam to be postmaster at Hoxie, Sheridan County, Kans., in place of Charles T. Dallam. Incumbent's commission expires April 9, 1908.

Milo M. Lee to be postmaster at St. Marys, Pottawatomie County, Kans., in place of Milo M. Lee. Incumbent's commission expired February 23, 1908.

MAINE.

George A. Herrick to be postmaster at Madison, Somerset County, Me., in place of George A. Herrick. Incumbent's commission expires April 27, 1908.

MASSACHUSETTS.

Orick H. Kelley to be postmaster at North Plymouth, Plymouth County, Mass., in place of Orick H. Kelley. Incumbent's commission expires April 27, 1908.

Oliver P. Kendrick to be postmaster at West Brookfield, Worcester County, Mass., in place of Oliver P. Kendrick. Incumbent's commission expires April 5, 1908.

Frank E. Nichols to be postmaster at Warren, Worcester County, Mass., in place of Frank E. Nichols. Incumbent's commission expires April 27, 1908.

Edwin Smith to be postmaster at Mittineague, Hampden County, Mass., in place of Edwin Smith. Incumbent's commission expires April 27, 1908.

Willis A. Taft to be postmaster at Oxford, Worcester County, Mass., in place of Willis A. Taft. Incumbent's commission expires April 19, 1908.

MICHIGAN.

Charles A. Kline to be postmaster at West Branch, Ogemaw County, Mich., in place of Charles A. Kline. Incumbent's commission expired December 17, 1907.

William N. Lister to be postmaster at Ypsilanti, Washtenaw County, Mich,, in place of William A. Lister. Incumbent's commission expired March 23, 1908.

MINNESOTA.

William E. Easton to be postmaster at Stillwater, Washington County, Minn., in place of William E. Easton. Incumbent's commission expired January 23, 1907.

Mons Hauge to be postmaster at Benson, Swift County, Minn., in place of Mons Hauge. Incumbent's commission expired December 14, 1907.

Paul H. Tvedt to be postmaster at Nashwauk, Itasca County, Minn. Office became Presidential January 1, 1908.

MONTANA.

Lawrence Hauck to be postmaster at Philipsburg, Granite County, Mont., in place of Lawrence Hauck. Incumbent's commission expired March 8, 1908.

NEBRASKA.

Melancthon Scott to be postmaster at South Auburn, Nemaha County, Nebr., in place of Melancthon Scott. Incumbent's commission expired December 1, 1907.

John A. Wood to be postmaster at Ewing, Holt County, Nebr. Office became Presidential January 1, 1908.

NEW MEXICO.

G. L. Bradford to be postmaster at Dawson, Colfax County, N. Mex., in place of Tennessee C. Hill, resigned.

NEW YORK.

Charles Voss to be postmaster at Tannersville, Greene County, N. Y. Office became Presidential July 1, 1907.

PENNSYLVANIA.

David Farrell to be postmaster at West Middlesex, Mercer County, Pa. Office became Presidential January 1, 1908.

WEST VIRGINIA.

James Faulkner to be postmaster at Macdonald, Fayette County, W. Va. Office became Presidential January 1, 1907. (Postmaster removed.)

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 24, 1908.

UNITED STATES ATTORNEY.

George B. Grigsby, of Alaska, to be United States attorney for the district of Alaska, and assign him to division No. 2.

POSTMASTERS.

ILLINOIS.

Harry K. Alexander to be postmaster at Palestine, Crawford County, Ill.

KENTUCKY.

John E. Butler to be postmaster at Stearns, Whitley County, Ky.

James N. Coffey to be postmaster at Columbia, in the county of Adair and State of Kentucky.

Musker L. Heavrin to be postmaster at Hartford, in the county of Ohio and State of Kentucky.

Everett P. Taylor to be postmaster at Beaver Dam, Ohio County, Ky.

William H. Turner to be postmaster at Middlesboro, in the county of Bell and State of Kentucky.

NEW YORK.

Joseph J. Keenan to be postmaster at Potsdam, St. Lawrence County, N. Y.

Charles H. Whitson to be postmaster at Briarcliff Manor, Westchester County, N. Y.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March 24, 1908.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read.

A QUESTION OF PRIVILEGE.

Mr. SULZER. Mr. Speaker, I offer the following privileged resolution.

The SPEAKER. The gentleman from New York offers as a matter of privilege the following.

The Clerk read as follows:

Resolved, That the CONGRESSIONAL RECORD of March 23, 1908, be corrected by striking out, on pages 3835, 3836, and 3837, the speech purporting to have been delivered March 18, 1908, by the gentleman from Pennsylvania [Mr. DALZELL] and inserting in lieu thereof the transcript of the notes of the Official Reporters of the House of the speech actually made by said gentleman.

Mr. MANN. Mr. Speaker, I move to lay the resolution on the table.

Mr. SULZER. But I have the floor.

The SPEAKER. Does the gentleman from Illinois——

Mr. MANN. I will withdraw the motion, Mr. Speaker.

Mr. SULZER. Mr. Speaker, the resolution is offered for the purpose of calling the attention of the House to the fact that the gentleman from Pennsylvania [Mr. DALZELL] has put in yesterday's RECORD a speech reflecting upon the intelligence of most of the Members of this House. The speech was never delivered, and he never uttered one single word of it on the floor of this House. The official stenographer's notes show that the gentleman got up on the 18th of March and asked "leave to extend his remarks." What remarks? [Laughter.] This morning, lo and behold, we found on the first page of yesterday's CONGRESSIONAL RECORD a speech by the "Hon. JOHN DALZELL, of Pennsylvania, in the House of Representatives, Wednesday, March 18, 1908." And he says in this speech:

Indeed, I think it may be truly said that there are comparatively few Members of the House itself, much less outsiders, who have any real knowledge of the rules. The rules are simple enough and entirely logical, but to the majority of Members of the House who have no special ambition to familiarize themselves with them they seem complicated.

"Any real knowledge of the rules!" Now, think of that! Think of the gentleman from Pennsylvania slipping this undelivered speech into the RECORD and saying "Very few Members have any real knowledge of the rules." "The rules," he says, "are simple enough and entirely logical, but to the majority of the Members of the House who have no special ambition to familiarize themselves with them they seem complicated." Then the gentleman from Pennsylvania pays his respect to the newspaper reporters and magazine writers and some others "who, without unfairness, it may be said have very little knowledge or any conception of what they are writing about."

Think of that for an illustration of assumed wisdom.

This speech is not only a reflection on the intelligence and assiduity of the majority of the Members of this House, but reflects on the newspaper correspondents who sit in yonder gallery. [Laughter on the Republican side.]

A short time ago in the German Reichstag a member said something derogatory of the newspaper correspondents and they went on a strike, and now the world knows absolutely nothing about what the members of the German Reichstag are doing. If the gentlemen of the press gallery do not go on a strike to rebuke the gentleman from Pennsylvania I shall be very much surprised. [Laughter and applause.]

Now, Mr. Speaker, the gentleman got unanimous consent to extend his remarks, and I hope the gentleman from Pennsylvania will tell us what remarks he made. I hope the gentleman will consent, in all fairness, to strike out the derogatory parts of his speech reflecting on the Members of this House and on the newspaper correspondents.

This resolution is presented by me this morning to call attention to the fact that the gentleman from Illinois [Mr. MANN] offered a resolution yesterday to strike out of the RECORD a part of my speech which I had actually delivered on the floor of the House, and I would have delivered all of it if I had been allowed the time, but I could not get the time, and under the circumstances did the best I could, and when my time was exhausted I asked the House for unanimous consent to extend my remarks, and the House granted it, and then the next day the gentleman from Illinois [Mr. MANN] moved to strike out everything I did not actually say on the floor of the House.

Now, sir, I call the attention of the country to what I consider a great abuse of the rules and privileges of the House of Representatives, and that is the practice of putting into the RECORD speeches and data which have never been spoken, and never been heard on the floor of the House. It is an abuse that should cease. Yesterday, sir, I served notice on the House that if the Republicans struck out a part of my speech, which reflected on nobody, which did nobody an injury, which simply narrated the record of this House, in future I would see to it that nothing went into the RECORD by unanimous consent, and I am doing this not alone to please myself but I am going to do it in the interests of the newspaper correspondents, in the interests of the official reporters of the House, and in the interests of public economy, so that the poor fellows down in the Government Printing Office will not have to work quite so hard; and I now reiterate that nothing hereafter will appear in the RECORD, so far as I am concerned, unless it is actually delivered on the floor of the House of Representatives.

Now, Mr. Speaker, I will be glad to yield to the gentleman from Pennsylvania. [Laughter.]

The SPEAKER. How much time does the gentleman yield?

Mr. SULZER. How much time does the gentleman want?

Mr. DALZELL. About three minutes.

Mr. SULZER. I yield five minutes to the gentleman. [Laughter.] I reserve the balance of my time.

Mr. DALZELL. Mr. Speaker, with respect to a portion of what the gentleman from New York [Mr. SULZER] has said, I quite agree. I believe that the practice of printing in the RECORD speeches that were not delivered is a bad practice, and I shall agree to cooperate with the gentleman hereafter in suppressing that sort of literature. My speech, purported speech, in the RECORD this morning was put in there pursuant to leave granted by the House on the 18th of March, as the CONGRESSIONAL RECORD will show. It reflects on nobody and contains, as the House will observe, no little interspersed applauses either on the Democratic or the Republican side. [Laughter.]

Mr. SULZER. Mr. Speaker, I am content to take the judgment of the House on this resolution.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and on a division (demanded by Mr. SULZER) there were—ayes 21, noes 131.

So the resolution was rejected.

EFFICIENCY OF MEDICAL DEPARTMENT, UNITED STATES ARMY.

The Speaker laid before the House the bill (S. 1424) to increase the efficiency of the Medical Department of the Army, with House amendments thereto disagreed to by the Senate.

Mr. HULL of Iowa. Mr. Speaker, I move that the House insist on its amendment to the Senate bill and agree to the conference asked by the Senate.

The motion was agreed to.

The Chair announced the following conferees on the part of the House:

Mr. YOUNG, Mr. CAPRON, Mr. SLAYDEN.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. GILLETT. Mr. Speaker, I ask unanimous consent that the legislative, executive, and judicial appropriation bill be taken from the Speaker's table, that the House disagree to the Senate amendments thereto, and ask for a conference.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to take from the Speaker's table the legislative, executive, and judicial appropriation bill, disagree to the Senate amendments, and ask for a conference thereon. Is there objection?

Mr. SULZER. I object.

The SPEAKER. The gentleman from New York objects. The bill will be referred to the Committee on Appropriations.

AGRICULTURAL APPROPRIATION BILL.

Mr. SCOTT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 19158) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1909. Pending that motion, Mr. Speaker, if I can have the attention of my colleague, the gentleman from Virginia [Mr. LAMB], I would like to arrange, if I can, the time for general debate, and I will ask the gentleman whether four hours on a side would be satisfactory to him?

Mr. LAMB. Mr. Speaker, we would like very much to have more time, but in view of the fact that we must economize in time now we will have to consent, trusting to borrowing some time from the other side, and to getting what time we can have under the five-minute rule on this side.

Mr. SCOTT. Then, Mr. Speaker, I ask unanimous consent that the time for general debate be limited to eight hours, to be divided equally between the majority and the minority, to be controlled by the gentleman from Virginia [Mr. LAMB] and myself.

The SPEAKER. The gentleman from Kansas asks unanimous consent that general debate be limited to eight hours, to be controlled by the gentleman from Kansas and by the gentleman from Virginia. Is there objection?

Mr. HENRY of Texas. Mr. Speaker, reserving the right to object, I desire to state that this is a most important bill, and there are a great many Members who desire to be heard in general debate, and when this important bill is taken up I see no reason why the debate should be limited to four hours on each side. It seems to me there ought to be at least three or four days of general debate; we ought to have at least eight or ten hours on each side. I will ask the gentleman if he could not agree to three days' general debate on the bill?

Mr. SCOTT. Mr. Speaker, I think my friend from Texas [Mr. HENRY] may perhaps rely upon the judgment of the ranking member of the minority of the committee, and since he has suggested that eight hours would be satisfactory, I hardly feel as if I could agree to a longer time.

Mr. HENRY of Texas. I do rely upon the judgment of the gentleman, and dislike very much to take issue with him; but I know there are some gentlemen who desire to engage in general debate on this bill, and four hours will not be enough. There are a number of the members of the committee on the minority side who wish to make speeches, and this will not give them an opportunity.

Mr. SCOTT. I should like to say to the gentleman from Texas that this matter has been pretty carefully canvassed, and I think eight hours will suffice for all gentlemen who wish to discuss the bill to be heard, and I desire to renew my request.

Mr. HENRY of Texas. Well, unless the gentleman will agree to at least six hours on each side I shall feel constrained to object.

Mr. SCOTT. Then, Mr. Speaker, I renew my motion that we go into the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Kansas moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 19158, the agricultural appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 19158, the agricultural appropriation bill, Mr. FOSTER of Vermont in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 19158, the agricultural appropriation bill, which the Clerk will report.

The Clerk read as folows:

A bill (H. R. 19158) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1909.

Mr. SCOTT. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

Mr. SULZER. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard, and the Clerk will read the bill.

The Clerk began the reading of the bill and read to page 6, line 6.

Mr. SCOTT. Mr. Chairman, I ask unanimous consent that the further reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Kansas renews his motion that the further reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. SCOTT. Mr. Chairman, in addition to the formal report which accompanies this bill, I desire, with the indulgence of the committee, to submit a few observations upon some special features of the bill and perhaps upon some of the work of the great Department for the support of which it is intended to provide.

First of all, I desire to correct an impression which seems to have become prevalent that the total amount carried by this bill is in excess of the estimates submitted by the Department. It is true that the Book of Estimates presents but $10,666,351 as the estimates from the Department of Agriculture, but supplemental estimates were subsequently sent to the House which brought the total up to $12,851,351. The present bill carries $11,431,346, so that instead of being in excess of the estimates it is below them by $1,420,005. The increase of this bill over the appropriations for the current year will be found less than the average increase during the past ten years, and your committee believes it is a thoroughly conservative and carefully drawn bill.

The report notes briefly the fact that the volume of the bill has been reduced from 69 to 49 pages. This reduction has been made by an elimination of redundant and unnecessary verbiage, and has not limited the scope of the work of the Department or changed its character in any degree. The changes have been made merely to simplify the bill so that its provisions may be more easily understood.

Your committee has recommended very few promotions in salary, and these only in exceptional and uncommonly meritorious cases.

Under the Weather Bureau the bill recommends the construction of a new building at Abilene, Tex.; Dodge City, Kans.; Richmond, Va.; East Lansing, Mich.; Northfield, Vt.; St. Joseph, Mo., and Fort Wayne, Ind. It also recommends the reestablishment of the station at Pikes Peak and restoration of the administration building at Mount Weather, which was destroyed by fire last October.

The recommendation for the construction of buildings at the various stations named is made in pursuance of what your committee believes to be the wise policy of the Bureau to house its employees in its own buildings as rapidly as these buildings can be economically constructed. The value of meteorological observations is greatly enhanced if they can be taken at the same place over a long period of years. Your committee believes it is good policy, therefore, to build permanent homes for the stations wherever the stations themselves are to be permanent.

Mr. STAFFORD. Will the gentleman permit a question?

Mr. SCOTT. I yield to the gentleman from Wisconsin.

Mr. STAFFORD. Is there any special construction that is necessary in these weather buildings that demand special quarters in order to have efficient service?

Mr. SCOTT. It is necessary, chiefly, that they should be located so as to be free from the influence of adjoining buildings, and it is necessary also that the roofs should be of such shape that instruments may be placed on them which will be easy of access by the observers in charge of the station.

Mr. STAFFORD. Can the gentleman give the committee roughly the number of stations which are located in rented quarters and the number that are in quarters owned by the Government?

Mr. SCOTT. I can not even approximate that, as the matter has never been brought to my attention. I may say it has been the policy of the Bureau for several years to construct these buildings, and the agricultural appropriation bill most of the time for the past six years, since I have had the honor of being on the committee, has carried appropriations for that purpose.

Mr. STAFFORD. Aggregating how much in amount annually?

Mr. SCOTT. The cost of these buildings ranges from $12,000 to $15,000, and provision has been made——

Mr. STAFFORD. Independent of the sites?

Mr. SCOTT. Including the sites; and provision has been made in the different bills for sometimes four and sometimes eight buildings.

Mr. STAFFORD. What percentage are in Government buildings and what in rented quarters?

Mr. SCOTT. You mean in their own buildings?

Mr. STAFFORD. In the buildings owned by the Government.

Mr. SCOTT. I should think perhaps 20 per cent are in their own buildings.

Mr. STAFFORD. Can the gentleman give any rough estimate as to the amount of appropriation that would be needed in case they were housed in buildings owned by the Government?

Mr. SCOTT. Well, there are about 200 stations. It would cost about $15,000 a station. About 70 or 80 per cent of them are as yet unsupplied, and the gentleman can make the computation himself.

Mr. STAFFORD. Is it possible to have these stations located in the usual Government buildings such as we construct for use of post-offices and other governmental purposes?

Mr. SCOTT. The Chief of the Bureau does not recommend that, for the reason that the buildings are very seldom so constructed as to be suitable for the use of the Weather Bureau.

Mr. STAFFORD. Can not some quarters in those buildings be arranged whereby they would be suitable for the purposes of the Bureau?

Mr. SCOTT. I suppose, of course, if the matter were taken into account when they were constructed, it might be done, but, as the gentleman knows, the construction of the Weather Bureau buildings is under the control of the Department of Agriculture. Other public buildings are constructed by the Treasury Department, so that there has been no coordination of that sort.

Mr. STAFFORD. The purpose of my inquiry was that here we have these buildings being constructed under the Department of Agriculture, that has immediate charge of them, while the Government buildings that are mostly used for post-office purposes through the country are under the charge of the Treasury Department——

Mr. SCOTT. I may say to the gentleman——

Mr. STAFFORD. Over which the Post-Office Department has no control whatsoever, and wherein the buildings are erected without regard and oftentimes in opposition to the plans and recommendations and ideas of the Post-Office Department.

Mr. SCOTT. I may say to the gentleman that, as a general proposition, the Weather Bureau prefers to have its observers live in the stations, and of course that would be wholly impracticable in a post-office building.

In regard to the building at Mount Weather, Va., as Members of the House doubtless know, there has been established at that point a research station, the purpose of which is to carry on new and original investigations with a view to widening the realm of knowledge upon which the service of the Weather Bureau is based. Very little progress has been made in the science of meteorology for a great many years. "The wind bloweth where it listeth, and we hear the sound thereof, but whence it cometh or whither it goeth" is about as much of a mystery now as it was when the Master talked with Nicodemus nineteen hundred years ago.

We are spending about a million and a half of dollars annually to make forecasts of the weather and distribute them, and yet if we can forecast the weather any more accurately now than twenty-five years ago it is chiefly because our agents have become more skilled in the application of the old principles and not because any new principles have been discovered. Your committee believes, therefore, that it is a good policy to spend a few thousand dollars each year in researches which may, we hope, broaden the science upon which the art of forecasting is based. Now, the station at Mount Weather consists of about half a dozen buildings, and the administration building, which was destroyed by fire last October, is an essential part of this plant. Your committee has, therefore, recommended an appropriation for its restoration.

Mr. MADDEN. I want to know how much of the $1,500,000 would be expended for buildings.

Mr. SCOTT. Well, in the present bill there is carried an appropriation of $60,000 for the restoration of this building at Mount Weather, and for a general power plant for that station, and then we have $105,000 for buildings at other stations, making altogether $165,000.

Mr. MADDEN. Do you not think that a great deal of this money could be saved by utilizing the post-office buildings in the various sections of the country, notwithstanding the fact that the Department thinks it advisable not to use them?

Mr. SCOTT. Why, no. I do not think it would be practicable. That matter has been canvassed frequently before the committee, and the committee has been unanimously of the opinion that the reasons given by the Bureau why that should not be done are satisfactory and conclusive.

Mr. MADDEN. Will the gentleman be kind enough to tell us what the reasons were?

Mr. SCOTT. One reason was that the post-office buildings are seldom located at the proper place. Frequently they are surrounded by higher buildings; they are right in the heart of the city; the architecture is not such as to make them convenient for the observers to place their instruments on the roof and take their observations. And still another reason is that it would be impossible to house the observer and his family in the post-office buildings, and that is almost essential in all the smaller stations where only one man is employed.

Mr. MADDEN. Well, I would like to ask why it is essential to house the observer in the building used by him?

Mr. SCOTT. Because he ought to be on duty twenty-four hours of the day.

Mr. MADDEN. Then, he is to be something like a Pinkerton detective that never sleeps?

Mr. SCOTT. He is to have an opportunity to sleep; but, like a physician, he is to be called up if the need arises.

In the Bureau of Plant Industry a rearrangement of the language has been made, by which the grain investigations heretofore carried as a separate item shall be covered into the general work of the Bureau, and new language has been inserted to provide that when fixed grades have been established they shall constitute the official standard for the grading of grain. Lack of uniformity in grain grading throughout the country has long been a subject of complaint, both by the producers and the purchasers of grain. Some three years ago, in consequence of these complaints, an appropriation was inserted in the agricultural appropriation bill to enable the Secretary of Agriculture to undertake an investigation, from which it was hoped a method would be devised for bringing about uniform grain grading. These investigations have not been entirely successful, but very encouraging progress has been made. A mechanical device has been perfected, by means of which the water content of grain, one of the most important factors in its grading, can be quickly and accurately determined, and this device is now in use in many of the great grain markets.

Mr. MADDEN. I wish to ask if it is proposed to have the Federal Government assume jurisdiction of inspection over all the grain shipped in this country?

Mr. SCOTT. I would say to the gentleman that it is in the hope of preventing that very thing that your committee has recommended that this investigation be carried on. We believe that as a result of this investigation methods will be devised whereby a uniform system of grain grading may be established throughout the country, to be put into effect by the present boards of inspection, so that the Government will not be obliged to yield to the demand which the gentleman knows is becoming more and more insistent every year to undertake Federal inspection.

Mr. MADDEN. Just what has the Government done so far to secure information upon which to base inspections as to uniform grading of grain?

Mr. SCOTT. Well, I was just stating that as a result of these studies it has devised this mechanical apparatus for determining the water content of grain. It has made progress in the development of apparatus for testing other factors that enter into the grading of the grain, and it is believed by the officials in charge of the work that the problem ultimately will be solved.

Mr. MADDEN. There is no disposition to establish boards of inspection to take the place of the boards of inspection that exist now in the various cities?

Mr. SCOTT. There is no proposition to establish any board of inspection.

Mr. MADDEN. That is what I wanted to find out.

Mr. SCOTT. For a similar reason we have incorporated in this bill a new paragraph authorizing the Secretary of Agriculture to establish a standard for the different grades of cotton. To fix the standard of cotton is a much simpler thing than to determine the grade of grain, for the reason that it is largely a mechanical matter, depending on the length of the fiber, its color, luster, and so forth.

Nevertheless the number and names of the various grades in use in the cotton markets of the country have given rise to innumerable disputes between buyer and seller, so that both producers and manufacturers of cotton have earnestly appealed to your committee to authorize the Secretary to determine and declare what shall be the standard for certain grades of cotton named in the bill.

It is believed that when these grades have been fixed sets of actual samples can be prepared and sent out to the various markets, by means of which practical uniformity can be brought about throughout the entire country.

Mr. CRUMPACKER. Will the gentleman allow a question or two?

Mr. SCOTT. Certainly.

Mr. CRUMPACKER. I regard the provisions of the bill that the gentleman is now discussing as of very great importance indeed, and I have not as yet reached the conclusion that I shall support them when the bill is up for consideration. Now, in relation to the official standards of cotton, the gentleman has explained to the committee about the controversies which often arise between the shipper and the consignee, or the seller and the buyer, respecting the grading of cotton.

Will not substantially the same controversy arise as to whether the cotton shipped comes up to the official standard or goes below? Will it obviate in any considerable measure the differences of views and the controversies that exist between the seller and the buyer, by the fixing of an official standard, unless the Government proceeds to establish a tribunal that will inspect and determine the quality of every particular shipment of cotton? And does it not necessarily lead to Government inspection of cotton and all other kinds of commodities?

Mr. SCOTT. I think the controversies which arise under the present system are due chiefly to the great difference in the number and names of the grades of cotton at various markets. For instance, at the New Orleans market they may have only nine grades of cotton, in the New York market there may be thirty grades of cotton, and the difference in the names and the difference in the number of grades are so confusing that it is practically impossible to ship cotton from one of these markets to the other without creating a controversy. And it is the

judgment of this committee that, so far from leading the way to Federal inspection of all these commodities, the investigation called for in this bill, both as to grain and cotton, will go far to obviate the necessity of such Federal inspection.

We believe it will be possible, in the matter of cotton, as I suggested a moment ago, to make actual sets of samples to be sent out to the different markets, so that it will be as easy a matter to grade cotton as it would be to take a ribbon to a dry-goods store and match it. It may be that a similar system may be devised even in the matter of wheat, for I notice that in Canada, where they have government inspection, they send out to the different markets actual samples of wheat at the beginning of each season, which simply mark the grade that is to be given.

Mr. CRUMPACKER. Now, just one suggestion. I am not very familiar with the cotton market or with the merchandizing of cotton, but I have supposed that all considerable sales were upon sample, and that an expert would know what cotton might be worth by an examination of the sample; and that whether it is graded officially or otherwise, he knows as a matter of fact what its inherent qualities are and what it is worth for working up into textile fabrics.

Mr. BURLESON. If the gentleman will permit me, what he has said is largely true, but the difficulty is that in different sections the trade have different standards for the same grade of cotton. To illustrate my meaning, the standard at Atlanta for middling cotton may be entirely different from the standard used for middling cotton at Savannah, only a few miles removed. A great many of the controversies and contentions now constantly arising about the classification of cotton would be removed if we could provide a uniform standard for the different grades of cotton, and the very purpose of this amendment is to obviate the dangers alluded to which now threaten unless some such action as proposed by this amendment is taken. This will not lead to Federal inspection at all, and to no expense to the General Government. I want to say further to the gentleman from Indiana that upon the merits of this particular proposition there is no difference between the manufacturer and the grower, the consumer and producer. Even the cotton exchange element—the speculating element—agrees that this is very desirable reform as far as cotton trade generally is concerned.

Mr. KEIFER. Will the gentleman allow me to suggest that the same thing applies to the grading of wheat at different places? The same quality of wheat is differently classified at Chicago and Toledo, Ohio, places not far apart.

Mr. SCOTT. Emphasizing what I have already said, and confirming what has been said by the gentleman from Texas, I wish to assure the members of this committee that in the deliberate judgment of the Committee on Agriculture the provisions for the grading of wheat and cotton, if allowed to remain in this bill, will do more than any other one thing possibly can do to satisfy those who are now insisting upon the Federal inspection of these commodities.

Mr. REID. In what way would you enforce this statute?

Mr. SCOTT. There is no provision in the bill by penal statute or otherwise to enforce it. It is simply believed that if a standard can be determined the obvious advantage of it to all parties interested in dealing in this commodity will be so great that it will be adopted by mutual consent and will pass into the commercial practice of the country by what might be called the inductive method.

Mr. REID. In other words, it will be entirely voluntary by the parties contracting?

Mr. SCOTT. Entirely so. This cotton provision has been so earnestly appealed for by both the producers and manufacturers of cotton that I am sure the results brought about by the investigation will be welcomed by both parties.

Mr. DOUGLAS. On what page of the bill is the provision?

Mr. DRISCOLL. On page 16. I want to ask the gentleman from Kansas a question. Have they not got now the same grades under the same names that you propose here?

Mr. SCOTT. They have in some markets, and in other markets they have twenty or thirty other grades.

Mr. DRISCOLL. Your names do not mean anything; they are simply abstract names. Are you going to have samples also?

Mr. BURLESON. They have the names now in use.

Mr. SCOTT. In some markets they have them. The proposition is to have actual sets of samples corresponding with the various grades named.

Mr. DRISCOLL. It strikes me that the abstract names are absolutely meaningless unless you have samples to represent those names; and if you have the samples, you must have somebody representing the Government to enforce a compliance by all the people dealing in cotton with those names, and it will lead just as sure as the world to a force of Government employees to enforce the provision.

Mr. BURLESON. The advantages will be so manifest to all parties interested that they will be glad to adopt it. There is not the least doubt about that.

Mr. DRISCOLL. While the gentleman from Texas is a believer in States rights on general principles, he is willing to get the Government to interest itself in and do things the people might otherwise do, and which the State might otherwise do, and I am inclined to think that this is only an entering wedge to get a corps of Federal employees to enforce this grading of cotton and other commodities on the people.

Mr. SCOTT. I think the gentleman is unnecessarily apprehensive in this matter. It will be a very simple thing for the Bureau employees at the beginning of each cotton season to prepare actual sets of samples and send them out to the various markets, and that is all that this paragraph proposes to do, and your committee believe all that will ever be necessary. It will not be necessary to send a Federal official along with these samples to see whether the cotton compares with them and is of a given grade or not. The samples will speak for themselves, and any man of average intelligence will be able to make the comparison.

Mr. DRISCOLL. Can not any cotton shipper produce his own samples, and can not any cotton buyer require that the bulk of the shipment shall come up to a given sample? If he has a sample that does not compare with any you name, can not he sell his cotton?

Mr. SCOTT. Undoubtedly. There is no suggestion in the bill of a limitation upon the right of private contract.

Mr. DRISCOLL. No man is required in selling cotton to name it, and he is not required to produce a sample that will meet any sample made by the Government. Therefore he must sell his crop by his own sample.

Mr. SCOTT. If that is true, no harm will be done, and I do not see that it argues particularly against the provision in the bill.

Mr. DRISCOLL. It strikes me as another Federal interference with the rights of private individuals in the transaction of their business.

Mr. SCOTT. There is no design to interfere with anybody's private rights, and in reply to the gentleman I want to say that I think his fears are groundless, and if he will study the question closer I think he will come to that conclusion himself.

Mr. BOUTELL. I would like to make a single inquiry in the interest of barley. Some very interesting work has been carried on during the past few years in making tests of barley and improving the quality of the seed. A great part of this work has been done in cooperation with the Government by the Wahl and Henins Institute of Fermentology, in my district. This work, as I understand it, has been very valuable not only to the farmers, but to the consumers of barley. I notice there is a little change in the pharseology of this bill, and the inquiry I wish to make of the chairman in charge of the bill is whether there is anything in the bill to preclude this work being done in the future.

Mr. SCOTT. Mr. Chairman, the gentleman from Illinois was perhaps not in his seat when I began my statement, and did not hear me say that the change which had been made in the volume of the bill did not involve any change in the scope of the Department's work. I remember the particular project to which he refers, and can say that the work will be carried on in the future as it has been in the past, under the general authority of the Department.

Mr. McMORRAN. Mr. Chairman, referring to the inspection of grain, establishing a standard, does not this paragraph on page 17 have for its intention the creation of a controversy between the boards of trade now established in this country and the buyer or seller?

Mr. SCOTT. Oh, on the contrary, the intention is and the hope of your committee is that it will do away with the controversies which now are frequently arising.

Mr. McMORRAN. As I understand the situation to-day, and from reading this paragraph, especially the latter part of it—

And also for the issuance of certificates of inspection when requested by the consignor or consignee of any grain entering into foreign commerce—

I understand there is some controversy at the present time by the foreign purchaser of grain in this country as to the inspection which he shall accept. As the matter stands to-day, if he buys in the Chicago market or Minneapolis or Duluth, he is obliged to take the inspection there established. Now, under this paragraph I understand that he could appeal to the Secretary of Agriculture, who could issue a certificate of inspection for that grain purchase.

Mr. SCOTT. Replying, let me say first that the precise language to which the gentleman now calls attention has been in this bill for three years. Those certificates have been granted for the past two years whenever asked for, and the gentleman has perhaps not heard of any controversies arising from that cause. It is true, as he states, that there is a great deal of dissatisfaction in foreign markets with the grades of grain that are supplied them from the United States. That dissatisfaction has been so great that we are largely losing our market for grain in Europé. In France, for example, we sell only 20 per cent of the corn imported, when we ought to sell 80 per cent, and the bulk of that trade goes to Argentina because the grading is done more accurately, at least, if not more honestly, in that country than it is in this. It is in the hope of changing those conditions or making it possible for an American certificate of grading to be taken at par in any market of the world that we have authorized this work to be done.

Mr. McMORRAN. I would like to say that, in my judgment, with thirty or forty years' experience with boards of trade, we have in this country, that there is no country on the face of the globe where there is a more fair or better average standard of inspection than there is in this country to-day. Referring to corn, corn has created a large controversy between the foreign buyer and the shipper on this side of the water. And why? Because there are certain seasons of the year when corn heats in transit. The buyer of that corn understands the situation fully, just as much as the seller does, and when he buys that corn he takes the risk, whatever it may be. What he is seeking to do is to get some temporary advantage of the American seller, so that when that corn arrives at the point of shipment, say at our Atlantic or Gulf ports, and is in a heated condition, he may have the opportunity to reject it and go back on the inspection on which he bought it.

Mr. SCOTT. It seems to me that the observation the gentleman has made hardly applies to the provision in this bill, as I do not see how the possession of a certificate of inspection by the Federal authorities could give a foreign buyer any undue advantage over an American seller, provided the American seller has honestly graded his grain in the beginning.

There is no purpose, absolutely, in the minds of your committee in authorizing this work to be done, except to bring about, as nearly as possible, a uniformity in the grading of grain throughout the markets of the United States, believing that such uniformity would be of immense advantage not only to producers of grain, but to the purchasers and dealers in grain.

Mr. LAMB. Mr. Chairman, I want to suggest to my colleague here, and in order to facilitate the business of the House, that all of these interrogatories only prolong this debate and consume the time. These gentlemen must know that when these paragraphs are reached under the five-minute rule, all of these important questions will be discussed. I do not see how the chairman can make his statement here, as I know he is well prepared to do, if he is to be fired with all these inquiries, and I appeal to the House to have patience and wait until this statement is made, and when these paragraphs are reached we will have full discussion of all these important subjects.

Mr. DRISCOLL. The chairman has made no appeal that he should not be interrupted——

Mr. LAMB. He is too modest, perhaps, to make it.

Mr. DRISCOLL. And we did not know he wished to be let alone.

Mr. LAMB. Then he is different from the rest of us. I think he is made of the same stuff that we are made of.

Mr. SCOTT. I appreciate the intercession of my friend from Virginia.

Mr. McMORRAN. I want to say to the gentleman this is one of the most important things concerning the large agricultural interests of this country, and I can not see for the life of me why the Secretary of Agriculture should attempt to create a controversy between our standard of inspection of the boards of trade, which they have agreed upon for grain, and foreign countries.

Mr. SCOTT. I am sure if the gentleman will confer with the Secretary of Agriculture he would learn it was far from his intent to create a controversy; and I would suggest, if he has not already done so, that he inform himself as to the work that has been done under this paragraph during the last two years. This is not new. There are only a dozen new words in this paragraph, the ones which relate to establishing a standard.

The work has been carried on for the last three or four years, and the fact that such troubles as the gentleman now seems to anticipate have not arisen during that time would seem to indicate they are not to be feared in the future.

Mr. McMORRAN. Do you understand the Government is to undertake an examination of this grain before shipment and before the issuance of the certificate?

Mr. SCOTT. I do not quite understand the question.

Mr. McMORRAN. In other words, take a cargo of corn from Chicago purchased by a foreign buyer. Is the Government to have inspectors stationed there to inspect that grain as well as the Chicago Board of Trade?

Mr. SCOTT. No; that is not the idea at all. The Government simply establishes laboratories at certain great grain centers and at some of the ports of the country to examine samples of grain that are brought to those laboratories, and the certificates set forth the condition of those samples. It is not the idea at all to have a force of Government inspectors at great elevators or in the railroad yards. They are stationed only in the laboratories where they grade the samples which are brought to them.

Mr. McMORRAN. Now, do you understand the Government at the present time has any laboratories that contain any machinery of any kind that will test the grain to any better advantage than our boards of trade at present have?

Mr. SCOTT. Well, as I stated a few moments ago, they have devised an apparatus for testing the water content of grain, which is so much better than anything heretofore in use that it is being rapidly adopted throughout the country.

Mr. McMORRAN. Is it not being adopted by the board of trade at Chicago?

Mr. SCOTT. Exactly; simply because it is better than anything the board of trade at Chicago has had.

Mr. McMORRAN. Has the Government anything better?

Mr. SCOTT. I say this is a device perfected by the Government, and it has been adopted by the board of trade at Chicago because it is better than what they had.

Mr. MADDEN. I would like to ask the gentleman just one question. I understood the chairman of the Agricultural Committee to state a few minutes ago that the United States sold only 20 per cent of the corn shipped to Europe.

Mr. SCOTT. To France.

Mr. MADDEN. To France—because the inspection of the grain or corn from the Argentine Republic was so much higher standard than the American inspection that the people of France accepted the Argentine Republic corn in preference to ours. Did I misunderstand him?

Mr. SCOTT. I think I made a statement substantially to that effect.

Mr. MADDEN. I understand there is no inspection whatever in the Argentine Republic on grain or meats or food products of any kind, name, or nature.

Mr. SCOTT. Well, that being true, it is an even greater reflection, I should say, upon the inspection in the United States that grain that comes from a country where there is no inspection at all sells in the market against ours.

Mr. MADDEN. In fact, they sell their grain and all food products for less money than we do, and that is the reason why they are able to get a foreign market in preference to us.

Mr. SCOTT. The gentleman probably knows (without wishing to protract this debate) that there has been recently held in London a congress of European buyers of grain called for the purpose of protesting against the inspection system of the United States, that the work of that congress has been called to the attention of the President, and that the Secretary of Agriculture has caused an investigation to be made to determine to what extent the complaints made by these European purchasers were correct. I would suggest that the gentleman might obtain some valuable information if he would look up the report of that congress.

Mr. KEIFER. Will the gentleman allow me to ask just one question?

The CHAIRMAN. Does the gentleman yield?

Mr. SCOTT. With great pleasure.

Mr. KEIFER. I want to inquire whether the Committee on Agriculture have looked into the question of the power of Congress, under the Constitution, to fix a standard for grading grain, cotton, and so forth, and enforcing that in the country?

Mr. SCOTT. There is no proposition in this bill, Mr. Chairman, to enforce a standard. The gentleman from Ohio [Mr. KEIFER] will doubtless remember that for a great many years the Bureau of Chemistry in the Department of Agriculture was authorized to establish standards for foods. There was no machinery of the law back of that authority to force the adoption of those standards, and yet, as a matter of fact, they were adopted throughout the country very largely by the State legislatures, which enacted laws to put them into effect. And that is what it is hoped may be accomplished in the matter of the establishment of standards for the grading of cotton and wheat; that after these standards have been established the various boards of inspection throughout the country, corporation and State, will be glad to have the standards, and by proper enactment will put them into effect in their own localities.

Mr. KEIFER. Will the gentleman allow me to suggest that the matter of pure food was a matter that related to the health conditions of the country, and the matter of fixing standards for the sale of grain, cotton, and so forth, is a different proposition altogether?

Mr. SCOTT. I only attempted to draw the parallel in this respect, that there was no attempt in this appropriation bill in former years to force these standards of foods upon the country, and yet they accomplished a great deal of good because they were taken up by the various State legislatures and enacted into law.

Mr. Chairman, another rearrangement of this bill has been made in the Bureau of Plant Industry, whereby the appropriation heretofore carried as a separate item to enable the Secretary of Agriculture to meet the emergency caused by the continuous spread of the Mexican cotton boll weevil has been covered into the general work of the Bureau, and the appropriation has been correspondingly increased.

In 1894 the Mexican cotton boll weevil crossed the border and invaded the State of Texas. For the next few years that State combated the pest with the best means at its disposal, but with so poor success that in 1905 an appeal came to Congress for an emergency appropriation to extend the aid of the General Government. It was represented, and very truly, that the weevil was spreading so rapidly as to threaten the actual extinction of the cotton-growing industry. Indeed so great had been its ravages that in some parts of Texas large areas of cotton plantations had been wholly abandoned. In 1905, therefore, Congress made an appropriation of $250,000 to be expended in this work, carrying it on the bill as an emergency item. It has been carried in a similar way for the following three years, the amount having been reduced to $190,000 each year. The present bill, as I have just stated, omits the item as an emergency, but makes provision for the continuation of the work. This change is recommended because the work has ceased to be an emergency and has settled down into what promises to be one of the regular tasks of the Department. The boll weevil has simply been added to our other insect pests, and the fight against it is another one of our continuing problems.

When the combat first began the attack was directed along two lines. The Bureau of Entomology took up the study of the life history of the weevil with a view to ascertaining whether parasites might not be introduced which eventually might serve to keep it in check, and also in the hope of being able to suggest to planters cultural or mechanical methods of resisting its ravages. The Bureau of Plant Industry assumed as its part of the contest the problem of selecting varieties of cotton that would either in themselves be resistant to the boll weevil or mature their crops early enough to escape its worst ravages. Along both of these lines of attack decided progress has been made. The entomologists have discovered several varieties of parasites which they think eventually will multiply sufficiently to materially retard the spread of the weevil, and they have also been able to do effective work in the way of quarantining new territory against the spread of the pest.

The most practical results, however, have been reached through the operations of the Bureau of Plant Industry. This Bureau has discovered some varieties of cotton which are strongly resistant to the boll weevil, the plants having the peculiar faculty of exuding a sort of gum when the egg is laid in the boll, which seals it up and prevents it from hatching. The Bureau has also been able to find or develop new varieties of cotton whose yield is prolific and which mature much earlier than the common varieties. The Bureau has also introduced better cultural methods, so that, taking all of its improvements together, it has been able to demonstrate that in nearly every season a fairly good cotton crop can be grown in spite of the boll weevil. But the Bureau of Plant Industry has done more than this. In the areas of the very worst infection, where the growing of cotton, even with the most effective seed and the best cultural methods, is extremely doubtful, it has taught the people how to make a living without raising cotton. This has been done through what is called the "demonstration and cooperative farm method." By this method a certain number of farmers in a given county would agree with the agents of the Bureau to set apart a certain portion of their farm upon which they would agree to grow the crops which the Bureau agents might direct in exactly the method the agents would prescribe. These were called "demonstration farms."

In the county a large number of other farmers would agree to follow the directions of the Bureau agents as closely as their circumstances would permit. The demonstration farms were regularly visited by local agents of the Bureau to see that the directions were being followed, while those conducting the cooperative farms would be furnished with bulletins and such instruction as could be given by mail. This method was followed in practically all the Southern States, with the result that not less than 250,000 farmers were brought into actual contact with the agents of the Department of Agriculture, and received more or less direct instruction from them. The result in many places has been almost phenomenal. Regions where a great proportion of farms had been actually abandoned and where the people seemed hopelessly discouraged are now flourishing and in better condition than they ever were before. So successful, indeed, has the work been that it attracted the attention of the general education board at New York, which placed $70,000 during the current year at the disposal of the Bureau, to be expended in extending the work. It has met with the enthusiastic support of the people in the communities where it has been carried forward, and a great many of which have raised very considerable sums of money by private subscription to extend the work. It is doubtless along this line that the work of the future will be chiefly conducted.

I may say in passing that the success with which this demonstration and cooperative work has met in combating the boll weevil has suggested to members of your committee the idea that it might be profitably extended to other sections of the country. I think every man who has given thoughtful attention to the work of the Department of Agriculture will admit at once that if it has made a mistake in any direction it has been in its failure to get out to the people in usable form the vast store of information which has been accumulated by the experiments and research of the scientists of the Department. For many years a great corps of very able men, trained specialists, have been studying the problems of agriculture here in this Department. Undoubtedly they have made many discoveries which if put into practical effect by the farmers of the country would be of almost incalculable value. Of course many of these discoveries have been put into practical effect, and yet, undoubtedly, very many more of them have not been.

Hundreds of thousands of dollars have been spent in the aggregate in publishing farm bulletins, the purpose of which was to carry the results of the research of the Department to the people, but the actual effect of which in many cases has been simply to embalm and bury these results. The work in the South during the period of warfare against the boll weevil has demonstrated that the knowledge of the scientists can be carried in a most effective way to very large numbers of individual farmers at a minimum of expense. Comparatively few men are able to practically apply the information which may come to them in a bulletin, but no man is so dull as not to understand the results that are obtained on his own land from the work of his own hand. Your committee is very much disposed, therefore, to encourage the Department in this line of its effort to carry to the people the information that is acquired in its laboratories and on its experimental grounds. No new legislation is required to enable this to be done and no appropriation in this bill is made with special reference to it. The general authority given to the Secretary of Agriculture by the fundamental law of the Department is broad enough to cover this work and the ordinary appropriations are sufficient to carry it forward as rapidly as your committee believes it can be well and economically done. I have mentioned it only because as one of the later and newer methods of the Department in carrying forward its general work it seems to me to be of peculiar interest.

Several new limitations have been inserted in the paragraphs making appropriation for the Bureau of Forestry, all of them fully warranted, your committee believes, by the need of the service and calculated to promote its efficiency. One of the most important of these is a provision directing the Secretary to divide and designate national forests in such manner as he may deem best for administrative purposes. In the absence of such a provision the Secretary is obliged to administer these forests in the shape in which they were originally created, by proclamation of the President. It often happens, of course, that the same forest will occupy sections of two different States, or one part of a forest may be remote from another part, separated by a range of mountains difficult at all times and sometimes impossible to cross. It seemed to your committee to be obviously in the interest of economy and efficiency that the Secretary should be allowed to divide the forests for the purpose named.

Another limitation directs that hereafter permits for power plants within national forests may be made irrevocable, except for breach of condition, for a term not exceeding fifty years. At present any permit of this character is revocable at the will of the Secretary of Agriculture. Your committee believes there is a good deal of justice in the complaint that large investments of capital will not be made and can not safely be

made upon so uncertain a tenure as the will of an administrative officer. Therefore the change suggested has been recommended. There are several other changes recommended in this paragraph, but they are of minor importance and can be sufficiently discussed when we come to consider the bill under the five-minute rule.

I do not wish to dismiss the Bureau of Forestry, however, without at least a few words of comment upon the splendid work this Bureau is doing and upon the broad, beneficent, and statesmanlike policy that it is so effectively carrying forward.

That our timber supply was rapidly disappearing and that something must be done if what remained of the forested area of our public domain was not soon to pass for a song into private hands, was first recognized by Congress in 1891, when an act was passed authorizing the President to set apart forest reserves, or "national forests," as they are now called. The first forests were created by President Harrison, and his example has been followed by his successors, until now the total area within our national forests has reached the imposing aggregate of 164,000,000 acres, an area equal to all of the States of the Union east of the Ohio River and north of North Carolina, equal in extent to the whole German Empire, with Switzerland, the Netherlands, and Denmark thrown in; a princely domain, indeed. And yet there is no thoughtful and informed American citizen who does not regret that the policy could not have been inaugurated a hundred years before it was and the protecting arm of the Federal Government thrown about the once splendid hard-wood forests of our Eastern mountains as it has been about what remains of the stately spruce and pine that clothe the slopes of the Rockies.

Very naturally, but very unfortunately, in the beginning, and for fourteen years afterwards, these forests were put under the charge of the General Land Office. I say very unfortunately, because that office was organized to sell the public domain and not to use it. The mistake was corrected in 1905, when an act was passed transferring these forests to the Department of Agriculture. The wisdom of that transfer was made immediately apparent by the figures on our national balance sheet. During 1905, the last year the forests were administered by the Land Office, the total receipts from the sale of timber, grazing privileges, etc., amounted to $73,276.15. In the very next year, the first year they were administered by the Department of Agriculture, the receipts from the same purposes jumped to the sum of $767,219.96. That was in 1906. During the fiscal year of 1907, the total receipts from the forests were $1,571,059.44; and it is estimated that the receipts this year will not fall below $2,000,000.

Mr. BONYNGE. Will the gentleman permit me to ask him a question at this point?

Mr. SCOTT. Yes, sir.

Mr. BONYNGE. Is it to be the policy of the Forestry Bureau to make the national forests revenue-producing?

Mr. SCOTT. Undoubtedly.

Mr. BONYNGE. And it is the policy of the Bureau that the forests are maintained for the purpose of making revenue by the National Government out of the development of the resources of the forests?

Mr. SCOTT. They are not maintained for the purpose of making revenue, but the revenue comes incidentally, and ought not, it seems to the committee, to be refused and turned aside.

Mr. BONYNGE. Will the gentleman state to what extent the Government has now gone into the lumber business and how much timber was sold during the past year by the National Government?

Mr. SCOTT. I just stated that the total receipts during the fiscal year, 1907, were $1,571,059.44.

Mr. BONYNGE. How much was derived from the sale of timber?

Mr. SCOTT. I take from the "Hearings," page 289, the following:

Summary of receipts from the national forests in the United States for the fiscal year July 1, 1906, to June 30, 1907.

Timber sales	$602,565.42
Timber settlements	17,811.25
Timber trespass	66,436.45
Grazing	863,920.32
Special uses	20,326.00
Total	1,571,059.44

Mr. DRISCOLL. This bill carries an appropriation for the forest service nearly $1,400,000 larger than the last year's appropriation, does it not?

Mr. SCOTT. Yes.

Mr. DRISCOLL. Is that $1,400,000 received from the forest reserve in one way or another a part of this, or is that expended in addition to this large appropriation?

Mr. SCOTT. When the forests were transferred from the General Land Office in 1905 to the Department of Agriculture that act contained a proviso that all the revenue received from the forests should go into a revolving fund, to be expended by the Forestry Bureau without direct appropriation by Congress. The last session of the last Congress, however, changed that law, and provided that the money received from the use of the forests should be covered as a miscellaneous receipt into the Treasury, to be appropriated out in the way that any other money in the Treasury is appropriated.

But before that law took effect there had accumulated in this revolving fund provided for under the former act $1,020,000 that was available for the use of the Bureau during the current fiscal year. No money will be available from such source during the coming fiscal year, consequently we are obliged in this bill to appropriate a sufficient amount to make up for the difference.

Mr. DRISCOLL. And that accounts for the large appropriation?

Mr. SCOTT. That accounts for the large appropriation. I may say that during the current year the appropriation for salaries and expenses was $1,900,000; but in addition to that the Bureau had the use of $1,020,000 left over from the revolving fund, making the total available for this year $2,920,000. There is allowed in this bill for that same purpose $3,296,200, an apparent increase of $376,200; but as a matter of fact, if the old system had continued and we could use this year all the revenues of the forests, the appropriation carried in the present bill for this Bureau, instead of showing an increase over last year, would show an actual decrease of $604,300.

It is true, as the gentleman from Colorado has suggested, that there has been a great deal of opposition to the forest policy, and it is very natural that there should be such opposition. Men quickly and naturally and easily come to consider a privilege, in the exercise of which they have not been disturbed, as a vested right. And so the men who had been grazing their flocks and herds upon the thousand hills of the public domain, without money and without price, complained bitterly at first when they were asked to pay a fee for the privilege. The men who had been going into the public forests, not only with ax and saw, but with ax and sawmill, and taking what they wanted for the cost of the taking, felt as if their constitutional rights were being invaded when they were told that the trees they cut would be scaled and a price would be charged for the lumber they yielded. It is natural, I say, that in the beginning there should have been opposition to this policy.

But fortunately that opposition has for the most part disappeared. In the first place the proposition which met the opponents, namely, that the property of all of the people ought not to be monopolized by a few of the people, sounded rather too much like an axiom to be seriously disputed. In the second place it was quickly demonstrated that even the interests of those who had been using the forests free of charge were enhanced by the regulations which followed the imposition of the charge. The wars between the cattle men and the sheep men, which for years had taken their annual toll of human life, became a thing of the past, and peace came to the ranges. The ranges themselves, relieved of overgrazing, rapidly regained their old luxuriance, so that the stock fed upon them comes through the season now in so much better condition than formerly that the difference practically offsets the moderate fee that is charged. If I cared to take the time of the committee, therefore, I could quote whole pages of resolutions and other evidences of public sentiment, to show that those who most bitterly opposed the policy in the beginning are now among its firmest friends.

The Bureau of Chemistry, which comes next in order in this bill, was brought into a position of the very first importance by the passage of the food and drug act. It is probably safe to say that no legislation of recent years has been so far-reaching, so radical in its character, and, I may add, so salutary in its effect as the statute commonly known as the "pure-food law." It was international in its scope, for it barred from our markets all food and drugs, no matter from what country they came, which did not meet the requirements the law laid down. It was revolutionary in its character, because it entered a field which has heretofore not been touched by Federal legislation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SCOTT. Mr. Chairman, I ask unanimous consent to be allowed to conclude my remarks.

The CHAIRMAN. The gentleman asks unanimous consent to conclude his remarks. Is there objection?

There was no objection.

Mr. SCOTT. This legislation, as I was saying, is not only international in its scope, but it is revolutionary in its char-

acter. For the first time in our history the Government of the United States has laid its hands on the manufacturers of foods and drugs and has said to them, "You shall not adulterate or misbrand of short weight your goods." It has been in effect a reenactment by the Congress of the United States of the primal commandment, "Thou shalt not steal, or lie, or cheat." The enforcement of such an act necessarily imposed upon the Bureau responsible for it an enormous amount of work and a heavy responsibility. First of all, the men were to be found—specialists in foods, specialists in drugs, trained chemists, trained microscopists, trained business men; then laboratories were to be established and equipped at all the ports of entry and in all the great commercial centers. All this was preliminary, the mere getting ready. And then followed the ceaseless vigilance which stood guard at every seaport to see that the foreigner did not evade the law and which inspected every domestic market to make sure that our own people obeyed it. And all the time the law was to be interpreted—day by day a score or a hundred cases coming up to demand a ruling—to determine whether they fell within the law or outside of it.

It was a colossal task that was suddenly imposed upon this Bureau, and that it has been so well performed stands vastly to the credit of the great Secretary, whose strength seems equal to any draft made upon it, and to the able and tireless Chief of the Bureau, Dr. H. W. Wiley. It has not been enforced without some friction—that goes with the saying. Hundreds of cases of adulterated goods have been seized, hundreds of foreign invoices have been ordered reshipped, and innumerable bitter protests have been made against the rulings of the Department, particularly touching the use of preservatives and the correctness of labels. But in view of the vast sweep of the new law and its radical and revolutionary character it is a remarkable and, to my mind, a most gratifying fact that thus far it has been found necessary to institute criminal prosecutions in but seventeen cases. There is but one inference to be drawn from this fact, and that is that the great body of men engaged in the preparation and manufacture of foods and drugs are honest men who sincerely desire to obey the law. Indeed, it is only through the cordial support and cooperation of these honest men that anything like an effectual enforcement of a law of this character is at all possible.

I said there had been many protests against the rulings of the Department touching certain matters. Most of these have been amicably adjusted. In some cases, however, the interests involved are so great and the differences of opinion so fundamental that an appeal has been taken to the courts. In order to avoid this necessity so far as possible in the future, the Secretary has recently appointed a special board of referees consisting of Dr. Ira Remsen, president of Johns Hopkins University, Baltimore, Md., chairman; Prof. Russell H. Chittenden, Yale University, New Haven, Conn.; Dr. C. A. Herter, College of Physicians and Surgeons, New York; Dr. Alonzo E. Taylor, University of California, Berkeley, Cal., and Prof. John H. Long, Northwestern University, Chicago, Ill.; a very distinguished board, indeed, to which will be referred in the future questions calling for purely technical and scientific determination upon which the rulings of the Department have been excepted to by the parties in interest.

On the whole, therefore, I am glad to be able to report that the enforcement of this law is proceeding smoothly and effectively, and as the meaning of the law becomes settled, as the manufacturers and the Department come together on definitions, the situation will steadily improve until, like the great body of our laws, it will be enforced and obeyed as a matter of course.

It will be, perhaps, a matter of disappointment to some Members of the House to know that there is no apparent increase in the Bureau of Soils.

Mr. LAWRENCE. Before the gentleman leaves the Bureau of Chemistry, will he allow me a question?

Mr. SCOTT. I will yield to the gentleman.

Mr. LAWRENCE. I notice the report says that there is an increase of $75,000 allowed for the general expenses of the Bureau. Can the gentleman tell us what the nature of the expense or the increase is, and is it in the employment of additional officials?

Mr. SCOTT. Most of that increase was allowed in order to more effectively enforce the pure-food law. There are now vast sections of the country in which there are practically no agents of the Department, and the Secretary desires very much to cover those sections of the country, so as to get a more effective enforcement of the law.

Mr. LAWRENCE. Did the committee grant as much as the Secretary asked?

Mr. SCOTT. No; the Secretary asked for an increase of $100,000, and the committee allowed an increase of $75,000, about $50,000 of which it is expected by the committee will be used in extending the pure-food inspection and $25,000 in carrying forward other work of the Bureau.

Mr. LAWRENCE. In view of the importance of the work, I think the increase is very reasonable.

Mr. SCOTT. I am glad to hear the gentleman express that opinion.

I was saying that there might be disappointment on the part of many Members of the House when it was noted that there has been no apparent increase in the appropriation for the Bureau of Soils. I hope, however, that when the Members understand the real situation in regard to that Bureau and its relation to the other bureaus of the Department, they will approve of the action of your committee.

It is no doubt true, as the Chief of this Bureau has said in his annual report, that there is a widespread demand for soil surveys. But it is the belief of your committee that this demand comes for the most part from those who misapprehend the real meaning of a soil survey and who would be disappointed if their requests were granted. In briefest possible terms, a soil survey is such a study of a given area as will determine the type or types of soils comprised within it. As a result of this study, a map is made showing the extent and location of the various soils, and a report is printed describing the peculiar characteristics of the different soil types, and suggesting the crops especially adapted to each one. I have always been of the opinion, if I may be pardoned a personal reference, that the average farmer could not make head nor tail of one of these soil survey maps, or get any practical, usable information out of the report that accompanied it. But I have never been able to get anybody to agree with me in that opinion—until this year.

This year the gentleman from Alabama [Mr. UNDERWOOD], appearing before the Committee on Agriculture to present a petition numerously signed by Members of the House for a large increase in the appropriation for this Bureau, gave it as his opinion that a soil survey was absolutely without value unless it could be followed up by experts to tell the people what it meant. There were several representatives of the Bureau present when that statement was made, and neither then nor subsequently did they dissent from it. On the contrary, when specifically asked if they concurred in the opinion expressed by Mr. UNDERWOOD, they replied substantially in the affirmative. Indeed, they went further, and gave it as their opinion that even the trained, skilled, scientific agronomists in the other bureaus of the Department could not properly interpret one of these soil-survey maps; that it could only be done by a soil specialist. I do not cite this change of view on the part of the men engaged in this Bureau in any critical or unkind spirit. They were doubtless sincere in believing in former years that the people could understand their work, and they are no doubt sincere now in believing they can not.

Only it seems rather too bad that for nine years we have been making expensive surveys and publishing expensive maps, only to discover now that they can not be understood by the people they are intended to benefit.

But now that we have made this discovery, what are we going to do about it? The Chief of the Bureau of Soils has himself answered that question by organizing a division of soil management, the work of which is described in the following language:

> This work has for its object the investigation of cultural methods required to put the soil into good condition for crops, the crop rotation suited to different soils to maintain them in their highest degree of fertility, and the fertilizer requirements of soils by greenhouse and field methods as an aid in maintaining the fertility of the soil; the effect of different fertilizer constituents and their varying proportions in combinations upon different soils and different crops. This work involves a study of the field, of the best systems of soil management, and of crop adaptation in some of the important agricultural districts of the country, with a view to obtaining from the experience of farmers themselves a better understanding of the best methods of soil management. The object is to disseminate the information so gathered among the people.

Mr. DOUGLAS. Will the gentleman state from what he read?

Mr. SCOTT. I was reading from one of the project sheets of the Bureau of Soils.

Now, that is an eminently sensible proposal, and it is too bad the Bureau of Soils could not have realized many years ago the importance and value of it. But the trouble with it now is that it exactly duplicates work that is already being done, very successfully done, by another bureau of the Department. Several years ago the Bureau of Plant Industry organized what is known as the Division of Farm Management, and that divi-

sion has been most energetically and effectively "studying in the field the best systems of soil management and of crop adaptation, with a view to obtaining from the experience of farmers themselves a better understanding of the best method of soil management." Exactly the work, you see, which the Bureau of Soils now proposes to do.

Your committee does not believe, and I think the House will not believe, that there should be built up in two bureaus of the same Department two great, expensive divisions to cover almost identically the same ground. We believe the work ought to be done, but we believe it ought to be done in the bureau where it is already successfully under way, and which seems to be peculiarly qualified to do it. Your committee, therefore, has declined to recommend the largely increased appropriation which was asked for by the Bureau of Soils for this work. The appropriation we have recommended, while apparently the same as for the current year, as a matter of fact is $38,000 larger, because that amount will be expended this year for work the continuation of which the committee has declined to authorize, and we believe that the funds carried in this bill will be ample to enable the Bureau to carry forward all the work in its legitimate field which can be profitably done.

Mr. PERKINS. As I understood the gentleman's statement, it is his opinion that on the whole the work done in these soil surveys has not been wholly satisfactory or very valuable.

Mr. SCOTT. Yes; that is my opinion.

Mr. PERKINS. I intended to ask whether that was the gentleman's opinion a little further back. Now, I understand it is, because I had occasion a year or two ago to submit to a very intelligent body of men having to do with crops and agriculture in a large way a proposition in which I stated I could obtain a soil survey in certain portions of my State, which I supposed they would welcome gladly. I was surprised, however, to have them write me that they did not regard it as of special value, and did not care to have the soil surveyed in the counties I had indicated. They seemed to have reached the same conclusion which the gentleman in charge of the bill has, that the soil surveys are not of very much practical value.

Mr. SCOTT. I think they are of almost no practical value, as I have said, unless followed by experts who can tell what they mean. I do believe, however, that some of the work of the soil survey has been made valuable after being followed up in the way I have stated.

Mr. DWIGHT. Does this appropriation bill carry money enough to follow up the line of work?

Mr. SCOTT. It does.

Mr. DWIGHT. It is $170,000——

Mr. SCOTT. I should like to say at this point that the action of the committee in respect to this Bureau met with the entire approval of the Secretary of Agriculture, and there is an understanding with him that the demonstration work which the Bureau of Soils has started shall be carried forward through the division in which it properly belongs, so the work will not stop.

Mr. DOUGLAS. I just want to ask the gentleman in charge of the bill what is left then for that Bureau of Soils to do? If you will permit me, I want to testify to the extreme value of the work that has been done along that line by the Bureau of Plant Industry. I do not think it can be overstated, because my business and my home are in the neighborhood where that is appreciated highly. I would like to know, as a matter of administration, what is left for the Bureau of Soils distinctively to do?

Mr. SCOTT. The Bureau of Soils is left to do all the work which in the past it has legitimately done. It came before the committee this year asking for the insertion of new language in this bill to allow it to go ahead and do the demonstration work to which I have referred, but the committee thought that the work ought to be done by the Bureau where it is already organized and under way, and therefore refused to admit new language. But it did not change the old language, so that all the work which the Bureau has been able to do legitimately in the past years it can still continue to do.

Mr. DOUGLAS. I have never been able to find out what that was.

Mr. SCOTT. I could explain to the gentleman, but it would take a long time and I am sure he will not ask me to do it at this stage of the discussion.

Mr. DRISCOLL. I think it would be interesting if the gentleman will state more fully just what he means by carrying out this work of the Bureau of Soils beyond the survey and map and the report that goes with the map.

Mr. SCOTT. Well, as briefly as I can I will use as an illustration a survey that was made in Florida, where an area was found, which, according to the judgment of the Bureau of Soils, was admirably adapted to growing tobacco. It had been used heretofore for other crops, and in order to demonstrate that it was suitable for tobacco they have planted tobacco upon it.

Mr. DRISCOLL. The Government or the men?

Mr. SCOTT. The Bureau of Soils had tobacco planted there under the direction of its own employees. It is now going forward to grow tobacco in order to demonstrate that the soil is adapted to the purpose for which its survey declared it to be.

Mr. DRISCOLL. Of course it is not possible for the Bureau of Soils to have enough money to do that with all surveys or maps, because that would require experiment stations all through the country to do that class of work.

Mr. SCOTT. I may say to the members of the committee, who do me the honor to remain here and seem to be interested in this discussion, that it is the judgment of the committee, which I think is shared now by the Secretary, that the Bureau of Soils should devote itself hereafter to what might be called a "regional" survey of the country. Up to this time these surveys have been made here and there and everywhere, yielding practically to the greatest pressure upon the Chief of the Bureau. They have been made in accordance with no fixed plan or after any settled system.

I believe it would be a good idea if they should take, for instance, the Appalachian Mountains system and survey it from north to south, making a systematic survey, determining, if they are able to do it, what fruits or crops are best adapted to the various soils located in that region. I believe it would be a good idea for them to take the semiarid strip of country from Canada down this side of the mountains as far as Texas, and make a regional survey of that section. That is the class of work which we hope to see the Bureau doing in the future.

In the Bureau of Entomology the only important change suggested has been the elimination of the language under which, in former years, work had been done in the hope of developing the silk industry. We have been trying for a long time to grow silk in this country. As far back as 1622 King James the First offered premiums for the breeding of silk worms in Virginia. A little over a century later a parcel of Government ground in Georgia was allotted for growing mulberry trees in aid of silk culture. In 1748 Parliament put a premium on silk culture in the colonies, and in 1766 the South Carolina assembly voted a thousand pounds for the establishment of a silk filature in Charleston. Benjamin Franklin, while acting as the agent of Pennsylvania in England, sent home silkworm eggs and mulberry cuttings to start silk growing. At different times in different places and in many different ways during the next hundred years the effort was made to introduce the industry into this country. Along in the early eighties Congress started in vigorously upon the subject, making an appropriation of $15,000 to promote silk culture. This was raised a year or two later to $30,000. Later it was dropped to $10,000, and for the past few years a sum ranging between that and $5,000 has been annually expended by the Department for that purpose. But out of all these efforts and experiments nothing practical has come. The Department estimates that throughout the entire country during the past year less than $1,000 worth of cocoons were produced. It does not seem to your committee worth while to continue to spend from $5,000 to $10,000 a year to promote an industry which, after nearly three hundred years of effort, has not been able to reach an annual product in excess of $1,000. The committee recommends, therefore, that the authority for further expenditure be withdrawn. When the time comes in the United States, and Heaven send it may never come, when a large proportion of our population are forced to work for a daily wage of 25 cents, the silk industry can doubtless be established, but not before then.

Mr. BURGESS. Will the gentleman permit me a minute? I am very much interested in what he has said about this soil-survey matter. Before he gets away from that I would like to see if I understand correctly what the situation is now. There is no change in this bill in that Bureau?

Mr. SCOTT. Absolutely the language of the bill remains——

Mr. BURGESS. Does it carry an appropriation for the continuance of their work as heretofore done?

Mr. SCOTT. They will have, as I stated a few moments ago, as a matter of fact, $38,000 more for their legitimate work than they have this year, for the reason that they are spending $38,000 this year for this demonstration work which next year will be done in another bureau.

Mr. BURGESS. And the provision is to carry out the dissemination of this matter that they gather, in these maps, and so forth?

Mr. DRISCOLL. As a matter of fact, most of the experimental work now is in reference to tobacco. I mean where they practically try out these soils.

Mr. SCOTT. Yes; they are doing more work in tobacco than in anything else.

Mr. DRISCOLL. Is there anything in this appropriation to continue the experimental work?

Mr. SCOTT. The work in tobacco, with the exception of perhaps one or two small areas, has already been turned over to the Bureau of Plant Industry, and it will be carried forward as in former years.

Mr. HUMPHREYS of Mississippi. I understand the chairman to say that the work they have to do with the $38,000 next year would be confined to legitimate business of the Bureau. Unfortunately for me, I was not present when the gentleman explained this particular feature of the bill. Do I understand by that that there will be no further appropriation for the utilization work of this Bureau?

Mr. SCOTT. I have already stated—and I will be glad if the gentleman would do me the honor to look up my remarks in the RECORD to-morrow, where he will see it explained fully—I have already stated that the demonstration work, the utilization work, which the Bureau of Soils has started in various sections of the country will be carried forward by the Bureau of Plant Industry.

Mr. HUMPHREYS of Mississippi. Now, will the chairman tell us under what section of this bill the Bureau of Plant Industry has any authority to do this work?

Mr. SCOTT. Oh, it has already been doing the work for many years, and its authority is not questioned. You will find the language fully authorizes this Bureau to carry information to the people by means of demonstration work, as well as in other ways.

Mr. HUMPHREYS of Mississippi. I do not want to be understood as questioning the authority. I was simply asking for the information. I am very anxious that the work go forward, and it is immaterial to me which bureau carries it forward.

Mr. SCOTT. I share the gentleman's interest in having this work go forward, and I wish to assure him the committee had it clearly understood that this should be done before making any change in this bill.

It will be remembered that the last agricultural appropriation bill contained a paragraph directing the Secretary to report to this Congress whether or not the Bureau of Biology was doing work which is duplicated by the Government and which is of real economic value. That report has been made and is available for all who wish to consult it. In the opinion of your committee it demonstrates clearly that the work of the Bureau is not a duplication of any being done elsewhere and that it is of direct and very great value to agriculture. For one thing, this Bureau is charged with the enforcement of the law prohibiting the introduction into the United States of diseased or injurious birds and mammals—a very important function. It is also responsible for enforcing the Lacey Act for the protection of game.

But in addition to these administrative functions, the work which the Bureau has done in acquiring and publishing information as to the birds and mammals which are beneficial and those which are injurious, the influence it has exerted in protecting the beneficial varieties, and the methods it has devised for exterminating those which are injurious, is undoubtedly of very great practical value. Your committee has therefore not only given the Bureau a place in the bill, but has recommended a moderate increase in its appropriation.

The work of the Division of Accounts and Disbursements, of the Division of Publications, of the Bureau of Statistics, and the library necessarily is of the same character from year to year, and calls for no special comment, except to remark that the moderate increases recommended in their respective appropriations are only such as in the judgment of your committee were warranted by the general growth of the Department.

Under the head of contingent expenses we have included an item of $25,000 for the purpose of installing a power plant at the new Agricultural Department building. This estimate comes to us in the way prescribed by law, by the recommendation of the Secretary of Agriculture, and upon the assurance of the Secretary of the Treasury that the power which it is sought to create can not be obtained as cheaply from any other source; and I hope the item will be permitted to remain in the bill.

Under the Office of Experiment Stations your committee has directed that not to exceed $5,000 be expended to establish and maintain an experiment station on the Island of Guam. This tiny and remote island came into our hands, as everybody knows, by virtue of the treaty with Spain. It is said to be extremely fertile, and the native population, about 9,000 souls, is reputed to be peace loving, intelligent, and industrious. Certain it is that the people have never given us any trouble, and perhaps for that reason we have neglected them.

One of the Commissioners from the Philippines, who was quartered there for two years as a prisoner of war, tells me that the only agricultural implements they have are the rude hoes which they have fashioned from the gun barrels left there by the Spaniards. They have not exactly beaten their spears into pruning hooks and their swords into plowshares, but they have come as near to it as their raw material would admit. Before the American occupation the chief food supply of the island came from the cocoanut trees; but by our carelessness some diseased trees were introduced, and the disease is spreading to the native groves with a rapidity that threatens their total destruction. It is certainly "up to us" to try to do something to at least offset the calamity we have brought upon the people of this lonely and far-away island, and the $5,000 carried in this bill for their benefit will at least make a beginning.

A year ago it was decided to discontinue the nutrition work that was being done in Connecticut at the expense of the Department, and an appropriation of $5,000 was made to defray the expense of closing up the laboratory there and bringing the machinery it contained to Washington. Only $2,000 of that amount was expended for this purpose, and the present bill recommends that the remaining $3,000 be expended in setting up the apparatus and preparing for publication the results already obtained.

Mr. GRAFF. Will the gentleman yield to me for a question?

Mr. SCOTT. Certainly.

Mr. GRAFF. I have taken some interest in looking up the progress of the investigation of the Department of Agriculture as to new material for the manufacture of paper. Will the gentleman be kind enough to state how far that investigation has progressed and whether there has been any material result or promise of result?

Mr. SCOTT. I will state to my friend from Illinois that this bill, for the first time, carries authority to make the investigations to which he refers. They have not been undertaken—at least not in any systematic way—up to this time.

Mr. GRAFF. I understood they had made some investigation, but not to any large extent.

Mr. SCOTT. Nothing upon which any report has been made. It is a matter of common knowledge that our supply of spruce and fir trees, from which practically all the print paper now in use in this country is made, is rapidly becoming exhausted. It is hard to imagine any single agricultural discovery which would begin to equal in importance to the whole country the discovery of a plant from which paper could be cheaply and easily made. Your committee felt fully warranted, therefore, in placing $10,000 at the disposal of the Secretary in order that the search might begin.

Mr. WILLIAMS. Will the gentleman yield to me for a moment?

Mr. SCOTT. I yield to the gentleman from Mississippi with pleasure.

Mr. WILLIAMS. Toward what material do the investigations seem to point?

Mr. SCOTT. As I said to the gentleman from Illinois, the investigations have not proceeded far enough for them to have made a report. They expect to study various fibers—flax fiber, cornstalk fiber, and perhaps some grasses from the Philippines—but the work has not yet really begun.

Mr. WILLIAMS. I asked the gentleman the question because, having the utmost confidence in the soundness of his judgment, I wanted to know if he thought it would be easier to get cheap paper that way, to wit, by expending the money of the Government in experiments in some new paper material rather than simply to put wood pulp and print paper on the free list now.

Mr. SCOTT. I am sure my distinguished friend the Senator from Mississippi [laughter]——

Mr. WILLIAMS. Not Senator yet.

Mr. SCOTT. Does not expect me to enter into a tariff debate at this time. I might say, in just a few words, that if he could convince me that the tariff on wood pulp and paper, which has remained the same for the past ten years, is wholly responsible for the great advance in the price of paper that has taken place during that time, I perhaps would be willing——

Mr. WILLIAMS. Supposing I could convince you that it is partially responsible, would not that have the same effect?

Mr. SCOTT. If the gentleman could convince me to that effect I would be greatly interested in discussing that question when it is properly before the House.

Mr. WILLIAMS. Until that, then, your idea is to make the consumers of paper, virtually all the people, pay the American cost of paper, the duty added, and then spend more money of the Government, contributed by the people, in trying to find out something else out of which paper can be made?

Mr. SCOTT. Until then and after then I am of the opinion

that if we could by the expenditure of $10,000 a year for a few years find some material besides the trees which grow in our forests out of which paper could be made the expenditure would be amply justified.

Mr. WILLIAMS. I will state that I had another reason for asking the gentleman these questions. I am very much interested in some recent literature upon the subject of making paper out of cotton stalks. I think you can not make paper out of cotton stalks as well or as cheaply as out of the things you now make it of, and still I thought perhaps it was an insidious effort of the Republican party to bribe the cotton raisers by the hope of an opportunity of developing a new industry. [Laughter.]

Mr. SCOTT. The gentleman is no doubt fully warranted in that suspicion. [Laughter.]

I desire now, Mr. Chairman, to call the attention of the committee to the two emergency appropriations carried in this bill.

Two years ago, in response to a most urgent appeal, the Congress authorized an appropriation of $82,500 to enable the Secretary of Agriculture to enter into cooperation with the different States for the purpose of preventing the further spread of the gypsy and brown-tail moths, which were ravaging the groves and forests of the New England States. The work was undertaken and the results were so encouraging that Congress last year increased the appropriation to $150,000. This year, upon the earnest appeal of the representatives on this floor from the States concerned, your committee has recommended that the appropriation be increased to $250,000. This is a very large sum of money; but the emergency is very great. Those best qualified to know assure us that practically the whole forest area of all the New England States is threatened, and the loss, if the ravages of these pests can not be prevented, will be incalculable.

The local appreciation of the gravity of the danger is shown by the fact that the State of Massachusetts alone expended more than a million dollars by legislative appropriation before coming to the General Government for aid, while other States have also expended generous sums. Your committee felt, therefore, that any reasonable appropriation would be but a bagatelle if it should result in preventing the further spread of these devastating pests. The work has been done under direction of the Bureau of Entomology, and has followed two general lines, one the introduction of parasites and one the actual physical destruction of the insects. In certain parts of Europe where the gypsy moth has always existed it has been kept in check by certain parasites. During the past two years forty varieties of these parasites have been brought over here, and the entomologists are certain that some of them at least have become acclimated and will give a good account of themselves. It is through the activity of these natural enemies that the ultimate control of the moth must be obtained.

In the meantime it is highly important that they should be prevented as far as possible from spreading, and it is in that work that the greater part of the money heretofore appropriated has been expended. The results, as reported to your committee, have been very encouraging indeed. Those engaged in the work, however, and those who have observed it are of the opinion that a large sum spent within the next year or two will bring vastly better results than the same sum extended over a longer period, and the amount carried in the bill is therefore recommended.

The second emergency appropriation carried in the bill is that for the eradication of what is commonly known as the Texas cattle tick, the parasite which transmits the Texas fever. This item first appeared in the bill two years ago, the same time as that for the extermination of the gypsy moth, and for the same amount, $82,500. The amount was increased last year, as the gypsy moth appropriation was, to $150,000, and in this bill both of them are again brought to the same amount.

But while the two appropriations from the beginning have been twins, the problems they represent are very different. The gypsy moth is a foreigner, but recently introduced and spreading with alarming rapidity. The cattle tick is a native and has been long a subject of quarantine. One represents what might be called an acute attack, while the other is a chronic case. The Texas tick is responsible for the quarantine line which for nearly twenty years has stretched across our country from one ocean to the other. The annual cost of maintaining this line to the different States and to the nation can hardly be less than half a million dollars. But that is the smallest item of the loss inflicted upon the country by the cattle tick. The presence of the tick depreciates the price of every head of cattle below the quarantine line, while it deprives the Northern States of the market they would otherwise find in the South for their high-grade stock. The loss to the North can not be even guessed at, but careful men have assured us that the annual loss suffered by the States south of the line can not be less than $40,000,000.

If this estimate is even approximately correct, it needs no argument to justify a most liberal appropriation from the Federal Treasury to combat the pest that inflicts such stupendous loss, provided it can be done with any hope of success. Two years ago the committee hesitated to authorize the attempt, because at first blush it seemed a hopeless task to attack an insect infesting a vast region where the climatic and other conditions were perfectly suited to its enormously rapid reproduction. The experience of the past two years, however, has been highly encouraging. During that time different areas, aggregating 60,000 square miles, have been freed from the ticks and the quarantine line moved that much farther southward. It will take a long while, of course—perhaps fifteen or twenty years—to complete the work. But there seems no doubt that if persisted in it can be done, and even if it takes twice the estimated time it will be well worth doing. Let the quarantine line be forced down to the Mexican border, where it belongs, so that cattle can be freely shipped northward or southward from every State in the Union, and the advantage to the whole country will be simply incalculable.

I believe I have now touched upon all the features of this bill that seem to call for extended comment. When we come to consider the bill under the five-minute rule, I or other members of the committee will be glad, of course, to discuss any of its details concerning which explanation may be desired.

It would afford me a great deal of pleasure, Mr. Chairman, in presenting this bill to describe at length the intensely interesting and very valuable work that is being done by each one of the great bureaus of this great Department, but I do not wish to weary the patience of the House. Very briefly let me say, in closing, that of all the great Departments of our Government none has had a beginning so modest and inconspicuous as that of the Department of Agriculture, and, with the possible exception of the Post-Office, not one now comes into such close and intimate and helpful contact with so great a proportion of our people.

The first direct appropriation by act of Congress for the benefit of agriculture in the United States was that of March 3, 1839, directing that the sum of $1,000 be expended by the Commissioner of Patents "in the collection of agricultural statistics, and for other agricultural purposes." I was a little curious to know just how the Commissioner expended that vast sum of money, so I hunted up his report for the following year, and this is what I found:

> The small appropriation made in 1839 for statistics and other agricultural purposes has limited the expenses of the Commissioner to the sum granted. Upward of 30,000 packages of seeds have been distributed during the last year, and from the gratification expressed by those who have received them the most favorable anticipations are indulged that the effort thus made has met the cordial and thankful acknowledgments of the agricultural community. When the seeds collected in the remote parts of the globe, together with those more easily procured, shall arrive and be distributed, still further gratification and benefit may be expected.

From which it will be seen that those of our colleagues who have so valiantly championed the free-seed distribution have been defending an ancient, if not an honorable, precedent.

Whatever the good results may have been from the expenditure of this initial $1,000, Congress did not see fit to continue it, and it was not until 1842 that another $1,000 was appropriated. The language of the act remained the same, "For the collection of agricultural statistics and for other agricultural purposes." And this is the language in which all the subsequent appropriations were made up to 1852. By that time the appropriation had climbed to $5,000, and the language was changed to read: "For the collection of agricultural statistics and for the purchase of seeds." Clearly the point had been reached at which the Congress did not want to take the chances of the Commissioner of Patents placing the wrong interpretation upon that phrase, "other agricultural purposes." The language was not again materially changed until 1856, when $30,000 was appropriated "For the collection of agricultural statistics, investigations for promoting agriculture and rural economy, and the procurement and distribution of cuttings and seeds."

In 1861 the wording of the act was broadened to provide for the "propagation" as well as the procurement and distribution of seeds, and in 1862 provision was made for the introduction and protection of insectivorous birds and for investigations to test the practicability of preparing flax and hemp as a substitute for cotton—this last to be considered, I presume, as a sort of war measure.

By this time an Agricultural Division had been organized in the Department of the Interior, consisting of 9 persons, under the immediate direction of the Commissioner of Patents,

through whom all the appropriations thus far made for agricultural purposes were to be expended. It was this division which, by act of Congress approved May 15, 1862, was withdrawn from the Interior and organized as a separate bureau, the chief of which was designated as the Commissioner of Agriculture. Slowly still, but steadily, this division grew, receiving every year a larger appropriation and broadening every year the scope of its work until, in 1889, when its appropriation had reached the sum of $1,134,480, and the number of its employees had grown to 488, it was considered worthy to be dignified as a full-fledged Executive Department of the Government with a Cabinet minister at its head.

That was but nineteen years ago, and yet in that time what a place this Department has made for itself in the economic and industrial life of this nation! I said a moment ago that with the possible exception of the Post-Office no other Department of our Government comes into such intimate contact with so great a proportion of our people. And is that not literally true?

Every morning millions of American citizens, opening their daily papers, glance first of all at the forecast of the day's weather, sent out by the Department of Agriculture, and govern their day's plans very largely by what they see there. Every day during the growing season 2,000,000 American farmers receive by telephone the weather report, which shapes in large degree the conduct of their farming operations. At every seaport and at every harbor of our Great Lakes the employees and observers of this Bureau stand guard, and the warnings that they give to the men who go down to the sea in ships have saved hundreds of lives every year and millions of dollars' worth of property.

And as the Weather Bureau stands guard over the lives and property of the people, so the other bureaus of this great Department keep watch over their health and the health of their domestic animals. For many years the Bureau of Animal Industry has been waging war upon the diseases that ravage the flocks and herds of our Western ranges, and now it has set itself to lift the embargo from the Southern pastures. During the fiscal year 1907 nearly 6,000,000,000 pounds of American food products passed into the markets of the world unchallenged, because they bore the approving stamp of the Department of Agriculture, while 33,000,000 pounds of similar products were destroyed without protest, because that Department declared they were unfit for human food.

Similar but even more far-reaching authority is exercised by the Bureau of Chemistry, for its agents stand in every market place with almost despotic power of approval or condemnation over the foods and drugs that are offered for sale therein. You would seek long through the statute books of the nation before you would find more broad or more searching police powers than are vested in these two bureaus of the Department of Agriculture.

And so if time served I could take up all the bureaus of this great Department, one after the other, and show how they are extending their ceaseless activities in a thousand helpful ways, "promoting the interests of agriculture in the broadest and most comprehensive sense of that term," as the law declares they shall do, and thereby promoting every other interest in all our land. For the Department of Agriculture is the great productive, wealth-creating, and wealth-saving Department of our Government.

Testifying under oath last year before a committee of this House the chiefs of the various bureaus of this Department declared it to be their deliberate judgment that the money value of the Department to the people during that year had not been less than $231,000,000. That means that for every dollar expended for its maintenance during that year this Department had paid the people back $16. It means that for every dollar expended upon that Department from the first paltry thousand dollars, away back in 1839 down to the present hour, this Department, in a single year, gave back three and one-half dollars. This is one of the Government Departments that pays. It is one of the Departments an appropriation for which may be regarded as an investment and not as an expense.

Appreciating, therefore, the great importance of the work this Department is doing, your committee has given the bill, which is to provide for its maintenance, the most diligent and painstaking consideration.

Before Congress convened last December, the ranking minority member of the committee [Mr. LAMB] and the present chairman spent nearly four weeks in the Department, carefully studying the different bureaus and making themselves as familiar as possible with all their details. Beginning immediately after the holiday recess, the entire committee held daily hearings extending over a period of five weeks, taking up every item of the bill and questioning at length the Bureau officials who were responsible for the expenditure it provided. Following the public hearings, the subcommittee devoted a week to the preparation of the bill, when it was again submitted to the full committee for final review. Whatever may be its imperfections, therefore, the measure now before the House represents the very best judgment your committee is capable of exercising.

We believe it grants no dollar which is not needed by the public service, and we do not believe it withholds a dollar which the public service requires. It comes before you with a unanimous report from the committee, every member of the committee supporting every item in it, and it is respectfully submitted for the candid consideration of the House. [Applause.]

Mr. CRAWFORD. Before the gentleman takes his seat I would like to ask him a question.

Mr. SCOTT. I will yield to the gentleman.

Mr. CRAWFORD. I see that the committee has put a limitation on the power of the Secretary to rent or purchase road machines. Why was that done?

Mr. SCOTT. Because your committee does not believe it to be the function of the General Government to engage in the construction of public roads.

Mr. CRAWFORD. But you propose to give the Secretary the power to make practical investigation of the best methods of constructing roads, and yet you limit his power to do it.

Mr. SCOTT. We give him the power to investigate as to the best method of building roads, but we do not think it is necessary for the Department to go out and build the roads to determine the best methods any more than we believe it would be necessary for the agent of the Bureau of Plant Industry to plow the land and plant the seed himself when he goes into Texas or North Carolina to teach the people how to raise cotton in spite of the boll weevil.

Mr. CRAWFORD. Does the Secretary of Agriculture ask that this be discontinued, or that the limitation be put upon him?

Mr. SCOTT. I must say that the Secretary was not consulted about that matter. The committee simply exercised its best judgment.

Mr. CRAWFORD. In my judgment, the best and most practical way of determining which is the best method of building a road is in the actual construction of the road.

Mr. SCOTT. I shall be glad to discuss the matter with the gentleman at greater length when we come to consider the bill under the five-minute rule.

Mr. LAMB. Mr. Chairman, the full and most complete and deeply interesting statement that we have listened to from the chairman of the committee must convince the House, what the Committee on Agriculture have known from the first day of the organization of that committee for the present Congress, that the mantle of the former worthy and indefatigable, earnest, and economical chairman of this committee, Mr. Wadsworth, of New York, has fallen on worthy shoulders in the person of the gentleman from Kansas. [Applause.] He has well stated that this bill has been carefully and conservatively prepared, so much so that I do not believe it possible for the other branch of this Congress to add anything to its provisions. And so carefully has it been considered and prepared in another direction that I do hope it leaves no opportunity for the point of order fiend, if I may so describe him, to exercise his energy.

I would not if I could, and I could not if I would, add anything to what has been so well said by the chairman in explaining this bill. One thing must have impressed this House, and that is that I was right from the first in contending that upon this agricultural bill, so important to the House and to the country, the debate should not have been limited to four hours' discussion. Although I agreed to it, I did it because I believed I could borrow two hours from that side when these gentlemen during Lent were better engaged, and under the five-minute rule these impecunious friends on this side would take something from under the five-minute rule. But when the splendid chairman of this committee has found it necessary—owing mostly, I think, to the interrogatories put to him—to take one-half of the time on his side, I do not see how we are to discuss the various measures here in the time that is left. But I do hope that this committee will allow the debate to run sufficient time to let the most of our friends on this side have an opportunity to express themselves.

I did hope to say something on one of the most important bills before this Agricultural Committee—the Appalachian chain and White Mountain bill—but I do not wish to take up the time. I never put anything in the RECORD that I do not say on the floor, and therefore I shall be debarred that pleasure and duty, from my view point. We know how last year an appropriation of $25,000 was made to sidetrack that

measure, and how this year it has been referred to the Committee on the Judiciary. This will rob the people of this country of the benefits that must accrue from the bill, and call the previous question on the next generation of people in the United States.

Now, Mr. Chairman, I reserve the balance of my time, and, with the consent of the chairman on the other side, I will yield ten minutes to the gentleman from Mississippi [Mr. WILLIAMS].

The CHAIRMAN. The gentleman from Virginia does not control the time.

Mr. LAMB. Then I will reserve the balance of my time, except that I will yield ten minutes to the gentleman from Mississippi.

The CHAIRMAN. A member of the minority on the committee has requested recognition, and the Chair will have to recognize him first.

Mr. LEVER. Mr. Chairman, I waive my rights to be recognized now.

The CHAIRMAN. The Chair will recognize the gentleman from Mississippi.

Mr. WILLIAMS. Mr. Chairman, before I make the announcement for the purpose for which I rise, I want to ask unanimous consent to insert as a part of my remarks an address delivered by Moorfield Storey, of the State of Massachusetts, on "The duty of the United States toward the Philippine Islands," being a reply to a speech lately made by Secretary Taft.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to print in his remarks the document indicated. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The document referred to is as follows:

THE DUTY OF THE UNITED STATES TOWARD THE PHILIPPINE ISLANDS—A REPLY TO SECRETARY TAFT BY MOORFIELD STOREY.

"No great civilized power has ever managed with such wisdom and disinterestedness the affairs of a people committed by the accident of war to its hands. * * * Save only our attitude toward Cuba I question whether there is a brighter page in the annals of international dealing between the strong and the weak than the page which tells of our doings in the Philippines."

It is in such modest phrase that the President eulogizes the Philippine policy for which he is so largely responsible, and to support this proposition and to strengthen his own claims upon the confidence of the American people, Secretary Taft has made his speech to the ministers in Boston and written his elaborate report to the President.

The attitude of these gentlemen is natural, but experience does not justify us in relying too implicity upon the statements of officials as to the purposes and success of their own administration, national or municipal, and we must remember that from the dawn of history the oppressor has always insisted that oppression was good for the oppressed, and that his own action, to quote Secretary Taft's words, has been "altruistic."

History is constantly repeating itself. In the House of Representatives hardly more than fifty years ago human slavery in the United States was described "as a great moral, social, political, and religious blessing—a blessing to the slave and a blessing to the master," while Senator Hammond, of South Carolina, praised it as "a moral and humane institution, productive of the greatest political and social advantages." For years the strong forces of the nation, the ministers, the lawyers, the merchants, the bankers, the politicians, upheld it, and their speeches and writings were filled with evidence of its beneficent effects. These defenders of slavery were doubtless honest, but every American knows now how false their claims were. All admit that slavery was a curse to the master even more than to the slave and wonder how any men could ever have thought otherwise.

The result of all human experience was stated by Lincoln when he said:

"These arguments that are made that the inferior race are to be treated with as much allowance as they are capable of enjoying, that as much is to be done for them as their condition will allow—what are these arguments? They are the arguments that kings have made for the enslaving of the people in all ages of the world. You will find that all the arguments of kingcraft were always of this class; they always bestrode the necks of the people—not that they wanted to do it, but because the people were better for being ridden. * * * Turn it every way you will, whether it came from the mouth of a king as an excuse for enslaving the people of his country, or from the mouth of men of one race as a reason for enslaving the men of another race—it is all the same old serpent."

Thus did the greatest leader of the Republican party characterize more than fifty years ago the argument which is now made by him who aspires to sit in Lincoln's chair. Lincoln was a true prophet when he said in Springfield while describing the Declaration of Independence:

"Its authors meant it to be—as, thank God, it is now proving itself—a stumbling block to all those who in after times might seek to turn a free people back into the hateful paths of despotism. They knew the proneness of prosperity to breed tyrants, and they meant when such should reappear in this fair land and commence their vocation, they should find left for them at least one hard nut to crack."

His words might have been spoken to-day. Secretary Taft finds the Declaration of Independence a stumbling block, just as Lincoln prophesied, and we may judge how far to rely on his statements as to Philippine conditions by examining his argument against the Declaration of Independence.

On January 30 he said at Cleveland:

"Since the foundation of our Government the people of the United States, that is the States as distinguished from the Territories, have been engaged in governing other people. We did it in the case of Louisiana. We have done it in the case of every Territory that was subsequently admitted to the United States, and we are doing it to-day in the case of New Mexico and Arizona. What in principle is the difference between the assertion by Congress of the right to pass a law which shall be obeyed by men in New Mexico who have no voice in the selection of the Representatives and Senators who vote that law and the passing by Congress of such a law for the Government of the Philippines or Porto Rico? * * * If the latter is a violation of the Declaration of Independence, we have been violating the Declaration of Independence for a hundred years."

We may almost ask if the Secretary knows what the Declaration says. Its words are:

"We hold these truths to be self-evident: That all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed."

The people of the United States, beginning as a fringe of inhabitants on the edge of a continent, adopted a Constitution to which they consented. This Constitution gave to Congress control over the unoccupied land not belonging to any State, and in the exercise of that power Congress has adopted the policy of letting persons settle on this land and organize Territorial governments, and as these settlers have become sufficiently numerous in any region, of admitting that region as a State. To this policy the people as a whole have consented, and every man who has settled in a Territory has done it with knowledge of this policy and has consented to it. The governed in each Territory have consented to the government just as the man who enlists in the Army consents to obey the orders of his officers.

We acquired Louisiana by purchase, and by the treaty bound ourselves to incorporate its inhabitants in the Union and give them all the rights of American citizens, and we kept this obligation faithfully and promptly.

In the Philippine Islands there are some eight millions of people who have never consented to our Government, and whom we govern to-day simply because we were strong enough to overpower their resistance by force of arms. They are a people united in desiring their independence, and we refuse it because we say they are unfit to govern themselves.

Is it possible that so able a lawyer as Judge Taft has never detected this difference between the cases of Arizona and the Philippines? If he has not, what must we think of his legal acumen?

The distinction which Judge Taft is unable to see was very clear to President McKinley, whom Mr. Taft was eulogizing, for he said, in 1890, "The government by the people * * * must rest upon the free consent of the governed and of all the governed," and in 1898, when the Spanish war broke out, he said in his message to Congress: "I speak not of forcible annexation, for that, under our code of morals, would be criminal aggression," a phrase no one would think of using to describe the government of New Mexico. This speech of Secretary Taft at Cleveland must be remembered whenever we are weighing his statements. To him the Declaration of Independence has proved indeed "a stumbling block."

When we read the Secretary's speech at Boston, and the words of the President as to our dealings with the Filipinos, we wonder if the American people have forgotten the horrors of Samar and Batangas, the terrible destruction of Filipino life, the burning of cities and villages, the practice of reconcentration on a larger scale than was ever thought of by the Spaniards, the "water cure" and other tortures systematically employed, the misery and ruin which our conquest brought on the Filipino people! Have they forgotten how Aguinaldo was invited to aid us, how he was permitted to establish a government, how that government was destroyed? Have they forgotten that the first engagement, fought before the treaty was ratified and before we had any title to a foot of the Philippines, was, in the words of General Otis, "strictly defensive on the part of the insurgents and of vigorous attack by our forces?" Even then the Filipinos were already called "insurgents," though they were still, on Mr. Taft's theory, subjects of Spain. Have they forgotten that we refused even to treat with them after the battle; that, in the words of Mr. McKinley, we would have "no useless parley?" Have they forgotten the massacre of Mount Dajo? If there is a darker chapter in the history of the dealings between a strong and a weak people, it must be many centuries ago. Secretary Taft at Grand Rapids ventured to say that Abraham Lincoln "would have approved the Philippine policy from the beginning to the end." Can any man who has read Lincoln's words believe that he could have approved this record of treachery and bloodshed?

But men say, Why revive these memories that we would fain obliterate? Because to deal with the problem of the Philippine Islands properly we must never forget the history of our occupation, and when we are considering whether we are more fit to govern them than they are to govern themselves, we must remember what our representatives have done, and must ever keep in mind that what has happened during the last eight years may well happen again. The American people like to think themselves more capable than any other nation, but we can not settle this great question wisely unless we face the facts. Misrepresentation and concealment do not help us to a just decision. Secretary Taft from the outset of his career has never laid before the American people the naked truth. Were all the facts known, they would prove the truth of Lincoln's famous words:

"No man is good enough to govern another without that other's consent. I say this is the leading principle, the sheet anchor of American republicanism." "When the white man governs himself that is self-government, but when he governs himself and also governs another man, that is more than self-government, that is despotism."

Our course has proved that we are no exception to the rule laid down by John Stuart Mill:

"The government of a people by itself has a meaning and a reality, but such a thing as a government of one people by another does not and can not exist. * * * If the good of the governed is the proper business of a government, it is utterly impossible that a people should directly attend to it;" and unless we recognize this truth, we are destined to learn it by bitter experience.

It is very pleasant to read in Mr. Taft's report that "The national policy is to govern the Philippine Islands for the benefit and welfare and uplifting of the people of the islands, and gradually to extend to them, as they shall show themselves fit to exercise it, a greater and greater measure of popular self-government," and "that when the Filipino people as a whole show themselves reasonably fit to conduct a popular self-government, maintaining law and order and offering equal protection of the laws and civil rights to rich and poor, and desire complete independence of the United States, they shall be given it." It is pleasant to find the President saying more explicitly that their "complete independence" is a goal of which "we desire that it be reached at as early a date as possible for the sake of the Filipinos and for our own sake."

This assertion of altruistic benevolence, this declaration of a policy whose sole object is the advancement of the Filipinos, shows a marked advance since the day when Senator LODGE, as president of the Republican national convention, said in his address to the convention:

"We make no hypocritical pretense of being interested in the Philippines solely on account of others. While we regard the welfare of these people as a sacred trust, we regard the welfare of the American people first. We see our duty to ourselves as well as to others. We believe in trade expansion."

The contrast shows progress in the right direction. Secretary Taft and the anti-imperialists are in accord as to their object. There remain simply the questions of how to reach that end and how to decide when it is attained.

Mr. Taft's first postulate is that they are now incapable of governing themselves. He uses the argument which Lincoln ascribes to the opponents of political freedom: "They said some men are too ignorant and vicious to share in government." Again history repeats itself.

He said at Boston, that when the war with the Filipinos began, "Aguinaldo had established some sort of government in the provinces, but it was an arbitrary, tyrannical, military government under the guise of something better, but full of a corruption quite equal to that which they could complain of in the Spanish times."

Secretary Taft did not reach Manila till after this government had been broken up, and does not, therefore, speak from personal knowledge. Against his statement let us put the words of our naval and military commanders and of a witness, upon whom, in dealing with such questions, two Administrations have seemed to rely, the Hon. John Barrett, Chief of the Bureau of South American Republics.

Admiral Dewey, on June 27, 1898, cabled:

"In my opinion, these people are far superior in their intelligence and more capable of self-government than the natives of Cuba, and I am familiar with both races."

General Merritt, on his arrival in Paris in October, 1898, was reported as saying:

"The Filipinos impress me very favorably. I think great injustice was done the native population. * * * They are more capable of self-government than, I think, the Cubans are. They are considered to be good Catholics. They have lawyers, doctors, and men of kindred professions, who stand well in the community and bear favorable comparison with those other countries. They are dignified, courteous, and reserved."

John Barrett saw the government organized by the Filipinos in operation and described it as "a government which has practically been administering the affairs of that great island [Luzon] since the American possession of Manila, and which is certainly better than the former administration. It has a properly formed cabinet and congress, the members of which in appearance and manner would compare favorably with Japanese statesmen. The congressmen, whose sessions I repeatedly attended, conducted themselves with great decorum and showed a knowledge of debate and parliamentary law that would not compare unfavorably with the Japanese parliament. The executive portion of the government was made up of a ministry of bright men, who seemed to understand their respective positions," while among Aguinaldo's advisers were "men of acknowledged ability as international lawyers."

Mr. Taft says in his report, "No one denies that 80 per cent of the Filipino people are densely ignorant * * *." And again, "It is not too much to say that knowledge of Spanish is a fairly good indication whether an individual can be said to be educated."

Against this judgment let me call two witnesses who have been in the islands.

Captain Hatch, of the Eighteenth Infantry, after serving for more than a year in the islands and being brought in contact with thousands of the people, said:

"The Filipinos are Malays softened by contact with the Spaniards. * * * The Filipino is essentially honest. * * * The Filipinos are a deeply religious people. * * * They are a temperate, sober people. During a year's residence among them I never saw a drunken Filipino. They are a cleanly people. They are hospitable, and they are generous in their hospitality. They are not an ignorant people. Their intelligence and educational progress are apt to be underestimated because of failure to understand them. Nearly every adult can read and write in the Tagalo or Viscayan dialect, while the natives of the cities and villages, in addition, can read and write the Spanish language. Moreover, most adults know something of arithmetic, geography, and history. I was surprised one day, in questioning the driver of my quily, an ordinary poor boy of 18, to find that he had studied geometry, and had made very material progress.

"The Filipinos are not so much different from other people. Their customs, habits, hopes, and aspirations are deep seated. Their leaders are shrewd, bright men of much ability; the masses are earnest in their loyalty."

An American Congressman, Mr. Shafroth, who visited the islands, said:

"The general impression exists among many Americans that the Philippine people are savages. A visit to the islands will certainly dispel any such delusion. * * *

"When I find behind the prescription desks of the numerous drug stores of the islands, even when kept by Americans and Englishmen, Filipinos compounding medicines taken from bottles labeled in Latin; when I see behind the counters of banks having large capital natives acting as bookkeepers and as receiving and paying tellers; when I find them as merchants and clerks in almost all lines of business, as telegraph operators and ticket agents, conductors and engineers upon railroads, and as musicians rendering upon almost all instruments high-class music; when I am told that they alone make the observations and intricate calculations at the Manila observatory, and that prior to the insurrection there were 2,100 schools in the islands and 5,000 students in attendance at the Manila university; when I find the better class living in good, substantial, and sometimes elegant houses, and many of them pursuing professional occupations I can not but conclude that it is a vile slander to compare these people to the Apaches or the American Indians.

"The best evidence of the ability of the Philippine people to govern themselves is that they possess a large intelligent class, thoroughly identified in interest with the islands, and capable of administering good government. The civil commission has recognized this ability by recently adding three native members to that governing body; by appointing three Filipino judges of the supreme court; by selecting about half of the judges of the first instance and nearly all the governors of the provinces from that race, and by appointing a solicitor-general and many other officers from the natives. Are these officials not in the governing business, and do they not perform their work as well as the Americans? Is it possible that they are capable of governing because they were appointed by the representatives of a distant nation? Would they lose that ability if elected or chosen by properly constituted authority of their own? In the latter event they would make far better officers, because they would consult only the interest of their own people instead of that of a nation 7,000 miles away."

By force of arms we destroyed Aguinaldo's government, "arbitrary, tyrannical, military." Instead of trying to help the Filipinos build up a state, we began by destroying all that they had built. Was our government less tyrannical, less military, less arbitrary?

The following report of Gen. J. F. Bell, written at Christmas time in the year 1901, answers the question:

"I am now assembling in the neighborhood of 2,500 men who will be used in columns of about fifty men each. I take so large a command for the purpose of thoroughly searching each ravine, valley, and mountain peak for insurgents and for food, expecting to destroy everything I find outside of towns. *All able-bodied men will be killed or captured.* Old men, women, and children will be sent to towns. This movement begins January 1, by which time I hope to have nearly all the food supply in the towns. These people need a thrashing, to teach them some good common sense; and they should have it for the good of all concerned."

And that these ruthless measures have not been discontinued is apparent from the following order issued May 24, 1906, by Capt. Walter A. Smith, senior inspector of the constabulary of Negros, to the commanding officer of a squad consisting of fifteen or twenty men detailed to capture an outlaw named Isio:

"All country around Masasoh, Manjuija, Magtacay, and other sitios in that locality must be covered and *everything destroyed by cutting down or by fire.* * * * All people caught in these places should be turned over to Lieutenant Mohler for work. * * * *Have your men take lots of ammunition and kill everything that runs from the constabulary except women and children.*"

Yet Secretary Taft said at Grand Rapids that the Filipinos "are now enjoying the right to life, liberty, and property and the pursuit of happiness and freedom from deprivation of any of those rights, except by due process of law." Does Judge Taft, as an eminent lawyer, assert that the men whose prosperity is destroyed and whose lives are taken under such an order as this lose them by "due process of law?"

This last order was issued in time of peace, and is an illustration of our tenderness in dealing with a weaker people. This order was printed in the Manila Opinion, an American newspaper, on December 7, 1907. Has the officer who gave that order been punished? Could Aguinaldo's government have been more arbitrary?

The massacre of Mount Dajo, in March, 1906, where some 600 men, women, and children were slaughtered, was at least "military," if not "arbitrary and tyrannical."

Nor is this all. On July 4, 1902, President Roosevelt declared the war in the Philippines at an end and issued his proclamation of amnesty. Then "tranquillity" had been fully established. In the year 1902 reconcentration was used to suppress insurrection in Laguna and Batangas. It then affected not less than 100,000 people in camps holding from 8,000 to 14,000 people each, according to the official report of Colonel Wagner. In 1903, when every Filipino is said to have had all the civil rights secured to an American citizen by the bill of rights save the right to bear arms and to trial by jury, 300,000 persons were driven from their homes into reconcentration camps in Albay, where very large areas were entirely denuded of population. Fifteen thousand people in Tayabas suffered a like fate. In 1904 some 20,000 people in Samar and 16,000 in Cavite, close to the walls of Manila, were dealt with in like manner. In 1905 reports reached us of like operations. We heard from Bakoor that "its unfortunate reconcentrated people, the inhabitants of the districts of Ligas and St. Nicholas, a pleasant land situated by the seaside, are subjected to vigorous surveillance, not allowed to walk abroad with impunity, obliged to snatch their sleep in motley heaps of men, women, and children, exposed by night and day to the elements" and every hardship which the terrible word "reconcentration" implies. Like reports came from Batangas, but these found no place in the dispatches from the Philippine Islands. We learned the facts from the Manila press.

Imagine 300,000 people charged with no crime taken from their homes anywhere in America because the Government wished to catch a gang of robbers. Would no constitutional right be invaded by such a process? What a mockery it is to claim that the Filipinos are secured in their civil rights when such barbarities are common. Secretary Taft is a good lawyer. Let him reconcile these facts with his claim.

And Aguinaldo's government was "full of corruption." How about our own? Secretary Taft's statement about Aguinaldo is a charge. There may be another side. His statement about our own Government is a confession. He says, "I am sorry to say that in the early days, when we were dependent on picking up what Americans we could, we did not give the Filipinos the best exhibition of our own regard for public welfare in office, for we had some sixteen provincial treasurers that became defaulters." The list of such crimes is larger now. A commander of the Filipino Scouts at the St. Louis Exposition has been convicted of forging vouchers, and instances might be multiplied. Are we Americans, with public officials everywhere on trial or under indictment, if not already convicted, with the Pennsylvania capitol, our great life insurance companies, our land frauds, and the whole melancholy catalogue, are we sure that our representatives in these distant islands are likely to prove more honest than our mayors, our senators, our bank presidents, our city treasurers at home? Filipinos by thousands were ready to give up their lives for their country's freedom. Is it not reasonable to suppose that in such a people there were men enough to appreciate that public office is a trust? We certainly have not governed the Filipinos better than they were governing themselves when we overthrew their government.

The practical effect of our policy may be judged from these statistics, which are taken from a letter addressed by representatives of Batangas to Secretary Taft on August 26, 1905. They show what has been going on in the municipality of Balayan, in the province of Batangas.

In 1896 the number of inhabitants in that municipality was 41,308. In 1905 it was 13,924. The area of cultivated land, in hectares, was 19,500 in 1896, and 1,700 in 1905—not 10 per cent. Products: Rice, 39,020 cavanes in 1896, and 12,500 cavanes in 1900; sugar, 520,000 picos in 1896, now 12,300 picos; maize, 110,000 cavanes in 1896, now 10,000 cavanes; the oxen then were 10,000, now 427; the cows then were 3,650, now 80; carabaos, oxen, 4,110 in 1896, now 433; carabaos, cows, 1,350 in 1896, now 92; there were 11,000 hogs then, there are now 2,800; there were 96,000 hens, there are now 5,000. Consider what a story these figures tell.

Only this autumn the Filipino Chamber of Commerce has sent to the municipalities a petition for signature which begins:

"Whereas it is palpable and notorious that the country is undergoing a period of serious and profound trial, especially in respect to agriculture,

"Whereas the condition of the fields this year gives the sad prospects of a harvest that will mean special poverty and hunger, in addition to the evils already experienced."

A government such as ours, whether we judge it by its methods or its results, can not succeed. We may build better roads, we may improve sewers, we may establish schools, we may teach better sanitation, and tax the Filipinos to pay for them, but after the catalogue of our good acts is complete we can not wipe from Filipino memories our past, nor can we avoid Sir Henry Campbell Bannerman's true statement, "Good government is no equivalent for self-government."

A great majority of American publicists, including the President, have declared themselves unequivocally in favor of Philippine independence. Mr. Taft alone, while setting it before his countrymen as the goal toward which we must look, seems not to desire it. He postpones the day for a generation at least, and when that time is gone he hopes that both countries will agree "that it would be mutually beneficial to continue a governmental relation between them like that between England and Australia." That is his hope, and so long as he can control our policy his object must be to realize that hope. As though it were possible for a country adapted only for the habitation of an alien race to hold a position toward a "parent nation" like that of a territory peopled and occupied by its own emigrants!

He prophesies "that during the next twenty-five years a development will take place in the agriculture and other business of the Philippine Islands which will be as remarkable in its benefits to the United States and the Philippine Islands as was the development of Alaska during the last ten or fifteen years."

He insists that "the presence of Americans in the islands is essential to the due development of the lower classes." He wants the American Government to remain in the islands "long enough to educate the entire people," which means an indefinite future when we consider how long it has taken and will take to educate our own people. He thinks that "meantime they will be able to see and the American public will come to see the enormous material benefit to both arising from the maintenance of some sort of a bond between the two countries." He insists that "the having such an outpost as the Philippines making the United States an Asiatic power for the time will be of immense benefit to its merchants and its trade." He recommends that "the present restrictions be removed as to the acquisition of mining claims and the holding of lands by corporations in the Philippines." He does not "think it improper in order to secure support for the policy of the Administration to point out the advantage to the United States of holding the islands." He wishes to attract American capital and to see American investments in railroads, mines, and plantations. He wishes, in a word, to plant as much American treasure in the islands as possible, knowing that where the treasure is the heart is, to make it as much for American interest to retain the islands as possible, and under cover of much vague talk about the benevolent purpose of the United States to fit the Filipinos for self-government, to pursue a policy which will create in America a strong sentiment against letting American investments go under Filipino control. Everyone knows that the demands of capital have led the English Government and others to conquer and annex foreign territory and no one can doubt that every American dollar planted in the Philippines will become an argument against their independence. Let Secretary Taft tell us in detail how these islands in twenty-five years are to become of such remarkable value to the United States—a value which could accrue only to a few exploiters who would doubtless enforce a demand for imported contract labor, driving the natives to the wall and benefiting themselves at the expense of the domestic industries of the United States—let Mr. Taft elucidate his programme fully and it will be apparent that the process means the permanence of our hold upon the islands.

While this development was proceeding for the advantage of a small group of capitalists, the absolute responsibility of the United States for the defense of the archipelago would continue. In the changed attitude of affairs in the East, which Mr. Taft ignores, this responsibility implies increased outlays for fortifications and an indefinitely increased naval force, of which the millions to be asked of the present Congress are only the small beginnings. If any one doubts that Mr. Taft's policy does not mean Philippine independence, let him observe that after the value of the islands to America has been demonstrated and the question of giving them their independence comes up for decision the Secretary bids us note "that the tribunal to decide whether the proper political capacity exists to justify independence is Congress and not the Philippine electorate. * * * The judgment of a people as to their own political capacity is not an unerring guide." Can anyone be so blind as not to see what Secretary Taft's policy is and that it does not mean Philippine independence at all? Let the strong nation that finds the islands profitable decide whether to let them go? It is a bribed tribunal which will decide the question, and the policy of Secretary Taft is to create a situation which makes independence impossible. Is the judgment of a people as to another's political capacity more unerring than as to its own, especially when its own interests are at stake?

Secretary Taft may be right or wrong, but his real meaning is disguised by his talk of benevolence. In the words which Lincoln ascribed to tyrants, "The inferior race are to be treated with as much allowance as they are capable of enjoying, as much is to be done for them as their condition will allow;" they are to become invaluable to the United States, and our Congress is to decide whether they shall be given their independence. Well did Lincoln say, "It is all the same old serpent."

Through their own self-government now lies the road to Filipino independence and advancement. In the words of Lincoln, addressed prophetically to Mr. Taft, "By your system you would always keep them ignorant and vicious." In the words of President Roosevelt a year or two ago, "It is as true of a race as of an individual that while outsiders can help to a certain degree yet the real help must come in the shape of self-help." Men learn to be independent by being independent—by their own mistakes. To say that the object of our policy is to help the Filipinos to self-government and ultimate independence by making them as valuable to the United States as possible, and then letting the United States decide whether to give them independence is "to keep the word of promise to our ear and break it to our hope." We assume the position of trustee for this nation and unfit ourselves to discharge our trust impartially. The statesman who proposes this may deceive himself, but we must not let him deceive us.

It is for the interest of both countries that the Philippines be given their independence now. To-day the United States can obtain without doubt from the powers, including Japan, a consent to the neutralization of the islands, a protection of their independence from foreign aggression. A few years hence that consent may not be obtained. The time is ripe for the passage of a joint resolution declaring our intention to grant the Filipinos absolute independence within a short term of years. Every year's delay is dangerous, and dangerous to us.

The forces which make for Filipino independence are irresistible. "The mills of God grind slowly," and for a time we may hold these islands, as for a time we held the negroes in slavery. The interests which made for the preservation and extension of slavery were strong, far stronger than any interest which we now have in holding the Philippines, but they were not strong enough. The fortunes which were invested in slaves were lost, and no nation ever paid dearer for wrong than did this nation by the civil war and its indelible effects. So also will it happen again. The dollars and the lives spent to hold these islands will be wasted, the fortunes invested there will be lost, and the longer we delay to do them justice the greater the penalty we must pay. We are sinning against light. Soft words and fair promises can not prevail.

For He that worketh high and wise,
Nor pauses in His plan,
Will take the sun out of the skies
Ere freedom out of man.

Mr. Taft, at Grand Rapids, spoke of the "unreasonable opposition and the almost traitorous sympathy with the opposition to our Government in the Philippines displayed by the anti-imperialists." Is it indeed treason in any American to sympathize with the aspirations of a people for liberty; to assert the self-evident truths of the Declaration of Independence—to resist those who, in Lincoln's words, would "turn a free people back into the hateful paths of despotism?" Are such words as these becoming in a man who aspires to be the Chief Magistrate of a free nation?

History again repeats itself. In 1854 a Senator from Tennessee charged that Boston was "filled with traitors," meaning those of her citizens who were opposed to slavery. Charles Sumner's reply may be used again to answer Secretary Taft. "The charge is not new. Boston of old was the home of Hancock and Adams. Her traitors now are those who are truly animated by the spirit of the American Revolution. In condemning them, in condemning Massachusetts, in condemning these remonstrants, you simply give proper conclusion to the utterance on this floor that the Declaration of Independence is a self-evident lie."

Finally, Secretary Taft at Grand Rapids said, "Is there room for doubt that Abraham Lincoln would have approved the policy of McKinley and Roosevelt in maintaining our position as a world power, in increasing the size of our Navy, so that when we do intervene in international affairs we may exercise an influence commensurate with our greatness as a nation?" Against this lamentable doctrine of might, which makes our greatness depend on guns and ships, we would oppose the true faith that "righteousness exalteth a nation;" that a scrupulous regard for the rights of others, however weak and whatever their race or color, a consistent policy of justice to all men, an example of ordered freedom, will give us a far more powerful influence on mankind and make us a far greater world power than all the guns and all the ships that our enormous wealth can buy. We would have our country and its influence such as Emerson described in speaking of Boston and Massachusetts:

"Pole-star of light in Europe's night
That never faltered from the right.
Kings shook with fear; old empires crave
The secret force to find,
Which fired the little State to save
The rights of all mankind."

Let us hope that this fire will ever burn in Massachusetts, and that she will never lack such traitors as Adams, Sumner, Hoar, and Boutwell to keep it alight.

Mr. WILLIAMS. In the second place, Mr. Chairman, I desire to ask unanimous consent to print as a part of my remarks a petition and memorial to the Congress of the United States by the Association of Friends of the city of Philadelphia, remonstrating against the authorization at this session of Congress of the building of four new battle ships.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The document referred to is as follows:

To the Congress of the United States:

The Peace Association of Friends of Philadelphia respectfully enters an earnest protest against the authorization at this session of Congress of the building of four new battle ships, with cruisers, docks, etc., aggregating an expenditure in excess of $60,000,000.

Your remonstrants urge the following considerations in support of their protest:

NATIONAL PERIL ONLY JUSTIFICATION OF A GREAT NAVY.

The unprecedented rapid growth of our Navy can be justified on grounds of grave national peril only.

ACTION OF SECOND HAGUE CONGRESS LESSENS NEED OF NAVY.

No such peril appears in any direction. On the contrary, within a year the action of the second Hague conference did away with the bombardment of unfortified towns, and three-fourths of the countries of the world went on record as advocating the protection of private property at sea in time of war; assurance was given of the establishment of a court of nations at The Hague, and the cause of international arbitration treaties received renewed life.

ALL FOREIGN RELATIONS NOW AMICABLE.

The relations of our Government with other countries are amicable and give promise of stable peace. Those in positions of authority and knowledge in America and in Japan assure us that the recent questions at issue have never threatened a break in the friendly relations of the two countries, but that the deplorable agitation of the public mind was created by misinformed persons and a sensational press.

GREAT NAVY MEANS INCREASED BURDEN FOR UNPRODUCTIVE PURPOSES.

The vast and constantly increasing expenditure for naval purposes is adding to the burden of taxation in a time of financial uncertainty and business depression.

Such expenditure diverts national revenue from useful and produc-

tive projects of internal development and improvement now urgently demanded by the needs of the country to facilitate commerce and promote the general welfare.

PACIFIC RELATIONS IN PAST DUE TO NATIONAL PROBITY.

History teaches that the immunity from foreign wars and aggression enjoyed by our country is due not to a great navy and an imposing military establishment, but to our national policy of friendliness, candor, and pure intent in international affairs. This policy has made "American diplomacy" a term of honor among nations.

NAVAL EXPANSION UN-AMERICAN.

The policy of naval and military expansion is new to our country. It suggests a change of base from the principles of our fathers, an attitude of unrest, self-assertion, and display that is undignified and out of keeping with our national genius.

UNITED STATES A REFUGE FOR WAR-BURDENED FOREIGNERS.

A large and rapidly increasing part of our population has come to the United States to escape economic, social, and governmental conditions created by military burdens and the inheritance of old wars. These citizens are not in sympathy with a movement to restore them to a condition from which they sacrificed much to be free.

APPEAL TO BRUTE FORCE SELDOM FINAL.

There is a growing sentiment, already widely entertained, that war is a barbarous method that settles controversies on a basis of mere physical force and not of justice and righteousness. Arbitration, on the contrary, appeals strongly to our people as a method based on equity and reason.

JUDICIAL APPEAL INCREASINGLY EFFECTIVE.

By reason of the progress of recent years, and the facilities afforded at The Hague, international arbitration is as much a part of the world's government as the law courts are part of the national life. For two civilized nations to rush into arms over a controversy that can be settled rightly only by judicial action is regarded now as an act of criminal folly.

PRESENT NAVY ADEQUATE FOR POLICE PURPOSES.

Hence it appears that the naval force should be regarded only as national police. Your remonstrants believe that our present Navy is amply large for this purpose, and should not be increased. Any large addition to our present force is likely to become a menace and source of danger rather than a protection.

SUMMARY.

Therefore your remonstrants urge upon you, as chosen representatives of the people, the defeat of this proposed legislation, because they believe it to be inexpedient and unnecessary, wasteful of the national revenue, contrary to our historical development and national genius, at variance with the sentiment of a large proportion of the people of the United States, and contrary to the international policy of a Christian nation that has stood before the world as a leader in peace and an exponent of justice and friendliness.

Signed by authority and on behalf of the Peace Association of Friends of Philadelphia.

JOHN B. GARRETT, *President.*
STANLEY R. YARNALL, *Vice-President.*
JOSHUA L. BAILY.
ISAAC SHARPLESS.

PEACE ASSOCIATION OF FRIENDS OF PHILADELPHIA,
20 South Twelfth street.
H. W. CADBURY, *Secretary.*

PHILADELPHIA, *Third Month, 9th, 1908.*

Mr. WILLIAMS. Now, Mr. Chairman, I believe that the country, and I believe that the Members of the House upon the Republican side of the aisle will agree with me that, acting as minority leader, thus far this session I have given the majority perfectly "smooth sailing." I have not wanted to be regarded as factious; I have not wanted the country to think that the minority on this side was trying to assume responsibility for legislation. I knew that responsibility rested with the majority, and I did not want to appear to coerce the majority—and very little coercing can the minority do—until that majority had made absolute demonstration before the country of the fact that it does not intend to do anything at his session of Congress. [Applause on the Democratic side.] And that, too, notwithstanding the fact that your President has issued a programme that he calls upon you to execute, and notwithstanding the fact that the distinguished gentleman from Iowa [Mr. HEPBURN] announced early in the session that unless you did execute that programme somebody was going to "get run over" and "get hurt."

I have waited like a Democratic lamb ready for the slaughter, waiting for the Republican party to do something. I have finally come to the conclusion that the Republican party in this House has forgotten how to do anything; it has become the party of negation, of passivity, and, as far as I can see, has no idea of doing anything. [Applause on Democratic side.] It is plain now that without some method of parliamentary coercion you are going to be deaf to every demand of the country. The minority can not exercise much power, but it has some power, and I want to make the announcement now, that from this moment on to the balance of this session this is not going to be a lie-easy, wait-on-the-enemy campaign [applause on the Democratic side], and that the little parliamentary power the minority has under the rules is going to be exercised. The minority has a right to refuse unanimous consent to legislation. It has the right to call for the yeas and nays upon every affirmative matter of legislation. I now make the announcement that no requests for unanimous consent from that side of the aisle, unless it be to adjourn or to take a recess—in which two cases I believe it is not from a parliamentary standpoint necessary to have unanimous consent—will not be granted during the balance of this session until the majority shows that it is alive to the demands of the country sufficiently to report for consideration in this House, or to give me satisfactory assurance that they will report for consideration, the following bills:

First, an employers' liability bill. [Applause on the Democratic side.] You have been wasting too much time over it. You have been permitting your Judiciary Committee to have hearing upon hearing, and you have been using that bill merely as a buffer in order to prevent hearing upon other essential legislation before that committee, which legislation you hope to evade.

Second, I shall refuse unanimous consent until you report to this House for its consideration some publicity of campaign contributions bill [applause on the Democratic side], whether it be the bill offered by the gentleman from Missouri [Mr. RUCKER] or some other bill. I care not whose name is attached to it, Republican or Democrat.

Third, I shall refuse unanimous consent for any request upon that side of the Chamber until the Ways and Means Committee of this House, in response to the overwhelming demand of the entire newspaper and magazine fraternity of this country, Republican as well as Democrat, shall bring to the consideration of this House a bill for free wood pulp and free print paper. [Applause on the Democratic side.]

Fourth, I shall make the same declination until the Clayton bill, now pending before the Judiciary Committee, or some other bill embodying like provisions, shall have been reported out of that committee for the consideration of this House. What the Clayton bill does is this: It prevents mere ex parte and temporary injunctions, where only one side has been heard from, acting as a supersedeas of a law passed by a sovereign State.

I do not deny the right, upon final hearing of the injunction when it is made permanent, to set aside a State law, if in the opinion of a Federal court it violates the Constitution of the United States, but I do deny the right, upon a mere ex parte hearing by means of a temporary injunction without hearing the State's side at all, of a subordinate court of the United States to sit in judgment on the constitutionality of the legislation of a sovereign State. [Applause on the Democratic side.] I am reenforced in that opinion by the fact that under the original judicial act of the courts had no such power, and for years and years afterwards had no such power, and could not issue an injunction until they had heard both sides, with reasonable notice to both sides. Mr. Chairman, in order that there may be no misunderstanding about that, and how far I am going, I desire to read this Clayton bill, though I do not insist upon this particular bill. Bring in a bill in the name of the chairman of the committee; bring in a bill in the name of a Republican, claim the credit for it, go before the country and get the credit for it—you have a right to do it; that I admit, and I would be glad to see you do it, for I am never better satisfied than at the unusual spectacle of the Republican party serving the country. [Laughter and applause on the Democratic side.]

The Clayton bill is as follows:

Be it enacted, etc., That hereafter it shall be unlawful for any circuit or district court of the United States or any circuit or district judge of the United States to issue any injunction or order prohibiting or restraining the execution of any State law in all cases except where final trial has been had and final judgment or final decree has been rendered declaring such State law to be in violation of the Constitution, laws, or treaties of the United States.

SEC. 2. That hereafter it shall be unlawful for any circuit or district court or any circuit or district judge of the United States to issue any injunction or restraining order prohibiting or restraining any State officers or any persons from executing any State law in all cases except where final trial has been had and final judgment or final decree has been rendered declaring such State law to be in violation of the Constitution, laws, or treaties of the United States.

Thomas Jefferson said we ought to preserve the rights of the States as the best security for individual liberty and local self-government. He also stated that we ought to guard with equal care the delegated powers of the Federal Government as our only safeguard for national independence and national peace and progress. I would not take from the Federal Government one of the powers that have been delegated to it. I would not for a moment join in an attack upon the courts of the United States for declaring a State law or a Federal law unconstitutional when in their honest opinion they deem it to be so, but I do say that it is as little as any man who loves his State and believes in local self-government can demand to ask that no mere subordinate Federal court should exercise this newly derived power to set aside an act of a State upon a mere ex parte hearing from the attorneys and the witnesses of a railroad corporation or of anybody else, much less to forbid a State to be

heard in its own defense. [Applause on the Democratic side.] Now, Mr. Chairman, if after some time I do not notice signs of amendment on that side of the Chamber and a disposition to do something—to quit this policy of passivity and mere negation and "stand-patism"—if I do not note some disposition to awake to the idea that you are representatives of the American people and ought to be doing something in their interests, then I shall use about the only other power that the minority has, and that is to call for a yea-and-nay vote upon every affirmative proposition, however insignificant, presented to this House for passage. [Applause on the Democratic side.]

Mr. LEVER. Mr. Chairman, the bill under consideration carries a total appropriation of $11,431,346, the amount deemed necessary by the committee to meet the legitimate growth of the work of the Department of Agriculture for the coming fiscal year. This Department directs its efforts to the improvement and conservation of the nation's predominant industry. The problems of agriculture cover a vast expanse of territory and involve every phase of farm life. Forty millions of our people, with an invested capital of over $25,000,000,000, coax from the soil their happiness and prosperity and at the same time supply a never-failing source of permanent wealth to the nation. The true measure of the industrial greatness of any country is the size of the bank books of its farmers, and their natural, inherent conservatism is the true gauge of the character, stability, and morale of its citizenship.

To increase the prosperity of these people, to solve the problems of their great occupation, to get a maximum return from the latent possibilities of the soil, to conserve the fruits of years of labor, and to blaze a pathway into new fields of conquest, is the work of the Department of Agriculture. Fundamentally it is missionary and educational. To agriculture it is a veritable John the Baptist, whose zealous preachments are working a revolution in farm conditions, while at the same time it is a great university whose teachings are the inspiration and guidance of the farmers of the country. To teach and to lead more than 36 per cent of our population to a more complete dominion over nature, to bring them into the fullest possession of God's richest bequeathment, is the province of this arm of the Government's service. Such is the great work, the most comprehensive in scope and possible results, this Department undertakes to do, and, happily for the well-being of the nation, it does it in a great and comprehensive way.

Because of the very character of the work of the Department it is not possible to measure in mere dollars the value of its work to the country, but we do know that it has helped to send the farm boy and farm girl to college, put music in the farm home, planted flowers in the farmyard, and made farm life attractive and profitable. We know it has improved general farm conditions, set in motion new thoughts, awakened new ambitions, planted new hopes, quickened endeavor, added dignity, and brought to the farmer as a class a new independence. [Applause.]

But, Mr. Chairman, there is a disposition to criticise and find fault with this bill. It is said the increases carried by it are unusually large. We are told that the country is in a state of panic, that we are facing a deficit in the Treasury, and the pruning knife must be put to all appropriations.

It is true that the country is in a state of panic, but whose panic is it? Who brought it about? I do not hear of any farmers reducing wages or dismissing their employees; I see no account of cessation of farm operations because of hard times, nor have I read of any farmer blowing out his brains because of failures. His productions last year were the greatest in the life of the nation. There was no decrease in his contribution to the national wealth. It is not the farmer's panic; he is not responsible for it, and no friend of agriculture can justify a vote to curtail and hamper the admirable work of the farmers' department of the Government, because, forsooth, the speculators and stock gamblers of Wall street are having a row, and are now engaged in the delightful pastime of swallowing each other. Let me call the attention of the critics of this bill to the fact that the farmer will continue to make his annual contribution to the nation's exchequer in spite of railroad wars, crashing banks, depreciating stocks and bonds, and financial crises. [Applause.]

Let me impress upon them that his brain and brawn produced a crop last year the value of which was $7,500,000,000, approximately as much as the combined capital of the manufacturing establishments of this country, and that they sold products abroad valued at over $1,000,000,000, which brought back to the nation as a balance of trade $444,000,000. These gentlemen who would make the farmer help bear the burden of a self-made political stock-gamblers' panic by cutting the appropriations in this bill forget or do not appreciate the fact that it is to the farmer that this nation owes supremacy in the markets of the world; that he makes the balance in favor of the United States in her international trade relations. [Applause.]

It is true that a deficit in the Treasury threatens us, but I would remind gentlemen that it is not the result of extravagant appropriations to the Department of Agriculture. Compared to other appropriations, the amount carried by this bill is a mere insignificant bagatelle. The total appropriations for all purposes for the second session of the Fifty-ninth Congress were $919,948,679.63, of which agriculture received $9,447,290, or about one dollar out of every one hundred appropriated, and the same ratio will be maintained in the appropriations of this Congress. It may be wise legislation to appropriate $145,937,000 for pensions and at the same time appropriate only $37,183,093, and that only every other year, for the great work of improving our rivers and harbors—the nation's highways of commerce; it may be wise statesmanship to appropriate millions for the District of Columbia, the Indians, and the diplomatic and consular service every year, while appropriations for needed public buildings throughout the country must await a plethoric condition of the Treasury; it may be good policy to appropriate approximately $200,000,000 annually for the support of the Army and naval services, while only a little over $11,000,000 are intrusted to the Department of Agriculture for its work in the aid of the most important and fundamental industry of the nation. The excuse given by gentlemen of statesmanship pretensions who each year, uncomplainingly and without fault-finding, vote this enormous burden upon the taxpayers for the maintenance of the Army and Navy, is that the one guarantees internal peace and order, while the other is a protection against external dangers.

Oh, statesmanship, the follies committed in thy name! If gentlemen would insure internal peace and order, if they would anchor this nation securely and forever to its ancient constitutional moorings, if they would protect it from the dangerous restlessness of overcrowded city conditions, if they would insure it with strength and permanent stability, let them look to the welfare of the farmer, to the improvement of his condition, to the bettering of his homelife and to the making of his great occupation profitable, for after all the full smokehouse and corncrib are the nation's surest safeguard! [Applause.] Give to the nation a great army of happy and contented farmers, equip its great industrial classes with prosperity, keep full their dinner pails by wise and patriotic legislation, and the necessity for a burdensome standing army ceases to exist. [Applause.]

But gentlemen argue that internal peace is no defense against external dangers and assert, with the emphasis of profound belief, that a great navy must stand between us and the warlike nations of the earth. This thought has moved them to increase enormously the strength of the Navy in recent years and to ask even greater increases for the future. These gentlemen, and I have every confidence in their integrity of belief, would add $40,000,000 to the present naval bill to provide four additional first-class battle ships. I do not disagree to a programme which looks to a gradual increase in the naval strength of the country, but I confess a doubt as to the wisdom of an attempt to establish an efficient navy in a day. I am inclined to disagree, too, with the idea that a great navy affords us any guaranty of permanent peace with the world. The bully who carries a chip on his shoulder is apt to find some one willing to undertake to knock it off, and whether a great navy is a security or a menace is, in the minds of our most conservative thinkers, a debatable question. But everyone agrees, even the jingo and alarmist, that no nation which is dependent in a large measure upon ours for its food and clothing is likely to be hasty in precipitating a quarrel with us.

You may not like the grocer or the dry goods merchant, who are your only sources of supply for the prime necessities of life; you may have a positive dislike for them, but the strong probability is that you will be careful about communicating the fact to them. And, Mr. Chairman, as long as the United States furnishes the world 34 per cent of its corn, 24 per cent of its wheat, 45.27 per cent of its meat products, and 66.6 per cent of its cotton, so long will the world hesitate to precipitate a disturbance with us. I put against the Army and the Navy, as instrumentalities of defense, against dangers from within and from without, the continued prosperity of our agricultural classes, and I assert that in the ratio of their prosperity are we, as a nation, bulwarked against danger. Make the farmer happy, cause his fields to yield an abundance sufficient for the needs of his own country and for the major supply of the world's needs and you have such a guaranty of peace as can not be furnished by standing armies and navies. America's agricultural prosperity means international peace. [Applause.]

The South has a special interest in this bill. More than 57 per cent of her 10,000,000 people employed in gainful occupa-

tions are directly engaged in agricultural operations and at least one-half of the remaining population trace their employment directly to the farm.

No territory of like dimension in all the world affords such limitless agricultural possibilities and to none is agriculture of such vast importance.

The dazzling, almost romantic growth of manufacturing in the South since 1880, when it had its real beginning, gives some justification for the idea that the South is forsaking its first and oldest love—agriculture—for this brilliant and newer courtier—manufacturing. The capital invested in farm property in these States is four times greater than that employed in manufacturing and the ratio of population engaged in the two occupations differs even more widely. Agriculture is and will continue to be the predominant occupation of the Southern people, even though our progress in manufacturing in the last thirty years and our natural advantages give a reasonable expectancy that the South is to become the center of this great industry, with respect to cotton manufacturing at least.

Fifty years ago the conservative thought of the country was settled in the conviction that the successful manufacture of raw cotton in the South was impossible. It was only the "irrational dreamer" who had the temerity to predict the day when the cotton mill would move to the cotton field, and I now put myself in that class by making bold to prophesy that the next fifty years will see the bulk of the cotton crop of this country made into the finished product in the South, and I am willing for our brief record in this new field and the logic of the situation speak for me.

According to Mr. R. H. Edmonds, editor of the Manufacturer's Record, the South from 1880 to 1905 increased the number of its spindles from 667,000 to 9,205,000, and its raw cotton consumption from 225,000 to 2,163,000 bales, only a little short of the consumption of the New England mills, and its capital invested from $21,000,000 to $220,000,000, while a Southern State, South Carolina, reached second place among the States of the Union in this industry. This is the record of less than one-third of a century, and it is unprecedented, unparalleled, unapproached in the history of this business. [Applause.]

This achievement, if it is indicative of anything, means that the South is not only to monopolize the production of raw cotton, but control its manufacture. In every essential of successful manufacture of cotton the South has the advantage over the New England States. Her labor is cheaper and as productive, her climate is less severe, while the number and magnitude of her water powers, with the proximity of her coal and iron deposits, give her a natural asset unequaled, not alone by New England, but by the world, and when to these are added the presence of the cotton field itself and her innumerable navigable streams, the cheapest mode of transportation, every possible advantage is hers in the struggle for supremacy in this great industry. These natural advantages, this sacred heritage, the reawakened energies and confident hopes of her people shall fashion into a wealth and happiness all their own. [Applause.]

But, Mr. Chairman, rich in industrial potentialities as is the South, she is vastly more rich in agricultural possibilities. To us, who are filled with enthusiasm for the future for this great occupation in this section, these possibilities seem unlimited. The imagination does not exist which can portray the agriculture of the South fifty years from to-day if the progress of the last few years is maintained. With her mild and evenly balanced climate, permitting outdoor labor at every season of the year, her fertile soil, capable of producing profitably every crop known to the Temperate and Semitorrid zones, with her abundant rainfall and her vast undeveloped area of farm lands, she possesses all the elements which must be present in the creation of a great agricultural empire. That she is to become such an empire is evidenced in her marvelous agricultural progress since the civil war, and in the confident, enthusiastic, and triumphant optimism of her agricultural classes.

It is impossible to form a clear conception of the progress of Southern agriculture or the dormant possibilities it holds for future development without the necessity of recalling the fearful devastation wrought to farm values by the bloodiest and the most unfortunate of the world's tragedies.

The total of farm values in the South in 1860 was $2,880,000,000, while for 1870 these values were only $1,648,000,000, or a decrease of 42.2 per cent in the brief period of ten years, the darkest that ever visited any section in the history of God's children. In the twinkling of an eye, for a decade is hardly that in the life of a nation, almost one-half of the accumulated earnings, the conservation of two centuries of genius and labor, was swallowed up in the terrible tempest of war and the more destructive saturnalia of maladministration and flagrant misrule.

During the same period the value of all Southern property showed a decrease of more than $2,000,000,000, almost one-half, and "through the death and permanent invalidism of at least 300,000 of the very pick and flower of its people," Mr. R. H. Edmonds, an undisputed authority, estimates an additional loss to this scourged section of $3,000,000,000 of wealth, "wealth far more real than coal and iron and timber, stocks and bonds, for men of character and energy, not natural resources, are the true wealth of a country," and I quote the same authority for the statement that, "2,500,000 Southern-born whites were forced by conditions more appalling than any nation in modern times ever faced, worse even than conditions that prevail in Russia," to emigrate to more inviting fields, and if the usual economic value of $10,000 for a man is allowed, we must charge to the insatiable appetite of war and reconstruction the consumption of $25,000,000,000 more of the real wealth of the South. The sum total of Southern loss in wealth in the actual depreciation in the values of property, in the death and emigration of its productive agencies, aggregates the stupendous sum of $30,000,000,000, $5,000,000,000 more than the total agricultural wealth of the whole country to-day, two and one-half times more than the capital invested in all the railroads of the country, more than three times that engaged in all the manufacturing establishments of the nation, and nearly one-third of the present total wealth of the United States. Appalling as are these facts, they fail to furnish a complete portrayal of the actual conditions.

A revolution as complete as ever blotted out a civilization or gave birth to a new dynasty was forced upon the South. That courageous, patient, conservative statesmanship which, for sixty out of seventy years, gave her an undisputed leadership in shaping the destiny of the nation was now denied the poor privilege of a voice in guiding her own, while 4,000,000 former slaves were turned loose upon her with every right of citizenship enjoyed by the white man, with none of his capacities for the right using of them.

Backed by Federal bayonets, urged on by misguided fanaticism, and aided in his deviltry by the carpetbagger and the more damnable scalawag, the unchained rapacity of the ignorant negro gorged itself upon the little property that remained to the South from the war's devastation. The brazen adventurer and the unshamed traitor enriched themselves at her expense, while to meet the demands of plunderers taxation was raised to the point of confiscation, justice was bartered as a commodity of commercial value, official place was bought and sold, vice sat upon the throne of virtue, ignorance wore the crown of intelligence, and the cloven feet of vandalism pressed upon the neck of patriotism.

The South was as one stupefied, groping in the dark, knowing not what the morrow would bring forth or what dread disaster might come through the night, while capital, coward as it always is, sought place of safety, investment, other fields of employment, and the wheels of progress stood still. There never was a darker day for the South, and never was there a blacker chapter added to the glorious record of our matchless national life, and I would, Mr. Chairman, that there was some power to blot it from our history and our memories, and I know that I but express the wish of every son whose brave father faced mine in the fierce fire of battle. [Applause.]

To this great section, nothing was saved from the terrible holocaust of war and reconstruction except those indestructible elements essential to all national greatness, the natural resources with which God had endowed it, and the grim determination, courage, and genius of its people. [Applause.]

In 1870 the seemingly dead body politic gave evidence of returning life. Oppression had gone too far, the Southern white man was aroused, and his capacity for rule, his hatred of tyrrany, his love for local self-government, asserted themselves, and in a peaceful revolution the reign of ignorance and corruption was overthrown and the Southern State governments were put back into the hands of the virtue and intelligence of their own people. [Applause.]

The hope that inspired this struggle and the courage which won this victory gave agriculture a new confidence and an assurance that investment and labor should find protection and reward under the law.

By 1880 the value of Southern property had reached $2,343,000,000, over $500,000,000 short of the farm values at the beginning of the war, and by 1890 Southern agriculture had fully reached the status it possessed in 1860.

In the brief space of a human life the sturdy Southern farmer—and man for man, opportunity for opportunity, he has no superior on earth—under unparalleled adverse conditions, in the teeth of hostile legislation, laboring under the burden of confiscatory taxation, handicapped by the process of transition

from a state of measurable dependence upon the negro for support to a reliance upon his own brain and muscle, and in the face of criticism and prejudice, had laid for himself a foundation, not only equal to that upon which he stood thirty years before, but had laid it infinitely more broadly and deeply, in that it was predicated upon intelligent and productive as against ignorant and comparatively unproductive labor. [Applause.]

The so-called "Old South," and I say it with all deference to the sacredness and glory that term implies, industrially, was largely the product of a system of labor necessarily based upon a low order of intelligence, while the so-called "New South"—a misnomer which I spurn and despise—is to be what its white labor and intelligence make it.

But, Mr. Chairman, the past is history and memories; the future is opportunity.

And what boundless opportunities, what limitless possibilities are there in the varied agricultural resources of the South awaiting the touch of trained intellects and the application of scientific businesslike farm methods.

In the extent of its territory, the fertility of its soil, and the wonderful variety of its farm products the South verily is unapproached by any other section of this country or of the world, and in the possibilities it offers for ideal farm conditions it is likewise without rival.

The great staple money crop of the South is cotton, which in many respects is the world's greatest crop. The money value of it in 1907 approximates the enormous sum of $800,000,000. It furnishes 30 per cent of the total value of American exports and brings from Europe more than $400,000,000 annually—a princely tribute of over $1,000,000 each day of the year.

Has the South reached its maximum of cotton production? That is a question of gravest importance, alike to the South itself and to this country and the world. The pessimist, along with many conservative men, through a lack of understanding of the real conditions, sees in the enormous yield of the past few years the limit of development for this crop. This is not a new thought, for as early as 1823, when the total crop amounted to 509,600 bales of 300 pounds each, the statisticians of Liverpool proved to their own satisfaction that in consequence of the abolition of the slave trade the maximum production of cotton had then been reached. Another example of the fact that figures may lie. The truth is, this great industry is in the very infancy of its development. The Southern people are just learning how to grow cotton, how to market it, how to make it the regal crop its importance to the comfort and happiness of mankind entitle it to become.

In the last quarter of a century the number of acres planted has increased 100 per cent, bales produced 188 per cent, and the value of the crop more than 155 per cent—a growth which points to a continued development both in the magnitude and value of this imperial industry. It must be borne in mind also in this connection that the average yield per acre, about 210 pounds lint, is steadily increasing, although it is far from the maximum or even the yield of the more intelligently cultivated and improved farms of the Southern growers. The highest yield from 1 acre of which any record exists is 2,000 pounds lint, and two bales per acre is coming to be regarded as not an uncommon yield among the best farmers of the South.

The maximum of production will be reached only when the present average yield reaches the average yield of the more improved farm. That this result is to come is just as certain as intelligence, care, and improved methods always work revolutions upward. I confidently expect to see the South produce 30,000,000 bales of cotton per annum, with a value proportionately great. To do this there will be little increase in acreage and only the natural increase in labor supply will be necessary. The result is to be had by increasing the yield per acre, by the bringing of the average to the maximum, through improved farm methods, a more thorough understanding of seed selection, a greater knowledge of soil conditions and fertilizer problems, a more general appreciation of crop rotation and diversification, and the recognition of live stock as an indispensable factor in all successful agriculture. In every one of these essentials the South is undergoing a veritable revolution.

But, Mr. Chairman, will the world ever need 30,000,000 bales of cotton? The pessimist again says, "No." Optimist as I am I am just as emphatic in believing and asserting the contrary.

It is an economic principle that demand makes supply. In accordance with such a principle cotton production must go pari passu with the world's need for cotton. Fifty years ago the wants of the world were satisfied with 2,500,000 bales; today she demands the production of 20,000,000 bales, according to the Census Bureau, two-thirds of which must come from the South. In the last twenty years the consumption of cotton has nearly doubled, and if a proportionate increase in demand continues for a like period the South must produce 26,000,000 bales to meet it. Of the four great staples that provide man with clothing, cotton is the cheapest and comes nearest meeting the demands of every people and clime, and therefore the markets for cotton goods are steadily broadening, new markets opening up, new territory is being invaded, and new people converted to an appreciation of cotton as a clothing material. It is estimated that of the world's population of 1,500,000,000 only 500,000,000 wear clothes regularly, while 750,000,000 are only partly clothed and 250,000,000 live in comparative nakedness.

The great bulk of the unclothed and only partly clothed people of the world live in the torrid and semitorrid zones, for which cotton is the ideal clothing material. The advance in the civilization of these people means a demand for dress in accordance with the standards of civilization, for the clothing of a nation in a way measures its civilization. Statisticians agree that it will take 42,000,000 bales of cotton per year to clothe the human family in keeping with the average dress of its more advanced people. This marks the need of the world to-day for clothing, and the demand for it is just so sure to come as civilization is certain to advance. This is the South's field for conquest. [Applause.]

I trust, Mr. Chairman, it will not be considered out of place for me to correct the idea that the agriculture of the South must of necessity be confined to cotton growing, and that its soil and climatic conditions act as a bar to the successful growing of the other great staple crops of the country—wheat, oats, corn, hay, and cattle. Cotton will always be primary and predominant, but as secondary and defensive crops profit may be had in growing these other crops. That this is true is demonstrated by an examination of their history in the South during the last twenty-five years, and for this purpose I desire to submit a carefully prepared table showing the progress of wheat growing in the United States as compared to the Southern States, and of Minnesota and Kansas as compared to South Carolina.

Average annual production from three years' crops.

Wheat.	Years.	Bushels.		Acres.		Bushels.	
		Number.	Increase.	Number.	Increase.	Per acre.	Increase per acre.
			Per cent.		*Per cent.*		*Per cent.*
United States	1880-82	462,005,143		37,587,644		12.3	
	1905-07	687,442,483	48.8	46,790,303	24.5	14.7	19.5
Ten Southern States	1880-82	44,224,770		5,584,497		7.9	
	1905-07	48,634,298	10.0	4,765,479	−14.7	10.2	28.9
South Carolina	1880-82	1,195,510		195,017		6.1	
	1905-07	2,523,799	111.1	316,901	62.5	8.0	29.9
Minnesota	1880-82	36,459,399		2,919,793		12.5	
	1905-07	65,278,608	79.0	5,255,198	80.0	12.4	−0.4
Kansas	1880-82	23,831,000		1,934,857		12.3	
	1905-07	74,813,572	213.9	5,639,204	191.5	13.3	7.7

It is seen that the acreage in wheat for the United States has increased 24.4 per cent, and for the Southern States there is a decrease of 14.7 per cent; for the United States there is an increase of 48.8 per cent in bushels produced and only 10 per cent for the Southern States, and an increase in yield per acre for the United States of 19.5 per cent and 28.9 per cent for the Southern States. The signficance of these figures is that while there has been an actual decrease in acreage and only 10 per cent increase in bushels produced for the Southern States, as compared to large increases in both of these directions for the United States, the Southern States, in production per acre, show much greater increase than is shown for the United States. In the essential of successful agriculture, increase in yield per acre, the South shows its greatest comparative progress, and this serves as the best evidence of what can be done.

In the comparison of South Carolina with Minnesota and Kansas the same significant fact stands out—a large increase, 29.9 per cent in production per acre, against a slight increase for Kansas and an actual decrease of 4 per cent for Minnesota. The logic of these figures is that if Minnesota continues to decrease in yield per acre, while South Carolina continues to increase in the same ratio as in the period covered, the time is not distant when the production per acre in South Carolina will equal that of Minnesota and Kansas. But these facts fail to do full justice to the possibilities for wheat growing in the South, for, while her average production per acre is only 10.2 bushels, it is a fact known of all men that under proper methods of preparation and cultivation from 25 to 40 bushels can easily be

grown in any of the Southern States. It is only a question of raising the average in the direction of the maximum yield, and this is to come as the result of the revolution going on in general agriculture in the South. What is true of wheat is likewise true of oats and corn, as the following tables will show:

Average annual production from three years' crops.

Oats.	Years.	Bushels.		Acres.		Bushels.	
		Number.	Increase.	Number.	Increase.	Per acre.	Increase per acre.
			Per cent.		*Per cent.*		*Per cent.*
United States	1880-82	440,872,330		17,171,423		25.7	
	1905-07	890,854,573	102.1	30,280,838	76.3	29.4	14.6
Twelve Southern States	1880-82	51,955,777		4,132,338		12.6	
	1905-07	53,940,117	3.8	2,461,000	−40.4	21.9	74.3
South Carolina	1880-82	3,738,707		303,933		12.3	
	1905-07	3,498,230	−6.4	191,256	−37.1	18.3	48.7
Illinois	1880-82	76,060,503		2,131,171		35.7	
	1905-07	114,072,754	50.0	3,847,758	80.5	29.6	−16.9

Corn.	Years.	Bushels.		Acres.		Bushels.	
		Number.	Increase.	Number.	Increase.	Per acre.	Increase per acre.
			Per cent.		*Per cent.*		*Per cent.*
United States	1880-82	1,509,791,881		64,079,804		23.6	
	1905-07	2,742,576,544	81.7	96,803,317	51.2	28.3	19.9
Twelve Southern States	1880-82	385,086,302		23,183,194		16.6	
	1905-07	671,541,769	74.4	33,813,456	45.8	19.9	19.6
South Carolina	1880-82	12,303,700		1,311,052		9.4	
	1905-07	24,633,031	100.2	1,929,445	47.2	12.8	36.1
Iowa	1880-82	202,956,480		6,778,227		29.9	
	1905-07	316,202,459	55.8	9,125,866	34.6	34.6	15.7

Here, again, we find that the percentage of increase in yield per acre, both in oats and corn, is greatly in favor of the Southern States as against that of the United States, the actual percentages being 74.3 per cent for the one, against 14.6 per cent for the other. The great State of Illinois, a typical oat-growing State, shows an actual decrease of 16.9 per cent in yield per acre, while in South Carolina, where this crop is of only secondary consideration, there is an increase of 48.7 per cent in yield per acre. What is true of Illinois with respect to oats is also true of Iowa with respect to corn, which shows an increase in yield per acre of only 15.7 per cent, as against an increase of 36.1 per cent for South Carolina. It is true that the production in bushels in oats and corn in Illinois and Iowa is, respectively, much greater than it is in South Carolina, but the thoughtful man must not lose sight of the fact that in the criterion of real progress South Carolina has greatly outstripped both of these States.

But, again, I wish to call the attention of the House to the difference in average and maximum yield in oats for South Carolina, because it is the maximum in everything that inspires progress. The average yield in oats in South Carolina according to the figures is only 18.3 bushels, but in 1882 Col. J. D. Wylie had a yield of 182 bushels from one acre, and last year Mr. E. C. Haynesworth, a most reliable and intelligent gentleman of my district, got a yield of 80 bushels. This does not argue that these great records can ever be made averages, but they do justify the conclusion that under proper methods the average yield may be greatly raised. South Carolina holds the world's record for the greatest yield per acre, 254 bushels and 1 peck, for corn—a record made in 1889 in a world's competitive contest in which nearly every State in the Union participated [applause], and a yield of from 50 to 75 bushels per acre is becoming common among the best farmers of South Carolina. What is true of this State can be said of all the Southern States.

Agricultural scientists agree that the true basis of agriculture is live stock. Can the South raise cattle? The answer is, Can she raise hay, can she grow forage crops? Alfalfa is the main reliance of the Western live-stock industry, but the birthplace of American alfalfa is in Anderson County, S. C., where a plat has been in growth since 1835. So certain is the Department of Agriculture that alfalfa can be grown with great profit and success in the South that great efforts are being made for its general introduction into that section with results gratifying beyond expectation. The gentleman who owns the plat above referred to writes that he "frequently cuts as much as 6,000 pounds per acre in the first and second crops" while an Alabama grower had a net return per acre of $42 from three cuttings of alfalfa last year, and Doctor Ramseur, of my State, from what the Department of Agriculture terms a "model Southern hay farm," had a yield which netted him $60 per acre. But the hay crop of the South is by no means dependent upon the success of the efforts to introduce alfalfa. Her climate and soil make her the natural home of bermuda, the cowpea, and it is our most valuable forage crop, the clovers, and vetches of all kinds, and, in fact, every forage crop which has its habitat in the temperate zones.

These are the natural conditions. Are they not suggestive of a great cattle-growing section? No section of our country can show a more inviting prospect for this great industry. All that is necessary is to have our people go into the business, to lift the quarantine against Southern cattle, and to have the Department of Agriculture continue its great work of teaching the Southern dairyman the best methods, increasing as it had done in the work of the past two years the yield per head of dairy cattle $3.75 per month, and the cattle industry will take its proper place in the agriculture of the South.

The trite saying among my people is that "he who raises his own hog and hominy not only controls the price of his cotton, but makes himself independent." Can the South raise hogs? The Department of Agriculture says that "the Southern States can produce corn almost as cheaply as the most favored sections of Illinois and Missouri, while the great variety of fruit crops, the more nearly continuous grazing and the consequent greater immunity from disease give special advantages for profitable pork raising which do not exist elsewhere," and the same bulletin declares that the South should lead in pork raising, while enterprising farmers have proven the same thing over and over again.

Mr. Chairman, I have said somewhere in these remarks that the South is or will be the home of the small farmer, the man of average means, of limited capital. I undertake to prove it by two tables showing the comparative possible net returns of an improved farm in South Carolina and one in Iowa, which I submit:

Value of products of an improved farm in South Carolina.

[Values figured on prices of December 1, 1907.]

12 acres—12 450-pound bales cotton, 5,400 pounds, at 10 cents	$540.00
360 bushels cotton seed, at 20 cents	72.00
12 acres—420 bushels corn, at 78 cents per bushel (35 bushels per acre)	327.60
7 acres—280 bushels oats, at 72 cents per bushel (40 bushels per acre)	201.60
5 acres—125 bushels wheat, at $1.20 per bushel (25 bushels per acre)	150.00
(12 acres following oats and wheat crops, 7 and 5) 12 tons hay, at $16.50 per ton (1 ton per acre)	198.00
36	1,489.20
Deduct fertilizer	175.00
Balance	1,314.20
Average per acre	35.52
Present income of average South Carolina farm	410.00
Average per acre	11.00

Value of products of an improved farm in Iowa.

[Values figured on prices of December 1, 1907.]

80 acres—2,800 bushels corn, at 43 cents per bushel (35 bushels per acre)	$1,204.00
25 acres—1,000 bushels oats, at 38 cents per bushel (40 bushels per acre)	380.00
10 acres—250 bushels wheat, at 82 cents per bushel (25 bushels per acre)	205.00
15 acres—15 tons hay, at $8 per ton (1 ton per acre)	120.00
130	1,909.00
Average per acre	14.67
Present income per average farm in Iowa	1,597.00
Average per acre	12.20

The average South Carolina farm of 90 acres, 37 improved, under present methods yields an income of $410—$11 per acre—while under improved methods the same acreage will show a money value of $1,314.20—$35.52 per acre. The average Iowa farm of 151 acres, 130 improved, gives a value of $1,597, or $12.20 per acre, as against an income of $1,909—$14.67 per acre—for an improved farm. It is thus seen that 37 acres in South Carolina produce an income of $1,314, while it takes 130 acres in Iowa to produce $1,909; or, in other words, the yield per acre in South Carolina is more than two and one-half times that of Iowa, and this means that if the average farm of South Carolina contained an acreage of improved land equal to that of the average Iowa farm the income from it would be $4,617.60, compared to $1,909 for Iowa—142 per cent in favor of the South Carolina farm. If we add only 16 acres to the improved land of the average farm of South Carolina we shall have a farm which will bring a profit equal to that of 130 acres, the improved land of the average farm of Iowa. Another point to be considered in this connection is—and it bears out my suggestion that the South offers an unequaled field for the small farmer—that $1,800 will purchase the average farm, 90 acres, in South Carolina, while the average farm of Iowa—151 acres,

at $75 per acre—will cost $11,325, a consideration of vast importance to the investor in farm lands.

And, on an $1,800 investment the Carolina farm pays an annual dividend of 73 per cent, as against a 17 per cent dividend on the Iowa investment of $11,325, an actual difference of 56 per cent in favor of the Carolina land. But for fear that we have not done full justice to the productiveness of the Iowa farm we shall quadruple its yield per acre for the various products, making each acre of corn yield 140 bushels; oats, 160; wheat, 100, and hay, 4 tons, and still the per cent of profit for the Iowa farm is 68 per cent as against 73 per cent; while if the same process were applied to South Carolina, the dividend would amount to 292 per cent.

These figures are interesting and valuable not so much as a comparison, but as showing beyond a question, acre for acre under like methods, a capability of productiveness of Southern lands absolutely unapproached by any other section of the country, and in addition to this they show almost boundless opportunities for the farmer of small capital. Two hundred and six million acres classified as unimproved farm lands and millions of acres of unclassified land in the South await the elixir of man's intelligence to lay at his feet their immeasurably rich treasures. [Applause.]

Time does not permit a comprehensive enumeration of the South's enormous possibilities for fruit and truck growing. It is sufficient to say that in the last six years wonderful strides have been made in these lines, and that to the man of care and intelligence they have brought stupenduous returns. This industry is in its infancy and is most inviting.

Such, Mr. Chairman, are our possibilities, such are our opportunities, such is the record we have made, and to-day we stand upon the threshold of a great future, the greater triumphs lie before us. Nature has smiled upon this fair land, and the smile has brought joy to the hearts of its people and strength to their arm. The celebrated poet, Emerson, said, "America is another name for opportunity," and that unique character, Greeley, enjoined, "Young man, go West and grow up with the country," but if the great poet and the great philosopher and editor could see the South as she is to-day, with her snowy fields of cotton, her mountains of minerals, her vast forest areas, her rich granite beds, her coal and iron deposits, her fertile plains and unequaled climate, her long seacoast indented with incomparable harbors, her rivers lacing her like ribbons of silver, and her reawakened, confident, and conquering people, the conclusion of the one would be, "The South is another name for opportunity" [applause], and the injunction of the other, "Young man, go South and grow up with the country." [Applause.] Mr. Chairman, we read in Holy Writ of a—

> good land, a land of brooks of water, of fountains and depths that spring out of valleys and hills; a land of wheat and barley and vines and fig trees and pomegranates; a land of olive oil and honey; a land wherein thou shalt eat bread without scarceness, thou shalt not lack anything in it; a land whose stones are iron, and out of whose hills thou mayest dig brass.

And to me it reads like an inspired description of the South fronting the future, confident, buoyant, thrilled by an all-pervading spirit of progress. [Loud applause.]

I reserve the balance of my time, Mr. Chairman.

Mr. REID. Mr. Chairman, I would like to ask how much time the gentleman from South Carolina has left.

The CHAIRMAN. The gentleman from South Carolina has occupied fifty-six minutes.

Mr. REID. How much time would he have remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has four minutes remaining.

Mr. COOK of Colorado. Mr. Chairman, having introduced a bill for the restoration of the duty on manganese iron ore, I will ask the indulgence of the honorable Members of this House for a short time and read the bill. It is as follows:

> A bill (H. R. 19365) to provide revenue for the Government and to encourage the mining and shipping of manganese iron ore in the United States.
>
> *Be it enacted, etc.*, That on and after the 1st day of May, 1908, there shall be levied, collected, and paid upon all manganese ore imported from foreign countries the sum of 40 cents per gross ton of 2,240 pounds.

The schedule of 40 cents per ton duty was in force on foreign importations of manganese and all other iron ore prior to July, 1897, and was effective for years and is still in effect on all other iron ores, except manganese ore.

At the special session of the Fifty-fifth Congress, after the Senate had passed the bill introduced by Senator BACON, of Georgia, to increase the duty on manganese ore from 40 cents to $1 per ton for the protection of American producers and American labor, the wage being four times greater paid than the extraordinary cheap pauper labor in Russia, Chile, Brazil, Japan, and Cuba for mining manganese ore, and in addition to this competition a minimum ballast rate from Odessa, Russia, Brazil, Chile, and Cuban ports was and is now being made to New York, Philadelphia, and Baltimore, which, even before the duty was taken off by the Republican conferees of the House of Representatives and the Senate, the competition hereinbefore named made it difficult to compete in the open market with foreign producers.

The conferees from the House of Representatives was composed of the honorables Mr. Dingley, Mr. PAYNE, Mr. DALZELL, Mr. HOPKINS, Mr. Grosvenor, Mr. BAILEY, Mr. McMillan, and Mr. White of Alabama.

The majority of the conferees of this committee were, then and now, pronounced protectionists; notwithstanding this fact, emphasized, they caused the conferees of the Senate, the honorables Mr. ALLISON, Mr. ALDRICH, Mr. Platt of Connecticut, Mr. BURROWS, Mr. Jones of Arkansas, Mr. Jones of Nevada, Mr. White, and Mr. Vest, to agree in conference to a free duty on manganese ore, effective July, 1897, and since that time almost the entire consumption of manganese ore for making spiegeleisen by the steel mills of the United States—and without the mixture of spiegeleisen steel products of every description can not be made—has been imported free of duty from foreign countries, thereby resulting in great loss to the United States Government, for a duty on 207,068 tons (of 2,240 pounds) of manganese ore received at the different ports of entry in the United States for the fiscal year ending June 30, 1907, as shown by the statement furnished by the Secretary of the Treasury at my request.

Therefore by placing manganese ore on the free list at the time hereinbefore stated in a great measure totally destroyed the output of mining and shipping manganese ore for steel-making purposes in the following States:

> Colorado, Arkansas, California, Georgia, Tennessee, Virginia, and West Virginia.

The following extracts from the debate in the United States Senate, taken from the CONGRESSIONAL RECORD of July 3, 1897, upon placing manganese ore on the free list, is respectfully submitted:

> Mr. BACON. I did not hear the Senator from Iowa with respect to the amendment which he suggested relative to manganese ore.
>
> Mr. ALLISON. It was simply to put on the free list manganese ore not otherwise provided for. There is a duty upon manganese ore.
>
> Mr. BACON. I simply desire to say that according to the best information I can get from those familiar with the subject that is an amendment the practical effect of which is to put all manganese ore on the free list. That is the assurance given to me by those who are interested in it and who have knowledge of all the features of this particular ore. I am quite sure the Senator can get that information if those are appealed to who have the requisite knowledge.
>
> Mr. ALLISON. I will say to the Senator from Georgia that it is not our purpose to put manganese ore on the free list. I think very likely the amendment as it stands now will have the effect to put most of it on the free list, but I hope that it will be changed later on.
>
> Mr. BACON. I desire to state, in this connection, that I occupy the same position in reference to that particular raw material that I do in reference to all others. I think the putting of raw materials produced in this country, which are to be used by manufacturers, upon the free list is the most odious and unjust form of protection which can be devised. My information is that that will be the effect of the amendment proposed by the Senator from Iowa. I am opposed to protection based upon the protective principle, and I am opposed to free raw materials because I am opposed to protection.
>
> I believe in revenue duties, and I believe in those revenue duties being impartially imposed. I think the question is not one between free trade and tariff duties. I think we are compelled to have a tariff, and that the question is really one which relates to what is a proper tariff and what is an improper tariff, and not a question as between free trade and tariff duties. I think a tariff which puts upon the free list raw material produced in this country is an improper tariff, one in which there is an improper discrimination, one in which the legitimate and necessary effect is protection, I repeat, of the rankest, most offensive, and most unjust form. Ordinary protection is given to the manufacturer at the expense of the great mass of consumers. But free raw materials for the manufacturer is none the less protection, but it is protection to the manufacturer at the expense of the producer of the raw material.
>
> Mr. President, the Senator from Iowa says he anticipates that this may be changed, and consequently what I say now I suggest simply because I will not have an opportunity to be heard before the tribunal by which it is proposed to be changed.
>
> Mr. TELLER. I can see no reason why manganese should be put on the free list any more than iron ore or coal or various other articles. If the committee intend to do that—I have rather understood they did not—they ought to give some reason for it. The Senator says he hopes it will be arranged later. If that means in conference, it is a very unsatisfactory disposition of the case, it seems to me. We have practically no control over it, and while we do not want to be put in a position of making unnecessary delay and contesting all these questions, it seems to me we had better fix it right here. If the committee do not mean to put manganese of all kinds on the free list, let them specify what kind they do want to put on.
>
> Mr. CLAY. I desire to ask the Senator from Iowa how there can be a conference on the question of manganese when the House put it on the free list and it is retained in the free list by the Senate. I do not see how there can be any question in conference. If the bill passes the Senate with manganese on the free list, it looks to me that will be the end of it.

Mr. ALLISON. By an amendment the other day we placed a duty of $1 a ton upon all manganese ore containing less than 40 metallic units, and then we put manganese ore not specially provided for on the free list, so that the whole question is open for conference.

The Senator from Colorado says, Why not fix it here instead of waiting for the conference? I think myself that the metallic unit should be 50 instead of 40, but I do not know.

Mr. TELLER. I do not.

Mr. ALLISON. I am not supposed to know to a certainty. We did the best we could after consulting the people respecting it. As the Senator from Connecticut [Mr. PLATT] very well says to me, we have telegraphed for information from other people. We will have the whole matter in conference, to be justly dealt with, as we intend to deal with it. If Senators want to have it disposed of now, they can dispose of it, of course.

Mr. BACON. Manganese is found in a very few localities in the United States. It is in Georgia, Alabama, Virginia, and Arkansas, and possibly there is some in North Carolina.

Mr. TELLER. Colorado.

Mr. BACON. And Colorado also, the Senator from Colorado states. I was not aware of that fact.

As I understand, it is used in the manufacture of all steel. Why there should be any disposition on the part of those who are in charge of the bill in any degree to take from this material that which is so freely and liberally granted in all other directions, I am unable to say or divine.

Mr. PLATT of Connecticut. Will the Senator from Georgia allow me?

Mr. BACON. Certainly.

Mr. PLATT of Connecticut. I was in favor of a duty on manganese ore. The House put it on the free list. The Senate then put $1 a ton on manganese ore. Then it was represented to the committee that to change it so that manganese ore containing less than 50 metallic units would operate practically to put a duty upon all the ore which really came in competition with American ore. The committee accepted that theory of it and were about to change it in that way. Then we were persuaded to reduce it to 40, and that is the way it stands now.

I think perhaps a mistake has been made. I should like to go back to $1 a ton on manganese ore, but we are necessarily compelled now to seek accurate information, which we have not at the present time.

Mr. BACON. I trust the Senator will secure it. I have been assured within the past twenty-four hours by a gentleman who professes to know all about this subject, and who is very largely interested, that the practical effect of the proposed amendment is to put it upon the free list.

Mr. PLATT of Connecticut. I am afraid it is.

Mr. BACON. Senators suggest that they have not information to enable them to act upon the matter at this time, and it will have to go before the conference committee, at which time and place, I am sorry to say, I will not be in a position to be heard. Of course we can, as suggested, offer a subsequent amendment.

Mr. CLAY. I understood the Senator from Iowa to say that he is consulting in regard to the matter and expects to change it before the bill passes the Senate, not waiting until it goes into conference. Is that correct?

Mr. ALLISON. I can say that it will be impossible to agree with everything and everybody on this bill before it reaches conference. I did say to the Senator from Georgia that I hoped we might arrange it before the bill finally passed the Senate, and I do, but of course it can not be arranged at this moment; and the amendment I offered a moment ago was to make it absolutely certain that the whole question would go into conference. If Senators wish to dispose of it now or at any time, the bill is open to amendment, and they can propose any amendment they choose. The committee is trying to do the best it can about the matter, and will endeavor to treat it fairly. That is all I have to say.

Mr. BACON. Will the Senator from Iowa permit me to make a suggestion in furtherance of the desire expressed by himself? If this amendment is not put upon the committee amendment previously adopted, the whole matter will go into conference, because as it came from the House manganese was on the free list. If the Senate puts it on the taxed list, of course the whole subject is open for the action of the conference. But, on the contrary, if the Senate, by the present amendment, puts it back on the free list, will the subject be any further open to conference between the two Houses? If I am in order, I will make the motion. I have not the paragraph before me, and I can not tell exactly what the phraseology should be.

The VICE-PRESIDENT. It is on page 175.

Mr. BACON. I will move that the paragraph be so amended as to put manganese ore on the tax list at a dollar a ton.

The VICE-PRESIDENT. There is an amendment pending, the amendment of the committee, on page 169, paragraph 505. Will the Senator from Iowa permit that to be withdrawn temporarily, that the motion of the Senator from Georgia may be entertained?

Mr. QUAY. I hope the amendment of the Senator from Iowa will not be withdrawn. The manganese ore is ore which enters into the manufacture of iron and steel, and in the use of which and duty upon which every producer of iron and steel in this country is interested. The manganese of the grade necessary to produce the higher grades of iron and steel is not found in this country except in very small quantities.

I believe there is manganese in Georgia; there is manganese in Arkansas; there is manganese in Virginia, and there is a large quantity of manganese in Colorado, it is said, but it is of low grade. The Colorado manganese is in the form of manganiferous ore, containing, I think, only 23 per cent of manganese.

Mr. TELLER. Will the Senator allow me to interrupt him?

Mr. QUAY. Certainly.

Mr. TELLER. We have been shipping quite large quantities from Colorado to the Illinois Steel Company.

Mr. QUAY. I understand that last year Colorado shipped 13,000 tons to the Illinois Steel Company of this low-grade manganese ore, which is called "manganiferous ore," and the duty upon it is provided, as the Senator from Colorado will find, in paragraph 118, in connection with iron ore. It is used in the manufacture of steel rails. The first product procured from it is not ferromanganese, the product of the higher grade of manganese ore, but spiegeleisen, out of which steel rails are made. The effect simply of the imposition of a duty upon this manganese would be to impose a revenue duty to that extent upon all of the manganese imported from abroad. It would not, I think, benefit the Senator from Georgia, and certainly not the Senator from Colorado, a cent. If the duty is to be imposed upon the raw material, of course it follows that the duty must go upon ferromanganese, which is the product.

I have a paper here upon manganese. I have not devoted much attention to this subject, but I have just been glancing over the paper handed to me giving the statistics of the manganese ore, which I send to the desk to have read. I trust the amendment offered on behalf of the committee will be adopted.

Mr. BACON. Upon the assurance given by Senators that they consider that this amendment does not cut off any part of the consideration by the conference committee, but that the whole subject will be open, I am willing to withdraw the amendment, because at last it is to rest with the conference committee.

Mr. QUAY. I should be glad to have the paper which I sent to the desk read or go into the RECORD anyhow. I want it to go before the conference committee. As a matter of course, the entire subject will be before the conference committee, and I hope the conferees will adhere to the determination of the Senate.

Mr. BACON. I will simply state in this connection, as we will not have an opportunity to be heard before the conferees, that the freight upon manganese ore from the point of mining to the mills where the steel is made exceeds the cost of water transportation on similar ore of either a higher or lower grade brought from other countries to the mills for the same purpose. There is a very large amount of it, I understand, in Central America close to water transportation. Upon the assurance that the Senate conferees will have the entire subject-matter open and that the amendment proposed by the committee will not cut off any part of it, I will withdraw the amendment which I offered.

The PRESIDING OFFICER (Mr. BURROWS in the chair). The Chair understands that the Senator from Georgia withdraws his amendment.

Mr. QUAY. Let the paper I sent to the desk be read. I prefer to put it in the RECORD in that form.

Mr. GALLINGER. Let it be printed without being read.

Mr. QUAY. I will agree that it shall be printed without reading.

The PRESIDING OFFICER. Without objection, the paper will be printed in the RECORD without reading.

The paper referred to is as follows:

MANGANESE ORES.

Manganese ore bears the same relation to the metal manganese as iron ore does to the metal iron, or lead ore to lead, and in commerce runs from 45 to 55 per cent manganese, and must be low enough in phosphorus to make a metal that shall not contain on an average twenty-five one-hundredths of 1 per cent phosphorus. All manganese ores contain more or less of iron.

Manganiferous ore is an iron ore containing from 3 to 20 per cent of manganese. The higher grade is foreign and supply limited. Colorado is producing some 28 per cent manganese ore. The prominent supply in this country is from the Lake Superior region, and contains from 3 to 8 per cent of manganese.

USES.

Manganese ore is used to make ferromanganese, which contains—

	Per cent.
Manganese	80
Iron	12
Carbon	8
Total	100

Manganiferous ores are used to make spiegeleisen, which is ordinarily of two grades—one containing 10 per cent manganese, the other 20 per cent manganese, the remaining percentage being iron with carbon, etc. About twenty-five one-hundredths of a ton of manganese ores is used with the manganiferous ores to produce a ton of spiegeleisen to get the proper grade.

Ferromanganese (metal) is used in the manufacture of steel, principally in low-carbon steel. The manganese is to remove the oxide of iron in melted steel, and the carbon to add the percentage necessary.

Spiegeleisen (metal) is used for high-carbon steel, like steel rails, permitting of adding more carbon without increasing the manganese.

SUPPLY OF MANGANESE ORES.

About 9 per cent of the supply was imported in 1894 and 1895 and 95 per cent will be imported in 1897.

The importations are as follows:

Year.	Gross tons.	Value.
1894	71,400	$534,000
1895	66,600	545,000
1896	60,000	567,487
1897 (estimated)	120,000	1,250,000

The home production has been as follows:

Year.	Gross tons.	Value.
1894	6,308	$53,635
1895	9,547	71,769
1896	7,000	50,000
1897	(a)	(a)

[a] Will not exceed 1896.

Distribution, by States.

State.	1894.	1895.
	Tons.	*Tons.*
Arkansas	1,934	2,991
California	278	525
Georgia	1,277	3,858
Tennessee	922	
Pennsylvania		460
Virginia	1,797	1,715
West Virginia	100	
Total	6,308	9,547

In 1893 the production was 7,718 tons.

SEARCH FOR MANGANESE ORES.

The manufacturers of steel in this country have searched in every State for manganese ore, and since the Crimora mine in Virginia closed in 1892, no other deposit of any size of merchantable ore has been found. Large sums of money are being spent annually in such search, and, as an extra inducement to development, a higher price is offered and paid for domestic ores than for the foreign ores. In this country the deposits are all in pockets of small and uncertain size, particularly in Arkansas and Virginia. The former ore is too high in phosphorous to work alone, and low phosphorous ores must be imported to mix with it. Likewise the bulk of the Virginia deposits are useless on account of containing too much phosphorous.

COLORADO.

It has been stated that Colorado could produce almost sufficient manganese ore to supply this country. This is erroneous, as Colorado produces no manganese ore, or practically none, the product being a manganiferous iron ore containing 22 to 28 per cent manganese, and is used in the manufacture of spiegeleisen containing 20 per cent manganese, and principally at the works of the Illinois Steel Company, for which purpose they are using it at the present time. Colorado produced 13,464 tons of such ore in 1896, which would make about 18,000 tons of spiegel, while the requirement for spiegel in 1896 was about 85,000 tons, and this is outside of the use of ferromanganese, which requires high-grade imported manganese ores, containing 45 to 55 per cent manganese.

Mr. Chairman, the Republican party in its national platform for the past forty-five years has proclaimed the doctrine of the protective-tariff principle for American labor and capital against the pauper labor and cunning capital of foreign monarchy.

From the great Morrill tariff bill to the Dingley bill, in a measure, the House of Representatives and the Senate of the United States have protected the American miner, laborer, and manufacturer of raw material of iron ore, steel, coal, coke, gold, copper, lead, zinc, lumber, and a thousand other things originally produced in the United States.

Why Congress should discriminate against manganese ore that must be used in the manufacture of steel rails and all other steel structural formations and put it on the free list is a glaring inconsistency and smacks strongly of special legislation for special manufacturers.

If iron ore is favored by a high protective tax and 35,000,000 tons were mined and shipped in the United States during the year of 1907 to exclude foreign competition, it is certainly reasonable that 40 cents or even $1 per ton as a duty passed by the Senate should be placed on the peculiar metal, manganese, that is absolutely necessary to make a durable and perfect steel rail, as well as all other manufactured steel products, owing to the fact that manganese gives iron a greater tensile strength, elasticity, and elongation.

Mr. Chairman, when wealthy American manufacturers import free pauper labor and free cheap ore they are indirectly cutting their own throats at the temporary saving of a few dollars and heaping hot coals on the heads of intelligent American miners, not only in Colorado but in many other States of the Union.

Before manganese ore was placed on the free list by the conferees of the House I was the largest shipper of manganese ore in the United States; have shipped from Leadville, Colo., more than 125,000 tons of manganese ore for steel manufacturing purposes, mined by American labor, the wage paid being $3 per day for miners and $4 per day for engineers and pump men, precisely the same wage as paid by mine operators in Colorado for mining gold, silver, lead, and copper bearing ores, in competition with a wage of 60 to 75 cents per day paid for mining manganese ore in Russia, Chile, Brazil, Japan, and Cuba, to the absolute injury of intelligent American labor. From these countries the supply is now coming in ballast to the United States and used by all of the steel mills in our country, except the Colorado Fuel and Iron Company, of Pueblo, Colo. (the only steel works west of Chicago), and since the establishment of the Colorado Steel Works in 1880 (twenty-eight years) have used more than 500,000 tons of Leadville manganese ore for making spiegeleisen, the mixture with pig iron, for reasons hereinbefore stated, mixed in converting furnaces producing steel ingots from which merchantable steel is rolled into shape.

Mr. Chairman, millions of tons of iron (hematite) ore in the Mesaba, Goegebec, and Menominee ranges of Michigan and Minnesota are mined in open cuts with steam shovels, and placed on cars at cost of 26¼ cents per ton; this ore is protected by duty, as it should be.

The average cost for mining manganese ore and putting on cars at Leadville, Colo., is $2.77 per ton, and mined at depths of 300 to 640 feet from surface, and through verticle shafts, with long distance underground for miners to push tram cars to the station level.

The cost of mining and washing manganese ore in the States of Virginia, West Virginia, Tennessee, Georgia, and Arkansas has been $5 per ton, owing to the washing process required to make the ore marketable.

I take from the CONGRESSIONAL RECORD of July 3, 1897, the debate for placing manganese ore on the free list:

Mr. QUAY. There is manganese in Georgia, there is manganese in Arkansas, there is manganese in Virginia, and there is a large quantity of manganese in Colorado, it is said, but it is of low grade.

The Colorado manganese is in the form of manganiferous ore, containing, I think, only 23 per cent of manganese.

Mr. TELLER. Will the Senator allow me to interrupt him?

Mr. QUAY. Certainly.

Mr. TELLER. We have been shipping large quantities of manganese ore from Colorado to the Illinois Steel Company, Chicago.

Mr. QUAY. I understand that last year Colorado shipped 13,000 tons to the Illinois Steel Company of this low-grade manganese ore, which is called manganiferous ore, and the duty upon it is provided as the Senator from Colorado will find in paragraph 118 in connection with iron ore.

It so happened, Mr. Chairman, I was the shipper of the 13,000 tons of manganese ore to the Illinois Steel Company, Chicago, from Leadville.

I regret Senator Quay was given incorrect information as to the per cent of manganese "being 23 per cent," while in fact the per cent was 30 manganese and 18 per cent of iron in combination, and the contract price, based on these figures and settlements paid for accordingly and shipped and paid for as manganese ore, per contract.

Now, Mr. Chairman, any practical chemist or metallurgist in the United States will say manganese does not exist in its pure state in any part of the world, where deposits are known to exist, but metallic iron is found invariably in combination with the manganese, which is manganiferous iron ore, the 207,068 tons of manganiferous iron ore that was received for the fiscal year ending June 30, 1907, at the following customs districts, as furnished by the Secretary of the Treasury:

	Tons.	Value.
Baltimore	111,546	$766,512
Boston and Charlestown	2	73
Newark, N. J	117	1,322
New York	7,349	149,953
Philadelphia	87,008	730,625
New Orleans	475	4,043
San Francisco	53	2,424
Chicago	355	15,473
Cincinnati	73	2,229
Total	207,068	1,672,654

Should have paid a duty to the Government of 40 cents per ton, or the sum of $82,800 for the year, for the good and sufficient reason each and every ton of this foreign ore was manganiferous iron ore, but a Department ruling by the Assistant Secretary of the Treasury, W. B. Howell, delegated within himself the powers only granted under the law to the Congress of the United States, the Treasury Department has, and still maintains, this manifestly unfair ruling, resulting in great loss of revenue to the Government, as hereinbefore stated.

March 1, 2, 3, 1898, I personally appealed to the Board of General Appraisers, New York, furnishing Col. George C. Tichenor, president of the Board, with analysis of foreign "manganese" ore from samples of ore taken while unloading cargoes at the ports of New York and Baltimore, showing conclusively the ore was manganiferous, containing manganese and iron in combination. After making this showing of facts to President Tichenor on March 4, 1898, he recommended to Assistant Secretary W. B. Howell, of the Treasury, instructions be given collectors of customs to assess the duty at 40 cents per ton, prescribed in schedule "C" on all ore containing metallic iron and manganese in combination without regard to the percentage or invoice designation, whether as iron-ore manganese, manganiferous, or oxide of manganese or otherwise.

On March 10, 1898, after several personal interviews in this city with officials of the Treasury Department, I wrote Hon. W. B. Howell, Assistant Secretary of the Treasury, as follows:

I beg to call your attention to my conversation of Tuesday last, and referring to letter to you from Senator Wolcott, under date March 2, your reply, dated March 5, as follows:

"I have the honor to acknowledge receipt of your letter of the 2d instant, in which you request to be advised as to the Department's definition of the term "manganese ore," the Department decided that manganiferous ores, to be entitled to free entry as manganese ore under the provision therefor in the free list of the tariff act then in force, must contain 50 per cent or over of manganese in quantity and not over 10 per cent of iron.

"This rule was laid down for the general guidance of custom officers, but in some cases, when the percentage of manganese was slightly less than 50 per cent, say, from 40 to 44 per cent, importations were admitted free as manganese ore when valuable only for the manganese contained therein.

"W. B. HOWELL,
"*Assistant Secretary.*"

As the producers of manganese ore in the States of Colorado, Georgia, Arkansas, Tennessee, Virginia, and West Virginia, we under-

stand the free list is only to apply on straight manganese ore (if obtainable) or, to be explicit, manganese ore carrying no metallic iron. These two metals in combination, being manganiferous iron ore, therefore should pay duty of 40 cents per ton, etc.

Now, Mr. Chairman, it is quite noticeable the Treasury Department changed their ruling to admit the ore free of duty as the character of ore changed in per cent of metallic contents. The facts are, of the 207,068 tons arriving for the fiscal year ending June 30, 1907, over 190,000 tons analyzed much less than 50 per cent manganese, and each and every ton carried metallic iron in combination, or, to be specific, manganiferous iron ore, by departmental ruling, in violation of the law, has passed free of duty for nearly eleven years; an unusual usurpation of pretended authority and manifestly unfair discrimination against (at that time) a growing industry in the States named.

The result, Mr. Chairman, has been to destroy almost entirely the mining and shipping of manganese (manganiferous iron ore) in the United States.

Representatives of certain interests will tell you there is no manganese (manganiferous) ore in the United States. Leadville, Colo., has since 1879—twenty-nine years—mined and shipped over 2,400,000 tons. Of this enormous tonnage 670,000 tons were shipped to the Colorado Fuel and Iron Company Steel Works, Pueblo, Colo., and the Illinois Steel Company, Chicago, for steel manufactured products; the remaining 1,730,000 tons to the Colorado Smelters for the fluxing and separation of silver, lead, gold, and other valuable ores, a charge of 30 per cent of iron being required for each and every mixture charge in the blast furnaces at these smelters.

I quote these figures of output of Colorado manganese ore to show the great injustice done by the governmental Bureau of Statistics, and quote from their figures, as given in the CONGRESSIONAL RECORD of July 3, 1897, the tonnage of manganese ore produced in the years of 1893, 1894, and 1895, in the States of Arkansas, California, Georgia, Tennessee, Pennsylvania, Virginia, and West Virginia, a total of 23,573 tons, while the tonnage of manganese ore produced in Colorado is left out entirely, which amounted to the large tonnage of 219,445 tons for the years 1893, 1894, and 1895.

The Bureau of Statistics figures, absolutely unreliable, was done for the specific purpose of misleading unknowing Members of the Fifty-fifth Congress, or part of the programme of the secret alliance formed in the House and Senate, through misrepresentations or misapprehension. There was but little manganese ore in the United States; therefore the scheme to place manganese ore on the free list was by unfair methods accomplished, which has resulted in a loss of revenue to the Government since 1897 of nearly $1,000,000.

The conferees of the House, in their great haste to place manganese ore (which, as hereinbefore stated, does not exist except in name), through their inexperience as practical chemists, metallurgists, or manufacturers of steel products, should have been requested and also had stipulated "manganiferous iron ore" (manganese and metallic iron in combination) be placed on the free list, and the alliance would then have accomplished the purpose they originally started out to do. Notwithstanding the daily pledge then and now made by the majority of the conferees of the House of Representatives, they at all times stood for the protection of American industries and American labor.

In the presentation of these indisputable facts of the great injustice by the conferees of the House of the Fifty-fifth Congress, your favorable consideration and cooperation is earnestly requested to restore the duty on manganese ore, thereby carrying out the protective principles and pledges of the Republican party, in the interests of American capital and labor. [Loud applause.]

Mr. Chairman, I will send to the desk and ask that the Clerk read a resolution, and at a later date I will ask that the matter be heard before this House. [Applause.]

The CHAIRMAN. The gentleman from Colorado [Mr. COOK] offers a resolution, which the Clerk will read in the gentleman's time.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to send to the House of Representatives full information by what authority of law 207,068 tons of "manganese" ore (or manganiferous iron ore) were admitted free of duty at the ports of entry, New York, Baltimore, Boston, Newark, N. J., Philadelphia, New Orleans, San Francisco, Chicago, and Cincinnati for the fiscal year ended June 30, 1907.

Mr. REID. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Arkansas rise?

Mr. REID. The gentleman from South Carolina [Mr. LEVER] reserved the balance of his time, which was four minutes, and yielded that much time to me.

The CHAIRMAN. The gentleman from Arkansas is recognized for four minutes.

Mr. REID. Mr. Chairman, I was very much interested in the remarks of the able chairman of the Committee on Agriculture relating to the extension of the forest surveys of the country, and I had intended to discuss that subject at some little length if I could secure the time, but, not being able to do so, I now ask the unanimous consent of the committee, at the expiration of the time allotted to me, to extend my remarks upon the subject in the RECORD.

The CHAIRMAN. The gentleman from Arkansas [Mr. REID] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. REID. Mr. Chairman, in the last few months, by the proclamation of the President, there has been withdrawn from the public domain in the State of Arkansas something like 2,000,000 acres of land, which have been set apart as forest reserves. This, it will be noticed, is an area almost as great as the combined acreage of the two States of Rhode Island and Delaware. It is two-thirds as large as Connecticut and nearly half as large as New Jersey. It brings the aggregate area of the national forest reserves up to the dignity of a territorial domain greater than all New England and the State of New York combined. Parallel with the expanding area of the national forest reserves is also the steadily increasing importance of the Forestry Service and the broadening application of the policies they have inaugurated. From the proposition to set aside a few areas on account of the peculiar conditions that existed we have advanced to an entirely new policy with reference to the public domain, at least so far as the country is concerned. In many respects it is an extreme departure from the idea that we have for long years entertained in regard to the power and purposes of the Federal Government in the disposition of the public lands.

I deem it, Mr. Chairman, as highly important that we should examine carefully the scope and purpose of this new movement and test it by the principle which constitutes the framework of our Government before proceeding so far that mistakes can not be remedied. Arguments that our forests may be made a source of great revenue are alluring, but ours is not a monarchial government. Our domain is not held as a source of profit to the State, but that it might become homes for the American people and that every citizen might select where he pleased. Arguments that it is not intended to interfere with the homesteader may tend to popularize the movement, but a careful examination will disclose that the services can not be properly administered and its avowed purposes accomplished consistent with a liberal construction of the homestead law. The establishment of the homestead law within the reserve must be consistent with the purposes of the reserve. We had as well meet the matter fairly. If we establish the policy we must recognize it as a long step toward eradication of the homestead laws. If this is to be done, and surely something must be done to conserve the timber resources of the country and in the interest of navigation, what are the rights of the States to whose taxable values these lands would otherwise have added? No well-informed man will deny that to the operation of the homestead laws, perhaps more than any other one thing, is due the wonderful development and progress of the West.

When the act of March 3, 1901, was passed vesting in the President the power to make these reservations, no general notice was taken of the fact in the State of Arkansas, for the reason that until then but a few people were aware that enough public lands of the required character were lying contiguous in the State to constitute a reserve of any consequence. Still fewer conceived the idea that the public good required the segregation of the lands for such a purpose. When the proclamation of the President attracted general attention to the fact, most people were inclined to look with apprehension upon the movement. The fact is well known to the people of that State that a large per cent of the lands embraced in these reserves are susceptible of a high state of cultivation in the ordinary crops of the country, and a still larger per cent would maintain orchards and vineyards of the highest order. In short, the fact is that most of these lands can be made homes for the people. They are high and healthy and with an abundance of pure water and other conditions that invite settlement and development. The State, in advertising her resources and inviting immigration from overcrowded sections of the country, has pointed to her vast public domain as available for homestead entry and development. We have looked forward to the time when these lands should become the subject of private ownership and go upon the tax books of the counties in which they lie and contribute their share toward bearing the public burdens and maintaining the school systems of the State.

It is not denied that the public domain should be administered in the interest of all the people, but the policy established by the homestead law under which the people of the immediate locality and the State in which the lands lie are made to realize the immediate, and the general public the indirect but not less substantial, benefit is so deeply embedded in the minds of the people of the States where the conditions exist that they are extremely slow to realize that a great benefit may be secured to them and their children by the appropriation of these lands to a different purpose. I confess that I have reached the conclusion that the establishment of these reserves in my State is to the public good only after a careful examination into the whole question and in spite of preconceived ideas to the contrary. To one who will give the question the thought it deserves it will be made to appear that there are overwhelming reasons why these forests should be intelligently conserved. Not only is it essential to the perpetuation of an abundant supply of lumber and wood, among the chief factors of human progress, but their effect upon climatic condition is equally important. Beyond this is the still more important fact that the destruction of the forests upon the mountain slopes leaves the soil unprotected, and the rains, which should add to the productiveness of the earth and preserve the equal flow of the water, unrestrained by the sponge-like character of the forests and the fallen leaves, become a destructive agency by which the fertile surface soil is carried suddenly into the stream below, filling up the channel, obstructing navigation, and forcing the stream from its banks to inundate the surrounding country, only to be followed by extreme scarcity of water in the earth and in the streams as the season when it is most needed advances.

That the control and navigability of the inland streams as well as the question of overflow of the lowlands are interdependent upon the proper management of the forests on the headwaters is no longer open to controversy. These are not speculations, but are based upon clearest scientific principles. So generally have these facts come to be recognized and so important are they considered to the general welfare that the President, in his message to Congress December 3, 1907, recommended that—

> We should acquire in the Appalachian and White Mountain regions all the forest lands that it is possible to acquire for the use of the nation. These lands, because they form a national asset, are as emphatically national as the rivers they feed and which flow through so many States before they reach the ocean.

Bills have been introduced looking to the acquirement of title to lands situated on the watersheds of navigable streams in the Southern Appalachian Mountains within the States of Maryland, Virginia, West Virginia, North Carolina, Kentucky, and Tennessee and the White Mountains within the States of New Hampshire and Maine. In March, 1907, in the agricultural appropriation bill, Congress directed the Secretary of Agriculture to investigate these watersheds and report to Congress, among other things, as to the advisability of setting apart these regions as a national forest reserve for the purpose of conserving and regulating the water supply and flow of the streams in the interest of agriculture, water power, and navigation. Investigation by competent experts has disclosed that the country consumes every year more than three times as much wood as is being grown in the same length of time, and the commercial supply, it is estimated, will be exhausted in less than thirty years.

Recent reports from the Forestry Service show that decisive action must be taken at once to avoid the destruction of the manufacturing interests which depend upon a permanent supply of wood. These manufactures embrace the makers of lumber and building materials, the manufactures of agricultural implements, vehicle makers, cooperage interests, and furniture factories. Last year the cotton-milling industry of the South and East and the different factories throughout the country suffered more than a hundred millions, due to floods traceable to the destruction of the forests. This does not include the value of crops and other farm property destroyed in the lowlands, involving the caving of banks and destruction of levees. These are but a few of the reasons that have given rise to the sentiment which is national in its scope demanding the creation of forest reserves in all parts of the country. Another thing that should be mentioned in this connection is the fact that the establishment of these reserves will operate to prevent the speculation in timber so widely carried on under the guise of homestead entries, and at the same time, if the forest avowed policy is carried out in good faith, such lands as are really best suited to agricultural purposes may still be made available for homes for the people.

These reasons, it seem to me, are entirely sufficient to overcome every objection to the movement, even though we entirely disregard the sad experiences of other nations in permitting the entire destruction of their forests. We learn from information collected by the Forest Service that sylviculture was a subject of interest more than 2,000 years ago. The pathway of civilization has been hewn through the forests. They are first encountered as obstacles and their superabundance regarded as a hindrance to progress and development. As their borders were gradually driven back by waste and destruction, the question of wood supply and building material forced itself forward along with the discovery of the fact that the forest was the controlling factor in the flow of the streams and the fertility of the soil. Nations that had permitted the wanton destruction of their forests set about the slow and expensive process of reforestation. Out of the dire necessity of the situation came the recognition of the fact that the forests are essential and should be regarded like any other crop—fit for the harvest only when ripe, and so managed as to be made to grow again. China and Turkey are the only remaining civilized nations to-day that do not practice forestry. It has been suggested that the standard of the civilization of a nation may be determined by its recognition of the value of its forests. The costly experience of France alone in suffering the deforestation of her mountain sides and watershed should be sufficient to warn all other countries. From the history of this movement compiled by the Forestry Service, we learn that more than three hundred years ago the influence of the forests upon the dangerous torrents of the Alps and the Pyrenees was recognized, and restrictions were prescribed against clearing the mountain sides, and their violation punished by fines, confiscation, and corporal punishment.

These restrictions were effective for a time, but they were swept away by the French Revolution, to be followed by the almost immediate result that the brooks were converted into torrents that swept down the mountain sides unchecked, overflowing the valleys and covering them with sterile soil until 800,000 acres of farm lands were practically destroyed. The inhabitants of eighteen Departments were driven in poverty from their homes. Toward the close of the eighteenth century conditions had grown so alarming that a reaction began, and with the nineteenth century came the movement to repair the damage done by the costly mistake. After several unsuccessful attempts recourse was had to reforestation. One and a half million acres have been acquired, and before the work has been completed over $50,000,000 will have been spent in the work. The changing of the sand dunes on the coast into forests of valuable wood and the transformation of 2,000,000 acres of sands and marshes into a forest worth $100,000,000 are some of the practicable results that have been accomplished. Lands in France which could be bought for $4 an acre before reforestation began are now yielding a net annual revenue of $3 per acre. Thus it is shown that forestry in France has not only removed the danger from floods and sand dunes, but has added many millions to the natural wealth, and a net annual revenue of over $4,700,000. A glance at the statistics compiled upon this subject by Mr. Cleveland, of the Forestry Service, will show that the United States has not exercised its usual spirit of enterprise and progress upon this subject.

France took steps in this direction over three hundred years ago. The first ordinance of Bern for the regulation of forests in Switzerland was issued six hundred years ago, and the Shilwald of Zurich, intelligently managed since 1860, yields an average net annual profit of $12 per acre. Sweden awoke in 1638 to the fact that her marvelous forests could be destroyed by waste and neglect, and appointed her overseers of forest to conserve the supply. Denmark stopped the destruction of her forests in 1805 and began a management along careful and profitable lines. Russia, profiting by the experience of Germany and France, began the conservation of her forests two hundred and fifty years ago. Protective measures were commenced in India at the beginning of the nineteenth century, and Japan enjoys the distinction and profit of having practiced forestry before the dawn of the Christian era. Italy and China furnished impressive examples of what it costs a nation to suffer the destruction of her forests. These facts not only admonish us in no uncertain tones that the conservation of our forests must be undertaken at once, but that we have suffered much by waiting so long to commence. The most important fact, however, to which I desire now to call your attention, is that these natural forests, where scientifically managed, are made to yield a revenue of considerable proportions.

France and Germany combined have a forest area of only 14,500,000 acres, and yet reap an annual net revenue of $30,000,000. The total net revenue from the state forest of Austria is more than $5,000,000. From three and one-half millions of acres in Hungary an annual net revenue of $600,000 is derived. Sweden from the same source nets two million per annum, and Russia from her 660,000,000 acres realizes $21,-

500,000; India, $3,300,000; Japan, $8,000,000. The Forestry Service has compiled a table showing the amount of expenditure per acre upon the national forests of the countries where they are maintained and the net revenue derived therefrom. With the exception of the United States it is as follows:

Country.	Expenditure per acre.	Net revenue per acre.
Wurttemberg	$2.05	$6.60
Saxony	3.00	5.30
Baden	3.58	4.42
Hesse	1.25	4.29
Switzerland	1.32	2.55
Prussia	1.58	2.50
Bavaria	1.99	2.22
France	.95	1.75
Italy		.33
Hungary	.34	.32
Austria	.56	.21
Roumania		.18
Spain		.17
Sweden	.02	.09
Russia	.01	.032

From these figures the significant fact appears that the greatest net revenues are produced where the greatest expenditures have been made. The United States, with an expenditure of $0.007 per acre for the year 1905–6, sustained a deficit of $12,000, and with an expenditure of $0.093 for 1906–7 realized a revenue of $128,659. Now, it is apparent that unless there is some obstacle to successful forestry in the United States that is not encountered elsewhere our forests will in time become a source of enormous and permanent revenue. So far from there being any such obstacle, we are told by those to whom the investigation of the question has been committed that we have at the very start every assurance of success. Many of the conditions which have made expensive and burdensome the establishment and maintenance of national forests elsewhere do not exist here. There are no forests in the world that exceed ours in the value and variety of the woods. We have every facility for developing them to the highest state of perfection and transporting the products to the most profitable markets. Therefore we have every reason to believe that what has been accomplished elsewhere in this respect we can even improve on here. The average net revenue of the nations given in the table above will be found to be something more than $2 per acre. I think no one will dispute that the conditions for successful forestry in this country are at least a third better than the average in other countries. We have now embraced within the forest reserves of this country 164,963,555 acres. If these possibilities can be attained, if we can do in this country what has been done in others under difficulties we do not encounter, then we could derive from these forests the enormous net annual revenue of $494,890,665.

Nearly six millions per annum could be realized from these forests in Arkansas alone. Of course these figures are large and invite the usual discredit with which new and advanced ideas are always assailed, but no good reason can be given why the American people can not accomplish here what has been done by the less ingenious and enterprising under less favorable circumstances elsewhere. To say the least of it, these forests properly managed not only protect the flow of the streams and the water supply in the earth, which is essential to our well-being as a nation, but they will certainly become a source of revenue of considerable consequences. Scientific forestry in this country is of such recent origin that the question of the proper and equitable disbursement of these revenues has not yet arisen, but the fact that a net reurn of $128,000 in the year 1907 is shown, as against a deficit of $12,000 in 1906 upon an increased expenditure of only $0.086, shows how soon this question will arise. In anticipation of it, various suggestions have been made as to what purpose these proceeds should be applied to. It is contended by some that they should be applied to the acquisition of lands for reforestation upon the headwaters of navigable streams where the mountain sides have beeen stripped of their timber and where no Government land exists. If this suggestion should be adopted, it could not, in the nature of the case, be regarded as a permanent policy.

The Forestry Service has not, so far as I am informed, made an official recommendation upon the subject, but I have reason to believe that they would advise the appropriation of the proceeds for the present to the improvement of existing reservations and the establishment of schools of forestry and instructions in the development and operation of water-power plants and the control and measurement of streams. In so far as this may be necessary to an effective inauguration of the system and the education of the people up to a proper appreciation of the possibilities that may be attained by scientific forestry, I am not prepared to say that the idea should not be carried out. But there is an important and fundamental limitation upon these suggestions which I think should be carefully guarded in the very beginning, and which I, for one, will never surrender without resisting with all the earnestness of which I am capable, and that is the equity which the localities, the States themselves, have to the public domain within their borders. As I stated in the beginning, the settled policy of the Government long since established is to convey the lands to settlers for homes and thereby add them to the taxable values of the States. I think no one will contend in the face of various adjudications upon the subject that the Federal Government could acquire lands in the first instance for the purpose of engaging in forestry.

Such a purpose does not come within any of the powers conferred by the Constitution. It is only where the acquisition is necessary to some governmental use and authorized by the Constitution that the Federal Government may own and hold such property. It was never intended that the Federal Government should hold the public domain as a means of engaging in enterprises, or even for the purpose of fostering and protecting agriculture or water power. These are matters which pertain to the power of the States. In the case of Van Brocklin *v.* Tennessee the Supreme Court said that "the United States do not and can not hold property as a monarch may for private and personal purposes." The property of the United States, like its revenues, must be applied to the payment of its debts and to provide for the common defense and general welfare. If the United States has power to acquire the lands proposed to be set apart as the Appalachian and White Mountain forest reserves it is because of the fact that the maintenance of forests upon these lands are necessary to the proper control of the water flow into navigable streams, over which the Federal Government has jurisdiction by virtue of the interstate-commerce clause of the Constitution. The power to acquire the lands for the purpose of protecting the navigability of an interstate stream may find ample warrant in the Constitution of the United States, but if it was proposed to acquire these lands simply for the purpose of improving the forests and conserving the timber supply or developing water power, independent of its necessity for interstate commerce, no one will contend that authority for such an undertaking could be found in the Federal Constitution.

In other words, the acquisition and ownership of lands by the Federal Government must be for the purpose of exercising or carrying out some governmental power or function which is found in the Constitution. This being true as to the lands acquired by the United States, I maintain that the public domain undisposed of should be administered in view of the same governmental power and purposes. The Constitution provides that "Congress shall have power to dispose of and make all needful rules and regulations, respecting the territory or other property of the United States." In this may be found authority for the establishment of forest reserves upon the public lands, but if it is to become a permanent policy and vast revenues in excess of the costs of the administration is to be derived therefrom, the question may well be asked, How should these revenues be applied and disbursed? We are told by scientific authority that the forests should be regarded as any other crop, to harvest when ripe and to be handled so as to be made to produce again. This is the business in which it is proposed we shall engage here. It is shown that intelligent silviculture is a highly profitable enterprise. In the old country millions of acres are owned by private individuals and maintained for the purpose of growing wood and timber for market. Now, if the Federal Government can reserve the public domain for the purpose of growing timber for market, why, upon the same principle, could it not fell the timber, clear it up, and rent it out to individuals if such a course was found to be profitable? Why could it not build houses and tenements upon it and farm it upon shares or collect rents?

None will contend that the appropriation of the public domain to such purpose would be within the constitutional powers of the Federal Government. Now, the potent influence of the forests upon the navigable streams furnishes the authority for reserving the lands and perpetuating the forests, but after this has been accomplished what is to become of the net revenue which a proper management of the forests will insure? If the lands are not reserved from entry they gradually become the subject of private ownership, find their way to the tax books and are added to the property of the State in which they lie. I insist that after they have served the Governmental purpose of controlling the flow upon the watersheds of the navigable streams the surplus proceeds equitably should go exactly where

the lands would have gone had the reserve not been established. The Supreme Court has said that the power to regulate commerce extends to the control of navigable rivers to the extent of the right to remove dams or obstructions upon the headwaters that diminish or impair navigability. If the destruction of the forests diminish the navigability of the streams, Congress may well make the reservation, but the management of the forests to conserve the timber supply or to develop the water powers within a State should be properly accomplished through the agency of the State government. In the case of Fort Leavenworth *v.* Lowe the Supreme Court said that the State and the General Government may deal with each other in any way they deem best to carry out the purposes of the Constitution.

Be this as it may one thing is certain, the Federal Government may or may not have the constitutional power to administer the public forests for the purpose of creating a revenue and appropriating that revenue as it pleases, but in either event good faith upon the part of the Government demands that the States should have the benefit of those funds for educational purposes after the costs of administration shall have been met. The 10 per cent which is to be paid into the State treasury under existing law for schools and roads recognizes the principle, but does not go far enough. The Federal Government should have the 10 per cent and the 90 should go to the schools and roads of the State. In my judgment we should early announce the policy of committing these funds sacredly to this purpose. Let it be upon condition that the funds be supplemented by a like sum from the State if you will, but make it in some way available for the schools and roads of the State, two subjects which, when rightly received, are closely akin. Due to the good works of the Agricultural Department an earnest demand has been created for the establishment of schools where agriculture, mechanics, and home economics may be taught, and the youth of the community be afforded the foundation for an industrial education. Some of the States have led out in this direction, notably Ohio, Alabama, Wisconsin, Minnesota, Nebraska, and the Dakotas. They have achieved most excellent results and have deserved, and in some instances received, recognition at the hands of the Federal Government.

I know that the objection usually urged against legislation of this character is that its general tendency is to obliterate the lines of demarkation between the States and Federal Government. I am opposed to paternalism, and shall resist every invasion of the rights of the States to regulate and control their internal and domestic affairs. I shall maintain, however, that this principle does not contravene the right of the State to demand and receive at the hands of the Federal Government the financial assistance which its enormous powers of raising revenue enables it to afford, or to furnish help through its administrative agencies, for which it is so amply equipped. There is no Member of the House more jealous of preserving the integrity of the States than I. I will not knowingly support any measure that substantially invades this principle. There seems to me, sir, to be little gained in our devotion to this principle by closing our eyes to the fact that many changes have been wrought since their early application to conditions as they then existed. New conditions have given rise to mutual obligations between the States and Federal Government, which, though they were not thought of, perhaps, when the Constitution was adopted, make them none the less wise to observe and none the less binding upon both. They involve no stretch of the Constitution and call for no change unless it be by constitutional methods. I believe in calling upon the Central Government for nothing that the States can do for themselves, but as our social and industrial conditions progress in their wonderful development, we are met with broader, more complex, and more comprehensive problems. Necessarily, more arise which, in the proper and efficient administration of government, call for the exercise of both State and Federal powers.

I for one regard the fact that both may be called into exercise as a source of governmental strength and not of weakness. The improvements in transportation and communication which have been developed in the last half century have revolutionized the commercial and industrial system of the whole country and made it impossible for the States to deal single-handed and alone with many of the problems presented thereby. There is no policy more clearly recognized or more firmly established than that of Government aid to the schools of the States. This is fully shown in the Congressional land-grant act of 1862 and the act of 1890, appropriating to each of the States $25,000 for educational purposes. It seems to me to be peculiarly appropriate that the proceeds arising from the lands which are otherwise held to become homes for American citizens should be applied to the education of the American youth in the direction of the agriculturist and the home builder. I have heard and read something of the reluctance of the American youth to enter the military service of the country. We are being urged from certain quarters to make the Army more attractive, in order that enlistments may be easier. If I remember correctly, the distinguished chairman of the Committee on Military Affairs stated on the floor of the House a few days ago that the Army was 22,000 short of its authorized strength. I for one am ever ready to make ample provision for the necessities of sufficient military force to form the nucleus about which the American citizen may rally in time of danger and defend this country and overcome her foes; but I want to say that it must not be forgotten that supplies by which our armies are to be fed, clothed, and maintained, and our ships paid, our pension rolls met, must be produced by another army that pitches its tents on the country side and gives constant battle to the elements with plow and with blade.

Let them fail to keep step with the advancing seasons but for a day, and want and famine threaten the prosperity of the realm. The failure of their labors for a season means more to this Republic than the advance of a foreign foe upon her borders. Recruits, sir, for this army have been hard to enlist, and to-day it is millions short of its authorized strength. Something must be done to make its ranks more attractive. The rural districts must be made more inviting. Agriculture, home economics, and the mechanical arts must be elevated to the dignity of the professions. The welfare, the peace, the strength, and stability of this nation depend more upon contentment and prosperity in the rural home than upon all other conditions combined. If country life in America is made so inviting and remunerating as to turn back the flow from the farm to the overcrowded cities, our greatest cause of disturbance in social conditions will have been removed. Better than this, it will bring about by proper and normal methods that equal distribution of wealth, without which no people can attain their highest development or long continue patriotic. If we are to preserve the typical American, the greatest product of the human family, we must protect and perpetuate the environment by which he was produced. We have spent worlds of money upon the Army and Navy, and this is not saying we have spent too much. We have erected monumental buildings in almost every city and fair-sized town in the country, but we have contented the rural districts with little more than a package of garden seed and a Government publication.

The Agricultural Department, established with many misgivings, has accomplished more on less money than any other Department of the Government. They have reduced agriculture to a science and disclosed in it possibilities that invite the highest aspirations of the American youth. Realizing that the best results can not be attained without a rural population, educated along the line they are to travel and up to a proper appreciation of the beauties that surround them, they are urging upon the country the necessity of taking substantial steps toward providing for the rural youth this character of education. Much has been done by the States and National Government to provide for the establishment of colleges and universities throughout the country. This has largely been supplemented by denominational institutions and munificent endowment by philanthropic individuals. We are not suffering for want of facilities for higher education in æsthetical and classical learning. This is essential to our well-being, and I am proud that it is true, but what I wish to impress is that education should be so imparted as to serve some other purpose than to hold out to the farmer boy the allurement of becoming President of the United States or attaining renown and distinction. Let him be taught that there is no field of activity in which education of the right sort can be employed to a better advantage than in agriculture and the industrial arts. Upon all sides there are evidences of a return of the original idea that the farm should produce the food, raiment, and implements demanded by its own necessities. The cheap factory-made articles that have so long flooded the country do not meet every demand.

A plainer and more substantial furniture is sought, and creations in wood, iron, and brass are engaging the attention of the artisan. The handicrafts that afford opportunity for originality and development of talent, cut off by the automatic and monotonous processes of the factory, are beginning to afford once more a profitable and engaging vocation. The rural districts are full of opportunities which only need the education which pertains to such things to realize and appreciate. The tendency of the age has been in the direction of grand achievement and great things. The busy marts of trade and commerce, the domain of finance, and the dizzy heights of professional and political fame have been held out to the youth of our country as the only fields worthy of his ambitions or in which his labors would meet with the highest reward. This is wrong. It has driven the farmer boy from the old homestead, where opportu-

nities of the highest order lay within his touch, to take his place as an obscure atom in the mass of humanity that crowd and trample upon each other in the great cities of the land. Let us open his eyes to the beauties and the possibilities and the independence that may be his in the realms remote from towns. Mr. Chairman, for this purpose these hills, these streams, and these forests are his.

THE RIGHTS OF THE STATE IN NATIONAL FORESTS.

The National Government has long been committed to the policy of appropriating the public domain to the people for homes. In this way the West has been settled; the lands have been added to the taxable values of the States and produced the funds by which roads and schools have been maintained. If the public domain is to be reserved in forests that produce a revenue, the net proceeds should go to the States for the maintenance for agricultural schools for the people. [Loud applause on the Democratic side.]

Mr. SCOTT. Mr. Chairman, when I had the floor during the day I intended to ask unanimous consent, in a general way, to include in my remarks data that I did not wish to take the time of the House to read on the floor, but it seems from the stenographer's notes that the language in which the request was framed might possibly be construed to apply only to the special topic that I was immediately discussing at the time. I hope the House will not object to having the request expressed in the terms in which it was intended.

Mr. SULZER. Mr. Chairman, it was impossible for me to hear the request of the gentleman from Kansas, because he spoke in such a low tone of voice. I would like to know what the request is?

The CHAIRMAN. The gentleman from Kansas [Mr. SCOTT], as the Chair understands it, asks that the stenographer's notes may be corrected to express his request for the unanimous consent, which was granted.

Mr. SULZER. If it were granted, why do not the stenographer's notes show it?

Mr. SCOTT. I was, perhaps, unfortunate in expressing myself, I have just explained to the House, and the language I used might possibly bear the interpretation of applying only to the particular bureau which I was discussing at the time.

I desired, of course, permission to include in my remarks data relating to any part of the bill, which I did not wish to take the time of the House to read.

The CHAIRMAN. Is there objection?

Mr. BURLESON. I will say to the gentleman from New York [Mr. SULZER] that some of this data was requested by other Members who were listening to the gentleman from Kansas [Mr. SCOTT]. They requested he put certain information in his speech, and he told them he would.

Mr. SULZER. The point I desire information about is this: If the data the gentleman now wants to insert in the RECORD as a part of his speech is relative to the bill under discussion?

Mr. SCOTT. Absolutely. I had intended to use it as a part of my speech, but so much of my time was taken up by inquiries that I did not feel like reading it.

Mr. SULZER. Another interrogatory, and that is: If this request is granted by the House, does the gentleman think the Member from Illinois [Mr. MANN] will move to-morrow to strike it out?

Mr. SCOTT. I am willing to take my chances on that.

Mr. SULZER. Then, I will not object.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HAUGEN. Mr. Chairman, in the few minutes that I expect to occupy, I wish to direct attention to a bill (H. R. 19247) introduced by me, and which I will incorporate in my remarks, which provides that a label giving the date of inspection shall be attached to every can containing meat products inspected and passed by the Government:

A bill (H. R. 19247) to provide for the labeling of cans, pots, tins, and other receptacles containing meat or meat food products when hermetically sealed and prepared for foreign or interstate commerce.

Be it enacted, etc., That when any meat or meat food products, prepared for interstate or foreign commerce, which has been inspected as provided by the "Act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907," approved June 30, 1906, and marked "Inspected and passed," shall be deposited and hermetically sealed in any can, pot, tin, or other receptacle in any establishment where inspection under the provisions of said act is maintained, the person, firm, or corporation preparing said products shall cause a label to be attached to said can, pot, tin, or other receptacle, which label shall state the date when the contents were placed therein and that the contents thereof have been "Inspected and passed" under the provisions of said act. And no inspection and examination of meat or meat food products deposited and hermetically sealed in any can, pot, tin, or other receptacle in any establishment where inspection is maintained under said act shall be deemed to be complete until such meat or meat food products have been hermetically sealed in said can, pot, tin, or other receptacle; and no meat or meat food products shall be sold or offered for sale by any person, firm, or corporation in interstate commerce under any false or deceptive name, but established trade name or names which are usual to such products and which shall have the approval of the Secretary of Agriculture are permitted.

In offering this amendment to the meat-inspection law I fully appreciate that I am approaching dangerous ground, ground so sacred to a certain powerful interest. I have not forgotten the fierce contest that took place here two years ago between the American people and the beef trust. On one side stood 99 per cent of the American people backed up by our worthy President, the most fearless, conscientious, resolute, and well-meaning President that ever occupied that chair; the people quietly in their homes, attending to their own affairs, writing letters to their Members, and praying and pleading for Congress to enact some law to protect the meat consumer and the meat producer against fraud and deception; on the other side the beef trust, with its large army of representatives, or so-called "lobbyists," here in Washington, and, indeed, they were here in large numbers. It has been said that every hotel and boarding house was filled from basement to garret with these exceedingly polite and generous men and women, and that you could hardly board a street car without running into a number of them hanging onto the straps. It has been said that they were as thick here as field mice are in the wheat fields of Colorado at stacking time. Mr. Chairman, they were swarming in and around this Capitol as thick as blackbirds out West in the springtime. Indeed they were here in large numbers. It was an incident long to be remembered, one that has been characterized as the most shameful and humiliating spectacle ever witnessed.

If you will read the RECORD, you will find that Congress was overwhelmed and overpowered, and that surrender was made necessary by sinister and bad motives, and through the influences of this trust and as a result the trust got what it wanted, and the people were left to pay $3,000,000 annually and suffer, which is a sufficient and striking illustration of the dangerous power to which this powerful and greedy trust had attained in this country.

Gentlemen, when I think of the influences and the power exercised by this trust in the past, when I think of its activity in the past and the present, when I think of the results, when I think of the unsuccessful efforts on the part of a few in the interest of a "square deal" for the meat consumer and the meat producer, and when I think of the audacity, the effrontery, and the extraordinary methods that have been employed by a trust recognized as the most powerful in politics and elsewhere, I may be taking great chances in introducing this amendment, for it has been said that a candidate for office in a district or State in which this trust operates in politics, without its influence and support, would be as helpless as a cat without claws in the burning regions below. But, gentlemen, as I do not owe my position in Congress to them, I offer this amendment, and will support it with what ability and strength I possess, regardless of consequences. I offer it as a sworn duty, as it concerns the life and health not only of the American people, but to a large extent the people of the world.

Mr. Chairman, under present laws the meat products put up in cans, which may be as old as the hills, spoiled, poisoned, putrid, and as rotten as can be, by reason of age, may be sold without hindrance of law, thereby sending many to an early grave. How long is this to be continued? The answer is, until Congress acts.

If our markets for these products at home and abroad are to be maintained, this legislation is required. If our integrity, dignity, and standing with the world is to be maintained, this legislation is required. Good policy requires it; common sense and justice demands it.

Is this Congress to turn a deaf ear to this just demand for legislation that is desired by 99 per cent of the American people—by every man and woman who believes in conserving the life and health of human beings; a demand coming not only from the cattle raisers of this country, but from the merchants and the consumers of meat products—in fact, everybody who believes in the preservation of human life, integrity, justice, and a square deal—legislation that is necessary in order to maintain our markets, our dignity, and standing, to protect the consumers against imposition, deception, and fraud, and give everybody the information which he has a right to—that is, that he may know exactly what he is buying and eating? Have not the people a right to know what they are paying their money for when they purchase a can of food product? If so, why not legislate so as to put an honest stamp of approval on the American product, and thus not only protect the consumer against imposition and fraud, but to foster our foreign trade?

The spirit of our pure-food laws is that all canned food products shall be sold for just what they are, and that no misbranding and deception shall be tolerated. Why, then, not put the date of inspection upon all cans? The beef trust says no. That is what they said two years ago when this matter was under consideration and when the representatives of the trust and so-called "lobbyists" were here. Their contention at that time was that the contents of cans five or even fifteen years old was just as good as that five days old.

Will anyone believe it? No, gentlemen, the argument is so absurd that it would hardly seem worthy of any consideration. But as this is about the only argument produced, let us look into it. If the contents of a can are as good and as salable when five or ten years old as when five or ten days old, why not when twenty-five or fifty years old? If the contents of a can five or ten years old are as good and as much desired as five or ten days old, what harm can come to the packer in dating the can? Even if it is as good, has not the consumer or the purchaser of the can a right to know whether it is five days or fifty years old? If it is as good, why are the labels melted off, or washed off by hot water, and new labels put on, as stated by Mr. Wilson, who represented the packers, if it is not to make the purchaser believe that the contents were put in recently? This of itself is a fraud and is no valid reason why the date should not be put on. Everybody knows that everything decays, that food products decompose, and deteriorate, become stale, putrid, poison, and rotten in time, and it is only a question of time.

We know that a food product eaten under one condition may be healthful, while under another it is deadly; and it seems to me that the people are entitled to know. As has been stated here to-day, the spirit of all our pure-food laws is that no misbranding or deception is to be tolerated. It seems to me that we should legislate now so as to preserve the integrity of this article and protect its markets.

As has been referred to here to-day, millions of pounds of fresh meats are being sent abroad and accepted without any question being raised if inspected and passed by our Government; and it seems to me that the date of approval ought to go on all of these cans, so that the canned goods can be sold as well as the fresh meats. We know that canned meat eaten under one condition may be healthful and under another condition may be deadly. Then why not state the date of inspection upon the can? The answer is the beef trust objects. It insists that the deadly, poisonous, and spoiled meat, by reason of age, shall be sold as well as the wholesome, palatable, fresh, nutritious, and healthful. The contention is that as long as the can is in good condition, as long as the contents is kept from exposure to air, the product is kept from spoiling, but as soon as the can is opened, or holes rust through, the meat becomes unfit for food and injurious to health. Even if that statement were true, the statement is a confession that the contents of the can can not be kept in good condition for any number of years. Anyone who knows anything about the quality of tin manufactured and sold to-day knows that it is less resistant to rust, deterioration, and corrosion than tin made years ago. Anyone who has ever owned a tin pail, or a tin pan, or tinware of any kind, knows that it lasts only a few months and not for a number of years. Therefore their argument falls to the ground. It is all rot. It is as rotten as the contents of a five-year-old can.

But they say that this would be a hardship on the merchant. Oh, they would have us believe now that they have a deep-rooted interest in the welfare of the merchant; that it is for him they are fighting, for his interest and not their own. Gentlemen, think of the absurdity of this.

Notwithstanding the fact that inconsistencies have been defended and pictured as virtues, yet there are those who still believe "consistency, thou art a jewel." Evidently the trust believes in the recent teachings—or, in other words, it is for anything to get the "coon."

Think of their inconsistency. If the canned product is as good and desirable when five years as when five days old, what difference does it make to the merchant whether the date of inspection is on the can or not if it does not hurt the sale of the can? What should he care about the label? The trust knows, as everybody else does, that the date upon the can exposes the age and quality of its contents. It knows that very few, if any, will buy stale, spoiled, poisoned, or rotten meat—that is, if they know what they are buying—and that if these goods are to be sold at all it must be by deceiving the purchaser. It would then have you believe that the merchant is anxious to deceive—to sell his customer spoiled meat. Mr. Chairman, what an insult to our merchants. What merchant will resort to such a practice? Can anybody name a single merchant who would resort to such a dishonest method and hope to succeed in business? No; as a general thing successful merchants are honest. What a misconception it is on the part of some who believe and contend it is the dishonest man who succeeds in life, in private or public. A merchant known to be dishonest and crooked in his dealings is generally a merchant without business. On the other hand, let the merchant be known to be upright, fair, square, and just in all his dealings, and he will have the confidence and respect of all.

The motto of the successful merchant, or successful man, either in public or private life, is to part with anything and everything rather than with conscience and rectitude of purpose. He is dominated by the more noble and lofty ideals; he has a firm determination to do justice and right, shunning deceitful and cunning practices. His guiding star is integrity, justice, and a square deal; and what the merchant wants is straight, sound, honest goods, not shelf-worn, spoiled, or poison food products to sell to his customers. Let a merchant deceive his customers by selling one of these poisoned cans, and when the contents are eaten and a member of the family dies from eating it, as happens very frequently, can the merchant hope to hold his trade? No, he will lose not only his trade, but the confidence of his neighbors, if he is found out, and of course he will be found out. The neighbors will attend the funeral, the papers will give an account of the poisoning and death, and the innocent merchant will soon be without a business. The fact is, the merchant wants to know what he is buying and selling. He wants the best, the fresh, and the healthful product. He is not in the deceiving business; his reputation is at stake; his honor is at stake; his trade and his business are at stake. He knows what quality to buy, and buys only enough at a time to sell before it gets spoiled, and needs no warning or suggestions against overstocking, and is not concerned about the "bugaboo" that he might be caught with a few old cans. He wants goods that will sell—not kill. He does not believe in fostering trade by fraud, and he, too, believes that concealing the date of inspection or the age of the article is a fraud on the consumer, and believes, as do 99 per cent of the American people, that the date of inspection should be stamped on the can.

Mr. Chairman, there can be no question but that all are entitled to know the date when the Government inspection occurred, the date when the Government put a stamp of approval upon the article which is to go out in the whole world, carrying with it the official approval of the United States.

If in the opinion of any purchaser the food in the cans that have been put up from five to thirty years is just as good or better than it was when inspected and passed or canned, let them buy it and eat it. Nobody objects. But, as before stated, it is the spirit of all our pure-food laws that no misbranding or deception is to be tolerated; that everybody is entitled to know just what he is buying and eating. The war office of Great Britain takes the precaution to provide in the contracts for the purchase of food for the soldiers that the date shall be put upon the can. Is not the American soldier entitled to as much consideration and the same protection as is given the soldiers of Great Britain? Why feed the American soldier on spoiled and poisoned meat? Is that position defensible in logic or morals? No; they have a right to know. Have we forgotten the scandal and our experience in the purchase of meat for the Spanish-American war soldiers? Is that experience to be repeated? How long are the people to be denied this protection against deception and fraud which involves health and life? Mr. Chairman, I believe that the greatest diappointment the people have met with from Congress was when Congress failed to require the packers to stamp the date of inspection upon the cans of meat, so that the purchaser might know just what he was buying and paying for; that he might know whether he was buying sound, fresh, and healthful food, or stale, spoiled, poisonous, or rotten meat. As was stated, it was a legislative abortion to provide for meat inspection in order to protect the people from fraud and imposition and then leave out one of the most important elements—the label—thereby enabling the beef trust to deceive the consumer by selling him a product good or bad, healthy or deadly, poisonous or sound. Think of it! Congress weak enough to yield to such an outrage! Are we to repeat the error and such an injustice?

Mr. Chairman, as stated, I believe that the greatest disappointment that ever came to the American people, the greatest disappointment ever meted out by Congress, was when in this legislation, in its attempt to protect the consumer against fraud and deception, it left out this most essential element. As was stated, it was a legislative abortion to try to legislate against this fraud and deception and to leave out this element—the most important one—giving information that was needed.

We have heard much about these disappointments, and indeed the people have met with many disappointments. You remember that the people were here knocking at the door of Congress, praying and pleading with Congress to protect them

against the counterfeit—oleomargarine. Later on they were knocking at the door of Congress, patiently waiting, pleading, and praying for Congress to enact some law in some way to regulate the transportation rates. They were here at the doors for a number of years patiently waiting and pleading for Congress to give sufficient appropriation that would enable the independent packers to continue their business, but in place of increasing appropriations Congress, in its wisdom, saw fit to reduce appropriations, thereby practically denying the independent packers and the people the protection and encouragement which they were entitled to just as much as the trusts. As you know, for years they were here urging Congress to make appropriations. Then came the appointment of the O'Neil-Reynolds Commission and its report; then the gold brick handed out by the committee; then the President's letter, and then the present law, but with a gold tooth in it, requiring a $3,000,000 filling every year, and, besides, denying the people this information—the dating of the can.

Let us consider the proposition on its merits. In this short time I have tried to point out some of its merits and why this should be done. If you will investigate, I believe you will find this legislation is highly important and justly required in order to protect the cattle raisers, the meat producers, our market at home and abroad, and to protect the consumers of canned meat food products against deception and fraud; to conserve the life and health of the sweet children, the infant, the invalids; and to maintain our dignity, integrity, and standing with the world. Gentlemen, we have heard much about this annual appropriation, aggregating upward of $1,000,000,000. It has been said that much of it is being absolutely wasted by reasons of unbusiness-like and unstatesman-like procedure by Congress and elsewhere. Yes; about the disregard for justice, and for the best interests of 80,000,000 intelligent, loyal, and patriotic people. We have heard much about the rules of this House. They have been denounced in the most bitter terms as degrading, infamous, humiliating, hideous, autocratic, oppressive, inconsistent——

Mr. BURLESON. And tyrannical.

Mr. HAUGEN. And, as the gentleman from Texas says, tyrannical. But I am not here to criticise the rules. I am not here to quarrel with anyone. I have met nothing but the kindest treatment at the hands of everybody. I am here to quarrel with no one, nor am I here to talk against the rules, nor am I here to question the judgment or motive of anyone in this House. I give everybody the credit of being as honest and sincere in their convictions as I am; but I say, much has been said about the rules. Others have denounced the rulings as illogical and unjust. We have heard much about the humiliating position these rules have put not only the Members in, but 80,000,000 of intelligent, independent, and liberty-loving people; of 390 Members surrendering their independence, right, and power, reducing themselves to mere recording secretaries. Much has also been said about committee appointments, criticising the method by which they are made.

Mr. Chairman, if all that has been said and done be true—robbing the people of their money and property by making unwise and unnecessary appropriations, humiliating and robbing them of their independence and right in this House or anywhere else, would be a great wrong; but to permit them being robbed of their health and life is also a great wrong and an unpardonable sin.

Mr. WILLIAMS. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Mississippi?

Mr. HAUGEN. I will.

Mr. WILLIAMS. I do not know that I have accurately caught the last expression of the gentleman. Does he think there is any sort of antagonism between the right of the House of Representatives to express itself by majority vote and the opportunity of the American people to be protected by the action of the House of Representatives?

Mr. HAUGEN. The rights of the people are certainly protected by the House.

Mr. WILLIAMS. Does not the gentleman believe with me, that if the House of Representatives had an opportunity to represent its will by a majority vote, the House of Representatives would, in that majority vote, represent the will and interests of the American people?

Mr. HAUGEN. The majority always rules, and rules in this House as everywhere else, or ought to——

Mr. WILLIAMS. Do I understand the gentleman to assert that the majority does rule in this House?

Mr. HAUGEN. It certainly does. If the majority of the House surrenders its power it is to blame, and no one else is to blame except the majority, because it would be the error of the majority.

Mr. WILLIAMS. With that I perfectly agree.

Mr. HAUGEN. I am not here to criticise the rules.

Mr. WILLIAMS. And upon that question solely I am criticising the majority of the House.

There is no doubt about the fact that if the majority of the House consents to surrender its power, the majority of the House is responsible, and there is no doubt about the further proposition that when a majority of the House representing a party consents to surrender its power, that party is responsible.

Mr. HAUGEN. I see no reason for criticising the present House any more than the Democratic House. We have practically the same rules as we had under Democratic administration. A great many suggestions have been made, and it is possible that the rules can be improved upon. I am not here to criticise the rules. I could offer amendments to them which I would like to see adopted, and which I think might improve those rules, but I am not sure but that the present rules are just as good as they could possibly be made.

Mr. WILLIAMS. The gentleman is right about that. Now, let me ask the gentleman a question. When at the beginning of this Congress and at the beginning of the last Congress and at the beginning of the Congress before that the Committee on Rules reported the body of the rules, together with the resolution forbidding all amendment, did or did not the gentleman vote for the resolution?

Mr. HAUGEN. I certainly did. I certainly voted with the majority.

Mr. WILLIAMS. Then, did or did not the gentleman cut himself off from the right to do just what he now says ought to be done, to wit, to amend the rules in some particular.

Mr. HAUGEN. I have never been deprived of a single privilege or right in this House, and until I am, I have no reason to find any fault with the rules, and as I say, it is possible that these rules could be improved upon, but I am not here discussing this proposition. I simply want to make myself clear, that I have no quarrel with anyone, nor have I any questions to raise as to the present rules at this time.

Now, Mr. Chairman, I have occupied as much time as I care to, except to say, Let us consider this proposition on its merits. I have tried to point out some of its merits and why this legislation should be passed. I believe that it is important; I believe that if you will investigate you will find that it is important in order to maintain our markets at home and abroad. It is necessary in order to conserve the health and life of human beings, of children, infants, and invalids, not only in America, but in all parts of this world wherever these products are sold. I believe that we should now legislate so as to maintain the integrity of this article. What can be said against it? The only thing that I know of is that the all-powerful and greedy trust is against it and there is danger that on the morning after next election, should you support this amendment, you may find your political carcass outside of the breastworks, if this trust has the power and influence to put it there. But if you see this as I do I believe you will place the life and health of human beings above the glory of holding office. That distinguished, eloquent, and patriotic statesman, Patrick Henry, said:

> Is life so sweet, is peace so dear as to be purchased by bondage and slavery? Oh, God Almighty, forbid it! I know not what course you may take, but for me, give me liberty or give me death.

I would paraphrase that and say, "Is the glory of holding office so sweet as to be purchased by the life and health of not only the American people, but the people in every land where this product is sold? I do not know what course you will take, but for me, give protection to life and health, even at the expense of political life." [Applause.]

Mr. CANDLER. Mr. Chairman, during the Fifty-ninth Congress I was a member of the Agricultural Committee. I was placed there upon the recommendation of the minority leader, the Hon. JOHN SHARP WILLIAMS, upon the written request and indorsement of 101 Democratic Members out of a total Democratic membership of 137 in that Congress. During my service upon that committee I discharged every duty devolving upon me with the utmost fidelity and in accordance with the conscientious convictions of my own heart. During that service I came in direct conflict with the seed trust, which sought to have the provision making appropriation for the seed stricken from the bill. It was stricken out in the committee, but was restored in the House upon an amendment offered by me. But for the adoption of my amendment, or one like it, no farmer in this whole country would have received a package of seed from his Member of Congress or Senator, and no lady in this broad land would have received a package of flower seed. While a member of the committee I also helped frame the meat-inspection law, which requires the beef trust to furnish the people pure and wholesome meats.

I insisted that the bill be specific and effective. There were some provisions which Mr. LAMB of Virginia and Mr. Bowie of Alabama and I thought ought to go into the bill to make it the more effective, but which were left out of the bill when reported from the committee. We therefore made a minority report, and two out of the three provisions we contended for were adopted by the House. I also favored appropriations, within constitutional limitations, for good roads. Since I have been in Congress I have done all I could in the interest of rural mail delivery and all the mail facilities for the people. In other words, without going further into details, as a member of the committee and as a Member of Congress I have favored such measures as I honestly believed would be most helpful to the farmers of this country, believing as I do, that when you contribute to the prosperity of the farmers you at the same time help every other vocation, trade, calling, profession, and interest in the land. [Applause.] At the beginning of this session of Congress the Speaker, in the exercise of the power conferred upon him by the rules of this Republican House, removed me from the Agricultural Committee and assigned me to other committees, although I was again recommended for membership upon the Agricultural Committee by the minority leader [Mr. WILLIAMS], and although Mr. WILLIAMS vigorously protested against my removal and although I am assured my continuance upon the committee met the unanimous approval of all the Democratic Members.

My removal from the committee, however, has not diminished my interest in the agricultural people nor cooled my ardor to labor for their welfare. The Speaker had the power to take me off the committee, but, thank God, he has not the power to prevent me from being heard upon this floor. [Applause on the Democratic side.] The only power which could thus close the door of opportunity to me is that exercised by the patriotic, chivalrous, noble, and loyal Mississippians who live in my district; and until they demand my retirement I shall continue to work earnestly and faithfully for them and to speak out boldly for their interests and the interests of the people of my beloved country. [Applause on the Democratic side.] I am a candidate for reelection, and to my people I shall appeal for their indorsement and a vindication of my record at the ballot box, and I have no doubt as to what the result will be. [Applause.]

I have examined the bill that is now pending before the House and which is under consideration. The appropriations in it are somewhat larger than the bills which have preceded it, and in the main I find that its provisions are wholesome and good, and I am glad that it has the unanimous indorsement of every member of the committee and that there will therefore probably be no serious controversy in reference to its adoption by the House.

While the appropriations provided in this bill are somewhat larger than the appropriations in bills which have preceded it, still I must say that I do not believe that they are as large as they might have been in the interests of the people of the country and for the development of the agricultural welfare of this great land. I can not well conceive of how money could be better expended than by using it for the purpose of developing the agricultural interests and for the purpose of lending a helping hand to those who by their toil and in the sweat of their face not only earn their own living, but take care of the welfare and the prosperity of the country which we all love. I have taken occasion to inquire into and investigate the appropriations made for the various other Departments of this Government, and I have not taken mere hearsay in reference to what they were, but I have asked for official statements from the Cabinet officers of the various Departments and have obtained them in that way, showing the appropriations made for the various Departments during the last ten years. I want to call attention to these appropriations and contrast them, at least to some extent, with the appropriations which have been made for the Agricultural Department, the benefits from which were so beautifully and eloquently described by the distinguished chairman of the committee to-day in his closing remarks.

I find, upon investigation, that the appropriations for the Interior Department from 1898 to 1907, inclusive, amount to the enormous sum of $1,641,767,440.57; for the War Department, $1,582,638,679.47; for the Post-Office Department, $1,473,402,938; for the Navy Department, $876,411,705.35; for the Treasury Department, $443,153,997.52; for the Department of Justice, $82,270,200.31; for the Agricultural Department, $50,257,730.46; for the Department of Commerce and Labor in the five years that it has been in existence, $46,581,074.99; for the State Department in ten years, $19,840,267.89. The average appropriation for each one of these Departments per year for the last ten years is as follows: Interior Department, $164,176,744.05; War Department, $158,263,867.94; Post-Office Department, $147,340,293.80; Navy Department, $87,641,170.53; Treasury Department, $44,315,399.75; Department of Justice, $8,227,020.03; Agricultural Department, $5,025,773.04; Department of Commerce and Labor, $9,316,214.99; State Department, $1,984,026.78.

From these figures we find that this Government has expended for the War and Navy Departments combined for the past ten years, from 1898 to 1907, inclusive, the enormous and almost inconceivable sum of $2,459,050,384.82. The average annual appropriation for the War Department and Navy Department combined is $245,905,038.48, forty-nine times as much as the amount appropriated for the Agricultural Department for the same length of time. It seems to me that we are spending more money for brass buttons and for battle ships and for show than there is any necessity for spending, and neglecting our internal improvements in this country, and neglecting the development of the agricultural interests of the country, while taxing the people with enormous taxation to sustain this marvelous expenditure and not giving them back "a square deal" nor due return for the money which they are required to pay. It seems to me that we should cease exhibiting our seemingly warlike tendencies at such enormous expense and make more liberal appropriations to the peaceful pursuits of our people and seek the fulfillment of the prophecy of Isaiah recorded in the blessed book of God's eternal truth in the second chapter of Isaiah and fourth verse, as follows:

> And He shall judge among the nations, and shall rebuke many people; and they shall beat their swords into plowshares, and their spears into pruning hooks; nation shall not lift up sword against nation, neither shall they learn war any more.

Let us teach that this is a time of peace and not a time of war and that the greatest prosperity, the greatest happiness that can be brought to the people of the land is to give them peace, furnish them comfort, secure them prosperity, and let them enjoy the good things they produce by honest toil and patriotic service to our great country. [Applause.]

The first appropriation for agriculture was made in 1839, and the amount appropriated was the paltry sum of $1,000. The total appropriations for the Agricultural Department for the sixty-nine years up to date amount to only $84,328,920.09, and the annual appropriation for the Agricultural Department since its organization to now has been the small and pitiful sum, in comparison with the enormous amounts which I have mentioned, of but $1,240,131.17. The above shows what Congress is doing for agriculture. What has agriculture done for the country?

May we take a few simple illustrations and incidents in order that we may see what it is doing for the country and for the welfare of the people? Take, for instance, durum wheat. In 1899 the Department of Agriculture spent $10,000 to import durum wheat seed from Russia and Africa. That crop last year was worth $30,000,000 to this country. That crop alone is worth six times the average yearly appropriation for the whole Agricultural Department.

Take cotton, the great product of the South, and what do we find it has accomplished for the people? Last year the valuation of the cotton crop was $675,000,000; and we exported $482,000,000 worth of cotton, that brought that much gold to the United States of America. Oh, how glad were the hearts of the people made throughout this country whenever the telegrams would go flashing over the wires and be published in the public print during this panic which has been pending and which is still going on, that some vessel from across the ocean was bringing millions of gold back to this country.

Do you know what was bringing it back? It was not our tariff laws. It was not the laws upon the statute books. It was the product of the farmers of the Southland who were sending their cotton to the foreign countries and in return bringing back the gold to replenish our coffers and to relieve the money situation among our people. It is not your law upon the statute books that maintains your gold standard. It is the cotton of the South, which is the great leveler between this and foreign countries, that is bringing the gold to this country and bringing, or contributing at least to bring, the balance of trade to our shores.

Take another instance, namely, that of tobacco. In the years 1901 to 1906, inclusive, there was paid into the United States Treasury as internal taxes on tobacco alone the sum of $296,669,359.19, an average of $49,444,893.13 per year. The total appropriations for the Agricultural Department for the same six years amounted to only $32,573,770. The tax paid on tobacco, one agricultural product, for one year alone would practically pay all the expenses of the whole Agricultural Department for the past ten years, and the amount paid for six years is more than three times as much as the total appropriations for the whole Department of Agriculture for the sixty-nine years of its existence.

If you would appropriate the money arising from this one agricultural product, we could take care of the whole Agricultural Department and furnish it with a great deal more money than it has ever had or ever received from the National Government otherwise, and help the farmers all over the country with bountiful hand.

What further do we find? By reference to Secretary Wilson's report, on page 18, we find these marvelous figures: The grand total of the farm products of this country for 1907 is $7,412,000,000. This is $657,000,000 above the value of 1906, $1,103,000,000 above that of 1905, $1,253,000,000 above that of 1904, $1,495,000,000 above that of 1903, and $2,695,000,000 above the census amount for 1899. The value of the farm products of 1907 was 10 per cent greater than that of 1906, 17 per cent over 1905, 20 per cent greater than 1904, 25 per cent over 1903, and 57 per cent over 1899.

I said a moment ago that the agricultural products brought the balance of trade to our shores, and here are the official figures in reference to that, to which I call your attention.

The Secretary says:

> The farmer is concerned in the nation's balance of international trade. * * * In eighteen years, beginning in 1890, the farmers have not failed to secure a balance of at least $193,000,000, the low amount of 1895. The great aggregate of the eighteen balances in the trade in farm products is $6,500,000,000, while the trade in other commodities during the eighteen years resulted in a grand adverse balance of $456,000,000.

In other words, but for the farmers of this country the balance of trade, taking into consideration all the other exports of every kind in this country of every kind and description, would have been against the United States to the amount of $456,000,000, but taking into consideration the export of farm products in connection with all the other exports of the country, it cancels the $456,000,000 and leaves a balance in favor of the United States of $6,500,000,000.

In view of these remarkable results, I want to ask you if you believe the farmers of this country are getting "a square deal?" Why not make liberal appropriations for them? I favored liberal appropriations for the Department and for the betterment of agriculture while I was a member of the committee, and I shall continue to favor liberal appropriations—not extravagant appropriations, not useless appropriations, but appropriations that I believe are for the welfare of the country.

Why not make fair, reasonable, and liberal appropriations, when we find that to-day there is an available cash balance in the Treasury of $263,589,960.05? Why let it lie in the Treasury of the United States, accomplishing no good purpose, when we can make appropriations that would benefit the people and spend some of this money among those who help to produce it, and in this way restore confidence and the prosperity which we so much need to-day?

The truth of it is I do not believe the farmers are getting "a square deal." They are entitled to greater consideration at the hands of Congress than they are receiving. Why do you, like the taskmasters of Egypt, lay burdens upon them grievous to be borne and do so little for them? Why not do something for them that would go directly to their welfare and for their benefit?

I have introduced during this session of Congress a bill for the relief of the farmers of the United States. It is a bill to repeal the tariff duty, and place upon the free list agricultural implements, wagons, farm tools, axes, nails, horseshoes, harness, cotton gins, bagging, and ties, and various other articles in every-day use on every farm throughout this broad land. The passage of this bill would save the farmers millions of dollars and leave the money in their pockets.

Why are you not willing to report that bill? Why will you not at least report something in that direction? Why do you "stand pat" and refuse all revision of the tariff and give no relief of any kind whatever? Why do you not take some action to give some relief from the panic from which we are suffering? When this Congress met last December the first committee appointed by the Speaker was the Committee on Banking and Currency. It was appointed before the Committee on Rules, before the Committee on Appropriations, before the Committee on Ways and Means, or any other committee, but still to-day we have no results. We hear no sound upon the floor of the House looking toward relief from present conditions.

You said if the people would give the Republican party absolute control of the country in every branch of the Government and a high protective tariff that would be security against panic. You said, further, if the gold standard was adopted that would absolutely secure against panic.

But you are now in control of every branch of the Government. You have the Senate, the House of Representatives, and the President, and you have the highest tariff ever known in this country, and the gold standard, and with all these combined you did not prevent panic. The people trusted you and you have deceived them. It is your panic and you are responsible for it. Why don't you do something to relieve it?

I introduced a bill on the currency question. I have not time to discuss it or go into details with reference to it, but if you would report and pass my bill much good would result from its enactment. Not only that bill, but no other bill has up to this hour been considered. Why not do something to help the country, and why not do something to relieve present conditions? You have "stood pat" until you are the "obstructionists," and you can no longer lay that at our door. [Applause on the Democratic side.]

Mr. JOHN M. NELSON, of Wisconsin, asked you some very pertinent questions a few days ago, and I desire to repeat some of them—

> Why not revise the tariff to the extent, at least, of removing the protection now afforded to some of the notorious trusts and combinations of the country? Why not consider an income tax to adjust the burdens of taxation among the people? Why not consider an inheritance tax, so as to return a part of the "swollen fortunes" of the "predatory classes" to the people, from whom these fortunes were unrighteously taken? Why not consider amendments to the antitrust laws, in order to strengthen the Department of Justice in the prosecution of some of these gigantic combinations that oppress the people? Why not empower the Interstate Commerce Commission to fix a valuation of the railways of the country, in order to "squeeze out the water" and ascertain a fair basis of rate making? Why not consider measures for the suppression of gambling in stock and dealing in futures, practices that depress prices on the products of the people at times so disastrously?

Mr. LEVER. To what party does Mr. Nelson belong?

Mr. CANDLER. The gentleman belongs to the Republican party, but he asked some splendid questions, showing that a gentleman can not always be judged by the company he keeps. Good things sometimes come out of Nazareth. [Laughter and applause on the Democratic side.]

I introduced a bill to prevent stock gambling and gambling in futures. That bill sleeps in the committee room. Why don't you report and pass it? Why don't you relieve the press of the country of the terrible tribute they are paying the paper trust by putting wood pulp on the free list? Are you surprised there are demands coming from all over this country for relief from these conditions, for relief from exorbitant taxation, for relief from the gambling spirit that runs riot in the land? Why don't you report and pass some bill restricting immigration, and stop the scum of Europe from coming here? For God's sake, do something for the people or get out of the way and let us do something. [Applause on the Democratic side.]

I am not surprised, therefore, in view of this situation, that the minority leader [Mr. WILLIAMS] to-day read the "riot act" to you and served notice on you that something must be done by the party in power, or he would resort to every parliamentary means possible to enforce action of some kind. What are you going to do about it? I present these issues to you and to the country, and if you do not act the people can and will make you act or hurl you from power. [Applause.] The bill now pending before the House ought to receive the careful consideration of every Member by reason of the vast interest with which it deals and its purposes to elevate and dignify the great and basic pursuit of American citizens.

The countless millions of our population are fed and clothed by the American farmer. The grain waving in golden beauty upon the great plains of the West, the cotton drifting like summer snow upon the fields of the South, freight the fleets of nations and loose their sails, thread the continents with tracks of steel, fill the earth with the roar of trains, and heap for trade and commerce and useful art those stores that make a nation great. Where are the sinews of our strength, if they are not found in our great, diversified agricultural products? What victorious hosts ever waved as joyous banners as those that float above the tasseled maize from the snows of Maine to the spicy groves of California? What spirit of beauty hovers above Southern fields when fleecy bolls uncover to crown "King Cotton!" [Applause.]

What a marvelous power, that has defied for all these years grievous political wrong more destructive than pestilence and more cruel than war! What a marvelous people, that have borne without revolt assaults upon their interest by legislative bodies and a merciless war by monopolies upon their great pursuit! What other people in your midst can you rely upon so implicitly in peace or in war? Who filled the great armies in that immortal struggle of the blue and gray and baptized American valor anew in an ever widening and brightening fame? [Applause.]

There are sylvan retreats all over this land, sequestered nooks rich in idyllic charm, sacred forever more to warrior spirits who

left these quiet scenes at their country's call to return no more, unknown and yet immortal. In obedience to that pure and holy patriotism their survivors, without regard to geographic division, have waited for a proper recognition of the great agricultural interests, not alone upon capital that has sought and justified every pretext for their robbery and spoliation, not alone upon trusts and combines more hurtful than floods and frosts, but upon the American Congress they have waited in the vain hope that their numbers, their wealth, their intelligence, and, more than all, their devotion and importance would secure for them just legislation.

While they have waited they have witnessed many novel occurrences. They have seen a money panic in times of plenty, manufacturers arrayed against them, common carriers levying their freights to their manifest injury, Standard Oil companies waxing mighty upon their substances, gamblers in futures gloating upon their productions, everywhere hostile organizations, everywhere lurking assassins; yea, even the very arches of her temple have rung to the footfalls of treason when agricultural statistics were juggled in the interest of monopoly.

But despite these hostile surroundings, despite storm and flood and drought, they annually add billions of wealth to the American people. They annually feed and clothe our vast population. They annually export to other countries such a vast surplus of food and raw material that the tax even upon the importations paid for by these agricultural products is sufficient to pay the vast expenses of the Government and, under existing laws, to fill the Treasury with dead and useless capital. They light the fires in every forge; turn the countless wheels of industry everywhere; gird continents with glittering threads of steel and hurrying steeds of fire; white the seas with the sails of commerce; pour upon all lands and all peoples and every human pursuit the fatness which their toil has wrought from the earth. [Applause.]

But light is breaking upon their long night. They, too, are combining for their protection; this great host who have in their keeping every political possibility of this Government are organizing. The accursed policy of producing panics can not always fetter them; the cry of overproduction can no longer deceive them; inferior consideration by the Government can no longer satisfy them. They ask, and they intend to have, just and fair legislation, because their pursuit is the basis upon which the general welfare rests. Who shall oppose them in their righteous demand? Who shall stay them when they summon their clans? Can you fetter the ocean? Can you arrest an avalanche?

Can you deny justice to millions of your long-suffering and confiding countrymen? Shall the policy of building up one pursuit at the expense of another be eternally continued? Or shall our policy be, like the sun in his beneficent journey as he lights the summit and the valley, to favor honest toil and industry everywhere, until the cry of classism shall cease from the land, until self-reliance and sturdy independence shall regain their power, and the American people, with deserved trust in their officers and Representatives, shall satisfy the world that this great country, under the guidance of God and the ægis of liberty, belongs to no class or set of people, but to the whole people, who are accomplishing with brain and brawn and great forbearance the marvelous destiny of freedom's great empire? [Great applause.]

Mr. Chairman, I have these reports, letters, and statements from the various Departments of the Government, which are official, showing the figures that I have used in the remarks that I have just made. I should like to have unanimous consent to print them as an appendix to my remarks, without any additions to them or taking anything from them.

The CHAIRMAN. Is there objection to the request of the gentleman?

There was no objection.

APPENDIX.

DEPARTMENT OF STATE,
Washington, February 27, 1908.

Hon. E. S. CANDLER,
House of Representatives, Washington, D. C.

SIR: Referring to your letter of the 24th ultimo, requesting a statement of the expenses of this Department for each year for the last ten years, with the proportionate increase in the appropriations made for the Department during these years, I have the honor to transmit herewith the following statements:

1. A tabulated statement showing the amount of the principal appropriations made for the Department and the diplomatic and consular service for the fiscal years from 1898 to 1907, both inclusive.

2. A tabulated statement of the expenditures made from the said appropriations.

These statements cover all the principal appropriations made for the Department (during the said period), as it is understood that you desire the same only for comparative purposes.

I am, sir, your obedient servant,

ROBERT BACON, *Acting Secretary.*

Appropriations for fiscal years 1898 to 1907.

Appropriations.	1898.	1899.	1900.	1901.	1902.	1903.	1904.	1905.	1906.	1907.
Salaries, Department of State	$120,020.00	$125,420.00	$130,070.00	$136,489.44	$147,830.00	$159,926.40	$177,770.00	$175,520.00	$180,420.00	$208,970.00
Stationery and furniture, etc	6,000.00	6,000.00	6,543.68	7,000.00	6,000.00	7,500.00	6,000.00	6,500.00	6,500.00	7,000.00
Lithographing	1,200.00	1,200.00	1,200.00	1,200.00	1,200.00	1,200.00	1,200.00	1,200.00	1,200.00	1,200.00
Books and maps	2,000.00	1,500.00	2,000.00	3,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00
Contingent expenses, Department of State	3,546.93	3,721.54	4,021.21	4,212.06	4,472.55	5,000.00	6,000.00	5,000.00	6,200.00	7,000.00
Editing revised and annual statutes		4,000.00	4,000.00	4,000.00	[a]	[a]	[a]	[a]	[a]	[a]
Salaries, ambassadors and ministers	347,500.00	350,000.00	342,500.00	350,000.00	361,384.60	372,000.00	374,635.87	385,500.00	403,500.00	438,500.00
Salaries, chargé d'affaires ad interim	30,000.00	30,000.00	30,000.00	31,706.84	30,413.76	30,476.68	30,024.35	36,098.25	45,523.91	40,000.00
Salaries, secretaries, embassies and legations	51,275.00	54,075.00	59,400.00	62,400.00	68,003.78	73,650.00	76,890.42	81,325.00	84,050.00	109,225.00
Salaries, interpreters to embassies and legations	10,500.00	10,500.00	10,504.40	10,500.00	10,500.00	[b] 20,500.00	20,500.00	23,750.00	23,750.00	31,000.00
Contingent expenses, foreign missions	149,799.37	152,983.97	145,598.33	225,000.00	175,103.53	200,601.97	218,028.41	211,000.00	220,000.00	225,000.00
Salaries, consular service	545,000.00	567,000.00	545,447.80	562,500.00	575,269.24	614,481.19	630,369.60	658,300.00	681,300.00	1,034,500.00
Salaries, consular clerks	15,200.00	15,200.00	15,200.00	15,000.00	14,800.00	14,600.00	15,000.00	14,600.00	14,600.00	15,000.00
Salaries, marshals for consular courts	9,300.00	9,300.00	9,300.00	9,200.00	9,300.00	9,300.00	9,300.00	9,300.00	10,300.00	11,000.00
Allowance for clerks at consulates	105,770.00	103,170.00	105,170.00	114,530.00	122,550.00	130,350.00	134,400.00	136,700.00	153,060.00	227,210.00
Salaries, interpreters to consulates	15,000.00	15,000.00	15,000.00	15,000.00	15,000.00	15,800.00	16,050.24	15,800.00	20,800.00	20,800.00
Expenses, interpreters and guards in Turkish dominions	8,000.00	8,000.00	8,000.00	8,000.00	8,000.00	8,042.99	8,000.00	8,000.00	10,000.00	12,000.00
Repairs to legation and consular premises	2,000.00	3,000.00	3,000.00	5,000.00	6,500.00	3,000.00	5,000.00	5,000.00	5,000.00	5,000.00
Contingent expenses, United States consulates	216,218.17	228,665.91	229,822.81	263,248.44	264,901.89	302,759.12	301,793.24	315,000.00	320,000.00	350,000.00
Expenses of prison for American convicts	14,100.00	14,100.00	14,100.00	12,550.00	13,150.00	13,150.00	13,150.00	13,150.00	13,150.00	13,150.00
Expenses, consular inspectors										[c] 15,000.00
Clerks at embassies and legations										[c] 68,000.00
Transportation of diplomatic and consular officers										[c] 45,000.00
Total	1,652,429.47	1,705,836.42	1,680,878.23	1,840,636.78	1,836,379.35	1,984,338.35	2,046,112.13	2,103,743.25	2,201,358.91	2,788,555.00

Amounts shown include deficiency appropriations.

[a] After July 1, 1901, appropriated for under head of "Salaries." [b] Student interpreter. [c] New appropriation; not made prior to 1907.

Expenditures for fiscal years 1898 to 1907.

Expenditures.	1898.	1899.	1900.	1901.	1902.	1903.	1904.	1905.	1906.	1907.
Salaries, Department of State	$118,487.98	$122,387.55	$129,441.01	$136,022.58	$143,597.91	$156,833.41	$166,408.45	$171,113.89	$175,590.09	$212,166.86
Stationery, furniture, etc.	6,004.80	5,697.20	5,588.18	6,982.71	6,000.00	7,499.09	6,059.13	6,497.12	6,491.04	6,994.77
Lithographing	1,200.00	1,200.00	1,200.00	1,200.00	1,200.00	1,200.00	1,150.85	1,200.00	1,200.00	1,200.00
Books and maps	1,996.60	1,492.22	1,956.41	2,984.70	2,000.00	1,997.66	1,999.19	1,999.63	1,901.55	1,955.01
Contingent expenses, Department of State	3,522.25	3,496.74	4,242.75	4,217.44	4,472.55	4,999.79	5,999.92	4,949.93	5,985.60	6,998.27
Editing revised and annual statutes		4,000.00	3,999.75	2,500.00	[a]	[a]	[a]	[a]	[a]	[a]
Salaries, ambassadors and ministers	326,445.66	314,529.14	323,747.51	323,818.36	351,174.76	346,143.05	359,741.25	359,192.73	351,744.73	410,124.97
Salaries, chargé d'affaires ad interim	16,430.15	23,597.96	27,222.84	37,726.25	34,251.71	32,676.49	37,605.05	32,691.34	45,467.49	36,124.20
Salaries, secretaries embassies and legations	39,575.80	43,826.93	49,157.81	44,417.64	52,476.87	60,519.68	62,113.29	62,163.11	65,605.87	75,799.88
Salaries, interpreters to embassies and legations	10,500.00	10,250.00	10,220.10	10,500.00	10,500.00	12,983.98	18,176.67	18,153.55	19,128.94	23,438.72
Contingent expenses, foreign missions	145,077.34	140,490.59	140,568.96	181,839.02	169,597.67	185,584.62	214,892.65	173,919.79	216,117.17	215,378.12
Salaries, consular service	535,394.43	522,833.19	534,360.61	558,005.75	563,635.03	594,277.23	620,475.08	635,477.00	660,632.83	1,033,116.11
Salaries, consular clerks	13,267.68	13,407.51	11,849.05	14,458.77	13,969.41	12,905.13	12,493.65	13,070.00	13,850.00	12,933.32
Salaries, marshals for consular courts	8,314.23	8,800.00	6,731.34	6,351.23	7,413.58	7,607.11	7,900.74	4,592.88	7,080.01	750.00
Allowance for clerks at consulates	101,574.46	99,748.87	100,926.75	107,202.57	116,210.33	124,897.49	130,854.44	132,276.99	144,504.73	201,918.64
Salaries, interpreters to consulates	13,521.74	14,835.02	15,917.93	14,841.75	14,342.52	15,799.86	16,050.24	15,113.36	12,979.42	18,089.55
Expenses, interpreters and guards in Turkish dominions	7,600.00	7,360.30	6,410.00	7,491.55	7,880.97	7,992.99	7,773.32	7,748.89	9,575.36	10,360.84
Repairs to legation and consular premises	882.58	1,341.80	170.80	2,324.54	4,785.13	2,072.39	3,972.87	4,933.92	3,910.32	4,491.08
Contingent expenses, United States consulates	204,991.25	224,315.27	232,538.86	247,805.62	260,551.26	291,196.72	307,256.59	306,087.14	273,782.71	340,241.98
Expenses of prison for American convicts	6,081.28	5,170.54	3,380.12	3,061.76	4,574.93	4,598.32	5,390.12	5,192.26	4,222.31	4,888.63
Transportation of diplomatic and consular officers										45,000.00
Clerks at embassies and legations										41,106.97
Expenses of consular inspectors										11,554.34
Total	1,560,868.23	1,568,780.83	1,609,580.78	1,713,752.24	1,768,634.63	1,871,785.01	1,986,313.50	1,956,373.53	2,019,830.17	2,714,632.29

[a] After July 1, 1901, expenditures on this account included in salaries.

RECAPITULATION.

Total of appropriations—	
1898	$1,652,429.47
1899	1,705,836.42
1900	1,680,878.23
1901	1,840,636.78
1902	1,836,379.35
1903	1,984,338.35
1904	2,046,112.13
1905	2,103,743.25
1906	2,201,358.91
1907	2,788,555.00
Grand total	19,840,267.89
Total expenditures—	
1898	1,560,868.28
1899	1,568,780.83
1900	1,609,580.78
1901	1,713,752.24
1902	1,768,634.63
1903	1,871,785.01
1904	1,986,313.50
1905	1,956,373.53
1906	2,019,860.17
1907	2,714,632.29
Grand total	18,770,581.26

POST-OFFICE DEPARTMENT,
OFFICE OF THE CHIEF CLERK,
Washington, February 3, 1908.

Hon. E. S. CANDLER, Jr.,
House of Representatives, Washington.

SIR: Your letter of the 1st instant is received. It is noted that you desire a statement showing the appropriations and expenditures for the postal service for the last ten years and not the statement forwarded with my letter of the 31st ultimo, showing such figures for the Post-Office Department proper.

The statement desired by you with regard to the postal service is transmitted herewith.

In this connection, I desire to state that numerous efforts were made by this office to locate you by telephone to ascertain if you desired the figures concerning the postal service. Your previous letter of the 29th ultimo called for the figures in relation to the Post-Office Department.

Respectfully,

M. O. CHANCE, *Chief Clerk.*

Appropriations for the postal service for the fiscal years 1892 to 1907.

Fiscal year.	Appropriations postal service.	Increase over previous year.	Per cent of increase.
1892	$77,907,222		
1893	79,829,115	$1,921,893	2.46
1894	84,004,314	4,175,199	5.23
1895	87,236,599	3,232,285	3.84
1896	89,545,997	2,309,398	2.64
1898	95,665,338	3,093,774	3.34

Appropriations for the postal service, etc.—Continued.

Fiscal year.	Appropriations postal service.	Increase over previous year.	Per cent of increase.
1899	$99,202,300	$3,536,962	3.69
1900	105,627,138	6,424,838	6.47
1901	113,658,238	8,031,100	7.63
1902	123,782,688	10,124,450	8.90
1903	138,416,598	14,633,910	11.82
1904	153,511,549	15,094,951	10.90
1905	170,845,998	17,334,449	11.28
1906	181,022,093	10,176,095	5.95
1907	191,670,998	10,648,905	5.88

Expenditures for the postal service for the fiscal years 1892 to 1907.

Fiscal year.	Expenditures postal service.	Increase over previous year.	Per cent of increase.
1892	$76,980,846	$3,921,327	5.36
1893	81,581,681	4,600,835	5.97
1894	84,994,111	3,412,430	4.18
1895	87,179,551	2,185,440	2.57
1896	90,932,669	3,753,118	4.30
1897	94,077,242	3,144,573	3.45
1898	98,033,523	3,956,281	4.20
1899	101,632,160	3,598,637	3.67
1900	107,740,267	6,108,107	6.01
1901	115,554,920	7,814,653	7.25
1902	124,785,697	9,230,777	7.98
1903	138,784,487	13,998,790	11.21
1904	152,362,116	13,577,629	9.78
1905	167,399,169	15,037,053	9.83
1906	178,449,778	11,050,609	6.60
1907	190,238,288	11,788,510	6.60

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, January 30, 1908.

SIR: In reply to your communication of the 24th instant, I have the honor to give below a statement showing appropriations and disbursements in the Department of Commerce and Labor.

Disbursements from all appropriations made for the support of the Department of Commerce and Labor:

Fiscal year ended June 30—

1903	[a]$24,979.94
1904	10,361,875.56
1905	11,272,391.45
1906	10,508,185.87
1907	11,279,517.73

[a] This amount covers disbursements for the period from February 18, 1903, to June 30, 1903, during which period no payments were made on account of bureaus and offices transferred to the Department of Commerce and Labor.

Appropriations made for the support of the Department of Commerce and Labor:

Fiscal year ended June 30—	
1903	*$24,979.94
1904	11,072,140.39
1905	11,399,415.10
1906	11,653,924.99
1907	12,430,614.57

If the information given in this letter is not sufficient for your purposes, please advise me, specifying along what lines you desire further information.

Yours, very respectfully, HERBERT KNOX SMITH,
Acting Secretary.

Hon. E. S. CANDLER, Jr.,
House of Representatives, Washington, D. C.

Total appropriations for five years, 1903 to 1907, inclusive, $46,581,074.99.

DEPARTMENT OF JUSTICE,
Washington, January 28, 1908.

Hon. E. S. CANDLER, Jr.,
House of Representatives, Washington, D. C.

SIR: In response to your request of the 24th instant, I transmit herewith a statement showing the expenditures and appropriations under the Department of Justice for the fiscal years 1898 to 1907, inclusive. Judicial expenditures and appropriations include expenses of United States courts and the salaries of court officials.

The appropriations for the Department of Justice proper for the fiscal year 1899 include an item of $1,000,000 for a new Department building, $932,792.68 of which was ultimately covered back into the Treasury.

Respectfully,

CHARLES J. BONAPARTE,
Attorney-General.

Statement showing expenditures and appropriations under the Department of Justice.

	Expenditures.	Appropriations.
1898:		
Department of Justice	$371,145.58	$375,761.23
Judicial	6,760,165.32	7,770,647.25
Total	7,131,310.90	8,146,408.48
1899:		
Department of Justice	383,132.50	1,426,585.38
Judicial	6,281,525.66	7,322,428.27
Total	6,667,658.16	8,749,013.65
1900:		
Department of Justice	436,733.03	405,252.52
Judicial	6,293,310.06	5,937,592.38
Total	6,730,043.09	6,342,844.90
1901:		
Department of Justice	435,608.17	455,331.98
Judicial	6,294,006.71	6,574,657.38
Total	6,729,614.88	7,029,989.36
1902:		
Department of Justice	473,903.04	522,137.44
Judicial	6,288,840.13	6,353,912.48
Total	6,762,743.17	6,876,049.92
1903:		
Department of Justice	500,894.39	1,146,903.41
Judicial	7,348,990.51	7,879,604.41
Total	7,939,884.90	9,026,510.82
1904:		
Department of Justice	635,139.78	726,689.31
Judicial	7,477,527.18	7,753,842.29
Total	8,112,666.96	8,480,531.60
1905:		
Department of Justice	688,025.03	726,438.48
Judicial	7,664,275.53	7,952,376.91
Total	8,352,300.56	8,678,815.39
1906:		
Department of Justice	704,548.62	671,165.95
Judicial	7,899,348.47	7,867,940.97
Total	8,603,897.00	8,539,106.92
1907:		
Department of Justice	829,592.25	979,043.97
Judicial	8,619,923.44	9,421,886.30
Total	9,449,499.69	10,400,930.27

Total appropriations for ten years, $82,270,200.31.

* This amount covers disbursements for the period from February 18, 1903, to June 30, 1903, during which period no payments were made on account of bureaus and offices transferred to the Department of Commerce and Labor.

DEPARTMENT OF THE INTERIOR,
Washington, January 28, 1908.

Hon. E. S. CANDLER, Jr.,
House of Representatives, United States.

DEAR SIR: In compliance with your request of the 24th instant, I submit herewith a statement showing the amounts appropriated for the Department of the Interior, its bureaus, offices, etc., under six general divisions, namely: "Salaries and expenses; salaries and contingent expenses, public land offices; Indian affairs; pensions; public works; miscellaneous," for the period of ten years, commencing July 1, 1898, and ending June 30, 1907.

This statement also shows the proportionate increase and decrease in the appropriations made in each year within that period of time.

As you are probably aware, the above six general divisions of appropriations are further subdivided into individual detailed appropriations, under 600 or more heads.

While it is not practicable at this time to prepare a statement showing the exact amounts expended from these many individual appropriations, it can probably be asserted, with a reasonable degree of correctness, that the amounts appropriated within this period of time have been practically expended, and the surplus, if any, from these individual appropriations, covered into the United States Treasury, is of no considerable amount.

Very respectfully, JAMES RUDOLPH GARFIELD,
Secretary.

Statement of appropriations made for the Department of the Interior for ten years from July 1, 1898, to June 30, 1907, showing increases and decreases of appropriations during that period.

Fiscal year 1898:	
Salaries and expenses	$4,789,428.37
Salaries and contingent expenses, public land offices	170,424.23
Indian Affairs	7,668,073.82
Pensions	141,264,405.19
Public works	226,156.54
Miscellaneous	2,477,984.52
Total	156,596,472.67
Fiscal year 1899:	
Salaries and expenses	4,731,065.60
Salaries and contingent expenses, public land offices	168,459.80
Indian Affairs	8,680,621.14
Pensions	149,555,896.46
Public works	171,714.51
Miscellaneous	2,499,532.71
Total	165,807,290.22
Increase over prior year	9,210,817.55
Fiscal year 1900:	
Salaries and expenses	4,794,611.78
Salaries and contingent expenses, public land offices	163,350.00
Indian Affairs	8,234,865.74
Pensions	145,498,503.27
Public works	198,805.70
Miscellaneous	3,817,379.37
Total	162,707,515.86
Decrease under prior year	3,099,774.36
Fiscal year 1901:	
Salaries and expenses	4,880,002.58
Salaries and contingent expenses, public land offices	168,050.00
Indian Affairs	9,828,744.74
Pensions	145,245,554.35
Public works	351,506.84
Miscellaneous	12,180,634.40
Total	172,654,492.91
Increase over prior year	9,946,977.05
Fiscal year 1902:	
Salaries and expenses	4,933,549.97
Salaries and contingent expenses, public land offices	175,329.60
Indian Affairs	10,356,264.96
Pensions	145,260,350.00
Public works	1,446,975.71
Miscellaneous	6,785,536.06
Total	168,958,006.30
Decrease under prior year	3,696,486.61
Fiscal year 1903:	
Salaries and expenses	5,023,235.03
Salaries and contingent expenses, public land offices	175,820.93
Indian Affairs	9,941,299.29
Pensions	140,053,467.00
Public works	740,579.43
Miscellaneous	3,562,469.37
Total	159,496,871.05
Decrease under prior year	9,461,135.25
Fiscal year 1904:	
Salaries and expenses	5,129,720.39
Salaries and contingent expenses, public land offices	179,486.69

Fiscal year 1904—Continued.	
Indian Affairs	$8,925,440.81
Pensions	139,931,325.00
Public works	1,469,589.40
Miscellaneous	3,790,293.38
Total	159,425,855.67
Decrease under prior year	71,015.38
Fiscal year 1905:	
Salaries and expenses	5,232,820.81
Salaries and contingent expenses, public land offices	176,700.90
Indian Affairs	10,247,033.56
Pensions	142,520,881.00
Public works	1,770,361.40
Miscellaneous	3,920,010.95
Total	163,867,808.62
Increase over prior year	4,441,952.95
Fiscal year 1906:	
Salaries and expenses	5,281,496.15
Salaries and contingent expenses, public land offices	178,395.64
Indian Affairs	8,454,477.08
Pensions	142,750,307.00
Public works	2,423,529.96
Miscellaneous	3,722,915.30
Total	162,811,121.13
Decrease under prior year	1,056,687.49
Fiscal year 1907:	
Salaries and expenses	5,153,237.93
Salaries and contingent expenses, public land offices	194,094.95
Indian Affairs	14,878,144.83
Pensions	143,746,106.15
Public works	1,667,500.00
Miscellaneous	3,802,922.28
Total	169,442,006.14
Increase over prior year	6,630,885.01
Total appropriations for ten years	1,641,767,440.57
Appropriations for 1907	169,442,006.14
Appropriations for 1898	156,596,472.67
Comparative increase in ten years (1907 compared with 1898)	12,845,533.47
Average annual expenditures for ten years, from July 1, 1898, to June 30, 1907	164,176,744.05
Total increase over prior years for ten years	30,230,632.56
Total decrease under prior years for ten years	17,385,099.09
Difference	12,845,533.47

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, January 31, 1908.

Hon. E. S. CANDLER, Jr.
House of Representatives.

SIR: In reply to your request of the 24th instant, I have the honor to inclose herewith a statement showing the appropriations and expenditures for the Treasury Department proper and its several bureaus and offices for the fiscal years 1898 to 1907, inclusive.

Respectfully,

GEO. B. CORTELYOU, *Secretary.*

Statement of appropriations and expenditures for the Treasury Department and its bureaus for the fiscal years 1898 to 1907, inclusive.

	1898.		1899.	
	Appropriations.	Expenditures.	Appropriations.	Expenditures.
Treasury Department proper	$3,175,909.79	$3,074,323.46	$3,281,306.32	$3,186,817.00
Independent Treasury	589,932.73	593,635.66	600,488.76	599,685.25
Mint Establishment	1,171,839.66	1,128,172.18	1,583,828.86	1,488,270.92
Internal Revenue	5,039,854.90	4,902,511.15	4,469,130.71	4,490,146.87
Customs Service	13,231,394.77	14,186,007.18	17,791,823.36	16,921,647.34
Marine-Hospital Service	961,175.21	709,248.04	991,655.17	788,043.21
Life-Saving Service	1,633,398.00	1,537,740.00	1,593,999.80	1,529,003.35
Light-House Establishment	3,253,598.42	3,331,256.37	3,569,279.80	3,118,833.50
Bureau of Engraving and Printing	1,181,870.00	1,129,261.93	1,616,590.00	1,612,926.18
Steamboat Inspection Service	340,009.04	340,009.04	331,678.33	331,678.33
Coast and Geodetic Survey	509,931.27	478,007.84	707,072.30	659,412.43
Treasury, buildings, etc.	8,000.00	13,998.40	8,000.00	7,964.77
Miscellaneous	3,100,193.83	3,322,684.24	3,663,912.32	3,691,474.59
Total	34,297,137.65	34,746,855.49	40,211,765.73	38,434,903.74

Statement of appropriations and expenditures, etc.—Continued.

	1900.		1901.	
	Appropriations.	Expenditures.	Appropriations.	Expenditures.
Treasury Department proper	$3,196,590.25	$3,277,786.67	$3,417,617.02	$3,395,011.92
Independent Treasury	680,263.05	682,811.85	720,772.93	683,610.52
Mint Establishment	1,583,191.44	1,479,648.25	2,134,933.41	1,906,475.17
Internal Revenue	5,115,798.61	4,991,677.41	6,131,334.90	5,990,282.72
Customs Service	20,472,571.79	19,918,001.34	22,785,360.53	22,983,892.72
Marine-Hospital Service	1,058,618.89	982,495.77	1,220,793.31	1,240,192.37
Life-Saving Service	1,591,106.50	1,579,127.73	1,700,838.05	1,650,907.17
Light-House Establishment	4,090,362.97	3,556,840.70	3,894,590.72	3,638,838.53
Bureau of Engraving and Printing	1,820,466.41	1,807,169.59	2,108,069.81	2,058,508.21
Steamboat Inspection Service	316,140.85	316,140.85	354,929.90	354,929.90
Coast and Geodetic Survey	381,843.00	528,156.05	1,110,345.00	753,298.04
Treasury, buildings, etc.	385,282.00	18,284.67	48,000.00	252,173.91
Miscellaneous	3,883,355.10	3,467,521.26	3,679,021.75	3,813,236.24
Total	44,575,590.86	42,605,662.14	49,306,637.36	48,227,507.42

	1902.		1903.	
	Appropriations.	Expenditures.	Appropriations.	Expenditures.
Treasury Department proper	$3,687,785.41	$3,533,329.24	$4,001,085.32	$3,846,800.94
Independent Treasury	673,340.00	683,544.89	720,840.00	704,203.54
Mint Establishment	1,558,697.37	1,535,666.00	1,599,237.56	1,456,220.57
Internal Revenue	8,965,204.87	8,536,348.58	11,098,979.96	10,603,813.60
Customs Service	21,560,535.20	20,929,263.78	21,463,724.73	20,997,156.92
Marine-Hospital Service	1,132,156.14	1,234,264.51	[a]1,193,278.92	[a]1,356,455.87
Life-Saving Service	1,782,136.90	1,667,688.48	1,821,266.58	1,746,841.19
Light-House Establishment [b]	4,694,308.44	4,181,403.39	4,538,105.16	4,537,315.67
Bureau of Engraving and Printing	2,685,557.92	2,653,522.43	2,789,154.97	2,782,348.50
Steamboat-Inspection Service [b]	344,490.06	344,490.06	437,140.30	436,871.50
Coast and Geodetic Survey [b]	612,035.31	838,832.07	1,141,525.20	865,215.78
Treasury building, etc.	8,000.00	99,426.10	384,600.00	71,097.20
Miscellaneous	3,226,576.69	3,341,340.81	2,992,471.75	3,170,084.93
Total	50,930,824.31	49,579,120.40	54,181,540.45	52,574,426.21

	1904.		1905.	
	Appropriations.	Expenditures.	Appropriations.	Expenditures.
Treasury Department proper	$3,597,768.99	$3,564,094.95	$3,822,847.41	$3,776,151.14
Independent Treasury	762,099.15	753,953.15	784,454.10	746,793.05
Mint Establishment	1,721,260.97	1,401,372.74	1,453,636.29	1,299,100.68
Internal Revenue	4,946,523.19	5,329,699.71	5,223,589.07	5,034,922.00
Customs Service	19,269,329.05	19,036,647.26	20,292,421.23	20,299,814.82
Public Health and Marine-Hospital Service	1,126,052.03	1,424,362.73	1,353,759.97	1,290,092.32
Life-Saving Service	1,848,578.59	1,779,443.69	1,843,288.38	1,840,505.21
Bureau of Engraving and Printing	2,756,629.20	2,756,163.65	2,916,887.82	2,866,340.62
Treasury building, etc.	139,500.00	182,486.41	83,100.00	164,423.63
Miscellaneous	3,277,800.52	3,250,349.17	4,032,965.06	3,692,537.35
Total	39,445,541.69	39,478,573.46	41,809,959.33	41,010,679.82

	1906.		1907.	
	Appropriations.	Expenditures.	Appropriations.	Expenditures.
Treasury Department proper	$3,930,257.59	$3,894,449.24	$4,015,089.28	$3,973,673.22
Independent Treasury	767,872.00	750,302.58	776,570.00	771,749.46
Mint Establishment	1,420,427.51	1,279,898.08	1,453,075.51	1,317,511.77
Internal Revenue	6,022,407.20	5,747,860.69	5,655,822.69	5,490,360.71
Customs Service	20,791,941.31	20,574,670.29	21,271,726.58	20,621,880.52
Public Health and Marine-Hospital Service	1,513,509.16	1,200,098.80	2,025,000.00	1,441,298.16
Life-Saving Service	1,866,352.84	1,843,012.24	1,875,598.76	1,795,481.66
Bureau of Engraving and Printing	2,918,840.00	2,914,726.84	3,508,365.43	3,347,859.93
Treasury building, etc.	18,050.00	66,807.61	227,903.58	12,101.48
Miscellaneous	3,580,189.74	4,284,423.85	4,661,000.96	3,854,444.48
Total	42,829,847.35	42,556,253.22	45,465,152.79	42,623,353.39

[a] Public Health and Marine-Hospital Service.
[b] Transferred to the Department of Commerce and Labor on July 1, 1903.

Total appropriations for ten years, $443,153,997.52.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, January 27, 1908.

Hon. E. S. CANDLER, Jr.,
House of Representatives.

SIR: As requested in your letter of January 24, 1908, I beg to inclose herewith a statement showing expenses of this Department for each

year for the last ten years and the proportionate increase in the appropriations during that period:

Fiscal year.	Amount expended.	Amount appropriated.	Increase over preceding year.
1898	$2,425,510.44	$2,467,002.00	$19,138.47
1899	2,827,795.65	2,829,702.00	381,800.00
1900	2,947,603.42	3,006,023.00	176,320.00
1901	3,239,137.39	3,304,265.97	298,243.97
1902	3,902,675.79	3,922,780.51	618,514.54
1903	4,734,230.84	5,015,846.00	1,093,065.49
1904	4,969,311.64	5,025,024.01	9,178.01
1905	5,881,939.57	6,094,540.00	1,069,515.99
1906	6,000,327.85	7,175,690.00	1,081,150.00
1907	[a]9,356,466.46	11,415,957.97	[a]4,240,267.97

[a] Includes permanent appropriation of $3,000,000 for meat inspection.

Very respectfully,

JAMES WILSON, *Secretary.*

Total appropriations for ten years, 1898 to 1907, inclusive, $50,257,730.46.

NAVY DEPARTMENT,
Washington, February 1, 1908.

SIR: Replying to your letter of the 24th ultimo, requesting statements showing the expenses of the Navy Department for each year for the last ten years, also the proportionate increase, if any, in the appropriations made for the Department during these years, I have the honor to inclose herewith for your information a statement prepared by the Paymaster-General of the Navy, containing the desired information.

Very respectfully, V. H. METCALF, *Secretary.*

Hon. E. S. CANDLER, Jr., M. C.,
House of Representatives, Washington, D. C.

Statement showing expenditures on account of the naval establishment and amounts appropriated during each fiscal year from 1898 to 1907, inclusive.

For fiscal year.	Payments on account of the naval establishment.	Amounts appropriated for the naval establishment.	Turned into the surplus fund.
Balance on hand July 1, 1897		$13,553,313.17	
1898	$55,241,742.75	119,895,468.34	$199,052.81
1899	65,373,667.88	53,043,382.61	171,012.70
1900	55,485,006.75	53,627,691.70	19,828,224.29
1901	60,433,393.42	65,538,508.87	6,855,504.69
1902	67,196,368.76	83,631,779.37	1,765,693.80
1903	89,806,581.93	80,919,923.15	992,604.31
1904	102,102,758.20	87,256,759.68	9,331,822.30
1905	114,888,583.21	112,351,876.27	1,002,950.44
1906	107,939,855.13	102,206,312.11	1,472,275.56
1907	96,091,249.30	104,385,689.88	1,002,223.74
	805,619,217.33	876,411,705.35	42,591,364.64
Balance on hand June 30, 1907	43,657,964.23		
Turned into the surplus fund		42,591,364.64	
Total	849,277,181.56	833,820,340.71	

The excess of payments over amounts appropriated, less amount turned in to the surplus fund ($15,456,840.85), is due to payments from funds not appropriated for by Congress, such as the clothing and small stores fund, Naval Hospital fund, naval supply fund, pay of the Navy deposit fund, and ordnance material proceeds of sales, which are included in the first column.

The large amounts turned into the surplus fund during the years 1900 to 1904, inclusive, are mostly the unexpended balances of the emergency fund and other special appropriations incidental to the Spanish war.

E. B. ROGERS,
Paymaster-General, United States Navy.

WAR DEPARTMENT,
Washington, January 28, 1908.

SIR: I have the honor to acknowledge the receipt of your letter of the 24th instant, requesting a statement showing the expenses of the War Department for each year for the last ten years; also the proportionate increase, if any, in the appropriations made for the Department during these years, and in reply I have to inform you that the following amounts represent the total of all appropriations made by Congress for the War Department and expenditures therefrom for the fiscal years 1898 to 1907, both inclusive:

Fiscal year.	Appropriations.	Expenditures.
1898	$96,281,219.52	$94,105,449.89
1899	354,400,849.64	274,723,209.62
1900	119,235,266.23	137,559,764.93
1901	166,434,660.36	147,474,426.83
1902	142,141,949.26	114,565,436.95
1903	193,656,800.02	121,639,363.46
1904	112,294,177.67	119,538,275.31
1905	132,344,544.23	124,907,742.77
1906	90,158,703.85	117,779,442.11
1907	175,690,508.69	123,879,540.74
Total	1,582,638,679.47	1,376,172,652.60

Very respectfully,

ROBERT SHAW OLIVER,
Assistant Secretary of War.

Hon. E. S. CANDLER, Jr.,
House of Representatives, Washington, D. C.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF SOILS,
Washington, D. C., February 13, 1908.

Hon. E. S. CANDLER, Jr.,
House of Representatives, Washington, D. C.

MY DEAR MR. CANDLER: I submit herewith the memorandum which you requested in regard to internal-revenue taxes on domestic and imported tobacco manufactured in the United States, compared with the total amounts of the appropriation for the Department of Agriculture for the same years, from 1901 to 1906, inclusive. The years 1907 and 1908 are also added on the departmental appropriation. I trust that this may reach you in time.

I have the honor to be, very sincerely,

J. A. BONSTEEL.

Total internal revenue derived from taxes imposed and collected on domestic and imported tobacco manufactured.

Fiscal year—	
1901	$62,481,907.13
1902	51,937,925.19
1903	43,514,810.24
1904	44,655,808.75
1905	45,659,910.50
1906	48,422,997.38
Total	296,669,359.19

Total amounts of appropriations, Department of Agriculture.

Fiscal year—	
1901	$4,020,500.00
1902	4,582,420.00
1903	5,208,960.00
1904	5,968,160.00
1905	5,902,040.00
1906	6,882,690.00
Total	32,573,770.00
1907	9,932,940.00
1908	9,447,290.00

To the Representatives and Senators in Congress:

We, the undersigned, members of faculties in universities and colleges, and educators of New York City, voicing, as we believe, the sentiments of many thousands of American citizens, earnestly protest against the extravagant demand for an addition of over $60,000,000 in the form of four new battle ships, cruisers, etc., to the naval budget of last year, inasmuch as no danger threatens the country not known last April, when President Roosevelt told the world: "We are no longer enlarging our Navy. We are simply keeping up its strength. The addition of one battle ship a year barely enables us to make good the units which become obsolete."

Sixty-five per cent of the national income is now expended on war, past and present. The increase of our naval budget has recently been used in the French Assembly as a reason for increasing its own; is largely responsible for the increase of armaments among Asiatic nations, and is well-nigh certain to retard that reduction in the armaments of the world for which we have so long been waiting.

The growing discontent throughout the world at the appalling increase of waste of national resources must be heeded. We feel that this protest is the more necessary, inasmuch as there are various new and effective methods now available for promoting international friendship and rationally settling difficulties which these new demands seem to ignore.

William H. Maxwell, city superintendent of schools.
John H. Finley, president of the College of the City of New York.
Clarence D. Ashley, dean of the law school, New York University.
Henry W. Leipziger, supervisor of public lectures.
John Bates Clark, Columbia University.
George W. Kirchwey, dean of the law school, Columbia University.
Charles P. Fagnani, Union Theological Seminary.
Andrew W. Edson, associate city superintendent of schools.
Samuel T. Dutton, Teachers' College, Columbia University.
H. C. Bumpus, American Museum Natural History.
Frederick Dielman, College of the City of New York.
Alfred G. Compton, College of the City of New York.
James C. Egbert, Columbia University.
James Voorhees, Columbia University.
Francis H. Stoddard, New York University.
Carl Lorentzen, New York University.
James Harvey Robinson, Columbia University.
Henry R. Seager, Columbia University.
Edward L. Thorndike, Teachers' College, Columbia University.
John Dewey, Columbia University.
A. D. T. Hamlin, Columbia University.
Calvin Thomas, Columbia University.
Francis M. Burdick, Columbia University.
J. E. Spingarn, Columbia University.
J. R. Wheeler, Columbia University.
Conzalez Lodge, Teachers' College, Columbia University.
Herbert L. Osgood, Columbia University.
Joseph French Johnson, New York University.
D. W. Hering, New York University.
Arthur B. Lamb, New York University.
Dr. Henry G. Piffard, Columbia University.
Charles Lane Poor, Columbia University.
Louis Celamarre, College of the City of New York.
George C. Scott, College of the City of New York.
William J. Brewster, Columbia University.
William G. McGuckin, College of the City of New York.
Anna M. Olsson, principal Public School 141, Brooklyn.
George Meason Whieher, Normal College.
Hiram H. Bice.
Eugene H. Pool, M. D., Columbia University.
F. W. Osborn, Adelphi College.
James C. Reynolds.
Edwin A. Greenlaw, Adelphi College.
Ellen Murray, Public School 38, Bronx.
Annie J. Farley, Public School 183.
Isabel D. Fisher, Adelphi College.
Agnes E. De Monde, principal Public School 116, Brooklyn.
Kate S. Anthony, Horace Mann School.
C. F. Chandler, Columbia University.
May F. M. Aleer, principal Public School 188.

Charles A. Beard, Columbia University.
Ernest Ilgen, College of the City of New York.
A. Beatrice Beard, Adelphi College.
W. E. Waters, New York University.
Ida Ikeller, Public School 68.
C. L. Speranza, Columbia University.
Frederick L. Ludgueer, principal Public School 152, Brooklyn.
Mrs. Maria Kraus-Boelte, Kraus's Seminary for Kindergartners.
Mary C. Bergen, Public School 73.
K. R. Brady, Public School 151, Brooklyn.
Charles Perrine, principal Public School 110, Brooklyn.
Eliza S. Pell, principal Public School 96.
M. A. Regan, Public School 107.
A. B. Turner, College of the City of New York.
Joseph Allen, College of the City of New York.
Samuel Newman, College of the City of New York.
J. H. Grotecloss, Public School 11.
Margaretta Uehlein, Public School 54.
Henry C. Pearson, Teachers' College.
Gustave Le Gros, College of the City of New York.
Emma S. Saudrine, Public School 93.
Jeannette S. Sewett, Normal College.
Graham Lusk, New York University.
Henry Edward Crampton, Columbia University.
William M. Campbell, New York University.
Joseph S. Taylor, district superintendent of schools.
Elizabeth A. Duggan, Public School 57.
M. B. Coles, Normal College.
Cecile Freese, Horace Mann School.
Edmund Burke, College of the City of New York.
Ellen M. Phillips, principal Public School 131.
J. G. Bowtell, Normal College.
Royal Whitman, Columbia University.
A. G. Jacob, Jamaica High School.
H. F. Walker, Columbia University.
G. M. Swift, Columbia University.
George N. Boardman, Columbia University.
Edwin C. Broome, Adelphi College.
A. Henry Grant, Jersey City High School.
Samuel Ayers, Public School 132.
J. C. Gordy, New York University.
Caroline Emanuel, Public School 50.
Charles C. Roberts, Public School 25.
Emma L. Johnston, Brooklyn Training School.
M. A. Bigelow, Teachers' College, Columbia University.
Isabella Sullivan, Public School 170.
Maurice J. Thompson, Public School 6.
M. Allen Starr, Columbia University.
William E. Grady, Public School 64.
Ellen T. O'Brien, Public School 36.
Kate M. Falvey, Public School 78.
Jessie Ashley, New York University.
Jennie Birmingham, Public School 90.
Charles Bikle, Horace Mann School.
George Philip Krapp, Columbia University.
Augusta L. Cassidy, Public School 49.
Benjamin Veit, Public School 1.
William B. Coley, Columbia University.
M. B. Barringer, Public School 39.
Teresa C. Burke, Public School 121.
Downing Bain, New York University.
Clara American, Public School 127.
Gertrude Hirst, Columbia University.
William N. Story, Public School 34.
Elizabeth J. Hofer, Public School 174.
William J. O'Leary, Public School 5, Brooklyn.
Elizabeth V. Gaines, Adelphi College.
John F. Riegart, principal School 2.
Emma Sylvester, principal Public School 35.
Paul Monroe, Teachers' College.
V. E. Kilpatrick, principal Public School 52.
Millicent Baum, principal Public School 168.
William L. Ettinger, Public School 147.
Isaac Price, Public School 65b.
Olivia J. Hall, Public School 157.
James Sullivan, Boys' High School, Brooklyn.
Charles J. Pickett, principal Public School, 26, Bronx.
Margaret E. Maltby, Barnard College.
H. M. C. Vedder, New York University.
William L. Fuller, Girls' High School.
Charles Gray Shaw, New York University.
J. F. Kemp, Columbia University.
Florence M. Marshall, Horace Mann School.
W. L. Bulkley, principal Public School 80.
F. M. McMurry, Teachers' College, Columbia University.
William E. B. Starkweather, College of the City of New York.
John F. Harris, principal Public School 95.
M. F. O'Connell, principal Public School 31.
Jennie M. Tower, principal Public School 114.
Sadia E. Baird, Public School 48.
Helena A. Hulskamp, Elementary School 63.
Mary L. Brady, Public School 177.
Florence E. Viet, Packer Collegiate Institute, Brooklyn.
Mary A. Willis, Packer Collegiate Institute.
John F. Woodhull, Columbia University.
M. Adelaide Nutting, Teachers' College, Columbia University.
George N. Olcott, Columbia University.
Charles P. Berkey, Columbia University.
Julia Emery Turner, Packer Collegiate Institute.
E. L. Kuntz, Columbia University.
Joseph E. Messenger, New York.
Clarence H. Young, Columbia University.
Edith C. Squires, Packer Collegiate Institute.
E. Kelly, Public School 87, Brooklyn.
Lyman A. Best, Public School 108.
John J. Wells, Public School 35, Brooklyn.
M. D. Batchelder, Horace Mann School.
E. G. Sihler, New York University.
F. A. Irvine, Public School 68, Brooklyn.
Elenore E. Elliott, Public School 57.
Catherine P. Candler, Normal College.
E. Aubert, Normal College.
Herbert G. Lord, Columbia University.
Laura B. Collier, Packer Collegiate Institute.
E. F. Nichols, Columbia University.
Robert Peele, Columbia University.
Virgil Prettyman, Morace Mann School.
Thomas C. Baker, Public School 44, Brooklyn.
Bernard J. Devlin, Public School 13, Bronx.
M. E. Quinn, Public School 125.
Ella Keith, Normal College.
Kathleen M. Kullen, Public School 66, Brooklyn.
Margaret S. Winslow, Public School 18, Brooklyn.
Harriet L. Bogue, Public School 55, Brooklyn.
Gertrude E. Hale, Packer Collegiate Institute, Brooklyn.
Julia B. Anthony, Packer Collegiate Institute, Brooklyn.
Emily H. Welch, Packer Collegiate Institute, Brooklyn.
Edwin B. Uline, Public School 27.
Mary Walsemaim, Public School 8, Brooklyn.
Matilda C. Skine, Public School 20, Brooklyn.
M. W. Kennerly, Normal College.
M. J. Merritt, Public School 29, Brooklyn.
Joseph C. Pfister, Columbia University.
Mary A. Regan, Public School 31, Bronx.
William P. McCarthy, Public School 42, Bronx.
Mary C. V. Connolly, Public School 113.
L. A. McLauth, New York University.
Channing Rudd, New York University.
Charles C. Holden, Public School 17, Bronx.
James S. C. Wells, Columbia University.
James C. Rogers, Public School 128, Brooklyn.
Olin Cartridge, Horace Mann School.
Elizabeth F. Doherty, Public School 42, Brooklyn.
Henry C. Sherman, Columbia University.
Miss Miriam Werner, Normal College, New York.
William Fox, College of the City of New York.
Priscilla Fletcher, Normal College.
Henry E. Bliss, College of the City of New York.
C. Howard Parmly, College of the City of New York.
Sarah Goldie, Public School 190.
Kate M. Stephens, Public School 135.
Walter W. Arnold, Horace Mann School.
Ida E. Robins, Teachers' College, Columbia University.
Elizabeth M. Wheelock, Horace Mann School.
Edmund M. Foote, College of Physicians and Surgeons, Columbia University.
John S. Fitzpatrick, Public School 81, Brooklyn.
Augusta Beck, Public School 88, Brooklyn.
Kate Van Wagenen, Public School 2, Bronx.
Andrew E. Eichman, Public School 97, Brooklyn.
James E. Lough, New York University.
Louise Castle, Public School 92, Brooklyn.
Edward Bush, Public School 18, Brooklyn.
Curtis Claassen, New York University and Bellevue Hospital Medical College.
Leslie J. Tompkins, New York University Law School.
Gorham Bacon, Columbia University.
Carlos F. MacDonald, University and Bellevue Medical College.
Barclay W. Bradley, College of the City of New York.
Edward Mandell, Public School 188.
Mary A. Mason, Public School 79, Brooklyn.
Moses Becker, jr., Public School 118, Brooklyn.
Kate Morgan Ward, Packer Collegiate Institute.
Fred H. Sykes, Columbia University.
F. N. Cole, Columbia University.
David Sneddon, Columbia University.
Allan Abbott, Horace Mann School.
C. M. Baker, Horace Mann School.
Adolph Werner, College of the City of New York.
Emory B. Lease, College of the City of New York.
Marie-Louise Raoux, Normal College.
Mary Amelia Sheldon, Normal College.
Lewis F. Mott, College of the City of New York.
Charles A. Downer, College of the City of New York.
Marion S. Coan, Normal College.
Susan E. Van Wert, Normal College.
Thomas J. Meighan, Public School 27, Bronx.
L. G. Simmons, Normal College.
A. Wadsworth, Columbia University.
Frederica J. Constantini, Normal College.
Margaret Laing, Public School 117, Brooklyn.
Henry G. Kost, College of the City of New York.
Joseph G. Furey, Public School 123, Brooklyn.
Lilla A. Nourse, Columbia University.
Jefferson B. Fletcher, Columbia University.
Herbert M. Richards, Barnard College.
Marie H. Brooks, Horace Mann School.
John King Clark, Public School 23, Bronx.
Roland H. Williams, Horace Mann School.
Frank E. Brooks, Horace Mann School.
A. L. McDevitt, Public School 61, Brooklyn.
Maud V. Keyes, Horace Mann School.
Charles D. Raine, principal Public School 147.
Winifred T. Cullen, Public School 56.
E. G. Bridgham, Public School 111.
Lillian E. Rogers, Horace Mann School.
Mary E. O'Donnell, Public School 90, Brooklyn.
C. C. Calkins, Public School 6, Brooklyn.
M. Louise Rockwood, Public School 46, Brooklyn.
Honor E. Quinn, Public School 63, Brooklyn.
Lizzie F. Spafford, Public School 161.
C. F. Kayser, Normal College.
James T. Shorwell, Columbia University.
Eugenie C. Levie, Public School 124.
Walter B. James, Columbia University.
Isabella F. Wright, Public School 104.
N. B. Foster, Columbia University.
L. G. Forward, Bellevue Hospital Medical School.
Prince A. Movine, Bellevue Hospital Medical School.
Mary S. Woolman, Teachers' College, Columbia University.
Oliver C. Mordock, Public School 10, Brooklyn.
Marion Clarey, Public School 19.
Robert F. Smith, College of the City of New York.
Dorothy C. Hess, Normal College.
Mary G. Peabody, Horace Mann School.
H. H. Presby, New York College of Pharmacy.
Edward S. Page, Public School 77.
Margaret Knox, Public School 15.
J. Loaz, Packer Collegiate Institute, Brooklyn.

Freda M. Brunn, Adelphi College, Brooklyn.
Engenie Menut, Horace Mann School.
Stephen P. Duggan, College of the City of New York.
Linneas E. La Ferra, Columbia University.
L. Emmett Holt, Columbia University.
Charles P. Warren, Columbia University.
Emma J. MacAlarney, Horace Mann School.
J. D. Miller.
Charles F. Horne, College of the City of New York.
Frank Rollins, The Stuyvesant High School.
Leon Brummer, New York University.
Nathan Abbott, Columbia University.
George T. Holm, Columbia University.
N. Louise Roethgen, Adelphi College, Brooklyn.
Phillip D. Kurrison, University, Bellevue Medical School.
Franz Boas, Columbia University.
Carl Leonardo Speranza, Columbia University.
Frederick H. Wilkins, New York University.
Rudolph M. Binder, New York University.
Helen H. Tanzer, Normal College of the City of New York.
Mary J. McHench, principal Public School 114, Brooklyn.
Margaret M. Slattery, principal Public School 53, New York City.
Eliza A. Caterson, Public School 21, New York City.
Julia C. Cremins, New York University.
Amanda C. Northrop, Normal College.
Jesse H. Bigham, Department of Manual Training, New York City.
Mabel L. Chesley, Erasmus High School, New York City.
Arthur Schultze, New York University.

Mr. SCOTT. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, Mr. FOSTER of Vermont, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the agricultural appropriation bill, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 16493. An act limiting and restricting the right of entry and assignment under the desert-land law and authorizing an extension of time within which to make final proof;

H. R. 19408. An act to authorize the Secretary of War to donate to the Albert Sidney Johnston Camp, Confederate Veterans, of San Antonio, Tex., not to exceed fifty obsolete Springfield rifles, bayonets, and bayonet scabbards for same; and

H. R. 16621. To extend the time for the construction of a dam across Savannah River at Cherokee Shoals.

The Speaker announced his signature to enrolled bill of the following title:

S. 3416. An act to amend an act entitled "An act authorizing the extension of Meridian place NW.," approved January 9, 1907.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following joint resolution and bills:

H. J. Res. 101. Joint resolution authorizing the Secretary of War to secure a suitable design for a statue of the late Commodore John D. Sloat at Monterey, Cal.;

H. R. 14434. An act to validate certain entries of public lands in the State of Colorado;

H. R. 16078. An act providing for second desert-land entries;

H. R. 16874. An act to amend section 13 of an act entitled "An act to divide the State of Texas into four judicial districts," approved March 11, 1902;

H. R. 17710. An act to increase the efficiency of the personnel of the Life-Saving Service of the United States;

H. R. 15660. An act to provide for the repayment of certain commissions, excess payments, and purchase moneys paid under the public land laws; and

H. R. 17167. An act authorizing the Woodlawn Cemetery Association, of St. Maries, Idaho, to purchase not to exceed 40 acres of land in the Coeur d'Alene Indian Reservation in Idaho.

PERSONAL EXPLANATION.

Mr. GAINES of West Virginia. Mr. Speaker, I ask unanimous consent to make a personal statement, which will only take a minute.

The SPEAKER. The gentleman from West Virginia asks unanimous consent to make a personal statement.

Mr. WILLIAMS. I hope that the gentleman's request does not require unanimous consent. I do not think it does; but if it does require unanimous consent, I am forced to object.

Mr. SULZER. Mr. Speaker, suppose the gentleman gives us an idea of what he wants to say.

Mr. WILLIAMS. Mr. Speaker, the gentleman can submit to the Speaker the nature of his proposition. If it requires unanimous consent——

The SPEAKER. The gentleman can state the nature of his proposition if he rises to a question of personal privilege or a privileged question. If he does not——

Mr. GAINES of West Virginia. Mr. Speaker, I think it is a matter of personal privilege, but it is so unimportant that I hardly wish to take the attention of the House to this extent. On yesterday, after the first roll call, I paired with the gentleman from Texas [Mr. GILLESPIE]. When the point of no quorum was made and there was a call of the House I voted. I should instead have answered "present." I have explained the matter to the gentleman from Texas [Mr. GILLESPIE], and he does not care about it. I think, however, when one makes such a mistake, mention of it should be made in the House.

Mr. WILLIAMS. That is clearly a matter of personal privilege, I think.

The SPEAKER. The Chair does not agree with the gentleman; but the gentleman could ask unanimous consent, if he desired so to do, that the Journal be corrected in the way indicated by him.

Mr. WILLIAMS. Then, Mr. Speaker, I am compelled to object.

HOUSE BILL WITH SENATE AMENDMENTS REFERRED.

Under clause 2 of Rule XXIV, the bill (H. R. 16882) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes, with Senate amendments, was taken from the Speaker's table and referred to the Committee on Appropriations.

ADJOURNMENT.

Mr. SCOTT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 9 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the General Superintendent of the Life-Saving Service submitting an estimate of appropriation for pay of surfmen—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting a request for a reappropriation for a target range near Sparta, Wis.—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Navy submitting an estimate of deficiency appropriation for armor and armament of the Navy—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BRADLEY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 19418) granting condemned cannon for Stony Point State Park, New York, reported the same without amendment, accompanied by a report (No. 1298), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FOSS, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 19611) to further increase the efficiency of the United States Marine Corps, and for other purposes, reported the same without amendment, accompanied by a report (No. 1299), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 18970) providing for an enlarged homestead, reported the same with amendments, accompanied by a report (No. 1300), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution of the Senate (S. R. 48) instructing the Attorney-General to institute certain suit, and so forth, reported the

same without amendment, accompanied by a report (No. 1301), which said resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HOLLIDAY, from the Committee on War Claims, to which was referred the bill of the Senate (S. 3843) for the relief of the legal representatives of Stewart & Co. and A. P. H. Stewart, reported the same without amendment, accompanied by a report (No. 1295), which said bill and report were referred to the Private Calendar.

Mr. CLAYTON, from the Committee on War Claims, to which was referred the bill of the Senate (S. 4690) for the relief of the legal representatives of Napoleon B. Giddings, reported the same without amendment, accompanied by a report (No. 1296), which said bill and report were referred to the Private Calendar.

Mr. BUTLER, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 10416) to correct the naval record of Lieut. Hilary Williams, United States Navy, reported the same without amendment, accompanied by a report (No. 1297), which said bill and report were referred to the Private Calendar.

Mr. CRAIG, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 17640) to authorize the issuance of a patent to the assignees of Warner Bailey for land located in Choctaw County, State of Alabama, reported the same with amendment, accompanied by a report (No. 1303), which said bill and report were referred to the Private Calendar.

ADVERSE REPORT.

Under clause 2, Rule XIII,

Mr. HOWARD, from the Committee on the Library, to which was referred the bill of the House (H. R. 10502) to amend the provision of the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes," approved June 30, 1906, making an appropriation for continuing the work for the erection of the memorial to Gen. Ulysses S. Grant, and the joint resolution of the House (H. J. Res. 117) concerning the location of the Grant Memorial in the District of Columbia, reported the same adversely, accompanied by a report (No. 1302), which said bill, resolution, and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 18847) granting a pension to Joseph P. Redman—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18408) granting a pension to Nancy J. Stephens—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CAMPBELL: A bill (H. R. 19793) to amend an act entitled "An act to establish a Code of Law for the District of Columbia," relative to gambling, and dealing in options and futures, and bucket shops—to the Committee on the District of Columbia.

By Mr. HAMLIN: A bill (H. R. 19794) to amend sections 2 and 3 of the act of June 27, 1890, in relation to pensions, and so forth—to the Committee on Invalid Pensions.

By Mr. GRAFF: A bill (H. R. 19795) to promote the safety of employees upon railroads—to the Committee on Interstate and Foreign Commerce.

By Mr. LANGLEY (by request): A bill (H. R. 19796) for the establishment of a park on the east side of the Bladensburg road, Washington, D. C.—to the Committee on Public Buildings and Grounds.

By Mr. STEENERSON: A bill (H. R. 19797) to validate certain certificates of naturalization issued in the State of Minnesota—to the Committee on Immigration and Naturalization.

By Mr. CARTER: A bill (H. R. 19798) providing for the holding of the United States district and circuit courts at Hugo, Okla.—to the Committee on the Judiciary.

Also, a bill (H. R. 19799) to provide for the erection of a public building at Durant, Okla.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 19800) to provide for the erection of a public building at Ada, Okla.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 19801) to provide for the improvement of the Platt National Park, situated at Sulphur, Okla.—to the Committee on Appropriations.

Also, a bill (H. R. 19802) to provide for the erection of a public building at Poteau, Okla.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 19803) to provide for the erection of a public building at Hugo, Okla.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 19804) providing for the holding of the United States district and circuit courts at Ada, Okla.—to the Committee on the Judiciary.

By Mr. SHEPPARD: A bill (H. R. 19805) for the establishment and maintenance of libraries in the life-saving stations of the United States—to the Committee on the Library.

By Mr. HAGGOTT: A bill (H. R. 19806) to increase the limit of cost of the United States post-office at Trinidad, Colo.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 19807) to provide for the granting and patenting to the State of Colorado of certain desert lands within the former Ute Indian Reservation in said State—to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 19808) granting an increase of pension to George W. Boner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19809) granting an increase of pension to Frank S. Mathews—to the Committee on Pensions.

By Mr. BARCHFELD: A bill (H. R. 19810) granting an increase of pension to Thomas Boyle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19811) granting an increase of pension to Thomas R. Boss—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19812) granting a pension to Melvin B. Ash—to the Committee on Pensions.

By Mr. BEDE: A bill (H. R. 19813) granting an increase of pension to D. C. Handy—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 19814) granting an increase of pension to Emaline Harvell—to the Committee on Invalid Pensions.

By Mr. CALE: A bill (H. R. 19815) granting an increase of pension of Watson Boyden—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 19816) granting an increase of pension to Richard P. Taylor—to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 19817) granting a pension to William M. Kilby—to the Committee on Pensions.

Also, a bill (H. R. 19818) granting a pension to P. J. Giles—to the Committee on Pensions.

Also, a bill, (H. R. 19819) granting a pension to Samuel Reeder—to the Committee on Pensions.

Also, a bill (H. R. 19820) to provide for the payment of the claim for clerical assistance of F. L. Brenizer, postmaster at Dunn Loring, Va.—to the Committee on Claims.

Also, a bill (H. R. 19821) for the relief of James Downs and heirs of William Downs, sr.—to the Committee on War Claims.

By Mr. CHAPMAN: A bill (H. R. 19822) granting an increase of pension to Joseph Wallace—to the Committee on Invalid Pensions.

By Mr. DARRAGH: A bill (H. R. 19823) granting an increase of pension to James E. Smith—to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 19824) granting an increase of pension to Abraham Cross—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19825) granting an increase of pension to David J. Bishop—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19826) granting a pension to Willis S. Henderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19827) granting a pension to James W. Sullivan—to the Committee on Invalid Pensions.

By Mr. FORNES: A bill (H. R. 19828) granting an increase of pension to Thomas Graham—to the Committee on Invalid Pensions.

By Mr. FOULKROD: A bill (H. R. 19829) for the relief of Charles F. Fairburn—to the Committee on Military Affairs.

By Mr. FULTON: A bill (H. R. 19830) granting an increase of pension to James R. Rather—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 19831) granting an increase of pension to Owen M. Higgins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19832) for the relief of the Methodist Episcopal Church South, of Campbellsville, Taylor County, Ky.—to the Committee on War Claims.

By Mr. HACKETT: A bill (H. R. 19833) granting a pension to Israel Miller—to the Committee on Invalid Pensions.

By Mr. HARDWICK: A bill (H. R. 19834) for the relief of Martin Ball, heir of Stephen Ball, deceased—to the Committee on War Claims.

By Mr. HAUGEN: A bill (H. R. 19835) granting an increase of pension to John F. Benjegerdes—to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 19836) granting a pension to Thomas Conlin—to the Committee on Pensions.

By Mr. HELM: A bill (H. R. 19837) granting an increase of pension to John Shaw—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 19838) for the relief of Marion B. Patterson—to the Committee on Claims.

By Mr. HUMPHREY of Washington: A bill (H. R. 19839) for the relief of W. H. Blurock—to the Committee on Claims.

By Mr. JONES of Washington: A bill (H. R. 19840) granting a pension to Alzina Wilcher—to the Committee on Pensions.

By Mr. LAMB: A bill (H. R. 19841) for the relief of the heirs of William Southworth, deceased—to the Committee on War Claims.

By Mr. LANGLEY: A bill (H. R. 19842) for the relief of the legal representatives of Evan Jones—to the Committee on War Claims.

Also, a bill (H. R. 19843) for the relief of William H. Dotson—to the Committee on War Claims.

Also, a bill (H. R. 19844) granting an increase of pension to Decatur Maynard—to the Committee on Invalid Pensions.

By Mr. LANING: A bill (H. R. 19845) granting an increase of pension to Lydia L. Robinson—to the Committee on Invalid Pensions.

By Mr. LAW: A bill (H. R. 19846) for the relief of Addison M. Davies—to the Committee on Claims.

Also, a bill (H. R. 19847) granting an increase of pension to George Hoffman—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 19848) for the relief of Mrs. Laura Barrett—to the Committee on War Claims.

By Mr. NORRIS: A bill (H. R. 19849) granting an increase of pension to Charles G. Vanness—to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 19850) granting an increase of pension to Henry S. Briggs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19851) granting an increase of pension to Lewis W. Pond—to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 19852) granting an increase of pension to Jacob Slemp—to the Committee on Pensions.

By Mr. SMITH of California: A bill (H. R. 19853) granting an increase of pension to Cornelius S. Forgy—to the Committee on Invalid Pensions.

By Mr. TALBOTT: A bill (H. R. 19854) granting a pension to Catharine Barry—to the Committee on Pensions.

Also, a bill (H. R. 19855) granting an increase of pension to James K. Hamilton—to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 19856) for the relief of the heirs of A. Lawrence Foster—to the Committee on War Claims.

By Mr. WOOD: A bill (H. R. 19857) granting an increase of pension to Andrew J. Cook—to the Committee on Invalid Pensions.

By Mr. GARDNER of Michigan: A bill (H. R. 19858) granting an increase of pension to Lewis S. Goshorn—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAIR: Petition of citizens of New York and vicinity, for relief for heirs of victims of the *General Slocum* disaster—to the Committee on Claims.

By Mr. ASHBROOK: Papers to accompany bills for relief of George W. Bowen and Johnston Haughey—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Frank S. Mathews—to the Committee on Pensions.

Also, paper to accompany bill for relief of Gifford Ramey—to the Committee on Pensions.

By Mr. BENNET of New York: Paper to accompany bill for relief of M. Lewis Blair—to the Committee on Invalid Pensions.

By Mr. BRADLEY: Petitions of Cronomer Valley Grange and Washingtonville Grange, Patrons of Husbandry, of Orange County, N. Y., for a national highway commission—to the Committee on Agriculture.

By Mr. BURKE: Petitions of Frank O'Ryan, C. T. Woolsey, E. H. Porter, and C. A. Thomas and others, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. BURLEIGH: Petition of convention of International Seamen's Union of America, held at Portland, Me., March 16, 1908, against S. 5787 (bill to amend Revised Statutes, section 4463)—to the Committee on the Merchant Marine and Fisheries.

By Mr. BURTON of Ohio: Petition to suspend the service pension act of February 6, 1907, in favor of A. B. Bowen, F. W. Titgemeyer, I. Frericks, and G. King—to the Committee on Invalid Pensions.

By Mr. CALE: Paper to accompany bill for relief of Watson Boyden—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: Petition of allied temperance forces of Missouri, represented by Rev. W. B. Palmore, for the Littlefield original-package bill—to the Committee on the Judiciary.

By Mr. CONNER: Petition of merchants of Iowa, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. DARRAGH: Petition of L. F. Schermerhorn and 16 other residents of Crooked Lake, Clare County, Mich., for a national highway commission—to the Committee on Agriculture.

By Mr. DAVENPORT: Papers to accompany bills for relief of Abraham Crass, James W. Sullivan, Willis S. Henderson, and David J. Bishop—to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: Petitions of Grand Army of the Republic posts of Waterville, Farnsworth, Maynard, and St. Peter, all of the State of Minnesota, against abolishment of pension agencies—to the Committee on Appropriations.

Also, petitions of Farmers' Clubs, of Minnesota, and State Association of Builders' Exchange, urging passage of H. R. 534—to the Committee on Agriculture.

Also, petition of Builders' Exchange of St. Paul, opposing passage of Gardner eight-hour bill—to the Committee on Labor.

Also, petition of National Association of Clothiers, favoring passage of Fowler bill—to the Committee on Banking and Currency.

Also, petition of Jobbers and Manufacturers' Association, favoring $2,000,000 annual appropriation for improvement of Mississippi River—to the Committee on Rivers and Harbors.

Also, petition of Commercial Club of St. Paul, favoring an improvement of Mississippi River—to the Committee on Rivers and Harbors.

Also, petition of St. Paul Live Stock Exchange, favoring passage of H. R. 13841—to the Committee on Interstate and Foreign Commerce.

Also, petition of Minnesota State Federation of Women's Clubs, for laboratories under Federal and State aid and for scientific study of criminal, pauper, and defective classes—to the Committee on the Judiciary.

Also, petition of Commercial Club of Faribault, Minn., indorsing H. R. 18204 (Davis industrial high school bill)—to the Committee on Agriculture.

By Mr. DOUGLAS: Petition of citizens of Ohio, in favor of a national highway commission—to the Committee on Agriculture.

By Mr. DRAPER: Petition of Trades League of Philadelphia, for S. 25 and H. R. 6169, to promote efficiency of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Universalist Club, of Haverhill, Mass., for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Paestenkill Grange, for H. R. 15837, constituting a national highway commission—to the Committee on Agriculture.

By Mr. FORNES: Petition of Navy-Yard Association, for revision of grades and salaries—to the Committee on Naval Affairs.

Also, petition of legislature of State of New York, for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of emergency experiment station of University of Illinois, for H. R. 9230—to the Committee on Agriculture.

Also, petition of National Clothiers of New York City, against Aldrich currency bill and favoring Fowler bill—to the Committee on Banking and Currency.

Also, petition of board of directors of Merchants' Association of New York, against H. R. 15651 (Gardner eight-hour bill)—to the Committee on Labor.

Also, petitions of McPherson Post, No. 51; Shiloh Post, No. 60; Sheridan-Dix Post, No. 7; Heintzleman Post, No. 33, and Sedgwick Post, No. 17, Grand Army of the Republic, Department of California, favoring H. R. 220, relative to desecration of the flag—to the Committee on the Judiciary.

By Mr. GILLETT: Petition of citizens of New York and vicinity, for relief for heirs of victims of the *General Slocum* disaster—to the Committee on Claims.

Also, petition of Phillipston Grange, No. 70, for a national highway commission—to the Committee on Agriculture.

By Mr. GOLDFOGLE: Petition of Trades League of Philadelphia, against H. R. 7597, for taking Thirteenth Census—to the Committee on the Census.

Also, petition of Local Union No. 1, International Stereotypers and Electrotypers' Union, for removal of duty on white paper, wood pulp, etc.—to the Committee on Ways and Means.

Also, petition of Massachusetts State Federation of Women's Clubs, for forest reservation in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Universalist Club, of Haverhill, Mass., for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, memorial of Southern Intelligence Bureau, against prohibition laws—to the Committee on the Judiciary.

Also, petition of Brill Brothers, of New York City, against Aldrich bill—to the Committee on Banking and Currency.

Also, petition of Maritime Association of Port of New York, for S. 25, to promote efficiency of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, petition of Polish organizations and Polish press of the United States, favoring Bates resolution of sympathy for Polish subjects of Prussia—to the Committee on Foreign Affairs.

By Mr. GOULDEN: Petition of Trades League of Philadelphia, Pa., for S. 25, promoting efficiency in the Life-Saving Service—to the Committee on the Merchant Marine and Fisheries.

Also, petitions of McPherson Post, No. 61; Sedgwick Post, No. 17; Heintzelman Post, No. 33; Shiloh Post, No. 60; and Sheridan-Dix Post, No. 7, Grand Army of the Republic, Department of California, favoring H. R. 220, against desecration of the American flag—to the Committee on the Judiciary.

Also, petition of C. F. Mehelbreth, a citizen of New York City, favoring the Dick-Capron bill readjusting pay of the Army—to the Committee on Military Affairs.

By Mr. GRAHAM: Paper to accompany bill for relief of Andrew D. Taylor—to the Committee on Invalid Pensions.

Also, petition of E. H. Porter, C. A. Thomas, C. T. Woolsey, Frank O'Ryan, and others, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. HAMILTON of Iowa: Paper to accompany bill for relief of William Elkin—to the Committee on Invalid Pensions.

By Mr. HASKINS: Petition of Waterbury Grange, No. 237; Caledonia Grange, No. 9, and Green Mountain Grange, No. 347, for H. R. 15837, creation of a national highway commission—to the Committee on Agriculture.

By Mr. HAYES: Petition of P. E. Holderness and 74 other citizens of San Jose, Cal., in favor of exclusion of Asiatic laborers and against extending the right of naturalization—to the Committee on Immigration and Naturalization.

Also, petition of citizens of California, opposing Penrose bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HINSHAW: Paper to accompany bill for relief of Mrs. Beatrice H. Duncan—to the Committee on Invalid Pensions.

By Mr. HUFF: Petition of Floyd Thompson, of Chicora, Pa., and others, for a national highway commission—to the Committee on Agriculture.

By Mr. HUGHES of New Jersey: Petition of American Newspaper Publishers' Association, for removal of duty on white paper, wood pulp, etc.—to the Committee on Ways and Means.

By Mr. JONES of Washington: Petitions of Methodist Episcopal Church of Port Orchard, First Congregational Church of Snohomish, and Fremont Baptist Church, of Seattle, all in the State of Washington, for closing gates to visitors Sundays during the Alaska-Yukon-Pacific Exposition—to the Select Committee on Industrial Arts and Expositions.

Also, petitions of Methodist Episcopal Church of Port Orchard; Fremont Baptist Church, of Seattle; First Congregational Church of Snohomish, and Methodist Episcopal Church of Burlington, all in the State of Washington, against the sale of intoxicating liquor on any Government property—to the Committee on Alcoholic Liquor Traffic.

Also, petition of sundry citizens of Washington, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LAMB: Paper to accompany bill for relief of heirs of William Southworth—to the Committee on War Claims.

By Mr. LILLEY: Petition of George W. Ide, for a national highway commission—to the Committee on Agriculture.

By Mr. LINDBERGH: Petition of Jobbers and Manufacturers' Association, favoring improvement of the Mississippi River—to the Committee on Rivers and Harbors.

By Mr. LITTLEFIELD: Petition of F. H. Albee and others, for a national highway commission—to the Committee on Agriculture.

By Mr. MOORE of Pennsylvania: Petition of Trades League of Philadelphia, for authorization to complete all Government contracts pending in certain shipyards and steel works—to the Committee on Naval Affairs.

By Mr. NORRIS: Petition of Kenesaw Bay View Club, of Nebraska, in favor of woman suffrage—to the Committee on the Judiciary.

By Mr. PADGETT: Paper to accompany bill for relief of William Johnson—to the Committee on War Claims.

By Mr. PAYNE: Petitions of Conquest Grange, No. 1027, of Port Byron, N. Y., and Hopewell Grange, No. 472, of Ontario, N. Y., favoring a national highway commission—to the Committee on Agriculture.

By Mr. RYAN: Petition of Peace Association of Friends of Philadelphia, against the building of new battle ships—to the Committee on Naval Affairs.

Also, petition of North American Fish and Game Protective Association, for a treaty with Canada looking to the propagation and protection of fish in the Great Lakes—to the Committee on Foreign Affairs.

Also, petition of National Association of Clothiers, against the Aldrich and in favor of the Fowler currency bill—to the Committee on Banking and Currency.

Also, petition of New York Credit Men's Association, for any amendment beneficial to present bankruptcy law—to the Committee on the Judiciary.

By Mr. SCOTT: Petition of Richland Grange, No. 372, for a national highway commission—to the Committee on Agriculture.

By Mr. STEVENS of Minnesota: Petition of Jobbers and Manufacturers' Association of St. Paul, favoring an improvement of Mississippi River—to the Committee on Rivers and Harbors.

Also, petition of Merriam Park Woman's Club, of St. Paul, Minn., for the Beveridge-Parsons child-labor bill—to the Committee on the Judiciary.

By Mr. SULZER: Petition of Mrs. Bertha Lynch, for the Kittredge copyright bill—to the Committee on Patents.

By Mr. THOMAS of Ohio: Petition of S. H. Bromfield and Burton Grange, for a national highway commission—to the Committee on Agriculture.

Also, petition of Presbyterian Church of Orwell, Ohio, for the Littlefield original-package bill—to the Committee on the Judiciary.

Also, petition of C. F. Cram and others, for establishment of a rural parcels post, as per S. 5122—to the Committee on the Post-Office and Post-Roads.

By Mr. TOU VELLE: Petition of Ohio State legislative board of Brotherhood of Railway Trainmen, for the La Follette-Sterling employers' liability bill and against the Knox bill—to the Committee on the Judiciary.

Also, petition of S. A. Horner and other citizens, against the Penrose bill, amendment of section 3893 of the Revised Statutes, S. 1518, creating a press censorship—to the Committee on the Post-Office and Post-Roads.

By Mr. WANGER: Petition of Thomas M. Bergan and 20 other citizens of Snedekerville, Bradford County, Pa., against H. R. 19238—to the Committee on Interstate and Foreign Commerce.

Also, petition of Universalist Club of Haverhill, Mass., for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. WOOD: Petitions of F. L. Sturgeon, C. T. Woolsey, E. S. T. Porter, C. A. Thomas, and Frank O. Ryan, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Board of Trade of Newark, N. J., for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Trades League of Philadelphia, for S. 25 (efficiency of Life-Saving Service), and H. R. 7597 (to provide for taking the Thirteenth Census)—to the Committee on the Census.

SENATE.

WEDNESDAY, *March 25, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. MCCREARY, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 16882) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GILLETT, Mr. BRICK, and Mr. LIVINGSTON managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 3416. An act to amend an act entitled "An act authorizing the extension of Meridian place NW.," approved January 9, 1907;

H. R. 16493. An act limiting and restricting the right of entry and assignment under the desert-land law and authorizing an extension of time within which to make final proof;

H. R. 16621. An act to extend the time for the construction of a dam across Savannah River at Cherokee Shoals; and

H. R. 19408. An act to authorize the Secretary of War to donate to the Albert Sidney Johnston Camp, Confederate Veterans, of San Antonio, Tex., not to exceed fifty obsolete Springfield rifles, bayonets, and bayonet scabbards for same.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of Local Division No. 1, Ancient Order of Hibernians, of Torrington, Conn., remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a petition of the League of Peace, of New York City, N. Y., praying that an invitation be extended by Congress to the Japanese Parliament to visit the United States in 1909, at a joint interparliamentary union, which was referred to the Committee on Foreign Relations.

Mr. PLATT presented a memorial of the Master Steam and Hot Water Fitters' Association of New York City, N. Y., remonstrating against the passage of the so-called "anti-injunction bill," which was referred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of New York City, N. Y., remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented the petition of Henry S. Creamer, of New York City, N. Y., praying for the adoption of certain amendments to the present copyright law relating to musical compositions, which was referred to the Committee on Patents.

He also presented a petition of sundry citizens of Olean, N. Y., praying for the passage of the so-called "postal savings bank bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Grange No. 1072, Patrons of Husbandry, of Binghamton, N. Y., praying for the enactment of legislation to create a national highways commission, which was referred to the Committee on Agriculture and Forestry.

He also presented petitions from Local Grange No. 1042, Patrons of Husbandry, of Clifton Springs; of Local Grange No. 548, Patrons of Husbandry, of Glendale; of Local Grange No. 1072, Patrons of Husbandry, of Binghamton; of Local Grange No. 882, Patrons of Husbandry, of Staatsburg, and of Madison County Pomona Grange, Patrons of Husbandry, all in the State of New York, praying for the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented a petition of Stevens Mills Grange, Patrons of Husbandry, of Auburn, Me., praying for the enactment of legislation providing for the appointment of a national highways commission, which was referred to the Committee on Agriculture and Forestry.

Mr. CULLOM presented memorials of sundry citizens of Butte and of the Phil Sheridan Club, of Anaconda, in the State of Montana; of the Emmet Club, of Gardner, Mass.; of the Robert Emmet Literary Society, of Seattle, Wash.; of the Henry Grattan Club, of New Haven; of the Emmet Club, of Danbury, in the State of Connecticut; and of the Irish Nationalists, of Cleveland, Springfield, and Cincinnati, all in the State of Ohio, remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. LONG presented a memorial of the Southern Intelligence Bureau, of New Orleans, La., remonstrating against the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented memorials of sundry citizens of Covona, Morganhill, and Oakdale, in the State of California; of South Lancaster, Mass.; of Bennon, Birchtree, Carthage, Clarksburg, Jerico Springs, Mainard, Mendon, Reno, and St. Louis, in the State of Missouri; of Marion and Toledo, in the State of Ohio; of Temple, Okla.; of Gaffney, S. C.; of Nashville, Tenn., and of Hartland, Vt., remonstrating against the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. WETMORE presented a petition of Portsmouth Grange, Patrons of Husbandry, of Portsmouth, R. I., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the John Mitchell Literary Association, of Providence, R. I., remonstrating against the ratification of the pending arbitration treaty between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. LODGE presented petitions of sundry citizens of Prescott, Colrain, Lyonsville, Adamsville, Middleboro, Gardner, and West Tisbury, all in the State of Massachusetts, praying for the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Atlantic Coast Seamen's Union, of Boston, Mass., remonstrating against the enactment of legislation to amend section 4463 of the Revised Statutes, relating to the manning of vessels, which was referred to the Committee on Commerce.

Mr. WARNER presented a petition of sundry allied temperance organizations of Sedalia, Mo., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of the International Reform Bureau of Washington, D. C., praying for the adoption of certain amendments to the present antigambling law of the District of Columbia, so as to prohibit gambling and bookmaking in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. RAYNER presented a petition of sundry citizens of Burtonville and Silver Springs, in the State of Maryland, praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. ANKENY presented a petition of sundry citizens of South Bend, Wash., praying for the enactment of legislation to prohibit the giving to or receipt by public officers of any free frank or privilege for the transmission of messages by telegraph or telephone and to prevent discriminations in interstate telegraph and telephone rates, which was referred to the Committee on Interstate Commerce.

Mr. HOPKINS presented a petition of sundry citizens of Earlville, Ill., praying for the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Illinois, praying for the enactment of legislation to provide for the con-

struction of at least one of the proposed new battle ships at a Government navy-yard, which was referred to the Committee on Naval Affairs.

He also presented a petition of the city of Nauvoo, Ill., praying that an annual appropriation of $2,000,000 be made for the improvement of the upper Mississippi River, which was referred to the Committee on Commerce.

He also presented a petition of the National Guard Officers' Association, of Peoria and Pekin, in the State of Illinois, praying for the enactment of legislation to promote the efficiency of the militia, which was referred to the Committee on Military Affairs.

He also presented a petition of Williams Post, No. 25, Department of Illinois, Grand Army of the Republic, of Watseka, Ill., praying for the passage of the so-called "Sherwood pension bill," granting more liberal rates of pensions, which was referred to the Committee on Pensions.

He also presented resolutions adopted by sundry Polish citizens of South Chicago, Ill., expressing their disapproval of the expropriation laws enacted by the Diet of Prussia, which was referred to the Committee on Foreign Relations.

Mr. HEMENWAY presented a petition of Hamilton Grange, No. 2109, Patrons of Husbandry, of Waterloo, Ind., praying for the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Subordinate Lodge No. 79, International Brotherhood of Boiler Makers, Iron-Ship Builders and Helpers of America, of Garrett, Ind., praying for the enactment of legislation providing for the construction of the next proposed new battle ship at one of the Government navy-yards, which was referred to the Committee on Naval Affairs.

DESTRUCTION OF THE FUR-SEAL HERD.

Mr. FORAKER. I present a paper prepared by Henry W. Elliott, of Lakewood, Ohio, respecting the destruction of the fur-seal herd. Mr. Elliott requests me to present it and ask to have it printed as a Senate document and referred to the Committee on Foreign Relations. I move that it be printed as a document and referred to the Committee on Foreign Relations for consideration.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. DICK, from the Committee on Naval Affairs, to whom were referred the following bills and joint resolution, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 4763) transferring Commander William Wilmot White from the retired to the active list of the Navy;

A bill (H. R. 12476) to place the name of William S. Shacklette on the retired list of the Navy as pharmacist;

A bill (S. 5263) for the relief of William Parker Sedgwick;

A bill (S. 5590) for the promotion of Joseph A. O'Connor, carpenter in the United States Navy, to the rank of chief carpenter, and place him on the retired list;

A bill (S. 3125) for the relief of Jabez Burchard;

A bill (H. R. 3822) for the relief of James Behan; and

A joint resolution (H. J. Res. 134) for the relief of Archibald G. Stirling, recently midshipman, United States Navy.

He also, from the Committee on Naval Affairs, to whom was referred the bill (S. 3952) to restore to the active list of the United States Marine Corps the name of Robert Morgan Gilson, reported it with amendments and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 879) for the relief of John S. Higgins, paymaster, United States Navy; and

A bill (H. R. 12499) for the relief of Clarence Frederick Chapman, United States Navy.

Mr. DILLINGHAM, from the Committee on the District of Columbia, to whom was referred the bill (S. 1474) to make uniform the law of warehouse receipts in the District of Columbia, reported it without amendment and submitted a report thereon.

Mr. BRANDEGEE, from the Committee on Forest Reservations and the Protection of Game, to whom was referred the bill (H. R. 14789) to amend an act entitled "An act for the protection of game in Alaska, and for other purposes," approved June 7, 1902, moved to be discharged from its further consideration and that it be referred to the Committee on Territories, which was agreed to.

Mr. KEAN, from the Committee on Claims, to whom was referred the bill (H. R. 10075) for the relief of Copiah County, Miss., repored it without amendment and submitted a report thereon.

RETURN OF CASES TO COURT OF CLAIMS.

Mr. KEAN, from the Committee on Claims, to whom was referred the communication from the chief justice of the Court of Claims of March 16, 1908, and also the communication from the assistant clerk of the Court of Claims of March 11, 1908, reported the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That in compliance with the request of the chief justice of the Court of Claims, the Secretary of the Senate be, and he is hereby, directed to return to the Court of Claims the following Congressional cases, namely, of James Bigler *v.* The United States, No. 11801, and of Ellen L. Faunce, widow of Peter Faunce, deceased, *v.* The United States, No. 10942, C and F 82, and the said court is hereby authorized to proceed in said cases and in each thereof as if no return therein had been made to the Senate.

ROOM FOR JOINT COMMITTEE ON REVISION OF THE LAWS.

Mr. KEAN. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by the Senator from Idaho [Mr. HEYBURN] on the 4th instant, to report it favorably with an amendment, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution, as follows:

Resolved, That the chairman of the Joint Committee on Revision of the Laws be authorized to rent a room in the Bliss Building for the use of the employees of said committee from February 1, 1908, at a monthly rental not to exceed $25.

The amendment was, in line 3, after the word "use," to strike out the words "of the employees," so as to read, "for the use of said committee," etc.

Mr. CULBERSON. How long is it proposed to permit the renting of the building?

Mr. KEAN. There is a letter accompanying the resolution from the chairman of the Committee on Rules, asking that this be done. The chairman of the Committee on Revision of the Laws can tell the Senator how long he expects to occupy the room.

Mr. CULBERSON. There is no limitation at all as to time in the resolution.

Mr. HEYBURN. The limitation would be determined by the arrangements that the Senate should make for the accommodation of its committees upon whom it imposes duties.

The committee has been shifted around several times, borrowing rooms in which to work. I have been paying the rent of this room personally for some time because it was necessary to have some place for men to work. They are engaged in the absolutely necessary performance of duty connected with the revision of the laws, and if the Committee on Revision of the Laws is to be retained and they are to perform this work, they certainly must have a room in which to perform it.

I applied for quarters for the committee in the Capitol building during the early part of the session. It was not found possible to give the committee a room in this building. They were in the Annex, in borrowed rooms, until other committees claiming prior rights to the rooms made it necessary to remove them. I then went to the Bliss Building, that being the most convenient building to get in which rooms could be procured, and rented a room for them. They are there at work now.

Mr. CULBERSON. I made no objection to the resolution. I simply inquired for what length of time the rent is to continue. My understanding was that the resolution is to provide room for a clerk and assistants for a special committee.

Mr. HEYBURN. For the Committee on Revision of the Laws.

Mr. CULBERSON. I understood that that committee had already made its report.

Mr. HEYBURN. That committee has reported the Criminal Code. It has prepared for consideration the judiciary title of the Revised Statutes. It has ready for consideration at any time that Congress is ready to take it up thirteen titles of the Revised Statutes.

The men who are engaged in working in this room are now arranging the existing laws opposite the work of the Commission on Revision, which was reported to Congress a year ago last December. It is a very extensive work. I would say that if we are to carry out and complete the work for which the committee was appointed it will take a year.

Mr. CULBERSON. Why not fix that limitation in the resolution?

Mr. KEAN. I have no objection to that, Mr. President.

Mr. HEYBURN. Of course if at the end of that time the work is not completed, we shall have to make further arrangements for using the room.

Mr. FRYE. We shall have the building over here by that time.

Mr. HEYBURN. I hope so. I think it is high time that Congress made some arrangement for adequate quarters for those who are performing necessary duties in connection with its work.

Mr. CULLOM. I should like to make simply one statement. I think by the beginning of the next session the building called the Senate Office Building will be ready for occupation.

Mr. GALLINGER. That is absolutely certain.

Mr. CULLOM. It is absolutely certain unless something very unusual transpires.

Mr. CULBERSON. I suggest to the chairman of the committee, who I understand is willing to consent to an amendment, to limit the occupation of the room for a year.

Mr. KEAN. I have no objection to that amendment, but I will say to the Senator from Texas that all these appropriations are absolutely in the control of the Senate. They can be revoked at any time.

Mr. CULBERSON. Yes; but the Senate will never hear of this again, I think, after it is passed.

Mr. CULLOM. There is no occasion for the time to run longer than the beginning of the next session.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee to strike out the words "of the employees."

The amendment was agreed to.

Mr. KEAN. Does the Senator from Texas desire to have an amendment limiting the time to one year?

Mr. CULBERSON. I suggest to the chairman of the committee that amendment.

Mr. KEAN. Let the resolution be made to read, "to rent for not exceeding one year from the 1st day of February, 1908."

The VICE-PRESIDENT. The Senator from New Jersey proposes an amendment, which will be stated.

The SECRETARY. Add in the second line of the resolution, after the word "rent," the words "for not exceeding one year."

The amendment was agreed to.

The resolution as amended was agreed to.

BILLS INTRODUCED.

Mr. TELLER introduced a bill (S. 6325) to amend an act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof to enlarge the powers of the Interstate Commerce Commission, approved June 20, 1906," which was read twice by its title and referred to the Committee on Interstate Commerce.

Mr. CULLOM introduced a bill (S. 6326) for the relief of Lucy L. Bane, which was read twice by its title and referred to the Committee on Claims.

Mr. GALLINGER introduced a bill (S. 6327) providing for the purchase of a reservation for a public park in the District of Columbia, which was read twice by its title and, with the accompanying paper, referred to the Committee on Public Buildings and Grounds.

Mr. FRYE introduced a bill (S. 6328) for the relief of Marion B. Patterson, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. LONG introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6329) granting an increase of pension to George F. Pond; and

A bill (S. 6330) granting an increase of pension to Lindly Cox.

Mr. FORAKER introduced a bill (S. 6331) to legalize contracts and agreements not in unreasonable restraint of trade or commerce, which was read twice by its title and referred to the Committee on Interstate Commerce.

He also introduced a bill (S. 6332) to amend an act entitled "An act for the protection of persons furnishing material and labor for the construction of public work," which was read twice by its title and referred to the Committee on the Judiciary.

Mr. WETMORE introduced a bill (S. 6333) granting an increase of pension to James T. P. Bucklin, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. DICK introduced a bill (S. 6334) to correct the military record of Erwin M. Harley, alias Erwin M. Bergstresser, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. NELSON introduced a bill (S. 6335) to establish a fish-cultural station in the State of Minnesota, which was read twice by its title and referred to the Committee on Fisheries.

Mr. WARNER introduced a bill (S. 6336) granting a pension to John W. Wilkerson, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MARTIN introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6337) granting a pension to Isidore Cohen; and

A bill (S. 6338) granting a pension to William H. Whiting.

Mr. McCUMBER introduced a bill (S. 6339) granting an increase of pension to Randolph Holding, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HEMENWAY introduced a bill (S. 6340) granting an increase of pension to John W. Aughe, which was read twice by its title and referred to the Committee on Pensions.

Mr. WARREN introduced a bill (S. 6341) granting an increase of pension to Charles H. Edwards, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 6342) for the relief of Mrs. Davis Foster, which was read twice by its title and referred to the Committee on Claims.

Mr. PERKINS introduced a bill (S. 6343) for the relief of laborers, mechanics, and other employees of the Navy Department injured, and the families of those killed, without fault of their own, while in the discharge of their duties, which was read twice by its title and referred to the Committee on Naval Affairs.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. GAMBLE submitted an amendment proposing to appropriate $80 to be paid out of appropriations heretofore made and applicable to Anton Rostad, of Vermilion, S. Dak., under contract for the erection of certain buildings at the Genoa Indian School, Nebraska, intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

AMENDMENT TO FORTIFICATIONS APPROPRIATION BILL.

Mr. FRYE submitted an amendment proposing to appropriate $650,000 to enable the Secretary of War to purchase all land on Cushings Island, Portland Harbor, Maine, not at present owned by the Government, intended to be proposed by him to the fortifications appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENT TO OMNIBUS CLAIMS BILL.

Mr. LONG submitted an amendment intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which was ordered to lie on the table and be printed.

CREATION OF MONETARY COMMISSION.

Mr. OVERMAN. I submit an amendment intended to be proposed by me to the bill (S. 3023) to amend the national banking laws, and I ask that it be read.

The amendment was read and ordered to lie on the table and to be printed, as follows:

Amendment intended to be proposed by Mr. OVERMAN to the bill (S. 3023) to amend the national banking laws.

Add at end of the bill four new sections, as follows, viz:

SEC. —. That a Commission is hereby created, to be known as a "Monetary Commission," which shall be composed of five members of the Senate, not more than three of whom shall be members of the same political party; five Members of the House of Representatives, not more than three of whom shall be members of the same political party, to be appointed by the presiding officer of each body; and five competent, well-qualified persons, to be appointed by the President, not more than three of whom shall be members of the same political party; and each member of the said Commission appointed by the President shall receive a salary of $625 per month, and all other members thereof, including the secretary of the Commission, shall receive a per diem allowance, when on duty, to be fixed by the Secretary of the Treasury, not to exceed $10 per day. The Commission shall appoint a secretary, who shall be paid a salary of $300 per month.

SEC. —. That it shall be the duty of the said Commission to immediately investigate the causes of the recent panic and the relation of the banking and currency system thereto, and the relation of loans made by national banks to brokers and others operating on the stock exchange, and give the character of the collateral accepted as security, and all matter necessary to discover any abuses that may exist in, or grow out of, the existing system of trading on margins, and investigate as to what changes and reforms are necessary in the banking system of the country to prevent, if possible, future panics, considering the various needs of the different parts of the country and the crop season thereof, and recommend and report to the President on or before the 1st day of January, 1909, who shall transmit same to Congress with such recommendation as he may deem proper.

SEC. —. That the Commission may employ such experts as it may deem proper to make investigation in the different sections of the country; and shall have power to administer oaths and affirmation, to send for persons and papers, and pay all necessary expenses incident to such investigation, including employment of stenographers, clerks, rents, stationery, and such salary as they may deem proper.

SEC. —. That a sum sufficient to carry out this act is hereby appropriated, out of the money in the Treasury not otherwise appropriated, not to exceed the sum of $150,000.

HEARING BEFORE COMMITTEE ON WOMAN SUFFRAGE.

Mr. CLAY submitted the following resolution, which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the stenographer employed to report the hearing before the Select Committee on Woman Suffrage, March 3, 1908, be paid from the contingent fund of the Senate, and that the hearing be printed.

PRESERVATION OF FORT KEARNEY, NEBR.

Mr. BROWN submitted the following concurrent resolution, which was considered by unanimous consent and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be instructed to investigate and report a plan for the preservation and commemoration of old "Fort Kearney," in the State of Nebraska.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 16882) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CULLOM. I move that the Senate insist upon its amendments and accede to the request for a conference, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed as the conferees on the part of the Senate, Mr. CULLOM, Mr. WARREN, and Mr. TELLER.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. M. C. LATTA, one of his secretaries, announced that the President had approved and signed the following acts:

On March 23, 1908:

S. 5254. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent children of such soldiers and sailors.

On March 24, 1908:

S. 4377. An act to carry into effect the international convention of December 21, 1904, relating to the exemption in time of war of hospital ships from dues and taxes on vessels.

REGISTRATION OF TUBERCULOSIS IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. Yesterday I moved to agree to certain amendments made by the House of Representatives to the bill (S. 29) to provide for registration of all cases of tuberculosis in the District of Columbia, for free examination of sputum in suspected cases, and for preventing the spread of tuberculosis in said District. I desire to move a reconsideration of the vote whereby the amendments were agreed to. I make that motion.

The motion to reconsider was agreed to.

Mr. GALLINGER. I move that the Senate disagree to the amendments made by the House of Representatives, ask a conference between the two Houses on the disagreeing votes, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed Mr. GALLINGER, Mr. DILLINGHAM, and Mr. PAYNTER the conferees on the part of the Senate.

SPECIAL MESSAGE OF THE PRESIDENT OF THE UNITED STATES.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read, ordered to lie on the table, and be printed.

To the Senate and House of Representatives:

I call your attention to certain measures as to which I think there should be action by the Congress before the close of the present session. There is ample time for their consideration. As regards most if not all of the matters, bills have been introduced into one or the other of the two Houses, and it is not too much to hope that action will be taken one way or the other on these bills at the present session. In my message at the opening of the present session, and, indeed, in various messages to previous Congresses, I have repeatedly suggested action on most of these measures.

Child labor should be prohibited throughout the nation. At least a model child-labor bill should be passed for the District of Columbia. It is unfortunate that in the one place solely dependent upon Congress for its legislation there should be no law whatever to protect children by forbidding or regulating their labor.

I renew my recommendation for the immediate reenactment of an employers' liability law, drawn to conform to the recent decision of the Supreme Court. Within the limits indicated by the court, the law should be made thorough and comprehensive, and the protection it affords should embrace every class of employee to which the power of the Congress can extend.

In addition to a liability law protecting the employees of common carriers, the Government should show its good faith by enacting a further law giving compensation to its own employees for injury or death incurred in its service. It is a reproach to us as a nation that in both Federal and State legislation we have afforded less protection to public and private employees than any other industrial country of the world.

I also urge that action be taken along the line of the recommendations I have already made concerning injunctions in labor disputes. No temporary restraining order should be issued by any court without notice; and the petition for a permanent injunction upon which such temporary restraining order has been issued should be heard by the court issuing the same within a reasonable time—say, not to exceed a week or thereabouts from the date when the order was issued. It is worth considering whether it would not give greater popular confidence in the impartiality of sentences for contempt if it was required that the issue should be decided by another judge than the one issuing the injunction, except where the contempt is committed in the presence of the court, or in other case of urgency.

I again call attention to the urgent need of amending the interstate-commerce law, and especially the antitrust law, along the lines indicated in my last message. The interstate-commerce law should be amended so as to give railroads the right to make traffic agreements, subject to these agreements being approved by the Interstate Commerce Commission and published in all of their details. The Commission should also be given the power to make public and to pass upon the issuance of all securities hereafter issued by railroads doing an interstate-commerce business.

A law should be passed providing in effect that when a Federal court determines to place a common carrier or other public utility concern under the control of a receivership, the Attorney-General should have the right to nominate at least one of the receivers; or else in some other way the interests of the stockholders should be consulted, so that the management may not be wholly redelivered to the man or men the failure of whose policy may have necessitated the creation of the receivership. Receiverships should be used, not to operate roads, but as speedily as possible to pay their debts and return them to the proper owners.

In addition to the reasons I have already urged on your attention, it has now become important that there should be an amendment of the antitrust law, because of the uncertainty as to how this law affects combinations among labor men and farmers, if the combination has any tendency to restrict interstate commerce. All of these combinations, if and while existing for and engaged in the promotion of innocent and proper purposes, should be recognized as legal. As I have repeatedly pointed out, this antitrust law was a most unwisely drawn statute. It was perhaps inevitable that in feeling after the right remedy the first attempts to provide such should be crude; and it was absolutely imperative that some legislation should be passed to control, in the interest of the public, the business use of the enormous aggregations of corporate wealth that are so marked a feature of the modern industrial world. But the present antitrust law, in its construction and working, has exemplified only too well the kind of legislation which, under the guise of being thoroughgoing, is drawn up in such sweeping form as to become either ineffective or else mischievous.

In the modern industrial world combinations are absolutely necessary; they are necessary among business men, they are necessary among laboring men, they are becoming more and more necessary among farmers. Some of these combinations are among the most powerful of all instruments for wrongdoing. Others offer the only effective way of meeting actual business needs. It is mischievous and unwholesome to keep upon the statute books unmodified a law, like the antitrust law, which, while in practice only partially effective against vicious combinations, has nevertheless in theory been construed so as sweepingly to prohibit every combination for the transaction of modern business. Some real good has resulted from this law. But the time has come when it is imperative to modify it. Such modification is urgently needed for the sake of the business men of the country, for the sake of the wageworkers, and for the sake of the farmers. The Congress can not afford to leave it on the statute books in its present shape.

It has now become uncertain how far this law may involve all labor organizations and farmers' organizations, as well as all business organizations, in conflict with the law; or, if we secure literal compliance with the law, how far it may result in the destruction of the organizations necessary for the transaction of modern business, as well as of all labor organizations and farmers' organizations, completely check the wise movement for securing business cooperation among farmers, and put back

half a century the progress of the movement for the betterment of labor. A bill has been presented in the Congress to remedy this situation. Some such measure as this bill is needed in the interest of all engaged in the industries which are essential to the country's well-being. I do not pretend to say the exact shape that the bill should take, and the suggestions I have to offer are tentative; and my views would apply equally to any other measure which would achieve the desired end. Bearing this in mind, I would suggest, merely tentatively, the following changes in the law:

The substantive part of the antitrust law should remain as at present; that is, every contract in restraint of trade or commerce among the several States or with foreign nations should continue to be declared illegal; provided, however, that some proper governmental authority (such as the Commissioner of Corporations acting under the Secretary of Commerce and Labor) be allowed to pass on any such contracts. Probably the best method of providing for this would be to enact that any contract, subject to the prohibition contained in the antitrust law, into which it was desired to enter, might be filed with the Bureau of Corporations or other appropriate executive body. This would provide publicity. Within, say, sixty days of the filing—which period could be extended by order of the Department whenever for any reason it did not give the Department sufficient time for a thorough examination—the executive department having power might forbid the contract, which would then become subject to the provisions of the antitrust law, if at all in restraint of trade.

If no such prohibition was issued, the contract would then only be liable to attack on the ground that it constituted an unreasonable restraint of trade. Whenever the period of filing had passed without any such prohibition, the contracts or combinations could be disapproved or forbidden only after notice and hearing with a reasonable provision for summary review on appeal by the courts. Labor organizations, farmers' organizations, and other organizations not organized for purposes of profit, should be allowed to register under the law by giving the location of the head office, the charter and by-laws, and the names and addresses of their principal officers. In the interest of all these organizations—business, labor, and farmers' organizations alike—the present provision permitting the recovery of threefold damages should be abolished, and as a substitute therefor the right of recovery allowed for should be only the damages sustained by the plaintiff and the cost of suit, including a reasonable attorney's fee.

The law should not affect pending suits; a short statute of limitations should be provided, so far as the past is concerned, not to exceed a year. Moreover, and even more in the interest of labor than of business combinations, all such suits brought for causes of action heretofore occurred should be brought only if the contract or combination complained of was unfair or unreasonable. It may be well to remember that all of the suits hitherto brought by the Government under the antitrust law have been in cases where the combination or contract was in fact unfair, unreasonable, and against the public interest.

It is important that we should encourage trade agreements between employer and employee where they are just and fair. A strike is a clumsy weapon for righting wrongs done to labor, and we should extend, so far as possible, the process of conciliation and arbitration as a substitute for strikes. Moreover, violence, disorder, and coercion, when committed in connection with strikes, should be as promptly and as sternly repressed as when committed in any other connection. But strikes themselves are, and should be, recognized to be entirely legal. Combinations of workingmen have a peculiar reason for their existence. The very wealthy individual employer, and still more the very wealthy corporation, stand at an enormous advantage when compared to the individual workingman; and while there are many cases where it may not be necessary for laborers to form a union, in many other cases it is indispensable, for otherwise the thousands of small units, the thousands of individual workingmen, will be left helpless in their dealings with the one big unit, the big individual or corporate employer.

Twenty-two years ago, by the act of June 29, 1886, trades unions were recognized by law, and the right of laboring people to combine for all lawful purposes was formally recognized, this right including combination for mutual protection and benefits, the regulation of wages, hours, and conditions of labor, and the protection of the individual rights of the workmen in the prosecution of their trade or trades; and in the act of June 1, 1898, strikes were recognized as legal in the same provision that forbade participation in or instigation of force or violence against persons or property, or the attempt to prevent others from working, by violence, threat, or intimidation. The business man must be protected in person and property, and so must the farmer and the wageworker; and as regards all alike, the right of peaceful combination for all lawful purposes should be explicitly recognized.

The right of employers to combine and contract with one another and with their employees should be explicitly recognized; and so should the right of the employees to combine and to contract with one another and with the employers, and to seek peaceably to persuade others to accept their views, and to strike for the purpose of peaceably obtaining from employers satisfactory terms for their labor. Nothing should be done to legalize either a blacklist or a boycott that would be illegal at common law; this being the type of boycott defined and condemned by the Anthracite Strike Commission.

The question of financial legislation is now receiving such attention in both Houses that we have a right to expect action before the close of the session. It is urgently necessary that there should be such action. Moreover, action should be taken to establish postal savings banks. These postal savings banks are imperatively needed for the benefit of the wageworkers and men of small means, and will be a valuable adjunct to our whole financial system.

The time has come when we should prepare for a revision of the tariff. This should be, and indeed must be, preceded by careful investigation. It is peculiarly the province of the Congress and not of the President, and indeed peculiarly the province of the House of Representatives, to originate a tariff bill and to determine upon its terms; and this I fully realize. Yet it seems to me that before the close of this session provision should be made for collecting full material which will enable the Congress elected next fall to act immediately after it comes into existence. This would necessitate some action by the Congress at its present session, perhaps in the shape of directing the proper committee to gather the necessary information, both through the committee itself and through Government agents, who should report to the committee and should lay before it the facts which would permit it to act with prompt and intelligent fairness. These Government agents, if it is not deemed wise to appoint individuals from outside the public service, might with advantage be members of the Executive Departments, designated by the President, on his own motion or on the request of the committee, to act with it.

I am of the opinion, however, that one change in the tariff could with advantage be made forthwith. Our forests need every protection, and one method of protecting them would be to put upon the free list wood pulp, with a corresponding reduction upon paper made from wood pulp, when they come from any country that does not put an export duty upon them.

Ample provision should be made for a permanent Waterways Commission, with whatever power is required to make it effective. The reasonable expectation of the people will not be met unless the Congress provides at this session for the beginning and prosecution of the actual work of waterway improvement and control. The Congress should recognize in fullest fashion the fact that the subject of the conservation of our natural resources, with which this Commission deals, is literally vital for the future of the nation.

Numerous bills granting water-power rights on navigable streams have been introduced. None of them give the Government the right to make a reasonable charge for the valuable privileges so granted, in spite of the fact that these water-power privileges are equivalent to many thousands of acres of the best coal lands for their production of power. Nor is any definite time limit set, as should always be done in such cases. I shall be obliged hereafter, in accordance with the policy stated in a recent message, to veto any water-power bill which does not provide for a time limit and for the right of the President or of the Secretary concerned to fix and collect such a charge as he may find to be just and reasonable in each case.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *March 25, 1908.*

AMENDMENT OF NATIONAL BANKING LAWS.

Mr. ALDRICH. I ask that the Senate proceed to the consideration of Senate bill 3023.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3023) to amend the national banking laws.

Mr. ALDRICH. I ask the Senate to consider the amendments which have not been acted on and which have been heretofore reported by the Committee on Finance. I ask that the amendment of the committee on page 3 of the last print of the bill be first considered.

The VICE-PRESIDENT. The Secretary will state the amendment.

The SECRETARY. In section 1, page 3, line 7, after the words "equal in amount to," strike out the words:

Seventy-five per cent of the market value, as fixed by the Treasurer of the United States, of the bonds so deposited.

And insert:

Ninety per cent of the market value, but not in excess of the par value of any bonds so deposited, such market value to be ascertained and determined under the direction of the Secretary of the Treasury,

So as to read:

Provided, however, That in case the applications from associations in any State shall not be equal to the amount which the associations of such State would be entitled to under this method of distribution, the Secretary of the Treasury may, in his discretion, to meet an emergency, assign the amount not thus applied for to any applying association or associations in States in the same section of the country. Whenever after receiving notice of such approval any such association shall deposit with the Treasurer or any assistant treasurer of the United States such of the bonds described in section 2 of this act as shall be approved in character and amount by the Treasurer of the United States and the Secretary of the Treasury, it shall be entitled to receive, upon the order of the Comptroller of the Currency, circulating notes in blank, registered and countersigned as provided by law, equal in amount to 90 per cent of the market value, but not in excess of the par value of any bonds so deposited, such market value to be ascertained and determined under the direction of the Secretary of the Treasury, such additional circulating notes to be used, held, and treated in the same way as circulating notes of national banking associations heretofore issued and secured by a deposit of United States bonds, and shall be subject to all the provisions of law affecting such notes.

The VICE-PRESIDENT. The question is on agreeing to the amendment just stated.

Mr. CULBERSON. Mr. President, let me understand the proceeding. Are we to understand that the bill is now being read for committee amendments, after which individual Senators may propose amendments?

Mr. ALDRICH. The bill has been once read, when certain committee amendments were adopted and other committee amendments were passed over. The amendments which are now being stated are the committee amendments which heretofore were passed over. I have asked the Senate now to first consider these committee amendments and then, of course, any individual amendments will be in order.

The VICE-PRESIDENT. Without objection, the amendment just stated will be agreed to. The next committee amendment passed over will be stated.

The next committee amendment passed over was, in section 2, on page 4, line 15, after the word "taxes," to strike out "or the first mortgage bonds of any railroad company, not including street railway bonds, which has paid dividends of not less than 4 per cent per annum regularly and continuously on its entire capital stock for a period of not less than five years previous to the deposit of the bonds."

The amendment was agreed to.

The next committee amendment passed over was, on page 5, line 4, after the words "of the," to strike out "municipal and railroad," so as to read:

It shall be the duty of the Secretary of the Treasury to obtain information with reference to the value and character of the securities authorized to be accepted under the provisions of this section, and he shall from time to time furnish information to national banking associations as to such bonds as would be acceptable as security under the provisions of this act.

The amendment was agreed to.

The next amendment passed over was, in section 5, on page 8, line 6, after the word "deposits," to insert the following proviso:

Provided, That not more than $9,000,000 of lawful money shall be deposited during any calendar month for this purpose.

The amendment was agreed to.

The next committee amendment passed over was, in section 8, page 10, line 4, after the words "SEC. 8," to strike out:

That national banking associations located outside of reserve or central reserve cities, which are now required by law to keep a reserve equal to 15 per cent of their deposit liabilities, shall hereafter hold at all times at least two-thirds of such reserve in lawful money. The.

And to insert the words "That the," so as to make the section read:

SEC. 8. That the provisions of section 5191 of the Revised Statutes, with reference to the reserves of national banking associations, shall not apply to deposits of public moneys by the United States in designated depositaries.

Mr. ALDRICH. I ask that that amendment be further passed over. The committee will report some amendment to that amendment later.

The VICE-PRESIDENT. The amendment will be further passed over at the request of the Senator from Rhode Island.

Mr. LODGE. Mr. President, the committee amendments have been concluded, I think.

The VICE-PRESIDENT. The committee amendments have all been agreed to with the exception of one which has been further passed over.

Mr. LODGE. Then I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Massachusetts will be stated.

The SECRETARY. In section 2, page 4, line 15, after the word "taxes," it is proposed to insert "bonds of the insular government of Porto Rico."

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Massachusetts [Mr. LODGE], which has been stated. [Putting the question.] By the sound the "noes" seem to have it.

Mr. LODGE. I ought, perhaps, to make a statement. I did not suppose threre would be any objection to the Porto Rican bonds. There are a million of bonds of the government of Porto Rico, and they come entirely within the classification of Territorial and municipal bonds.

Mr. CLAY. Let that amendment be read again, Mr. President.

The VICE-PRESIDENT. The Secretary will again state the amendment proposed by the Senator from Massachusetts.

The Secretary again read the amendment proposed by Mr. LODGE.

Mr. ALDRICH. Mr. President, I think there is no objection to that amendment. It seems to me that it is in the line of the bill.

The VICE-PRESIDENT. The Chair will again put the question on agreeing to the amendment proposed by the Senator from Massachusetts.

The amendment was agreed to.

Mr. LODGE. I now offer the amendment which I send to the desk.

The VICE-PRESIDENT. The Senator from Massachusetts proposes an additional amendment, which will be stated.

The SECRETARY. In section 2, after the amendment just adopted, it is proposed to insert "bonds of the government of the Philippine Islands and bonds of the city of Manila."

Mr. LODGE. Mr. President, I will state what those bonds are. They are not railroad bonds at all; they are government and city bonds coming within the description of those already in the bill. They consist of the friar land bonds, issued under authority of Congress by the act of July 1, 1902, $7,000,000; Philippine public-improvement bonds, first and second issue, amounting to $3,500,000; Manila sewer and water bonds, two issues, amounting to $3,000,000; in all $13,500,000. They are, I repeat, city and government bonds, and not railroad bonds.

Mr. CLAY. Will the Senator from Massachusetts allow me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Georgia?

Mr. LODGE. Certainly.

Mr. CLAY. The principal of those bonds is not guaranteed by the Government, as I understand it?

Mr. LODGE. These bonds are not guaranteed by the United States.

Mr. CLAY. None of them? Is any of the interest guaranteed by the Government of the United States?

Mr. LODGE. It is not. They are simply bonds of the government of the Philippine Islands. They are bonds of that government and bonds of the city of Manila—municipal bonds. The others are in the same class as State or Territorial bonds. The railroad bonds are omitted altogether.

Mr. CLAY. Has the Senator from Massachusetts any idea where those bonds are held? Are they held here?

Mr. LODGE. They are all held in this country. I do not know by whom. Those bonds were all taken in New York.

Mr. CLAY. They are guaranteed by the Philippine government?

Mr. LODGE. They are the bonds of the Philippine government, just like the bonds of the United States.

Mr. CLAY. And bonds of the city of Manila?

Mr. LODGE. And bonds of the city of Manila; like bonds of the city of New York or of Boston. They are nothing but municipal and government bonds.

Mr. TELLER. Mr. President, according to the theory of this bill, these bonds ought not to be included. They do not come within the provisions of this bill. The Senator from Massachusetts says they are the same as Territorial bonds. I beg to differ with him.

Mr. LODGE. I said that they were the same in character as Territorial bonds.

Mr. TELLER. They are not the same in character.

Mr. LODGE. I think they are.

Mr. TELLER. They have no such relation.

Mr. LODGE. It is a difference of opinion.

Mr. TELLER. Mr. President, nobody can tell what our relation to that country will be in the future. People who bought these bonds have taken their chances. There is no reason why these bonds should be put in this bill now and why we ought to accept them, when we have refused to accept, for instance, railroad bonds. They are certainly bonds of doubtful value, with uncertainty as to what the future condition is going to be there. There is no obligation on our part to take care of these bonds. There is no control over them, either State or municipal, and the General Government has no control over them.

I do not know why the members of the committee ought not to have passed, at least, on this proposition. I do not know how the chairman feels about it, but I know the committee did not pass upon the question, and I know the committee would not have passed upon it favorably had the matter been before the committee.

Mr. ALDRICH. Mr. President, the Senator from Colorado is correct in his statement. This matter was called up in the Committee of Finance, and by a vote of the committee it was decided that this amendment should not be reported. I think the committee remains of the same opinion still. I should prefer, myself, to let this matter go over until the committee can have a further opportunity to ascertain the facts about the exact nature of these bonds—just what bonds they are and under what authority of law they are issued.

Mr. LODGE. Mr. President, if I may be allowed, I can state all that. These bonds are issued under acts of Congress by authority of the United States Government.

The Senator from Colorado [Mr. TELLER] speaks of them as being of doubtful value. They were selling in February, the friar land bonds at 107½; the Philippine improvement bonds, first issue, at 109; the second issue at 108, and the Manila bonds at 109. They vary, of course, as to the time when they are due. They are payable after 1914 and due from 1934 to 1937.

Mr. FRYE. What interest do they carry?

Mr. LODGE. I think they are fours. I have a note from the Secretary of the Treasury in reference to this matter, which reads as follows:

> Replying to your inquiry, I beg to say that the Treasury Department, when the deposit of public moneys with the various national banks is reduced, requires that bonds other than the following be first withdrawn:
>
> That is, these are the bonds to which the Treasury gives a preference in deposits.
>
> United States, District of Columbia three-sixty-fives, Philippine, city of Manila, Porto Rican, Hawaiian, and Philippine Railway Company—

These bonds have been already authorized by act of Congress as security for Government deposits, and they are given a preference by the Government over all other bonds, except bonds of the United States and bonds of the District of Columbia. They sell at a premium, and it seems to me that it is the greatest possible injustice to discriminate against bonds which we have authorized the government of that dependency to issue. They are small loans, amply provided for by sinking funds, and their standing is shown by the quotations which I have read here. For the interest and principal of the bonds ample sinking funds have been provided.

Mr. President, we have put in, very properly, the Porto Rican bonds, and it seems to me to deliberately discriminate against bonds of this public character, issued with our sanction by this dependency, is discrediting securities which we ourselves have authorized.

Mr. McLAURIN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Mississippi?

Mr. LODGE. Certainly.

Mr. McLAURIN. I desire to ask if these bonds are guaranteed by the Government of the United States?

Mr. LODGE. They are not.

Mr. CURTIS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Kansas?

Mr. LODGE. Certainly.

Mr. CURTIS. I should like to ask the Senator if he has any information as to the revenues of the Philippine Islands or of the city of Manila that would justify him in expressing an opinion as to whether or not they are sufficient to pay these bonds when they become due?

Mr. LODGE. Mr. President, the revenues of the Philippine government exceed the total expenditures in the past fiscal year by $2,000,000—that is, they had an excess of revenue over expenditures of nearly $3,000,000—and, of course, part of their expenditures included the sinking fund and the interest account on these bonds.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Colorado?

Mr. LODGE. Yes.

Mr. TELLER. Mr. President, it is not a question about the value of these bonds. They may be valuable, but we do not know whether they are or not. We can not know unless we know something of what will be the future history of that section of the world. We do not know that now, and we can not know it. At the present time, of course, we practically direct the finances of that country, but whether we will continue to do so nobody here knows. They are not American bonds; they are not national bonds; they are not city bonds or municipal bonds.

The committee, Mr. President, put in this bill a provision in regard to railroad bonds. It was thought by a majority of the members of the committee on first consideration that it would be wise to do that. Personally I am in favor of the provision in regard to railroad bonds, because I believed it would make it easier for the banks to get such bonds and to issue this emergency money when business conditions demanded such issue. It was thought best by the committee subsequently to strike them out, because there was some objection to that class of bonds. Nobody will pretend that under the provisions of the bill as it first came from the committee railroad bonds are not safer bonds than the bonds to which the Senator from Massachusetts refers.

I have another objection to this proposition. Personally I do not want to do anything that will tie the Philippines to this country. I hope I shall live long enough to see the American people wash their hands of the Philippine Islands and turn them over to somebody—I do not know who, but if we should have war with Japan, we would not probably have any great trouble with the islands after the war commenced, because Japan would probably walk in and take possession of them. However, I am not particularly frightened about a war with Japan, but we do not want to attach ourselves to those islands in a way that will lead to embarrassment when we come to deal with them.

We have adopted a policy in this bill to confine the securities to be accepted to certain State, county, and municipal bonds, and we have stricken out everything else. I do not think it is fair to put in the bonds of the Philippine Islands. The committee—and I recall the fact now, though I did not when I first spoke—actually voted that they would not put those bonds in the bill. We kept them out by a vote.

I want to say another word. I am very much disposed to vote for this bill; but it is with some difficulty that I am able to do so. If I vote for it at all, I will vote for it as it came from the committee. I do not know but that there may be some valuable amendments put on, but I doubt whether there will be, and I think the bill ought to go through without any embarrassment by provisions that it is not necessary to insert. I suppose everybody knows the bill will probably have a hard road to travel before it becomes a law, even if we pass it without such provisions, and every time that we add one of these extra things we make it more difficult.

I believe the bill would have been better with the railroad bond provision in it than it is without it, but I consented that the railroad bond provision should go out because I believed it would make it easier to enact the bill into law. I do not believe that the amendment of the Senator from Massachusetts will help it and I do not see any reason why the bonds which he seeks to include should be incorporated in the provisions of the bill. They are probably bringing their full value now, and we do not need them in this emergency business. We can get along without them, and I do not see why we should put them in.

Mr. LODGE. Mr. President, Congress has already declared that the bonds of Porto Rico and the Philippine Islands, dependencies of the United States, are ample and fit security to be preferred to all other security, except the bonds of the United States and those of the District of Columbia, for Government deposits, which represent the money of the people deposited in the banks. If they are suitable for that purpose, as Congress has adjudged, surely they are suitable for the guaranty of a bank note of a temporary character.

The fact that we allow these bonds to be used as security, it seems to me, has no bearing whatsoever on the question whether we are going to tie the Philippine Islands closer to us. We are much more likely, if we are proposing to get rid of the islands, to rid ourselves of them if their credit is good, than if we wantonly damage their credit. They have an ample surplus of revenue; the bonds stand high in the market; they are given preference by the Treasury, and, it seems to me,

from every point of view it is a mistake as to these bonds—and there is only a small amount of them altogether—to cause to them the injury which a refusal to put them in this bill undoubtedly would cause.

I understand that the proposition in regard to these bonds has never come to a vote in the committee. The question was considered there, but it was passed over and they were not included in the bill. I am very willing to let this amendment go over and let the matter be considered by the committee to-morrow, if the chairman so desires, before we complete action on this bill.

Mr. ALDRICH. I should be very much gratified if the Senator would permit that. We will have a meeting of the commitee to-morrow morning to consider this amendment.

Mr. LODGE. I ask that the amendment be passed over.

The VICE-PRESIDENT. The amendment will be passed over.

Mr. NELSON. Mr. President, I offer the amendment which I send to the desk as an independent section to the bill.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add as a new section the following:

SEC. 10. That all of said national banking associations designated as depositaries of public money and receiving such money on deposit shall pay to the United States, through the Secretary of the Treasury, interest upon such deposit at such rate as the said Secretary may prescribe, not less, however, than the rate of 1½ per cent per annum upon the average monthly balance of said deposit.

Mr. ALDRICH. I suggest to the Senator that he make the minimum 1 per cent instead of 1½ per cent.

Mr. NELSON. I will agree to that if the Finance Committee will accept the amendment.

Mr. HOPKINS. As one member of that committee, I am opposed to the proposition.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. HOPKINS. Mr. President, unless the Senator from Minnesota desires to present his views as to why the amendment should be adopted, I desire to oppose it.

Mr. NELSON. I suppose I will have the right to reply to the Senator from Illinois, so he may proceed.

Mr. TELLER. I should like to have the amendment read again. I mistook the amendment. The Senator from Minnesota has another one, which I thought he had offered.

The VICE-PRESIDENT. The amendment will be again stated.

The Secretary again read the amendment of Mr. NELSON.

Mr. HOPKINS. Mr. President, it is with some hesitency that I differ from the senior Senator from Minnesota [Mr. NELSON] upon a proposition of this kind, but this question was before the Senate a year ago, and, with other Republican Senators, I cast my vote in opposition to it. I have seen no reason from that time to this to change the position I then took. I recognize, however, that we have recently passed through a financial panic which has no parallel, perhaps, in the history of our country—a panic which has required, or through which, at least, the Secretary of the Treasury, under the direction of the President, placed with the different banks over $200,000,000. It may be that this with the people generally has led to the idea that interest should be demanded and deposited with the national banks.

The principal argument that is offered, Mr. President, by those who favor the national banks paying interest upon these deposits is that the various States and counties and municipalities in the Republic require interest to be paid on the several sums that are deposited by the States, counties, and municipalities in banks. To my mind this statement has no analogy to the present situation. The State has no authority to issue bills of credit or money. It holds an entirely different relation to the people than does the Federal Government.

Again, Mr. President, the levying of taxes, the collecting of them, and the disbursing of them, so far as the Federal Government is concerned, is entirely different from the levying of taxes, collecting of them, and disbursing of them by the State or the county or the municipality. In the State, county, and municipality, under the revenue laws of the various States, there is a specified time when the assessments are made and placed upon the various revenue books from the State down to the lowest municipality. There is a stated time when this money shall be collected, and there is also a stated time when this money is to be disbursed; so that the State treasurer or the county treasurer or the treasurer of the municipality, as the case may be, knows months in advance when that money is to be collected and placed in the treasury of the State, the county, or the municipality. It may be, and is, as a rule, the fact that many months may pass from the time the money is received in the treasury of the State before the treasurer is authorized by law to distribute it by paying the State debt or paying the expenses of the State government. The State in this case stands practically as an individual who has a large sum of money on hand that he is holding for the purpose of liquidating an indebtedness due at some time in the future, and not desiring to have the money lie idle, puts it in a savings bank to obtain interest upon it during this period when it can not be used to liquidate his indebtedness. He goes to a commercial bank for that purpose. The relations between the individual and the State are precisely the same, because the bank that handles the money of the State or the county or the municipality is not the fiscal agent of the State. It has no such relation to the people as have the national banks that are Government depositaries.

The relation of debtor and creditor in the case of deposits of State and municipal funds is established precisely as it would be if the money had been placed on deposit by an individual at a certain stipulated rate of interest.

In the whole history of our Government, Mr. President, this plan suggested in the pending amendment has never been adopted. It should not be adopted now without the most careful examination of the subject and mature deliberation on the part of the Senate. If the amendment that has been proposed here looking to the Government exacting interest upon deposits that may be made by the Secretary of the Treasury in any of the national banks should be adopted, we would change, in my judgment, the fiscal policy of the Government that has been in existence certainly ever since the creation of the national-bank system.

It may not be amiss, Mr. President, to call to the attention of the Senators the financial condition of our country under the policy that was inaugurated by General Jackson when he took the Government deposits from the United States Bank and placed the money with the various State banks. We are told by financial writers who have given much study to the industrial and financial history of the Government that while this destroyed the United States Bank, which during its whole life had been the fiscal agent of the Government, it stimulated a spirit of business enterprise and reckless investments that ultimately led to the panic of 1837 and nearly wrecked the United States Treasury itself. In a review of the conditions about this time by Howell Cobb, the Secretary of the Treasury in 1857, he calls attention to the fact that the Government on its books had in its Treasury $34,187,143.29, and that out of this vast amount there was available for general purposes only $1,085,498.32; of this sum of money the banks held $24,994,158.37; and when the Secretary of the Treasury called on the banks for the return of this money they were unable to meet the demands of the Secretary of the Treasury.

This money that had been taken from the United States Bank and deposited with the several banks of the States, together with the revenues that were received from day to day, had increased the volume of currency in the banks to such an extent that reckless investments were made in every direction and the various banks financed almost any enterprise that would come along, until the point was reached where confidence was lost in the credit of the country, and when that was lost there was not sufficient money in the banks of the State to meet the demands for the instrumentalities of trade, and this period of wild speculation resulted in wholesale failures in every State in the Union; and, as I have said, the Government itself was unable to collect as its needs required the $24,994,158.37 that it had deposited in the banks of the States.

It was this experience, Mr. President, that led later, in 1846, to the placing upon the statute books of our country what is known as the "Independent Treasury system"—a system that from that time to this has been a part of the financial machinery of the Government of the United States in collecting and disbursing the revenues of the Government. Many criticised this Independent Treasury system when it was inaugurated and made a law, and many have criticised it since, but that it has served a good purpose during all this period must be evident, Mr. President, to every student of finance in this country.

From the time of the enactment of the Independent Treasury system in 1846, until some time after the enactment of the present national-bank laws, the revenues of the Government were held in the Treasury of the United States and these various subtreasuries; but gradually, to meet the convenience of the public and serve the interest of the Government, various national banks have from time to time been designated as Government depositaries, and have been used as fiscal agents by the Government in connection with the subtreasuries to receive and disburse the Government's money. As Senators all know,

until the national banks were organized in 1863 the Federal Government did not undertake to furnish the currency of the country as a circulating medium throughout the various States of the Republic. The State banks were permitted under their several charters and under the decisions of the court to issue their notes, which passed, wherever the bank was known to be solvent, current among men who were willing to receive them in lieu of gold or silver. But when the national-bank act was passed by Congress, the Government for the first time in its history undertook to deprive all State banks of the privilege of issuing notes to be used as a medium of exchange by taxing their issue 10 per cent. This tax was made large enough so as to make it unprofitable for State banks to issue notes to be used as currency; and at the same time provision was made for each national-bank association that received its charter from the Government to take the bonds of the Government and issue a certain percentage of notes on those bonds, which to-day pass as readily as greenbacks or gold or silver as the money of the country. From that time to the present the Federal Government has taken upon itself the responsibility of furnishing to the people of this country a currency adequate in volume to meet the demands of commerce and trade. To do this it has furnished the gold and silver certificates that are in circulation, the Treasury notes known as greenbacks, and the national-bank notes which to-day have reached the enormous volume of $562,727,614.

Now, no State, county, or municipality has any such authority or power under the Constitution of our common country. These have no greater or different right, so far as furnishing a currency to the country is concerned, under existing law than an individual, and hence, as I have said, Mr. President, there is no analogy between a State exacting interest upon deposits, or a county, and the Federal Government. Now, the Federal Government has found it convenient, in serving the public interests in the collection and disbursement of its revenues, to use these national banks as fiscal agents. Money that otherwise would be locked up in the Treasury and subtreasuries of the Government and thus taken out of the channels of trade, has been placed in these national banks in order to keep as large an amount of currency in circulation as is required by the demands of trade and commerce. This has been notably true during periods of financial stringency, and it is notably true, too, at various seasons of the year, especially at the crop-moving season when larger sums of money are demanded in the West and the Southwest, where the cotton crop of the South and the wheat and corn crop of the West have to be moved.

Mr. President, only a year ago, by an amendment that was offered by the Senator from Georgia [Mr. BACON], it was provided that in designating the Government depositaries the Secretary of the Treasury should consider all sections of our common country. Why was it? Was it to benefit some individual bank? Not at all. It was for the purpose of distributing this large sum of money that daily and weekly and monthly comes into the Treasury of the United States all over this country for the benefit of the people themselves.

Mr. NELSON. Will the Senator from Illinois allow me to ask him a question?

Mr. HOPKINS. I will.

Mr. NELSON. Do not the banks loan out the money which is deposited with them by the Government to the public and charge interest for it? They do not conduct that part of the business as an eleemosynary institution; as a matter of charity. Does the Senator undertake to say that the money which the Government leaves with the banks is left there as a matter of charity for the banks to distribute among the people? Do they not mix it with their other funds and loan it out and get interest on it?

Mr. HOPKINS. Of course they do; and that is the intention when the money goes into the various banks. But I wish to know how the Senator from Minnesota is going to obtain any consolation from that. If the money were kept in the banks the people would not get any benefit from it. Does the Senator suppose that if an interest charge of 1½ per cent or 2 per cent is made on the Government deposits the banks are going to pay it? Not at all. The people who borrow money will be compelled to pay it in the extra interest that is charged. It is an utter impossibility to regulate this by legislation here. If the banks are required to take this money as Government depositaries and pay 1½ or 2 per cent interest upon it, then the person who goes to the bank to obtain any part of that money will be required to pay that much more interest. So nothing will be gained for the general public. It comes right back to the proposition——

Mr. NELSON. Will the Senator yield to me for a question?

Mr. HOPKINS. I will.

Mr. NELSON. If these large city banks can afford to pay 2 per cent on the balances of the country banks, why can they not afford to pay the Government a little? They mingle the money they get from the country banks with Federal money and loan it out and speculate and make profit on it. Why is it any greater hardship for the banks to pay interest to the Government than it is for the banks to pay interest to the country banks?

Mr. HOPKINS. The Senator from Minnesota misconceives this proposition entirely. It is not a question whether the banks can afford to do it or can not afford to do it. It is a question whether the people from whom this money is taken by the revenue system we have shall be required to pay a greater rate of interest when they go to the banks to borrow money than they would under other conditions.

Mr. NELSON. Will the Senator yield to me?

Mr. HOPKINS. I will.

Mr. NELSON. Does the Senator have any information that the banks which get this money from the Government loan it to the people at any less rate than they do any other money?

Mr. HOPKINS. That is aside from the question entirely. It has no bearing upon it. It does not make any difference whether they do or do not. We know that if the banks are required to pay interest on the deposits, they will put the money out at a profit. We know that. If they do put it out at a profit, they are going to charge the person who borrows the money a higher rate of interest than they otherwise would.

There is another proposition in connection with this to which I desire to call the attention of the Senator from Minnesota and other Senators who feel as he does, that interest should be paid on these Government deposits, and that is this: Under the decisions of the Supreme Court of the United States, and under the clear reading of the statute itself that permits national banks to become Government depositaries, the Government never loses control of the money.

The money in a bank that is made a Government depositary is public money as much as that in the subtreasury or in the Treasury itself, and section 5489 of the Revised Statutes of the United States makes the banker an embezzler if he is unable to pay that money whenever it is demanded by the Secretary of the Treasury. You change that relation entirely——

Mr. FLINT. Mr. President——

Mr. HOPKINS. Just a moment. You change entirely the relation between the Government and the banks the moment you undertake to charge interest upon the Government deposits. Under present conditions the banks are simply fiscal agents of the Government of the United States. They hold the same relation to the Secretary of the Treasury as does the subtreasury at Chicago or New York or wherever those subtreasuries are located. They are governed by the same rules and the same regulations, and the money that they have is the money of the Government of the United States the same as the money in the Treasury.

Mr. President, you change that and require interest and you establish a contractual relation between the banks and the Government. You make a contract between them which entirely destroys this fiscal agency that has always been the marked feature of these deposits, and make the relation of debtor and creditor to exist between the two. In other words, you destroy the power of the Government of the United States to make an embezzler of a banker if he fails to respond with the money. His relation then to the Government is that of any other person who makes a deposit and makes an arrangement by which he is to have a certain compensation for it.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from California?

Mr. HOPKINS. I do.

Mr. FLINT. The Senator seems to have answered the question which I wanted to ask him when I rose. I should like to ask him, however, whether in his opinion, if this amendment is adopted, making a charge of one and a half per cent interest, or not less than that, it would change the relation, so that the banker could not be prosecuted if he embezzled the money?

Mr. HOPKINS. I undertake to say that if that arrangement is made, section 5489 can not apply to it. That applies——

Mr. FLINT. I want to ask the Senator a question. Then we simply ought to amend that section, too?

Mr. HOPKINS. Very well; you have to revise the criminal code of the United States in order to do that.

Mr. FLINT. We certainly ought to amend that section if this amendment is adopted.

Mr. HOPKINS. You have to do it if it is to be made a crime for the banker to fail to return the money on a contract to borrow money and pay interest upon it, a relation this amendment makes.

But I want to suggest to the Senator from California: Would it not be an anomaly in criminal law to make an embezzler of a man when you make a contract with him and require that he shall pay you a certain amount for the use of money, if he does not return it? Has the Senator in his whole experience as a lawyer ever met an example of that kind? Is there either in the Federal or the State courts a case of the kind?

I maintain, Mr. President, there is not, and the reason why we can hold the banker as an embezzler under existing law is because this is public money and not the money of the bank. The bank is a fiscal agent of the Government.

Mr. NELSON. Will the Senator allow me a question?

Mr. HOPKINS. I will.

Mr. NELSON. Do not the bankers who receive this public money mingle it with their other money? Do they keep it as a special deposit? If they mix it with their own money and handle it as they do their other funds, is not that practically a conversion? And if the Senator's theory is correct, is it not true that every national bank that has received Government deposits, the moment it uses those deposits and mingles them with their other funds, is guilty of embezzlement?

Mr. FLINT. Mr. President——

Mr. HOPKINS. One at a time, please.

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from California?

Mr. HOPKINS. Only one at a time.

The VICE-PRESIDENT. The Senator from Illinois declines to yield.

Mr. HOPKINS. Of course a banker who takes the money of the Government on deposit takes it at his hazard, and if he is unable to respond when the Government calls on him, under the section of the statutes to which I have referred he is an embezzler. That is one of the hazards taken by the banker. It is no secret among people managing national banks that the great majority of national banks are not anxious to take deposits of this kind. The hazard is too great even under existing conditions for them to take the money and be ready to respond at any time to any demand that may be made by the Secretary of the Treasury. The hazard, however, would be increased if the criminal law should be changed as suggested by the Senator from California and interest be required upon Government deposits.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from California?

Mr. HOPKINS. I do.

Mr. FLINT. I simply want to state to the Senator from Illinois that I do not suggest that the criminal law be amended. On the contrary, I do not think it needs to be amended. I was answering the Senator by stating that if his contention were true, all that would be required would be to change one section of the statute.

Mr. HOPKINS. If my contention is true, all you have to do is to make a new criminal code and then let the courts determine whether it can be enforced. It would be an anomaly, I say, to make a criminal of a man who takes money, agreeing to pay interest, if he does not repay that money when demanded.

Mr. FLINT. I want to ask the Senator a question. If the Secretary of the Treasury requires the proper security, as it is presumed he will, how is there any possibility of the Government making any loss in connection with these deposits?

Mr. HOPKINS. The Secretary of the Treasury in 1837, and for a number of years thereafter, while he was making deposits in State banks, supposed he was taking the necessary security to make his Government deposits safe, but there was $24,000,000 of money in the State banks that the Secretary was unable to get, and that led, as I stated before, to the establishment of what is known as the Independent Treasury system in this country.

There is another suggestion——

Mr. FLINT. Mr. President——

Mr. HOPKINS. Let me proceed for a moment. There is another suggestion that I desire to present to Senators upon this subject. If, as I have said, these deposits are placed in the banks for the purpose of raising revenue on the surplus money in the Treasury, and no other purpose, why exclude either the cotton growers of the South or the wheat growers of the Dakotas from borrowing this money from the Government on the products of their country? Why deny the corn growers of Iowa or in that rich corn belt in Illinois the right to obtain money from the Treasury of the United States on giving ample security in order for them to take the rich corn that is grown in these sections of the country and market it? You can see, Mr. President, that the more this subject is considered the stronger appear the reasons why the Government should never embark in a scheme of depositing its money in any bank, either State or national, under conditions where the bank agrees to pay a certain interest for the daily, weekly, or monthly balances that the Government sees fit to place in such a bank.

I confess to some surprise, Mr. President, that men trained in legislation, as many of the Senators are who advocate interest on Government deposits, should seek by this amendment to commit the Government to a policy that is new and untried, a policy that not only gives countenance and character to the policies and principles advocated by the Populistic party, but to a policy that would lead to disastrous results in the end. We would utimately, Mr. President, have a recurrence of the conditions that existed after the removal of the Government deposits from the United States Bank under Jackson to the State banks in the several States of the Union.

If we are to break down the policy that has governed and controlled this country for a hundred years, Mr. President, why not make it broad enough so that all classes of citizens can get the benefit of the surplus money that is in the Treasury of the United States?

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from California?

Mr. HOPKINS. I do.

Mr. FLINT. I do not understand that there is any plan on foot to accept cotton or wheat or any other article. We are going to accept the same securities that we now accept. The only change that is proposed by this amendment is that the Treasury is to charge not less than 1½ per cent interest on its balances in the banks. I do not understand that the plan of the Government in making Government deposits is to be changed in the least by this amendment. Does the Senator understand there is to be any change?

Mr. HOPKINS. Of course, that is true. But I say if this is to be adopted, why not broaden it so as to permit all classes of citizens to get the benefit of it? I know of no reason why a national bank as such should have any favors from the Government of the United States on Government deposits. I know of no reason why we should select them as beneficiaries. If we are to embark on a new principle by taking the surplus money in the Treasury of the United States and loaning it until such time as the Government wishes to use it, then I say the cotton growers of Texas are entitled to their share; the cotton growers of Mississippi are enitled to borrow this money equally with the banks. In other words, we are tending to the populistic principle that was contended for in Nebraska years ago, and that is that the people who go to the Treasury with good securities should have a right to borrow Government money.

Mr. PILES. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Washington?

Mr. HOPKINS. I do.

Mr. PILES. I should like to ask the Senator from Illinois if section 5489 applies to the question he now has under discussion? He has studied that section.

Mr. HOPKINS. I have looked at it very carefully.

Mr. PILES. Does the Senator think that section applies to Government deposits in national banks?

Mr. HOPKINS. I think it does.

Mr. PILES. I should like to call the attention of the Senator to the language of the section:

> If the Treasurer of the United States, or any assistant treasurer—

It applies to the Treasurer of the United States, mark you—

> or any public depositary, fails safely to keep all moneys deposited by any disbursing officer or disbursing agent, as well as all moneys deposited by any receiver, collector, or other person having moneys of the United States, he shall be deemed guilty of embezzlement.

Mr. HOPKINS. The national bank is a Government depositary.

Mr. PILES. It certainly is; but that refers to moneys deposited by disbursing officers, receivers, and so forth, and not to Government deposits in national banks.

Mr. HOPKINS. Oh, no; money deposited by a collector. Take Peoria, Ill., for example.

Mr. PILES. But the language of the statute——

Mr. HOPKINS. In Peoria the Government collections amount to millions of dollars. They deposit the money in national banks instead of going to the subtreasury; and that statute has been construed by the Government officials to apply to this very condition; and if the Senator will go to the Secretary of the

Treasury he will find, I think, that he puts the same construction upon that statute that I do here to-day.

Mr. PILES. Has there ever been any decision rendered in line with the argument made by the Senator from Illinois? I have read this statute, and I desire to say that I have given it only a few moments' consideration. There are certain Government officers who deposit money in national banks, for instance, the men who pay off——

Mr. HOPKINS. But there are others, too. Take, for example, Quincy, Ill. Within the last month the Secretary of the Treasury has directed the postmaster and the collector to make their deposits in certain banks and to disburse the money from the national banks. It is also done at Peoria, where the Government receives and disburses millions of dollars.

Mr. PILES. If the Senator will permit me for a moment, I will try to make my point clear to him. There are certain officials of the Government who are charged with disbursing Government money, like a pay officer in the United States Army. This statute, as I read it, hurriedly, as I say, applies to officers of that character.

Mr. HOPKINS. And to others, too.

Mr. PILES. It does not apply, as I read it, to money deposited by the Secretary of the Treasury in national banks, because the language is this:

If the Treasurer of the United States, or any assistant treasurer, or any public depositary—

That includes a bank, of course—

fails safely to keep all moneys deposited by—

By whom? By the Treasurer of the United States? No. By—

any disbursing officer or disbursing agent, as well as all moneys deposited by any receiver, collector—

of customs, for instance—

or other person having moneys of the United States.

Mr. HOPKINS. I will not take further time with the Senator from Washington. I have given him my construction of the statute, and it is the construction of the Department, as I understand.

As I have said, you take the national banks that are made Government depositaries at Peoria, Ill. They receive and disburse millions of dollars of money and come clearly within the provisions of that law.

It is not my purpose to take much further of the time of the Senate upon this proposition. To my mind it is a monstrous doctrine for the Government of the United States to become a creditor in the manner proposed by this amendment. The happy condition for the people of this country to be in would be where the revenues simply equal the expenditures that are made for the Government, so that we never would have a great surplus and never a deficit. But under conditions as they exist every person familiar with governmental affairs knows we sometimes have a deficit in the Treasury and at other times we have a large surplus. Now, is it not remarkable that Senators should be willing to keep upon the statute books of our country a law that creates a large surplus in the Treasury, money which comes from the pockets of the people, and then, as is proposed in this amendment, have that Government become a creditor and loan the money to the banks, so that the banks can in turn loan it at a high rate of interest to the people from whom it was taken by taxation? It seems to me, Mr. President, that the founders of this Republic—the great men who formed this great instrument that to-day unites the forty-six States in one great Republic—would turn in their graves if they believed that their descendants or the representatives of their descendants in this legislative body had so construed the Constitution that the Government upon the one hand can collect money from the people, put it in the Treasury, and then loan it through various instrumentalities back to the very people and take interest upon it.

Mr. CLAY. Will the Senator allow me to ask him a question?

Mr. HOPKINS. I will.

Mr. CLAY. Does the Senator think that under a well-regulated Government we can, under any circumstances, justify the course of collecting a surplus equal to two hundred and fifty or three hundred million dollars from the people, which is not needed to pay the actual expenses of this Government, and deposit the money in the Treasury and take it out of the channels of trade? Under a well-regulated Government ought we to collect any more money than is needed for the purpose of paying the actual expenses of the Government, and is it not true that to allow a surplus of that amount to accumulate in the Treasury is manifestly wrong and unjust?

Mr. HOPKINS. I have just stated that the ideal governmental situation would be where the revenues would just equal the expenditures of the Government, and where we would have no great surplus and never have a deficit. But the Senator from Georgia knows, or at least he ought to know, that the trade conditions of the country are such that no man or set of men can make estimates so that you can properly adjust the revenues and expenditures so that there will not be at times a deficit and at other times a surplus. The condition at the present time is that we are spending more money than we are receiving, and if the Senator will look at the accounts that are given us from day to day by the Secretary of the Treasury he will see that really this is becoming an academic question, because under existing law this surplus that he speaks of will soon be expended in paying the legitimate expenses of the Government.

But I protest, for one, Mr. President, against this Government, by the adoption of this amendment, embarking upon a new policy upon this question, and I do it because I believe that we will break down all of the safeguards that up to this time have protected the Treasury of the United States.

Mr. PILES. Mr. President, I voted against the amendment of the Senator from Minnesota [Mr. NELSON] at the last session of Congress, believing that it was not good policy to force the national banks to pay to the Government of the United States interest on its deposits. On mature reflection of that proposition I think that my vote was not wisely cast. I do not believe, sir, that this Government can afford to deposit its money with national banks without requiring such banks to pay reasonable compensation for the use of the money. Every State in the Union, so far as my information goes, requires the banks to pay interest on State funds deposited with the banks. The section of the statute that the Senator from Illinois has referred to has, to my mind, absolutely no application to the case now before the Senate. That section of the statute refers simply to deposits made in banks by the disbursing and other officials therein mentioned. It makes the Treasurer of the United States himself guilty of embezzlement if he fails to safely keep the moneys deposited by any of the officers mentioned in the statute. So far as I know there is no provision of law which makes a national-bank official guilty of embezzlement for failing to pay over to the Government the money deposited by the Government in a national bank. There would seem to be no necessity therefor, because the Government in the first instance, as I understand, requires the bank to furnish additional security to the Government to secure the deposit which the Treasurer makes in the bank.

If practically all the States in the Union required the banks to pay interest on public deposits, if the banks of the country can afford to pay interest on the daily balances of their large customers, like merchants and manufacturers, why, sir, can they not afford to pay the Government interest on the money which they receive from the Government?

It not only gives the bank the use of the money belonging to the people of the country, but it gives the bank a standing in the community which it otherwise would not have. There is not a bank in the United States to-day which is not anxious to have the Government designate it as one of its public depositaries. Why? Because it gets not only the use of the Government money, but it is given a standing in the community over other banks which it ordinarily would not have.

So I am myself strongly in favor of the amendment proposed by the Senator from Minnesota.

Mr. SUTHERLAND. Mr. President——

The VICE-PRESIDENT. Does the Senator from Washington yield to the Senator from Utah?

Mr. PILES. Certainly.

Mr. SUTHERLAND. Before the Senator takes his seat, I wish to ask him about section 5489, to which he has evidently given some attention. Waiving the question as to whether or not the section applies to a bank which is designated as a depositary, the language of the section is that—

If the Treasurer of the United States, or any assistant treasurer, or any public depositary, fails safely to keep all moneys deposited by any disbursing officer or disbursing agent—

And so forth—

he shall be guilty of embezzlement of the moneys not so safely kept—

And so forth.

Evidently this section does not contemplate that the money when deposited in a public depositary shall be kept as a special deposit. It evidently contemplates that the money when deposited in the bank shall be mingled with the funds of the bank, and that only when demand is made by the Government upon the bank, and the bank then fails to account for the money, shall it be deemed guilty of embezzlement.

Now, suppose we should adopt a provision compelling the bank to pay interest upon the money thus deposited, I want to ask the Senator how that would alter the relation of the Gov-

ernment to the bank; in other words, how the accidental circumstance that we compel the bank to pay interest on the deposit would make the bank guilty of embezzlement when it would not be guilty of embezzlement if interest was not exacted.

Mr. PILES. I think the section does not apply to the case the Senator from Illinois was discussing at all. In other words, it has absolutely no application. But I do not think that, conceding the liability of the bank official to the charge of embezzlement under the section mentioned, he would be immune from the charge of embezzlement if the bank paid interest on Government deposits.

Mr. SUTHERLAND. I will say to the Senator that in my opinion the amendment in question would not in any manner affect the interpretation of section 5489.

Mr. PILES. That is the only section I was considering.

Mr. SUTHERLAND. If the bank should fail to keep the money within the meaning of the section, the bank would be guilty of embezzlement if it paid interest on the deposit precisely the same as if it did not pay interest on it.

Mr. TELLER obtained the floor.

Mr. ALDRICH. Will the Senator from Colorado yield to me?

Mr. TELLER. I yield to the Senator from Rhode Island.

Mr. ALDRICH. I wish to make a suggestion. It is apparent to me that if this amendment is to be adopted there ought to be some change of phraseology in the amendment. I suggest to the Senator from Minnesota that he allow it to be passed over, and the committee will in the morning take it up with a view of suggesting some amendment perhaps along the line of making it clear, or at least as to what the effect would be if the change is made. I have no disposition to delay action upon it at all or to do anything except to consider before the committee the various questions that have been raised here to-day, and to report our conclusions to-morrow morning at the beginning of the session.

Mr. NELSON. In view of the attitude assumed by the Senator from Illinois on the amendment and without hearing any expression from other members of the committee, I feel as though I would be committing the amendment to a sort of graveyard if it was left to the Finance Committee.

Mr. ALDRICH. Oh, no; the Senator from Minnesota is mistaken about that. For the committee I will say that they will consider the question fairly and report upon it. I do not want the Senator to lose any of his rights on the amendment, and I am only asking him to delay it until we can consider some of the suggestions that have been made here to-day. So far as I am concerned personally, I am not averse to charging interest upon deposits if it can be done with safety to the public interest, I will say very frankly.

Mr. NELSON. Has the Senator any mental reservation?

Mr. ALDRICH. None whatever.

Mr. NELSON. Has the Senator any constitutional reservation?

Mr. ALDRICH. None whatever.

Mr. NELSON. Or no constitutional scruples?

Mr. ALDRICH. None whatever.

Mr. NELSON. The Senator has got over all his scruples on the question?

Mr. ALDRICH. No; not over my scruples, but I want to see just what the effect of the amendment would be upon the law in relation to embezzlement, and so forth, so far as we can find out by an examination between now and to-morrow morning.

Mr. NELSON. Will the Senator agree to a yea-and-nay vote to-morrow?

Mr. ALDRICH. Absolutely.

Mr. NELSON. All right. Let the amendment go over until to-morrow, and we can have a yea-and-nay vote on it.

The VICE-PRESIDENT. It is so ordered.

Mr. TELLER. I understand the question will be submitted to the committee for an early report.

Mr. ALDRICH. To-morrow morning.

Mr. TELLER. Therefore I do not care about making the remarks, which I would have made if the amendment had been kept before the Senate.

Mr. HEYBURN obtained the floor.

Mr. NELSON. Mr. President, I offer another amendment.

Mr. HEYBURN. I desire to offer an amendment and have it read.

The VICE-PRESIDENT. The amendment proposed by the Senator from Idaho will be read.

The SECRETARY. It is proposed to insert as a new section the following:

SEC. 8. That from and after the 1st day of June, 1908, every national banking association organized under the act of June 3, 1864, and any act supplemental or amendatory thereof, shall at all times have on hand in lawful money of the United States an amount equal to at least 15 per cent of the aggregate amount of its deposits, and whenever the lawful money of any such association shall be below the amount of 15 per cent of its deposits such association shall not increase its liability by making any new loans otherwise than by discounting or purchasing bills of exchange payable at sight. Nor shall such banking association make or pay any dividend of its profits until the required proportion of the aggregate amount of its deposits and its lawful money of the United States so intended to be held in reserve shall have been fully restored, and the Comptroller of the Currency shall notify any such association whose lawful money reserves are below the amount above required to be kept on hand to make good such reserves, and if such association shall fail for thirty days thereafter to make good its reserves of lawful money the Comptroller of the Currency shall, with the concurrence of the Secretary of the Treasury, proceed to wind up the business of such association, as provided in section 5234 of the Revised Statutes of the United States.

No part of the lawful money reserves which such national banking association is hereby required to have on hand in lawful money of the United States shall consist of anything but lawful money of the United States actually in the possession and custody of such national banking association.

All acts and parts of acts inconsistent with any of the foregoing provisions of this act are hereby repealed.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Texas?

Mr. HEYBURN. Certainly.

Mr. CULBERSON. Before the Senator proceeds, if I do not interrupt him, I would be glad to ask him a question with reference to the amendment just proposed.

The existing law provides that reserve banks and central reserve banks shall keep 25 per cent, and that so-called "country banks" shall keep 15 per cent. As I caught the reading of the amendment from the desk, it appears to apply 15 per cent reserve to all banks. I ask if that was really the intention of the Senator.

Mr. HEYBURN. That is the intention of the amendment, Mr. President.

Mr. CULBERSON. It reduces therefore the reserve in reserve cities and in central reserve cities?

Mr. HEYBURN. It abolishes reserve cities, for every bank is required to keep its reserve in its own vaults. It, in effect, abolishes the central reserve and other reserve banks, and each bank is its custodian of the money required to be held in reserve. So with the adoption of this amendment there is no longer that necessity which impelled the legislation requiring central reserve banks to keep a larger percentage in reserve than other banks, because the excess required to be carried by central reserve banks was in view of the fact that it held the reserve of other banks.

Mr. President, I do not intend to discuss this amendment at great length, but I regard it as a most important provision in the bill. There is no provision of this class of financial legislation that is of such universal interest as the reserve clause. The panics, so called, that we have had in the last thirty years have been because of an improper distribution of the wealth of the country, and not because of an insufficiency in the volume of the wealth of the country; and the improper distribution has come in every case because of the reserve provisions in our financial laws, the provisions which permit what are known as the country banks—and that includes every bank outside of the central reserve cities—to send three-fifths of their lawful money reserves to a center of financial agitation, and then when it is needed at home to transact the business of the community where the money belongs it is not available. That has been the trouble. The most eminent financiers we have had at the head of our financial department have repeatedly called our attention to the fact in their annual reports, and it has been so evident every time that a financial disturbance has come that it seems to me it is time we were taking some notice of it.

There is approximately as much money in existence and in circulation to-day as there was in October. In October we were in the midst of what has been called a "panic." To-day we are in financial tranquillity. That condition is worthy of consideration in determining whether it is necessary to provide for an additional volume of currency, called, in the consideration of this question, "emergency currency."

I do not believe, as I said a few days since in speaking upon this question, that there is any present necessity for legislation upon the financial question that is pressing upon us and demanding our attention. But if there is any question concerning financial legislation that is of sufficient importance to demand our consideration at this time, it is this question of the lawful money reserves of the banks, and to legislate upon the financial question without including the reserve question would be a very gross waste of our time.

Mr. President, there were approximately $500,000,000 of this preferred fund, if I may so denominate the reserves in the country banks, in New York on the 18th day of October. It was there under terms between the bank depositing it and the bank receiving it that upon call it should be available to the bank depositing it, and those banks were proceeding upon the assumption that it would be available when they called for it.

The Comptroller of the Currency has told us that when the country banks demanded that this reserve fund should be made available they were told by the central reserve banks and the other reserve banks that they could not have it except in the shape of clearing-house certificates. We have the best authority in the financial department of the Government for that assertion, and that it was true there can be no question whatever, because it was admitted and asserted on all sides.

What is it makes panics? It is that some persons want money of others who will not make it available to them, whether that be in large or small business transactions. But when $500,000,000 of the money belonging to the depositors in the country banks is tied up and withdrawn from their use, very naturally they feel the effect of it.

When I was discussing this question on a recent occasion I was called to account for using the term "money" and speaking of it as the money of the depositors. Of course, I think every Senator and every person within the sound of my voice understood that I was using the terms "money" and "credit" interchangeably. It is utterly immaterial, when a man deposits a check or cash in a bank to his credit, whether you call it money or credit. Whether the title to the thing deposited passes to the bank in which he deposits it and in lieu of it he receives a credit or not is purely an academic question, and it is a mere waste of time in discussing a question of this kind to attempt to draw technical lines upon the question of the asserted ownership of the money. So I would be understood on this occasion as using the terms "money" and "credit" interchangeably.

The same Senators who criticised my assertion that the money was the money of the depositors in discussing this question spoke of the money of the depositors amounting to $13,000,000,000. There is not that much money in the United States, and there is not that much money deposited, but there is the equivalent of that much money. There is the credit representing that much in value.

I have made some inquiry since we discussed this question before as to the methods that are adopted in banking circles in the arrangement of these lawful reserves. I have inquired of reputable bankers, and I am informed that it is considered quite permissible for a bank out in the West or elsewhere to send to New York City approved securities, deposit them with a central reserve bank, and request that they be given a credit equivalent to the amount of their lawful money reserves, and that the securities are taken by the New York bank and the credit is given; and then the country bank is said to have complied with the law; that it is carrying three-fifths of 15 per cent in the reserve bank in New York in lawful money, when it is doing nothing of the kind. It is carrying a credit in the bank of New York that is backed by approved securities, and no money passes in the transaction.

When the law provided that the banks should carry a given per cent in lawful money reserves it used the term "lawful money" advisedly, because when a man comes to the bank counter for his deposits he is entitled to receive lawful money, and it was intended that there should be available lawful money, not a certificate of credit upon a New York or a Chicago or a St. Louis bank, but lawful money, in order that the depositor might receive that which, whether the identical deposit which belonged to him or not, he was entitled to receive.

Mr. President, some confusion has been evidenced here in the discussion of the question of lawful money reserves. It has been assumed on some occasions that it was tying up the sum represented by the lawful money reserves required to be kept. It is doing nothing of the kind. It is only defining and limiting the use that may be made of that money. Under the existing law, when the available money in the bank is reduced to the limit of the lawful money reserve, it may no longer transact a certain class of business, but it may continue to pay its depositors and to do what you might call a cash business.

That is the reason why the reserves are required to be kept. It is not only, I say, not unlawful to use the reserves in the ordinary transaction of banking business between the depositor and the banker, but it is permissible and it is compellable. A bank can not refuse to pay a depositor because its reserves are reduced below the amount required by law. On the contrary, the depositor can require the bank to pay him to the extent of his credit to the last dollar, regardless of the amount of reserves. A reasonable latitude is given to the bank, a reasonable time in which to recoup the fund from which it has thus drawn against the reserves that were created for the sole and express purpose of paying depositors.

The lawful money reserve provision in the finance act was enacted on behalf of the depositors as against those who do a business at the bank for profit to the bank and to themselves. Those are the two classes of people who engage in banking, and they must be kept distinctly apart in determining the wisdom of the separate and distinct phases of legislation proposed in the pending bill.

I therefore have sent to the desk and had read a provision that is existing law, except that it requires the banks to keep within their own vaults the lawful money reserve. The language in which the amendment is clothed is existing law, except that it changes the per cent required to be kept and makes it uniform, because all banks stand under the amendment upon exactly the same footing. It makes it less than the central reserve banks are required to keep and just what the country banks are required to keep, but requires that it shall be kept in lawful money; not kept out of use, but kept for the use and accommodation of the depositors in the bank, who are the real parties interested in the safety of the money, whether it be deposited as money or as credit.

Mr. President, the eighth section of the bill, as it is before us, proposes—

That the provisions of section 5191 of the Revised Statutes, with reference to the reserves of national banking associations, shall not apply to deposits of public moneys by the United States in designated depositaries.

That is the only reference in the bill to the reserve clause of the banking act. It expressly exempts the deposits of the United States from the guaranty of reserves required in the case of other deposits.

Of course the answer to the objection which I suggest to that provision is that the United States deposits are already secured by the deposit of securities under another law. That is perhaps a sufficient answer. But it does not follow that section 8 of the bill is sufficient legislation upon the subject of reserves because it has merely picked up and mentioned one of that class of deposits.

It is suggested by an amendment that was offered early in the consideration of the bill that three-fifths of the 15 per cent, which would be 9 per cent, shall be kept by the bank and that one-half of the three-fifths now may be in bonds. Bonds are not available to meet quick demand on the part of a depositor. If a clearing house or a subtreasury of the United States were in the same city or available, it may be possible that if the bonds were of a character that would warrant it and command the service you could convert the bonds into money at any time to meet a demand; but we are 500 miles or thereabouts from a subtreasury. Other sections of the country are even more distant. The subtreasury under no law is required to advance money upon these securities. They are indefinite as to their character, and they are uncertain as to their value.

Of course we all say that municipal securities have a standard value and that you can always rely upon them; and though we make those boastful assertions on behalf of them, many of us have seen the time when you could not take the bonds of your State or your county or your city and get currency for them, not because they were not good, not because they were not worth it, but because the currency was not available.

When a bank is to meet the demand of its depositors, it is currency that must answer and speak for the bank, and to require them to realize in twenty-four or forty-eight hours or in five days upon even the very best securities, when they are as distant as many business points of this country are distant from subtreasuries and financial centers where that class of securities can be realized upon, is to make a very flimsy provision against a run upon a bank and the demand of its depositors, and not a safe one, I think.

It might be that 10 per cent would be found sufficient in cash to fix the confidence of the depositor so that he would not demand his money; it might be that 15 per cent would be sufficient; but we should determine some proportion of the deposits, and we should fix it so that the depositor would know exactly when he put his money in the bank what his risks were.

Fifteen per cent is the lowest reserve provision of to-day The trouble with it is, however, really to fix this reserve. Of the 15 per cent under existing law required to be kept by the banks in general in the country, three-fifths may be loaned to the banks in New York, St. Louis, or Chicago. It is said that it may be deposited. That is a milder term, but, in fact, it is loaned, because the bank receiving it pays interest on it. The relation is established of a borrower and a lender between the bank holding the depositor's money and the bank in New York seeking to take the money and place it in a fund for general purposes.

If there were some restraint upon the reserve banks as to the manner and the extent of the use to which they might apply these reserves, it might be different. But there is none. The bank receiving this sacred fund set aside by the law for the protection of the depositors has no restraint placed upon it

whatever by the law. It may loan it to the street-corner speculator, or it may loan it upon any securities that it would loan what might be termed its free money.

There is nothing in the reply that banks must carry a fund against which to make exchange and draw drafts. That is a different class of money. That is free money, as distinguished from the reserve money, and it does not enter into the consideration of this question at all. The bank may carry that in the shape of a credit upon the deposit of securities, or it may carry it upon the strength of actual money deposited, but it is no part of the consideration of this bill. Out of the several hundred letters and answers which I had in regard to the wisdom of allowing the lawful money reserves to be deposited in New York, more than a dozen of the bankers gave as a reason why that they must have a fund in New York against which to draw exchange and drafts, illustrating how illy advised they were as to the nature of the reserves, how competent they were to protect the money of their depositors. In those cases I took care to write them suggesting that they had mistaken the class and the character of these deposits and that I was not referring to the free money which might be made available for that purpose, but to the money that was a fund held sacred to pay depositors up to the last dollar.

No bank should be allowed to close its doors against the payment of money due its depositors so long as it has a cent available for that purpose; and every cent that it has is, under the law, available for that purpose. To enact a bill upon the question of finance at all at this time and to fail to so amend the existing law in regard to this very subject, out of which the late financial flurry grew and which was the origin of it, seems to me would be to fail in the performance of our duty.

Mr. BEVERIDGE. Will the Senator from Idaho permit me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Indiana?

Mr. HEYBURN. Certainly.

Mr. BEVERIDGE. I want to ask the Senator a question for information. Is it the Senator's position that the reserves should be kept in the banks intact and not invested in anything?

Mr. HEYBURN. Not be invested at all.

Mr. BEVERIDGE. Be just simply held there?

Mr. HEYBURN. Yes.

Mr. BEVERIDGE. I understood that to be the Senator's position. Now, the question which occurred to my mind was, whether or not that would not lock up from circulation a very great quantity of money throughout the country, and might it not result in a very serious contraction. That is what I wish to ask the Senator.

Mr. HEYBURN. I shall reply to the Senator from Indiana. That has been the proposition with which we have always been met—that it would lock up the money. It would lock it up against certain uses; but it would hold it sacred and free and liberal for other uses.

Mr. BEVERIDGE. I understand that; but the question that occurred to my mind as the Senator spoke of it was, if the reserves were kept intact and not used at all, if they were held there against the possible demand on the bank at some time, whether or not a very large sum of money would not be taken out of the uses of commerce?

The Senator certainly knows—I do not—how much money in the aggregate throughout the country would be required to keep these reserves intact. How much would it be, I will ask the Senator?

Mr. HEYBURN. Substantially $900,000,000. That is near enough.

Mr. BEVERIDGE. So that proposition would be to lock up $900,000,000 at least from the use of the people?

Mr. HEYBURN. It would not lock it up from the use of the parties who deposited it, but it would simply withdraw it from a certain class of use or investment. It would make it available for a more useful purpose on the part of the owners of the money, whether you count the bank or the depositor the owner of it. It simply says that you shall not speculate with this money beyond a certain margin.

Now, bear in mind, Mr. President, that there is, first, $900,000,000—and I use those figures because they are close enough; they are approximately the average figures—there are $900,000,000 that are supposed to be in existence as the paid-up capital of the national banks, which is presumed to have been paid up when the banks organized and opened their doors for business. The law requires the Comptroller of the Currency to know that it is paid up as a matter of fact. It may be that sometimes a part of that is in promissory notes, but whether it is or not, they are supposed to be good, and there are $900,000,000 that the banks are at liberty to do as they please with.

When the banking law was first enacted, the banks were compelled to carry reserves against their paid-up capital as well as against their deposits; but very soon the speculative interest thought it desirable to relieve that sum represented by the paid-up capital of the burden of carrying the reserve. Then, again, they thought they could relax the stringency of the reserve provision by counting the redemption fund of 5 per cent against the circulation as a part of the reserve. Then, again, they thought they could relax it a little more by counting clearing-house certificates as a part of the reserves.

None of that legislation should have been enacted. They should not be allowed to count the 5 per cent redemption fund as a part of the reserves, because, under no condition that may arise, can it be made available as a reserve for the purposes for which a reserve fund is required to be carried.

They should not be allowed to count clearing-house certificates as a part of the reserves, because if they were to use them for the purposes for which a reserve fund is to be used, then they would be compelled to make good their credit in the clearing house at the expense of the same fund that they are swelling. They would be taking money out of one pocket and putting it in the other—shifting their change from one hand to the other.

What the business stability of the country needs and demands is certainty in the volume of money, certainty in the value of money, and certainty in the law under which it is distributed. With those three elements of finance carefully kept in view there will be no panics. There has never been a panic that did not originate from the tilting of the table, the shifting of the money of the country beyond its lawful bounds, the concentration of the money of the country into centers and into combinations that make it unavailable to those to whom it belongs and to whom the right to use it belongs.

Mr. President, I would not have occupied so much of the time of the Senate in explaining or presenting this amendment were it not that I deem it absolutely essential that some legislation of this kind, represented by the amendment which I have offered, be enacted now as a part of this bill. There is not another provision in this bill remaining to-day that is of any value to the country. There is no condition existing to-day that demands legislation providing for the issuance of an emergency currency. As I said on a former occasion, in speaking upon this question, we are only offering a temptation to speculate. We say, "Go ahead, jump into deep water, and we will provide the means of getting you out," and just as surely as you provide them the means of escape they will run into the danger.

Mr. President, I do not know that the committee having this bill in charge will give any favorable consideration whatever to this amendment, because my impression is that the committee is not in favor of retaining the reserves as provided by this amendment; but I can not let this bill go out to the country, if it is to go out, or go out of this Chamber with its approval, without presenting this question of the lawful money reserves and the absolute necessity for maintaining their integrity as real reserves as contradistinguished from the phantom and fiction that is to-day called the lawful money reserve of the national banks.

Mr. ALDRICH. Mr. President, there is a great variety of reasons why the amendment of the Senator from Idaho [Mr. HEYBURN] should not be adopted. I will only take the time of the Senate for a few moments in calling attention to two of them, which, in my judgment, are indicative of the character of the amendment as a whole.

In the first place, the Senator from Idaho proposes to reduce the reserves in the banks in the central reserve cities, St. Louis, New York, and Chicago, from 25 to 15 per cent. Such legislation would be extremely unwise.

In the next place, the Senator from Idaho proposes that the reserves in the banks shall be in lawful money of the United States, and in nothing else. "Lawful money of the United States" is gold coin, silver dollars, and legal-tender notes. The national banks held at the last report $300,000,000 of these, and, if the Senator is correct in his statement that $900,000,000 are required, he would have to take out of circulation or find somewhere $600,000,000 of gold coin, silver dollars, and legal-tender notes, which are not in existence now or are in use for other purposes, and put them into the banks of the country.

I think those two statements are sufficient to convince the Senate that the amendment ought not to be adopted.

Mr. HEYBURN. Mr. President, I can not allow that statement to go unchallenged. There are approximately four thousand million dollars in actual money in the United States—lawful money.

Mr. ALDRICH. That is within a thousand million dollars of the correct amount.

Mr. HEYBURN. I have the fluctuating figures, and have them from the same source as has the Senator from Rhode Island. When I say four thousand millions, I am, accord-

ing to some estimates, below the real amount, and, according to others, above it. It is near enough, however, for the purpose of demonstrating what I propose to say briefly.

Mr. President, I had intended to include national-bank notes in this amendment as a part of the available money for reserves. It is charged that to do so would be to favor a process of possible inflation that would be dangerous and unwise. Therefore, there being less than three quarters of a billion dollars of that class of money—national-bank notes—I concluded to include in the amendment only lawful money of the United States of which we have in existence and in circulation, according to the last official statement of the Treasury, more than twice enough to meet the requirements of 15 per cent reserves, as provided in this amendment.

I have not failed to take into consideration the volume of money in determining in my judgment the wisdom of this proposed legislation. We have as free money in this country over and above the amount that would be required for the lawful money reserves under the provisions of this amendment more than two thousand million dollars in circulation.

It has always been true that when it was proposed to create a safeguard for the real owners of the money deposited in the banks, that these technical objections would be raised in the interest of throwing all the money into the speculative caldron. We have always been met with that proposition. Is there nothing but speculation to be taken into consideration in determining a great question of this kind? The restful prosperity and wealth of the people is of the first importance. It is only a very small proportion of the people that are engaged in or interested in speculation, or in business of a speculative character. The people of the United States carry in their pockets at all times, at every hour of the day or night—in their pockets and tills—more than a thousand million dollars that goes into no bank, that is in the immediate custody of the individuals of the country. Those figures are approved by all financial statisticians and writers in this country. The amount is often fixed in excess of a billion dollars. It is safely that much.

On the basis of three billion dollars, or three thousand millions, more correctly speaking, there is still, after tying up, as you call it, all these reserves and deducting the cash in the pockets of the people, another thousand million of dollars free money with which to do business, making four thousand million dollars that the country has in actual cash. It does a business through its banks representing a credit of four dollars for every one in cash. The credit of the individual and the credit of the people, as a whole, is money just as much as coin is, and, with safe laws to protect the swinging of the financial balance to unhealthy business centers, there is no occasion for panics.

The people know how much coin is behind the credit. They are not ignorant of it. So that there is no danger in these facts being taken openly into consideration. They are proud of the fact that their dollar in cash represents a business capacity of $4, or any other number of dollars that the conditions are able to give it. Remove the conditions that arise from the congestion of the finances of the country in the centers and the people will be financially placid and their business will go on without these disturbances. Do not fear that there will not be money enough and to spare for this special fund of depositors, and do not fear that the speculating element of the country will not be able to readily adjust itself to do business on the balance which is left to them.

Mr. ALDRICH. Mr. President, just a moment, to submit certain statistics upon this subject. I have before me the circulation statement of March 2, 1908, showing the total amount of money in circulation at that time in the United States to be $3,092,666,641. I also have before me the last report of the condition of national banks, showing that at that time all the banks in the United States had $148,670,869 in gold coin in their vaults, $17,535,178 in silver dollars, and $174,010,707 of legal tender notes, these descriptions including all the forms of lawful money in the United States.

Mr. CULBERSON. Mr. President, I have prepared and will submit at the proper time an amendment with reference to the reserves to be kept in the vaults of the banks. I am in favor of a strong measure upon that phase of this question. I can not, however, support the amendment proposed by the Senator from Idaho [Mr. HEYBURN], because of the reduction of the amount of the reserve in reserve banks from 25 to 15 per cent.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Idaho. [Putting the question.] By the sound the "noes" seem to have it.

Mr. HEYBURN. I should like to have a vote on that amendment. I may be the only one to vote for it, but I think I should like to know how the Senate stands on it.

The VICE-PRESIDENT. Does the Senator demand the yeas and nays?

Mr. HEYBURN. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. McENERY (when his name was called). I am paired with the junior Senator from New York [Mr. DEPEW], but I understand that he would vote "nay" if he were present. Therefore I vote "nay."

Mr. SIMMONS (when his name was called). I am paired with the junior Senator from Minnesota [Mr. CLAPP]. I do not see him in his seat. I do not know how he would vote on this question, but if he were here I should vote "nay."

Mr. WARNER (when Mr. STONE's name was called). My colleague [Mr. STONE] is necessarily absent. He is paired with the senior Senator from Wyoming [Mr. CLARK].

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. MONEY], but by arrangement I transfer that pair to the Senator from Minnesota [Mr. CLAPP] so that the Senator from Minnesota will stand paired with the Senator from Mississippi, and I vote "nay."

Mr. SIMMONS. In pursuance of the transfer suggested by the Senator from Wyoming [Mr. WARREN], I am released from my pair, and I will vote. I vote "nay."

The roll call was concluded.

Mr. CLAY. I announce that my colleague [Mr. BACON] is absent from the Senate by order of the Senate, attending the funeral of the late Senator from Florida [Mr. BRYAN]. If my colleague were present he would vote "nay." He is paired with the senior Senator from Montana [Mr. CARTER].

Mr. BRIGGS (after having voted in the negative). I have a general pair with the Senator from Maryland [Mr. RAYNER]. When I voted I did not notice that he was not in the Chamber. I do not know how that Senator would vote if he were present, and therefore desire to withdraw my vote, and be recorded as being paired with the Senator from Maryland.

The result was announced—yeas 2, nays 58, as follows:

YEAS—2.

Gore	Heyburn		

NAYS—58.

Aldrich	Cullom	Guggenheim	Overman
Allison	Curtis	Hemenway	Paynter
Ankeny	Dick	Hopkins	Perkins
Bankhead	Dillingham	Johnston	Piles
Beveridge	Dixon	Kean	Richardson
Bourne	Dolliver	Knox	Simmons
Brandegee	du Pont.	La Follette	Smith
Brown	Flint	Lodge	Smoot
Bulkeley	Foraker	Long	Sutherland
Burkett	Foster	McCreary	Teller
Burnham	Frazier	McCumber	Warner
Burrows	Frye	McEnery	Warren
Clay	Gallinger	McLaurin	Wetmore
Crane	Gamble	Martin	
Culberson	Gary	Owen	

NOT VOTING—29.

Bacon	Daniel	Money	Stephenson
Bailey	Davis	Nelson	Stone
Borah	Depew	Newlands	Taliaferro
Briggs	Elkins	Nixon	Taylor
Carter	Fulton	Penrose	Tillman
Clapp	Hale	Platt	
Clark, Wyo.	Hansbrough	Rayner	
Clarke, Ark.	Kittredge	Scott	

So Mr. HEYBURN's amendment was rejected.

Mr. NELSON. I offer the amendment which I send to the desk to come in as an additional section.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add as a new section the following:

SEC. 10. That sections 5192 and 5195 of the Revised Statutes, as heretofore amended, are hereby repealed.

Mr. NELSON. Mr. President, I desire briefly to explain the nature of that amendment. Those two sections of the Revised Statutes relate to the matter of giving national banks credit for their reserves in deposits they make in other banks; in other words, so-called "country banks" are required to keep a reserve of 15 per cent of their deposits, and three-fifths of that 15 per cent they may deposit and receive credit for as though they had it in their own vaults, in the banks of central reserve cities, or the banks in the reserve cities. The latter are required to keep a reserve of 25 per cent of their deposits, one-half of which they may deposit in central reserve cities. For instance, a country bank, like one in my own home town of Alexandria, is required to keep 15 per cent as a reserve of its deposits. It can deposit three-fifths of that amount, either in the banks of the reserve cities or in the banks of the central reserve cities, and get credit for it as though it was in its own vaults. Now, the banks of St. Paul and Minneapolis, which are banks in reserve

cities, of which I think there are about forty in the country, are required to keep a reserve of 25 per cent of their deposits, one-half of which they can deposit in the central reserve cities, to wit, New York, Chicago, and St. Louis.

The recent panic disclosed, if it disclosed anything at all, the great danger that there is in the existing law. The storm center of the panic, as you all know, was in New York City. When the banks of New York concluded to stop payment as they did on the 26th or 28th of last October—I am not sure as to the date—and to resort to clearing-house certificates, they tied up all the reserves of the forty central reserve cities and all the reserves of the country banks. It is true that during that period to a certain extent they took care of drafts and checks drawn on them from distant banks, but neither the country banks nor the banks in the forty reserve cities could during that suspension draw upon these reserves.

That, to my mind, is what caused the great stringency in the Northwest. I think if the reserves of the banks of the city of Chicago, for instance, had not been tied up in New York as they were, Chicago would not have suspended, and I am quite confident what we call the Twin City banks, the banks of St. Paul and Minneapolis, as well as those of Duluth, would never have suspended—they did partially—if their reserves had not been tied up in New York.

I do not intend to weary the Senate with any long speech on this subject, but I want to call the attention of Senators to the report of the Comptroller of the Currency. I call attention to the last part of his report, found on pages 69 and 70, as bearing on this important question, and I ask that the Secretary may read it.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

The chief weakness of our present national banking system is the provision in regard to reserve deposits, which piles reserve on reserve, in reserve cities and central reserve cities, without requiring a sufficient amount of actual cash reserve on hand. As we have seen in the present crisis, when a real emergency arises these reserves are not reserves at all, because they may in a day become unavailable.

It will be an improvement to add to the proportion of reserve to be held in cash by the country banks and the reserve city banks, but the proper solution of the difficulty is to increase the amount to be held in cash by all the banks and require all the reserve deposits to be kept with a central bank organized for that purpose. The increase in cash reserves from 6 to 10 or even 15 per cent in the country banks would not help a bank very much when it had any large demand for its deposits. What such a bank needs is a safe reserve in cash and a further reserve with a bank where it is surely available, at any time, in currency. This would be the case with reserve deposits in a central bank. Further than this, the depositing bank could be sure that at any time, as long as it was solvent, it could go to the central bank and get any amount of cash needed on the notes of its customers or other good security. With such a bank to depend on, no solvent bank need ever have any fear of its ability to meet all demands.

The present banking law prescribes a minimum reserve on deposits in central reserve cities—New York, Chicago, and St. Louis—of 25 per cent, all of which must be in the vaults of the bank in lawful money. The reserve cities are required to keep 25 per cent reserve, one-half of which may be on deposit in the central reserve cities. Banks in all other cities are required to keep 15 per cent of reserve, of which three-fifths may be on deposit with reserve or central reserve cities, all three classes of banks being given credit for their 5 per cent redemption fund as reserve. Whenever there is a disturbance among the banks and any impairment of confidence, this system is always a source of weakness instead of strength. This is what may make a panic among the banks before there is even any decided uneasiness among their depositors. The banks realize upon what a small margin they depend, and each one, in self-defense, is compelled not only to collect its loans, but withdraw its deposit reserves.

Under this reserve system deposits of $10,000,000 in country or nonreserve city banks would call for a cash reserve to be kept in their vaults of but $600,000. They could carry and count as reserve $900,000 on deposit with reserve city banks. These reserve city banks would be required to have in their vaults cash to the amount of only $112,500, and might deposit $112,500 in central reserve cities, who, in turn, would have to have on hand 25 per cent, or but $28,125 in cash.

To recapitulate this in the form of a table:

Cash reserve on deposits of $10,000,000.

	Amount of deposits.	Cash reserve in vaults.	Deposited with reserve agents.	Possible loans.
Country banks	$10,000,000	$600,000	$900,000	$8,500,000
Reserve city banks (amount above deposited by country banks)	900,000	112,500	112,500	675,000
Central reserve city banks (amount as above deposited by reserve city banks)	112,500	28,125	----------	84,375
Total	11,012,500	740,625	1,012,500	9,259,375
Per cent of total deposits	----------	6⅔	9⅛	84
Per cent of original deposit	----------	7⅜	10⅛	92½

Amount of cash outside original country banks, $140,625, or 1.4 per cent.

It will thus be seen that the country bank keeps but 6 per cent on hand in cash, and of the country bank's reserve deposits the city banks keep but 1.4 per cent on hand in cash. There is therefore but 7.4 per cent of cash, or $740,625, kept unloaned anywhere against this deposit of $10,000,000 in the country banks. Of this but $140,625 is outside the country bank's own vaults. If, therefore, there is a reduction in the deposits of the country banks of $150,000 out of $10,000,000, or only 1½ per cent, it calls for more cash or reserve money than has been kept on hand for the whole $10,000,000 in the reserve banks.

Is it any wonder, then, that the demand in the fall for about $200,000,000 in currency for crop moving always makes a disturbance and that when this demand was accompanied by withdrawal of deposits and a curtailment of credits, caused by uneasiness and distrust, that the banks were forced in self-defense to partially suspend payments, adopt clearing-house certificates, and various other expedients to furnish currency to meet such an emergency? The surprising thing is not that there has been such a disturbance of credit and business, but that the situation has been met as well as it has. It speaks volumes for the credit of the banks that they have done as well as they have, and shows the confidence of the people in their ultimate solvency and strength.

Mr. NELSON. I want to supplement that with a further explanation, that the repeal of these two sections in no manner interferes with the right of the banks to deposit their money wherever they may see fit. They can make deposits in other banks the same as before. The only difference is that they can not get credit for the deposit they make in these other banks as a part of the reserves they are required to keep for the protection of the depositors.

Mr. President, we want those reserves to be available and not to be a mere sham. In contingencies such as the recent panic, those reserves proved a snare and a delusion to the depositor. Take a country bank, with deposits of, say, a hundred thousand dollars. It is required to keep $15,000 in reserve for the protection of its depositors. It can deposit $9,000 of that $15,000 in one of the banks of the reserve cities, or central reserve cities, and then from the remainder it is entitled to deduct the money deposited in the Treasury Department as a fund for the protection of its circulation; in other words, the 5 per cent fund. So that from the $6,000, or from the two-fifths that is retained by the bank, there is still deducted the 5 per cent on the circulation.

Now, as I said in my remarks the other day on this subject, the system of bank reserves is a perfect lock-stitch system. There never has been a system contrived which has led to more speculation. Under this system the country banks and the banks in the reserve cities pile their money into New York City, and they pile it in there for the sake of getting this small pittance of 2 per cent interest. Those big banks in New York City get that great volume of money from the country banks and from the banks in the reserve cities. What do they do with it? That money is principally invested in these speculative call loans, and when we get a stringency and panic, such as we had in October, that money is tied up, and it is a snare and a delusion and no protection to the depositor.

Mr. President, to my mind, if we want to deal honestly with the American people, if we want to deal honestly with the depositors in our national banks, we ought to keep this fund that we call a "reserve fund" for the protection of the depositors in shape where it can at all times be available for the protection of the depositors. The result of this system—and it is a cunningly contrived system—is, on the one hand, to lead to great speculation in Wall street when the money is piled up there, and, on the other hand, in the case of panic to have the reserve money of the national banks tied up, as it was in the recent panic.

When the Finance Committee reported this bill, if I remember aright, and if I am mistaken the Senator from Rhode Island will correct me, there was a little paragraph in it diminishing the amount of the credit that country banks could receive; I think a reduction to one-half. I may be mistaken, but I think there was a little clause. But finally when the bill was reported to the Senate there was nothing at all on the subject in the bill.

Mr. ALDRICH. The Senator from Minnesota will remember that when I reported for the committee a few days ago certain amendments, in answer to his own question I stated that the committee had under consideration some amendments to the reserve provisions of the law, and they would report them at a later day.

Mr. NELSON. Nothing has appeared or has been offered here in the Senate.

Mr. ALDRICH. I am inclined to think the committee will report an amendment to-morrow.

Mr. NELSON. I am aware of the fact that all legislation is in the nature of a compromise, and that none of us can get a measure exactly as we want it, or as we picture to ourselves it ought to be. If the committee would make some reasonable provision to cure this evil, if they would make a change in the amount of the reserve of the country banks and also in the

amount of the reserves of the banks in the reserve cities—if the committee would bring in a reasonable amendment, I should not undertake to press this amendment. But in the absence of that I shall ask for a vote on this amendment. I want to be as generous to the Senator from Rhode Island in this instance as he was a moment ago. I am willing, if that is satisfactory, that this amendment shall lie on the table until to-morrow, and we can then take a vote upon it, and meanwhile give the committee an opportunity to see what they will bring in to cure this evil.

Mr. ALDRICH. I wish to make a few remarks on the nature of this amendment, if the Senator from Minnesota is through.

Mr. NELSON. Certainly.

Mr. ALDRICH. I am quite willing to let it go over, if the Senator prefers, but I think the Senator is laboring under a misapprehension as to what would be the effect of this amendment if adopted. The Senator from Texas has a similar amendment, but I hope to show to both the Senator from Texas and the Senator from Minnesota, when the matter is up, that these amendments would be absolutely destructive to the business of this country; and they, I believe, after hearing a statement as to the practical effects will certainly not press them to a vote.

I am quite willing to say to the Senator that I expect to report from the committee to-morrow morning an amendment upon the matter of reserves. I am not sure, of course, whether it will be satisfactory to that Senator or not. I think some legislation ought to be had upon the question of the reserves. But it is a very important question. Every Senator must realize that. The question of banking reserves is a very complicated one, affecting not only the banks but the people of this country as to their loans, because a reduction of the reserves affects immediately the loaning power of the banks, and therefore we ought to treat it with the most careful consideration. I hope that we will be able to report an amendment which for the present anyhow will satisfy the Senator from Minnesota. We can not, in this bill, dispose of all the complex questions affecting the banking interests of this country. I hope later on the committee will take up this question and present some scheme of amendments and reforms to the banking system and the currency system that will be satisfactory to the Senate. I am quite willing that the vote upon this amendment shall be postponed until to-morrow, and I will defer any criticism which I have to make until that time.

Mr. McLAURIN. Mr. President, I have an amendment which I desire to offer.

The VICE-PRESIDENT. The Senator from Mississippi proposes an amendment, which will be stated.

The SECRETARY. It is proposed to add as a new section the following:

SEC. 10. Upon the exhaustion of the securities accepted by the officer, or officers, of the Government for the indemnifying of the Government for the issuance of bank notes to any banking association, if sufficient is not realized therefrom to indemnify the Government, the Government shall be subordinated to the lawful claims of all other creditors of the bank in the distribution of the other assets of the bank.

Mr. McLAURIN. Mr. President, as long as the security that is given to the Government for the loan of the money to the banks is in the shape of United States bonds, there can be no question about its being sufficient to redeem all the bank notes for which the Government is liable; but if issuance to banks is made upon State or county bonds or other bonds than bonds of the United States, then it may be that they will not be sufficient to indemnify the Government for the amount paid by the Government for the redemption of the bank notes. If thereupon the Government can look to the deposits, it is going to make it that much more dangerous for a man to deposit his money in a national bank and to cripple the bank's business to that extent. I think if the Government carves out its security for the issuance of bank notes, it ought to be satisfied when that is exhausted to wait until the depositors in the bank shall have an opportunity to secure their deposits and their credits of the bank.

It would be a dangerous thing, in my judgment, to make any provision whereby the money of depositors should go to the settlement of the claim that the bank owed to the Government. If I am tempted to deposit my money in a bank, providing I had any money, and I know that that money is liable for the bank's indebtedness to the United States Government, it to that extent deters me from depositing in a national bank and encourages me to deposit in a State bank. I would not do anything to cripple the State banks. I would do everything in the world I could to put them upon a perfect equality with national banks. Neither would I, on the other hand, cripple the national banks by making it dangerous to deposit money with them.

Whether the language of the amendment will accomplish the purpose to be attained I am not prepared to say, but some amendment of this kind ought to be adopted to the pending bill.

Mr. McCUMBER. Mr. President, I ask for the rereading of the amendment.

The VICE-PRESIDENT. The Secretary will again read the amendment.

The SECRETARY. It is proposed to insert as a new section the following:

SEC. 10. Upon the exhaustion of the securities accepted by the officer, or officers, of the Government for the indemnifying of the Government for the issuance of bank notes to any banking association, if sufficient is not realized therefrom to indemnify the Government, the Government shall be subordinated to the lawful claims of all other creditors of the bank in the distribution of the other assets of the bank.

Mr. McCUMBER. I should like to ask the Senator who introduced the amendment why would not the same object be attained by simply striking out of the bill the provisions for the priority of the Government's lien?

Mr. ALDRICH. It is not in this bill.

Mr. McCUMBER. There is one in this bill?

Mr. ALDRICH. Oh, no; it is in the general law.

Mr. McLAURIN. I do not think the same purpose would be accomplished if that were done, for the reason that in that event, after the Government shall have exhausted all of its securities against the bank, it would then have the right to enjoy in the collection of the balance of its debt a pro rata of the deposits of the depositors, and I do not think that ought to be done. I think when the Government goes security for the bank to the extent of the bank notes issued by the Government in the name of the bank, it ought to be satisfied with that, and the depositors ought to have the assets that come from their deposits for the security of their claims until after they are secured and liquidated, and then the Government can pursue its lien upon the balance of the assets, if there be such.

Mr. McCUMBER. Let me understand this bill. It provides for the issuance of an emergency currency, that currency to be based upon certain Government and municipal bonds that are to be deposited with the Government as security for the issue. Now, either under the general law or under the provisions of this bill, the Government is given a prior lien upon all the assets of that bank for the purpose of securing this emergency issue. Am I correct upon that proposition?

Mr. McLAURIN. For the purpose of securing the Government.

Mr. McCUMBER. Yes.

Mr. ALDRICH. Against loss.

Mr. McCUMBER. Against loss upon this emergency issue.

Mr. McLAURIN. That is it.

Mr. McCUMBER. Is this security provision in the bill itself, or is it under the provisions of the law as it now exists?

Mr. McLAURIN. I am not prepared to say whether it is in the bill itself or whether it is in the law as it now exists.

Mr. ALDRICH. It is in the general law.

Mr. McLAURIN. But the Senator from Rhode Island, in charge of the bill, the chairman of the committee, in presenting this bill stated that as a security the Government has a prior lien on all the assets of the bank. So the Government can not lose anything. It were better, it seems to me, for the Government to lose that, if the Government is derelict in the taking of securities, than for the depositors to lose it.

Mr. McCUMBER. The law is changed at least to this effect. We have a provision for a new currency issue, amounting in the aggregate to $500,000,000. Therefore, to the extent of $500,000,000, or so much thereof as may be necessary, there is created another incumbrance upon the banks of the country, which is superior to the lien of the depositors upon the assets of the banks. It seems to me that the Government is absolutely secured; that there is no necessity whatever for diminishing to any extent the security of the depositor. The Government says what it will accept and what it will not accept in the matter of bonds. The Government declares that it will allow an issue of only 90 per cent of the face value of those securities. The Government, therefore, having absolute control not only as to the amount of the issue that will be given upon the securities which it accepts, but having in its own power the determination of what securities it will accept, and in addition to that having, through the taxing power, the ability to force out of the property of any municipality every dollar of its indebtedness sooner or later, the Government can not possibly lose one cent if it is disposed to enforce its lien.

Mr. McLAURIN. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Mississippi?

Mr. McCUMBER. I am speaking right along the line of the Senator's amendment, and I assure the Senator I am in abso-

lute sympathy with what he desires to secure in this legislation. I am going to vote for it, and I am now giving my reasons for so doing.

We ought not under any circumstances to place a greater burden upon the depositor. I myself am in favor of absolutely protecting the depositor by the levying of such a charge against the average amount of deposits in any bank as will create a fund sufficient to ultimately protect every one of them. While the Senator may not agree with me in going to that extent, I agree with him absolutely in going to the extent of saying that at least the present status of depositors shall not be impaired in any respect whatever, so that they will be in a worse condition after this bill shall have passed than they were before. In other words, the Government can take the bonds of a municipality that are absolutely good. If the bank which has issued its emergency currency upon the bonds of that municipality fails, then the Government does not proceed to collect its debt in the ordinary method, by enforcing it in a judgment; but, as I understand the bill, the securities have to be sold. Therefore, if they are to be sold, they will be sold at a time when there is a stringency of money, necessarily, and they may be sold for considerably less than their usual market value. So I can see that under that system there might be a loss. It seems to me there ought to be a provision in this bill so that the Government, instead of selling the securities at a discount, should not sell them at less than the amount of the issue based upon them.

But if it can not realize that amount, then it ought to have the authority to proceed to put in judgment and collect in the ordinary methods the amount due upon that bond. In that manner it will be absolutely secure, and under that system there will be no necessity whatever of impairing the obligation which the bank makes to its depositor that it will pay in full the amount of the deposit.

So it seems to me that the amendment of the Senator is very correct indeed; that we ought to take some steps to protect the depositors; and that we ought not to give the Government, which has it in its power to collect every cent, to take the balance of the man who has nothing but the assets to fall back upon, and after selecting the securities which you yourself determined to be absolutely correct and sufficient say that you can take away from the depositor his security against the other assets of the bank. It appears to me that that is treating the depositor unjustly. It invites the very thing that this bill is intended to cure. It invites dissatisfaction and fear of the solvency of the bank and of the ability of the depositor to get the full amount of the sum that he has deposited.

Mr. HEYBURN. Mr. President, Senators have used terms as interchangeable. Under the act of 1797 they speak of the Government as having a lien upon the fund. It has no lien upon the fund at all. The act does not give the Government a prior lien. It gives it the right of payment.

Mr. ALDRICH. The national-bank act gives the Government a prior lien in the terms of the act of 1797.

Mr. HEYBURN. The term "lien" is not applicable in this case. The right to prior payment is not necessarily a lien, because if it were a lien it would pass to an assignee subject to the lien. But if it is a right of prior payment it is a right of prior payment by the assignee, and it would be defeated by an absolute transfer of the property before the assignment.

Mr. ALDRICH. I think perhaps the Senator had better read the section.

Mr. McLAURIN. Before that is done I wish to say to the Senator from Idaho——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. HEYBURN. Certainly.

Mr. McLAURIN. I wish to say that the same effect would result from the prior payment or from the enforcement of the lien. It does not make any difference what it is, if the Government has the right to prior payment out of the fund realized from the deposits of the depositors, it will to that extent deter men from depositing in national banks.

Mr. HEYBURN. It might be just as profitable to straighten this out while we are about it as anything we could engage ourselves in at this time. The section of the national-bank act to which my attention is called is said to supersede the provision in the act of 1797.

Mr. ALDRICH. I did not say that, if the Senator refers to what I said.

Mr. HEYBURN. I got that impression from what the Senator from Rhode Island said.

Mr. ALDRICH. I said there was no specific provision in the national-bank act for the prior lien of the United States. I understood the Senator from Pennsylvania [Mr. KNOX] to say the other day that, whether that statute had been in existence or not, under the act of 1797 the United States would have had a prior lien.

Mr. HEYBURN. Nevertheless, the suggestion that I made is applicable. There is all the difference in the world between a lien and a right that may ripen into a lien. I will read the section of the national-bank act, that it may appear in the RECORD for convenience.

Mr. McCUMBER. Let me ask the Senator one question. After a bank has become insolvent and is placed in the hands of a receiver, with such assets as it then owns, what is the difference in legal effect whether you say the Government has a prior right to payment out of the assets, or whether you say that the Government has a prior lien upon the assets? Is it not practically the same thing?

Mr. HEYBURN. Let us see whether it is or not.

Mr. McCUMBER. I mean after the bank has gone into insolvency. I use the word "lien" in its general sense, and in considering its effect upon the property of the bank after the bank has gone into the Government's hands, the Government taking possession of it, and not as indicating a specific lien upon specific property, which would continue not only while the bank was doing business, but which would continue until payment was made. I did not use it at all in that sense.

Mr. HEYBURN. It seems to me that it is a little more important to consider the thing upon which the lien was made; that is, to consider the question as to what constitutes the assets at a given time. If the bank had gone into bankruptcy because of having transferred all its property, the right of the Government would not attach, because the property that had been transferred would not be an asset of the bank. So that is the crucial point on which a number of the cases have turned, where the court was considering the effect of this class of legislation.

Of course, the national-bank act added nothing to the strength of the act of March 3, 1797. That act had been construed frequently by the court in the very earliest days of the Government. Finally, the Supreme Court concluded that its decisions needed some explanation, and they undertook to straighten them out. They drew some conclusions that did not appear upon the face of any prior decision, and I have had occasion to consider them. I will just take the liberty of calling attention to the ultimate analysis of this question of a lien and the assets to which the lien applies and to which it does not apply by the Supreme Court of the United States. It is a very long case. My recollection is——

Mr. McCUMBER. If the Senator will pardon me, there is no case holding that under any circumstances the Government has a lien on any of the property until there has been a failure of the bank.

Mr. HEYBURN. Then the question is what the lien is upon.

Mr. KNOX. It is not a lien; it is a preference to the assets and mortgage.

Mr. HEYBURN. I am going to read a few lines from this very long decision. I shall read only a few lines from it for the purpose of showing the distinction which the court draws between a lien and a preference in payment.

Of course, if the Government had a lien the property would pass to the assignee, subject to the lien, but if the property passes to the assignee, the Government has merely a preferential right of payment out of the proceeds. That is the test of the law, and it goes to the very amendment that is now under consideration the way it is drawn. The court says in brief in considering the act of March 3, 1797:

> If, then, the property of the debtor passes to the assignees; if debts due to the United States constitute no lien on such property; if the preference or privilege of the United States be no more than a priority of satisfaction or payment out of a common fund, it would seem to follow, as a necessary consequence, that even if the teas in controversy were the property of Edward Thomson, they passed by his general assignment in November, 1825 (which is not denied to have been a bona fide and valid transaction), to his assignees, and become their property for distribution among his creditors, and were not liable to the levy under the execution of the United States.
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> Then, again, it is contended on behalf of the United States that the priority thus created by law, if it be not of itself a lien, is still superior to any lien, and even to an actual mortgage on the personal property of the debtor.

The court says:

> It is admitted that where any absolute conveyance is made the property passes so as to defeat the priority—

Of the United States. It defeats the priority—

> but it is said that a lien has been decided to have no such effect; and that in the eye of a court of equity a mortgage is but a lien for a debt. Thelluson *v.* Smith (2 Wheat., 396).

That was one of the cases referred to. That case—

has been mainly relied on in support of this doctrine. That case has been greatly misunderstood at the bar and will require a particular explanation. But the language of the learned judge who delivered the opinion of the court in that case is conclusive on the point of a mortgage. "The United States," said he, "are to be first satisfied; but, then, it must be out of the debtor's estate. If, therefore, before the right of preference has accrued to the United States the debtor has made a bona fide conveyance of his estate to a third person, or has mortgaged the same to secure a debt—or his property has been seized under a fieri facias—the property is divested out of the debtor and can not be made liable to the United States."

Conrad *v.* The Atlantic Insurance Company (1 Peters Reports, p. 440).

I pause here to say that is the position in which most national banks are at the time when, if the Government is to have the right suggested by the amendment offered by the Senator from Mississippi, that right will attach, so that you would not have as efficient a protection as it might seem upon the face of things to be, nor would the provision in the national-bank act be effective to protect the credit of the currency or circulation that had been issued upon the bonds which had proven an insufficient basis for such circulation, leaving an uncovered balance for the Government to take care of.

The provision of the amendment of the Senator from Mississippi, which undertakes in terms to give the depositors a preferential right as against the Government for the uncovered balance that may be due after the securities have been disposed of and applied to the satisfaction of the circulation, is to give the creditors just what they would have now if there was an assignment before the Government asserted its right, or if the bank had done what they generally do, transferred and disposed of their securities; in other words, if it would go bankrupt, and come to the Government without assets. That would give the depositors all of that fund, whatever it might be, fifty cents on the dollar, or ten, or seventy-five. The Government would get nothing out of that fund under the amendment offered by the Senator from Mississsippi.

I think it would be better to leave the law just as it is and let the Government, instead of having a lien upon the assets of the bank, participate in the distribution as a preferred creditor of whatever fund might remain after the affairs of the bank were liquidated.

Now, this law has not been changed. The decision has been, without modification, the true rule in regard to the act of 1797. There are, perhaps, a dozen or more cases prior to this particular case. The cases, if I remember, though I have not read the body of the decisions for some time, were originally tried by a jury before Justice Washington in the circuit court for the district of Pennsylvania. All this controversy, which resulted in one of the most notable cases of that day, arose out of that trial, but it decided some of the most important questions as to the relative rights of the Government of the United States as a preferred creditor that have ever been raised in the courts, and of most far-reaching importance.

Mr. McCUMBER. I should like to ask the Senator why the depositor should not have a preference right over the general assets of a bank as long as you give the Government the exclusive right to make its losses good out of the very bonds that it has accepted. The Government can accept bonds that are absolutely good. The bill is drawn with considerable care to secure the Government against the acceptance of any municipal bond that is not absolutely good; and a bond that is legal must necessarily be good if there is property enough in the municipality to pay it. Therefore the Government is protected absolutely unless it sells for less than the value, and there is no excuse whatever for the Government to sell those bonds for less than the 90 per cent of the face value, which would cover the amount of the issue upon it.

So far as those bonds are concerned, the Government does have a lien on them. It has the lien of a pledgee.

Mr. HEYBURN. A conveyance of title.

Mr. McCUMBER. Well, in our State it would be called a lien. Under some jurisdictions it would be considered as conveying the legal title. It holds a position, however, as a pledgee. The property is in its possession and in its name, and it is protected.

If there is ever any loss, the Government can well afford to lose that little loss rather than to shoulder it upon the poor depositor who has nothing whatever except the assets of the bank to fall back upon. The Government is better able than an individual to suffer a loss; it is always able to protect itself, and I am not in favor of the Government taking the property into its hands and paying itself first and then turning over to the depositor what may be left. There is a moral obligation on the part of the Government to protect the depositor first, because the Government has control over the bank. It is a quasi-public institution. It is created by the Government itself, and the Government to a great extent conducts that bank. It sends its special agents there; it looks over its manner of conducting its business; it gives its advice; it enforces its rules and regulations, and if properly enforced no bank scarcely could ever go into bankruptcy.

Giving the Government all of that control, it does seem to me that the Government is not in a position to say to the depositor, "We will protect ourselves first, and if there is anything left you can take it." Morally it ought to say exactly the other way, inasmuch as we ourselves determine what is security. We should be satisfied to stand upon that security and give to the depositor a preference to any other assets of the bank out of which to make good his losses. Morally, I say, we should stand upon that broad proposition.

Mr. McLAURIN. Mr. President, I did not intend to say anything more on the amendment, and would not have done so but for the fact that the Senator from Idaho has read authority to establish a proposition which does not argue anything against the position taken in favor of the amendment. It does not make any difference whether you call the Government right a lien or a right that may ripen into a lien or a right to prior payment—it does not make any difference what you call it—the result is the same. The Government accepts $100,000 of State bonds or municipal bonds, and upon that issues $90,000 of bank notes to a banking association. That banking association receives deposits, and after a while becomes involved and is by the Comptroller of the Currency put into liquidation.

Now, when the Government exhausts that $100,000 of bonds, State or municipal, whatever they are, in order to indemnify itself for the $90,000 it has to pay for the bank notes that it has guaranteed, then it ought to be willing to rest on that until the depositors are paid out of the deposits which they have placed in the bank.

The money that is in the bank outside of the $100,000 is money that is put there by the depositors. Its assets are made up of the loan of the depositors. For the Government to say that it will take the deposits in order to get the $10,000 or the $5,000 or the $15,000 or whatever may be left due the Government when it has sold the $100,000 of State or municipal bonds, is to say that it will take out of the deposits of the depositors this amount of money to pay the debt of the bank to the Government. That is not just; it is not honest; it is not morally right, and it ought not to be made legally right. Now, that is the moral side of the question.

Then, there is another side of it. You cripple the banks when you say to a depositor, "If you put your money there and if the Government has not taken security sufficient to indemnify itself for guaranteeing the notes of the bank we are going to take that money, or the assets that are derived from that money, and pay the balance that is due to the Government in order to indemnify it." I say you cripple the bank because we are not going to deposit in a national bank in preference to a State bank when that money might be taken to pay the debt of the bank to the Government.

If the bill is to go through without some provision of this kind, it had better be denominated "a bill to demoralize depositors in national banks" than "a bill to amend the national banking laws." As I said in the outset, as long as the guaranty of the Government was composed of United States bonds there could be no apprehension on the part of the depositor, because he knew that in the very nature of things the Government bond is bound to pay the Government guaranty and he is to have no apprehension in depositing his money in national banks; but he will be apprehensive if you let this go out and let it be understood that in time of panic these bonds can be sold and if they do not realize 90 per cent of their face value the balance can be made up by the deposits of the depositors.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from California?

Mr. McLAURIN. With pleasure.

Mr. FLINT. Would the people draw money out of the banks in your State or would they feel secure provided they had the bonds of your State as security for that money?

Mr. McLAURIN. It is not a question whether they would feel secure if they had the bonds of my State or the bonds of the State of the Senator from California. You may take the bonds of the State of California and you could not realize 50 per cent on them during the last panic, nor on the bonds of any other State in the Union. The money was not there upon which you could realize.

Mr. FLINT. You could not only realize 50 per cent but you could realize more than par upon them at any time during the panic.

Mr. McLAURIN. You could not realize on United States bonds, because during the panic the money was not in circulation. Men could not get money; and that is what made the panic.

Mr. FLINT. The Senator simply is not informed when he says that the bonds of the United States were less than par during the panic. There never was a time when United States bonds were as high as right during the middle of the panic. They were never in greater demand.

Mr. McLAURIN. When a panic comes there is no money that is to be given out upon anything. The banks of New York would not let the money out that belonged to the depositors in the country banks. But, Mr. President, it is not a question whether the people of Mississippi——

Mr. ALDRICH rose.

Mr. McLAURIN. I will yield to the Senator from Rhode Island in a moment. I invite the attention of the Senator from California to what I am about to say. It is not a question whether the people of Mississippi would feel safe in the bonds of Mississippi, but I will say to the Senator that the bonds of Mississippi are at a premium and they are as good as the bonds of California or any other State in the Union.

Mr. FLINT. I should like to ask the Senator a question right there. Do I understand him to make the statement that during the panic the bonds of the State of Mississippi were selling for less than par, or that they were selling for 50 cents on the dollar?

Mr. McLAURIN. I do not say they were selling at all. There were no other bonds selling at all during that time. But let me finish with one Senator at a time. I will yield to the Senator from Rhode Island.

Mr. ALDRICH. My suggestion was pertinent just at that point, it seemed to me. I remember hearing the Senator declaim most eloquently upon the fact that in Mississippi the banks paid during the panic and there was no suspension there.

Mr. McLAURIN. The Senator is mistaken. He never heard me say that.

Mr. ALDRICH. In his own town?

Mr. McLAURIN. Yes; I said the bank of my town did, but not in the whole State. It is not so much a question whether the people of Mississippi would be satisfied with bonds of Mississippi, because the people there know the bonds are good and at a premium; but bank notes circulate in Mississippi as they do in California, where they are issued upon bonds and will be issued upon bonds of other States than Mississippi or California. Bank notes will circulate in California that are issued to banks in the State of Mississippi, and, vice versa, bank notes will circulate in Mississippi that are issued to banks in California. They know nothing about the condition of bonds. They know that if they are United States bonds those United States bonds are bound to be good for the indemnity, because if the bank owes the United States and they hold the United States bonds they can offset one against the other. But when a man goes to deposit his money he is not going to see the kind of State bonds upon which the bank notes are issued.

He is not going to inquire whether those bank notes are issued upon State bonds or upon other bonds. He wants to deposit his money in a bank where there is no question about its security. He does not want to deposit his money in a bank where, if the bonds placed for the security of the Government and for the indemnity of the Government are not sufficient, its deposits can be taken to make it up.

That is the thing I want to call the attention of the Senator from California to that is recognized in this bill. It does not recognize the bonds of the State of California or of any other State in this Union as sufficient to guarantee it dollar for dollar, because it can only issue 90 per cent upon the bonds of the best State in the Union, if there is any State better than any other State. The bill recognizes the fact that it can be issued for less than the par value of any bond of any State.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT Does the Senator from Mississippi yield to the Senator from California?

Mr. McLAURIN. With pleasure.

Mr. FLINT. Does the Senator from Mississippi know of any State in this Union, or of any municipality of any standing in this Union, whose bonds are selling for less than 90 cents on the dollar?

Mr. McLAURIN. Then, if that be true, Mr. President, and they are taken upon State bonds, there can be no harm in this amendment, because the Government never, in the very nature of the case, can lose. The Senator from Rhode Island [Mr. ALDRICH] in presenting this bill went on to show how the Government is protected; how the money is good because it is guaranteed by the Government of the United States, and it is protected because if the Government sale of these bonds does not realize sufficient to indemnify the Government, then there is a lien upon the assets of the bank.

I will say to the Senator from California that there is another thing about that. This does not rely entirely upon a State bond, but it is intended to be predicated upon State, municipal, and county bonds.

Mr. FLINT. I have included in my statement the proposition of the State and municipal bond, and I will now include county bonds. Does the Senator from Mississippi know of any State, municipal, or county bond in the Union that is selling for 90 cents on the dollar?

Mr. McLAURIN. I do not know the value of all the bonds in the country. While I do not know of any which are selling for that, there may be many of them, because I do not pretend to have any knowledge of the value of bonds—municipal, county, or State. I only know that in my State the State bonds, county bonds, and municipal bonds, so far as I know, are good.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from North Dakota?

Mr. McLAURIN. With pleasure.

Mr. McCUMBER. Partially answering the question of the Senator from California [Mr. FLINT], does not the Senator from Mississippi [Mr. McLAURIN] know that for two months bonds did not sell for anything?

Mr. McLAURIN. That is what I have stated.

Mr. McCUMBER. There were scarcely any sales of bonds being made because there was no money in the country that was available to pay for them.

Mr. McLAURIN. That is what I said, and the Senator from California [Mr. FLINT] called me to book for the statement.

Mr. McCUMBER. There was simply a cessation of payments, and if the Government had demanded a sale during that time, when there was no money in the country to be had from the banks, does the Senator think we could have got 90 per cent for such bonds then?

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from California?

Mr. McLAURIN. I do.

Mr. FLINT. Mr. President, I think the Senator from Mississippi [Mr. McLAURIN] and the Senator from North Dakota [Mr. McCUMBER] are entirely mistaken when they state that no bonds could have been sold in the United States during a period of two months, or even ten days. There never was a time, in my opinion, that this class of bonds could not have been sold during the period mentioned for a price far above 90 cents on the dollar, and they could have been sold during the height of the panic at that price.

Mr. McCUMBER. Will the Senator from California tell me where the money was at that time to pay for those bonds at any price?

Mr. FLINT. Mr. President——

Mr. McCUMBER. Men do not ordinarily carry in their pockets enough money to buy any great amount of bonds; and if you can not get money out of the banks, and if you can not make collections, where will you get your money to make payments?

Mr. FLINT. Mr. President, at the very time of which the Senator speaks the money was not in the banks. The trouble was that the people had drawn the money out of the banks. It was in the hands of the people, and they were looking for just such investments as buying bonds for less than par.

If under the provisions of this bill municipal bonds are included, municipal bonds will be in just as great demand in a time of panic as United States bonds were during the last panic. If there was anything that was at a premium and in demand it was United States bonds during the last panic, when those bonds could have been used for issuing circulation or for Government deposits.

Mr. McCUMBER. May I ask the Senator a question there?

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from North Dakota for that purpose?

Mr. McLAURIN. With pleasure.

Mr. McCUMBER. How did you get United States bonds? How many of those bonds were sold outside of the money that was furnished by the Government itself to make the payments?

In other words, the Government already having about $135,000,000 of deposits in the banks, immediately turned over $60,000,000 more. Then the banks were enabled to take about $50,000,000 out of the $60,000,000 that the Government handed over to them and buy Government bonds. The scheme was

then to issue $50,000,000 upon them. I have not heard of any great number of 2 per cent bonds of the United States that were sold in the market during that period, except as they were bought in almost wholly by those banks who had received the Government money for the purpose of purchasing them again. It is very easy for the Government to turn over the money to the banks and then let the banks use $50,000,000 out of the $60,000,000 to buy the bonds back.

Mr. FLINT and Mr. SMITH addressed the Chair.

The VICE-PRESIDENT. Does the Senator from Mississippi yield?

Mr. McLAURIN. I yield to the Senator from California with pleasure.

Mr. FLINT. Mr. President, I should like to answer the question of the Senator from North Dakota [Mr. McCUMBER].

Mr. SMITH. I wish just to make a statement.

The VICE-PRESIDENT. The Senator from Mississippi is entitled to the floor. Does the Senator from Mississippi yield to the Senator from Michigan?

Mr. McLAURIN. I will yield to the Senator from Michigan to ask the Senator from California any question.

The VICE-PRESIDENT. The Chair will recognize the Senator from Michigan, if the Senator from Mississippi yields to him.

Mr. McLAURIN. I yield to the Senator from Michigan for a question.

Mr. SMITH. Mr. President, I was simply going to observe that the arguments of the Senator from Mississippi [Mr. McLAURIN] and of the Senator from North Dakota [Mr. McCUMBER] seem to have proceeded upon the theory that the Government must sell these securities, whether State or municipal, at a disadvantageous time when, as a matter of fact, it may, under the law, elect its own time. Again, in my judgment—although I am not wholly clear about it—the Government itself may buy in those securities and hold them.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from California?

Mr. McLAURIN. I do.

Mr. FLINT. Mr. President, I desire to state to the Senator from North Dakota [Mr. McCUMBER], in answer to his question, that, as a matter of fact, bonds owned by the savings banks throughout the United States at the time of the panic sold at a higher price and there was a greater demand for them than at any period in our history. The bonds that were in the hands of the savings banks and banks other than national banks were loaned at that time for the purpose of having circulation issued, and commanded a premium, as I have stated, as high as at any other time in the history of the United States bond market.

To repeat what I said a moment ago, if this bill should pass, there would be the same demand for municipal bonds, high-class county and State bonds, and they would be in demand because the minute these bonds were acquired the banks could issue money on them under this bill.

Mr. McCUMBER. Mr. President, may I ask the Senator from California a question?

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from North Dakota?

Mr. McLAURIN. With pleasure.

Mr. McCUMBER. The Senator says that the bonds of the savings banks sold at a premium.

Mr. FLINT. Yes.

Mr. McCUMBER. They sold at a premium to whom?

Mr. FLINT. To the national banks who desired to issue circulation upon them.

Mr. McCUMBER. They were sold at a premium for national banks to issue circulation. How did the national banks get the money to pay for those bonds when they would not pay their individual depositors and the other banks who had deposits with them, if they did not get it from the Government of the United States? In other words, the Government did have the money and the Government loaned the money, or handed the money over to the national banks in order to allow them the opportunity to buy bonds upon which to issue currency, and the national banks, not having the bonds themselves, could utilize a portion of that money and turn it over to the savings banks and get the bonds and issue currency upon them.

But the point that I was trying to get at was whether, outside of the money furnished by the United States to buy bonds, there was a large market for any kind of bonds or other securities during about a month and a half of our financial flurry. I do not understand that there was. If I am correct, just one word further. I am not assuming that the Government of the United States will necessarily sell its bonds at inopportune times. On the contrary, I am assuming—and I think the Senator from Mississippi did the same—that the Government is amply secured and can sell these bonds at the proper time and can realize the full amount of the sum issued upon the bonds. If it can do that, then it ought not to ask for a prior payment of any difference that there may be out of the funds that properly belong to the depositors.

Mr. McLAURIN. Now, Mr. President, so many have gotten up here with questions that I will probably not be able to answer them in their order, but I will refer first to the suggestion of the Senator from Michigan [Mr. SMITH], to which I saw the Senator from Rhode Island [Mr. ALDRICH] nodding time and again his assent, that the Government will not sell these bonds at a time when there is a money stringency, but will reserve the State and municipal bonds until there is a time when the full amount that is due by the banks to the Government can be realized. I hope that that will be so in any event; but if it should not, then I should like to have it understood that the Government in the balance of its collections is subordinated to those men who put the assets into the bank out of which the collection is to be made. It is possible that the Government may not realize enough to indemnify itself, or, at least, the Senator from Rhode Island, who is in charge of this bill, thought possibly it might some time happen that the Government would sell these bonds when they would not realize the full amount, because, in enumerating the securities that the Government has to indemnify itself, the bill not only mentions these bonds, but says, in addition, that the Government is to have a lien upon the assets of the banks to indemnify itself.

Mr. ALDRICH. Mr. President, will the Senator allow me to ask him a fundamental question about this business?

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Rhode Island?

Mr. McLAURIN. Certainly.

Mr. ALDRICH. Does the Senator think that the people of the State of Mississippi desire a currency to be issued by the Government of the United States that is not absolutely safe and amply secured in every way?

Mr. McLAURIN. I do not.

Mr. ALDRICH. Well, does he think, then, that he is justified in taking away one of the safeguards that has existed in the form of the national-bank act for forty years, and has existed in another form for more than a century?

Mr. McLAURIN. Why, Mr. President, it is not the bond that has made these bank notes good as money, and nobody knows that better than the Senator from Rhode Island. It is the guaranty of the Government that makes them good, and I would not take that away. I do not propose to take that away.

Mr. ALDRICH. Mr. President, this preference the Government of the United States has, as I say, existed for more than a century. Every man who makes a deposit in a national bank has understood that. He has made his deposit with notice, and every man who takes the note of a national bank knows that that was one of the safeguards around the security and safety of that note. I am surprised to see the Senator from Mississippi appear here and try to take away one of the safeguards which the public has had, and which the people of his State have enjoyed in common with the people of the other States.

Mr. McLAURIN. I do not intend, Mr. President, that the Senator from Rhode Island shall be permitted to throw any such confusion as that around this subject. It is not the bond—and the Senator knows that—that has made the security of these bank notes. Nobody ever looks to the bond that is deposited in the vaults of the Treasury as a guaranty for the payment of these notes. The man who takes national-bank notes to-day in payment of his debt takes them, not because there is a valid security back of them in the form of a bond of the United States, but he takes them because the Government of the United States has guaranteed their payment. I do not propose to take away that guaranty. The Senator knows that, and this amendment would not take that guaranty away.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Rhode Island?

Mr. McLAURIN. With pleasure.

Mr. ALDRICH. But the Senator is proposing to take away the provision which enables the United States to make good any deficiency on the part of the bank.

Mr. McLAURIN. That is a different proposition.

Mr. ALDRICH. And that, I say, to every intelligent man must form one of the basic securities of the national-bank notes, and every man in the United States understands it if the Senator from Mississippi does not.

Mr. McLAURIN. Mr. President, I may not have intelligence, and every man in the United States may understand it, but I will venture to say that there are a number of Senators on this

side of the Chamber and on the other side who do not understand it as the Senator from Rhode Island does. The Senator from North Dakota [Mr. McCUMBER] has shown that he understands it as I do, and the Senator from Rhode Island, with all the intelligence which he arrogates to himself, must understand that it is not the bond that is back of the bank note, but the guaranty of the Government of the United States that makes it good; and the Senator knows that if bank notes were issued by a bank without the guaranty of the Government, he would question them, and everybody else in the country would question them.

Mr. ALDRICH. Mr. President, it is the cumulative security which the law now throws around bank notes which causes them to circulate throughout the United States and to be received by all the people of the United States without question. I again express my surprise that the intelligent Senator from Mississippi should endeavor to take away from the people of this country one of the securities which they rely upon.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from North Dakota?

Mr. McLAURIN. In a moment I will yield to the Senator from North Dakota.

The "cumulative securities!" Where is the accumulation of security that the Government has to give? The Government of the United States does not have to give any security to make its guaranty or its promise good. It is no accumulation of security nor is it cumulative security. It is the guaranty of the Government; it is the promise of the Government to pay that makes it good.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Rhode Island?

Mr. McLAURIN. I have agreed to yield to the Senator from North Dakota [Mr. McCUMBER].

Mr. ALDRICH. Just for one second.

Mr. McLAURIN. One at a time, and they will go further. [Laughter.]

Mr. ALDRICH. All right. Mr. President, I am old enough to remember—I do not know whether the Senator from Mississippi is or not—a time when the securities of the United States were not at par and when the securities of the State of Mississippi were not accepted in the market places of the country. I hope that that time will never come again; but I say that we should be derelict to our duty to the people of this country if we did not carefully provide against such contingencies as existed once in the State of Mississippi and again throughout the United States.

Mr. McLAURIN. Mr. President, when the promises of the Government of the United States in the shape of its promissory notes were not at par, their strength was not helped by the guaranty of the bankers of the country; it was not helped by any deposit of any security by any banker or by anybody else in the country.

As to the State of Mississippi, Mr. President, its guaranties have always been good if they were lawful. The guaranty of the State of Mississippi and its notes have always been good, except for a short period of time when it was in the hands of men who exploited that State during the days of reconstruction and just after reconstruction. That is the only time in the history of the State of Mississippi when its bonds and its credit were not good.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from North Dakota?

Mr. McLAURIN. With pleasure.

Mr. McCUMBER. If I understand the argument of the Senator from Rhode Island, it is to the effect that the value of this emergency currency rests entirely upon the bonds that secure it; that if a bank deposits $100,000 in bonds with the Comptroller of the Currency and issues $90,000 currency upon the bonds so deposited, and the bonds, when they are sold, only realize $85,000, if the Government had no further assets on which to fall back, that $5,000 out of the $90,000 would be a loss in whosoever's hands it should be. I do not understand this bill in that way. The Government guarantees, as I understand, every dollar; and whether these bonds would be worth one cent or not, the Government itself stands back of every emergency dollar that is issued by the bank and absolutely redeems it. If that be true, what is the basis of the real value and the confidence of the people in those emergency dollars if it is not in the guaranty of the Government itself?

The Government, not as a basis for the currency, but to protect its guaranty, accepts $100,000 of bonds, upon which it might allow the bank to issue $90,000 in currency; in other words, it loans the bank that much currency to issue as money, upon which the bank turns over to it as a pledge $100,000 worth of bonds. If that be true, then certainly it seems to follow that the Government itself should lose rather than the depositor in the bank. The Government will pay every dollar of that issue. It does not need any more protection than it has got now.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Rhode Island?

Mr. McLAURIN. With pleasure.

Mr. ALDRICH. Mr. President, as the Senator from North Dakota has undertaken to say what my understanding is, perhaps I had better express it myself, because I do not find myself in entire accord with him. We propose to issue national-bank notes, Government notes issued through the instrumentality of a bank, and we propose that the United States shall guarantee the redemption of those notes. Back of that, and subsequent to that, we have the credit of the bank; then we have a certain specific deposit of securities; then we have a prior lien upon the assets of the bank, and then we have the double liability of the stockholders of the bank. The plea which you gentlemen are making for depositors is not, and can never be, for the depositors. If any loss occurs, it will fall upon the stockholders of the bank and not upon the depositors. But whether it falls upon the stockholders or the depositors, I say that this great array of security is for the protection of the people of the United States, and I do not propose for myself to take away any one of the safeguards which we throw around the currency, and which, as I say, have existed without question for forty years under the national banking act and for more than a century under the act of 1797.

Mr. McLAURIN. Mr. President, the people of the United States do not want anything to which they are not morally as well as legally entitled. The people of the United States do not want the United States guaranty at the expense of the depositors in any bank. Many of these depositors are people who have worked and made their living, some behind the counter, some in the professions, and some eating their bread in the sweat of their faces, and the people of the United States do not wish to have the earnings and the small savings of these people go to the United States, when it is not morally right that they should do so.

Mr. ALDRICH. But the Senator from Mississippi can not escape the fact that his pleading here is not for the depositors, but for the stockholders of the national banks—practically, I mean.

Mr. McLAURIN. Mr. President, that is not the fact. I do not mean——

Mr. ALDRICH. That is the practical effect.

Mr. McLAURIN. It is not the practical effect of it. It is not to protect the stockholders, because so long as the stockholders are liable, there is no trouble with the depositors and no trouble with the United States. If the stockholders are responsible men, and they are liable for the indebtedness of the bank, then neither the depositors nor the Government of the United States can lose their money.

Another thing. The Senator said that he knew of a time when the promises of the Government, the Government notes, were at a discount; when they were not at par; when they were not worth as much as their face called for. Were the bank notes worth any more than the Treasury notes of the United States at that time? The Senator shakes his head, to indicate that they were not. Then, if they were not, if there is anything added to them by the deposit of these bonds, why is it that they were not worth more?

Mr. ALDRICH. They were guaranteed then, as they are now, by the deposit of bonds.

Mr. McLAURIN. Certainly; just exactly then as now, but the deposit of bonds did not add any strength to the circulating medium; it did not add anything to the strength of the notes at all.

Mr. ALDRICH. But, Mr. President, does the Senator from Mississippi suppose that any patriotic Senator would have then arisen in this body and undertaken to have taken away from the Government of the United States the security which it had against the bank stockholders?

Mr. McLAURIN. I surely would, Mr. President, and every other Senator ought to do it, but whether they would or not, I would have done it in behalf of the men whose money made up its assets; and it ought to be done. The Senator can not appeal to me upon patriotism. My patriotism is as good as his or anybody's else. I love my country. The Senator can not

escape from the predicament in which he has placed himself by any appeal such as that.

But to get back now to the Senator from California [Mr. FLINT]. The Senator from California said that the people of California could take their bonds—I did not catch whether they could take municipal bonds as well as State bonds or not—but they could take bonds and get any amount of money on them during this last panic. Why did the people of the State of California permit this panic to come if money was in such quantities there, so that all a person had to do was to take his bonds and get money? The Senator said that they were used for the purpose of depositing them in order to issue money upon them. The Government was not authorized to issue any bank notes upon such bonds. The Government could loan money upon such bonds, as it did in the State of New York, and as it did probably in other portions of the country; but if the bonds were in abundance, if they would command money at any price, why was the panic permitted to exist?

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from California?

Mr. McLAURIN. I do.

Mr. FLINT. The Senator from Rhode Island [Mr. ALDRICH] stated a moment ago that the Senator from North Dakota [Mr. MCCUMBER] had expressed his views for him with reference to this matter, and now the Senator from Mississippi attempts to state my views. I did not say that the bonds of the State of California or of any municipality in the State of California could be sold for any price at any time and could be used as a basis for issuing circulation under a bill such as this Aldrich bill. What I did say was that neither the bonds of the State of California nor the bonds of any municipality in the State of California during the period of this financial depression sold for less than 90 cents on the dollar, and I asked the Senator from Mississippi whether he knew of any State or municipal bonds that so sold.

What I did say was that in the event this bill is passed, then the bonds of municipalities and bonds of the State of California and of the State of Mississippi would be bought and sold for the purpose of issuing currency under this bill; which will be the fact. My own view about this is just as was stated by the Senator from Rhode Island, that the bonds should be first a security for the emergency bank-note circulation, and in the event that there should be any failure of that security, then the entire deposits of such bank should be used, if necessary, to make that money good; but, in addition to that, the stockholders should be followed and the loss, if any, should be made good; in other words, that this money should be just as good money as ever was issued by this Government.

After making that statement, I want to say that, in my opinion, there is no doubt about this money being good. The bonds themselves are sufficient security for it. Under the bill the bonds to be used must not only be bonds of a State, a municipality, or a county, but such bonds of a State, a municipality, or a county as the Secretary of the Treasury will accept, and he never would accept a bond of any State or municipality or county unless it was perfect security for the money at the rate of 90 cents on the dollar as provided in this bill.

I want to ask the Senator from Mississippi a question. If he is in favor of withdrawing the provision that makes the issuance of this money a lien on the assets of the bank, why not carry it further and provide that for Government money deposited in banks the Government of the United States shall not have a prior lien on the assets of the institution? Why stop at this point? Why not apply it to Government deposits?

Mr. McLAURIN. Mr. President, the Senator asks two or three questions in one. He asks first, if I know of any bonds that were selling in Mississippi at less than par during the late panic. I have answered that time and again——

Mr. BEVERIDGE. Less than 90 cents.

Mr. McLAURIN. Less than 90 cents? Put that in, if it amounts to anything. Was it 90 cents?

Mr. FLINT. Ninety cents.

Mr. McLAURIN. Very well. I do not wish to misstate the position of the Senator. I have said time and again that I do not know of any bonds selling at all in Mississippi or anywhere else at that time. They could not be sold, because there was no money in circulation to buy them with; that is, so far as I have heard up to this time. If the Senator from California knows of any bonds selling during that time, he is the first person I have met who has known of bonds selling for any price during the panic. They could not be sold, because money could not be realized with which to buy them.

The Senator asks me why I do not go further and make Government deposits liable to the depositors. I have not offered to make anything that the Government has liable to the depositors. I would have the Government take the security that it has carved out and realize upon that, and when it takes that security which it has carved out for its guaranty of the bank notes, if it is not sufficient to indemnify the Government, then it ought not to take the deposits of the depositors. That is my position.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from California?

Mr. McLAURIN. I do.

Mr FLINT. The Senator does not state the proposition correctly.

Mr. McLAURIN. I have not fully answered the proposition of the Senator, but I reckon I will not overlook some things I want to call his attention to.

Mr. FLINT. What I want to call to the attention of the Senator is that now the deposits of Government money in the banks constitute a prior lien upon the assets of the bank, as I understand. The Senator provides in the amendment that the issuance of this money shall not be a prior lien upon the assets of the bank. Is that correct?

Mr. McLAURIN. My amendment is that when the Government exhausts the securities which it took at the time of making the loan of bank notes to the bank its rights upon the balance of the assets of the bank shall be subordinated to the lawful claims of all creditors. Now, if the Senator——

Mr. FLINT. Why not carry that further and have the same rule apply to the deposits of Government money in the banks?

Mr. McLAURIN. Will the Senator support the amendment if I do that?

Mr. FLINT. I will not.

Mr. McLAURIN. Then what is the use to bring that in, because it is not germane to this discussion and it is not involved in it? The amendment does not propose that. Let us discuss the merits of the proposition before the Senate.

Mr. FLINT. What I wanted the Senator to answer is this: If this doctrine is correct, that depositors in a bank will think the bank unsafe by reason of this prior lien, why should the Government be given a prior lien because of its deposits in the bank?

Mr. McLAURIN. That might be a good argument to induce the Congress to enact into the law some provision in reference to Government deposits, and if that proposition were before the Senate I should vote for it, I will say to the Senator from California.

Mr. FLINT rose.

Mr. McLAURIN. I desire, before the Senator interjects another question, to answer the position he has taken on the floor.

Mr. President, the Senator recognizes the fact that there may be some bonds taken that are not worth 90 cents on the dollar.

Mr. FLINT rose.

Mr. McLAURIN. Hold on. Let me get through. Then I will yield. The Senator said that he wants the law so that if the bonds do not realize the 90 per cent to make up the guaranty of the Government for the national-bank notes, the Government shall have a lien upon the assets. That is what the Senator stated.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield further to the Senator from California?

Mr. McLAURIN. I do.

Mr. FLINT. After stating that proposition, though, I made the further statement that in my opinion that condition could not exist by reason of the fact that I did not consider that there was any bond that would be accepted by the Secretary of the Treasury which would not be sufficient to pay these notes, and no loss could fall upon the depositors of the bank.

Mr. McLAURIN. If that be true, there was no necessity for stating that the Senator wants a provision that if the bonds do not realize the 90 per cent the Government shall, for the balance of the money, have a lien upon the deposits of the depositors. And there could be no argument in it, because if the Senator is correct that that condition never could arise, then there is no necessity at all for that kind of an argument. If that is so, then there could be no harm done by this amendment, and it may do a great deal of good. It may assure depositors, and no harm can result from the adoption of the amendment; and there is no reason why such a strenuous opposition should be made to the amendment if it be true that no bonds will be taken upon which 90 per cent can not be realized, because the Government never could lose anything in the very nature of the

case, if that be true, and it could do a great deal of good in assuring depositors.

Mr. President, I have done the best I could to make myself intelligible upon this proposition. I hope I have done so. It has been in a desultory, disconnected way, to be sure, but in many instances that has been because of the fact that I have been led off from the discussion by questions and propositions that seemed to one Senator, at least, to be very much wanting in intelligence or to come from a Senator who is not intelligent. I do hope that the Senator from Rhode Island will do himself the credit to get up here and say that no possible harm could come to the soundness and the solvency of bank notes by this amendment; and I want him, instead of denying it, to say that the thing which gives validity to the national-bank notes and gives currency to them and circulation to them is the fact that they are guaranteed by the Government of the United States and not the fact that the Government is indemnified, because the Government is able to pay whether it is indemnified or not, and that is the ability upon which everybody relies when he takes a bank note, for nobody ever looks to see by what bank a bank note is issued or to ascertain what is the amount of the bonds deposited for its security. The money is good. When the Government's credit was less than a hundred cents in the dollar the bank bills were worth less than a hundred cents in the dollar; and when the Government's credit is worth a hundred cents in the dollar the bank bills are worth a hundred cents in the dollar, just like Treasury notes of the United States.

Mr. ALDRICH. Mr. President, I can not accede to the suggestion of my friend the Senator from Mississippi, but I can bear cheerful witness to both the intelligence and the patriotism of that Senator.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Mississippi [Mr. McLAURIN].

Mr. McLAURIN. On that I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. McLAURIN. I call for a division.

Mr. ALDRICH. We may as well have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRIGGS (when his name was called). I am paired with the Senator from Maryland [Mr. RAYNER].

Mr. DILLINGHAM (when his name was called). I have a general pair with the Senator from South Carolina [Mr. TILLMAN], who I am sorry to say is necessarily detained on account of sickness. But I transfer the pair to the Senator from Nevada [Mr. NIXON]. I make this announcement not only for this vote, but for all votes on the pending bill. I vote "nay."

Mr. SIMMONS (when his name was called). I have a general pair with the Senator from Minnesota [Mr. CLAPP].

Mr. WARREN (when his name was called). I again announce my pair with the Senator from Mississippi [Mr. MONEY] and its transfer to the Senator from Minnesota [Mr. CLAPP]; so that for the day—and I will not announce it again—the pair will stand between the Senator from Mississippi [Mr. MONEY] and the Senator from Minnesota [Mr. CLAPP]. I vote "nay."

The roll call was concluded.

Mr. GAMBLE. I have a general pair with the senior Senator from Nevada [Mr. NEWLANDS]. An arrangement has been made by which the pair is transferred to the senior Senator from Maine [Mr. HALE], and I will vote. I vote "nay."

Mr. CLAY. My colleague [Mr. BACON] is paired on this bill and all amendments with the senior Senator from Montana [Mr. CARTER].

Mr. FRAZIER (after having voted in the affirmative). I desire to inquire if the junior Senator from South Dakota [Mr. KITTREDGE] has voted?

The VICE-PRESIDENT. He has not voted.

Mr. FRAZIER. I have a general pair with the junior Senator from South Dakota, and as he has not voted I withdraw my vote.

Mr. ELKINS (after having voted in the negative). I am paired with the senior Senator from Texas [Mr. CULBERSON], but the pair has been transferred to the Senator from Ohio [Mr. FORAKER]. I have voted "nay." I will permit my vote to stand.

Mr. FRYE. My colleague [Mr. HALE] is detained from the Chamber, and is paired with the Senator from Nevada [Mr. NEWLANDS].

Mr. BRIGGS. I desire to announce the transfer of my pair with the Senator from Maryland [Mr. RAYNER] to the Senator from Indiana [Mr. HEMENWAY]. I will therefore vote. I vote "nay."

The result was announced—yeas 5, nays 46, as follows:

YEAS—5.

Gary	McCumber	McLaurin	Overman
La Follette			

NAYS—46.

Aldrich	Clay	Gallinger	Piles
Ankeny	Crane	Gamble	Richardson
Bankhead	Cullom	Gore	Smith
Beveridge	Curtis	Guggenheim	Smoot
Bourne	Dick	Johnston	Stephenson
Brandegee	Dillingham	Kean	Sutherland
Briggs	Dixon	Knox	Teller
Brown	Dolliver	Lodge	Warner
Bulkeley	du Pont	Long	Warren
Burkett	Elkins	Martin	Wetmore
Burnham	Flint	Nelson	
Burrows	Frye	Perkins	

NOT VOTING—38.

Allison	Davis	Hopkins	Platt
Bacon	Depew	Kittredge	Rayner
Bailey	Foraker	McCreary	Scott
Borah	Foster	McEnery	Simmons
Carter	Frazier	Money	Stone
Clapp	Fulton	Newlands	Taliaferro
Clark, Wyo.	Hale	Nixon	Taylor
Clarke, Ark.	Hansbrough	Owen	Tillman
Culberson	Hemenway	Paynter	
Daniel	Heyburn	Penrose	

So Mr. McLAURIN's amendment was rejected.

Mr. McLAURIN. I offer the amendment I send to the desk.

The VICE-PRESIDENT. The Senator from Mississippi proposes an amendment, which will be stated.

The SECRETARY. It is proposed to insert as a new section the following:

SEC. —. No person being an officer of any national bank shall, at the same time, be permitted to hold any office in any other national bank.

The amendment was rejected.

Mr. McLAURIN. I submit the amendment I send to the desk.

The VICE-PRESIDENT. The Senator from Mississippi proposes an amendment, which will be stated.

The SECRETARY. It is proposed to insert as a new section the following:

SEC. —. Every provision in this bill for the loaning of the Government's credit to banks shall, upon the same class and quality and quantity of security, apply to individuals, except that Treasury notes shall be loaned to individuals instead of bank notes.

The amendment was rejected.

Mr. McLAURIN. I offer the amendment I send to the desk.

The VICE-PRESIDENT. The Senator from Mississippi proposes an amendment, which will be stated.

The SECRETARY. It is proposed to insert as a new section the following:

SEC. —. That upon presentation to the Secretary of the Treasury, or Assistant Secretary of the Treasury, by any other person than a bank, of any of the class of bonds specified in this bill upon which money can be issued to the banks, or upon which bank notes are permitted to be issued by the banks, it shall be the duty of the Secretary of the Treasury to issue to the holder of such bond, or bonds, Treasury notes to the same amount that bank notes are permitted to be issued thereon to banks, up to the amount of issuance limited by this bill.

The amendment was rejected.

Mr. KEAN. I wish simply to suggest a correction. On page 9 of the bill, line 17, I move to strike out the word "the" and insert "each."

The VICE-PRESIDENT. The Senator from New Jersey proposes an amendment, which will be stated.

The SECRETARY. On page 9, line 17, before the word "national," strike out "the" and insert "each."

The amendment was agreed to.

Mr. du PONT. I propose the amendments I send to the desk.

The VICE-PRESIDENT. The Senator from Delaware proposes amendments, which will be stated by the Secretary.

The SECRETARY. In line 4, page 7, after the words "shall pay," insert:

For the first six months.

And in line 7, page 7, after the word "bonds," strike out the period and insert in lieu thereof a comma and the words:

And afterwards a monthly tax of three-quarters of 1 per cent upon the average amount of said notes.

Mr. ALDRICH. I have no objection to the amendments. I am willing to accept them.

The VICE-PRESIDENT. The question is on agreeing to the amendments proposed by the Senator from Delaware.

The amendments were agreed to.

Mr. OWEN. Mr. President, I had prepared a number of amendments which I had intended to offer to this bill, anticipating that it would be perhaps the last opportunity for some time to come within which some of the obvious defects of our national-bank law might be remedied. But upon the under-

standing and the assurance of the chairman of the Committee on Finance that this matter will be the subject of investigation in some form, either through the Committee on Finance or by a commission, I will waive a number of those proposed amendments.

I want to understand from the chairman of the Committee on Finance if it is his understanding that this shall be done—that a careful, thoroughgoing investigation into the causes of the panic shall be made and proper recommendations made to the Senate hereafter when that investigation shall have been concluded?

Mr. ALDRICH. Mr. President, it is obvious to me, as I think it must be to all the members of the Senate, that the recent events and the discussion of this question in this Chamber have shown the absolute necessity of taking up this question in a legislative way, and that the preparation of it should be entered upon in the immediate future.

I will say to the Senator from Oklahoma that it is my purpose either to ask that the Committee on Finance be intrusted with this duty or that Congress in some other way shall authorize an immediate investigation of the whole subject, with a purpose of presenting to Congress recommendations for a complete reform of the banking laws.

Mr. OWEN. Mr. President, I wish to place in the RECORD a proposed amendment which I had intended to offer and to press on the attention of the Senate. I merely ask that it may go in the RECORD for the information of members of the Senate who may be interested in it.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

Strike out all after the enacting clause of the bill and insert the following:

"That the Secretary of the Treasury is hereby directed to prepare and have available not less than $500,000,000 of United States notes, for the purposes of this act, having all of the legal qualities and of the same form as the United States notes now outstanding, to be kept in a special fund to be known as the 'circulation fund.' Such notes shall be printed of convenient denominations of not less than $5 nor more than $10,000 each. Such notes shall be advanced by the Treasurer of the United States, in the manner and to the amount determined by the Secretary of the Treasury, to any national banking association or to any bank or trust company organized under the laws of any of the States of the Union, upon application therefor and upon the deposit of securities of the classes hereinafter described which are acceptable to the Treasurer of the United States and approved by the Secretary of the Treasury; such advances shall be made by contract a first lien on the assets of the bank or trust company receiving the same and shall not be in excess of 90 per cent of the market value of such bonds. The Treasurer of the United States, with the approval of the Secretary of the Treasury, shall accept, as security for the United States notes herein provided for, the bonds or other interest-bearing obligations of the United States, or of any State of the United States, or any legally authorized bonds issued by any city, town, county, or other legally constituted municipality or district in the United States which has been in existence for a period of ten years and which has never, within ten years previously to the tender of such securities, defaulted in the payment of any part of the principal or interest of any funded debt authorized to be contracted by it, and whose net funded indebtedness does not exceed 10 per cent of valuation of its taxable property, as shown by the last preceding valuation of property, for the assessment of taxes. No bond bearing in excess of 5 per cent interest shall be accepted as security for such advances. It shall be the duty of the Secretary of the Treasury to obtain information with reference to the value and character of the securities herein authorized to be accepted, or to be held as a part of the legal reserve of national banking associations, and he shall from time to time furnish information to national banking associations as to such bonds as would be acceptable as security under the provisions of this act. The securities deposited under the authority of this act shall be subject to like rules as bonds deposited by national banking associations for the security of their circulation as far as the same may be made applicable thereto under the provisions of this act.

"Such advances made from the 'circulation fund' shall be charged for at a rate of 6 per cent per annum for the first four months, and thereafter at the rate of 8 per cent per annum, not exceeding a total period of one year. In the event of the depreciation of the market value of such bonds further security shall be required to preserve the margin of 10 per cent, under penalty of sale of such securities on the open market. The advances made from such fund shall be repaid within twelve months, and in default thereof the bonds shall be sold, and after the repayment of the principal and interest of such advances and the cost of sale the balance shall be returned to the owner of such bonds. This act shall not be construed to limit the issue of such notes if in the opinion of the Secretary of the Treasury an emergency exists for a larger issue than the amount required to be prepared by this act. The interest accruing on the loan of such notes shall go into the 'liquidation fund' hereinafter provided.

"SEC. 2. That from and after the passage of this act the profits accruing from the tax on the circulation of the national banking associations, together with the interest accruing from the loan of the United States notes herein above provided, shall go into a 'liquidation fund.' From such liquidation fund, whenever a national bank is declared insolvent by the Comptroller of the Currency, the depositors of such bank shall be paid in full immediately, and such insolvent bank be charged with the amount so advanced as a first lien against its assets. The net liquidated assets of such bank shall be deposited to the credit of the liquidation fund to the extent required to reimburse such fund the money advanced therefrom. If necessary to meet the demands made on the liquidation fund, the Comptroller of the Currency may impose a tax upon the national banking associations not to exceed one-tenth of 1 per cent upon their average deposits in any one year as shown by their regular reports to the Comptroller of the Currency, which shall be added to such fund. Said fund may be invested in the 2 per cent bonds of the United States to the extent deemed advisable by the Secretary of the Treasury.

"No deposit which within sixty days prior to insolvency has been under contract to bear interest shall be included in the insurance provided by this act, and such deposit shall not be paid out of the liquidation fund herein provided for. The insurance of deposits herein provided shall not be operative until March 1, 1910, except in States in which a plan of insurance of deposits in State banks shall have been provided.

"SEC. 3. That no national banking association shall hereafter make loans or extend credit of any kind for the buying of stocks, bonds, or agricultural or food products, for speculative purposes, which in the aggregate exceed its unimpaired capital stock.

"No active officer of any national banking association shall borrow from such banking association or make any loans of its funds directly or indirectly to himself without the written consent in each instance of three-fourths of the directors thereof, under penalty of immediate dismissal from office by the board of directors on the demand of the Comptroller of the Currency.

"Every national banking association not in reserve or central reserve cities shall hereafter hold, as part of its legal reserve, at all times in its own vaults a sum of lawful money equal to at least 9 per cent of its deposits, and the remainder of the legal reserve now required by law shall be held by such banks in the classes of bonds described in section 1 of this act. Every national banking association in reserve or in central reserve cities shall hereafter hold, as part of its legal reserve, a sum not less than 15 per cent of its deposit liabilities in lawful money, and the remainder of the reserve of 25 per cent required by law may be carried in bonds of the classes described in section 1 of this act.

"Only the net favorable balance of a reciprocal account kept by any national banking association with a reserve agent shall be counted as part of the legal reserve.

"Bonds held as a part of the reserve must be of the classes expressly approved by the Comptroller of the Currency."

Mr. NELSON. Mr. President, I offer the following amendment as an additional section to the bill.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. It is proposed to insert as a new section the following:

SEC. —. That national banking associations may, under the direction and supervision of the Comptroller of the Currency, be authorized to loan not to exceed one-third of their capital and surplus upon personal note or bond, secured by a first mortgage, of the maker or obligee, upon improved, occupied, and cultivated farms, not exceeding in any case one-half of the cash value of the farm. The Comptroller of the Currency shall prescribe the necessary rules and regulations for making such loans.

Mr. NELSON. Mr. President, I have no desire to take up the time of the Senate with any lengthy debate. I simply wish to state to the Senate that for many years there has been a great demand among the national banks in the West and Northwest, especially the smaller banks, for the privilege of loaning a limited amount on real estate security on improved farms. It is regarded out in that country as the very best security. They not only have the personal obligations of the maker of the note or bond, but in addition to that they have the real estate security, and we have found out there that the very best security is confined to improved and cultivated farms.

By looking over the report of the Comptroller of the Currency you will find that our big banks, our national banks, have a large part of their capital and surplus tied up in long-time, permanent securities, like railroad bonds and long-time bonds. In the case of a panic such as we had, when money can not be obtained, you can not realize money on that kind of securities quicker than on first-class bonds. Our banks invest their money in these long-time securities.

They do not invest, as a rule, in municipal bonds, school bonds, or in State bonds. Those bonds, owing to the low rate of interest, generally find their way to the East, to Wall street.

Our banks confine themselves to commercial loans and to the better class of real estate loans. Now, our national banks are under a great disadvantage. Under our State laws out West the State banks loan on real estate security under proper guard and limitation. Our national banks are cut off from this privilege, although in many instances they evade the law. They evade it by some of the officers or directors of the bank going to the bank and borrowing money on their own notes, putting up the mortgage on a farm as collateral security, so that practically in that way they take these farm loans. But many good bankers have said to me, "We hate to evade the law in this way. We dislike to do it. We prefer, if we can, to have the privilege to loan on real estate."

Last fall, in the midst of the panic, just before I left my own home, I stepped into our First National Bank, the leading bank. There was a large package done up on the table of the president. He pointed it out to me and said:

Mr. NELSON, there is a bundle of $100,000 in farm mortgages on the best farms in this country. I have got to send them East to money lenders there. I can not take them. All I can do is to take five and ten thousand dollar loans from the jobbers, the flour men, and the mill men here and down below in the Twin City and at other points. I may get a loan of five or ten thousand dollars for thirty, or sixty, or ninety days or six months, from one of these big firms, and yet I have no means of knowing how many of those five or ten thousand dollar notes the firm has outstanding. The firm I know is rated high, but in this emergency under these conditions I have no means of ascertaining how many notes are outstanding against the company.

I remember our experience very well in the panic of 1893–94, and the runs that were then made on many of our smaller country banks. A great many bankers came to me, for I was governor at that time. They came to me at the capital and related their experience. Depositors would get scared and would come to a bank and want their money. The banker would honestly tell them, "My dear sir, when I received your money I agreed to pay you 3 per cent interest on your deposits. I could not let your money lie idle. I had to loan it out. I have loaned the money out on a mortgage to one of your neighbors. I have not got the money to return to you, but I can give you the mortgage;" and in many instances the depositors were perfectly glad and willing to take those mortgages, for they were mortgages in their own county and upon the land of their own neighbors.

This amendment is very limited. It does not allow more than one-third of the capital and surplus to be loaned out, and it is limited to loans on improved, occupied, and cultivated farms. It includes no wild land, no land held by mere speculators to be mortgaged, no village property or town property, property which ordinarily in order to make good security requires a stiff insurance policy with it. There is nothing of that kind in the amendment. It is only a class of loans that will be of advantage and that can be utilized by our smaller banks in the country.

I have been trying to do this for years. I introduced a bill relating to this subject on three several occasions, but as usual I have found my good friend the chairman of the Finance Committee incorrigible, as he is on a good many financial subjects. It is unfortunate, and I do not say it in any discreditable sense; I do not say it for the purpose of reflecting on anybody; there is nothing further from me than that; but if we had in the Senate a rule, which prevails among the courts of the country, that no one should pass on the question who has an interest in a national bank or who owns any stock in a national bank or is an official, we could get pretty good legislation. We are handicapped in this way. I say this in a friendly and Christian spirit and not for the purpose of reflecting upon anyone in this body.

I trust the Senator from Rhode Island will meet this question in a liberal and statesmanlike manner, especially looking to the great West that stood as a buttress in the late panic, the great West that furnished the wheat and the cotton that brought the hundred million dollars of gold. I hope that his heart will go out to that West and that he will stand for this little amendment.

Mr. ALDRICH. Mr. President, this proposition has been before the committee, and on several occasions it has been considered and voted on.

Mr. NELSON. No, no.

Mr. ALDRICH. Oh, yes.

Mr. NELSON. No; the committee never reported it.

Mr. ALDRICH. But the Senator has offered it as an amendment.

Mr. NELSON. I offered it once as an amendment to your financial bill.

Mr. ALDRICH. It was voted down.

Mr. NELSON. Yes; but that is not saying that it will be voted down now.

Mr. ALDRICH. I understand.

Mr. NELSON. We live to learn.

Mr. ALDRICH. I understand that perfectly.

It is undoubtedly true that farm mortgages are good securities for certain people to hold, but they are the very worst possible securities that a commercial bank could hold. Suppose, for instance, that during the recent panic the banks of this country had been loaded up or loaded down with farm mortgages, the suspension which was temporary would have been absolutely permanent.

It is no part of the business of a commercial bank to accept and to deal in farm mortgages. It is contrary to every principle of banking, and it has always been so understood in every country in the world. There is not a civilized country where the ordinary commercial banks are permitted to take farm mortgages. They are inconvertible securities, absolutely inconvertible securities, and I am a little surprised that a Senator, with the wisdom of the Senator from Minnesota, should be as pertinacious as he is in the defense and advocacy of an amendment which, it seems to me, is so repugnant to every sound principle of banking.

Mr. NELSON. Mr. President, to my mind there is nothing more repugnant to sound banking than to have commercial banks, instead of devoting their loans to purposes of commerce and trade, to commercial loans, invest a large part of their money in these call and speculative loans; and when you get a money panic such as you had last fall, when you can not get money at any price almost, you can not sell any kind of securities. Out where I live—and I am sorry the Senator from Rhode Island has never been out in our country; I wish he could have been there during the panic—out in our country the very best securities we have, and securities that will always bring money quicker than any railroad bonds, or school, or municipal bonds, are first-class farm mortgages.

The Senator says that those are not quick assets. They are as quick as anything can be. We found in the recent panic that the quick assets that the stock exchanges dabble in were not as quick as they might be, for it took about $20,000,000 of Government deposits to stop it.

Mr. McCUMBER. Mr. President, I think it would conduce to more agreeable and better legislation if some of the Senators in this Chamber would sometimes get on the west side of the Allegheny Mountains and understand some of the conditions of the Middle West and the Northwestern section of the country. The Senator from Rhode Island has always been in favor of holding long-time securities bearing an annual interest. He considers them absolutely good in any of the banks. In fact, he desires to make them the basis of currency. I have never myself been able to see why a good mortgage on improved farm lands was not the very best security that could be possibly offered. Any man in the State of Minnesota or in the State of North Dakota or South Dakota knows that he can sell one of those mortgages and turn it into cash for its face value quicker than any other possible character of security that he could get hold of. Whenever the bank is closed, if money is in circulation at all, there is never a time that it can not get rid of its farm mortgages. There are many times reasonably close when it is impossible to sell farmers' notes that are unsecured, when it is even impossible to sell the grain-elevator notes that are held in our banks to furnish the money for moving our grain, and yet I know from my own personal knowledge that during our last stringency farm mortgages were being taken out in my State for the new lands that are being improved when you could not get money for any other purpose.

If the object is to compel the banks to get hold of such security as they can realize upon, every Senator in the Middle West and the Northwest knows that they can realize quicker upon good farm mortgages than they can upon any other kind of security known in the West and held in the West. That being the case, I am unable to understand this general objection to a farm mortgage. To be sure, if you have to enforce it ordinarily——

Mr. OVERMAN. Mr. President——

Mr. McCUMBER. Let me complete the sentence, and then I will yield. If you have to enforce it by foreclosing upon your mortgage, it would take a year or more to do it, because there would be a year for redemption, and I understand that that is the principal objection. But it is equally true if you have to enforce ordinary bills payable against a debtor you have to go into the courts, and when you put it in judgment ordinarily it may take six months or a year. It will take as long to realize, if you have to realize out of real estate, as it would to foreclose your mortgage, and ordinarily it would require twice as long.

The real value in the security is the ability not so much to enforce its collection as it is to have something that you can immediately dispose of and turn into cash. When you come to that proposition there is nothing held in any of the banks of the Northwest that is as easily convertible into cash as good farm loans, which are generally based upon about one-third of the value of the property. I now yield to the Senator from North Carolina.

Mr. OVERMAN. I wish to inquire of the Senator whether the State banks in the West loan money on farm mortgages?

Mr. McCUMBER. Ordinarily the same rules have been adopted by the States which have incorporated State banks as govern the national banks. They have followed that rule. I say I see no reason, however, why either the national banking law or any State banking law should rule against the use of good convertible farm mortgages when at the same time acknowledging the use of the other long-time securities that can not be converted any more quickly, and because they do not bear as good a rate of interest, in fact, can not be converted as quickly into cash as the farm mortgages.

I know the general sentiment against banks loaning upon real estate, but I think that the Senator from Minnesota has properly and correctly given the conditions as they affect the banks in the Northwest and the remedy that ought to be applied.

Mr. LODGE. Mr. President, the Senator from North Dakota [Mr. McCUMBER] and also the Senator from Minnesota [Mr.

NELSON] referred to the general opposition east of the Alleghenies, we will say, to the making of loans upon farm mortgages or real estate securities.

Mr. ALDRICH. Will the Senator permit me to interrupt him? There are only three members of the committee out of thirteen who live east of the Alleghenies; and if there is any sort of discrimination, it comes from men who live west of the Alleghenies and some of them west of the Mississippi. There never has been any difference of opinion in the committee as to this particular proposition.

Mr. McCUMBER. If the Senator will excuse me, he indicated, in a controversy with the Senator from Wisconsin, that the predominance of the intellect of that committee is in a little State east of the Alleghenies.

Mr. LODGE. I was going to say the reason I think why the Eastern people, certainly the New England people, have a dread of banks with power to loan on land security is that in the eighteenth century we had a very bitter experience in what was known as the "land banks." They were, I think, tried in all the New England States of that period—they certainly were tried in mine—and they were absolutely ruinous. They were banks that were allowed to lend money on land.

Mr. NELSON. Will the Senator allow me to interrupt him for a moment?

Mr. LODGE. Certainly.

Mr. NELSON. The Senator from Massachusetts must remember that in the seventeenth century the Mississippi Valley was wholly unsettled.

Mr. LODGE. I did not say the seventeenth century; I said the eighteenth.

Mr. NELSON. Even in the eighteenth century it was pretty nearly all unsettled.

Mr. LODGE. I think it was unsettled, and our part of the country was then very partially settled, and we got our lesson then. I think it is very fortunate that the Mississippi Valley has been spared from going through what we went through, because we had to learn our lesson by bitter experience. I think the disasters which were caused by what were known as the "land banks" produced an effect on the general opinion in my part of the country which they never recovered from. I really think that hostility to any bank founded in that way has endured to this time.

Of course I do not refer to the savings banks, which are carefully protected by laws which enable them to prevent runs and give them time to realize, but banks that have to meet demands right over the counter for cash and that must have securities not only which are valuable, but securities which are convertible in a moment in the open market—not, perhaps, at their face value, but which can be sold at once. I only referred to that because the Senator wondered why we had so much opposition to the scheme. I think it is owing to the disasters we had from banks of that kind.

Mr. McCUMBER. What I tried to correct the Senator in was the idea that real-estate securities could not be converted at once. Possibly they can not be converted in the East as quickly as the other character of mortgages, but in our own State and in the whole Northwest (and I think every Senator who lives out in that section will bear me out in this statement) they can be converted into cash much easier than any other securities out there that are taken by the banks.

Mr. ANKENY. I think there is a little misunderstanding, Mr. President, about this collateral in the West. In recent times we had an opportunity to try all kinds, and, like the Senator from Minnesota [Mr. NELSON], we found that our best securities were our farm loans.

I want to speak of one little incident which will convey my meaning. I found a little bank in distress in 1893. The emergency arose to do something. So we found that most of our securities were for two good names at the time they were made, but closer investigation showed that those farms were mortgaged in the East to loan companies, some of which were in the hands of the receiver. I simply was called upon to do something. I told the owners of the bank that we must have more money; that is, to take up not only this first mortgage that was over the real estate, but that we would take that up and take the assignment from the loan companies that were in the hands of the receiver.

To make a long story short, only touching the high places, we realized upon every dollar of those loans. We realized upon all our subsequent loans, secured only by their names, and reinstated every man in the property, and they are all prosperous and good people to-day. If you can find a record of securities that is better than that, I should like to hear of it.

Mr. ALDRICH. Mr. President, I hope the Senator from Washington did not understand me as objecting to the class of securities on farm mortgages in the West. They are good. I said they are good for certain purposes, but not for banking purposes.

Mr. ANKENY. They stood us in hand very well at that time, surely. They were always known as good securities. They were convertible; there was demand against which you could pay with a mortgage at any time.

As to a change of policy of commercial banks, that may be against your wish in the matter, but the fact is that those loans are taken and made there every day, and I think we have got our first loss to make.

That is all I want to say about farm loans.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Minnesota [Mr. NELSON].

Mr. NELSON. I should like to have the yeas and nays on the amendment, if Senators will give me the yeas and nays.

The yeas and nays were ordered, and the Secretary called the roll.

Mr. OVERMAN (after having voted in the affirmative). Mr. President, I inquire if the senior Senator from California [Mr. PERKINS] has voted?

The VICE-PRESIDENT. The Chair is informed that he has not voted.

Mr. OVERMAN. I am paired with that Senator, and therefore withdraw my vote. I inadvertently voted, not noticing that the Senator from California was absent.

The result was announced—yeas 22, nays 26, as follows:

YEAS—22.

Ankeny	Culberson	Gore	Nelson
Bankhead	Cullom	La Follette	Piles
Bourne	Curtis	McCreary	Stephenson
Brown	Dixon	McCumber	Warner
Burkett	Frazier	McLaurin	
Clay	Gamble	Martin	

NAYS—26.

Aldrich	Dolliver	Johnston	Smoot
Brandegee	du Pont	Kean	Sutherland
Bulkeley	Flint	Lodge	Teller
Burrows	Frye	Long	Warren
Crane	Gallinger	Owen	Wetmore
Dick	Guggenheim	Paynter	
Dillingham	Hopkins	Smith	

NOT VOTING—41

Allison	Daniel	Heyburn	Rayner
Bacon	Davis	Kittredge	Richardson
Bailey	Depew	Knox	Scott
Beveridge	Elkins	McEnery	Simmons
Borah	Foraker	Money	Stone
Briggs	Foster	Newlands	Tallaferro
Burnham	Fulton	Nixon	Taylor
Carter	Gary	Overman	Tillman
Clapp	Hale	Penrose	
Clark, Wyo.	Hansbrough	Perkins	
Clarke, Ark.	Hemenway	Platt	

So Mr. NELSON's amendment was rejected.

Mr. SIMMONS. Mr. President, I desire to offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to strike out all after the words "of the United States," in line 4, page 7, down to the word "every," in line 7, page 8, and insert in lieu thereof the words "shall pay a monthly tax of one-fourth of 1 per cent during the first three months after they shall be issued and of one-half of 1 per cent afterwards upon the average amount of such of their notes in circulation as are based upon the deposit of such bonds."

Mr. SIMMONS. Mr. President, I do not desire to press the amendment this afternoon. I have introduced it at this time simply for the purpose of calling it to the attention of the committee, so that it may be considered at their meeting to-morrow. The amendment has not up to this time been before the committee for consideration. To-morrow I shall submit some remarks in favor of the amendment.

Mr. OVERMAN. I suppose we can offer amendments to-morrow. As I understand, the committee is then to have a meeting, certain amendments will be before the committee, and the matter can be brought up to-morrow.

EXECUTIVE SESSION.

Mr. ALDRICH. Mr. President, evidently we shall not be able to finish the bill to-night, and I move that the Senate adjourn.

Mr. KEAN. Let us have an executive session.

Mr. ALDRICH. Very well. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 18 minutes p. m.) the Senate adjourned until to-morrow, Thursday, March 26, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 25, 1908.

SURVEYOR OF CUSTOMS.

Joshua L. Chamberlain, of Maine, to be surveyor of customs in the district of Portland and Falmouth, in the State of Maine. (Reappointment.)

COLLECTOR OF CUSTOMS.

Isaiah J. McCottrie, of South Carolina, to be collector of customs for the district of Georgetown, in the State of South Carolina. (Reappointment.)

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 25, 1908.

PROMOTIONS IN THE NAVY.

Lieut. Commander James G. Doyle to be a commander in the Navy from the 7th day of January, 1908.

Lieut. John McC. Luby to be a lieutenant-commander in the Navy from the 13th day of October, 1907.

POSTMASTERS.

ILLINOIS.

William E. Cummings to be postmaster at Highwood, Lake County, Ill.

Albert D. Housley to be postmaster at Stonington, Christian County, Ill.

Thomas S. Levis to be postmaster at Grant Works, Cook County, Ill.

IOWA.

Alma G. Ott to be postmaster at Riverside, Washington County, Iowa.

Henry T. Swope to be postmaster at Clearfield, Taylor County, Iowa.

S. L. Thompson to be postmaster at Corwith, Hancock County, Iowa.

MAINE.

Walter H. Downs to be postmaster at South Berwick, York County, Me.

MASSACHUSETTS.

Henry E. Clough to be postmaster at South Acton, Middlesex County, Mass.

MICHIGAN.

Leonard E. Morse to be postmaster at Lyons, Ionia County, Mich.

Byron S. Watson to be postmaster at Breckenridge, Gratiot County, Mich.

NEW JERSEY.

Maurice B. Comfort to be postmaster at Moorestown, Burlington County, N. J.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March 25, 1908.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. SCOTT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the agricultural appropriation bill.

Mr. SULZER. Mr. Speaker, a parliamentary inquiry.

Mr. SCOTT. And pending that motion, Mr. Speaker, I wish to ask unanimous consent that there be five hours more of general debate, the time to be divided equally between the respective sides of the House, the gentleman from Virginia [Mr. LAMB] to control the time of the minority and myself to control the time of the majority.

The SPEAKER. The gentleman from Kansas asks unanimous consent that general debate on the agricultural appropriation bill close in five hours, one-half of the time to be controlled by himself and one-half by the gentleman from Virginia [Mr. LAMB]. Is there objection?

Mr. SULZER. I object.

Mr. SCOTT. I move, Mr. Speaker, that general debate on the agricultural bill close in four hours, the time to be equally divided as suggested in my former request, and on that I move the previous question.

The SPEAKER. The gentleman's motion will be in order to close debate in four hours.

Mr. SULZER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. SULZER. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SULZER. What is the regular order of the day?

The SPEAKER. The regular order is this motion.

Mr. SULZER. I want to call the Chair's attention——

The SPEAKER. The Chair does not desire to hear any discussion upon the point of order. The gentleman from Kansas moves the previous question on his motion.

The question was taken, and the previous question was ordered.

The SPEAKER. The question now is on agreeing to the motion to close debate in four hours.

The question was taken, and the motion was agreed to.

Mr. SCOTT. I move to reconsider the motion and lay that motion on the table.

The question was taken, and the motion was agreed to.

Mr. SULZER rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. SULZER. I rise for the purpose of propounding to the Speaker a parliamentary inquiry.

The SPEAKER. There is nothing before the House to inquire about. [Laughter.]

Mr. SULZER. The Chair can not determine that until the interrogatory is propounded.

Mr. SCOTT. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union.

The SPEAKER. Will the gentleman from Kansas suspend? The Chair was mistaken. There was pending a motion to go into Committee of the Whole House on the state of the Union. The gentleman from New York will propound his parliamentary inquiry.

Mr. SULZER. Accepting the apology of the Chair, my parliamentary inquiry is——

The SPEAKER. The gentleman from New York may put it that way, but the Chair will apologize to the gentleman when in error as quick as to any gentleman in the House.

Mr. SULZER. And so would the gentleman from New York. Mr. Speaker, under Rule XXIV, clause 6, it says, "the morning hour for the consideration of bills called up by committees." I would like to know whether we are not entitled under that provision in the rules to have committees call up bills during the morning hour?

The SPEAKER. But a privileged motion has intervened.

Mr. SCOTT. Mr. Speaker, I withdraw the motion that I made to go into Committee of the Whole.

The SPEAKER. The gentleman from Kansas withdraws his motion.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. GILLETT. Mr. Speaker, I offer the following report from the Appropriation Committee on the legislative appropriation bill.

The SPEAKER. The gentleman from Massachusetts offers a report on the legislative, executive, and judicial appropriation bill, and the Clerk will report the title.

The Clerk read as follows:

The bill H. R. 16882, an act making appropriations for legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes.

The SPEAKER. Referred to the Committee of the Whole House on the state of the Union.

Mr. GILLETT. Mr. Speaker, I ask unanimous consent that the House disagree to all the Senate amendments as recommended by the committee and ask for a conference.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the House discharge the Committee of the Whole House on the state of the Union and consider the bill in the House, disagree to all the Senate amendments, and ask for a conference. Is there objection?

Mr. SULZER. I object.

Mr. GILLETT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the legislative, executive, and judicial appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. LAWRENCE in the chair.

Mr. GILLETT. Mr. Chairman, the gentleman from New York [Mr. SULZER], exercising his undoubted privilege, but exercising it in a very unusual way, objects to having this appropriation bill immediately go to conference. The Senate has placed upon this bill 365 amendments. A great many of these amendments are of very slight importance. Some of them are of large importance. Members will recognize that it is desirable in a contest between the House and the Senate that the House should not in the very first instance say what Senate

amendments they are willing to accept, and therefore take away our whole stock for trading. Therefore it has always been the custom—and I hope the custom will be observed now—to reject all the Senate amendments regardless of our opinion of their merits and send them all to conference. Then, in conference the conferees will decide, and if there is anything that the House or any of the Members of the House wish especially to consider, it will be brought to the House for consideration; but that course leaves the conferees of the House with the Senate amendments which the House approves still disagreed to, so that the House, by yielding to those, can compel the Senate to yield on amendments which the House does not approve. Therefore, it is obviously the policy of the House to disagree to all the amendments. I think there will be no objection on the part of the House to doing this, and so have no remarks to make on any amendments, but call for their reading.

The CHAIRMAN. The Clerk will read the Senate amendments.

The Senate amendments were read.

Mr. GILLETT. Mr. Chairman, I move that the committee disagree to all the Senate amendments.

The motion was agreed to.

Mr. GILLETT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LAWRENCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the legislative, executive, and judicial appropriation bill, with Senate amendments thereto, and had instructed him to report the same back to the House with the recommendation that the Senate amendments be disagreed to.

The SPEAKER. The question is on agreeing to the recommendation of the Committee of the Whole House on the state of the Union that the Senate amendments be disagreed to.

The question was taken, and the motion was agreed to.

Mr. GILLETT. Mr. Speaker, I now move that the House ask for a conference with the Senate.

The motion was agreed to.

The Chair appointed the following conferees on the part of the House: Mr. GILLETT, Mr. BRICK, and Mr. LIVINGSTON.

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. LATTA, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On March 24, 1908:

H. R. 2915. An act for the relief of John P. Hunter; and

H. R. 17277. An act for the relief of George S. Patten, of Williams, Coconino County, Ariz.

LEGISLATION RECOMMENDED BY THE PRESIDENT.

The SPEAKER laid before the House a message from the President of the United States, which was read.

[For message see Senate proceedings of this day.]

Mr. PAYNE. Mr. Speaker, I move that the message be referred to the Committee of the Whole House on the state of the Union and printed.

Mr. FITZGERALD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FITZGERALD. Mr. Speaker, under the usages of the House it has been customary only to refer the annual messages of the President to the Committee of the Whole House on the state of the Union. This is the second time this session that another message has been referred in that way.

Mr. PAYNE. Mr. Speaker, I will explain to the gentleman the reason for that. The annual message deals with a great many topics with which different committees of the House have jurisdiction. The second message sent in by the President and this message deal with several topics of which several committees have jurisdiction. It is therefore necessary to refer it to the Committee of the Whole House on the state of the Union in order that hereafter it may be distributed. I would also say to the gentleman that I have reported from the Committee on Ways and Means a resolution distributing the second message of the President, to which he refers. That resolution is now on the Calendar. I have not called up that resolution because gentlemen on that side desired me to wait until they were ready to debate it before it was called up.

Mr. FITZGERALD. Mr. Speaker, at the time the last supplement to the annual message was presented to the House I made a hasty examination of the precedents and could find no instance where any message except the annual message had been referred to the Committee of the Whole House on the state of the Union. Now, as the gentleman from New York [Mr. PAYNE] has pointed out, the last message from the President is now on the Calendar of the House, with the resolution distributing it. If the same action is taken regarding this message and the same delay occurs, I wish to emphasize the fact that it will not be possible to take action upon these recommendations at this session of Congress, as the President is urging this House to do. Perhaps if the gentleman from New York [Mr. PAYNE] would suggest to the President that if he would confine his messages to one topic, they could be more readily sent to the appropriate committees and the committees take them under consideration.

Mr. PAYNE. Well, I want to say that the President is able to get up his messages without the recommendation of the gentleman from New York.

Mr. FITZGERALD. My information, which is obtained from the public press, is that before this message was gotten up the President d' l confer with the gentleman from New York [Mr. PAYNE] as well as with several others.

Mr. PAYNE. Well, the gentleman must be careful how he believes all he sees in the newspapers. [Laughter.] The gentleman from New York, however, is on visiting terms with the President of the United States.

Mr. SULZER. Mr. Speaker, just a question. Can the gentleman from New York give us any information as to how long this message from the President will slumber in the Committee of the Whole House on the state of the Union?

Mr. PAYNE. I want to say to the gentleman that when the second message came in I introduced a resolution, I think the next day, distributing it, and I called it up before the Committee on Ways and Means at the very next meeting, and they promptly authorized it to be reported. When I brought it in here I was requested by the minority leader to allow a chance for debate. I do not know whether he is ready for debate on the resolution now or not. I have not called it up because the House has been busy with appropriation bills since. If I can have unanimous consent, I will call up the resolution at this moment and submit it to the House, moving to discharge the Committee of the Whole House on the state of the Union from its further consideration.

Mr. SULZER. You have my consent to do it now. [Laughter and applause.]

Mr. PAYNE. I congratulate my colleague on stopping in his wild career.

The SPEAKER. The question is on the motion to refer this message to the Committee of the Whole House on the state of the Union and that it be printed.

The question was taken, and the motion was agreed to.

Mr. PAYNE. Now, Mr. Speaker, I ask unanimous consent to call up the resolution—I do not remember the number—distributing the second message of the President, and consider it in the House as in Committee of the Whole.

The SPEAKER. The gentleman from New York asks unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of House resolution No. 233 and the same be considered in the House at this time as in Committee of the Whole.

Mr. CLARK of Missouri. Are you going to have any debate on it?

Mr. PAYNE. No.

Mr. FITZGERALD. Mr. Speaker, I shall be constrained to object. [Laughter and applause on the Republican side.]

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolution 233.

Resolved, That so much of the special message of the President of the United States communicated to the two Houses of Congress on January 31, 1908, as relates to the revenue and the bonded debt of the United States be referred to the Committee on Ways and Means.

That so much as relates to the judiciary of the United States, to the administration of justice, to the punishment and prevention of crime, to judicial proceedings, civil and criminal, and to the organization of courts be referred to the Committee on the Judiciary.

That so much as relates to commerce and the Isthmian Canal be referred to the Committee on Interstate and Foreign Commerce.

That so much as relates to the post-office and post-roads be referred to the Committee on the Post-Office and Post-Roads.

That so much as relates to the public domain be referred to the Committee on the Public Lands.

That so much as relates to labor be referred to the Committee on Labor.

That so much as relates to private and domestic claims and demands, other than war claims, against the United States be referred to the Committee on Claims.

That so much as relates to reform in the civil service be referred to the Committee on Reform in the Civil Service.

That so much as relates to the election of the President, Vice-President, or Representatives in Congress be referred to the Committee on Election of President, Vice-President, and Representatives in Congress.

The SPEAKER. Is there objection?

Mr. FITZGERALD. Mr. Speaker, understanding there is a desire to debate this resolution, I shall object at this time.

The SPEAKER. The gentleman from New York objects.
Mr. PAYNE. I am surprised.

AGRICULTURAL APPROPRIATION BILL.

Mr. SCOTT. Mr. Speaker, I now renew my motion that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 19158, the agricultural appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 19158, the agricultural appropriation bill, Mr. FOSTER of Vermont in the chair.

Mr. POLLARD. Mr. Chairman, I should like to request before I begin my remarks that I be not interrupted until the close of what I have to say. It occurred to me, Mr. Chairman and gentlemen of the committee, that it might be a good idea at this time to review somewhat the work of the Department of Agriculture. The appropriations for this Department for the last ten or twelve years have increased very rapidly, and it seems to me that the House has a right to know what is being done with the money. It seems to me that the House is entitled to knowledge of the details of at least some of the important projects the Department is undertaking to carry out.

The first appropriation was made by Congress in the interests of agriculture in 1839. At this time an appropriation of $1,000 was made for the purpose of "collecting and distributing seeds, prosecuting agricultural investigation, and procuring agricultural statistics." At this time the agricultural division was located in the Patent Office.

The Commissioner of Patents was also the Commissioner of Agriculture. A great many valuable seeds, plants, and shrubs were sent to the Commissioner of Patents by our foreign consuls, and this work was continued in a small way for a number of years. In 1853 the appropriation reached $5,000; in 1855, $50,000, and in 1862, $64,000. During these twenty-three years, from the time the first appropriation was made, a considerable interest began to be manifested in different parts of the country in agriculture. The farmers' grange and other agricultural associations began advocating the establishment of a separate bureau for the purpose of carrying on agricultural investigations and the dissemination of information of interest to farmers. In 1862 Congress responded to this general demand for the recognition of the agricultural interests and passed an act establishing such a bureau. This was the organic act creating the Department of Agriculture. It is interesting to note that during the dark and gloomy days of the civil war, when the patriotic people of the country were buckling on their armor and rallying to the defense of Old Glory, Congress found time to lay the foundation for a Department that has since grown to be one of the most important in the Government service. It is also interesting to note that this legislation came from the hands of the new Republican party during the first Administration of the first man they elevated to the Presidency.

The foundation laid by those who upheld the hands of our martyred Lincoln in that mighty conflict has resulted in the growth of a great department which employs 9,000 people, most of whom are scientists and experts of the very highest order. The result of this legislation is more far-reaching, affects more people, and contributes more to the wealth and happiness of the Republic than possibly any other single act passed by Congress since the beginning of the Government under the Constitution, in 1789. Congress is continually appropriating money for the maintenance of the different Departments of the Government service. All of these expenditures of the public funds do not add one dollar to the wealth of the nation. It is true that they help to make our country great. They contribute to the defense and add to the glory and greatness of the nation, yet there is no direct financial gain to the people or the Government. They simply constitute an expenditure of the public funds without any hope of a return from the investment. This is not true of the expenditures in the Department of Agriculture. The introduction of one single crop has added more wealth to the nation in the last five years than the entire expenditures of the whole Department since the first appropriation was made in 1839.

When the organic act of 1862 was passed creating the Bureau of Agriculture, Mr. Isaac Newton was appointed as the first Commissioner of Agriculture. The expenditures of the Bureau under Mr. Newton's administration from 1862 to 1867 increased from $64,000 to $99,100. During this administration of Mr. Isaac Newton several important introductions were made, the most important of which was sorghum which was introduced from France and China. The growth of this industry has continued during all the years following. Last year the crop grown in the United States, as a result of this early introduction, was worth $40,000,000.

Mr. Horace Capron succeeded Mr. Newton as Commissioner of Agriculture in 1867 and served until 1871. Mr. Capron succeeded in introducing the excelsior white schonen oats, the cavalier barley, and certain wheats from the Mediterranean which have become among the standard varieties of grain for the whole country.

Mr. Frederick Watts succeeded Mr. Capron in 1871 and served until 1877. His administration was made noteworthy on account of its introduction of the study of plant diseases.

Mr. Le Duc succeeded Mr. Watts and served from 1877 to 1881. It was during his administration that the first work was introduced affecting farm animals. In 1878 an appropriation of $10,000 was made for the purpose of making a study of hog cholera and pleuro-pneumonia among cattle.

Commissioner Loring was appointed by President Hayes in 1881 and served until 1885. During the administration of Mr. Loring the study of animal diseases was continued and the Bureau of Animal Industry was established. He first introduced the navel orange and distributed a great many seeds in California and Florida. This orange was introduced from Bahia, Brazil. The crop of navel oranges in California alone last year was worth $8,000,000.

Mr. Norman J. Colman was appointed by President Cleveland in 1885 and served until the end of his Administration. During the close of Mr. Cleveland's first Administration the Bureau of Agriculture was raised to the first rank and made one of the coordinate Departments of the Executive office, the Secretary of Agriculture becoming a member of the President's Cabinet. This act was passed February 9, 1889.

The only legislation of importance enacted during Mr. Colman's administration of the office, aside from making the Secretary a member of the Cabinet, was the enactment of what is known as the "Hatch law," which provided for the establishment of experiment stations in the different States of the Union, appropriating a maximum of $25,000, which was to be expended in making scientific research in agriculture. During Mr. Colman's administration the study of public highways began. The appropriations for the Bureau of Animal Industry were increased very materially, and the scope of the work of this Bureau was greatly enlarged and put on a more effective footing.

When Benjamin Harrison became President in 1889 he appointed Jeremiah Rusk Secretary of Agriculture, who served until the close of his Administration. Mr. Rusk took up the duties of his office with a great deal of enthusiasm and reorganized the various Bureaus of the Department. He began the publication of farmers' bulletins, which proved a very valuable medium through which to disseminate the information accumulated in the Department relating to agriculture. Pleuro-pneumonia among cattle was stamped out by the Bureau of Animal Industry. The Department took up the question of the development of foreign markets for our farm products. During his administration the Weather Bureau was transferred from the War Department to the Department of Agriculture.

He began the study of irrigation with a view of reclaiming the arid land of the West. Mr. Rusk also made considerable headway in the development of methods of spraying fruit trees in order to protect them from insect pests. He also introduced parasitical enemies of the scale insect that were infesting the citrus groves of California.

In 1893, at the beginning of Mr. Cleveland's second term, Hon. J. Sterling Morton, of Nebraska, became Secretary of Agriculture and served until the close of Mr. Cleveland's Administration. Secretary Morton systematized the work of the Department in a very effective way. He pointed out the necessity of a closer supervision of the expenditures of the Hatch fund through the State experiment stations. As a result of his recommendations Congress passed a law providing for a more rigid supervision of these stations, requiring an annual report to be made of the expenditures of the Government funds to the Secretary of Agriculture. The agricultural library was established in the Department, which proved of great benefit and convenience to the scientists and experts engaged in agricultural investigations. The Division of Soils was made a part of the Weather Bureau. The Division of Public Roads was greatly enlarged and the study of road construction was begun. During Mr. Morton's administration the Yearbook of Agriculture first made its appearance. At the close of his administration the appropriation for the Department was $2,448,763.

When President McKinley was inaugurated in 1897 he appointed Hon. James Wilson, of Iowa, Secretary of Agriculture. Mr. Wilson has continued in this capacity until the present time. While a great deal of credit is due to all of his predecessors, each one having a particular part to perform in the evolution of this great Department, yet it remained for Secretary Wilson to breathe new life into the work, bringing all the various bureaus to the highest state of efficiency, introduc-

ing in each a practical system for carrying on their labors and effective methods of carrying to the people the beneficial results of the experiments his experts and scientists were prosecuting in the various lines of agriculture. When Secretary Wilson took up the duties of his office there were employed in the Department 2,043 people. At the close of the last fiscal year, ending July 1, 1907, this number had increased to 9,107. There was appropriated for the first year of his administration of the office $2,448,332. The appropriation for this Department in the pending bill is $11,431,000. The number of employees has increased a little over 300 per cent, while the appropriations have increased 350 per cent. At this point I desire to pause to ask unanimous consent that I may insert in my remarks certain tables that I have, bearing on the agricultural development of the country.

The CHAIRMAN (Mr. OLMSTED in the chair). The gentleman from Nebraska [Mr. POLLARD] asks unanimous consent to insert certain data in his remarks. Is there objection?

There was no objection.

Mr. POLLARD. When Secretary Wilson assumed the duties of his office he found that the various State experiment stations of the country were carrying on experiments entirely independent of the Department of Agriculture here in Washington. There was no sympathetic relation, no cooperation. In fact, each seemed to be traveling along separate lines and entirely independent of the other. Secretary Wilson has succeeded in bringing about a complete change in this respect. To-day the United States Department of Agriculture is in close touch and works in perfect harmony with every State agricultural experiment station in the country. A close and rigid inspection is made of all money appropriated by Congress to be expended in these different State stations. The Department in Washington has become the great head of one of the most magnificent systems of scientific agricultural education there is in the world. The Agricultural Department here in Washington bears the same relation to the State experiment stations that a man's heart does to his body.

It is the great central organ from which flows a vast fund of scientific and technical information from experts and scientists who contribute very materially to the success of the agricultural experiment stations throughout the several States of the Union. While it is true that the different State stations carry on original research work that is of a local nature, yet this great Department here in Washington is in close touch with them and offers a helping hand in the study of all questions that are of more than local interest. Instead of discord, instead of jealousy existing between the State stations and the Agricultural Department, to-day there is perfect harmony and hearty cooperation.

If time would permit, I should like to enter into a detailed discussion of each of the various divisions and bureaus of this great Department, tracing the development and growth of each and showing the particular relations existing between each of these divisions and the farmer on the farm. Time forbids my entering into a discussion of the question in such great detail; consequently I will confine myself to a brief review of two or three of the great bureaus which have done so much toward advancing the science of agriculture, which has resulted in its elevation and giving to it the true dignity to which it is justly entitled.

I will first take up the Bureau of Animal Industry. The first work done along the lines of studying diseases of farm animals was in 1878, when an appropriation of $10,000 was made for this purpose. The Bureau of Animal Industry was organized under an act passed in 1884. From that time until the present there has been a rapid growth in this Bureau. From time to time Congress has enacted laws enlarging its scope and its duties. Beginning with an appropriation of $10,000 in 1878, it reached $144,440 in 1897. The appropriation for this Bureau for the present fiscal year is $1,032,480, in addition to the permanent appropriation of three millions for the enforcement of the meat-inspection act.

The act of 1884 creating the Bureau of Animal Industry as later amended in 1890 and in 1895 prevents the shipment into interstate commerce of live stock that is infected with contagious diseases. Under the act of 1884 and its amendments the Secretary of Agriculture is authorized to establish quarantine boundaries, thus isolating diseased stock. Under the operations of this law the Bureau of Animal Industry has been able to stamp out pleuro-pneumonia, the foot-and-mouth disease, and other diseases that are a menace to the live stock of the country. The contagious disease known as "black leg" has almost been exterminated. Its prevalence has been reduced to such an extent that it is no longer feared by the cattlemen of the country. The extermination of these three diseases has saved millions of dollars to the farmers of the country.

Under these laws also the Secretary of Agriculture has waged relentless warfare against sheep and cattle scabies and cattle tick that is prevalent in the Southern States. The work of combating contagious diseases of live stock is carried on in cooperation with the State experiment stations and individual farmers, in each instance the State and the farmer bearing a portion of the expense. The method of the Department in waging warfare against these diseases is to send experts into the infected districts to simply give expert and scientific information for the eradication of these diseases, the local or State authorities furnishing whatever funds are necessary in the way of labor and materials necessary for prosecuting the work. This work is being carried on in an extensive manner, and the Chief of the Bureau of Animal Industry informed the Agricultural Committee during its hearings that the warfare against scabies in sheep and in cattle is being carried on relentlessly, and that he hopes in a year or two to stamp out these diseases entirely.

The work that has been carried on in the South against Texas fever has not made as great progress.

Investigations of this subject have been carried on for a long period of years, and the veterinarians of the Agricultural Department have finally discovered a remedy under which splendid results are reached. The extent of the territory affected by this disease and its universal prevalence in this infected area make the progress of the work very slow. Last year Congress appropriated $150,000 for this work. The pending bill carries $250,000. Even with this tremendous expenditure of money Doctor Melvin, Chief of the Bureau of Animal Industry, says this work can not be completed for fifteen or twenty years. By legislative enactment Congress has directed the Bureau of Animal Industry to inspect all live stock imported into and exported from the United States. This Bureau is given supervision over stock carried in interstate commerce.

Mr. TIRRELL. Mr. Chairman, I am very much interested in this "Texas fever," as they call it, and I would like to inquire of the gentleman if any part of this appropriation is directed toward the medical aspect of the case, because I know of my own observation, having had a case in which the matter was involved, that for two or three years the Department was really ignorant of the nature and extent, medically, of the disease, and were working upon it then. I would like to ask the gentleman if they have arrived at any conclusion as to the remedy, and so forth, that can be used to stop the disease?

Mr. POLLARD. I will be very glad to answer the gentleman. I do not care to be interrupted, but I will reply to his question. I can say, I think, with accuracy, that the Department has now reached the point where the veterinarians of the Department are thoroughly familiar with the disease, and the remedies that will result in its destruction. They are now employing these remedies throughout this area. The cattle-tick region is being gradually narrowed; the area infected by this disease is being gradually pushed southward, and, under the method employed by the Department, Doctor Melvin tells us that there is no question whatever that in the time specified he will be able to destroy this pest. I hope I have answered the gentleman's question to his satisfaction.

Strict regulations have been drawn providing for Federal inspection of cars in which stock is shipped, which guarantees safety and humane treatment to the animals while in transit. The beginning of the inspection of meat destined for interstate or foreign commerce began in 1890. Under an act that became effective August 30 of that year this Bureau was directed to inspect cured meats that were intended for export. The first law passed on this question was confined to cured meat intended for export. March 3, 1891, the scope of this law was enlarged. It directed the inspection of live animals, carcasses, and all meat products destined for interstate or foreign commerce. While this law provided for inspection of live animals and meat destined for interstate or foreign commerce, yet its terms were never enforced, excepting as it affected foreign commerce. A very rigid inspection, however, was made of all meat intended for export. This legislation proved of great value to the live-stock interests of the country. It was not until the act of June 30, 1906, became effective that strict and regular inspection was made of all our meat destined for both interstate and foreign commerce.

This law not only guaranteed the purity and wholesomeness of our meat intended for export, but it guaranteed the same to every American home that is a consumer of meat. Under the terms of this act the Secretary of Agriculture is directed to not only inspect meat as indicated, but it provides that he shall place his stamp upon it, thus guaranteeing to the consumers, whether at home or abroad, the purity and wholesomeness of American meat products. While the passage of this act produced a temporary depressing effect upon the live-stock interests of the

country, yet I have no hesitancy in stating that it will prove of inestimable value as time goes on. The result of this legislation is that it practically puts the Government behind every package of meat that goes into the foreign markets. This will have a very decided effect in removing any prejudice or skepticism that may be entertained in the Old World as to the quality of our meat products. I think that in the next five years we will witness a very decided increase in the export of our meat products as a result of the operation of this law. While it is impossible to estimate in dollars and cents the direct benefits this Bureau has carried to the farmers of the country, yet there is no question but what the expenditures of the public money by this Bureau are worth a great many times more to the people than it costs.

Millions of dollars have been saved to the people by the extermination of contagious diseases that wrought great devastation wherever they got a foothold. You can not estimate in dollars and cents the value to the people of our own country to know that the meat that is eaten at every fireside throughout this great Republic is pure and wholesome, yet these are services this Department is furnishing.

The work of the Bureau of Plant Industry touches another side of the farmers' interests. This Bureau was established in 1900, and was formed by the consolidation of ten separate divisions, including vegetable physiology, pathology, botany, experimental gardens and grounds, pomology, Congressional seed distribution, grass and forage-plant investigations, sugar investigations, tea-culture investigations, and the Arlington experimental farm. I will not attempt to discuss in detail the divisions of this Bureau. Neither do I desire to limit the term "plant industry" to these divisions. I shall discuss it in its broadest sense, including the Bureau of Soils, the Bureau of Entomology, and the Bureau of Experiment Stations, as they all relate to plant life.

During the early administrations of the Department of Agriculture the introduction of new plants was confined to such plants as were brought here from abroad by our diplomatic and consular representatives in foreign countries.

When Secretary Wilson took charge of the office he introduced a new plan. Secretary Wilson had the advantage over his predecessors in being a practical farmer, having himself operated successfully for a number of years a farm in Iowa, one of the great States of the Middle West. His familiarity with farm problems enabled him to know the particular needs and demands of the farmer; consequently he introduced the idea of sending agricultural experts abroad for particular purposes. One of the problems that confronted Secretary Wilson was the question of introducing a new plant that would be adapted to the semiarid regions of the great West where the rainfall is very light. Coming from the great agricultural section of the West, he realized that there was great need of a variety of wheat that would be especially adapted to this section of the country. The problem that presented itself to him was threefold: One, the introduction of a variety of wheat that would extend northward from Kansas the area for growing winter wheat; another was the introduction of a variety of spring wheat that would be better adapted to the States of the great Northwest, as the yield of wheat in that great area was rapidly declining; third, the introduction of a variety of wheat that would be adapted to the semiarid regions of the West.

The Secretary sent one of the best trained agriculturists in the country to Russia. He spent months in traversing the arid desert regions of that great Empire in hopes that he might find some species of wheat that could be introduced in the semiarid parts of western Dakota, Kansas, Nebraska, and Oklahoma. When this expert came back to the States he brought with him two varieties of wheat, one known as the Durum and the other the Kharkov wheat. This was in the winter of 1899. The first seed, I believe, was planted either that year or in 1900. The Durum wheat was introduced first in western Kansas and Nebraska. This has proven to be a very valuable variety of wheat to the great semiarid regions covering the western parts of these two States. Eight years of experience has proven that this wheat will thrive and produce abundant crops in the semiarid sections. The yield of this crop last year amounted to 45,000,000 bushels, worth $30,000,000. Since its introduction there has been grown in the United States in the past eight years 131,000,000 bushels, worth over $90,000,000. This one crop has brought more money to the farmers of the Middle West than the entire cost of the Agricultural Department since the first appropriation was made in 1839. [Applause.] This variety of wheat is especially adapted to the semiarid regions of the Middle West. Only a few years ago——

Mr. DOUGLAS. Can the gentleman tell us which of the two varieties proved to be the most successful?

Mr. POLLARD. I will come to that. I will take up the other in its order. I desire to finish the discussion of this variety first.

Mr. DOUGLAS. Certainly.

Mr. POLLARD. I might say that within the past fifteen years practically all of that area lying west of the one hundredth meridian was not supposed to be adapted to the raising of farm crops. During the early settlements of western Nebraska and western Kansas the farmers went in and planted corn and nothing but corn. Corn was the great staple crop, and the farmers that came there from portions of the country where corn was a good crop undertook to raise corn in this new country. Very little attention was paid to wheat or any other crop. As a result, a few dry years followed and they were compelled to leave that country. Since the introduction of Durum wheat, alfalfa, and other drought-resisting grains western Nebraska and western Kansas, western Oklahoma, and the western part of the two Dakotas have become among the richest agricultural portions of the United States. [Applause.] And that has all come about since Secretary Wilson assumed charge of this office.

Last fall I was campaigning in western Nebraska in the district of my colleague, Judge NORRIS. I made a speech one evening at a little town that had a population of about 700, and the next morning I visited different business establishments. I went into two banks located in that little town. One was a national bank and the other was a State bank. I found in the national bank—remember, in a purely farming community—no manufacturing and no industry aside from agriculture—I found that bank had on deposit of farmers' money, $225,000. I went across the street and visited the State bank and found that there they had a deposit from the farmers of that region amounting to $85,000. There were in these two banks in that small town, located away out on the plains, within a hundred miles of the Colorado line, deposits from farmers of that region amounting to $310,000, showing the thrift and prosperity of that section of the country that a few years ago was considered worthless excepting for grazing purposes.

The other variety of wheat the Secretary introduced was the variety known as "karkov," which is a species of winter wheat and very similar to what is known as "turkey-red wheat." It is extensively grown in my section of the country. Turkey red was a Russian variety first introduced in Kansas by the Russian immigrants, who brought the seed with them from their native land. Little attention was paid to it until the Department discovered its importance. Kharkov wheat is closely related to the Turkey red wheat; in fact, you can scarcely tell the two apart.

Their introduction has, perhaps, brought a hundred times as much wealth to the farmers of the Middle West as the cost of this whole Department from the beginning. Ten years ago there was practically no winter wheat grown in Nebraska. We could not get a variety that would withstand our severe winters. Farmers practically gave up trying to raise winter wheat in that section, thinking that we were too far north to be able to grow it. In the past ten years a complete change has come about. Last year for every 1 bushel of spring wheat grown in Nebraska I think I could safely say 100 bushels of winter wheat were grown. I simply mention this to illustrate the value in dollars and cents this great Department has brought to the farmers of the country. When Secretary Wilson took up the study of the conditions existing in the spring-wheat States of the Northwest, he went at it from a different point of view. He sent expert plant pathologists and soil chemists into these States, and by careful study of the soil and the methods of wheat culture he has reached a solution of the problem that in the next ten years will produce as marked results in the spring-wheat States of the Northwest as he has wrought in the semiarid regions and the winter-wheat areas to which I have just referred.

The soil physicists and the plant pathologists have discovered that the soil of these Northwestern States has not become exhausted, and that by the introduction of improved cultural methods just as good wheat can be grown in this area as was produced twenty or twenty-five years ago. The continual growing of wheat year after year on these soils has produced a peculiar condition. The soil physicists seem to have demonstrated beyond possibility of contradiction that the continual growing of one crop on any particular soil does not exhaust the plant food of the soil. They seem to be able to prove that the roots of the plant as it draws its food from the soil gives off an excrement that is poisonous to the plant itself. Unless this poisonous matter is destroyed the soil becomes infected so badly that it becomes impossible to grow the same plant in this particular soil at all. The soil physicists have discovered that as the roots of the plant draw their food from the soil they give off a poisonous excrement that is similar to the poisonous or filthy excrement that passes from the human being as a result of the

process of digestion. It bears the same relation to plant life that the kidneys bear to man. You clog a man's kidneys for forty-eight hours, thus preventing him from excreting the poisonous matter from the food he takes into his body, and it is sure to produce death.

The soil physicists have discovered also that the plant food is always present in the soil, only the plant is unable to make use of it when the soil becomes surcharged with this poisonous matter. Just as in the animal, its power to digest food is present so long as food is taken into the stomach, but unless it can excrete the poisonous matter from the body death is certain. Likewise, unless the poisonous substance can be removed from the soil, it will in time produce death to the plant, just as the stoppage of a man's kidneys will, in a briefer time, produce death. The soil physicists and the plant pathologists, working hand in hand, have discovered a solution of this question. By experiments they have demonstrated that by the application of fertilizers or by the rotation of crops or seeding the land to alfalfa, clover, timothy, or some other grass, thus giving it a rest for three or four years, this poisonous matter will soon die for lack of nourishment. These same scientists have discovered that the poisonous matter excreted by the roots of the growing wheat plant is different from the excrement discharged by the growing corn plant, and that the poisonous matter given off by one has no effect upon the other.

Mr. GOULDEN. Will the gentleman permit a question?

Mr. POLLARD. Just a question.

Mr. GOULDEN. Have they tried both the rotation of crops and the fertilizer at the same time?

Mr. POLLARD. Yes; they have done that, and they find that particularly in this area of country the rotation of crops produces even better results than the application of fertilizer. Not only that, but the farmer saves the price of his fertilizer, and by continuous growth of other crops he gets the same return for his investment and his soil is refertilized and it is brought back to its virgin state.

Mr. GOULDEN. I do not think the gentleman understood the question. I meant if both had been tried, both the rotation of crops and fertilizing, at the same time, and what was the effect, and was it found that it was really necessary in order to bring about the best results in the way of crops? I ask this because, being a practical farmer myself, I want to know something about it. I say frankly that on the farms I have the honor of cultivating we do both.

Mr. POLLARD. If the gentlemna will please pardon me, I do not care to have him make any statements. I am limited in my time and I have a great deal of ground to cover.

Mr. GOULDEN. Oh, Mr Chairman, I asked the question in good faith.

Mr. POLLARD. If I had time, I would be glad to let the gentleman proceed, but he knows that over on his side of the House there is one gentleman who will object to an extension of time.

They have experimented with both methods, and while I say both are effective, yet the rotation of crops seems to produce the best results. It is certainly better for the farmer, because it costs him nothing excepting the cost of the seed that he plants.

As a result of these investigations and these discoveries the Agricultural Department is in a position now to give the farmers of this great area scientific and practical advice as to how to increase the production of their farms. When the results of these discoveries were laid before the Secretary he at once saw the necessity of the introduction of a new crop into this region in order to rotate with wheat; consequently he sent one of his best-trained experts to northern Russia, and he has brought back and introduced a very hardy species of alfalfa which is able to withstand the extreme cold of this area. In this bill we have made provision for the purchase of a great quantity of this seed to distribute among the farmers of this region. If this new hardy variety of alfalfa will do for the Northwest what alfalfa has done for my section of the country, it will revolutionize agriculture in that region. While this work is too new for us to make any estimate of its value yet, I believe that in the next ten years it will produce as beneficial and profitable results as followed the introduction of Durum, Turkey red, and Karkhov wheat.

The Government to-day is maintaining experimental farms in the semiarid regions of the West. Investigations are being made of cultural methods that are best adapted for conservation of what little moisture is given to the soil. New crops are sure to be introduced that are adapted to that region—drought-resistant sorghum, Kaffir corn, Durum wheat—and a cold and drought resistant alfalfa has been secured from Siberia which gives promise of great value. Millions of acres of land will be cultivated in that region that would have been a physical impossibility ten years ago. This condition has been brought about entirely by the introduction of these new crops and improved cultural methods that have been introduced by the Agricultural Department. While these investigations have not been completed, yet they have reached a point where it is clearly demonstrated that within the next few years this great section of the country that was characterized by John C. Fremont as the great American desert and only ten years ago was thought to be worthless except for grazing purposes is sure to be brought under the plow and will make homes for millions of people.

Another line of work in which investigations are being carried on with promise of great value is the development by breeding of a new variety of wheat that will be rust resistant. Experts of the Department have been engaged in investigations of this character for several years, and they are encouraged to believe that their efforts will be crowned with success. Rust is a species of fungus that affects the wheat at about the time it begins to fill. It draws all the nutrition from the stalk, thus preventing the development and filling out of the kernel. I have seen wheat fields at the time they were in blossom that gave promise of a yield of from 25 to 35 bushels per acre. A week of hot, rainy weather setting in would practically destroy the whole field, cutting down the yield from 5 to 10 bushels per acre. By selection and breeding the Department has endeavored to produce a variety of wheat that will be rust resistant. If this can be done, it will add millions of dollars to the wealth of the farmers of the wheat regions of the country every year. Investigations have also been carried on looking to the improvement of the standard of quality and the yield of corn by plant breeding and proper cultural methods.

It has been demonstrated that the yield of corn can in this way be increased from 15 to 30 per cent. The live-stock interests of the country have made great progress in the development of the various strains of cattle, hogs, and sheep. By recognized methods of selection they have produced a type of Durham and Hereford cattle that have raised the standards of these breeds very materially. The work of breeding and improving strains of live stock has been carried on for years, with the result that there are found on American farms to-day some of the finest herds of pure-bred stock that there is in the world. Until recently very little attention has been given to the question of improving the yield or quality of our grains. It appears that all kinds of plant life respond much more readily to improvement by breeding and selection than is found in animal life. The Washington Department of Agriculture, the various State experiment stations, and a few leading corn growers of the country have discovered that by applying simple methods of breeding and selection that it is possible to develop an ear of corn that will be true to type and of a very high standard of quality.

The Department of Agriculture here in Washington and the State experiment stations have made great progress in the last few years in introducing these methods of improving our cereal crops. The Washington Department has perhaps done more toward introducing these improved methods than all of the State stations combined by the distribution of farmers' bulletins and the carrying on of cooperative demonstration work through the agricultural experiment stations and with individual farmers.

Another line of investigation carried on by the Bureau of Plant Industry is the study of all kinds of diseases of plants and fruits. Insect and fungus pests that attack our cereal and plant crop cause the destruction of millions of dollars' worth of fruit and grain annually. A very careful study has been made of the causes and methods of controlling apple scab, apple bitter rot, black rot, and leaf spot. It is estimated that these diseases cause a loss of $10,000,000 annually. Effective remedies have been discovered for combating these diseases. Information concerning the methods of controlling these diseases has been scattered broadcast over the country through bulletins and demonstration experiments.

I see my time is going very rapidly. I did desire to continue this discussion somewhat longer. I had planned to refer to the experiments which have been made in the development of a species of wheat that will be rust resistant. That is of inestimable value to the whole wheat-growing region of the United States. I desired also to discuss at some length the investigations that have been made along the line of producing cotton that will be wilt resistant, the cotton boll weevil investigations, their studies in tobacco, and various other lines of endeavor, but I find I will have to pass over that, and I will ask unanimous consent to insert in my remarks that portion of my speech.

The CHAIRMAN pro tempore. The gentleman from Nebraska asks unanimous consent to extend his remarks for the purpose indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. POLLARD. A study of the organism causing pear blight has resulted in a discovery of a method to control this disease.

Pear blight has almost destroyed the pear-growing industry of the United States, all our choice varieties being very susceptible to pear blight. This industry is valued at $15,000,000 annually in California alone. Statistics show that almost one-third of the orchards of that State have been destroyed by this disease. It is believed, however, that the new methods introduced by the Department of Agriculture will result in saving the remainder of the orchards.

The investigation of the causes of wilt in sea island and upland cotton has resulted in the discovery of a method of controlling this disease. The plant pathologists have introduced a new variety that resists the ravages of this pest. I might mention other investigations that have been conducted along similar lines, but I have said enough to indicate the importance and character of this work and its value to the country.

In 1867 the Commissioner of Agriculture began investigating the sugar-beet question. During that year eight varieties of sugar beets were grown on the Department grounds in Washington, and nine varieties were sent to Illinois for trial. The sugar content of these first varieties that were tested varied from 7 to 8 per cent. During the same year a study was made to outline the area of the country that was best adapted to sugar-beet culture. In 1869 two publications were issued by the Commissioner of Agriculture discussing the methods of sugar-beet culture in Europe, which resulted in an early introduction of sugar-beet seed into this country. During that year and 1870, three sugar-beet factories were built in the United States—one each in Illinois, California, and Wisconsin. The growth of the sugar-beet industry has been gradual until the present time. The Department of Agriculture has been rendering assistance in developing this industry, except during the administraton of Secretary Morton. Secretary Morton suspended sugar-beet investigations in 1893. Immediately upon assuming the duties of his office in 1897 Secretary Wilson resumed the study of this question. Cooperative work has been carried on by the State experiment stations, which has aided very materially the success of this industry.

To-day there are sixty-four sugar-beet factories in the United States with a combined annual output of approximately 1,000,000,000 pounds of sugar, the raw product bringing to the farmers of the country an annual revenue of over $20,000,000. As a result of the study of this question in the last ten years by the Department of Agriculture we are now able to produce a very considerable amount of sugar-beet seed. Until the last few years all the sugar-beet seed for planting the fields has been imported. It is thought that within a short time enough sugar-beet seed will be grown in the United States to supply the entire demand of American sugar-beet growers. As a result of the study of this question by the Department of Agriculture and the State experiment stations the sugar content of the beet has been very materially increased. In some sections of the country best adapted to sugar-beet culture the sugar content of the beet has reached as high as 20 per cent. Under new cultural methods introduced by the Department of Agriculture the yield and the sugar content of the beet is being gradually increased. This is an industry that was first introduced by the Department of Agriculture in 1867 and has now become one of the staple farm crops of the country.

The results of the investigations of the cotton and rice industries of the South, the tobacco industry of the North and South Atlantic States, has produced results equally as startling as is shown in other lines of research in this Department. The United States Department of Agriculture went into Texas a few years ago when the cotton boll weevil threatened the whole cotton industry of that State. By propagating new varieties of cotton and introducing improved cultural methods the cotton crop has been saved to that State. Quarantine lines have been established, preventing the spread of this disease that held the whole cotton industry of the South in jeopardy. Doctor Knapp, who has been in direct charge of this work in the South, told the Agricultural Committee that thousands of farms were abandoned in Texas on account of the ravages of this pest. Since the Department took charge of this work, however, farmers have returned to their farms, and under the guiding hand of Mr. Knapp they are now able to raise a better strain of cotton in spite of the boll weevil than they were before this pest was first visited upon that State.

The results that have followed the cooperative demonstration work in the cotton fields of the South is indeed marvelous. These new resistant strains of cotton and improved cultural methods have been introduced upon hundreds of thousands of farms in the South. The Department has succeeded in introducing new crops to serve in rotating with cotton. The cotton planter of the South has been taught the importance of diversified agriculture. The beneficial results that have followed the Department's entrance into this section of the country is worth millions of dollars to the cotton-growing industry of the South.

The Department's experts have introduced from Japan new varieties of rice along with new cultural methods that have simply revolutionized the rice industry of the South. When the Agricultural Department took up this work they actually found farmers working in the rice fields of the Carolinas with boots on their horses to enlarge their feet so as to prevent them from sinking too far in the mud as they tilled their crops. After a careful study of the methods of rice culture at home and abroad, the Department has introduced methods of rice culture that is similar to the methods employed in raising wheat in the Western States.

Under the old method the sowing was done with a drill, the rice was hoed by hand and cut with a reap hook. One man was capable of taking care of but 1 or 2 acres. Under the improved methods introduced by the Department of Agriculture the gang plow and the disk harrow and the broadcast seeder have been brought into use. The rice is cut with a twine binder and thrashed with a steam thrasher. One man can cultivate about as much rice under these new improved methods as one man can cultivate in wheat in the North.

Tobacco investigations were begun by the Department in 1898. As a result of these investigations by the Department their experts have taught the tobacco growers how to ferment the tobacco leaf properly. The introduction of these improved methods of fermenting the tobacco leaf has resulted in saving at least $1,000,000 a year to the tobacco growers. The plant pathologists have introduced new methods of seed selection which has resulted in a very material improvement in the quality of the tobacco. The Department has produced two improved strains of wrapper tobacco for planting in Florida and Connecticut, known as the "Uncle Sam Sumatra" and the "Hazelwood Cuban." These new strains are worth from 15 to 20 per cent more than any other tobacco on the market.

I might continue a discussion of the new plants that have been introduced by the Department and improved cultural methods they have inaugurated which have resulted in enriching the farmers of the country by hundreds of millions of dollars. I think, however, I have continued this review far enough to indicate to this committee clearly that the expenditures in the Department of Agriculture have brought results. This great Department, in cooperation with the State experiment stations all over the country, has been able to make two blades of grass grow where only one was grown when they took up this work.

I can not leave this subject without saying a word about the man at the head of this great Department, who has done so much toward the advancement of the science of agriculture. Secretary Wilson is a specimen of the hardy, thrifty, determined frontiersman. When he came into this Department he brought with him the same industry, the same foresight, the same business sagacity, and the same skill that he carried with him when he went out on the frontier in Iowa and helped to make that State one of the greatest States in the Union. During the eleven years he has been Secretary of Agriculture he has done more toward elevating the American farmer, giving to him the poise and dignity that is his due, than all of his predecessors combined.

His keen, watchful eye has followed every expert, whether he was exploring the steppes of Russia, the fertile valleys of Japan, the cold, barren regions of Siberia, or whether he was conducting investigations in the cotton fields of the South, in the wheat fields of the Northwest, in the tobacco fields of Connecticut, or on the stock ranches in the great West. His great heart has been the motive power that has given force and energy and success to all these various lines of investigations and research. In Secretary Wilson the farmers of the country, yea the whole people of the country, owe a debt of gratitude that they can never repay. By the reduction to practical application the science of agriculture he has built for himself a monument that will be as enduring as time itself.

I wish to divert your attention for a moment to a comparison of the part the two great political parties have taken in this great work. As I said at the opening of my remarks the organic act creating the Department of Agriculture was passed during the Administration of Abraham Lincoln, the first President the Republican party gave to the country. In all, thirty laws have been passed bearing on the question of agriculture since 1862. Of these laws just three came from the hands of the Democratic party.

Every one of the other twenty-seven laws were enacted by the Republican party; consequently this marvelous development and growth of the Department of Agriculture and the beneficial results that have gone out to the people are the result of Republican ingenuity, Republican forethought, and Republican statesmanship. It was the Republican party that gave to the

country the organic act creating the Department. It was under Republican legislation that the investigation of animal and plant diseases was begun. It was the result of Republican legislation that the beet-sugar industry, the durum and Turkey red wheat, alfalfa, and improved strains of rice, cotton, and tobacco were given to the country. It was Republican legislation that opened the great semiarid regions of the West to settlement. It was by Republican legislation that the irrigation of the arid lands has been introduced. In this magnificent work the great Republican party has known no North, no South, no East, no West. All parts of the country have felt the beneficial results of its statesmanship.

The Republican party entered into that section of the country that since the rebellion has done everything in its power to obstruct and block the progress of not only our party, but of the nation. We went into the cotton fields of the South and taught the poor cotton planter how to grow cotton and rice. We showed him how to combat the cotton boll weevil. We have carried on a system almost akin to wet nursing in our efforts to teach him how to grow cotton and rice at a profit. This very bill carries an appropriation of $250,000 for combating Texas fever, which is wholly confined to the South. We have produced results equally beneficial in the tobacco fields of Connecticut, Virginia, West Virginia, and Kentucky; in fact, all sections of the country have been beneficiaries of the growth of this great Department as a result of Republican statesmanship.

I wish to call your attention for a few moments to a comparison of the growth of agriculture on the farms during Democratic and Republican Administrations. I will only elaborate upon a few of the leading crops.

I find that during the Administration of President Harrison the average annual acreage of corn was 74,280,396 acres. The average annual yield of corn during his Administration was 1,822,870,000 bushels. The average annual price per bushel on the 1st day of December was 39.7 cents. During the Cleveland Administration the average acreage and yield was practically the same as during the Harrison Administration, but the value of the crop was $162,000,000 less in round numbers. The average annual price per bushel was 7½ cents less per bushel. During the McKinley and Roosevelt Administrations the average annual acreage increased to almost 88,000,000 acres. The average annual production amounted to 2,240,634,463 bushels. The average annual value was $869,575,309. The average annual price per bushel was 38.9 cents. I find that the value of the corn crop during the last year of the Harrison Administration was 6.8 per cent greater than it was during the first year of his Administration. I find that during the last year of the Cleveland Administration the value of the corn crop actually decreased 16 per cent from what it was during the first year of his Administration.

I find that the total value of the corn crop for the year 1907 was 75 per cent greater than it was during the first year of the McKinley Administration. These figures represent the average annual price on the farm on the 1st day of December during these Administrations. A close examination of these figures discloses the fact that during the year 1894, which was the year and the drought prevailed over a large portion of the corn-growing section of the country, the total production of corn was 1,212,770,000 bushels, being the smallest crop grown since 1881. The average price of corn for that year for the United States on the 1st day of December was 45.7 cents per bushel. The next year there was grown the largest corn crop ever produced up until that time. There was an increase over the year 1894 of almost 1,000,000,000 bushels, and the price dropped to 25 cents per bushel. One big crop following a very light crop in a Democratic Administration brought the average price of corn down for the whole country from 45.7 cents to 25.3 cents per bushel. The next year, 1896, another tremendous crop of corn was grown, being in excess of the great crop grown in 1895 by about 130,000,000 bushels.

The price that year dropped to 21.5 cents per bushel as an average throughout the United States on the 1st day of December. With over a billion more bushels of corn grown in 1896 than in 1894, the value of the crop was $60,000,000 less. Now, let us see what took place during the Republican administrations that followed. In the next year, 1897, which was the first year of the McKinley Administration, the total production of corn was 1,902,000,000 bushels, in round numbers, which was about 380,000,000 bushels less than was grown the year before; the price increased from 21.5 to 26.3 cents per bushel. From the first year of the McKinley Administration on down to the year 1900 there has been almost a continuous increase in the production of corn, reaching for the year 1906, 3,000,000,000 bushels, being by far the largest crop ever grown in the United States. During all this period the price of corn increased in almost the same proportion as the yield. During the Democratic Administration of Grover Cleveland one short crop of corn brought the price up to 25 cents per bushel. Two large crops reduced the price to 21 cents per bushel. The beginning of the McKinley Administration followed two large crops of corn.

Thereafter the production of corn not only increased for one year, but for ten, and instead of the price going down with one big crop, as it did with the Cleveland Administration, the price soared higher and higher until it reached the maximum in 1901, when the average price of corn on the 1st day of December throughout the United States was 60 cents per bushel. The lowest average price of corn throughout the United States on the 1st day of December since 1900, just three years after the Republican party came into power, was 39.9 per bushel, which was the 3,000,000,000-bushel crop in 1906.

I have a number of tables here bearing on this same question which I desire to insert at this point, which the House has kindly permitted. I wish to read briefly from them. I find that of the great staple crops grown on the farm during the Cleveland Administration, such as corn, wheat, oats, barley, rye, buckwheat, potatoes, hay, tobacco, and cotton, during the first year of the Cleveland Administration the total value of all these crops was $2,034,000,000 in round numbers, and in the year 1894 the value was $1,917,000,000; in 1895, $1,757,000,000; and in 1896, $1,748,000,000, showing that for the four years of the Cleveland Administration there was a gradual decline each year in the value of these great staple crops of the farms. I also find that in the live-stock interests of the country, including horses, cattle, mules, sheep, swine, in fact all of the other animals that compose our live-stock interests.

In the year 1893 they were worth $2,443,000,000. There was a gradual reduction each year until the close of the Cleveland Administration, when the value was $1,727,000,000, a falling off of $700,000,000 in value during that period.

Mr. RUCKER. Will the gentleman allow me to interrupt him?

Mr. POLLARD. For a question.

Mr. RUCKER. I will ask you if the figures do not show that the average price of all the great crops was considerably less during the last ten years than the prior ten years?

Mr. POLLARD. On the contrary, the facts show the opposite to be the case.

Mr. RUCKER. Well——

Mr. POLLARD. I can not yield for the gentleman to make a speech.

Mr. RUCKER. I beg your pardon. I wanted to see whether there were two classes of statistics which this Department was furnishing.

Mr. POLLARD. I did not understand your statement.

Mr. RUCKER. Under your assumption and your statement as to the facts, I say that the Government must be furnishing two sets of statistics, because I can produce their statistics that are different from those you quote.

Mr. POLLARD. I think the gentleman is in error.

Mr. LAMB. Will the gentleman yield to me for just a question?

Mr. POLLARD. Only a question.

Mr. LAMB. Do you wish to leave the impression on the country that that falling off was due to the fact that Cleveland was President?

Mr. POLLARD. I will discuss that later on when I reach it. I will go into that matter very fully if I have the time.

These figures prove conclusively to my mind that so far as the great agricultural interests of the country are concerned the people are infinitely better off during a Republican than during a Democratic administration. During the last few days we have heard a great deal said about the condition of the farmer. Our Democratic friends have been bemoaning his plight since this little stock gamblers' panic struck the country. The agricultural products of the United States for the last year under panic prices, as you choose to call them, were worth almost as much as they were during the whole Administration of Grover Cleveland. Our Democratic friends on the other side of the aisle need not become exercised about the condition of the farmer. With the exception of two or three weeks when this gamblers' panic first made its appearance, at which time there was no market at all for any farm products simply because the banks would not give out any money to pay for the crops, the farmers have not felt the effect of the panic. You take it out in the great agricultural sections of the country, and if the farmers of that region did not read the daily papers they would never know there had been a panic.

At the close of eleven years of Republican administration we find that the country has produced the third largest crop of corn in our history, being exceeded only in the years 1905 and 1906. The total production of corn for the year 1907 was 2,592,326,000 bushels, and the average price throughout the

country on the 1st day of December was 51.6 cents per bushel. Here we find ourselves in the midst of a Republican panic, as the Democrats choose to call it. In the face of this awful panic, that has brought devastation and ruin to the homes of the people, according to Democratic authority, the total value of the production of all the farms in the United States is the greatest in our history—10 per cent greater than the record-breaking crop of 1906, 17 per cent in excess of the crop of 1905, 20 per cent greater than the crop of 1904, 57 per cent greater than the crop of 1899, and 100 per cent greater than for the last year of Cleveland's Administration. The total production of all the farms of the United States for the last calendar year was $7,412,000,000. This is $657,000,000 more than the value of the crop of 1906, and this, gentlemen of the committee, in the midst of a Republican panic.

If such conditions as these are what follow Republican panics, so far as the farmer is concerned we had better let the panic continue than take any chances of having a change of administration and a return to the times of soup houses under the Cleveland Administration.

For the first time in our history the exports of farm products exceeded a billion dollars in value. I fully realize that Providence has been kind to the country under our administration. We are willing to admit that Providence has been on our side. I have never heard anyone suggest that Providence ever worked with the Democratic party. Yes; Providence has given us the warm sunshine and the bounteous rain that has helped to swell the production of our farms, yet, if we were to follow the precedent established in the Cleveland Administration, a bounteous production of our farms would mean low prices and low values for everything the farmer has to sell. How is it that this is not the case under a Republican administration? How is it that a large acreage and an abundant harvest during a Democratic administration brings cheap prices for farm crops and under a Republican administration the same conditions are followed by higher prices and exorbitant values for farm products?

To my mind the explanation is simple. When the people awoke on the morning following the election in November, 1892, and realized that the country had gone Democratic, that very morning retrenchment set in all over the country, factories were either closed or began running on short hours. Yes; the panic of 1893 began during the closing hours of Harrison's Administration, but it did not come until it was known a Democratic President and a Democratic Congress had been elected, pledged to give the people free trade. Laboring men were thrown out of employment. Mr. Gompers has said that in the year 1893 there were 3,000,000 able-bodied men in the United States, most of whom had families to support, who were seeking employment in vain. This condition not only continued throughout the year 1893, but the same conditions prevailed during the whole of the Cleveland Administration. How different was the situation when the Republican party was returned to power. When the people awoke on that bright morning in November, 1896, and the news was flashed from one end of the country to the other that McKinley had been elected President the country was full of sunshine. The little birds even were singing sweeter songs than they had ever sung before. The fires were rekindled in the furnaces. The factories once more became hives of industry. The spindles began to turn, and the laboring men went back to work on full time.

The Republican party had been in power for hardly a year when all of these 3,000,000 men who had been seeking employment found more than they could do. The factories all over the country began to expand and new ones sprang up here and there like magic. The demand for labor grew year after year, and we found the condition where there were two jobs awaiting every man that wanted work. The day laborers were all at work at good wages; they were eating three good square meals a day. They were eating the choicest cuts of beef, veal, mutton, and pork. They were buying pianos and other comforts for the home. They were consuming farm products of every description, building up a great home market for the products of the farm. Under the stimulus of the Dingley tariff that we have heard so much about our country has reached the highest degree of prosperity in all lines of industry ever known. It is this great home market that has been built up since the Republican party came back into power, under the Dingley Act, that has made the farmer prosper as he has never prospered before and to even revel in luxury.

The total production last year of all our farms, of all our factories, of all our mines, and of all our forests reached $27,000,000,000 in value. Our total exports were worth $1,750,000,000. Our total imports were worth $1,250,000,000, leaving a balance of trade in our favor of $500,000,000. Gentlemen, this means that the total value of the American market was worth $26,500,000,000. The total value of the international commerce of all the nations of the world last year was $20,000,000,000. This great American market of ours, that has grown up under the Dingley tariff act, was worth six and a half billion dollars in excess of the entire international commerce of the world. Is it any wonder that the farmer is prosperous when he has such a market as this in which to sell his goods? And I want to say to my friends on the other side of the House that the farmers of the West are interested in a revision of the tariff. Yes; we are in favor of a revision of the tariff, but when that tariff is revised, I want to say to you that the farmers of the country are going to see to it that the party is in power that will revise it along protective lines. The farmer will insist that this great home market is not interfered with.

In the platform adopted by the Democratic party in Omaha a few days ago, which, it is said, was written by the Hon. William J. Bryan, my distinguished constituent, there is a plank committing the Democratic party to tariff for revenue only. What is a tariff for revenue only? A tariff for revenue only is a tariff that is placed on noncompeting articles. Mr. Bryan has said time and time again that a protective tariff is highway robbery. A protective tariff, he tell us, takes the money out of one man's pocket and places it in another's. If this is true and the Democrats are put in power one year hence, it means that they will enact a tariff law, if they are true to their pledges, without any element of protection in it, for their great leader has said that a protective tariff is robbery. What does this mean, gentlemen? It simply means that over 50 per cent of the articles that are now on the free list will be transferred to the dutiable list. Under the present tariff law over 50 per cent of our imports come in free of duty. Practically all the commodities, with the exception of sugar, that are classed among the necessaries of life are on the free list. A large per cent of the duties collected on our imports come from the luxuries of life.

If we are to take the Democratic party at their word, and they come to enact a tariff law, 80 per cent of the duties will be on the necessaries of life. Not only that, but by tearing down the protective tariff they will permit the goods produced by the cheap foreign labor to come into competition with the goods produced by our high-priced American labor. This means that the wages of the American laborer must be reduced to a corresponding level with those of his brother laborers across the sea. The laboring men of the country will either have to submit to a reduction in their wages of from 50 to 100 per cent or there will be thousands thrown out of employment. In either event it means that this great home market of ours will be destroyed. This great home market that is worth $27,000,000,000 and furnishes a market for the products of the American farm will be opened to the products of the cheap foreign labor. I want to say to you that the farmers of the country will never tolerate such conditions as that. [Applause.] The American farmer is deeply interested in the factories and in the mines and in the forests of the country.

The farmer knows that he furnishes the food for the men who work in the factories, in the mines, and in the forests.

He knows that unless the factory hands, the miners, and the foresters work at good wages all the time they can not consume the maximum of food products. The farmer knows that if a tariff law is enacted stripped of protection, it will close 75 per cent of the factories of the country; that hundreds of thousands of men will be thrown out of employment. He knows that the moment these factories close and these men are out of employment his market is interfered with. The farmers of the country know that it is this great home market that is responsible for high prices for farm products. I want to say to you that the farmers of the country will never permit this great home market to be interfered with by the Democratic party.

Gentlemen, I have too much faith in the good sense and the good judgment of the American laboring man, the American farmer, and the American business man to think that they will consider for a moment the advisability of electing a Democratic President and a Democratic Congress. The laboring people, the farmers, and the business men of the country have great confidence in the grand old Republican party, and I want to say to you that the future of our party was never more propitious or gave promise of greater success in all our history than it does to-day. When the Ides of next November arrive and the result of the Presidential election is flashed over the country we will have a guaranty of four more years of Republican rule and prosperous times. [Loud applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. POLLARD. I should like to ask leave to continue my remarks fifteen minutes.

The CHAIRMAN (Mr. OLMSTED). The Chair will state that the time for general debate has been limited by order of the

House. The committee can by unanimous consent extend the time of the gentleman from Nebraska. It can not extend the four hours fixed by the House. The Chair will put the request. The gentleman from Nebraska asks unanimous consent to have his time extended for fifteen minutes.

Mr. LAMB. If it does not come out of the time on our side, I shall not object; but if it does, I shall have to object.

The CHAIRMAN. The order of the House made no distinction as to side, but only as to four hours for general debate.

Mr. POLLARD. Mr. Chairman, I understand there are several others who desire to participate in debate on this side, and as I have already been given the right to extend my remarks in the RECORD, I will withdraw my request for an extension of time. [Applause.]

TABLE No. 1.—*Statistics of farm products during the Administrations of Harrison, Cleveland, McKinley, and Roosevelt.*

Administration and product.	Average acreage per year.	Average number bushels per year.	Average total value per year.	Average price per bushel.	Per cent of increase from first year of Administration to last in value.	Per cent of increase of last year of Administration over average of same Administration in value.
CORN.						
Harrison	74,280,396	1,822,870,000	$707,734,534	$0.397	6.8 per cent increase	9.2 per cent decrease.
Cleveland	74,430,430	1,816,816,682	545,584,322	.322	16 + per cent decrease	10 + per cent decrease.
McKinley and Roosevelt	87,971,235	2,240,634,463	869,575,309	.389	57 + per cent increase	34.1 per cent increase.
WHEAT.						
Harrison	38,170,585	504,387,750	378,212,494	.749	5.9 per cent decrease	14.8 per cent decrease.
Cleveland	34,544,458	437,796,608	246,903,735	.566	45.7 per cent increase	22.1 per cent increase.
McKinley and Roosevelt	45,540,593	631,181,162	431,617,233	.688	14.4 per cent increase	13.6 per cent increase.
OATS.						
Harrison	26,634,845	668,641,250	208,848,843	.374	21 per cent increase	0.1 per cent increase.
Cleveland	27,435,244	708,170,429	174,633,278	.242	41 per cent decrease	24 per cent decrease.
McKinley and Roosevelt	27,699,358	835,644,006	246,936,311	.294	102 per cent increase	21 per cent increase.
POTATOES.						
Harrison	2,640,575	191,062,390	94,883,281	.532	42 per cent increase	9 per cent increase.
Cleveland	2,766,465	225,823,362	88,588,959	.420	33 per cent decrease	18 per cent decrease.
McKinley and Roosevelt	2,805,707	241,700,416	124,812,869	.521	75 per cent increase	26 per cent increase.
HAY.		*Tons.*		*Per ton.*		
Harrison	51,389,325	61,917,176	482,121,583	$7.81	4 per cent increase	1 per cent increase.
Cleveland	46,350,237	56,750,316	455,198,105	8.03	32 per cent decrease	14 per cent decrease.
McKinley and Roosevelt	40,665,522	58,393,644	489,912,829	8.45	47 per cent increase	28 per cent increase.
COTTON.[a]		*Total weight of lint.*		*Per pound.*		
Harrison		3,780,236	306,940,476	$0.081	9 per cent decrease	14 per cent decrease.
Cleveland		3,990,605	251,532,677	.064	10 per cent increase	9 per cent increase.
McKinley and Roosevelt		5,242,555	478,817,438	.0883	79 per cent increase	0.2 per cent increase.
HORSES.[a]		*Number.*		*Per head.*		
Harrison		14,383,005	977,532,061	$68.18	2 per cent increase	3 per cent increase.
Cleveland		15,576,329	709,580,187	44.60	49 per cent decrease	29 per cent decrease.
McKinley and Roosevelt		16,469,387	1,041,095,508	60.62	312 per cent increase	79 per cent increase.
MULES.[a]						
Harrison		2,299,958	178,892,005	77.79	2 per cent decrease	2 per cent decrease.
Cleveland		2,323,852	131,282,213	56.42	37 per cent decrease	21 per cent decrease.
McKinley and Roosevelt		2,809,368	217,712,128	72.70	356 per cent increase	91 per cent increase.
CATTLE.[a]						
Harrison		52,523,944	922,473,388	18.90	4 per cent decrease	4 per cent decrease.
Cleveland		51,141,422	877,363,804	17.22	3 per cent decrease	5 per cent decrease.
McKinley and Roosevelt		58,159,886	1,253,114,700	23.44	41 per cent increase	19 per cent increase.
SWINE.						
Harrison		51,231,874	246,487,716	4.81	17 per cent decrease	2 per cent decrease.
Cleveland		44,577,445	242,960,532	5.42	38 per cent decrease	23 per cent decrease.
McKinley and Roosevelt		46,333,839	283,859,612	5.90	50 per cent increase	16 per cent increase.

[a] This carries the figures up to 1908, those above only to 1906.

TABLE No. 2—*Total value of following crops based on prices December 1, each year.*

	1893.	1894.	1895.	1896.
Corn	$591,626,000	$554,719,000	$544,986,000	$491,007,000
Wheat	213,171,000	225,902,000	237,939,000	310,603,000
Oats	187,576,000	214,817,000	163,655,000	132,485,000
Barley	28,729,000	27,134,000	29,312,000	22,491,000
Rye	13,612,000	13,395,000	11,965,000	9,961,000
Buckwheat	7,074,000	7,040,000	6,936,000	5,522,000
Potatoes	108,662,000	91,527,000	73,985,000	72,182,000
Hay	570,883,000	468,578,000	393,186,000	388,146,000
Tobacco	39,155,000	27,761,000	35,574,000	24,258,000
Cotton	274,480,000	287,121,000	260,338,000	291,812,000
Total	2,034,968,000	1,917,994,000	1,757,876,000	1,748,467,000

Total value of all farm crops for year 1896, $1,967,025,000.

The crops enumerated comprised 81.3 per cent of the total value of all crops (not including live stock) in the Census of 1899.

Values based upon farm price December 1.

Farm value of all live stock on farms January 1—

1893	$2,483,506,000
1894	2,170,818,000
1895	1,819,447,000
1896	1,727,926,000

TABLE No. 3.—*Average, production, value, and prices of corn for the United States.*

Year.	Acreage.	Average yield per acre.	Production.	Average farm price per bushel December 1.	Farm value December 1.
	Acres.	*Bushels.*	*Bushels.*	*Cents.*	*Dollars.*
1866	34,306,538	25.3	867,946,295	47.4	411,450,830
1867	32,520,249	23.6	768,320,000	57.0	437,769,763
1868	34,887,246	26.0	906,527,000	46.8	424,056,649
1869	37,103,245	23.6	874,320,000	59.8	522,550,509
1870	38,646,977	28.3	1,094,255,000	49.4	540,520,456
1871	34,091,137	29.1	991,898,000	43.4	430,355,910
1872	35,526,836	30.8	1,092,719,000	35.3	385,736,210

TABLE No. 3.—*Average, production, value, and prices of corn for the United States*—Continued.

Year.	Acreage.	Average yield per acre.	Production.	Average farm price per bushel December 1.	Farm value December 1.
	Acres.	*Bushels.*	*Bushels.*	*Cents.*	*Dollars.*
1873	39,197,148	23.8	932,274,000	44.2	411,961,151
1874	41,036,918	20.7	850,148,500	58.4	496,271,255
1875	44,841,371	29.5	1,321,069,000	36.7	484,674,804
1876	49,033,364	26.2	1,283,827,500	34.0	436,108,521
1877	50,369,113	26.7	1,342,558,000	34.8	467,635,230
1878	51,585,000	26.9	1,388,218,750	31.7	440,280,517
1879	53,085,450	29.2	1,547,901,790	37.5	580,483,217
1880	62,317,842	27.6	1,717,434,543	39.6	679,714,499
1881	64,262,025	18.6	1,194,916,000	63.6	759,482,170
1882	65,659,545	24.6	1,617,025,100	48.5	783,837,175
1883	68,301,889	22.7	1,551,066,895	42.4	658,051,485
1884	69,683,780	25.8	1,795,528,432	35.7	640,735,859
1885	73,130,150	26.5	1,936,176,000	32.8	635,674,630
1886	75,694,208	22.0	1,665,441,000	36.6	610,311,000
1887	72,392,720	20.1	1,456,161,000	44.4	646,103,770
1888	75,672,763	26.3	1,987,790,000	34.1	677,561,580
1889	78,319,651	27.0	2,112,892,000	28.3	597,918,829
1890	71,970,763	20.7	1,489,970,000	50.6	754,433,451
1891	76,204,515	27.0	2,060,154,000	40.6	836,439,228
1892	70,626,658	23.1	1,628,464,000	39.4	642,146,630
1893	72,036,465	22.5	1,619,496,131	36.5	591,625,627
1894	62,582,269	19.4	1,212,770,052	45.7	554,719,162
1895	82,075,830	26.2	2,151,138,580	25.3	544,985,534
1896	81,027,156	28.2	2,283,875,165	21.5	491,006,967
1897	80,095,051	23.8	1,902,967,933	26.3	501,072,952
1898	77,721,781	24.8	1,924,184,660	28.7	552,023,428
1899	82,108,587	25.3	2,078,143,933	30.3	629,210,110
1900	83,320,872	25.3	2,105,102,516	35.7	751,220,034
1901	91,349,928	16.7	1,522,519,891	60.5	921,555,768
1902	94,043,613	26.8	2,523,648,312	40.3	1,017,017,349
1903	88,091,993	25.5	2,244,176,925	42.5	952,838,801
1904	92,231,581	26.8	2,467,480,964	44.1	1,087,461,440
1905	94,011,369	28.8	2,707,993,540	41.2	1,116,693,738
1906	93,737,581	30.3	2,927,416,091	39.9	1,166,623,479
1907	99,931,000	25.9	2,592,320,000	51.6	1,336,901,000

Acreage, production, value, and price of wheat for the United States.

Year.	Acreage.	Average yield per acre.	Production.	Average farm price per bushel December 1.	Farm value December 1.
	Acres.	*Bushels.*	*Bushels.*	*Cents.*	*Dollars.*
1866	15,424,496	9.9	151,999,906	152.7	232,109,630
1867	18,321,561	11.6	212,441,400	145.2	308,387,146
1868	18,460,132	12.1	224,036,600	108.5	243,032,746
1869	19,181,004	13.6	260,146,900	76.5	199,024,906
1870	18,992,591	12.4	235,884,700	94.4	222,766,969
1871	19,943,893	11.6	230,722,400	114.5	264,075,851
1872	20,858,359	11.9	249,997,100	111.4	278,522,068
1873	22,171,676	12.7	281,254,700	106.9	300,669,528
1874	24,967,027	12.3	308,102,700	83.3	265,881,167
1875	26,381,512	11.1	292,136,000	89.5	261,396,926
1876	27,627,021	10.5	289,358,500	96.3	278,697,238
1877	26,277,546	13.9	364,194,146	105.7	385,089,444
1878	32,108,560	13.1	420,122,400	77.6	325,814,119
1879	32,545,950	13.8	448,756,630	110.8	497,030,142
1880	37,983,717	13.1	498,549,868	95.1	474,201,850
1881	37,709,020	10.2	383,280,090	119.2	456,880,427
1882	37,067,194	13.6	504,185,470	88.4	445,602,125
1883	36,455,593	11.6	421,083,160	91.1	383,649,272
1884	39,475,885	13.0	512,765,000	64.5	330,832,260
1885	34,189,246	10.4	357,112,000	77.1	275,320,390
1886	36,896,184	12.4	457,218,000	68.7	314,226,020
1887	37,641,783	12.1	456,329,000	68.1	310,612,960
1888	37,336,138	11.1	415,868,000	92.6	385,248,030
1889	38,123,859	12.9	490,560,000	69.8	342,491,707
1890	36,087,154	11.1	399,262,000	83.8	334,773,678
1891	39,916,897	15.3	611,780,000	83.9	513,472,711
1892	38,554,430	13.4	515,949,000	62.4	322,111,881
1893	34,629,418	11.4	396,131,725	53.8	213,171,381
1894	34,882,436	13.2	460,267,416	49.1	225,902,025
1895	34,047,332	13.7	467,102,947	50.9	237,938,908
1896	34,618,646	12.4	427,684,346	72.6	310,602,539
1897	39,465,066	13.4	530,149,168	80.8	428,547,121
1898	44,055,278	15.3	675,148,705	58.2	392,770,320
1899	44,592,516	12.3	547,303,846	58.4	319,545,259
1900	42,495,385	12.3	522,229,505	61.9	323,515,177
1901	49,895,514	15.0	748,460,218	62.4	467,350,156
1902	46,202,424	14.5	670,063,008	63.0	422,224,117
1903	49,464,967	12.9	637,821,835	69.5	443,024,826
1904	44,074,875	12.5	552,390,517	92.4	510,489,874
1905	47,854,079	14.5	692,979,489	74.8	518,372,727
1906	47,305,829	15.5	735,260,970	66.7	490,332,760
1907	45,211,000	14.0	634,087,000	87.4	554,437,000

Acreage, production, value, and prices of hay for United States.

Year.	Acreage.	Average yield per acre.	Production.	Average farm price per ton, December 1.	Farm value, December 1.
	Acres.	*Tons.*	*Tons.*	*Dollars.*	*Dollars.*
1866	17,668,904	1.23	21,778,627	10.14	220,835,771
1867	20,020,554	1.31	26,277,000	10.21	268,300,623
1868	21,541,573	1.21	26,141,900	10.08	263,539,235
1869	18,591,281	1.42	26,420,000	10.18	268,933,048
1870	19,831,805	1.23	24,525,000	12.47	305,743,224
1871	19,009,052	1.17	22,239,400	14.30	317,939,799
1872	20,318,936	1.17	23,812,800	12.94	308,024,517
1873	21,804,084	1.15	25,085,100	12.53	314,211,037
1874	21,769,772	1.15	25,133,900	11.94	300,222,454
1875	23,507,934	1.19	27,873,600	10.78	300,377,839
1876	25,282,797	1.22	30,857,100	8.97	276,901,422
1877	25,367,708	1.25	31,629,300	8.37	264,879,793
1878	26,931,300	1.47	39,608,296	7.20	285,015,625
1879	27,484,991	1.29	35,493,000	9.32	330,804,494
1880	25,863,955	1.23	31,925,233	11.65	371,811,064
1881	30,888,709	1.14	35,135,064	11.82	415,131,336
1882	32,339,585	1.18	38,138,049	9.70	371,170,323
1883	35,515,948	1.32	46,884,009	8.19	383,834,451
1884	38,571,593	1.26	48,470,469	8.17	396,139,309
1885	39,849,701	1.19	44,731,559	8.71	389,752,873
1886	36,501,688	1.15	41,796,499	8.46	353,437,699
1887	37,664,789	1.10	41,454,458	9.97	413,440,283
1888	38,591,903	1.21	46,643,094	8.76	408,499,565
1889	52,947,236	1.26	66,829,612	7.04	470,374,948
1890	50,712,513	1.19	60,197,589	7.87	473,539,972
1891	51,044,490	1.19	60,817,771	8.12	494,113,616
1892	50,853,061	1.18	59,823,735	8.20	490,427,798
1893	49,613,469	1.33	65,766,158	8.68	570,882,872
1894	48,321,272	1.14	54,874,408	8.54	468,578,321
1895	44,206,453	1.06	47,078,541	8.35	393,183,615
1896	43,250,756	1.37	59,282,158	6.55	388,145,614
1897	42,426,770	1.43	60,684,876	6.62	401,300,728
1898	42,780,827	1.55	66,376,920	6.00	398,060,647
1899	41,328,462	1.35	56,635,756	7.27	411,926,187
1900	39,132,890	1.28	50,110,906	8.89	445,538,870
1901	39,390,500	1.28	50,590,877	10.01	506,191,533
1902	39,825,227	1.50	59,857,576	9.06	542,036,384
1903	39,933,759	1.54	61,305,940	9.08	556,376,880
1904	39,998,602	1.52	60,696,028	8.72	529,107,625
1905	39,361,960	1.54	60,531,611	8.52	515,959,784
1906	42,476,224	1.35	57,145,950	10.37	592,539,671
1907	44,028,000	1.45	63,677,000	11.68	743,507,000

Acreage, production, and value of oat crop of United States on 1st day of December of each year.

Year.	Acreage.	Average yield per acre.	Production.	Average farm price per bushel, December 1.	Farm value, December 1.
	Acres.	*Bushels.*	*Bushels.*	*Cents.*	*Dollars.*
1866	8,864,219	30.2	268,141,077	35.1	94,057,945
1867	10,746,416	25.9	278,698,000	44.5	123,902,556
1868	9,665,736	26.4	254,960,800	41.7	106,355,976
1869	9,461,441	30.5	288,334,000	38.0	100,521,734
1870	8,792,395	28.1	247,277,400	39.0	96,443,637
1871	8,365,809	30.6	255,743,000	36.2	92,591,359
1872	9,000,769	30.2	271,747,000	29.9	81,308,518
1873	9,751,700	27.7	270,340,000	34.6	93,474,161
1874	10,897,412	22.1	240,369,000	47.1	113,133,934
1875	11,915,075	29.7	354,317,500	32.0	113,441,491
1876	13,358,908	24.0	320,884,000	32.4	106,814,803
1877	12,826,148	31.7	406,394,000	28.4	115,546,194
1878	13,176,500	31.4	413,578,560	24.6	101,752,468
1879	12,683,500	28.7	363,761,320	33.1	120,533,294
1880	16,187,977	25.8	417,885,380	36.0	150,243,565
1881	18,831,600	24.7	416,481,000	46.4	193,198,970
1882	18,404,691	26.4	483,250,610	37.5	182,978,022
1883	20,324,962	28.1	571,302,400	32.7	187,040,264
1884	21,300,917	27.4	583,628,000	27.7	161,528,470
1885	22,783,630	27.6	629,409,000	28.5	179,631,850
1886	23,658,474	26.4	624,134,000	29.8	186,137,930
1887	25,020,906	25.4	659,618,000	30.4	200,699,790
1888	26,998,282	26.0	701,735,000	27.8	195,424,240
1889	27,462,316	27.4	751,515,000	22.9	171,731,008
1890	26,431,369	19.8	523,621,000	42.4	222,048,486
1891	25,581,861	28.9	738,394,000	31.5	232,312,267
1892	27,063,835	24.4	661,035,000	31.7	209,253,611
1893	27,273,033	23.4	638,854,359	29.4	187,576,002
1894	27,023,553	24.5	662,086,928	32.4	214,816,920
1895	27,878,406	29.6	824,443,537	19.9	163,655,068
1896	27,565,985	25.7	707,346,404	18.7	132,485,033
1897	25,730,375	27.2	698,767,809	21.2	147,974,719
1898	25,777,110	28.4	730,906,643	25.5	186,405,364
1899	26,341,380	30.2	796,177,713	24.9	198,167,975
1900	27,364,795	29.6	809,125,969	25.8	208,689,233
1901	28,541,476	25.8	736,808,724	39.9	293,658,777
1902	28,653,144	34.5	987,842,712	30.7	303,584,852
1903	27,638,126	28.4	784,094,199	34.1	267,661,665
1904	27,812,669	32.1	894,595,552	31.3	279,900,013
1905	28,046,746	34.0	953,216,197	29.1	277,047,537
1906	30,958,768	31.2	964,904,522	31.7	306,292,978
1907	31,837,000	23.7	754,443,000	44.3	334,568,000

Acreage, production, value, and prices of barley for the United States.

Year.	Acreage.	Average yield per acre.	Production.	Average farm price per bushel December 1.	Farm value December 1.
	Acres.	*Bushels.*	*Bushels.*	*Cents.*	*Dollars.*
1866	492,532	22.9	11,283,807	70.2	7,916,342
1867	1,131,217	22.7	25,727,000	70.1	18,027,746
1868	937,498	24.4	22,896,100	109.0	24,948,127
1869	1,025,795	27.9	28,652,200	70.8	20,298,164
1870	1,108,924	23.7	26,295,400	79.1	20,792,213
1871	1,113,735	24.0	26,718,500	75.8	20,264,015
1872	1,397,082	19.2	26,846,400	68.6	18,415,839
1873	1,387,106	23.1	32,044,491	86.7	27,794,229
1874	1,589,626	20.6	32,552,500	86.0	27,997,824
1875	1,789,902	20.6	36,908,600	74.1	27,367,522
1876	1,766,511	21.9	38,710,500	63.0	24,402,691
1877	1,614,654	21.3	34,441,400	62.8	21,629,130
1878	1,790,400	23.6	42,245,630	57.9	24,454,301
1879	1,680,700	24.0	40,283,100	58.9	23,714,444
1880	1,843,329	24.5	45,165,346	66.6	30,090,742
1881	1,967,510	20.9	41,161,330	82.3	33,862,513
1882	2,272,103	21.5	48,953,926	62.9	30,768,015
1883	2,379,009	21.1	50,136,097	58.7	29,420,423
1884	2,608,818	23.5	61,203,000	48.7	29,779,170
1885	2,729,359	21.4	58,360,000	56.3	32,867,696
1886	2,652,957	22.4	59,423,000	53.6	31,840,510
1887	2,901,953	19.6	56,812,000	51.9	29,464,390
1888	2,996,382	21.3	63,884,000	59.0	37,672,032
1889	3,220,834	24.3	78,332,976	41.6	32,614,271
1890	3,135,302	21.4	67,168,344	62.7	42,140,502
1891	3,352,579	25.9	86,839,153	52.4	45,470,342
1892	3,400,361	23.6	80,008,762	47.5	38,026,032
1893	3,220,371	21.7	69,869,495	41.1	28,729,386
1894	3,170,602	19.4	61,400,465	44.2	27,134,127
1895	3,299,973	26.4	87,072,744	33.7	29,312,413
1896	2,950,539	23.6	69,695,223	32.3	22,491,241
1897	2,719,116	24.5	66,635,127	37.7	25,142,139
1898	2,583,125	21.6	55,792,257	41.3	23,064,359
1899	2,878,229	25.5	73,381,563	40.3	29,594,254
1900	2,804,282	20.4	58,925,833	40.8	24,075,271
1901	4,295,744	25.6	109,932,924	45.2	49,705,163
1902	4,661,063	29.0	134,954,023	45.9	61,898,634
1903	4,993,137	26.4	131,861,391	45.6	60,166,313
1904	5,145,878	27.2	139,743,958	42.0	58,651,807
1905	5,095,528	26.8	136,651,020	40.3	55,047,166
1906	6,323,757	28.3	178,916,484	41.5	74,235,997
1907	6,448,000	23.8	153,597,000	66.6	102,210,000

TABLE No. 4.—*Acreage, production, value, and prices of rye for United States.*

Year.	Acreage.	Average yield per acre.	Production.	Average farm price per bushel, December 1.	Farm value, December 1.
	Acres.	*Bushels.*	*Bushels.*	*Cents.*	*Dollars.*
1886	1,548,033	13.5	20,834,944	82.2	17,149,716
1887	1,689,175	13.7	23,184,000	100.4	23,280,584
1888	1,651,321	13.6	22,504,800	94.9	21,349,190
1889	1,657,584	13.6	22,527,900	77.0	17,341,851
1870	1,176,137	13.2	15,473,600	73.2	11,326,967
1871	1,039,531	14.4	15,365,500	71.1	10,927,623
1872	1,048,654	14.2	14,888,600	67.6	10,071,061
1873	1,150,355	13.2	15,142,000	70.3	10,638,258
1874	1,116,716	13.4	14,990,900	77.4	11,610,339
1875	1,359,788	13.0	17,722,100	67.1	11,894,223
1876	1,468,374	13.9	20,374,800	61.4	12,504,970
1877	1,412,902	15.0	21,170,100	57.6	12,201,759
1878	1,622,700	15.9	25,842,790	52.5	13,566,002
1879	1,625,450	14.5	23,639,460	65.6	15,507,431
1880	1,767,619	13.9	24,540,829	75.6	18,564,560
1881	1,789,100	11.6	20,704,950	93.3	19,327,415
1882	2,227,894	13.4	29,960,037	61.5	18,439,194
1883	2,314,754	12.1	28,058,582	58.1	16,300,503
1884	2,343,933	12.2	28,640,000	51.9	14,857,040
1885	2,129,301	10.2	21,756,000	57.9	12,594,820
1886	2,129,918	11.5	24,489,000	53.8	13,181,330

TABLE No. 4.—*Acreage, production, value, and prices of rye for United States*—Continued.

Year.	Acreage.	Average yield per acre.	Production.	Average farm price per bushel December 1.	Farm value December 1.
	Acres.	*Bushels.*	*Bushels.*	*Cents.*	*Dollars.*
1887	2,053,447	10.1	20,693,000	54.5	11,283,140
1888	2,364,805	12.0	28,415,000	58.8	16,721,869
1889	2,171,493	13.1	28,420,299	42.3	12,009,752
1890	2,141,853	12.0	25,807,472	62.9	16,229,992
1891	2,176,466	14.6	31,751,868	77.4	24,589,217
1892	2,163,657	12.9	27,894,037	54.2	15,103,901
1893	2,038,485	13.0	26,555,446	51.3	13,612,222
1894	1,944,780	13.7	26,727,615	50.1	13,395,476
1895	1,890,345	14.4	27,210,070	44.0	11,964,826
1896	1,831,201	13.3	24,369,047	40.9	9,930,769
1897	1,703,561	16.1	27,363,324	44.7	12,239,647
1898	1,643,207	15.6	25,667,522	46.3	11,875,350
1899	1,659,308	14.4	23,961,741	51.0	12,214,118
1900	1,591,362	15.1	23,995,927	51.2	12,295,417
1901	1,987,505	15.3	30,344,830	55.7	16,900,742
1902	1,978,548	17.0	33,630,592	50.8	17,080,793
1903	1,906,894	15.4	29,363,416	54.5	15,993,871
1904	1,792,673	15.2	27,241,515	68.8	18,748,323
1905	1,730,159	16.5	28,485,952	61.1	17,414,138
1906	2,001,904	16.7	33,374,833	58.9	19,671,243
1907	1,926,000	16.4	31,566,000	73.1	23,068,000

TABLE No. 5.—*Balance of trade and relative magnitude of imports and domestic exports of farm products, 1890–1906.*

Year ending June 30—	Exports.						
	Domestic.				Foreign.		
	Total.	Farm products.	Other than farm products.	Per cent of farm products of total.	Total.	Farm products.	Other than farm products.
1890	$845,293,828	$634,855,869	$210,437,959	75.1	$12,534,856	$3,908,820	$5,626,036
1891	872,279,283	652,407,931	219,862,352	74.8	12,210,527	6,109,781	6,100,746
1892	1,015,732,011	803,122,045	212,609,966	79.1	14,546,137	6,638,755	7,907,382
1893	831,030,785	621,201,671	209,829,114	74.8	16,634,409	7,155,979	9,478,430
1894	869,204,937	636,633,747	232,571,190	73.2	22,935,635	9,586,876	13,348,759
Annual average, 1890–1894	886,706,369	669,644,253	217,062,116	75.5	15,772,313	7,280,042	8,492,271
1895	793,392,599	558,385,861	235,006,738	70.4	14,145,566	7,934,115	6,211,451
1896	863,200,487	574,398,264	288,802,223	66.5	19,406,451	10,916,730	8,489,721
1897	1,032,007,603	689,755,193	342,252,410	66.8	18,985,953	9,707,782	9,278,171
1898	1,210,291,913	859,018,946	351,272,967	71.0	21,190,417	10,409,348	10,781,069
1899	1,203,931,222	792,811,733	411,119,489	65.9	23,092,089	12,134,268	10,957,812
Annual average, 1895–1899	1,020,564,765	694,873,999	325,690,766	68.1	19,364,003	10,220,448	9,143,645
1900	1,370,763,571	844,616,530	526,147,041	61.6	23,719,511	11,263,253	12,456,258
1901	1,460,462,806	951,628,331	508,834,475	65.2	27,302,185	11,293,045	16,009,140
1902	1,355,481,861	857,113,533	498,368,328	63.2	26,237,540	10,308,306	15,929,234
1903	1,392,231,302	878,480,557	513,750,745	63.1	27,910,377	13,505,343	14,405,034
1904	1,435,179,017	859,160,264	576,018,753	59.9	25,648,254	12,625,026	13,023,228
Annual average, 1900–1904	1,402,823,711	878,199,843	524,623,868	62.6	26,163,573	11,798,994	14,364,579
1905	1,491,744,641	826,904,777	664,839,864	55.4	26,817,025	12,316,525	14,500,500
1906	1,717,953,382	976,047,104	741,906,278	56.8	25,911,118	10,856,259	15,054,859
1907[a]	1,854,553,956	1,055,257,800	799,296,156	56.9	26,138,741	15,801,710	10,337,031

Year ending June 30—	Imports.				Balance of trade (+) for United States, (−) against United States.		
	Total.	Farm products.	Other than farm products.	Per cent of farm products of total.	Total.	Farm products.	Other than farm products.
1890	$789,310,409	$384,100,435	$405,209,974	48.7	+$68,518,275	+$257,664,254	−$189,145,979
1891	844,916,196	420,211,949	424,704,247	49.7	+ 39,564,614	+ 238,305,763	− 198,741,149
1892	827,402,462	436,697,057	390,705,405	52.8	+202,875,686	+ 373,063,743	− 170,188,057
1893	886,400,922	425,657,448	440,743,474	49.1	− 18,735,728	+ 202,700,202	− 221,435,930
1894	654,994,622	365,160,319	289,834,303	55.8	+237,145,950	+ 281,090,304	− 43,944,354
Annual average, 1890–1894	796,604,922	406,365,442	390,239,480	51.0	+105,873,750	+ 270,558,853	− 164,685,093
1895	731,969,965	373,115,985	358,853,980	51.0	+ 75,568,200	+ 193,203,991	− 117,635,791
1896	779,724,674	391,029,407	388,695,267	50.1	+102,882,264	+ 194,285,587	− 91,403,323
1897	764,730,412	400,871,468	363,858,944	52.4	+286,263,144	+ 298,591,507	− 12,328,363
1898	616,049,654	314,291,796	301,757,858	51.0	+615,432,676	+ 555,136,498	+ 60,296,178
1899	697,148,489	355,514,881	341,633,608	51.0	+529,874,813	+ 449,431,120	+ 80,443,693
Annual average, 1895–1899	717,924,639	366,964,707	350,959,932	51.1	+322,004,219	+ 338,129,740	− 16,125,521
1900	819,941,184	420,139,288	429,801,896	49.4	+544,541,898	+ 435,740,495	+ 108,801,403
1901	823,172,165	391,931,051	431,241,114	47.6	+664,592,826	+ 570,900,325	+ 93,692,501
1902	903,320,948	413,744,557	489,576,391	45.8	+478,398,453	+ 453,677,282	+ 24,721,171
1903	1,025,719,237	456,199,325	569,519,912	44.5	+394,422,442	+ 435,786,575	− 41,364,133
1904	991,087,371	461,434,851	529,652,520	46.6	+469,739,900	+ 410,350,439	+ 59,389,461
Annual average, 1900–1904	918,648,181	428,689,814	489,958,367	46.7	+510,339,103	+ 461,309,023	+ 49,030,080
1905	1,117,513,071	553,851,214	563,661,857	49.6	+401,048,595	+ 285,370,088	+ 115,678,507
1906	1,226,562,446	554,175,242	672,387,204	45.2	+517,302,054	+ 432,728,121	+ 84,573,933
1907[a]	1,434,421,425	627,272,528	807,148,897	43.7	+446,271,272	+ 443,786,982	+ 2,484,290

[a] Preliminary.

Farm land value per acre, including buildings and improvements, 1890 and 1905:

Census of 1890:	
Total acres	623,218,619
Total value	$13,279,252,649.00
Average per acre	$21.31
Census of 1905:	
Total acres, census 1900	838,591,774
Total value, Department of Agriculture, 1905	$22,745,420,567.00
Average per acre	$27.12

Mr. LAMB. I yield to the gentleman from New York.

Mr. GOULDEN. Mr. Chairman, I ask unanimous consent to insert in the RECORD a petition to the Senate and House of Representatives of the United States from the Headquarters Memorial and Executive Committee of the City of Buffalo, Department of New York, Grand Army of the Republic, in relation to the matter of abolishing the pension agencies in the United States. The petition is in opposition to the action of this House. I desire to add to that that it meets with my most cordial approval.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD for the purpose of inserting the matter indicated. Is there objection? [After a pause.] The Chair hears none.

The petition is as follows:

HEADQUARTERS MEMORIAL AND EXECUTIVE COMMITTEE,
DEPARTMENT OF NEW YORK, GRAND ARMY OF THE REPUBLIC,
Buffalo, N. Y., March 7, 1908.

To the honorable Senate and House of Representatives:

The above-named committee, composed of delegates representing all the Grand Army posts of said city, Encampment No. 97, Union Veteran Legion, E. L. Hayward and Chaplain P. G. Cook Camp Sons of Veterans, General D. S. Stanley Garrison Army and Navy Union, and Budd Naval Veteran Association, earnestly protest against the passage of the bill to abolish all the pension agencies except the one at Washington, for the alleged purpose of economy or business reasons.

The pension agency system was established for the convenience of the pensioners, and in our judgment great inconvenience, annoyance, and delay will result to the pensioners if this proposition should become a law. We have no hesitation in saying that the pension agency system is entirely satisfactory to the pensioners. It is our firm conviction that such proposed legislation will inflict great hardship upon our comrades, their widows, and other dependents, because of delays in receiving their checks promptly and for other reasons. "Not a day passes that some inquiry is not made at the agencies, some lost paper asked for or to be replaced, some error sought to be corrected, or a request for a new voucher." These letters and requests receive prompt attention. It is safe to say that there are received at the eighteen agencies at least 25,000 defective vouchers each quarter to be returned for correction, making 100,000 for the year. There would certainly be a long delay in these cases and many of our comrades would be "camping on the other side before they could get their checks in hand." The present method of payment of pensions is the result of many years' experience and study, with a view of considering the convenience of the pensioners, at the same time conserving the interests of the Government; that familiarity with the present agency system results in the prompt payment of pensioners, to the mutual satisfaction of pensioners and the Government. The matter of economy, however, is of trifling importance compared with the inconveniences and annoyances our pensioners would be submitted to by the removal of all the agencies to Washington.

When the present agency system was established there were only 232,000 pensioners on the rolls; disbursements only $30,000,000. Now there are nearly a million pensioners on the rolls and the disbursements the next fiscal year will be over $160,000,000.

The welfare of these wards of the nation requires the present agency system more than ever before, and the fact that those interested in retaining the present force in the Pension Bureau at Washington on the false plea of economy are willing to sacrifice the convenience of the pensioners to gain their end, ought to be potent in defeating the scheme.

Even if business methods and economy are desired instead of patriotism and appreciation of the veterans, let them reduce their force in the Pension Bureau by abolishing their high-salaried clerkships, and keep their low-salaried clerkships in the pension agencies to do the work.

Very respectfully, yours,

HENRY J. MESSING, *President.*

JOHN J. GRAVES, *Secretary.*

We are in hearty accord with the above statement.

H. J. Swift, Department Commander, G. A. R., Buffalo, N. Y.; C. D. R. Stowits, Inspector-General, G. A. R., Buffalo, N. Y.; Daniel E. Sickles, Major-General, U. S. A., retired, Past Department Commander, G. A. R., New York City; John A. Reynolds, late Brigadier-General, U. S. A., Past Department Commander, Canandaigua, N. Y.; N. Martin Curtis, late Brigadier-General, U. S. A., Past Department Commander, G. A. R., Ogdensburg, N. Y.; Charles H. Freeman, Past Department Commander, G. A. R., Corning, N. Y.; Joseph W. Kay, Past Department Commander, G. A. R., Brooklyn, N. Y.; Allan C. Bakewell, Past Department Commander, G. A. R., New York City; D. S. Alexander, Past Department Commander of the Potomac, G. A. R., Buffalo, N. Y.; J. S. Koster, Past Department Commander, G. A. R., Port Leyden, N. Y.; James Owens, National Council of Administration, Senator Twenty-first District, New York City; W. S. Bull, A. A. G., G. A. R., Buffalo, N. Y.; Alfred Lyth, Past Senior Vice-Commander in Chief, G. A. R., Buffalo, N. Y.; James Tanner, Past Commander in Chief, G. A. R., and Past Department Commander, G. A. R., Washington, D. C.; James S. Fraser, Past Department Commander, G. A. R., New York City; Harrison Clark, Past Department Commander, G. A. R., Albany, N. Y.; James S. Graham, Past Department Commander, G. A. R., Rochester, N. Y.; N. P. Pond, Past Department Commander, G. A. R., Rochester, N. Y.; John S. Maxwell, Past Department Commander, G. A. R., Amsterdam, N. Y.; J. M. Snyder, Past Department Commander, G. A. R., Troy, N. Y.

Mr. STANLEY. Mr. Chairman, after the death of Washington two intellectual giants, hostile and implacable, towered above the cradle of the infant Republic. They have fixed the attention of succeeding generations, and after the lapse of a century loom before us mountainlike. Reposing on each lofty peak is a temple, the object of the admiration of its votaries and the anathema of its foes. They are the Ebal and Gerizim of all history. One was called Alexander Hamilton and the other Thomas Jefferson—each the antithesis of the other and each in himself a startling paradox. I shall endeavor to give an authentic account of the character of the one and the services of the other.

Jefferson, to the manor born, lapped in luxury, wealth, and ease; cultured, refined, sensitive, tracing his proud lineage back through centuries of heroic and heralded ancestry, became the great apostle of the people and the savior of the oppressed.

Hamilton, at the beginning of the Revolution, appears in New York, a stranger—an obscure West Indian, his past wrapped in mystery, yea in shadow—and he becomes the champion of caste, the defender of privilege; forgetting his humble origin, he disdains the ladder by which he rose, and lives and dies with a sovereign contempt for his kind. Strange man, strange paradox!

Hamilton was in a way the result of his early West Indian environment. No amount of genius or learning ever eradicates the indelible stamp of our age and nationality. No man can escape it. Aristotle was a Greek in the same sense that the humblest citizen of Athens was a Greek. Cæsar was as essentially a Roman as the poorest legionary who followed him. Hamilton at the beginning of the hostilities was not a citizen of the United States. He was an alien; for that reason no character in the history of the world is as little understood. He was an enigma to his contemporaries; a thing apart, solitary and alone; he is as little understood now. It was a moral and mental impossibility that Hamilton should commend the form of government that was being framed or comprehend the character of the people who constituted it.

The Constitution is not the pure product either of Jefferson's or Madison's or Hamilton's thought. It is not framed as an architect designs a building. It is not the creature of some man's dreams; the genius of the great and constructive statesman is not employed in the invention of some new form of government, or the designing of an original fabric, which the people are induced to accept. He finds conditions, he adapts the best possible government to those conditions, which he can neither change nor alter.

The conditions that faced Jefferson and Hamilton and Madison were not of their making. They were of God's eternal ordination. Two motives, two purposes, filled the hearts of all the colonists alike. One was the formation of a more perfect Union which should protect them from all the world on the one hand and the eternal preservation of the autonomy of the States on the other. This double purpose filled the hearts of Adams and of Jefferson alike. Adams was a citizen of Massachusetts, with all the prejudices of his Puritan forebears. Jefferson was a citizen of Virginia, with all the prejudices of his cavalier ancestry. They met, each the citizen of a separate State. Massachusetts and Virginia and New York, each having been for a century a separate colony, were brought together, not by any affinity of laws, of customs, or of religion, but by the iron hand of necessity and by the menace of a common danger, and they carried into this confederation all their ancient prejudices. Hamilton alone never understood this, because he could not. He had never been a citizen of this country. To him it was a compact nation. It was impossible that he should enter into those things that were the results not of men's reason, but of men's experience. You to-day, expatriated from your country, may become a citizen of Germany, a loyal and patriotic citizen of Germany, but you can never enter into the prejudices which separate the Hapsburgs from the Hohenzollerns, because neither your interest, your prejudices, nor your pride run back into the period in which those royal houses had their origin. Hamilton had no preference among these various colonies, for the reason that he had never been a citizen of any of them. His dead were not buried here; he dreamed not of the States that were, but of the nation that was to be. He knew nothing of the traditions or the trials of the colonists who had inhabited this continent for a hundred years. Their local pride was to him a narrow provincialism; he could neither comprehend nor tolerate the stubborn contention of the colonies for the eternal preservation of an inviolate autonomy.

For that reason he was a puzzle to his contemporaries. Start with the strange, brilliant youth, the mysterious and commanding boy who appears suddenly and unheralded to thrill and dominate the amazed multitude assembled upon the commons.

The insignificance of that little volcanic knoll upon which Hamilton was born saved it from the notice or the oppression of Great Britain. The tiny island of Nevis, with its 20 square miles and its 10,000 inhabitants, never dreamed of rebellion to the mother country. Had it been oppressed, resistance was too impossible for serious consideration.

Hamilton admits that upon his arrival in this country he was every inch a loyalist, reared among a people ardently attached to the English Government; his highest ideals of human happiness and liberty were formed from the study of the common law and the history of the feudal system; for that reason he lived and died a monarchist pure and simple.

Mature and precocious far beyond his years, he arrived in New York, in a city wild with excitement, eagerly panting for freedom. Ten years of tyranny had killed every emotion of loyalty to the mother country or reverence for an imbecile king.

He became convinced not that the British Government was a bad government, but that it had treated the colonies badly, that it had denied to them the liberties and privileges it had conferred upon the citizens of England, and the inhabitants of Nevis, and that for that reason they had a perfect right to rebel, and to establish for themselves a government of their own. When the time came to determine the form of that government Hamilton would have established a limited monarchy disguised under the form of a republic. Jefferson would have none of it. The clash was sharp and decisive between them; hostility, endless, implacable, was inevitable, because their differences were inherent, organic; they went to the very foundation of the system and permeated every fiber of the fabric which was then in process of construction, by the framers of the Constitution.

As I have said, Hamilton's highest conception of human rights were derived from a study of the feudal system and the common law. From these premises monarchy was the inevitable and irresistible conclusion. Hamilton believed—

That all power and all property originally reposed in a feudal king and his mailed marauders. Like every cultured Englishman on earth, outside of the colonies, he believed that every privilege, the most sacred and inalienable rights, were conferred; that the inestimable blessings of liberty, all come trickling down from the filthy steps of a throne upon the people below, and that the measure of freedom increased as the government in its wisdom enlarged the sphere of the citizen's freedom, or as he in his strength or cunning could command it.

The story of the slow and painful passage from an absolute to a limited monarchy is the history of a thousand years of stubborn, patient, insidious encroachment upon royal prerogative. The most sacred and inalienable rights of the Englishman are not inherent. He traces them to a royal grant. He holds them secure, it is true, but, like his lands, they are secured by musty title papers or by a stubborn adverse possession, and are traced to the Crown.

The hardy English yeomanry watched with sleepless vigilance the weakness, the folly, and the necessities of their kings, and by slow and painful degrees they usurped first the prerogatives of the barons, and, rising above the ruins of decayed and shattered feudalism, they forced concession after concession from the cupidity or the cowardice of kings. The measure of the Englishman's liberties have been grandly and nobly extended till to-day Edward the Seventh has not a modicum of the real power possessed by Theodore Roosevelt. Hamilton had studied the source and watched the growth of liberty in the mother country, and he would have established a strong central national government in the western world, and have conferred upon the citizen a constantly increasing measure of freedom as he in turn displayed his capacity to use without abusing it. Men were to derive their liberties, as they became entitled to them, from the government.

Between this philosophy and this philosopher and Thomas Jefferson there was an infinite chasm, an impassable gulf. "All men are *created free and equal* and have an equal right to life, liberty, and the pursuit of happiness," thundered the father of Democracy in that immortal declaration. Life, liberty, happiness, were not conferred by the State, they were sacred from it, they were not ours by the grace of a king, but the gift of God, inherent, inalienable, no government could confer, since it never possessed them.

The Sage of Monticello, with the audacity of genius, turned his back upon all the precedents and finespun fallacies of four thousand years of civilization. He took a man, a simple citizen, endowed him with inherent and inalienable rights, clothed him with all power and authority, crowned him with a ballot, and the trembling monarchs of the world cowered before the towering creation of this mighty American.

Independence—

Declared Jefferson—

can be trusted nowhere but in the people in the mass. They are inherently independent of all but the moral law.

I know of no safe depository of the ultimate powers of society but in the people themselves.

And again:

A bill of rights is what the people are entitled to against every government on earth.

An organized society was formed by having this citizen confer certain authority upon officers of the law, his servants, not his masters, commissioned for a fixed time, to discharge specific duties, necessary to protect and secure him in possession of property and the enjoyment of life and liberty. The total of the authority thus conferred became the Commonwealth, when these Commonwealths, for the sake of mutual protection, "formed a more perfect union," the aggregate of the powers expressly delegated by the States, formed the Federal Government. But the fountain, the source, of all authority was the citizen. This was the cardinal principle of Jefferson's philosophy; the sovereignty of the States was but a corollary; the largest measure of individual liberty, not State rights, was the "sumnum bonum" of his whole system of government. The individual was surrounded by the precinct, or township, the county, the State, the nation, like so many concentric circles, and each in proportion of its nearness to the citizen was invested with the greatest possible jurisdiction. Each served a double purpose. It prevented the encroachment of one citizen upon the rights of another, and presented between all and the ambition of a tyrant a series of stubborn barriers, each of which must be demolished before the liberties of a people could be engulfed in a compact Federal despotism.

This plan, original and sublime in its severe simplicity, crystallized into law, became the priceless legacy of succeeding generations, "the sheet anchor of our liberties," the Constitution of the United States.

Hamilton regarded the whole system with suspicion, and at last abandoned it in utter disgust. He tells us as much himself. On February 27, 1802, he writes his old friend, Gouverneur Morris:

Mine is an odd destiny. Perhaps no man in the United States has sacrificed or done more for the present Constitution than myself; and contrary to all my anticipations of its fate, as you know, from the very beginning. I am still laboring to prop this frail and worthless fabric. Yet I have the murmurs of my friends no less than the curses of my foes for my reward. What can I do better than withdraw from the scene? Every day proves to me more and more that this American world was not made for me.

Sad, soured, solitary man, still an alien to the hour of tragic death; still turning to the old objects of his early idolatry—royalty, caste, vested privilege—the putrid political "flesh pots of Egypt."

Says Thomas Jefferson:

I invited these gentlemen (Hamilton and John Adams) and the Attorney-General, as I remember, to dine with me. * * * Conversation began on other matters, and by some circumstance was led to the British constitution, on which Adams observed: "Purge that constitution of its corruption and give to its popular branch equality of representation and it would be the most perfect constitution ever devised by the wit of man." Hamilton paused and said: "Purge it of its corruption and give to its popular branch equality of representation and it would become an impracticable government. As it stands at present, with all its supposed defects, it is the most perfect government which ever existed." * * * The one (Adams) was for two hereditary branches and an honest election; the other (Hamilton) for an hereditary King with a House of Lords and Commons corrupted to his will and standing between him and the people.

Hamilton was indeed a singular character. Of acute understanding, disinterested, honest, and honorable in all private transactions, amiable in society, and duly valuing virtue in private life, yet so bewitched and perverted by British example.

Hamilton went into the constitutional convention with these ideas in his head, and with a rough draft of a constitution in his pocket, which would infallibly have carried them into fatal effect had they been accepted even in part by his colleagues. It provided for a governor or president to be elected by the people and to serve during good behavior. Trajan and Tiberius were elected in the same way and subject to the same conditions.

A senate and assembly, the assembly to be elected by the people, senators to be chosen by electors or by the State legislatures, and to hold office during good behavior.

The governor to have an absolute veto, and then, in order that he might completely and absolutely demolish the last vestige of local self-government, or the very existence of such a thing as State governments, this sinister instrument provided:

All laws of the particular States contrary to the Constitution or laws of the United States to be utterly void. And the better to prevent such laws being passed, the governor or president of each State

shall be appointed by the General Government, and shall have a *negative* upon the laws about to be passed by the State of which he is governor or president.

No State is to have any forces, land or naval, and the *militia* of all the States to be under the sole and *exclusive direction* of the United States, *the officers* of which are to be appointed and commissioned by them.

This was not a constitution, it was a snare.

"The Republican Government of France," says Jefferson, "was lost without a struggle because the party of *un et indivisible* had prevailed; no provincial organization existed to which the people might rally under authority of the laws, the seats of the directory were virtually vacant, and a small force sufficed to turn the legislatures out of their chambers, and to salute its leader as chief of the nation."

Such a constitution would have delighted the heart of the subtle, wily Octavianus.

"The system of Imperial government as instituted by Augustus," says Gibbon, "may be defined as an absolute monarchy disguised under the form of a Commonwealth."

Hamilton caught the trick from the crafty tyrants of antiquity.

"The masters of the Roman world surrounded their throne with darkness, concealed their irresistible strength, and humbly professed themselves the accountable ministers of the Senate, whose supreme decrees they dictated and obeyed."

There is a persistent effort to hold up the principal author of the "Federalist," as the father of the Constitution. No statement was ever more absolutely unwarranted or utterly untrue. The Federalist was not written until 1788, after the Constitution was framed and practically complete. I would not detract from the just fame of that, the greatest state paper of its kind. For terseness, lucidity and force, for transparent and invincible logic, for attractiveness of style, and for wealth of research, it has no peer or parallel. But the Federalist was never written, nor does it purport to prove that the Constitution is either the embodiment of a perfect or an ideal form of government. It performed its purpose, it met and completely answered the objections, then urged to various features and clauses of that instrument.

Hamilton believed that it was better to have the various colonies bound in a union under the Constitution than to be held as they then were under a loose confederation, or to remain separate, distinct, and dissevered sovereignties. He accepted the proposed form of government as the lesser of two evils. And he gave to this effort to bind them by what he regarded as "a frail and worthless fabric" all the force and energy of his splendid and forceful eloquence, and that lucid and inexorable logic so unrivaled in his day.

I am amazed at this renaissance of Hamilton, because Hamilton was no more a Republican than he was a Democrat. He was an autocrat, he was an aristocrat, but he had as little sympathy with Republicanism as with Democracy. He knew nothing of the vices of Republicanism—as God knows he would not be expected to—and less of its virtue.

Were he alive to-day the first man he would denounce would be his biographer and eulogist—Henry Cabot Lodge. In the sixtieth number of the Federalist Hamilton writes:

> We have seen that an incontrollable power over the elections for the Federal Government could not without hazard be committed to the State legislature. Let us now see what would be the danger on the other side—that is, from confiding the ultimate right of regulating its own elections to the Union itself. It is not pretended that this right would ever be used for the exclusion of any State from its share in the representation. * * *

Again—

> Suppose an article had been introduced into the Constitution empowering the United States to regulate the elections of the particular States; would any man hesitate to condemn it, both as an unwarranted transposition of power and as a premeditated engine for the destruction of the State governments? The violation of principle in this case would have required no comment.

The man who wrote that had too much mental integrity to hold in aught save detestation and abhorrence the political dogmas of the author of the force bill.

It is true that in his famous "Report on Manufacturers" Hamilton advanced about all the arguments in favor of a protective tariff that have been heard since, but the poor man never dreamed that the general principles announced by him would be perverted into a cloak for privileged plunder. Hamilton's schedules would have been tiny things compared with the duties of to-day, no more like the schedules of Dingley, no more resemblance than there is between the living skeleton and the fat woman in a side show. Says Hamilton:

> The continuance of bounties on manufactures long established must always be of questionable policy, because a presumption would arise in every such case that there were natural and inherent impediments to success.

Imagine the Secretary of the Treasury, in secret conclave with the heads of the steel trust, the leather trust, the paper trust, the pet and favored manufacturers of woolen and cotton goods. Fancy him, just before an election, about "fat-frying" and "touching" time, dropping an incongruvial remark like this, anent:

> Prohibitions of rival articles or duties equivalent to prohibitions. This—

Says Hamilton—

> is another efficacious means of encouraging national manufactures; but, in general, it is only fit to be employed when the manufacturer has made such progress and is in so many hands as to insure a due competition and an adequate supply on reasonable terms.

Hamilton has many sins to answer for, it is true, but he was bold and progressive; he never sat still, never "stood pat." It was a moral and mental impossibility for that lucid and splendid intellect to have been clouded or deluded by the fallacies of this later day so-called "protection," or for the author of the Federalist to have been a "stand-patter."

I was amazed at the gentleman from Pennsylvania [Mr. DALZELL] in his eulogy on Hamilton. Why, there is nothing to me in all this world as absolutely ridiculous and absurd as this effort of the Republican party to claim that it is the posthumous child of a putative father who died fifty years before it was born. [Laughter on the Democratic side.]

The Republican party at the close of the war, and until the close of the war, was not a party; it was a propaganda, and when the purposes of that propaganda were accomplished you were absolutely without issues or ancestors. You only had office and an appetite. [Laughter on the Democratic side.] And you proceeded to construct a platform and to hunt for respectable forefathers.

The "nouveau riche," after they obtain power and position, hunt for ancestors, and you went bogying about among the débris of dead Federalism and shattered Whiggery to find them, and you stumbled on the black side of Alexander Hamilton and accepted him as the patron saint of the Republican party. [Laughter and applause on the Democratic side.]

Here my friend from Pennsylvania makes this statement:

> He certainly is a bold man who, in the face of history, contends to-day that the permanent policies which have entered into the statutes and character of our nation are not the policies dictated by Hamilton and his followers.

Here my temerity may argue more than my judgment, but I deny it. There never was a deduction more absolutely unfounded hurled defiantly into the teeth of history.

What were the policies of Alexander Hamilton?

He would have had a President for life—he is elected every four years.

He would have Senators during good behavior—they serve a fixed and definite term of six years.

He would have the Executive armed with an absolute veto—you can by two-thirds majority annul that veto.

He would have muzzled free speech—Jefferson opened the deliberations of this House to the naked view and candid criticism of a free and untrammeled press.

He defended the alien and sedition laws—they are repealed.

He founded a national bank—it is demolished.

All his cherished and vaunted schemes are "gone glimmering in the dream of things that were," exploded fallacies they litter the débris of history.

I challenge the gentleman from Pennsylvania to give me one single solitary policy of Hamilton which was ever crystallized into law that lived. His policies are gone, his followers are dead. [Laughter on the Democratic side.] There are only left his apologists and his eulogists.

Says the gentleman from Pennsylvania, his interpretation of the Constitution made him immortal. "Yes," said Hamilton, "though it be not written in terms, if it be useful, proper, and necessary in the enjoyment of the powers expressly granted, it is impliedly written in the Constitution."

Hamilton was not the author of that theory. Roosevelt was the author of that theory, and I can prove it. Not Theodore Roosevelt but another Roosevelt. Said Thomas Jefferson, in a letter written in 1800 to Livingston:

> We are here engaged in improving our Constitution by construction, so as to make it what the majority thinks it should have been. The Senate received yesterday a bill from the Representatives incorporating a company for Roosevelt's copper mines in Jersey. This is under the *sweeping clause* of the Constitution, and supported by the following pedigree of necessities. Congress are authorized to defend the country; ships are necessary for that defense; copper is necessary for ships; mines are necessary to produce copper; companies are necessary to work mines; and "this is the house that Jack built."

[Laughter and applause on the Democratic side.]

You do not need to trace this Roosevelt. The lineal descendant of that Roosevelt occupies a broader sphere and a loftier place, and still shows the same profound knowledge of the law and the same respect for the Constitution. [Laughter and applause on the Democratic side.]

I am at a loss to understand this persistent and pernicious laudation not of those who established but those who construe the Constitution. Construction is but another name for interpretation. The best construction of an instrument is the most just and lucid statement of its meaning. It is a libel upon the immortal names affixed to this sacred ægis of our liberties to assert that it is so unintelligible that he who can decipher deserves greater glory than they who wrote it.

This vaunted capacity for a liberal interpretation of the Constitution was with Hamilton a means to an end. He felt for the form of government it embodied and should perpetuate a profound and ever increasing distrust and often expressed for it an undisguised contempt. He exhausted his morbid ingenuity in an unceasing effort to read *into* it those very policies which when presented in their naked hideousness the framers of the Constitution refused to accept or consider.

His measures in the concrete, his ideas of tenure of office, a central bank, a restricted and privileged electorate, of pomp and ceremonial, of a virtual censorship of the press, no man on either side of this Chamber would for a moment reestablish or indorse. Yet his untiring effort to stretch and distort and construe the organic law until on its dismembered form he might erect a throne that you would immortalize.

I exceedingly regret to see both in this Chamber and out of it a sort of literary conspiracy to further glorify Hamilton by a studied detraction of his great adversary and contemporary, Thomas Jefferson.

In discussing the Louisiana purchase, the gentleman from Pennsylvania [Mr. DALZELL] says:

> Mr. Jefferson never dreamed of acquiring any of the territory west of the Mississippi save only the post of New Orleans. And he never dreamed even of that until the Western settlers, deprived of treaty rights of deposit at New Orleans, drove him to it. It was to acquire New Orleans only that he sent Monroe to France. Both he and his Secretary of State, Mr. Madison, saw nothing but danger in any acquisition of territory west of the Mississippi. To the French minister in Washington they explained that the United States had no interest in extending its population to the west bank, "since such extension would tend to weaken the State and to slacken the concentration of its forces." "In spite of affinities in manner and language," said his Secretary of State, "no colony beyond the river could exist under the same government, but would infallibly give birth to a separate State, having in its bosom germs of collision with the East, the easier to develop in proportion to the very affinity between the two empires."
>
> Mr. WILLIAMS. Mr. Chairman, may I ask the gentleman from what he is quoting now?
>
> Mr. DALZELL. I am quoting from the writings of Jefferson.
>
> But Robert Livingston, our minister to France, availed himself of his opportunity and of Napoleon's necessity and made the purchase of the great territory now constituting so many glorious States of the Union. The purchase took Jefferson by surprise. At first he thought he would cede a part of it to the Indians in exchange for their holdings on the east side of the Mississippi and "shut up all the rest from settlement for a long time to come." Then he raised the question of a constitutional amendment. "I suppose Congress must appeal to the nation for an additional article to the Constitution approving and confirming an act which the nation had not previously authorized," he wrote Senator Breckenridge, of Kentucky. "The Constitution has made no provision for our holding foreign territory, still less for incorporating foreign nations into our Union. The Executive in seizing the fugitive occurrence"—mark the term, the "fugitive occurrence"—"which so much advances the good of their country, have done an act beyond the Constitution."
>
> When these views reached Livingston in France, he immediately gave Jefferson to understand that if the business were to be done over again, it never would be done. And thereupon Jefferson took alarm and immediately sent off another letter to Senator Breckenridge, in which he said:
>
> "I wrote you on the 12th instant on the subject of Louisiana and the constitutional provision which might be necessary for it. A letter just received yesterday shows that nothing must be said on that subject which may give a pretext for retreating, but that we should do sub silentio what shall be found necessary. Be so good, therefore, as to consider that part of my letter confidential."

A greater number of erroneous conclusions were never condensed into similar space. Take the statement—

> Mr. Jefferson never dreamed of acquiring any of the territory west of the Mississippi save only the post at New Orleans, and he never dreamed even of that until the western settlers deprived of treaty rights of deposit at New Orleans drove him to it.

Mr. Jefferson was not driven to negotiate for the post at New Orleans by the demand of Western settlers or by the denial of treaty rights of deposit at New Orleans, for the simple reason that he appointed Mr. Livingston minister to France and instructed him at length as to the nature of the remonstrance he should make against the holding of Louisiana by the French *before* any denial of treaty rights had occurred or was contemplated either by Jefferson or Livingston.

On March 29, 1801, Rufus King, then minister at London, wrote to Mr. Madison, Secretary of State:

> The cession of Tuscany to the infant Duke of Parma, by the treaty between France and Austria forms a more compact and valuable compensation to this branch of the House of Spain than was formerly thought of, and adds very great credit to the opinion which at this time prevails both in Paris and London, that Spain has in return actually ceded Louisiana and Florida to France.

On September 28, 1801, Mr. Madison wrote to Robert R. Livingston:

> From different sources information has been received that by some transaction concluded or contemplated between France and Spain the mouth of the Mississippi, with certain portions of adjacent territory, is to pass from the hands of the latter to the former nation. Such a change of our neighbors is of too momentous a concern not to have engaged the most serious attention of the Executive.

As early as 1797, one year before the three years' guaranty of the right of deposit at New Orleans, as fixed by the treaty of 1795, had expired, Jefferson wrote to James Monroe:

> The exchange, which is to give us new neighbors in Louisiana—probably the present French armies when disbanded—has opened us to combinations of enemies on that side where we are most vulnerable.

In all this correspondence there is not one line or syllable about rights of deposit at New Orleans, for the simple reason that no such rights had at that time been denied. On February 18, 1803, two years after Livingston had been sent as minister to France, and nearly two years after he had repeatedly remonstrated in the strongest terms against the holding of New Orleans or Louisiana by the French, and after the most persistent effort to secure not only the post at New Orleans, "but Florida and territory north of the Arkansas River," he writes Mr. Madison as follows:

> I have proposed to them the relinquishment of New Orleans and West Florida, as far as the river Perdido, together with all the territory lying north of the Arkansas.

Why he should make such a proposition, if the only purpose of Jefferson was to get the right of deposit at the port of New Orleans, is inexplicable.

In this same letter he writes:

> I have accordingly put in his hands [Bonaparte's] some notes containing plain truth, etc.

One of these notes read as follows:

> On the twentieth of October (1802)[a] the governor of New Orleans issued a proclamation, in which, speaking of the Americans, he says they will not in future be permitted to make a deposit of their cargo in New Orleans, in conformity to the twenty-second article of their treaty, *which has expired.*

On September 28, 1801, Mr. Livingston was advised by the Department of State to secure New Orleans and the Floridas. So far from being driven to it by a violation of treaty rights of deposit, he had never even heard of any such violation until January 10, 1803. On that date he writes to the French Minister of Exterior Relations:

> I have just learned through a channel which, though not official, is such that it leaves one no doubt of its authenticity, that the governor of New Orleans has denied citizens of New Orleans a right of deposit there, etc.

On November 27, 1802, Mr. Madison wrote to Charles Pinckney, minister to Spain:

> A letter from a confidential citizen at New Orleans has just informed us that the intendant at that place by a proclamation, from which an extract is also inclosed, had prohibited the deposit of American effects, stipulated by treaty of 1795.

On April 18, 1802, Thomas Jefferson wrote to Mr. Livingston:

> If France considers Louisiana, however, as indispensable to her views, she might, however, be willing to look about for arrangements which might reconcile it to our interests; if anything should do this it would be the ceding to us the island of New Orleans and the Floridas.

How Jefferson could have been driven to make this demand by the violation of a treaty, six months before the treaty was violated and eleven months before he had any intimation of its violation is, to say the least, a most extraordinary occurrence.

Nor can I concur in the statement that—

> Jefferson never dreamed of acquiring any of the territory west of the Mississippi save only the post at New Orleans.

In a letter to Mr. Livingston, of date April 18, 1802, Jefferson writes:

> She [France] may say she needs Louisiana for the supply of her West Indies. She does not need it in time of peace. And in war she could not depend on them because they would be too easily intercepted. I should suppose that all these considerations could in some proper form be brought into the view of the Government of France.

Why bring all these things to the view of the Government of France if he only desired the continuance of a treaty right of

[a] The exact date of this proclamation was October 16, 1802.

deposit at the post of New Orleans, or if Jefferson never dreamed of acquiring any of the territory west of the Mississippi? Jefferson and everybody else at that time believed France would never cede the whole of Louisiana. It is plain that it was the fear that he might not be able to secure this valuable domain, and not that he neither dreamed of acquiring, nor that he did not desire it, that actuated him. This is manifest from the sentence which I have just quoted:

If France considers Louisiana, however, as indispensable for her views, she might, however, be willing to look about for arrangements which might reconcile it to our interests, etc.

As to the assertion that Mr. Madison saw nothing but danger in the acquisition of territory west of the Mississippi, and the argument that he opposed the acquisition of such territory, Mr. Madison fortunately has spoken for himself.

On July 29, 1803, Mr. Madison wrote Messrs. Livingston and Monroe:

The crisis relied upon has derived peculiar force from the rapidity with which the complaints and questions between France and Great Britain ripened toward a rupture; and it is just ground for mutual and general felicitation that it has issued under your zealous exertions in the extensive acquisition beyond the Mississippi.

Here we have the strange and startling spectacle of the Secretary of State's finding—

"just ground for mutual and general felicitation"

upon

the acquisition of territory beyond the Mississippi, although at the same time "Mr. Madison *saw nothing but danger in the acquisition of territory west of the Mississippi.*"

Says the gentleman from Pennsylvania:

The purchase took Jefferson by surprise.

It did. It took Monroe and Livingston by surprise. It took Spain by surprise. It took France by surprise. It took Napoleon's own family by surprise. If there is any one thing—yes, there is only one thing—which above all else characterized the Great Conqueror, with whom Livingston and Monroe were dealing, it was that he always, in peace and war, in negotiation and in battle, took the other fellow by surprise. It was the secret of his success. "He was wrapped in the solitude of his own originality." He took the directory by surprise when he scattered the mob in the streets of Paris with grape and cannister. He took Italy by surprise when he "mingled the eagles of France with the eagles of the crags," and conquered the Alps before his approach was suspected in the plains below. He took Russia by surprise at Austerlitz; Austria at Wagram and at Marengo. He kept all Europe in a continual state of surprise for twenty years. He violated every tradition, every rule of statecraft and tactics, but he conquered half the world and wrote the Code Napoleon.

And why should he not have taken Jefferson by surprise, by the sudden and unheralded announcement that he had thrown an empire on the market with a ninety-day option and fifty million francs the purchase price? It was Napoleonic; that was all. Jefferson's greatness rests, not upon the fact that he was not surprised, but he is the only man born of woman whom the daring Corsican ever surprised and then let his astonished antagonist get the best of the bargain. Jefferson, notwithstanding his surprise, rose grandly to the occasion, and by his daring and superb diplomacy found in "the fugitive occurrence" a future empire. In a letter to Doctor Priestley, Jefferson frankly admits his surprise. He says:

I did not expect that he would yield until a war took place between France and England, and my hope was to palliate and endure, etc. I believed the event not very distant, but acknowledge it came sooner than I expected.

Napoleon sold Louisiana as he would have sold a horse or a cannon; he consulted nobody. Jefferson and Livingston soon realized that they had the First Consul to deal with and the First Consul alone. On September 1, 1802, Livingston wrote Mr. Madison:

There never was a government in which less could be done by negotiation than here. There is no people, no legislature, no counselors. One man is everything. He seldom asks advice, and never receives it unasked. His ministers are mere clerks, and his legislature and counselors parade officers.

Livingston was as much surprised as Jefferson, when, like a flash of lightning out of a clear sky, Bonaparte abruptly asked: "What will your country pay for an empire greater in extent than the whole area of the United States?"

Says Mr. Hosmer in his History of the Louisiana Purchase:

On the 11th of April, Talleyrand startled the envoy (Livingston) by the inquiry whether the United States would buy the whole of Louisiana and what price it would be willing to pay.

Mr. Livingston's reply betrays his surprise:

I told him (Talleyrand) I should receive with pleasure any communication from him, but that we were not disposed to trifle; that the times were critical.

Is it any wonder this declaration of Talleyrand "took Jefferson by surprise?"

The acquisition of Louisiana was one of the most cherished plans of the First Consul.

To his brother, Lucien, who concluded the treaty by which Louisiana was ceded to France, Napoleon said:

Above all don't let Louisiana go; hold fast to that.

Said Messrs. Livingston and Monroe in a letter to Mr. Madison:

Louisiana was acquired of Spain by France, in exchange for Tuscany, which latter is settled by treaty on the son-in-law of the King of Spain, with the title of King of Etruria, and was estimated in the exchange in consideration of its revenue at one hundred million francs. The First Consul thought he had made an advantageous bargain in that exchange, as appears by the high idea he entertained of its value, as shown on many occasions. Louisiana was the territory which he promised, in his proclamation at the peace, as an asylum to those who had become unfortunate by the Revolution, and which he spoke of as vast and fertile.

Again Livingston writes:

They are made to believe that this is one of the most fertile and important countries in the world, * * * It is a darling object with the First Consul, who sees in it a means to gratify his friends and to dispose of his enemies.

In addition to all this Napoleon repeatedly said he would never sell Louisiana.

On March 11, 1803, Livingston writes the Secretary of State:

I told you that Talleyrand assured me no sale would be heard of. You will find a passage in the note which was doubtless intended to convey that idea in very strong terms.

The next day he writes:

With respect to a negotiation for Louisiana, I think nothing will be effected here.

On April 11, Livingston again wrote Madison:

I had reason to believe that he (Bonaparte) began to waver; but we had nothing to offer but money and commercial advantages; of the latter, I did not think myself entitled to be liberal; and of the first, I found in them a certain degree of reluctance to treat, as derogatory to the dignity of the Government.

Again says Livingston:

Among the most fortunate projects of the First Consul was the colonization of Louisiana. He saw in it a new Egypt; he saw in it a colony that was to counterbalance the eastern establishment of Britain; he saw in it an asylum for his generals; and, what is more important in the then state of things, he saw in it a pretense for the ostracism of suspected enemies. To render the acquisition still more acceptable to the people, exaggerated accounts of its fertility, etc., were sold in every printshop. My first endeavor was to remove these impressions from the minds of the people most likely to be consulted, in which I was generally speaking very successful. But they all told me that it was a favorite project with the First Consul; nor would any of them hear of disposing of it by sale.

After reading this character of reports from his foreign minister for two years, Jefferson hears that Napoleon has suddenly thrown this vast empire on the world's bargain counter, proposes to sell the whole of Louisiana for one-half of its estimated cost, and we are to conclude that the great Executive was lacking in foresight and statesmanship, because "The purchase took Jefferson by surprise."

But the gentleman from Pennsylvania [Mr. DALZELL] proceeds:

At first he thought he would cede a part of it to the Indians in exchange for their holdings on the east side of the Mississippi and shut up all the rest from settlement for a long time to come.

Then he raised the question of a constitutional amendment:

"I suppose Congress must appeal to the nation for an additional article to the Constitution approving and confirming an act which the nation had not previously authorized," he wrote Senator Breckenridge, of Kentucky.

What are we to infer from this language? If it means anything, it means that Jefferson was not only surprised, but disappointed, at this purchase, and that he raised objections both to the ceding and to the settlement of this country.

Let us take up this very letter written to Breckenridge of August 12, 1803, and see if any such idea was in the mind of the great Executive. He continues:

The legislature in casting behind them metaphysical subtleties, and risking themselves like faithful servants, must ratify and pay for it, and throw themselves on their country for doing for them unauthorized what we know they would have done for themselves had they been in a position to do it. It is the case of guardian investing the money of his ward in purchasing an important adjacent territory, and saying to him when of age, "I did this for your good; you may disown me, and I must get out of the scrape as I can. I thought it my duty to risk myself for you." But we shall not be disavowed by the nation, and their act of indemnity will confirm and not weaken the Constitution by more strongly working out its lines.

Was Jefferson indeed so determined to barter this domain to Indians,

and shut up all the rest from settlement for a long time to come?

Again I quote this same letter to Mr. Breckenridge, from which he [DALZELL] seems to reach so many conclusions:

Objections are raising to the eastward against the vast extent of our boundaries, and propositions are made to exchange Louisiana, or a part of it, for the Floridas. But, as I have said, we shall get the Floridas, and I would not give up one inch of the waters of the Mississippi to any nation, because I see in a light very important to our peace the exclusive right to its navigation, and the admission of no nation into it but, as into the Potomac and the Delaware, with our consent and under our police.

And now comes a part of this letter which throws a flood of light upon the whole question:

These Federalists see in this acquisition the formation of a new confederacy, embracing all the waters of the Mississippi, on both sides of it, and a separation of its eastern waters from us. These conditions depend on so many circumstances which we can not foresee that I place but little reliance on them. * * *

When I view the Atlantic States procuring for those on the eastern waters of the Mississippi friendly instead of hostile neighbors on the western waters, I do not view it as an Englishman would the procuring of future blessings for the French nation, with whom he has no relation of blood or affection. The future Atlantic and Mississippi States will be our sons. We have them in distinct but bordering establishments. We think we see their happiness in their union, and we wish it. * * *

God bless them both and keep them in union, if it be for their good, but separate them if it be better.

We fail to see anything in this letter which could in any way have disturbed the equanimity of Mr. Livingston. Yet we are told that—

When these views reached Livingston in France he immediately gave Jefferson to understand that if the business were to be done over again it never would be done. And thereupon Jefferson took alarm and immediately sent off another letter to Senator Breckenridge in which he said: "I wrote you on the 12th instant on the subject of Louisiana, and the constitutional provision which might be necessary for it. A letter just received yesterday shows that nothing must be said on that subject which may give a pretext for retreating, but that we should do *sub silentio* what shall be found necessary. Be so good, therefore, as to consider that part of my letter confidential." [Laughter and applause on the Republican side.]

We note the laughter and applause on the Republican side as recorded in the RECORD, and a close examination of the exhibits in the case reveals a very amusing state of affairs.

Here is the letter in which Mr. Livingston uses the very identical words quoted by the gentleman from Pennsylvania [Mr. DALZELL] and the only letter in which such language is used:

[Extract—Mr. Livingston to Mr. Madison.]

PARIS, *July 30, 1803.*

SIR: The House of Baring, etc. * * * Be assured that were the business to be done again it would never be done. They think we have attained an immense advantage over them, etc.

ROBERT R. LIVINGSTON.

Now there is not one line or syllable in this letter about "these views" reaching him. How could they? "These views" were published on August 12 and this letter was written July 30 *preceding*. Now, it is equally impossible that Jefferson at receiving this news "thereupon took alarm and immediately sent off another letter to Senator Breckenridge," for the simple reason that the second, this *sub silentio*, this letter which tickles the risibles of the Republican side of the House, was written on August 18, 1803. How could Jefferson in Washington take alarm at any letter written in Paris *nineteen days before?*

At this time the wizards of the nineteenth century had not yet performed miracles with electricity, steam, and steel. Locomotion by land was by the stage coach and on the sea by sail vessels. We know from this very correspondence just how long it took to cross the Atlantic Ocean. On April 11, 1803, Mr. Livingston wrote Mr. Madison, "Mr. Monroe arrived on the 1st at Havre. I expect him here in two days at furthest from *this date.*" *His passage was twenty-nine days.* This was written on the 11th, so it took Mr. Monroe traveling post haste on this all-important mission forty-two days to cross the ocean and get from Havre to Paris. Yet at the same time Mr. Jefferson was alarmed by a letter which at the time he took this unaccountable "scare" was necessarily somewhere about the middle of the Atlantic Ocean. Was it "these views" reaching Livingston in France that made him write the letter of July 30, or the letter referred to in the letter of August 18, written to Breckenridge? Certainly not. There is no doubt about the letter Jefferson refers to—he identifies it himself, and it is of course not the letter mentioned by the gentleman from Pennsylvania [Mr. DALZELL].

On the same day, August 18, Jefferson writes Mr. Madison:

I inclose you two letters from Robert R. Livingston; that of the 2d of June is just intelligible enough in the undeciphered parts to create anxieties which perhaps the cipher can remove. I infer that the less one says about the constitutional difficulties respecting Louisiana the better, and what is necessary for surmounting them must be done sub silentio.

Now let us see the "two letters," one of date June 2d, to which Jefferson refers, and we can instantly discover to what extent "these views reached Livingston in France."

On June 3d Livingston writes Madison:

My letter to the President and our joint letter will so fully explain this extraordinary business as to make any further observations unnecessary, etc.

What was this extraordinary business?

Here it is:

[Translation.]

M. Marbois, Minister of the Public Treasury, to Messrs. Livingston and Monroe.

Paris 20th Floreal 11th year (9th April, 1803.)

GENTLEMEN: The article of the convention relative to the payment which the United States have to make to France, in three months at most, after the satisfaction of the treaties and after the taking possession of Louisiana in the name of the United States, determines, in a precise manner, the largest terms agreed upon for the consummation of this affair. They are three months after satisfaction and the taking of possession. It is proper to foresee, also, the case in which this business should not be consummated within the interval above expressed, and as they are precise, it is well understood that every extraordinary delay beyond the date fixed places the contracting parties in the same situation as if they had never treated. These consequences of the stipulations agreed upon are just and necessary, etc.

BARBE MARBOIS.

To which the following reply was sent:

Messrs. Livingston and Monroe to M. Marbois, Minister of the Public Treasury.

PARIS, *June 2, 1803.*

SIR: We have received the letter with which you have honored us, dated 20th Floreal. Without entering into the principles it lays down, we are ready to admit, in order to remove, as far as depends on us, all difficulties, that it is the duty of the Government of the United States to carry into effect the provisions of the treaty and conventions, and that any neglect on their part to do so puts it in the power of the Government of France to declare how far it will or it will not be bound thereby, or entitle it to a compensation for the damage it may sustain.

We will observe, sir, that, in making these concessions, we mean to confine ourselves to the letter of the treaty.

With the largest respect, etc.,

ROBERT R. LIVINGSTON.
JAMES MONROE.

Again Livingston writes Madison:

Be persuaded that France is sick of the bargain; that Spain is much dissatisfied, and that the slightest pretense will lose you the treaty. Nothing has raised the reputation of our country in Europe so high as the conduct of our Government on this occasion both at home and abroad.

So it was not—

these views reaching Livingston in France, but the effort of France to evade a bad bargain into which she had been drawn by the exquisite diplomacy—

the conduct of our Government on this occasion both at home and abroad.

In the face of this new complication, and as I shall show further on, on account of the blind implacable opposition of the Federalists to the "conduct of our Government both at home and abroad," which had "raised the reputation of our country in Europe so high."

This opposition and the necessity of ratifying the treaty, if at all, in ninety days, made it expedient to waive a constitutional question, and forced Jefferson and his friends to proceed *sub silentio.*

The gentleman from Pennsylvania then makes this remarkable statement:

The dominant statesmen of that day held, as was subsequently held by the courts, that the United States was a sovereign nation, having and entitled to exercise all the powers of any sovereign nation, the right to make war and peace, the right to acquire territory, and, as a necessary consequence of that right, the right to govern it without limitation save in the discretion of the Congress. That is the law of the land to-day as applied with respect to our new possessions, so that not only was Mr. Jefferson not the author of the Louisiana Purchase in the first instance, but the credit of having that great territory that we have to-day is due to the doctrines laid down by Alexander Hamilton in assertion of the nation's powers under the Constitution. [Applause on the Republican side.]

He is not explicit as to what he means by "the dominant statesmen of that day." If he means they who were responsible for the conduct of the Government, were dominant in the sense that they controlled, why, the Federalists having been routed "horse, foot, and dragoons," they were all Democrats. If he means those whose worth, capacity, patriotism, and disinterested devotion to the common weal rendered them worthy to rule, why the great majority of that class have always been Democrats. I presume he means those Federalists whose political prominence and official position made them dominant in their own party. And it is a fair inference from this statement that these "dominant statesmen" held that no amendment to the organic law was necessary—

that the United States was a sovereign nation, having the right to acquire territory, and, as a necessary consequence of that right, the right to govern it without limitation, save in the discretion of the Congress.

Fortunately these "dominant" Federalists have left an eternal memorial of their words and acts on this occasion. James K. Hosmer, in his history of the Louisiana purchase, is certainly no extravagant admirer of Jefferson. Yet he says:

In dealing with the danger which the approach of France brought to the United States, Jefferson and his party had shown a wiser and humaner spirit than did the opposition. Now in this later stage of the affair when the transfer of Louisiana by France to America had come about, it is the Jeffersonian policy which we from this distance must commend; for the Federalists became turbulent and factious. To this day in old New England families the tradition persists of the rancor with which Jefferson was regarded. There could be no good, so thought the friends of John Adams, in anything his rival had done, and the country would never be safe until they were again out of power. Incorporation of foreign territory was unconstitutional in the extreme and impossible in the extreme. The East might become depopulated through an emigration that might be expected to set out into the purchase. Secession of the trans-Mississippi country might certainly be looked for; there could never be anything in common between the men of the plains and the men of the coast.

Again—

Having stated his points, the Federalist leader (Griswold) dwelt on the impolicy of the treaty. What troubles were certain to arise in dealing with so vast an area, for the most part a wilderness, and, when peopled, having inhabitants so foreign in tongue, manners, and religion. Promptly as possible, on October 19, Gaylord Griswold again stood up in opposition, arguing that the Louisiana treaty was unconstitutional, first, because the treaty-making power does not extend to incorporating foreign soil and foreign people into the United States.

The words "new States may be admitted into the Union" he declared meant new States carved out of the territory belonging to the United States at the time the Union was founded.

But granting for the moment that such incorporations were right it belonged certainly not to Congress, to the President, and Senate.

When the matter came up in the Senate * * * Timothy Pickering of Massachusetts made the extremest statements possible of the rights of the States. He declared that to his mind the treaty was unconstitutional because it stipulated something no power existing could carry out.

The third article read, "The inhabitants of the ceded territory should be incorporated into the Union of the United States." Who was competent to carry that out? Not the President and Senate; not the President and Congress; not an amendment to the Constitution passed by two-thirds vote of both Houses and three-quarters of the States. He believed that the assent of every State was necessary before a foreign country could join the Union. * * * No acquisition of foreign territory was contemplated or provided for, and ought therefore to be regarded as impossible.

The gentleman from Pennsylvania [Mr. DALZELL] has not stated the name of any "dominant statesman," not a Democrat, in either the House or the Senate, at this time who urged that this territory could be annexed by virtue of the implied powers of the Constitution. After diligent search I have failed to find him.

The "dominant statesmen," among the Federalists, then in the House and Senate, were suffering from a chronic attack of Anglomania, were rendered hysterical by the excesses of the French Revolution, and were destined soon to write the ignominious epitaph of their party at the Hartford convention.

The gentleman from Pennsylvania [Mr. DALZELL] would have us believe that Jefferson, in his letter to Senator Breckenridge August 18, raised the question of an amendment to the Constitution and thereafter abandoned it. He asks: "Was there any constitutional amendment ever offered to indorse the Louisiana purchase? Certainly not, no such amendment was sought."

It will be remembered that in the treaty, by which Louisiana was ceded, there was the additional provision that the inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, privileges and advantages, and the immunities of citizens of the United States.

Jefferson never regarded an amendment to the Constitution as necessary to the acquiring of new territory; he thought it wise and expedient in order that he might fix more definitely the exact status of the new States, which were to be carved out of the newly acquired territory.

Nearly a year before the much-discussed Breckenridge correspondence, on January 1, he wrote Gallatin:

You are right in my opinion about Mr. Livingston's position, *there is no difficulty about the acquiring of new territory*, and whether, *when acquired*, it may be taken into the Union by the Constitution, as it now stands, will be a question of expediency. I think it will be safer not to permit the enlargement of the Union, but by an amendment of the Constitution.

Nothing Jefferson ever wrote displayed more fully that marvelous seerlike power which he, and he alone, seemed to possess. He was the oracle in the new temple, erected in so great a measure by his genius. With the admission of the trans-Mississippi States into the Union he had two groups of Commonwealths externally alike, yet occupying a different status and possessing certain powers and privileges emanating from diametrically opposite sources. The original colonies, absolutely separate and independent sovereignties, by the most solemn covenant, with jealous care, divested themselves of certain powers, conferring them upon a central government, and at the same time providing that all powers not *expressly delegated* should be reserved to the States, respectively, and to the people thereof. But the new States never possessed any separate sovereignty, never delegated any powers, never possessed the power to reserve them in the full meaning in which that language was used by the colonies.

The thirteen colonies created the Federal Union and defined and limited its powers. This Government then purchased Louisiana and *conferred* the privileges and immunities of statehood upon the various Commonwealths into which it was subsequently divided.

Necessarily the question of the relation of the State to the Federal Government, its reserved rights, its sovereignty, must have an entirely different aspect as seen from the angle of Virgina and South Carolina, or from Kansas or Missouri. This very question was to raise a cloud upon the horizon of the nation's peace, even before the great author of that purchase went to his final reward.

In the thirty years of heated discussion which followed there is a certain sameness in the arguments and illustrations both on the part of those who maintained and those who denied the sovereignty of the State. It was the difference of opinion which was intuitive, almost necessary, between men attempting to fix the status of the States and regarding union from the genesis of Kansas or of South Carolina. In the light of subsequent events, it was not a lack of foresight or wisdom in Jefferson when he thought it expedient to "bring out more strongly the lines of the Constitution," and in the face of this new situation to establish in advance and unequivocally just what delegated and what inherent powers were vested in the States and the Union, respectively, upon their admission into the new Government.

From Webster, Clay, and Calhoun to Toombs, Douglas, and Lincoln, this vexed question was debated with constantly increasing acrimony, till at last a frenzied nation appealed from the forum of discussion to the field of arms—billions of treasure and 500,000 gallant lives were engulfed in the horrid vortex of that maelstrom.

Who will say that this frightful fratricidal slaughter might not have been averted had it been permitted to the wise and peace-loving Sage of Monticello to guide the councils of men whose minds were then tranquil and open to conviction "in bringing out more fully the lines of the Constitution" and settling this hidden, but inherent and deadly, difference between the original and the acquired States of the Union?

Says the gentleman from Pennsylvania [Mr. DALZELL]:

It was to acquire New Orleans only that he (Jefferson) sent Monroe to France. * * * But Robert Livingston, our minister to France, availed himself of his opportunity and Napoleon's necessity and made the purchase, etc.

To attribute all the glory to Livingston might detract from the personal renown of Jefferson; it could not affect the credit due the Democratic party. Livingston, Jefferson's associate, his friend, and a part of a Democratic administration, shed the luster of his splendid service upon the great party of which, at that time, he was an honored servant.

I do not know of any sense in which Livingston was "our minister," that Monroe was not "our minister," or Jefferson "our Presidnet."

He certainly was neither an imperialist nor a Republican.

Imagine, if you can, Jefferson's immortal foreign minister sent to Paris by McKinley to negotiate the purchase of the Philippines, as he was sent by the Sage of Monticello to wrench Louisiana from the grasp of Napoleon, opening the negotiations in the language if his famous "Notes on Louisiana."

Colonies are never cherished for themselves—

Says Livingston—

but on account of the influence they may have on the general prosperity of the nation. And as one man at home contributes more to this than two at a distance, no wise nation colonizes but when it has a superfluous population, or when it has a superfluous capital that can not otherwise be rendered productive. * * *

It will readily be admitted that transmarine colonies add nothing to the strength of a nation. They are, on the contrary, weak points that are guarded at great expense of men and money, and more particularly when they are placed in warm and unhealthy climates.

Imagine the amazement of the advocates of the Dingley tariff; horror and indignation in the depleted ranks of the "standpatters" when Mr. Livingston again announces to his new associates, who delight, in contradistinction to Jefferson and Monroe, to speak of him as "our minister," hear this old sound Jeffersonian doctrine from that same deathless document—

In San Domingo 20 per cent is paid by articles introduced by foreigners; this is indeed collected from the foreigners, etc. * * * But the money is paid by the planters; for it is always added to the price, and even an interest or profit charged on the duty itself, and a com-

pensation for all the vexations the merchant suffers. What, then, is the effect of this operation but to deduct at least one-quarter from the money which the planter has, with difficulty, drawn from France or elsewhere, and so far to impede the reestablishment of the capital that can alone render the island ultimately productive to France. * * * Nay, I will venture to say, that, unless the ports of San Domingo are thrown open to all the vessels bringing *necessaries*, unless the inhabitants are permitted to buy cheap and to sell dear, by encouraging a competition between buyers and sellers, unless every species of vexation is removed * * * ages will elapse before San Domingo will cease to drain the wealth and strength of France without offering an equivalent return.

Spain's cession of Louisiana at San Ildefonso brought into a diplomatic game the two most commanding figures on the globe. The sage whose passion was peace and the chieftain whose god was war. Both shrewd, alert, and resourceful. Bonaparte determined to erect a new empire in the Western Hemisphere, and Jefferson intent upon saving it from the shackles of the tyrant. Between the two, Jefferson's great lieutenant, Livingston, passed like a courier, tireless and vigilant.

It is assumed that Jefferson did not realize the greatness of the drama in which he played so important a part, because he never demanded the whole of this vast domain, contenting himself with the repeated request for New Orleans and the Floridas. There is nothing more certain than to have demanded THE WHOLE *of Louisiana* would have been to have lost it. None understood this better than Jefferson. His long diplomatic service in Paris stood him in good stead; he knew the lofty pride of the First Consul, and the sensitive vanity of the French. The offer of money for this cherished empire implied the financial weakness and necessities of a nation, then dominating Europe, the suggestion that it could not be held by the haughty conqueror, was a challenge.

And yet Jefferson knew the needs of the Government, and the perils to which the newly acquired territory was subjected. With consummate tact, he directed the course of his great foreign minister. While demanding a port at New Orleans, the reasons assigned for the cession of a city, established the folly and the danger of any sovereignty, in any part of the ceded territory. Jefferson bided his time, while the First Consul in India, in Egypt, and in St. Domingo saw his cherished dream of colonization vanish like a mist, and with each repeated disaster, Livingston, determined and importunate, returned to the fray. Napoleon sought in Louisiana a source of supplies for Santo Domingo.

She may say that she needs Louisiana for the supply of her West Indies—

writes Jefferson to Livingston—

she does not need it in time of peace. And in war she can not depend on them because they would be so easily intercepted. I would suppose all these considerations might in some proper form be brought into the view of the Government of France.

Napoleon flattered himself that Le Clerc would soon subdue Santo Domingo, and thence proceed immediately to New Orleans. Jefferson knew the seriousness of that undertaking; he writes Livingston:

The idea here is that the troops sent to St. Domingo were to proceed to Louisiana after finishing their work in that island. If this were the arrangement it will give you time to return *again and again to the charge*, for the conquest of St. Domingo will not be a short work.

At last the long-expected war cloud looms black and ominous across the English Channel, and Napoleon himself is no match for Nelson on the sea. Jefferson realizes it, and drops this ominous suggestion to Livingston:

The day that France takes possession of New Orleans fixes the sentence that is to restrain her forever within her low-water mark. It seals the union of two nations who in conjunction can maintain exclusive possession of the ocean. From that moment we must marry ourselves to the British fleet and nation.

A comparison of the correspondence between Livingston and Jefferson, or the Secretary of State, shows how the subtle and unanswerable arguments of Jefferson, uttered with the most exquisite tact and adroitness, all found their way to the eye and the heart of the First Consul, till at last, little realizing it, Bonaparte became a convert to the doctrine of Jefferson, uttered in a thousand seductive and convincing forms, that the true interest of France—yes, her honor and safety—demanded the cession of Louisiana to the United States.

Livingston, in high glee, declares:

I this day got a sight of a letter from the minister to M. Laussat, containing directions for giving up the country, *and assigning the reasons for the cession.* I was much flattered to find their reasons *wholly drawn from the memoirs I had presented.*

Jefferson's covert threat to "marry ourselves to the British fleet and nation" bore good fruit.

In assigning his reasons for the cession of Louisiana, Bonaparte declared:

They (the English) shall not have the Mississippi which they covet. Louisiana is nothing in comparison with their aggrandizement in all parts of the globe. * * *

I wish to take away from them the idea that they will ever be able to win this colony. I contemplate turning it over to the United States. (Hosmer, etc., 135.)

Napoleon was not in the habit of ceding territory to prevent its being taken from him by force.

Jefferson's diplomacy had noiselessly stolen from Napoleon that which he might, in another humor, have defied the world in arms to take.

But they tell us it was the genius of Livingston. Strange plenipotentiary acting in a matter of this vast import, without the advice or consent of the great statesman whom he always regarded with reverence and affection. Nobody knew better than Livingston the part Jefferson had played in this transaction.

That same charge had been made in Livingston's day, and he answered it with magnanimity and truth. He writes Madison:

As the President's views have been happily more correct than mine, as he has affected, without this harsh measure (the seizure of New Orleans), his great object; it certainly is not advisable to publish that we differed in sentiment. * * * The next point in which the letter may do harm is in authorizing an opinion, which the enemies of the Administration are most zealous in promoting, viz, that no credit is due either the President or his ministers.

Partial historians may delude a generation, or serve the petty purpose of the partisan; but I rejoice that in the archives of two nations there still reposes the incontrovertible proof of the invaluable services of Democracy's greatest President, and future ages will neither cavil nor question the assertion that the diplomacy of Thomas Jefferson doubled the domain of a nation which his guidance and wisdom have consecrated to the highest measure of liberty and happiness ever known among the children of men.

And the most amusing part of it all is the sweet simplicity and guileless trust of the gentleman's colleagues upon that side of the Chamber and the hilarious applause with which they greeted this most unique historical narrative. During three successive Congresses, I have heard the Rhoderick Dhu of that side of the Chamber call his compatriots to arms. I have listened in admiration and despair, as he stirs them to a forgetfulness of their sins as no other can. I came into the House the other day just before the gentleman from Pennsylvania [Mr. DALZELL] was ready to address it. I was amazed at the attendance on that side, all dressed in its best bib and tucker. I asked what was the matter, and they told me in awed voice that the gentleman from Pennsylvania was going to speak. I sat down to listen with as much pleasure as any Republican on that side, though possibly not with the same edification. I was entranced by his eloquence, pleased by his boldness, and delighted at the fact that in that classic oration he was more inimitable and less dangerous than ever. Hitherto it has been a challenge. The last speech of Mr. DALZELL was a eulogy upon the Republican party. Eulogies are only pronounced above the body of the dead. [Laughter and applause on the Democratic side.] "Ah," said the gentleman from Pennsylvania, "I come here to sing no new song, to make no new speech." The grand exalted ruler of the Ancient Order of Stand-patters, the high priest of protection, never uttered a truer thing than that. He said, amid thunderous applause, that he was going to plant the factory beside the farm. Oh, how they applauded that! They always applaud when Mr. DALZELL says they are going to plant the factory beside the farm. I don't know why. Do you know that the gentleman from Pennsylvania [Mr. DALZELL] got that idea from Thomas Jefferson, the source of all political wisdom. [Applause and laughter on the Democratic side.] He did it inadvertently, I admit, but he did it—that sentence that throws you into hysterics—and three times has Mr. DALZELL used it since I have been in Congress, and three times has that side of the House thrown a fit. Said Thomas Jefferson, in a letter to Benjamin Austin in 1816, ninety-two years ago:

"We must now place the manufacturer by the side of the agriculturist."

[Laughter and applause on the Democratic side.]

You have been borrowing Democratic principles from that time until this, and claiming the credit for them; but I never thought that the gentleman from Pennsylvania, in the height of his splendid oratory, would become the humble disciple of Thomas Jefferson. [Laughter on the Democratic side.]

This pernicious effort to disparage Jefferson and to deify Hamilton has its origin in the same national vice—Imperialism. You have become a world power; subject nations are held under a galling yoke, unwilling subjects to a nation whose political creed proclaimed to the world that "all men were created free and equal, and had an equal right to life, liberty, and the pursuit of happiness."

You declare that "all governments derive their just powers from the consent of the governed," and hold men in unwilling and enforced subjection.

The Constitution no longer follows the flag; and they who proclaim themselves the followers of Lincoln forget his declaration "That they who deny liberty to others shall not long retain it for themselves."

You have turned your backs upon the teachings of all your illustrious dead, save one.

There was a day when every American gloried in the immortal utterance of Henry Clay, that "It is the doctrine of thrones that man is too ignorant to govern himself. Their partisans assert his incapacity, in reference to all nations. If they can not command universal assent to the proposition, it is then demanded as to particular nations, and our pride and our presumption too often make converts of us. I contend that it is to arraign the dispositions of Providence himself to suppose that He has created beings incapable of governing themselves."

Now, you prate like princes about the incapacity of your dependencies to govern themselves, as if you or I had ever been constituted the guardians of a people's liberties. Away with your "manifest destiny!" I tell you only kings claim to govern by divine right.

You give a yellow Filipino a privilege like a pill, and then watch his political pulse and bowels to see how he assimilates it.

Our forefathers gave this nation life, and risked their own to resist taxation without representation, yet you levy imports at Manila. By the inexorable logic of your pernicious system of government you are driven to abandon your political birthright and to accept the doctrines of Alexander Hamilton, for without him there are none among "Those dead but sceptered sovereigns who still rule our spirits from their urns" to whom you can turn.

In order that he shall be an acceptable patron saint of Republicanism, you have retouched the picture until his best friend would never know him.

Book shelves groan with extravagant eulogies, under the pseudonym of biography, and your English cousins, delighted that this champion of caste and royalty has grown so great, rival you in this political canonization.

The simplest fact in his life is distorted out of all semblance of probability to fill out the faultless and fictitious figure.

This pleasure-loving, imperious, haughty Frenchman—high-spirited, knightly—possessing all the virtues and all the vices of a born courtier, whose blood still seethed with the fire of a tropical sun, is transformed into a colorless, spiritless, sinless, demure disciple of Cotton Mather. A pretty mess, this New England coterie, Lodge, Ellis, and company, have made of it! Hamilton was fitted in every way by temperament, opinion, and personal attractiveness to have graced the drawing-rooms of princes, but there was nothing, absolutely nothing, of the Puritan in him.

An Englishman by the name of Oliver has written what Hamilton's most ardent admirers are pleased to call an "adequate" history, in which he makes of him a demigod, and all the other Revolutionary heroes are demagogues or devils. He informs us—

> Hamilton was a type of the statesman, Jefferson the sophist.

And again, we read such delectable stuff as this:

> We may dismiss the theory of malign intriguers who perverted the judgment and poisoned the affections of the American people. The carefully organized misrepresentations of Samuel Adams, the smooth craftiness of Franklin, the heroics of Henry, and the phrases of Jefferson, etc.

We are solemnly informed that Aaron Burr, with demoniac malevolence, hunted to his death this devout Christian, who abhorred the practice of dueling, and who was driven by a false sense of duty and honor like a lamb to the slaughter.

Hamilton—

Says Oliver—

> came by his death as he had spent his life, in the service of his country. He did not die in a private quarrel. If he had fallen at Yorktown or been killed, as nearly came to pass, by the heavy labors of his office, he would not more certainly have sacrificed himself to the interests of the nation.

In Lodge's Life of Hamilton we read the ingenious story that Hamilton believed that those American Jacobins (Democrats) were going to send things to the ding bow wows, "confusion worse confounded," and that he alone possessed the military genius and capacity to save the country in a war which never occurred, and that he would not make the picturesque general he fancied he was if he refused a call to the "field of honor." And in order that he might live to save the country from impending ruin, he went out and stood at 10 paces, in front of a man of iron nerve, and a skilled marksman, and deliberately fired his pistol in the air. And Hamilton was a great logician, too.

Professor Edward S. Ellis, A. M., writes in a so-called history of Hamilton, and informs us:

> All the venom in Burr was roused by his crowning defeat. He knew that Hamilton was the cause, and he determined to kill him. It would not do to stab him from behind or to hire some one to administer poison. Either method would have been vulgar, and the consequences to himself might be disagreeable; but he selected a method which essentially was just as malignant in its nature.
>
> He resolved to force a quarrel upon Hamilton, etc., etc.

The manner of Hamilton's death in no way affects the value or character of his public service. I shall discuss the various accounts of this duel simply to illustrate the silly and transparent exaggerations of every act and every incident of Hamilton's life, in the effort to make him fit the niche prepared for him by his imperialistic votaries. I am in no sense an apologist for Aaron Burr; he was bad enough, but we should "give the devil his due."

Burr was neither a traitor nor a patriot. He was inordinately ambitious and absolutely selfish, and such selfishness in a public servant is only less odious than treason. He was a typical denizen of Wall street; he lived not to make his countrymen happy, but to make them profitable. They were his pawns and the earth his footstool. With his energy, his address, and his talents what a president of an insurance company he would have made, and what a howling success as the head of a trust. Burr was no model of conjugal fidelity, nor was Hamilton the ideal censor of such moral delinquencies.

Is it true that Burr causelessly hounded Hamilton to his death?

James Parton is not an especial admirer of Burr; he describes him as having "everything requisite for the attainment of permanent welfare except the ONE THING NEEDFUL—A CONSCIENCE."

In speaking of the hostile meeting between Burr and Hamilton, Parton writes:

> Gates, De Witt Clinton, Randolph, Benton, Clay, Jackson, Decatur, Arnold, Walpole, Pitt, Wellington, Canning, Peel, Grattan, Fox, Sheridan, Jefferson, Wilkes, D'Israeli, Lamartine, Thiers, and scores of less famous names are found in Mr. Sabin's list of duelists.
>
> In all that curious catalogue there is not the name of one politician who received provocation so often repeated, so irritating, and so injurious as that which Aaron Burr had received from Alexander Hamilton.
>
> Cheatham himself, in January of this very year, 1804, had taunted him for allowing Hamilton to speak and write of him as it was then notorious he was in the habit of doing. "Is the Vice-President sunk so low," said this wretched calumniator, "as to submit to be insulted by General Hamilton?"
>
> At every step of Burr's political career, without a single exception, Hamilton, by open efforts, by secret intrigue, or by both, had utterly opposed and forbidden his advancement. He had injured him in the estimation of General Washington. He had prevented Mr. Adams from giving him a military appointment. His letters for years had abounded in denunciation of him, as severe and unqualified as the language of a powerful declaimer could convey. From Burr's own table he had carried away the unguarded sallies of the host for use against the political opponent. The most offensive epithets and phrases he had so habitually applied to Burr that they had become familiar in the mouths of all the leading Federalists, who, as the reader may have observed, denounced Colonel Burr in Hamilton's own words.

Says Jenkinson in his history of Burr:

> There is, therefore, no semblance of truth in the charge that Burr forced Hamilton to accept his challenge by the unusual and unwarranted form of the demand made upon him. He had strictly followed the precedent set by Hamilton himself on a similar occasion; the fault was Hamilton's alone that he could not truthfully make the disavowal demanded. It was true that he had for years been traducing Burr's character in every form his ingenuity could invent, and many scores of his letters existed to attest the fact. It was, indeed, out of his power to make the disavowal required, and his only refuge was to deny the right to be questioned.

The injury which led to the fatal encounter, the published statement of Doctor Cooper that Hamilton had expressed "a still more despicable opinion of Burr," was the last offense of twenty years of uninterrupted traduction, "the straw that broke the camel's back."

I agree that we should not judge the duelist of that day by the standard of this. But there is no logic by which you can pardon the acceptor of a challenge and condemn the sender. By that barbarous code he who was charged with an infamous offense could not clear his skirts by proving its falsity. To prove the charge false and fail to resent it was to aggravate the imputation of cowardice, in that day more odious than vice or crime. The same perverted public opinion which necessitated the acceptance forced the sending of a challenge.

To tamely submit to insult publicly offered was to invite the same odium which attached to the refusal to accept a call to a duel when sent by the offended party. His contemporaries thoroughly understood this. In writing of this affair Hamil-

ton's devoted friend and immortal eulogist, Gouverneur Morris, said:

In doing justice to the dead I would not injure the living—that Colonel Burr ought to be considered in the same light *with any other man who had killed another in a duel.* [Dickinson.]

No man understood this better than Hamilton. He had himself repeatedly resorted to this same method of resenting a real or fancied offense. Hearing that the President of the United States had made a slighting remark in no way as offensive as his habitual abuse of Burr, he immediately sent the following cartel to Mr. Adams:

It has been repeatedly mentioned to me that you have, on different occasions, asserted the existence of a British faction in this country, embracing a number of leading or influential characters of the Federal party (as usually denominated), and that you have sometimes named me, at others plainly alluding to me, as one of this description of persons. And I have likewise been assured that of late some of your warm adherents, for electioneering purposes, have employed a corresponding language.

I must, sir, take it for granted that you can not have made such assertions or insinuations without being willing to avow them; and to assign the reasons to a party who may conceive himself injured by them. I therefore trust that you will not deem it improper that I apply directly to yourself to ascertain from you in reference to your own declarations whether the information I have received has been correct or not; and, if correct, what are the grounds upon which you have founded the suggestions.

In that day this was the plainest kind of "fighting talk."

His opinions and practices are not recorded by political or personal enemies. Rufus King, the colleague in the Senate of his father-in-law—General Schuyler—and the life-long friend and admirer of Hamilton, in speaking of his opinions on this subject, says:

You can not, my dear sir, hold in greater abhorrence than I do the practice of dueling. Our lamented friend was not unacquainted with my opinion on the subject, but with a mind the most capacious and discriminating that I ever knew, he had laid down for the government of himself certain rules upon the subject of duels the fallacy of which would not fail to be seen by any man of ordinary understanding. With these guides, it is my deliberate opinion that he could not have avoided a meeting with Colonel Burr, had he even declined the first challenge.

He not only laid down for himself "certain rules upon the subject of duels," as his friend Rufus King says, but he lived up to them. Hamilton literally went through life "with a chip on his shoulder." He is the only prominent American of that or any other period who ever figured in a mortal combat before he was out of his teens. When a mere youth on Washington's staff he began this practice. Gen. Charles Lee criticised Washington and that general paid not the least attention to it. He does not appear to have been at all disturbed by it. Laurens and young Hamilton each insisted that he should have the pleasure of killing General Lee "a la mode." It was finally agreed that Laurens should act as principal and Hamilton as second. The challenge was accepted and Lee was shot and dangerously wounded.

Shortly after Hamilton retired from Washington's Cabinet he got into a heated argument with old Commodore Nicholson, who was an enthusiastic Jeffersonian Democrat and had very little patience for Hamilton's monarchical notions. The testy old commodore declared, "Why, sir, in asserting such political principles you are an abettor of Toriists." Off went Mr. Hamilton in high dudgeon and immediately challenged the old commodore to mortal combat. Of course Nicholson accepted. Such invitations were not often refused in those days. All the arrangements were made for a duel. Mutual friends discovering that these two men had blood in their eyes and were about to shoot each other over a trifle interposed and prevented the meeting. Again this paragon of peace, who so deeply abhorred the brutal custom of dueling, came to the conclusion in 1797 that James Monroe had made some remark which reflected upon Mr. Hamilton's integrity or gallantry, it is not very clear which; Mr. Monroe was immediately challenged. Monroe asked Burr to act as his second. Burr declined to do so, but by the irony of fate volunteered to act as a peacemaker. He managed to reconcile the parties and prevented the duel.

Even so profound a scholar as Justice Brewer, in a recent address in Washington, declared: "His (Hamilton's) death brought an end to dueling in the United States and had its effect throughout the world." His biographers all paint Hamilton at Weehawken as a sort of second St. Telemachus, immolating himself upon the bloody field of the duello and by his heroic and vicarious sacrifice abolishing that sanguinary and pernicious practice. We are told by a wiser philosopher than LODGE or Brewer that "He who lives by the sword shall fall by the sword." It was pitiful, inexpressibly sad, to see a man in the prime of life and vigor, accomplished, eloquent, with a loved and a loving family, cut off in the meridian of his career. It was sad; but it was not surprising. He fell upon a field where he had not been an unfamiliar figure and by a pitiless code which he had condoned or indorsed by the example and precept of a lifetime. He was no martyr in a good cause, but the victim of a bad one. Yet no detail is omitted and no story, however improbable, is untold which may tend to present this man as an innocent and deluded martyr to the perverted public sentiment of his day.

We are solemnly and seriously informed that "with malice toward none and charity for all," and after the man whom he had hounded for twenty years had mortally wounded him, he demurely fired his own pistol in the air, and yet the ball from that weapon cut a twig just above Burr's head, and Burr was not a tall man. Judge Van Ness, Burr's second, states positively that this is not true—that he fired first, and at Burr.

There is a little incident related by Todd, which throws a flood of light on this vexed question. After both men had taken their positions, and after they had raised their pistols ready to fire at the word "present," Burr facing the cliff and Hamilton looking over toward the city of New York, "One moment," said Hamilton, and then he removed his glasses, wiped them carefully with his handkerchief, and replaced them. The fatal word was then given. A man at a time like that does not carefully wipe his glasses to see how to shoot a pistol in the air.

It is true that on the night before this meeting Hamilton left a writing which does him no credit. In this he recants the teachings and practices of his life. When it is remembered that his own fireside had previously been desolated by this bloody and barbarous business, his own son, in the set phrase of the day, "had fallen in defense of his father's honor," and that even then no word of condemnation against "the code" escaped him, and that now when in a few hours he was about to face the man whom he had viciously traduced from his youth—for they had always been rivals, and had carried it to such an extent that even in the public prints Burr's enemies taunted him with the fact that he had tamely allowed General Hamilton to repeatedly insult him in the most public way—in the light of these facts that strange memorial sounds like a deathbed repentance. "It reads," said Burr, "like the confession of a penitent monk." The folly and wickedness of this cruel custom never dawned upon Hamilton till he could almost feel the ruthless lead of Aaron Burr crashing through his body.

Of course I do not mean to question the physical courage of Alexander Hamilton. Like a true son of France, whether on the field of battle or in private quarrel, he had hitherto always faced danger "with a gay and festive intrepidity."

It can not be denied, however, that Aaron Burr, with all his sins, uttered the simple truth when in that last ominous message to Hamilton he wrote:

Burr "having made great sacrifices for the sake of harmony; having exercised forbearance till it approached humiliation, he has seen no effect produced by such conduct but a repetition of the injury. * * * A. Burr, far from conceiving that rivalship authorizes a latitude not otherwise justifiable, feels greater delicacy in such cases and would think it meanness to speak of a rival but in terms of respect. * * * Such has invariably been his conduct toward Jay, Adams, and Hamilton, the only three who can be supposed to have stood in that relation to him."

Hamilton knew that he had driven his adversary to the wall, knew that he had pushed too far the almost stolid indifference of a patient man, at last rendered desperate and inexorable. It is more than probable, too, that he realized that in the heat of his anger he had done the man injustice, and it is not to his discredit that on this occasion, although believing in the code, he wished to avoid this last encounter. "Conscience makes cowards of us all."

The repeated assertion that the universal horror occasioned by the thinly disguised murder of Hamilton brought the code into instant disrepute is not only improbable in itself, it is in the teeth of history. Hamilton was among the very first and not the last of distinguished Americans to fall in a duel. The so-called "affairs of honor" between Barron and Decatur, Randolph and Clay, Jackson and Dickinson, Terry and Broderick, Cilley and Graves, all occurred after the scene at Weehawken. There was, long before 1804, a strong and growing sentiment against this useless and foolish custom fraught with so much agony to the innocent and helpless, bereaved by this monstrous relic of barbarism. It was not to the tragic fate of Hamilton, but the consistent lives and teachings of the illustrious men of that and succeeding periods, which at last set the seal of infamy upon this cold-blooded custom of scheduled murder. As early as 1779 Thomas Jefferson introduced a bill in the Virginia legislature providing that "Whosoever committed murder by way of a duel shall suffer death by hanging, and if he were the challenger, he shall be gibbetted." The moral courage necessary to introduce such a drastic measure, twenty years before this occurrence, did infinitely more to stop the infamous business than could possibly have resulted from the death of any man who

went through life challenging everybody whose language was offensive, from the President down, and at last fell by the bloody sword with which he so often had threatened the life of his foes.

Ah, gentlemen, I know you still must have a military hero. This imperialism, this tendency toward a central government, this effort to force and to drive into one compact mass all the States and to make an autocrat of what was once a President, has forced you to open the ponderous and marble jaws of the grave, to drag from the cerements of the tomb the only monarchist that ever preached in America.

Ah, you say that I do him wrong. You say that I slander him. No, Mr. Chairman! The thing which you glorify in him that was the one thing for which his contemporaries and his friends damned him. When he lay dead there in New York, when the shadow of the tragedy of Weehawken hung over him, Gouverneur Morris sought his dying friend; he ministered to him in his agony, and, bathed in tears, uttered the last eulogy above his pallid corse.

Yet that night in his diary, intended for no eyes save his own, he indicted this strange picture of Hamilton:

> He was indiscreet, vain, opinionated. These things must be told or the character will be incomplete; yet it must be told in such a manner as not to destroy the interest. He was in principle opposed to a republican and attached to a monarchial government, and these, his opinions, were generally known, and have long and loudly been proclaimed. His share in framing our Constitution may be mentioned, and his unfortunate opinion can not therefore be concealed.

And Gouverneur Morris—surrounded by the assembled thousands who heard that immortal eulogy—paused, amidst his choking sobs, amidst his tears; he paused to ask those around him, in the name of the sanctity and pathos of death, to forgive Hamilton the thing for which the gentleman from Pennsylvania to-day would deify him. [Applause on the Democratic side.]

You need an emperor because you are imperialists, but there is no semblance of a parallel between the nationalism of Hamilton and the imperialism of Roosevelt. Those two characters have only this in common—a profound contempt for the Constitution and everlasting impatience of its restraints. [Applause and laughter on the Democratic side.] Hamilton from his early boyhood, yonder on a tiny isle in the Caribbean, dreamed of power; Roosevelt hungers for authority.

Hamilton, with a superb disdain for contemporary criticism and an unalterable faith in the judgment of after ages, builded his immortal fame. Roosevelt is deterred by clamor and intoxicated by applause. Both are essentially military men. Hamilton's passion for war and his great capacity for order and command argues the correctness of his cherished belief that he possessed rare military genius, and had the youth who fortified Mount Washington and led the charge at Yorktown had twenty more years on his head he would have ranked the first generals of the Revolution. But he wore his ominous sword with the dignity of a great commander. He did not wave it above his head like a drum major. [Laughter and applause on the Democratic side.] This man performed more than he promised; meant more than he said. Your new imperialist is strenuous in speech and fickle in performance. [Laughter and applause on the Democratic side.] Hamilton never wielded "a big stick." Gentlemen, there is too much of the baton about that "big stick." At best it is a shillalah. It is large, but it is light. It is an excellent thing with which to crack the heads of recalcitrant Congressmen, but I seriously doubt its efficiency in actual war. [Applause on Democratic side.] And if it be true that the Executive anathema has lately been hurled at an obscure vender of drugs here in Washington, and while the judge is hearing the case or the jury is out the White House condemns him to a jail sentence, then it must in shame be admitted that the "big stick" is being used to-day to kill rats. [Laughter and applause on the Democratic side.] The gentleman from Pennsylvania [Mr. DALZELL] talks about our following Mr. Bryan and sneers at him as the "peerless." Mr. Bryan has no authority, no office, no patronage. He commands because the majority of the free men in the Democratic party respect him as a statesman and trust him as a man. [Applause on the Democratic side.]

Bryan takes his followers by the hand; Roosevelt takes his partisans by the throat. [Applause on the Democratic side.] The majority on that side of the House, if I mistake not, does not agree with him "in my policies," yet you dare not murmur nor resist. Twice only in all his strenuous career have you raised your trembling heads. Once you refused to allow him to simplify spelling and you put the inscription back on the dollar. I knew you would do that. You revolted once, by a big majority of 225, got up on your hind legs, as it were, in holy horror and put "in God we trust" back on these vanishing dollars. That was a last expiring effort to restore confidence. [Laughter and applause on the Democratic side.] Oh, Mr. Chairman [laughter], when I think of that atrocious crime, that effort of the President to take "in God we trust" off the dollars that we used to have! Why Harriman said he destroyed our faith in railroads; Morgan said he destroyed our faith in high finance, and now Roosevelt comes along and destroys the last evidence Republicans ever see that there is a God. [Applause on the Democratic side.] Oh, Mr. Chairman, when I think of that cruel blow to confidence—gentlemen, where is confidence? For years and years I was told that you had her under lock and key; that she rode sidewise or otherwise around the White House on a big elephant; that she was under the dominion of the G. O. P. Is she dead, has she gone on a long journey, or is she asleep? Where is that fickle goddess, confidence? Oh, Mr. Chairman, how much better could the President have occupied his time? Oh, Mr. Chairman, did it never enter the head of the President—and what in the name of God is it that never entered the head of the President—did it never enter the head of the President that he could have brought order to his shattered columns, hope to his broken-hearted followers, if, instead of striking out the only evidence we have that there is any confidence left in God or man, he had only directed those in authority to inscribe upon the back of those cerulean blue clearing-house certificates some such legend as this, "I know that my Redeemer liveth." [Laughter.]

Dominate a cowering party as he may, we are assured by the reflection that the organic law, which withstood the able and insidious assaults of Alexander Hamilton, will not be materially affected by the fantastic performance of his strenuous disciple.

The eternal principles of Jefferson and his followers are interwoven with the very woof and warp of the Constitution, protecting the rights of the citizen and perpetuating his liberties.

That sacred instrument is more than a creation—it is a growth, the crystallization of the experience, the privation, and the heroism of hardy pioneers, wise in their day, and sleeplessly vigilant in safeguarding that freedom, bought at such an infinite cost of persecution and peril.

For centuries neither the telescope of the astronomer nor the researches of science could solve the mystery of that misty light, that glimmering gossamer encircling the black brow of night; at last the spectrum revealed in this nebula unborn worlds, held in a shimmering gauze; revolving masses of incandescent gas, cooling through the passing cycles of time, growing denser without, shrinking within, forming smoky concentric circles, a whirling luminous fog, congealing into molten rings drawn by their own gravity into rude globes, and these spinning spheres shaped by the plastic hand of Divinity, like clay upon a potter's wheel, into planets and their satellites, new solar systems, swinging for the first time into their orbits in the trackless, fathomless depths above. Thus God peoples the heavens' luminous worlds.

I have fancied that those daring bands of exiles, forgotten by one world and lost in the dark wilds of another, living and dying in ignorance of the mighty destiny of their children's children, conscious only that they were free—I have fancied that He, "with whom a thousand years are as a day or a watch in the night when it is passed," saw the unborn and puissant nation through all the mists of misery, persecution, and death, through which succeeding generations passed, first to independence, then to the mastery of the land and sea.

In the vast womb of the wilderness the colonies took form and voice, varying in their orbits and splendor, but they differed only "as one star differs from another star in glory." In the hour of destiny each found its own place about the great central power, to which, like the planets, they were eternally bound, yet forever separate. The fathers, I declare to you, heard the voice of God when they covered this continent with States, even as the heavens are bespangled with the stars.

The same peril awaits the star and the State. The State dissevered from her sisters is lost, even as a planet wrenched from its moorings, comet-like, becomes the wandering vagrant of the skies.

Either, drawn by the compelling gravity of a central force into its mighty vortex, is annihilated by the power which should have been the source of light and life.

From the chaos of disunion and the wreck of centralization may He who ordained long preserve this constellation of States.

Let no new Hamilton arise to disturb or destroy their exquisite balance—harmonious, distinct, indissoluble, they shall remain eternal as the revolving stars. [Loud applause on the Democratic side.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. OLMSTED having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, one of its secretaries, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4856. An act authorizing the Secretary of Commerce and Labor to lease San Clemente Island, California, and for other purposes;

S. 5983. An act authorizing certain life-saving apparatus to be placed at the Farallone Islands, off the coast of California;

S. 3722. An act to amend section 3 of the act entitled "An act providing for second and additional homestead entries, and for other purposes," approved April 28, 1904;

S. 513. An act to provide for the purchase of a site and the erection of a public building thereon at Maryville, in the State of Missouri;

S. 5594. An act for the establishment of a light-house and fog signal at or near the easterly end of Michigan Island, Apostle Group, westerly end of Lake Superior, Wisconsin;

S. 4687. An act to relieve William G. Gosslin and his assigns of and from the effect of a release made by him and his wife, Marthena Gosslin, of certain land in California;

S. 2671. An act authorizing extra officers for the Army;

S. 5123. An act to authorize the extension of the public building in the city of Manchester, N. H., and for other purposes;

S. 6071. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors;

S. 5617. An act authorizing the Secretary of the Navy to accept and care for gifts presented to vessels of the Navy of the United States;

S. 2969. An act for the relief of O. Maury & Co., of Bordeaux, France;

S. 4545. An act to authorize the Secretary of the Interior to accept conveyances in the United States of lands from the Pueblo Indians in New Mexico, and for other purposes;

S. 5262. An act to repeal an act approved April 30, 1906, entitled "An act to regulate shipping in trade between ports of the United States and ports or places in the Philippine Archipelago, between ports or places in the Philippine Archipelago, and for other purposes," and for other purposes;

S. 5530. An act to establish a fish-cultural station in the State of Rhode Island;

S. 568. An act for the relief of Capt. George Van Orden, United States Marine Corps;

S. 1368. An act to reimburse certain fire insurance companies the amounts paid by them for property destroyed by fire in suppressing the bubonic plague in the Territory of Hawaii in the years 1899 and 1900;

S. 3126. An act to carry into effect the judgment of the Court of Claims in favor of the contractors for building the U. S. battle ship *Indiana;*

S. 6006. An act to correct the military record of John M. Miller;

S. 4749. An act for the relief of Dewitt Eastman;

S. 5938. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and certain widows and helpless and dependent relatives of such soldiers and sailors;

S. 158. An act for the establishment of a park at the junction of Maryland avenue, Fifteenth street, and H street, NE., Washington, D. C.;

S. 4713. An act to authorize the sale of certain lands belonging to the Indians on the Siletz Indian Reservation, in the State of Oregon;

S. 6192. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and to certain widows and helpless and dependent children of such soldiers and sailors;

S. 5473. An act to authorize the Secretary of the Navy in certain cases to mitigate or remit the loss of rights of citizenship imposed by law upon deserters from the naval service; and

S. 3969. An act to amend the laws of the United States relating to the registration of trade-marks.

The message also announced that the Senate had passed the following resolutions, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 41.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of Pigeon River from its mouth, in the vicinity of Port Sheldon, Mich., for 4 miles, with a view to providing a 10-foot channel and turning basin, and to submit estimates for the same.

Senate concurrent resolution 44.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made and to submit a plan and estimate for dredging and otherwise improving the navigation of each of the following-named waters:

The upper waters of the Pokomoke River from the town of Snow Hill, Md., up to or near the town of Gumboro, Del.

The Nanticoke River from the town of Seaford to the town of Middleford, in Sussex County, Del.

The Christiana River from the city of Wilmington to the town of Christiana, in Newcastle County, Del.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 10671. An act to authorize the Secretary of the Interior to issue patent in fee simple for certain lands of the Santee Reservation, in Nebraska, to the directors of school district No. 36, in Knox County, Nebr.;

H. R. 13875. An act for the relief of John V. Johnson;

H. R. 17510. An act to authorize the county of Ashley, in the State of Arkansas, to construct a bridge across Bayou Bartholomew, Ashley County, Ark., at Portland;

H. R. 17512. An act to authorize the county of Ashley, in the State of Arkansas, to construct a bridge across Bayou Bartholomew, Ashley County, Ark., at Wilmot;

H. R. 6902. An act for the relief of Henry Rustan;

H. R. 16471. An act for the relief of George H. Penrose;

H. R. 17511. An act to authorize the construction of a bridge across Bayou Bartholomew, at Parkdale, Ashley County, Ark.;

H. R. 14772. An act prescribing what shall constitute a legal cord of wood in the District of Columbia;

H. R. 9079. An act to extend Port Arthur, in the State of Texas, the privileges of immediate transportation without appraisement of dutiable merchandise;

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 29) to provide for registration of all cases of tuberculosis in the District of Columbia, for free examination of sputum in suspected cases, and for preventing the spread of tuberculosis in said District, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. DILLINGHAM, and Mr. PAYNTER as the conferees on the part of the Senate.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

Mr. HAWLEY. Mr. Chairman, I desire to present for consideration of the committee the facts in a matter of great importance—the Oregon and California Railroad land grant.

The area of land devoted to agriculture and the quantity of products derived therefrom must steadily increase to meet the needs of our rapidly multiplying population. The Department of Agriculture is rendering a service of incalculable value. By its assistance old lands are put to more productive uses and lands heretofore considered unavailable are becoming an unexpected source of supply. Present fruits and crops are being improved. Introductions from abroad enrich the long-settled sections, and drought resistants and improved methods are conquering the lands heretofore designated as desert. The millions appropriated to agriculture are an investment paying dividends every day and yielding the peaceable fruits of prosperity every season. The farmers more than any other single body of our people have planted the principles of our Republic throughout the land; around their every fireside are cherished the rights and liberties, secured and retained at an inestimable cost; while every lowing herd, fruitful field, and profitable orchard are the visible signs of such enfranchisement. It is the duty of the legislator, as far as he has right to act, to enable all available areas to render their contributions to the public welfare and the public support.

Therefore at this time I desire to present for the consideration of the House some facts relative to the present condition and future welfare of an agricultural district prepared by nature for the dwelling place of a prosperous and numerous people. This is the First Congressional District of Oregon, which I have the honor to represent. In it the fruits, grains, and plants that grow in temperate climes are profitably and abundantly produced. It is plentifully watered and has resources of water power that, either directly or in the form of electric current, will continually operate large and varied industries. It is also rich in the resources of the forest and the mine. Its opportunities are attracting to it capital in search of investment, labor seeking wages, and settlers seeking homes. This district is remarkable because of the great proportion of people who own their homes. The continual increase in the

population has emphasized the existence of a situation inimical to its development and settlement, and it is of this that I specially desire to speak. Senate joint resolution No. 48 of this Congress, now pending before this House, upon the favorable report of the Committee on the Public Lands, is the first step in the solution of a problem.

It has for its purpose the making available for development and settlement an area exceeding the combined areas of the States of Rhode Island and Delaware; it purposes to break the grip by which a great land monopoly holds such an area in idleness, without right, and restrains the people of the United States from the enjoyment of some 2,300,000 acres—2,000,000 acres patented and 300,000 acres claimed and awaiting patent—that Congress determined by law should be devoted to their use and maintenance. Briefly, the history is that by the act of July 25, 1866, Congress offered a grant of 12,800 acres of land for every mile of railroad which some company, to be designated by the legislature of the State of Oregon, should build from Portland to the California line. Such lands were to be the odd-numbered sections for 20 miles on each side of the line of the road, and in case any such lands were already occupied, then the company should have the right to select indemnity lands from lands lying within an additional 10 miles on either side. The line of the road would naturally run, and does run, through the heart of the Willamette, Umpqua, and Rogue River valleys, as fertile lands as any in the country. There was a company ready to apply for the grant, incorporated under the name of the Oregon Central Railroad Company, and was properly designated by the State legislature. It decided to build a road on the west side of the Willamette River from Portland southward.

Shortly thereafter a rival company was organized for the purpose of building a road on the east side of the river and making claim to the grant by the same name. These two companies were locally known as the "West Side Company" and the "East Side Company." The West Side Company accepted the grant within the time prescribed by the act of July 25, 1866, but it failed to build the road and finally abandoned all claim to the grant and received another grant by the act of May 4, 1870. The East Side Company induced the Oregon legislature to rescind its former designation and to designate the East Side Company on October 20, 1868. But as the time to accept the grant had now expired, the East Side Company applied to Congress to extend it, representing that the grant had lapsed. Congress so understood it and acted upon the theory that it was called upon to practically make a new grant and had the right to impose terms. Having changed its policy regarding the disposal of the public domain, it enacted, by the act of April 10, 1869, that the railroad company should sell the lands granted to actual settlers in quantities not exceeding 160 acres to any one person and at a price not exceeding $2.50 per acre. That is, the company was given a bonus for construction purposes, to be derived from a sale of the lands and not exceeding $32,000 per mile of road, by the proviso in the act that at the same time would locate settlers along the line. It was a wise and just policy.

It was to enable a useful thoroughfare to be constructed, yet at the same time prevent a land monopoly and encourage settlement. So the grant never became vested except by virtue of and subject to the provisions of this act of April 10, 1869. The present holder of the grant, the Oregon and California Railroad Company, was organized on March 17, 1870, and shortly thereafter became the successor to whatever interests the East Side Company had.

For many years the lands were sold in more or less substantial compliance with the law, and although disputes arose occasionally, no serious conflict of public welfare with private intention occurred until in the early part of the decade, 1890–1900, when the railroad company began selling the land in great quantities in flagrant violation of the terms of its grant, and when about the year 1902 it ceased selling altogether. With increasing immigration and industries these lands were in demand, but when applications for purchase were made they were almost entirely denied.

The amount sold since 1902, so far as I can ascertain, is a very small quantity. The people began to inquire what measures of relief were possible. Various organizations of a public character discussed the problem. It became a general issue. The refusal to sell is a serious impediment to our prosperity and growth. The legislature in 1907 prepared a solemn memorial appealing to the General Government for relief. That memorial was presented to the last Congress. Since the lands are almost wholly located in my district, it became my duty as the Representative to urge the Government to enforce the terms of the proviso and to protect the rights of the people.

On March 7, 1907, I addressed a letter to the Department of the Interior, which was answered by Hon. R. A. Ballinger, then Commissioner of the General Land Office; while in his opinion the matter was one for the courts to decide, he said in his letter under date of March 19, 1907:

> The power of Congress to prescribe the proviso can not be questioned, in my judgment, in view of the fact that it was made in consideration of the extension of time granted the company, and the company is therefore without authority to sell these lands to any other person, in any other amount, or for a greater price than that prescribed in the proviso, and any conveyance which the company has attempted to make on a sale made in violation of the statute would not be sustained by the courts.

The matter was then laid before the Department of Justice, which, during the summer of 1907, sent Mr. B. D. Townsend, an attorney of North Dakota, to Oregon. He has thoroughly investigated the law and the transactions of the railroad thereunder. A summary of his findings is ably given in Senate Document No. 279, presented to this Congress. The history of the case has been previously briefly stated. The act of April 10, 1869, provided that the land should be sold in tracts not exceeding 160 acres, at a price not exceeding $2.50 per acre, and to actual settlers. The restriction as to area and settlement followed the practice of the homestead laws. The following is a statement of the practice of the railroad company, the grantees:

> There have been deeded in compliance with the law 127,418.57 acres.
> There have been deeded in tracts of 160 acres or less to settlers, but at a price exceeding $2.50 per acre, 120,205.05 acres. There have been contracted under the same conditions 50,356.58 acres, making a total of 170,561.63 acres.
> In any proceedings contemplated it is not anticipated that these sales, amounting to 297,980.20 acres, will in any way be brought into question.

There have been sold in quantities exceeding 160 acres, but less than 640 acres, 91,900.04 acres; in quantities exceeding 640 acres, but less than 2,000 acres, 57,802.02 acres; in quantities exceeding 2,000 acres, 366,266.20 acres, making a total of 515,928.26 acres. These large sales, being substantial violations of the law, were made as follows, according to dates given in the deeds:

> From 1872 to 1898, if we exclude sales of less than 640 acres, 13,933.24 acres were sold.
> From 1898 until the company ceased selling, including sales only in excess of 640 acres, 410,095.34 acres were sold. Many of the sales were made on contracts extending over a term of years and did not become known until deeds were issued. Thus the serious and important violations complained of by the Government and the people are of recent date.

Congress took every precaution to prevent the establishment of a great land monopoly. The Government now, finding that precaution openly and persistently nullified, has undertaken measures of relief. Moreover, the president of the controlling company announced in a public speech in September, 1907, at Oakland, Cal., in answer to questions by the governor of Oregon, that the policy of refusing to sell any more land in obedience to the law, or otherwise, which has been in force since 1902, with immaterial exceptions, was to be continued as a permanent policy. Congress is, therefore, presented with this question: Shall it permit a company which has persistently and flagrantly violated the law to now unlawfully withdraw and withhold from sale some 2,300,000 acres of land, for which there are numerous demands under the law, as a reward for continuous violations, or shall Congress authorize the Department of Justice to submit to the courts of the United States all the questions involved and ask all appropriate remedies, that injustice may not be done?

Mr. Chairman, at this time I ask unanimous consent to insert the following tables, and other matters pertinent to this subject, in my remarks without reading and to extend them in the RECORD.

The CHAIRMAN. Is there objection? The Chair hears none.

Mr. HAWLEY. I submit below the following tables from Senate Document No. 279, pages 9, 10, and 11, of this Congress for the information of the House, but which I will not read at this time:

> Tabulated statements: As a part of the work heretofore prosecuted by the Department of Justice, a complete statement has been obtained from the public records, the records of the railroad company, and other sources, showing all sales made by the railroad company. The work in Oregon was completed November 1, 1907. Records made since that time are therefore not included in the statements tabulated. These statements include all conveyances executed by the railroad company, together with all contracts now pending. As to the former, the exact purchase price was ascertained in each instance; as to the latter, this was impossible; but sufficient information was obtained to justify the estimate of $7 per acre as the average purchase price of the pending contracts, and this estimate is used so far as contracts are concerned in making up the following statements.
> In these compilations no attempt has been made to distinguish sales to actual settlers from sales to speculators. It may be safely stated, however, that none of the large sales are to actual settlers, and that even a large proportion of the smaller sales were made to speculators.

Total sales.

Conveyances.	Number.	Acres.	Purchase price.
DEEDS.			
Act of July 25, 1866	4,159	588,078.62	$2,901,954.68
Act of May 4, 1870	246	22,136.78	86,450.30
Total deeds	4,405	610,215.40	2,988,404.98
PENDING CONTRACTS.			
Act of July 25, 1866	883	154,335.16	1,080,346.12
Act of May 4, 1870	35	49,358.26	345,507.82
Total contracts	918	203,693.42	1,425,853.94
Total sales	5,323	813,908.82	4,414,258.92

Average purchase price per acre, approximately, $5.42.

The following statement has been prepared to demonstrate the extent to which the conditions of the grant have been violated in the disposition of the lands. The sales are classified according to the number of acres conveyed and the purchase price. Conveyances for 160 acres or less are classified to indicate those wherein the purchase price exceeded $2.50 per acre. As to conveyances for more than 160 acres, this distinction is not observed, because the excessive quantity of land conveyed rendered such conveyances violations of the conditions of the grant. It may be stated, however, that with two or three unimportant exceptions all of the conveyances of large quantities are also at a price in excess of $2.50 per acre. Both grants are included in the following statements. Conveyances are treated separately from pending contracts.

Deeds conveying—	Number.	Acres.	Purchase price.
160 acres or less, at $2.50 per acre or less	1,947	127,418.57	$282,091.33
160 acres or less, at a price exceeding $2.50 per acre	2,148	120,205.05	493,098.30
Exceeding 160 acres, but less than 640 acres	233	75,023.41	250,885.52
Exceeding 640 acres, but less than 2,000 acres	46	51,102.02	335,555.91
2,000 acres or more	31	236,466.35	1,626,773.92
Total deeds	4,405	610,215.40	2,988,404.98

The following statement contains the same information concerning pending contracts, except that no distinction is made as to purchase price for the reason that all of the pending contracts are for a price in excess of $2.50 per acre.

Contracts to convey—	Number.	Acres.	Purchase price.
160 acres or less	857	50,356.58	$352,496.06
Exceeding 160 acres, but less than 640 acres	46	16,876.63	118,136.41
Exceeding 640 acres, but less than 2,000 acres	7	6,700.36	46,902.52
Exceeding 2,000 acres	8	129,759.85	908,318.95
Total contracts	918	203,693.42	1,425,853.94

Combining conveyances with pending contracts, we have the following:

	Number.	Acres.	Purchase price.
Sales within limitations both as to quantity and purchase price	1,947	127,418.57	$282,091.33
Sales within limitations as to quantity, but at a price exceeding $2.50 per acre	3,005	170,561.63	845,594.36
Sales in quantities exceeding 160 acres	371	515,928.62	3,286,573.23
Total sales	5,323	813,908.82	4,414,258.92

To illustrate the point that the large substantial violations have occurred recently the following statement has been prepared. The sales are compiled by two periods, the first one from 1872 to 1897, inclusive, and the second one from 1898 to 1907, inclusive:

	1872 to 1897.		1898 to 1907.	
	Acres.	Purchase price.	Acres.	Purchase price.
160 acres or less, at $2.50 per acre or less	100,458.16	$215,879.47	26,960.41	$66,211.86
160 acres or less, at a price exceeding $2.50 per acre	55,240.39	206,140.32	115,321.24	639,454.04
Exceeding 160 acres, but less than 640 acres	34,223.59	80,388.75	57,676.45	288,633.18
Exceeding 640 acres, but less than 2,000 acres	11,698.54	42,117.21	46,103.84	340,341.22
Exceeding 2,000 acres	2,234.70	4,579.40	363,991.50	2,530,513.47
Total	203,855.38	549,105.15	610,053.44	3,865,153.77

The following table contains comparative totals of sales in quantities exceeding 160 acres, compiled for the same periods:

Period.	Acres.	Purchase price.
1872 to 1897	48,156.83	$127,085.36
1898 to 1907	467,771.79	3,159,487.87

Again, taking the sales in quantities exceeding 2,000 acres, the contrast is even more marked, as appears in the following table:

Period.	Sales.	Acres.	Purchase price.
1872 to 1897	1	2,234.70	$4,579.40
1898 to 1907	39	363,991.50	2,530,513.47

The one instance during the period 1872 to 1897 occurred in the year 1893.

Thus it appears that of 813,908.82 acres sold by the railroad company, only 127,418.57 acres were sold within the limitations of quantity and purchase price prescribed by the grant; and 515,928.62 acres were sold in quantities exceeding 160 acres, of which 363,991.50 acres were conveyed or sold to thirty-eight purchasers in quantities exceeding 2,000 acres to each purchaser, since the year 1897.

The foregoing tabulations appear inconsistent with the former statement that the large sales to timber men and speculators commenced about 1890. A word of explanation is necessary. With but one exception, all of the large sales were made by contract, providing for the payment of the purchase price in from seven to ten annual installments. Therefore, the large sales contracted in 1890 and succeeding years did not appear of record until the deeds were executed, commencing in December, 1897. The foregoing tabulations are based upon the date of the deeds, except as to pending contracts. The one exception referred to was the one instance of the large sale in 1893, which was a sale for cash instead of by contract. It should be added that many of the deeds were not recorded until long after they were executed, and several of the larger deeds have never been recorded.

In the foregoing tabulations no account has been taken of instances where more than one deed was given to a single purchaser. By combining the deeds executed by the railroad company to each purchaser, the extent of the violations will appear considerably greater than shown by the statement. Several purchasers received from ten to thirty deeds each, and in some of these instances each of the deeds was for 160 acres or less, and therefore appear in the compilations as nonviolations.

NATURE OF THE GRANT.

The act of 1869 was passed at the earnest solicitation of the company which received the grant, and they fully understood its terms, and filed a formal consent and acceptance of them. They know and always have known what was given them, as is shown by the substantial compliance with the terms of the grant for many years, and by the character of the deeds given by them. The terms of the proviso became operative only when the lands were transferred to the railroad to be sold by it. The Government, in order to assist the railroad in the sale of its lands, raised the price of the public lands within the limits of the grant to $2.50 per acre.

House Report No. 1301, from the Committee on the Public Lands of this Congress, says:

The grant extends entirely across the western part of Oregon, the richest part of the State, and embraces every odd section within 20 miles of the railroad, with 10 miles indemnity limits to compensate for losses within the place limits. Under the grants 2,800,000 acres of land have already been patented to the railroad company and approximately 300,000 acres more are claimed. By reason of delays in constructing the railroad, and from other causes not attributable to the Government, only approximately 300,000 acres were patented prior to the year 1893. Commencing with the last-named year, patents were rapidly issued until the year 1906, until the total amount patented was slightly in excess of 2,800,000 acres. So that the entire transaction is really more recent than the date of the original act would indicate. As a matter of fact, nearly all of the land has been received by the company in comparatively recent years.

NATURE OF THE DEEDS GIVEN.

On this subject I quote from Senate Document No. 279, page 8, as follows:

Nor was the railroad company unconscious of its offending. It realized the responsibilities it was incurring and adopted significant measures of defense. Prior to 1890 the railroad company had always given conveyances in the so-called "grant, bargain, and sale" form of deed, with implied covenants. There was no reason why it should change so long as it restricted itself to at least a substantial observance of the law. In 1891, however, it changed all of its forms of deeds and contracts and has ever since refused to execute anything but a quitclaim form of deed, except where it had by prior contract obligated itself to do otherwise. This is a most unusual circumstance. The title of the railroad company consisted simply of a grant from the United States. What liability did it seek to avoid by this unusual precaution?

Thus we find at about the year 1890 an unexpected and substantial demand for land, which gave the railroad company an opportunity to make wholesale violations of the terms of the grants with great profit. It immediately determined to take advantage of that opportunity, wholly ignoring the conditions of the grants, and sought protection against responsibility for these violations of the law by the adoption of the quitclaim form of conveyance. This policy was pursued by the company without restriction until 1902, during which period approximately 400,000 acres of land were sold to timbermen and speculators in quantities exceeding 1,000 acres to each purchaser.

I beg permission to insert here an editorial from the issue of February 26, 1908, of the Morning Oregonian, Portland, Oreg., a great newspaper. It has rendered invaluable assistance in this matter:

[Editorial of the Morning Oregonian, Portland, Oreg., February 26, 1908.]

RAILROAD LAND FRAUD.

Fraud has always marked the railroad land grants in Oregon. The land was obtained by fraud and the parts sold have been disposed of by fraudulent violation of the terms of the grants. More than 2,000,000 acres are held by the Southern Pacific in disobedience of those terms.

The Oregon and California Railroad repudiated the conditions attached to the grants for protection of the public interest from the very first. The land was given to the railroad in trust, to aid construction of its lines, and to be disposed of as the Government would have sold it to settlers. But the railroad assumed absolute ownership and has refused to sell the lands as the terms require—namely, at a price not exceeding $2.50 an acre, in quantities of not more than 160 acres to each purchaser, and to actual settlers only.

Details of this unlawful grab have been exposed for the first time, completely and consecutively, by B. D. Townsend, special attorney for the Department of Justice. "The provisions of the grants restricting the manner of sales," says Mr. Townsend in his report, "have never been respected. The lands have been sold to any person, whether settler or speculator, in as large quantities as possible and at the highest prices possible. In making sales the railroad has always observed the law of supply and demand and has never obeyed the law of Congress."

The very purpose for which Congress inserted the restrictions in the grants—to prevent speculation in the land by the railroad and others in large quantities and creation of a great estate—the railroad has thwarted by ignoring the restrictions and asserting absolute ownership of the land. And now a vast proprietorship is in the hands of Harriman, which he announces he will keep.

The people of Oregon long have needed the information contained in the report of Mr. TOWNSEND. The railroad has sold only 15 per cent of the land that has passed out of its hands in compliance with the granting acts. It now holds in violation of those acts, refusing to sell, 2,080,306.44 acres, or 72 per cent of what it has received from the Government. It has sold only 4½ per cent in compliance with the law.

The report shows that the land patented to the railroad amounts to 2,894,215.26 acres, and that the railroad has filed selections for 300,000 acres more; that the railroad has sold 610,215.40 acres and contracted to sell 203,693.42 acres additional, a total of 813,908.82; that it has sold in compliance with the acts of Congress—as to $2.50 an acre price limit and 160-acre quantity limit to each purchaser—127,418.57 acres; that it has sold within the acreage limit of 160 acres to each purchaser, but exceeding the $2.50 an acre price, only 170,561.63, and has sold in excess of the 160-acre limit 515,928.62 acres. Of the last-named total 363,991.50 were purchased by thirty-eight individuals, in quantities exceeding 2,000 by each purchaser, in the last ten years, since the demand for timber land has been active.

In the total of conveyances only 1,947 sales have complied with the $2.50 an acre and 160-acre limits, and 3,376 sales have violated those restrictions. These totals do not take into account sales in which several deeds were made to one purchaser. Were this done the number of sales obeying the law would be somewhat smaller than 1,947. Between the years 1890 and 1902 the railroad sold 400,000 acres to timbermen and speculators in quantities exceeding 1,000 acres to each purchaser. Late in 1902 the railroad adopted the policy of refusing to sell, and in September, 1907, Mr. Harriman, in a speech at Oakland, Cal., announced that this policy would be permanent.

In 1891 the railroad ceased giving warranty deeds (bargain and sale deeds) and thereafter used the quitclaim form, thereby freeing itself from liability should title be menaced, as now seems likely to occur in cases of transfers in violation of the granting acts.

In the sales so far made, inclusive of deeds given and contracts to convey title yet pending, the average purchase price per acre has been $5.42, realizing approximately $4,500,000. If the terms of the granting acts had been observed, the railroad would have received for all the land not more than $8,000,000. But it now asserts absolute ownership of the remaining lands, amounting to 2,080,306 acres and assessed for taxes in 1906 at $18,000,000. Up to the present year the railroad has paid $1,000,000 in taxes on the land. Up to 1891 the total taxes paid were but $75,000. More than one-half the $1,000,000 has been paid since 1902. In that year the railroad refused to sell any more land. Then assessors began marking up the land like other holdings. "In other words," says the report, "the greater portion of the taxes paid by the railroad company down to the present time have been incurred by it as a direct result of its own violation of the law. It is difficult to see how any equities can be predicated upon these facts." The total taxes paid by the railroad do not average more than 40 cents an acre.

Here, then, are facts that the people and the Government long have wanted. They reveal a long train of fraud reaching back thirty-five years. This fraud should be terminated. The railroad should be forced to release the lands still in its clutches, either by forfeiture or by order to sell them in obedience to the conditions of the grants. Early adoption of Senator FULTON'S resolution in the House is hoped for and then immediate proceedings in the courts.

ECONOMIC CONDITIONS.

On this subject I insert the following from Senate Document No. 279:

The grants placed in the hands of a single proprietor nearly one-half of the lands of western Oregon, subject to conditions, however, intended to insure the distribution of the land in small quantities among the producing class. Notwithstanding these conditions, the greater portion of the land still remains in the hands of a single proprietor, which refuses to sell it, develop it, or improve it; simply holding it to share the benefits which shall result from the labor of others. The effect of these conditions upon commercial development does not require demonstration.

A large part of the land which has in this manner been placed beyond the reach of the American settler is considered by those most familiar with its character to be well adapted to make attractive homes for thousands of our citizens, with abundant opportunity for profitable industry.

In this connection it is proper to consider that the Oregon and California Railroad Company is now a part of a well-organized transportation system, which controls the commerce of approximately one-third of the United States. So far as western Oregon is concerned, this railroad system not only holds an absolute monopoly of transportation, but, through the manipulation of the land grant, it practically controls production.

The following facts are significant: The present transportation facilities of western Oregon are taxed to their full capacity in handling the products of the country. If the railroad company should abandon its present policy and dispose of its land grant to those who would develop it and subject it to productive industry, it is certain that the increased production of the country would be so greatly in excess of the present transportation facilities that competing transportation lines would be attracted to that State. It is equally certain that, with the Southern Pacific interests controlling substantially one-half of the land, no other transportation company, however formidable, is likely to venture into that territory to engage in competition with a system which virtually controls not only transportation, but also production. More than four-fifths of the land grant now held by the railroad company is situated in southern Oregon. At the time the railroad company withdrew its lands from sale, in 1902, southern Oregon was developing rapidly. It was largely this development which taxed the capacity of the existing transportation facilities.

NATURE OF THE LANDS.

These lands are of varied kinds—timbered, agricultural, mining, horticultural, and grazing. While I have not been over all of it, I have seen large portions. The lands lie in the lesser valleys, on the foothills, and on the slopes of the Coast Range and the Cascade Mountains. Even much of the timbered land can be used for agricultural and horticultural purposes, when cleared; and in many portions of it there are fertile open spaces. My information leads me to believe that a considerable portion of it can be used for settlement. Yet the nature of the lands, whether timbered, mineral, horticultural, agricultural, or grazing, can furnish no justification for a violation of the provisions of the law, and especially when tenders of purchase have been made in large numbers to the grantees according to law and sales refused. All kinds of lands are valuable elements in the general development and were reserved to the public use without distinction.

THE LANDS ARE IN DEMAND.

Hundreds of offers have been made by persons desiring to purchase these lands. Such offers have been made by responsible parties, and in many instances have been accompanied by a tender of the full price, as fixed in the law, and the intending purchasers have been willing to comply with the terms of the grant.

REASON FOR THE RESOLUTION.

Senate joint resolution No. 48 asks that the Attorney-General may be given authority to seek all proper remedies in the courts, including forfeiture. The resolution determines no rights but leaves all questions without prejudice to be determined by the courts. It was deemed necessary that the grantor, Congress, should definitely assert its right to reenter, if the remedy of forfeiture is to be decided by the courts to be the proper remedy against the grantees. This is the sole reason for asking Congress to pass the resolution. The resolution was prepared by the Department of Justice, which possesses information equaled in thoroughness only by that of the grantees. After long and adequate deliberation it decided to ask the specific instruction and authority stated in the resolution.

While the resolution recites that "suit or suits" shall be brought, in the discretion of the Attorney-General, it does so that it may not be contended that the Government has waived any right while asking special authorization under the resolution.

The Committee on the Public Lands of this House says, in House Report No. 1301, just issued:

Upon this view of the case the Attorney-General investigated the law concerning his authority to claim forfeiture on behalf of the United States. The Constitution commits the disposition of the public domain to Congress. This includes the power to annex conditions subsequent to a grant, and it is quite probable that a forfeiture for a breach of a condition imposed by Congress can only be claimed by the same authority. Therefore the Attorney-General has requested that Congress shall remove all doubt upon the subject by specifically authorizing him to claim forfeiture on behalf of the United States in suits about to be commenced.

It should be noted that the most important purpose of the resolution is to authorize a claim of forfeiture. The resolution does not arbitrarily declare a forfeiture, but authorizes the courts to ascertain whether the United States is entitled to a forfeiture, and if it so finds, to enforce the same. The Attorney-General already possesses ample authority to assert all other remedies on behalf of the United States. While the resolution directs the Attorney-General to enforce all rights and remedies, including that of forfeiture, it was drawn in this form to preclude any possibility of a construction that other rights and remedies were waived, it being expected that the Attorney-General will urge all remedies which exist in favor of the Government.

In another place in the same report it is said:

After a complete investigation of the facts the Department of Justice concluded to institute suit to enforce the rights and remedies of the United States in the premises. The Attorney-General has ample au-

thority under existing laws to invoke all these remedies except the remedy of forfeiture, concerning which considerable doubt exists. The object of the resolution is to remove this doubt.

STATUS OF PURCHASERS FROM THE GRANTEES.

A large number of amendments have been proposed and considered, but the Department of Justice has been unable to approve any of them. An amendment that would confirm title in purchasers of large quantities of the land would probably, in its opinion, result in defeating action against the railroad for the lands still undisposed of. There may be unknown contracts now in existence, as in the past, conveying the remaining lands as a body or large parts thereof. There is also involved in the effect of any proposed special validation of titles to large purchasers at this time, an early reorganization of the railroad company, and a mortgage made in 1887. The uncertainty on these points is a very serious matter. Until the suit is instituted and the real situation is ascertained, it seems impossible to know what can be and ought to be done in the interest of those who have purchased from the railroad in material violation of the law, without at the same time impairing the rights of the Government as against the grantees.

Moreover, it is understood that there is now under consideration, and to be submitted later as a separate resolution, a resolution which will afford all necessary protection to the purchasers in good faith from the grantees, and which will be mutually satisfactory to the purchasers and to the Department of Justice.

Members of the delegation from Oregon have deliberated over many amendments to the resolution, concerning the large purchasers, with the Department of Justice. They have considered it advisable, however, to support such proposals only as may be approved by the Department, lest the case of the Government against the undisposed-of lands should be weakened or defeated. The probability of large transfers, secretly and recently made in violation of the law, constitutes an element of great danger. Amendments may excuse the railroad for past violations of and from future compliance with the law. Purchasers from the grantees, as I understand, will not be affected by the passage of the resolution. Their status will remain unchanged. As pointed out by Judge Ballinger and in the printed hearings before the committee, action against them, if any be taken, will be to have their conveyances set aside. Should such action be brought it must be decided by the court, which will take into consideration all the facts and circumstances and considerations of public policy in arriving at its conclusion.

The resolution is a formal declaration by the sovereign of its intention to reenter if such is decided by the courts to be its right and the best remedy.

CONCERNING LANDS SOLD.

As I have said, there are nearly 300,000 acres the titles to which, I understand, will never be questioned. I think they can not be questioned. There are some 500,000 acres sold in large quantities. Upon many of these large purchases sawmills have been erected, or they are the sources of log supplies for mills. Many mills have built expensive plants, including logging roads. They are valuable and flourishing industries. The purchasers affirm they bought in good faith and supposed they were getting a good title. Upon this supposition they have made their improvements. I find no wish on the part of anyone to do an injustice, but a desire on the part of all to do all things that are right and equitable under the circumstances.

The purchasers of lands in large quantities from the grantees uniformly assert their belief in the validity of their titles. If they are correct, they have nothing to fear in any event. It seems quite possible, by stipulation, to arrive at a speedy determination of any questions relating to their holdings. Should there be found any case or cases where for any reason the courts could not afford adequate relief, Congress can do so when specific information has been presented.

The Committee on the Public Lands of this House, which has held long and exhaustive hearings, at which all interests were heard, and which has carefully considered all questions involved, in their Report No. 1301, dated March 24, 1908, say:

Many arguments were advanced by these purchasers to support their claim for protection at this time. The subject was thoroughly discussed before the committee. A number of these large purchasers were represented in person, by officers, and by counsel, and the Department of Justice participated in the hearing. The following general features were developed:

First. There is no uniformity in respect to the circumstances under which these large sales were made. It is impossible to define circumstances which were common to all of these cases. The most that probably can be said is that some of them bought the land in violation of the law, but ignorant that the purchases were unlawful.

Second. Every defense urged by these purchasers will be considered by a court of equity, and, if sufficient under the rules of equity, the rights of all parties will be amply protected by the court.

Third. The railroad company was reorganized early in its history, and as it is a purchaser from the company which originally became vested with the grant any amendment of the resolution protecting purchasers would be equally available to the railroad company. Moreover, on July 1, 1887, a mortgage of $20,000,000 was placed upon the grant and the other property of the company by the railroad company, and each of the amendments proposed would have validated this mortgage and proven an effective obstruction to any suit against the railroad company.

Fourth. It is inadvisable for Congress or any Department of the Government to recognize in advance any equitable or legal rights growing out of these unlawful sales, in view of the fact that the Department of Justice proposes to base its suit against the railroad company upon these unlawful sales.

Fifth. Congress will have ample power to grant any relief to any parties if the final decree rendered shall appear to be harsh or oppressive, and Congress will then have the benefit of a full development of all of the facts and circumstances of these transactions.

It was urged on behalf of these purchasers that in all previous resolutions and acts of Congress directing suits for forfeitures, saving clauses were annexed in favor of innocent purchasers; but it was pointed out by the Department of Justice that in all such cases the ground of forfeiture was not based upon unlawful sales. Upon all former occasions the ground of forfeiture consisted of fraudulent representations as to the construction or completion of the road or some other transaction to which the purchaser was not a party, and in those cases the sales themselves were not in violation of law; but in this case the sales were unlawful and constitute the very ground for the claim of forfeiture. It is apparent that the former acts and resolutions relating to forfeitures furnish no precedent for this case. It is quite clear that Congress should not direct a claim of forfeiture upon the ground that unlawful sales have been made and at the same time in any manner recognize the validity of those sales.

This is a very important matter. A very plain and at the same time a very salutary law has been very flagrantly violated. The Department of Justice has requested Congress to remove every obstacle to the enforcement of the law. It is imperative that Congress should not, in attempting to do so, impose a still greater obstacle and take the risk of destroying whatever rights and remedies the people now have. Even though it be true that parties bought large quantities of these lands through ignorance of the law, they certainly are not in a position to ask Congress to destroy or impair any rights or remedies the Government has against the railroad company. Whatever consideration Congress may ultimately extend to these purchasers, it is clear that the rights of the people must be paramount in the present action of Congress and that no private interests ought to claim consideration in a way that would be to the detriment of the interests of the people, particularly when their equities can and will have full consideration by the courts.

NOT TO RELEASE THE RAILROAD.

It is vital that there should be no release of the Government's interests in the lands still held by the railroad company, for if they are released it amounts to a defeat of the wise and prudent terms of the grant and would be a gift at this time to the company of 2,300,000 acres of land, 3,600 square miles, exceeding the combined areas of Rhode Island and Delaware, three-fourths that of Connecticut, nearly half that of New Jersey, two-fifths that of Massachusetts, and exceeding one-third that of either New Hampshire or Vermont. Its value is more than $35,000,000. Such a gift can be justified on no grounds whatever. It would be a permanent and serious detriment to our prosperity. The company has persistently ignored its obligations, and recently, in the person of its chief officer, openly repudiated them.

WHAT WILL BECOME OF THE LAND?

If the courts decide that the terms of the grant shall be enforced by specific performance, then the lands will be open to the citizens of the United States under those terms. If forfeiture is declared, then the lands return to the public domain and will be subject to the existing laws and the power of Congress to dispose of the public domain. The question as to the nature of the titles to this land having now become a matter of general public knowledge, it is necessary that the matter be determined as quickly as possible and the questions involved set at rest.

UNLAWFULLY HELD OUT OF USE.

Here is a body of land specifically reserved by Congress for homes for the people. Unlawfully it is a forbidden land. Those who desire to occupy it appeal to the Government to break down the barriers. The people resident in Oregon urge the natural right to grow in numbers and to the opportunity for developing their great natural resources. Oregon is a splendid land. Moses from Pisgah's height never beheld land of equal promise.

We, the people of Oregon, in behalf of our present and future citizenship, ask of Congress to instruct the proper authority to render this land available for the habitations of men.

OUR COUNTRY.

The United States is a great country. While we have only one-fourteenth of the area of the world and one-seventeenth of its population, we carry one-ninth of its commerce and have created one-fourth of its wealth. We have one-half of the total railroad mileage. We produce yearly one-third of all mining products, one-fourth of all manufactures in value, and one-fifth of all agricultural products. The population has increased since 1860 from 31,000,000 to 87,000,000; the wealth has increased

from $16,000,000,000 to $108,000,000,000—that is, in forty-seven years the increase in population has been 56,000,000 and the increase of our wealth has been $92,000,000,000. We ask that Oregon shall have the opportunity to share fully in this unexampled growth and prosperity.

OUR APPEAL.

Oregon is a land whose beauty and charm possess the souls of her people. They love her dearly. She justly demands their devotion and bountifully repays their toil. She gladly welcomes those who come and rejoices in their prosperity. Although she has made excellent advancement in the past, and is now rapidly increasing in wealth and population, there is a serious and unlawful restriction on her progress. It ought to be removed. She appeals to her sister States for the assistance they alone can give. She asks only the fair enforcement of the laws, the rendition of justice and equity to all concerned, the protection of all rights, and that all of these things shall be done by an impartial court. [Loud applause on the Republican side.]

Mr. Chairman, I reserve the balance of my time and yield it to Mr. SCOTT, the chairman of the Committee on Agriculture.

During the above,

Mr. HAWLEY. Mr. Chairman, I would like permission to put this in the RECORD with other documents of the kind concerning this matter.

The CHAIRMAN. The gentleman from Oregon asks unanimous consent to insert certain documents in his remarks in the RECORD. Is there objection?

There was no objection.

At the conclusion of the remarks,

Mr. HAWLEY. Mr. Chairman, I yield the balance of my time to the chairman of the committee [Mr. SCOTT].

Mr. FLOOD. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LAMB. Mr. Chairman, I yield to the gentleman from North Carolina [Mr. GODWIN].

Mr. GODWIN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. GODWIN. Mr. Chairman, I have introduced a bill here directing the Secretary of Agriculture to investigate and report to Congress upon the following subjects: The location and area of lands in my district that are swamp and overflowed, and susceptible of being drained and made fit for agriculture; the value and effect of drainage on such land and on the public health and upon agriculture; existing legislation of the different States and localities on the subject of drainage and operations thereunder; foreign drainage policies and their results, and the relation of the Federal Government to local authorities and legislation on said subject.

I am very much interested in the reclamation of the swamp lands in my State, and especially in the district which I have the honor to represent upon this floor. But of course I do not wish to appear selfish. I would like to see a general drainage bill passed before the end of this session. I believe there is no subject before this House that deserves greater consideration than legislation looking to the draining of the swamp lands of this country.

The farmers desire to know how they shall procure Federal aid to reclaim their swamp lands. Drainage bills have been introduced here, but Congress has failed to pass them. Why is it that Congress will not commit the Government to the policy of drainage when it has committed the Government to the policy of irrigation? The reclamation of the swamp lands is the antithesis of the irrigation of arid lands. There is too little water on the land above, and there is too much below. If the Federal Government, by act of Congress, is irrigating the arid lands of seventeen States in the West, where there is too little water above, why should it not, by act of Congress, drain the lands in the Eastern States, where there is too much water below?

I desire to read a short extract from the last report of the honorable Secretary of Agriculture, Mr. Wilson:

> The drainage of the swamp overflowed lands in the humid parts of the United States would extend or greatly improve agriculture over an area almost equal to that of the States of Illinois, Indiana, and Ohio. This makes farm drainage a matter of national interest and importance.

Now, the Secretary says that drainage would "extend or greatly improve" the condition of the farmers of this country, and I ask why it is that the party in power should delay drainage legislation? You will note that the Secretary says that drainage laws would "greatly improve agriculture over an area almost equal to that of the States of Illinois, Indiana, and Ohio," and still drainage bills have been introduced here session after session in the interests of the farmers of this country, and the majority party has permitted Congress to adjourn year after year without passing a single act, and when the farmers ask, "What did you do for us in the way of passing drainage laws?" the answer is, "Nothing!" You will note further that the Secretary says, "This makes farm drainage a matter of national importance." Now, I respectfully submit that if the reclamation of the swamp lands of this country has become a question of national importance, and we have no reason to doubt that it has, this Congress—I mean, this session—should not adjourn before it grants the relief desired by the people.

It has been ascertained by a recent examination by the Committee on Public Lands that the area of swamp land demanding immediate drainage legislation is approximately 50,000,000 acres. The reclamation of this area would increase the land values of the drainage districts more than $5,000,000,000, and will increase the annual crop values more than $1,500,000,000.

If it is possible to subdivide this enormous area into 40-acre farms it will supply 2,500,000 families with homes, and it will put 12,000,000 people upon lands that are now practically worthless. It is safe to say that those families will spend $2,000 in houses and equipments and improvement for their farms. This will cause an expenditure on the waste lands of to-day of more than $5,000,000,000. An average family of five will spend $600 per year. That will mean to the business interests an increased trade of $1,500,000,000 annually over what is now enjoyed.

These vast areas, scattered throughout the country, and many right at the doors of our great cities, offer an opportunity for relieving the overcrowding of cities. Their nearness to centers of population is assurance that when made habitable they will in a measure turn the pendulum of the population from the city back to the farm. On these farms there will be no isolation, no loneliness, and all will be happy. The fertility of soil and the nearness to markets assure dense population, with all the comforts and luxuries of the town and with the healthfulness and freedom of the farm and country.

In many sections of our country requiring reclamation by drainage nearly all the lands cultivable in localities where moisture is supplied by rainfall are already occupied.

The demand for land is increasing every year by the natural increase of native born and by the addition of 1,000,000 foreigners annually who must be provided with homes. What are we to do? We are not making more land, but the population is constantly growing more and more and the demand for land is growing greater and greater as the years go by.

It is beyond controversy that our people must be furnished opportunity to secure homes. Every year this becomes more and more the nation's duty. The greatest and noblest mission of any nation is to settle its citizens in comfort and plenty in homes of their own. As I said, the Government has set itself squarely upon the work of making homes in the desert, and already the sage-brush plain has become peopled with home makers waiting the turning on of the water to engage upon the work of building an empire in a region long vacant and voiceless.

National drainage is as important a work as national irrigation, and when undertaken it will show equal benefits. To-day our vast areas of swamp lands contribute nothing to the nation's wealth or happiness. They are a barrier to growth and development. North Carolina, South Carolina, Georgia, Arkansas, Virginia, Maryland, Indiana, New Jersey, and many other States contain large areas of swamp and overflowed lands, the existence of which is a menace to human prosperity, health, and life.

We have already reached that period of our progress when a study of the conditions of this uninhabited region is imperative, and when a policy of reclamation on the part of the Government is demanded by all citizens who have the general welfare of the nation at heart.

We have many large swamps in North Carolina requiring reclamation by drainage, and one of the largest swamps of my State is of historic interest. It was known and the drainage of its fertile lands discussed in colonial times and in the early days of our country. The famous Irish poet, Tom Moore, while on a visit to the city of Norfolk, in Virginia, in 1803, wrote his famous ballad, entitled "The Lake of the Dismal Swamp."

I said the Federal Government is committed to the policy of

irrigation. An act appropriating the receipts from the sale and disposal of lands in certain States and Territories to the construction of irrigation works for the reclamation of said lands was passed by the Fifty-seventh Congress and approved June 17, 1902. This act set aside all moneys received from the sale of public lands in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming as a special fund in the Treasury, to be known as the "reclamation fund," and to be used "in the examination and survey for and the construction and maintenance of irrigation works for the storage, diversion, and development of waters for the reclamation of arid and semiarid lands in said States and Territories."

It will be seen that the provisions of this act did not apply to all public-land States in which the Government still holds lands. The States not included in this list may have been omitted, because very little public land is left in them or because they contained little or no land that needed irrigation. It can not be held, however, that by the enactment of this law the Federal Government was simply providing for the irrigation of its own land. The act provides for charges upon lands in private ownership, the charges to be sufficient to repay the money expended by the Government, or at least the part assessed as the equitable proportion that each body of land in private ownership should bear, and to be paid in not more than ten yearly installments. In other words, to the extent that irrigation projects benefit private individuals the Government practically lends the money, to be repaid one-tenth each year for ten years. The money thus repaid goes into the irrigation fund, to be used again in irrigating other lands.

Thus we have the Government, for purposes of irrigation, practically advancing money to individuals. The Secretary of the Interior was required before undertaking any irrigation to first have an examination made to determine if the project was practicable. If a favorable report was made, he was authorized to let contracts for the work.

But if the operation of this law had been confined to the States for which it was first enacted, all public-land States—that is, States whose land was originally owned by the Government and whose private holdings all were derived originally from grants from the Government—it might be claimed that this act was passed with the idea that the Government was spending its money for the purpose of improving its own property and that the improvement of private property was only incidental. But the Fifty-ninth Congress passed an act extending the provisions of this law to the State of Texas.

In Texas the Federal Government does not own one foot of land, except such as it may have bought, just as you or I could buy it. The lands of Texas never belonged to the United States. The magnificent domain of that imperial State was the property of the State, just as was the case with my State, and the others of the thirteen that were the parents of the Union instead of its children. On the idea that the Federal Government is expending its money for the improvement of its own property, there is no more reason why it should irrigate Texas than lands in North Carolina.

The Government is spending money for irrigation in Texas and other States west of the Mississippi, because such work is needed there. It is not spending it in North Carolina and other States east of the Mississippi, because it is not needed for this purpose. In the States whose arid deserts the Government is transforming into gardens of blossoms and bloom, the Government is doing the work, because it can not be done by private individuals.

The water has to be led from its source of supply many miles to reach parts of dry area, giving productiveness to the thirsting soil and life to vegetation all along the way, and extending broad trails of verdure into the desert. Take the case of an owner who lives 30, 40, or 50 miles from the source of supply. He could not get the water; to do so he would have to dig miles of ditches through other men's holdings before it could reach his land at all. He would have to get their consent and probably pay out more than his land would be worth, even when benefited by irrigation.

So the Government steps in and does a work beneficial to all. It is amply able to do it, and those who are benefited pay in easy installments for what they get.

We need not now approve or disapprove the policy of irrigation. It has been adopted. It is in operation and will continue. Only seventeen States and Territories are benefited by it. The others derive no benefits. The law is sectional in its operation and sectional in its benefit, but it is sectional only because one section alone needs work of this kind.

And yet, if we take a narrow view, this irrigation law not only does not benefit the States to which it is not applied, but to some extent it actually hurts them. By converting the deserts of the West into areas of the greatest fertility, the Federal Government is using its influence to keep turned to the West a tide of immigration that otherwise might turn southward. We are not losing, appreciably, on account of the irrigation of the West, but to the extent that if it affects our progress at all it affects it unfavorably.

What, then, shall we do? Demand that irrigation work be stopped? Our demand would not stop its course if we were willing to place ourselves in opposition to the interests of sister States. What we should do is this: Ask the Federal Government to do as much for us as it is doing for others. To this we have a right, and we should assert our right.

But it must be done in another line. We do not need irrigation. The Creator attended to that when He made the land wherein we live. From the mountains that lift their heads higher into the skies than any others on the Atlantic slope to the strip of sand that holds back the battling billows of the ocean there is no desert, there is no arid spot. The rains descend in due time and the unfailing streams wind their ribbons of deeper verdure through a smiling land as their waters go from their birthplace in the mountains to their rest in the bosom of the sea.

Instead of deserts we have swamps. As an original proposition it is just as proper for the Federal Government to expend money in draining swamps as in irrigating arid tracts. Since the States that need irrigation work are receiving it from the Federal Government the claims to drainage of such as need it become stronger. Their claim becomes a right that can not be denied, except through gross injustice. It is the right to equal treatment that equal members of this great Union have.

If the Government proposes to assume the attitude of a father to his children and irrigate the lands of the West, I, for one, insist that North Carolina is not a stepchild. She is as lovely a daughter as any in the family, and is entitled to as good as there is in the house.

The reports of the field operations of the Bureau of Soils of the Department of Agriculture contain much information about the swamps of North Carolina. The area of swamp lands is given as from 3,000 to 5,000 square miles. It must be nearer the latter than the former figure, for the area of what is called Hyde County Swamp is given as nearly 3,000 square miles. This swamp covers part of five counties. It could be easily drained because of its deviation above the adjacent surface.

Some portions have been already reclaimed. Some of this reclaimed land which has been in cultivation one hundred years produces 50 bushels of corn per acre without fertilization and without rotation. No State in the Union averages anything like this yield. The largest average production per acre ever known in the United States was only 30.8 bushels. Professor Emmons says of this land:

> The swamp soils of North Carolina show a greater power of endurance than the prairie soils of Illinois.

I tell you these facts, my friends, not because you do not already know them, but because I wish you to know that the value of this land is recognized beyond the limits of my State.

The swamp land of North Carolina is nearly as great in area as that of the little Kingdom of Saxony, which has nearly 5,000,000 people. The swamps of this State, if drained, could easily sustain a larger population than the entire State has at the present time.

They would be capable of growing a vast variety of products. The rice produced in my district is superior to any other grown in the United States. Its superiority is so well known and so generally conceded that the planters in South Carolina and Georgia have for generations been buying it for seed.

It is not generally known, but it is a fact that, looked at in one way and in the best way, North Carolina is the second cotton-producing State in the Union. Of course, the majority of the cotton-growing States produce more cotton than North Carolina, but this State produces more per acre than any other, except Oklahoma, and the productiveness is rapidly increasing. Years ago North Carolina was far down the list, not only in number of bales grown, but also in product per acre; but she has been moving forward so fast that, in the latter respect, she is now next to the top. North Carolina is one of the three States that produce more than half a bale of cotton to the acre. These lands, besides producing an enormous yield of the common variety, would be suitable for the sea-island cotton, which is worth about twice as much as upland cotton per pound.

But the chief value of the drained lands in my State, and especially in my district, would be as the market garden for

the large cities of the North Atlantic seaboard. Their products, if moved by express, could leave their nearest market towns at sunset and be ready for the breakfast table in Washington or Baltimore the next morning, and could reach Philadelphia and New York by noon. The fringe of country down the Atlantic coast is peculiarly adapted to market gardening, not only because of its fertility of soil, but also because of its climate and its proximity to the great markets. In this part of the country isothermal lines do not run east and west, but northeast and southwest. Eastern North Carolina is warmer than northern Georgia or Alabama. It has about the same temperature as middle Georgia and Alabama. Its garden products are ready for the markets at about the same time as those of middle Georgia and Alabama, and are not more than half as far from them in distance or time. On this account market gardening has already become an important industry in this section, and with the addition of the 2,500,000 acres of the most fertile land in America, or the part of it that could profitably be devoted to vegetables, it could supply the large cities with vegetables earlier than the sections farther north, and at less cost for transportation than the sections farther south.

Drainage is of vast importance to the people of North Carolina, but in my district it is too vast an undertaking to be attempted by individual landowners, just as irrigation in the West is too vast an undertaking to be attempted by individual landowners there.

Generally speaking, the swamps of North Carolina are high enough above the sea level and above the neighboring water courses to make their drainage, while out of the reach of individual citizens, a small matter when considered as an undertaking by the Federal Government.

Mr. Chairman, I have been speaking largely for the entire State, and while I do not wish to voice the feelings or express the wishes of my worthy colleagues from North Carolina upon this floor, I feel that they will most heartily indorse all I have said. I believe that my district has a larger area requiring reclamation by drainage than any other district in the State, and, Mr. Chairman, I want to call the attention of the House to the class of citizens I represent.

My district in North Carolina is peopled by representatives of sturdy races, whose struggles for liberty and freedom date back to periods before the Western World had a place in the dreams of men. It is peopled by men and women from the countries of Europe, who, oppressed in their own lands, long looked forward to American development that they might for themselves and children enjoy that freedom and that liberty of which they had heard and dreamed.

The CHAIRMAN. The gentleman from Missouri [Mr. SMITH] is recognized.

Mr. SMITH of Missouri. Mr. Chairman, I desire to talk for a few moments in a general way concerning the history of agriculture and its present material value, and of how the farmer has fared at the hands of the Government, and, lastly, of agricultural education.

George Washington was a man whose common sense amounted to genius, and this feature of his intellect, with a moral courage that may have been rivaled by the best men of history, but never excelled, wrote his name on the very highest arches of fame, there to shine forever and grow brighter as time goes by.

In his first message to Congress, January 8, 1790, he expressed the hope that the—

advancement of agriculture, commerce, and manufactures by all proper means will not, I trust, need recommendation, nor am I less persuaded that you will agree with me in the opinion that there is nothing which can better deserve your patronage than the promotion of science and literature. * * * Whether this desirable object will best be promoted by affording aids to seminaries already established, or by the institution of a national university, or by any other expedients will be worthy of a place in the deliberations of the Legislature.

Notice that of the great triple interests which he mentions agriculture is first, and he links the promotion of agriculture with the university, which means that this industry has a scientific side of interest and value.

In his eighth and last message to Congress (1798), stressing the importance of agriculture, he says:

It will not be doubted that with reference either to individual or national welfare agriculture is of primary importance. In proportion as nations advance in population and other circumstances of maturity, this truth becomes more apparent and renders the cultivation of the soil more and more an object of public patronage. Institutions for promoting it grow up, supported by the public purse; and to what object can it be dedicated with greater propriety? Among the means which have been employed to this end none have been attended with greater success than the establishment of boards (composed of proper characters) charged with collecting and diffusing information, and enabled by premiums and small pecuniary aids to encourage and assist a spirit of discovery and improvement. This species of establishment contributes doubly to the increase of improvement by stimulating to enterprise and experiment, and by drawing to a common center the results everywhere of skill and observation, and spreading them thence over the whole nation. Experience accordingly has shown that they are very cheap instruments of immense national benefits.

On March 1, 1785, was organized at Philadelphia the first society for the promotion of agriculture, and George Washington and Benjamin Franklin were elected members of it.

I can not futher pursue the early history of the beginning of a growing sentiment for agriculture. I merely mention it to emphasize the importance of the subject. Agriculture is always put first in speeches, for there is where it belongs in sentiment and reason, but in the selfish and sometimes tainted efforts of men to lay hold of that which is not theirs, through the forms of law of their own contrivance, agriculture has been in practice sent to the rear, which is a reversal of the natural order of things and can be but temporary.

I shall, after looking at the farmer and his business from a political standpoint, devote whatever time is left to a general review of agricultural education, stressing particularly its study in the common schools, and what the country, through Congress, owes to the farmer in the aid of better educational facilities.

FARM PRODUCTION AND THE SURPLUS.

In this country there are now engaged in agricultural pursuits about 11,000,000 persons, more than one-tenth of the entire population of the nation. The value of all farm property, as shown by the census of 1900, was considerably over $20,000,000,000, as the following table, furnished to me by the Secretary of Agriculture, exemplifies:

Year.	Number of farms.	Number of acres in farms, 1880–1900.		
		Total.	Improved.	Unimproved.
1900	5,737,372	838,591,774	414,498,447	424,093,287
1890 [a]	4,564,641	623,218,619	357,616,755	265,601,834
1880 [a]	4,008,907	536,081,835	284,771,042	251,310,793

[a] Not including farms of less than 3 acres, which reported the sale of less than $500 worth of products in the census year.

The value of farm property in 1900, as given by the census, is shown below:

Value of farm property—1880–1900.

Year.	All farm property.	Farm land with improvements, including buildings.	Implements and machinery.	Live stock.
1900	$20,439,901,164	[a] $16,614,647,491	$749,775,970	[b] $3,075,477,703
1890	16,082,267,689	13,279,252,649	494,247,467	[c] 2,308,767,573
1880	12,180,501,538	10,197,096,776	406,520,055	[c] 3,576,884,707

[a] Value of land, with improvements, except buildings, $13,058,007,995; value of buildings, $3,556,639,496. The Twelfth Census was the first to collect separate statistics of buildings on farms.

[b] Including value of live stock on ranges as well as on farms. Value of domestic animals, $2,979,197,586. This figure is more nearly comparable than that in table with the returns for value of live stock at earlier censuses.

[c] Including estimated value of live stock on ranges.

The value of farm products in 1899 was given by the census, viz:

Value of products.

Product.	Total.	Fed to live stock.	Not fed to live stock.
Total	$4,717,069,973	$974,940,616	$3,742,129,357
Animal products	1,718,365,561	----------	1,718,365,561
Crops [a]	2,998,704,412	974,940,616	2,023,763,796

[a] Includes forest products.

The number of persons at least 10 years of age engaged in agricultural pursuits in 1900 was classified by the census as follows:

Occupation.	Total.	Male.	Female.
Agricultural laborers	4,410,877	3,747,668	663,209
Dairymen and dairywomen	10,875	9,983	892
Farmers, planters, and overseers	5,674,875	5,367,169	307,706
Gardeners, florists, etc	61,788	58,928	2,860
Lumbermen and raftsmen	72,020	71,920	100
Stock raisers, herders, and drovers	84,988	83,056	1,932
Turpentine farmers and laborers	24,735	24,454	281
Wood choppers	36,075	35,962	113
Other agricultural pursuits	5,532	5,289	243
Total	10,381,765	9,404,429	977,336

The wealth production on farms in 1907 reached the magnificent sum of $7,412,000,000, not including dairy products, which amounted to $800,000,000. The animals sold from farms for the year 1907 were worth about $1,270,000,000, aggregating the grand total of $9,482,000,000.

AGRICULTURAL EXPORTS.

Of this production for the year ending June 30, 1907, the domestic exports of farm products were valued at $1,500,000,000, four-fifths of which were plant products, and chief among them was cotton with the port value of $482,000,000. The grain and grain products exported were valued at $184,000,000, the unmanufactured tobacco at $33,000,000, and oil cake and oil-cake meal at $26,000,000, the vegetable oils at $20,000,000, and the fruits at $17,000,000.

Animals and animal products were exported to the value of $255,000,000, mostly composed of packing-house products, worth $203,000,000, or only $4,000,000 under the high-water mark of 1906. Exported live animals were valued at $41,000,000 and dairy products at $6,600,000.

These figures I most earnestly commend to the sober consideration of the farmers of the country in order that they may fully realize the significance of the nation's agricultural interests and its national importance from the standpoint of comparison with other great industrial interests.

MANUFACTURING AND MINING INTERESTS.

The manufacturing and mining interests are the next largest, which, in round numbers, aggregate in value approximately $15,000,000,000. There are employed in these industries about 5,500,000 persons as wage-earners. The number of owners of mines and manufactories were approximately 1,000,000 persons, making a total of persons engaged in manufacturing and mining in the neighborhood of 6,500,000.

RAILROAD INTERESTS.

The transportation by railroads is the next largest interest. The gross earnings ending June 30, 1906, on 222,340 miles of railroad amounted to $2,326,000,000, and the net earnings amounted to $788,887,896. The number of the employees for the same time was 1,521,355.

My object in giving these figures is to show how much greater, in point of fact—with no intention, however, to disparage the other great interests so briefly set forth—is the agricultural interest of the country and to emphasize this great difference. These combined figures are stupendous and tell a fairy tale of material growth and prosperity. Yet they do not tell half the story. If the future could only be read for one hundred years hence these figures would dwindle amazingly.

But I must note, in passing, that through land grants and money donations from the Government and people the railroads have received more than a billion dollars to aid in their construction, and that manufacturing and mining have been the particular wards of the Government for more than forty years, by virtue of the high protective tariff, and as such wards have been the recipients of unknown millions, and are yet its tender wards.

But what has the farmer received? Only here and there a homestead of 160 acres, upon which he has been compelled by law to locate, clear up, improve, and build a home, and become the pioneer of the country's growth, accompanied by sacrifice, and the creator of its social life and the provider of raiment and food for the Government's favorites.

EQUAL RIGHTS TO ALL, SPECIAL PRIVILEGES TO NONE.

In this connection I desire briefly to mention the burdens that the farmer and his business have borne for so many years at the hands of the Republican party and its high protective tariff; that, notwithstanding this, the farmer has prospered, and I want to tell you that his prosperity is due to the age, his industry, thrift, and the remarkable fertility of the soil of our great country, and not to the sacred schedules of the Dingley tariff. The Dingley tariff is a fraud and a failure, as the late and continuing Republican panic has demonstrated. My party has always held that a high protective tariff was a monstrous fraud upon the farmers, and this belief is rapidly gaining ground in all parts of the country.

Agricultural implements and household mechanical implements are now sold abroad, after the expense of transportation is added, 20 per cent cheaper than in our own country. This is such common knowledge and so well known to the farmers everywhere that to illustrate it would be a waste of time.

At last, however, the friends of the high protective tariff say that the schedules will be revised at the next sitting of Congress. Whether or not they will be, if the Republican party should prevail at the fall elections, no human being can tell. That the high protective tariff has ever been an incubus upon the farmer can not be successfully gainsaid; and without going into the history of this subject, I merely desire to give briefly some very interesting figures.

In the ten years from 1850 to 1860, when the Walker tariff prevailed, farm property doubled in value, while from 1860 to 1890, when the war tariff ruled for thirty years, farm property barely doubled again. The ten years between 1890 and 1900 marked an increase of nearly 25 per cent. But during this entire period there was an average increase in the value of urban and city property of about 75 per cent.

LITTLE GAIN TO THE FARMER.

And there is more of this picture for the farmer. He ought to frame it and hang it up in his dining room, so that he can study it while enjoying his meals, and he ought to tell his children how kind he has been to all the interests except his own. You will observe that in 1850 the farmer owned more than half of the country, while in 1900 he owned a little more than one-fifth, and to-day he owns scarcely more than one-sixth. The per capita wealth of the farmer remained practically stationary for the forty years between 1860 and 1900, while city property increased in the neighborhood of sixfold.

Of the $78,000,000,000 of wealth growth or increase for forty years between 1860 and 1900, less than one-sixth of it went to the farmers, who made up at that time considerably more than one-third of the population, whereas, on the other hand, of the $9,000,000,000 increase during the ten years between 1850 and 1860 more than 44 per cent of the increase went into the pockets of the farmers. These figures ought to be irrefragable proof of the contention that always has been made by the Democratic party, that high tariff, economically speaking, is the farmer's worst enemy. It is a well-known fact that something like four-fifths of the tariff is paid by the consumer and one-fifth by the exporter and foreign manufacturer. As the farmer is neither an exporter nor a foreign manufacturer, he pays his proportion of the four-fifths of the high tariff, which is robbery.

Without pursuing this subject any further, there can be no doubt but that there would be a marked reduction in the prices of many of the necessary articles of life consumed by the farmer on a reduction of the tariff, which it looks now would come to pass, for I verily believe the Democrats will come into power in 1909. That high tariff is not a panacea for political ills has been forever settled—that panics will come, as Democrats have always contended, when the tariff is sky high, has been also forever settled, and the Republican party has been "knocked silly" on this proposition.

The worst panic that this country has ever witnessed would have been experienced last fall had not the national and State banks seized upon and by force held the reserves that were in the banks throughout the country; and also did the banks, forcibly and without the consent of the depositor, hold the deposits of the country until the storm that lowered so threateningly in November and December had, in a measure, broken. The country banks were forced into this action by the great national banks located at the great financial centers.

PROPOSED LEGISLATION IN AID OF AGRICULTURE.

A number of bills have been introduced in this House for the purpose of aiding the agricultural interests of the country and especially for the purpose of giving aid to agricultural education. The bill that meets my approval in a greater degree than any of the others, and yet is not entirely satisfactory, is the bill introduced by the gentleman from Minnesota.

Mr. HUMPHREYS of Mississippi. Does the gentleman wish to yield?

Mr. SMITH of Missouri. I will yield.

Mr. HUMPHREYS of Mississippi. To what gentleman from Minnesota does the gentleman refer?

Mr. SMITH of Missouri. Mr. DAVIS.

Mr. HUMPHREYS of Mississippi. I agree with all the gentleman says in reference to the bill, and I suggest it was currently reported and generally believed here that he was taken off of that committee by the Republican Speaker of this House because he had introduced that particular bill.

Mr. SMITH of Missouri. I have understood it to be a fact, that because he introduced a bill looking to a larger diffusion of agricultural education among the masses, and I presume because it called for about $10,000,000 by the way of an appropriation, which could only be for the benefit of the farmers and the agricultural classes of the country, he was let off or taken off of that committee. Whether this is true or not I am not able to say.

Mr. HUMPHREYS of Mississippi. The fact is, though, he is off of the committee?

Mr. SMITH of Missouri. That is true.

This bill seeks to fix a tax equal to not more than 10 cents per capitum of the population of every State, Territory, and

the District of Columbia, respectively, based upon the last census. This would give to Missouri a sum in the neighborhood of $300,000 for the purpose of educating the people in things appertaining to agriculture and home making. I believe that the amount of the appropriation, at this time, is too great. The annual appropriation by the Government, under the terms of this bill, could not be less than $10,000,000, to be expended under the supervision of the Secretary of Agriculture through the agricultural colleges and experiment stations of the several States.

Further, the bill requires the establishment of experiment stations in subdivisions of territory not to exceed fifteen counties throughout the States. It seeks to do so much, at once and arbitrarily by force of law, before the country, in my opinion, is ready for it, that the bill from this view point is subject to criticism. The bill is all right as to conception, but we are not prepared for it in its details. In my opinion, if we were ready for the appropriation, it would not be too much. Yea, the farmer is entitled to more when we are prepared to handle it in the right way. But we must grow for several years. However, I am in sympathy with its general purpose, and that is to simulate a deeper interest in the education of the children of to-day in matters pertaining to agricultural pursuits.

It has been currently reported that Mr. DAVIS was taken off the Committee on Agriculture for the reason that he had made his campaign upon a platform in which this bill was the chief plank, and because he had advocated, by correspondence with other Members of Congress, the importance of such a measure, which would redound to the interest of the farmer, especially in the rural districts, as to information valuable to farmers, through the experiment stations and the general diffusion of agricultural education.

HISTORY OF AGRICULTURAL EDUCATION IN MISSOURI PRIOR TO 1887.

I have for a number of years felt a deep interest in agricultural education and in its diversified phases.

Man is a land animal and can live only from the fruits of the soil, and he can build no civilization worthy of the name which shall endure that is not based upon agriculture. The closer his communion with this "open sesame" of life and its evolution the better and happier he lives.

The mysteries of agriculture and its science and its practical side can best be learned in a thoroughly equipped agricultural college, which includes the experimental station and the tillable farm, and such schools, manned with men and women in love with their work, sufficiently skilled in the technique and practical work, will give the highest results in the illimitable field of agriculture.

More than twenty years ago, when a member of the Missouri legislature, I had the honor to offer in the senate of Missouri a resolution. The preamble was rather too explicit in reciting past history with respect to the Congressional land grant of July, 1862, and the fund arising from the sale of lands granted to Missouri. This indulgence in history, however, was necessary to awaken public interest. It was necessary to use language calculated to stir the feelings of the public, and particularly of those personally charged with the sale of these lands and the management of the fund, as well as the management of the agricultural college. Hence, the resolution provoked a heated discussion, which resulted in the appointment of a committee to investigate the affairs of the Agricultural College of Missouri, then a mere department of the State University.

As the preamble of the resolution was regarded as rather too caustic, most of it was stricken out and that remaining was doctored so, when adopted, that it was as follows:

Whereas, from general reports and printed catalogues, some person or persons have changed, or sought to change, the name of the university from the "State University," as provided by the constitution of the State, to that of the "Agricultural College and University of the State:" Therefore be it

Resolved, That a committee of five be appointed by the President of the Senate to make a diligent inquiry into the history of the legislation relative to these lands, and the establishment of the Agricultural and Mechanical College, the number of acres sold and the price per acre, the number of acres leased, and the number of acres yet unsold, the investment of the proceeds arising from the sale and leasing thereof, the kind of bonds and stocks purchased, the management of the agricultural and mechanical department of the university, the number of students, of professors, and their salaries, and everything connected with the history, control, and expenditures of such department; and, further, said committee shall carefully inquire of the board of curators of said university who sought to make the change of name above mentioned by what authority it was sought and for what purpose. Further, said committee shall have power and authority to send for persons as witnesses, for papers and documents, and to administer oaths and do all things necessary to a full and thorough investigation thereof; to employ a stenographer to take all the evidence, oral and documentary, considered important by the committee, and the same report to the Senate at the earliest day possible by resolution, bill, or otherwise, and are further authorized to have said report printed at once for the use of the Senate.

WHAT THE COMMITTEE REPORTED.

This committee met in the university building at Columbia February 4, 1887, and after an investigation of almost a week, spent in taking testimony covering the entire history of the agricultural college, its affairs and management, in due time made a report as to the agricultural college, what it had accomplished, and its future, in the following language:

To the senate and house of representatives of the thirty-fourth general assembly of the State of Missouri:

Your joint committee appointed to investigate the condition of the endowment fund, held in trust by the State for the use and benefit of the agricultural college, which is a department of the State University, beg leave to submit the following statement as part of the report to be hereafter made in full:

* * * * * * *

It will not be disputed but that the evidence taken before the committee shows clearly that the agricultural college has been a failure.

The department has graduated during its fifteen years of existence just sixteen students, and only about three of them are farmers.

There has been paid to this department as interest on bonds and land leases something near $135,000.

Unless some change can be made whereby better results can be obtained, it would be well for the legislature to abolish the law creating the institution.

The fact is, that the agricultural college is so interwoven into the web and woof of the university proper, that it has no identity, no individuality, and, rightfully, no standing at home or abroad. Time has proven that it can not succeed under the present environments and government. Money can not nor never has made a bad government a good one. The agricultural department should be as distinct as the law department or the medical department.

The interest fund would pay a very respectable faculty of professors whose hearts would be in the work, and this should be done, and the thirty-fourth general assembly should be wise and patriotic enough to do it.

Finally, we would recommend that, if the agricultural college can not be reorganized and placed under a different management, with a special faculty, whose purpose it shall be to educate and train the industrial classes for the various practical pursuits of life, it ought to be separated from the university and conducted under a distinct régime and be a distinct college.

It is believed by the committee that it is practical to place the agricultural college under a different management and still leave it a department of the university. Therefore, be it recommended—

M. R. SMITH, *Chairman.*

This partial report was signed by myself alone for the reason that it was thought to be too radical by the other members of the committee. But subsequent events, which I shall not now discuss, have fully approved of every word and statement made in it, and it is very gratifying to me that this is so.

Later on in the session the whole committee made the following statement as their final report, in the nature of an apology for the old management of the agricultural college:

To the senate and house of representatives of the thirty-fourth general assembly of the State of Missouri:

Your joint committee, which made a partial report of its proceedings herein, beg leave to submit the following as corrective and final:

Actual number of acres outside of railroad belt	260, 305. 22
Number of acres within railroad belt	66, 737. 88
Total number of acres accepted by the State	327, 043. 10
Total number of acres sold	249, 906. 13
Number of acres unsold	78, 136. 97
Sum realized from all sales of land	$322, 741. 65
Auditor's report shows an investment in agricultural funds	$287, 000. 00
Amount of deficit	$35, 741. 65

This deficit, as far as the committee can determine, has been used in the payment of expenses accruing upon the sale of these lands, the investment of the price of the sales, and other contingent expenses.

Also some part was lost by Commissioner Sutherland's defaulting to the amount of $2,800, and possibly more, since Mr. Todd testified that they could not get the books from him, nor a settlement.

The foregoing statements, accounts, and computations we believe to be true and correct, though we have not had the time to make as full an examination as we would like.

M. R. SMITH.
JAS. C. MCGINNIS.
J. M. PROCTOR.
JAS. P. WOOD.
W. W. COCK.
R. H. WHITELAW.
J. A. ARBUTHNOT.

The Agricultural College of Missouri has an interest-bearing fund of upward of $400,000, I would say. The exact amount I can not give.

CHANGES FOLLOW INVESTIGATION.

These reports set the public to thinking, and at the next session of the legislature matters at the university, so far as the agricultural department of it was concerned, were vigorously dealt with by a thorough overhauling, and the president of the university lost his position, and yet he was one of the ablest men who ever was at the head of the university. Feeling ran high at the way the agricultural and mechanical department had been managed.

The result, in brief, was what I had recommended in the report signed by myself, that the agricultural college be made an

independent department of the university for special work, and not a mere adjunct to it, used and subordinated to the university for its benefit, together with an absorption of its land-grant trust fund in the general educational work of the institution.

This investigation marked the beginning and growth of a school that ranks high and is to-day doing the very best special work along the lines of scientific and practical work in agricultural education.

I shall mention, at the risk of being charged with egotism, that I had the honor to introduce into the Missouri legislature in 1889 the bill for the establishment of the experimental station at Columbia. The experiment station grew out of, and was a part of, the Hatch Act, which passed Congress on March 2, 1887. The farmers of the country never had a better friend in Congress than Hon. William Hatch, of Missouri. The experiment station at Columbia is one of the very best, and is under the able management of Dr. H. J. Waters, who is deeply in love with the greatest educational movement of the age, and one destined to do more for the elevation of the human family than any other in the whole range of educational work.

For a succinct statement of just what the agricultural college was when it was investigated, I submit the following question and the answer to it by Professor Sanborn, then the so-called dean of the faculty of the agricultural college:

Q. Please explain why there are so few attending the agricultural colleges proper, as students?—A. Well, sir, in the first place, they nowhere in America have accepted the agricultural college as a necessity. Lands in this western country have always been so boundless in extent and so fertile that farmers could see no need of any education to enable them to become farmers; in their estimation no special education was required and no agricultural college was needed. This is the first reason, and the second one, in my opinion, is that our agricultural colleges here have never been equipped to do the work that ought to be done. The professor ought to be able to take the boys out on a farm connected with the college and show them the different breeds of stock and test the results of the different kinds of feed, and so forth, and also to show them the different varieties of fruits, cereals, and grasses, and so forth; the State farm here is entirely unequipped, and I have not felt like I could try to induce young men to come here. I have felt that boys coming to such a poor institution would really not take much interest in an agricultural education, *and as a man of truth and honor I could not wish to induce them to come under false claims and pretenses;* no college in the country could brag of more students than we would have if we were properly equipped. Kansas boasts of 400 students, but that includes everything; in their agricultural college proper they graduated but one last year, while we graduated five; but I say that in the sense in which we educate them they are not exclusively agricultural students. The difficulty is, the farmers of the country are not ready for what I regard the purely agricultural college; they have not been educated up to it yet and are not ready to receive it.

This is ancient history, but it is now and then well to get our bearings to see how far we have traveled and whether in the right direction. Within the last twenty-five years the world has made its decision "that a physical fact is as sacred as a moral principle," as a great educator said fifty years ago.

Upon this principle the character of education is rapidly changing, and to the forefront is being pushed industrial education by men and women of brains and courage, who shall win the very highest achievements for the nation. But I can not pause here to expatiate upon this entrancing subject.

I am anxious to add my meed of aid to help engage the interest of the agricultural classes to avail themselves of the great opportunities offered to them through the Department of Agriculture in Washington and through the agricultural colleges and experimental stations in every State in the Union, and particularly in Missouri.

UNITED STATES DEPARTMENT OF AGRICULTURE.

In this connection I regard it as appropriate to say something concerning the Department of Agriculture here in Washington. It is without doubt one of the most effective organizations of its kind in the world, and an outline of some of the most important things that it is doing will not be out of place. It is making careful investigations from day to day, through the Weather Bureau, of the condition of the weather of the country with respect to climatological influences on commerce and agriculture, and the results are given to the public daily through bulletins. The Bureau of Animal Industry is also very important, and through an able staff of experts is giving very thorough consideration, as I am informed, to the question of meat inspection, and this is very gratifying, for the reason that meat products go into every home in the land, and hence this work is calculated to protect the health of the people. It is also devoting much time and investigation to the diseases of animals, the importance of which every farmer and stock raiser knows, and is active in the investigation of conditions affecting quarantine measures in this and foreign countries, and also is active on the subject of opening foreign markets for American meat products, all of which is for the advancement of agriculture and the farmer.

The Bureau of Plant Industry is also very important. It would be too tedious to undertake to discuss in detail the work of this Bureau. However, it devotes much time to the study of plant life in its diversified forms; in the introduction of new crops from foreign countries; in the building up of new crop industries, and the improvement of them, as well as the study of the diseases affecting crops.

The great region west of the one hundredth parallel, known as the "Great Plains section," which is rapidly becoming the Mecca for farmers and people from Missouri, Illinois, Iowa, and other States, is being carefully studied by this Bureau for the purpose of determining what crops can be better grown in that section. Wheat growing was begun there something like seven years ago, and I am informed that there were produced last year from 45,000,000 to 50,000,000 bushels of a new wheat, worth in the neighborhood of $40,000,000, and it is expected that this yield will steadily increase.

The fruit industry, which is becoming so important in the Middle West, comes in for careful observation, and I want to say that Missouri stands at the head in this respect. Her orchards, vineyards, and fruit plantations are the best, especially those in the southern and western portions of the State. This Bureau has done valuable service through its scientific investigations of the diseases of fruit and in helping to prevent the same. I am informed also that the Department has been successful in later years in greatly benefiting the fruit growers of the country by offering to them new methods of destroying insects that have heretofore so seriously damaged fruit crops. This work, perhaps, comes more directly under the Bureau of Entomology.

Soil surveys have been and are being made all the time throughout the country, and especially in Missouri, which are regarded as of considerable value. I should not forget also to mentioned the fact that the Office of Public Roads is stimulating and encouraging the improvement of roads, and this is one of the important features of the Department, and yet not enough along this line has been done to be considered of much value; but the future in this respect is encouraging, forecasting it by the bills introduced on road building.

While the Department of Agriculture is fundamentally for research, it is, of course, doing much in a general way. All research work is educational, and I must not forget to mention that this same kind of work is being done by the State experiment stations in a very promising and satisfactory manner.

AGRICULTURAL EDUCATION IN MISSOURI AT THIS TIME.

It is with considerable pride that I refer to the fact that Missouri is to the front in many respects in agricultural education, as well as in agricultural production. It has been stated recently upon good authority that nearly one-eighth of all the corn of the United States and more than one-tenth of the corn grown in the world is grown in Missouri.

I believe Missouri has the largest permanent productive school fund of any State in the Union, unless it be Texas. We expend in that State in a single year for schools—public, private, and denominational—about $11,000,000, which is nearly 10 per cent of the entire assessed valuation of the State, and more than four times as much as is expended in all branches of the State government—executive, legislative, and judicial.

The Missouri State University and Agricultural College at Columbia are doing much toward advancing the higher education of the State. The agricultural college, an independent department of the university—and for the valuable work that it is now doing I claim some of the credit—under the able management of Dean Waters has rapidly advanced to the front rank of institutions of this kind in the United States. It is now graduating from twenty-five to forty young men and women every year, some of whom go into professional life as teachers and experts in the agricultural colleges and experiment stations of the country; but many of them, which is possibly more important, go back to the farms and become farmers and centers of influences in their communities for better farm work and a more aggressive and intelligent citizenship. Others become leaders in agricultural work as heads of departments and bureaus in the Government service. Dr. Beverly T. Galloway, Chief of the Bureau of Plant Industry, is a Missourian and from the Agricultural College of Missouri; he ranks high in his profession, and Missouri is proud of him.

The agricultural college of my State is making a special effort to extend its influence into the homes of the State and to have the elementary branches of agriculture taught in the common schools of the country, which, while it is meeting with success, I am constrained to say, is not being pressed with that zeal and prophetic spirit that the work and cause merit. The normal schools, secondary and primary schools are, however, becoming interested more and more every year in this char-

acter of education, and I should not neglect to say that the normal schools generally are giving a course in agricultural education.

The Missouri State Fruit Experiment Station, located at Mountain Grove, Mo., and supported entirely by the State, is devoted chiefly to the development of the fruit interest of the southern part of the State, which section is rapidly becoming one of the greatest fruit regions in the country.

Summer schools at Columbia, Mo., conducted annually for this purpose, are designed primarily for the purpose of training teachers in elementary agriculture.

The continued future development of the country, it is conceded, must in a large measure depend upon maintaining the fertility of the soil, the greatest storehouse of the country's wealth. Mines become exhausted, forests are cut away, but the soil remains and must be kept rich to assure the nation's growth, and if not, it will decline rather than climb to greater heights of power and prosperity. These facts are of magnificent importance, and yet the importance of agricultural education from another point of view is of immense value, that of training the minds of the children of to-day to be the depositories of the mental dynamics of the future, which are yet to lift the world to better things. It is rapidly becoming recognized as an educational tenet that the training of the hand and mind must go together, and agricultural work in this respect is found in the school garden, nature study, etc. Research work of this kind is equal, if not superior, to any other, and is exceedingly valuable to the general building up of the child, both mentally and physically.

PLEA FOR MORE PRACTICAL EDUCATION.

I believe that education should be more practical, and this need not reduce the cultural influence and benefits in the least. Nothing can be more enriching to the mind of a child or a man than to learn the secret of communing with nature in her many moods and manifestations. The flower, the beetle, the glowworm, the plant, the tree, the mountain, the river, and the starry heavens are all full of interest and suggestive of the most beautiful and useful thoughts, out of which have grown some of the finest passages in all literature.

Our common schools are rather extraordinary schools than otherwise. The children are given lessons in science, grammar, social economy, French, Latin, drawing, instrumental music, and so forth, often at the expense of learning English and how to spell and read well. They may know how to translate Latin, but not be able to render it into good English. This is farcical.

The need in common schools is thorough training in all the elementary English branches, in bookkeeping and business methods, in nature studies and object lessons.

Let the girls take, as part of their education in the higher branches, the lost science of cooking, housekeeping, and physiology. I am asking, first, for a safe foundation upon which to build a useful, as well as a beautiful, life, for people ought to be sensible, because most of them must earn their bread by work, and all of them ought to be compelled to do the very same thing—be employed in some useful occupation. To those who have means, with a love of learning, I commend a life of study, broad, deep, and thorough, well-rounded, if possible, by extensive travel and observation. We need great scholars; but the people need the industrial education that will make bread easier to win, and they need the time for meditation, the fruitage of nature study. For more than a century the people of America have been at work on the problem of rural reform. Some progress has been made, and we are now prepared for the complete accomplishment of what we have so earnestly sought, the placing of rural life upon a plane of profit, of culture, and power. We must commence at the bottom and readjust the life of the common people.

First, by increasing the earning capacity of the small farmers and by furnishing to them more comfortable homes, better schools, improved highways, telephones, free delivery of mails, and rural libraries. These improvements all require money. They can not be installed and maintained without it; hence, the basis of the better rural life is the greater earning capacity of the farmer. Farm renovation and the highest production are now fully understood, and they can be explained and illustrated in such a simple and practical way that it would be a crime not to send the gospel of maximum production to the farmer. Some persons say that the farmers are a hard class to reach and impress. That is not my experience. They are the most tractable of people if you have anything of value to offer—but they want proof. They do not take kindly to theories and they are quick to discriminate between the real farmer and the book farmer. Hence the message to the farmers must be practical and of easy application. Who shall bear this message? My experience is in favor of farmers of fair education and acknowledged success on the farm. They are liable to make mistakes, from a scientific standpoint, in delivering it, but these mistakes are easily corrected. The main thing is to get the farmer to act, and no one can do that as well as a fellow-farmer. The scientific man is sure to outdo the thing and the farmer is often disgusted and will not hear him even though he brings the truth. In general, it is not the man who knows the most who is the most successful, but the man who can convince his hearers that he has the truth to tell to them.

THE PROCESS OF TRANSFORMATION.

The process of changing the environment of a farmer is like that of transforming a farm boy into a scholar. First, the farmer may be selected to conduct a simple and inexpensive demonstration. Second, an understanding should be made with the United States Department of Agriculture or the State agricultural college, or both, by which he is to follow certain instructions. Third, he is to have better seed furnished to him by the United States Department of Agriculture. If he succeeds, his name is published in the papers. Fourth, each month, when the Government's field agent goes to examine his experimental farming, many of his neighbors likely will be present, and therefore he will unconsciously strive to improve his farm, so as to be ready for company, and will cultivate his crops better. Fifth, a report of his extra crop is made in the country papers. His neighbors talk about it and want to buy seed. Sixth, he sells the seed of his crop at a high price, and his neighbors inquire how it was all done, and he is invited to address farmers' meetings and institutes, and all at once he becomes a man of influence and a leader in new and better methods.

In not a great while a body of such men will grow up in a township, a county, a district, and finally a State is transformed. Before a change or a reform can take root and be of any value the environment of the people must be broken up and modified or but little permanent good in the way of reform can be expected. The environment of the farmer generally is limited to a few miles around. The experiment and demonstration required to prove the method sought to be established must therefore be carried to this limited area, and it must be shown how easy and simple it is to do valuable work, such as to restore the fertility of the soil, to multiply the products of the land per acre, to increase the number of acres each laborer can till, and show an increased yield of several fold, as well as an increased profit from untilled fields by stock feeding and animal husbandry. This is the farmers' cooperative demonstration work.

EDUCATION IN ELEMENTARY SCHOOLS.

I must insist that every State superintendent of schools and the deans of all agricultural colleges, including directors of experiment stations and all others interested, should persistently and unceasingly labor for a mature and up-to-date system of elementary education to be taught in all common schools, and especially in the rural schools of our country. This system is most admirably explained in Circular No. 60, by Dr. A. C. True, and which is issued by the Department of Agriculture. This circular, issued from the office of the Director of Experiment Stations, should be read by every wide-awake public school teacher and county superintendent in the land.

This laudable educational work can be best promoted through speeches and by printed letters and articles read before all kinds of farmers' meetings and institutes and agricultural boards, legislative committees and assemblies, and wherever an audience can be found that will hear.

The work certainly is attractive, and full to running over with new thoughts and new ideas which appeal to the imagination and are calculated to fire the mind with the zeal of a crusader on account of what can, beyond dispute, be accomplished by labor. Home, sweet home, with all of its charms and sad remindings floats through the mind with bewitching effect, but I must forego the poetry of my subject and adhere to the practical side.

WORK PROMOTED IN MISSOURI SCHOOLS.

Elementary agriculture is being taught in upward of 3,000 of the public schools in the State of Missouri, and the State's educators are generally alive to this great work and, I am certain, will press on and upward to the achievement of the noble work, philanthropic in a measure, that lies before them, for no more self-sacrificing, industrious, and poorly paid band of workers is to be found in the land than its school-teachers, who are almost always enthusiastic for the public good. I here ask to incorporate some letters from my district on this question:

PERRYVILLE PUBLIC SCHOOL,
Perryville, Mo., March 2, 1908.

DEAR MR. SMITH: I received your letter of inquiry to-day and take pleasure in answering at once.

This is my first year at Perryville, but I succeeded in getting agriculture introduced into the freshman year of the high school. We have a class of fourteen or fifteen and they are doing good work. All

are very much interested. We have a regular text in the subject. In addition to the text we study the farmers' bulletins.

I am conducting a number of laboratory experiments with soils and seeds. For example, we take four different kinds of soil—clay, fine gravel, white sand, and humus—and test the capillarity of each, the water-holding capacity of each, and the amount of plant food in each, as shown by growing plants.

We test a number of different kinds of seeds for starch, proteids, and oil. We plant the seed in the spring and will carry on some more experiments in that line. We will do grafting and budding and spraying around over the town when the proper season comes for that. Also, we will take up the study of frost and its effects.

I have given the scholars a good start in the study of good stock and farm improvements. I expect to take up the home garden and flowers a little later.

Of course, we can not do the work as it is done where they are equipped for the work, but I assure you that what we do is appreciated and is valuable.

Along with this we have a United States weather observation station here, and that being a part of the Department of Agriculture makes the school work more interesting. I am quite sure that we will draw pupils from the country when our course is better understood. We have about seven country boys and girls in the class now.

Trusting that this information will be of assistance to you,

I remain, yours, very respectfully,

J. WILL PIERCE, *Superintendent.*

Hon. MADISON R. SMITH,
House of Representatives.

BONNETERRE, MO., *March 17, 1908.*

DEAR SIR: In answer to your letter, I will say that we are doing systematic agricultural work in our school here. We have no school garden and so the pupils do a large part of the work on garden plats at their homes. We have systematic class instruction in elementary agriculture.

The school furnishes the flower and vegetable seeds for the children's gardens, and at the opening of school in September a school fair is held at which prizes are offered for the best specimens of different flowers and vegetables raised by the children.

The work has been very successful in the past and is being heartily supported by the people of the community.

Yours, truly,

A. C. MAGILL,
Principal of High School.

Hon. M. R. SMITH,
House of Representatives.

I am in receipt of many other letters, some of which show that systematic work in agriculture is being carried on, but it is in the rural schools that less interest is shown in the matter, most likely because the schools are of short duration and because provisions are not made for carrying on the work. I must add, however, that the letters are all favorable to better agricultural education and clearly show that considerable interest has recently been awakened in the subject.

THE IMPORTANCE OF NATURE STUDY.

Dr. James Ralph Jewell, a very eminent authority on this subject, states that "nature study has already infused new life into our school system, and when made a study as to the relations of man to nature and its forces it produces that general educational result, viz, the proper response of the individual to his environment."

By nature study the child and the teacher are made companions and teach each other and commune with each other, and both commune with the attractions and mysteries of nature together.

To learn to look up to God through nature with reverential spirit is an educational asset more valuable than gold.

The educational, ethical, and economic value of nature study and culture none deny and all admit, and to those teachers who know what it means elucidation is unnecessary, and if any yet do not know, permit me to exhort them to put off sleep until they do know, for the task is not hard.

But this practical value is outweighed by the æsthetical value, its effect on the sentiments of the child. The mental beginning of a true love of nature is the crowning result of nature study, and the chastest sentiments are born within the pure heart of the child, on which the highest conceptions of religion rest, as out of which blossom its rarest flowers.

School gardens teach many other things, among them private care for public property, economy, honesty, application, concentration, justice, the true dignity of labor, and love for the beauties of nature.

"Nature study and school gardens serve better," says President Eliot, "to cultivate the critical discernment of beauty and excellence in nature and in human nature than any other agencies of education."

In conclusion, to build and finish the best character should be the aim of us all, and everyone should help every other with charity to attain this best of all objects. Money, worldly honor, and all that they bring are fleeting and pass away. Only the graces of charity, as St. Paul used it, can create a moral and spiritual organism that shall outlive the wrecks of time and never pass away.

For this highest work the man or the woman bred in the country, blessed with this kind of education, will sooner turn to the graces of charity for the consummation of the noblest of all the work that man can do—build an immortal character. [Applause.]

During the above,

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of Missouri. Mr. Chairman, I ask unanimous consent to extend my remarks, as I am not able to make them in the time allotted to me.

The CHAIRMAN. The gentleman from Missouri [Mr. SMITH] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from New York [Mr. COCKS] is recognized.

Mr. COCKS of New York. Mr. Chairman, I am one of the Members of this House who believe that the time during which we have under consideration a particular bill should not be devoted to general debate. Notwithstanding that, however, I desire to make a few remarks other than those upon the bill. Twice during this session one of my constituents who occupies a seat on the floor of this House has been fit to attack my distinguished constituent who lives at the other end of the Avenue. Four years ago I had the pleasure of running against my colleague. He was then an "also-ran" candidate, and I will be glad to have the pleasure of running against him again on such a platform as he has given us here from his speech in the House. Then, I think, he will be only a "said-to-have ran" candidate, if I am any judge of the temper of the district. His remarks, perhaps, call for no reply from me. I simply wish to say that he has an office in Wall street, and that counts for something.

I wish to apologize for his position. If I thought that what he said had any effect upon that distinguished neighbor of mine, or that anything said here detracted from anything that he has done, or from his record, or from his attitude, or from his standing before the people, I should speak upon it at greater length, but I believe that it availed nothing.

Mr. SULZER. Will the gentleman yield to a question?

Mr. COCKS of New York. Yes.

Mr. SULZER. I would like to know to whom the gentleman refers.

Mr. COCKS of New York. I am referring to a gentleman who is a constituent of mine and a resident of my district.

Mr. SULZER. Let us have his name.

Mr. COCKS of New York. He represents the Fourteenth District of New York.

Mr. SULZER. Tell us his name.

Mr. COCKS of New York. Mr. WILLETT, I think, is his name. I regret the gentleman is not here. I do not propose to say anything against him. I simply wish to apologize for him; that is all. Perhaps he does not wish me to say that, but at the same time——

Mr. SULZER. I will say to the gentleman from New York [Mr. COCKS] that his colleague [Mr. WILLETT] does not need the gentleman to apologize for him.

Mr. COCKS of New York. I expect that is right.

Now, as to the bill, I approach this subject from a little different attitude from most Members of the House. I am a farmer myself. I believe that this bill has taken good care of the interests of the farmer, notwithstanding the fact that we will doubtless hear from many on the floor of this House that the farmers are not receiving the recognition that they should have and are not having appropriated for their benefit a sufficient sum in comparison to the sums appropriated for the other Departments of the Government; but I, as a farmer, realize that this appropriation is for the purpose of helping a large class of our people that are engaged in a gainful occupation, and we can not justly compare that with the other Departments, because they look after the maintenance of our Government and its protection.

I believe we have gone very carefully over these items as embraced within this bill. We have provided for funds that are sufficient for the proper carrying on of the work in hand; and it is the desire of all, I believe, of those who really have the interests of the farmers, dairymen, and truck growers in this country at heart that this money spent by the Department of Agriculture shall be wisely spent, that some practical advantage shall arise from the expenditure. I do not feel, like some, desirous of obtaining vast appropriations just for the reason that we could say to our farmer constituents, "We have been able to induce the Congress of the United States to appropriate many millions of dollars for your advantage," but rather that we can show at the end of the year's work that we have added some knowledge that will be of advantage to the farmers of this country; that we have provided some helpful means

whereby they may raise full crops, and that they may combat the enemies by which they are beset. We are desirous that this work shall be conducted along practical lines. We are not so much concerned as to the abstract, scientific value of certain propositions as we are regarding their agricultural economic value.

Therefore, if we have not in some instances made as large appropriations as some Members think necessary for certain lines of work, it is because your committee have been convinced that the appropriations that it has made are those best calculated to attain that end.

I had proposed to make some further remarks upon the bill in general, but the chairman of our committee and other members of our committee who have spoken have covered that subject so fully that I do not feel justified in taking the time of the House in saying anything further on that matter. I believe they have expressed my own views better than I could have expressed them, and, as I know, there are a number of gentlemen who desire to be heard on this bill, I therefore yield the balance of my time back to the chairman of the committee.

Mr. LAMB. I ask that the gentleman from Mississippi be recognized.

The CHAIRMAN. The gentleman from Mississippi is recognized for thirty minutes.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I have asked this concession of time in order to discuss some of the features of the pending bill, the particular matter to which I want to direct the attention of the House being the failure of the committee to make proper provision for carrying on the invaluable work of the Bureau of Soils. If the purpose of the committee can be fairly devined from the controversial spirit in which the Chief of that Bureau was cross-examined when he appeared before them, I believe the friends of the Bureau, those who sympathize with its great work and have faith in its possibilities for good, have cause for alarm. Not only did the committee refuse to appropriate what is needed to properly and effectively conduct the experiments of the Bureau and to give to it a relative increase with the other bureaus, but they have, on the contrary, reduced the appropriation from what it was in the last bill. During the past five years the appropriations for the other bureaus have been steadily and wisely increased, but this Bureau, which has such an important—such a vital function—to perform, has suffered an actual curtailment in this bill.

Now, Mr. Chairman, I believe this discrimination is unwise. I believe the work which this Bureau is doing is fraught with the greatest possibilities for good to the agricultural interests of this country. The purpose of the Department of Agriculture was declared in this language in the act creating it—

> That there is hereby established at the seat of government of the United States a Department of Agriculture, the general designs and duties of which shall be to acquire and diffuse among the people of the United States useful information on subjects connected with agriculture in the most general and comprehensive sense of that word.

What more useful information could be diffused among the people than that which will teach them how to develop and conserve the productive qualities of the soil? There are only three sources aside from the sea from which we draw our national wealth, according to the statistical abstract. These three are the soil, the forest, and the mine. The waste of the timber wealth of the country is a matter of common knowledge, and I believe I can truthfully say, of common scandal, in spite of the good advice and most strenuous efforts of the Bureau of Forestry of the Department of Agriculture. I am glad to note that this Bureau has been properly cared for in the bill.

I want to call your attention to one or two passages from a very interesting and instructive speech delivered by our most competent forester, Mr. Pinchot, before the American Forestry Association a few weeks ago.

This will show our appalling prodigality in the waste of one of our three sources of wealth, and emphasizes the necessity, if any emphasis be needed, of all the more jealousy in guarding the other two:

> Our timber, even at the present rate of consumption, so far as we can measure it, and giving every opportunity for covering mistakes by large estimates, is likely to last us between twenty and thirty years. And our timber is scarcely less necessary for us than our coal. Our forests, from which the timber comes, are vastly more necessary for us than our coal, for from the forests will ultimately come the one great source of power which is renewable and the only one of any great amount—that is, water power. And in our forests, through our water power, we shall find the great support of our future civilization. After a while, when coal is exhausted and oil and gas are gone, the only great source of power, so far as our knowledge of the physical universe now goes, will be water power, and the water power is absolutely and completely dependent upon the forests.

I will read another extract from that same speech, which while it does not refer to forestry, and is not therefore the opinion of an expert, is nevertheless the statement of a very high authority, a gentleman who has given a great deal of thought to the matter about which he speaks:

> There are two kinds of resources, renewable and nonrenewable resources. Resources which come out of the interior of the earth are nonrenewable. Those which come from the surface are most of them renewable. We have treated our mineral resources as if of those there was no end. Many of you here have seen natural gas pouring day and night out of great torches in the States of Indiana and Pennsylvania, from fields now exhausted. Many of you have seen iron mines in full swing where now they are gone; and the same is true of the coal. At our present rate of increase of consumption, our anthracite coal is good for only about 50 years, and our bituminous for only 100 years. That is, within a period of the nation's life which is equivalent to only a single decade in the life of an individual, the nation's supply of fuel, that most essential of all products for our present form of civilization, is likely to be exhausted.
>
> We have treated our soils in precisely the same way. The figures are familiar to most of you. I will simply say that a billion tons of the most fertile soil on the most fertile land of the United States goes annually into the ocean. It is the largest of all taxes paid by the farmer, and one of the largest losses that the nation suffers. Hundreds of square miles a year are made practically uninhabitable, or at least unsuitable for the support of a dense population. The surface of the soil is renewable; the coal, the iron, the oil, the gas, once gone, can never be renewed.

Three natural sources of wealth, Mr. Chairman—the forests, which our Forester says will be exhausted in twenty-five or thirty years; the mines, which will last from fifty to one hundred years longer, and which, unlike the other two sources, the soil and the forest, when once exhausted, can never be restored. And now the committee proposes to curtail the appropriation for the further extension of our efforts to reclaim and preserve the productivity of the soil, the last and the most vitally essential asset of every nation.

No stronger proof of the folly and wickedness of the Dingley law could be demanded than the story which the waste of our forest and mineral wealth tells. Under the false pretense of raising revenue we have fixed our tariff schedules so high that the mines and forests of the world have been cut off from our reach. We have by sheer force of law had our destructive energies focused upon our own natural resources, foolishly believing they were inexhaustible, and now we are just beginning to wake up to the fact that our patrimony has been squandered. The President has summoned the governors of all the States to meet with him and with the Congress on the 15th of May to take counsel together in the hope that some means may be devised to bring us to our senses. I hope he may see fit on that good day to direct attention to the fact that the Republican party has by some legislative legerdemain so fashioned our tariff law as to concentrate all of our unsurpassed genius for waste upon two of our three sources of wealth, and at the same time to produce too little revenue to enable us to properly reclaim and conserve the other one.

Mr. James J. Hill, who is not only a captain of industry, but who is one of the really great men of this generation, in a masterful address delivered before the Minnesota State Fair a year or two ago, made this ominous statement:

> It is certainly a moderate statement to say that by the middle of the present century, when our population shall have reached the 200,000,000 mark, our best and most convenient coals will have been so far consumed that the remainder can only be applied to present uses at an enhanced cost which would probably compel entire rearrangement of industries and revolutionize the common lot and common life. This is not a mere possibility but a probability which our country must face.

The waste of our other great mineral product—iron—has kept pace with our prodigality in our coal production.

I will read one other statement from Mr. Hill's great speech:

> There is within reach, possibly, 1,500,000,000 tons of merchantable iron ore in the deposits of Wisconsin, Minnesota, and Michigan. This will keep our industry going, supposing consumption to remain stationary, for thirty or forty years. In the year 1950, as far as our own resources are concerned, we will approach an ironless age. For a population of 200,000,000 people our own supply of iron will have retreated almost to the company of the precious metals.

Now, Mr. Chairman, we are not alone to legislate for the United States of 1908 or for our present generation, but we, as statesmen, must look to the future. We have no right to waste the magnificent estate that has come down in trust to us from our fathers, but we should so conserve it, we should so manage the affairs of this great Government as to hand over this splendid patrimony to our children unimpaired.

In addition to the natural increase in our population, we have marching toward our shores an army of a million immigrants a year. It is a matter of speculation, of course, what the population of this country will be in any given year in the future, but a number of statisticians have indulged somewhat in prophecy along these lines, and they all agree that by the year 1950 our population will have reached 200,000,000. Some of them far exceed that tremendous figure. I have seen the statement in the press—I do not know how true it is and therefore will not vouch for its accuracy—purporting to have come from the Speaker of this House, in which he says that he can remember when the

population of the United States was 18,000,000, and that in his opinion within the lifetime of men now living it will attain to the tremendous total of 400,000,000. Now, these are immense figures, Mr. Chairman, and they show a situation that is well worthy of our thought.

We have taxed ourselves as few people have ever voluntarily done to foster and encourage the manufacturing industries of the country. Recognizing that in some instances a monopoly is justifiable and advisable, we have passed patent laws in order to encourage inventors and inventions, so that when a man comes with a useful invention, with a device or an idea that is likely to lighten the burdens of men and bring more happiness to more homes, we give him letters patent in order that he may have a monopoly of the sale of the particular scheme or device, and so impose an additional tax upon the people by way of an increased selling price.

Suppose another wizard like Edison should rise up with some scheme or some device whereby he could double the value of our manufactures, or by a discovery of some process of mining he could increase the value of the product of our mines a billion dollars annually. Why, the people would rise up and call his name blessed.

The total value of our agricultural products last year exceeded $6,000,000,000. Suppose, by some new process or discovery in the Department of Agriculture, a new means of soil reclamation, or soil conservation, or some new adaptation of soil treatment to plant life should be discovered by which the new lands of America can be made to produce as much per acre as the old lands of the Old World. The result would be an addition to our national wealth of not a billion dollars, but $6,000,000,000, and the base of our industrial fabric so be broadened and strengthened against the siege of hard times and the storm of panic which must sooner or later come to all people. [Applause.]

Is it unreasonable to look for any such discovery? This Bureau has already made some remarkable discoveries. And I do not believe it is unreasonable to expect very much more from it in the future. This is a new country, Mr. Chairman. It is not far beyond the memory of our old men to recall the war whoop of the painted savage, yet it is not uncommon even in the new and fertile valleys of the Mississippi River to hear men speak of fields that are worn out. This is a shame upon ourselves and a sin against posterity. The very fields that were under cultivation when old Canute bade the restless ocean to recede are to-day, after all the centuries of cultivation, yielding more per acre than ever before in the history of England.

We produced in this country last year, according to the statistical abstract, an average of 15¼ bushels of wheat to the acre. In England, where the land has been under cultivation for thousands of years, the average yield of wheat land was 33 bushels per acre. In Ireland the average was 37 bushels per acre, in Germany 28 bushels per acre. In all of the countries of the world where the lands have been in cultivation for thousands of years they are producing more than we are to-day.

The Bureau of Soils is doing a great work. There are 400 applications now on file with the Secretary asking for these investigations for soils about the country. Under the appropriation which this bill makes only 59 of the 400 applications can be granted. Now, these applications come from all over the country, from the East and from the West; from every geographical division of the country surveys are asked for in increasing numbers.

It is most natural that the farmers of this country, the people who are interested, and that means all of us, in conserving the productive qualities of our soil should be anxious to have these surveys made. They are anxious that every scientific fact that is possible to be developed and ascertained by experts in the Department should be made known in the hope that we may reclaim what are now becoming worn-out soils.

In the division of States in the North Atlantic group—Pennsylvania, New York, New Jersey, New Hampshire, and Maine—from 1890 to 1900, as shown by the census figures, the value of farm lands decreased nearly one-quarter of a billion dollars. From all sections of the country applications are piling in upon the Department asking to have these soil surveys made. They are coming from every section of the country asking the same thing.

In the South Atlantic States 103 are asked for; only 14 can be made. In the North Central States 85 are asked for and only 12 can be made. In the South Central division 134 are asked for and only 17 can be made. In the Western division 50 are asked for and only 8 can be made.

An instance of the success attending an intelligent interest on the part of the Government in the study and development of new and scientific methods of soil preservation is furnished in France. The very fields that were in cultivation when all Gaul was divided into three parts twenty centuries ago are to-day the veritable garden spot of the world, and the soil that furnished sustenance for Cæsar's legions then is keeping France in the very forefront of all the nations of the earth to-day.

Wheat lands in Minnesota in 1900, and Minnesota was above the average, produced 14.5 bushels per acre. In the beautiful valley of the Loire in France, which has been in cultivation ever since the wit of man was able to fashion a plow, the yield was 33 bushels per acre.

The fact that our soil is losing its productive qualities is not unique in the history of the world. This condition obtained in England more than a hundred years ago. Her statesmen, appreciating the fact that something would have to be done, established a bureau similar to this in the office of the home secretary, and scientific agriculturists went out through the country to make examination into the condition of the soils and the relation of the soil to plant life, and, in other words, did the things that are being done in our Bureau. No effort was ever more fruitful of happier results. The results were magical. The yield per acre was increased steadily and has yearly resulted in increased crops and increased land rents and increased land values.

In Germany exactly the same result followed, and these governments are to-day having translated into German and French and into other foreign languages the reports that our Bureau of Soils is issuing. They are making investigations along similar lines and making use of the information that comes from our investigations.

Yet the Committee on Agriculture here, instead of increasing the appropriation so as to meet the increasing demands of the people, has in this bill actually curtailed the amount appropriated for these surveys. The Chief of that Bureau told the committee in a most interesting statement that it costs more now, and he gives the reasons for it, to do a given amount of work than it did ten years ago, so that $200,000 appropriated to-day, or rather $80,000 to meet this particular work, will do less than $80,000 ten years ago. It will take, according to the estimates of the Chief of the Bureau, $200,000 to conduct experiments along the lines that the necessities of the situation require, $200,000 a year—a mere bagatelle. Yet the committee appropriates for that purpose $80,000.

According to his estimate, if $200,000 a year were appropriated it would take twenty years to do the work. Now, can we afford, for the sake of saving $120,000 a year, to take the chances on this matter? In addition to this, the Chief of the Bureau asks an appropriation in order to have what he calls "soil utilization work"—that is, men to follow in the wake of those who make the surveys to give practical and actual demonstrations to the farmers where the surveys are made, and thus show the advantage that will accrue from this particular work. They have done that in a number of places. It is through the instrumentality of the Bureau of Soils and this utilization work that the alkali lands of the West have been reclaimed, in California, at Fresno; at Yakima, in Washington, and in Utah and in a number of States. First, they made the survey of the soil and ascertained the conditions there, and then put the utilization men in and demonstrated that the alkali could be leached from those alkali plains and the land reclaimed to agriculture.

That has been demonstrated. Alfalfa, which is the most difficult of nearly all plant life to maintain in that character of soil, is to-day being grown successfully on these alkali lands in the West as a result, first, of the soil survey, and then of the demonstration by the utilization men of that Bureau. They have gone into the East first with their surveys and declared that those soils would produce a certain variety of tobacco valuable as cigar wrappers, a very high quality of tobacco. They did that in New England and they made some investigations in Texas. The Chief of the Bureau endeavored to persuade the Secretary of Agriculture to make a demonstration, to plant and see if his theory was correct. He would not do it. It was not the Secretary's judgment. It was not Doctor Galloway's judgment, he tells us. It was nobody's opinion but his own, but he finally persuaded the Secretary to allow him to make the experiment. He did it, and it proved successful in Connecticut, in Alabama, and in Texas, as a result, please bear in mind, of this demonstration made by these utilization men.

Now, for that work he asks an increase in the appropriations heretofore made. It is insisted that this is not a matter properly for his Bureau. I do not believe that is a good answer. It is purely a matter of administration. The money ought to be appropriated for the work, and I can not conceive how a bureau that is not directly interested in demonstrating the correctness of the theory of the survey can do the demonstration work more

effectively or will more surely get results than the bureau itself which has made the survey and has advanced the theory. I have no quarrel, of course, with the Bureau of Plant Industry. I do not think that any bureau in any Department is doing greater good than it is. I am taking no sides whatever in bureau politics. It is immaterial to me by which bureau the work is done, if only it is done. But I submit it ought to be done and the appropriation made in this bill is not sufficient to do it properly.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. MURDOCK. Will the gentleman define what he means by "utilization men?"

Mr. HUMPHREYS of Mississippi. Utilization men are defined in the language of the Chief of the Bureau and if the gentleman will permit me, in answer to that question, I will print his statement on that. That will enlighten the House. Of course, the gentleman himself knows what the Department wants with these utilization men and what they mean by it.

Mr. MURDOCK. Not at all. I do not understand what a utilization man is.

Mr. HUMPHREYS of Mississippi. A utilization man, roughly speaking, is a man who follows in the wake of the man who makes the actual soil survey. For instance, they send a man down in Texas and he makes a soil survey. He finds out those qualities, those elements present in the soil that in his opinion will render that soil suitable for the culture and production of a certain variety of tobacco. That is simply his theory. Of course we can not always make the facts square with our theories, so the chief sends along a utilization man, and he goes down there and makes the actual test. He gets some farmer to go in with him or perhaps to give him a small plat of land for that purpose. He makes a crop of tobacco on it under certain cultural methods that commend themselves to his judgment, and so demonstrates either the correctness or incorrectness of his theory. This was the procedure in the alkali lands of the Far West. For instance, they went out in the State of my friend from Washington and there made a soil survey.

They ascertained the presence of these alkaline salts to a certain depth in the ground, and they believed that subjecting the soils to certain treatment would render them fertile and productive. They thereupon sent a utilization man to demonstrate the correctness of their theory and——

Mr. MURDOCK. The utilization man came from the Bureau of Soils.

Mr. HUMPHREYS of Mississippi. That utilization man did. Now, the idea of the committee, as I undersand it, is to turn that demonstration work over to the Bureau of Plant Industry and let them develop it. The point about it is this——

Mr. HARDY. Will the gentleman allow me? Is that Bureau of Plant Industry also under the supervision of the chief of the Agriculture Department, Secretary Wilson?

Mr. HUMPHREYS of Mississippi. Yes; and Doctor Whitney is Chief of the Bureau of Soils and Doctor Galloway is Chief of the Bureau of Plant Industry.

Mr. HARDY. So your position is it does not make any difference who does it so there is provision made to do it?

Mr. HUMPHREYS of Mississippi. But there are $80,000 only appropriated to make soil surveys. That is work that must be done of course by the Bureau of Soils. Only $80,000 is appropriated for that purpose when in the opinion of the Chief there should be $200,000, and if $200,000 a year is appropriated it will still take twenty years to complete the survey of the farm lands which in his opinion ought to be surveyed.

Mr. COCKS of New York rose.

The CHAIRMAN. Does the gentleman yield to the gentleman from New York?

Mr. HUMPHREYS of Mississippi. Yes, I submit.

Mr. COCKS of New York. I would like to ask the gentleman if he thinks it wise to have utilization men from two different bureaus traveling over the country on practically the same errand?

Mr. HUMPHREYS of Mississippi. Now, Mr. Chairman, I will answer that, though not as an expert. I have read what appears in the hearings on this subject, and I have been enlightened in private conversations by my friend from New York and by the chairman of the committee, and I am free to confess that I do not catch the full force of the argument that this is a duplication of work. Now, if the Bureau of Soils should send a man out to investigate alkali soils, for instance, and the Bureau of Soils did do it——

Mr. COCKS of New York rose.

Mr. HUMPHREYS of Mississippi. I have not finished yet—and the Bureau of Plant Industry should send a man out to investigate that same thing right there in that same neighborhood under the same climatic conditions, under the same atmospheric conditions, and soil conditions, that would be a duplication, but if this bureau was investigating the conditions of the alkali soils in Washington and another man from the Bureau of Plant Industry should go to Kansas and make an experimental test there to raise this, that, or the other vegetable product on certain soils there, that would not be a duplication of work.

The men would have been sent out from two different bureaus, and reports would have been sent in to two different chiefs, but they would all be printed at last by the Department of Agriculture, and the people would obtain the benefit from them, so it occurs to me that it is a mere technicality to say that it is a duplication of work. The Bureau of Plant Industry is a great bureau, and it is certainly doing a great work well; but the Bureau of Plant Industry and the Bureau of Animal Industry and the Bureau of Soils must all lap over onto the work of some other bureau now and then. For instance, the Bureau of Plant Industry is making investigation to ascertain the effect of poisonous plants on animal life and how to eradicate them; plants that grow in the different parts of the country, in the pasture, in the pond, in the field. Cattle and stock generally grazing there drink the water and die, and people do not know what is the trouble.

Now, this Bureau makes an investigation to see if it is not due to the existence of certain plant life there, and they examine the animals, they make post-mortem examinations, and the Bureau of Plant Industry, mind you, is doing this, and properly doing it. That, of course, is overlapping to that extent the work of the Bureau of Animal Industry, but it is a very proper and necessary encroachment and should not be called "duplication." The Bureau of Soils may sometimes overlap the Bureau of Plant Industry, when they have ascertained by a survey that a given soil exists, and knowing the relation it bears to plant life make a demonstration crop to ascertain if this soil will produce the plant indicated. Now, it may be that in that particular way they are overlapping, to some extent, the work of the Bureau of Plant Industry, but it is not a duplication.

Mr. COCKS of New York. Will the gentleman yield? After all, as to the growing of the plant on that land after the soil survey, is not that a demonstration as to what particular plant will grow there——

Mr. HUMPHREYS of Mississippi. Yes. I stated just now there may be some overlapping, but here the committee fails to appropriate but $80,000 a year to make the soil surveys.

Now, Mr. Chairman, let me return to the thread of my argument, which has been somewhat broken by these interruptions. I want to call your attention more particularly to the experience of France. I think we could not do better than to emulate her example in many ways.

France is perhaps the best illustration of the wisdom of state aid in the reclamation of exhausted soils as well as in the development of up-to-date transportation facilities. The Government has not only aided the farmers in reclaiming and restoring exhausted soils, but it has the best system of waterways and public roads of any other government. What of it, you ask? Well, forty years after she had been beaten prostrate in the terrible war with Germany, when the Iron Chancellor, intending to strike her a blow that would make her a cripple for life, compelled her to pay an indemnity of a billion dollars, she is the most prosperous country in the world.

All the world stood aghast at what they believed was the fall of that great nation when this fine was imposed, but before they could realize what was happening she had not only paid off the tremendous sum, but she had spent almost an equal amount on internal improvements, and to-day she holds fifteen billions of interest-bearing securities of the other nations.

Political changes came in kaleidoscopic succession in the last century, but France is a nation of farmers. She has builded her house upon a rock, and the sun of her prosperity could not be long obscured by the clouds of political strife and war. Among the very first nations of this turbulent earth, first in all the elements that go to make a people great is Germany. There are 60,000,000 people in that great Empire, which embraces an area of 200,000 square miles—a little smaller than Texas. No people ever learned the lesson which we are trying now to teach better than the Germans did. Her progress in the past half century has been tremendous. She has gone out upon the open seas with her wares, and wherever shops are kept and the articles which civilized man requires for his comfort are offered for sale you will find the meaningful legend stamped in letters of light "Made in Germany."

While this is true, Mr. Chairman, the glory of Germany, the rock on which she has builded, is her agriculture. While her manufactures have gone forward by leaps and bounds, her growth has been symmetrical. She has not only increased her acreage, but by the application of scientific methods in soil reclamation and development the yield per acre in all cereals has been materially increased. The increase in yield in wheat in the past thirty years has been 20 per cent, and all other crops in proportion. As stated before, in 1906 our average yield of wheat was 15.5 bushels; the yield in Germany for that same year was 28.55 bushels. Our average yield of oats was 31.2 and her average yield of oats was 43.65. With what shame should we of this country hear of worn-out lands when we see the fields that were ripe with abundant harvests when Arminius destroyed the power of all-conquering Rome yielding more per acre to-day than ever before.

Now, Mr. Chairman, are we, in order to save the paltry sum of $120,000, to shut off the investigation by this Bureau which may result—I do not say will result; we can not prophesy with absolute assurance—but which may, and we hope will result in the discovery of some methods of soil preservation and reclamation that will enable us to produce as much per acre as our neighbors across the sea? I think that is a serious question, one that is entitled to the attention of this committee. Take the great valley of the Red River of the North. It is contended by many statisticians that it is yielding less per acre as the years go on. What are we to do about it? The average yield per acre in Minnesota in 1890 was 15.5 bushels, and in 1900 it was 14.5 bushels, a loss of 1 bushel per acre on more than six and a half million acres. The average yield per acre in the two Dakotas has been decreasing for the past few years.

Here is the yield for the past three years:

Year.	Average production per acre (bushels).	
	North Dakota.	South Dakota.
1905	14.0	13.7
1906	13.0	13.4
1907	10.0	11.2

What are you going to do about it? Are you going to refuse the appropriation on the plea that you have not sufficient money in the Treasury? Is it true that the representatives of the greatest people upon the earth, the people who buy more and sell more and produce more and consume more than any other people, are unable to devise a fiscal policy that will yield sufficient revenue to properly administer the affairs of the Government? If so, we ought to resign and let some others take our places who will exhibit sufficient statesmanship at least to properly administer the Department of Agriculture.

What about the Dingley tariff? Will not that "do the business?" We have imposed a tariff tax of 15 cents a gallon on the products of petroleum. Does that raise no revenue? Is this levied simply to keep out competition and thereby turn our farmers over to the tender mercies of the Standard Oil? What about the tariff on the products of the steel trust? Does it yield no revenue to Uncle Sam? We know it enables the steel trust to rob our farmers by charging them more for their agricultural implements, barbed wire, wire nails, and all the other products of steel than they charge the farmers of Australasia for the identical articles after transporting them 10,000 miles across the seas. Can not this fiscal heir of all the ages which enables the steel trust to pay one of its officials annually more in salary than we allow the Bureau of Soils in ten years; can not it, I say, scrape up enough revenue to enable us to continue the good work of this Bureau and so advise our farmers how to preserve the productivity of the soil to the end that he may produce enough on his acres to at least pay the tariff tax?

If the Dingley law has lost its charm, if it can no longer with success call spirits from the vasty deep, and if it, being earthly (as we on this side of the Chamber have always suspected), has gone the way of the earth, and yet having been worshiped so long has become too sacred to be profaned by the hand of the revisionists, then let us resort to another method of raising revenue—one that puts the tax on while the man who pays it looks and understands that he is paying it. Let us levy a tax upon the vices of men and not upon their virtues. Let the tax gatherer visit the saloon and the gambling house rather than the altar and the hearthstone. Five cents additional tax on every deck of cards would produce nearly three times over the revenue required to continue this Bureau in an effective way. Twenty-five cents more on every barrel of beer would more than pay the total cost of administering the entire Department of Agriculture. We on this side of the Chamber are helpless to do more than suggest, but if I had not learned better by long experience I would at least indulge the hope that this suggestion might commend itself to the "party of great moral ideas." [Applause.]

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

Mr. SCOTT. Mr. Chairman, I would like to yield fourteen minutes of the time granted to me to the gentleman from California [Mr. ENGLEBRIGHT].

Mr. ENGLEBRIGHT. Mr. Chairman, we have before us for consideration the agricultural appropriation bill. It has not been so many years since the Department of Agriculture was established, yet it is conceded by all that this was a good business proposition and has been of untold benefit to the nation and a great factor in the marvelous development of our agricultural resources, and that the money expended for its support was money that has been spent for a good purpose and has been repaid many times in the betterment and increased production of our agricultural products.

In this connection I desire to call your attention briefly to another of our great fundamental industries. I have listened to numerous fine addresses from the many talented gentlemen in this House since Congress convened, discussing the question of finance. I am going to take only a few minutes of your time, and I am not going to talk to you about greenbacks, for in California we use gold for money, with a little silver thrown in to make change.

During the past few months I have received, as no doubt many of you have, a wagonload of fine documents bearing on the question of banking and currency, all written by people who ought to know or think they know something about finance, and who have taken the subject up from almost every imaginable point of view. They all agree that the present financial column supporting the business interests of the United States is weak, and that it is impossible to take this column down and erect an entire new one.

You all agree that this financial column needs attention, but you do not all agree how it should be fixed, where it should be repaired, and what materials should be used.

Now, I propose that good judgment will warrant you in making a few repairs right at the base of the column, on its foundation. This is a material that can be used to advantage at any time in the foundation of your financial column—a real $20 gold piece.

Gold, the product of our mills and sluices, is a legal tender in itself, a commodity that requires no drumming to sell, a standard of value never depreciating, a bright and rich reward for human industry.

While I have heard and read a great deal on the subject of finance, I have heard no man claim that his proposition on the financial question would do more than afford some relief, in a greater or less degree, and provide for cases of emergency. So that I consider it proper to suggest anything that can be done on practical, not theoretical lines, to afford some relief, not only in emergencies but all the time.

Now, while barrels of ink and thousands of tons of paper are being used and silver-tongued orators are explaining all the various intricacies of the currency question, I want to call your attention to the fact that right now, at the present time, while I am talking to you, the miners of the West are doing their duty, delving into the ground, working by day and by night, taking from Mother Earth this precious metal—gold; adding to the wealth of this nation, bracing up its financial condition, producing millions of dollars monthly, not in bank notes, not in greenbacks, but in pure gold, giving practical, not theoretical, but positive relief to your national finances.

Prior to the year 1848 the production of gold in the United States was practically nothing, when news came from far-off California, the then unknown country in the West, that James W. Marshall, working in the sluice at Sutter's mill, near Coloma, had discovered gold. Immediately there was a rush, and thousands of young men left their homes in the East to make their fortunes in the Golden State, which has turned out to be not only a Golden State, but also a perfect Garden of Eden.

You know the result of this discovery and that the amount of gold since produced gave the business interests of the United States a stimulus which they have felt and are feeling to this day, and which proved itself to be one of the strong factors in the rapid development of our country to its present greatness; and you should know that the gold produced by the hydraulic miners of California helped the credit of this nation during the civil war.

Following the discovery of gold in California was the opening of gold mines in other Western States, so that the production of gold in the United States, practically nothing in the year 1848, reached, in the year 1906, more than $94,000,000 ($94,373,800), and in 1907 to about the same, but probably a little less.

Product of gold in the United States for the calendar year 1906:

State or Territory.	Value.	State or Territory.	Value.
Alabama	$23,500	Oregon	$1,320,100
Alaska	21,365,100	South Carolina	74,600
Arizona	2,747,100	South Dakota	6,604,900
California	18,832,900	Tennessee	800
Colorado	22,934,400	Texas	3,400
Georgia	23,700	Utah	5,130,900
Idaho	1,035,700	Virginia	10,300
Montana	4,522,000	Washington	103,000
Nevada	9,278,600	Wyoming	5,700
New Mexico	266,200		
North Carolina	90,900	Total	94,373,800

Product of gold in the United States from the year 1792 to 1906:

Year.	Value.	Year.	Value.
1792 to July 31, 1834	$14,000,000	1876	$39,929,200
July 31, 1834, to December 31, 1844	7,500,000	1877	46,897,400
1845	1,008,000	1878	51,206,400
1846	1,140,000	1879	38,900,000
1847	889,000	1880	36,000,000
1848	10,000,000	1881	34,700,000
1849	40,000,000	1882	32,500,000
1850	50,000,000	1883	30,000,000
1851	55,000,000	1884	30,800,000
1852	60,000,000	1885	31,801,000
1853	65,000,000	1886	34,869,000
1854	60,000,000	1887	33,136,000
1855	55,000,000	1888	33,167,500
1856	55,000,000	1889	32,967,000
1857	55,000,000	1890	32,845,000
1858	50,000,000	1891	33,175,000
1859	50,000,000	1892	33,015,000
1860	46,000,000	1893	35,955,000
1861	43,000,000	1894	39,500,000
1862	39,200,000	1895	46,610,000
1863	40,000,000	1896	53,088,000
1864	46,100,000	1897	57,363,000
1865	53,225,000	1898	64,463,000
1866	53,500,000	1899	71,053,400
1867	51,725,000	1900	79,171,000
1868	48,000,000	1901	78,663,700
1869	49,500,000	1902	80,000,000
1870	50,000,000	1903	73,501,700
1871	43,500,000	1904	80,464,700
1872	36,000,000	1905	88,180,700
1873	36,000,000	1906	94,373,800
1874	33,490,900	Grand total	2,880,635,300
1875	33,467,900		

This is what I call a positive addition to the money of the United States; and when you consider the stimulus given to your business interests by the circulation of this amount of money, I believe that not one of you will deny this industry the consideration it certainly deserves at your hands. My proposition is that you do something to increase the mineral production of the United States; add, if you can, to your finances another $100,000,000 annually in hard cash by increasing the production of gold.

In the West and in some of the Southern States, buried in the ground, some near the surface, yet much more buried deeper in the earth, is stored an inexhaustible quantity of this precious metal. And there are deposits sufficiently large for hundreds of millions of dollars to be taken out annually for centuries to come. And there are inexhaustible and unknown deposits of the other metals and minerals that are worthy of more attention than they are now receiving.

All that is necessary to secure them is good practical mining, and the Government can assist the practical miner in all branches of the mining industry in many ways by having men of science take up the subject and study the weak points of the industry, with the view of making mining safer, so as to stop the great loss of life such as has recently occurred amongst the coal miners and which occurs in all kinds of mining, give us more and better mining schools, furnish information that will lead to the opening of new mines, the working to greater depths and increased production of the present ones, and such knowledge as will permit of the operation of mines that can not be worked to-day at a profit, and also protect the people from fraudulent mining schemes, furnish information about new mining districts and information regarding the working and reduction of ores. It can do many things for the industry and give a helping hand in many ways to the elimination of those difficulties encountered in the past. I will not go into details on this subject now, but will call your attention to but one illustration, to one branch of the industry in one place—that of hydraulic mining in the State of California—which for lack of proper Government aid has been throttled for the past thirty years and the nation thereby deprived of $300,000,000 in gold.

During the past twenty years numerous public conventions have repeatedly passed resolutions and petitioned Congress for the establishment of a department of mines, with a Cabinet officer at its head, in order that the mining industry of the United States, which last year had a product valued at $2,000,000,000, might receive the fostering care of this Government. The result of this concerted action has so far attracted attention that the President in his annual message at the convening of this Congress said:

> A bureau of mines should be created under the control and direction of the Secretary of the Interior; the bureau to have power to collect statistics and make investigations in all matters pertaining to mining and particularly to the dangers of the industry. If this can not now be done, at least additional apropriations should be given the Interior Department to be used for the study of mining conditions, for the prevention of fraudulent mining schemes, for carrying on the work of mapping the mining districts, for studying methods of minimizing the accidents and dangers in the industry; in short, to aid in all proper ways the development of the mining industry.

We know it is useless to talk about a department of mines, but you can give us a bureau of mines. The gold industry alone warrants this action on your part, not considering the vast interests of the other branches of mineral production. For if gold mining be properly fostered by the Government, its production can be doubled, and a bureau of mines can do this.

But in considering mineral production gold is not first in the great mining industry; coal takes the lead, and it is needless for me to enlarge on the vast importance of coal mining. Iron and steel we must have, and anything that is done in their interest affects every industry in the nation, and I may call to your attention that recently in Shasta County, in northern California, iron ores have been successfully worked by electric process.

This is sometimes called the electric age, but this age is still in its infancy; and while we have a large copper production, the demand for copper must continue to increase as the use of electricity increases. And while there has been a flurry in prices of copper and copper-mining stocks, this branch of mineral production is so important and so connected with all manufacturing industries that it is entitled to the utmost consideration by the Government, so that the home production of copper will meet all requirements of the future.

I will not mention other mineral products, but have here a table giving the mineral production for the year 1906 in the United States:

Mineral products of the United States for the calendar year 1906.

Product.	Quantity.	Value.
METALLIC.		
Pig iron, spot value ..... long tons..	25,307,191	$505,700,000
Silver, commercial value ..... troy ounces..	56,517,900	38,256,400
Gold, coining value ..... do....	4,565,333	94,373,800
Copper, value at New York City ..... pounds..	917,805,682	177,595,888
Lead, value at New York City ..... short tons..	350,153	39,917,442
Zinc, value at New York City ..... do....	199,694	24,362,668
Quicksilver, value at San Francisco ..... flasks..	26,238	958,634
Aluminum, value at Pittsburg ..... pounds..	14,910,000	4,262,286
Antimony, value at San Francisco ..... short tons..	1,766	602,949
Nickel, value at Philadelphia ..... pounds..	.....	.....
Tin ..... do....	.....	35,600
Platinum, value (crude) at New York City ..... troy ounces..	1,439	45,189
Total value of metallic products	.....	886,110,856
NONMETALLIC (spot values).		
Bituminous coal ..... short tons..	342,874,867	381,162,115
Pennsylvania anthracite ..... long tons..	63,645,010	131,917,694
Natural gas	.....	46,873,932
Petroleum ..... barrels..	126,493,936	92,444,735
Clay products	.....	161,032,722
Cement ..... barrels..	51,000,445	55,302,277
Lime ..... short tons..	3,197,754	12,480,653
Sand-lime brick	.....	1,170,005
Slate	.....	5,668,346
Stone	.....	66,378,794
Corundum and emery ..... short tons..	1,160	44,310
Crystalline quartz ..... do....	24,082	121,671
Garnet for abrasive purposes ..... do....	4,650	157,000
Grindstones	.....	744,894
Infusorial earth and tripoli ..... short tons..	8,099	72,108
Millstones	.....	48,590
Oilstones, etc	.....	268,070
Arsenious oxide ..... pounds..	1,474,000	63,460
Borax (crude) ..... short tons..	58,173	1,182,410
Bromine ..... pounds..	1,283,250	165,204
Fluorspar ..... short tons..	40,796	244,025
Gypsum ..... do....	1,540,585	3,837,975
Lithium minerals ..... do....	383	7,411

Mineral products of the United States for calendar year 1906—Continued.

Product.	Quantity.	Value.
NONMETALLIC (spot values)—continued.		
Marls.....short tons..	19,104	$7,341
Phosphate rock.....long tons..	2,080,957	8,579,437
Pyrite.....do....	261,422	931,305
Sulphur.....do....	294,153	5,096,678
Salt.....barrels..	28,172,380	6,658,350
Barytes (crude).....short tons..	50,231	160,367
Cobalt oxide.....pounds..	.....	.....
Mineral paints.....short tons..	49,921	521,729
Zinc white.....do....	74,680	5,999,375
Asbestos.....do....	1,695	28,565
Asphaltum.....do....	138,059	1,290,340
Bauxite.....long tons..	75,332	368,311
Chromic iron ore.....do....	107	1,800
Feldspar.....short tons..	75,656	401,531
Fibrous talc.....do....	61,672	557,200
Fuller's earth.....do....	32,040	265,400
Glass sand.....do....	1,089,430	1,208,788
Graphite {Crystalline.....pounds..	5,887,982	238,064
Graphite {Amorphous.....short tons..	16,853	102,175
Magnesite.....do....	7,805	23,415
Manganese ores.....long tons..	6,921	88,132
Manganiferous iron ores.....do....	41,300	122,400
Mica {Sheet.....pounds..	1,423,100	252,248
Mica {Scrap.....short tons..	1,489	22,742
Mineral waters.....gallons sold..	51,407,668	8,559,650
Monazite and zircon.....pounds..	847,275	152,560
Precious stones.....	.....	208,000
Pumice stone.....short tons..	12,200	16,750
Quartz (flint).....do....	66,697	243,012
Rutile.....pounds..	.....	.....
Sand, molding, etc., and gravel.....short tons..	31,842,572	11,489,420
Talc and soapstone.....do....	58,972	874,356
Tungsten.....do....	928	348,867
Uranium and vanadium.....do....	.....	.....
Total value of nonmetallic mineral products..	.....	1,016,206,709
Total value of metallic products.....	.....	886,110,856
Estimated value of mineral products unspecified.....	.....	200,000
Grand total.....	.....	1,902,517,565

This is a remarkable showing of mineral production, yet the only recognition this great industry is receiving at the hands of the Government to-day is a few small divisions in the Geological Survey in the Interior Department. An annual mineral product in the United States of $2,000,000,000 certainly deserves consideration at your hand equally with the other industries of the country. Increase their production, and you increase the prosperity of this nation; increase the prosperity of the nation, and your finances will take care of themselves.

In the past year we have been horrified by the many frightful accidents in our great coal mines. Disaster has followed disaster until there is a general demand that the United States Government do something that will tend to decrease this untold fatality in our mines.

FATAL ACCIDENTS IN THE UNITED STATES.

In the coal mines of the United States in 1906, 6,861 men were killed or injured, the number killed being 2,061 and the number injured being 4,800.

The number of men killed in the coal mines of the United States for each year from 1890 is shown in the following table:

Number of men killed in the coal mines of the United States, 1890–1906.

1890	701	1900	1,493
1891	1,076	1901	1,594
1892	859	1902	1,828
1893	965	1903	1,794
1894	957	1904	1,999
1895	1,057	1905	2,097
1896	1,120	1906	2,061
1897	947		
1898	1,049	Total	22,840
1899	1,243		

The total number of men killed since 1889, as shown above, is 22,840. It will be noted that as many violent deaths have occurred in the coal mines of the United States during the last six years as during the preceding eleven years, the number of fatal accidents having practically doubled within that time.

The loss of life is simply enormous, and it is time that this Government did something that should lead to relief. And I trust that the Committee on Mines and Mining, of which I am a member, will be able to report a bill that will receive your favorable consideration. This committee is hard at work on the subject and fully realizes that investigations should be made by the Government that will give results and help to stop this awful slaughter. The coal-mine operators and the miners both admit that they do not understand properly the subject and disagree amongst themselves as to many of the points involved. I recently visited one of the great coal mines in Pennsylvania, and, though making only a hurried trip, could see ample room for men of science to expend their energies and talents in proper scientific investigation of this subject and the investigation of other subjects connected with the great coal-mining industry.

There has been in the past few years a great deal of attention given to the subject of the destruction of our great forests, and one of the important divisions of the Agricultural Department is that of Forestry. It has been stated to me that 40 per cent of the coal in the coal fields in some way or other is wasted, varying in different localities. If it is important to look out for our forests, which can be renewed, is it not equally important to look out for our supply of coal, which can not be replaced? So that, in considering the proposition of a mining bureau, you can do much for the great coal-mining industry.

The same propositions hold good for all the other branches of mineral production, and I ask you to give the proposition of a mining bureau careful consideration and do something for the mining interests, the same as you are doing for the agricultural interests, and you will assist in doing something on practical lines that will help to make that solid foundation for your financial system which it requires, so that it will stand firm and secure in all storms, in all emergencies, and for all time. [Loud applause on the Republican side.]

During the above,

Mr. ENGLEBRIGHT. Mr. Chairman, here are several tables showing the gold and mineral productions in the United States, and also accidents in coal mines, which I would like to have printed in connection with my remarks.

The CHAIRMAN. Is there objection?

There was no objection.

Also during the above,

The CHAIRMAN. The time of the gentleman has expired.

Mr. ENGLEBRIGHT. Mr. Chairman, I ask permission to continue my remarks in the RECORD.

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. GRIGGS. Mr. Chairman, if my friends across the aisle who seem to be so interested in knowing what "soil utilization" means, will come over here, I can show them what it is.

Several MEMBERS. Come over here.

Mr. GRIGGS. You are afraid to come over here. I knew you folks were getting scared, but I did not know that you were so badly frightened. [Laughter and applause on the Democratic side.]

The line between soil survey and soil utilization, on the one side, and plant industry on the other is a very shadowy one, though they are wide enough apart and entirely distinct in the beginning. The duty of the soil survey, first, is to survey the soils and make maps of the districts and areas so surveyed, ascertaining the character of the soils. That is one branch of the soil survey. Another, and this brings it down to the very shadowy line between soil utilization and plant industry, to which I have just referred.

After ascertaining the character of the soil and drawing the map comes the investigation in the laboratories of the Bureau, both as to the physical and chemical properties of these soils, and in that connection the study of any particular problems of soil fertility, soil fertilization, and soil management, which may be found necessary in order to furnish a scientific basis for the improvement of the crop-producing power of those soils. When necessary a broader field of study comes up for the adaptation of the various types of soil to the particular varieties of plants to be grown best on that soil. The adaptation of cotton, or corn, or other plants particularly as known in my district, such as the tobacco investigations, demonstrate the need of the utilization division of the Soil Bureau. The Soil Utilization Bureau and that of Plant Industry ought to work hand in hand.

Mr. SCOTT. Will the gentleman allow me to ask him a question?

Mr. GRIGGS. Certainly.

Mr. SCOTT. The gentleman from Georgia knows, does he not, that for the most part, with the exception perhaps of one or two small areas, all this utilization work in the tobacco culture to which he refers has been turned over to the Bureau of Plant Industry?

Mr. GRIGGS. I understand that perfectly well, but not all of the Soil Utilization Bureau, because:

The Bureau of Plant Industry intends to improve the tobacco industry by conducting experiments in breeding and fertilization, but they do not propose to help or assist the farmer in the practical methods pertaining to the growing of this highly specialized crop.

Now, that represents the difference as clearly as it can be stated.

Mr. HUMPHREYS of Mississippi. Is it not a fact that the Bureau of Plant Industry declined to make the experiment in the tobacco culture that the gentleman from Georgia refers to, and that that was made then by the Bureau of Soils against the advice, or rather contrary to the opinion of the Bureau of Plant Industry?

Mr. GRIGGS. I can not answer that question.

Mr. HUMPHREYS of Mississippi. It is so stated by the Chief of the Bureau of Soils in the hearings.

Mr. SCOTT. Mr. Chairman, I would say that I would like very much to answer that question, but I do not want to occupy the time of the gentleman from Georgia.

Mr. GRIGGS. I am much obliged to my friend from Kansas. On account of the very crowded condition of business in the House right lately, following an alleged agreement between the President and certain gentlemen unnamed to do certain things, to which they had to be driven, before this Congress adjourned, I can not under Republican practice, procedure, and rules here take up any more time than I am taking. [Applause on the Democratic side.]

The development of the tobacco industry in Florida was started in about 1887 with the production of a small acreage in the immediate vicinity of Quincy, Fla. It was found that the soils and climate of this region were particularly fitted for the production of a high grade wrapper and filler tobacco. The production of tobacco spread slowly and was confined to a single Florida county until 1899, when the Bureau of Soils of the Department of Agriculture undertook soil surveys and the study of the tobacco soils of the United States. The first soil survey made in Florida was one of Gadsden County. This was undertaken to determine the character of the different types of soil upon which the best tobacco was raised and the greatest profits secured. It was found that the wrapper leaf tobacco could be produced only upon a certain definite soil type in its perfection, and the extent and area of this soil was mapped in Gadsden County. It was also found that the filler tobacco was produced on totally different soils, which would not raise the more valuable wrapper tobacco.

Since this first survey additional soil surveys have been made of the nearby counties of Leon and Jefferson, in Florida, and of the Bainbridge area, comprising the southern portion of Decatur County, Ga. The soil survey of Gadsden County comprises 350,000 acres of land. Nine different types of soil were found, only two of which are particularly fitted to tobacco culture. In the Leon County area 432,000 acres were surveyed and twelve different types of soil were found, of which again but two were suited to tobacco culture. The total area of Jefferson County amounted to 370,000 acres, with fifteen different types of soil, only two of which were suited to the production of high-grade tobacco. The Bainbridge area covered 233,000 acres, embracing nine different types of soil, one of which was well suited to the filler tobacco and another was suited for the production of the highest grade cigar wrapper.

On the basis of these soil surveys extensive purchases of land have been made, both by local and outside parties who desired to engage in tobacco culture, and in many instances land which was previously valued at from $5 to $10 an acre has increased in value, because it has been shown to be suited to tobacco culture, to upward of $100 per acre. Not only has this great increase of land values followed the completion of soil surveys, but the tobacco industry has spread from its original restricted locality, near Gadsden, through three Florida counties and into three counties in Georgia—Decatur, Grady, and Thomas. It is a well-known fact that at the present time outside firms desiring to engage in tobacco culture are awaiting the completion and publication of the soil surveys of Thomas and Grady counties, Ga., in order that they may purchase land in the full light of all the knowledge thrown upon the character of these tobacco soils by these reports.

In individual instances in Decatur County plantations which before the survey was made were held at a nominal value of, say, $2,000 to $5,000, have been sold to tobacco growers at a price of $50,000 to $60,000, and this price was paid solely because the soil survey showed that the land upon the plantation in question was suited to the production of these special crops.

The representatives of the soil survey have assured the people of my district that there are large areas of soil within these southwestern counties upon which the filler tobacco may be grown to advantage. They also assure me that there are much smaller areas, especially near the Florida line, where the soils are well suited to the production of the shade-grown wrapper tobacco. Already residents of this district are attempting to grow the shade-grown wrapper upon lands which they think well suited to its production. The production of this tobacco involves an expenditure of not less than $1,000 per acre before the first crop can be grown. The opinion of the soil expert in regard to the quality of these lands is absolutely necessary before these gentlemen can feel safe in investing their money upon such an extensive scale in a new enterprise which is being developed within the district. Whatever is true of this section is true of all others.

In the beginning of such an important industry it is not only necessary that the services of the soil expert should be secured for the proper selection of the land, but the cultivation and fertilization of this land for tobacco production differs so materially from the ordinary cultivation and fertilization demanded by cotton, corn, and sugar cane—the common crops of the district—that the services of an expert in soil management are needed during the inception of tobacco culture to advise directly with the growers who are starting this new line of work.

This one crop, tobacco, pays into the United States Treasury annually, from the internal revenues of the taxes imposed, a sum four times as great as is appropriated for all the investigation work of the Department of Agriculture, and it would seem that some portion of this money might well be spent in the extension of an agricultural industry which pays so largely and so directly the expenses of the maintenance of the Government.

Another great study which promises to add millions of dollars to the annual producing capacity of American farmers is that of a detailed study of the adaptation of the more than 400 different types of soil existing in this country to the particular varieties of staple crops which may best be grown upon them. It is the common experience of every practical cotton planter that only a few of the nearly 200 different varieties of cotton may be grown to advantage on the soils which are found upon his plantation. In one instance which has come to my personal knowledge a skilled cotton planter secured seed of an improved variety of cotton, which he planted upon his plantation. Now it happened that he had three distinct varieties of cotton soil upon this plantation, and within the bottom lands this variety of cotton grew to a great height and produced few, if any, productive cotton bolls. Upon the gentle slopes which bordered this cotton land the cotton found a situation similar to that upon which it had been developed through many years and produced a splendid crop of first-class upland cotton, while upon the eroded hillsides which constitute a portion of the farm, the stalks were few and spindly, and the amount of cotton produced scarcely paid for the labor and expense involved.

Now, there are, however, varieties of cotton which are suited to each one of these three states of soil conditions, and if this planter had been fully informed of the character of cotton which was especially suited to production upon each one of his three types of soil he might have raised a full crop over his entire plantation, instead of raising a full crop upon less than one-third of it. This merely serves to show that no amount of labor could make this one variety of cotton grow to equal advantage upon the different types of soil found upon this plantation, and this fundamental fact is true of all cotton plantations of the South, upon which are annually raised $650,000,000 worth of this staple. When, through the efforts of the Bureau of Soils in studying the adaptation of soils to the different varieties of cotton, it shall be possible to tell each planter what specific variety of cotton to produce upon each of the soils found upon his farm, the annual profits derived from this crop will be far more than doubled, and, in my opinion, the returns secured by American agriculture from this single piece of information would far more than pay to the American public all of the sums which have been or shall be expended for the purpose of securing this information in regard to soils.

The same is true of the other great staple crops, corn, wheat, oats, rice, tobacco, and various fruits and market, garden, and truck crops. The work of this Bureau in investigating the soils and the soil resources of the nation and the undeveloped agricultural possibilities of the different localities and different States is fundamental in its character and underlies the efforts along all other agricultural lines, whether in the production of plants or of animals. It is the basic knowledge upon which all experimentation and the development of American agriculture must rest.

The State of Georgia comprises a total land area of 37,747,200 acres of land. Of this amount 26,392,057 acres are included in farms, but only 10,615,644 acres of all this area are improved farm lands. The undeveloped agricultural resources of Georgia constitute two and one-half times the portion of the State which has already been developed. It is through the operation of such forces as those controlled by the Bureau of Soils that the greater part of this unutilized agricultural domain may be made productive and profitable. The State of Georgia itself is doing its best to develop these resources and to increase the prosperity of its agricultural classes.

Within the year provision has been made by the State for eleven agricultural high schools, one in every Congressional district of the State, and the locations for these high schools have been selected through the cooperation of the Bureau of Soils, which

furnished trained experts to advise with the State authorities in the selection of such localities as would be most representative of the broader classes of soils and the agricultural possibilities of the State. With each one of these eleven agricultural schools and in addition the agricultural college and experiment station of the State working upon local problems, the soil surveys in the different portions of the State are becoming of greater value than ever before. The students at these colleges and schools will learn beyond a question or a doubt the character of crops which may be raised upon these soils, the methods by which the land must be prepared, the fertilizers which must be used to insure the best results, and having learned these upon the experimental farms through their own practice, on returning to their homes they may, through the use of the soil-survey maps, put this information to its practical use on their own farms and their home communities.

In this way, and through the use of the soil-survey maps, the entire State of Georgia will in due time become one of the great experiment stations of which the information secured in one locality may be applied in others more remote, and whereby the wasteful methods of incomplete knowledge may be supplanted by those of a scientific understanding of the capabilities of every acre of soil. The same is true of other States and of other communities, and a great impetus to the agricultural production and industry of the country may be given through a proper support of these basal investigations which underlie the practice of all agricultural art. I shall not attempt to go through the whole range of this subject the country over, but I shall at the proper time offer an amendment increasing the appropriation for the Soil Bureau by $100,000. I shall then present a few more remarks on this great question. [Applause.]

Therefore, I ask permission to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Georgia [Mr. GRIGGS] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. SCOTT. Mr. Chairman, I yield to the gentleman from Idaho [Mr. FRENCH].

Mr. FRENCH. Mr. Chairman, I want to say a few words with regard to the 320-acre dry-farm bill, commonly known as the Smoot bill, which Members from the West are endeavoring to impress upon the consideration of Congress and endeavoring to have passed. I ask permission to insert at this point a copy of the bill, in order that it may be considered in connnection with my remarks. The bill that I shall insert is not the original bill introduced by Senator SMOOT, but is a compromise bill agreed upon by Senators and Representatives from the Western States, and introduced in the Senate by Senator SMOOT, and in the House by the chairman of the Committee on the Public Lands, Mr. MONDELL:

A bill to provide for an enlarged homestead.

Be it enacted, etc., That any person who is a qualified entryman under the homestead laws of the United States may enter, by legal subdivisions, under the provisions of this act, in the States of Colorado, California, Idaho, Montana, Nevada, North Dakota, Oregon, Utah, Washington, and Wyoming, and the Territories of Arizona and New Mexico, 320 acres, or less, of nonmineral, nonirrigable, unreserved and unappropriated surveyed public lands which do not contain merchantable timber, located in a reasonably compact body, and not over 1½ miles in extreme length.

SEC. 2. That any person applying to enter land under the provisions of this act shall make and subscribe before the proper officer an affidavit as required by section 2290 of the Revised Statutes, and in addition thereto shall make affidavit that the land sought to be entered is of the character described in section 1 of this act, and shall pay the fees now required to be paid under the homestead laws.

SEC. 3. That any homestead entryman now occupying lands of the character hereinafter described, heretofore entered by him, upon which final proof has not been made, shall have the right to enter public lands, subject to the provisions of this act, lying contiguous to his former entry which shall not, together with the original entry, exceed 320 acres, and residence upon and cultivation of the original entry shall be deemed as residence upon and cultivation of the additional entry.

SEC. 4. That at the time of making final proof as provided in section 2291 of the Revised Statutes the entryman under this act shall, in addition to the proofs and affidavits required under the said section, prove by two credible witnesses that at least one-eighth of the area embraced in his entry was continuously cultivated to agricultural crops other than native grasses beginning with the second year of the entry, and that at least one-fourth of the area embraced in the entry was so continuously cultivated beginning with the third year of the entry.

SEC. 5. That nothing herein contained shall be held to affect the right of a qualified entryman to make homestead entry in the States named in section 1 of this act under the provisions of section 2289 of the Revised Statutes, but no person who has made entry under this act shall be entitled to make homestead entry under the provisions of said section, and no entry made under this act shall be commuted.

SEC. 6. That whenever the Secretary of the Interior shall find that any tracts of land subject to entry under this act do not have upon them such a sufficient supply of water suitable for domestic purposes as would make continuous residence upon the lands possible without serious hardship to entrymen, he may in his discretion designate such tracts of land, and thereafter they shall be subject to entry under this act without the necessity of residence: *Provided*, That in such event the area cultivated in any such entry shall not be less than one-eighth of the entire area of the entry during the second year, one-fourth during the third year, and one-half during the fourth and fifth years after the date of such entry.

Before taking up the bill itself let us review for a moment the public-land policy of our country. Going back to the year in which the national homestead law was passed and following on down the several acts of Congress looking to the settlement of the public lands of the United States, the policy of our Government has been to place public lands into private ownership. The Government has never attempted to make money out of the public domain. The Government has never attempted to obtain for the lands which it had at its disposal any compensation that might at all have been considered commensurate with the value of the lands that were given to the public. The Government has said to the people: "Go upon the public lands; make homes there; build towns and cities and villages in the wilderness; erect churches and schoolhouses; maintain roads and highways and bridges, and for the hardship that you will endure in laying out the great work that is before you as pioneers the Government will give to you a small parcel of land." The laws have been varied under which land has been granted to the settler by our Federal Government. Under the provisions of some of the laws residence upon the land was required. Under the provisions of other laws the laying out of certain improvements, the setting out of trees, etc., were what the Government required. Under the provisions of other laws it was required that a small amount of money should be paid by the settler to the Government for the land in question, and at all times it has been the policy of the Government to establish homes and receive for its compensation a greater nation of splendid communities and thrifty, prosperous people. Look to the States of the Mississippi Valley; look to the States of Iowa, Kansas, and Nebraska. The tremendous progress that has come to those States during the last half century is in large part due to the generous policy of the Government in the handling of her public domain. The same policy has existed in part with regard to the public domain of the Western and Mountain States, and the largest part of the available land that is of highest use for agricultural purposes has already been acquired by the private individual, and in that section of country as a result of this policy there are to-day thousands upon thousands of splendid properties and happy homes.

We have now come to the time when the present land laws are inadequate to meet the demands of the present character of land that is available for settlement. Millions upon millions of acres of land in the arid and semiarid regions of the West are to-day waiting the share of the plow to be converted into producing fields, but our land laws are insufficient, and as a result these millions upon millions of acres of land are to-day lying idle, or at any rate are not used for their highest producing purposes. The dry farm homestead bill has for its object the granting of a homestead of 320 acres to the individual settler. The terms of this bill are more rigorous than the terms of the general homestead law and the terms have been made more rigorous in order to comply with the demands of the Eastern Representatives and Senators who do not understand the situation that confronts the people of the West. We propose under this bill to grant to each homesteader who has not heretofore used his right the privilege of acquiring 320 acres of unappropriated, nonirrigable, nonmineral public lands, which contain no merchantable timber, providing that the homesteader will live upon this land for a period of five years and make during that five years improvements which will show to the United States his good faith in taking the land for a home. We ask this because the present homestead law is inadequate to the condition of the lands that remain unappropriated and which are known as public lands. For the most part the lands that still belong to the Government in the West are arid or semiarid in character. Until the last few years it was supposed that they were desert, that they were unfit for settlement, and that unless water could be turned upon the lands from some running stream that it would be forever impossible for our people to successfully maintain homes thereon.

But our people have been progressing in the science of farming and agriculture as they have been progressing in other lines, and it has now come to the point where the rigorous demand upon even the soil of the United States, abundant and extensive as it is, is such as to warrant the farming of the lands which heretofore have been regarded as of no more importance than an equal area of desert waste. By means of lately discovered methods of tilling the soil; by means of lately discovered grains and forage plants; by means of lately discovered or transplanted trees and shrubs, we have found that it is possible to make these very desert lands attractive, and while not of the value of the lands that have been in settlement for these

many years, yet capable of contributing in large part to the resources and wealth of the Western States. One hundred and sixty acres, however, of this kind of land is not sufficient for the farmer who seeks in this hard means to establish his home and make the soil fruitful. The area of 320 acres that we ask for under this bill, in my judgment, is not as sufficient an area as we should ask for, but it is the area that in the judgment of the Members from the West should be asked for at this time, and therefore, it is the amount that I shall contend for in the remarks that I make. Three hundred and twenty acres of land sounds like a large area to the person who is accustomed to living amid green fields, splendid orchards, and bountiful gardens, but let me say to you that 320 acres of the land that is to-day available under the provisions of this bill, if we can enact it into law, will not by any manner of means represent in value 80 acres or 40 acres of the tremendous areas that were granted without cost under the homestead law to the settlers of the Middle West and of the Pacific coast and Mountain States.

Already we have magnificent lands in Idaho and in the other States of the mountain region. We have lands there that are as fine as any lands in our whole United States, but these lands have been acquired by private individuals; these lands have been settled for many years the same as lands in your States in the Middle West and in the East. The lands that this bill would apply to are not lands of this character, but are lands that to-day are covered with sagebrush and grease wood and juniper shrub for the most part and which have such little value that although the years have passed by during which the people of the West and of the whole country have had the opportunity of acquiring them under the provisions of a 160-acre homestead law, they have not yet been acquired. As an evidence of the fact that the lands that remain to-day unsettled are not the equal of the lands that were available for settlement twenty or thirty or forty years ago, let me say this: There was a time when nearly every entryman who filed upon a piece of land made final proof. By and by as the best character of lands became absorbed by private ownership many of the entrymen were unable to make final proof because of the character of the lands upon which they settled or the climatic condition of the country. By and by one out of every two who entered upon a piece of land found himself unable to comply with the provisions of the homestead law before making his proof, notwithstanding the expenses he had already been put to in making his entry and establishing his home, and this condition of affairs has continued with the lands of better character being eliminated constantly until last year about four persons out of every five who made entries upon homestead lands were compelled, by reason of the hard condition that they found themselves laboring under, to abandon their homestead entries and try to make a living for themselves or for their families by some other means. Only one homestead entryman out of about every five completed his proof, which goes to show that the character of the land that is still available for settlement is not comparable with the character of the land that was available for settlement in Idaho, in Wyoming, and in the other Western States and States of the Middle West twenty-five and thirty and forty years ago.

As a further evidence of the fact that the present land laws are not adequate I call your attention to the slow rate at which the public lands are being acquired under the homestead law under its present terms limiting entry to 160 acres of land. The figures which I give apply to the States mentioned in the bill with the exception of North Dakota, and North Dakota has been omitted from the terms of the bill as it has been reported from the House Committee on the Public Lands.

	Area final homestead entries, 1907.	Total area vacant public lands.	Years required to absorb land at present rate.
	Acres.	*Acres.*	
Arizona	12,467	45,571,305	3,655
California	60,770	1,859,109	31
Colorado	145,677	28,472,203	195
Idaho	176,548	30,989,840	113
Montana	185,790	51,398,631	277
New Mexico	165,608	49,890,637	301
Nevada	6,981	61,204,087	877
Oregon	127,410	19,739,649	155
Utah	6,436	38,279,631	5,948
Washington	333,423	6,260,980	188
Wyoming	105,400	36,726,337	345
Total	1,327,510	370,392,409	285

These figures tell a remarkable story. They tell that in Idaho if the public lands available for homestead entry continue to be acquired in as rapid degree, or rather, I should say, in as slow degree as they were last year, it would require one hundred and thirteen years before all the available lands would be disposed of. These figures tell that it would take two hundred and eighty-five years for all the lands in the States which I have enumerated to pass into private ownership, and offer a powerful argument in support of the bill for which I contend.

The President of the United States realized the limitations of the present law, as fully appears from the message which he sent to this Congress when we assembled in December last. In that message he declared:

> The land-law system which was designed to meet the needs of the fertile and well-watered regions of the Middle West has largely broken down when applied to the dryer regions of the Great Plains, the mountains, and much of the Pacific slope, where a farm of 160 acres is inadequate for self-support.

The Commissioner of the General Land Office says in his report to the Secretary of the Interior for the year 1907:

> Dry farming, or the raising of crops in semiarid regions by special methods of agriculture, has passed the experimental stage in many localities. No law adapted to the entry of lands suitable for this purpose exists, as the desert-land law is inapplicable, and the homestead law, besides requiring residence, is too restricted in the area of land that may be entered.
>
> I therefore recommend the enactment of a measure applicable only to those States and Territories containing semiarid lands, permitting the entry, under the agricultural classification above, by any qualified resident citizen of the State or Territory where the land sought to be entered is situated, of not exceeding 640 acres of land (in as compact a form as possible) not capable of artificial irrigation, which does not contain sufficient moisture to produce a natural growth of trees, and which, because of the fact that it does not furnish potable water sufficient for domestic use or because of other conditions arising out of the semiaridity of the land, is not suitable for continuous habitation. Residence should not be required as a prerequisite to patent, but proof should be required of the planting and raising of consecutive crops of valuable agricultural products (other than native grasses) for a fixed period before final proof; provided, however, that careful restrictions be imposed to insure that the entries are made for the sole use and benefit of entrymen for the purpose of actual cultivation and not to increase range holdings, create monopolies of land, or other abuses.

Now a word in regard to how this land will be farmed and why it is necessary that 320 acres be granted to the homesteader instead of 160 acres. If the entire area of land could be cultivated and farmed every year we would not ask that the settlers be granted 320 acres of land; but such is not the case. We have discovered after years of experience, fraught with dire hardship, that grounds that have been regarded as desert lands are capable of fair production if rightly handled. We have devised certain means of handling the land. We utilize the rainfall and moisture that two years afford for the purpose of raising a single crop. In other words, in all this region of country where this law will apply, for the most part the settlers who will acquire the lands will not be able to raise more than about one crop in every two years, and God grant that they may raise a crop as often as that. They need 320 acres in order that they may let 160 acres lie idle during a season, while the other 160 acres will be furnishing the sustenance for the family. The 160 acres that will be lying idle will be summer fallowed. It will be plowed deep. Vegetation of every character will be prevented from growing upon this land and the land will be husbanded in such manner as to conserve the moisture of the year as far as may be possible within the soil. In the fall of the year, or in the early spring succeeding, a crop will be sown which will be harvested in the succeeding fall. During that year the other half of the farm will be permitted to lie idle, or rather will be summer fallowed and cared for in order that moisture can be conserved in the soil there, that it may be put in fit condition to produce a crop the succeeding year when the first tract will again take its turn in being summer fallowed. But even then, with all the hope that I have for the benefits that will accrue by the passage of this bill, I know that the condition of the farmers who will acquire this land will be hard indeed.

This land under the very terms of the bill is land upon which water can not be placed by artificial means, land upon which water can not be placed from reservoir or from running streams. If such were the case it would not be classified as nonirrigable. It is what we might call "bench land"—land that lies just above the lands that have been made possible of cultivation by means of water being turned upon them. The passage of this bill will enable the farmers of the West who go upon this land to benefit not only themselves, but to benefit the settlers who live upon the lower lands where irrigation is possible. Everybody knows that as the higher lands are cultivated year by year the water is conserved within the ground and this will be a benefit to the lands that are lying below, and will in time permit the waters that go with those lands to be used for other irrigation purposes. Another reason

why I urge the passage of this bill lies in the fact that in our great States of the West much of the land is not to-day aiding in the support and maintenance of State and county governments. There is no means that is practicable by which revenues from Government lands can be turned into the treasuries of our counties and our States. Take, for instance, the State of Idaho. Probably not to exceed one-tenth of all the land within that magnificent State is to-day in private ownership. What is the result? Why, the property owners of that one-tenth of the area of the State of Idaho are compelled to pay taxes for the support of State and county governments, extending over the entire area of the State. But someone says that where people are not, there is no expense to government. This is a false deduction. It is true in every country that very often police regulations bear down more heavily upon sparsely settled communities than they do upon communities that are thickly settled, and it is true throughout the entire West that while a county or a State may receive taxes from one-tenth of the land within its domain that that State would soon be declared recreant to its duty if it failed to protect the life and property of the citizens who live in the most remote portion of its domain. We need that every acre of land shall be reduced to private ownership in order that the highest use of the land may be attained and in order that it may become capable of bearing its share of the burden of the expense of county and State government.

This bill is not in every detail the bill that I would pass if it were within my power. Probably this bill does not represent the wishes of any Member of Congress in either the House or the Senate from the Western States. This bill is the result of repeated conferences. Some Members of Congress believe that we should grant to these settlers a 640-acre homestead. For myself I believe that if the time is not ripe now for the grant of a 640-acre homestead, that after the bill which we now propose has done its work, in the course of not many years the remaining land must be disposed of under a still larger homestead law. The 320-acre provision of this bill represents the combined judgment of the Members of Congress of both House and Senate from the Western States. Again, this bill provides that a person who has filed upon a homestead, but who has not as yet made final proof, may have the privilege of acquiring an additional 160 acres of land of this character, providing the land upon which he entered is land of the character described in this bill, and providing the additional 160 acres of land which he may select is contiguous to the land he has already entered upon. I believe in the provisions of that section, but I do not believe that the provisions go far enough. I think that no matter whether the settler has completed his proof or not, if he has acquired 160 acres of land of the character of that contemplated in this bill, that he should have the privilege of acquiring an additional 160 acres of land, and that that limitation should not be fixed upon the person who has made final proof; but, as I said, this bill represents the combined judgment of the Members from the different States from the West, who have held repeated conferences upon this measure, and this is another point where my judgment was overruled by the judgment of others. And so I could go on. I could enumerate other features that were objectionable to me, or which I was in favor of, but which were not included in the measure. This is not necessary, and I shall simply say that on the whole I believe the measure is a just measure, that it is a necessary measure, and that if it is passed now it will do much to aid in the settlement of the unsettled portions of the Western States, of which Idaho is one.

Mr. SIMS. Mr. Chairman, I have had handed to me this moment the following clipping from the Washington Times of this date:

GALLINGER FAVORS ANTIBETTING BILL—BELIEVES SENATE WILL PASS MEASURE AFTER CONSIDERATION—ERROR IN PHRASING NULLIFIES BILLS PASSED BY THE HOUSE.

"Yes; I am in favor of the bill," said Senator GALLINGER, chairman of Senate District Committee, to-day, when asked about the Sims measure to repress race-track grambling, which recently passed the House as an amendment to the bill to widen the Benning road.

"At the same time, the bill can not be passed at once. It will doubtless be taken up by the committee at its meeting Friday. But it will probably have to be referred to a subcommittee and duly considered by that subcommittee. It is not likely that a bill of this importance can be forced through. It is entirely likely that the legislation will be passed in due time, but just when it is impossible to say."

Senator GALLINGER pointed out that there might be objection to passing the bill in the form in which it passed the House, and that the Senate might prefer to put it through as a separate measure.

In this connection the attention of Senator GALLINGER has been called to a blunder made by the House in passing the bill to widen Benning road and these other bills:

For the extension of Ninth street NW.

For the entension of Girard street NW.

For the extension of New York avenue from its present terminus, near Fourth street NE., to the Bladensburg road.

Senator GALLINGER has been apprised by the Commissioners, who in turn had been advised of it by Auditor Tweedale, that in passing these bills the word "appropriated" has been stricken out and the expression "authorized to be expended" substituted. Auditor Tweedale has informed the Commissioners that under the language the measures would be unenforcible, and that the courts construe appropriation laws strictly.

It will be necessary for the Senate to change the language in accordance with this suggestion before the proposed legislation is enacted.

Friends of this legislation are very uneasy for fear some serious blunder was made in the passage of this bill that will render it null and void.

I fear no such results. It is true that upon the motion of the gentleman from Illinois [Mr. MADDEN], the amendment was made whereby the word "appropriated" was stricken from the bill and the words "authorized to be expended" substituted. I did not seriously resist the amendment for the reason that I had no time to look up the usual language used in such bills, and as Mr. MADDEN is a member of the Committee on Appropriations, and a very able and careful member of that committee, I had not thought that he was not accurate in the language inserted as his amendment. But this constitutes not the slightest obstacle in the way of getting the bill through expeditiously. I drew up the amendment at my seat with lead pencil in a hurry, and I hope the Senate will, if thought best, make any amendment that will in any way strengthen the law, and I have not the slightest doubt that the House will readily concur in the Senate amendments without sending the bill back to the House District Committee or by nonconcurring in the Senate amendments, causing the bill to be sent to conference. While I have spoken to but one member of the Senate District Committee, I have no doubt that the Senate will act expeditiously, and all fears upon the part of friends of the measure, I think, are groundless.

Local public sentiment could hardly be stronger in favor of this legislation. Every newspaper in the District has spoken favorably of the legislation. I now read from the Evening Star a report of the proceedings as reported in yesterday's issue of that paper:

STOPS TRACK BETTING—HOUSE PASSES BILL TO PREVENT GAMBLING AT BENNING—CREDIT DUE TO MR. SIMS—HE PERSEVERES TO SUCCESS DESPITE REPEATED OPPOSITION—PUTS ASSOCIATES ON RECORD—ONLY FOUR REPRESENTATIVES FINALLY FOUND LINED UP AGAINST THE MEASURE.

"It shall be unlawful for any person or association of persons in the District of Columbia to bet, gamble, or make books or pools on the result of any trotting race or running race of horses, or boat race, or race of any kind, or on any election, or any contest of any kind, or game of baseball."

Through the energy and legislative resourcefulness of Representative SIMS of Tennessee, ranking minority member of the House District Committee, betting at Benning yesterday afternoon received what may be its death blow. Mr. SIMS managed to secure the passage, as an amendment to the bill for the widening of Benning road, of his measure, introduced in the House last Friday, amending section 869 of the District Code so as to prohibit gambling and book making in any form anywhere in the District of Columbia. The existing law against book making on races forbids it only within a mile of the city's boundaries.

This happens to be one case where credit for a praiseworthy enactment of this sort may justly be given to one man. Representative SIMS in this fight had no help of his colleagues on the District Committee, that committee having voted at last Thursday's regular meeting against the bill which passed the House yesterday. It is true that the committee had under consideration an antigambling measure prepared by Rrepresentative CAMPBELL of Kansas, chairman of the Judiciary subcommittee, but it is a perfectly safe bet that Mr. CAMPBELL'S bill, which had been tabled, certainly would not have seen the light of day during the present Benning meet if at all during the present session.

The bill for the widening of Benning road had no sooner been read in the House, sitting as the board of aldermen of the District, when Mr. SIMS jumped to his feet.

MR. SIMS'S AMENDMENT.

"Mr. Chairman," he cried, "I move to amend the bill by inserting an additional section." Here is the section which later, after trials, tribulations, and considerable opposition, was enacted:

"That section 869 of the act of Congress entitled 'An act to establish a code of laws for the District of Columbia,' approved March 3, 1901, be amended by striking out the words 'in the cities of Washington and Georgetown' and the words 'or within said District, within 1 mile of the boundaries of said cities.'"

Representative CRUMPACKER of Indiana reserved a point of order upon the amendment, and Mr. SIMS, after reading section 869 of the District Code, explained as follows:

"Under a decision of the court it has been held, as I understand it, and as I am informed, that under this section of the code, it does not include the Benning track, and does not make it, therefore, unlawful for any person to bet on a horse race at Benning; but by striking out the words 'in the cities of Washington and Georgetown' and 'or within said district within 1 mile of the boundaries of said cities' it reads as follows:

"'It shall be unlawful for any person or association of persons in the District of Columbia to bet, gamble, or make books or pools on the result of any trotting race or running race of horses, or boat race, or race of any kind, or on any election, or on any contest of any kind, or game of baseball.'

"The object of the amendment is simply to extend the antigambling laws of the District to the entire District, so as to make gambling and betting unlawful in every part of the District. Under the language of the section as it is in the act, it is within 1 mile of the limits of

the city of Washington, and 1 mile does not extend to the limits of the District of Columbia, and therefore the courts are without jurisdiction to enforce the law."

After a few facetious remarks from the irrepressible CHARLIE LANDIS, Mr. CRUMPACKER, who had reserved the point of order against the amendment, again secured the floor.

"I reserve the point of order," he said, "for the purpose of ascertaining what the amendment really meant and what its significance really was. I find that it is to extend the antigambling law to the race track at Benning, where I suppose it ought to apply if it applies anywhere. The amendment is doubtless subject to a point of order. It is somewhat illogical to amend the bill in this way, but I do not propose to stand in the way of the enactment of proper antigambling laws for the District. I believe in that kind of legislation, and, therefore, I withdraw the point of order and will support the amendment.

Mr. SIMS thanked Mr. CRUMPACKER, and Representative KAHN, of California, a member of the House District Committee, rose to his feet.

POINT OF ORDER RAISED.

"I desire to make the point of order," said Mr. KAHN, "and to say in that connection that this matter has not been before our committee in such a way that the committee could take action on it. It is an unusual way to come in here and offer an amendment on a bill of this character, and I submit it is of sufficiently serious importance to be considered by the committee. I make the point of order."

On request of Mr. SIMS, Mr. KAHN temporarily reserved his point of order that Mr. SIMS might explain the attitude of the District Committee.

"A bill of this kind," said he, "except broader, and going to the extent of making it unlawful to make wagering contracts on futures, was introduced and went to the District Committee. I offered this provision as a substitute for the bill, and it was voted down. Then, after consideration of the bill, which included this and other matters, the bill of the gentleman from Kansas was tabled. So the subject-matter has been considered by the committee, but I am sorry to be compelled to say that it did not meet with the approval of a majority of those present.

"I hope the gentleman from California will not make the point of order, because here is a law which plainly says it shall be unlawful to lay wagers and make bets within 1 mile of the limits of Washington and Georgetown, leaving all the rest of the District without protection of a law which is thought to be necessary within the city. Now, if the existing law is a good law 1 mile beyond the limits of these cities, why is it not a good law a little farther—to the limits of the District of Columbia, which does not exceed 10 miles square. I hope the gentleman will not insist upon his point of order."

But Mr. KAHN was obdurate. He insisted that the bill was brought up in committee for the first time at the last meeting and was not fully considered. He said he was just as anxious as Mr. SIMS to limit gambling; that he had never laid a wager on a horse race in his life, but he did not think this was a proper way to legislate, and insisted on his point of order, which was sustained by Representative DALZELL, of Pennsylvania, in the chair.

Representative SHACKLEFORD, of Missouri, who has a profoundly serious countenance and a fund of unconscious humor, asked Mr. SIMS why it was, if he wanted to stop gambling, he desired to widen Benning road so the gamblers could get to it more easily.

Mr. MANN, of Illinois, seeing an opportunity for some fun, demanded that Mr. SIMS answer whether or not the bill was in the interest of the Benning race track.

RACING WITHOUT BETTING.

"I certainly did not think so," replied Mr. SIMS, "and, moreover, the amendment I offered was to prevent betting, not horse racing. You can go out and see all the horses run you want to and spend all the time you want to there and not lose your money." [Laughter.]

"Benning would not last very long if there was no betting there," suggested Mr. MANN.

"This matter of betting," remarked Mr. MADDEN, drolly, "is like the question of the bedbug; there is not so much objection to the bedbug but to the infernal method he has of getting a living." [Laughter.]

The Benning bill was then laid aside and other District matters taken up.

THE HOUSE LINED UP.

Mr. SIMS got in his slick and resourceful legislative tactics when the Committee of the Whole arose and reported action on the various bills. When the bill for the widening of Benning road was reported to the House—of course without the Sims amendment, that having been stricken out on a point of order—Mr. SIMS moved to recommit the bill to the Committee on the District of Columbia, with instructions to report the bill back with his previously offered amendment in it. A vote was taken on this proposition and the "noes" seemed to have it, but when Mr. SIMS called for a division the record showed seventy Members in favor of Mr. SIMS's proposition and only four against.

Then the Tennesseean moved that the bill be called up as amended and passed.

"The bill has been recommitted to the committee," remarked Uncle Joe.

"With a direction for them to make a report," returned Mr. SIMS.

"But the gentleman from Tennessee did not put 'forthwith' in his motion," commented the Speaker.

"Well," said Mr. SIMS, nothing daunted, "I move that 'forthwith' be added to the motion."

Again the bill was laid aside while measures for the extension of Ninth street, Girard street, and New York avenue were disposed of, and then Mr. SIMS returned to the charge, by moving to reconsider the vote by which the bill for the widening of Benning road was recommitted to the District Committee. The motion was agreed to, and then Mr. SIMS, extricating his measure from the parliamentary tangle into which it had inadvertently been led, moved to recommit once more in the same language with the lacking "forthwith" added.

Chairman SMITH, of the committee, wanted to know what "forthwith" meant—whether it meant at once or within twenty-four hours.

"It means at once," said Mr. SIMS, belligerently.

"It means forthwith," remarked the Speaker pacifically.

BILL REPORTED AND PASSED.

After some more sparring, Chairman SMITH rose and announced that he was ready to report the bill with amendment. A vote was then taken on the Sims amendment and on the bill, and the measure was passed without further opposition.

At the close of the festivities Mr. SIMS was warmly congratulated by his friends on the House floor for the masterly manner in which he had handled an intricate parliamentary situation.

The House also passed during yesterday's District day session bills to provide for the registration of all cases of tuberculosis in the District; to regulate the establishment and maintenance of private hospitals and asylums in the District; to amend an act to extend Meridian place NW.; to extend Ninth street NW. from Barry place to Euclid street; to extend Girard street NW. from its present terminus to Fifteenth street NW.; to extend New York avenue from its present terminus near Fourth street NE. to the Bladensburg road; to extend the time limit for the completion of the lines of the East Washington Heights Traction Railroad Company twelve months; to allow firemen injured in the course of duty to be treated at the expense of the firemen's pension fund, and to license all drivers for vehicles for hire and tax them $1 a year.

COMMISSIONERS MUCH GRATIFIED.

The members of the Board of Commissioners this morning expressed gratification over the success of Representative SIMS yesterday. The Commissioners propose to make every effort to secure the bill's approval in the Senate.

Commissioner Macfarland, who has been persistently fighting the gamblers at Benning for some time, said to-day:

"I am exceedingly glad that the House adopted the SIMS amendment and I trust the Senate may adopt it soon enough to stop the gambling at Benning during the present race meeting. I still think that it could have been broken up by vigorous action under the present law, but in view of the difference of opinion about the law, amendment of it seems more necessary than ever. The Commissioners recommended legislation as the most certain method of stamping out this evil, just as Governor Hughes did in New York, and in this as in their other efforts in this matter have met with similar opposition and misrepresentation. For example, the suggestion has been made that it was not respectful to the law and the courts to make a vigorous effort to break up the operations of the gamblers at Benning, in view of a court decision that a particular case based on certain evidence and on an indictment drawn in a certain way could not be maintained. There was nothing in the decision to show that a case with a better indictment and different evidence would not be upheld by the same court. No court has ever suggested that the present law is void for unconstitutionality or any other reason. As a matter of fact, the police are preparing to file informations on evidence collected under the very same law which it has been claimed would not permit us to make arrests. My idea is that the best way to show respect to the law is to enforce it. However, the prompt passage of the SIMS amendment will stop the gambling at Benning, and every good citizen should advocate it earnestly."

Commissioner West said: "The passage of the SIMS bill in the House meets with my hearty approval, and I hope that it can be taken up promptly in the Senate and enacted into law. Under the law passed in 1891 book making and pool selling were legalized in the territory occupied by the race track, and the law has been upheld by the courts. Under these circumstances the way to abolish race-track gambling in the District of Columbia is to repeal this law. The action of the House is, to my mind, a step in the right direction, and I do not believe that the Senate will fail to act when that body appreciates, as in my judgment it will, the fact that public sentiment in this District is overwhelmingly in favor of the abolition of race-track gambling here."

The following is an editorial appearing in the Evening Star of the same date:

THE SIMS AMENDMENT.

The SIMS amendment, adopted yesterday by the House after a strenuous performance in which the author of the proposition showed a high degree of parliamentary skill, strikes a deathblow at race gambling in this District. If adopted by the Senate in its present form, it will put an end to the semiannual performances at Benning, which cost the people of the capital heavily, both financially and morally.

By eliminating the words of the statute "within 1 mile of the boundaries of said cities," the amendment carries the prohibition against gambling in all forms to the District boundary and puts an end to the shameful discrimination between the games of chance played at tables or with apparatus or cards and the gambling device which masquerades under the guise of the sport of racing horses.

But the SIMS amendment goes further and seeks to spread upon the statute a definition which will leave no possible question as to the intent of the law in the matter of race betting. The proposed new language is as follows:

"Anyone who anywhere acts as a layer of odds or bookmaker, or by any means induces or entices others to bet, directly or indirectly, whether he does or does not make a memorandum of bets or in any way records them, is liable for making books under this act."

This clause is designed to meet the situation created by the first of the now pending decisions of the court, which, by classifying a bookmaker occupying a fixed position in the established betting ring as one who sets up a gaming table, within the meaning of section 865 of the code, led to the evolution of the ridiculous, but at present effective, expedient of keeping the bookmakers on the move. If the clause is adopted, any method of receiving bets, wherever the bookmaker may stand, whether at rest or in motion, whether carrying a chart or sheet or working solely through memory, becomes illegal and punishable.

The great requirement, however, is met by the simple device of cutting from the statute the words "within 1 mile of the boundaries of said cities," which establish a zone of permissible race-track gambling covering nearly two-thirds of the total area of the District.

The measure, thus happily secured by dint of Mr. SIMS's persistent and skillful efforts in the House, now goes to the Senate for consideration. The fact that it is in the form of an amendment to a street-widening bill does not lessen its significance or the responsibility of the upper House in the premises. The local sentiment in favor of the abolition of race-track gambling is unmistakable. Let the Senate committee open its doors to the people and there will soon be no chance to doubt the demand of the community that the anomaly of the law which permits gambling in one part of the capital and prohibits it in another be ended.

It is hoped in the public interest that the action of the Senate on this bill will be as prompt and decisive as that of the House has been.

The following is an editorial from the Washington Herald of same date:

CONGRESS AND RACE-TRACK GAMBLING.

If the Senate does its simple duty promptly—a duty that should not consume ten minutes—the race-track gambling evil, which now disgraces the National capital, can be suppressed before the week is out.

Of course the Senate will perform that duty. Certainly Chairman GALLINGER, of the District Committee, and all the Senators who value the good name of Washington City may be depended upon to see that no obstacle be put in the way of the passage of so righteous a measure.

Thanks to Representative SIMS, the House, by practically a unanimous vote, has passed a bill, clear and to the point in its provisions, which wipes out the mile limit and exempts no part of the District of Columbia from the operation of the antigambling law. Unincumbered and aiming directly at the Benning lawlessness, the bill leaves no loophole for argument or obstruction. The House naturally went on record overwhelmingly against further public gambling within the very shadow of the Capitol.

If the Jockey Club can continue its racing meets without the disgraceful and demoralizing gambling features so injurious to the business as well as the morals of the community, no possible objection can be raised to them. On the contrary, the meets will be welcomed. But if, as the Jockey Club itself admits, racing depends upon gambling, then the sooner the whole business is outlawed here, as it has been outlawed in nearly all cities, the better for the capital of the nation.

Now, it is in order for the Senate speedily to complete the good work of the House.

The foregoing newspaper articles and editorials speak for themselves. They show that the demand for this legislation is urgent. Immediate action is demanded by all good people everywhere. I have received a flood of letters congratulating the House on its good work, and all, without the exception of one, urging prompt and energetic action by the Senate, and I believe the hopes of the supporters of this measure will be realized at as early a day as it is possible for cautious and careful consideration to be given to this measure by that great body at the other end of this Capitol.

Mr. BELL of Georgia. Mr. Chairman, during the time allotted me I desire to enter upon a fuller discussion of the great question of government aid to the public roads of the entire country. I am a member of the vast army of agriculturists, whose means go most largely to the support of government, but whose material interests find the least consideration at the hands of the national governing body. The farmer needs better roads for the transportation of his crops, and the time has come, in my opinion, for the National Government to inaugurate a policy that shall give him the best system of roads known to the world.

The good-roads question is no longer a merely local one. The great questions of transportation have given the country roads of the entire country an importance equal to that of the railroads and of the public waterways. No matter how much of agricultural or mineral wealth is transported over these systems of transportation to final destination and market, the initial transportation of all of it is over the country road. From the farms or mines to the stations or the wharves is the first element of the transportation problem, while from wharves and stations to the market is but its second phase.

The first element falls most heavily on the producers of agricultural and mineral wealth and very frequently destroys what under more favorable circumstances might have been a profitable venture. Bad roads from the mines or farms to the wharves or stations either call for the transportation of a lighter load or the maintenance of an unnecessary number of transporting animals. Good roads will provide larger loads with less power, a saving in time, expense, and trouble.

What value comes from the farms and mines?

The Agricultural Yearbook for 1905 gives the following figures showing the productive power of the farms in that year:

Corn	bushels	2,707,993,000
Wheat	do	692,979,000
Oats	do	953,216,000
Barley	do	136,651,000
Rye	do	28,486,000
Buckwheat	do	14,585,000
Potatoes, 1904	do	332,830,000
Hay, 1905	tons	60,531,000
Cotton, 1904	pounds	6,722,000,000
Tobacco, 1904	do	700,561,000
Hops, 1905	do	51,200,000
Flaxseed, 1904	do	23,401,000
Rice, 1904	do	1,163,000,000
Sugar in United States	tons	342,000

These figures indicate an enormous tonnage originating at the farm and carried in its initial journey to market over the country roads. So much for the grain products.

Animals.	Number.
Milch cows	20,810,000
Cattle, including milch cows	68,738,000
Horses	21,714,000
Mules	3,584,000
Sheep	50,869,000
Swine	53,987,000

These, with the exception of the milch cows and a part of the horses and mules, form an enormous item of farm tonnage going over country roads on the initial journey to market. The number of horses, mules, and cattle provided for hauling over bad roads is unnecessarily increased, and this, together with the expense of their maintenance, makes a burden on the farmer which in all good conscience should be removed.

It has been estimated that good roads throughout the country would do away with the necessity for 2,500,000 of the horses, cattle, and mules now required for carrying farm products to shipping points.

The mineral products were:

Gold, 1904	fine ounces	16,780,000
Silver, 1904	do	168,320,000
Coal, 1904	tons	314,562,000
Pig iron, 1905	do	22,992,000
Crude petroleum	gallons	4,917,812,000

These are immense tonnages and represent not only the railroad and water transportation, but that other transportation, the one neglected and forgotten, the transportation to the shipping points.

The total mileage of all the railroads in the country in 1904 was 212,348 miles. The improved county roads in California alone in that year aggregated 50,000 miles, or nearly one-fourth of the railroad mileage of the country. Maryland had 16,000 miles; Massachusetts, 20,000; New York, 14,000. These four States have an aggregate of improved roads of nearly one-half the railroad mileage of the country. From this it will be seen how great is the aggregate of the improved and unimproved country roads of the country, equal factors in transportation with the railroads.

The freight carried by all these roads in 1904 aggregated 1,275,000,000 tons, or the unthinkable quantity of 2,550,000,000 pounds, earning for the railroads $1,374,100,000, or more than $1 per ton. There were 9,840,000,000 cars of freight traveling over the country that year. Can anyone figure out the enormous number of wagonloads, the enormous number of trips made by the 15,000,000 horses and mules carrying these colossal weights to the nearest station? Will anyone say, in the face of figures like these, that the initial transportation necessitated for this enormous railroad traffic should not have the most favorable consideration at our hands?

NATIONAL AID TO RAILROADS.

The United States has not been niggard in its donations to railroad corporations. From the Land Office report of 1903 it appears that the National Government has patented to railroad corporations up to June 30 of that year an aggregate of 64,000,000 acres, and to States for the use of railroads 40,000,000 acres, or a total of railroad grants of 104,000,000 acres, and for wagon-road grants 2,500,000 acres, or less than one-fiftieth as much. Is it fair to make fish of one element of transportation and fowl of another?

Besides all this, the United States Government has guaranteed the indebtedness of the Pacific railroads, amounting, principal and interest, to $138,000,000. The waterways of the country, through the various river and harbor bills that have passed through Congress since the formation of the Republic, have been given by direct appropriations from the Treasury of the United States about $450,000,000. Transportation from the shipping points to market over railways and boats has had ample attention from the Government of the United States, while transportation from the farm to the shipping point has had almost nothing.

In any estimate of aid to railroads the indirect aid given them by the Government should not be overlooked. If we consider that we are now paying the railroads $40,000,000 per annum for the carrying of mails, and that we have been paying a possible average of $20,000,000 per annum since 1887, payments for services which in France the railroads are required to perform for mere nominal sums, it will be seen that the railroads have been given an indirect Government aid from which farm transportation has been excluded.

THE COST OF THE PRESENT SYSTEM TO FARMERS.

It has been stated that it costs as much to deliver a bushel of grain 5 miles to the railroad in Illinois as it then costs to carry it 1,100 miles to Buffalo. In the tobacco region of West Virginia it costs five times as much to deliver that product 8 miles over mud roads as it then costs to carry it more than 400 miles to Richmond. Estimates have been made which show that it requires ten days' hauling, on an average, for each farmer in the United States to carry his produce to market. The Twelfth Census reported 5,739,756 farms in 1900. Counting one person to the farm engaged in delivering for ten days a year, the time consumed would amount to about 57,000,000 days, which at $3 per day for man and team would require

$171,000,000 per annum. With the present system the farmer must take the good weather for delivery, as it is only in such weather that the roads are passable. With better roads he could not only haul more, but utilize the bad weather periods, when he could do little work on the farm, for delivering his farm products to market.

A French farmer rarely carries his produce to market when he can work in the field. He selects a time for hauling which is too inclement for his work in the field. When it rains or snows or when it is too cold for farm work he loads his wagon for market, and despite rain or snow or cold is able to carry three or four times as much with the same number of horses as the farmer can in Georgia, Iowa, or the average American State. Investigation has shown that the average cost of transporting a ton over a mile of dirt road in the United States is about 25 cents. The consuls of the United States abroad have sent facts from twenty-three points in European countries which show that the cost of carrying a ton over European improved roads is between 10 and 12 cents. It is perfectly fair to assume that, after allowing for all differences in condition in this country, a system of improved roads would reduce the ton mileage to about 12 cents, a saving of about one-half. It has been estimated again that a billion dollars per annum are paid in the United States for dirt-road transportation alone, and an improvement that promises to save half that sum to the farmers is certainly worthy of the most serious consideration. The census of 1900 reports 10,000,000 and more persons engaged on the farms. The saving to each person would amount to about $50 per annum. The average annual farm wages are less than $400 per annum, which would be increased through this saving about 8 per cent. If the number of farms be used in the calculation, the saving would be about $88 per farm, or 20 per cent on an average wage of $440.

These illustrations are pertinent, and may be extended indefinitely, but enough has been shown to warrant the conclusion that our present system of roads increases unnecessarily the burden of expenditure to the farmer, wastes his time and energies, besides making it impossible for him to grasp all the elements of self and home development which our marvelous opportunities and civilization provide.

WHO MAKE THE ORDINARY ROADS?

The construction and improvement of the common roads of the country, the roads over which the initial transportation of our products must to the largest extent be made, the roads over which the necessaries of life and raw materials must pass to sustain the life and promote the health, comfort, and prosperity of the whole people, is a burden which for one hundred years has rested solely on the people of the rural districts. The cities and towns provide their own streets and avenues and are exempt from service or tax as to the rural roads. These roads are to the largest extent made by the farmers themselves under legalized requirements, upon ill-considered plans, and without coordination or purpose or plan. The men are warned out to work the roads under the supervision of an overseer not fitted for the work and without power to enforce the little fitness he may have. Where taxation has been resorted to it has been local, falling upon the farmers or road users, and not general, with the result that where good roads are most needed there the poorest are to be found and vice versa. The States have for one hundred years or more been tinkering with the roads, and in most cases they are in a worse condition to-day than they were before. The States have not proceeded under the requirements of a well-devised plan for a general system of roads and have for the most part been unable to bear the tremendous expense generated by the good-roads movement.

After one hundred years of crazy patchwork we are able to show a system of roads in which 5 per cent are good, 10 per cent fairly passable, and 85 per cent bad, indifferent, execrable, or worse. When Sam Jones said that he could dive off the sidewalk in a certain Western town and go boot-top deep in mud, no one smiled, as that was apparently the ordinary condition of things; but when he added parenthetically the words "head foremost," a roar of laughter followed the statement, and the extravagance of the statement simply emphasized the truthfully horrid condition of many of our roads. Fifteen per cent may be called roads and all the balance mere rights of way.

To build an improved road according to well-devised plans costs from $100 to $400 a mile where sand and clay are used, and from $3,000 to $9,000 per mile for macadamized roads. Under the present system it has been estimated that our dirt roads cost about $12 a mile. It is evident that a system which affords $12 a mile can not be relied on to give roads that cost $400 a mile, much less the better roads costing $3,000 a mile. It is also evident that the States generally working alone can not reasonably be expected to furnish the means to build a general system of macadamized roads, and yet it is to that system that the United States must come if it is to compare in any sense with the enlightened countries of Europe in any system of well-devised roads.

California in twenty years has expended $49,500,000 on 50,000 miles of county roads, but is still a long way from the haven of a complete system of good roads. Connecticut appropriated $225,000 in 1903 to build 450 miles of roads, paying $3,000 a mile for gravel roads and $6,500 per mile for 16-foot macadamized roads. Illinois appropriates $25,000 a year to aid the counties in their improvement of roads. Maryland appropriates $10,000 a year to keep up and improve 16,000 miles of roads. The counties of Maryland maintain about 900 miles of shell, stone, and gravel roads. It is estimated that the counties of this State spend annually for road maintenance about $600,000 and that the people pay in tolls on 497 miles of toll road about $140,000. The average hauling distance in Maryland is 6.7 miles and the average load per horse about one-half a ton. The average cost of hauling a ton 1 mile is 26 cents and the cost of macadamized roads 20-foot wide, macadamized 12 feet, is from $4,000 to $6,000 a mile. In 1904 the legislature of Maryland appropriated $200,000 for the construction of macadamized roads.

Massachusetts appropriates $450,000 per annum for constructing and $60,000 for maintenance. This State has already put $6,000,000 in her roads, and has recently appropriated $2,250,000 more for a five-years expenditure. The 12 to 15 foot stone roads of the State cost about $5,750 a mile, and the gravel roads from $3,000 to $4,000 a mile. Up to October 1, 1905, they had built 615 miles of roads. There are 20,000 miles of road in the State, of which 1,900 will eventually obtain State aid. The great body of the roads in this State will have to be improved locally or go without improvement.

From all these considerations it is evident, to my mind, that the States can not be looked to with any degree of assurance for that aid which will improve the public roads used by the neighborhood farmer. The only hope for an aid that shall be all sufficient and permanent is from the National Government. [Applause.]

THE CONSTITUTIONAL PHASES OF THIS QUESTION.

From 1789 to 1822 Congress appropriated money in aid of internal improvements, principally for the construction of roads and highways. Since 1822 the policy of the Government has been adverse to appropriations for roads, although about $450,000,000 have been appropriated for rivers and harbors, improvements as clearly inhibited by the constitutional provisions and arguments as improvements of the public roads. In 1822 Congress made an appropriation in aid of the Cumberland road, which was vetoed by President Monroe in a message which has been accepted ever since as sound constitutional law and as an authority. An analysis of the appropriating bill and of the message vetoing it does not support the contention that Congress has not the right to appropriate to aid in the construction of public roads, but, on the contrary, expressly warrants such an appropriation. The particular bill vetoed not only appropriated money in aid of the Cumberland road, but went further, very much further, and in this extension beyond the mere appropriation was held to be unconstitutional. The Cumberland road bill of 1822 appropriated money for the construction of the road, not under State auspices, but under national auspices. The right of Congress to appropriate money to the States to be used by the States for building roads was clearly upheld by Monroe, but the right of the National Government to enter upon a general scheme of public improvements for itself, directing them, controlling, and owning them, was denied. This is all there is of the question. Congress, under strict State rights construction, may constitutionally appropriate $25,000,000 a year, to be divided among the States in accordance with some equitable plan, the States being required to use said money for the improvements designated, to own and to maintain them afterwards.

The advocating an appropriation of $25,000,000 per annum by the General Government to the States for the improvement of public roads by the States is not an abandonment of State rights, nor is it in any sense, as has been intimated in influential quarters, "a milestone in the progress of constitutional thinking." Jefferson thought this way; Madison so thought, as did Monroe and Jackson. State rights as a doctrine was clearly upheld by all these men in their every reference to public improvements, and the right of Government to appropriate to the

States upheld in the same breath. In advocating this measure of appropriation of the National Government to the public roads no States-rights advocate advances in constitutional thinking, but simply asserts boldly and clearly what the older States-rights leaders made clear in their day. Following is an extract from President Monroe's veto message which is worthy of the careful reading of every man in this body, and which explicitly upholds our constitutional right to appropriate money absolutely to the States for the improvement of the public roads in the States. [Applause.]

On page 167 of volume 2 of the Messages and Papers of the Presidents by Richardson, the following language, being a part of Monroe's great State paper, appears:

> Good roads and canals will promote many very important national purposes. They will facilitate the operations of war, the movements of troops, the transportation of cannons or provisions, and every warlike store, much to our advantage and to the disadvantage of the enemy in time of war. Good roads will facilitate the transportation of the mail, and thereby promote the purposes of commerce and political intelligence among the people. They will, by being properly directed to these objects, enhance the value of our vacant lands, a treasure of vast resource to the nation. To the appropriation of the public money to improvements having these objects in view and carried to a certain extent I do not see any well-founded constitutional objection.

In the same document Monroe laid down the principle by which such an appropriation should be governed while reiterating in strong language the undoubted right. He said:

> That Congress have an unlimited power to raise money, and that in its appropriation they have a discretionary power, restricted only by the duty to appropriate it to purposes of common defense, and of general, not local, national, not State, benefit.

Every States-rights advocate in the land may lawfully advocate the appropriations asked for by either the Latimer or Brownlow bill, without surrendering a single iota of his convictions, for the improvement of the public roads of the entire United States through a system devised for the entire country and carried out by the States themselves is an appropriation of money "for general, not local, purposes; national, not State, benefit."

Jackson, in vetoing the Maysville road bill, very properly held that as the road was entirely in a single State, and the appropriation for a single road that it violated the principle of "general, not local; national, not State, benefit."

President Jackson also suggested, both in his annual address and in the veto message referred to, another method of a constitutional aid to the public roads of the country, and that was a division of the surplus revenue among the several States according to their ratio of representation. A division of the surplus was accordingly made and the constitutionality of the Williams bill, now before us, placed beyond controversy. [Applause.]

Beginning with the early years of the last century, there is an almost uninterrupted succession of acts, reaching down as far as the present generation, appropriating money for the construction of roads—some for military purposes—in the different States, the total of these appropriations running up into many millions of dollars.

By act of March 29, 1806, the construction of the famous Cumberland road, stretching from the Potomac to the Ohio River, was authorized, and from time to time supplementary acts were passed extending the road into Indiana and Illinois, the last appropriation being made by act of May 25, 1838, and the total of appropriations for that road aggregated $6,832,945.05. The total of appropriations by Congress for public roads up to and including 1838, was approximately $17,000,000. From that time to the present road construction on the part of the Government, except such as was done by the War Department for purely military purposes, may be said to have stopped altogether, but from 1893 to the present time small annual appropriations have been made for public-road inquiries and demonstrations, under the direction of the Department of Agriculture, the total of which amounts to $401,000.

It will be of interest to note in this connection that there is a total mileage of all public roads of 2,151,570 (1904), of which 153,662 miles were improved roads, surfaced with gravel or stone or other materials, the total cost on account of them in all the States and Territories being $79,771,417.87.

In my opinion we have an undoubted right to do what is asked for by any one of the three bills now before us, the end of each being the appropriation of about $24,000,000 or $25,000,000 to the States to aid them in the improvement of the dirt roads of the country, this end being reached in two of the bills by direct appropriations and in the other by an apportionment of the surplus revenues among the States in the ratio of their representation.

WHAT THE STATES WOULD RECEIVE.

In each of the bills the paramount idea seems to be that the appropriation or the apportionment shall be in the ratio of representation or population. Estimating the population of the country to be 80,000,000 and the appropriation or apportionment $24,000,000, the sum of $300,000 would be appropriated or apportioned to every million people in a State. Using this ratio, we calculate the following as each State's share, and with it give the area in square miles of each State:

State.	Distributive share.	Square miles.
Alabama	$540,000	52,000
Alaska	18,000	590,000
Arizona	36,000	112,000
Arkansas	390,000	53,000
California	440,000	158,000
Colorado	150,000	103,000
Connecticut	270,000	4,980
Delaware	54,000	2,050
Florida	156,000	58,680
Georgia	660,000	59,475
Idaho	48,000	84,806
Illinois	1,400,000	56,650
Indiana	750,000	36,350
Indian Territory	117,000	31,400
Iowa	690,000	56,026
Kansas	440,000	83,080
Kentucky	640,000	40,400
Louisiana	410,000	48,730
Maine	200,000	33,040
Maryland	350,000	12,210
Massachusetts	840,000	8,315
Michigan	720,000	58,915
Minnesota	510,000	83,365
Mississippi	460,000	46,810
Missouri	930,000	69,415
Montana	72,000	14,618
Nebraska	300,000	77,510
Nevada	12,000	110,000
New Hampshire	123,000	79,305
New Jersey	560,000	7,815
New Mexico	57,000	122,580
New York	2,217,000	49,170
North Carolina	540,000	52,250
North Dakota	93,000	70,795
Ohio	1,240,000	41,080
Oklahoma	117,000	39,030
Oregon	123,000	98,000
Pennsylvania	1,890,000	45,215
Rhode Island	126,000	1,850
South Carolina	400,000	30,570
South Dakota	120,000	76,650
Tennessee	600,000	42,050
Texas	900,000	265,780
Utah	81,000	84,970
Vermont	102,000	9,565
Virginia	540,000	42,450
Washington	150,000	69,180
West Virginia	280,000	24,780
Wisconsin	600,000	56,040
Wyoming	27,000	97,890

These figures show the almost exact distributive share of each State on a basis of $300,000 to 1,000,000 people. A comparison of the amounts received, with the areas of the States receiving them, reveals some remarkable incongruities, and makes it certain that while a division according to the ratio of population is just under one phase of the discussion that it is remarkably unjust upon another. The very States that need aid, States rich in mineral if not agricultural wealth, would receive almost nothing, while other States that have received tremendous sums in the way of river and harbor appropriations and who have relatively small areas, would receive abnormally large sums. It seems to me that if the Government has the right to appropriate money for general purposes that it has the undoubted right to distribute its largess by a method which will enable the smaller and weaker States, with smaller population and larger area and demanding a much larger number of roads, to receive a much larger sum than their ratio of representation or population would permit them to receive. It seems to me also that patriotism demands that the richer and more populous States shall consent to receive a smaller sum than that demanded by the ratio of population, in order that the other States may receive a greater sum. By this means and by this means alone a general system of good roads can be established throughout the country and the general good of the country be most largely conserved.

Being satisfied that this patriotism exists in this body and that it will voice its sentiment in this manner, I submit the general proposition that no State shall receive more than $1,000,000 per annum and that no State shall receive less than either $300,000 or $400,000 per annum. I have calculated the expenditure upon each of these bases and find that in neither case will the requirement be more than $25,000,000 per annum.

State.	On $300,000 basis.	On $400,000 basis.
Alabama	$500,000	$500,000
Arkansas	400,000	400,000
Alaska	300,000	400,000
Arizona	300,000	400,000
California	500,000	500,000
Colorado	300,000	400,000
Connecticut	300,000	400,000
Delaware	300,000	400,000
Florida	300,000	400,000
Georgia	600,000	600,000
Idaho	300,000	400,000
Illinois	1,000,000	1,000,000
Indiana	700,000	700,000
Indian Territory	300,000	400,000
Iowa	600,000	600,000
Kansas	500,000	500,000
Kentucky	600,000	600,000
Louisiana	400,000	400,000
Maine	300,000	400,000
Maryland	300,000	400,000
Massachusetts	700,000	700,000
Michigan	700,000	700,000
Minnesota	500,000	500,000
Mississippi	400,000	400,000
Missouri	700,000	700,000
Montana	300,000	400,000
Nebraska	300,000	400,000
Nevada	300,000	400,000
New Hampshire	300,000	400,000
New Jersey	400,000	400,000
New Mexico	300,000	400,000
New York	1,000,000	1,000,000
North Carolina	500,000	500,000
North Dakota	300,000	400,000
Ohio	1,000,000	1,000,000
Oregon	300,000	400,000
Pennsylvania	800,000	800,000
Rhode Island	300,000	400,000
South Carolina	400,000	400,000
South Dakota	300,000	400,000
Tennessee	500,000	500,000
Texas	800,000	800,000
Utah	300,000	400,000
Vermont	300,000	400,000
Virginia	500,000	500,000
Washington	300,000	400,000
West Virginia	300,000	400,000
Wisconsin	500,000	500,000
Wyoming	300,000	400,000

Let us do this, do it now, and do it continuously for thirty years, and the problem of good roads will be solved for all time to come.

In conclusion, I desire to incorporate as a part of my remarks a copy of the bill which I have introduced and which has been referred to the Committee on Agriculture.

A bill (H. R. 16988) to establish in the Department of Agriculture a bureau to be known as the Bureau of Public Highways, and for other purposes.

Be it enacted, etc., That there shall be established in the Department of Agriculture a bureau to be known as the Bureau of Public Highways.

SEC. 2. That the object and purpose of said Bureau shall be to cooperate with the various States and Territories of the United States in the construction and improvement of permanent public roads according to the provisions of this act; to make investigations and experiments in regard to the best methods of road making and the best road-making materials; to cooperate with the various States and Territories of the United States in the construction of object-lesson roads; to publish and distribute bulletins and reports on the subject of roads and road improvement; to bring about, as far as may be, a uniform system for the repair, improvement, and construction of the public roads throughout the United States.

SEC. 3. That there shall be appointed by the President, by and with the advice and consent of the Senate, a chief of said Bureau of Public Highways, to be known and designated as Director of Highways, who shall be selected with a view to his practical knowledge of the construction of highways and whose salary shall be $——— a year. The President shall detail from the Engineer Corps of the Army an officer not below the rank of captain, who shall act as assistant to the Director of Highways, and the said Director shall be authorized to appoint, with the approval of the Secretary of Agriculture, such inspectors, clerks, and messengers as may be necessary for the proper transaction of the business of the said Bureau, and the amount required to pay the salaries of the Director and of the said office force, and also the necessary contingent expenses of the said Bureau for the fiscal year ending June 30, 1908, and for the year ending June 30, 1909, are hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That the said Director of Highways shall be under the general supervision of the Secretary of Agriculture, who shall exercise general jurisdiction over all matters and acts coming under the control of the said Director by virtue of this enactment.

SEC. 4. That after the expiration of six months from the date of the approval of this act any State or Territory or civil subdivision thereof, through the proper officers having jurisdiction of the public roads, may apply for aid in the improvement or construction of the public roads or sections thereof located in said State or Territory.

SEC. 5. That the said Director of Highways shall make and promulgate all needful rules and regulations under which the various States and Territories or civil subdivisions thereof may apply for and receive the benefits of this act. The said rules and regulations shall be approved by the Secretary of Agriculture.

SEC. 6. That no State or Territory or civil subdivision thereof shall be entitled to receive the benefits of this act until it shall have established, to the satisfaction of the said Director of Highways: First, that the highway, or section thereof, sought to be improved or constructed is of sufficient public importance to come within the purview of this act, taking into account the use, location, and value of such highway, or section thereof, for the purposes of common traffic and travel and for the delivery of the mail of the United States; second, that the requisite right of way for the improvement and construction of the highway, or section thereof, has been secured; third, that the highway, or section thereof, when constructed or improved will be maintained and kept in repair without recourse upon the United States; fourth, that the State or Territory or civil subdivision thereof has provided for the payment of its portion of the total cost of the improvement or construction as provided for in this act.

SEC. 7. That one-half of the expense of the improvement or construction of any public highway of any State or Territory or civil subdivision thereof that may receive the benefits of this act shall be paid by the Treasurer of the United States, upon the warrant of the Secretary of Agriculture issued upon the requisition of said Director of Highways, out of any specific appropriation made to carry out the provisions of this act, and that one-half of the expense thereof shall be paid by the State or Territory or civil subdivision thereof in which the highway or section thereof is located: *Provided*, That nothing herein contained shall prevent the said State or Territory or civil subdivision thereof from receiving credit for labor, material, and machinery used in the construction or improvements of said highway or section thereof: *Provided further*, That no money shall be advanced by the United States in payment of its proportion of the expense of the improvement or construction as herein provided for, except as the work of actual construction progresses, and in no case shall the payment or payments made prior to the completion of the work be in excess of 80 per cent of the value of the work actually performed.

SEC. 8. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $100,000,000, to be disbursed in five annual installments of $20,000,000 each, as hereinafter directed, the first of said annual installments to be available in and for the fiscal year ending June 30, 1909: *Provided*, That any part of such annual installment not expended during the then current fiscal year shall not be covered back into the Treasury, but shall be available for the work to be carried on in and for the fiscal year next thereafter succeeding.

SEC. 9. That the sum of $20,000,000 hereby appropriated for each of the fiscal years next succeeding after the close of the fiscal year ending June 30, 1908, shall be apportioned among the States and Territories of the United States in the proportion which the population of each State and Territory bears to the total population of the United Sates: *Provided, however*, That no State or Territory shall receive in each year an amount larger than $1,000,000 nor less than $250,000.

SEC. 10. That all acts or parts of acts in conflict with the provisions of this act be, and they hereby are, repealed.

I am of the opinion that the subject of good roads is to-day the most important before the American people. It is a subject which has been sadly neglected by our National Legislative bodies, but the time is at hand when we must seriously consider this question and legislate along the lines suggested in the foregoing bill, or else we must and will be called to account by the millions of interested and anxious people throughout the length and breadth of our land. The great mass of agricultural people of our country are beginning to realize that they are being discriminated against when year after year we appropriate millions upon millions for rivers and harbors, for transportation and commerce, which are in nowise more important than the initial transportation, which is so great a burden to the farmers in all sections of the United States. We can not afford and must not neglect such a vitally important matter, but let us get together as one man and build good roads for 80,000,000 of waiting people who make this the greatest country in all the earth.

The CHAIRMAN. The gentleman from New York is recognized for ten minutes.

Mr. WILLETT. Mr. Chairman, during my absence for a few moments this afternoon I have learned that one of the Members of this House, a colleague of mine, made a few remarks in which he referred to me personally.

Now, so far as any remarks I have made on the floor of this House are concerned, there is not a word I have uttered that I am not willing to defend and combat against any assault; and particularly is this true of anything that my belligerent Quaker colleague may say regarding my utterances upon this floor in the past. [Applause on the Democratic side.]

As I read his remarks, that have been handed me by the reporters, I see an evident purpose of concealing from the mind and thought of his hearers the real man he was talking about. Now, I think it can be fairly said concerning me that in anything I have said on the floor of this House there has been no purpose on my part to conceal the person of whom I spoke. When my colleague from New York [Mr. SULZER] insisted upon knowing against whom it was Mr. COCKS was directing his remarks, then it disclosed this colloquy:

I am referring to a gentleman who is a constituent of mine and a resident of my district.

Mr. SULZER. Let us have his name.

Mr. COCKS of New York. He represents the Fourteenth District of New York.

Mr. SULZER. Tell his name.

Mr. COCKS of New York. Mr. WILLETT, I think, is his name.

[Laughter.]

If there is any name ever indelibly impressed upon the mind of Mr. COCKS, I think it is the name of WILLETT. [Laughter and applause on the Democratic side.] I had the honor of run-

ning against this gentleman in a Republican district normally 15,000. I took the standard of Democracy and went up and down that district advocating the principles of the Democracy, and if you had seen the coat tails of my belligerent friend as he followed me up and down you would have been astonished at the agility with which he traveled. [Laughter and applause.]

Mr. COCKS of New York. Will the gentleman permit an interruption?

Mr. WILLETT. Certainly.

Mr. COCKS of New York. Will the gentleman please indicate at what election was it that there was a 15,000 majority?

Mr. WILLETT. I say that the district normally had a 15,000 majority.

Mr. COCKS of New York. I assume we never had a normal vote in that district.

Mr. WILLETT. You never drew the Republican normal majority. [Laughter on the Democratic side.]

Mr. COCKS of New York. What candidate ever did receive it?

Mr. WILLETT. I am talking now about my colleague [Mr. COCKS].

Mr. SULZER. Governor Morton, when he ran for governor.

Mr. COCKS of New York. What did he carry the district by?

Mr. SULZER. By over 15,000.

Mr. WILLETT. Now, the great complaint that has been made concerning my remarks which have been addressed to the occupant of the White House has been that that poor, weak, insufficient little man has been unable to answer back, and therefore my attack has been unfair. Now, if there has ever been a man who held a public official position in the United States who insisted upon answering back, and who could answer back, it has been the man who is in the White House to-day. [Applause on the Democratic side.] My friend [Mr. COCKS] has said he would be delighted to run against me again in that district upon the platform I have enunciated in the few remarks I have made. If the letters of commendation that have come from one end of his Congressional district to the other—and I am speaking now of his district—are any indication of the temper and mind and heart of the people of his district he is greatly in error concerning the wishes of the voters of that district and the principles to which they are adhering at this minute. Telegrams and letters of high commendation have come to me, and I have yet to receive the first letter from any resident or constituent of the First Congressional District which disagrees with me. [Applause on the Democratic side.]

If it were not that it might indicate egotism on my part, I should be delighted to spread upon the record hundreds of letters which have been received from voters of the First District commending me for the remarks I have made. Why? Because they feel as my constituent from the First District does not feel; because they know, as he does not know, that the needs of the people at this minute are demanding relief. [Applause on the Democratic side.] I hold in my hand here letters I have received this morning from about fifteen labor unions, indicating that from 75 to 80 per cent of their members are out of work and are needing bread, and therefore they are pleading with me, as a Member of this House, to do what I can to assist them in this time of need. [Applause on the Democratic side.] The gentleman says if he thought what I have said in the way of criticism of the President would have any effect upon him or in any way detract from his popularity or in any way influence him, he would extend his remarks further. Why, of course anything that I say will not influence him. Anything that the Constitution of the United States says does not influence him. [Applause on the Democratic side.] Anything that millions of needy people of this land to-day are saying does not influence him. [Applause on the Democratic side.] "My policies" are the stream flowing from his lips and his never-ceasing tongue. "My policies for my people" are his declarations, and they must be accepted by us. I have been surprised, I will tell you frankly, and I have not hesitated to express my views in emphatic terms.

I have been in close touch with the throbbing hearts of needy people, as I have gone back to my district. I have met them by hundreds, and they have urged me to do something, but as I have looked at the majority side of this House, the side in whose hands are the reins of government, the side in whose hands is the weapon that can strike down the demon that is destroying us, and as I have seen the impotency and the absolute cowardice there, I have gone back to them and said: "There is no hope in our present Government, except to send to the halls of the House of Representatives men who are throbbing with the impulses of true Democracy, and I will pledge my life that we will give you relief." [Applause on the Democratic side.] When the man who represents the district from which the President of the United States comes stands on this floor and says he has nothing to say in defense of the President, after the usurpations of that office, after the cowardice on the tariff, and a multitude of other things which he has exhibited, after the impotency of his own party, when he says he has nothing to say, it is a startling exhibition of unpatriotic representation in this mighty Hall. [Applause on the Democratic side.] Why, if you wanted to put through any legislation that would be helpful to the American people, you could do it in a day. You have the power, you have the machinery, you have all the influences that go to carry a complete and perfect consummation anything that you desire to accomplish. Why do you not do it? You do not dare to do it. You are cowards in the face of the American people to-day because you are on the threshold of a national election. Why do you not step to the forefront, unfurl God's great banner that is given to us as a free people, break off the shackles of these mighty trusts that have bound you in fetters of iron for years, and say: "The people shall be our people, and we will help them in the true spirit and letter of the law!" [Applause on the Democratic side.]

Mr. ELLERBE. Mr. Chairman, I am very much interested in the soil survey and investigation work as conducted by the Bureau of Soils in the Agricultural Department. This work, in my opinion, is not appreciated as it should be; and I sincerely trust the appropriation will be increased. Let us see what is being done by this Bureau.

The scope of the work of the Bureau of Soils as outlined in the official report of the Chief, June 30, 1894, in part is as follows:

> One of the most important objects of the work of the Division should be to investigate and map the important soil areas in accordance with their geological relations and their agricultural value. These maps should be of such a character as to show the farmers or prospective settlers the character of the soil and the nature of the crops or the general classes of crops adapted to the general soil formations of the different regions. The soils adapted to the certain classes of crops should also be thoroughly investigated and mapped so that one could see by consulting the maps the areas adapted to certain classes of tobacco, truck, or horticultural interests. Such work forms an essentially new line of agricultural geology and requires for its successful prosecution persons trained in the difficult problems of surface geology and who have a broad appreciation and knowledge of the relation of soils to crops.
>
> There are still large areas of land along the Atlantic coast and in other parts of the country lying out as waste lands which are adapted to the raising of early truck crops. There are large areas of land in many of our States, well adapted to the production of different classes of tobacco and to other agricultural and horticultural crops, which are not at present used to the best advantage because the relations of the soils to crops are not fully understood or appreciated.

The importance of this work has been so manifest to agriculturists throughout the United States that at the present time there are over 400 requests for soil surveys on file, and it is not possible to make as many surveys each year as there are recorded new requests for surveys. Such is the status of the work, when it has only been possible to map 10 per cent of the total area of lands held in farms in the United States, and requests for the work are coming in in a constantly increasing ratio. Some of the reasons for the necessity and demand for this work follow:

The soil survey constitutes an expert opinion of the character of the soils in each community and of the class of crops which can be raised to best advantage and of the methods of cultivation and fertilization which are most certain to produce good crop yields.

The soil surveys are used by agricultural colleges as a basis for further experimentation and demonstration, as a basis for instruction in soil science, and as a basis for advising farmers in planting and caring for crops.

They are used by individuals in search of investments and homes; by companies and individuals having lands for sale; by individuals, communities, and public officials in directing immigration, and by investment companies in placing loans.

In 1901 the Secretary of Agriculture, in his report, further defined the work of the Bureau of Soils, as follows:

> The Bureau of Soils is charged with the study of soil problems in their relation to practical agriculture; with the investigation of the physical and chemical properties of soils and of the materials and methods involved in artificial fertilization and its influence upon the original soils; with the classification and mapping of soils in agricultural districts to show the distribution of the various soil types, with a view to determining their adaptability to certain crops, and their management and treatment; with the investigation of alkali problems and their relations to irrigation and seepage waters, the causes of the rise and accumulation of alkali, and the reclamation of injured or abandoned lands.

To assist in solving the many field problems which are met the laboratories investigate the distribution and movements of moisture in soils; the solubility of mineral matter in soil moisture, the chemistry of the various alkali salts, the mechanical distribution of mineral plant foods in the soil

moisture, the nature and physical chemistry relationships of the organic constituents of soils, and also devise methods and apparatus for the physical and chemical study of soils. A study is also being made of the effect of the size of the mineral soil particles upon the rate of solution.

To determine the treatment necessary for each type of soil, if it is to be used to produce the best results, the manurial requirements have been worked out for many soils. The manurial and fertilizer requirements of the principal soil types encountered during the progress of the soil survey are tested. In the past the character of fertilizer best suited to the needs of any soil could only be determined by long years of field experiment. By means of tests it is now possible to indicate in many cases what form of manure or fertilizer is required by different soils under different crop and climatic conditions. This would save millions formerly lost by an unwise use of fertilizers.

This testing of manurial and fertilizer requirements will be continued on all the principal types and classes of soils in the regions where the use of fertilizers or manure is common or is being introduced. In this way the soil-survey reports will not only deal with the appropriate selection of characteristic soils for the production of different farm crops, but will also indicate the proper procedure whereby increased yields of the staple crops may be secured. These two problems—adaptation of soil to crop and the maintenance and increase of crop yields—constitute the great agricultural problems of the country.

A circular has been prepared to meet the many requests received by the Bureau of Soils for detailed information concerning the wire-basket method for determining the manurial requirements of soils. The method consists in growing plants in small wire pots containing soil to which fertilizers of different kinds and in varying quantities have been added.

It should be borne in mind that this is a method not for a study of the requirements of plants, but for the fertilizer requirements of soils in which the plants are used as an indicator.

This is distinctly a soil problem, because it can not be intelligently worked out except as relating to soil study itself. The failure of all others to successfully solve these problems is simply the history of ignoring or paying little attention to the soil factor, because they do not know how to cope with it, although a matter of primary importance.

The Secretary, in his report to the President February 1, 1900, states as follows:

MR. PRESIDENT: I have the honor to transmit a report of this Department upon the field operations of the Division of Soils during the year 1899. It covers not only the most important work of this Division, but is, in my opinion, regarded in the light of the possible results of the information which has been secured thereby, the most important work of this character ever undertaken in any country.

Undoubtedly the most pressing demands for a soil survey arise from a consideration of special problems. It may be for the consideration of industries which could be introduced into a section of the country where, from the increased competition and the opening up of new areas, the specialization of crops at present grown in the area, or from various social problems, the industries have languished and new industries or new methods are desired to build up the locality. A very important consideration, however, lies in the introduction and spread of new industries, in the improvement and development of the different types of tobacco, of fruit production, of truck growing, of sugar beets, and of other special crops; also in the improvement of certain soil areas by the use of fertilizers, by the introduction of underdrainage, and in the West by the protection of soils against seepage waters and alkali and the reclamation of lands already injured by these causes. The alkali problem is already well in hand. The influence of the soil upon the production of early truck and upon the production of different types of tobacco has also been pointed out in previous publications of the Division. The recent successful growing of Sumatra tobacco on a certain soil in the Connecticut Valley is a very striking instance of the possibility growing out of the detailed soil survey in any given locality.

It may thus be seen that—

The soil is fundamental in its uses. For these reasons the study of the soil must always occupy a fundamental position in the development of the resources of the United States and in the arrangement of its economic conditions. Only within recent years has the great variety which actually exists in the soil resources of the United States been understood. Beginning in 1899 the soil survey of the Bureau of Soils has been engaged in the classification of soils, in the representation, upon soil maps, of the occurrence of the various types discovered, and in the preparation of reports which describe the characteristics and the uses of the different soils encountered. Since the beginning of this work in 1899 approximately 100,000 square miles of the agricultural regions of the United States have been surveyed. Nearly 600 different types of soil have been encountered, and special studies have been made not only of the soils adapted to the growing of the cereal crops, but also of those special-purpose soils which have a high value for the production of fruit of various kinds, of truck, of market-garden crops, of different varieties of tobacco, of sugar beets, and of many newly introduced crops.

Studies along the Atlantic seaboard have demonstrated that the Norfolk sand, Norfolk fine sand, and the Norfolk fine sandy loam are peculiarly adapted to the production of those early vegetables and fruits which furnish the supply for the Northern city markets. It has also been shown in this connection that where transportation is adequate land belonging to these three soil types which formerly had a value of $5 an acre can readily be made to have a value of from $100 to $200 an acre for the production of the truck crops.

The recent importance of the rice industry in Louisiana and Texas has led to investigations of the soils best adapted for growing this crop. It has been found that in general the heavy silt loams and clay loams of the Louisiana and Texas seacoast prairies are well adapted to rice production, and it has been upon soils of this character that the wonderful strides in rice production have been made possible.

Another problem, fundamental and broad in scope, of great present use, and destined to be of the greatest importance in agriculture and to the scientific world, is brought out in the relation of the work to the experiment stations:

The people of the United States are provided in each State and Territory with at least one agricultural college and experiment station where scientific research along agricultural lines is carried on and where information is imparted to the younger members of the community. A vast amount of scientific agricultural work has been accomplished by these colleges and experiment stations. In the nature of the case, however, it is frequently impossible for the agricultural experiments to be conducted at more than one or two places within the State. Experiments conducted in a limited area and upon a few soil types are occasionally not of general application throughout the State whose interests are to be served. In order that these experiment stations may be made of the most direct application to each farming community within the State served, it is necessary for the farmer to know not only the details of any particular experiment, but also for him to be able to judge whether his own farm contains the types of soil upon which the experiment has been carried on and whether it lies within the same general climatic belt as the experiment station itself. If he can be assured of these two facts, it is then possible for him to derive the greatest benefit from the results of any particular experiment. If he can not be assured of these facts, it remains for him to discover whether the conditions under which he is working are the same as those which are found at the experiment station. The soil survey is thus seen to serve not only a local purpose of this kind, but through its general classification of the soils of extensive regions it has frequently occurred that the results secured at a given experiment station become applicable not only with the limits of that State, but are also found to be applicable in other adjoining States, or throughout a considerable region. It thus renders the results of experiments conducted at the various experiment stations applicable throughout a wide range of territory not restricted by State lines.

In the same way extensive studies throughout the Eastern and Northeastern States have shown that many of the so-called "worn-out soils" are not failing to produce satisfactory crops because of any essential deficiency, but that the occasional low producing power of certain areas is due to unwise systems of cropping and of crop rotation and to a failure properly to adapt the crop to the soil and to the climate. The production of cereal crops upon these soils was still essential under agricultural conditions existing from thirty to fifty years ago. Under more recent agricultural conditions now prevailing in the United States, particularly those giving rise to the extensive production of cereal crops upon the prairie lands of the Central and Northwestern States, grain production is no longer profitable in many of the older States.

But of chief importance and value in the aggregate is the information sought by farmers concerning the adaptation of the 400 different kinds of soils already investigated by the Bureau. The development of the country has brought a keen competition between growers in different sections of the country, and in such cases the growers have found that the character of the soil is one of the primary and most essential factors to be considered in the economy of production and that he who has the natural advantage in this respect has little to fear from his competitors, because he is using the soil peculiarly adapted to that crop—an advantage which others of his region seek to overcome by an increased expenditure for fertilizer, cultivation, or both.

But the soils with which they are so vainly striving to succeed may be superior for the production of some other crop, and if they could only understand to what crop the soils they have are best adapted they could thus put them to their most economic use and be as successful financially as the man who already has complete information in regard to the adaptation of his soil to its particular crop. Just as fast as farmers realize this, and at the present time they are doing so by leaps and bounds, by so much are the demands on the Bureau increased. It is the fundamental information about soil adaptation to crops that is so eagerly sought, and it is utterly impossible with present facilities to help more than a small percentage of the applicants. In just the same way it is found that in many areas the crops at present grown in part are not suited to the conditions as well as some other crops might be and that the introduction of some crop new to the locality, which is well adapted to a certain soil type there, might so fit into the plan of farming as to add much to the possibilities of financial success.

It is not feasible, however, to try those new crops unless the soils they are adapted thereto are understood, because hit-or-miss trials are most disastrous, and consequently too expensive to be indulged in. So generally is this recognized that the agriculture of each section remains much as it has been for a long time, whereas if the soil adaptations are worked out in accordance with the plan of the Bureau of Soils the new crop is tried at once upon the soil to which it is adapted. No risks are run, no losses encountered, and financial success is assured. [Applause.]

Such was the work on the tobacco soils and to such extent with the tobacco problems that soils are now chosen by the growers in the leading tobacco districts of the United States, and favorable results are certain from the start, and the industry has been placed on a very permanent and profitable basis.

As another illustration it is found that not only are the different types of soil of widely different value for growing cotton, but also that the different varieties of cotton require different soils for their most profitable growth, and that the working out of the soil preferences for each of the many varieties of this crop is a most necessary, and entirely possible, problem, the solution of which would save the Southern planters hundreds of thousands of dollars each year. Sufficient progress has now been made in soil studies, to be certain that many of our crops are not only grown to the best advantage on certain classes of soils, but that the different varieties thereof are very definite in their soil preferences or requirements.

In my own district there are thousands of acres of land planted to cotton and producing $10 to $15 per acre, that could, if devoted to other crops, produce from $100 to $500 per acre. Some men have been pioneers in this great work and deserve the "Well done," of every man who delights in the prosperity of his country.

McIver Williamson, of Darlington County, S. C,. has revolutionized corn-growing in my State and proven that with proper selection, preparation, fertilization, and cultivation of soil from 75 to 150 bushels of corn can be grown per acre instead of 10 to 15 bushels, as formerly.

Captain Drake, of Marlboro County, some years ago contested for the prize of $500 offered by Orange Judd Publishing Company for the most corn grown on 1 acre. This was open to every State in the Union. He opened the eyes of the people of this country when he grew 254 bushels and 50 pounds of corn on a measured acre of Marlboro land.

Some years ago the managers of the Raleigh and Charleston Railroad, in their efforts to develop the country through which their road ran, sent a man to Marion, S. C., who sold one crop of lettuce from a single acre of Marion soil for more than $1,800.

Captain Westbrook, of North Carolina, made $23,000 above expenses on 20 acres of land, considered by many to be of little value. Strawberries were grown entirely.

Some years ago the News and Courier, of Charleston, S. C., began urging the people of our State to plant tobacco. After a while a few were persuaded to try it. Now my district is the great tobacco section of South Carolina, with warehouses in five towns in my county. One town, Mullins, sells from seven to twelve million pounds of tobacco each year. With this crop men have canceled mortgages on their farms, improved their homes, and are filling our schools and colleges with their sons and daughters.

If individuals can do this working alone, what could this Bureau of Soils do if we would but give them ample funds to employ trained and skilled experts to do this work?

For three years I have endeavored to have this work done in my district. Each time I am told, "The funds are exhausted."

We can appropriate millions for the Army and millions for the Navy, but, Mr. Chairman, when it comes to appropriating the small sum of eleven millions for the great agricultural interests of the country we falter—afraid. I am not opposed to a reasonable Army. Neither am I opposed to a Navy sufficiently strong to defend the exposed cities of our country. But, Mr. Chairman, if we could cover both oceans with the finest warships in the world and have them manned with the most expert gunners on earth, it could not continue the prosperity of this country if the cotton crop, the wheat crop, and the tobacco crop were a failure.

Mr. Chairman, the men who toil in the sunshine and in the rain, in the heat and in the cold—facing difficulties appreciated by few of us—to grow the cotton that clothes the world and the wheat that feeds the world, are, in deed and in truth, American heroes. Some day the American Congress will appreciate their worth and deal with them in a more liberal way. [Loud applause.]

[From New York Tribune, December 30, 1907.]

SOIL EXHAUSTION—ITS AVOIDANCE SOUGHT BY GOVERNMENT SURVEY.

WASHINGTON, *December 29, 1907.*

The greatest fear of the American soil tillers—exhaustion and unproductiveness of land—is rapidly being dispelled by the experiments and investigations of the Bureau of Soils here. This branch of the Department of Agriculture has received little advertising; it does its work quietly and the cities hear little of it, but to the great and small farming districts, to the hesitating planter, and to the dependent settler it is a great boon and a daily counsellor. It has shown the way to scientific farming, it has made briar patches into grassy, fertile plains, swamps into blooming cornfields, sandy prairies into acres of production. In short, a man can learn in an hour from the Bureau of Soils what his father spent years in ascertaining, and he can learn it with greater accuracy. From a map or a report he can see what crop his land will best produce, what it will not yield, and, perhaps, that it will bring him undreamed of produce and wealth. The Bureau of Soils has made many farmers rich, and the number that make use of the Bureau is increasing daily.

Its possibilities seem unlimited; its results at present are extraordinary, but its scope is of necessity limited because of a lack of funds with which to carry on the work completely and comprehensively. The authorities of the Bureau, under the direction of Prof. Milton Whitney, have asked for $500,000 for the fiscal year 1909, and they have some assurances that this amount will be appropriated by Congress. Representatives who have studied the workings of the Bureau and who have satisfied themselves of its utility say that half a million is insufficient, and that the tremendous advantages it is working to the country, both monetary and otherwise, warrant a much larger expenditure. The authorities of the Bureau, however, have been wisely modest in their request, and are daily engaged in explaining the work of the institution to all who are interested. What will be accomplished with the $500,000, if it is granted, can best be gauged by a consideration of what has been done with the $200,000 spent in 1907.

In the main, the Bureau of Soils devotes a large portion of its attention to surveying, mapping, and classifying the land of the United States and determining the constituents of soil in such a precise manner that a farmer wishing to plant a certain crop can determine in advance the advisability of such a course by a moment's reference to the report of the Bureau. Irrigation and its success must be largely credited to this Department. Reclamation owes its inception to the Bureau; fertilization and erosion are studied in their most technical phases and reported in simple language, while the transplanting of seed and the adaptability of soil complete the main uses of the Bureau.

The maps issued are used not only by farmers and agriculturists but by landowners of all classes, including real estate and railroad men. From every part of the country come requests asking that particular portions of land be surveyed; thousands of maps and reports are asked for, and many letters of appreciation and thanks are on file at the Bureau. To chart every necessary portion of land in the country is the ultimate aim, but at present the Bureau is ten years behind, even in those regions where a survey will mean a certain and immediate increase in the value of soil. More than 40,000 requests come to the Bureau in a year from struggling farmers, from cattle raisers, from important chambers of commerce, from boards of trade, and from various State departments of agriculture and geological surveys. Several States have cooperated with the Bureau to a considerable extent, Alabama having given $10,000 for this purpose and, it is said, has received thousands in return. Only a small proportion of the requests can be complied with, as the force of surveyors is small. A systematic plan is being followed out, which in the course of time will give satisfaction to all regions, and which an increased appropriation would greatly facilitate.

Mr. LAMB. I yield ten minutes to the gentleman from New York [Mr. SULZER].

The CHAIRMAN. The gentleman from New York is recognized for ten minutes.

Mr. SULZER. Mr. Chairman, by the courtesy of the gentleman from Virginia [Mr. LAMB] I shall take advantage of this opportunity to say a few words reganding a matter that I deem of importance to the city of Washington, to the country generally, and especially of sufficient gravity from every point of view to command the immediate attention and consideration of every Member of this Congress. Some time ago legislation was enacted providing that a suitable memorial be erected in the city of Washington to commemorate the memory and achievements of General Grant. No one in all this land is more in favor of erecting an enduring monument in the capital city of the nation to the great military chieftain of the civil war than I am. It is fitting and proper that it should be done, and I want to see it done. The Government owes General Grant a debt that can never be paid. So long as the Government shall endure his glory will be sung in song and in story.

But, sir, the question now is, Where should this memorial be located? The Commission delegated to locate the site for the monument selected, in the first instance, a site in the Ellipse immediately in front of the White House—between the White House and the Washington Monument. That site, in my judgment, was a very proper location and in all respects most suitable. Afterwards, for some reason or other, the Commission abandoned that site and selected the Botanic Garden as the proper place. In my opinion, that change was most unwise and the gravest kind of a mistake. The Botanic Garden for a great many years has been one of the historic landmarks of the District of Columbia, and under the guiding genius of its eminent director, William R. Smith, it has been useful, as well as ornamental. Thousands and thousands of people coming to this city every year visit the Botanic Garden and enjoy its many beauties. It is one of the pleasure resorts of Washington, especially to every man, woman, and child that loves flowers and trees and plants and shrubs.

It is a monument to the energy of Mr. Smith, and no part of it should be desecrated or destroyed. For years trees have been planted in this garden by the most distinguished citizens of our country, and by eminent citizens of other countries, so that to-day it is one of the most interesting and beautiful places for visitors in all the city of Washington. Every spot in it is reminiscent and historical. No part of it should be injured or destroyed, and it is the most unsuitable place that could be selected for a great monument to a military hero. The place selected in the Botanic Garden by the Commission for this Grant Memorial is near the street toward this end. Already excavations have begun and the work of destruction will go on unless we stop it. Anyone who will take the time to visit the

Botanic Garden will see at a glance how inappropriate the place is for a memorial, and how its erection there will necessitate the lasting injury and destruction of a large number of valuable and beautiful and historic trees—especially one great beautiful tree planted by John J. Crittenden, of Kentucky, in 1862, from an acorn which he brought from that famous Commonwealth to commemorate his untiring efforts in endeavoring to bring about peace and stop the deadly conflict between the North and the South.

That tree is one of the most magnificent in all the garden, and is known as the "Crittenden peace tree." Its destruction now would be a shame—a piece of vandalism. That little acorn, planted by the patriotic hand of Senator Crittenden, has grown into a great oak, one of the finest trees in the garden. That tree is an historic landmark and should be sacred from vandal hands. That little acorn—planted there in 1862—to commemorate an heroic effort for peace, to-day, in this great oak tree, exemplifies that peace in its fullest sense, and it would be a desecration—a lamentable desecration—to destroy it. If the monument goes up the tree must be cut down. It can not be saved by removal. According to the judgment of experts who have investigated the matter and who know the most about the subject, it is impossible to dig up so big and so old a tree and transplant it, or to dig up and transplant any of these great and beautiful trees that must be destroyed to make way for the monument. If they are transplanted they will surely die. If the monument work goes ahead these historic trees will be lost.

I am opposed to cutting down these famous trees and destroying one of the chief beauties of the Botanic Garden. It ought not to be done. Congress should stop it, and stop it at once. As I said, I do not believe this site is the best place in Washington for the Grant Monument. It is an out-of-the-way and an obscure place. If erected there, it can not be seen from the Avenue, and this magnificent Grant Memorial should be in a place with sufficient space around it so that it can be seen from all sides and from all directions. The selection of this site in the Botanic Garden is a mistake, and the Commission selecting it should be condemned by a resolution of Congress, and hereafter we should be more careful in appointing men on commissions to select sites for monuments in this city.

The most suitable site in Washington for the Grant Memorial is the first site selected, in the Ellipse between the White House and the Monument. That was General Grant's park. He laid it out, and spent much of his leisure there during the time he was in the White House. Beyond a doubt it is the most suitable and the most appropriate place in Washington for this monument, and the Congress should see to it that it is erected there and kept out of the Botanic Garden.

Now, I want to say that I am in sympathy with those who desire to make Washington the "City Beautiful." I believe it is such to-day, and destined to grow more so as the years come and go. Every citizen in the land should be interested in making the capital of his country the most beautiful city in the world; but we can never do it with commissions composed of men such as we have appointed heretofore. In the future we should select men who know something about art and trees and perspective, and less about law and science and statistics. I am a friend of William R. Smith, the Director of the Botanic Garden—a truly great man; a man who has done a great work for all the people, a world-wide work for this country; a man who has done more in two generations than any other man in all this land to foster and inculcate the love of the beautiful, the love of art, the love of trees and shrubs and plants and flowers; a man who has studied the soil, who has made its arid wastes blossom like a rose, who has cultivated and propagated in the Botanic Garden all kinds of plant life and distributed them to all parts of the country, to grow and blossom and thrive; a man who has made two blades of grass grow where one grew before; a great botanist, a great scientist, a great worker, a thinker—a philosopher, a great horticulturist, a great landscape gardener, a lover of the beautiful in nature; a man who long ago, before Burbank or any other man in this country, experimented with the possibilties of our soil in different parts of the country in order to find out for what it was best adapted and what it would best produce, and, finding it out, worked wonders in every section of this country. I am a friend of this great Scotchman, and I say, and I think we should give heed to his protest against this desecration of the Botanic Garden that he loves so much, that has been in his charge for so many years, and through the agency of which he has done so much to beautify this city and render such inestimable service to every part of the country. We should listen to his protest and save the trees. They can never be transplanted. They can never grow again. Cut them down now and they are gone forever, with all their wealth of beauty and of historical memories.

William R. Smith loves these grand old trees. Let us save them. Let us give heed to his protest and stop the desecration of the Botanic Garden ere it is too late by taking immediate action to prevent the destruction of its trees and finding a more suitable place and a more appropriate site for the Grant Memorial.

The CHAIRMAN. The time of the gentleman from New York has expired.

The gentleman from Illinois [Mr. MANN] is recognized for two minutes.

Mr. MANN. Mr. Chairman, it is always a great pleasure to me when I can agree with my distinguished friend from New York. I will not undertake to say who originated the idea, but some time ago I introduced in the House a joint resolution changing the location of the Grant Memorial from the place in the Botanic Garden and putting it up on the ellipse which the gentleman is now advocating. On yesterday, however, the fond hopes which I hitherto had had raised in my soul that the resolution might receive a favorable consideration were dashed to the ground by the fact that the gentleman from Georgia, a Democratic Member of the House, and a very distinguished one [Mr. HOWARD], reported from the Committee on the Library that resolution back to the House with the recommendation that it lie upon the table, and there it lies, I suppose never to rise again. And I am sorry to say that the efforts of the distinguished gentleman from New York and myself, both combined or separate, have been unavailing to secure to Mr. Smith, who is entitled, in my judgment, to better treatment, the removal of the Grant Memorial to a place better suited to it than the Botanic Garden and leave the Botanic Garden, as it ought to be left, to botanic garden purposes. [Applause.]

The CHAIRMAN. The gentleman from Oklahoma [Mr. FERRIS] is recognized for eight minutes.

Mr. FERRIS. Mr. Chairman and Gentlemen of the Committee, I heard for the past two days the agricultural bill, carrying some eleven millions and odd hundred thousand dollars for the benefit of agriculture, discussed pro and con. This has been a matter of deep interest to me, coming from an agricultural State and coming from the newest State in this entire Union, but I seize these few minutes allotted me to take up another matter that is a local one, but, indeed, a very important one. For the past ten or twelve years the question of admissibility into the Union has been an all-absorbing topic in what was then the Territory of Oklahoma, but now the State of Oklahoma. After the admission of that Territory into the Union we then began to look to our local conditions and matters of local interest. We found that the eastern half of the State, which was then the Indian Territory, now a part of Oklahoma, comprises about 19,000,000 acres of land, and we found that 16,000,000 acres of the 19,000,000 acres was not subject to taxation, was not subject to alienation, was not subject to incumbrance, but was tied up for all purposes. These lands belong, by allotment and their apportionment, to 101,000 Indians. These Indians are known as the "Five Civilized Tribes," and for the hasty presentation that I want to make I desire to divide them into four different classes. The first is that of freedmen, or the negro; second, the intermarried white; third, the mixed blood, and fourth, the full blood. Just a moment, by way of explanation, as to what these four classes embrace. Intermarried citizens are the white citizens who have intermarried into some one of these tribes. The freedman is the negro who was originally a slave to some one of these Indian tribes, but who was long ago emancipated—I might say, more than fifty years ago. The mixed blood, you may well draw your own conclusions, are Indians who have mixed with white blood and the degree of blood is shown upon the official roll in the Interior Department. It might be interesting to know just how these different classes are numbered and what proportion they bear to the whole 101,000. Of full bloods there are 24,669; of mixed blood, 50,670; of intermarried, 2,506; of freedmen, 23,382.

Mr. GARRETT. That is the whole State.

Mr. FERRIS. That comprises the eastern half of the State and comprises what is known as the "Five Civilized Tribes." I want to say that the Five Civilized Tribes stand, as far as the Indian situation is concerned, separate and apart and alone from any other Indian of the State. Half of my Congressional district is in old Oklahoma and half in the Indian Territory. On the Oklahoma side we have Indians that are Indians in the true sense of the word. They are Indians that are Indians, many of whom are not competent to contract, not now entitled to have the restrictions off from the sale of their land, but the Indians on the Indian Territory side I contend, and I believe it is almost the entire belief of the citizenship of my State, should have the restrictions removed for the good of the Indian

and for the good of the white citizen and for the progress and development of the State.

Before the State was admitted, and after it was admitted, and during the election, and the formation of the constitution, the question of removal of restrictions, as we call it—in short, to let them enjoy their property rights as other citizens—was debated at length. And on this I wish to say that there never was among the Indians or among the whites in Oklahoma a belief other than the fact that they should be hurriedly removed, all excepting the full bloods. Immediately after the Oklahoma delegation came to Congress, five in the House and two in the Senate, we began to take up the matter with the Indian Office and the Secretary of the Interior. We recognized in them a long experience with Indians, we recognized that they knew much about the local situation, we were anxious to work in conjunction with them, anxious to accomplish all we could side by side with them. They were courteous to us, and we were eager to work with them. Day after day we met and talked over the question of Indian restrictions. Meeting after meeting we had and talked over that question.

I had ideas, other members of the delegation had ideas, the Secretary had ideas, the Indian Office had ideas, and their attorneys had ideas, but finally we got our ideas all together and introduced a bill that we all agreed to stand by. That bill reaches this far and no further. But before discussing it I desire to say I wish it went further. I believe the interests of my State demand that it should go further. I believe the interests of the Indians demand that it should go further, and that the interests of the white men demand it go further. But I will not debate my own inclination, neither will I debate the inclinations of the citizenship of my State, but I do desire for a few moments to discuss the provisions of that bill that we have all agreed upon. That bill, if you please, starts out—and I will refer again to the four classes that I have jotted down for my own satisfaction—and removes the restrictions on the freedmen. Is there a man in this House that knows any reason why the restrictions should not be removed on the freedmen? They were negro slaves fifty years ago, but were emancipated even prior to the time that the slaves of the United States proper, the slaves of the white citizens, were emancipated. The Indians emancipated their slaves, those of the Five Civilized Tribes, prior to the emancipation of slaves in 1865. Can anyone understand or know why that bill should not pass as far as the freedmen are concerned? They have been very fortunate to share in that very valuable estate. They have been very fortunate to get on those rolls and be allotted all the way from 160 to 320 acres of valuable land. I see no reason why the restrictions should be kept on them longer. I do not believe it will be the disposition of this House to keep them on longer. I urge you, as a Representative from that State, not to do it.

Next we come to the intermarried white citizens. Can any Member of this House, can any fair-minded, thinking man know of any reason why a white citizen that goes down there and marries an Indian citizen, who, after being entitled to allotment, and after being entitled to derive all the advantages that the Indian citizen does—can anyone have any reason or any idea or offer any explanation why restrictions should not be removed? [Applause.]

The mixed blood of less than half Indian blood. Do you know what class of citizens they are? They are men just like CARTER of the House and Senator OWEN of the Senate. Do you think it is right for this Congress to say who CARTER should sell his land to? Do you think it is right to say who Senator OWEN should sell his land to? Do you think it would be right to force a citizen who has a little strain of Indian blood in his veins, but whose business acumen and whose zeal and business ability is above the average, to be and remain tied hand and foot regarding the control of his property, and be tied and hampered by refusing him the right to deal with his property in an untrammeled way? Surely this House can not do or say that and surely it will not attempt to do so. This bill that the Department has drawn up, and the entire delegation has agreed to support, and the Indian Committee now has in charge only provides that they be turned loose and act as other men may act.

I can not but say in the same regard, and while we are dealing with this class, that this class of Indian citizens, if they may be called Indians at all, are at the head of banking institutions of my State, are good lawyers, at the head of the best institutions of the State, and there is no occasion for any further restrictions, nor has there been for the last decade of years. Of course, while we were a Territory and largely under Federal control and restraint there was some little excuse for such paternalism, but since the State has been admitted as a sovereign State, and in the enabling act specifically reciting that they were full citizens and clothed with every power, surely the Government does not longer care to force restraint and restrictions upon a class of people who are holding the best offices in the State, some of the most competent in the State, educated, and with almost unusual business tact. It is not best for them; "it is not best for the Government;" it is not best for the State, and if this Congress can but understand and believe the facts as they there exist, they will not permit them longer to exist.

The next provision of the bill relates to those of more than half Indian blood and of full bloods. The bill does not remove the restrictions from them, but retains to the Interior Department, as it has been heretofore. I submit this Congress can not object to this provision; I submit there is no authority farmed out here, but all retained by the Department, which, of course, is under the supervision of Congress.

We of the delegation had hoped that the matter might be left to the courts of the State to determine when they were competent to transact their own business. We had from experience learned that government at long range was never satisfactory. While it looks all right and bears every earmark of fairness to let the Interior Department retain control, still knowing as we do the impossibility of transacting the business in person, knowing further as we do of the delays, the attorneys' fees the long trips to Washington, and the red tape, we had hoped to have that authority vested in the State courts, so they could examine each case and pass on the merits hurriedly and upon proof. But we will not debate our inclinations, and will hurriedly say, surely there can be no objection to this provision at the hands of Congress, for they are retaining all they had and so is the Interior Department.

I think it is the duty of this Congress to look to the welfare of the Indian citizen of our State next to the general welfare of the State, which is the youngest child of this Union. I take it that they are both indeed important, and this Congress is anxious indeed to carefully and painstakingly look after them both. This bill renders the Indians a great service, because it will help them to improve their homes and make their lands productive. It helps them because they will have public roads, public bridges, public schools, churches, and all the modern civilizing influences that walk hand in hand with these indispensable virtues. It helps the State because it will put about 6,000,000 acres of land on the tax rolls, will furnish thousands of homes for the homeless, and that will help them to maintain the State. You will remember that there are nineteen million in all; that three million have already been removed; that this bill will remove about six million more, and that will leave about ten million on the rolls free from taxes and free from power to sell, alienate, mortgage, or otherwise dispose of according to their will and wish.

This, of course, is but a terse statement of the effect it will have, for you will remember that the recent census tells us that the Indian Territory has a population of about 700,000 people and that about 101,000 of them are Indian citizens. So you see of the 600,000 class there are many bright-eyed boys and girls who would like to own their own home; would like to have a school to go to; would like to have a church to go to on Sunday; would like to have their parent freed from the taxation that almost amounts to confiscation for the little personal property they have; would like to have each person there pay a little; would like to have the soil share the burdens; would like to have a home they could call their own and not live as tenants all their lives. Let the land prosper and improve! Let the Indian prosper and improve! But let them come side by side in the grand new State of Oklahoma.

To-day in Oklahoma there is the warmest feeling between the two races. There is the warmest kindred spirit. There is the highest degree of brotherly love extant. Now, with this in view, let the Indian citizen be a free man. Let the white man own his own home. Let the State prosper and improve. Let Congress delegate to fair Oklahoma and her citizenship the same courtesies and kindnesses now that she did when they said every man within the State of Oklahoma should be a full citizen and clothed with all the rights of a citizen.

To-day in Oklahoma there is no red man, no white man, but one united citizenship. The Indian citizens, though largely in the minority, have been elected to the highest offices in the land—that of the Senate and Member of Congress. They are in the State legislature and the State senate that is now in session. They hold the major portion of the county offices on that side of the State. They are equal before the law of the State and nation, save and except for the restraint placed upon their lands. The kindliest feeling exists between the two races. We are proud to find a clause in the enabling act that makes them

full citizens. We believe them to be full citizens. We stand side by side with them in all their undertakings.

It is a feeling to be applauded. It is right and it is proper. We are anxious to have it always remain the same. We find among them profligates, the same as we do among the other races; but no more. We find lack of frugality there, as we find it everywhere else. We also find among them brainy lawyers—honest and upright citizenship and honor and intelligence walking hand in hand with the white race of Oklahoma and of other States.

Oversentimental men point to isolated cases where Indians have been defrauded out of their lands, and they offer that as an excuse for further denial of freedom and of right. But that is an unfair test, for it is quite true in dealing with more than a hundred thousand people, I care not of what race or persuasion, there will be weaklings; there will be men unable to cope with the skill, zeal, and overzealous brother even of the same race or persuasion.

No; that is not a fair test. The true test should be, What will benefit the largest number? And about this I submit there can be no doubt. Practically all will be benefited and few harmed.

And let me suggest for the benefit of those who we will concede may not act wisely with their estates that the State is well able to care for them and will do so.

I am going to say that the Indians of the Five Civilized Tribes in the major portion of cases are holding more land than they can hold profitably and more than they desire to hold themselves. We take a pencil and begin to calculate and we find that on the average they only have about 190 acres per capita. Many would at first blush say: "Why that is not too much land for one farmer to own," and while, in my judgment, it is, for small farms well tilled and well improved are always best, still it is not unreasonable, at least. But when you come to think that every member of the family has 190 acres as distinguished from heads of families, you can at once realize what I mean by saying they are land ridden and land poor. Example: Suppose Mr. "A" has a wife and eight children. This, as we will all agree, constitutes a total of ten in that one family. Now, multiply that ten by 190 acres, the per capita amount for big, little, old, and young, and we find one family with 1,900 acres of land. I am going to make the bold assertion that 1,900 acres of land are too much for a family of moderate or no means to own. It is more than they can till. It is more than they can use. It is more than they need. It holds the value of their own land back to permit it to lie idle. It retards the growth of the country; it denies the Indian family of close proximity with neighbors and home owners who would help to improve the country, help to improve the Indian citizen, help to maintain the State and to in all things accomplish the purpose of nature when she bequeathed this earth of ours to us as a sovereign race.

Now, in addition to the countless benefits that the Indian citizen would derive from the release of this restriction, you would give six-sevenths of the entire population of that half of the State a chance to help build up and improve the country, a chance to help build roads, build churches, build schoolhouses, help them to an opportunity to own their own homes, and make use of land that to-day lies idle. There are two sides of this matter. The Indian citizen comprises 101,000, the white citizen 600,000 on that side of the State and 1,300,000 in the entire State. These white brothers have helped make that a good State. The have brought their families from their homes and from old, tried, and true conditions into that frontier and helped make the land that was worth $1.25 per acre worth forty and fifty. They have left friends and settled conditions in the old home States to take up that new home in that new country. They have denied their bright-eyed boys and girls, that they love the same as you love yours, the right to have free schools, the right to live in their own homes, the right to live near churches, the right to have roads on the section lines. They have been forced to raise their families in poorly constructed tenant houses. They have been forced to deny their faithful wives and mothers the comforts and blessings of that one green spot called "home." These are some of the things that they have undergone to make Oklahoma what it is to-day, thus patiently and uncomplainingly awaiting a time when Congress could know of their conditions and could and would remedy them and relieve them.

To-day the State is new. To-day the closest ties of friendship exist between the two races. There is no doubt about that. Then, in the light of this, let me urge this Congress to do nothing, or, rather, do not refuse to do the one thing that will let this happy situation ever attend the two races. I speak of it in a spirit of delicacy when I say that if one race was continually discriminated against, and, in turn, the other race continually discriminated for, it would in time work an unfriendly feeling that would work to the disadvantage of the weaker race. I submit this is true of principle, true of experience and logic that will stand alone the world around.

We urge you to pass this bill that the Interior Department wants and has agreed to support; one that the Indian Office wants and agrees to support and aid with; a bill that was drawn by the Department; a bill that every member of the Oklahoma delegation has agreed to support, of course having a few mental reservations; but in substance it is right. The main criticism we have offered and urged was that it did not go far enough—a bill that is the product of many meetings, many conferences in which all of the Oklahoma Members were present, including the two United States Senators, and always including the Interior Department and the Indian Office; a bill that does not harm a hair in the head of any; a bill that does not touch the lands of the full bloods at all; a bill that does not touch the homesteads of those of half and more Indian blood; a bill that removes restrictions from a class of people who never have needed this restraint, for the ones affected by this bill are mostly people who have no Indian blood at all in their veins, but became a part of the tribes by marriage or as former slaves. And for the class of mixed bloods of less than half, you are dealing with men who are the best qualified business men in our country.

I earnestly ask for this bill, for it can not be wrong. I earnestly ask for this bill because it is a step in the right direction; I earnestly ask for this bill because it will help both white and red citizens; I earnestly ask that this bill be passed, for the State needs it badly, and you alone have power to give it. [Applause.] Idle lands as rich as the Nile in this twentieth century should be used. Industrious, frugal people should have the opportunity to own a home. Idle land does not produce and renders no one an advantage. You will not live to learn of your mistake if you pass this agreed bill. Oklahoma and her entire citizenship will suffer if you do not pass the bill. Oklahoma will rejoice if you pass the bill. In the name of no class, in the name of no race, in the name of no special interest, but in the name of great and small, weak and strong, red and white, and of the million and a half of people within the borders of Oklahoma, I ask for the passage of this bill. [Loud and prolonged applause.]

For the benefit of those who desire information in detail as to the quantum of Indian blood, as shown by the official rolls of the Interior Department, I will append to my remarks a tabulated statement which affords that information.

Statement of Indians, by blood, on the rolls of the Five Civilized Tribes.

ADULTS.

Degree of blood.	Choctaw.	Chickasaw.	Creek.	Cherokee.	Seminole.	Registered Delawares.[a]	Total.
Full	4,178	848	3,256	3,581	649	126	12,638
15/16				1			1
7/8	26	8	17	61			112
13/16				6			6
3/4	338	119	196	676	7	16	1,352
23/32				1			1
11/16	3	1					4
5/8	21	7	30	69			127
9/16	2			5			7
1/2	678	279	475	1,556	183	27	3,198
7/16	3	3		7			13
13/32				1			1
3/8	112	57	33	270		1	473
11/32				1			1
5/16	13	2	1	33			49
9/32	1			16			17
17/64				2			2
1/4	566	215	322	1,799	10	19	2,931
7/32				1			1
3/16	42	10	2	105			159
5/32	1			15			16
9/64				1			1
1/8	408	199	205	1,823		5	2,730
3/32	4	2		20			26
5/64				2			2
1/16	335	157	63	2,072		3	2,630
1/18				1			1
7/128				3			3
3/64				2			2
1/32	150	60	21	801			1,032
1/64	6	7	2	99			114
1/128				14			14
1/256				1			1
Total	6,977	1,974	4,623	13,045	849	197	27,665
1/2 blood and less	2,409	901	1,124	8,645	198	55	13,417

[a] Net registered Delawares.

Statement of Indians by blood, etc.—Continued.

MINORS.

Degree of blood.	Choctaw.	Chickasaw.	Creek.	Cherokee.	Seminole.	Total.
Full	4,141	690	3,556	3,020	750	12,157
15/16	9		4	15		28
29/32				1		1
7/8	155	54	144	298		651
53/64			1			1
13/16	5	1	8	24		38
3/4	274	136	354	650	169	1,583
23/32	1			1		2
11/16	12	11	6	11		40
21/32	1		1			2
5/8	168	44	119	197	4	472
9/16	16	1	12	29		58
17/32	2	2	4	7		15
1/2	956	545	664	1,372	211	3,748
15/32	2			2		4
7/16	49	13	9	112		183
13/32		2		27		29
49/128				2		2
3/8	423	212	206	1,178	9	2,028
13/36				1		1
23/64				6		6
11/32	7	3		10		20
43/128				1		1
5/16	68	29	39	181		317
19/64	3			1		4
9/32	13	5	3	85		106
17/64	3					3
1/4	1,331	499	610	2,226	134	4,800
7/32	8	6		44		58
13/64				12		12
25/128				1		1
3/16	250	111	52	525		938
11/61				10		10
1/6				2		2
5/32	20	18	3	401		442
9/64	3	5		37		45
17/128				3		3
65/512				4		4
1/8	1,416	473	763	3,536	12	6,200
13/128				1		1
3/32	106	18	5	157		286
5/64	4	1		25		30
9/128			1	12		13
1/16	1,360	406	571	3,564		5,901
1/18				1		1
7/128				3		3
3/64	8	3		66		77
1/32	949	343	108	3,968		5,368
1/64	333	70	29	1,387		1,819
1/128	23	9		118		150
1/256				11		11
Total	12,059	3,710	7,272	23,345	1,289	47,675
1/2 blood and less	7,335	2,771	3,063	19,092	266	32,627

Mr. FERRIS. Mr. Chairman, I would like to have the usual leave.

The CHAIRMAN. The gentleman from Oklahoma [Mr. FERRIS] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. SCOTT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose, and the Speaker having resumed the chair, Mr. FOSTER of Vermont, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill H. R. 19158—the agricultural appropriation bill—and had come to no resolution thereon.

BRIDGE ACROSS MISSISSIPPI RIVER.

Mr. BEDE. Mr. Chairman, I ask unanimous consent for the present consideration of the bill H. R. 18450.

The SPEAKER. The gentleman from Minnesota [Mr. BEDE] asks unanimous consent for the present consideration of the bill which the Clerk will report.

Mr. SULZER. Mr. Speaker, I object.

The Clerk read as follows:

A bill (H. R. 18450) authorizing the construction of a railroad bridge over the Mississippi River.

The SPEAKER. Is there objection?

Mr. SULZER. I object, Mr. Speaker.

NEW MEXICO AND ARIZONA.

Mr. WEBB. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 17050.

The SPEAKER. The gentleman from North Carolina asks unanimous consent for the present consideration of a bill of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 17050) to amend section 18 of an act entitled "An act to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States, and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States," approved June 16, 1906, and for other purposes.

The SPEAKER. Is there objection?

Mr. SULZER. Mr. Speaker, I object.

Mr. WEBB. I hope the gentleman will withhold his objection until I can state the object of this bill.

WITHDRAWAL OF PAPERS.

Mr. STURGISS, by unanimous consent, was granted leave to withdraw from the files of the House without leaving copies the papers in the case of Willis B. Cross (H. R. 19532, 60th Cong.), no adverse report having been made thereon.

SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2, Rule XXIV, Senate bills and resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 3126. An act to carry into effect the judgment of the Court of Claims in favor of the contractors for building the U. S. battle ship *Indiana*—to the Committee on Claims.

S. 1368. An act to reimburse certain fire insurance companies the amounts paid by them for property destroyed by fire in suppressing the bubonic plague in the Territory of Hawaii in the years 1899 and 1900—to the Committee on Claims.

S. 4713. An act to authorize the sale of certain lands belonging to the Indians on the Siletz Indian Reservation, in the State of Oregon—to the Committee on Indian Affairs.

S. 568. An act for the relief of Capt. George Van Orden, United States Marine Corps—to the Committee on Claims.

S. C. Res. 41. Concurrent resolution directing an examination of Pigeon River, at Port Sheldon, Mich.—to the Committee on Rivers and Harbors.

S. 5530. An act to establish a fish-cultural station in the State of Rhode Island—to the Committee on the Merchant Marine and Fisheries.

S. 5262. An act to repeal an act approved April 30, 1906, entitled "An act to regulate shipping in trade between ports of the United States and ports or places in the Philippine Archipelago, between ports or places in the Philippine Archipelago, and for other purposes," and for other purposes—to the Committee on Insular Affairs.

S. 158. An act for the establishment of a park at the junction of Maryland avenue, Fifteenth street, and H street, NE., Washington, D. C.—to the Committee on Appropriations.

S. 4545. An act to authorize the Secretary of the Interior to accept conveyances to the United States of lands from the Pueblo Indians in New Mexico, and for other purposes—to the Committee on Indian Affairs.

S. 2969. An act for the relief of O. Maury & Co., of Bordeaux, France—to the Committee on Claims.

S. 5617. An act authorizing the Secretary of the Navy to accept and care for gifts presented to vessels of the Navy of the United States—to the Committee on Naval Affairs.

S. 4687. An act to relieve William G. Gosslin and his assigns of and from the effect of a release made by him and his wife, Marthena Gosslin, of certain land in California—to the Committee on the Public Lands.

S. 5938. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and certain widows and helpless and dependent relatives of such soldiers and sailors—to the Committee on Invalid Pensions.

S. 5594. An act for the establishment of a light-house and fog signal at or near the easterly end of Michigan Island, Apostle Group, westerly end of Lake Superior, Wisconsin—to the Committee on Interstate and Foreign Commerce.

S. 513. An act to provide for the purchase of a site and the erection of a public building thereon at Maryville, in the State of Missouri—to the Committee on Public Buildings and Grounds.

S. 3722. An act to amend section 3 of the act entitled "An act providing for second and additional homestead entries, and for other purposes," approved April 28, 1904—to the Committee on Claims.

S. 6071. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors—to the Committee on Pensions.

S. 5123. An act to authorize the extension of the public building in the city of Manchester, N. H., and for other purposes—to the Committee on Public Buildings and Grounds.

S. 2671. An act authorizing extra officers for the Army—to the Committee on Military Affairs.

S. 4749. An act for the relief of Dewitt Eastman—to the Committee on Military Affairs.

S. 6006. An act to correct the military record of John M. Miller—to the Committee on Military Affairs.

S. 5473. An act to authorize the Secretary of the Navy in certain cases to mitigate or remit the loss of rights of citizenship imposed by law upon deserters from the naval service—to the Committee on Naval Affairs.

S. 4856. An act authorizing the Secretary of Commerce and Labor to lease San Clemente Island, California, and for other purposes—to the Committee on Interstate and Foreign Commerce.

S. 3969. An act to amend the laws of the United States relating to the registration of trade-marks—to the Committee on Patents.

S. 5983. An act authorizing certain life-saving apparatus to be placed at the Farallone Islands, off the coast of California—to the Committee on Interstate and Foreign Commerce.

S. 6192. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and to certain widows and helpless and dependent children of such soldiers and sailors—to the Committee on Invalid Pensions.

S. C. Res. 44. Concurrent resolution directing a survey of certain waters in the State of Delaware—to the Committee on Rivers and Harbors.

LEAVE OF ABSENCE.

Mr. PARSONS, by unanimous consent, was granted leave of absence until April 1, 1908, on account of important business.

ADJOURNMENT.

Mr. SCOTT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 13 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of J. W. Cloyd, administrator of estate of J. W. Cloyd, against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, with a favorable recommendation, papers relating to the claim of Albert Nelson, of Allendale, Cal., for an increase of pension—to the Committee on Pensions and letter only ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 18618) fixing the status of the Porto Rico Provisional Regiment of Infantry, reported the same with amendments, accompanied by a report (No. 1305), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Arizona, from the Committee on the Territories, to which was referred the bill of the House (H. R. 19364) ratifying bonds of road district No. 1, Maricopa County, Ariz., reported the same without amendment, accompanied by a report (No. 1306), which said bill and report were referred to the House Calendar.

Mr. HOUSTON, from the Committee on the Territories, to which was referred the bill of the House (H. R. 19411) authorizing the incorporated town of Valdez, Alaska, to issue bonds to the amount of $15,000 for the purpose of constructing dams and dikes for protection against glacier streams, reported the same without amendment, accompanied by a report (No. 1307), which said bill and report were referred to the House Calendar.

Mr. DAWSON, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 15438) for the establishment and organization of a corps of trained women nurses for the United States Navy, reported the same with amendment, accompanied by a report (No. 1309), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LOUD, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 7578) to purchase three new steam colliers, reported the same with amendments, accompanied by a report (No. 1310), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the joint resolution of the House (H. J. Res. 157) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point, Mr. Colon Eloy Alfaro, of Ecuador, reported the same without amendment, accompanied by a report (No. 1304), which said resolution and report were referred to the Private Calendar.

Mr. KIPP, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5589) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 1311), which said bill and report were referred to the Private Calendar.

Mr. CAMPBELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19863) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 1312), which said bill and report were referred to the Private Calendar.

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 17276) for the relief of S. R. Hurley, reported the same with amendment, accompanied by a report (No. 1313), which said bill and report were referred to the Private Calendar.

Mr. HOWELL of Utah, from the Committee on Claims, to which was referred the bill of the House (H. R. 13586) for the relief of William Radcliffe, reported the same without amendment, accompanied by a report (No. 1314), which said bill and report were referred to the Private Calendar.

Mr. SHACKLEFORD, from the Committee on Claims, to which was referred the bill of the House (H. R. 6032) to pay to the administratrix of the estate of George W. Fleming for services rendered as letter-box inspector from March 29, 1902, to June 13, 1903, reported the same without amendment, accompanied by a report (No. 1315), which said bill and report were referred to the Private Calendar.

Mr. GRAHAM, from the Committee on Claims, to which was referred the bill of the House (H. R. 11632) for the relief of Phoebe Clark, reported the same without amendment, accompanied by a report (No. 1316), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 11388) granting a pension to Margaret Shea—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15638) granting an increase of pension to Ben de Lemos—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HAWLEY: A bill (H. R. 19859) to provide for the payment of certain volunteers who rendered service to the Territory of Oregon in the Cayuse Indian war of 1847 and 1848—to the Committee on Claims.

By Mr. ANDREWS: A bill (H. R. 19860) to authorize grants of land in national forests for cemetery purposes—to the Committee on the Public Lands.

By Mr. HAGGOTT: A bill (H. R. 19861) to amend an act entitled "An act creating the Mesa Verde National Park," approved June 29, 1906—to the Committee on the Public Lands.

By Mr. RODENBERG: A bill (H. R. 19862) for the removal of obstacles from R street, between Eckington place and Second street NE.—to the Committee on Appropriations.

By Mr. CAMPBELL, from the Committee on Pensions: A bill (H. R. 19863) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors—to the Private Calendar.

By Mr. LANDIS: A bill (H. R. 19864) granting pensions to certain enlisted men, soldiers, and officers who served in the civil war and the war with Mexico—to the Committee on Pensions.

By Mr. STAFFORD: A bill (H. R. 19865) to provide mail clerks on naval vessels—to the Committee on the Post-Office and Post-Roads.

By Mr. BEDE: A bill (H. R. 19912) for the improvement of the Duluth-Superior Harbor, Minnesota—to the Committee on Rivers and Harbors.

By Mr. HULL of Iowa, from the Committee on Military Affairs: Joint resolution (H. J. Res. 157) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point, Mr. Colon Eloy Alfaro, of Ecuador—to the Private Calendar.

By Mr. AMES: Resolution (H. Res. 313) to pay to John P. Kenney a certain sum of money—to the Committee on Accounts.

By Mr. PAYNE: Resolution (H. Res. 314) concerning the special message of the President of the United States of March 25, 1908—to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 19866) granting an increase of pension to James J. Book—to the Committee on Invalid Pensions.

By Mr. ANDRUS: A bill (H. R. 19867) granting an increase of pension to Samuel S. Austin—to the Committee on Pensions.

Also, a bill (H. R. 19868) granting a pension to Amalie Schmitz—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 19869) granting an increase of pension to David Wills—to the Committee on Pensions.

By Mr. BARCHFELD: A bill (H. R. 19870) granting an increase of pension to Jerome Smith—to the Committee on Invalid Pensions.

By Mr. BELL of Georgia: A bill (H. R. 19871) for the relief of Sanford A. Pinyan—to the Committee on Military Affairs.

By Mr. BURLEIGH: A bill (H. R. 19872) granting a pension to Delia A. Clark—to the Committee on Invalid Pensions.

By Mr. BURLESON: A bill (H. R. 19873) for the relief of the legal representatives of William P. Bird—to the Committee on War Claims

By Mr. CALDER: A bill (H. R. 19874) for the relief of Louis S. Barrett—to the Committee on Claims.

By Mr. CAULFIELD: A bill (H. R. 19875) to place the name of Charles A. Coulson upon the muster-in roll of Company H, Twenty-first Regiment Missouri Volunteer Infantry—to the Committee on Military Affairs.

By Mr. CONNER: A bill (H. R. 19876) granting an increase of pension to Winfield S. Sargent—to the Committee on Invalid Pensions.

By Mr. DAVIDSON: A bill (H. R. 19877) granting an increase of pension to Edgar M. Lull—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19878) granting an increase of pension to Rollin S. Burbank—to the Committee on Invalid Pensions.

By Mr. DENBY: A bill (H. R. 19879) granting an increase of pension to William R. Dodsley—to the Committee on Invalid Pensions.

By Mr. DENVER: A bill (H. R. 19880) granting a pension to Baker W. Elliott—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 19881) granting a pension to Mary A. Bowers—to the Committee on Invalid Pensions.

By Mr. FLOYD: A bill (H. R. 19882) granting an increase of pension to Warren Mallory—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19883) granting an increase of pension to D. R. Jamison—to the Committee on Invalid Pensions.

By Mr. GOEBEL: A bill (H. R. 19884) granting a pension to James W. McLaughlan—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 19885) for the relief of the heirs of John Fox, sr.—to the Committee on War Claims.

Also, a bill (H. R. 19886) for the relief of the heirs of Aaron S. Printz, late of Page County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 19887) for the relief of the heirs of John Sours, late of Page County, Va.—to the Committee on War Claims.

By Mr. HOWLAND: A bill (H. R. 19888) granting an increase of pension to John E. Hunter—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 19889) granting a pension to Elizabeth Burton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19890) to correct the military record of Milton Carter—to the Committee on Military Affairs.

By Mr. KNOPF: A bill (H. R. 19891) granting an increase of pension to Duncan C. Milner—to the Committee on Invalid Pensions.

By Mr. LANDIS: A bill (H. R. 19892) granting an increase of pension to Henry Walton—to the Committee on Invalid Pensions.

By Mr. LANING: A bill (H. R. 19893) for the relief of Thomas J. Shocker—to the Committee on Military Affairs.

By Mr. LEVER: A bill (H. R. 19894) granting a pension to William H. Long—to the Committee on Pensions.

By Mr. McKINNEY: A bill (H. R. 19895) granting an increase of pension to Joseph H. Bayles—to the Committee on Invalid Pensions.

By Mr. MURDOCK: A bill (H. R. 19896) for the relief of Elizabeth Jane Bruce, Forest M. Bruce, Virgil W. Bruce, Anna B. Bruce, Warren W. Bruce, Jessie C. Bruce, Lizzie M. Bruce, Leni Lorena Ward, Lina Agnes Ward, Roy Edward Ward, Ola Ann Ward, Susan Ann Ward, Verna Ward, Gladys Ward, and Marguerite Ward—to the Committee on Indian Affairs.

By Mr. OLCOTT: A bill (H. R. 19897) granting an increase of pension to Richard H. Black—to the Committee on Invalid Pensions.

By Mr. PRAY: A bill (H. R. 19898) for the relief of George Palmer—to the Committee on Claims.

By Mr. STAFFORD: A bill (H. R. 19899) for the relief of Hugh E. Carney, United States Navy—to the Committee on Naval Affairs.

By Mr. SULZER: A bill (H. R. 19900) to correct the military record of Hugh Reid and to grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. TAYLOR of Alabama: A bill (H. R. 19901) granting a pension to Clara S. Stout—to the Committee on Invalid Pensions.

By Mr. TOU VELLE: A bill (H. R. 19902) granting an increase of pension to William J. Short—to the Committee on Invalid Pensions.

By Mr. BEDE: A bill (H. R. 19903) granting an increase of pension to Milton Nelson—to the Committee on Invalid Pensions.

By Mr. BRANTLEY: A bill (H. R. 19904) granting an increase of pension to Eliza Norman—to the Committee on Pensions.

Also, a bill (H. R. 19905) granting an increase of pension to Caroline Cowart—to the Committee on Pensions.

By Mr. CARLIN: A bill (H. R. 19906) for the relief of A. H. Thompson—to the Committee on War Claims.

By Mr. ELLIS of Missouri: A bill (H. R. 19907) for the relief of the estate of Joseph M. Wade, deceased—to the Committee on War Claims.

By Mr. FULTON: A bill (H. R. 19908) granting an increase of pension to William E. Woodward—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19909) for the relief of James B. Houston—to the Committee on War Claims.

By Mr. STURGISS: A bill (H. R. 19910) providing for the payment of the amounts due the employees in and the contractors who furnished castings to the United States armory at Harpers Ferry, Va., from January 1, 1861, to April 19, 1861, inclusive—to the Committee on War Claims.

Also, a bill (H. R. 19911) to correct the military record of Willis B. Cross—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Trades League of Philadelphia, for H. R. 6169, to promote efficiency of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, paper to accompany bill for relief of James J. Book—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: Petition of North American Fish and Game Protective Association, for a treaty with Canada for protection of fisheries interests in the Great Lakes—to the Committee on Foreign Affairs.

Also, paper to accompany bill for relief of Grant Moore—to the Committee on Pensions.

By Mr. BEDE: Paper to accompany bill for relief of Milton Nelson—to the Committee on Invalid Pensions.

By Mr. BIRDSALL: Petitions of International Union of United Brewery Workmen and Machinists' Helpers' Union No. 9713, against decisions of the courts relative to labor unions—to the Committee on the Judiciary.

By Mr. BRADLEY: Petition of Goshen Grange, Patrons of Husbandry, for a national highway commission—to the Committee on Agriculture.

By Mr. BURLEIGH: Petition of First Baptist Church of China, Me., for the Sims prohibitory bill—to the Committee on the District of Columbia.

Also, petition of South Montville (Me.) Grange, for a national highway commission—to the Committee on Agriculture.

By Mr. BURLESON: Paper to accompany bill for relief of estate of William P. Bird—to the Committee on War Claims.

By Mr. CALDER: Petition of voters of Sixth Congressional District, against the Penrose bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Republican county committee of New York, for legislation to enable reenlistment of innocent soldiers of the Brownsville affair, without loss of time, rank, or pay, etc.—to the Committee on Military Affairs.

Also, petition of National Association of Manufacturers, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of National Association of Clothiers, for the Fowler currency bill—to the Committee on Banking and Currency.

By Mr. CAULFIELD: Petitions of International Brotherhood of Stationary Firemen and District Council of Cement Workers, of St. Louis, for building of war ships in navy-yards—to the Committee on Naval Affairs.

By Mr. COOPER of Pennsylvania: Petitions of W. D. Hixon and Valley Grange, No. 878, Patrons of Husbandry, of Somerset County, Pa., for a national highway commission—to the Committee on Agriculture.

By Mr. DALZELL: Petition of sundry citizens of the Thirtieth Congressional District of Pennsylvania, for temperance legislation—to the Committee on Alcoholic Liquor Traffic.

By Mr. FLOYD: Paper to accompany bill for relief of Alonzo E. Chadwick—to the Committee on Invalid Pensions.

By Mr. FOCHT: Petitions of citizens of Franklin, Juniata, and Huntingdon counties, Pa., for S. 3152, for additional protection to the dairy interests—to the Committee on Agriculture.

By Mr. FULLER: Petition of Thomas J. Abbott, of Rockford, Ill., for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of National Guard Association of Illinois, for H. R. 14783, to promote efficiency of the militia—to the Committee on Militia.

Also, petition of E. J. Parker, for incorporation of clearing houses—to the Committee on Banking and Currency.

By Mr. FULTON: Petition of sundry citizens of Oklahoma, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of sundry citizens of Oklahoma, against the Penrose bill—to the Committee on the Post-Office and Post-Roads.

By Mr. GOULDEN: Petition of executive committee of the Grand Army of the Republic, Department of New York, against consolidation of pension agencies—to the Committee on Appropriations.

By Mr. HAYES: Petition of G. K. Edwards and 65 other citizens of San Jose, Cal., asking for an oriental-exclusion act and protesting against the extension of the right of naturalization—to the Committee on Immigration and Naturalization.

By Mr. HAMMOND: Petition of Commercial Club of Faribault, Minn., indorsing the Nelson amendment to the Aldrich currency bill—to the Committee on Banking and Currency.

By Mr. HAMILL: Petition of International Machinists' Association, of Jersey City, against any treaty of arbitration with Great Britain—to the Committee on Foreign Affairs.

Also, petition of Metal Polishers' Union of Newark, for battle-ship building in navy-yards—to the Committee on Naval Affairs.

Also, petition of Palestine Lodge, Brotherhood of Railway Trainmen, of Jersey City, for La Follette-Sterling employers' liability bill—to the Committee on the Judiciary.

By Mr. HIGGINS: Petition of Natchaug Grange, of Chaplin, Conn., for H. R. 15837 (Currier good-roads bill)—to the Committee on Agriculture.

By Mr. HILL of Connecticut: Petition of Division No. 1, Ancient Order of Hibernians, of Torrington, Conn., against treaty of arbitration with Great Britain—to the Committee on Foreign Affairs.

Also, petition of Emmet Club of Danbury, Conn., against arbitration treaty with Great Britain—to the Committee on Foreign Affairs.

Also, petition of Workmen's Sick and Death Benefit Society of Stamford, Conn., against prohibition legislation—to the Committee on the Judiciary.

By Mr. HINSHAW: Paper to accompany bill for relief of Dalla Seabury—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: Petition of Metal Polishers' Union of Newark, N. J., for battle-ship building in navy-yards—to the Committee on Naval Affairs.

Also, petition of Newark Credit Men's Association, for the amendments to the bankruptcy act—to the Committee on the Judiciary.

By Mr. HOWLAND: Petition of O. F. Frazer and 47 other citizens of Chagrin Falls, Ohio, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. KAHN: Petition of San Francisco Chapter of American Institute of Architects, favoring uniform plan for improvement of Washington—to the Committee on the District of Columbia.

By Mr. KÜSTERMANN: Petition of citizens of Ninth Congressional District of Wisconsin, against a tariff on oil and coal—to the Committee on Ways and Means.

By Mr. LANDIS: Petition of citizens of Howard County, Ind., favoring passage of Sherwood bill—to the Committee on Invalid Pensions.

Also, petition of Board of Trade of Indianapolis, favoring increase of pay of the Army—to the Committee on Military Affairs.

Also, petition of citizens of Kokomo, Ind., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Kokomo, Ind., against sale of intoxicating liquors in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LINDBERGH: Petition of Commercial Club of Faribault, for H. R. 18204—to the Committee on Agriculture.

Also, petition of Commercial Club of Faribault, for Nelson amendment to Aldrich bill—to the Committee on Banking and Currency.

By Mr. McDERMOTT: Petition of Travelers' Goods and Leather Novelty Workers, against any prohibition legislation—to the Committee on the Judiciary.

By Mr. McKINNEY: Petition of Tri-City Building Trades Association, of Rock Island, Moline, and Davenport, against the Penrose bill—to the Committee on the Post-Office and Post-Roads.

By Mr. O'CONNELL: Petition of Robert Emmet Association, against treaty of arbitration with Great Britain—to the Committee on Foreign Affairs.

By Mr. OLCOTT: Paper to accompany bill for relief of Richard H. Black—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: Petition of Sara Lang Kahn, of Indianapolis, for appropriation in aid of the Lincoln Farm Memorial—to the Committee on Appropriations.

By Mr. PADGETT: Paper to accompany bill for relief of Mrs. Mary E. Walters—to the Committee on War Claims.

By Mr. PAYNE: Petition of Clifton Springs (N. Y.) Grange, No. 1042, favoring a national highway commission—to the Committee on Agriculture.

By Mr. PRATT: Petition of District Council No. 2, Metal Polishers' Union, of Newark, N. J., for shipbuilding in navy-yards—to the Committee on Naval Affairs.

Also, petition of Newark Association of Credit Men, for amendment to bankruptcy law—to the Committee on the Judiciary.

Also, petition of Local Union No. 126, Amalgamated Sheet Metal Workers, of Newark, N. J., against prohibition in the District of Columbia—to the Committee on the District of Columbia.

By Mr. PRINCE: Petition of S. C. Baylor and other citizens of Illinois, against the Penrose bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of A. C. Gaylord and others, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of sundry citizens of Illinois, for construction of battle ships in navy-yards—to the Committee on Naval Affairs.

By Mr. RYAN: Petition of Michael Kruzka, president Polish Newspaper Association of America, favoring the Bates resolution of sympathy for the Prussian Poles—to the Committee on Foreign Affairs.

Also, petition of New York Chapter American Institute of Architects, for present site of the Grant Memorial—to the Committee on the Library.

Also, petition of American Wine Growers' Association, against the Littlefield original-package bill—to the Committee on the Judiciary.

Also, petition of Trades League of Philadelphia, Pa., favoring H. R. 6169 and 7597—to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of New York, for the Justice currency bill—to the Committee on Banking and Currency.

Also, petition of Citizens' Supply Company, of Columbus, Ohio, against H. R. 171 and 172, relative to drugs under pure-food act—to the Committee on Interstate and Foreign Commerce.

By Mr. SABATH: Petition of Travelers' Goods and Leather Novelty Workers, against prohibition legislation—to the Committee on the Judiciary.

Also, petition of Chicago Architectural Club, favoring present site of Grant Memorial—to the Committee on the Library.

By Mr. SULZER: Petition of citizens of New York, in favor of Kittredge bill—to the Committee on Patents.

By Mr. TIRRELL: Petition of Hudson (Mass.) Grange and Gardner Grange, favoring a national highway commission—to the Committee on Agriculture.

By Mr. THOMAS of Ohio: Petition of F. Z. Harrington and others, for a national highway commission—to the Committee on Agriculture.

By Mr. WANGER: Petition of Saratoga Grange, No. 25, Patrons of Husbandry, for S. 3152, additional protection to dairy interests—to the Committee on Agriculture.

Also, petition of S. H. Dotterer Subdivision, No. 166, Brotherhood of Locomotive Engineers, of Carbondale, Pa., for S. 4260 and 5307 and H. R. 17036 and 17137—to the Committee on Interstate and Foreign Commerce.

By Mr. WILEY: Paper to accompany bill for relief of Ben de Lemos (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

SENATE.

THURSDAY, *March 26, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CULBERSON, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

SENATOR FROM MARYLAND.

Mr. RAYNER. Mr. President, I present the credentials of Hon. John Walter Smith, Senator-elect from the State of Maryland. I ask that they be read and filed, and, the Senator-elect being present, I ask that he be sworn after the reading of the credentials.

The VICE-PRESIDENT. The Senator from Maryland presents the credentials of the Senator-elect from Maryland, which will be read.

Mr. KEAN. Mr. President, I suggest the absence of a quorum.

The VICE-PRESIDENT. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich	Curtis	Guggenheim	Perkins
Allison	Depew	Heyburn	Platt
Bankhead	Dick	Hopkins	Rayner
Borah	Dillingham	Johnston	Richardson
Brandegee	Dolliver	Kean	Simmons
Brown	du Pont	Knox	Smith
Bulkeley	Flint	Lodge	Smoot
Burkett	Foraker	Long	Stephenson
Burnham	Foster	McCreary	Sutherland
Burrows	Frazier	McEnery	Taylor
Clay	Frye	McLaurin	Teller
Crane	Gallinger	Nelson	Warner
Culberson	Gamble	Overman	Warren
Cullom	Gary	Paynter	Wetmore

The VICE-PRESIDENT. Fifty-six Senators have answered to their names. A quorum of the Senate is present. The Secretary will read the credentials presented by the Senator from Maryland.

The Secretary read as follows:

THE STATE OF MARYLAND,
EXECUTIVE DEPARTMENT.

To the President of the Senate of the United States:

This is to certify that on the 25th day of March, 1908, John Walter Smith was, in accordance with law, duly chosen by the legislature of the State of Maryland a Senator from said State to represent said State in the Senate of the United States for the unexpired portion of the term of six years, beginning on the 4th day of March, 1903, to fill the vacancy caused by the decease of Hon. William Pinkney Whyte.

Witness his excellency our governor and our seal hereto affixed at Annapolis this 25th day of March, in year of our Lord 1908.

AUSTIN L. CROTHERS.

By the Governor:
[SEAL.]

N. WINSLOW WILLIAMS,
Secretary of State.

Mr. RAYNER. Mr. President, the Senator-elect being present, I ask that he be sworn.

Mr. BURROWS. Mr. President, I am constrained to object to the oath of office being administered to Mr. Smith under the circumstances of this case. I do not think his election by the legislature of the State of Maryland is in accordance with the Constitution and laws of the United States. The Federal Constitution, Article I, section 4, provides that—

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

Exercising its prerogative under that provision of the Constitution the Congress on the 25th of July, 1866, passed the following act:

REVISED STATUTES, TITLE II, CHAPTER I—ELECTION OF SENATORS.

SEC. 14. The legislature of each State which is chosen next preceding the expiration of the time for which any Senator was elected to represent such State in Congress shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress.

SEC. 15. Such election shall be conducted in the following manner: Each house shall openly, by a viva voce vote of each member present, name one person for Senator in Congress from such State, and the name of the person so voted for, who receives a majority of the whole number of votes cast in each house, shall be entered on the journal of that house by the clerk or secretary thereof; or if either house fails to give such majority to any person on that day, the fact shall be entered on the journal. At 12 o'clock meridian of the day following that on which proceedings are required to take place as aforesaid, the members of the two houses shall convene in joint assembly, and the journal of each house shall then be read, and if the same person has received a majority of all the votes in each house, he shall be declared duly elected Senator. But if the same person has not received a majority of the votes in each house, or if either house has failed to take proceedings as required by this section, the joint assembly shall then proceed to choose, by a viva voce of each member present, a person for Senator, and the person who receive a majority of all the votes of the joint assembly, a majority of all the members elected to both houses being present and voting, shall be declared duly elected. If no person receives such majority on the first day, the joint assembly shall meet at 12 o'clock meridian of each succeeding day during the session of the legislature, and shall take at least one vote, until a Senator is elected.

SEC. 16. Whenever on the meeting of the legislature of any State a vacancy exists in the representation of such State in the Senate, the legislature shall proceed, on the second Tuesday after meeting and organization, to elect a person to fill such vacancy, in the manner prescribed in the preceding section for the election of a Senator for a full term.

SEC. 17. Whenever during the session of the legislature of any State a vacancy occurs in the representation of such State in the Senate, similar proceedings to fill such vacancy shall be had on the second Tuesday after the legislature has organized and has notice of such vacancy.

The constitutionality of this act has been passed upon by the Supreme Court of the United States and sustained.

It will be observed that this act prescribes the method of procedure for the election of a Senator under three different conditions: First, at the beginning of a full term; second, for filling a vacancy which happens during a recess of the legislature; and, third, for filling a vacancy happening when the legislature is in session.

The case now before the Senate arises under section 17 of this act, which is as follows:

SEC. 17. Whenever, during the session of the legislature of any State, a vacancy occurs in the representation of such State in the Senate, similar proceedings to fill such vacancy shall be had on the second Tuesday after the legislature has organized and has notice of such vacancy.

The Senate will observe that the proceedings for the election of a Senator at the beginning of a term are as follows:

The legislature of each State which is chosen next preceding the expiration of the time for which any Senator was elected to represent such State in Congress shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress.

Section 17 modifies the general course of procedure only in providing that the legislature shall proceed on the second Tuesday after the legislature has organized *and has notice of such vacancy.*

It appears from the certificate presented and the records of the Senate that this election on the 25th day of March was not the second Tuesday after the organization of the legislature and notification of the vacancy.

Mr. OVERMAN. I should like to inquire from the Senator what is the section of the act he is reading from?

Mr. BURROWS. Sections 16 and 17 of the Revised Statutes, commencing with section 14.

It seems from these credentials and from the records of the Senate that this election did not occur on the second Tuesday

after notification of the vacancy. If I understand my friend the Senator from Maryland, it is conceded that this is true and that there is no controversy over that matter.

Mr. RAYNER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Michigan yield to the Senator from Maryland?

Mr. BURROWS. Certainly.

Mr. RAYNER. The Senator from Michigan will understand that I do not concede for a moment that it was not the second Tuesday. That is one of the numerous points that I will be able to present to the Senate.

Mr. BURROWS. I am unable to hear the Senator.

Mr. RAYNER. I say that I can not concede that it was not the second Tuesday. I shall contend that it was the second Tuesday, and I do not want the Senator to understand that I admit any fact at all. It is a question of law. I will undoubtedly admit that Senator Whyte died, because I announced his death in the Senate. Senator Whyte died at 7 o'clock last Tuesday a week. The two houses met on Tuesday separately, under the sections here, and on Wednesday, yesterday, they met in joint convention and declared Senator Smith elected. I will undoubtedly concede the death of Senator Whyte at the time it took place, but I will not concede that the Tuesday upon which proceedings were commenced was not the second Tuesday. I claim most decidedly that it was the second Tuesday.

Mr. BURROWS. Do I understand the Senator's contention to be that the Tuesday of notification was the first Tuesday *after* notification within the meaning of the statute?

Mr. RAYNER. I can state to the Senator from Michigan my construction of the section, but I do not want to interrupt him now. I shall contend, and I think I can show the Senate by any number of authorities, that the question of notice does not apply to Tuesday at all and has nothing in the world to do with it. The question of notice is entirely separate from any other part of the section. A Senator can be elected on Monday, Wednesday, or any time, and I have precedents to sustain that position, in case of a vacancy during the session of the legislature after the second Tuesday from the time of its organization had passed.

Mr. BURROWS. It is conceded that Senator Whyte died on the 17th day of March, and that Mr. Smith's election took place on the 25th. It is admitted that the vacancy happened on Tuesday, March 17. The second Tuesday thereafter would be March 31. The legislature of Maryland proceeded to the election of a Senator on Tuesday, March 24, and consummated it in joint assembly March 25.

If it is the contention of the Senator from Maryland that Tuesday, the day of notification of the vacancy, is to be counted as the first Tuesday *after notification*, and that the second Tuesday therefore would be one week from that time, it is a construction never before suggested or insisted upon.

This matter has been several times passed upon by the Committee on Privileges and Elections of the Senate, but expressly in the case of Clagett against Dubois, when the members of the Committee on Privileges and Elections consisted of Senators H. M. TELLER (chairman), George F. Hoar, John H. Mitchell, William E. Chandler, Anthony Higgins, James L. Pugh, and David Turpie, and in the course of that discussion, in the report of the majority, this statement is made:

> In this case the claim has been made upon the part of the sitting member, Mr. Dubois, that in the event it should be held that the organization contemplated by section 14 of the Revised Statutes means necessarily a permanent organization, which in this case it is conceded did not take place until Tuesday, December 9, although consummated prior to 12 o'clock meridian of that day; that still the next Tuesday following would be, within the meaning of the fourteenth section of the Revised Statutes, the second Tuesday after the meeting and organization of the legislature.
>
> While under the view taken of this case by the committee it is not necessary to decide this question, your committee are clearly of the opinion that this contention upon the part of Mr. Dubois is not well founded. It is the opinion of your committee that in the computation of time in respect of the provisions of this statute the first day, that is, the day of organization—
>
> In this case the day of notification—
>
> must in the count be excluded; consequently, where the organization takes place on a Tuesday, the second Tuesday after the meeting and organization provided in the statute would be two weeks from that date.

That rule has never been reversed or, so far as I know, questioned.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Michigan yield to the Senator from Texas?

Mr. BURROWS. Certainly.

Mr. CULBERSON. The Senator from Michigan is quoting, I understand, the case of Clagett against Dubois, page 764.

Mr. BURROWS. Yes, sir.

Mr. CULBERSON. I presume that if the Senator stands upon one of the rulings in that case he would stand upon the others. I call his attention therefore to the fact that Senator Dubois in that case was sworn; and the proposition now is an objection on the part of the Senator from Michigan to the oath of office being administered to the Senator-elect from Maryland.

Mr. BURROWS. The controversy in that case, let me say to the Senator, was over the question whether the organization was a temporary organization or a permanent organization and whether a temporary organization was a compliance with the statute.

Mr. RAYNER. May I ask the Senator what page of the volume he reads from?

Mr. BURROWS. Page 787.

Mr. CULBERSON. If the Senator will pardon me, I call his attention to the syllabus, which says:

> Objection was made, and the matter went over until the following day, when Mr. Dubois was sworn.

The Senator reads from this case as authority upon another proposition, which will be met in due time, I take it. I ask him if he is not willing to submit to the same authority and have the oath of office administered to the Senator-elect from Maryland, who is present and ready to take it.

Mr. BURROWS. That case, as I said before, was decided upon entirely different grounds. I cite this for the purpose of showing that the committee was united upon the proposition that the Tuesday on which the organization was consummated—or, in this case, notice given—was not to be counted.

Mr. CULBERSON. I ask the Senator if that proposition is sound and the decision in that case is sound, why does he not follow it entirely and permit the oath of office to be administered as it was in the case of Dubois?

Mr. BURROWS. I need not repeat that that is entirely different. The exact issue in the case of Dubois was not upon that point, but this very question was raised and the committee passed upon it and determined that the day of organization was not counted and could not be counted as the first Tuesday after organization. The Tuesday of organization is not the first Tuesday after organization. I do not see how it is open to argument. The *Tuesday of notification* is not the first Tuesday *after notification*. The second Tuesday after notice must be two weeks after that time, as was decided in the Dubois case.

It appears in this case, from the RECORD, from the credentials presented, and from the Journal of the Senate, that this election on Tuesday, the 25th of the present month, was not the second Tuesday after notification of the vacancy. It could not be. Senator Whyte died Tuesday, March 17. Notice of his death could not have been given to the legislature before it occurred, and if given Tuesday, the 17th, the day it happened, the second Tuesday after such notification would be the 31st. I quote from the RECORD the remarks of the Senator from Maryland on the 18th day of March, announcing the death of his colleague.

Mr. RAYNER. Will the Senator from Michigan allow me?

Mr. BURROWS. Certainly.

Mr. RAYNER. Before we get to the argument of this case—of course the Senator wants the facts properly set off—and if he will look at the decision in Clagett's case——

Mr. BURROWS. It is impossible for me to hear the Senator.

Mr. RAYNER. I am similarly situated. I have heard hardly a word the Senator said. By the language you have read just now you will find there is a mistake apparent upon the face of it. Let me read it.

Mr. BURROWS. Will the Senator allow me to complete my statement, and then make his reply?

Mr. RAYNER. Certainly; but there is a mistake in dates, which changes the whole case.

Mr. BURROWS. The Senator can criticise——

Mr. RAYNER. I do not want to criticise; I want to direct your attention to it. The legislature met and organized, as found by your committee, on Monday, December 8, while the contestant claims that the organization was in effect on Tuesday, December 9. So in any event, inasmuch as the election of Mr. Dubois took place on Tuesday, December 18, that was impossible. If one Tuesday was December 9, it is utterly impossible for any other Tuesday to be December 18. So, you see, there is a mistake apparent on the face of the report. It could not have been December 18, because the following Tuesday was December 16, and not December 18.

Mr. BURROWS. The Senator will have an opportunity to review that case.

Mr. TELLER. Will the Senator from Michigan allow me to interrupt him?

Mr. BURROWS. Certainly.

Mr. TELLER. As I recollect the Dubois case, it went off upon another question.

Mr. BURROWS. Entirely.

Mr. TELLER. It was decided upon the question whether the legislature was organized, and, as I recall it, we held that the legislature was organized whenever it was in a condition to enact laws. On that he retained his seat.

Mr. BURROWS. I am obliged to the Senator from Colorado, who was chairman of the Committee on Privileges and Elections at that time. I had already stated that the controversy was over the question as to whether the organization was a permanent or a temporary organization, and although not necessary to the determination of the case, yet the committee held that in determining the proper date for the election the Tuesday of organization, whether it be a permanent or temporary organization, should be excluded. That Tuesday is to be excluded, and two weeks from that time would be the second Tuesday after organization within the meaning of the statute.

But, to resume, I repeat the certificate of election in this case and the records of the Senate disclose the fact that only eight days had elapsed between the vacancy occasioned by the death of Senator Whyte and the election by the legislature of Maryland; and I submit that it is not in accordance with the laws and Constitution of the United States, and Mr. Smith is not therefore entitled to be sworn.

Mr. RAYNER. Mr. President, I shall be very much mistaken if I can not convince the Senate within a very short time that the Senator from Michigan has fallen into an error upon the question under discussion. I shall do this principally by precedents that I have that I think conclusively settle the matter.

I wish to state, in the first place, that there is no contestant here at all. There is no protest whatever against the seating of the Senator-elect. Governor Whyte died last Tuesday a week at 7 o'clock. The general assembly of Maryland, then in session, had immediate notice of his death. The law does not speak of any official notice, and does not require any.

On the following Tuesday—that is to say, Tuesday of this week—the two Houses initiated their proceedings for the election of a Senator to fill the unexpired term of Senator Whyte. They met on Tuesday for that purpose, and yesterday, Wednesday, met in joint convention. The Senator-elect who is now present was declared in accordance with the law to have received the majority of votes and to be the duly elected Senator. The legislature of Maryland adjourns next Monday by constitutional limitation. If the Senator is right in what he states, Maryland will be without its proper representation upon this floor.

Mr. BURROWS. Will the Senator from Maryland allow me to ask him a question?

Mr. RAYNER. Certainly.

Mr. BURROWS. Is there any prohibition which would prevent of the governor of the State calling an extra session of the legislature on next Tuesday?

Mr. RAYNER. Mr. President, we do not propose to call an extra session of the legislature of Maryland if the Senator from Maryland is entitled to be sworn in, as I contend that he is. There is no constitutional inhibition upon the governor, but the governor does not propose to do it, and the people of Maryland do not want him to do it. If I am right in the position I am now assuming, the Senator-elect has a right to be sworn in; whatever question may arise in the Committee on Privileges and Elections after the oath is taken, the question now is upon his right to be sworn in upon the face of his credentials.

Now, Mr. President, I shall be very brief about this matter. Governor Whyte died last Tuesday a week. The second Tuesday after the legislature had organized had long since passed. Right at the threshold of this discussion, I want the Senator from Michigan to understand that I am now construing this statute, I am construing what this ambiguous section means if it is possible to get a construction of it. Now come these words:

> And has notice of such vacancy.

It does not say two Tuesdays must elapse after the notice is given. There is not a word in the section about that. There is not one word there that by any legal construction that I have ever heard of would permit the Senate to say that when the section says "has notice" two Tuesdays must elapse between the time of the notice and the time that proceedings are initiated. I have four different points upon which I claim that the Senator-elect from Maryland is entitled to be sworn in. The first point is that this section ought not to receive the interpretation that the Senator from Michigan has given it. Let me read it:

> Whenever during the session of the legislature of any State a vacancy occurs in the representation of such State in the Senate, similar proceedings to fill such vacancy shall be had on the second Tuesday after the legislature has organized.

That is impossible, because if there is a vacancy after the second Tuesday after the legislature has organized it is impossible to fill that vacancy before the vacancy occurs. Therefore the section can not mean that at all. You must take this section in connection with the other two sections and give a decision from the context of all three sections. It will be utterly impossible for proceedings to fill a vacancy to occur on a day when the vacancy does not exist.

Now, the Senator from Michigan wants to construe this section in this way. He wants to interpolate these words: It reads:

> Whenever during the session of the legislature of any State a vacancy occurs in the representation of such State in the Senate, similar proceedings to fill such vacancy shall be had on the second Tuesday after the legislature has organized.

I have shown the Senate that that is impossible.

The Senator from Michigan wants to interpolate these words:

> And on the second Tuesday after the legislature has notice of such vacancy.

There are no words in that section of that sort. You will have to make a bold interpolation right into the body of the section in order to reach the purpose he wants to accomplish. I say, according to his views, not only must the legislature elect, where a vacancy takes place during the session of the legislature, on the second Tuesday, which is impossible if the Senator is not dead on the second Tuesday, but it is necessary for him to put in the words "and on the second Tuesday after the legislature has notice of such vacancy." There are no such words in that section, and you will have to force those words in in order to get the construction which the Senator from Michigan asks.

Now, Mr. President, what does this section mean? I want Senators to look at it to see whether I am not right in having all the other sections taken with it. You must construe the whole act of 1866 together. You can not take just one provision of an act and give it a construction without looking at the whole of the act. It means this—and the Senate will come to the conclusion that it means it, and if it comes to any other conclusion it is treading on dangerous ground—that an election for United States Senator shall not take place in any event until the second Tuesday after the organization, and it does not mean anything else.

It can not mean anything else without rendering the section absolutely absurd. All those three sections taken together simply mean that an election for United States Senator shall not in any event be held until the second Tuesday after the legislature has organized; and the question of notice has nothing to do with it. After the legislature has organized and there is a vacancy I submit the legislature has a perfect right, if the second Tuesday has expired, to proceed immediately to the election of a United States Senator, no matter upon what date it took place and no matter when the notice may have been given.

I appeal to every lawyer upon this floor whether there is any other possible construction to be given to this section unless you render it absolutely nugatory in its terms. I want to call attention to this because this is a matter of great importance. The sixteenth section provides for the election of a Senator in regular form, and it has these words in it:

> Shall proceed on the second Tuesday after the meeting and organization.

Now, omitting one section, which merely refers to the proceedings, the next section provides that:

> Where a vacancy occurs at the assembling of the legislature the legislature shall again proceed upon the second Tuesday after the meeting.

In this section when the vacancy occurs during the session of the legislature it says—

> similar proceedings to fill such vacancy shall be had on the second Tuesday.

It is ridiculous, because there may be no vacancy, as I have shown, and was not in this case until the second Tuesday had expired. Every statute must receive a sensible construction. The Senate will give the construction to this statute that it would receive in any judicial forum. You must take these three sections together and the purport of them is what I have said now frequently.

All they mean is that you can not elect a Senator until the second Tuesday after organization, and they mean nothing else:

and when they come to notice there is no word there that two Tuesdays must have elapsed after notice was given, unless you interpolate into the body of the section, as I have said, the words "and on the second Tuesday after the legislature has notice." There are no such words in the body of that section, and Congress never meant so to legislate. That is my first point, which, I think, settles this controversy.

But I have other points that I shall pass through in rapid succession which I think will appeal to gentlemen of our profession on this floor who are accustomed to give opinions upon statutory construction. It is a question we must carefully examine into. You can not give an opinion about it simply by reading this section and taking it according to its strict phraseology. Even taking it that way, however, there is nothing here which says that two Tuesdays must elapse before notice.

Now, let me come to the second point. I want the attention of the Senator from Michigan. These sections are only directory, not mandatory; that is to say, the legislature can not proceed before the second Tuesday, but it can proceed afterwards. The Senate has so decided upon two separate occasions and I will give you the precedents. If the legislature did not proceed at all on the second Tuesday and proceeded on the third Tuesday the election would be perfectly good. I invite the attention of the Senator from Michigan to these propositions of law——

Mr. BURROWS. I am listening.

Mr. RAYNER. Because, I repeat, this section is only directory; and if the legislature of Maryland had proceeded on the third Tuesday or the fourth Tuesday or the fifth Tuesday the election would be perfectly good, and this Senate has so determined. I will give you the cases upon that point.

I refer now to the decision in the Hart case, which you will find on page 379 of the Senate Election Cases. You must draw the distinction between what is mandatory in a statute and what is directory. Time is generally directory. On page 379 will be found the case of Ossian B. Hart *v.* Abijah Gilbert. I presume we had then as good a Committee on Privileges and Elections as we ever had in this body. There were then upon that committee Mr. Trumbull, who was its chairman; Mr. Edmunds was on the committee; Mr. Conkling was on the committee; Mr. Carpenter was on the committee; Mr. Rice and Mr. Stewart were also on the committee, and Mr. Thurman was on the committee. I presume they gave a very profound and not a passing and superficial examination to the questions which were involved in this controversy.

There were three Senators to be elected by the State of Florida. Two of them were elected in accordance with the act of Congress, but in reference to the third Senator, they did not commence proceedings at all until Thursday. There were no proceedings at all, as directed by the act of 1866, until that day. There were no proceedings on Tuesday at all; and the unanimous report of the committee is as follows:

> The legislature by which the sitting member was elected was the one chosen next preceding the term which would commence on the 4th of March, 1869, and was, therefore, the proper legislature to elect. "The second Tuesday after the meeting and organization of the legislature" was the time prescribed by the act of Congress for initiating the election of Senators, and that was the time when the legislature proceeded to that business. There being three Senators to elect, it took action on that day only in reference to two of them. Did its failure to take action on that day, and the two subsequent days (which were occupied in electing the first two Senators), in reference to the third Senator, render his election, in all other respects regular, invalid? The committee think not.

There you have a report of a committee, as I have said, composed of Messrs. Trumbull (its chairman), Stewart, Edmunds, Conkling, Rice, Carpenter, and Thurman. Some of them were in Congress when the law was passed. This is a direct decision that under this first section the law was only directory.

There was an election, understand, in Florida for three Senators. Proceedings were initiated in reference to two of them on Tuesday. Nothing was done in reference to the third Senator on Wednesday, and nothing was done until Thursday; and, notwithstanding the language which, as I say, upon an entirely superficial examination may satisfy anyone that it is mandatory, nothing was done upon Tuesday, as set forth in the act of the assembly; and yet the committee unanimously held that even if the proceedings were initiated on Thursday, instead of Tuesday, the Senator was entitled to his seat.

I have another case right on that point. This first case is conclusive, but I have another one right on the same point, and that is the case of Messrs. Lapham and Miller, found on page 698 of the same volume. If the Senate seeks to make these sections mandatory, the time will come when it will regret it, especially in a case of this kind, with the legislature adjourning, to command the State to call an extra session of its legislature when the election was proper, when the credentials are proper, and there is no contest, and not a single protest against the seating of its representative.

On page 698 the same question arises—Is the statute mandatory or is it directory? This was the committee of which Mr. Hoar was chairman at the time. This was in the election case, as I have said, of Elbridge G. Lapham and Warner Miller.

> The memorials set forth five reasons as grounds why these gentlemen should not be allowed to sit here.

Mr. BURROWS. From what page is the Senator from Maryland reading?

Mr. RAYNER. I am reading from the third or fourth paragraph on page 698 of this volume.

This should end it, I think, upon this floor if the first case does not.

This report states:

> The memorials set forth five reasons as grounds why these gentlemen should not be allowed to sit here. The first alleges that the legislature did not proceed in separate bodies to vote upon the question until the third Tuesday after notice of the vacancy was communicated by the governor. The facts are such as to create some controversy as to whether they did proceed on the second Tuesday or the third Tuesday after the notice; but, in any view, the committee are unanimously of the opinion that the legislature was not deprived of its constitutional right to elect Senators to this body.

Now, if those two decisions are law and bind the Senate, the legislature is not bound by the provision of the statute which says the second Tuesday, but can proceed upon the third Tuesday. Of course if they can proceed upon the third Tuesday, they can proceed upon the fourth Tuesday or the fifth Tuesday, or upon any Tuesday upon which the legislature sits, or upon any day subsequent to the second Tuesday after organization.

Where is there any law that you must give a mandatory construction to this provision of the statute which by only an interpolation can be made to read that two Tuesdays must elapse after the notice is given?

These cases are much weaker cases than the case I now present, because, as I have said over and over again, there is nothing in the statute whatever—not a word—that any Tuesday shall elapse after notice is given; but it simply uses the words "has notice of such vacancy." The legislature could have proceeded upon the night of the notice, in accordance with these decisions, if it had so determined, immediately upon having actual notice of Senator Whyte's death—for the law requires no official notice—it could immediately have proceeded to elect another Senator in his place, if these decisions mean anything. That is my second point.

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Pennsylvania?

Mr. RAYNER. I do.

Mr. KNOX. Before the Senator proceeds to the consideration of his third proposition, I should like to ask him a question with respect to his second proposition. I only want to ask a question. The two cases which the Senator has cited refer to proceedings by the legislature after the expiration of the second Tuesday. Does the Senator have any knowledge of any case where the legislature undertook to proceed before the expiration of the second Tuesday? Are there any precedents on that line?

Mr. RAYNER. None whatever; and that is my contention. I contend here that the legislature can not proceed to the election of a Senator until the second Tuesday has expired after its organization, and that is the construction that I put on this section. That is all. If the Senator also finds that there are no decisions against that point, it only confirms the proposition for which I am contending.

My contention is that the legislature has no right to proceed to the election of a United States Senator until the second Tuesday has expired after its organization, and when that second Tuesday expires, if no proceedings have been commenced, under the section it can commence the proceedings on any future day. That is the decision, as the Senator from Pennsylvania will find if he will look into it carefully. I have not read the whole decision, but that is the decision in Gilbert's case, and that is the decision in Lapham and Miller's case. Now, I come to another point.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Ohio?

Mr. RAYNER. I do.

Mr. FORAKER. Is it the contention of the Senator that the legislature of Maryland, having been organized the requisite length of time prescribed, could have proceeded the day after it received notice to have elected a successor to Senator Whyte?

Mr. RAYNER. Unquestionably, if the second Tuesday had expired. If the second Tuesday under the statute had expired and a vacancy occurred after that second Tuesday, the legislature can proceed at any time after actual notice to elect a successor to a deceased Senator.

Mr. FORAKER. That is, say, if they receive notice the day of the death when the vacancy happened they might have proceeded to elect a Senator on that day or the next day or any other day that suited the pleasure of the legislature?

Mr. RAYNER. After they have been in session and after the second Tuesday had expired, undoubtedly, unquestionably. I should like to ask the Senator from Ohio if they can proceed on the third Tuesday, why can they not proceed on the fourth or fifth Tuesday? In this case it was perhaps the ninth or tenth Tuesday.

Mr. FORAKER. I was not asking the Senator the question in a controversial way, but only to understand the proposition the Senator was advancing. If I understand the argument of the Senator, it is that the second Tuesday must come to pass after the organization——

Mr. RAYNER. That is right.

Mr. FORAKER. But not after notice.

Mr. RAYNER. That is right.

Mr. FORAKER. If the organization has been long enough prior——

Mr. RAYNER. That is my proposition.

Mr. FORAKER. And that in this case, the legislature having been a long time in session, receiving notice of the death of Senator Whyte, might have elected the following day?

Mr. RAYNER. Yes; that is my proposition, and there is nothing in the statute against it—not a word. It says "after notice." It does not say when after notice—not a word. The Senator from Ohio has had opportunity after opportunity of construing statutes of this sort, and I will guarantee that, if he was on the bench, he would give it such a construction, and that is exactly what I mean and nothing else, unless you want to render it absurd and ridiculous upon its face. It means that after the second Tuesday has expired, whenever there is notice of death after that second Tuesday, the legislature can proceed forthwith, because it does not say two Tuesdays must elapse after notice. The only way, as I have said, that it can receive the construction that the Senator from Michigan puts upon it, is by interpolating in the body of the section the words that "after notice and on the second Tuesday after the legislature has notice." He must put those words in in order to reach that construction.

Mr. President, I have finished the first two points. Now I come to the third point, to which I want to call the attention of the Senate. The point is this: The State of Maryland has decided that the Tuesday upon which this election was held was the second Tuesday, within the meaning of the statute. They have closed that question, and the Senate has no right collaterally to impeach the verdict of this legislature.

These propositions I am depending upon are all distinct one from another. The legislature of Maryland has decided this matter just precisely as if they had passed an act of assembly saying that the Tuesday upon which proceedings were commenced was the second Tuesday, because they have elected the Senator upon that day, and therefore by his election, so far as the State of Maryland is concerned, have closed the question that this Tuesday was the second Tuesday, and the Senate has no right to question that adjudication. Now, one moment on that. There is no answer to that, I apprehend, from anyone who has examined the cases.

Senator Whyte died last Tuesday a week ago at 7 o'clock in the evening. Notice was immediately given, because within an hour of his death I will guarantee that every Member of the House and Senate knew of his death. Tuesday had not expired. In our State we did not regard the fraction of a day in this case. The legislature of Maryland has therefore determined by its proceedings that the Tuesday following was the second Tuesday. Has the Senate a right to go behind that adjudication? I think not.

The question was up in the election of Senator Turpie from Indiana. I refer that case to the Senator from Michigan.

Mr. TELLER. What page?

Mr. RAYNER. I am trying to find the case now. It is on page 719. The question in the case of Senator Turpie of Indiana was this—and, of course I am not reading all these cases; I am just giving the purport of them—the claim was made that there were two members of the Senate of Indiana—Senator Turpie having been elected, I think, by a majority of two—that were not entitled to their seats. There were two members in the body who ought not to have been there, and it was with the vote of those two members that Senator Turpie was elected. The Senate committee, again with Mr. Hoar as its chairman, I think, unanimously held—

that as to the two members seated by the Senate so organized, the judgment of the senate of Indiana was conclusive on the Senate of the United States, and that the latter body could not inquire into the motive of the former.

If the judgment of the senate of Indiana was conclusive upon the Senate of the United States upon a question whether a Senator was elected—because the question here was whether he was elected by a sufficient number of votes in the general assembly—how can it be said that the judgment of the State of Maryland as to what constituted the second Tuesday is not conclusive upon the Senate of the United States?

This case is followed by the case—I will not read it, but I will refer it to the chairman of the committee—of Senator SCOTT, of West Virginia, where the same proposition was determined, on page 892.

This brings me, Mr. President, to the last point, and I now submit to the Senate that even if I am wrong on every proposition I have stated, I can not be wrong upon this proposition which I now address to the Senate.

Even if this Tuesday was not the second Tuesday, if the construction of the Senator from Michigan is a correct construction, if this statute is mandatory and not directory, if the verdict of the Maryland legislature can be set aside by the Senate of the United States, then I contend that upon an unbroken line of authority, the credentials being in proper form, the Senator has the right to be sworn in, and the question must go, if at all, to the Committee on Privileges and Elections after he takes his oath and is seated in this body. I will give the cases on that point, and I think there is no question about it. I ask the Senator from Michigan to give me a single case where a Senator was ever denied the right to be sworn in when his credentials were proper and were right, or where they were collaterally impeached, and he was prevented from taking the oath of office. In all these contested-election cases that went to the Committee on Privileges and Elections, where they were controverted and disputed, some of them taking weeks and months for their adjudication, the Senator was sworn in, and the controversy took place after he took his seat. In none of them did the Senate do what the Senator from Michigan now asks the Senate to do, and that is, to send it to the committee, where, perhaps, we can not get a decision until after our legislature adjourns next Monday.

The first case I will give the Senator is the case of Lamar, page 634. This question, I respectfully submit, has passed beyond the pale of controversy, even if the Senator from Michigan is right in his contention. The oath must now be administered, and if there is any attack upon the proceedings, it must afterwards be made in the Committee on Privileges and Elections.

Mr. Lamar was first elected for the term beginning March 4, 1877. Objection being made March 5, 1877, to the oath of office being administered to him, his credentials were laid on the table.

Then:

Mr. Wallace submitted the following resolution for consideration:

"*Resolved*, That the credentials of L. Q. C. Lamar, Senator-elect from the State of Mississippi, be taken from the table and that he be sworn."

Mr. Spencer called for the reading of a report made to the Senate at the first session of the Forty-fourth Congress, by the Committee on Privileges and Elections, on the subject of recent elections in the State of Mississippi.

Mr. Wallace having objected to the reading of the said report,

The Vice-President submitted the question to the Senate, Shall the report be read? and it was determined in the negative.

The question recurring on the resolution of Mr. Wallace,

On motion by Mr. Spencer to amend the resolution by striking out, in the last line thereof, the words "that he be sworn," and in lieu thereof inserting "be referred to the Committee on Privileges and Elections when the committee shall be appointed,"

There was the direct question presented to the Senate that is presented now. An attempt was made to impeach the title of Mr. Lamar as United States Senator. The question before the Senate that the Senate was called upon to determine was whether he should be sworn in or whether his certificate should be referred to the Committee on Privileges and Elections.

After debate it was determined in the negative—yeas 1, nays 58.

One Senator voting that the credentials be referred to the Committee on Privileges and Elections and fifty-eight Senators voting that he be sworn in.

So it was

Resolved, That the credentials of L. Q. C. Lamar, Senator-elect from the State of Mississippi, be taken from the table and that he be sworn.

Whereupon

The oaths prescribed by law were administered to Mr. Lamar by the Vice-President, and he took his seat in the Senate.

Afterwards the question came up and precisely the same proceedings took place in Senator Morgan's case, on page 636:

The Senate resumed the consideration of the resolution yesterday submitted by Mr. Bayard, viz:

"*Resolved*, That the credentials of John T. Morgan, Senator-elect from the State of Alabama, be taken from the table, and that he be sworn."

On motion by Mr. Spencer, to amend the resolution by striking out, in the last line thereof, the words "he be sworn," and in lieu thereof inserting "they be referred to the Committee on Privileges and Elections when appointed,"

After debate, it was determined in the negative.

The question recurring on the resolution of Mr. Bayard, it was agreed to, as follows:

"*Resolved*, That the credentials of John T. Morgan, Senator-elect from the State of Alabama, be taken from the table, and that he be sworn."

Whereupon

Mr. Morgan appeared at the bar of the Senate, and the oaths prescribed by law having been administered to Mr. Morgan by the Vice-President, he took his seat in the Senate.

The same thing took place in the case of Mr. Call, from Florida. There is no case on record at all where the Senate would decline to seat a Senator when his credentials were perfectly proper on their face. I will read from Mr. Call's case, on page 805:

December 7, 1891, R. H. M. Davidson presented the credentials from the governor of Florida described in the following case, at the same time a transcript of the proceedings of the two houses of the legislature of Florida in a joint convention, composed of a majority of the members of the two houses, but not of a majority of the members of each, recording what purported to be the election of Wilkinson Call. Mr. Call presented himself on the same day, claiming the right to take the oath by virtue of the proceedings of that joint convention.

* * * * * * *

On motion by Mr. Hoar,

The Senate proceeded to consider the motion yesterday submitted by him, that the oath of office be administered to Wilkinson Call as a Senator from the State of Florida; and

The motion was agreed to.

Whereupon

Mr. Call appeared, and the oath prescribed by law having been administered to him by the Vice-President, he took his seat in the Senate.

I want to call the attention of the Senator from Michigan to the fact that afterwards, on the motion of Mr. Hoar, it was:

Ordered, That the credentials of Wilkinson Call and also the credentials of R. H. M. Davidson, claiming a seat in the Senate by appointment of the governor of Florida, be referred to the Committee on Privileges and Elections.

But not until after the Senator had been sworn. In the case of Ady *v.* Martin, from the State of Kansas, the direct point arose whether the Senator should be sworn in or whether the credentials should be sent to the committee before the oath was administered. In this case Senators will recall the fact that there was a pretense that the legislature that elected him was not a properly organized legislature. It was a very important question, and it was afterwards argued in the Committee on Privileges and Elections.

I ask the special attention of the Senator from Michigan, because I suppose he would feel bound by some decisions of Mr. Hoar on this question, if consideration ought to be paid to precedents or decisions, and this case ought not to be decided upon some individual construction of the statute. The direct question came up in the case of Ady *v.* Martin, on page 812. Here is the statement of Mr. Hoar. That was a hotly contested case for a time in the Committee on Privileges and Elections:

Mr. HOAR. The credentials of Mr. Martin seem to be in due form and to entitle him prima facie to be admitted to a seat in the Senate. If there be any question as to his title upon the merits, the Senate can deal with it afterwards. I ask that the oath be administered to Mr. Martin.

Mr. Martin was escorted to the Vice-President's desk by Mr. Peffer, and the oath prescribed by law having been administered to him, he took his seat in the Senate. (Cong. Rec., vol. 25, p. 2.)

That was upon the same day that "Mr. Peffer presented the credentials of John Martin, recently elected a Senator from the State of Kansas." That ought to settle it. What is the answer to that? Is there an answer to this case? An examination of the decisions shows that every one of these Senators was sworn before the question was submitted to the Committee on Privileges and Elections.

Now, one word more, and I have finished. The same thing occurred in the case of Senator George L. Shoup.

Mr. LODGE. Mr. President, may I ask the Senator a question?

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Massachusetts?

Mr. RAYNER. Certainly.

Mr. LODGE. I merely desire to ask the Senator a question. I will not interrupt him if it is not convenient.

Mr. RAYNER. The Senator will not interrupt me. Certainly he can ask me any question he wants to.

Mr. LODGE. I am speaking merely from memory, but Senator Quay, of Pennsylvania, came here with his credentials in perfect order, and the Senate did not allow him to be sworn in.

Mr. RAYNER. Was he not appointed by the governor?

Mr. LODGE. Certainly; but his credentials were in perfect order.

Mr. RAYNER. There was no question about his appointment by the governor?

Mr. LODGE. Unquestionably none.

Mr. RAYNER. That is not the question here at all. This is no appointment by the governor. As the Senator from Massachusetts knows, the governor has no right to appoint in a case where the legislature refuses to elect.

Mr. LODGE. I did not take that view at the time; but Senator Quay's credentials were absolutely in order, which is the only point about swearing in. His credentials were perfectly regular and in order, and he was not sworn in. It is entirely within the province of the Senate to exclude a Senator from being sworn in.

Mr. RAYNER. I must say that that is a very insufficient answer to what I am stating. The credentials certified upon their face that Senator Quay was appointed by the governor, and also showed that the governor had no right to appoint.

Mr. LODGE. I do not attempt to answer the Senator; I have no desire to do so, but was attempting to get some information from him and failed.

Mr. RAYNER. The credentials showed on their face that the governor appointed Senator Quay, and, therefore, the very credentials upon their face showed that there was a violation of law, because the governor had no right to appoint.

Mr. LODGE. I think this credential shows on its face a grave defect.

Mr. RAYNER. What is the mistake, I will ask the Senator from Massachusetts? The Senator from Michigan has passed on those credentials. What is the mistake? He said they were in proper form.

Mr. LODGE. I think it shows there was error. The Senator from Michigan pointed out——

Mr. RAYNER. What is the error?

Mr. LODGE. That he was not elected on the second Tuesday; that he was elected before the second Tuesday had arrived.

Mr. RAYNER. Now, the Senator from Massachusetts makes another mistake, because the credentials show no such thing. They do not show when Governor Whyte died at all. Governor Whyte might have been dead a month on the face of that credential, so far as the face of the credential is concerned. The Senator is mistaken.

Mr. LODGE. It appears on the face of the RECORD and the Journal of the Senate and the credential.

Mr. RAYNER. The Senator from Massachusetts is talking about the Journal of the Senate. Just now he was talking about the certificate of election. Which does he mean?

Mr. LODGE. I mean the credentials on their face contradict the Journal.

Mr. RAYNER. The Senator from Massachusetts did not state that. My answer to that is——

Mr. LODGE. No; I thought you would see it without my stating it.

Mr. RAYNER. I would have seen it without your stating it, but you stated it in the wrong way. You said that it appeared upon the face of the credentials. They do not say that.

Mr. LODGE. I think they do.

Mr. RAYNER. Say how they do. How does it appear upon the face of the credentials that anything took place in violation of law. I will give the Senator time to show this.

Mr. BURROWS rose.

Mr. RAYNER. No; let the Senator from Massachusetts speak. He has made a statement.

Mr. LODGE. Mr. President, it is shown on the face of the credentials that the Senator whose credentials are being presented was elected too soon.

Mr. RAYNER. How do they show it?

Mr. LODGE. By the dates.

Mr. RAYNER. They do not show that by the dates. The Senator will correct that statement, because the credentials do not show when Senator Whyte died. Therefore the credentials can not show it by the dates.

Mr. LODGE. That is just what they do show.

Mr. RAYNER. The Senator is mistaken.

Mr. LODGE. Does the Senator contest the date of Senator Whyte's death?

Mr. RAYNER. There is no notice in the credentials of the date of Senator Whyte's death at all.

Mr. LODGE. The credentials are not required to show that.

Mr. RAYNER. You said the credentials do show it.

Mr. LODGE. They are not obituary notices.

Mr. RAYNER. You have stated that they did.

Mr. LODGE. I repeat it. They show it by the date; and if I can not make the Senator from Maryland understand it, it is not my fault.

Mr. RAYNER. I will guarantee there is not a man in the Senate who understands it, and I undertake to say the Senator himself does not understand it.

Mr. LODGE. There are an abundance of Senators who understand it, as the Senator will find.

Mr. RAYNER. It takes a man with a thorough knowledge of his profession to pass an opinion on this case. Let me read the credentials and see if they show on their face anything of the kind. The Senator from Michigan has passed upon them, and he says the credentials are in proper form.

Mr. BURROWS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Michigan?

Mr. RAYNER. Not just now.

The VICE-PRESIDENT. The Senator from Maryland declines to yield.

Mr. RAYNER. I want to read them, because the Senator from Massachusetts has made a statement, unintentionally of course, which is not borne out by the facts. He has mixed up the credentials with something that appears in the records of the Senate, as if the two were the same thing, as if the records of the Senate and the credentials were the same. Let me read the credentials:

THE STATE OF MARYLAND,
EXECUTIVE DEPARTMENT.

To the President of the Senate of the United States:

This is to certify that on the 25th day of March, 1908, John Walter Smith was, in accordance with law, duly chosen by the legislature of the State of Maryland a Senator from said State to represent said State in the Senate of the United States for the unexpired portion of the term of six years, beginning on the 4th day of March, 1903, to fill the vacancy caused by the decease of Hon. William Pinkney Whyte.

Witness his excellency our governor and our seal hereto affixed, at Annapolis, this 25th day of March, in the year of our Lord 1908.

[SEAL] AUSTIN L. CROTHERS.

By the Governor:

N. WINSLOW WILLIAMS,
Secretary of State.

How does it appear here that the 25th day of March was not six Tuesdays after Senator Whyte had died? It might be, except for what appears on the Journal.

Mr. LODGE. It appears plainly on reading. I have nothing more to say.

Mr. RAYNER. I should like to hear from any other Senator if he agrees with the Senator from Massachusetts—a single Senator.

Mr. LODGE. The Senators are not here to be called upon as witnesses by the Senator from Maryland.

Mr. RAYNER. The Senator ought to be careful about stating facts without being able to show that the facts exist. Show me upon the face of the credentials where such a reference is made.

Mr. LODGE. It shows that the vacancy was caused by the death of Senator Whyte.

Mr. RAYNER. Does it show the date of his death?

Mr. LODGE. Of course not, but it shows that Mr. Smith was elected on the 25th. That is enough.

Mr. RAYNER. Could that not have been five Tuesdays after?

Mr. LODGE. The credentials show on their face that he was elected unlawfully; that he was elected too soon.

Mr. RAYNER. How do they show that he was elected too soon?

Mr. LODGE. I have told the Senator that it appears obviously by the date. I can not furnish him with understanding.

Mr. RAYNER. And no one else on earth can understand the Senator from Massachusetts.

The VICE-PRESIDENT. The Chair will suggest to Senators——

Mr. RAYNER. No one else can understand it. I repeat, the Senator from Massachusetts himself does not understand it. If the credentials had stated upon their face the time Governor Whyte had died, the Senator would be perfectly right, but the credentials upon their face do not show that this election was not held on the fourth or fifth Tuesday after. It is a perfectly proper credential. The Senator from Michigan passed upon it.

There is not one word upon the face of the paper to the effect that he was not elected until after the second Tuesday after Governor Whyte's death. You have to take the Senate proceedings. That is what is in the Senator's mind. You have to take my announcement in the Senate that Governor Whyte had died last Tuesday, and if you take my announcement, together with the credentials, then it does appear by uniting the two. But upon these credentials nothing of the sort appears, and the credentials are perfectly regular and proper upon their face. If the Senator will read them over again he will come to the same conclusion.

Now, just one word, and I shall have finished. The case of Clagett against Dubois has no connection with this matter at all. The whole question in Clagett against Dubois was, as the Senator from Colorado will recollect, whether the legislature was organized. It was a question whether there was a temporary or permanent organization. That was the whole question in Clagett against Dubois—whether there was a temporary or a permanent organization. I want to point the Senator from Michigan to another thing in Clagett against Dubois. I wish to call attention to this:

The legislature met and organized, as found by your committee, on Monday, December 8, while contestant claims the organization was not effected until Tuesday, December 9; so, in any event, inasmuch as the election of Mr. Dubois took place on Tuesday, December 18—

How was that possible? How can Tuesday be December 9 and Tuesday, December 18? Does not that show upon its face that it is a mistake? I suppose the Senator from Massachusetts can answer that question that Tuesday can be December 9 and another Tuesday December 18.

Mr. TELLER. Will the Senator allow me?

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Colorado?

Mr. RAYNER. Certainly.

Mr. TELLER. The legislature met on Monday. They organized what the committee determined was a proper organization, and a week from the next day they elected.

Mr. RAYNER. That part is all right. But I want to know how Tuesday——

Mr. TELLER. They elected within a week and a day from the time of organization.

Mr. RAYNER. That is all right. How can Tuesday be December 9 and Tuesday December 18?

Mr. TELLER. That must be an error in the print. It is not worth while spending any time over that.

Mr. RAYNER. What day did the election take place?

Mr. TELLER. A week from the day they organized.

Mr. RAYNER. I will ask the Senator from Colorado when did they organize?

Mr. TELLER. They organized on the 9th.

Mr. RAYNER. On Tuesday?

Mr. TELLER. No, on Monday; and a week from the next day the election took place.

Mr. RAYNER. A week from the following Tuesday?

Mr. TELLER. Naturally it would be Tuesday.

Mr. RAYNER. The language here is different from what the Senator from Colorado says. It says, "It was ten days after the organization of the legislature" that the election took place. But that case has nothing in the world to do with this. The question was whether it was a case of temporary or permanent organization.

Mr. President, I have finished what I wish to say, and I rest upon these four propositions: First, that the section is not entitled to the interpretation the Senator from Michigan puts upon it; second, that the section is only directory, not mandatory; third, the State of Maryland has decided it; and fourth, if I am all wrong in everything else I have said, the Senator-elect is now entitled to be sworn in, and this question should go to the committee, as has been done in every other case, for further examination. I ask, therefore, that the Senator be sworn in.

Mr. CULBERSON. Mr. President, the Senator from Maryland [Mr. RAYNER] has presented this case very clearly, but I ask the indulgence of the Senate briefly upon it. There are, it occurs to me, two fortunate aspects in which the case is presented. One is that there is no personal contest for the Senatorship involved, and the other that there is no partisan emergency in the Senate which could possibly, if that were at all possible in any case, influence the vote of any Senator along partisan lines. It ought to be decided, therefore, free from personality and free from partisanship, upon broad lines of constitutional construction.

The issue as presented in this case, just at the moment, is not whether the Senator from Maryland was lawfully elected to the Senate, but, having presented to the Senate credentials regular in form, showing no objection to his being sworn in upon the face of the certificate, the question is, whether that shall be done.

Under such circumstances the Senator from Michigan [Mr. BURROWS] objects to the oath being administered, while he admits that the certificate is in due form, does not carry upon its face any suggestion of illegality in the election, and the

only authority which he cites is that of the Dubois case, and the very statement he read from the Dubois case was obiter, unnecessary to the decision of the case, and the committee expressly say that it is unnecessary, although they do express an opinion upon it. The case went off upon another point entirely.

In that very case Senator Dubois, upon the presentation of his credentials, was sworn in, and when I ask the Senator from Michigan if he quoted this case upon one point, where it is purely and admittedly obiter, will he not accept it as authority upon one of the very questions upon which its decision rested—that is, the swearing in of the Senator when his credentials are regular and in due form—he says, "Oh, I read it on another point." So he did. But the question for the Senate to decide now is whether it will undertake to go behind the returns, whether it will go dehors the certificate of election in this case, instead of pursuing the usual course when a certificate regular in form comes here from the governor of a sovereign State, and permit the Senator to be sworn in.

In the case of Senator Quay, from Pennsylvania, I voted with the Senator from Michigan, and I regret to say that in this case he is departing from the faith which he counseled at that time. His proposition there was that the legislature should be made to elect the Senator. His proposition here is that technical obstructions and impediments which may be shall be thrown in the way to prevent the legislature of Maryland from filling the vacancy. In the case of Senator Quay, my recollection is that the credentials showed on their face that the legislature had been in session and, having voted ineffectually for months for Senator, adjourned, failing to elect, and thereupon the governor of the State undertook illegally to fill a vacancy which had not occurred during a recess of the legislature.

Mr. President, now on the merits of this law, though a discussion of it is in my judgment premature. It is, of course, mere reiteration to say that sections 14, 16, and 17 of the Revised Statutes have in view three contingencies. One is the election of Senator when there is an expiration of a term or when a State first comes into the Union; second, when there is a vacancy during a recess of the legislature; and third, when there is a vacancy during a session of the legislature. All three of these sections provide that the election shall be held on the second Tuesday after organization, and the last one adds when the legislature "has notice of such vacancy."

Mr. President, in my judgment, the last section—that is, section 17—clearly means that the election may be had at any time after notice of a vacancy, provided the legislature has been organized for the time named in the law; that is, provided it is not earlier than the second Tuesday after the organization of the legislature; that the limitation applies not to notice of the vacancy, but to the time after organization. That is the only proper construction, it seems to me. The recurrence of the idea of time in the three sections with regard to organization bears out that construction.

And, more than that, sir, it can not be implied, construing section 17, that the election shall be had on the second Tuesday after organization and also after notice of a vacancy, because it is almost an impossibility for the two dates to be coincident. So I submit to Senators who have an unbiased judgment on this question that they ought to determine it not upon partisan lines, but as Senators intending to give a true, correct, and permanent construction to the law.

The Senator from Maryland, going further, submits that if this construction of the law shall be wrong, it is nevertheless a directory and not a mandatory provision. In addition to the authority cited by him, I beg to cite a case from Pennsylvania, that of Simon Cameron, in 1857. Senators will remember that the Constitution provides that—

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

Mr. President, at the time this case arose the law of the State of Pennsylvania controlled. Afterwards the act of Congress of 1866, now incorporated in the Revised Statutes, superseded all the laws of the States. Let me call the attention of Senators to the decision in this case, when the Committee on Privileges and Elections was composed of Messrs. Butler, Bayard, Toombs, Pugh, Benjamin, Collamer, and Trumbull. If the mind of the Senator from Michigan is still open upon the question, I invite his attention to what is said at page 265:

> It appears from the Journal of the Senate that the appointment of a teller and the nomination of candidates and the communication to the other House of the appointment and nomination so made, all took place on the day of the election, instead of one day previous to the election, as required by the law of the State; but your committee regard this provision of law as *purely directory* in its nature, and are of opinion that a failure to comply with this formality would under no circumstances suffice to vitiate an election otherwise legal and valid; but where, as in the present case, *both houses proceeded without objection from any source to perform their constitutional duty of electing a Senator, the necessity of complying with any particular forms required by law may fairly be considered as waived by common consent, and it is entirely too late, after the result of the voting has been ascertained, to raise a question as to the mode of proceeding.*

Mr. President, if all these suggestions shall be unavailing, I appeal to Senators to give the Constitution itself a fair and reasonable construction. The Constitution declares that each State of the Union shall be entitled to two Senators, elected by the legislature thereof, and that action should be taken here which accords with the spirit and purpose of that instrument. The legislature of Maryland has elected a Senator without opposition, without protests, although it seems that efforts were made to secure them. He presents his credentials, regular in form, from the governor of the State, and against this it is insisted that possibly the legislature voted one day or perhaps one week prior to the time fixed by a statute.

In the case of Lapham and Miller, from New York, the Senator from Georgia, Mr. Hill, speaking for a unanimous committee of the Senate, declared that the failure of the legislature in electing Senators to comply with technical and directory provisions of law could not take from the States their constitutional right to be represented in this body. That is the issue which is presented here.

Mr. President, as I said at the outset, it ought to be considered fortunate that this case arises without the environments of a personal contest for the office and without necessity for political advantage to be sought on one side or the other; and I trust Senators will give a fair and a sound construction to the Constitution, so that it may subserve the purpose of the founders, that each State in the Union shall be represented in the Senate by two Senators elected by the legislature, and that obstructions to the election of Senators will not be thrown in the way of legislatures.

Mr. TELLER. Mr. President——

Mr. BURROWS rose.

The VICE-PRESIDENT. The Senator from Michigan. Does the Senator from Michigan yield to the Senator from Colorado?

Mr. BURROWS. I yield to the Senator from Colorado.

Mr. TELLER. I do not think the Senator from Michigan need to yield to me. I think I am entitled to the floor, having first addressed the Chair.

The VICE-PRESIDENT. The Senator from Colorado is correct.

Mr. TELLER. I am one of those who believe in maintaining the order and decency of the Senate by the observance of its rules.

Mr. President, as the Senator from Texas [Mr. CULBERSON] has said, this case is presented for our consideration under favorable circumstances. It is not a question of party advantage or party disadvantage in any respect. With a two-thirds vote in the Senate by one political party, no advantage can be had by the admission or exclusion of a member of the other party. And so we ought to approach this question upon principle and precedents. I would not say that in every case where the credentials are proper the Senate is obliged to accept the credentials, but I do say, and I venture it can not be controverted, that in every case which has ever come before the Senate where there were proper credentials, the credentials showing no defects whatever, and where there was not a contesting Senator or an actual protest because of some irregularity in the election, the Senator-elect has been sworn in on a prima facie case. Mr. Turpie, who came here from Indiana, in whose case there was a question whether there had been a legal election or not, was sworn in on motion of Mr. Hoar, who was then chairman of the committee, on a prima facie case; that is, to say on a certificate which did not show any defect. The committee afterwards investigated it and decided that we were compelled to take what the State of Indiana had certified to us was a legal and proper legislative body.

Mr. President, here are the credentials:

> This is to certify that on the 25th day of March, 1908, John Walter Smith was, in accordance with law, duly chosen by the legislature of the State of Maryland, a Senator from said State to represent said State in the Senate of the United States for the unexpired portion of the term of six years beginning on the 4th day of March, 1903, to fill the vacancy caused by the decease of Hon. William Pinkney Whyte.

Mr. President, that presents no question of doubt about the right of the State of Maryland to send here her representative. The attention of the Senate was called to the fact that Mr. Quay's credentials were not accepted. Let me read:

> Whereas, a vacancy exists in the representation of the Commonwealth of Pennsylvania in the Senate of the United States by reason of the expiration of the constitutional term of the Hon. Matthew S. Quay, and the failure of the general assembly of the Commonwealth to elect his successor.

The facts upon which that was held up are shown in the certificate itself. The Senate had at a previous session declared that the failure of a legislature to elect a successor to an outgoing Senator did not authorize the governor of the State to appoint. That was the law of the Senate, and thereupon that appointment was held up perpetually. The Senate voted in that case, by a very close majority, to adhere to the rule which had been established before that time. It had been established on two or three other occasions away back in the history of the Senate.

Mr. President, the case of Clagett *v.* Dubois does not present this question in any shape or manner. That was a question whether there had been an organization of the legislature within the meaning of the statute of 1866. The committee, in a very extended report, written by Senator Mitchell, who was a member of the committee at that time, settled that proposition on the theory that whenever a legislature had been sufficiently organized to enact laws it was an organization complying with the statute. That is a very lengthy report. I have not looked it over to see exactly what we said upon this question, but if we said anything it was not one involved in that contest, it was an obiter, and it is not entitled to any consideration.

In the case of Lapham and Miller, there was a protest filed against them. Notwithstanding that protest the certificate was considered sufficient and they were sworn in and subsequently the committee took up that question.

That is the case in which Senator Hill of Georgia made a verbal report for the committee upon this question, and I think perhaps it is worth while to look at it. Will the Senator from Maryland give me the page?

Mr. RAYNER. The Lapham case is on page 697.

Mr. TELLER. I wish to call attention to some things Mr. Hill said in behalf of the committee.

> The memorials set forth five reasons as grounds why these gentlemen should not be allowed to sit here. The first alleges that the legislature did not proceed in separate bodies to vote upon the question until the third Tuesday after notice of the vacancy was communicated by the governor. The facts are such as to create some controversy as to whether they did proceed on the second Tuesday or the third Tuesday after the notice; but, in any view, the committee are unanimously of the opinion that the legislature was not deprived of its constitutional right to elect Senators to this body.
>
> The second allegation is that at one of the joint sessions of the general assembly a quorum of the State senators was not present. It is not alleged that there was not a quorum present of each body on the days the respective elections took place, but it is alleged or claimed that under the act of 1866 the failure of either body to be present with a quorum on any day deprives the legislature of the right to elect. The committee differ with the memorialists in that view. We think that one body of the legislature could not deprive the legislature of the right to elect by such absence, if unquestionably on the day of the election a quorum of each body of the legislature was present and voting. We think the reason alleged in this ground is not sufficient to invalidate the election.

I think there have been half a dozen cases in the history of the Senate since I have been a Member of it where Senators have been seated here where one House failed to participate in the election. That was certainly true in the case of Mr. Mitchell of Oregon and some others I could mention. Within my own knowledge a legislature has elected a Senator when one body of the legislature did not have a single member in the general assembly, and it was held, as stated here, that one body can not deprive a legislature of a right to elect. I think that shows pretty generally that the committee had the same view the Senator from Maryland has, that it is a directory statute and not an imperative or mandatory statute.

Mr. President, can anyone tell me why the applicant who is here should not be now sworn? There is no one objecting. There is nothing on the face of the proceedings, there is nothing on the record here that I know of to show that the legislature did not comply with the statute of 1866. It seems to me that the presumption ought to be in favor of seating the applicant. I think, as Senator Hoar said in the Turpie case, the certificate is, without a controversy, prima facie evidence of the right of the applicant to be sworn. So it seems to me that the Senator who presents himself here is entitled to be sworn.

I do not myself know of any case which would perhaps cover this exactly in point of fact. It is a construction that might easily be put upon the law. On Tuesday the Senator died, and the legislature is notified, and a week from that day they elect. The controversy is that they ought to have waited another week. The doubt ought to be always resolved in favor of keeping the membership of this body full. To say that they must wait another week is simply to say that the Senate must be without that member for another week; and in this case, as the Senator from Maryland has stated, the legislature by law adjourns. I understand its adjournment is imperative and they have no discretion in the matter. The law has fixed the time of their adjournment and they will be out of existence so far as this session is concerned.

There are a number of cases that have been determined in the Senate, and I think they have always been determined in favor of seating a member in the Senate when there is no real good reason for keeping him out. Of course when I first came into the Senate we had questions arising from the controversies soon after the war in the different sections, and some of those questions were undoubtedly settled both by the Democrats when in power and by the Republicans in power largely from prejudice and party interest and party favor. Here you have not anything of the kind; no harm can come to the Republic; and we may properly give the construction to the statute that was given to it by the legislature, which I am myself inclined to believe is a proper construction, keeping in view the fact that we want to keep the Senate membership intact as far as possible.

Mr. BURROWS. Mr. President, as to the credentials presented in this case, I think there can be no question but that they are in due form and are not subject, on their face, to criticism. But, in determining the right of Mr. Smith under these credentials to a seat in the Senate, the Senate will take cognizance of its own records and its journal entries. The credentials presented showing that Mr. Smith was elected on Wednesday, the 25th of March, and the journal of the Senate disclosing that the vacancy occurred on Tuesday, the 17th of March, the Senate has knowledge of these facts, and it seems to me that the validity of his title is thereby impeached, and that instead of a prima facie case being established in favor of the party holding such credentials, a prima facie case is made out against such right.

I think it will throw some light upon this question by alluding to the history of this legislation. The occasion for the enactment of the statute of 1866 every Senator will recall. Congress exercised its power under that provision of the Constitution referred to first in 1842 by directing the manner in which the Members of the House of Representatives should be elected. Previous to that time the whole membership of the House was elected upon a general ticket, so that whatever divisions there might have been in a State politically the dominant party in the State carried the entire representation. So, in 1842 Congress passed an act under this right to regulate the method of electing Representatives in Congress, declaring that the State should be divided into districts. Then subsequently another act was passed requiring that the election of Members of the House should occur on the same day throughout the United States, so that the practice of colonizing from one State into another on election day should be prevented.

Then came 1866, when this provision was made as to the manner of electing Senators. Previous to that time the legislatures had failed to elect Senators in many instances. One house would act and then the other, and there was no system and no method by which the election could be certainly secured. So Congress sought to regulate the manner of the election of Senators by this provision.

If we turn back to the history of this legislation it throws a flood of light upon the meaning of its provisions, and I think disposes of the contention of Senators on the other side that it was unnecessary to have two weeks elapse after notification before proceeding to fill the vacancy. The act was reported from the Committee on the Judiciary in 1866, a committee composed of Lyman Trumbull, of Illinois; Ira Harris, of New York; Daniel Clark, of New Hampshire; Luke Poland, of Vermont; William M. Stewart, of Nevada; Thomas A. Hendricks, of Indiana, and Reverdy Johnson, of Maryland. That list of names should carry with it the conviction that the act was very carefully framed.

The report of the committee was made on the 9th of July, 1866, and so far as the first and second sections are concerned they were adopted substantially as reported and as they stand to-day. But, coming to the section in controversy, providing for filling a vacancy occurring when the legislature is in session, the committee reported as follows:

> *And be it further enacted,* That whenever, on the meeting of the legislature of any State, a vacancy shall exist in the representation of such State in the Senate of the United States, said legislature shall proceed, on the second Tuesday after the commencement of its session, to elect a person to fill such vacancy, in the manner hereinbefore provided for the election of a Senator for a full term—

Now I come to the provision under which this contention has arisen—

> and if a vacancy shall happen during the session of the legislature, then on the second Tuesday after the legislature shall have notice thereof.

Can anything be plainer than that? The only amendment——

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Michigan yield to the Senator from Texas?

Mr. BURROWS. Certainly.

Mr. CULBERSON. I inquire from what the Senator is reading?

Mr. BURROWS. I am reading from the report of the Judiciary Committee of 1866, which reported the original draft of the bill.

Mr. CULBERSON. I suggest to the Senator that the law does not read as the report suggested it should read.

Mr. BURROWS. Of course not. The Senator evidently did not understand me. I am showing how the measure originated and what was its language when reported.

Mr. CULBERSON. I understood the Senator to be reading from the report to the effect that the law should contain a provision that in case a vacancy occurred during a session of the legislature it should be filled by an election on the second Tuesday after there was notice of it.

Mr. BURROWS. I tried to make myself understood. I said I was reading from the original bill that was reported to the Senate by the committee, the membership of which I have just given. I am reading the bill as reported by the Committee on the Judiciary, composed of the gentlemen I have named, with Senator Trumbull as chairman and Reverdy Johnson among the membership. I hold in my hand a copy of the bill that they reported. Am I understood?

Mr. CULBERSON. I think I understood the Senator. I was only suggesting that the law as passed was not in the exact language given in the report.

Mr. BURROWS. Of course not, and I am going to show how the change came about and what the change was. But I am only trying to show now, and I think I shall be able to show——

Mr. CLAY. Will the Senator permit me to ask him a question?

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3023) to amend the national banking laws.

Mr. ALDRICH. I ask that the unfinished business may be temporarily laid aside. I hope it will have to be only temporarily laid aside.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. CLAY. With the Senator's permission——

Mr. BURROWS. I should like to go on, if the Senator will pardon me.

Mr. CLAY. It is only for a question and for just a minute, with the Senator's permission. I understand the Senator to contend that the election must take place on the second Tuesday after the vacancy occurs. Suppose the legislature is not in session on the second Tuesday after the vacancy occurs, but is in session when the vacancy occurs. The Senator contends that the legislature must elect on the second Tuesday after the vacancy occurs. If it adjourns by law before that time, could the governor appoint a Senator to fill the place?

Mr. BURROWS. That question does not arise here.

Mr. CLAY. I should like to ask the opinion of the Senator on that question.

Mr. BURROWS. The governor could call the legislature together any day.

Mr. CLAY. Does the Senator contend that neither the legislature that is in session could elect nor that the governor could appoint, but that the governor must call an extra session of the legislature to elect?

Mr. BURROWS. Take the recent case in South Carolina, when Senator Latimer died. The time of the legislature had expired so far as pay was concerned, and the legislature took a recess for a week in order to conform to the statute before the election took place.

Mr. CLAY. If the Senator's contention——

Mr. BURROWS. But, Mr. President, the Senator is taking me away entirely from what I am discussing.

Mr. CLAY. It is in connection with the same question.

The VICE-PRESIDENT. Does the Senator from Michigan yield further to the Senator from Georgia?

Mr. BURROWS. I do not, until I complete this statement.

The VICE-PRESIDENT. The Senator from Michigan declines to yield.

Mr. BURROWS. I should like to be able——

Mr. RAYNER. I should like to make one statement, not to ask a question.

The VICE-PRESIDENT. Does the Senator from Michigan yield to the Senator from Maryland?

Mr. BURROWS. Not at this time.

The VICE-PRESIDENT. The Senator from Michigan declines to yield.

Mr. RAYNER. I wish to correct a mistake in regard to our legislature which the Senator certainly would like to have corrected.

The VICE-PRESIDENT. Does the Senator from Michigan yield?

Mr. RAYNER. It will take only a minute.

Mr. BURROWS. I prefer not to yield, because I desire to complete my statement.

Mr. RAYNER. I want to say to the Senator——

The VICE-PRESIDENT. The Senator from Michigan declines to yield.

Mr. BURROWS. When I am through I will yield.

Mr. RAYNER. I think the Senator should let me make a statement. It is that the legislature expires by law on Monday night and it can not take a recess. The Senator can not object to my making that statement.

Mr. BURROWS. That has already been stated, and the Senator has already declared that there is nothing in the constitution of Maryland to prevent the governor, to-day, from issuing a proclamation convening the legislature of Maryland next Tuesday.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Michigan yield to the Senator from Texas?

Mr. BURROWS. I decline to yield further until I have concluded my statement.

The VICE-PRESIDENT. The Senator from Michigan declines to yield.

Mr. BURROWS. Now, Mr. President, as this bill was reported from the Committee on the Judiciary the provision over which this controversy has arisen read as follows:

> And if a vacancy shall happen during the session of the legislature, then on the second Tuesday after the legislature *shall have notice thereof.*

Can anyone misunderstand that language? They could not elect until the second Tuesday after notice. Now, the Senator from Texas [Mr. CULBERSON] suggests that it was changed. I know that, and I am going to show the Senate how it was changed and for what reason. But, mark you, there was no change in the bill as to the time of electing on the second Tuesday *after notice.* Let me read the debate. Mr. Clark in his discussion in the Senate said:

> I move further to amend the bill in the fifth line of the second section by inserting the words "and organization" after the word "commencement."

That is all, "and organization," leaving the balance just as it read, "the second Tuesday after notice."

> Mr. JOHNSON—
>
> Reverdy Johnson—
>
> How will it read then?
>
> Mr. CLARK—
>
> Quoting—
>
> "And if a vacancy shall happen during the session of the legislature, then on the second Tuesday after the legislature shall have been organized and shall have notice of the vacancy."

That was the only change, and that is the law as it reads to-day. The only change made by the Senate when the bill was before the Senate declaring that the election should take place on the second Tuesday after *notice* was to insert the words "and organization," so as to read "organization and notice," for the reason that they could not proceed, of course, until after the legislature was organized.

> Mr. TRUMBULL. I suggest to the Senator from New Hampshire that that can hardly be necessary. This provision is, "If a vacancy shall happen during the session of the legislature." Is it a "session" of the legislature until it is organized?
>
> Mr. CLARK. It may be. The legislature may be together and sitting, but not organized. I want to avoid that difficulty.
>
> Mr. TRUMBULL. I have no objection to it.
>
> Mr. CLARK. I think it would make it a little more specific to insert those words.

That, Mr. President, is the history of this enactment. That is how the amendment "organization" came in, and thus it conforms to the provision of the other sections. Is it contended that because the word "organization" was inserted before the word *notice* it changed the whole meaning of the section? That can not be possible. The second Tuesday after organization and notice of the vacancy applies with equal force to "notice" as to organization. My contention therefore is that the legislature of Maryland, in proceeding to the election of a Senator on the 25th day of March to fill the vacancy occasioned by the death of Senator Whyte, which occurred on the 17th day of the same month, acted prematurely and in violation of the statute of 1866.

Mr. President, I have taken occasion to look over the precedents of the Senate since 1866, when this measure was enacted. There have been fourteen deaths in the Senate at a time when the legislature of the State in which the vacancy happened was in session and in not one single instance has any State presumed to defy or ignore this statute and elect until the second Tuesday after they were notified of the vacancy.

The cases are all like the one now pending before the Senate—a death during the session, an election by the legislature after the legislature had been notified and the second Tuesday after such notification—and in no single instance has a Senator been permited to take his seat who has not conformed to that statute.

In the case of George Hearst, of California, who died February 28, 1891, and his successor was elected March 19, 1891, the second Tuesday.

Orville H. Platt, of Connecticut, died April 21, 1905, and his successor was elected May 10, 1905.

Benjamin H. Hill, of Georgia, died August 16, 1882, and his successor was elected November 15, 1882.

John A. Logan, of Illinois, died December 26, 1886, and his successor was elected January 19, 1887.

James B. Beck, of Kentucky, died May 3, 1890, and his successor was elected May 17, 1890.

Charles Sumner, of Massachusetts, died March 11, 1874, and his successor was elected April 17, 1874.

Russell A. Alger, of Michigan, died January 24, 1907, and his successor was elected February 6, 1907.

William J. Sewell, of New Jersey, died December 27, 1901, and his successor was elected January 29, 1902.

Marcus A. Hanna, of Ohio, died February 15, 1904, and his successor was elected March 2, 1904.

Ambrose E. Burnside died September 13, 1881, and his successor was elected October 5, 1881.

William B. Bate, of Tennessee, died March 9, 1905, and his successor was elected March 21, 1905, and the election on the second Tuesday.

John E. Kenna, of West Virginia, died January 11, 1893, and his successor was elected January 25, 1893.

Matthew H. Carpenter, of Wisconsin, died February 24, 1881, and his successor was elected March 10, 1881.

Asbury C. Latimer died February 20, 1908, and his successor was elected March 6, 1908.

So in all the cases in every other State where a vacancy has occurred in the representation in the Senate from such State during the session of the legislature that legislature has conformed to the statute and waited before filling the vacancy until the second Tuesday after notice of the vacancy.

Now, I submit, Mr. President, to admit the gentleman holding these credentials to a seat in this body is not only in violation of the Constitution and laws of the United States, but he has not even a prima facie case which would entitle him to admission. I insist, therefore, to admit Mr. Smith under these circumstances will be to reverse the judgment of the Senate for forty years, overthrow all precedents, and receive into the membership of this body a person under circumstances which can not for one moment, in my judgment, be justified.

Mr. BEVERIDGE. Mr. President, even if I agreed with the construction of the law that has been given by the Senator from Michigan [Mr. BURROWS]—and I am very much inclined to agree with him—it nevertheless is clear to my mind that his contention is premature. It is precisely like arguing that a demurrer to a complaint should be sustained because of facts which the trial itself might disclose and which facts the court happens to know in advance.

It seems to me that at this particular moment there is only one question before the Senate, and that is not the question as to whether the Senator was properly elected, but whether he is entitled to be sworn in; and the question as to whether he is entitled to be sworn in is determined by the regularity of his credentials. The regularity of those credentials no man can question. The Senator from Michigan [Mr. BURROWS], in the lucid and informing remarks which he has just made, said that no man could question the perfection of the credentials on their face.

That facts may exist de hors the credentials themselves does not change their regularity. Those facts when properly examined into, and when the law is correctly applied to them, may show that the Senator was not properly elected, and therefore that his seat must be declared vacant, but that is a question that does not arise at this time.

As I said, it is like insisting that a demurrer to a complaint should be sustained because of facts which may be established in the trial and of which the court might himself have notice. For example—and I think this illustration is very nearly conclusive—suppose the President of the Senate were a court and these credentials were a petition or a complaint of any kind and a demurrer was filed to them as not showing on their face facts sufficient to constitute a cause of action. The court could not say: "Ah, I will sustain this demurrer, because, although the complaint is sufficient on its face, yet I happen to know that on my docket here there appears a fact which hereafter might be produced in evidence which will, if presented, defeat the complainant."

The court is compelled to look at the petition itself, and nothing else. The fact that upon the court record there may be evidence which will defeat the complainant is something which the court, in determining the demurrer to the petition, can not look into. No; the objection to the swearing in of the Senator must be confined solely to defects appearing in the credentials themselves, which the Senator from Michigan, the learned and eminent chairman of the Committee on Privileges and Elections, has himself declared to be perfect.

The questions that have been argued so ably both by the Senator from Michigan and the Senator from Massachusetts [Mr. LODGE]—and I am inclined, with the little information I now have, to agree with them—must arise hereafter upon a trial of the case properly presented, properly examined into. You can not import into the credentials facts which every one of us might know. That is something that questions his title hereafter and does not question the credentials. The credentials themselves, coming from a State in regular and perfect form and presented here by a man who has been elected by that State to fill a vacancy now existing, declare that he was chosen "in conformity to law." Any demurrer to that must point out the defects upon the face of the record, and not depend upon facts which may hereafter be developed when the cause itself is properly and regularly tried.

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Pennsylvania?

Mr. BEVERIDGE. Certainly.

Mr. KNOX. I only desire to ask the Senator a question. I should like to ask the Senator from Indiana if the gentleman should present himself at the bar of this Senate with regular credentials signed by the governor of Indiana asserting that he had been elected to the Senate of the United States, would not the Senate take notice of the fact that two Senators representing that State were on the floor, notwithstanding the regularity of the credentials?

Mr. BEVERIDGE. Certainly the Senate would take notice that two Senators were already here representing that State; that is just what the Senate would take notice of. There would then be no vacancy; there would be no chair to take; there would be no place to be filled in the case which the Senator from Pennsylvania presents.

Mr. KNOX. But that would not appear upon the face of the credentials.

Mr. BEVERIDGE. That is not the case here existing. In the case here existing there is a chair vacant.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Texas?

Mr. BEVERIDGE. I certainly do.

Mr. CULBERSON. I suggest to the Senator from Indiana, in addition to reply to the Senator from Pennsylvania [Mr. KNOX], that these credentials state that there is a vacancy here.

Mr. BEVERIDGE. It would be the same thing, because the vacancy would exist. The Senator from Pennsylvania presents what was once called by a very eminent lawyer upon this floor "an unimaginable case."

Now, Mr. President, we come to the most serious phase of this whole question. I shall never forget so long as I live the wonderful argument made by the then senior Senator from Massachusetts, the chairman of the Judiciary Committee, Mr. Hoar, upon what he called the sacred right of a State to full representation in this body—a right which should not be lightly waived aside upon any technicality; but that where even in any Senator's mind a multitude of doubts should exist it was his duty to resolve those doubts in favor of a full representation of every State in the Senate. The Constitution of the United States declares that each State shall be represented by two Senators, and that each Senator shall have one vote. What is here proposed, in objecting to the swearing in of the Senator, is that a million two hundred thousand people shall be partially disfranchised so far as——

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Colorado?

Mr. TELLER. If it would not interrupt the Senator——

Mr. BEVERIDGE. Not at all; I am about through, anyway, and shall be glad to hear the Senator.

Mr. TELLER. If the Senator from Indiana will allow me, I desire to read a resolution offered by a former Senator from Indiana, Governor Morton, whom, I am glad to say, I knew very well.

Mr. BEVERIDGE. Certainly; I shall be glad to have the Senator do so.

Mr. TELLER. That resolution reads:

Resolved, That the credentials of P. B. S. Pinchback for a seat in the Senate of the United States for six years, commencing on the 4th of March, 1873, being in regular form, he is entitled under the law, and in conformity with the usages of the Senate, to be sworn in as a member; and that whatever ground of contest there may be as to his right to a seat should be made thereafter.

Mr. BEVERIDGE. Quite so. Mr. President, in those words which I am obliged to the Senator from Colorado for reading—which are from what we all in Indiana love to think is one of the greatest minds this country every produced and certainly one of its greatest patriots—Governor Morton states, with a brevity equaled only by its force and authority, what I have been trying here to feebly state. It may hereafter, when the case is tried, when the pleadings are filed, and the issues are made up, be a question upon which we may have some dispute. There has been a construction of the law presented here by both sides with ability; but the single question now before us is, whether on those credentials themselves—which the Senator from Michigan, the chairman of the Committee on Privileges and Elections, has admitted are regular—the Senator who has presented himself to fill this vacancy which now exists shall be deprived of the privilege of having the oath of office administered, and thereby 1,200,000 people of a State in this Union be partially disfranchised. I think it entirely too serious a matter, and I recall the statement of several veteran Senators here, that never in their long experience have they seen any Senator presenting credentials that were perfect on their face, refused permission to take the oath of office. So far as my vote is concerned, I shall certainly vote that the Senator be sworn in.

Mr. KNOX. Mr. President, very little can be contributed, I think, to this discussion. The very lucid and forceful way in which the matter has been presented on both sides I think will enable the Senate to reach a conclusion without much more debate. However, as I have no doubt at all in my mind about the construction of this statute or about my duty under the circumstances, I feel constrained to say a word or two in explanation of my position.

I think it is most fortunate, as several of the Senators have mentioned, that we may decide this question as a pure question of law, uninfluenced by anything else whatever. It is most fortunate also that it does not matter how this question shall be determined, it will not in the slightest degree affect the political fortunes of the gentleman whose credentials have been presented.

Mr. President, I do not propose to make any reference to the so-called precedents that have been established or suggested and referred to from prior election cases, except that I want to say, in respect to the case of Senator Quay, that when my colleague [Mr. PENROSE] presented Senator Quay's credentials he did in that case what I think he should have done, and that is, as a question of law was raised and it appeared upon the face of the credentials, he did not ask that Senator Quay should be sworn in, but allowed the question of law to be referred to the committee, as there were some questions of fact to be considered in connection with the question of law.

I think is is a kindness to the gentleman who holds these credentials, I think it is a kindness to the State of Maryland, and I think it is a duty that we owe to ourselves, if this question has been fairly, squarely, and properly raised, for us to decide it fearlessly and promptly. What is the necessity of postponing its consideration? What is the necessity of referring it to a committee? The committee is a mere machine, or a part of the machinery, for the transaction of the business of the Senate. What additional facts could the committee bring to the Senate of which it is not now already fully possessed? There is but one question in this case, and that question is, Did the legislature of Maryland act upon the second Tuesday after it received notice of the death of Senator Whyte?

Mr. President, it seems to me that there is no doubt whatever as to the construction of this statute. It was made perfectly clear by the chairman of the Committee on Privileges and Elections.

Mr. BEVERIDGE. Will the Senator permit me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Indiana?

Mr. KNOX. Certainly.

Mr. BEVERIDGE. I ought to have asked the question earlier. The Senator asked what is the use of delay; why refer anything to a committee? When a demurrer to a complaint is filed, and as a matter of fact the court knows the facts and everybody else knows the facts, but the case has not been tried, the question could be asked, What is the use of referring this case to a jury to try the facts or to the court to hear it? We know it all now.

Mr. KNOX. I think, Mr. President, that the Senator is most unfortunate in his reference to a proceeding in court. The Senate is the absolute, uncontrolled judge of this matter. No other authority or no other power on earth can intervene between us and the decision of the question of the qualification of anyone who presents himself here for admission to this body.

Mr. BEVERIDGE. Mr. President, may I ask the Senator this question?

The VICE-PRESIDENT. Does the Senator from Pennsylvania yield further to the Senator from Indiana?

Mr. KNOX. Certainly.

Mr. BEVERIDGE. Of course everybody concedes that that is so under the clause of the Constitution that the Senate is the judge, and so forth, but if every question is to be determined by the Senate the moment anybody raises it, what is the use of having a standing Committee on Privileges and Elections at all, and if we should investigate the facts in one case in a regular manner, why not in another case in a regular manner, even though we all know what they may be in one instance and do not in another?

Mr. KNOX. Mr. President, I will come in just a moment to reply to the question suggested by the Senator from Indiana. It is perfectly foolish for the Senate to stop and consider a thing that is openly admitted upon the floor of the Senate to be the fact if it raises a question that we must ultimately deal with. We have, upon the face of the credentials presented, the statement that Senator Smith was elected to fill the vacancy caused by the death of Senator Whyte. We have it upon the face of the record that Senator Whyte died upon a particular day, and we certainly can take notice of the flight of time between the date of the death of Senator Whyte and the date specified upon the credentials as the date when Mr. Smith was elected. So that I say, Mr. President, that every single fact that bears upon this question is in full possession of the Senate.

I only want to say one word as to the section of the Revised Statutes that has been referred to. It was made perfectly clear by the distinguished chairman of the committee that as that bill was originally reported to the Senate it only provided for one thing, namely, that when a vacancy shall occur during the session of the legislature the legislature shall proceed on the second Tuesday after notice of the vacancy to elect a successor. When the bill with that provision in it was reported to the Senate, the Senate said, "Nay; there is one thing yet that we must provide, and that is that the legislature under such circumstances must have been organized." So an amendment was inserted, and the law as it stands now provides that two things must concur—first, that the legislature must be duly organized, and second, that its action must follow not earlier than the second Tuesday after notice of the fact of death.

Mr. RAYNER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Maryland?

Mr. KNOX. Certainly.

Mr. RAYNER. If the Senator will allow me to correct him, there is no such provision as two weeks' notice.

Mr. KNOX. I beg pardon. That was a slip of the tongue. I mean the second Tuesday.

Now, Mr. President, as to the precedents that have been referred to, where the legislature has acted after the second Tuesday and the inference to be drawn from those precedents that the words are not mandatory, but directory, I take this view of that proposition, that the statute can be construed so that the words preventing action before the second Tuesday are mandatory as to everything that might occur prior to the second Tuesday and only directory in respect to that which might follow. In that respect such a construction would follow very closely many rules that lawyers are entirely familiar with in reference to the dates fixed for pleadings, notice, and so forth, in litigation.

Therefore, Mr. President, in conclusion, I say that, in my judgment, this is the proper time and the proper place to decide this question, and it is only a kindness to the State of Maryland and to the gentleman who has presented his credentials here that we should do so.

Mr. LODGE. Mr. President, the Senator from Maryland [Mr. RAYNER] summoned me to explain something that appeared in the case of Claggett *v.* Dubois, where in one place the date was given as "Tuesday, December 9," and then on the next page, page 787, "Tuesday, December 18." I venture to say that it appears on the face of the record that that is a misprint. I do not mean, when I say that, that the record itself states that it is a misprint. I mean it appears in the record, as anyone can see who will take the trouble to turn to the page where it is stated with the greatest care by the committee, that the legislature met on the 8th; that Tuesday, December 9, was the first Tuesday, and on Tuesday the 16th they voted, and there was no election; that on Wednesday, the 17th, they voted again and there was no choice, and that on the 18th, Thursday, as is set forth on the next page, Mr. Dubois was chosen. Mr. President, I think that makes it clear that this is a misprint, and I do not think it is worth while to found a very serious argument on a grave question like this on a misprint in an old document.

I was led into this debate without any intention of taking part in it by merely asking a question in regard to the case of Senator Quay, which I remember very well, indeed. He did not take the oath, as has been stated by the Senator from Pennsylvania [Mr. KNOX]. My contention is that it no more appeared on the face of the credentials of Senator Quay that there was an irregularity than it appears on the face of the credentials of Mr. Smith. The fact that a credential——

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Colorado?

Mr. LODGE. Certainly.

Mr. TELLER. Has the Senator read that credential?

Mr. LODGE. The credential of Senator Quay?

Mr. TELLER. Yes. Let me read it to the Senator. I think he has overlooked a fact. It reads:

> Whereas a vacancy exists in the representation of the Commonwealth of Pennsylvania in the Senate of the United States by reason of the expiration of the constitutional term of the Hon. Matthew Stanley Quay and the failure of the general assembly of the Commonwealth to elect his successor.

Mr. LODGE. Yes; I am aware those words are there.

Mr. TELLER. That is where the defect was apparent on the face of the credentials.

Mr. LODGE. Mr. President, I was one of those—and there were a very large number of us in the Senate, both on that case and in the Lee Mantle case—who did not think that was a defect, although the Senate decided otherwise, and I still think decided wrongly and unfortunately. It did not appear on its face that there was any flaw in that title, any more than it appears on the face of the title here. This credential presented to-day has become part of our records, and it appears by the date of that credential and by the statement that it is to fill the vacancy caused by the death of Senator Whyte; that it relates to that death. The date of that death appears on our record, and the credential is part of the record. It appears, therefore, on the face of the credential that there is an irregularity.

Mr. BEVERIDGE. Mr. President, will the Senator permit me to interrupt him?

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Indiana?

Mr. LODGE. Certainly.

Mr. BEVERIDGE. Suppose a petition is presented in a court of equity and it appears upon the court records on the next page that facts exist which will make that petition unavailing, would any court in the United States throw it out because the judge happened to know from the record itself that such facts existed?

Mr. LODGE. This is not a court or an equity proceeding.

Mr. BEVERIDGE. It is exactly a court in a question of this kind.

Mr. LODGE. This is the Senate of the United States trying an election case, of which it is the sole judge. The courts are supposed to take judicial cognizance of certain facts, and the Senate can be assumed to take judicial cognizance of its own record and of things in it.

Mr. BEVERIDGE. If the Senator will permit me to interrupt him just a moment there, I wish to say that when the Senator said the Senate is not a court, of course he at once refuted that statement—and I think he would modify it now—by stating that we are trying an election case of which the Senate is the judge. In a matter of this kind the Senate is a court. No court on earth, no chancellor on earth, can take judicial cognizance of something appearing on its own records in determining as to the sufficiency of a petition.

Mr. LODGE. Mr. President, the Senate is not sitting as a court, if the Senator will excuse my saying so. It is sitting as the Senate of the United States to try the right and to decide the right of an applicant for a seat in the Senate. The Senate sits as a court only when it sits in the trial of impeachments.

Mr. President, to repeat what I have already said, I think it appears as plainly on the face of this credential as it did on the face of the credential of the Senator from Pennsylvania, Mr. Quay, that there is a flaw under the law regulating the manner in which Senators shall be chosen.

Mr. President, no one can value the principle of the representation of a State more than I. That was the basic principle on which I, in company with many excellent lawyers in this Senate, sustained—and I still believe correctly—the proposition that a governor has the right to appoint under certain conditions. I feel in the fullest degree the importance of a State having its full and entire representation in the Senate at all times. This is not a question of disfranchising 1,200,000 people, or any number of people; it is a question of whether one legislature in this country can violate the statutes of the United States, which no other legislature, so far as our records show, has ever attempted to disregard. I think it is of the extremist importance that legislatures should scrupulously observe the statutes, and in this case it is perfectly clear to my mind—I need not go over the argument—that the statute has been disregarded. I think that we are as absolutely entitled to pass upon this prima facie case, and to pass upon it now, as we can be at any other time, and we have the fullest possible power to do so.

I do not agree with the proposition of the Senator from Maryland, that because it was held—and held rightly, I think—that the question of the right of two members of the senate of Indiana to their seats was to be determined solely by the senate of that State, it therefore follows that this Senate is estopped from considering what is the second Tuesday after a given event because the legislature of Maryland happens to differ from it. I think that our action is conclusive as to the right of an applicant to a seat in this body.

Mr. President, my sole interest in this subject is that the statutes of the United States in a matter of this vast importance should be religiously observed.

Mr. McCUMBER. Mr. President, when a law does not agree with my ideas of justice in a particular case I shall not attempt in any way to make that law read differently from what it actually does read, but rather content myself under a given condition to change that law. I can not by any law of construction make the section of the Revised Statutes read any other way than that there must be a second Tuesday elapse after the notice of death, nor can I agree with the Senator from Indiana [Mr. BEVERIDGE] that we can ignore what our records plainly and distinctly show, any more than we can ignore the days of the week or the days of the month.

The time which elapsed between the death of Senator Whyte and the election of his successor was not sufficient to comply with the direct terms of this law, and I conceive it to be our duty to consult our records, even in the face of credentials that are absolutely fair; and, as has already been suggested by the Senator from Pennsylvania, the fact that Maryland may have two Senators already serving and a third one is elected, and that the credentials are fair upon their face, would not justify us in refusing to take cognizance of the fact that she already has two Senators. Nor do I believe for one moment that we can ignore the facts that appear upon the records of the Senate as to the time of the death.

But, Mr. President, as has been suggested, the Senate is a law unto itself in determining the right of any member to a seat. I voted against the seating of Mr. Quay not only upon what I considered constitutional grounds, but I also considered that to admit him would create a precedent that would be absolutely pernicious. I did not think that a situation where any number of members of a legislature could prevent an election during the life of the session of the legislature and throw the matter over to the governor could possibly appeal to us as a just and fair proposition, which would be a safe precedent for the American Senate. So I voted against Mr. Quay. I know there were many Senators who took the opposite view, as did the Senator from Massachuetts, and I have no doubt that the deep friendships in favor of Senator Quay may have influenced many to vote in favor of admitting him to a seat in the Senate at that time, and they may have been justified in their course.

This case presents no such condition. The legislature of the State of Maryland has had an opportunity to elect a United States Senator. It has elected one, and he is before the Senate asking for his seat in accordance with the certificate which has been presented from the officials of the State.

The matter of refusing him admission is based upon this law.

It was enacted for the reason that it was desirable to give time for the legislators to consider the candidacy of any person for whom they were liable to vote. I know of no other object for which it could have been enacted.

Mr. BURKETT. Mr. President——

Mr. McCUMBER. Had the vote been taken one or two or three days later, I do not understand that any question whatever would have arisen. To me, therefore, it appears as a mere technicality, without any good reason for refusing the admission at this time. If I vote in favor of seating the man elected by that legislature, it will be a vote to change existing law, so far as it affects this particular case, and the demands of justice are sufficient to me to incline my vote in favor of the admission.

Now, a special session, it is true, might be called, but the special session undoubtedly would require notice. It would cause much expense to the State. If the constitution of Maryland is like the constitution of most of the other States in the Union, from ten to thirty days' notice would have to be given before a special session of the legislature could be convened. It would be expensive, and no different result is liable to follow in case a special session is called. This being the case, Mr. President, I feel it my duty to vote, and I feel that I am fully justified in voting, to amend the law as it now stands in favor of equal and exact and proper justice being meted out to this man; that he be sworn in at the present time and be allowed to take his seat.

Mr. OVERMAN. May I ask the Senator from North Dakota a question before he takes his seat?

Mr. McCUMBER. Certainly.

Mr. OVERMAN. If the legislature is called in extra session for the purpose of electing a United States Senator, would it not have to remain in session, without doing anything, for fifteen days before it could elect, according to the contention here?

Mr. McCUMBER. That is probably true.

Mr. RAYNER. At an expense of forty or fifty thousand dollars.

Mr. OWEN. Mr. President, it seems as if this controversy turned, so far as the merits of the case are concerned, upon the interpretation of the statute which it is suggested that the legislature of Maryland has violated in making this selection of a Senator; and when I examine the statute I think that that controversy is not sustained. I have listened with great interest to the precedents offered by the chairman of the Committee on Privileges and Elections. I have listened to the discussion with regard to the colloquy or the conversations which occurred between the members of the Judiciary who first drew and submitted this statute; but I think that the statute itself should be allowed to speak for itself and not be controlled by conversations which took place in committee rooms, and especially when the statute uses different language from that which is quoted by the chairman of the Committee on Privileges and Elections.

Mr. BURROWS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Michigan?

Mr. OWEN. Certainly.

Mr. BURROWS. The Senator will allow me to state that the conversation referred to was not a conversation in the committee room, but on the floor of the Senate.

Mr. BEVERIDGE. Debate.

Mr. OWEN. It amounts to the same thing. It is the expression of personal opinion that did not find itself recorded in the language of the law. The statute speaks for itself, and when the chairman finds it necessary to bolster his contention with these precedents of fourteen different cases I call the attention of the Senate to the fact, and the interesting fact, that, regardless of the opinion of legislatures with regard to this statute, it would hardly ever occur that a legislature would show such dispatch as to dispose of a matter of this importance within seven or eight days, and therefore since these legislatures may well have acted without regard to the interpretation of this statute their action constitutes no valid argument in interpreting the statute itself.

I call the attention of the Senate to the language of the statute, section 17:

> Whenever during the session of the legislature of any State a vacancy occurs in the representation of such State in the Senate, similar proceedings to fill such vacancy shall be had on the second Tuesday after the legislature has organized.

And this language is found in section 16 and in section 14, but the words that immediately follow occur only in section 17, and those words are:

> And has notice of such vacancy.

It does not say "and has had notice." It is merely equivalent to the language "with notice of such vacancy;" and no one challenges the proposition that this legislature had been organized for more than eight days previous to the election. But the contention turns upon the point that the word "after" qualifies their notice of such vacancy, and the language of the statute does not require that interpretation. You may give it that interpretation by inserting the word "had" after the word "has." You may give it that interpretation by a somewhat forced construction, and granting that it may be so construed without a forced construction, it at least is equivocal. It may be interpreted either way. Since the Senate has the power and the right to determine the validity of these credentials, and since there is no violation of the statute necessarily involved in this case; and since the cause of justice requires that the State of Maryland be allowed to record its will and be represented on this floor, I shall vote not only to admit the Senator-elect from Maryland, but if it comes up afterwards I shall maintain that it is his right to a seat in the Senate.

Mr. BURKETT. Mr. President, I rose when the Senator from North Dakota [Mr. McCUMBER] was speaking to ask him a question, but I did not get recognition. The Senator from North Dakota, if I understood aright his interpretation of this law, suggested that probably the second Tuesday was fixed so that the legislature might have a proper time to canvass the merits of the candidates. In my opinion, that never entered into the consideration of anybody in the framing of this law. If the Senator will read the history of this legislation he will find it was, like most all legislation that is passed, amended after it was originally framed. There were amendments interpolated into the text of it on the floor of the Senate, and the chairman of the committee has brought that fact to the attention of the Senate.

This bill was passed at a time when, perhaps, the most difficulty was experienced in our method of electing United States Senators in our history. As to the immediate cause of this bill, I will give just one illustration. Mr. Fessenden was elected eighteen times to the United States Senate by one body of his State legislature, and never was elected in those eighteen times by the other body of the legislature. One body was of one political faction and the other of another political faction, and they never did agree when they should get together under the laws of their State to elect a United States Senator. That had been the trouble for a number of years. It had not only occurred to Mr. Fessenden. It had occurred in a good many other States and on a good many other occasions, and for quite a time there had been debate and discussion as to the advisability of Congress going further than the Constitution had gone and saying specifically when a State should elect its United States Senator. It did it not only for uniformity, but it did it so as to be certain that the States would elect United States Senators.

The matter was referred to this committee, and they brought out the bill originally as the chairman of the committee has suggested, providing in this particular case that on the second Tuesday after the legislature shall have notice of a vacancy they shall proceed to elect. All the way through the bill it provided the second Tuesday after the meeting of the legislature. When the bill came into the Senate, Mr. Clark moved to insert, after the word "meeting," the words "and organization," and the debate shows that some contended that in some cases that it would be impossible to do so by the second Tuesday after the meeting. Mr. Clark cited some illustrations where the second Tuesday after meeting had found some legislatures not organized, and he further said "you can not get this vote cast at a certain time with reference to the beginning of the session because you can not force anything until the legislature is organized and in position to do business, and so you must put it 'after the organization.'"

So the law was not made, as the Senator from North Dakota says, for the purpose of giving time to investigate the candidates, but to fix a time after the legislature should be in operation, with power to enforce the attendance of its members, when a vote would certainly be had. Hence they put in the words "after organization."

That is not a very material point except as to this: I was very much interested in the address of the Senator from Maryland [Mr. RAYNER]. I want to say to him that on the general results of this proposition I am with him. It was a very ingenious argument that the Senator made, and certainly a very attractive one, as are all his addresses before the Senate. But the Senator is radically wrong in his contention that time is not the essence of this statute. It was made for that particular purpose. Time was the essence. It is absolutely mandatory

for the reasons I have set forth; and that is why I undertook to answer the statement of the Senator from North Dakota.

The time was to be the second Tuesday after organization, and no other time. That is when they must meet. That is when they must take the first action with reference to this matter. Why? Because then they are directed when both houses shall meet. It was to overcome the difficulty they had for many years, in the early sixties, of one body of the legislature meeting one day and another body of the legislature meeting another day, or one body never meeting at all. They could not get them together under the State laws in some States for a joint ballot. They could not get one house to act with the other on a joint ballot, or something of that sort. One house would agree to a joint ballot on one day and the other would not, and there was all that sort of thing. So the Congress of the United States, to overcome that difficulty, passed that law, and it went much further than the Constitution and provided specifically the day when that thing must be done.

Now, in the debate that was had on the bill there was a good deal of discussion as to whether or not Congress had the power, for instance, to provide how they should vote; whether they should vote viva voce or by ballot. That question was raised and voted upon, and it was determined that in so far as Congress was concerned it did have the right to provide when they should vote and how they should vote; and the Senate voted on that particular thing.

I have heard a good deal of controversy as to when is the seventh day and when is the first day of the week; and it is going on now. All Senators, I suppose, are getting many communications. As a member of the District Committee, I am getting, I think, about twenty-five or thirty letters a day, telling me about the importance of the first day or the seventh day, and in respect to legislation about the first day and the seventh day.

Now, this whole question to-day revolves around whether last Tuesday was the second Tuesday or the first Tuesday after the legislature of the State of Maryland was advised of Senator Whyte's death. For my part I am not going to quarrel about it. The legislature has decided when it was, so far as it is concerned, and the result that the Congress intended by this law has been accomplished—harmonious action and the election of a Senator. It is the only case of the kind that has occurred in the history of the Senate. There will probably never be another case where a Senator dies on Tuesday and the election takes place under these circumstances. We are not making a precedent, therefore, that will ever rise up against us, and certainly there is no trouble in this particular case. It will not occur one time in a million. It is the first case of its kind in a hundred years in the history of the country. For my part I am going to take the view that the legislature of the State of Maryland took. They knew that Senator Whyte was dead two Tuesdays. That constituted the second Tuesday, and they elected his successor on that Tuesday.

This law had just one object, and that was to get elections of United States Senators and prevent filibustering, and it has accomplished in this case just exactly what the law was originated and designed to accomplish. And for my part I do not propose to sit here and quibble on a technicality, whether it is the first Tuesday or the second Tuesday, and defeat the accomplishment of a thing sought to be accomplished by that statute. So I am willing in my vote to follow the opinion of the legislature of Maryland in this matter and say that they did know of Senator Whyte's death two Tuesdays.

Mr. RAYNER. Mr. President, before I submit my motion I wish to say a few words. I think we had better understand exactly the question before the Senate. The question before the Senate is not the question which the Senator from Pennsylvania [Mr. KNOX] submitted at all. The question before the Senate is whether the Senator-elect from Maryland shall be sworn in. That is the only question before the Senate. It does not preclude the Senate or any member of the Senate or any member of the committee with reference to any subsequent proceeding that may take place or in regard to any report that may come from the Committee on Privileges and Elections. The Senator from Pennsylvania wants to put this question in a way in which it never yet has been put before the Senate that I know of. If there is any such case, I shall be glad to have it presented. The Senator from Pennsylvania says to take up the case and decide it now finally, not send it to the committee at all, not let the committee act upon it or hear any further arguments upon it, but just upon the presentation of a motion to swear in a Senator that the Senate shall consider the whole question, abandon the motion, and consider something that is not before the Senate. I object to that plan, Mr. President.

The motion here is that the Senator shall be sworn. As I say, that does not preclude any further inquiry into the case. The Senator from Pennsylvania says we have had full inquiry. It does not follow that we have had a full inquiry. The Senator-elect is entitled to be represented if he wants to before the Committee on Privileges and Elections. The idea of the Senate determining that this seat is vacant without giving the claimant even a right to appear before the committee, to be represented in person or by counsel, is tyrannical. Therefore I do not accede to that view at all. The Senator from Pennsylvania says that we ought to determine it here and now upon the arguments made, two or three arguments upon each side, and evidently made—although I confess I have said about all I can say upon the subject—without any extended investigation by those who have participated in the discussion, and by two-thirds of the Senators—or four-fifths of them, perhaps—with no examination at all.

If the Senate rejects these credentials it will be the first case in the history of the Senate where the Senate has refused to permit a Senator to be sworn in upon the face of his credentials where the credentials were regular. If there is any other case I should like to hear of it. There is not another case. All these citations of cases, where there was no dispute, amount to nothing. You might as well in trying a case in court cite as authorities a lot of cases that have never been tried. No one of the cases which the Senator from Michigan cited was ever brought before the Senate. There is not a contested case which he has cited.

I have given two cases here in which the Senate has decided that where the proceedings were initiated on the third Tuesday, which is not in entire accord with what the Senator from Nebraska [Mr. BURKETT] said, although I am very glad he has reached the result he has in his own mind, because I do not care what his line of reasoning is if he is going to vote for the Senator-elect from Maryland—but in both those cases the Senate held that the statute was directory; that was in Miller's case and in the Florida case. In the case of Hart and Miller the proceedings were not commenced—the Senator from Michigan overlooked that part of the statement—on the second Tuesday, but on the third Tuesday, and the Senate held it made no difference whether they were commenced on the second or the third Tuesday; that the statute was only directory.

I do not go as far as that. It is not necessary. I say the second Tuesday must elapse after organization. I am perfectly willing to admit that that part is mandatory; that it must be the second Tuesday after the organization of the legislature; but I will never admit that the second Tuesday clause comes into this provision with respect to notice, and before you refuse the Senator from Maryland his rights you have to interpolate those words into the provision as to notice, that two Tuesdays must elapse after notice, when there are no such words in the statute.

It is all right to talk about the reports of committees. We all know that the courts, in an unbroken line of cases, have declined in the construction of statutes to be entirely governed by antecedent matters connected with the legislation. They have taken the view of course that the statute merged the proceeding. You may find the report of the committee one way and you may find the law another way. The law merges the proceedings, and the antecedent proceedings do not always enlighten us in the construction of the law. We are not to decide this case upon any proceedings that took place before the passage of the law.

The filing of the bill, the discussion in the committee room, the reports of the committee are all gone when the law is passed, and the question is not how will you construe those proceedings, but how will you construe the law, and here is the law providing for notice, without saying one word to the effect that two Tuesdays must elapse after the notice is given.

Mr. BURKETT. Will the Senator from Maryland permit me a question? He says that in this case the second Tuesday does not have any reference to the time of the death, but only refers to the second Tuesday after the organization. Supposing in this case one house of the legislature of Maryland had been one way and the other house had been the other way with reference to the election of a Senator, and they had not come together, that one wanted to set one day for the election of a Senator and the other another. Suppose one of the houses had determined to sit the next day, and the other house had agreed to sit two or three days later on for the election of a Senator. What would have been the result if this statute is not to provide the time when they must get together and vote?

Mr. RAYNER. If the legislature proposes not to elect a Senator, it must take the responsibility. If the legislature does

not elect, it must take the result. My construction is that the second Tuesday must elapse after organization. It is impossible for me to change my mind about that. But it has nothing whatever to do with notice. They can proceed the day after they get the notice.

I want to announce to the Senate the situation we are in in Maryland. Our constitution provides that the general assembly may continue its sessions so long as, in its judgment, the puplic interest may require, for a period not more than ninety days. The time of our general assembly expires on Monday night at 12 o'clock. Therefore we can not elect any member of the United States Senate. It would be impossible for us to do it. It would be utterly impossible for the general assembly of Maryland to comply with the suggestion of the Senator from Michigan.

This case might not occur again within a long time, because the death of Senator Whyte took place on Tuesday. If it had taken place on Monday, this case would not have arisen. We have not defied any law of Congress or anything of that sort. We have done the very best we could. We could not do anything else. There was nothing else for us to do, because there is no other Tuesday that intervenes so as to entitle us to have an election. The undivided sentiment of our State is against calling an extra session for reasons that it is not necessary for me to enter into now. There is a protest from every part of our State, not only in my own party, but from the Republican party and from independent sources all through the State, againt an extra session. It would incur a useless expense of $30,000 to $40,000, and they would be kept in session fifteen days absolutely doing nothing, to settle a technicality, if you can dignify it by that name.

There is no contestant here; there is no protest. You establish no precedent by letting the Senator-elect be sworn in. There is not a single precedent, as I pointed out to the Senator from Michigan, that is established. If the Senator-elect from Maryland is now sworn in, your committee can take up this question, and if you want to declare the seat vacant you can take it up and have a full discussion in the committee, and let us have a full discussion in the Senate.

In none of the cases the Senator from Michigan has cited has the event happened in the manner that this event did, because here the Senator happened to die on a Tuesday which does not permit two Tuesdays to intervene before the adjournment of a legislature.

In not a single case that is cited has that been the case. The whole question here is whether this shall be done in view of the fact that there never has been a Senator rejected here whose credentials were all right. The Senator from Colorado knows as much about these matters as any man in this body, and he agrees with me. Furthermore, he has stated that the only case that has been cited—the case from Pennsylvania—was one where the irregularity upon the credentials of Senator Quay appeared upon the face of the credentials.

Mr. President, we had better be a little careful about this matter. It is not a party question. It is not a question of supporting the dignity of the committee, because your committee has made no report. It is not a question of sustaining the opinion of the honored chairman of that committee, because he has never had the case in hand to make an official report to the Senate. He simply has given his views upon the construction of a statute and, admitting now that his construction is right, there is no reason on this earth why every precedent should be disregarded and the Senator-elect from Maryland should be the first Senator rejected upon the face of perfectly proper credentials in accordance with the statutes of the United States.

I do not think that some members of the Senate fully appreciate the situation. You have never yet rejected a Senator where his credentials were in proper form. You have never yet collaterally impeached the certificate of a Senator by proceedings dehors the certificate. It has never been done.

All I ask for here is the exercise of a prima facie right. I am not asking the Senate to determine this question. A man may vote to-day to let the Senator-elect be sworn and vote to-morrow to have his seat vacated, and there is no conflict between his votes. The Senator from Indiana [Mr. BEVERIDGE], who will vote to seat him, may, when the report comes in from the Committee on Privileges and Elections, vote to unseat him, and he is not bound by anything he has said. He will then be able to examine into the merits. But now the whole question is as to the prima facie right of the Senator-elect to be sworn.

The Senator from Michigan is mistaken. He has no precedents. There is no precedent. Give me a single precedent where a Senator appeared at the bar of the Senate with proper credentials and was rejected. If you do I will ask the Senator-elect from Maryland to leave this presence. There is no such case. I have cited an unbroken line of cases—and the Senator from Michigan has not referred to them, and the Senator from Massachusetts has not referred to them, and no one has re-referred to them—where in every single instance the Senator-elect was sworn and the question came up afterwards upon its merits.

I say, follow your precedents. It does not bind you. It does not conclude you. The question then, upon the motion of any Senator who so desires it, as it was done upon the motion of Senator Hoar and other Senators in these cases, will be sent to the Committee on Privileges and Elections. The Senator from Maryland will have the right to appear there by counsel, if such a proceeding should occur.

Mr. President, I think this question is of great concern. You are attempting to do a serious thing. You are denying to a State the constitutional right of representation.

Mr. BEVERIDGE. I will simply say to the Senator that that may be what has been proposed, but it has not been done here, and I think the Senator will find that the entire gravity and importance of this situation is entirely appreciated. I am heartily with the Senator.

Mr. RAYNER. I understand that. I am very much obliged to you. I am trying to get votes.

Mr. BEVERIDGE. I was informing the Senator that he has some votes on both sides.

Mr. RAYNER. I have some, but I want a few more. I feel the overwhelming work that is on me as a Senator from Maryland, and the State is entitled to two Senators. I think every State is entitled to two Senators. I would leave his Hall before I voted to reject a man on proper credentials from a State. I would say "the State elected you, and now be sworn; and let the committee go into an inquiry about it, if an inquiry is demanded."

The point the Senator from Michigan makes is a mere technicality. It is, in other words, that we must make the inquiry before the Senator-elect is sworn, and not after he is sworn. Why not let this proposition go to the Committee on Privileges and Elections, and when the Senator who is sworn appears before the committee have the question there decided, if necessary?

I wish to say in conclusion that the Senator from Pennsylvania and the Senator from Michigan and the Senator from Massachusetts have not cited a case to contravene the unbroken line of cases where if the credentials of a Senator are proper he is sworn. That is all that I ask.

My motion before the Senate is nothing further than that. I move that the credentials of John Walter Smith, Senator-elect from the State of Maryland, be taken from the table and that he be sworn. Then, after he is sworn, the Senator from Michigan can make a motion that his credentials be referred, as in all those cases it was done, to the Committee on Privileges and Elections, if he so desires. Any other proceeding, Mr. President, would be the gravest injustice, gratuitously inflicted upon a sovereign State that has the right of its constitutional representation in the Senate.

Mr. BURROWS. Mr. President, I think I appreciate fully, as the Senate does, the importance of the question.

The VICE-PRESIDENT. Will the Senator from Michigan allow the motion to be stated?

Mr. BURROWS. Certainly.

The VICE-PRESIDENT. The Senator from Maryland moves that the credentials of John Walter Smith, Senator-elect from the State of Maryland, be taken from the table, and that he be sworn.

Mr. BURROWS. Mr. President, I was saying that I appreciate the importance of this question and the very grave importance of making a mistake in the matter. I feel as though the matter ought to be considered by a committee before action is taken. I therefore offer a substitute resolution for the motion of the Senator from Maryland.

The VICE-PRESIDENT. The Senator from Michigan offers a resolution which will be read.

The Secretary read as follows:

Resolved, That the credentials of John Walter Smith, claiming a seat in the Senate from the State of Maryland, be taken from the files of the Senate and referred to the Committee on Privileges and Elections.

Mr. BURROWS. I will say in this connection that if the resolution prevails I will call a meeting of the Committee on Privileges and Elections at once, to-morrow, to consider the matter, and I promise the Senate an early report.

Mr. RAYNER. As far as I am concerned that will not suit me, and it will not suit my State, and it will not suit anybody. Suppose we go into this question to-morrow, and have a meet-

ing of the Committee on Privileges and Elections called, the Senator-elect certainly must be given time to prepare his case. Why is there this tremendous urgency in the case? Why is the Senator from Michigan, without a protest or a contestant, proposing to do in this case what has never been done before? You want us to enter into a discussion of this very important matter before the Committee on Privileges and Elections before the case is ready for presentation? It might never be reported, and then it might be reported after the legislature of Maryland has adjourned and thus compel the governor to call an extra session.

Mr. BURROWS. It does not make any difference whether it is determined by the committee votes on Saturday or next Monday, so far as the legislature is concerned. The governor of your State can call an extra session of the legislature for next Monday, before the members of the legislature leave the capital of the State, and they can elect a Senator a week from next Tuesday. But I do not care to discuss the matter further.

Mr. RAYNER. Mr. President, I propose to say a word.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Indiana?

Mr. RAYNER. Certainly.

Mr. BEVERIDGE. I wished merely to say if the Committee on Privileges and Elections were willing to act upon the case this afternoon or to-night or to-morrow or at any other time at this particular juncture, the Senator-elect has a right upon his credentials, the regularity of which no man questions, to be sworn in. The next hour we might take up this question and try it in the regular way and exclude the Senator-elect. But upon the only question now pending before the Senate, the right of the Senator-elect to be sworn upon regular credentials, he has that right, no matter if we were to vote to exclude him in an hour.

Mr. BURROWS. I want to say in reply to the Senator from Indiana that I have not yet forgotten the contention of the Senate that when a member is once sworn in it will take a two-thirds vote to dispossess him.

Mr. RAYNER. The Senator from Michigan is mistaken about that. There will not be an expulsion. If you decide against the Senator-elect from Maryland, the seat is vacant ab initio, and the question of expulsion does not enter into it at all.

Mr. BURROWS. I suppose the Senator from Maryland can not speak for the Senate.

Mr. RAYNER. I can speak for the Senate.

Mr. BURROWS. I have offered my resolution as a substitute, and I ask for a vote on it.

Mr. RAYNER. Mr. President, just a moment. I want to state the proposition. There is no occasion for expulsion. If the Senator from Maryland was not elected, his seat is vacant. It is not a question of doing any act. The case from Utah presents no parallel. The governor of our State has been advised by the attorney-general of the State, one of the best-read lawyers in the State, and he has been advised by almost every leading lawyer in our State—and we have as good a bar almost as there is in the country; they are the peers of any other bar in any other State—and the uniform opinion is that the action of the legislature was regular and that the governor is right about it and ought not to be called upon to call an extra session. These men have examined it, and he has acted under their advice. Every leader of the Maryland bar, without having any interest in it at all, has advised him to proceed in the way he has, and acting on their advice he has proceeded. The question is whether the Senator-elect will be rejected.

Mr. BURROWS. On the resolution I have offered as a substitute I demand the yeas and nays.

The yeas and nays were ordered.

Mr. CULBERSON. Let me understand the proposition. The Senator from Maryland offers a motion that the Senator-elect be sworn. The Senator from Michigan proposes as a substitute to send the credentials to the committee and to vote down the proposition that the Senator-elect be sworn now.

The VICE-PRESIDENT. That is the effect of it. The resolution to commit takes precedence. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I again announce the illness of the Senator from South Carolina [Mr. TILLMAN], which renders his absence necessary, and of my general pair with him. I transfer my pair to the Senator from Nevada [Mr. NIXON] and vote. I vote "yea."

Mr. GAMBLE (when his name was called). I have a general pair with the senior Senator from Nevada [Mr. NEWLANDS], and not knowing how he would vote if present, I will withhold my vote for the present.

Mr. WARREN (when his name was called). I have a general pair with the Senator from Mississippi [Mr. MONEY], who is detained from the Chamber by illness. I therefore withhold my vote.

The roll call was concluded.

Mr. CLAY. My colleague [Mr. BACON] is absent. He is paired with the senior Senator from Montana [Mr. CARTER]. Were my colleague present he would vote "nay."

Mr. KEAN. My colleague [Mr. BRIGGS] is necessarily absent. I understand he is paired with the Senator from Maryland [Mr. RAYNER].

Mr. RAYNER (after having voted in the negative). I thought the pair was on the currency bill, but if the Senator from New Jersey says it is on all legislation, I will withdraw my vote. I stated distinctly the currency bill, but if it is the impression——

Mr. KEAN. I would be very glad if the Senator should arrange a pair so that he can vote.

Mr. RAYNER. I will let my pair with the Senator from New Jersey stand, if that is the understanding, and withdraw my vote.

Mr. CULBERSON. I will state, generally, that Senators on this side of the Chamber have general pairs, in some cases with Senators on the other side, and I am inclined to think that some of those Senators have voted. I do not invite attention to it except generally, but I do it in a general way.

Mr. RAYNER. I want to state that the arrangement for a pair with the Senator from New Jersey [Mr. BRIGGS] was made before this question came up, and I can not see how it could possibly apply to a question that came up to-day, unexpectedly.

Mr. KEAN. I am fully aware of that fact; and I do not know how my colleague [Mr. BRIGGS] would vote. I should be glad if the Senator from Maryland could arrange for a transfer of the pair so that he could vote.

Mr. TELLER. Mr. President, I call for the regular order. All this debate is out of order.

The VICE-PRESIDENT. The regular order is demanded. The Chair would ask if the Senator from Maryland withdrew his vote?

Mr. RAYNER. I will stand on my vote as cast. It can stand.

Mr. GAMBLE. I desire to announce that since my name was called my pair with the Senator from Nevada [Mr. NEWLANDS] has been transferred to the Senator from Maine [Mr. HALE] and I will vote. I vote "yea."

Mr. ELKINS (after having voted in the affirmative). I have a general pair with the senior Senator from Texas [Mr. BAILEY.] I see that he is not in the Chamber, and I withdraw my vote.

Mr. KEAN. I suggest to the Senator from West Virginia that he transfer his pair to my colleague.

Mr. ELKINS. Very well; I will transfer my pair to the junior Senator from New Jersey [Mr. BRIGGS] and let my vote stand.

Mr. CULLOM. I have a general pair with the junior Senator from Virginia [Mr. MARTIN], but I understand that my pair has been transferred to the Senator from Indiana [Mr. HEMENWAY]. I therefore vote "yea."

Mr. RAYNER. Is my vote recorded or withdrawn?

The VICE-PRESIDENT. The Senator's vote is recorded.

The Secretary recapitulated the vote.

Mr. CULLOM. I am informed by one of the men on the floor that there is some question raised as to the propriety of my voting. I do not know how the Senator from Indiana [Mr. HEMENWAY] would vote, but if there is any question about the matter I will withdraw my vote and stand paired with the Senator from Virginia [Mr. MARTIN].

Mr. SIMMONS (after having voted in the negative). I was under the impression at the time I voted a few moments ago that a transfer of my pair with the junior Senator from Minnesota [Mr. CLAPP] had been arranged. I find that that has not been done, and therefore I withdraw my vote.

The result was announced—yeas 28, nays 34, as follows:

YEAS—28.

Aldrich	Curtis	Elkins	Knox
Ankeny	Depew	Flint	Lodge
Brandegee	Dick	Foraker	Long
Bulkeley	Dillingham	Gallinger	Nelson
Burnham	Dixon	Gamble	Smith
Burrows	Dolliver	Hopkins	Sutherland
Crane	du Pont	Kean	Wetmore

NAYS—34.

Bankhead	Frazier	McCumber	Rayner
Beveridge	Frye	McEnery	Richardson
Borah	Gary	McLaurin	Smoot
Bourne	Gore	Owen	Stephenson
Brown	Guggenheim	Overman	Taylor
Burkett	Heyburn	Paynter	Teller
Clay	Johnston	Perkins	Warner
Culberson	La Follette	Piles	
Foster	McCreary	Platt	

NOT VOTING—27.

Allison	Clarke, Ark.	Hemenway	Scott
Bacon	Cullom	Kittredge	Simmons
Bailey	Daniel	Martin	Stone
Briggs	Davis	Money	Taliaferro
Carter	Fulton	Newlands	Tillman
Clapp	Hale	Nixon	Warren
Clark, Wyo.	Hansbrough	Penrose	

So the resolution was not agreed to.

The VICE-PRESIDENT. The question recurs on the motion of the Senator from Maryland [Mr. RAYNER], that the credentials of the Senator-elect from Maryland be taken from the table and that the oath of office be now administered. [Putting the question.] The "ayes" have it, and the Senator-elect will present himself at the Vice-President's desk and take the oath prescribed by law. [Applause in the galleries.] The Chair must admonish the occupants of the galleries that under the rules of the Senate applause is not permitted.

Mr. Smith, escorted by Mr. RAYNER, advanced to the Vice-President's desk, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

ALBERT NELSON.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, presenting, in compliance with the resolution of May 29, 1830, the name of Albert Nelson, of Suter's tract, Allendale, Alameda County, Cal., late gunner's mate, second class, U. S. S. *Wheeling*, who is now pensioned at $24 per month, and who by reason of his present condition should be granted a pension of at least $50 per month, and for which the Commissioner of Pensions has not sufficient power or authority, which was referred to the Committee on Pensions and ordered to be printed.

NATIONAL SOCIETY DAUGHTERS OF THE AMERICAN REVOLUTION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Smithsonian Institution, transmitting, pursuant to law, the tenth report of the National Society of the Daughters of the American Revolution, which, with the accompanying paper, was referred to the Committee on Printing.

PETER CLAUDE.

Mr. DEPEW presented sundry papers to accompany the bill (S. 6166) for the relief of Peter Claude, which were referred to the Committee on Pensions.

COMMITTEE SERVICE.

Mr. LODGE, on behalf of Mr. HANSBROUGH, asked that that Senator be relieved from further service as chairman of the Committee on Public Lands, to take effect April 1, 1908, and it was agreed to.

Mr. NELSON was, on his own motion, relieved from further service as chairman of the Committee on the Mississippi River and its Tributaries, to take effect April 1, 1908.

Mr. WARNER was, on his own motion, relieved from further service as chairman of the Select Committee on Industrial Expositions, to take effect April 1, 1908.

Mr. LODGE submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That Mr. HANSBROUGH be appointed to fill the vacancy in the chairmanship of the Committee on Agriculture and Forestry; that Mr. NELSON be appointed to fill the vacancy in the chairmanship of the Committee on Public Lands; and that Mr. WARNER be appointed to fill the vacancy in the chairmanship of the Committee on the Mississippi River and its Tributaries; said appointments to take effect April 1, 1908.

Mr. LODGE submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That Mr. GUGGENHEIM be appointed to fill the vacancy in the Committee on Post-Offices and Post-Roads.

Mr. LODGE submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That Mr. BURKETT be appointed to fill the vacancy in the Committee on Agriculture and Forestry.

BILLS INTRODUCED.

Mr. BURKETT introduced a bill (S. 6344) granting an increase of pension to J. M. Crosby, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 6345) granting an increase of pension to William O'Brien, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FORAKER introduced a bill (S. 6346) granting an increase of pension to Lydia I. Taylor, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 6347) granting an increase of pension to Joseph P. Boals, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 6348) granting a pension to Francis M. Snead, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 6349) to remove the charge of desertion from the military record of John Tayhan, which was read twice by its title and, with the accompanying paper, referred to the Committee on Military Affairs.

MISS ELLEN M. STONE.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of the Congress a letter from the Secretary of State on the subject of the repayment to the contributors of the money raised to pay the ransom for the release of Miss Ellen M. Stone, an American missionary to Turkey, who was abducted by brigands on September 3, 1901, while traveling on the highway from Raslog to Djumabala, in the Turkish Empire.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *March 26, 1908.*

AMENDMENT OF THE NATIONAL BANKING LAWS.

Mr. ALDRICH. I ask that the bill (S. 3023) to amend the national banking laws be now laid before the Senate.

The Senate, as in Committee of the Whole, resumed consideration of the bill (S. 3023) to amend the national banking laws.

Mr. WARREN. I simply wish to inquire if any time has been granted for morning business to-day?

The VICE-PRESIDENT. There has been no time granted for that purpose.

Mr. WARREN. And is morning business now in order, with the consent of the Senator from Rhode Island, who has charge of the floor?

Mr. BEVERIDGE. It is in order by unanimous consent.

The VICE-PRESIDENT. If the Senator from Rhode Island is recognized, so long as he has the floor no morning business is in order.

Mr. ALDRICH. I prefer that Senators will wait until to-morrow morning to present morning business.

Mr. WARREN. Very well; let it go over then.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Texas?

Mr. CULBERSON. I did not ask the Senator to yield, Mr. President. I thought the floor was not occupied.

Mr. ALDRICH. I did not understand the Senator.

The VICE-PRESIDENT. The Chair asked the Senator from Rhode Island if he would yield to the Senator from Texas.

Mr. ALDRICH. I yield the floor.

Mr. CULBERSON. I do not desire to take the Senator from Rhode Island off the floor. I supposed the bill was before the Senate and that the floor was unoccupied by any Senator, and I addressed the Chair accordingly. If the Senator from Rhode Island has anything to say, I will wait until he concludes.

Mr. ALDRICH. I have nothing to present. I merely called the bill up.

Mr. CULBERSON. Mr. President, I then offer the amendment on the question of reserves, which I send to the desk, and invite the attention of the Senator from Minnesota [Mr. NELSON] to the amendment now proposed.

The VICE-PRESIDENT. The amendment proposed by the Senator from Texas will be stated.

The SECRETARY. On page 10, line 3, after the words "Sec. 8," it is proposed to insert the following:

That from and after January 1, 1909, every national bank shall have and keep on hand in its vaults the reserve of lawful money provided for by law. All laws and parts of laws which authorize national banks to have and keep part of their reserve in other national banks are hereby repealed.

The VICE-PRESIDENT. The pending amendment is the amendment proposed by the Senator from North Carolina [Mr. SIMMONS].

Mr. NELSON. I desire to state, Mr. President, that in some respects the amendment offered by the Senator from Texas as a substitute or an amendment to take the place of an amendment I offered yesterday I think is a better amendment than mine; and I am quite willing that it shall take the place of the amendment which I offered.

The VICE-PRESIDENT. The pending amendment is the amendment proposed by the Senator from North Carolina [Mr. SIMMONS], which will be again stated by the Secretary.

The SECRETARY. It is proposed to strike out all after the words "of the United States," in line 4, page 7, down to the word "every," in line 7, page 8, and insert in lieu thereof the words "shall pay a monthly tax of one-fourth of 1 per cent

during the first three months after they shall be issued and of one-half of 1 per cent afterwards upon the average amount of such of their notes in circulation as are based upon the deposit of such bonds."

Mr. ALDRICH. Mr. President, I hope the amendment will not be adopted. If it is, in my judgment, it will destroy the purpose of the bill. It was not the purpose of this measure to make the issue of notes by national banks profitable. It would be profitable if this amendment should be adopted, and I am quite sure that the result would be an immediate and large addition to the currency of the country, not to meet emergencies, but for ordinary business transactions. The amendment proposes to fix the rate for three months, but it would be extremely easy for any bank that desired to keep its circulation out on a 3 per cent basis to issue it for three months, and at the end of three months to issue it again; so that we would, in my judgment, have constantly in circulation an emergency currency taxed but 3 per cent. I hope the amendment will not be adopted.

Mr. OWEN. Mr. President, I call the attention of the Senate to the fact that on yesterday it adopted an amendment increasing the rate of interest after a certain number of months—I think four months—and this would be entirely at variance with that action on the part of the Senate.

Mr. ALDRICH. Yes; that is right.

Mr. SIMMONS. Mr. President, before a vote is taken on the amendment I desire to submit some remarks to the Senate expressing my reasons for desiring legislation of this character. I regret very much that the chairman of the Committee on Finance [Mr. ALDRICH] is unable to accept the amendment which I have offered, because I am myself very much in earnest about it. I am very thoroughly convinced that it is a proper amendment. I believe that it would greatly strengthen this bill and that it would make it much more acceptable, not only to a large number of Senators upon this side of the Chamber, but to the people of the agricultural and manufacturing sections of this country. I want to say frankly——

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from North Dakota?

Mr. SIMMONS. Certainly.

Mr. McCUMBER. I simply rise to a point of order, Mr. President. We adopted yesterday an amendment increasing the rate of interest for a certain proportionate time. Now, the question with me is whether the Senate as in Committee of the Whole can take up another amendment on the same line as the amendment adopted yesterday and make that a different amendment without amending the particular amendment that was adopted yesterday. If so, I have also an amendment on the same subject. I ask simply for information.

The VICE-PRESIDENT. The Senator from North Dakota rises to a parliamentary inquiry. The Chair is of opinion that the amendment now offered is in order, notwithstanding an amendment was formerly adopted upon a similar subject.

Mr. McCUMBER. If it is agreed to, will it take the place of the one adopted yesterday?

The VICE-PRESIDENT. Yes; as the part to be struck out and inserted present substantially a different proposition.

Mr. SIMMONS. Mr. President, I regret very much that I do not recall at this time the amendment which was adopted on yesterday. The first reference that I have heard to it was the statement of the Senator from Oklahoma [Mr. OWEN], and not knowing the exact terms of that amendment, I am not able to understand the reference that has been made. I therefore ask that that amendment be read, so that I can understand it.

The VICE-PRESIDENT. The Secretary will state the amendment referred to by the Senator from North Carolina.

The SECRETARY. In line 4, page 7, after the words "shall pay," insert:

For the first six months.

And in line 7, page 7, after the word "bonds," strike out the period and insert in lieu thereof a comma and the words:

And afterwards a monthly tax of three-quarters of 1 per cent upon the average amount of said notes.

So as to read:

National banking associations having on deposit bonds to secure their circulating notes other than bonds of the United States shall pay for the first six months a monthly tax of one-half of 1 per cent upon the average amount of such of their notes in circulation as are based upon the deposit of such bonds, and afterwards a monthly tax of three-quarters of 1 per cent upon the average amount of said notes.

Mr. SIMMONS. Mr. President, that amendment in no way conflicts with the amendment I have proposed. My amendment proposes to reduce the rate of tax as provided in the original bill during the first three months of the life of these notes from one-half of 1 per cent per month to one-fourth of 1 per cent per month. There is nothing in the amendment as adopted that conflicts with this proposition.

Now, Mr. President, I want to say frankly to Senators on the other side of the Chamber that I do not offer this amendment in any spirit of hostility to the pending bill, although in its present shape I can not vote for it. I sincerely wish that the bill might be put in a condition that I could vote for it. There is no Senator in this Chamber on this or on the other side——

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Illinois?

Mr. SIMMONS. Yes.

Mr. HOPKINS. I should like to ask the Senator whether, if the amendment he has just proposed is adopted, he will vote for the bill.

Mr. SIMMONS. I think I will. I have so stated to the chairman of the committee. Senators will remember that in a speech I made upon this bill a few weeks ago I pointed out the main objections which I had to the bill. They were threefold. The first was the provision in regard to railroad bonds. That objection has been removed by striking these bonds from the bill. The second objection I then stated will be in part removed by the amendment offered by the Senator from Alabama [Mr. JOHNSTON], and which I am advised the Committee on Finance at its meeting this morning decided to accept. The third objection is covered by this amendment, and if it is adopted it will practically remove all of the objections to the bill which would make it impossible for me to give it my support. Even with these changes the bill would still be unsatisfactory to me, but, as I said, I think, with these amendments and changes, I can vote for it.

Mr. President, there is no Senator in this Chamber who recognizes more fully than I do the necessity for legislation providing an emergency currency, a currency which can be quickly brought into existence to meet abnormal conditions of panic or stringency, and which will just as quickly go out of existence when that emergency has passed away. I also recognize the fact that in the nature of things there must be, if the money is to meet an emergency caused by exceptional conditions, a sufficient tax to force it out of circulation when the emergency has passed.

Mr. CLAY. Will the Senator allow me to ask him a question?

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Georgia?

Mr. SIMMONS. I yield with pleasure to the Senator from Georgia.

Mr. CLAY. With the Senator's permission, if I can have the attention for a moment of the Senator from Rhode Island, the original bill, if I understand correctly, provided that the tax shall be equal to 6 per cent per year; in other words, one-half of 1 per cent per month. I want to ask my friend from North Carolina this question: If we amend this bill and allow for the first three months the rate of taxation to be one-fourth of 1 per cent per month, could not the national banks take out this circulation for three months and pay the tax on it of one-fourth of 1 per cent, then retire it, and then take it out again for three months, and consequently the tax would be practically only 4 per cent per annum instead of 6 per cent per annum? Would not that enable the bankers to make more profit and would it not practically destroy the 6 per cent rate of interest, because they could simply retire the money, take it back, and reissue it at the end of three months?

Mr. SIMMONS. Mr. President, that might be the case if it were not for the fact that the bill itself provides in specific terms that not one dollar of money can be issued under it until the Secretary of the Treasury has officially determined and decided that an emergency exists. If the Secretary of the Treasury decides that there is an emergency, under my amendment any bank can take this money out, and for three months it will be required to pay but one-fourth of 1 per cent per month. At the end of that three months it will have to pay one-half of 1 per cent. Suppose, as the Senator from Georgia suggests, the banker again desires to issue similar notes or notes for similar amounts in order to get the benefit of this reduced rate, he can not do it unless the Secretary of the Treasury determines that the emergency still exists; and so long as the emergency exists, I maintain there is no necessity for burdening this money with this heavy rate of taxation. If the Secretary determines the emergency is over he will have to pay the higher rate.

The bill as reported by the Finance Committee imposes a tax at 6 per cent upon every dollar of money issued under it from the hour that it is issued until the hour of its redemption

and retirement. That tax, together with the expense incident to issue and redemption, will impose a fixed charge upon every dollar issued under this bill of about 6½ or 6⅝ per cent. In the great majority of States that is one-half of 1 per cent more than the legal rate of interest, and the great majority of the commercial banks—and national banks are commercial banks—do not, as a rule, charge over 6 per cent. So that we will have a money taxed one-half of 1 per cent in excess of the legal rate of interest and of the rate of interest that actually obtains in commercial and business transactions.

If a bank carries this class of bonds as a part of its permanent assets, if it keeps them, so to speak, in stock, as many of the great banks in the reserve cities do, or if, as is the case with many of these great financial institutions, it could, through its connection and affiliation with the great trust companies and insurance companies which carry these bonds as permanent investments, secure them without any cost to it, this money will only cost it about 6½ per cent, and such a bank can perhaps afford to use it and loan it without charging an exorbitant rate of interest; but that class of banks which are designated by the Treasury Department as country banks (and they include all the national banks of the country except those located in the reserve and central reserve cities) do not carry this class of securities and can not afford to carry them; they can not afford to invest money, for which they have a ready demand from their commercial customers at 6 per cent, in bonds drawing only 4 per cent interest. If they want these bonds as a basis of circulation, they must either borrow them and pay 2 per cent for their use—the owner of the bond getting the interest which they draw—or they must buy them with money taken from their vaults which could be loaned at 6 per cent, thereby losing 2 per cent interest in the transaction. To this class of banks the notes taken out under this bill would cost 8½ per cent and could not be loaned at a profit for less than 9 per cent.

The Senator from Rhode Island [Mr. ALDRICH], who is chairman of the Committee on Finance, has said several times during the course of this debate that this bill was not intended for the benefit of the banks. He has charged that the bankers were against it. I agree with the Senator that we are not here to make a bill for the bankers; we are here to make a bill for the people; but I wish to remind the Senator that not one dollar of the money provided in his bill can get into the hands of the people except through the banks—they alone are authorized to issue money under its provisions. If they do not issue this emergency currency, the people will never get it. I believe the bankers of this country are as patriotic as any class of our fellow-citizens. Some of them may be grasping and greedy, but the great bulk of them are honest, patriotic, and fair-minded citizens. But they are business men, and they are in the banking business for the purpose of making money, and I am not so innocent as to suppose that they are going to issue this money for the benefit of the people at a loss to themselves, and I repeat if they do not issue it for any reason whatever, the people can never get it.

The position which I take is that the so-called "country banks" do not hold these bonds, and can only get them by borrowing them or by buying them; that to borrow them will cost 2 per cent interest; that to buy them there will be a loss of 2 per cent interest besides the loss on the difference between the cost of the bonds and the amount of money that may be issued against them, and a possible loss in the price paid in the purchase of the bonds at a time when they are high by reason of the demand for them created by this legislation and in the sale of them after that demand has passed.

I know the Senator from Rhode Island [Mr. ALDRICH] has contended, and still contends, that it is not true that the so-called "country banks" do not invest in this class of securities. I know that he insists that as a matter of fact these banks carry a considerable amount of these bonds. It may be true that there are a good many of these bonds held by the banks in the country districts, but I am satisfied it will be found upon examination that but few of these bonds so held are really owned by the banks holding them; that the great bulk of them are bonds borrowed by them for deposit to secure Government deposits.

I shall, before I finish, present to the Senate evidence to show that the Senator from Rhode Island [Mr. ALDRICH] is wrong about this matter; to show that but few of these banks hold this kind of bonds, and that during the recent panic it was a common custom among them to borrow bonds for use as security for Government deposits.

The Senator from Texas [Mr. BAILEY], in his very able argument on his substitute for this bill frankly admitted that the banks of the South and West did not as a rule carry this class of bonds. He said in the State of Texas very few of these bonds were held by national banks, or even by State banks, but he contended that good banking required that they should carry a reasonable amount of such securities, or securities of like character, and he declared if the proposed legislation made it necessary for them to carry more of this class of securities it would be a good thing.

Mr. President, I have the greatest respect for any opinion or judgment expressed by the junior Senator from Texas [Mr. BAILEY], because I recognize his great powers; but in this contention he is, I think, in error. The obligations of a commercial bank are demand obligations. Nearly all the debts of a commercial bank are due to depositors and corresponding banks. Probably more than two-thirds of all the obligations of a commercial bank can be called at any hour of the day when the doors of the bank are open, and I maintain it is necessary in the interest of good and safe banking that the assets of such a bank shall be at all times as far as possible of a liquid character—that is, quickly convertible into cash.

We have to-day about 6,000 national banks. They have a capital of only about $1,000,000,000. They have on deposit about four and a half billion dollars, payable on the demand of their depositors. With demand obligations more than four times greater than their capital, I maintain it is not good banking for them to carry long-time paper. I maintain this condition calls for assets quickly convertible into money—in short, for short-time commercial paper.

In support of these propositions I desire to read a brief statement from a petition recently sent to Congress by the Board of Trade and Transportation of the city of New York. Here is one of the statements contained in that petition, signed by the president of that board and its finance committee.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Rhode Island?

Mr. SIMMONS. Certainly.

Mr. ALDRICH. I suppose the Senator is aware, although he may not be, that the president of that association, the gentleman who signed this statement, is president of the New York Clearing House Association.

Mr. SIMMONS. I do not know that.

Mr. ALDRICH. Well, he is. He is president of the Clearing House Association. I think the Senator ought to give him the credit that belongs to him.

Mr. SIMMONS. I do not see how that affects the force of his statement. The petition is not signed by Mr. Gilbert alone. He signs it as the chairman of the board, but it is signed by the entire body of the committee on finance and taxation of the board. Mr. Gilbert may have some connection with the clearing house—I do not know how that is—and that fact may, in the opinion of the Senator from Rhode Island, discredit his statement, but I do not regard that as an impeaching fact. He is expressing an opinion about a banking system, and I do not think that the fact that he is a banker derogates from its weight as the questions and comments of the Senator seems to imply is his opinion.

Mr. ALDRICH. I mentioned that fact only for the purpose of showing that the Senator from North Carolina is cooperating with the leading banks and bankers of the United States in trying to secure the adoption of some other bill than the one now under consideration.

Mr. SIMMONS. I admit the fact that many bankers are opposed to this bill. But they are not the only people who are opposed to it. Many leading business men engaged in transportation, in commerce, in manufacturing, and in agriculture believe it wrong in principle and vicious; believe that it discriminates in favor of one class of banks and against another and that if it is passed it will be largely inoperative because of the exorbitant and unnecessary tax it imposes on the money it authorizes.

Mr. ALDRICH. I have called attention to this fact for the purpose further of stating that the president of the New York Clearing-House Association and all those who agree with him—and I am not now including in those the Senator from North Carolina, because I do not know what his views are—are opposed to this measure because they are in favor of asset currency. The president of the clearing-house association states that in the paper the Senator has in his hand, and he says he prefers to have this bill defeated, because then they will probably be able to get a chance to issue currency upon the assets of the banks without limit and without reserves.

And for that reason I am very glad the Senator from North Carolina is to put this article into the RECORD, with his apparent approval.

Mr. SIMMONS. The bankers of my State, as I know from actual correspondence and personal communication with them,

are almost a unit against this bill. I have had letters from fifteen or twenty of them, and I say to the Senator they do not put their objection upon the ground that they want an asset currency, but upon the ground that on account of the high rate of tax prescribed it would be of but little, if any, benefit to them and the communities they represent.

It may be that the bankers of this country are in favor of an asset currency; it may be that Mr. Gilbert is in favor of an asset currency; but I submit that that is no reason why we should discredit and refuse to give due weight to any argument which they or he may present which addresses itself to our judgment against the system of the high-taxed bond-secured currency provided in this bill.

I do not believe the bankers of my State are opposed to this bill because they are in favor of an asset currency, if they are in favor of such a currency; but I believe they are opposed to it for the reasons I have given. Whatever may be their position upon the question of asset currency, it is sufficient for me that the reason they give for their opposition is one which addresses itself to my judgment.

I repudiate the suggestion of the Senator [Mr. ALDRICH] that I stand for the banks in this matter. I am not standing for the banks. I am standing for the people. But I recognize the fact that the people can not get the benefit of the emergency currency provided in this bill except through the banks, and I insist that the banks will not issue it if they must do so at a loss.

While I am not standing for the banks, I am not against the banks. I am not against any legitimate interest in this country. I want to see them all prosper and make money. I wish the people of this country could come to a full realization of the fact that the prosperity of every occupation is inseparably interwoven with the prosperity of every other occupation; that the interest of the banks, and the factories, and the railroads, and the mines, is closely allied with their interest, whatever may be their occupation. I wish we could realize more fully than we sometimes do this interdependence of interest. We can not strike down one interest, we can not abridge the prosperity of one interest, we can not deny it an opportunity to make a reasonable profit without affecting the prosperity of another interest, and in turn another interest, and so on, until the prosperity of the whole is affected. I want to see the banks make a fair profit; I want to see the manufacturers make a fair profit; and I want to see the railroads make a fair profit, because I am, among other things, a farmer, and I know if these great interests shall be denied reasonable profits from their investments, in the end my profits will be likewise affected.

I repeat I am not so much concerned about the profits of the banks as I am about their ability under this act to furnish the people the emergency currency which it purports to provide for them. You have so framed your bill that not a dollar of this money can be issued except by a national bank, and I charge that you have fixed the rate of interest so high that that class of banks which serve the country districts—the agricultural districts—can not afford to use it, will not issue it, and the people in those sections will derive no benefit from your act, except such as percolates to them through the great banks of the financial centers.

I will not stand for that. I may be for the banks and the Senator from Rhode Island [Mr. ALDRICH] may be for the people, but it will be a surprise to the people of this country to learn that that Senator has lost his old-time interest in the financial classes and become the champion of the people against them.

Mr. President, I want a bill which will be operative, and I believe with this high tax this bill will be largely inoperative.

What reason I ask have we to suppose that banks will issue this money and pay a tax of 6 per cent per annum on it when in the late panic these same banks would not issue notes on Government bonds subject to a tax of only one-half of 1 per cent per annum? Did they not, despite the high price of interest and the pressing stringency, refuse to issue these notes? Did not the Secretary of the Treasury have to beg them and finally substantially lend them the money without interest to buy United States bonds for deposit to get them to issue them? Are they likely to come to the relief of the country by issuing notes taxed 6 per cent when they refused to do so by issuing notes taxed only one-half of 1 per cent? This bill in its present shape may increase the price of the bonds named in it, but as a currency measure I now predict it will prove of little, if any, value.

Mr. President, I will put these testimonials in the RECORD for the benefit of the Senator from Rhode Island, and he can have any consolation he can get out of them. They are not what Mr. Gilbert alone says, but what the committee on finance and taxation of the Board of Trade and Transportation of the city of New York says in reference to commercial banks carrying these bonds and in reference to the cost of this money.

Conservative bankers agree—

Says this petition—

that investment in bonds by commercial banks is not in line of good banking. * * *

Everything a bank owes is payable on demand, and its assets at all times should be kept in the most liquid state possible.

Speaking about the cost of money issued under this bill, it uses this language:

Under the provisions of the bill—

That is, the Aldrich bill—

the cost of taking out currency and putting it in circulation would be so heavy that the bill would probably be inoperative.

* * * * * * *

The purchase of bonds with its attendant risk of loss, the tax of 6 per cent, the locking up of probably from 15 to 25 per cent of the cost of the bonds, would make the interest charge on the currency received so high that no banker could be induced to take it out. Even in the face of approaching panic bankers would hesitate to pay so high a rate for money.

In a speech delivered by Mr. Gilbert to this board he uses this language:

Considering the attendant risk and loss and the probability that the cost of currency would be at least 8 per cent and the amount of relief received one-third less than the amount required to purchase the bonds, I should hesitate before applying for any relief under the provisions of the Aldrich bill.

Continuing, he says:

If we are to have nothing more than provision for emergency currency at the present session of Congress, then let us have a measure that will not be hampered and made impracticable by provisions which require banks to buy bonds in an emergency and take the attendant risk of loss; or to borrow bonds, paying 2 per cent for the accommodation, which, added to the tax, will make the currency too expensive to take out.

I want to read further on the same line from certain resolutions recently adopted by the Trades League of Philadelphia. I will not read all of them, but such parts as are pertinent to the question I am discussing.

Resolved, That the Trades League of Philadelphia is unalterably opposed to the passage of the Aldrich currency bill—

I do not suppose the Senator from Rhode Island would contend that the members of the Trades League of the city of Philadelphia are moved in the passage of these resolutions by too great an interest in the banks—

for the reason that it provides for additional bond-secured currency based on a deposit of State, municipal, and railroad bonds, which the country banks do not generally possess, and imposing a rate of interest which few commercial banks can afford to pay, thereby creating a fictitious value for certain bonds, favoring special financial interests, and ignoring the agricultural, manufacturing, and commercial needs of the country.

Mr. President, there is one class of banks in this country that are probably in favor of this bill. It is the banks—like the Morgan and Rockefeller group—in the great reserve and the central reserve cities, who hold these bonds themselves, or control them through their connection and affiliation with the great trust and insurance companies, by whom they are held as permanent investment. They are in favor of it because it will give them 6 per cent money, while the country banks, who do not own these bonds and who will have to either borrow them or buy them at a loss of 2 per cent in interest, will have to pay 8 per cent for all the money they may issue under it, by reason of which disadvantage, if they use this money at all, they will find it to their advantage to obtain it from them instead of from the Government.

Mr. ALDRICH. Will the Senator allow me to ask him a question?

Mr. SIMMONS. Yes.

Mr. ALDRICH. If there are any banks in existence in favor of the bill for these reasons, they would be much more in favor of it if they had to pay only 3 per cent taxes.

Mr. SIMMONS. That may be true. By the same process of reasoning I could add that banks make a greater profit on notes secured by Government bonds, because the tax is only one-half per cent per annum. But that is beside the question I am discussing. The point I am making—and I insist upon it—is that to relieve this money of this heavy tax, this tax of 6 per cent when it is in actual use, performing the function for which it was created, when it is at work relieving the stringency and distress of the country, is not a reduction of taxation in the interest of the banks, but it is a reduction of taxation in the interest of the people and the business of the country. I maintain that this tax is unnecessary, and that it is a tax upon the energy, the thrift, and industry of the people—and I am not going to be driven from my position by the suggestion that the banks would be benefited by this reduction.

I have here a statement, and a very strong statement, from a gentleman by the name of John L. Hamilton. I do not myself

know the gentleman. I understand he is a prominent manufacturer in the city of New York. Perhaps the Senator from Rhode Island may enlighten me about him. I do not know him.

Mr. ALDRICH. I have heard of a man by the name of Hamilton who has been discussing the financial question. He lives in Illinois and not in New York. He is president of some kind of a banking institution in Illinois.

Mr. SIMMONS. He may be the same man or he may not. But the Senator says he is a banker, and that fact seems to disqualify him in his opinion as a witness.

Mr. President, it is a late day for the Senator from Rhode Island to stand up in the Senate and deride and repudiate the opinions of bankers. When did the Senator become the people's champion and the opponent of the wishes and interest of the financial classes? When we come to the consideration of the tariff, I will ask the Senator from Rhode Island if he will repel with the same aversion and distrust the suggestions of the manufacturers who are interested in fixing duties in the interest of their products?

Mr. ALDRICH. I shall expect that my friend the Senator from North Carolina will stand by these gentlemen then as he is doing now, and I think his advocacy and his championship will probably be very satisfactory to them.

Mr. SIMMONS. I shall stand by the manufacturers when the time comes so long as what they demand is in the interest of the people as well as of themselves. I want to say to the Senator that when a manufacturer comes here and asks something that may be in the interest of his business, if by granting it the general prosperity of the country will be promoted and the interest of the people will be advanced, I shall not oppose granting it. The question I ask the Senator is, When the tariff bill comes before us will he repudiate the testimony of the manufacturers as interested witnesses as he now does that of the bankers?

What I am insisting upon here is something that will benefit the people, and I say to take this 6 per cent tax off this money at the time it is performing its duty, at the time it is performing the functions for which it was created and put into circulation, is to relieve the business and the people of the country from an unnecessary burden and that they and not the bank are the chief beneficiaries. I ask that it be done in their interest and not in the interest of the bankers. When you want to drive it out of circulation put as much tax upon it as you please, but not when it is needed and is actually employed relieving the stringency and distress.

My proposition is to reduce the tax upon money issued under this bill to 3 per cent per annum during the first three months; after that time make it as high as you wish. I do not want this money burdened during the period of emergency when it is performing a great public function. When the emergency is over, to prevent inflation, I am willing for any reasonable tax to force it into retirement.

I fixed the term of three months in my amendment as the emergency period, because our experience shows that these periods of stringency generally lasts from two to three months. In the case of a great panic, like the one through which we have just passed, or through which we are now passing, the period of stringency is longer, but on an average I think it will be found to be about three months.

But, Mr. President, let me return to the testimony which I said I would offer to the Senate. I will now read what Mr. John L. Hamilton, banker, as the Senator from Rhode Island [Mr. ALDRICH] says, has to say upon the point of my contention that the country banks do not carry this class of bonds, and that this bill would therefore be of no practical benefit to them because of the cost of money issued under it. Mr. Hamilton says:

> The securities required are such as are not carried by scarcely a bank of the country class——

Mr. ALDRICH. Perhaps I do not do justice to Mr. Hamilton. I will say, in addition, that he is an ex-president of the American Banking Association. I ought to say that, perhaps, in justice to him.

Mr. SIMMONS. Being a banker talking about finance, I assume he knows what he is saying. Mr. Hamilton says:

> The securities required are such as are not carried by scarcely a bank of the country class, or those required to carry a 15 per cent reserve, and if this bill should become a law, instead of being of any benefit to them—

That is the country banks—

> it would be a positive detriment, as compared with the present law.

Mr. President, I have another resolution that I want to read. The men who passed these resolutions are not bankers. These are resolutions adopted by the Merchants' Association of New York. They are men engaged in commerce. They are not men who loan money, but men who borrow money. Here is what they say:

> *Resolved*, That this committee on bankruptcy and commercial law disapproves Senate bill No. 3023, entitled "A bill to amend the national banking laws," introduced by Senator ALDRICH, for the following reasons: * * * Second. The high tax which this bill proposes to levy upon the issue of emergency currency, and which in the last analysis would be paid by the borrower to the banks, when increased as it would be in practice at least one-third by reserve requirements, is not only unnecessary, but oppressive, and in this and other States would provoke an immediate disregard of the statutes against usury. It is not—

Says this resolution of the Merchants' Association of New York, and they state a great truth when they say it—

> becoming that a great nation should fill its coffers from the necessities of borrowers; and it is manifestly improper to pass one law which offers inducements to the violation of another.

But, Mr. President, if the Senator from Rhode Island will not accept any of the witnesses I have brought here, if he will not accept the evidence on these questions of fact of the Merchants' Association of New York, of the Trades League of Philadelphia, of the Board of Trade and Transportation of New York, and the bankers whose opinions I have read to show that on account of the high tax imposed by his bill on the money it authorizes, it will be largely inoperative and of but little if any benefit in relieving against panic and stringency, I am sure he will recognize the authority from whom I now propose to read. I am sure he is known to the Senator, for no man is better known or stands higher in the business world. It is James B. Forgan. Mr. Forgan is considered the greatest authority upon questions of banking and currency in this country, with the probable exception of Mr. Morgan. He is the president of the largest bank in the United States outside of the city of New York, the First National Bank of Chicago. The bank over which he presides has $14,000,000 in unimpaired capital and surplus, and carries deposits of about $100,000,000. Here is a part of what Mr. Forgan says upon this subject:

> Further, it is a fact that national banks do not invest except to a very small extent in such bonds. As a rule, they can not afford to and, being commercial banks, they naturally use their money for the direct benefit of their commercial customers. I have the honor to preside over the largest bank outside of New York City. We carry as an investment a very small amount of such bonds. When the recent currency stringency struck us we took out $3,000,000 of additional circulation and received on deposit some of the money distributed by the Government for the benefit of the general situation, but, as shown in our statement, we had to borrow nearly all the bonds used by us for that purpose.
>
> Other banks did likewise, as this was the only basis on which we could afford to use them. It cost us an average of 2 per cent to borrow them. This is what the national banks would invariably have to do before they could avail themselves of such a currency, and it would add to the expense of the circulation this additional 2 per cent, making its use cost 9 per cent.
>
> In a money stringency, with its shattering of public confidence and curtailment of credit, in what condition would the banks be to help their customers if they themselves are obliged to borrow currency at 9 per cent? They might do something to help speculation in Wall street, where alone money reaches such exorbitant rates. They could do nothing for the support of their commercial customers.
>
> The principle of the proposed legislation is directly the reverse of what it should be. Something should be done to avoid emergencies and to enable banks to tide their customers over periods of depression. This can not be done by issuing emergency currency, the very name of which is enough to breed a panic, nor by exorbitantly taxing the banks in the exercise of their legitimate functions.

Mr. President, there are three reasons why emergency money should be taxed. First, to prevent its issue when there is no emergency; second, to prevent more being issued at a given time than is needed to meet emergency conditions, and third, to force its retirement when the emergency is over.

If under the provisions of this bill a bank were permitted to take out money secured by State and municipal bonds at any time it pleased, in any amount it pleased, as national banks are now permitted to take out circulation based on Government bonds at their discretion both as to time and amount, there would be a necessity for a tax sufficiently high to prevent its issue when not needed for emergency purposes or in an amount not needed to supply the emergency. But that is not the case. Let me read the provisions of the bill upon this point.

It provides when an application is made to the Comptroller of the Currency for authority to issue additional circulating notes that—

> The Comptroller of the Currency shall transmit immediately the application, with his recommendation, to the Secretary of the Treasury, who shall, if in his judgment business conditions in the locality demand additional circulation, approve the same and shall determine the time of issue and fix the amount, within limitations hereinafter imposed, of the additional circulating notes to be issued.

From this it will be seen that by the provisions of the bill not one dollar of this currency can be issued to any bank until the Secretary of the Treasury has officially determined that there is an emergency, and not one dollar more can be issued than the Secretary of the Treasury holds is needed to meet that

emergency. The whole thing is placed by the terms of the bill in the hands of the Secretary of the Treasury. He settles the question when this money shall come forth and how much may be taken out at a given time, and there is no necessity of a tax to prevent too much being issued or to prevent an issue when business conditions do not require it.

The only reason for as high a tax as is here imposed is to force its retirement when the emergency is over. I concede that a tax sufficiently high for that purpose is necessary, and my amendment provides for a tax of 6 per cent for that purpose after the note has been out for three months, which is about the usual duration of these periods of stringency.

Mr. President, I have detained the Senate much longer than I intended. I did not expect to speak five minutes, but I have, in my earnestness and in my zeal about this matter of an unnecessary tax on this money, spoken longer than I intended. The amendment which I offer proposes to reduce the tax during the first three months to one-fourth of 1 per cent per month. That is 3 per cent per annum. I would even be willing to compromise on 4 per cent per annum. The margin of 2 per cent represents the cost of the borrowing of bonds or of loss in buying bonds with 6 per cent money when they draw only 4 per cent. I would be satisfied with that. All I ask is a bill that will be workable, that will be usable, so to speak, by that great class of banks representing four-fifths of all the national banks of the country, known in the language of the Treasury Department as "country banks," and which serve the people of the agricultural district and the smaller cities and towns of the country.

Mr. CULBERSON. Mr. President, the remarks of the Senator from North Carolina [Mr. SIMMONS] induce me to make an observation or two.

One of the general objections which I have always had to this bill is that it will create a demand for bonds in bond-holding centers of the country, which will be unjust to other sections.

Mr. ALDRICH rose.

Mr. CULBERSON. I will state to the Senator from Rhode Island before he asks a question about it that my objection is not based upon the fact that I am in favor of an asset currency. I am in favor of a Government note, if we are to have any.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Rhode Island?

Mr. CULBERSON. Certainly.

Mr. ALDRICH. I dislike very much to interrupt the discourse of the Senator from Texas, but I wish he would let us take a vote on the pending amendment and address his remarks to some other feature of the bill.

Mr. CULBERSON. It is particularly pertinent at this point.

Mr. ALDRICH. I think we can get a vote on the pending amendment and perhaps two or three others without taking up the reserve amendment to-night. I am sure the Senator from Texas is desirous that we shall make some progress with the bill.

Mr. CULBERSON. I am going to take only a moment.

I was saying that this objection of mine to the bill is emphasized by the fact of this high tax of 6 per cent a year, by reason of which, as suggested by the Senator from North Carolina [Mr. SIMMONS], only a very few communities in the United States can take advantage of this emergency currency, and that in a sense it will be legislation along the lines of community favoritism.

Mr. ALDRICH rose.

Mr. CULBERSON. If the Senator from Rhode Island will permit me to state the case in a nutshell we can take the vote.

Mr. ALDRICH. That remark appeals to me.

Mr. CULBERSON. I am certain of that. We all, of course, appreciate the anxiety of the Senator with reference to this bill. That is known of all men, now, I believe.

In other words, there are only two communities in the United States, as I read the law, where the banks could take advantage of this law and reap any return upon their circulation. We might as well understand that the banks, as a rule, will not do this unless they can make money.

Now, let me illustrate that. The national banking law provides:

Any association may take, receive, reserve, and charge on any loan or discount made, or upon any note, bill of exchange, or other evidence of debt, interest at the rate allowed by the laws of the State, Territory, or District where the bank is located, and no more, except that where by the laws of any State a different rate is limited for banks of issue organized under State laws, the rate so limited shall be allowed for associations organized or existing in any such State under this Title. When no rate is fixed by the laws of the State, Territory, or District, the bank may take, receive, reserve, or charge a rate not exceeding 7 per cent, and such interest may be taken in advance, reckoning the days from which the note, bill, or other evidence of debt has to run.

Under the laws of the State of New York and, I believe, the State of Pennsylvania, the rate of interest is so regulated, taken in connection with the act of Congress from which I have read, that no national bank outside of New York and Pennsylvania can probably reap any benefit from the issuance of circulation under this bill.

I had copied the other day this law from section 13 of the revised statutes of New York, under the head of "Interest." It provides as follows:

In any case hereafter in which advances of money, repayable on demand, to an amount not less than $5,000, when made upon warehouse receipts, bills of lading, certificates of stock, certificates of deposit, bills of exchange, bonds, or other negotiable instruments pledged as collateral security for such repayment, it shall be lawful to receive or to contract to receive and collect as compensation for making such advances any sum to be agreed upon in writing by the parties to such transaction.

Mr. President, I understand that that law is applicable to the banks of the State of New York except in so far as it may possibly be modified by the section which I will now read, being section 56 of the banking law of the State of New York:

56. Upon advances of money, repayable on demand, to an amount not less than $5,000, made upon warehouse receipts, bills of lading, certificates of stock, certificates of deposit, bills of exchange, bonds, or other negotiable instruments, pledged as collateral security for such repayment, any bank or individual banker may receive or contract to receive and collect as compensation for making such advances any sum to be agreed upon—

"Any sum to be agreed upon"—

in writing by the parties to such transaction.

Pennsylvania has a statute, enacted in 1903, identical with that of New York in regard to interest on demand loans.

No such law appears on the statute books of any other State, but in Arizona, California, Colorado, Massachusetts, Montana, Nevada, Rhode Island, and Utah there is no limit to the rate which may be charged under express contracts in writing.

In Alaska, Idaho, New Mexico, North Dakota, Oklahoma, South Dakota, Washington, and Wyoming 12 per cent may be charged under contracts in writing.

In all the other States, with some minor exceptions as to small amounts, pawnbrokers, and the like, no greater rate than 10 per cent may be charged under any circumstances.

In Illinois the legal rate is 5 per cent and the highest conventional rate 7 per cent.

In Missouri the legal rate is 6 per cent and the highest conventional rate 8 per cent.

So that, endeavoring as I am to emphasize what was said by the Senator from North Carolina, it appears that in only two States in the Union are rates of interest on demand loans unlimited—the States of New York and Pennsylvania. It has been demonstrated in this debate that that perhaps accounts for the extraordinary scenes on the Stock Exchange of New York in the recent panic, when the national banks there were loaning money, according to the Comptroller of the Currency, at from 2½ to 125 per cent on call and on demand.

I want to impress upon the Senate and upon the country that this bill in its present form, as I undertook to show on another occasion, will operate in the interest of a few sections of the country where the bonds provided for have accumulated, and it is in the interest especially of the national banks of the city of New York, which, under the authority of the act of the legislature of that State, in connection with the national banking laws, may loan money at any rate of interest on demand or on call loans.

Mr. DEPEW. Mr. President, as pertinent to the very able speech of the Senator from North Carolina [Mr. SIMMONS], which I listened to with much interest, and to the remarks which have just been made by the Senator from Texas [Mr. CULBERSON] in regard to the benefits which will accrue to the national banks of New York City and New York State from this legislation, and to the suggestion that they are in favor of it and doing what they can to pass it, I will state that I am in receipt of a letter from the New York State Bankers' Association, and I will read it. This association includes, I think, every national bank in the State of New York, both in the city of New York and in the country. The writer says:

NEW YORK STATE BANKERS' ASSOCIATION,
BROADWAY AND THIRTY-NINTH STREET,
OFFICE OF THE SECRETARY,
New York City, February 27, 1908.

Hon. CHAUNCEY M. DEPEW, *Washington, D. C.*

DEAR SENATOR: The New York State Bankers' Association has, through its council of administration, a body which represents the important banking interests of the whole State as well as the city of New York, taken an active interest in the prospective currency legislation which is now under consideration by both Houses of Congress.

Our association distinctly disapproves of the Aldrich bill as a whole, believing that if this bill becomes a law the best interests of the citi-

tens of the country will not be subserved; that its ultimate results would be disastrous to our commercial interests, and, notwithstanding the manifest necessity for relief from the present situation, it would be preferable to have no legislation at all rather than that this unwise measure become a law.

At a recent meeting of the council of administration the following resolution was unanimously adopted, namely:

"*Resolved*, That the bankers of the State of New York unqualifiedly disapprove of the provisions of the Aldrich bill; that they do not approve of a bond-emergency currency; that they demand an elastic currency based on bank assets, as provided in the measure of the currency commission of the American Bankers' Association."

May I ask you to give me your views, saying whether you agree or disagree with the ideas above expressed. I inclose stamped envelope, and awaiting your response, am,

Very truly, yours, E. O. ELDREDGE, *Secretary*.

Mr. President, that is an authoritative declaration on the part of the bankers of the State of New York, which is directly the reverse of the position which has been assigned to them upon this floor. They are unanimously opposed to the Aldrich bill.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from North Carolina [Mr. SIMMONS].

The amendment was rejected.

Mr. NELSON. Mr. President, I offer an amendment in the place of the amendment that I offered yesterday relative to the interest on Government deposits.

The VICE-PRESIDENT. The Senator from Minnesota proposes an amendment, which will be read by the Secretary.

The SECRETARY. Add at the end of the bill, as a new section, the following:

SEC. —. That all national banking associations designated as regular depositaries of public money shall pay upon all special and additional deposits made by the Secretary of the Treasury in such depositaries, and all such associations designated as temporary depositaries of public money shall pay upon all sums of public money deposited in such associations interest at such a rate as the Secretary of the Treasury may prescribe; not less, however, than 1 per cent per annum upon the average monthly amount of such deposits: *Provided, however*, That nothing contained in this act shall be construed to change or modify the obligation of any association or any of its officers for the safe keeping of public money.

The VICE-PRESIDENT. The question is on agreeing to the amendment which has just been stated.

Mr. CLAY. I move where the words "1 per cent" occur in the amendment, to strike out "one" and insert "two," so as to read "not less, however, than 2 per cent," and so forth.

The VICE-PRESIDENT. The amendment proposed by the Senator from Georgia [Mr. CLAY] to the amendment of the Senator from Minnesota [Mr. NELSON] will be stated.

The SECRETARY. Before the words "per cent" it is proposed to strike out "one," and insert "two," so as to read:

Not less, however, than 2 per cent per annum, etc.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Georgia to the amendment of the Senator from Minnesota. [Putting the question.] By the sound the "noes" have it.

Mr. CLAY. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. ALDRICH. Mr. President, I am quite sure if this amendment were adopted it would prevent any country banks at least from accepting any money from the Government, especially in ordinary times. It would certainly have that effect, because no bank in the country, in my judgment, could afford to pay 2 per cent upon deposits.

Mr. CLAY. I will state to the Senator that in my State we have a statute providing that surplus money in the State treasury can be deposited with certain banks to be named by the treasurer of the State. The treasurer of the State is authorized to receive bids for this money and, after carefully examining them, to accept such bids as he may deem to the best interests of the State. My observation teaches me that in many instances the banks have paid as high as 2½ and in some instances 3 per cent interest. One per cent is quite a small interest. I do not believe it is worth while to amend this proposed law in the matter of charging any interest at all if we fix it at simply 1 per cent. Two per cent is a very small minimum.

I do not wish to consume the time of the Senate, and I am willing to take a vote on the amendment to the amendment.

Mr. ALDRICH. Mr. President, the Senator from Georgia, I suppose, is aware that, in addition to that, the amendment fixes 1 per cent as the minimum rate.

Mr. CLAY. I know that.

Mr. ALDRICH. But the amendment of the Senator from Georgia, if adopted, will also fix the minimum rate.

Mr. CLAY. At 2 per cent.

Mr. ALDRICH. I do not know under what conditions, of course, loans are made in the State of Georgia, or whether or not security is required.

Mr. CLAY. Security is required on all of these deposits.

Mr. ALDRICH. What kind of security?

Mr. CLAY. Personal security, but not bonds—personal security to be approved by the Secretary of the Treasury.

Mr. ALDRICH. Personal security by the bank?

Mr. CLAY. Security is required by the treasurer of the State of Georgia.

Mr. ALDRICH. I know we have had all over the country in recent years great losses to States and to communities because of the failure of banks that had State deposits or municipal deposits, and usually they are made without security. I do not know, of course, what the law is in Georgia, but I am inclined to think—in fact, I feel certain—that if this provision is put in the bill in the form of the amendment suggested by the Senator from Georgia, it will prevent a distribution of public moneys throughout the United States, because the banks will not take them.

Mr. CLAY. I do not think it would have that effect; but I will say to the Senator from Rhode Island that I hope we shall reach a point after a while where we shall not have a large amount of surplus in the Treasury to deposit in banks. Of course, we are bound to keep on hand a certain amount of surplus. We can not do the business of the Government without it—not two or three hundred million dollars, however. Two per cent is a very small interest. The Senator from Rhode Island called my attention to the fact the other day that there is only one State in the Union whose State bonds are drawing a rate of interest less than, I believe, 3 per cent, and that is Massachusetts. I understand Massachusetts bonds—I do not know that I am correct in that—draw a rate of interest equal to 3 per cent; some of them draw 4 per cent, and a very few of them above 4 per cent.

When you fix this rate of interest at the minimum rate of 1 per cent, and leave it to the Secretary of the Treasury to say what rate shall be fixed, in my judgment you will always find the rate fixed at 1 per cent. The Secretary of the Treasury will construe the law to direct him to fix the rate of interest at 1 per cent. I do not believe that 2 per cent is too much, and for that reason I have offered the amendment.

I know the Senator from Rhode Island is exceedingly anxious to reach a vote, and he is not alone in that desire. The remainder of the Senate is exceedingly anxious to get through with this bill, and I am ready to vote on the amendment without any further remarks.

Mr. TELLER. Mr. President, I believe this proposition has the approval of a part of the Committee on Finance. As a member of that committee I want to say that I do not approve of it. I do not myself approve of requring a bank which takes money from the United States to pay interest on it. Heretofore when we have put money into a bank we have put it in as a Government depositary to receive and take care of Government money. Mr. President, when you require a bank to pay interest on it you make it a loan to the bank. I am opposed to the lending of money to the banks or to individuals by the Government of the United States.

Mr. CLAY. Does the Senator permit me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Georgia?

Mr. TELLER. I do.

Mr. CLAY. If the Senator is correct in his view that the Government ought not to require any interest on a deposit, and that it becomes a loan instead of a special deposit, does not the Senator think, if we require interest at all, that 2 per cent would be too high?

Mr. TELLER. Mr. President, my objection is not to the 1 per cent nor to the 2 per cent. I think with the Senator from Georgia that if the banks are going to pay interest on deposits at all they may pay 2 per cent very properly and profitably, too.

Mr. President, when you put money in a bank and the bank has become the owner of the money and pays interest on it, there is a moral obligation on the part of the Government to let the money stay there a little while; and whenever you have got a disturbed condition and the bank has paid interest on the money for a year or two, which it may, when the disturbance commences the bank will claim—and probably with some reason—that it has held the money when there was plenty of money and the Government has been deriving the benefit, and when trouble comes the bank ought to be allowed to keep it.

I have on several occasions here declared that I would not vote to compel the banks to pay interest on money deposited. I am not in favor of depositing money in banks, except upon the theory that it is beneficial to the Government so to do, or when an emergency comes, such as we have had heretofore, and it probably becomes the duty of the Government to help the country to currency—not particularly to help the banks,

but to help everybody, to help the whole country, the commerce of the country, and the business of the country.

I do not find any fault with the fact that the Government has put two or three hundred million dollars or $250,000,000, or whatever it may have been, in the banks. I approve of that, because I think it ought to have been done; but I do not believe in the Government lending money to banks or to individuals. It seems to me this is the beginning of a system which may bring us into trouble.

I do not wish to interfere with the action of the committee. I did not agree to it, and I wanted to put on record my reasons why I did not agree to it.

Mr. WARREN. I desire to ask the Senator from Colorado——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Wyoming?

Mr. TELLER. I do.

Mr. WARREN. I wish to ask the Senator from Colorado if he desires to have the deposits of the Government the same as those of individuals with respect to checking against them from day to day, and that the Government may check its money any day? The Government is well secured; it can get its money out any day, and consequently the banks should not pay interest upon it. If so, I agree with him.

Mr. TELLER. I intended to say the Government has always had the right on a minute's notice to take its money out of the banks, and until the banks begin to pay interest on it the Government will maintain that right.

Mr. WARREN. I agree with the Senator.

Mr. TELLER. After that the Government will hardly have that right.

Mr. CLAY. Will the Senator from Wyoming allow me to ask him a question?

Mr. WARREN. Certainly.

Mr. CLAY. Does the Senator from Wyoming think that the fact that we have adopted an amendment to this bill, providing that national banks designated as depositaries shall pay interest at a certain rate, would deprive the Government from checking on its money when the Government needed it? I can not think the Senator intends to take that position.

Mr. WARREN. I take the position that the money the Government deposits in the banks without interest is on call or check at a moment's notice. The bank is compelled, in the first place, to amply secure the Government, and the money is the same as if it were in the Government's own vaults. I agree with the Senator from Colorado perfectly, that the moment you take interest for that money there is an obligation, moral, if not legal, that you shall give due notice; that you shall not distress the party who borrows your money—in other words, the banks become borrowers. There is a very great difference between a place to deposit and a place of investment or loan.

Mr. LODGE. Let me ask the Senator, before he takes his seat, whether, as a matter of fact, it is not true that the Secretary of the Treasury invariably gives notice when he is going to call for any of this money.

Mr. WARREN. He does, as a matter of courtesy, but not as a matter of obligation.

Mr. LODGE. As a matter of courtesy.

Mr. WARREN. He does it as a matter of courtesy; but I claim that there is no obligation whatever to give notice in the case of money deposited without interest.

Mr. LODGE. I agree with the Senator that there is no obligation.

Mr. LA FOLLETTE. Mr. President, I want to contribute a little testimony within my own experience which I think has a bearing upon the proposition under discussion. It is urged in opposition to the amendment which proposes a 2 per cent interest rate upon Government deposits that such a rate is so high that it will prevent the placing of this money with the banks. The law of Wisconsin permits the deposit of State funds with State and national banks. This law has been in force for some fifteen years. The State charges the banks from 2 to 2½ per cent interest for the use of such money. During the five years that I was governor I was under the law a member of the board of deposits, charged with the duty of passing upon the applications of banks to be designated as depositaries. I know personally that all the money the State had that was not required to meet its current expenses from month to month was constantly in demand by the banks of the State, and during that time the rate of interest was raised from 2 per cent to 2½ per cent.

There was always, Mr. President, a long list of applications from banks waiting to be named as depositaries. They were eager to take the State's money at that rate, taking it always, sir, with the understanding that it was subject to call at any time and glad to have it upon those conditions. I undertake to say that if this amendment fixing the rate at 2 per cent is adopted, it will be no hindrance to the placing of this money widely over the country. This money is sought for and will be sought for at that rate of interest and would be sought for at even a higher rate of interest.

But, sir, another thought. Suppose that the Government did not keep this money constantly in the depositaries; suppose that the current business demand for money fell off somewhat and the banks returned the money to the Treasury rather than pay that rate of interest; I want to suggest that that very thing would invest the $222,000,000 now in the banks of the country with an element of elasticity that would go far to meet the demand that is felt in this country for that quality in our currency circulation, and would operate to return the money, when business did not demand it, into the Treasury as a great reservoir, from which it could be again drawn in the crop-moving period.

Mr. WARREN. If it will not interrupt the Senator——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Wyoming?

Mr. LA FOLLETTE. Yes.

Mr. WARREN. What security does the State require of the banks which receive these deposits?

Mr. LA FOLLETTE. The State requires the giving of a bond, upon which the board of deposits passes as to its sufficiency.

Mr. WARREN. But the bank does not have to put up property or deposit Government bonds?

Mr. LA FOLLETTE. Oh, no.

Mr. HOPKINS. The bond of a surety company.

Mr. WARREN. It is a matter of a surety bond.

Mr. LA FOLLETTE. A surety bond may be accepted; in fact, any bond which meets the approval of the board of deposits is accepted.

Mr. WARREN. In other words, it is an I. O. U., plus the I. O. U. of several people or firms that may be guarantors.

Now, another question, please. Is there not some difference in a State where the legislature appropriates the money, usually for two years at a time and decides how it shall be expended, ordinarily providing that a certain proportion only shall be expended in any one month or any two months, does not that make the condition different, because the bank itself from the appropriation bill of the State can provide itself with knowledge as to just how that money will be drawn out, and is it not a time loan in its practical effect?

Mr. LA FOLLETTE. Not in any sense, Mr. President; the money is from time to time withdrawn from the banks by the State, and the banks are ready to receive deposits whenever the funds can be redeposited by the State. Every State in the Union is adopting similar legislation, and since the famous treasury case of Wisconsin, which I believe was the first State to decide that it was wrongful for any treasurer or any custodian of public funds to permit those funds to be placed in the banks and to take interest thereon—I say since the decision in that case and the adoption of a State law regulating the depositing of the money in banks and imposing an interest charge on such deposits, other States have followed, and this legislation has been and is being very generally adopted throughout the country.

Mr. WARREN. Does not the Senator——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield further to the Senator from Wyoming?

Mr. LA FOLLETTE. Yes.

Mr. WARREN. Does not the Senator see a great difference between the outflow and inflow of a State, where every dollar of outgo is provided for specifically by biennial appropriation bills, and the wants of a government that has money on conditional appropriations under many heads? The State, on the one hand, derives its money by taxation direct, providing exactly what it needs. The United States receives its money from customs that may vary many million dollars, in fact, hundreds of millions of dollars in a given time. Is there not a difference between the deposits of the Government in a national bank and the deposits of a State, considering the conditions which I have just mentioned?

Mr. LA FOLLETTE. Considering, Mr. President, the difference in the magnitude of the business of the National Government and that of the States, there is no substantial difference. We know practically what the customs receipts are to be from year to year. We know substantially what the expenditures are to be. The appropriation bills make provision for them. It is true that there are conditional expenditures of the National Government. It is equally true that there are conditional expenditures of the State governments. There

is no substantial difference when you get down to the principle, and there is no good reason why these banks should not pay interest on Government deposits.

Anybody who attempts to distinguish between making it a loan and making it a deposit will, I think, run into a bog of difficulties. The moment the banks take Government money, mix it with their funds, and loan it out it amounts to a loan on the part of the Government to the banks. The banks are not obliged under any circumstances to take this money.

Just as the chairman of the Finance Committee said in his address to the Senate with respect to the bonds designated in this bill as security for currency issue, if any bank does not wish to invest in the municipal and other bonds provided for in this bill, it does not have to do so. The banks do not need to take the benefit of this bill if they do not want to. If any national bank in this country does not want these deposits at 2 per cent, there is no kind of compulsion in the proposition. They need not take them. But they will take them; and, Mr. President, if this rate should be found so high as to interfere with the returning of this money into circulation when it ought to go there, another session of Congress can take care of that matter, I think, without any difficulty. From experience, I undertake to say that if any of the Senators on this floor from the States where interest is charged upon State funds will rise here and state the facts as to conditions in those States, there will be a concurrence of testimony that a 2 and a 2½ per cent interest rate does not interfere with the placing of State money in the banks for use.

Mr. TELLER. Mr. President, I am not quarreling with the 2 per cent interest rate. I think that can be secured very readily, and I do not thing it is too high. Heretofore no Government money has been deposited except in Government depositaries. Every bank is made a Government depositary before money is put there. That money is not a loan; it is a deposit, and no matter what the bank does with it, provided it returns it when the Government calls for it, its obligation is kept. What I object to is to change from a system of deposits to an actual loan by the Government of the United States.

It may be that the State of Wisconsin and other States loan money. I think a State may do that, unless its constitution prevents, but I do not know of any authority the United States has to loan money to anybody. I know it does not exist; it can not be shown. We could not give them such authority if we should try.

Mr. OWEN. Mr. President, I wish to say with regard to this matter that the amendment as it came from the committee met my approval, and the proviso of that amendment means the contention of the Senator from Colorado [Mr. TELLER]. That proviso leaves the funds deposited in trust, as they are now under the present law, and undoubtedly, whatever the law is, it has been interpreted in this country to mean that this $220,000,000 should be utilized by the bankers of this country as a means of enlarging the currency, and that has been done.

I think the most important reason in behalf of this amendment has not been stated, and that is, that the banks ought not to be allowed to profit out of the Government funds, because that gives to the banks a special reason to keep this fund not only as large as it is, but to enlarge it still more by withdrawing from the people of the United States money which ought to be left in the hands of the people of the United States. This provision will go to check that tendency on the part of the banks to favor the enlargement of this fund, and I think it is a wise amendment to the bill.

Mr. ALDRICH. Mr. President, I will detain the Senate but for a moment. This question of the interest rate is purely a practical question. Of course, the deposit of this money is not analogous, it seems to me, to State and municipal deposits. I know in my own city the municipal funds are deposited in the banks and trust companies at certain rates, but the banks and trust companies which accept such deposits know within a reasonable length of time exactly when the money will have to be paid. They are practically loans for a specified time.

Mr. HOPKINS. Time loans.

Mr. ALDRICH. Substantially time loans. The Government deposits are not of that character, and none of us, I suppose, intend to make them so. The provision of this amendment—whether the amendment of the Senator from Georgia to the amendment is adopted or not—leaves the matter entirely in the hands of the Secretary of the Treasury. I think we are bound to suppose that that officer, if there is a rate for money throughout the country which would warrant him in charging a higher rate, would do it. I think we are bound to assume that the officer will do the right thing.

I am myself confident that if this amendment is adopted the result will be just what the Senators upon the other side are all the time saying ought not to be done—to concentrate these loans at all times practically in the great money centers.

Mr. McLAURIN. I wish to ask the Senator from Rhode Island if there is any provision in this amendment which will require the interest paid by the depositaries to be uniform and equal throughout the entire country, or could the Secretary provide that one rate should be charged in one locality and another rate in another locality?

Mr. ALDRICH. He could do it, but it is impossible to suppose that any Secretary of the Treasury would do that.

Mr. McLAURIN. I do not think that such power ought to be left to the discretion of any officer. The amendment ought to be so worded——

Mr. ALDRICH. I suppose the Senator from Minnesota would not object to an amendment making it uniform?

Mr. NELSON. I would not object. I thought of that question, but I do not think any Secretary of the Treasury would exact one rate from banks in one end of the country and a different rate from those at another end of the country.

Mr. McLAURIN. I do not think so——

Mr. NELSON. We must assume, I will say in all candor to the Senator from Mississippi, that our public officials, like the Secretary of the Treasury, are honest and well-meaning and fair-minded people, like we suppose ourselves to be, and I have no idea that any Secretary of the Treasury, be he Republican or Democrat or Populist, or even Socialist, would undertake anything like that. I thought it was better to leave it in the form in which it is.

Mr. McLAURIN. I do not assume that the Secretary of the Treasury would make any such discrimination. I assume that the Secretary of the Treasury is an honest man and a patriotic man, who desires to do his duty, but we make laws for everybody, and I think we ought to make laws for officers just as we do for everybody else. I think we ought to make laws for ourselves, and we do make laws to govern ourselves. We do not assume that Senators or Representatives are going to take bribes, but we have a law that would punish one if he did take a bribe. I do not think it is a reflection upon any Secretary of the Treasury to put a provision in the law requiring the same rate of interest to be paid in every section of the country. I think it would be a very sensitive Secretary of the Treasury or a sensitive friend of the Secretary who would so understand it. I think something of this kind ought to be in the amendment.

Mr. HEYBURN. I should like to ask a question of the Senator introducing the amendment. Is it contemplated that the Government may collect interest on the daily balance of accounts or deposits made for the convenience of the Government?

Mr. NELSON. No; not at all.

Mr. HEYBURN. There are, I think, about $60,000,000——

Mr. NELSON. I want to explain to the Senator my point. My original amendment offered yesterday was open to that objection. The amendment now has been carefully framed so as not to cover deposits of that kind made by revenue collectors, customs collectors, postmasters, land officers, or officials of that kind. All these deposits are free, and do not come under the amendment at all. It is only such general deposits as were made, for instance, in the recent panic.

Mr. HEYBURN. Loans?

Mr. NELSON. Loans.

Mr. HEYBURN. It is contemplated that the Government shall collect interest on monthly balances except where the Government makes a direct loan to the bank under the contract which this law authorizes. Is that it?

Mr. NELSON. It is limited to that.

Mr. HEYBURN. Then this recognizes the principle of the Government loaning money to national banks whether they are designated as depositaries or not?

Mr. NELSON. No; they must be designated as depositaries.

Mr. HEYBURN. Then what provision is there for discriminating? Now, the Government will not designate a depositary unless it considers it will be for the convenience of the Government. Would these loans be confined to those banks?

Mr. NELSON. It would be confined to deposits of that kind.

Mr. HEYBURN. In that class of banks, or does it establish a new class of banks?

Mr. NELSON. No.

Mr. HEYBURN. It recognizes——

Mr. NELSON. The Government designates a bank as a depositary. For instance, a country bank in Minnesota applies to the Treasury Department for a deposit of fifty or a hundred thousand dollars. The Treasury Department accedes to that request and makes the deposit there. It is just a naked deposit of money. The Government does not have any business there. There is no deposit made by a postmaster or other

Government official. There is no money drawn by any Government official or any checks drawn against the deposit. It is simply a naked deposit by the Government; and on that kind of a deposit the bank is to pay interest.

Mr. HEYBURN. Then the substance of the amendment is that the Government may, under the provisions of the amendment, select banks in addition to the class now constituted as Government depositaries, to whom it will loan money.

Mr. NELSON. No.

Mr. HEYBURN. And the banks to whom it will loan money must be selected upon application?

Mr. NELSON. No; not at all.

Mr. HEYBURN. It seems to me that would be the effect of it.

Mr. NELSON. No.

Mr. HEYBURN. Because a Government depositary is never created except for the convenience of the Government. The wants of the bank are not taken into consideration. So you would either have two classes of deposits with the Government depositaries created under existing conditions or else you would create a new class of Government depositaries, purely banks designated for the purpose of obtaining loans from the United States. Is that the effect of the amendment?

Mr. NELSON. No; it is not the effect of the amendment. The Senator misapprehends it. The Government to-day has depositaries all over the country. I know in my own State there are a number of country banks which have these naked, as I call them, Government deposits. Then we have another class of banks in the large cities which receive two kinds of deposits. In the recent panic they got a deposit direct from the Treasury.

Mr. HEYBURN. Which was a loan?

Mr. NELSON. But they also receive deposits from day to day and from time to time from the revenue collectors and the collectors of customs and postmasters within the territory.

Mr. HEYBURN. For the convenience of the Government?

Mr. NELSON. For the convenience of the Government.

Mr. HEYBURN. Not for the convenience of the bank.

Mr. NELSON. Those deposits which they receive from public officials will not draw interest under the amendment.

Mr. HEYBURN. Then it is proposed to loan the money of the Government, upon the application of approved banks, under a contract for the payment of interest by the banks upon the monthly balances. That, as I understand, is the purpose of this amendment.

Mr. NELSON. It makes no change in the law. It leaves the Government to make deposits just as it did in the recent panic. The only difference is that we require the banks to pay interest on their monthly balances.

Mr. HEYBURN. I understand that. The loans that were made during the recent panic were not made pursuant to any law at all.

They were made by the grace of the Government. There is no law authorizing the Government to loan money to a national bank or to any other person. The Government is required under existing law to keep the money in its own Treasury, except as it may deposit in selected depositaries money that it will need for its own purposes. It is merely a matter of the convenience of the Government.

I only rose to say, in order that my vote may not be misunderstood, that I shall vote against any proposition that recognizes the right of the Government to loan money to anybody, and I care not whether it is 1 per cent or 2 per cent or 10 per cent; that makes no difference. I am opposed to the Government entering into that class of business, and I shall vote against any proposition that recognizes such a business transaction as the Government loaning money at any time, under any conditions, subject to a contract between the borrower and the lender, and my vote will be cast against both the amendment and the substitute or any other amendment or any other provision of the bill which creates that new function in the Government.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Georgia [Mr. CLAY] to the amendment of the Senator from Minnesota [Mr. NELSON]. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I am paired generally with the junior Senator from Virginia [Mr. MARTIN].

Mr. OVERMAN (when Mr. SIMMONS's name was called). I desire to announce that my colleague [Mr. SIMMONS] has a general pair with the junior Senator from Minnesota [Mr. CLAPP]. If my colleague were here he has authorized me to say he would vote "yea" on this amendment.

Mr. WARREN (when his name was called). By arrangement with the Senator from North Carolina [Mr. SIMMONS] my regular pair with the Senator from Mississippi [Mr. MONEY] has been transferred, so that the Senator from Mississippi [Mr. MONEY] will stand paired with the Senator from Minnesota [Mr. CLAPP], and I may vote. I vote "nay." I wish to announce that I will permit that arrangement of pairs to stand for the day.

The roll call was concluded.

Mr. NELSON (after having voted in the negative). I desire to announce that if the Senator from South Dakota [Mr. KITTREDGE] were present he would vote the same as I have voted on this amendment. I desire to state what I failed to do yesterday, that on the vote taken on the amendments yesterday the Senator from South Dakota would have voted the same as I did. I wish that to be noted in the RECORD.

Mr. GAMBLE. I have a general pair with the senior Senator from Nevada [Mr. NEWLANDS]. Arrangements have been made whereby the pair is transferred to the senior Senator from Maine [Mr. HALE]. I desire to vote. I vote "nay."

Mr. WARREN (after having voted in the negative). I am informed that the Senator from North Carolina [Mr. SIMMONS] has left the Chamber without voting. So I withdraw my vote.

Mr. ALDRICH. The Senator from Ohio [Mr. FORAKER] is without a pair, and I suggest that the Senator transfer his pair to him.

Mr. WARREN. Very well; I transfer the pair in that way.

Mr. CULLOM. I have a general pair with the junior Senator from Virginia [Mr. MARTIN], and when I undertook to vote a while ago, when we were disposing of the Senatorial election case, some question was raised as to whether I had a right to transfer my pair to the junior Senator from Indiana [Mr. HEMENWAY]. I therefore withdraw my vote. I did not desire that any question should be made as to whether I had a right to vote. Now I propose, if it is agreeable to the Senate, to transfer my pair to the senior Senator from Iowa [Mr. ALLISON]. If no question is raised about it, I will let it stand in that way, and I will vote. I vote "nay."

Mr. OVERMAN (after having voted in the affirmative). I notice that the Senator from California [Mr. PERKINS] is not in his seat, and has not voted. Therefore I withdraw my vote, having a general pair with the senior Senator from California.

The result was announced—yeas 17, nays 36, as follows:

YEAS—17.

Bankhead	Clay	Gore	McLaurin
Borah	Culberson	Johnston	Owen
Bourne	Foster	La Follette	
Brown	Frazier	McCreary	
Burkett	Gary	McEnery	

NAYS—36.

Aldrich	Depew	Guggenheim	Piles
Ankeny	Dick	Heyburn	Richardson
Brandegee	Dillingham	Hopkins	Smith, Mich.
Bulkeley	Dolliver	Kean	Smoot
Burnham	du Pont	Knox	Stephenson
Burrows	Flint	Lodge	Sutherland
Crane	Frye	Long	Warner
Cullom	Gallinger	McCumber	Warren
Curtis	Gamble	Nelson	Wetmore

NOT VOTING—37.

Allison	Davis	Money	Simmons
Bacon	Dixon	Newlands	Smith, Md.
Bailey	Elkins	Nixon	Stone
Beveridge	Foraker	Overman	Tallaferro
Briggs	Fulton	Paynter	Taylor
Carter	Hale	Penrose	Teller
Clapp	Hansbrough	Perkins	Tillman
Clark, Wyo.	Hemenway	Platt	
Clarke, Ark.	Kittredge	Rayner	
Daniel	Martin	Scott	

So Mr. CLAY's amendment to Mr. NELSON's amendment was rejected.

Mr. McLAURIN. On the line I suggested a while ago, I offer an amendment to the amendment.

The VICE-PRESIDENT. The Senator from Mississippi proposes an amendment to the amendment of the Senator from Minnesota, which will be stated.

The SECRETARY. It is proposed to add at the end of the amendment the following:

The rate of interest charged shall be equal and uniform throughout the country.

Mr. LODGE. I suggest that it would be better to say "United States." It is more usual.

The amendment to the amendment was agreed to.

Mr. CULBERSON. Let the amendment be again stated.

The VICE-PRESIDENT. The amendment will be again stated, at the request of the Senator from Texas.

The SECRETARY. It is proposed to add to the amendment the following words:

The rate of interest charged shall be equal and uniform throughout the United States.

Mr. CULBERSON. My request was that the amendment itself be stated.

The VICE-PRESIDENT. The Secretary will read the entire amendment.

The Secretary read as follows:

SEC. —. That all national banking associations designated as regular depositaries of public money shall pay upon all special and additional deposits made by the Secretary of the Treasury in such depositaries and all such associations designated as temporary depositaries of public money shall pay upon all sums of public money deposited in such associations interest at such a rate as the Secretary of the Treasury may prescribe, not less, however, than 1 per cent per annum upon the average monthly amount of such deposits: *Provided, however,* That nothing contained in this act shall be construed to change or modify the obligation of any association or any of its officers for the safe-keeping of public money: *Provided further,* That the rate of interest charged shall be equal and uniform throughout the United States.

Mr. HEYBURN. I should like to have the first part of the amendment which refers to the class of depositaries again read. I think there is some question about it.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

SEC. —. That all national banking associations designated as regular depositaries of public money shall pay upon all special and additional deposits——

Mr. HEYBURN. That is enough. I inquired of the Senator from Minnesota whether that class of depositaries was included in this amendment providing for the payment of interest on monthly balances, and I understood the Senator to say the amendment did not include regular depositaries.

Mr. ALDRICH. If the Senator will allow the amendment to be read a little further, he will see that the regular deposits are not covered by this amendment.

Mr. HEYBURN. The amendment had better be reported again.

The VICE-PRESIDENT. The Secretary will again read the proposed amendment.

The Secretary again read the amendment.

Mr. CULBERSON. Mr. President, the amendment which is pending is typewritten, not printed and distributed, and it is impossible for me to propose the amendment I wish in exact and proper terms. I want to amend so that instead of the rate of interest being left to the Secretary of the Treasury it will read that "the interest shall be paid for the months of August, September, October, and November of each year at the rate of 1½ per cent per annum; for the months of December, January, February, and March of each year at the rate of 3 per cent per annum, and for the months of April, May, June, and July of each year at the rate of 5 per cent per annum."

I will state——

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from California?

Mr. CULBERSON. Certainly.

Mr. FLINT. Before the Senator commences his remarks I ask him how this would affect the movement of the cotton crop in the South, if the rate should be so arranged simply to have a low rate of interest during the period of moving the crops in the South, and the crops of the North would have to pay a higher rate of interest.

Mr. CULBERSON. The President of the United States and the Secretary of the Treasury, I will say, in answer to the suggestion of the Senator from California, stated during the panic that there had been deposited in the national banks something like $250,000,000, I believe, to assist in moving crops, especially the cotton crop of the South. The object of this amendment is to make this certain, to fix the rate of interest by law and not leave it to the Secretary of the Treasury to fix it, and in order to accomplish the purpose of aiding in moving the crops, to have a low rate of interest on the money during the crop-moving season—August, September, October, and November—and to graduate it after that so that the money can be driven out of the banks and back into the Treasury of the United States.

We have heard a good deal about an elastic currency. We have heard a good deal about an emergency currency. The substance of this amendment, and it has been on file since the 13th of February, 1908, and its purpose is to create that character of funds which will flow into the banks when it is needed to move the crops and flow back into the Treasury after that season is over and the emergency for its use no longer exists.

The Senator from Colorado [Mr. TELLER] and other Senators have declared that they are opposed to charging the national banks of the country interest on public deposits. I voted against the law authorizing the Secretary of the Treasury to deposit this money in the banks. I did so because the Government of the United States ought not to go into the money-lending business—for that is what it is—in the first place; and, in the second place, because if we encourage this we encourage the system of high taxes which piles up a surplus in the Treasury.

But as long as the law is on the statute book authorizing the Secretary of the Treasury to deposit this money in national banks, and he deposits it there, I am in favor of charging them a reasonable rate of interest. It is money drawn from all the people of the United States by taxation. It does not belong to any class of our citizenship, but to all classes. Why should we loan it to the national banks of the country, without interest, to be loaned out by them at a rate of interest which will make them money over and above what they may have to pay for the bonds that secure it?

It has been said here that the act of the Secretary of the Treasury is approved in depositing this money in the national banks and principally the banks of New York City. Why should they not pay interest if it is done? They took money belonging to the people of the United States and loaned it during the recent stringency at 50 per cent on Wall street. I am taking the admitted interest figures during the panic. I am taking the rate charged by the sponsor, so it is said, of this bill, the head of the Morgan interests. The deposits of public money in New York City during the financial disturbance there were increased $47,000,000, reaching a total of $75,000,000, and much of it was loaned at rates, it is believed, as high as 125.

Why should they not pay interest, sir? It is loaned to them for their benefit. They reap the benefit, and they ought to pay something to the people of the United States if this money is to be deposited with them.

It is said, it has been said here to-day, that the Government ought to have deposited this vast amount of public funds in the national banks of New York on account of the crisis. Why, sir, on the 14th day of February last, long after the acute stage of the crisis had passed, the Standard Oil bank of New York, the National City Bank, had on deposit more than $13,000,000 of the public money without interest. Why is that kept there? And why, if it is still kept there, should they not pay the public interest on it? I submit, Mr. President, that the amendment which I have proposed, although I do not expect it to be adopted, ought to be adopted.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Texas [Mr. CULBERSON] to the amendment.

The amendment to the amendment was rejected.

The VICE-PRESIDENT. The question recurs on the amendment proposed by the Senator from Minnesota [Mr. NELSON] as amended.

The amendment as amended was agreed to.

Mr. LODGE. I desire to renew the amendment which I offered yesterday in regard to the Philippine bonds.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the words "Porto Rico," page 4, insert:

Bonds of the government of the Philippine Islands and bonds of the city of Manila.

The VICE-PRESIDENT. The question is on agreeing to the amendment which has just been read.

Mr. ALDRICH. Mr. President——

Mr. CULBERSON. I demand the yeas and nays on the amendment.

Mr. CLAY. May I ask the Senator in charge of the bill a question? It was stated on the floor of the Senate yesterday during the morning session that this amendment would be referred to the Committee on Finance.

Mr. ALDRICH. It was.

Mr. CLAY. And the committee has reported on it?

Mr. ALDRICH. A majority of the committee, in any event, approve the amendment in its present form, not including railroad bonds. I should like to dispose of the amendment, if we can do so, because I would like then to have the bill as amended printed for the convenience of the Senate.

Mr. CLAY. I think it ought to go over until to-morrow at least. It will lead to discussion.

Mr. ALDRICH. I hope it will not lead to any discussion.

Mr. CLAY. It is now 6 o'clock.

Mr. LODGE. I would just as lief discuss it now as at any time.

Mr. CLAY. That may be true. We have been discussing amendments during the day, and this amendment has just come from the committee.

Mr. LODGE. The amendment has been pending here for six weeks. It was discussed fully yesterday. It is a very simple amendment.

Mr. CLAY. I do not think it was discussed very fully, because my recollection is that the Senator from Massachusetts, after a few minutes' discussion, agreed to refer it to the Committee on Finance.

Mr. LODGE. It was discussed fully, and then at the request of the chairman I let it go over. I said all that was important in regard to the bonds, except that they are exempt from taxation throughout the United States and that they sell higher—I have here a list of State and municipal bonds—they sell higher than bonds of almost any State; and yet people are talking about their being worthless!

The VICE-PRESIDENT. The Senator from Texas demands the yeas and nays upon the adoption of the amendment of the Senator from Massachusetts [Mr. LODGE].

The yeas and nays were ordered.

Mr. CULBERSON. Let the amendment be again read.

The VICE-PRESIDENT. The Secretary will again read the amendment.

The SECRETARY. After the words "Porto Rico," in the amendment already agreed to in the bill, adding "the bonds of the insular government of Porto Rico," insert:

Bonds of the government of the Philippine Islands and bonds of the city of Manila.

The Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. MARTIN]. I have transferred that pair to the senior Senator from Iowa [Mr. ALLISON], and I vote "yea."

Mr. GAMBLE (when his name was called). I again announce a general pair with the senior Senator from Nevada [Mr. NEWLANDS]. By an arrangement I transfer that pair to the senior Senator from Maine [Mr. HALE] and vote. I vote "nay."

Mr. OVERMAN (when his name was called). I again announce that I have a general pair with the Senator from California [Mr. PERKINS]. If he were present, I should vote "nay."

Mr. OVERMAN (when Mr. SIMMONS's name was called). I again announce that my colleague [Mr. SIMMONS] is paired with the Senator from Ohio [Mr. FORAKER]. If my colleague were present he would vote "nay."

The roll call was concluded.

Mr. NELSON. I am authorized to state that if the Senator from South Dakota [Mr. KITTREDGE] were present he would vote "nay" on this question.

The result was announced—yeas 31, nays 18, as follows:

YEAS—31.

Aldrich	Burrows	du Pont	Long
Ankeny	Crane	Flint	Piles
Borah	Cullom	Gallinger	Richardson
Brandegee	Curtis	Guggenheim	Sutherland
Brown	Depew	Hopkins	Warner
Bulkeley	Dick	Kean	Warren
Burkett	Dillingham	Knox	Wetmore
Burnham	Dolliver	Lodge	

NAYS—18.

Bankhead	Gamble	La Follette	Smith, Mich.
Clay	Gary	McEnery	Stephenson
Culberson	Gore	McLaurin	Teller
Foster	Heyburn	Nelson	
Frazier	Johnston	Owen	

NOT VOTING—41.

Allison	Davis	McCumber	Scott
Bacon	Dixon	Martin	Simmons
Bailey	Elkins	Money	Smith, Md.
Beveridge	Foraker	Newlands	Smoot
Bourne	Frye	Nixon	Stone
Briggs	Fulton	Overman	Taliaferro
Carter	Hale	Paynter	Taylor
Clapp	Hansbrough	Penrose	Tillman
Clark, Wyo.	Hemenway	Perkins	
Clarke, Ark.	Kittredge	Platt	
Daniel	McCreary	Rayner	

So Mr. LODGE's amendment was agreed to.

Mr. JOHNSTON. Mr. President, I wish to offer an amendment in regard to the reserves. On the 12th of February I offered an amendment requiring the banks to keep 10 per cent of their reserves in their vaults, of which 5 per cent might be in bonds. I thought then that that was as large an amount as we could probably carry through the Senate, but having changed my opinion about that, I have changed the amendment so that it requires 12 per cent of the reserves to be kept in the vaults of the banks, of which 4 per cent may be in bonds, increasing the amount required to be held in the reserve from 6 per cent to 12 per cent.

The VICE-PRESIDENT. The Senator from Alabama proposes an amendment, which will be read.

The SECRETARY. On page 10, line 4, insert:

That after January 1, 1909, national banking associations located outside of reserve or central-reserve cities, which are now required by law to keep a reserve equal to 15 per cent of their deposit liabilities, shall hereafter hold in their own vaults four-fifths of such reserves, either in lawful money as now required by law or in the securities enumerated in section 2 of this act, which shall have been approved by the Secretary of the Treasury: *Provided, however*, That not more than one-third of the reserves required to be kept in the vaults of such associations shall be held in such securities.

Mr. NELSON. That is a very important amendment. I will suggest to the chairman that it be printed, and let the matter go over until to-morrow.

Mr. ALDRICH. That was my purpose.

The VICE-PRESIDENT. The amendment will be printed and lie on the table.

Mr. ALDRICH. I ask also that there may be a reprint of the bill as it has been amended by the Senate as in Committee of the Whole.

The VICE-PRESIDENT. The Senator from Rhode Island asks that the bill be reprinted in the form in which it has been amended. Without objection, it is so ordered.

Mr. ALDRICH. I move that the Senate now adjourn.

The motion was agreed to; and (at 6 o'clock and 12 minutes p. m.) the Senate adjourned until to-morrow, Friday, March 27, 1908, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March 26, 1908.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 16882) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CULLOM, Mr. WARREN, and Mr. TELLER as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 49.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be instructed to investigate and report a plan for the preservation and commemoration of old Fort Kearney, in the State of Nebraska.

AGRICULTURAL APPROPRIATION BILL.

Mr. SCOTT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the agricultural appropriation bill. Pending that motion, I wish to ask unanimous consent that the time for closing general debate on this bill be extended for one hour, that hour to be occupied by the gentleman from Texas [Mr. BEALL].

The SPEAKER. Is there objection? [After a pause.] The Chairs hears none.

Mr. SULZER. I understand the gentleman yields that hour to my colleague, the gentleman from Texas; with that understanding I have no objection.

The motion to go into Committee of the Whole was then agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. FOSTER of Vermont in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 19158, the agricultural appropriation bill.

Mr. BEALL of Texas. Mr. Chairman, a long time ago in one of the constitutions of one of the original States there appeared this declaration: "That a frequent recurrence to the principles of the constitution is one of the things absolutely necessary to preserve the advantages of liberty and to maintain a free government." The high character of those who framed this declaration and the solemn circumstances under which it was uttered constitute my defense for taking it as a text on this day. I am well aware of the fact, Mr. Chairman, that under present conditions the Constitution is often sneered at instead of revered. But the utterance

above quoted was made in the earlier days of the Republic, when the memory of the Revolution was fresh in the minds of men and when tyranny and oppression were hated and feared. Even in that day the patriot fathers looking into the future realized that a time might come when, under the stress of war or under the temptations of peace, the people might be inclined to forget the great principles that hallow and make sacred our Constitution and the great purposes that inspired its authors.

It is not my purpose to indulge in any abuse of the President of the United States. My respect for the high office he holds as the chief citizen of the mightiest of all nations, would forbid my doing so. And then I gladly accord to him full credit for all that he has done to secure better laws and to provide for their better enforcement; for the curbing of corporations; for the protection of the weak against the strong; for the gospel of honor and honesty that he has preached, and for his efforts to uplift our national character. But while justice to him requires that this be said, justice to the Constitution requires that it be also said that he has done more toward tempting our people to forget its precepts and to trample upon its limitations than all the Presidents from Washington to Roosevelt.

The first resolution adopted in the Constitutional Convention was that there should be established a National Government to be composed of three departments, the executive, the legislative, and the judicial. The Constitution makers had lived under a government where a king was supreme. They had felt the force and the power of a tyrannical and an oppressive government. They had been denied the right of representation, though compelled to bear the burdens of the government; they had been without courts empowered to preserve their rights of property or to protect their liberties and their lives. As they could look neither to the King, nor to Parliament, nor to the courts for relief, they appealed to the god of battles. Then followed the days of the Confederation, when there was no national authority, when there was no Executive, when Congress was powerless to enforce its enactments, when there was no common judiciary system, when confusion brooded over all, and when despair filled every heart; under these conditions they met through their Delegates to devise a permanent system of government. Washington was chosen to preside. The Colonies counseled together and finally said in effect, "We are now independent sovereignties. We want to form a Federal Union. We will each surrender a certain part of our sovereignty to this Federal Union, giving it only such powers as we may expressly name and reserving to ourselves all the powers not bestowed. We will divide the powers that we give into three parts. One of these parts we will call the 'legislative department,' and it shall have power to legislate; one of the parts we will call the 'judicial department,' and it shall have the power to interpret the laws, and a third department we will call the 'executive department,' which shall have the power to execute the laws." And then they said that Congress could do certain things and no more, and the judicial department could do certain things and no more, and that the President should have the power to do certain things and no more. In establishing the Federal Union upon this basis our fathers had the experience of the past to guide them. Looking back they could trace the history of nation after nation that had risen and fallen. From that past came the views of some of the world's wisest and best to counsel them. They were familiar with the words of Montesquieu, who said:

> When the legislative and executive powers are in the same person or in the same body of magistrates, there can be no liberty, lest the same monarch should enact tyrannical laws or execute them in a tyrannical manner.

Among the framers of our Constitution were many who were learned in the law, and these revered the name of Blackstone, who said:

> In all tyrannical government the supreme magistracy or the right both of making and enforcing laws is vested in the same man or the same body of men, and wherever these two powers are united together there can be no public liberty.

And so the splendid men of that splendid age, with these experiences of their own, with these examples of others to warn them, and with these admonitions to instruct them, solemnly declared that there should be three separate and distinct powers in our Government. But even when this division was first made there were misgivings and fears that there would be some interruptions in the harmony of their operation. Jefferson said:

> The first principles of good government is certainly a distribution of its powers into executive, judicial, and legislative.

And then he warned that—

> If the three great powers of government maintain their independence of each other it may last long, but not so if either can assume the authority of the other.

And then he prophesied that the—

> Tyranny of the legislature is really the danger most to be feared, and will be for many years to come. The tyranny of the executive power will come in its turn, but at a more distant period.

Mr. Chairman, in the brief period of our existence as a Republic our people have seen both of these prophecies of Jefferson come true. There was a time when the legislative department of this Government usurped the authority of the executive and almost defied the power of the judiciary, but this was after our country had been rent by war, when men were maddened by the passions of strife and drunk with the wine of victory. But that condition was but temporary. A better day came at last when the Supreme Court, asserting again its dignity and exercising again the great function given to it of passing upon the constitutionality of legislative enactments, struck down these tyrannical and oppressive acts of Congress and restored the symmetry of our Government.

The country has witnessed during the past few years a more flagrant, a more inexcusable, and more dangerous usurpation of power by the President. It has been more flagrant because more deliberate, more inexcusable because it has occurred in times of peace, more dangerous because it has occurred almost without protest. It is sad to see the rights of a people destroyed by force, but it is sadder to see them surrendered. The people who have virtue enough to fight for the preservation of their country's institutions may in time have the power to restore them, but the people who will almost approvingly witness the subversion of the principles of their Government are hopelessly doomed. It can not be said that our people have not been warned of the dangers resulting when one department of our Government attempts to exercise the functions of another. Mr. Madison long ago said:

> If it be a fundamental principle of free government that the legislative, executive, and judicial powers should be separately exercised, it is equally so that they be independently exercised.

Then, in the Federalist it was said:

> The accumulation of all powers—legislative, executive, and judiciary—in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may be justly pronounced the very definition of tyranny.

Then, Mr. Story, in his treatise on the Constitution, said:

> Power, however, is of an encroaching nature, and it ought to be effectually restrained from passing the limit assigned to it. Having separated the three great powers by a broad line from each other, the difficult task remains to provide some practical means for the security of each against the meditated or occasional invasions of the others. Is it sufficient to declare on parchment—in the Constitution—that each shall remain and neither shall usurp the functions of the other? No one well read in history during the period of the existence of our State constitutions will place much reliance on such declarations. In the first place, men may and will differ as to the nature and the extent of the prohibition. Their wishes and their interests, the prevalence of faction, an apparent necessity, or a predominant popularity will give a strong bias to their judgments and easily satisfy them with reasoning which has but a plausible coloring, and it has been accordingly found that the theory has bent under the occasional pressure as well as under the occasional elasticity of public opinion, and as well in the States as in the General Government under the Federation. Usurpations of power have been notoriously assumed by particular departments in each, and it has often happened that these very usurpations have received popular favor and indulgence.

Mr. Chairman, it seems to me that Mr. Story must have been given the power to peer into the future, because the very conditions against which he sounded the note of warning are upon us. It is true that upon parchment we have declared that the three great departments of our Government shall remain separate and no one shall usurp the functions of the other, but how often during the past ten years have we seen the executive department exercise authority never given to it, and how often have we heard this usurpation excused because of the "predominant popularity" of the President or justified because of some apparent necessity.

Henry Clay, the great Kentuckian, drew a picture of the conditions that now prevail in this Republic when he spoke these words:

> The sum of the whole thing is that there is but one power, one control, one will in the State. All is concentrated in the President. He directs, orders, and commands the whole machinery of the State. Through the official agencies scattered throughout the land and absolutely subject to his will, he executes according to his pleasure or caprice the whole power of the Commonwealth which has been absorbed and engrossed by him, and one sole will * * * predominates and animates the whole of this vast community. If this be not practical despotism, I am incapable of conceiving or defining it.

There is one more authority to which I shall appeal, an authority that ought still to be venerated. There was once a man who led the tattered armies of the patriots through eight long years of war, who presided over the convention that framed the Constitution, who was called twice to the Presidency to direct the course of the young Republic amidst the awful dangers of its early days; and when he was about to retire from public life to the comforts of his home at Mount Vernon, he gave to his

people a Farewell Address. I beg you to-day to listen to these words of Washington; of Washington the soldier; of Washington the statesman; of Washington the patriot:

It is important likewise that the habits of thinking in a free country should inspire caution in those intrusted with its administration to confine themselves within their respective constitutional spheres. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a despotism. A just estimate of that love of power and proneness to abuse it which predominates in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power by dividing and distributing it into different depositories and constituting each the guardian of the public weal against invasions by the others has been evinced by experiments, ancient and modern, some of them in our country and some under our own eyes. To preserve them is as necessary as to institute them. If, in the opinion of the people, the distribution or the modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates; but let there be no change by usurpation, for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Would, Mr. Chairman, that there might be some power that could reanimate the dust of him who sleeps in that tomb upon the slopes of Mount Vernon so that his mighty voice again might be heard to stir our people from the sleep of death into which they are falling. Let me emphasize this sentence from that address:

If in the opinion of the people the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed.

Mr. Chairman, the excuse that has been uniformly offered by those who would defend the usurpation of power by the President is that it is done in behalf of some good purpose, to serve some worthy end or to meet some great necessity. But Washington answered this when he said:

Let there be no change by usurpation, for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed.

The exercise of arbitrary power by any man or at any time is dangerous, but it is tenfold more dangerous when exercised by a good man or to serve some good purpose. If such a power should be exercised by a bad man, he would be despised; if exercised in a bad cause, he would be destroyed; but when exercised by a man strong in the affections of the people or for a good cause, such usurpations are molded into precedents to be followed by both good and bad, as well as for both noble and ignoble ends. No virtue however great, no purpose however high can justify usurpation by the President. God forbid that we should elect a bad man President, but a bad man who would respect the limitations of the Constitution would be far less dangerous to the future of our country than the present occupant of the White House.

Mr. Chairman, when one considers the magnitude of the powers lawfully possessed by the President he is inclined to wonder how he could desire more. He is the Commander in Chief of the United States Army and Navy, with all the authority and power that this means. He has the power to make treaties, subject to approval by the Senate, and can thus affect the relationship between this and other countries. He appoints our representatives to foreign governments and through them has the ear of every ruler in civilized lands. In the Government service are 300,000 officials. Of these 100,000 are appointed by him or by those under him. These officials are to be found in every section of our country echoing his sentiments and voicing his views.

In every one of them the President has an evangelist proclaiming his virtues and magnifying his greatness. Then he has the constitutional power to recommend legislation to Congress and thus influence the legislative branch. He has, in addition, the veto power. Every act passed by Congress is submitted to him. He has the power to disapprove it and to destroy it unless Congress should pass it by the requisite vote over his veto. In a sense he is connected with the judicial department, for he has the power under the Constitution of appointment. Since Mr. Roosevelt has been President he has appointed three of the nine judges of the Supreme Court. He has appointed a majority of the circuit judges of the United States. He has appointed a majority of the district judges. Drawing their authority from him, holding their commissions under him, he is in a position to wield a powerful influence over them, though they are representatives of a distinct branch of the Government and supposed to be independent of him. Then he has all the prestige and power that go with the high office of President. The fact that he is President makes his voice a voice of power and his influence tremendous throughout the world. The utterance of Mr. Roosevelt, as Mr. Roosevelt, before he was vested with Presidential power was no more potent for evil and no more powerful for good than the utterance of any one of thousands of other men, but when he becomes President of the United States his voice is no longer the voice of Roosevelt, the man, but is the voice of Roosevelt, the spokesman for 80,000,000 of people.

The idlest whisper from his lips circles the globe, and an expression of an opinion by him upon governmental subjects affects the trade, the industries, and the thoughts of the entire world. The truth is that he wields under the Constitution as it is a greater power than that exercised by any constitutional ruler in the world. France and Switzerland have Presidents, but they wield only a small part of the power possessed by the President of the United States. England has a King and Germany an Emperor, but neither King nor Emperor can direct the policies of his people or control the affairs of his Government as completely as can the President of the United States. It has been well said that in constitutional monarchies the kings reign, but do not govern, while in the United States the President governs, but does not reign.

So, Mr. Chairman, it seems to me that any patriotic man who is President of the United States, who wields the tremendous power possessed by the President, ought to be content with the possession of these legal powers, and ought not to reach out with eager and grasping ambition and attempt to usurp the powers given to the other departments of the Government. [Applause on the Democratic side.]

But if it be said that the President has not all the power that in right and justice belongs to his great position, if the course of events has demonstrated that in order to preserve the rights of the people or to protect the Government against the evil designs of malefactors of any kind more power should be given to the President, I answer that even under these conditions the people are not helpless. They have the power in a way prescribed by the Constitution itself, by constitutional amendment, to clothe him with additional authority. And, Mr. Chairman, after all, the constitutional way is the only safe way. The constitutional path is the only one a President of the United States should seek to travel. [Applause on the Democratic side.]

But the citizen who now occupies the Presidential chair is not content, it seems, to exercise only the power that Washington exercised, that Jefferson exercised, that Jackson exercised, that Lincoln and Grant and McKinley exercised, but, driven by a reckless and unreasoning ambition, he is striving to center in himself powers not dreamed of by them. [Applause on the Democratic side.]

From what source does he get the authority he exercises? How does he justify himself in its use? He presents two theories. In his public utterances he proclaims the doctrine that there is an inherent power which belongs to all sovereign nations, a power distinct from and beyond anything conferred by constitutions, a power not vested in him by the written words of our Constitution, but that somehow, in some way, there has been given to him to use for his country's good this mysterious and limitless authority. I deny the existence of any such power. The tenth amendment to the Constitution repudiates its existence when it says:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

Then for a hundred years the Supreme Court has been holding that the United States Government possesses only the powers given to it expressly, and such powers by implication as are necessary to make effective the express powers. Within the past few months, in the case of Kansas *v.* Colorado, the Supreme Court, speaking through Judge Brewer, denounced the Rooseveltian doctrine of "inherent power" when it said:

Counsel for the Government relies upon the doctrine of sovereign or inherent power. * * * But the proposition that there are legislative powers affecting the nation as a whole, which belong to, though not expressed in, the great powers, is in direct conflict with the doctrine that this is a Government of enumerated powers. That this is such a Government clearly appears from the Constitution, independently of the amendments, for otherwise there would be an instrument granting certain specific things made operative to grant other and distinct things.

Surely, Mr. Chairman, the President will be permitted to enjoy alone the doubtful distinction of advocating the pernicious doctrine of "inherent sovereignty." While his first theory is dangerous, his second is wicked. In 1906 he said that—

We need through * * * judicial interpretation and construction of law to increase the power of the Federal Government.

It is, of course, important to our country to have wise men for our Presidents; it is important to have patriotic men for our legislators, but it is far more important to have as our

judges men not only wise and patriotic, but also incorruptible and independent. The lapse of time will end the authority of a vicious President; the wrath of the people can drive from power a faithless representative, but our experience has shown that nothing less than the act of God can free us from the scourge of a degenerate judge. A long time ago Judge Marshall said:

The judiciary department comes home in its effects to every man's fireside; it passes on his property, his reputation, his life, his all. Is it not in the last degree important that he (a judge) should be rendered perfectly and completely independent, with nothing to control him but God and his own conscience? I have always thought, from my earliest youth until now, that the greatest scourge an angry heaven ever inflicted upon an ungrateful and sinning people was an ignorant, a corrupt, or a dependent judiciary.

I have already referred to the appointment of Federal judges by the President, and the large number already appointed by Mr. Roosevelt. By the declaration above quoted that the power of the Federal Government must be increased "Through judicial interpretation and construction of law," he has served notice upon every applicant for a Federal judgeship that he must embrace this heresy and has appealed to every one already invested by his preference in judicial robes to so construe the Constitution and the law as to give to the Executive a power never possessed before. [Applause on the Democratic side.]

Mr. HARDWICK. Mr. Chairman, I want to ask the gentleman one question.

The CHAIRMAN. Will the gentleman from Texas [Mr. BEALL] yield?

Mr. BEALL of Texas. With pleasure.

Mr. HARDWICK. While the gentleman is on that particular line of discussion, I want to inquire of him what his opinion is of the action of the President not very long ago in causing the publication to be made of his desire about a certain sentence to be imposed on a man in the District of Columbia, named Harper, who had been convicted in one of the Federal courts?

Mr. BEALL of Texas. Mr. Chairman, I intended to call the attention of the House to that case, and now is an opportune time. If concrete illustration were needed of the danger and folly of the attempted exercise of powers by the President not belonging to him, this case most abundantly affords it. Let us look at it for a moment. The Harper case is unimportant in itself, but it is important in illustrating what the President attempts to do. From the press reports, it appears that this case was pending in the police court of the city of Washington, the judge of which court is appointed by the President.

Mr. SULZER. And his term is soon to expire.

Mr. BEALL of Texas. And I am informed that his term is soon to expire. I do not know about that.

Mr. HARDWICK. That is right, I think.

Mr. BEALL of Texas. A citizen of the District of Columbia was arraigned before that court, tried, and convicted of a violation of the pure-food law. The responsibility rested upon that judge to impose the penalty. The attorney appearing for the District was a representative of the judicial department of this Government, as was the judge. This country had presented to it a few days ago, according to newspaper accounts, the spectacle of the President summoning to the White House the prosecuting attorney for this district and issuing to him his commands that he should insist upon a prison penalty for that offense. It matters not whether Harper was innocent or guilty, the action of the President was equally indefensible. Let us assume that the verdict of the jury was a just verdict and that he was guilty and deserved a prison sentence, yet it would be infinitely better for this country for Harper to violate the pure-food statute and escape punishment than for the President of the United States to trample under foot the spirit of our Constitution by an attempt to dictate to an officer of a different department of this Government what he should or should not do. [Applause on the Democratic side.]

Mr. HARDWICK. If the gentleman will yield for just one other suggestion? If we are to believe the newspapers, the President not only made this suggestion to the district attorney, but he also caused it to be published as coming from the Executive Office, so that the judge might see it himself.

Mr. BEALL of Texas. Of course. There is one thing peculiar about the President; he never does anything that he does not cause to be published. [Applause on the Democratic side.] Let us see just to what length this proposition can be carried. In the first place, the pardoning power is vested in the President, and Harper, if finally sent to prison, will have the constitutional right to appeal to the President for pardon.

Could the President consistently grant a pardon to a man whose sentence he himself pronounced? Then, if the President has a right to dictate to the district attorney in the police courts of Washington, he has the right to dictate to every district attorney in the United States. If he has the right to suggest to the judge of the police court of the District of Columbia, he has the right to suggest to every district judge, every circuit judge, and every Supreme judge in the United States. If it is proper for the President to suggest to the courts that in certain instances severe penalties should be imposed, it is equally proper that he suggest when no penalty should be imposed. If a good President should be allowed to dictate to a court in order to punish the guilty, what assurance have we that some bad President in the future may not direct the court to punish the innocent? If the President has the right to do this in a Federal court, the governor of every State has the right to do it in the State courts. But, Mr. Chairman, you do not have to follow out the argument to its limit to understand just how foolish, how indefensible, and how dangerous it is for the President to interfere in such a manner.

Let me call your attention briefly to another case. A few weeks ago there was presented in the House of Representatives, by Mr. WALDO, of New York, charges against a Federal judge in China. The House referred these charges to the Judiciary Committee for examination. That committee began its task of calling witnesses and taking testimony. Soon after that examination began the President issued a manifesto and, according to newspaper reports, sent it to the Judiciary Committee of this House, in which he declared that the judge was innocent of every charge preferred against him and said:

It is clear that Judge Wilfley is attacked not because he has done evil but because he has done good.

And, further, that—

The assault on him is simply an impeachment of decency and zeal for the public good.

I do not know whether Judge Wilfley is innocent or guilty. I hope that he is innocent. But this House is given "the sole power of impeachment" and charges looking to the impeachment of this judge had been filed in the House.

The members of the Judiciary Committee were investigating the facts under their oaths as Members of this House, and I declare to you that the issuance by the President of that letter of acquittal and its transmission to the House and its committee at such a time and under such circumstances was an insult to the House. [Applause on the Democratic side.]

Mr. DRISCOLL. Will the gentleman yield to a question?

Mr. BEALL of Texas. Yes.

Mr. DRISCOLL. Is it or is it not true that charges were preferred against Judge Wilfley and brought to the notice of the President and State Department——

Mr. BEALL of Texas. I understand your question and what you mean. It is true——

Mr. DRISCOLL. If that is so, why were not the President and the State Department justified in examining those charges and settling them and making their report at any time they wished? Was not the matter and their duty entirely independent from the impeachment proceedings in the House?

Mr. BEALL of Texas. Charges were filed with the President against Judge Wilfley. They were filed direct and answer to such charges could have been made direct and not through the newspapers. Then these charges were filed with the President about November 19, 1907. The remainder of November, all of December, January, and February passed without any public declaration from the President. About February 20 this House obtained jurisdiction. It was soon after this that the President, in effect, said to the House and to the committee: "You shall not exercise the power given you by the Constitution to try this case upon its merits, but under the authority granted me by my 'big stick,' I say to you that this man must be exonerated." [Applause on the Democratic side.]

But even if all these three and one-half months had been needed by the President to examine into this case and reach his conclusions, an ordinary sense of propriety and respect for a coordinate branch of the Government would have prompted him to have withheld it a little while longer and to have permitted this great committee and this House to have examined into this case and to have rendered judgment upon the merits.

Ah, Mr. Chairman, the gentleman from New York [Mr. DRISCOLL] can not evade the proposition nor escape the conclusion that this message to that committee was simply wielding the "big stick" over their heads and over the membership of this House. I have one sincere regret, and that is that the Judiciary Committee of the House did not, in defense of its high prerogative and authority, assert a spirit of lofty and American-like independence by sending back to the President this letter that was an insult to this House.

Mr. HENRY of Texas. Will the gentleman yield to me for a question?

Mr. BEALL of Texas. Certainly.

Mr. HENRY of Texas. I do not know of this letter being sent to the Judicary, and I am not betraying any committee secrets when I say that testimony adduced before the subcommittee, which has been reported to the full committee, indicating most thoroughly that the President sent his letter to the wrong party; that instead of sending it to the House and to the Committee on the Judiciary and endeavoring to whitewash this judge, he should have sent it to the judge, calling for his resignation and removing him from office. [Loud applause on the Democratic side.]

Mr. BEALL of Texas. I know nothing of the facts beyond newspaper reports, and I am not attempting to pass upon the guilt or innocence of Judge Wilfley, but I am attempting to call the attention of the country to the danger that would result should the President succeed in exercising all the powers of the three departments of this Government. If he can properly influence the House to acquit an innocent man, he might improperly persuade the House to acquit a guilty man or to impeach an innocent man.

But, Mr. Chairman, after all the President may not be so much to blame for usurpation of legislative functions. The Senate and the House are to blame for permitting him to do so. They are to blame because they have folded their hands, have surrendered the authority given them by the Constitution, and fall prostrate at the feet of the President. Ah, Mr. Chairman, I believe that there was a time when the legislative department dared to assert the dignity and independence that belonged to it, but that time is in the past. The House and the Senate today seem to exist simply for the purpose of registering the will of the President. It has been so for the five years I have been here. It is useless to multiply examples to prove it. Take the rate bill of two years ago. You know how every movement that was made was dictated by the President. I will agree that, as passed, it was an improvement upon the old law. I know that it afforded the people some needed relief. But why could not the Senate and the House have considered it, free from the Executive interference and dictation, and perhaps under such conditions a measure might have been perfected that would have given the people still more relief. But it would have been better for Congress to have performed its functions, even though the product of its labor might have been cruder in form and less satisfactory in its operation than for the President to assume the functions of legislation.

Take the conditions prevailing now. For the past week or two the news has been coming out of the White House that the President was preparing a new antitrust bill, in which he proposed to distinguish between good and bad trusts. I suppose that his idea of a good trust is one that contributed to his campaign fund in 1904. But where does he get the authority to prepare legislation and then to submit it to some meek and submissive Member to be offered here for enactment into law? Why not complete the farce by authorizing him to come "booted and spurred" into this and that other Chamber and declare that his will shall be the law? The truth is that we in the House are in a state of double slavery, slavery to the Speaker and to the Committee on Rules; and they in turn are but the obedient servants of the President's will. [Applause on the Democratic side.]

We stand astounded at the quickness with which these haughty autocrats of this House transform themselves into fawning sycophants in the presence of their master. But occasionally he smiles upon them. In one of the Washington papers a few days ago I noticed that after the antitrust measure had been finished at the White House, the President kindly invited certain Members of the House and Senate up to the White House to inspect what he had prepared for enactment by Congress. [Applause.] A more disgraceful exhibition of abdication of authority by Congress and a more disgusting instance of usurpation by the President was never witnessed. Congress is no longer the legislative department. It is simply a machine to record the will of the man at the other end of the Avenue. The Senate and the House of Representatives do not deserve any more of the respect of the people of this Republic than they receive. Of course, the President does not respect them. He despises them as belonging to the "mollycoddle" class. The people just as well understand that there is but one power in control of the Government now, and that is the President. He makes the laws because he dictates to and controls the men who should make them. He interprets the laws because he appoints and influences the men who should interpret them. He executes the laws all by himself. Instead of having a Government in three departments, we have three departments in one man, and Roosevelt is the one man.

I clipped from a paper a few days ago an item describing the examination of two foreigners applying for citizenship in New Jersey. I will read it:

"Who makes the laws for the United States?" Assistant United States District Attorney Gregg asked Adam Canalsey, applicant for naturalization, in court here this morning. "Roosevelt," said Canalsey, promptly. "Is there no other governing power?" "No." "What body makes the laws for the United States?" was the way the question was put to John Remar, the next candidate. "Roosevelt," he said.

And so it is. Roosevelt makes the laws and interprets them and executes them and suspends them at his own pleasure and will.

Mr. HARDY. Will the gentleman yield?

Mr. BEALL of Texas. I will yield to the gentleman.

Mr. HARDY. In the antitrust measure he proposes to be given the constitutional and legal discretion to suspend them.

Mr. BEALL of Texas. It would be only a useless formality to give him a power that he will exercise without authority whenever it serves his purpose to do so. In his message of yesterday he served notice upon the House that—

If you pass certain measures in a certain way, I will veto them.

The next breeze that comes from the White House will probably bring the message that if this Congress does not bow in willing obedience to his demand for four battle ships, he will veto measures providing for public buildings or for the improvement of rivers and harbors.

Now, Mr. Chairman, I am not one of those who regard the slightest utterance of the President as oracular in its wisdom, nor am I one of those who would deprive him of all credit for the virtues he may possess. He sometimes does good things in a way to make them look bad, and he sometimes does bad things in a way to make them look good. He sometimes thinks without acting, and oftentimes acts without thinking. [Laughter and applause.]

He is sometimes right and sometimes wrong, but always picturesque.

He is patriotic enough occasionally to seize upon some of the policies of his political opponents and use them to his country's good, and sometimes partisan enough to cling to the policies of his own to his country's harm.

He is the apostle of simplicity. He believes in the simple life and simplified spelling.

He is ambidextrous. He wields the "big stick" in one hand and a fountain pen in the other and creates equal havoc with each. [Laughter and applause on the Democratic side.]

When he gets into action his enemies are in danger and his friends in peril. [Laughter and applause on the Democratic side.]

He is fickle in his affections. In 1904 the name of Harriman in the code book of the White House was "Donation." In 1908 it is "Damnation." [Laughter and applause on the Democratic side.]

He is a broncho buster and a trust buster, the difference being that when he breaks a broncho he blindfolds the horse, and when he attempts to "bust" a trust he blindfolds himself. [Laughter and applause.]

He is a nature student. He has counted all the stripes around the body of a mountain lion, but he has never seen a stripe upon one of the trust magnates.

He is a great hunter. He can draw the finest bead upon a bobcat, but he can not get a sight on the Constitution. [Laughter and applause on the Democratic side.]

He is progressive. For years he chased the bears, and now he is chasing both the "bulls" and the "bears."

He is trusting. He took "In God we trust" from the coins and then trusted 200,000,000 of them to the banks in New York. [Laughter and applause.]

He is a contradiction. He declaims against race suicide, but he insists on keeping the tariff on safety pins and baby buggies. [Laughter and applause.]

He cultivates the artistic. He whitewashed Paul Morton and is now frescoing the reactionaries with a tint of blue.

He is perverse. He was given the Vice-Presidency in the hope that he would bury himself, but has constantly refused to deport himself as a well-disposed corpse should.

He can see a war cloud in the heavens before breakfast, but gets color-blind about lunch time. [Laughter and applause on the Democratic side.]

In the South he has more admirers than supporters, and in the North he has more supporters than admirers. [Laughter and applause.]

He can make a noise like a politician. He discharged the colored troop of soldiers in an off year, when they committed murder, and now recommends their restoration in an election year. [Laughter and applause on the Democratic side.]

He is generous. Given the power, with the advice and con-

sent of the Senate to make treaties, he is willing to relieve this body of its onerous duty and do it all himself.

He is a magician. He can transform our Uncle Joe, who is a roaring lion in the House, into a purring kitten in the White House. [Laughter and applause.]

He is sympathetic. When he sees the Senate suffering from ennui he gives it diversion by permitting it to eat out of his hand.

He is considerate. He permits the Supreme Court to construe a part of the laws a part of the time, instead of himself construing all the laws all of the time.

He is thoughtful. Instead of introducing into this House legislation prepared by himself, he permits the "Carnation Club" of the House to look over the finished product. [Laughter and applause.]

He is the Sandow of the century. He can hold the Senate in one hand and the House in the other and keep both of them in the air most of the time. [Renewed laughter.]

He is a patriot. Realizing from past observations that his party oftentimes makes mistakes in nominating its candidate for the Presidency, he is seeking to relieve it of that responsibility and is making the nomination himself.

He is the strangest combination of wisdom and folly, of honesty and obstinacy, of patriot and politician, of courage and rashness, and of the spectacular and the grotesque that this Republic ever saw, and just what niche he is to occupy in the temple of his country's history God and the future alone can tell. [Prolonged applause on the Democratic side.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Office of the Secretary: Secretary of Agriculture, $12,000; Assistant Secretary of Agriculture, $5,000; one solicitor, $4,000; chief clerk, $2,500, and $500 additional as custodian of buildings; private secretary to the Secretary of Agriculture, $2,500; stenographer and executive clerk to the Secretary of Agriculture, $2,000; private secretary to the Assistant Secretary of Agriculture, $1,600; stenographer to the Assistant Secretary of Agriculture, $1,400; one appointment clerk, $2,000; one chief of supply division, $2,000; one inspector, $2,000; one telegraph and telephone operator, $1,400; one telegraph and telephone operator, $1,200; one clerk, class 4; three clerks, class 3; five clerks, class 2; seven clerks, class 1; five clerks, at $1,000 each; two clerks, $900 each; one clerk, $840; six clerks or laborers, at $720 each; one chief engineer, who shall be captain of the watch, $1,600; three assistant engineers, at $1,000 each; four firemen, at $720 each; four elevator conductors, at $720 each; one cabinetmaker, $1,100; one carpenter, $1,000; one electrician, $1,000; one painter, $900; one painter, $720; one plumber, $900; one blacksmith, $840; one lieutenant of the watch, $1,000; fifteen watchmen, at $720 each; one mechanic, $1,100; seven clerks or messengers, at $840 each; two assistant messengers, at $720 each; two assistant messengers, at $600 each; one assistant messenger, $480; one skilled laborer, $840; one skilled laborer, $720; one skilled laborer, $660; three skilled laborers, at $600 each; one skilled laborer, $480; one laborer, $600; eleven laborers or charwomen, at $480 each; one charwoman, $540; five charwomen, at $240 each; for extra laborers, emergency employments, and pay of rents, $7,600; in all, $132,500.

Mr. FITZGERALD. Mr. Chairman, I wish to reserve a point of order against some increases in this paragraph: In line 11, page 1, one solicitor at $4,000; line 12, page 1, and line 1, page 2, "and $500 additional as custodian of buildings;" lines 21 and 22, on page 2, "one cabinetmaker, $1,100;" and lines 24 and 25, "one painter at $750."

Mr. SCOTT. Mr. Chairman, I should like to call the attention of the House to the fact that the salaries of the solicitors of the other Departments of the Government range from $4,500 to $5,000. In the general post-office the assistant attorney is paid $4,500. In the Department of the Interior he is paid $5,000. The Solicitor for the Treasury, the Solicitor for the Department of State, for the Department of Commerce and Labor, and for the Office of Internal Revenue are paid $4,500 each; so that the present salary of the solicitor for the Department of Agriculture is $1,000 lower than the salary of officials of corresponding rank in the other Departments. It seemed to your committee, in view of the fact that the passage of the pure-food law and of other laws has imposed a large additional burden upon the solicitor for this Department, that it was certainly not unfair to increase his salary $500, where it would still be that much below the salary paid to similar officials in the other Departments. As to the office of chief clerk, I would like to call attention to the fact that $500 is added to his salary because he is made custodian of the new building, and that is the salary that is paid for such service in all the other bureaus. In every Department of the Government, except the Department of Agriculture, the salary of the chief clerk now is $3,000, while in the War Department and in the Department of State an increase of $1,000 has been recommended. I hope, therefore, that the gentleman will withdraw his point of order, and if he does not I should like to be heard a moment on the point of order.

Mr. MANN. Will the gentleman yield for a question?

Mr. SCOTT. Yes.

Mr. MANN. When he speaks of the solicitor and the solicitors in the other Departments, what other Department does the gentleman refer to that has a solicitor?

Mr. SCOTT. The Department of State, of the Treasury, and of Commerce and Labor.

Mr. ROBERTS. And the Navy Department has one also.

Mr. SCOTT. I think there is a solicitor in the office of the Commissioner of Internal Revenue.

Mr. MANN. There are several solicitors in connection with the Treasury Department authorized by law.

Mr. SCOTT. Yes.

Mr. MANN. And the salaries fixed. Is there any authorization of law for this place at all?

Mr. SCOTT. Except as it is made from year to year in the appropriation bill.

Mr. MANN. It is a new place made a few years ago, a very few years ago.

Mr. SCOTT. Undoubtedly; it is not in existence except as it is carried from year to year on the appropriation bill.

Mr. MANN. There is no special occasion for its existence, is there?

Mr. SCOTT. It is highly important that there should be a law officer in connection with the Department of Agriculture.

Mr. MANN. Then, why does not the gentleman's committee provide for an Assistant Attorney-General of the United States for the Department of Agriculture?

Mr. SCOTT. For many years there has been employed in the Department and carried on the appropriation bill what was known as a law clerk. Some three years ago that designation was changed to solicitor, which was thought to cover the case. This officer is employed to do very important work. He is occupied daily with questions growing out of the enforcement of the pure-food law. It is his duty to visé all contracts that are entered into by the Department, and to prepare all the cases to be submitted to the Attorney-General of the United States connected with violation of the law, the enforcement of which is specially placed in charge of the Department of Agriculture; so that I am sure he finds himself occupied all of the time.

Mr. MANN. Oh, I have no doubt about that. He finds his time occupied, so far as my observation goes, and I have had some occasion to be observant on the subject, and I think that a large share of his duty is to hinder the enforcement of the pure-food law instead of enforcing the pure-food law. He ought to have nothing to do with it, in my judgment.

Mr. SCOTT. Of course that is a matter of administration with which this committee has nothing to do.

Mr. MANN. Well, I suppose that is true.

Mr. SCOTT. The committee has felt that as long as this officer was in the Department, coming into it by appointment in the regular way, he was entitled to at least something near the salary that is paid officials of similar rank in other Departments.

Mr. MANN. Well, this official was a law clerk and came into the Department as a law clerk, and I suppose at a salary of considerably less than $2,000. In the course of time it was determined to give this official some added compensation, and thereupon, without any authorization of law, there was a proposition made to call him a solicitor. He was the same individual and his salary was raised, I think, to $3,000; subsequently, or perhaps at the same time, to $3,500. I believe that is the salary he now receives. Now the proposition is to make his salary $4,000. If the Department of Agriculture had provided for it a solicitor, to be appointed as other solicitors are by the President of the United States and confirmed by the Senate, doubtless this official would not be named for the place. He is not, in my opinion, the caliber of man for such a position as that.

Mr. BURLESON. Will the gentleman permit me to ask him a question? Is it not a fact by reason of the enactment and enforcement of the pure-food law, in which the gentleman took considerable interest, that the labors of the solicitor have been increased very largely and the possibilities of his office made much greater?

Mr. MANN. I think likely that is true.

Mr. BURLESON. And the discharge of his duties made much more onerous?

Mr. MANN. I think the pure-food law, as I said before, would be far better enforced if this official had nothing to do with it, and that he has perhaps most of the time been hindering the enforcement of the pure-food law instead of enforcing the law.

Mr. BURLESON. That is not the view the Secretary of Agriculture takes.

Mr. MANN. That may be. I have the greatest respect and affection for the Secretary of Agriculture, but in this particular

case I do not happen to agree with him. I think there ought to be in that Department a solicitor attached to the Bureau that has to deal with the enforcement of the pure-food law who would himself give attention to the trial of pure-food cases, a thing which this solicitor never has done. He does not prepare cases that are to be tried in the courts to enforce the pure-food law, and knows nothing in regard to them.

Mr. SCOTT. I should like to inquire whether the gentleman from New York insists upon his point of order?

Mr. FITZGERALD. I insist. I wish to call the attention of the gentleman from Kansas to this fact: It has been asserted that we are threatened with a deficit of $100,000,000 in the present fiscal year. The deficit to-day is over $30,000,000, unless I am greatly mistaken. This bill carries about $1,000,000 more than the estimates——

Mr. SCOTT. The gentleman is mistaken about that.

Mr. FITZGERALD. No; I am not——

Mr. SCOTT. He clearly is.

Mr. FITZGERALD. I know the gentleman pointed out in his report that certain supplemental estimates were submitted, but they were not submitted in accordance with the law. The law requires that no supplemental estimates shall be submitted unless because of some emergency that has arisen since the time the estimates are submitted in pursuance to the statutes, and in that case the Secretary, or whoever submitted the estimates, must state the reason why the estimates were not submitted when the regular estimates were submitted to Congress. I do not think the gentleman will contend that this provision of the statute has been observed in regard to the estimate of $2,000,000 for improvement of national forests, for examining applications for homesteads within national forests $100,000, and the other items which make the estimates according to his report exceed the amount carried by this bill, for this bill does carry in round numbers about $1,000,000 more than the estimates submitted to Congress in pursuance of the statute. Now, if all the committees which have jurisdiction over appropriation bills were to bring in about 10 per cent more than the amounts estimated by the Departments, instead of reducing or refusing to give the $100,000,000 asked by the Department, so as to bring the expenditures within the revenues, we would appropriate for the next fiscal year about $200,000,000 in excess of the contemplated revenues.

Mr. SCOTT. Mr. Chairman, the gentleman is certainly mistaken in his assertion that the supplemental estimates which have come before the committee did not come in compliance with the law. They came in the usual way. I hold one of them in my hand, a letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of Agriculture submitting an estimate of appropriation for enforcement of the act to prevent cruelty to animals while in transit by railroads or other means of transportation.

Mr. FITZGERALD. Does the Secretary state in his communication his reasons for not submitting that estimate with the regular estimates?

Mr. SCOTT. The letter is as follows:

I beg to request that you will transmit to Congress, as a supplemental estimate from this Department, the following item of $25,000 to cover necessary expenses for collecting evidence and securing enforcement of the act of June 29, 1906.

Then follows the paragraph he wishes to have inserted in the bill. The Secretary of Agriculture then adds:

Since August, 1906, the inspectors of the Bureau of Animal Industry of the Department of Agriculture have reported over 1,200 violations of this law.

Does the gentleman desire me to read the rest of that?

Mr. FITZGERALD. I am waiting for the part of the letter that complies with the statute.

Mr. SCOTT. I will read further:

The collection of evidence in cases under the law involves the expenditure of a considerable amount of money, which subsequently is returned to the Treasury in the shape of fines and costs. Violations are reported in the first instance by inspectors of the Bureau of Animal Industry.

And the remainder of the letter continues in the same vein. It seems to me, to reply to the gentleman's suggestion in regard to the fulfillment of the law, that it is made sufficiently clear in the statement of the Secretary that an emergency has arisen which could not have been anticipated when the estimates were made up in August.

Now, I would like to call attention also to a paragraph in the original estimates which were submitted to the committee and appear in the Book of Estimates in connection with the Bureau of Forestry, as follows:

The appropriation of $500,000 for the administration, protection, and development of the national forests, together with its several provisos, have been omitted, as the provisos are continuing legislation, and as a separate estimate will be submitted for such money as may be necessary for the administration, protection, and development of the national forests.

Notice was given at that time that a supplemental estimate would be sent in later, and that supplemental estimate was sent in, amounting to $2,000,000.

Mr. FITZGERALD. Now, I shall call the gentleman's attention to the statute which the Secretary of Agriculture did not comply with in submitting those estimates. In the legislative act of June 22, 1906, is this provision:

Hereafter the heads of the several Executive Departments, and all other officers authorized or required to make estimates for the public service, shall include in their annual estimates furnished the Secretary of the Treasury for inclusion in the Book of Estimates all estimates of appropriations already required for the service for the fiscal year for which they are prepared and submitted, and special or additional estimates for that fiscal year shall only be submitted to carry out laws subsequently enacted or when deemed imperatively necessary for the public service by the Department in which they shall originate, in which case such special or additional estimate shall be accomplished by a full statement of its imperative necessity and reasons for its omission in the annual estimates.

I have glanced hastily at the supplemental estimates, and I undertake to say that anybody who examines them and examines this provision of the act of 1906 will realize in a moment that the Secretary has not complied with the provisions of that act.

Mr. SCOTT. Mr. Chairman, I think the Secretary has complied literally with the provisions of that act. I have just read the letter of transmittal in which he submits a supplemental estimate to cover the expense of collecting evidence to enforce the act of June 29, 1906. Another estimate was for $60,000 to provide for the restoration of a building at the weather station at Mount Weather, Virginia, which was destroyed by fire after the estimates were submitted last August.

Mr. FITZGERALD. That is a different case.

Mr. SCOTT. Another estimate was one for $100,000 for surveys of homestead tracts within the national forests, and that also was an emergency, because it was not known until after the original estimates were submitted that applications for such surveys would come in such numbers as to make it impossible for the present force to meet them as rapidly as the interests of the people demand that they should be met. Furthermore, the law of last year required the Secretary in submitting the estimate for the improvement of the forests to submit with it a detailed estimate of the amount that was to be expended in each forest and the purpose for which it was to be expended.

It was impossible for the Department to prepare the estimates in the great detail required by the law at the time the original estimates were submitted. Notice was given to that effect when these estimates were submitted, and the supplemental estimates came in as soon as the Department could prepare them. I insist, therefore, that the Secretary has complied with the law, and the committee was absolutely right in regarding these estimates as of the same character as though submitted when the original estimates were sent down.

Mr. CRUMPACKER. If the gentleman will permit me. I think it is clear that the statute quoted by the gentleman from New York is directory; anyway it is not a mandatory statute.

Mr. FITZGERALD. I beg the gentleman's pardon. It is a mandatory statute.

Mr. CRUMPACKER. There is no penalty attached to it.

Mr. FITZGERALD. That does not make it directory.

Mr. CRUMPACKER. It is a directory statute in its very nature. Congress has authority to make appropriations without any estimates at all, and the estimates required by that statute are purely advisory and for the convenience of Congress in making up the annual budgets. The head of a Department may make his annual estimates and supplemental estimates as he sees fit for the instruction of the Congress. Congress may follow the estimates and it may absolutely discard them. It may make provision for supplemental appropriations whether in harmony with law or not. I think it is purely directory and not mandatory. There is nothing compulsory about it. It is simply a legislative request that the head of the Department make these estimates for the information of Congress in making up the annual budget.

Mr. FITZGERALD. Does the gentleman mean that when Congress enacts a law that estimates shall be submitted in a certain way it is merely a request and not binding upon the head of a Department?

Mr. CRUMPACKER. Most certainly it is. The gentleman is a lawyer and knows the difference between a directory and mandatory statute.

Mr. FITZGERALD. I have examined this statute very closely, and if it is not mandatory I am unable to conceive what a mandatory statute would be.

Mr. CRUMPACKER. In the first place it carries no penalty.

Mr. FITZGERALD. That would make it penal.

Mr. CRUMPACKER. It involves, in addition, the fact that

it binds nobody; it purports to bind nobody. It is for the information of Congress. That is all. It does not undertake to provide that an appropriation shall or shall not be made.

Mr. MANN. Would the gentleman from Indiana say that if a Secretary of one of the Departments should decline to obey that law he would not be subject to impeachment?

Mr. CRUMPACKER. He would not.

Mr. MANN. He clearly would.

Mr. CRUMPACKER. Congress has no power to encroach upon the executive function, no more than the executive has to enter on the legislative power. There are certain discretions lodged in the Executive Departments, and the Congress can not control them; but that hypothesis is not the one that we are now discussing.

Mr. MANN. I think that is true. It is an academic discussion.

Mr. CRUMPACKER. Purely, it is one; but the gentleman assumes to state a moral general law.

Mr. SCOTT. Mr. Chairman, this is a very interesting discussion, but, as the gentleman from Illinois remarked, it is purely academic. As to whether these estimates came down in the way required by law or not, gentlemen may have different opinions; but they came down, the committee considered them, and the bill which is before the House is to be judged upon its merits, I take it, and not upon the proposition whether the estimates were properly submitted.

I have just a few words that I would like to say in response to the criticism of the gentleman from New York as to the alleged extravagance in this bill. I desire to call his attention and that of the House to the fact that the actual increase of this bill over the appropriations for the current year is $1,204,056, while the actual increase in the appropriations for the current year over the appropriations for the preceding fiscal year, 1907, were $2,276,850. As a matter of fact, therefore, the increase in the appropriations carried by this bill over the appropriations for the current year are but little more than half as large as the increase of the current appropriations were over the bill for the preceding fiscal year. I insist, therefore, that this bill has been carefully and conservatively and economically drawn, and that criticism against it on the score of extravagance is not justified.

Now, I should like to have the point of order settled, and if the gentleman from New York [Mr. FITZGERALD] insists upon it, I should like to say a word on that subject.

Mr. GAINES of Tennessee. Mr. Chairman, I have just come into this Chamber, and I am not familiar with the wording of the matter which is before the committee; but the distinguished lawyer, the gentleman from Indiana [Mr. CRUMPACKER], just now made a statement that attracted my attention. As I caught it, it was something like this, that the statute was not mandatory, because no penalty was fixed by the statute. Does the gentleman mean to argue that a statute must have a penalty in order that it may be mandatory?

Mr. CRUMPACKER. There must, of course, some right be determined or depend upon the statute; but the criticism I made of the statute quoted by the genleman from New York [Mr. FITZGERALD] was regarding the making of annual estimates by the heads of Departments.

Mr. GAINES of Tennessee. I caught all that.

Mr. CRUMPACKER. I made the statement that the statute was directory and not mandatory.

Mr. GAINES of Tennessee. And the statement I caught—perhaps I did not catch it correctly, but I want to get it correctly—was that the distinguished gentleman said that a statute in order to be mandatory must have a penalty.

Mr. CRUMPACKER. Not necessarily.

Mr. GAINES of Tennessee. Then the gentleman and I quite agree.

Mr. CRUMPACKER. This statute had no penalty, and there was nothing depending upon it. There were no conditions attached to it at all, and it was directory in its form. It is not an academic question, because no point of order can be based upon that kind of a statute, anyhow.

Mr. SCOTT. Speaking to the point of order, I recognize that the precedents have been largely in favor of sustaining such a point of order as has just been raised. I do insist, however, that the rulings upon appropriation bills, and particularly upon this appropriation bill, have been inconsistent and illogical. I make that statement with all deference to every Member of the House who has occupied the chair while those rulings were being made. I remember only two or three years ago language was stricken from the agricultural appropriation bill which had been in it for years on the theory that the appropriation act for the current year was not existing law. And yet every year points of order are sustained against increasing salaries on the theory that the current law is existing law. Obviously these two theories are mutually self-destructive. One of them may be right or the other may be right, but by no possibility can both of them be right. My own view of the question is that the appropriation bill is not existing law, for the reason that by the time the bill we are now considering takes effect the current appropriation bill will have passed from the stage forever. Further than that, it seems to me my view of this case is sustained by the following section of the Revised Statutes:

> Each head of a Department is authorized to employ in his Department such number of clerks of the several classes recognized by law, and such messengers, assistant messengers, copyists, watchmen, laborers, and other employees, and at such rates of compensation, respectively, as may be appropriated for by the Congress from year to year.

It certainly seems to me that no language could make it plainer, and that the appropriation made from year to year must fix the salary of an employee whose salary is not fixed by any other law.

Mr. MANN. Will the gentleman yield for a question?

Mr. SCOTT. Certainly.

Mr. MANN. I suppose the gentleman is aware that the statute provides for a classification of clerks.

Mr. SCOTT. I am.

Mr. MANN. And that the statute to which the gentleman refers does not include anything at all above a clerk.

Mr. SCOTT. It seems to me that the words "other employees" are pretty broad.

Mr. MANN. Ah, that is true; but of course the gentleman is not a lawyer.

Mr. SCOTT. I am sorry that I am not.

Mr. MANN. The gentleman is a proud addition to his own profession; but with the ordinary construction of law, the words "other employees" do not refer to any higher class of employees than clerks, and can not be made to do so and never have been so held, and nobody has ever construed those words to give authority to employ any higher class of employees than clerks. They were not designed to, clearly.

Mr. SCOTT. The gentleman's opinion, of course, is entitled to very great weight. I only maintain my own opinion that the statute is susceptible of the interpretation I have given it. I yield, of course, to the judgment of the Chair.

Mr. FITZGERALD. Whatever interpretation the statute may be subject to, if there be any one question well decided under the rules of the House, it is that where no statute fixes the compensation of an employee the rate paid him for the current year, provided in the current law, is the rate of compensation for which Congress can appropriate on an appropriation bill, and any attempt to increase it on an appropriation bill is subject to a point of order.

I would not attempt to reconcile the decisions that have been made under these rules as to what are in violation or what are in conformity with what is known as the "rider rule," but that one point is definitely and well settled and is often insisted upon in this House.

Mr. MANN. Mr. Chairman, of course I believe we always have this discussion at the beginning of the consideration of an appropriation bill, as to what is and what is not subject to a point of order. The matter is not one that is open for new consideration, as I understand it. It has been held for years that the current appropriation law does govern the committee as to the salary that is fixed, but does not govern as to the position itself. Now, that is an arbitrary distinction, originally probably without any good reason, but a distinction which has been followed for years, regardless of its origin, and I take it that it is not open to a Chairman now to overrule the long line of decisions upon that point.

Mr. SCOTT. If the long line of decisions have been wrong, ought they not to be overruled?

Mr. MANN. Well, if the long line of decisions has been wrong, it is quite possible that the House, or the committee itself, upon appeal, would be justified in overruling that line of decisions. But no occupant of the chair would feel authorized to do that; and if that line of decisions should be overruled it would put the Appropriation Committees in a much worse fix than they now are.

Mr. CRUMPACKER. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. CRUMPACKER. The gentleman made the statement that the salary fixed in appropriation bills is binding upon the committee in relation to the salary without qualification. Is it not true that that rule applies only where the statute authorizing or creating the place fails to fix the salary? If the statute authorizing or creating the position fixes the salary, the salary in the current appropriation bill may be above it.

Mr. MANN. If the law provides for a salary, the law con-

trols it. What I mean to say is, that in the current appropriation bill the salary is taken as existing law.

Mr. CRUMPACKER. Where the law fixes no salary?

Mr. MANN. Of course the current appropriation bill can not change that. The act of Congress under which this bill comes in is not the one the gentleman refers to, although that would apply to the appointment of clerks in this office, but it is the one which gives the Secretary of Agriculture the power—and this is the original act creating the Department of Agriculture—giving to the Commissioner the power to appoint such other employees as Congress may from time to time provide, with salaries corresponding to salaries of similar offices for other Departments of the Government, and he shall, as Congress may from time to time provide, employ other persons for such time as their services may be needed, including chemists, botanists, and entomologists, and other persons skilled in natural science pertaining to agriculture.

Mr. SCOTT. I would like to ask if the section the gentleman has just referred to does not sufficiently extend the section to which I called the attention of the Chair to eliminate it from the criticism which the gentleman from Illinois made upon it—that it was limited only to the classified employees?

Mr. MANN. A section similar to this is carried in all acts creating the various Departments of the Government. When we drafted the bill creating the Department of Commerce and Labor—my friend from New York is not here—perhaps it was his idea—[laughter]—there was a similar provision put in on the theory that as to the ordinary positions Congress would have the authority to put in the officers and provide the salaries. My understanding is that that never has been applied to the creation of a particular office in the first place with a particular salary, and that would be subject to a point of order. The ruling has always been that way I think.

Mr. GAINES of Tennessee. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. GAINES of Tennessee. I would like to inquire if the Secretary of Agriculture, whom we all so much admire, has any lawyer or any counsel?

Mr. SCOTT. He has no counselor except the solicitor for the Department.

Mr. GAINES of Tennessee. The gentleman means the lawyers in the Department of Justice?

Mr. SCOTT. No, a solicitor for that Department.

Mr. GAINES of Tennessee. The Secretary ought to have some lawyer employed in that Department to give advice to his officers.

Mr. SCOTT. That is the duty of the solicitor for the Department.

Mr. GAINES of Tennessee. I know the Secretary has a great deal of trouble in executing these new laws and if he did not have a good lawyer down there, I was going to ask the committee to arrange for one.

Mr. SCOTT. The Secretary recommends in his estimates that the salary of the solicitor now employed in the Department be increased.

Mr. GAINES of Tennessee. I was not talking about that, I was talking about the office.

Mr. SCOTT. I merely mentioned it to show the estimation in which the solicitor is held by the Secretary.

Mr. GAINES of Tennessee. How much does the solicitor now get?

Mr. SCOTT. Thirty-five hundred dollars a year.

Mr. FITZGERALD. In the current law the salary is fixed as $3,500.

The CHAIRMAN. It is unquestionably true that a long line of decisions and precedents sustain the point of order raised by the gentleman from New York. On the other hand, if we keep in mind the words of the statute—that the Secretary is authorized to employ in his Department such number of clerks of the several classes recognized by law and such other messengers, assistant messengers, copyists and laborers, and other employees at such rate of compensation, respectively, as may be appropriated for by Congress from year to year—if we keep this statute in mind, it seems to the Chair that all must admit that the precedents are based upon an entirely arbitrary rule where the employee whose salary is under consideration is included in the enumerated classes. So the important question is whether these officers are included in these classes. It is plain that they are not, unless the words "other employees" is broad enough to include them.

This phrase has been interpreted by the Chair from time to time, and the precedents are all one way and to the effect that it does not include officers like these. So, while the present occupant of the Chair certainly feels that this line of precedents to which the gentleman from Illinois [Mr. MANN] and the gentleman from New York [Mr. FITZGERALD] referred is unbroken in their support of the point of order raised by the gentleman from New York, the Chair feels that if we were starting anew it might well be questioned whether the arbitrary rule might not wisely be set aside.

Mr. POLLARD. May I interrupt the Chair there to call his attention to a clause from the Digest, as found on page 359, under subdivision "(n) Change of existing law—general principles." We find in the third paragraph from the bottom of the page this language:

A department being created for the declared purpose of investigation, an appropriation for the instrumentalities of such investigation was held to be within the rules.

Mr. Chairman, it seems to me that from this ruling, which is founded upon a ruling of the Chair made in the Fifty-sixth Congress, second session, and inasmuch as the organic act creating the Department of Agriculture and the supplemental act that has since been passed directs the Secretary to make certain investigations, he has the authority in law to make those investigations. Now, the question is, whether the appointment of a solicitor is not considered in the sense of one of the "instrumentalities" to enable him to prosecute those investigations.

The CHAIRMAN. The Chair is clearly of opinion that in connection therewith Congress would have authority to appropriate a lump sum, but to establish and define an office is an entirely different thing.

Mr. POLLARD. It seems to me that this case is directly in point. I do not know as I care to argue it further, but it seems to me that that precedent covers the ground fully. The Secretary certainly can not carry forward the work that is placed upon his shoulders in enforcing the pure-food law and carrying out the meat-inspection act and all the other laws without a solicitor in his Department, and it seems to me that he is certainly in the nature of one of the "instrumentalities," as covered in this decision.

Mr. MANN. The gentleman would not claim, I trust, that under the pure-food law the law would authorize the appointment of a solicitor in the Department of Agriculture, because the law expressly provides that the Secretary of Agriculture shall transmit these legal questions to the office of the Attorney-General of the United States.

Mr. POLLARD. The enforcement of the pure-food law and the meat-inspection act are among a few of the responsible duties of the Secretary of Agriculture. I simply mention that as an incident.

Mr. MACON. Mr. Chairman, here in the report made by this committee it says that the salary of the solicitor is advanced from $3,500 to $4,000. Now, that is a clear advance, and there is no law to authorize the increase of that salary. If the Department was employing a solicitor in the first instance at a salary, and the law authorized the Secretary of Agriculture to appoint one, then he could do it, but the existing law does not authorize him to increase the salary of that solicitor whenever he sees fit to do so.

Mr. POLLARD. The trouble with the gentleman's position is that there seems to be no statutory law authorizing this position at all, unless it comes from the organic act creating the Department of Agriculture or some supplementary act amendatory thereof.

Mr. GAINES of Tennessee. How much is he paid now?

Mr. POLLARD. Three thousand five hundred dollars.

Mr. MACON. No one has any objection to keeping him there at the present salary, but this report says that the solicitor is advanced from $3,500 to $4,000 without any showing on earth to the effect that the Secretary of Agriculture could not find a competent man for $3,500 to perform that service.

The CHAIRMAN. In pursuance of what the Chair has already said, the Chair sustains the point of order.

Mr. SCOTT. Mr. Chairman, I would like to have the Chair and the gentleman from New York [Mr. FITZGERALD] make a division of this question, because it seems to me that the cabinetmaker is on a different footing. The cabinetmaker is simply a transfer from the emergency roll of the Secretary, and is transferred under the law at the same salary that he is paid at present.

Mr. FITZGERALD. This transfers a man?

Mr. SCOTT. It transfers him from the employment on the emergency roll to the statutory roll, as the law requires he shall be transferred.

Mr. FITZGERALD. I withdraw the point of order as to the cabinetmaker, and also as to the painter at $720 a year.

Mr. SCOTT. Mr. Chairman, then I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 1, line 11, after the words "five thousand," insert the following: "One solicitor, $3,500."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kansas.

The question was taken, and the amendment was agreed to.

Mr. GAINES of Tennessee. Mr. Chairman, I want the committee's attention for a few moments and I move to strike out the last word. I want to call the attention of the committee to certain rules for the Internal-Revenue Department, that presumptively were coined by the solicitor or counselor for the Internal-Revenue Department, to show you how the tobacco growers of this country are inflicted by rules of the department enforced as law. I do this, gentlemen, with a great deal of hesitation. I do not feel at all like making a speech or argument or doing anything else, gentlemen; I should be in my room and not here, but as we are passing this agricultural bill, I came to help it along. You all know I have always taken a great deal of interest in the agricultural bills and the farmers. I invite your attention for a few moments to read you what Mr. John W. Yerkes, Internal-Revenue Commissioner——

Mr. POLLARD. Mr. Chairman, I would like to inquire what is before the House.

Mr. GAINES of Tennessee. Well, I am before the House and my motion is before the House and I hope the gentlemen will indulge me for a moment.

The CHAIRMAN. The gentleman from Tennessee is addressing the committee upon his amendment to strike out the last word.

Mr. GAINES of Tennessee. Has the gentleman any objection?

Mr. POLLARD. Unless the gentleman confines himself to the matter before the House.

Mr. GAINES of Tennessee. Does the gentleman object to my speaking about some of the infamous rules of this Internal-Revenue Department which crush the rights and tie the hands and feet of the tobacco growers of this country? If he does, I will resume my seat, Mr. Chairman, and let the tobacco trust continue to chain and rob the people of this country. I am not talking idly. I am talking for freedom. I am for law and order, and not for tyrannies or tyrannical rules, Mr. Chairman, and I hope I may be unmolested for the few moments, particularly, for I feel physically unable to stand here in my tracks; but I would sooner die in my shoes than to stand mute and motionless, with my people crying out for justice and mercy and looking to me for succor.

Mr. MANN. Will the gentleman yield? The gentleman knows I fully sympathize with him in his idea. We passed the gentleman's bill the other day, unanimously, as the gentleman knows, and——

Mr. GAINES of Tennessee. I want to repeal these infamous rules, and I want to show what the people have been suffering because of these departmental rules and regulations.

Mr. MANN. But we passed the gentleman's bill unanimously the other day, as the gentleman knows.

Mr. GAINES of Tennessee. And with all my beating heart I thank the gentleman and this House, as I have done before in this matter. Now, Mr. Chairman, if the committee will indulge me, I want to read the words of these brutal and uncivilized rules. Mr. Yerkes had nothing to do with the making of these rules so far as I know. I do not know who on God's earth did make them, but of course they are charged up to the Department, and to show you I do not feel partisan about the matter, I will say the tobacco tax was put upon leaf tobacco by the Wilson tariff act and it has been perpetuated by the Dingley Act, and the Members of this House, looking to the great body of the people, feeling sympathetic for the suffering tobacco growers throughout the country, have been good enough and just enough, without a murmur, to thrice pass through this House a bill to repeal this tax law, and it has twice gone into its grave, prearranged at the other end of the Capitol, by and through the influence of tobacco trust lobbyists.

The enemies of this bill, let me state, have increased this year their lobby fund, and publicly say so in a resolution which I have at my office, and for the purpose of defeating this bill. They thanked their lobbyist for having previously defeated it. This year they increased their appropriation to meet any "extraordinary" expense they might incur in defeating this bill. But I did not take the floor, Mr. Chairman, to talk about that now. My desire is to talk about these godless rules, and them only, which I will now proceed to do. Let me state, first, that Mr. Yerkes, then Commissioner, took my bill and the bill introduced by the gentleman from Kentucky [Mr. STANLEY], and from them drew this bill with great care, and at the request of the chairman of the subcommittee of the House, that he might beyond question protect the Government against all frauds and repeal this tax, and Mr. Yerkes assured us it would do its work well. I would not agree to the bill until he officially informed me that it would repeal or abrogate one of these miserable rules that forces the grower, when he sells his leaf tobacco to consumers or to storekeepers for consumers, to sell and deliver, do both, in person, which ties the growers hand and foot, while this tax prevents the storekeeper from selling to consumers, unless he pays the tax. Strange to say, the grower can sell and deliver, or either, by agents, if he sells to dealers, manufacturers, and exporters. Now, then, let me read these rules.

TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., April 7, 1902.

SIR: In your letter dated 2d instant you present several questions concerning the sale of leaf tobacco by and for farmers who raise the tobacco, or who receive the same from tenants or who buy the same while it is growing in the fields, and also whether a number of farmers may employ an agent to travel from place to place and sell the tobacco for them.

GROWER CAN NOT DELEGATE AUTHORITY TO SELL FOR HIM.

In reply you are informed that a farmer or grower of tobacco may sell tobacco of his own growth or raising, or that which he receives from his tenants as rent for land, without restriction as to the quantity sold or the business of the person to whom the tobacco is sold and delivered. This privilege is one which the farmer or grower can not delegate to another person.

The office has decided that where a grower of tobacco sells his crop before it is severed from the land to another person, the purchaser would not be privileged to resell the tobacco to consumers without payment of the tax.

A farmer or grower of tobacco may place his tobacco in the hands of a qualified dealer in leaf tobacco to be sold by him on commission, and such dealer must sell the tobacco only to other qualified leaf dealers or to qualified manufacturers of tobacco or cigars, or to persons who buy leaf tobacco in packages for export.

Any arrangement made by a farmer, or a number of farmers, with another person to sell and deliver his or their tobacco for him or them while traveling from place to place would be in violation of law. An agent who is paid a stipulated salary may travel and solicit orders for the sale of tobacco raised by another person, but he may not deliver the tobacco to purchasers; nor can he sell tobacco on commission, or receive as compensation for his services the difference between the price as fixed by the farmer and the selling price.

All tobacco sold by an agent for the farmer who raised the tobacco must be delivered by the farmer, and not the agent, directly to the person who purchased the tobacco; and a farmer must sell his tobacco in the condition in which it was cured on the farm, and can not stem, twist, plait, roll, sweeten, or otherwise manipulate it for sale to consumers.

Respectfully, J. W. YERKES, *Commissioner.*

We want the farmer to be allowed to employ an agent to take his tobacco in a wagon and go around over the country and sell it; we want the law so that he can put his boy in a wagon and say: "Son, take this leaf tobacco over yonder to Mr. Jones's store and sell it to him and bring me back some coffee and buy yourself some shoes." He can not do that now, gentlemen. He can not put that boy in the carryall and say: "Take this tobacco and exchange it at the store for something to eat or wear." I know it is shocking to my venerable friend from Ohio in this year of our Lord 1908, in this, a Republic, that there is such an infamous rule as that enforced as law, so that I can not put my little son in a wagon to take my leaf tobacco to the crossroads store and exchange it with the postmaster for food and raiment. I must in person sell and deliver to him. Because of this tax that caused this rule to be made the grower can not do that. Think of this restraint of freedom. If both of my arms were paralyzed and my limbs were motionless, my wife, if I had one, could not get into a wagon and take my leaf tobacco to the store and exchange it for some medicine to try to bring me back to health and strength.

Think of such a rule as that being enforced as law in this land of liberty and justice! But I can put my negro boy, I can put my son, I can put my agent in my wagon and send my corn, or wheat, or rye, or oats, or other farm products, except tobacco, to the country store and exchange them for something to eat and clothes to wear. But not so with leaf tobacco, because of this tax and this tyrannical rule, that was conceived and coined in the horrible and hellish brain of the tobacco trust and for its benefit. In short, the tobacco grower must sell and deliver, if he sells or delivers, to consumers. The storekeeper will not buy the leaf because he can not sell it untaxed to consumers, and hence he is forced to buy the manufactured tobacco made by the trust and supply the people therewith. Repeal this tax and freedom will be restored as fully as we have it with corn and wheat. Then the grower can employ all the agents he wants to sell to dealers, manufacturers, and exporters, and the grower can employ all the agents he pleases to deliver it to all or any of them, but not so when he sells to consumers.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. I ask, Mr. Chairman, for five minutes more. I will give it back to you some time.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GAINES of Tennessee. Now, go with me just a minute with the gray matter in your gray heads. I can put my boy in the carryall, or my wife or my servant, and say, "Take it over yonder and sell it to the dealer, or sell it to the manufacturer, or sell it to the exporter." But, who are these three? They are the tobacco trust or are dominated by the tobacco trust. A man can not be independent in manufacturing or buying and selling tobacco, however honest, patriotic, independent he in mind and heart means to be, because he is so insignificant financially in comparison with this great "monster of so frightful mien, as to be hated needs but to be seen."

Why, in morals, Mr. Chairman, can I not place my little boy or my agent in the carryall and by them send and sell my leaf tobacco to the country store, or to the town store in Nashville, or elsewhere? It is because of this rule, they say, made to "enforce this tax." The tax produces no revenue and never did—not a cent. It was imposed to kill off retailers, and has done so, and shackled the grower. Mr. Fort, at the House hearings, said that he had sold his tobacco for 5 cents, and if he could have sent it down to Mississippi where his brother was working he could have sold it for 15 cents a pound, but because this rule says that the grower must sell in person and must deliver in person if he sells or delivers to the consumer, Fort had to stay at home, as farmers must do, and sell his tobacco for 5 cents a pound to the trust, with his brother down in Mississippi ready and able to sell it, if they would have let him do it, at 15 cents a pound. Think, fellow-citizens, of living in such a state of tyranny and bureaucracy, such a shackling of the farmer's freedom!

The farmer can not leave his house, his wife, and his children to sell or deliver or to go peddling his tobacco around over the country. Yet this rule says that he can not sell it at all if he sells it to the consumer unless he goes in person and unless he delivers it in person. Both. Now, I have not, I believe, said anything on this question for a long time. Others more able than I, my friend from Kentucky [Mr. STANLEY] and the gentleman from Virginia [Mr. FLOOD], and Mr. Trimble and Mr. Hopkins, who are now out of Congress, and a few others have ably explained it. I first spoke on the subject in 1902 in this House, and labored ceaselessly since then to pass this bill, destroy this rule, and overcome this trust, but at all times within the limits of the law and in the open.

As you were talking about employing a solicitor for the Agricultural Department, it brought to mind this infamous rule and regulation that is enforced as law, mind you. We have the word of the district attorney at Nashville, and who says, "Do not disobey this rule," and so says the Department, "If you do, we will have to arrest you and possibly confiscate your tobacco," or words to that effect, wrote Commissioner N. B. Scott.

Mr. MADDEN. I would like to know if the gentleman can tell the House whether they have not those so-called "Night Riders" in Tennessee?

Mr. GAINES of Tennessee. This is a "day rider" that I am talking about.

Mr. MADDEN. I wondered what the "Night Riders" are.

Mr. GAINES of Tennessee. If this Congress long ago had not yielded to the dictation of this monopoly we would have had no "Night Riders." If the courts had done their duty we would have neither the trust nor "Night Riders."

Mr. MADDEN. I am sincere in my inquiry.

Mr. GAINES of Tennessee. I know the gentleman is sincere through and through.

Mr. MADDEN. I wanted to know what the "Night Rider" consists of, what he does, and the facts about it.

Mr. GAINES of Tennessee. I have never seen and do not know any "Night Riders." We had no "Night Riders" until we have had these "day-riders," representing this tobacco octopus that had this infamous rule that I am talking about made by the Department. I do not want to go into the merits of that discussion now. I want to discuss these rules.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SCOTT. I ask unanimous consent that the Clerk be allowed to correct the totals in the first paragraph.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that the Clerk be allowed to correct the totals in the first paragraph. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES of Tennessee. Now, Mr. Chairman, I beg the kind indulgence of the committee for about three minutes more. It is a very serious matter, you see.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to proceed for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES of Tennessee. I will ask unanimous consent to place that letter of Mr. Yerkes and other data in the RECORD, because I get so many letters, gentlemen, upon this subject that I can not answer all of them; and if it is put in the RECORD, it will help me answer a thousand and more letters that come to me on the subject.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES of Tennessee. The letter is as follows:

Leaf tobacco—Grower can only retail from place to place.

[Published for the information of collectors.]

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., November 16, 1897.

P. B. HUNT, Esq.,
Collector Fourth District, Dallas, Tex.

SIR: Mr. G. D. Powell, of Rosalie, Tex., has written to this office in regard to the sale of leaf tobacco which he raises on his farm, and states that he wishes to "put a man on the road" with a wagon to retail. He has been referred to you.

In reply you are informed that the only person who can travel from place to place retailing leaf tobacco, without liability under the internal-revenue laws, is the grower of the tobacco himself. He can not extend this privilege to other persons employed by him to act as agents for him in the sale of his leaf tobacco.

There is no objection under the internal-revenue laws and regulations to the farmer employing men either to travel and take orders by means of samples for leaf tobacco of his own growing, or to take such orders at fixed places of business, provided all these orders are sent to the farmer who ships the leaf tobacco for delivery to the persons ordering.

The law contemplates that the farmer or planter may himself sell leaf tobacco of his own growth and raising without any restrictions. He can sell it loose in the hand in any quantity and to any person, but this is a personal privilege which he can not delegate to anyone else. Leaf tobacco can not be sold for the farmer by a broker on commission or by an agent or employee without rendering such party liable as a dealer in leaf tobacco.

Respectfully, yours,

G. W. WILSON,
Acting Commissioner.

I will now read as a part of Mr. Fort's remarks from the hearings on the relief of tobacco growers before the Committee on Ways and Means (pages 36 and 37):

Mr. Fort, a tobacco grower in Robertson County, Tenn., said:

My brother and I own our farm in partnership, and he was down in Mississippi several years ago working on a levee contract, and I was staying on the farm, and I sent some tobacco down there to him, and if this tax had been removed from this tobacco we could have sold our entire crop for 15 to 20 cents a pound, and as it was we sold it for 5 cents.

* * * * * * *

The CHAIRMAN. Suppose you tell us, before you stop, your idea as to how this Gaines bill is going to relieve this difficulty which you complain of.

Mr. FORT. That is a conjecture. I want to be honest and sincere with this committee. I try to be honest. I believe that if this tax is taken off it will open up competition and we can sell our tobacco all over the Southern States, and that will cost these manufacturers and other men about 2 or 3 or maybe 5 cents a pound better for the tobacco, and we can stay at home and get a price for it on which we can live.

The CHAIRMAN. Why can you not sell it all through the Southern States now?

Mr. FORT. I am glad that you asked that question. I have a friend there who has three years' crop of tobacco now on hand, and unless he goes along with that tobacco he can not sell it, and as the law is now he can not sell it. But if this tax is taken off he can send his tobacco——

My good friend from Illinois has asked me about the Night Riders—who they are. I am honest in my statement—I do not know. I have never seen any nor heard any man confess he was a Night Rider. I have tried every way in my power to prevent "night riding" and "plant-bed scraping," and shall continue as a law-abiding citizen to do so. I deeply deplore these evils, brought about, I may say, by the lawless operations of this tobacco combination. This monopoly was the starting cause of all these troubles. It caused the enactment of this tax law; it gobbled up about all the big competitive tobacco companies and made them operate as one; it forced down the price of tobacco, that cost 6 cents to raise it, and robbed the growers of it at 3 to 6 cents, and have done so for years, and thereby forced the farmers to "pool" their tobacco and form two tobacco associations to sell that pooled tobacco. These associations have forced up the price of tobacco to a living price, and this same octopus is trying to undermine these associations, enticing, as it does, its members to secede by giving them, say, 13 cents for their tobacco when the pool price is 10 to 11. It gives a higher price to nonassociation growers than to association members, and in these ways and in others equally inconsiderate this combine has been trying, and is now trying, to crush these associations, and at the same time defying, I may say, the laws of the State and nation that prohibit monopoly. Not only this, but it is defying the courts, State and national; corrupts legislators, and lobbys about Congress to defeat this very just request for relief to these growers.

We had no trouble or Night Riders before this tax and trust came about and the farmer got good prices for his tobacco. I do not know who the Night Riders are, but I do know that the records of the courts and of Congress show that the tobacco

trust has had men to come here and testify before the Senate committee and say that they were not connected with the tobacco trust and opposed the repeal of this tax law, and yet in this tobacco-trust case now pending in the Federal courts in New York, the proceedings which I started myself in Tennessee several years ago, and recently officers and members of this trust testifying in that case stated that some of these witnesses who had said they were not connected with the trust were members of or connected with the tobacco trust. The tobacco trust, in other words, permitted these witnesses to come here and misstate the facts and mislead this great Congress. They are what I call "day riders."

These witnesses did not come before the House committee and testify; they dare not do that. They knew and well knew that there were some Members of this House struggling to have this tobacco-tax bill made law, who had bored into their nefarious practices and had seen the foulness of their purposes and were charging even before this lawsuit, and were ready to charge, that some of these witnesses were connected with the tobacco trust. These witnesses came here in the guise of "Independents," when they were controlled body and breeches by the tobacco trust.

We have been trying since 1902 to get this tax law repealed. But these witnesses went over to the Senate and with their lobbyists defeated this bill, and I may say that Everybody's Magazine for last November prints an article by Mr. Russell, which states that two or three Senators—calling one by name—were directly interested in this tobacco trust a few years ago, since 1898. as I remember; that they were large owners of stock or bonds in this concern, and I may state that the newspapers of this city published parts of the inventory of one of the deceased Senators, which showed that that Senator owned a large block of stock or bonds in this trust, and yet this now dead Senator and the other Senator who Russell named sat on the Senate committee that considered and failed to report for two Congresses this tobacco bill that the House has three times passed without a dissenting vote against it. What do you think of that conduct, gentlemen? I am against such practices. I am against this tobacco tax. I am against these tyrannical rules. I am against the tobacco trust and condemn its methods. I am against night riding.

I am against all these evils. I am for the law vigorously executed. I am for the Constitution and faithful obedience to its mandates, and I am for and stand for and speak here to-day for the farmer whose rights have been ground in the dust by these evil influences and wrongdoers. I stand for the people against corruption, greed, and graft, and care more, sirs, for the happiness, the welfare, and the life of my people than I do for my own happiness, my own welfare, yea, for my own life, which is theirs to command in the protection of their homes. [Loud applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. GAINES of Tennessee. I thank the committee for its applause and for everything else that you have done for me and my people.

Mr. MACON. Mr. Chairman, in the interest of the proposition upon which the gentleman from Tennessee spoke I introduce the following amendment, which I ask the Clerk to read.

The Clerk read as follows:

Insert on page 3, at the end of line 19: "That the term 'dealing in futures' as used in this act shall include all transactions which in any wise depend upon margins as a basis of settlement or which do not in good faith contemplate the actual delivery by the seller to the buyer of the thing or things represented or contracted to be sold, and the failure of the seller to make actual delivery to the buyer of, or the failure of the buyer to in good faith make legal demand of the seller for, the thing or things represented or contracted to be sold, shall be sufficient proof to establish the character of the transaction.

"That it shall be unlawful for any telegraph or telephone company, corporation, organization, or association, or any other company, corporation, organization, or association, or any person or persons within the jurisdiction of the United States of America to receive, deliver, transmit, or convey any interstate or foreign message or other information of any character or description to be used in any manner connected with or in furtherance of any project or transaction concerning or pertaining to the interstate or foreign buying or selling or otherwise dealing in futures in agricultural products or commodities of any quantity or description. Any telegraph, or telephone company, corporation, organization, or association, or any other company, corporation, organization, or association violating any of the provisions of this act shall be deemed guilty of a misdemeanor for each and every violation of the same, and, upon conviction, shall pay to the United States a penalty of not less than $5,000 for each offense, and any person violating any of the provisions of this act shall be deemed guilty of a felony for each and every violation thereof, and, upon conviction, shall be punished by a fine of not less than $1,000 and imprisonment in the penitentiary for some period of time not less than one year.

"That interstate or foreign buying or selling or otherwise dealing in futures in agricultural products or commodities of any kind whatsoever is hereby declared to be unlawful. Whoever shall so engage in buying or selling or otherwise dealing in futures in agricultural products or commodities in the United States of America shall be guilty of a felony, and, upon conviction, shall be fined in any sum not less than $1,000 and imprisoned in the penitentiary for some period of time not less than one year.

"That no letter, postal card, circular, newspaper, pamphlet, or writing or publication of any other kind containing money or any other representative of value or information of any character to be used in any manner connected with or in furtherance of any project or transaction concerning or pertaining to the interstate or foreign buying or selling or otherwise dealing in futures in agricultural products or commodities shall be carried in the mail or delivered at or through any post-office or branch thereof or by any letter carrier or other postal agent or authority. Whoever shall knowingly deposit or cause to be deposited or who shall knowingly send or cause to be sent anything to be conveyed or delivered in violation of this section, or who shall knowingly deliver or cause to be delivered by mail anything herein forbidden to be carried by mail shall be deemed guilty of a felony, and, upon conviction, shall be punished by a fine of not less than $500 and by imprisonment for not less than six months."

During the reading of the amendment,

Mr. SCOTT. Mr. Chairman, I think the reading has proceeded far enough to make it clear that the amendment is subject to the point of order.

Mr. MACON. I hope the gentleman will not technically press that objection right now. I hope the gentleman will reserve his point of order.

Mr. SCOTT. I will permit the amendment to be read.

The Clerk resumed and concluded the reading of the amendment.

Mr. FITZGERALD. I reserve the point of order on that.

The CHAIRMAN. The Chair understood the gentleman from Kansas [Mr. SCOTT] to reserve the point of order.

Mr. MACON. I only desire to consume the time of the House for a minute or two. This is an agricultural bill, and it seeks to deal with agricultural interests. This amendment is certainly of the highest agricultural importance. It seeks to prevent the selling of millions of bales of cotton each year by the gamblers and speculators of the country in competition with the honest sweat and toil of the American people who produce the cotton. It seeks to prevent the selling of billions of bushels of wheat and corn and pounds of meat by the gambling speculators of this country in competition with the honest sweat and toil of those who produce those products. The supposed products that these gamblers sell are all fictitious. They are offered in competition with the honest stuff, and as a result of their nefarious procedure and practice they tie up all the money of this country in these speculative deals, so that when the time comes to sell the real article there is not money enough to buy it. And as I understand it the practice of dealing in futures in agricultural products is greatly to the detriment of the toiling masses of the country—the farmers, to whom we owe our chief homage, to whom we owe our very existence upon the face of the earth at this hour. For that reason, this being an agricultural measure, and this amendment being in the interests of the agricultural toilers of this country, I do not think any gentleman ought to arise in his place and offer a technical objection against it because it is claimed that it is not technically germane to the bill under consideration at this time.

Mr. SCOTT. Mr. Chairman, I am in hearty sympathy with the objects sought to be accomplished by the amendment of the gentleman, but it is so clearly in violation of the rule to offer it on this bill that I must insist on the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. DAVIS of Minnesota. Mr. Chairman, I desire to offer an amendment to strike out the word "five," on page 1, line 11, and insert in lieu thereof the word "six," so that it will read:

Assistant Secretary of Agriculture, $6,000.

Mr. FITZGERALD. I reserve the point of order against that.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 11, strike out "five" where it first occurs and insert "six," so that it will read: "Assistant Secretary of Agriculture, $6,000."

The CHAIRMAN. The point of order is reserved by the gentleman from New York [Mr. FITZGERALD].

Mr. DAVIS of Minnesota. Mr. Chairman, if the gentleman insists upon the point of order, I do not care to be heard at great length upon the subject. During this entire Congress we have used every opportunity to assert that we are in favor of the Agricultural Department, and in favor of the great good that is being accomplished by it. I think, whether the Congress knows it or not, the people of the United States are well aware that this branch of the Government is one of the greatest if not the greatest branch thereof. Since the present Secretary of Agriculture became the head of this Department it has risen from a mere office to a magnitude that is simply wonderful. We hear it said every day that the services of superior officials are demanded in consequenece of the growth of this Department; that the meat-inspection bill has forced upon it great

and multitudinous labors, and that the pure-food law has done likewise. Now, in consequence of this, I assert that the present Assistant Secretary of Agriculture, in whom I have the greatest confidence, is doing a remarkable work. He is a man eminently qualified. He is a scientist of the highest order, and my opinion is that he does more work and greater work for the people of the United States than any assistant in any Department of the Government. The Assistant Secretary of the Interior is receiving $6,000, and I believe that the present Assistant Secretary of Agriculture is at least entitled to equal if not a greater salary than the Assistant Secretary of the Interior.

Mr. FITZGERALD. There was an attempt made earlier in this session to increase the compensation of all the first assistant secretaries in the Departments. That effort failed. It may be possible that they may all have their compensation increased before this session adjourns; but I do not think we should discriminate in favor of this assistant secretary at this time.

Mr. DAVIS of Minnesota. Mr. Chairman, I was impelled to offer this amendment at this time in the belief that there would not be objection raised, or at least no point of order made.

Mr. MADDEN. I suppose the gentleman knows that all the other proposed increases went out on a point of order.

Mr. DAVIS of Minnesota. I understand that very well, but the gentleman from Arkansas [Mr. MACON] was the gentleman who raised the point of order when that question was before the House, and I was pleased to hear him rise a moment ago and eulogize this Department and attempt to improve it if possible by the amendment that he sought to place upon it. Therefore I was emboldened to offer this amendment upon the theory that as he would not object and raise a point of order, no other gentleman upon the floor would do so. I am a little surprised that the gentleman from New York [Mr. FITZGERALD] should do it, because I believe he is in favor of raising all the other salaries that were sought to be raised in the legislative, executive, and judicial bill, and I thought that since the gentleman from Arkansas did not make the point of order now, owing to his love for this Department, no other gentleman would raise the point.

Mr. FITZGERALD. Mr. Chairman, It is somewhat a surprise to myself, but as long as the surprise is so agreeable I shall continue to enjoy it.

The CHAIRMAN. The Chair sustains the point of order and the Clerk will read.

The Clerk read as follows:

WEATHER BUREAU.

Salaries, office of Chief of Weather Bureau: One Chief of Bureau, $5,000; one assistant chief of Bureau, $3,000; one chief clerk, $2,250; four chiefs of division, at $2,000 each; one librarian, $2,000; six clerks of class 4; seven clerks of class 3; eighteen clerks of class 2; twenty-seven clerks of class 1; eighteen clerks, at $1,000 each; nine clerks, at $900 each; four copyists or typewriters, at $840 each; one copyist or typewriter, $720; two assistant foremen of division, at $1,600 each; one proof reader, $1,400; one chief mechanic, $1,400; one lithographer, $1,300; three lithographers, at $1,200 each; two pressmen, at $1,250 each; ten compositors, at $1,250 each; one skilled mechanic, $1,200; six skilled mechanics, at $1,000 each; one engineer, $1,200; one captain of the watch, $1,000; one electrician, $1,000; six skilled artisans, at $840 each; five messengers or laborers, at $720 each; three firemen, at $720 each; four watchmen, at $720 each; five folders and feeders, at $720 each; three folders and feeders, at $630 each; six messengers or laborers, at $660 each; thirteen messengers, messenger boys, or laborers, at $600 each; four messengers, messenger boys, or laborers, at $480 each; five messengers, messenger boys, or laborers, at $450 each; one charwoman, $360; three charwomen, at $240 each; in all, $202,510.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman a question. I notice, on page 4, line 1, the number of clerks has been increased from six to seven; on the same page, line 2, from twenty-six to twenty-seven in one instance, and seventeen to eighteen in another; in line 14 the number of clerks has been increased from five to six; the number of watchmen, in line 21, from three to four. Now, I want to ask the chairman of the committee if this is the result of increased necessity for additional help in the Department, or is it just because it was recommended by the head of the Department?

Mr. SCOTT. In the first place, the committee has found the recommendations of the Chief of the Weather Bureau to be conservative, and has always attached a great deal of weight to those recommendations. As evidence that they are conservative I am glad to call the attention of the House to the fact that there are about twenty less employees in the Weather Bureau Office in Washington to-day than there were thirteen years ago, when the present chief took charge.

The recommendations in question were allowed on account of the increased demand for the service. Professor Moore, in the hearings before the committee, said:

Every community wants more and more service, and the communication to us of meteorological data is all the time on the increase, so that our business, as I say, is gradually growing, and I anticipate possibly the committee may make some increase in the number of stations and buildings, and if so it is still more necessary that we should have some increase in the clerical force in Washington.

Mr. MADDEN. And is this largely in anticipation of the number of new stations that will be established?

Mr. SCOTT. It is partly in anticipation of an increased number of stations.

Mr. MADDEN. I submit that the naming of additional men in these Departments ought not to be in advance of the needs of the Department. From the statement made by the chairman of the committee, I take it that they anticipate to give additional service at some time in the distant future, but that at present there is no need of these additional men. I make the point of order that this is new legislation.

Mr. SCOTT. Mr. Chairman, I suggest that the point of order comes too late.

Mr. MADDEN. I will withdraw the point of order.

Mr. BURLESON. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

On page 3, line 22, after the word "Bureau," strike out the word "five" and insert the word "six."

Mr. FITZGERALD. To that I reserve a point of order.

Mr. STAFFORD. I reserve a point of order to that amendment.

Mr. BURLESON. Mr. Chairman, the purpose of this amendment is to increase the salary of the very efficient Chief of the Weather Bureau. In the Government service we have what might be termed four great scientific Bureaus—the Coast and Geodetic Survey, the Census Bureau, the Geological Survey, and the Weather Bureau. The chiefs of these four Bureaus are the only chiefs of bureaus which, under the law, the President is authorized to appoint and which the Senate confirms.

The Chief of the Geodetic Survey—an eminent scientist, whose Bureau is under the Treasury Department—receives, under the law, a salary of $6,000 a year. The Chief of the Census Bureau—a very able man, whose Bureau is under the Department of Commerce and Labor—is paid a salary of $6,000 a year. And, under the provisions of the bill recently presented by the chairman of the Census Committee, the gentleman from Indiana [Mr. CRUMPACKER], it is stipulated that during the census period, covering three years, the Chief of that Bureau shall receive a salary of $7,500 a year. The Chief of the Geological Survey—a distinguished scientist, whose Bureau is connected with the Interior Department—is paid a salary of $6,000 a year; and the Chief of the Weather Bureau, whose Bureau is connected with the great Agricultural Department—being the remaining scientist of this class—is paid only a salary of $5,000.

Now, I submit to the gentleman who interposed this point of order—I do not know whether it was the gentleman from Illinois [Mr. MADDEN], the gentleman from New York [Mr. FITZGERALD], or the gentleman from Wisconsin [Mr. STAFFORD]—but, whoever it was, I submit to him in all fairness that a discrimination is now being practiced against the Chief of the Weather Bureau and the Department with which he is connected. As I have said, there are four chiefs of these scientific Bureaus, the only bureau chiefs whom the President is authorized to nominate and whom the Senate confirm. Three of them—the Chief of the Coast and Geodetic Survey, the Chief of the Geological Survey, and the Chief of the Census Bureau—now each receive $6,000 a year, and have received such salary for a number of years.

Now, I submit in all fairness, why should the remaining chief, the one connected with the Department of Agriculture, be the only chief of a bureau appointed by the President of the United States and confirmed by the Senate not to receive $6,000? Why should he be discriminated against and his salary kept down to a level of $5,000?

When this service—weather forecasting—was first provided for, I believe it was under the War Department, and a United States Army officer of the rank and pay of a major of cavalry was in charge of the bureau or office furnishing the service. Subsequently the office was placed in charge of an Army officer belonging to the Signal Corps with the rank of brigadier-general, whose pay, of course, is larger than that now paid to the Chief of the Weather Bureau. Mr. Chairman, I submit to the gentlemen making this point of order, I submit in all fairness, is not a continuance of the present salary a discrimination against the Department of Agriculture and an injustice to the worthy Chief of this Bureau, and can it be considered other than a discrimination if we permit his salary to remain at $5,000? I also want to direct the attention of members of the committee, and especially of the gentlemen who make the point of order, to the fact that under the law as it is written the Chief of the Weather Bureau is the one chief of a bureau in the Agricultural Department who is authorized by law in the

absence of the Secretary to act as Secretary of Agriculture. In consideration of these facts and upon its merits, upon the equity of the case, I appeal to the gentleman from Illinois [Mr. MADDEN], to the gentleman from Wisconsin [Mr. STAFFORD], and to the gentleman from New York [Mr. FITZGERALD] to withdraw the point of order.

Mr. MANN. Mr. Chairman, I feel impelled to join my distinguished friend from Texas [Mr. BURLESON] in appealing for a withdrawal of the point of order. A few years ago, while this salary was still at the same figure that is fixed in the present law and in this bill, Congress, under the authority in the appropriation bills, provided for this officer and for various other officers of the Government an additional compensation in the way of horses and carriages. It is very true that the ordinary official of the Government, even including the assistant secretaries of the Departments, if they use a team and a carriage do it for their own convenience and not for the public service. Taking that view of it, after a contest which lasted for two years, it was finally provided that no officer of the Government should have the use of a team and carriage at public expense, with the exception of the few who were named, being the Cabinet officers and the secretary of the President. The Chief of the Weather Bureau is constantly required in his official performance of duties to make use of a team and a carriage, to keep several conveyances. He is often required under the necessities of the case in the middle of the night to be called from his home to the Weather Office. He is often required under the act of Congress authorizing him to act as Secretary of Agriculture, to go to the Agricultural Department, a long distance from the Weather Bureau, and not convenient for street-car transportation. The result has been that Professor Moore has been required at his own expense to do that which formerly the Government provided for—provide a team and a carriage for official use—and so far as I have been informed he has never done what another officer of the Government now provided with carriages and horses did do. The Public Printer—no longer the Public Printer—a year ago invited all Members of Congress, I believe, to drive in public conveyances from the Capitol to the Printing Office. Although he was provided with a team and carriage for the benefit of the public printing only, and although that invitation was a violation of that provision, the Public Printer still enjoys at public expense the use of the team and carriage which probably would cost him, if furnished by himself, at least the extra $1,000 a year. Now, in my judgment, Professor Moore, admittedly one of the greatest scientists of the country, at the head of a great scientific department, ought to be provided with at least the same amount of salary that he received three or four years ago, or before this amendment went into the legislative bill cutting off the use of his team. That is all that this amendment would amount to. He now has to pay that expense out of his own pocket, and I hope the gentleman will make an exception in this case where the merit is with the case, and withdraw the point of order.

Mr. NORRIS. Mr. Chairman, I want to join in the appeal that has been made by my friend from Texas [Mr. BURLESON] and my friend from Illinois [Mr. MANN] to the other gentlemen and ask them to withdraw their points of order. It has been shown clearly by the gentleman from Texas and the gentleman from Illinois that there is a discrimination against this particular chief in comparing him with the other bureaus. There is no doubt but what the ability of this particular officer will compare favorably with any of the others that were named by the gentleman from Texas [Mr. BURLESON], and there is no reason why he should not receive the same salary. But, Mr. Chairman, it strikes me there is another reason, and it is no wonder that we have not had any better weather than we have had. [Laughter.] We have been discriminating against this man who makes the weather, and for the sake of sunshine in Washington, of rain in the West, of more shade in the South, and more warmth in the North, I appeal to these gentlemen to withdraw their points of order. [Laughter and applause.]

Mr. STAFFORD. Mr. Chairman, if I thought that the charge of being responsible for good or bad weather would be leveled at me in insisting on the point of order, I might feel constrained to withdraw it, but though I have listened attentively to the remarks of the three gentlemen who have preceded me as to the reason the salary of this officer should be raised, I wish to call attention of the committee to the fact, in justification of insisting on the point of order, that it comes without any recommendation from the committee; and more, we find the usual arguments advanced by, I will not say friends, but acquaintances of this officer, to level the salary up to the highest paid to any official in the service acting as chief of a bureau.

Mr. MANN. Will the gentleman yield?

Mr. STAFFORD. Not at this time. That is the condition we find throughout the entire service. It has not been advanced by any of the gentlemen who have spoken in favor of this increase that the work of the Chief of the Weather Bureau is as onerous, as burdensome, and as responsible as the work of the Chief of the Census Bureau. Nothing like that has been presented, and if any such circumstances were presented they should be properly presented to and considered by the Committee on Agriculture which has this matter in charge, and not haphazardly presented here in Committee of the Whole, where we, as members, are entirely unacquainted with the merits of the case.

I have no sympathy with this movement to lift up to the highest level the salary of bureau officers, for if you consider the history of it there are some instances where the highest salary is merited, where the work is cumbersome and onerous, and there is justification for some of these chiefs of bureaus receiving $6,000 or $7,500, while the chief of a weather bureau might only be entitled to much less, and therefore, Mr. Chairman, I insist upon my point of order.

The CHAIRMAN. The gentleman from Wisconsin insists upon his point of order.

Mr. FITZGERALD. Mr. Chairman, I withdraw my point of order.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. TAYLOR of Ohio having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. LATTA, who also informed the House of Representatives that the President had approved and signed bill of the following title:

On March 26, 1908:

H. R. 17710. An act to increase the efficiency of the personnel of the Life-Saving Service of the United States.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Fuel, lights, and repairs, Weather Bureau: Fuel, lights, repairs, and other expenses for the care and preservation of the public buildings and grounds of the Weather Bureau in the city of Washington, $10,000.

Mr. STANLEY. Mr. Chairman, I move to strike out the last word. In prefacing the request which I state to this committee, that in thirteen months I have occupied just thirty minutes of the time of this House, I realize that in that thirty minutes I may possibly have encroached upon its generous attention. I shall ask that in discussing this question I have fifteen minutes.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to extend his remarks for fifteen minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. STANLEY. Mr. Chairman, this bill opened before this House under the most auspicious circumstances. I heard the able chairman of this committee, for whom I entertain not only the most genuine regard, but the most profound respect, having served with him on more than one committee, I listened to his able elaboration of the immense importance of this measure, how it touched the whole people, and in that the chairman of the committee was absolutely correct.

Forty millions of people, Mr. Chairman, are affected by this bill. This is the farmers' bill, this is the people's bill, this is a bill in which it was presumed that the questoin of politics and the exigencies of politics could never enter. For that reason, Mr. Chairman, it was the earnest desire of those representing the rural districts that this bill should be earnestly, carefully, and elaborately considered. We had no ax to grind, we were in a hopeless minority, from many of these bills and measures we had little to expect, but we felt we could, in behalf of the farmers, ask from the majority of this House at least an earnest, a candid, and a fair discussion and consideration. [Applause on the Democratic side.] For that reason that able, gallant Texan [Mr. HENRY] arose in this House, and he said:

Mr. Speaker, reserving the right to object, I desire to state that this is a most important bill, and there are a great many Members who desire to be heard in general debate, and when this important bill is taken up I see no reason why the debate should be limited to four hours on each side. It seems to me there ought to be at least three or four days of general debate; we ought to have at least eight or ten hours on each side. I will ask the gentleman if he could not agree to three days' general debate on the bill?

Mr. Chairman, that request was denied, and yet you are told that there are weather bureaus; you are told that there are agricultural colleges; you are told that there are plant industries; that there is a great Appalachian forest reserve, a domain to be redeemed and preserved for the benefit of the common country; that all of these things are crying for attention. Ah, it will not do to say, Mr. Chairman, that the time allowed

for debate is not given to the discussion of this bill. I defy any Member upon that side of the House to deny this agricultural bill has been discussed more since it came before this House than any other bill during this Congress. Yea, more, it stretches out over all the other bills so that Mr. HEFLIN, a member of the Agricultural Committee, had to go into the pension bill to get that miserable modicum of time he could not secure in the discussion of this bill, and he is a member of that committee.

We see members of the committee from all over this side slipping in on every kind of a bill to get some chance to say a word for the farmer, and yet you come before us with the miserable pretense, that hollow, shallow, flimsy cant, that you are devoted to the farmer. The Republican party has made two mistakes. It has taken the negro for a chattel and the farmer for a dupe. [Applause on the Democratic side.] This is an election year. There is no fat to be fried out of the farmer. He is patient, he asks no questions. In the Senate you spend weeks discussing a bill which the bankers and merchants are interested in. Why, Mr. Chairman, listen to this death roll: The urgent deficiency bill had six hours' debate, the Indian appropriation bill had ten hours' debate, the pension bill twelve and a half hours' debate, the legislative bill had ten hours' debate, the Army appropriation bill six hours, the post-office bill four hours, the penal code thirty-six hours, the President's message sixteen hours, and the agricultural appropriation bill five hours for the farmer and one hour more. The chairman of this committee rises in his place——

Mr. MADDEN. Was it not ten hours?

Mr. STANLEY. The time fixed yesterday was five hours for this bill, and they managed to steal a little before.

Mr. SCOTT. This bill was discussed before——

Mr. STANLEY. That matter was discussed for a day before the time was fixed. Put it ten, and I will not complain. Over protests, over appeals from men coming on bended knees, in the name of their horny-handed constituents, and asking for time to say a word, the chairman of this committee——

Mr. LAMB. The minority would have gotten five hours but for an objection on our side.

Mr. STANLEY. Nay, nay; I differ with the gentleman from Virginia.

Mr. LAMB. I know what I am talking about. [Applause.]

Mr. STANLEY. I think I do, too. Five hours were allowed by unanimous consent. Mr. SULZER objected, as he ought to have objected, as Mr. HENRY objected, and as any other man interested in the tillers of the soil should have protested—honestly, indignantly. Then look what was done. The miserable five hours that were given to us were cut down to four hours. If five hours was right, if five hours was necessary, why should Mr. SULZER's objection cut it down to four?

The CHAIRMAN. The gentleman should not refer to the members of the committee by their names.

Mr. STANLEY. The gentleman from New York. I am not criticising Mr. SULZER. I presume he will not object.

Mr. OLMSTED. Will the gentleman now yield to an interruption?

Mr. STANLEY. Certainly.

Mr. OLMSTED. I would like to ask if the gentleman from Kentucky himself did not consume thirty minutes of the four hours devoted to the farmer in the discussion of Alexander Hamilton?

Mr. STANLEY. I did. I want to say that the farmer has nothing more to fear anywhere, any time, from any source, than from this disposition to take the fruit of his toil and spend it on an imperialistic conquest of the seas. Yea, more. Five years I have been in this House, and five out of six hours, five out of six minutes, and five out of six seconds that you have heard me I have been discussing the interests of the farmer. Can the gentleman from Pennsylvania [Mr. OLMSTED] say the same thing?

Mr. OLMSTED. I am always discussing his interests.

Mr. STANLEY. Collaterally. Mr. Chairman, let them go before the people and say, when the farmer protests that he was not heard, that you cut down the debate from five hours to four because Mr. SULZER acted ugly.

The CHAIRMAN. The Chair again calls the attention of the gentleman——

Mr. STANLEY. I beg pardon. Because the gentleman from New York [Mr. SULZER] acted unbecomingly. Will it do to say to the people that you deprived them of the hour in the discussion of this bill, not that you love them less, but that you hated SULZER more?

Mr. Chairman, I am a member of that agricultural committee. On bended knee, humbly, courteously, I hope, and persistently, I know, I have pleaded that this debate might be continued but thirty minutes longer, pleaded for weeks that members of this committee, at least, might be allowed one hour apiece, if that was desired in discussing the bill, and that request, with a total indifference to the welfare of the farmer, was absolutely denied. I say to you, Mr. Chairman, the farmers are not asleep; that they know their interests are forgotten and abandoned. They are awake, and to the head of this party, in the language of the great cardinal, I declare, "Walk blindfold on; behind thee stalks the headsman."

Mr. SCOTT. Mr. Chairman, I realize, of course, that Members of this House will not misunderstand the situation that has existed here for the last three days, but I do feel as if, in view of what has been said by the distinguished gentleman from Kentucky [Mr. STANLEY], a statement should be put into the RECORD at this time as to the division of the time and the purpose for which the time was used in this debate. There have been ten hours of general debate on this bill, of which six hours, substantially, were consumed by Members on the Democratic side. The gentleman from Texas [Mr. BEALL] this morning was given a full hour, which he used in discussing matters entirely outside of the bill, by unanimous consent granted on this side of the Chamber, notwithstanding the fact that similar requests from this side have been uniformly denied from the other side for the past week. The RECORD will show also that at least two hours out of the six occupied by the minority in debate upon this bill were occupied by gentlemen who were not members of the Committee on Agriculture and who discussed topics not germane to the measure. It is true that the gentleman from Alabama [Mr. HEFLIN], a member of the committee, took his time under another bill to debate matters connected, perhaps, with this one. I understand, however, he did that because he desired to leave the city at a time when he thought this bill would be under discussion, and took the time that was offered him, fearing that he might not be in Washington when this bill was under consideration.

I am sure the House recognizes that ample time has been given for all the debate desired upon this bill, and that the minority have been more than fairly treated in the distribution of that time. [Applause on the Republican side.]

The Clerk read as follows:

Contingent expenses, Weather Bureau: Stationery and blank books; furniture and repairs to same; freight and express charges; subsistence, care, and purchase of horses and vehicles for official purposes only; repairs of harness; advertising, dry goods, twine, mats, oils, paints, glass, lumber, hardware, ice, washing towels, and other miscellaneous supplies and expenses not otherwise provided for in the city of Washington, $11,000.

Mr. MADDEN. I move to strike out the last word, Mr. Chairman. I desire to ask the chairman of the committee what extraordinary occasion arises to call for an expenditure of the additional thousand dollars in these contingent expenses.

Mr. SCOTT. In reply to the gentleman from Illinois, I will state that for a good many years the amount for contingent expenses has stood at $10,000. As we all know, there has been a marked advance in the cost of supplies that are paid for under this paragraph during recent years, and the Chief of the Bureau told us that he had not been able to buy what he wanted for the last two or three years; that he had used many articles longer than he would have used them if he had had a more liberal contingent fund, and he asked for an increase now only because the situation had become such that the Bureau could not longer get along with the amount that it had. He asked for an increase of $2,000; the committee allowed $1,000.

The Clerk read as follows:

Salaries, station employees, Weather Bureau: Professors of meteorology, inspectors, district forecasters, local forecasters, section directors, research observers, observers, assistant observers, operators, skilled mechanics, repair men, station agents, messengers, messenger boys, laborers, and other necessary employees, for duty in the District of Columbia or elsewhere in the United States, in the West Indies or on adjacent coasts, in the Hawaiian Islands, and in Bermuda, $586,750.

Mr. MADDEN. I reserve the point of order against the words "skilled mechanics," in line 23, page 5.

Mr. SCOTT. Mr. Chairman, if the gentleman intends to insist upon the point of order regardless of the merits of the subject, I do not care to take any time in discussing it.

Mr. MADDEN. I wanted to hear what the gentleman had to say concerning these words.

Mr. SCOTT. That language was inserted merely because it had not been included in the bill heretofore, and yet the Bureau, of course, needs and has always had the assistance of skilled mechanics. The Chief of the Bureau was of the opinion that such language ought to be introduced in the bill simply to obviate any possible question with the Comptroller of the Treasury.

Mr. MADDEN. What kind of skilled mechanics are they?

Mr. SCOTT. They are instrument makers, carpenters, painters, cabinetmakers, skilled mechanics of various sorts, that are employed by the Bureau.

Mr. MADDEN. Have they been there all the time?

Mr. SCOTT. They have been there all the time.

Mr. MADDEN. I withdraw the point of order.

The Clerk read as follows:

General expenses, Weather Bureau: Every expenditure requisite for and incident to the equipment and maintenance of meteorological observation stations in the United States, in the West Indies or on adjacent coasts, in the Hawaiian Islands, and in Bermuda, including the purchase of stationery, furniture, instruments, storm-warning towers, and all other necessary supplies and materials; for repair and improvement of Weather Bureau buildings now completed and located outside of the District of Columbia, and care and preservation of grounds, including not to exceed $15,000 for the completion of the physical laboratory building and the office and cottage building at Mount Weather, Virginia; for the erection of a main observatory building at Mount Weather, Virginia, to replace the observatory building destroyed by fire October 23, 1907, and for the erection of a central heating and power station thereat, not to exceed $60,000; for the acquisition of a site and the erection of a building at each of the following-named places, for use of the Weather Bureau, and for all necessary labor, materials, and expenses, plans and specifications to be prepared and approved by the Secretary of Agriculture, and the work done under the supervision of the Chief of the Weather Bureau, namely: Abilene, Tex.; Dodge City, Kans.; Richmond, Va.; East Lansing, Mich.; Northfield, Vt.; St. Joseph, Mo., and Fort Wayne, Ind., not to exceed $105,000. For the reestablishment of the Weather Bureau station at Pikes Peak, Colo., not to exceed $5,000; for rents of offices; for official traveling expenses; for freight and express charges; for telegraphing, telephoning, or cabling reports and messages, rates to be fixed by the Secretary of Agriculture by agreement with the companies performing the service; for maintenance and repair of Weather Bureau telegraph, telephone, and cable lines; for investigation on climatology; for river rain, snow, ice, crop, evaporation, and aerial observations and reports; for storm, hurricane, and other observations, warnings, and reports; including pay of special observers and display men, none of whom shall receive more than $25 per month; and including not to exceed $18,000 for the maintenance of a printing office in the city of Washington, including the purchase of necessary supplies and materials for printing weather maps, bulletins, circulars, forms, monthly reviews, and other publications, and for pay of assistant foremen, proof readers, compositors, pressmen, lithographers, and folders and feeders, when necessary; in all, $852,000.

Total for Weather Bureau, $1,662,260.

Mr. PERKINS. Mr. Chairman——

Mr. STAFFORD. I wish to reserve the point of order to the paragraph for the purpose of obtaining some information.

Mr. PERKINS. My object is very much the same. I would like to reserve the point of order to this portion of the paragraph, beginning on line 14, page 6, after "not to exceed," down to and including "Fort Wayne, Ind.;" and further down, on page 7, line 19, beginning with the word "and," down to and including "the city of Washington," in line 21.

As to these I reserve the point of order, because I am not sure whether I desire to make it until after the chairman has furnished such explanation as he may.

Mr. SCOTT. Mr. Chairman, in the consideration of these points of order I would like a division made and have them passed upon one at a time. Some of them stand upon a different footing than others. In regard to the portion of the paragraph to which the gentleman from New York has first called attention, I wish to state that for several years past the Weather Bureau has been constructing a research station at Mount Weather, Virginia, upon the Blue Ridge, 60 miles southwest of Washington. The purpose of that station is to conduct new and original meteorological investigations with a view to broadening the science upon which the whole service of the Weather Bureau rests. Your committee, as I remarked in my opening statement, is very strongly of the opinion that as long as we are spending a million and a half dollars annually to make and distribute weather forecasts we could very economically expend a few thousand dollars each year in the hope of gaining additional information which would make those forecasts more accurate, and therefore more valuable. Now, this research station consists of several buildings. The administration building was burned last October. It was the building in which the observers and the employees of that station lived. The station itself is some 5 or 6 miles from even a small village, and it is necessary for the employees working in it to live at the station. Since the administration building was burned they have been practically camping out, living in the barn and in a farmhouse near by, a situation which obviously can not continue indefinitely.

The provision for this item was handed down as a supplemental estimate in the regular way by the Secretary, and your committee believed that it ought to be allowed to remain in the bill.

As to the other station buildings provided for in this paragraph, nothing can be said except that it is the policy of the Bureau, as rapidly as the buildings can be economically constructed, to house its observers in its own buildings. It is found to be economy to do this, in a great many ways—economy in money and economy in time and results.

It is true that the estimates as they came from the Department did not contain these items relating to the construction of new Weather Bureau buildings. The estimates did not contain them, for the reason that a similar appropriation was stricken out on a point of order when this bill was before the House last year, and, that being the case, the Secretary thought the Congress ought to initiate the appropriation if it was to be continued.

During the past several years nearly every agricultural appropriation bill has contained an item similar to this. Only on two occasions within my own service in the House has a point of order been made against them, when they have been stricken out in pursuance thereof. The House, as a rule, has agreed with the committee in forwarding the policy of the Bureau.

Mr. STAFFORD. Right there, if the gentleman will permit a question.

Mr. SCOTT. Yes.

Mr. STAFFORD. Has it been the policy of the committee to designate the places where these Weather Bureau stations should be established, or have they left it to the discretion of the Department to establish them?

Mr. SCOTT. The practice has differed in that respect. In some bills the places were designated by the committee. In other bills the places were not designated, and a lump sum simply was provided, the location of the stations being left to the discretion of the Chief of the Bureau, of course with the advice of the Secretary.

Mr. STAFFORD. Can the gentleman inform the committee who selected these various places and how they came to be designated?

Mr. SCOTT. At the time the subcommittee was preparing this bill, when it reached the conclusion that it should include an appropriation for certain buildings, the Chief of the Weather Bureau was out of the city. By direction of the subcommittee, I wired him, asking his recommendation as to the places where buildings should be located, and it was in response to his telegram, supplemented by an oral statement a few days later, when he returned to Washington and came before the entire committee, that the places named in the bill were designated.

Mr. STAFFORD. Can the gentleman state whether he prefers the designation of the places or whether he advocates the appropriation of a lump sum, with discretion in the Chief of the Bureau to locate the various stations as he deems best for the service?

Mr. SCOTT. I take it that any committee would be governed very largely by the recommendations of the Chief of this Bureau in a matter of that kind. I do believe, however, that the committee ought to hold the matter in its own hands, so as to approve or reject any recommendation that the Chief may make.

Mr. STAFFORD. The gentleman has not answered the question. Perhaps he did not gather it as stated. I wish to have the chairman advise us whether the Chief of the Weather Bureau recommends a lump-sum appropriation, leaving to him the designation of the sites, or whether he recommends that the committee shall designate the places where the buildings shall be erected?

Mr. SCOTT. Does the gentleman mean the general policies?

Mr. STAFFORD. Whether he recommends lump-sum appropriations, or whether he recommends that they shall be designated in the bill.

Mr. SCOTT. The Chief of the Weather Bureau has never signified his preference before the committee in that matter in any way whatever. He has always held himself subject to the wishes of the committee.

Mr. STAFFORD. How often, to the gentleman's knowledge, has it been the practice, when such an item has been carried for structures for the Weather Bureau, that the places have been designated, and how often has there been a lump-sum appropriation?

Mr. SCOTT. I have been a member of this committee for three Congresses, and this is the fourth; and in these four Congresses, to the best of my recollection, the places for the stations have been designated in three of the bills, two besides this, and a lump sum in the remaining bills.

Mr. STAFFORD. Designated upon the request of the Chief of the Weather Bureau, or by action of the committee irrespective of the recommendation of the Chief of the Bureau?

Mr. SCOTT. Designated by the committee after consultation with the Chief of the Bureau.

Mr. STAFFORD. And after request by the Chief of the Bureau to have certain places designated?

Mr. SCOTT. No, that has not always been the case. The committee, as in this case, has called upon the Chief of the Weather Bureau to give the committee his best judgment as to where the buildings should be located.

Mr. STAFFORD. So as to be informed as to the total amount of the appropriation that might be needed for the character of the service, whether it designated the places or not.

Mr. SCOTT. No, the committee has determined in the first place how much money it thought ought to be appropriated, and then called in the Chief and asked his advice as to where the buildings should be erected.

Mr. STAFFORD. In these instances where Congress has appropriated a lump sum, has there been any instances where the discretion vested in the Chief of the Weather Bureau has been abused in selecting the sites?

Mr. SCOTT. Not to my knowledge.

Mr. STAFFORD. There is no special reason why the places should be designated? The appropriation of a lump sum leaves it to the Chief of the Weather Bureau to select the places that he deems for the best of the service.

Mr. SCOTT. Unless this might be a reason. Members of the House will recall that in the last Congress, when the Committee on the Expenditures in the Department of Agriculture was investigating the expenditures of that Department, some question arose as to the source of the money expended at Mount Weather, and it appeared from the testimony before the committee that the buildings there had been constructed under the authority carried in several appropriation bills for the erection of weather station buildings. Some members of the Committee on Agriculture did not understand, or had not understood, that part of the money appropriated for these buildings for the construction of Weather Bureau stations was to be used at Mount Weather. There was a misunderstanding, and that was in the minds of the members of the committee this year when they decided that it would be best to designate the places where it was thought that these buildings should be constructed.

Mr. STAFFORD. If that was the only objection, I should like to put this query, whether the gentleman thinks it was impossible to place a limitation in phraseology sufficiently definite so as to limit the appropriation to these weather stations and yet prevent the Chief of the Weather Bureau using it at Mount Weather, and thereby carry out the intent of the committee?

Mr. SCOTT. It would have been easily possible to include such a limitation, but the committee was very anxious that the bill should be so phrased that nobody could misinterpret its provisions.

Mr. STAFFORD. Is it not ground for reasonable objection that if we established the policy of designating the places, taking it out of the control of the Chief of the Weather Bureau, who can only be actuated by the best motives in establishing places throughout the country, there might grow up, as has been the case in the public-building bill, a desire on the part of Members to seek to have stations established in their districts, irrespective of the needs of the Weather Bureau?

Mr. SCOTT. I do not think it can be said that the matter is taken out of the hands of the Chief of the Bureau, because I can hardly conceive that any Committee on Agriculture would make an appropriation for the erection of stations at given places except on the judgment of the Chief as to the needs of the service.

Mr. STAFFORD. The gentleman knows, if he has inquired into the location of cities for public buildings, that there are places where public buildings have been erected for fourth-class post-offices where the receipts are less than a thousand dollars and many instances where appropriations for public buildings have been abused.

Mr. SCOTT. But the gentleman must recognize that this is a vastly different case from that which is offered by the Post-Office Department. There are post-offices at every little cross-roads, and it is possible there might be abuses such as the gentleman has suggested. The Post-Office Department is not a scientific service. But the Weather Bureau is a scientific service, and the advisability of establishing stations in the first place and of constructing buildings at those stations in the second place must always and necessarily be a matter in which the judgment of the Chief of this great scientific Bureau would receive very careful consideration.

Mr. BURLESON. And as a matter of fact he did recommend each one of these buildings.

Mr. STAFFORD. If I understand the gentleman, his last statement only confirms my position, that this matter should be left, in its expenditure, to the discretion of the Chief of the Weather Bureau rather than that the committee should designate places where these stations should be established; for, taking the words of the gentleman, he says it is a scientific service, that should be established only as the Chief should determine, and why not leave it to his full discretion rather than have the committee pass on the respective stations upon the recommendations of some Representative who might be directly concerned in the establishment of a weather station in some locality.

Mr. SCOTT. The gentleman misunderstood me if he understood me to say that the location of the buildings was a matter to be determined solely by the Chief of the Bureau. What I mean to say is that his advice would have great weight with any committee. But the Chief of the Bureau in his annual report has recommended that buildings be constructed at a large number of places, at a larger number of places than your committee felt warranted in making appropriations for, and we therefore called him before the committee and asked him to state the reasons that influenced him to recommend these various places. Then the committee exercised its own judgment after the reasons had been given in determining where the buildings were most needed.

Mr. STAFFORD. And then this being a scientific matter solely and the Chief of the Bureau better equipped to determine the location than the members of the committee, because of his scientific knowledge and better knowledge of the Service, if the committee did not believe it advisable to recommend all the places, what abuse of discretion could follow by cutting down the appropriation and voting him a lump-sum appropriation and leaving it to him to determine where these stations should be erected to meet the requirements of the Service.

Mr. SCOTT. Well, the only answer to that suggestion, perhaps, is that there are different men with different minds. It was the judgment of the committee that the places ought to be designated in the bill. If the gentleman from Wisconsin [Mr. STAFFORD] is of another opinion, of course he is entitled to hold it.

Mr. STAFFORD. I am trying to get information as to reasons that prompted the committee in designating the places, so as to act intelligently in the matter.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask unanimous consent that the time of the gentleman may be extended for five minutes.

Mr. PERKINS. Mr. Chairman, I think we are proceeding under unanimous consent without any limit of time, because I have reserved a point of order.

The CHAIRMAN. The gentleman from Illionis asks unanimous consent that the time of the gentleman from Kansas be extended for five minutes. Is there objection?

There was no objection.

Mr. MANN. Will the gentleman yield for a question?

Mr. SCOTT. Yes.

Mr. MANN. Is it not a fact that when the Committee on Expenditures in the Agricultural Department made its investigation last year, there was considerable criticism indulged in of the Chief of the Weather Bureau because a part of the lump-sum appropriation for weather stations had been, as was asserted, diverted to the weather station at Mount Weather, and that therefore the Chief of the Bureau himself desired Congress to specify places where these stations were to be erected.

Mr. SCOTT. The Chief of the Weather Bureau undoubtedly preferred that that should be done.

Mr. MANN. He wanted to divert criticism from himself.

Mr. SCOTT. Exactly. He did not want any further misunderstanding on the part of the committee or anybody else.

Mr. MANN. Exactly; and is it not a fact that Congress generally has considerable confidence in the honesty of purpose of the Chief of the Weather Bureau and would be quite willing to leave the matter to the judgment of the Weather Bureau?

Mr. SCOTT. I think that is quite likely.

Mr. MANN. Now, of course, I know—I will not take too much of the gentleman's time and I will give him some of mine if I can get the floor——

Mr. PAYNE. I would like to ask the gentleman from Illinois [Mr. MANN] a question some time when I can interrupt this conversation.

The CHAIRMAN. Does the gentleman yield?

Mr. MANN. I will in the time of the gentleman from Kansas, if I may.

Mr. SCOTT. I will grant the time for that purpose.

Mr. PAYNE. I would like to ask the gentleman from Illinois—I think he is familiar with the subject, being on the Committee on Interstate and Foreign Commerce—if that Committee on Interstate and Foreign Commerce takes the recommendations of the Light-House Board for the establishment of light-house stations and appropriates a lump sum, or whether they take the recommendation and make specific appropriations for these stations at different points located by them when they bring in a bill.

Mr. MANN. The Committee on Interstate and Foreign Commerce brings no bill for an appropriation at all, but they bring in a bill for specific location of light-houses, and I would like to call the attention of the gentleman from New York and the attention of the gentleman from Kansas to the difference between the bill reported from our committee about light-houses and this bill. There are eight stations named in this bill: One at Abilene, Tex.—Texas was represented on this committee—one at Dodge City, Kans.——

Mr. BURLESON. Will the gentleman permit——

Mr. MANN. And Kansas was represented on this committee.

Mr. BURLESON. That recommendation for Abilene, Tex., was made before the gentleman from Texas was ever a member of that committee——

Mr. MANN. One at Richmond, Va.

Mr. LAMB. The gentleman from Virginia never said a word about it to anyone.

Mr. MANN. One at East Lansing, Mich., and Michigan was represented on this committee; one at Northfield, Vt., and Vermont was represented on this committee; one at St. Joseph, Mo., Missouri being represented on this committee; one at Fort Wayne, Ind., Indiana being represented on this committee. Now, do not misunderstand me. I do not think for a moment that these stations are located in these States because those gentlemen are represented on the committee——

Mr. RUCKER. Will the gentleman permit? I merely want to suggest to the gentleman, while Missouri is poorly represented in this instance——

Mr. MANN. Well represented.

Mr. RUCKER. In my judgment Missouri presents the most meritorious project in the whole bill. Let me say just one word further. The fact is St. Joseph, Mo., is the largest city in the United States without Weather Bureau service, and the Chief of the Bureau says that city ought to have it.

Mr. MANN. Well, I have read some descriptions of St. Joseph that would indicate that it is the largest city in the United States without that.

Mr. RUCKER. It is going to be, if it is not now.

Mr. PAYNE. I would like to ask the gentleman from Illinois if there are any stations for Illinois and New York in this bill, and if there are none, whether the States of Illinois and New York are not both represented on this committee?

Mr. MANN. I do not know whether—yes.

Mr. PAYNE. The gentleman's colleague from Chicago.

Mr. MANN. They are both represented on the committee, and I hope the gentlemen will not misunderstand me. I am making no criticism of the committee bringing in the bill in this shape with these stations located in these States. I have not any doubt these places need these stations, but the gentleman knows very well that the tendency is such——

Mr. BURLESON. Will the gentleman permit an interruption for a second?

Mr. MANN. Now, the gentleman from New York asked about light-houses. There is no such thing in any light-house bill which I have had the honor to report to this body.

Mr. PAYNE. Have there not been light-houses located in the State of New York?

Mr. MANN. There has been no light-house located in the State of Illinois on any bill I have reported.

Mr. PAYNE. Have there not been light-houses located in New York?

Mr. MANN. Well, I do not represent New York.

Mr. PAYNE. But New York has always had a Member or two on that committee. I think the reflection is unjust in either case either on this committee or on the Committee on Interstate and Foreign Commerce.

Mr. MANN. I hope the gentleman will not misunderstand me. If we needed a light-house in Illinois, and I was on the committee, I would not hesitate to put it in a bill because I was on the committee; I am not so foolish as that.

Mr. BURLESON. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. BURLESON. In reference to the station provided at Abilene, Tex., in all fairness to the committee, I want to state that the recommendation for a building at Abilene, Tex., was made by the Chief of the Weather Bureau years before the gentleman from Texas [Mr. BEALL] went on that committee, and in the report that was made before the investigation that was conducted by the Committee—of the gentleman from Maine—on Expenditures in the Department of Agriculture a recommendation for a building at Abilene, Tex., headed the list, and consequently——

Mr. MANN. Of course it headed the list, for here it commences with A, B, and it is at the head of the list. [Laughter.] I do not think the gentlemen of the committee themselves favor the idea of leaving this to the head of the Weather Bureau. We all know what would happen. We are human, every one of us, and we all know what would happen.

Mr. NORRIS. Will the gentleman permit an interruption?

Mr. MANN. In the time of the gentleman from Kansas [Mr. SCOTT].

Mr. SCOTT. I yield.

Mr. NORRIS. I would like to suggest to the gentleman that these places are all put in on the recommendation of the Weather Bureau already. It certainly could not improve it any to let the Chief of the Weather Bureau put them in, because these are practically put in by the chief himself. So the chairman says—in every instance, as I understand it.

Mr. SCOTT. In every case.

Mr. MANN. The chairman of the committee——

Mr. NORRIS. It is there because the Chief of the Weather Bureau has so recommended it. Now, it will practically be the same thing if the committee were inclined to favor it themselves, and I am not saying that they have at all; but if they were inclined to favor it themselves, the Chief of the Weather Bureau can look in the Congressional Directory and find out who the members of the committee are, and it will be perfectly natural for him to favor the members of that committee, perhaps. I do not see that there would be anything gained by doing it the other way, because we are practically doing it the same way, as we are, subject to some objections, perhaps, but I do not believe we can improve upon the method any.

Mr. MANN. I do not doubt the Chief of the Weather Bureau, if given authority, would locate these eight stations at these places, but it is a pretty bad precedent, after all.

Mr. HASKINS. Will the gentleman yield for a moment?

The CHAIRMAN. Does the gentleman from Illinois [Mr. MANN] yield to the gentleman from Vermont?

Mr. MANN. Yes, sir.

Mr. HASKINS. The station at Northfield, Vt., is an old one. It has existed a great many years. It is located upon the ground of the Norwich University, the military college in Vermont. It has been heretofore in Dodge Hall, a building contributed to that institution by Gen. Grenville M. Dodge. After the erection of Dewey Hall, a few years ago, the station was removed to Dewey Hall, in the second story. Within the last year they were authorized to print a weather map at Northfield, Vt., which has a circulation all through that State, western New Hampshire, and northern Massachusetts, and in printing that map they had to crowd the president of Norwich University out of his office, and the Chief of the Weather Bureau simply recommends the erection of a building there upon the ground belonging to Norwich University, which they can have free of expense. There is no room for them now.

Mr. PERKINS. I will do one of two things—I shall insist upon my point of order, or, after I ask some questions of the chairman of the committee, I may waive it.

Mr. SCOTT. I will be very glad to yield.

Mr. PERKINS. The question does not interest me as to whether the chief picks out these places. But the question is whether at this time it is judicious to make so large an appropriation, no matter who picks them out. Now, it is proposed to appropriate at Mount Weather, Virginia, $15,000. That is for a house for the observer to live in?

Mr. SCOTT. That is to finish a building that is already partly constructed—for the completion of the physical laboratory and office buildings.

Mr. PERKINS. In addition to that there is an observatory building, and a heating and power station, $60,000. Now, what is that?

Mr. SCOTT. That is the administration building, of which I spoke, to replace one burned last October.

Mr. PERKINS. Then it says:

> For the acquisition of a site and the erection of a building at each of the following-named places.

Now, I would like to ask whether at these several places that are named there are weather observatory stations?

Mr. SCOTT. There are already weather observatory stations, and they have been established a long time.

Mr. PERKINS. Where observations are made?

Mr. SCOTT. Yes.

Mr. PERKINS. The object of this, then, is not to increase the work of the Weather Bureau, but to furnish a residence in each one of these buildings for the men who have charge of the Bureau?

Mr. SCOTT. Residence and office.

Mr. PERKINS. Does the gentleman think it is judicious, that it is economical, to furnish residences all over this land for the various people in light-houses and weather observatories, and heaven knows what else?

Mr. LAMB. If the gentleman will allow an interruption, I can make a statement that will satisfy the gentleman right away. These people rent houses and rooms now.

Mr. PERKINS. We are paying for it.

Mr. LAMB. And it is cheaper to buy with money at 2 per cent than to rent.

Mr. PERKINS. If the facts were as stated by my friend from Virginia, it would answer, but unfortunately I can not agree with him in regard to the facts. I know the fact that everywhere it has proved more expensive to own land than to rent. You may start with a great printing building, and advocate it on the ground of economy, but it does not hold good, because first you erect a most expensive building, then you must care for it, and changes have to be made according to the views of different ones who administer it. If I thought there was economy for the Government in owning these buildings, I would not raise the point of order, but I sincerely believe, based on the observations we all have, that outside of the great central buildings the Government owns in Washington, it costs the Government more for the purchase, repair, and maintenance of buildings and their modification than it does to pay rental.

Mr. SCOTT. As a general proposition I concur in what the gentleman from New York has said, but the Weather Bureau stations are constructed at no great expense.

Mr. PERKINS. Fifteen thousand dollars is a better house than most of us have in my part of the country.

Mr. SCOTT. The Government can better afford to build at that price than to pay $400 or $1,000 a year rent.

Mr. PERKINS. There is the cost of the building and constantly liability for repairs. It may be more agreeable to own your own home to live in, but it is much cheaper if you rent one. It is more of a luxury to own your own home than to rent one.

Mr. LAMB. Will not the gentleman withdraw his point of order and let us discuss these other questions at another time?

Mr. PERKINS. I think not.

Mr. SCOTT. There are other considerations aside from that of economy which entered into the judgment of your committee in making this recommendation. One of them is the fact that meteorological observations are of a great deal more value if they can be taken at the same elevation over a long period of years. Another reason is that in many of the towns and places where these stations are located there are no suitable quarters for the observer and his family.

Mr. PERKINS. Not suitable places?

Mr. SCOTT. In the building where the station is located; and yet in these small stations, where there is only one man, it is practically necessary that he live in the building where he takes his observations, because conditions frequently arise under which it would be of benefit to the service to have him on call at any time during the twenty-four hours.

Mr. PERKINS. If that is necessary, why not erect a cottage for the use of the observer? It certainly would not cost $15,000.

Mr. SCOTT. That is precisely what is done.

Mr. PERKINS. You can get a pretty good cottage at an expense of $15,000. That is a pretty good house.

Mr. SCOTT. But my friend does not understand. The $15,000 is to erect a building in which not only the observer and his family will live, but in which he will transact all his business as an observer. His instruments and all his apparatus are there.

Mr. PERKINS. The gentleman has stated that in all of these cases they had already started a station for many years.

Mr. SCOTT. Then I did not understand the gentleman. I did not mean to be understood as saying that any kind of buildings had been erected.

Mr. PERKINS. Where you have stations you have some men who observe?

Mr. SCOTT. Certainly; we have the instruments and apparatus, but they are installed in rented quarters, and that is the reason we are asking that buildings be constructed.

Mr. HULL of Iowa. Right at this point. Is it not true that the Government rents places to house the families of the observers in the different cities in which they are located, or do they rent their own houses and pay their rent out of their salaries?

Mr. SCOTT. In many cases, my information is, the Government rents the building in which the observer lives and the amount of rent is deducted from his salary. We have inquired into the matter specifically, and the Chief of the Bureau has always said that wherever a building, whether a rented building or a Government-owned building, was used by the observer, he paid for the use, or it was taken into consideration in fixing his salary.

Mr. HULL of Iowa. Take it in my own town; our observatory is in the top of the post-office. The observer has a family and lives in town like any other citizen. Do I understand that the Government pays the house rent for the observer under those circumstances?

Mr. SCOTT. It either pays the house rent or takes it into consideration in fixing his salary if he rents at his own expense. The salary is greater where a man pays his own house rent than it is where a house is furnished to him.

Mr. HULL of Iowa. Then these people are a great deal better treated than the average employees of the Government.

Mr. SCOTT Oh, no.

Mr. HULL of Iowa. A clerk in this city at $1,800 or $1,200 or $900 is compelled to rent his own house if he has a family.

Mr. SCOTT. On the contrary, the gentleman will find if he investigates that the officials of the Weather Bureau are very moderately paid.

Mr. HULL of Iowa. Not if their houses are furnished.

Mr. SCOTT. If a man's house is furnished to him it is taken into account when fixing his salary.

Mr. DRISCOLL. I quite agree with my colleague from New York that this looks like extravagance. A few years ago I appealed for the establishment of a weather station in my home city of Syracuse, N. Y., and it was established there, and it was housed in the university buildings without expense to the Government. The Government does not pay a cent of rent.

Mr. SCOTT. In such a case as that neither the Bureau nor the committee would ever think of recommending the construction of a building.

Mr. DRISCOLL. Very well. If this committee, and if the Chief of the Bureau and other officials concerned were as anxious to be as economical and to find places for the housing of their instruments as they were in my city, they would not have to hire quarters. They could probably get them similarly located in Richmond and other places without expense to the Government, just for the sake of having the stations there for the accommodation of the people. Of course if they are given $15,000 to build one of these houses, they will not try to get a location rent free, as they did in Syracuse.

Mr. SCOTT. I am very certain that the Chief of the Bureau has never recommended the construction of a building under circumstances such as the gentleman from New York suggests.

Mr. PERKINS. Mr. Chairman, I desire to call attention to the situation in my own city of Rochester, which I think must exist in most cities. In Rochester the instruments of the weather bureau are located on the top of one of the highest buildings, ten or twelve stories high. It is by far the best place in the city. It is the best field for observation. This location is given free to the Government, and even if the Government paid rent it would be the best place that it could occupy. Instead of occupying such an ideal location, to have these observations made from the second story of a building, part of which is occupied by the observer and his family as a residence, with the instruments perhaps 15 or 20 feet from the ground, seems to me by no means a change which should recommend itself to the good judgment of the committee. It would cost more and the result, I should think, would be far less satisfactory. It may be more comfortable to the observer, but not more valuable to the cause of science.

Mr. SCOTT. There is no proposal on the part of the Bureau or of the committee to erect an observatory building in any great city such as he suggests.

Mr. PERKINS. In Richmond, Va.; St. Joseph, Mo.; Fort Wayne, Ind., all flourishing towns, which have business buildings.

Mr. OLMSTED. Public buildings?

Mr. PERKINS. They surely have.

Mr. SCOTT. Very few of them could be used for observatories. Let me call attention to the situation in Dodge City, Kans., where the Chief has recommended for many years that a building be erected. It is imperative this year, in the judgment of the Chief, that a building should be provided there, for the reason that the rooms where the station is now located and where it has been located for thirty years are required by their owner for another purpose, and the rent will be advanced from $400 to at least $1,000 if the station is moved to the only other available place in the city. So it seems imperative that provision should be made for a building.

Mr. PERKINS. Does not the gentleman think that in this bill, which allows a little over a million dollars for the Bureau, an appropriation for new buildings of $105,000, beside $75,000 for repairs in one year, is a very large amount? The total for new buildings is $180,000, over 10 per cent of the entire expense of the Bureau, in one single year. It seems to me it is growing fast indeed, and that is only for this year. There will be

more asked next year. You will find just as many next year and the year after and for endless years to come.

Mr. SCOTT. My friend will remember that the last appropriation bill carried no appropriation for the construction of new buildings. A provision was inserted in the bill by the committee, but stricken out on a point of order on the floor of the House, so that there has been no appropriation for this purpose for two years. The gentleman must also remember that $75,000 of the sum which he quotes is accounted for by the provision for completing a building already under way and for restoring a building which was destroyed by fire.

Mr. PERKINS. I will ask one other question, and then I am through. In line 20 is an appropriation of $18,000 for a printing office. We are spending $5,000,000 on printing already for one office. Why do we need another at $18,000?

Mr. SCOTT. That provision has been in the bill ever since I have had any acquaintance with it.

Mr. PERKINS. And have we not got the printing office done yet?

Mr. SCOTT. That same amount has been carried in every bill. It is absolutely essential that there should be a printing office at the Weather Bureau, for the reason that it is necessary to print the daily weather map, copies of which you see hung in the lobby, and which are sent all over the country, and many other official publications. A great deal of printing is required there which it would be a physical impossibility to have done at the general Printing Office.

Mr. PERKINS. The gentleman from Wisconsin also reserved points of order, but, so far as I am concerned, I am so persuaded by the eloquence of my friend from Kansas that I will withdraw my point of order—not my entire point, but the point of order from line 14, page 6, to the word "bureau," in line 3, page 7. Also the point of order——

The CHAIRMAN. The Chair will suggest to the gentleman that he take up one point of order at a time so as to avoid confusion.

Mr. PERKINS. I reserved several points of order, but I waive them all with the exception of the one which I make on the ground that it is new legislation, and that one is from the word "namely," line 3, page 7, to the word "dollars," line 6. The other points of order which I reserved I now waive. Whether the gentleman from Wisconsin desires to make them or not I do not know.

Mr. STAFFORD. To have the gentleman's point of order consistent, would he not strike out in lines 22 and 23 the words "for the acquisition of a site and the erection of a building," and so forth?

Mr. PERKINS. The gentleman is correct. The point of order should begin on the words "for the acquisition of a site," line 22, page 6, and cover the introduction as well as the entire appropriation.

Mr. STAFFORD. So that the gentleman's point of order will begin at the words "for the acquisition of a site," line 22, page 6, and go to the word "dollars," on line 6, page 7?

Mr. PERKINS. Yes.

Mr. MANN. Will the Clerk report what goes out?

The CHAIRMAN. The Clerk will report.

The Clerk read as follows:

Page 6, line 22, after the word "dollars" all the rest of that page and all of the lines 1, 2, 3, 4, 5, and 6 down to and including the word "dollars," on page 7.

Mr. MANN. Mr. Chairman, I would like to make an inquiry.

Mr. STAFFORD. I understand points of order are reserved to the entire paragraph and are pending.

The CHAIRMAN. The Chair understands that.

Mr. MANN. The first part of the section reads as follows:

General expenses, Weather Bureau: Every expenditure requisite for and incident to the equipment and maintenance of meteorological observation stations in the United States, in the West Indies or on adjacent coasts, in the Hawaiian Islands, and in Bermuda, including the purchase of stationery, furniture, instruments, storm-warning towers, and all other necessary supplies and materials.

I do not see any appropriation for it.

Mr. SCOTT. It appears at the end of the paragraph, "in all $852,000."

Mr. MANN. Then I will suggest to the gentleman that when he makes up another appropriation bill he does not interpose specific appropriations, with specific amounts appropriated for specific purposes, in the middle of a paragraph, where he proposes to appropriate a lump sum at the end.

Mr. SCOTT. I accept the suggestion with all humility, but my friend will realize that there never was an appropriation bill which did not in some of the paragraphs have a specific appropriation in the way of a limitation or in some other way.

Mr. MANN. I will submit that, having paid some observation to appropriation bills in the House, I never saw a paragraph so involved and so difficult to understand its meaning, with these items thrown in, as this one. I do not believe an auditing office could tell what is covered and what is not by the language used in this paragraph. The gentleman runs in after this provision I have read down here specific sums——

Mr. SCOTT. "Not to exceed" a certain sum, and that is the language in all appropriation bills where there is a limitation.

Mr. MANN. That is an appropriation.

Mr. SCOTT. It is a limitation, "*Provided*, That not to exceed" a certain sum should be devoted to a certain purpose. I confess I hardly know how a limitation could otherwise have been expressed.

Mr. MANN. It is a specific appropriation of $60,000 in one case—however, if it is covered, I do not care.

Mr. SCOTT. It is absolutey covered. I shall be only too happy to consult with the gentleman hereafter, as I know how valuable his suggestions would be.

Mr. MANN. Oh, I do not want the gentleman to consult with me.

Mr. SCOTT. Mr. Chairman, I understand that no point of order is pending against this paragraph now excepting that relating to the construction of the separate buildings named.

The CHAIRMAN. There was a point of order reserved on the whole paragraph.

Mr. WATKINS. Mr. Chairman, I have an amendment I would like to offer.

Mr. SCOTT. Mr. Chairman, I requested in the beginning that the ground covered by the points of order be divided, and I trust they will be considered separately so that we may know where we are at all times.

Mr. STAFFORD. Mr. Chairman, as I reserved the point of order generally to the paragraph, and as my point was directed to that which has been stricken out on the point of order raised by the gentleman from New York [Mr. PERKINS], I have only one other inquiry to make, subject to the point of order, and that is as to the word "evaporation." That is found in lines 15 and 16, on page 7. I notice that it is a new word in this bill from that of last year, and I would like to have some explanation from the chairman of the committee as to the reason for requiring some new service.

Mr. SCOTT. Mr. Chairman, as the members of the committee all know, there was a breach in the banks of the Colorado River some two or three years ago, as a result of which a great inland lake, called the Salton Sea was created. It is in an arid country, and the Chief of the Reclamation Service and the Chief of the Geological Survey are of the opinion that observations showing the rapidity of the evaporation of the water from that sea would be of great value in constructing reservoirs that may be needed hereafter in the Reclamation Service. They declare, as a matter of scientific fact, that many reservoirs have been built in the arid country which are uneconomically constructed, because the element of evaporation was not taken into account. Both the Chief of the Geological Survey and the Chief of the Reclamation Service have asked the Chief of the Weather Bureau to take charge of this project, to establish two or three observers upon the borders of this lake to note the rapidity of the evaporation of the waters, believing that the results they will get from those observations will be of great practical value hereafter in the continuation of the reclamation work.

Mr. FITZGERALD. Then this new service is clearly not for the benefit of the Weather Bureau service, but for some other service of the Government.

Mr. SCOTT. It is for the benefit of agriculture, which, in the arid region, is dependent upon the irrigation projects of the Reclamation Service.

Mr. MANN. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. SCOTT. Of course I yield.

Mr. MANN. Mr. Chairman, it was called to my attention some time ago that they were making very important investigation and inquiry, most valuable scientific information, in connection with the theory of evaporation in the air, especially in connection with the Salton Sea—valuable for weather forecasts, valuable in a great many other ways, and especially valuable from the point of view which I took in respect to the Panama Canal. It was discovered that while we have had a notion that water evaporates according to the humidity of the air and the heat, in the Salton Sea, where the air is extremely dry and the temperature high, the evaporation of the water formed a blanket over the sea, not visible to the ordinary naked eye, and that blanket itself operated as a cloud close to the water to hold

back the evaporation. It was a most important scientific discovery, if it be absolutely ascertained to be true, worth millions of dollars to the people and to the Government, and of great value in forecasting weather results where they are required to consider the evaporation both of the sea and of the lakes. If it can be established that evaporation of water upon a lake is not proportioned to the evaporation from a bucket, then all the computations which we have hitherto made as to the amount of evaporation at sea or on lakes or on the proposed Panama Canal will disappear and new computations will have to be made, because hitherto in testing evaporation of water at the Weather Bureau and by other branches of the Government and other tests, it has been common to take a small utensil—a bucket—and compute the amount of water which can be evaporated in a certain condition of the atmosphere and at a certain temperature by the amount of evaporation from this small utensil, which is not able to form a blanket of evaporative moisture over itself because the wind moves it away.

The Government is now inquiring at Panama in reference to the amount of evaporation in order to determine the quantity of water which may be used in connection with the locks on the Panama Canal, and I should say that if this investigation can proceed at very little expense to the Government, it will be worth millions of dollars, more than a million to one of the amount expended, if it shall be ascertained that the old theory of the amount of evaporation was false because based upon false premises and that water does not evaporate so rapidly in a large body.

Mr. SMITH of Arizona. If my friend will excuse me, it is believed by many observers, and that is the reason I speak of it, that a station should be established at Tucson, Ariz., and that is in the very line of the suggestion made by the gentleman. I was going to ask the chairman of the committee whether or not Mr. Moore did not report favorably on the establishment of a station at Tucson, Ariz. I have a letter from Mr. Moore to that effect. Now, in the line of the suggestion which the gentleman makes, it is believed by the people surrounding the Salton Sea, especially to the east of it, through southern Arizona and extending for hundreds of miles, that it has had a very material effect on the rainfall of that country. Now, if that be true, that a strata of air lies just on the surface of the water and stays there and prevents rapid evaporation in an intensely hot and dry country, it seems to me that the prevailing winds from the west over a sea not over a hundred miles—because it is less than that—would immediately dissipate the effect of which the gentleman speaks and would have probably a great climatic influence in the direction in which the wind was blowing and from which the damp airs come, at least; and the observation of the people there is they find rainfall at seasons of the year in much greater abundance than before. Now, whether it be a mere coincidence or whether one has relation to the other is a matter of doubt, and as yet there is no chance for anybody to know. It is a fact the rainfall has increased very much in Arizona within the last two years.

Mr. BURLESON. All the more reason why these observations should be made.

Mr. SMITH of Arizona. All the more reason why these observations should be made, and I am in favor of the suggestion made by the gentleman from Illinois, and I hope the point of order will be withdrawn.

Mr. SCOTT. I do not understand a point of order was made against the word "evaporation."

Mr. MANN. It was.

Mr. SCOTT. If it was, I desire to be heard upon it before the Chair rules.

Mr. MANN. I would like to make a further suggestion to the gentleman who makes the point of order. I believe this is an opportunity which seldom ever presents itself in the world for observations of equal value. The Salton Sea, of course, has no water running into it. It is now merely a matter of observing the rapidity and character of the evaporation. There is no other place on earth that I know of where similar conditions prevail. Elsewhere, in order to determine the amount of evaporation, the computers must also determine the amount of inflow, a more difficult thing to do even than to determine the amount of evaporation, but here we have made by accident a large lake with no inflow, where we have an opportunity to make observations which, in my judgment, are beyond measure in value; and if we do not make them now, we will not have an opportunity again, because never while we live will there be another Salton Sea.

Mr. STAFFORD. The purpose of the point of order was to obtain information, and I withdraw the point of order that was reserved.

Mr. RUCKER. Just a moment. In view of the suggestions, or, perhaps, more accurately speaking, the criticisms which have been made in regard to the proposed legislation for the construction of buildings for Weather Bureau stations in the States which happen to be represented by members of the Committee on Agriculture, I want to say, my judgment is, the committee acted with intelligence and great patriotism——

Mr. MANN. Nobody doubts it.

Mr. RUCKER. You have doubted it.

Mr. MANN. I beg the gentleman's pardon.

Mr. RUCKER. Or you would not have objected.

Mr. MANN. I did not object.

Mr. RUCKER. The gentleman ought not to indulge in criticisms——

Mr. MANN. I do not want the gentleman to be too tender to criticism. I did not criticise, but I called attention to that for the purpose of indicating what might happen in the future, when there might be reasonable objection.

Mr. RUCKER. Mr. Chairman, I did not take the criticism seriously, though there were criticisms uttered. I want to say, too, that possibly a solution of all the trouble that has arisen in the gentleman's mind can be reached and removed if he will just recognize the fact that the members of the Agricultural Committee come from the great producing sections of our country, inspired with a purpose to do equal justice to all. I believe the greatest States in this Republic are represented by the members of the Committee on Agriculture, but I do not desire to provoke a discussion on this subject. So far as I am concerned, I have no apology whatever to make, coming as I do from the grand old State of Missouri, for trying faithfully and honestly to represent her interests. It is an honor of which any man may justly feel proud. The only reflection that disturbs me at this particular time is that there are several other gentlemen in my district, all good men, who have an ambition to serve their district and State in this capacity. [Laughter.] But I want to say, as I caught the drift of discussion here amid some confusion, gentlemen are constrained to criticise the language contained in the bill because it specifically names places where buildings are proposed to be constructed, and made a specific appropriation for them. The argument seemed to be that it would be better to make a lump-sum appropriation and allow the Chief of the Bureau to put the buildings where he deemed best.

Now, it seems to me, that as Congress is making the appropriation, the fairest thing, the most logical thing, the most reasonable thing that could be expected of the committee would be, after consultation with the Chief of the Bureau, to report to the House for its consideration, the places where, in the judgment of the committee, the buildings should be erected and the exact amount authorized to be used in the construction of those buildings.

Mr. Chairman, in order that the House may understand that, so far as St. Joseph, Mo., is concerned, it was not an excess of zeal on the part of the committee or any member of it which secured the favorable mention of that city in this bill, I desire to incorporate in my remarks a letter from the Chief of the Weather Bureau, Professor Moore. I want to say, too, to the Members of this House and to the gentleman who raised the point of order against this item and caused it to be stricken from the bill, that St. Joseph, Mo., the most important city in the United States which has no Weather Bureau station, has been further denied this service by his action; and not only the city, but the great agricultural and producing community adjacent to it must suffer inconvenience and loss by reason of the gentleman's hostile attitude. Hundreds of thousands and even millions of dollars' worth of farm products are every year produced in that immediate section, and the Chief of the Bureau says the service there would be of incalculable benefit to the great wealth producers of that section. But we recognize the gentleman's right to raise a point of order and insist upon it, and we must submit. In justice to the magnificent city of St. Joseph and myself, I desire to print as a part of my remarks some correspondence which I will not take time to read now.

The CHAIRMAN. The gentleman from Missouri [Mr. RUCKER] asks unanimous consent to incorporate in his remarks in the RECORD certain documents. Is there objection?

There was no objection.

The documents referred to are as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
WEATHER BUREAU, OFFICE OF THE CHIEF,
Washington, D. C., January 15, 1908.

Hon. CHAS. F. BOOHER, *M. C., Washington, D. C.*

DEAR SIR: In reference to the matter of establishing a Weather Bureau station at St. Joseph, Mo., I have the honor to say that this is the only city in the United States with a population of 100,000 and over (more than 70 miles from a Weather Bureau station) that

has not a first-class Weather Bureau station. It is sufficiently removed from other stations so that an observation from there would be useful in the making of forecasts for the country farther east; but aside from the value of its observation to the rest of the country, its agricultural interests are such that they can be efficiently served only by the establishing of a first-class observatory and the printing of a daily weather map. The extensive horticultural interests of the vicinity will profit largely by the cold-wave warnings. St. Joseph is also a river town and would, therefore, be benefited by the flood service of the Bureau. If the committee in Congress decides to establish a station here, it will be necessary to add $2,500 to the fund for "salaries, station employees," and $2,500 to the fund for "general expenses." This will provide for the establishment of the station. In this connection, I will say that an appropriation of $15,000 should be made for a Weather Bureau building, so that when the station is once established it need not be changed. It is not generally known that meteorological records are valuable largely because of their length and because of the unchanged environment under which they are made. To change the altitude of the instruments and their surroundings renders it difficult to make comparison between the data, one year with the other, which is so essential in determining the question of the change of climate. It is, therefore, apparent that when the station is established it would be well to also erect an observatory building.

In conclusion, I do not hesitate to say that I do not know of a more deserving case than that of St. Joseph.

Yours, truly,

WILLIS L. MOORE,
Chief United States Weather Bureau.

BUSINESS MEN'S LEAGUE OF ST. JOSEPH, MO.,
December 16, 1907.

Hon. C. F. BOOHER,
House of Representatives, Washington, D. C.

DEAR Mr. BOOHER: The Commercial Conference Committee, embracing the following commercial and business organizations, Auditorium Company, Board of Trade, Business Men's League, Commercial Club, Contractors and Builders' Association, Grocers, Butchers, and Bakers' Association, Live Stock Exchange, Manufacturers' Association, Real Estate Exchange, Retail Druggists' Association, Retail Merchants' Association, South St. Joseph Business Men's Club, will have a meeting on the 19th instant, at which time resolutions will be adopted indorsing the movement for the establishment of weather observation bureau in this city. When the resolution is adopted, it will be addressed and forwarded to yourself.

Meanwhile, I beg to submit statistical and general information respecting St. Joseph.

In a number of important lines of merchandise, St. Joseph is the leading wholesale center west of the Mississippi River. We have sixty wholesale establishments, doing an annual business of approximately $65,000,000, representing the following lines: Boots and shoes, carpets and upholstering, clothing, confectionery and crackers, crockery, dry goods, drugs, electrical supplies, groceries, hardware, harness and saddlery, hats and caps, liquors and cigars, millinery, paints and oils, paper and stationery, photo supplies, produce, sporting goods, wall paper.

St. Joseph is an extensive market center for grains, fruits, vegetables, dairy products, and live stock—as a live-stock market ranking fourth in the United States. In the year 1906 shipments of live stock to the St. Joseph market totaled 52,871 carloads, aggregating in value $60,000,000.

The manufacturing interests of St. Joseph are rapidly developing. The annual report of the State labor bureau for the year 1906 places the value of our manufactured products at $68,611,786.

This market receives farm products from all the territory embraced in the Mississippi Valley, Missouri Valley, Mountain and Pacific States, and distributes merchandise and factory products throughout such territory.

The population of St. Joseph, per United States census for 1900, was 102,979; present population (estimated), 125,000.

The importance and diversity of our commercial interests, together with the extent of territory throughout which our business is conducted, should readily indicate the importance and need for daily weather observation reports.

Our principal daily papers have wide circulation in the Central Western States, and would carry these reports to a large number of people who are accustomed to receive their news information from St. Joseph.

Respectfully,

H. G. KRAKE, *Commissioner.*

THE COMMERCIAL CONFERENCE COMMITTEE,
St. Joseph, Mo., December 19, 1907.

Whereas St. Joseph is a city containing a population of approximately 125,000, transacting a wholesale business aggregating $65,000,000 annually, and maintaining important markets for live stock, grains, coal, fruits, vegetables, cream, and other farm, ranch, and mining products; and

Whereas St. Joseph, being the recognized commercial and market center for thousands of merchants and farmers throughout the Central Western, Mountain, and Pacific States, the establishment in this city of a Government weather observation bureau is most essential and fully warranted:

Resolved, That the commercial conference committee of St. Joseph, comprising the following business organizations, Commercial Club, Business Men's League, Retail Merchants' Association, Live Stock Exchange, South St. Joseph Business Men's Club, Board of Trade, Grocers, Butchers, and Bakers' Association, Retail Druggists' Association, Real Estate Exchange, Contractors and Builders' Association, Manufacturers' Association, and Auditorium Company, hereby concur in, and fully indorse the movement to secure such weather observation bureau; and it is further

Resolved, That a copy of these resolutions be, by the secretary, communicated to Hon. CHARLES F. BOOHER for presentation before the Committee on Agriculture at Washington, in an endeavor to have such weather bureau established.

OFFICE OF RETAIL MERCHANTS' ASSOCIATION,
St. Joseph, Mo., December 19, 1907.

The Hon. C. F. BOOHER, *Washington, D. C.*

DEAR SIR: The Retail Merchants' Association of St. Joseph wishes to add its weight to the request for the establishment of a weather observation bureau in St. Joseph.

Personally, the writer knows that you will do all in your power for any interest affecting St. Joseph, and appreciates it for himself and for the association.

Very truly, yours, FRED'K NEUDORFF, *President.*

CITY OF ST. JOSEPH, EXECUTIVE DEPARTMENT,
St. Joseph, Mo., December 16, 1907.

Hon. CHAS. BOOHER, *Washington, D. C.*

DEAR SIR: I desire to call your attention to the urgent demands for the establishment of a weather bureau in this city. All northwest Missouri and parts of Kansas, Iowa, and Nebraska, have no other means of readily receiving these reports, except as disseminated from this point.

I trust you will be able to interest the Chief of the Weather Bureau, and if there is anything that I can do, or say, I will be glad to have you call on me at any time.

Very truly,

WM. E. SPRATT,
Mayor of the City of St. Joseph, Mo.

ST. JOSEPH BOARD OF TRADE,
St. Joseph, Mo., January 4, 1908.

Hon. CHARLES F. BOOHER,
House of Representatives, Washington, D. C.

DEAR SIR: The St. Joseph Board of Trade concurs in and fully indorses an effort being made to secure for this city a Government weather observation station.

St. Joseph is the principal grain market for a large number of farmers throughout an extensive territory in the Missouri Valley, who would become directly interested in, and materially benefited by the installation of such weather observation service.

Your cooperation in this matter is earnestly solicited, and will, we assure you, be highly appreciated by us.

Respectfully, yours,

ST. JOSEPH BOARD OF TRADE,
By ROBT. R. CLARK, *President.*

Mr. SCOTT. Do I understand the Chair has ruled on the point of order made by the gentleman from New York?

The CHAIRMAN. On the first point the Chair sustained the point of order.

Mr. SCOTT. Then there is no other point of order pending?

The CHAIRMAN. No other point of order is pending.

Mr. WATKINS. Mr. Chairman, I desire to offer an amendment.

Mr. MADDEN. I desire to offer an amendment, Mr. Chairman.

The CHAIRMAN. The gentleman from Louisiana [Mr. WATKINS] is recognized to offer an amendment, which the Clerk will report.

The Clerk read as follows:

Page 7, line 10, before the word "telegraphing," insert "sending stamped slips containing weather forecasts over rural free-delivery routes."

Mr. FITZGERALD. I reserve a point of order on that, Mr. Chairman.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] reserves a point of order.

Mr. WATKINS. Mr. Chairman, there is certainly no valid reason why this clause should not be inserted. It is right in the midst of a provision that weather forecasts shall be distributed over the telegraph lines and over the telephone lines, and the Weather Bureau desires also to distribute the weather forecasts through the medium of slips over these rural free-delivery routes. It is certainly consistent, reasonable, and right, and immediately in the connection where the weather forecasts are provided for in the remaining portion of the paragraph. Certainly no point of order is tenable to the amendment which is offered. If I could discuss the merits of the proposition, I would state that out of the large number of rural free-delivery routes in the United States there are comparatively very few of them which have the benefit of the weather forecasts.

It would incur very little additional expense to provide for the unprinted slips and have the stamps placed upon the slips indicating what the weather forecasts are in these places from which the rural routes originate, because of the fact that on all these routes, the points from which they originate in each and every one, so far as I am informed, there is already telegraph or telephone communication with the Weather Bureau, showing the condition of the weather and the forecast for the next twenty-four hours after the forecasts are sent in. That being the case, all that becomes necessary at all is that the Weather Bureau furnish the slips and stamps to stamp the slips each morning for the forecast for the twenty-four hours. We know now that in all these places from which these routes originate the weather forecasts are delivered. In the large majority of instances they are towns or cities in which there is no material interest in the forecast; but the agriculturists, who are out on the rural free-delivery routes, are the ones who are the most interested in these forecasts, and they are deprived of their benefit, because there is no way provided for communicating the forecasts to them in many instances.

Mr. FITZGERALD. Is it not a fact that these reports are sent out?

Mr. WATKINS. There are in some instances forecasts sent out, but I know in the State of Louisiana, at somewhere in the neighborhood of 100 of these routes there is not a single in-

stance, unless, perhaps, with one exception, at which these forecasts are sent out; and if this authority is given the Bureau would not hesitate to send them out.

Mr. MURDOCK. Is it not a fact that the failure to send out the forecasts to the farmer is the fact that the rural carrier starts before the forecasts are received?

Mr. WATKINS. In many instances that is the fact and in many instances it is not the fact. In the great majority of instances they start after the forecasts could be delivered. It is so in my district. There are a number of instances in which they could be sent out if this provision was made allowing it to be done.

Mr. FITZGERALD. I wish to call the attention of the gentleman from Louisiana to the fact that this portion of the paragraph provides for the payment of the service required in sending out these forecasts, telephones, and telegraphs, but it would not be available for the purpose he suggests. There would be no compensation paid to the rural carriers. It is merely a matter of administration; the Department does it now in many places, and would do it in other places if it were feasible.

Mr. WATKINS. It is necessary, because it does require some expense for the unprinted slips and stamps to be placed upon the slips to be used in giving the forecast for the twenty-four hours.

Mr. SCOTT. Mr. Chairman, I wish to say a word about the amendment which has been offered by the gentleman from Louisiana. While I do not think it subject to the point of order, I do think it is entirely unnecessary. Under the organic law which created the Department the Secretary undoubtedly has a perfect right to distribute information which he may acquire, and the distribution of the weather forecasts is being made all over the country now wherever the rural routes start at such a time as will make the forecasts of any value to their patrons. So that it seems to me the amendment ought to be voted down, because it is wholly unnecessary, and I hope that the House will take that view.

Mr. WATKINS. Will it not be considered, if this is voted down, that there is no authority or sanction for it?

Mr. SCOTT. Not at all. I am sure that the Secretary will realize, if it is voted down, that such action was taken because there was no necessity for inserting it.

Mr. WATKINS. If it is not amenable to the point of order, and is voted down by the House, do you not think that that will be an instruction of the House to the Secretary that he should not send them out?

Mr. SCOTT. By no means. I do not think that he would regard that as an instruction.

Mr. HASKINS. Mr. Chairman, for the information of the House I desire to say that Professor Moore makes the following statement:

As to the distribution of special forecasts and special warnings, there are at Government expense 2,282 forecasts distributed by telegraph every morning; by mail there are 78,000 distributed; by rural route delivery, 71,000, and by telephone there are little short of 2,000,000 distributed, free of charge to the Government.

The CHAIRMAN. Does the gentleman from New York insist upon the point of order?

Mr. FITZGERALD. I intend to, but the gentleman from Tennessee desires to be heard.

Mr. GAINES of Tennessee. Mr. Chairman, if it is not the law, it should be, we all agree.

The CHAIRMAN. The Chair will be glad to hear the gentleman from Tennessee.

Mr. GAINES of Tennessee. If it is not the law, we want to make it the law, because it will give important information to the farmer.

Now, as little as you may think it, I used to be a first-class farmer, and I know that many a time I have wished to know whether it was going to rain this afternoon or to-morrow or the next day, so that I might conduct my farming affairs accordingly.

But I will say to my friend, for his information and that of the committee, that out on the rural routes in Davidson County, when I go out to the old home where I was born and reared, I see the rural carrier having on the side of his little wagon the weather forecast for the day.

Mr. WATKINS. Is that in the form of the little slips which are made to go into the boxes?

Mr. GAINES of Tennessee. He has a little flag for dry weather or a flag for wet weather, or something that everybody understands.

Mr. WATKINS. But nobody except those who see the flag can tell what the weather is going to be.

Mr. GAINES of Tennessee. I quite agree with the gentleman that if this is not the law it ought to be. Everybody ought to be glad to look at the flag, and I would rather look at the flag than a piece of paper.

Mr. MANN. Wet or dry?

Mr. GAINES of Tennessee. Whether wet or dry. Now, if this is not the law, the Secretary of Agriculture and our efficient Weather Bureau man, Mr. Moore, should be given the authority. If he is doing it without authority, the greater the reason why the gentleman's amendment should be made the law. My friend from Vermont has just read from the hearings. He tells us what Mr. Moore does; but if there is no authority for it, he has no right to do it. This is a Government of laws and not of men. Now, I ask the gentleman in charge of the bill, is there any law requiring rural carriers to give the farmers this weather information?

Mr. SCOTT. There is no question but what the law authorizes the Secretary of Agriculture to distribute the weather forecasts in any way he may see fit.

Mr. GAINES of Tennessee. There is no question but what they do in fact distribute the information.

Mr. SCOTT. Undoubtedly they do.

Mr. GAINES of Tennessee. Then it seems to me, Mr. Chairman, that the carriers down in Louisiana are not treating the gentleman's constitutents right.

Mr. WATKINS. Will the gentleman allow a suggestion?

Mr. GAINES of Tennessee. Yes.

Mr. WATKINS. Some of the postmasters have declined to send out these forecasts after they were furnished to them.

Mr. GAINES of Tennessee. Now we have found the nigger in the wood pile. The postmasters down in Louisiana are not doing their duty, and I do not blame the Representative from that district for calling it to the attention of this body. The people down there are entitled to this information. Now, I do not know whether the distinguished gentleman from Louisiana [Mr. WATKINS] has ever been a farmer or not. He has a lot of hard horse sense, which convinces me that he has been a farmer and a good one. In conclusion, Mr. Chairman, I say if this is not the law, it ought to be, and I am for it.

With $35,000,000 appropriated recently for the rural service, with 40,000 routes, and 38,000 rural carriers, we have the great power and a great machine to scatter this information amongst the farmers who need it. I will insert in the RECORD a list of the very first rural routes that were established in this country in 1896, when the salaries paid the carriers then were from $150 to $300—that is, in 1896—which have been increased from time to time until the maximum salary now is $900. Previous to 1897, back to 1894, when our first rural-delivery act was passed, Congress only appropriated $40,000, but no routes were established until 1896. The Annual Report of the First Assistant Postmaster-General for the Fiscal Year ended June 30, 1899, giving history and the development of the rural free delivery, prints the following:

ORIGINAL RURAL SERVICE.

The forty-four "widely divergent" routes selected for the experiment by Postmaster-General Wilson were located in twenty-nine States. In order of date of their establishment they were as follows:

"October 1, 1896: Halltown, Uvilla, and Charles Town, W. Va.;
"October 15, 1896: Hartsville and Hope, Ind.; Collinsville, Darrtown, Elba, and Somerville, Ohio; Westminster, Md.; and Cairo, Mo.;
"October 19, 1896: Clarksville, Ark.;
"October 22, 1896: Palmyra, Va.;
"October 23, 1896: China Grove, N. C.;
"October 26, 1896: Bonner Springs, Kans.;
"November 1, 1896: Thibodeaux, La.;
"November 2, 1896: Bernardstown and Greenfield, Mass.;
"November 7, 1896: Tecumseh, Nebr.;
"November 10, 1896: Loveland, Colo., and Morning Sun, Iowa;
"November 16, 1896: Sun Prairie, Iowa;
"November 23, 1896: Gorham, Naples, and Sebago Lake, Me., and Orange, Mass.;
"November 24, 1896: New Stanton and Ruffsdale, Pa., and Tempe, Ariz.;
"November 25, 1896: North Deering, Me.;
"December 1, 1896: South Deerfield, Mass.;
"December 3, 1896: Climax, Mich.;
"December 7, 1896: Opelika, Ala., and Brunswick, Me.;
"December 8, 1896: Quitman Ga.;
"December 10, 1896: Auburn, Ill.;
"December 21, 1896: Grand Isle, Vt., and Lancaster, Pa.;
"January 1, 1897: Farmington, Minn., Allensville, Ky., and Atoka, Tenn.;
"February 1, 1897: Campbell, Cal.; and
"April 1, 1897: North Yakima, Wash.

The development of the rural delivery system, though delayed in starting and was experimental down to July 1, 1902, has been very wonderful. Its history is most interesting, and I am sure that none of us regret that Congress did not in 1900 nor 1902 nor 1904 adopt the contract star-route system instead of the rural delivery system. I will insert as part of my remarks a most interesting letter on the subject of this system:

POST-OFFICE DEPARTMENT,
OFFICE OF THE FOURTH ASSISTANT POSTMASTER-GENERAL,
Washington, March 17, 1908.

Hon. JOHN WESLEY GAINES,
House of Representatives.

SIR: Recurring to your personal call at the Department, at which time you requested information as to the various salaries paid rural

carriers during each year since the beginning of rural delivery to date, and the amount of the annual appropriations made on account of rural delivery, I take pleasure in submitting the information, as follows:

Rates of pay to rural carriers.

	Per annum.
1896	$150–300
1897 maximum	300
1898 do	400
1899 do	400
1900 (July 1) do	500
1901 do	500
1902 (March 2) do	600
1903 do	600
1904 (July 1) do	720
1905 do	720
1906 do	720
1907 (July 1) do	900

The status of rural delivery, as a permanent branch of the postal service, was not fixed by law until July 1, 1902. Prior to that date the appropriations were made on account of experimental rural free delivery, and the Department exercised its discretion in fixing the annual rate of pay to carriers. Prior to March 2, 1902, when the maximum annual rate paid rural carriers was raised to $600, the maximum salary of $500 was paid substantially to all rural carriers regardless of the length of their routes, excepting where the routes were quite short. In the earliest days of rural delivery, however, the rates of compensation to carriers were fixed not only in accordance with the length of the carriers' routes, but with the nature of the country in which they were situated and the number of patrons served.

On July 1, 1902, the rural carriers' salary schedule was arranged upon a mileage basis, as follows:

	Per annum.
Routes not less than 20 miles	$600
Under 20 and not less than 16 miles	500
Under 16 and not less than 12 miles	400
Under 12 and not less than 8 miles	300
Under 8 and not less than 4 miles	200

This schedule continued in effect until July 1, 1904, when the maximum salary was raised to $720 per annum, when it was rearranged, as follows:

	Per annum.
24 miles and over	$720
23 to 24 miles	702
22 to 23 miles	684
21 to 22 miles	666
20 to 21 miles	648
18 to 20 miles	612
16 to 18 miles	576
14 to 16 miles	540
12 to 14 miles	504
10 to 12 miles	468
8 to 10 miles	432

On July 1, 1907, incident to the increase in carriers' salaries to a maximum of $900 per annum, the schedule now in effect was arranged, as follows:

	Per annum.
24 miles and over	$900
22 to 24 miles	864
20 to 22 miles	810
18 to 20 miles	720
16 to 18 miles	630
14 to 16 miles	540
12 to 14 miles	504
10 to 12 miles	468
8 to 10 miles	432
6 to 8 miles	396

In the early days of rural delivery, carriers were permitted to augment the compensation paid them by the Department by acting as agents for newspapers and doing a general express business with practically no restrictions. However, on July 19, 1901, an order was issued by the Postmaster-General that on and after that date rural carriers should not act as agents, salesmen, or solicitors for express companies, letter-box manufacturers, wholesale houses, corporations, or firms, nor engage in any business or avocation which would interfere with the proper performance of their official duties; that they may act as news agents, sell newspapers, or periodicals on their own account, or accept and collect subscriptions for the same; but if carriers received newspapers or periodicals by express or by other means outside the mails, they, as news agents, were required to pay postage on such matter at the second-class rate of 1 cent per pound, except in the case of county newspapers.

The order was not intended to prohibit carriers from performing various private commissions for the accommodation of patrons, so long as it did not interfere with the regular performance of their duties, and carriers were permitted to carry merchandise, or what is known as fourth-class matter, for hire for and upon request of their patrons.

The order continued in effect until the act making appropriation for the service of the Post-Office Department for the fiscal year beginning July 1, 1904, when rural carriers were prohibited from acting as agents for any person, firm, or corporation, but were permitted to carry express matter for hire for and upon request of patrons of their routes under such regulations as the Postmaster-General might prescribe.

In prescribing regulations the Department construed the act to mean that rural carriers could not carry mailable matter outside of the mails nor act as agents for newspaper publishers or others, nor solicit or receive subscriptions to newspapers, but could carry unmailable merchandise for hire for their patrons, and an order was issued by the Postmaster-General accordingly.

The following table shows the annual appropriations for experimental rural free delivery and rural delivery after having been put upon a permanent basis:

Experimental:	
1897	$40,000
1898	50,250
1899	150,032
1900	450,000
1901	1,750,796
1902	4,089,075
Permanent:	
1903	$8,586,364
1904	12,926,905
1905	21,116,600
1906	25,828,300
1907	28,350,000
1908	34,900,000

Very respectfully,

P. V. DE GRAW,
Fourth Assistant Postmaster-General.

The CHAIRMAN. The Chair will be glad to hear from the gentleman from New York [Mr. FITZGERALD] on his point of order.

Mr. FITZGERALD. This amendment is offered at the place where provision is made for service in carrying the information, and it is not germane to the part of the bill to which it is offered.

The CHAIRMAN. Can the gentleman point out any other part of the bill where it would be germane?

Mr. FITZGERALD. I assume that that burden would be on the gentleman who desires to have the amendment adopted; but in deference to the request of several gentlemen about me, I will withdraw the point of order.

The CHAIRMAN. The gentleman withdraws the point of order. The question is on the amendment offered by the gentleman from Louisiana [Mr. WATKINS].

The question being taken, on a division (demanded by Mr. GAINES of Tennessee) there were—ayes 40, noes 45.

Mr. WATKINS. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chairman appointed Mr. WATKINS and Mr SCOTT.

The committee again divided, and there were—ayes 48, noes 58.

Accordingly the amendment was rejected.

Mr. HASKINS. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Page 6, after the word "dollars," in line 22, insert—

"For the acquisition of sites and the erection of new buidings for the use of the Weather Bureau, and for all necessary labor, materials, and expenses, plans and specifications to be prepared by the Secretary of Agriculture, and the work done under the supervision of the Chief of the Weather Bureau, not to exceed $40,000."

Mr. FITZGERALD. I make a point of order.

Mr. MADDEN. I raise the point of order against that amendment that it is new legislation.

The CHAIRMAN. Will the gentleman offering the amendment show the Chair some authority of law?

Mr. HASKINS. Mr. Chairman, I concede that it is subject to a point of order, but I understood that the point of order would not be raised.

The CHAIRMAN. The Chair sustains the point of order.

Mr. KEIFER. Mr. Chairman, I rise to offer an amendment in the interest of the Hawaiian Territory. I move to strike out of lines 8 and 9, page 6, the words "in the Hawaiian Islands."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, lines 8 and 9, strike out the words "in the Hawaiian Islands."

Mr. KEIFER. Mr. Chairman, I will read the first part of this paragraph.

Every expenditure requisite for and incident to the equipment and maintenance of meteorological observation stations in the United States and in the West Indies, or on adjacent coasts in the Hawaiian Islands, and in Bermuda—

And so forth.

I understand the Hawaiian Territory is not a separate organization or mere dependency, and that it is as much a part of the United States now as Arizona, New Mexico, Alaska, or any other Territory. I think we have fallen into the habit of thinking of the Hawaiian Territory simply as island possessions, and I think these words should be stricken out, leaving in the paragraph to include the Hawaiian Islands the language "in the United States," which is used in the bill to include all our other Territories.

If this is not done, then the word "Islands" should be struck out and the word "Territory" should be substituted therefor in the paragraph.

Mr. MANN. Would it not be safer to say "in the continental United States?"

Mr. KEIFER. The bill does not say "in the continental United States." It says "United States," and that includes all the Territories, as I understand it, and renders it unnecessary to mention any Territory. It may not be material to the bill, but it is time that we recognize the Hawaiian Territory, as it is and as it has long since come to be—that is, as a part of the United States. It is an organized Territory under laws of Congress. It has a governor, a legislature, and its own courts, and, in short, it has just as much of an organiza-

tion and more than Alaska, and as much as Arizona, New Mexico, or any other Territory, and it should be treated in our legislation on this bill the same as we treat all the other Territories of the United States. It is a misnomer to speak of the Hawaiian Territory as the Hawaiian Islands. If my amendment is agreed to this Territory will be on a footing with all our other Territories, as it should be.

Mr. SCOTT. Of course the language which the gentleman's amendment seeks to strike out was inserted solely in the interest of clearness, so that there might not be any misunderstanding. If it will be understood that the adoption of this amendment will not put it out of the power of the Secretary of Agriculture to maintain a station in the Hawaiian Islands, I have no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment was agreed to.

Mr. MADDEN. Mr. Chairman, I desire to offer an amendment.

The Clerk read as follows:

Strike out all after the word "grounds," in line 14, page 6, down to and including the word "dollars," in line 22, page 6.

Mr. MADDEN. Mr. Chairman, the effect of that amendment, if adopted, would be to prevent the expenditure of $15,000 for the construction of a cottage that is to be used, as I understand it, as a summer resort. And it would also strike out of the bill the proposed appropriation of $60,000 which is intended to be expended in the construction of a building at Mount Weather, Virginia.

Mr. STAFFORD. Can the gentleman give the respective amounts used for summer-resort purposes and those which are used for Weather Bureau purposes?

Mr. MADDEN. It would be difficult to segregate them in this bill. I doubt if anybody could tell how much was being used for each purpose. Perhaps if I could, it might be easier for us to agree on how much we would appropriate and how much we would strike out.

My understanding of this bill is that it is intended to appropriate money for the development of the agricultural interests of the country, and I am not sufficiently convinced that these items to which my amendment refers are of sufficient intimate relationship with the agricultural interests of the country to entitle them to favorable consideration.

In the first instance, I understand these observatory buildings when established, or those about to be established, are without any authority of law, simply upon the order of the head of this Bureau. Whether any law has ever been enacted giving authority to the head of this Bureau I am not prepared to say. However that may be, it seems that the amount appropriated is a good deal larger than it should be, larger than is required for the service for which these buildings are to be used.

I am rather fearful that we are reaching a stage very rapidly when every town in the United States will look forward to the erection of an observatory building, and we will soon find ourselves in the position of logrolling for buildings, as we find to be the case now in the matter of the public-buildings bill. My judgment is, without having any scientific knowledge of the subject, that we are going a little too fast in the matter of expenditures for this purpose. We ought to go slowly. We should exercise proper economy. We ought not to erect buildings anywhere except where they are needed. There ought to be a well-defined, systematic plan laid out under which buildings should be erected, in order that we may be able to get the best service possible, and this haphazard method of allowing the Department to determine when a building shall be constructed, and where, without knowing why, ought to be stopped.

The sooner it is stopped the better. False economy, I know, is the cry on the floor of this House, but the conservation of the public funds in the proper way is not false economy, and I am constrained to believe that the time has come when more rigid supervision of the funds of the public should be had than is being exercised now.

Mr. SCOTT. Mr. Chairman, if the information upon which the gentleman's amendment is predicated were correct, there should of course be no adverse vote in the House to the amendment. It happens, however, that his information is not correct. It is not true that a summer-resort cottage is being erected there. The building that is now under construction, and for the completion of which $15,000 is needed, is intended for a physical laboratory and office, a purely physical function, so that there is absolutely no ground for the charge the gentleman has made.

Mr. MADDEN. Does the gentleman wish to be understood as saying that there is no part of this expenditure to be made for a building to be used for private purposes?

Mr. SCOTT. It may be that in this physical laboratory building one or two rooms will be made for the use of the observer who conducts the scientific work there.

Mr. MADDEN. Now, just what are the facts?

Mr. SCOTT. The facts are exactly as I have stated them in regard to the $15,000.

Mr. MANN. That includes the cottage building, too.

Mr. SCOTT. As to the $60,000, that is another proposition which I will discuss when we come to it.

Mr. MADDEN. What do the two words "cottage building" mean in this connection?

Mr. SCOTT. It is simply descriptive of the architectural type of the building.

Mr. MADDEN. There is no attempt whatever to construct the building for private purposes?

Mr. SCOTT. Absolutely none, except as I have stated, that two or three rooms——

Mr. MADDEN. How many rooms?

Mr. SCOTT. Not to exceed two rooms, I understand, to be reserved for the observer to be in charge of the scientific apparatus there.

Mr. MADDEN. How many observers are there to be?

Mr. SCOTT. I think only one.

Mr. MADDEN. Why should the cost come to $15,000?

Mr. SCOTT. That includes equipment, and there is extensive scientific apparatus to go in, too.

Mr. MADDEN. This does not say anything about equipment.

Mr. SCOTT. It does not need to say anything about it, for the reason that it is carried in other language in the bill.

Mr. MADDEN. If it is carried in other language in the bill it can not be included in this $15,000.

Mr. SCOTT. I mean the authority for the expenditure of $15,000, or some part of it for apparatus, is carried in other language in the bill.

Mr. MADDEN. Is the man who is to be in charge of this observatory to live in the house that is being built as an observatory?

Mr. SCOTT. I understand that there may be two or three rooms reserved for the use of this observer. What the gentleman has said has left the impression, doubtless, that Mount Weather is a town, and that there is local influence, perhaps, being brought to bear upon the committee to get us to erect a public building there. The truth of the matter is that Mount Weather is a point high up on the Blue Ridge, about 6 miles from any town. There was not anything there to start with, I believe, but an indifferent farmhouse when this station was first established. We employ there about fifteen men—experts and employees of various sorts—and it is absolutely necessary that they should live at this point and live in the building which the Government is erecting.

Mr. MADDEN. Is there any need for the Government to build a town for fifteen men?

Mr. SCOTT. The Government proposes only to build one house, which shall cost $50,000, and I submit that $50,000 is not an unreasonable amount to be expended for the construction of a building in which fifteen men are to live day and night for three hundred and sixty-five days in the year.

Mr. MADDEN. This building costs $60,000 and the other $15,000, and that makes $75,000.

Mr. SCOTT. The gentleman does not understand the language of the bill. The $15,000 is for the completion of the physical laboratory and office building, which is already under way. Fifty thousand dollars will be expended in the erection of an administrative building, to take the place of one that is burned, and $10,000 will be used to build a power plant to supply power to all of the buildings at the station.

Mr. MADDEN. How much money has already been expended at this point?

Mr. SCOTT. In the neighborhood of $200,000; something less that $200,000.

Mr. MADDEN. Has the money which has been expended so far been properly authorized?

Mr. SCOTT. It was the opinion of the Committee on Expenditures in the Department of Agriculture that the expenditure was properly authorized, and I should like to read for the information of the Members of the House a paragraph from the report of the Littlefield committee, which is as follows:

We are of the opinion that with so much money being annually spent in the making of forecasts and storm warnings, which everyone agrees to have a great value to the various industries of the country, it is a wise economy to devote a reasonable amount of money to the carrying on of experimentation at one of the many stations of the Weather Bureau, so that the science that is back of the art of forecasting may be improved, and that thereby the annual expenditures for the support of the Weather Bureau may have a greater value to the people. We

find no evidence of extravagance or misapplication of funds in the creation of the institution at Mount Weather, which we believe to have been worthily conceived and the plan so far to have been efficiently executed.

And it is for the progress of this worthily conceived and efficiently executed work that we have asked this appropriation to be made.

Mr. MADDEN. I am very much obliged to the gentleman.

Mr. MANN. Mr. Chairman, I appreciate the attitude of my colleague, as I do the attitude of all the members of the committee, in favor of economy in appropriations, and with all the talk that was had last year about Mount Weather, it is a suspicious item in the bill and worthy of consideration, but it seems to me that the amendment ought not to prevail, and Mount Weather ought not to be stricken out. One of the most remarkable scientific pieces of information which has been obtained for years, of any kind, was ascertained not very long ago at Mount Weather. We all know that as a matter of fact the air gets colder in temperature the higher up you go, and it has been assumed for many years that the temperature of the air rises in almost a regular ratio as you go higher in the air. I believe Members of the House understand that at Mount Weather there is a kite sent up every day to make observations of the air for several miles in height as to the temperature, the humidity, and other conditions of the atmosphere. In one of the ascents that was made last fall, at a time when they were extremely anxious to forecast the weather properly, it was discovered that the air 2 or 3 miles high was considerably warmer than the air nearer the earth and between the ground and the point at that height a large area in thickness of air was at a warmer temperature. It was a remarkable fact which had not been thought of by anyone. It had not been supposed that the temperature of air 3 or 4 miles high could remain for a considerable distance in thickness of a warmer temperature than the air next to the earth's surface. If it can be developed that in the movement of the air on the earth's surface you can ascertain by these kites the condition of the temperature of air 3 or 4 miles high and thereby tell the humidity and the barometric pressure, it will be possible very likely in the near future to forecast weather with a much greater degree of certainty than now exists, and this experimental work that is being carried on there is of immense importance. I had the pleasure last night of listening to a gentleman who is giving much attention to the discovery of conditions upon the planet Mars, where he said he was almost able from this earth to forecast precisely, from year to year, the condition of the atmosphere and the condition of the weather on Mars.

We have not attained that degree of knowledge upon this earth yet, but as time goes on, with the sun the same, with the heat coming to the earth the same, with the evaporation the same, we ought, as time goes on, be able to a far greater degree of certainty predict the weather in advance, if we may not in the end even influence the weather in advance, and this experimental work in this connection is of great value in meteorological observations.

Mr. PERKINS. Do I understand that the gentleman says it is possible to predict the weather in Mars?

Mr. MANN. I did not understand the gentleman.

Mr. PERKINS. Do I understand this astronomer says it is possible if sufficient appropriations be made to predict the weather in Mars as well as in Virginia? [Laughter.]

Mr. MANN. I may say to the gentleman they are able to do that now without any appropriation, and even the gentleman, a very distinguished scientist himself, if he had the information that could be easily given to him by Professor Powell, could predict the weather on Mars four years from now.

Mr. PERKINS. I am sorry to say I have not the information.

Mr. GAINES of West Virginia. How do they know whether their predictions come true or not?

Mr. MANN. There is no trouble about that.

Mr. DAVIS of Minnesota. I should like to ask the chairman of the committee a few questions.

Mr. SCOTT. I shall be pleased to answer, if I can.

Mr. DAVIS of Minnesota. Where did the money come from that erected this Mount Weather observatory—what appropriation?

Mr. SCOTT. There were appropriations made through a series of years for the construction of Weather Bureau buildings, on the different appropriation bills for the support of the Department of Agriculture, and it was from the money thus appropriated that the buildings now at Mount Weather were constructed.

Mr. DAVIS of Minnesota. Was not this Mount Weather building constructed out of funds that the Committee on Agriculture supposed, when they were appropriating the money, was for the purpose of building separate buildings throughout the United States?

Mr. SCOTT. There was a difference of opinion on the part of the members of the committee in respect to that matter. Some of the members of the committee testified before the Littlefield committee last year that they understood from the beginning that part of the money appropriated, as I have suggested, was to be expended at Mount Weather, and other members of the committee testified that they did not so understand it, that on the contrary they understood, as the gentleman's query implies, that the money thus appropriated was to be used in the construction of separate weather buildings.

Mr. DAVIS of Minnesota. What was the gentleman's opinion at that time? He was a member of the committee.

Mr. SCOTT. My opinion at the time was that the money appropriated in each of the appropriation bills was to be used for the construction of separate buildings. I will say to the gentleman very frankly that such was my opinion.

Mr. BURLESON. Right in connection with that I will say that I was on the subcommittee at the time the appropriations were being made, and I think it is fair to the Chief of this Bureau to state that my impression and understanding at the time were that some of the money was to be expended at Mount Weather.

Mr. SCOTT. The remark of the gentleman from Texas [Mr. BURLESON] confirms what I have just said, that there was a difference of opinion or a difference of understanding, rather, on the part of members of the same committee in respect to this matter.

Mr. DAVIS of Minnesota. Was it not the opinion of the committee during the Fifty-ninth Congress, and was it not the opinion of the gentleman himself, that the money that the Chief of the Weather Bureau built this building over here in Mount Weather with was misdirected, and it should have been used for the building of small buildings instead of concentrating all into this large observatory over at Mount Weather, and did not the gentleman so testify before the Littlefield committee himself?

Mr. SCOTT. I can not speak, of course, for any member of the committee except myself, but I have already stated that it was my understanding that the appropriations made from year to year were to be used in the erection of separate weather buildings. But will the gentleman permit me to suggest that this whole matter was thrashed out at great length before the Littlefield committee last year, and I read only a moment ago from the report of that committee a very strong statement to the effect that there had been no misappropriation or misdirection of funds in connection with the station at Mount Weather? That statement seemed to be accepted as conclusive by the membership of this House.

Mr. BURLESON. And every building provided for was constructed, and whatever fund was diverted to Mount Weather was a saving from these buildings.

Mr. DAVIS of Minnesota. Has the chairman of the committee the testimony taken before the Littlefield committee?

Mr. SCOTT. I think it is in my office. I do not have it here.

Mr. DAVIS of Minnesota. I think you have it right there.

Mr. SCOTT. I had a copy of the report, not of the testimony, which the reporters have taken, and I can not lay my hands on it now.

Mr. DAVIS of Minnesota. I thought I saw it on the table a moment ago.

Mr. SCOTT. It was here a moment ago, but since the gentleman returned it to me the House reporter has taken it to fill in his notes.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from Illinois [Mr. MADDEN].

The question was taken and the amendment was rejected.

Mr. SMITH of Arizona. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Arizona offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 7, line 8, after "dollars." insert:

"For the establishment of a Weather Bureau station at Tucson, Ariz., not to exceed $5,000."

Mr. SCOTT. Mr. Chairman, in view of the action this afternoon I am obliged to reserve the point of order against that amendment.

Mr. SMITH of Arizona. Mr. Chairman, I understand if the point of order is made it will have to go out. I can hardly expect to convince anyone except from the aid I have been given by the gentleman from Illinois this afternoon. The wonderful discoveries made by Professor Lowell as to Mars were made at Flagstaff, Ariz., every one of them. He has startled the scientific world by these discoveries. If, in addition to this study of the planets, we could get a good bureau established at Tucson,

Ariz., in the rarest atmosphere that visits the earth or the heavens, and we could get such provision for kites as you have at Mount Weather, and try at these two remote points tests of the air, its temperature, its currents, and possibly its weight; if we could do these things at these two widely separated points we might finally procure information from the Weather Bureau of much greater certainty.

Mr. OLMSTED. Will the gentleman permit me to ask him a question?

Mr. SMITH of Arizona. Certainly.

Mr. OLMSTED. I merely wanted to know if the weather is not so light there it would not fly a kite at all? [Laughter.]

Mr. SMITH of Arizona. Well, you might make the kite lighter, but that even would not be necessary, for the drier the air is the heavier it is. We call it light because it lays no burden on the lungs of man or beast. I understand that Mr. Moore, having these Weather Bureau stations in charge, has recommended the establishment of a bureau at Tucson and my amendment is carrying out that recommendation. If there were no other reason for the establishment of this bureau at Tucson, it would be justified in showing, as it would show to the world, where to go to escape the winter freezes and the summer cyclones, so common elsewhere. I hope the gentleman will not insist on his *point of order*. The preceding section is as much subject to the point of order as my amendment is, and I would make the point of order on it, except that I would do nothing to injure my friend from Colorado. I will not play the dog in the manger. An observatory has been kept at private expense for many years at Tucson by Mr. Whetmore, who, realizing the necessity of the same, has been active in efforts to secure Government aid to perfect the observations. I hope the gentleman will withdraw the point of order.

Mr. SCOTT. Mr. Chairman, I feel I must insist upon the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. SCOTT. Mr. Chairman, I would like to ask unanimous consent that the Clerk correct the totals to correspond with the amendment.

The CHAIRMAN. Without objection, that will be done.

Mr. FITZGERALD. Mr. Chairman, I think it will be necessary for the gentleman to reduce the total, $105,000.

Mr. SCOTT. I have asked consent that the Clerk correct the totals.

Mr. FITZGERALD. But there is no correction to be made. This provides that not more than $105,000 shall be spent for a certain purpose. It is still available for other purposes.

Mr. SCOTT. It seems to me that the request I made would cover the case entirely.

Mr. FITZGERALD. The intention is to reduce by the amount taken out on the point of order.

Mr. SCOTT. Undoubtedly. I move the committee do now rise.

The committee accordingly rose, and Mr. DALZELL having assumed the chair as Speaker pro tempore, Mr. FOSTER, of Vermont, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 19158, the agricultural appropriation bill, and had come to no resolution thereon.

RANSOM FOR RELEASE OF MISS ELLEN M. STONE.

The SPEAKER pro tempore laid before the House the following message from the President, which was read, and with accompanying papers referred to the Committee on Appropriations and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith for the consideration of the Congress a letter from the Secretary of State on the subject of the repayment to the contributors of the money raised to pay the ransom for the release of Miss Ellen M. Stone, an American missionary to Turkey, who was abducted by brigands on September 3, 1901, while traveling on the highway from Raslog to Djumabala, in the Turkish Empire.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *March 26, 1908.*

SENATE CONCURRENT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, the following concurrent resolution was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

Senate concurrent resolution 49.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be instructed to investigate and report a plan for the preservation and commemoration of old "Fort Kearney," in the State of Nebraska.

—to the Committee on Military Affairs.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 16493. An act limiting and restricting the right of entry and assignment under the desert-land law and authorizing an extension of time within which to make final proof;

H. R. 16621. An act to extend the time for the construction of a dam across Savannah River at Cherokee Shoals; and

H. R. 19408. An act to authorize the Secretary of War to donate to the Albert Sidney Johnston Camp, Confederate Veterans, of San Antonio, Tex., not to exceed fifty obsolete Springfield rifles, bayonets, and bayonet scabbards for same.

ADJOURNMENT.

Mr. SCOTT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting an estimate of appropriation for contingent expenses of the Department of Commerce and Labor—to the Committee on Appropriations and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Daniel Carroll against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the Secretary of the Navy, transmitting a reply to the inquiry of the House in relation to the proposed removal of the wreck of the battle ship *Maine*, in the harbor of Habana, Cuba—to the Committee on Naval Affairs and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Roebuck Lake, Mississippi—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Smyrna River, Delaware—to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HALL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 14788) for the relief of certain settlers upon the Wisconsin Central Railroad and the Chicago, St. Paul, Minneapolis and Omaha Railway land grants, reported the same with amendments, accompanied by a report (No. 1318), which said bill and report were referred to the House Calendar.

Mr. SMITH of California, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 17827) to provide for the disposal of lands chiefly valuable for oil and asphaltum, reported the same with amendments, accompanied by a report (No. 1319), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 18519) to authorize the Secretary of War to furnish two condemned cannon and cannon balls to the Confederate Monument Association at Appomattox, Va., reported the same with amendments, accompanied by a report (No. 1320), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McGUIRE, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 18779) to permit homestead entries and final proofs upon lands in Minnesota withdrawn by act of June 21, 1906, reported the same with amendment, accompanied by a report (No. 1321), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the joint resolution of the Senate (S. R.

49) authorizing the Secretary of War to permit not exceeding seven Filipinos to receive instruction at the United States Military Academy, reported the same with amendment, accompanied by a report (No. 1322), which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 652) to create the office of captain in the Philippine Scouts, reported the same without amendment, accompanied by a report (No. 1323), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. VOLSTEAD, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 4645) to authorize the Minnesota and Manitoba Railroad Company to convey certain lands granted to it by the act of Congress approved April 17, 1900, reported the same with amendments, accompanied by a report (No. 1324), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 5665) for the purchase of land for the use of the military post at Fort Sheridan, Ill., reported the same without amendment, accompanied by a report (No. 1325), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LINDBERGH, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 4791) providing for the determination and payment of claims of certain Indian traders and others against the Menominee tribe of Indians in Wisconsin and against individual members of said tribe, reported the same with amendments, accompanied by a report (No. 1326), which said bill and report were referred to the House Calendar.

Mr. SLAYDEN, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 19462) to amend section 5438 of the Revised Statutes, reported the same with amendments, accompanied by a report (No. 1327), which said bill and report were referred to the House Calendar.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 19176) to provide for the sale of the remnant of certain Indian pasture and wood reserve lands in Oklahoma, and for other purposes, reported the same with amendments, accompanied by a report (No. 1328), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. TIRRELL, from the Committee on Claims, to which was referred the bill of the Senate (S. 4632) for the relief of the Davison Chemical Company, of Baltimore, Md., reported the same without amendment, accompanied by a report (No. 1317), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 19335) granting an increase of pension to Arthur Onderdonk—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19881) granting a pension to Mary A. Bowers—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19908) granting an increase of pension to William E. Woodward—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SULLOWAY: A bill (H. R. 19913) to authorize the extension of the public building in the city of Manchester, N. H., and for other purposes—to the Committee on Public Buildings and Grounds.

By Mr. CALE: A bill (H. R. 19914) authorizing the sale of lands at the head of Cordova Bay, in the Territory of Alaska, and for other purposes—to the Committee on the Public Lands.

By Mr. BOOHER: A bill (H. R. 19915) to provide for the purchase of a site and the erection of a public building thereon at Maryville, in the State of Missouri—to the Committee on Public Buildings and Grounds.

By Mr. DAVENPORT: A bill (H. R. 19916) granting pensions to widows and minor children of United States marshals and deputy marshals whose husbands and fathers were killed while in the discharge of their official duties—to the Committee on the Judiciary.

By Mr. LOVERING: A bill (H. R. 19917) to incorporate the Sovereign Trust Company of America—to the Committee on Banking and Currency.

By Mr. OVERSTREET: A bill (H. R. 19918) to amend the act of July 16, 1894, chapter 137, section 4, 23 Statutes at Large, page 107—to the Committee on the Post-Office and Post-Roads.

Also, a bill (H. R. 19919) to amend section 3477 of the Revised Statutes—to the Committee on the Post-Office and Post-Roads.

By Mr. DIEKEMA: A bill (H. R. 19920) to provide for the completion of the park surrounding the filtration plant in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. THOMAS of North Carolina: A bill (H. R. 19921) to provide for terms of the United States district and circuit courts at Goldsboro, N. C.—to the Committee on the Judiciary.

Also, a bill (H. R 19922) to provide for erection of a memorial to Maj. Pierre Charles l'Enfant—to the Committee on the Library.

By Mr. CRAIG: A bill (H. R. 19923) to punish officers or employees of the United States of America for the offense of compiling for issuance or issuing as a report of the United States of America any false statistics or information relative to the products of the soil when the duties of such officer or employee require the compilation or report of statistics or information relative to such products—to the Committee on Agriculture.

By Mr. HOBSON: A bill (H. R. 19924) to prevent a combination of firms or individuals from conspiring to raise or raising prices of supplies furnished the United States Government, or combining to put up prices for structural work, and providing penalties therefor—to the Committee on the Judiciary.

By Mr. LOVERING: A bill (H. R. 19925) making appropriation for redredging the channel of Cohasset Harbor, Massachusetts—to the Committee on Rivers and Harbors.

By Mr. STAFFORD: A bill (H. R. 19926) to amend section 3847 of the Revised Statutes of the United States, relative to the deposit of Government money under the control of postmasters—to the Committee on the Post-Office and Post-Roads.

By Mr. AIKEN: A bill (H. R. 19927) to allow postal employees in the Canal Zone to be eligible for transfer to the postal service in the United States—to the Committee on Reform in the Civil Service.

Also, a bill (H. R. 19928) dividing the State of South Carolina into two judicial districts, providing for the appointment of a district judge, and so forth—to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 19929) for the relief of Rebecca J. Miller—to the Committee on Claims.

By Mr. CANNON: A bill (H. R. 19930) granting an increase of pension to Francis M. Rude—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19931) granting an increase of pension to Richard P. Taylor—to the Committee on Invalid Pensions.

By Mr. CAPRON: A bill (H. R. 19932) for the relief of the executors of the estate of Harold Brown, deceased—to the Committee on Claims.

By Mr. CHAPMAN: A bill (H. R. 19933) granting a pension to Effie J. Wolf—to the Committee on Invalid Pensions.

By Mr. DIEKEMA: A bill (H. R. 19934) for the relief of Medad Spencer—to the Committee on Military Affairs.

By Mr. FOSS: A bill (H. R. 19935) to restore Robert Emmet Carney, assistant engineer, United States Navy, retired, to the active list of the Navy—to the Committee on Naval Affairs.

By Mr. FRENCH: A bill (H. R. 19936) for the relief of T. S. Williams—to the Committee on Claims.

By Mr. GILHAMS: A bill (H. R. 19937) granting an increase of pension to George W. North—to the Committee on Invalid Pensions.

By Mr. GILL: A bill (H. R. 19938) granting a pension to Amanda E. Kingsbury—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19939) granting an increase of pension to Sarah Jane Ross—to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 19940) granting an increase of pension to Charles J. Stevens—to the Committee on Invalid Pensions.

By Mr. HELM: A bill (H. R. 19941) granting a pension to Grace F. Jacobs—to the Committee on Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 19942) granting an increase of pension to Henry C. Lecky—to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: A bill (H. R. 19943) granting an increase of pension to A. J. Rodgers—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: A bill (H. R. 19944) granting a pension to Louise Jane Belisle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19945) granting a pension to Thomas F. Prendergast—to the Committee on Invalid Pensions.

By Mr. LOUD: A bill (H. R. 19946) granting an increase of pension to Francis B. De Witt—to the Committee on Invalid Pensions.

By Mr. McCREARY: A bill (H. R. 19947) granting a pension to Pendleton G. Watmough—to the Committee on Invalid Pensions.

By Mr. PRINCE: A bill (H. R. 19948) granting an increase of pension to Charles G. Goodell—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: A bill (H. R. 19949) granting an increase of pension to John Gore—to the Committee on Invalid Pensions.

By Mr. SCOTT: A bill (H. R. 19950) for the relief of Benjamin P. Head—to the Committee on Military Affairs.

By Mr. SLEMP: A bill (H. R. 19951) granting an increase of pension to Jacob Slemp—to the Committee on Pensions.

By Mr. STEENERSON: A bill (H. R. 19952) granting a pension to Maria Rath—to the Committee on Pensions.

By Mr. VOLSTEAD: A bill (H. R. 19953) granting an increase of pension to Andrew Ellison—to the Committee on Invalid Pensions.

By Mr. WANGER: A bill (H. R. 19954) granting a pension to Thomas Pierce—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AIKEN: Letter to accompany a bill to benefit certain employees in the post-office within the Canal Zone—to the Committee on Reform in the Civil Service.

By Mr. ALLEN: Petition of L. M. Chute and 33 others, favoring a national highways commission—to the Committee on Agriculture.

By Mr. ASHBROOK: Petition of Merchants' Association of New York, against Aldrich currency bill—to the Committee on Banking and Currency.

Also, petition of National Wholesale Lumber Association, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Philadelphia Credit Men's Association, against the Penrose bill and the Aldrich bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Shanesville Grange, No. 1443, for S. 5122, 5508, and 5115, and H. R. 15837—to the Committee on Agriculture.

By Mr. BATES: Petition of Business Men's Exchange of Waterford, Pa., against Aldrich currency bill—to the Committee on Banking and Currency.

Also, petition of Central Labor Union of Erie, Pa., for removal of duty on white paper and wood pulp—to the Committee on Ways and Means.

Also, petition of S. H. Wood, for the Fort Wayne Electric Works, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Central Labor Union of Erie, Pa., against prohibition legislation for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of C. A. Thomas, of Philadelphia, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Trades League of Philadelphia, Pa., favoring H. R. 6169, promoting efficiency of the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, petition of Frank O'Ryan, of Philadelphia, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of United Mine Workers of America, for sixteenth amendment to Constitution, enfranchising woman—to the Committee on the Judiciary.

By Mr. BRICK: Petition of Richard G. Harrison and others, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Henry Landeman and others, for a postal savings-bank system, as per S. 5508—to the Committee on the Post-Office and Post-Roads.

By Mr. BURKE: Petition of National Wholesale Lumber Dealers' Association, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Philadelphia Credit Men's Association, against the Aldrich currency bill—to the Committee on Banking and Currency.

By Mr. BURLEIGH: Petition of Northern Light Grange, of Winterport, Me., favoring a national highway commission—to the Committee on Agriculture.

Also, petition of Canaan (Me.) Grange, No. 239, for a rural parcels post, as per S. 5122—to the Committee on the Post-Office and Post-Roads.

Also, petition of Retail Merchants' Association of Pittsfield, Me., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. CALDER: Paper to accompany bill for relief of Abram D. Clark—to the Committee on Invalid Pensions.

Also, petition of Frank & De Keyser, of New York City, and William Cramer, of Brooklyn, N. Y., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Paul E. Vernon & Co., for the Fowler currency bill—to the Committee on Banking and Currency.

By Mr. CAPRON: Petition of Polish Americans of Webster, Mass., favoring the Bates resolution of sympathy with Prussian Poles—to the Committee on Foreign Affairs.

Also, petition of Irish-American Social Club, of Westerly, R. I., and John Mitchell Literary Association, of Providence, R. I., against a treaty of arbitration between the United States and Great Britain—to the Committee on Foreign Affairs.

By Mr. COOK of Pennsylvania: Petition of Philadelphia Credit Men's Association, against the Aldrich currency bill—to the Committee on Banking and Currency.

Also, petition of National Wholesale Lumber Dealers' Association, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. CURRIER: Petitions of members of Fruitdale Grange, of Mason; members of Campton Grange, of Campton; Charles P. Brown and others, members of Antrim Grange; members of Peterboro Grange, and members of Warren Grange, all in the State of New Hampshire, and Valley Iron Works and E. Keeler & Co., of Williamsport, Pa., for the creation of a national highways commission—to the Committee on Agriculture.

By Mr. DRAPER: Petition of Philadelphia Credit Men's Association, against the Aldrich currency bill—to the Committee on Banking and Currency.

Also, petition of National Wholesale Lumber Dealers' Association of New York City, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. DALZELL: Petition of R. N. Mathusen, of Pittsburg, favoring temperance legislation—to the Committee on Alcoholic Liquor Traffic.

Also, petition of sundry citizens of Pennsylvania, for S. 3152, additional protection to dairy interest—to the Committee on Agriculture.

By Mr. DAWSON: Petition of Central Labor Union, for battle-ship building in navy-yards—to the Committee on Naval Affairs.

Also, petition of Universalist Club of Haverhill, Mass., for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Jersey Ridge Grange, of Scott County, Iowa, for a national highways commission—to the Committee on Agriculture.

By Mr. DRISCOLL: Petition of Delphi Grange, Geddes Grange, John Gregg and others, and Madison County (N. Y.) Pomona Grange, for a national highways commission—to the Committee on Agriculture.

By Mr. DUNWELL: Petition of Harry P. Mawson, for the Kittredge-Barchfeld copyright bill—to the Committee on Patents.

Also, petition of Dunlap & Co., for the Fowler currency bill—to the Committee on Banking and Currency.

Also, petition of National Wholesale Lumber Dealers' Association, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Philadelphia Credit Men's Association, against the Aldrich currency bill—to the Committee on Banking and Currency.

By Mr. ELLIS of Oregon: Petition of Second Baptist Church of Baker City, Oreg., for the Littlefield bill—to the Committee on the Judiciary.

By Mr. ESCH: Petition of J. B. Spaulding and others, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of W. S. Stone, grand chief of Brotherhood of Locomotive Engineers, against H. R. 15447, to investigate controversies affecting interstate commerce, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petition of Philadelphia Credit Men's Association, against the Aldrich currency bill—to the Committee on Banking and Currency.

Also, petition of National Wholesale Lumber Dealers' Association, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. FORNES: Petition of Wholesale Lumber Dealers' Association of New York City, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. FOSTER of Vermont: Petition of Dorset (Vt.) Grange, for a parcels-post law and postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Tyler Branch Grange, No. 336, of Enosburg, Vt., for a national highways commission—to the Committee on Agriculture.

By Mr. FULLER: Petition of National Wholesale Lumber Dealers' Association, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Andrew Phinney, of Rockford, Ill., for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. GRAFF: Petition of National Guard of Peoria and Pekin, Ill., favoring H. R. 14783—to the Committee on Military Affairs.

By Mr. GRAHAM: Petition of National Wholesale Lumber Dealers' Association of New York City, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Philadelphia Credit Men's Association, against the Aldrich currency bill—to the Committee on Banking and Currency.

Also, petition of Harry P. Mawson, for the Kittredge-Barchfeld copyright bill—to the Committee on Patents.

By Mr. GOULDEN: Petition of National Wholesale Lumber Dealers' Association, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Philadelphia Credit Men's Association, for the Fowler currency bill—to the Committee on Banking and Currency.

By Mr. HARRISON: Petition of the National Wholesale Lumber Dealers' Association, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. HASKINS: Petition of Jamaica Grange, No. 378, for H. R. 15837, for a national highways commission—to the Committee on Agriculture.

By Mr. HAYES: Petition of C. R. McDonald and 60 others, of San Jose, Cal., for an oriental exclusion act and against the extension of the right of naturalization—to the Committee on Immigration and Naturalization.

By Mr. HIGGINS: Petition of citizens of Woodstock, Conn., for the creation of a national highways commission—to the Committee on Agriculture.

By Mr. HOLLIDAY: Petition of sundry citizens of Indiana, for a national highways commission—to the Committee on Agriculture.

By Mr. HOWELL of New Jersey: Petition of Farmingdale Grange, No. 157, Patrons of Husbandry, of New Jersey, for a national highways commission—to the Committee on Agriculture.

By Mr. KIPP: Paper to accompany bill for relief of Arthur Onderdonk—to the Committee on Pensions.

By Mr. LINDBERGH: Petitions of city council of Stillwater, Minn., and Commercial Club of St. Paul, for appropriation for the permanent improvement of the upper Mississippi River—to the Committee on Rivers and Harbors.

Also, petition of Minnesota Dairymen's Association, relating to the Davis educational bill—to the Committee on Agriculture.

Also, petition of Twin City Foundrymen's Association of Minneapolis, against H. R. 15651—to the Committee on the Judiciary.

By Mr. LOUD: Petition of R. Roy Nickels and others, of Bay County, Mich., against S. 1519, against Sunday banking in post-offices—to the Committee on the Post-Office and Post-Roads.

Also, petition of R. Roy Nickels and others, of Bay County, Mich., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of A. R. Sanborn and others, of Bay City, Mich., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of R. Roy Nickels and others, of Bay County, Mich., for H. R. 40 (prohibition in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. McMORRAN. Petition of Fremont Center Grange, No. 651, of Fremont, Mich., for a rural parcels post as per S. 5122—to the Committee on the Post-Office and Post-Roads.

Also, petition of Fremont Center Grange, No. 651, of Fremont, Mich., for a national highways commission—to the Committee on Agriculture.

By Mr. MALBY: Petition of Cannon Post, Grand Army of the Republic, of Mooers Forks, N. Y., for the Sherwood pension bill—to the Committee on Invalid Pensions.

By Mr. O'CONNELL: Petition of New England Hardware Dealers' Association, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Massachusetts State Board of Trade, protesting against Aldrich bill in its present form—to the Committee on Banking and Currency.

Also, petition of Massachusetts State Branch of American Federation of Labor, protesting against passage of S. 5787—to the Committee on the Merchant Marine and Fisheries.

Also, petition of New England Hardware Dealers' Association, favoring building of inland and coastwise waterways—to the Committee on Rivers and Harbors.

By Mr. OLMSTED: Petition of Pomona Grange, Center County, for amendment of the national-bank act so as to make shareholders eligible as directors, etc.—to the Committee on Banking and Currency.

Also, petition of 16 members of Pleasant Hill Grange, of Millersburg, Pa., for a national highways commission and appropriation to aid construction of State highways—to the Committee on Agriculture.

By Mr. OVERSTREET: Petition of Philadelphia Credit Men's Association, against Aldrich currency bill—to the Committee on Banking and Currency.

Also, petition of National Wholesale Lumber Dealers' Association, of New York, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. PARKER of South Dakota: Petition of residents of Spink County, S. Dak., for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. PRAY: Paper to accompany bill for relief of George Palmer—to the Committee on Claims.

By Mr. PETERS: Petition of New England Hardware Dealers' Association, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Northeast Hardware Dealers' Association, for inland waterways—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Northeast Hardware Dealers' Association, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Massachusetts State Board of Trade, favoring the Fowler currency bill—to the Committee on Banking and Currency.

By Mr. REYNOLDS: Petition of S. P. Kirsch and others, for a rural parcels post as per S. 5122—to the Committee on the Post-Office and Post-Roads.

Also, petition of George W. Oser and others, for S. 3152, additional protection to dairy interests—to the Committee on Agriculture.

Also, petition of S. P. Kirsch and other citizens of Pennsylvania, for a national highways commission—to the Committee on Agriculture.

By Mr. SABATH: Petition of Chicago Lodge, No. 199, Switchmen's Union of North America, for enactment of H. R. 13477, for standardization of the automatic coupler—to the Committee on Interstate and Foreign Commerce.

Also, petition of Local Union No. 94, Coopers' International Union of North America, against prohibition legislation—to the Committee on the Judiciary.

Also, petition of National Association of Manufacturers, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. SCOTT: Petition of ex-Union soldiers of Blue Mound, Kans., for increase of pensions to $1 per day for all honorably discharged Union soldiers who served ninety days—to the Committee on Invalid Pensions.

By Mr. SPERRY: Petition of citizens of Meriden, Conn., against H. R. 4897 and 4929 (religious legislation in the District of Columbia)—to the Committee on the District of Columbia.

Also, petition of Daily Newspaper Publishers' Association of Connecticut, for H. R. 12432, authorizing consolidation of libel suits—to the Committee on the Judiciary.

By Mr. STEVENS of Minnesota: Petition of Commercial Club of Faribault, Minn., on financial legislation—to the Committee on Banking and Currency.

Also, petition of St. Paul Stock Exchange, in favor of Culberson-Smith bills—to the Committee on Interstate and Foreign Commerce.

By Mr. STURGISS: Paper to accompany bill for relief of Willis B. Cross (previously referred to the Committee on Invalid Pensions)—to the Committee on Military Affairs.

By Mr. TAYLOR of Ohio: Petition of C. A. Thompson and others, favoring bill providing for parole of United States prisoners—to the Committee on the Judiciary.

By Mr. TIRRELL: Petition of John P. Wright, of Westford Grange, Westford, Mass., favoring a national highways commission—to the Committee on Agriculture.

By Mr. VOLSTEAD: Petition of A. K. Broughton and others, of Cottonwood, Minn., for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. WEISSE: Petition of National Wholesale Lumber Dealers' Association of New York City, for forest reservations in the White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Philadelphia Credit Men's Association, against the Aldrich currency bill—to the Committee on Banking and Currency.

SENATE.

FRIDAY, *March 27, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

TREATMENT OF DISEASES IN THE PHILIPPINES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, by direction of the President, an extract from a report made on Camp John Hay, Benguet, P. I., by Maj. S. W. Miller, inspector-general, assistant to inspector-general, Philippine Division, giving descriptive and statistical data relative to the treatment of intestinal and other diseases incident to tropical service, which, with the accompanying paper, was referred to the Committee on the Philippines and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 19955) making appropriations to supply certain additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

H. R. 6902. An act for the relief of Henry Rustan;

H. R. 9079. An act to extend to Port Arthur, in the State of Texas, the privilege of immediate transportation without appraisement of dutiable merchandise;

H. R. 10671. An act to authorize the Secretary of the Interior to issue patent in fee simple for certain lands of the Santee Reservation, in Nebraska, to school district No. 36, in Knox County, Nebr.;

H. R. 13875. An act for the relief of John V. Johnson;

H. R. 14772. An act prescribing what shall constitute a legal cord of wood in the District of Columbia;

H. R. 16471. An act for the relief of George H. Penrose;

H. R. 17510. An act to authorize the county of Ashley, in the State of Arkansas, to construct a bridge across Bayou Bartholomew, Ashley County, Ark., at Portland;

H. R. 17511. An act to authorize the construction of a bridge across Bayou Bartholomew at Parkdale, Ashley County, Ark.; and

H. R. 17512. An act to authorize the county of Ashley, in the State of Arkansas, to construct a bridge across Bayou Bartholomew, Ashley County, Ark., at Wilmot.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented memorials of sundry citizens of Paterson, N. J.; Ansonia, Conn.; Worcester, Mass., and New York City, N. Y., remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. FRYE presented petitions of sundry citizens of Auburn, Paris, South Paris, North Paris, and West Paris, all in the State of Maine, praying for the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Mexico, Hampden, Harrison, and Frye, all in the State of Maine, praying for the enactment of legislation to create a national highways commission, which were referred to the Committee on Agriculture and Forestry.

Mr. PLATT presented a petition of the United National Association of Post-Office Clerks, of Kingston, N. Y., praying for the enactment of legislation to provide for the promotion of post-office clerks from the fifth to the sixth grade, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of E. J. Lathrop and M. Lleuellyn, of Olean, N. Y., praying for the passage of the so-called "postal savings-bank bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of the John Mitchell Club and the Irish-American Athletic Club, of New York City, N. Y., remonstrating against the ratification of the pending arbitration treaty between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented the petition of George Graff, jr., of New York City, N. Y., praying for the adoption of certain amendments to the copyright law relating to musical compositions, which was referred to the Committee on Patents.

He also presented a petition of the Twenty-seventh Assembly District Republican Club, of New York City, N. Y., praying for the enactment of legislation to provide for the reenlistment of certain men of the Twenty-fifth United States Infantry, which was referred to the Committee on Military Affairs.

He also presented a petition of the American Dramatists' Club, of New York City, praying for the passage of the so-called "Kittredge copyright bill," which was referred to the Committee on Patents.

He also presented a petition of the Board of Foreign Missions of the United Presbyterian Church of North America, of Philadelphia, Pa., praying for the enactment of legislation to prohibit the importation, manufacture, and sale of opium within the jurisdiction of the United States, which was referred to the Committee on Finance.

He also presented a memorial of the Automatic Musical Company, of Binghamton, N. Y., remonstrating against the adoption of certain amendments to the copyright law relating to musical compositions, which was referred to the Committee on Patents.

He also presented a petition of Highland County, No. 5, Junior Order United American Mechanics, of Newburgh, N. Y., praying for the enactment of legislation to prohibit the immigration of Asiatics into the United States, which was referred to the Committee on Immigration.

Mr. RICHARDSON presented a petition of sundry citizens of Dover, Milford, Lewes, Wyoming, and Camden, all in the State of Delaware, praying for the enactment of legislation to investigate and develop the methods of the treatment of tuberculosis, which was referred to the Committee on Public Health and National Quarantine.

Mr. NELSON presented memorials of sundry Grand Army Posts of St. Peter, Anoka, Lanesboro, Duluth, Monticello, Tracy, Ortonville, Champlain, Caledonia, Waterville, Jordan, Morton, Mankato, Bird Island, Willard, Maple Plain, Mazeppa, Park Rapids, Elysian, Elk River, Verndale, Le Sueur Center, and Alden, all in the State of Minnesota, remonstrating against the enactment of legislation proposing to abolish certain pension agencies throughout the country, which were referred to the Committee on Pensions.

He also presented a petition of the Commercial Club of Faribault, Minn., praying for the adoption of the Nelson amendment to the so-called "Aldrich currency bill," which was ordered to lie on the table.

He also presented a petition of the Jobbers and Manufacturers' Association of St. Paul, Minn., praying that an annual appropriation of $500,000 be made for the improvement of the Mississippi River from Minneapolis, in that State, to the mouth of the Missouri River, which was referred to the Committee on Commerce.

He also presented a petition of the South St. Paul Live Stock Exchange, of St. Paul, Minn., praying for the passage of the so-called "Culberson-Smith bill" to amend sections 5191 and 5192 of the Revised Statutes relating to national banking associations, which was referred to the Committee on Finance.

Mr. GALLINGER presented a petition of Campton Grange, No. 93, Patrons of Husbandry, of Campton, N. H., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the New Hampshire Lumbermen's Association, of Manchester, N. H.; of the National Wholesale Lumber Dealers' Association, of New York City, N. Y., and of the Merchants' Association of Boston, Mass., praying for the enactment of legislation to establish a national forest reserve in the Southern Appalachian and White Mountains, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a memorial of the Credit Men's Association of Philadelphia, Pa., remonstrating against the passage of the so-called "Aldrich currency bill," which was ordered to lie on the table.

He also presented a petition of the National Congress of Mothers, of Albany, N. Y., praying for the adoption of a certain amendment to the so-called "Humphrey bill," providing for the compulsory education of children, which was referred to the Committee on Education and Labor.

He also presented a memorial of sundry citizens of Osseo, Mich., remonstrating against the enactment of legislation to prohibit Sunday banking in post-offices in the handling of money orders and registered letters, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the American Dramatists' Club, of New York City, N. Y., praying for the passage of the so-called "Kittredge copyright bill," which was referred to the Committee on Patents.

He also presented a petition of the Central Labor Union of Washington, D. C., praying for the enactment of legislation providing for the construction of four new battle ships, which was referred to the Committee on Naval Affairs.

He also presented petitions of the Michigan Wesleyan Methodist Conference, of Allendale, Mich., and of sundry citizens of Washington, D. C., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented memorials of sundry citizens of the States of Texas, Illinois, Alabama, Oklahoma, Wisconsin, California, Pennsylvania, South Carolina, Indiana, Kansas, Ohio, Massachusetts, New York, and Nebraska, remonstrating against the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented sundry petitions of citizens of Washington, D. C., praying for the enactment of legislation to prohibit gambling and bookmaking in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. GAMBLE presented a memorial of Fennimore Council, No. 249, United Commercial Travelers, of Mitchell, S. Dak., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of G. W. Nash, president of the Northern Normal and Industrial School, of Aberdeen, S. Dak., and a petition of sundry citizens of Aberdeen, S. Dak., praying for the enactment of legislation to limit the effect of the regulation of commerce between the several States and Territories in certain cases, and also to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on Interstate Commerce.

Mr. ELKINS presented sundry papers to accompany the bill (S. 5319) granting an increase of pension to Lehaven Long, which were referred to the Committee on Pensions.

He also presented a paper to accompany the bill (S. 3559) granting a pension to Adam Radabough, which was referred to the Committee on Pensions.

He also presented a paper to accompany the bill (S. 1727) granting an increase of pension to Wade H. Powers, which was referred to the Committee on Pensions.

Mr. DICK presented a memorial of Local Union No. 1567, United Brotherhood of Carpenters and Joiners of America, of Martins Ferry, Ohio, remonstrating against the passage of the so-called "Penrose bill" to exclude nonmailable periodicals from second-class mail privileges, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Tallmadge, Kent, Seville, and Logan, all in the State of Ohio, praying for the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Chamber of Commerce of Cleveland, Ohio, remonstrating against the enactment of legislation to restrict contracts made for transportation of material and equipment for use in the construction of the Panama Canal, which was ordered to lie on the table.

He also presented a memorial of the Lake Seamen's Union, of Toledo, Ohio, remonstrating against the enactment of legislation to amend section 4463 of the Revised Statutes relating to the manning of vessels, which was referred to the Committee on Commerce.

He also presented a petition of Local Union No. 14, International Stereotypers and Electrotypers' Union, of Columbus, Ohio, praying for the enactment of legislation providing for the construction of all battle ships at the Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented a petition of Federal Labor Union, No. 11651, American Federation of Labor, of Painesville, Ohio, and a petition of the Trades and Labor Assembly of Sandusky, Ohio, praying for the enactment of legislation to prevent the loss of life in coal mines, which were referred to the Committee on Mines and Mining.

He also presented a memorial of the O'Connell Club, of Cleveland, Ohio, remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a memorial of the National Association of Clothiers, of New York City, N. Y., remonstrating against the passage of the so-called "Aldrich currency bill," and also praying for the passage of the so-called "Fowler currency bill," which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Cleveland, Ohio, praying for the enactment of legislation to amend an act providing for ocean mail service between the United States and foreign ports and to promote commerce, which was ordered to lie on the table.

Mr. DEPEW presented petitions of Hopewell Grange, No. 472, Patrons of Husbandry, of Ontario County; of Delphi Grange, No. 486, Patrons of Husbandry, of Manlius, and of the board of supervisors of Herkimer County, all in the State of New York, praying for the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the executive committee, Department of New York, Grand Army of the Republic, of Buffalo, N. Y., and a memorial of the executive committee, Department of New York, Grand Army of the Republic, of Rochester, N. Y., remonstrating against the enactment of legislation proposing to abolish certain pension agencies throughout the country, which were referred to the Committee on Pensions.

Mr. HOPKINS presented a memorial of Subordinate Lodge No. 60, International Brotherhood of Boiler Makers, Iron Ship Builders, and Helpers of America, of Peoria, Ill., remonstrating against the enactment of legislation to prohibit the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented a memorial of the Woman's Club of Willimantic, Conn., and a memorial of the Saturday Club of New London, Conn., remonstrating against the passage of the so-called "Crumpacker bill," providing for the appointment of additional clerks for the taking of the Thirteenth Census and for subsequent censuses, which were referred to the Committee on the Census.

He also presented a memorial of the Henry Grattan Club, of New Haven, Conn., remonstrating against the ratification of the pending arbitration treaty between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a petition of the National Wholesale Lumber Dealers' Association, praying for the enactment of legislation to establish a national forest reserve in the Southern Appalachian and White Mountains, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Trades Council, of New Haven, Conn., praying for the enactment of legislation to pre-

vent mining disasters, which was referred to the Committee on Mines and Mining.

He also presented a memorial of sundry citizens of Meriden, Conn., remonstrating against the enactment of legislation to prohibit the handling of money orders and registered letters on Sundays, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. KNOX (for Mr. PENROSE) presented memorials of sundry organizations of Allentown, Johnstown, Pittsburg, Scranton, Holdan, Easton, Reading, Philadelphia, Allegheny, Wilkes-Barre, Sutersville, Erie, Lancaster, Pottsville, Altoona, and Manayunk, all in the State of Pennsylvania, remonstrating against the enactment of legislation to regulate the interstate trasportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also (for Mr. PENROSE) presented sundry papers to accompany the bill (S. 4979) granting an increase of pension to Thomas B. Lewis, which were referred to the Committee on Pensions.

He also (for Mr. PENROSE) presented sundry papers to accompany the bill (S. 5390) granting an increase of pension to Timothy Hayne, which were referred to the Committee on Pensions.

He also presented a paper to accompany the bill (S. 3137) granting an increase of pension to John Shroat, which was referred to the Committee on Pensions.

Mr. OVERMAN presented an affidavit to accompany the bill (S. 6278) to correct the military record of William R. Shelton, which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. PILES, from the Committee on Pacific Islands and Porto Rico, to whom was referred the bill (H. R. 10540) to amend section 73 of an act to provide a government for the Territory of Hawaii, reported it without amendment, and submitted a report (No. 422) thereon.

Mr. LODGE, from the Committee on Military Affairs, to whom was referred the bill (S. 5388) for the relief of Benjamin C. Welch, reported it without amendment, and submitted a report (No. 427) thereon.

Mr. HEYBURN, from the Committee on Immigration, to whom was referred the bill (S. 388) to confirm and legalize prior admissions to citizenship of the United States where the judge or clerk of the court administering the oath to the applicant or his witnesses has failed to sign or seal the record, oath, or the judgment of admission, and to establish a proper record of such citizenship, reported it with amendments, and submitted a report (No. 428) thereon.

Mr. PAYNTER, from the Committee on Claims, to whom was referred the bill (S. 2743) for the relief of Peter McKay, reported it without amendment and submitted a report (No. 430) thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the bill (S. 1157) granting a pension to Jennie Carroll and the bill (S. 1168) granting a pension to Mabel H. Lazear, submitted a report (No. 431) thereon, accompanied by a bill (S. 6350) granting an increase of pension to Jennie Carroll and Mabel H. Lazear, which was read twice by its title.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 6136) authorizing the Secretary of the Interior to issue patent to certain lands to Boise City, reported it with amendments and submitted a report (No. 432) thereon.

He also, from the same committee, to whom was referred the bill (S. 4996) authorizing the Secretary of the Interior to issue patent to certain lands to Boise City, moved its indefinite postponement, which was agreed to, the subject-matter being covered in the preceding bill.

He also, from the same committee, to whom was referred the bill (S. 5862) to purchase certain lands adjacent to the present site of Fort Logan, Colo., reported it without amendment and submitted a report (No. 433) thereon.

He also, from the same committee, to whom was referred the bill (S. 3035) to purchase certain lands adjacent to the present site of Fort Logan, Colo., moved that it be indefinitely postponed, which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 5885) for the relief of John S. May, asked to be discharged from its further consideration and that it be referred to the Committee on Naval Affairs, which was agreed to.

Mr. SIMMONS, from the Committee on Commerce, to whom was referred the bill (S. 754) for ascertaining the feasibility and probable cost of constructing a canal from the Tennessee River, at or near the city of Chattanooga, in the State of Tennessee, to the navigable waters of the Ocmulgee River, in the State of Georgia, by which there will be furnished adequate water communication by the shortest and most practicable route between the Atlantic Ocean and the navigable waters in the rivers of the Mississippi Valley, reported it without amendment.

MISSISSIPPI RIVER IMPROVEMENT.

Mr. NELSON. From the Committee on Commerce I report back favorably the bill (S. 6257) authorizing the Secretary of War to expend $300,000 in protecting the banks of the Mississippi River at New Orleans, La., and I ask for its present consideration.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ACTS OF LEGISLATIVE ASSEMBLY OF NEW MEXICO.

Mr. BEVERIDGE. From the Committee on Territories I report back favorably without amendment the bill (H. R. 17055) to validate certain acts of the thirty-seventh legislative assembly of the Territory of New Mexico, and I submit a report (No. 426) thereon. I ask for the present consideration of the bill.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of Whole, proceeded to its consideration. It provides that the act of the thirty-seventh legislative assembly of the Territory of New Mexico, entitled "An act creating four armory boards of control and providing for the construction of armories in the cities of Sante Fe, Roswell, Silver City, and Lascruces," approved March 20, 1907; and an act of the same assembly and session entitled "An act to construct an addition to the present capitol building and for the construction of an executive mansion, and to purchase certain real estate and to provide the necessary means therefor, and for other purposes," approved March 21, 1907, and sections 37, 38, and 39 of an act of the same assembly and session entitled "An act providing funds and making appropriations for the fifty-ninth and sixtieth fiscal years, and for other purposes," reported by conference committee, approved March 21, 1907, be, and the same are, approved, and that the bonds therein provided for, whenever issued in compliance with said acts of said legislative assembly of the Territory of New Mexico, shall be valid and binding upon the Territory of New Mexico, as in the acts provided, and all necessary power and authority is granted the Territory of New Mexico to issue and dispose of said bonds in accordance with the provisions of the said acts.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HEARING BEFORE COMMITTEE ON WOMAN SUFFRAGE.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted on the 25th instant by Mr. CLAY, reported it without amendment, and it was considered by unanimous consent and agreed to as follows:

Resolved, That the stenographer employed to report the hearing before the Select Committee on Woman Suffrage, March 3, 1908, be paid from the contingent fund of the Senate, and that the hearing be printed.

KEY WEST HARBOR IMPROVEMENT.

Mr. DEPEW. From the Committee on Commerce I report back favorably without amendment the joint resolution (S. R. 71) to provide for the removal of obstructions from main ship channel, Key West Harbor, Florida, and I submit a report (No. 424) thereon.

Mr. FRYE. It is rather important that the joint resolution reported by the Senator from New York should receive immediate attention. I ask that it may be considered now.

The Secretary read the joint resolution, and there being no objection, it was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PEMBROKE B. BANTON.

Mr. HOPKINS. I am directed by the Committee on Interoceanic Canals to report back favorably with an amendment the bill (S. 4831) for the relief of Pembroke B. Banton, and I submit a report (No. 423) thereon. I desire to call the attention of the Senator from Iowa [Mr. ALLISON] to the bill.

Mr. ALLISON. I ask unanimous consent that the bill may be now considered. It is one that has the sanction of the Isthmian Canal Commission, the President of the United States has recommended action on it, and it is the unanimous report of the Committee on Interoceanic Canals.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the committee was, in line 6, before the word "thousand," to strike out "twenty" and insert "ten," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Pembroke B. Banton, of Waterloo, Iowa, out of any funds in the Treasury of the United States not otherwise appropriated, the sum of $10,000, to compensate him for injuries received while in the employ of the Government on the Panama Canal.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SURVEY OF WOOD RIVER, OREGON.

Mr. McLAURIN, from the Committee on Commerce, to whom was referred the Senate concurrent resolution submitted by Mr. FULTON on the 20th instant, reported it without amendment, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey and estimate to be made for a project of improvement of Wood River from the point where it empties into Klamath Lake, in Klamath County, Oreg., to the head of navigation, and report the same to Congress.

DONATION OF CANNON.

Mr. FRAZIER. From the Committee on Military Affairs I report back favorably without amendment the bill (H. R. 13077) to authorize the Secretary of War to furnish four condemned brass cannon and cannon balls to the Confederate Monument Association, at Franklin, Tenn., and I submit a report thereon (No. 425). I ask for its present consideration.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

POLICEMEN'S AND FIREMEN'S RELIEF FUNDS.

Mr. BURKETT, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 15230) to amend an act approved February 28, 1901, entitled "An act relating to the Metropolitan police of the District of Columbia," reported it with an amendment and submitted a report (No. 429) thereon.

He also, from the same committee, to whom was referred the bill (S. 4444) to amend an act approved February 28, 1901, entitled "An act relating to the Metropolitan police of the District of Columbia," moved that it be indefinitely postponed, which was agreed to.

Mr. BURKETT. By direction of the Committee on the District of Columbia I report a resolution covering the report of the Committee on the District of Columbia just made, and I ask for its immediate consideration.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Commissioners of the District of Columbia be, and they are hereby, directed to submit to the Senate at the opening of the session of Congress, in December, 1908, a complete report upon the policemen's and firemen's pension relief funds, showing the amount of money expended from each fund each year since the funds were created, together with a list of persons drawing relief under each fund, the amount thereof, the disability therefor, or if a widow or child the cause of death of the husband or father; also a statement of such relief and pension systems in other cities, together with any recommendation the Commissioners may have for legislation looking toward the reorganization of the entire system of pension and relief for the police and fire departments of the District of Columbia.

BILLS INTRODUCED.

Mr. CURTIS introduced a bill (S. 6351) granting an increase of pension to H. Clay Harman, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WETMORE introduced a bill (S. 6352) granting an increase of pension to Daniel Champlin, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BOURNE introduced a bill (S. 6353) granting an increase of pension to Robert Starkey, which was read twice by its title and referred to the Committee on Pensions.

Mr. STEPHENSON introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6354) granting an increase of pension to John G. Wheeler; and

A bill (S. 6355) granting an increase of pension to Michael A. Leahy.

Mr. OVERMAN introduced a bill (S. 6356) for the purchase of a site and the erection of quarters and an office for the quarantine officer at Southport, N. C., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. PAYNTER introduced a bill (S. 6357) for the relief of Nicholas C. Pettit, which was read twice by its title and referred to the Committee on Claims.

Mr. GALLINGER introduced the following bills, which were severally read twice by their titles and referred to the Committee on the District of Columbia:

A bill (S. 6358) to amend an act entitled "An act to incorporate The Masonic Mutual Relief Association of the District of Columbia;" and

A bill (S. 6359) to change the name and jurisdiction of the inferior court of justice of the peace in the District of Columbia (with the accompanying papers).

He also introduced a bill (S. 6360) to further increase the efficiency of the United States Marine Corps, and for other purposes, which was read twice by its title and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. FRYE introduced a bill (S. 6361) granting an increase of pension to Caleb H. Ellis, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GAMBLE introduced a bill (S. 6362) granting an increase of pension to William F. Roberts, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. ALLISON introduced a bill (S. 6363) granting title to a parcel of land in the city of Dubuque, Iowa, heretofore known as St. Raphael's Cemetery, to the Archbishop of Dubuque and his sucessors in office, and confirming and establishing the title thereto accordingly, which was read twice by its title and referred to the Committee on Public Lands.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Military Affairs:

A bill (S. 6364) to remove the charge of desertion from the record of Eugene Perdew; and

A bill (S. 6365) to remove the charge of desertion from the record of Charles H. Koon.

He also introduced a bill (S. 6366) granting an increase of pension to Soloman Holsey, which was read twice by its title and referred to the Committee on Pensions.

Mr. KNOX introduced a bill (S. 6367) to amend an act entitled "An act to provide for refunding taxes paid upon legacies and bequests for uses of a religious, charitable, or educational character, for the encouragement of art, etc., under the act of June 13, 1898, and for other purposes," approved June 27, 1902, which was read twice by its title and referred to the Committee on Finance.

He also (for Mr. PENROSE) introduced a bill (S. 6368) to grant an honorable discharge to James Carter, which was read twice by its title and, with an accompanying paper, referred to the Committee on Military Affairs.

He also (for Mr. PENROSE) introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6369) granting a pension to Amelia Harmon;

A bill (S. 6370) granting an increase of pension to Fred A. Reen; and

A bill (S. 6371) granting an increase of pension to John B. Wimley.

He also (for Mr. PENROSE) introduced a bill (S. 6372) for the relief of John A. Henderson, assistant engineer, United States Navy, retired, which was read twice by its title and referred to the Committee on Naval Affairs.

Mr. SUTHERLAND introduced a bill (S. 6373) waiving the statute of limitations as to the claim of the Nestler Brewing Company, and authorizing the Commissioner of Internal Revenue to adjudicate the same, which was read twice by its title and referred to the Committee on Claims.

Mr. McCUMBER introduced a bill (S. 6374) granting an increase of pension to Judson Morrow, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 6375) granting an honorable discharge to Abram Grevelstein, which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. ELKINS introduced a bill (S. 6376) granting an increase of pension to W. F. Sanders, which was read twice by its title and referred to the Committee on Pensions.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 6377) for the relief of Fredericca Kimmerling; and

A bill (S. 6378) for the relief of Marion Lantz (with accompanying papers).

He also introduced a bill (S. 6379) granting an increase of pension to Abraham W. Howard, which was read twice by its title and referred to the Committee on Pensions.

Mr. HOPKINS introduced a bill (S. 6380) granting a pension to William Metzger, which was read twice by its title and referred to the Committee on Pensions.

Mr. TAYLOR introduced a bill (S. 6381) for the relief of Laura A. Hill, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 6382) for the relief of Gennie W. Burnett, which was read twice by its title and referred to the Committee on Claims.

Mr. DEPEW introduced a bill (S. 6383) to provide for the better security of life on certain water craft, which was read twice by its title and referred to the Committee on Commerce.

He also introduced a bill (S. 6384) for the relief of the legal representatives of Samuel Schiffer, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 6385) granting an increase of pension to George Dengler, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FRAZIER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 6386) for the relief of Mrs. Laura Barrett; and

A bill (S. 6387) for the relief of the heirs of Thomas Dean, deceased.

Mr. HEYBURN introduced a bill (S. 6388) granting a pension to Jethro J. T. Garde, which was read twice by its title and referred to the Committee on Pensions.

Mr. BURKETT introduced a bill (S. 6389) amending section 869 of the Code of Law for the District of Columbia, which was read twice by its title and referred to the Committee on the District of Columbia.

Mr. PAYNTER introduced a bill (S. 6390) for the relief of the estate of William Thomas Lowe, which was read twice by its title and referred to the Committee on Claims.

AMENDMENTS TO POST-OFFICE APPROPRIATION BILL.

Mr. BANKHEAD submitted an amendment providing that after June 30, 1908, letter carriers of the rural delivery service shall receive a salary not exceeding $1,000 per annum, etc., intended to be proposed by him to the post-office appropriation bill, which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

Mr. HEYBURN submitted an amendment providing that the pay of the agent and assistants to examine and distribute registry envelopes, agent, be $2,500, intended to be proposed by him to the post-office appropriation bill, which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

AMENDMENT TO OMNIBUS CLAIMS BILL.

Mr. TELLER submitted an amendment intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which was ordered to lie on the table and be printed.

ADDITIONAL COMMITTEE CLERK.

Mr. WARREN submitted the following resolution, which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Agriculture and Forestry be authorized to employ an additional clerk from April 1, 1908, for the remainder of the present session, who shall be paid at the rate of $2,220 per annum out of the contingent fund of the Senate.

TENNESSEE RIVER BRIDGE.

Mr. McCREARY. I ask unanimous consent for the consideration of House bill 18616, which has passed the House of Representatives and been reported by the Committee on Commerce.

Mr. ALDRICH. I am constrained to object.

Mr. McCREARY. It is a bridge bill and it will take but a moment.

The VICE-PRESIDENT. Objection is made to the request of the Senator from Kentucky.

SUPREME COURT DECISIONS.

Mr. LONG. I present the opinions of the Supreme Court in two cases, the case of Young, petitioner, and the case of Hunter *v.* Wood, and ask that they be printed as a Senate document.

Mr. CULBERSON. What are the decisions?

Mr. LONG. They are the recent decisions of the Supreme Court in the Minnesota and North Carolina cases.

Mr. CULBERSON. I should like to ask if the dissenting opinions are included?

Mr. LONG. The dissenting opinions are also included.

There being no objection, the order was reduced to writing and agreed to, as follows:

Ordered, That decisions of the Supreme Court of the United States in the matter of Edward T. Young, petitioner, on petition for writs of habeas corpus and certiorari, and the dissenting opinion of Judge Harlan and the decision in the case of Thomas F. Hunter, sheriff, etc., *v.* James H. Wood, be printed as a document.

HOUSE BILL REFERRED.

H. R. 19955. An act making appropriations to supply certain additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908, was read twice by its title, and referred to the Committee on Appropriations.

AMENDMENT OF NATIONAL BANKING LAWS.

Mr. ALDRICH. I ask that Senate bill 3023 be laid before the Senate and proceeded with.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3023) to amend the national banking laws.

The VICE-PRESIDENT. The pending question is on the amendment proposed by the Senator from Alabama [Mr. JOHNSTON], which will be read by the Secretary.

The SECRETARY. On page 9, line 24, after the words "SEC. 8," insert the following:

That after January 1, 1909, national banking associations located outside of reserve or central reserve cities, which are now required by law to keep a reserve equal to 15 per cent of their deposit liabilities, shall hereafter hold in their own vaults four-fifths of such reserves, either in lawful money as now required by law, or in the securities enumerated in section 2 of this act, which shall have been approved by the Secretary of the Treasury: *Provided, however*, That not more than one-third of the reserves required to be kept in the vaults of such associations shall be held in such securities.

Mr. JOHNSTON. Mr. President, the amendment I offered yesterday afternoon is in regard to the reserves required to be held by other than reserve banks. The Senate will understand that under the present law country banks—that is, banks not in reserve cities—are required to hold 15 per cent of their deposits, and of this 9 per cent can be kept with reserve agents in reserve cities. My amendment requires that of the 15 per cent 12 per cent shall be kept by the home banks or the country banks in their vaults, and of this 12 per cent one-third may be held in the bonds specified as security for emergency currency in circulation under the proposed act.

The effect of the amendment, if adopted, would be that it would withdraw from New York and other reserve cities at least 6 per cent of the reserve that now may be held with reserve agents. The calculation I have made is that that would withdraw from New York and other reserve cities about $200,000,000, and to that extent it would put some substantial check upon the use of this reserve money by these banks in aid of speculation. It would strengthen the home banks by requiring them to keep in their vaults at all times 12 of the 15 per cent of their reserves, either in actual money or in money and bonds upon which money could be procured in an emergency.

I have heard it suggested on this floor that it would not be of much service to the home banks to have these bonds upon which they could procure currency because of the time that would be required to obtain it. But, as I understand it, under the provisions of the bill this money can be procured at any subtreasury of the United States, and I think that there are few localities in the country where the money could not be procured within twenty-four hours from some subtreasury of the United States.

I think that the adoption of the amendment would not only strengthen the home banks, but would enable them to meet the demands of their depositors much better than at present and not tie up their reserves a thousand miles away from home. We all know how the banks in the country were unable to procure from New York the money they had on reserve with their reserve agents when they needed it most.

My information now is that one of the troubles that we are confronting is not so much the disasters that the panic has already caused, but the banks themselves have not yet recovered from the panic and they are holding very large amounts of cash in their vaults pending legislation on this question. I have information from some banks in my own State that they are holding as much as 70 per cent of their deposits practically in their vaults, and so long as that condition of affairs continues the road to recovery and to normal conditions will be very slow.

Mr. President, I think this amendment is about as far as we

can safely go. Some gentlemen on this side have advocated that the whole reserve required should be kept in the vaults of the banks. I think that would require too much money to be withdrawn from circulation in ordinary times. All the banks must keep some balances in the central reserve cities, and to permit them to keep as small as 3 per cent of the 15 per cent there would give them a margin for their exchange business and enable them to carry it on without any serious detriment to their business.

For these reasons I think the amendment should be adopted.

Mr. ALDRICH. Mr. President, this amendment has been considered by the Finance Committee and approved by it. If any change is to be made in the reserves I think the suggestion of the Senator from Alabama is a conservative one, and in an intelligent manner, and the amendment should be adopted.

Mr. GORE. I move to amend the amendment by inserting after the words "in the securities enumerated in section 2 of this act" the words:

Or cotton warehouse receipts, or grain elevator receipts, not to exceed 75 per cent of the face value of the receipt or the products represented.

Mr. President, those are quick assets and would give an element of elasticity to the currency, or rather to the bank credits, when most needed.

The VICE-PRESIDENT. The amendment proposed by the Senator from Oklahoma to the amendment of the Senator from Alabama will be stated.

The SECRETARY. In line 7 of the amendment, after the words "or in the securities enumerated in section 2 of this act," insert:

Or cotton warehouse receipts, or grain elevator receipts, not to exceed 75 per cent of the face value of the receipt or products represented.

Mr. NELSON. Mr. President, I would suggest to the chairman of the Finance Committee and the Senator from Alabama and the Senator from Texas that the most orderly proceeding in reference to this matter of reserves would be to first take a vote on the amendment offered by the Senator from Texas, which proposes to repeal entirely the matter of reserves.

Mr. ALDRICH. That can be easily reached if the Senator from Texas proposes his amendment as a substitute for the amendment of the Senator from Alabama. There is no parliamentary difficulty in the procedure, if the Senator from Texas desires it.

Mr. CULBERSON. The amendment which I propose was offered yesterday, and while it is not immediately pending it is before the Senate. It occurred to me, I will say to the Senator from Minnesota, to offer it after the bill had been perfected so far as amendments were concerned as to the partial deposit of the reserves. In other words, the amendment proposed by the Senator from Alabama does not go as far as the amendment proposed by the Senator from Minnesota or myself.

The amendment proposed by the Senator from Alabama, as I understand it, is that fourth-fifths of the 15 per cent reserve of country banks shall be kept in the banks and the balance may be deposited in reserve cities or in central reserve cities. Inasmuch as that only affects existing law partially, it occurred to me best to have a vote upon it and afterwards a vote upon the amendment which I offered, which requires all of the 15 per cent to be retained by the country banks and 25 per cent by the reserve banks. I am willing to adapt myself to the convenience and pleasure of the Senator, however.

Mr. NELSON. It was only a suggestion of mine. I thought perhaps we might first vote on the amendment as a substitute for the amendment of the Senator from Alabama.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Oklahoma [Mr. GORE] to the amendment of the Senator from Alabama [Mr. JOHNSTON]. [Putting the question.] The "noes" appear to have it.

Mr. GORE. Mr. President, I believe I will ask for a yea-and-nay vote on the amendment to the amendment.

Mr. McCUMBER. Will the Secretary please read the amendment to the amendment again?

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary again read the amendment to the amendment.

The VICE-PRESIDENT. Is there a second to the demand for the yeas and nays?

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FRAZIER (when his name was called). I have a standing pair with the junior Senator from South Dakota [Mr. KITTREDGE], who is not present, and therefore I withhold my vote.

Mr. GAMBLE (when his name was called). I have a general pair with the Senator from Nevada [Mr. NEWLANDS]. An arrangement has been made whereby I transfer that pair to the senior Senator from Maine [Mr. HALE] and vote. I vote "nay."

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP], who is absent.

Mr. WARREN (when his name was called). I again announce my pair with the Senator from Mississippi [Mr. MONEY], and therefore withhold my vote.

The roll call was concluded.

Mr. CULLOM. I have a general pair with the Senator from Virginia [Mr. MARTIN]. I transfer that pair to the Senator from Indiana [Mr. HEMENWAY], and vote. I vote "nay."

Mr. WARREN. By an arrangement of pairs, the Senator from Mississippi [Mr. MONEY], with whom I am paired generally, will upon this vote be paired with the Senator from Ohio [Mr. FORAKER]. I vote "nay."

The result was announced—yeas 3, nays 56, as follows:

YEAS—3.

Gore	McLaurin	Overman

NAYS—56.

Aldrich	Cullom	Gary	Paynter
Allison	Curtis	Guggenheim	Perkins
Ankeny	Depew	Heyburn	Piles
Bankhead	Dick	Hopkins	Platt
Beveridge	Dillingham	Johnston	Richardson
Borah	Dixon	Kean	Smith, Mich.
Bourne	Dolliver	Knox	Smoot
Brandegee	du Pont	La Follette	Stephenson
Brown	Elkins	Lodge	Sutherland
Burkett	Flint	Long	Taylor
Burnham	Foster	McCreary	Teller
Burrows	Frye	McCumber	Warner
Crane	Gallinger	Nelson	Warren
Culberson	Gamble	Owen	Wetmore

NOT VOTING—31.

Bacon	Clay	Hemenway	Rayner
Bailey	Daniel	Kittredge	Scott
Briggs	Davis	McEnery	Simmons
Bulkeley	Foraker	Martin	Smith, Md.
Carter	Frazier	Money	Stone
Clapp	Fulton	Newlands	Taliaferro
Clark, Wyo.	Hale	Nixon	Tillman
Clarke, Ark.	Hansbrough	Penrose	

So Mr. GORE's amendment to Mr. JOHNSTON's amendment was rejected.

Mr. CULBERSON. I move to amend the amendment of the Senator from Alabama [Mr. JOHNSTON], in line 6, after the word "reserves," by striking out "either," and beginning in the same line, after the word "law," by striking out down to and including line 11 of the amendment, as follows:

Or in the securities enumerated in section 2 of this act, which shall have been approved by the Secretary of the Treasury: *Provided, however*, That not more than one-third of the reserves required to be kept in the vaults of such associations shall be held in such securities.

Mr. President, I ask the indulgence of the Senate to say that, in my judgment, the bank reserves should be held in lawful money of the United States, and not in bond securities or the securities of grain-elevator receipts, or anything other than money. Upon that principle I voted against the amendment proposed by the Senator from Oklahoma [Mr. GORE]; and, in order to emphasize the question, I offer this amendment, and at the proper time I will ask the yeas and nays upon it.

The VICE-PRESIDENT. The Senator from Texas [Mr. CULBERSON] proposes an amendment to the amendment of the Senator from Alabama [Mr. JOHNSTON], which will be stated.

The SECRETARY. In the amendment proposed by Mr. JOHNSTON, in line 6, after the word "reserves," it is proposed to strike out "either," and in the same line, after the word "law," to strike out the remainder of the amendment, as follows:

Or in the securities enumerated in section 2 of this act, which shall have been approved by the Secretary of the Treasury: *Provided, however*, That not more than one-third of the reserves required to be kept in the vaults of such associations shall be held in such securities.

Mr. ALDRICH. Mr. President, the suggestion made by the Senator from Texas [Mr. CULBERSON]—and which is the principle involved in his pending amendment to this bill—is absolutely impracticable. Its adoption would result in a greater disaster to this country than resulted from the late panic. It will not be voted for, I am sure, by any considerable number of Senators after it has been discussed by the Senate.

Mr. CULBERSON. The Senator will pardon me, I trust——

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Texas?

Mr. ALDRICH. Yes.

Mr. CULBERSON. The proposition now before the Senate—I beg to call the attention of the Senator from Rhode Island——

Mr. ALDRICH. I am aware of that fact. I understand the Senator's amendment.

Mr. CULBERSON. The proposition now before the Senate is not to keep the entire reserve at home, but to prevent the

national banks from holding, in lieu of their reserves, bonds mentioned in section 2 of this act.

Mr. ALDRICH. I understand the amendment of the Senator from Texas perfectly, I think.

I was about to say, in addition to my criticism of the Senator's amendment which is now pending, that when it becomes obvious to the Senate—as I am sure it will sooner or later—that it is not possible to hold all reserves of the national banks of the United States in lawful money, you will be then confronted by the proposition of the Senator from Alabama [Mr. JOHNSTON], whether it is better to hold those reserves in the reserve and central reserve cities, or in a class of securities which are made by this act immediately exchangeable for cash.

Now, let us see what the practical operation of the amendment of the Senator from Alabama would be. Suppose we have any financial trouble in any part of the country. A bank under existing law must either keep its reserve in lawful money in its own vaults, or have it deposited in some national bank in a reserve or a central reserve city. I say it is impossible to require those banks to hold all their reserves in lawful money. That is a mathematical question which can be demonstrated beyond doubt. Is it better to allow the country banks of the United States to hold a portion of their reserves, which would be otherwise deposited in the cities of New York, Chicago, St. Louis, and the other reserve cities, or to have them hold a class of securities as reserves that are made immediately exchangeable for money? There can be no better class of reserves possible for a country bank, especially in time of trouble. In time of trouble the balance in New York, as has been shown by experience in such crises, is not available, and can not be made available. All that a bank holding these securities has to do is to go to the nearest subtreasury and it will, without delay and without notice, receive the cash for them.

I therefore think that the amendment of the Senator from Alabama is not only correct, but that it is wise legislation.

Mr. OWEN. Mr. President, I regret very much that I can not agree with the proposed amendment of the Senator from Texas [Mr. CULBERSON]. I agree with the amendment as drawn by the Senator from Alabama [Mr. JOHNSTON]. It was very carefully drawn, in view of the actual amount of cash which the banks of this country have in hand. The amendment as proposed by the Senator from Alabama adds 2 per cent of the gross deposits of the country banks in cash to the holding of the reserves of the country banks, and using 4 per cent of these bonds will simply transfer credits, which now perhaps may be with the reserve agents, into the form of these securities, but will not require of them any more currency for that purpose. If more currency is required than there is in existence in these banks, obviously, to establish the relation, it would be necessary to contract the credits in a sum about four times as great as the additional amount of money that would be compelled to be put in these banks. It would therefore cause a dangerous constriction of credits and would emphasize the very panic from which we have just recovered. I think it would be a harmful amendment, and therefore feel obliged to oppose it.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Texas [Mr. CULBERSON] to the amendment of the Senator from Alabama [Mr. JOHNSTON].

Mr. CULBERSON. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DEPEW. Mr. President, I ask that the amendment to the amendment be again stated.

The VICE-PRESIDENT. The Secretary will again state the amendment to the amendment.

The amendment to the amendment was again stated.

The Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. MARTIN]. I transfer that pair to the junior Senator from Indiana [Mr. HEMENWAY], and will vote. I vote "nay." I make this announcement for the day.

Mr. DEPEW (when his name was called). I have a general pair with the Senator from Louisiana [Mr. MCENERY]. I withhold my vote in his absence.

Mr. ELKINS (when his name was called). I have a general pair with the junior Senator from Texas [Mr. BAILEY] and therefore withhold my vote.

Mr. FRAZIER (when his name was called). I have a standing pair with the Senator from South Dakota [Mr. KITTREDGE]. He is absent, and therefore I withhold my vote.

Mr. GAMBLE (when his name was called). I again announce my general pair with the senior Senator from Nevada [Mr. NEWLANDS]. An arrangement has been made whereby that pair is transferred to the senior Senator from Maine [Mr. HALE]. Therefore I am at liberty to vote, and vote "nay."

Mr. SIMMONS (when his name was called). I again announce my pair with the junior Senator from Minnesota [Mr. CLAPP].

Mr. WARREN (when his name was called). Under the arrangement of pairs announced on the previous vote, whereby the Senator from Mississippi [Mr. MONEY] will stand paired with the Senator from Ohio [Mr. FORAKER], I will vote. I vote "nay."

The roll call was concluded.

Mr. FOSTER. I have a pair with the Senator from Connecticut [Mr. BULKELEY]. Not knowing how he would vote on this matter, I withhold my vote.

The result was announced—yeas 4, nays 49, as follows:

YEAS—4.

Clay	Culberson	Gore	Heyburn

NAYS—49.

Aldrich	Dick	Kean	Richardson
Allison	Dillingham	Knox	Smith, Mich.
Ankeny	Dixon	La Follette	Smoot
Bankhead	Dolliver	Lodge	Stephenson
Borah	du Pont	Long	Sutherland
Bourne	Flint	McCumber	Taylor
Brandegee	Frye	Nelson	Teller
Brown	Gallinger	Owen	Warner
Burkett	Gamble	Overman	Warren
Burnham	Gary	Paynter	Wetmore
Crane	Guggenheim	Perkins	
Cullom	Hopkins	Piles	
Curtis	Johnston	Platt	

NOT VOTING—37.

Bacon	Daniel	Hemenway	Rayner
Bailey	Davis	Kittredge	Scott
Beveridge	Depew	McCreary	Simmons
Briggs	Elkins	McEnery	Smith, Md.
Bulkeley	Foraker	McLaurin	Stone
Burrows	Foster	Martin	Taliaferro
Carter	Frazier	Money	Tillman
Clapp	Fulton	Newlands	
Clark, Wyo.	Hale	Nixon	
Clarke, Ark.	Hansbrough	Penrose	

So Mr. CULBERSON's amendment to the amendment of Mr. JOHNSTON was rejected.

The VICE-PRESIDENT. The question recurs on the amendment proposed by the Senator from Alabama [Mr. JOHNSTON].

Mr. HEYBURN. Mr. President, it may be interesting before voting on that question to have our attention called to the wisdom of the legislature of the State of New York, as expressed yesterday upon this question. I will read the dispatch in this morning's New York Times, which is also found in other papers:

ALBANY, N. Y., *March 26, 1908.*

By a vote of 81 to 45, the assembly to-day passed the banking department's bill incerasing the reserve of State banks. The increase in the banks of the Borough of Manhattan is from 15 to 25 per cent, 15 per cent to be carried in vault and 10 per cent on deposit with a reserve agent. In other boroughs of New York the required reserve is 12½ per cent in vault and 12½ per cent on deposit with reserve agent.

In other parts of the State the required reserve is increased from 5 per cent to 6 per cent cash in vault and from 5 to 9 per cent on deposit with a reserve agent.

I do not intend to comment at any length upon this, but I thought it well to note that those of us who have favored the holding of the reserves in cash in the vaults of the banks, while we might not have much support in the Senate of the United States, yet that the great State of New York was not out of harmony with the views expressed by us and supported by our votes. If the Senator from Rhode Island [Mr. ALDRICH] is correct that a policy of this kind would bankrupt the nation, then New York has set her foot toward the first march of demoralization and bankruptcy.

Mr. SIMMONS. In the amendment proposed by the Senator from Alabama [Mr. JOHNSTON], in line 7, after the words "in the securities enumerated in section 2 of this act," I move to amend by inserting "or bank notes issued against such securities." I will say just a word, Mr. President, in reference to that amendment.

The VICE-PRESIDENT. The amendment proposed by the Senator from North Carolina to the amendment of the Senator from Alabama [Mr. JOHNSTON] will be stated.

The SECRETARY. In the amendment proposed by Mr. JOHNSTON, in line 7, after the word "act," it is proposed to insert "or bank notes issued against such securities."

Mr. SIMMONS. Mr. President——

Mr. du PONT. I ask that the amendment to the amendment be read again. I could not hear it.

The VICE-PRESIDENT. The Secretary will again state the amendment to the amendment.

The Secretary again read the amendment to the amendment.

Mr. SIMMONS. Mr. President, as I understand the present situation of this matter, the Finance Committee has accepted the amendment of the Senator from Alabama. That amendment provides that one-third of the reserves required to be

kept in the vaults of the banks may be kept in the bonds described in this bill—that is, State, county, and municipal bonds. The theory upon which, as I understand, the committee agrees to accept, and, if the Senate adopts the amendment, the theory upon which the Senate will adopt that amendment, is that these bonds can be quickly converted into money—that is, into national-bank notes.

Under the present law, Mr. President, national-bank notes after they are issued can not be used as a part of the reserves of the banks. If these bonds are good as reserves—and that is what we declare if we adopt the amendment of the Senator from Alabama—the money which may be issued against these bonds is equally good as reserves.

What would be the position of a bank holding these bonds as a part of its reserve in case the conditions of business required it to use those bonds for the purpose of getting money? It would come to the Treasury. The Treasury would issue it money upon the bonds, but after getting that money the bank would not, under the law, be permitted to use that money to supply the vacuum created by the withdrawal of the bonds from its reserve for the purpose of getting it. It seems to me, in that condition of things, that if these bonds are accepted for reserves then the money into which these bonds may be converted ought also to be accepted as a part of the reserve.

My proposition is not to make national-bank notes good for the whole amount of the reserves that a bank may hold, but to make them good for that part of the reserves represented by the bonds which we provide may be used as a part of the reserve of the bank.

The VICE-PRESIDENT. The question is on the amendment of the Senator from North Carolina [Mr. SIMMONS] to the amendment of the Senator from Alabama [Mr. JOHNSTON].

The amendment to the amendment was rejected.

The VICE-PRESIDENT. The question recurs on the amendment proposed by the Senator from Alabama [Mr. JOHNSTON].

The amendment was agreed to.

Mr. OWEN. I move an amendment, at the end of the bill, as follows:

That no provision of law shall be construed to forbid any national bank to contract for the insurance of its deposits in any State wherein the laws of such State provide for the insurance of the deposits of State banks.

The VICE-PRESIDENT. The amendment will be stated by the Secretary.

The SECRETARY. It is proposed to add at the end of the bill the following words:

That no provision of law shall be construed to forbid any national bank to contract for the insurance of its deposits in any State wherein the laws of such State provide for the insurance of the deposits of State banks.

Mr. OWEN. Mr. President, I should like to ask the indulgence of the Senate just for a few moments. I had intended to offer an amendment proposing the insurance of bank deposits, because I believe—and the history relating to that subject justifies the belief—that it would have a powerful tendency to prevent the withdrawal of deposits by timid depositors, would prevent the hoarding of money, and therefore would prevent panics and would promote the stability of our commerce. Because of the opposition of the Committee on Finance to that opinion and because I do not believe the Senate is ready to adopt such a provision, I now make this suggestion, which would relate, so far as I know, only to the State of Oklahoma.

In that State they have a provision by which the State banks insure their deposits by a mutual arrangement through the officers of the State. A number of national banks in Oklahoma, where the rivalry was strong, have already given up their charters and taken out State charters, because they could not stand the opposition. In many cases it will make no difference with the banks, but a great many of the national banks of Oklahoma would like to provide an insurance for themselves on a mutual plan, and since it does not affect any other State, and since it goes to the protection of the national banks in the State which I have the honor, in part, to represent, I hope there will be found no objection on the part of the Senate to the proposed amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Oklahoma.

Mr. MCLAURIN. I should like to hear the amendment again.

The VICE-PRESIDENT. The Secretary will again read the amendment.

The Secretary again read the amendment.

Mr. BORAH. I should like to ask the Senator from Oklahoma if he thinks the amendment is necessary in order to enable the banks to do that?

Mr. OWEN. I think it is necessary under the possible view of the Comptroller of the Currency, who does not now think the law broad enough to justify it.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Oklahoma.

The amendment was rejected.

Mr. NELSON obtained the floor.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Colorado?

Mr. NELSON. I yield to the Senator from Colorado.

Mr. TELLER. If the Senator from Minnesota desires to offer an amendment I will wait.

Mr. NELSON. I offer the amendment I send to the desk, to be inserted as an independent section.

The SECRETARY. It is proposed to add at the end of the bill the following:

SEC. —. That one-half of all taxes to be paid by national banking associations upon the average amount of their notes in circulation, pursuant to the provisions of section 4 of this act, shall be, and hereby is, set apart in the Treasury of the United States as a permanent special fund, termed "Depositors' fund," to be used and expended in paying all depositors, except the United States, the amount of their deposits in any such association that has become insolvent, and for which a receiver has been appointed; and whenever any such association has become insolvent and a receiver has been appointed therefor by the Comptroller of the Currency, the Secretary of the Treasury shall, as soon as practicable, under such rules and regulations as he may prescribe, pay all depositors of such association, except the United States, the amount of their then subsisting deposits out of and from the said special fund; and after making such payment the United States shall, as to such deposits, be subrogated to all the rights and remedies of the depositors, and shall be entitled to recover and receive from the assets of such association all dividends and the sums which the depositors would be entitled to if not paid from said special fund as aforesaid, and the amount so recovered and received shall be placed to the credit of and be a part of said special fund. Said special depositors' fund shall not be allowed to exceed the sum of $20,000,000, and all sums in excess of that amount shall be covered into the general funds of the Treasury.

Mr. NELSON. Mr. President, I do not intend to enter into any extended discussion of this matter. I spoke upon it two weeks ago or so. I simply desire to call attention to the fact that a panic is distinguishable from a mere money stringency. A money stringency may arise because there is a temporary scarcity of currency, but whenever we have a panic such as we had last fall it always originates in a run by depositors on the banks, and last fall we had the spectacle of over $200,000,000 being withdrawn from the banks of New York within the space of less than ten days. As a result of that run and withdrawal, the banks, to protect themselves, practically closed their doors. In other words, they suspended cash payments for all practical purposes.

Now, the great volume of money that the banks have to dispose of and loan to their customers for purposes of trade and commerce is the money of their depositors. If you will look at the report of the Comptroller of the Currency, you will see that a large amount of the capital and surplus of the national banks is held in the shape of long-time securities—bonds of various kinds, national, State, municipal, and railroad bonds—so that their available money for loaning purposes is really the money of the depositors.

When a panic sets in and a run starts on the bank, money becomes scarce through two causes. First, because the depositors withdraw their money. In the next place, people who before that were content to get their pay in drafts and checks and credit currency are then anxious to have the cash.

On the one hand the supply of cash is depleted. On the other hand the demand for it increases.

Then there is another thing in connection with it, Mr. President. When a run is started on a bank by the depositors who withdraw their money, the bank, if it is a solvent bank and intends to keep open shop, has to call in its loans from its customers. It can not give any more accommodation. Men go to the bank to get accommodation, to get their commercial paper extended, and the bank says "We can not do it. We must have this money to meet the demands of depositors. They are making a run upon the bank. Therefore, we can not give you any more accommodation. You will have to pay your paper. We not only can not give you an extension, but we insist upon it that you pay your paper, because we need the cash to pay the calls of our depositors."

Now, if you can by legislation, as is proposed here, provide a fund for the protection of depositors, so that they will feel easy and confident and will not be affected by these panics, you, to a large extent, cure such evils as we had last fall. To my mind those evils arose from two sources. First, from a want of confidence on the part of depositors. In consequence of that there was a run on the banks, and in the next place because the banks themselves were even more cowardly than the depositors; because the big banks throughout the country practically suspended payment. That is the one way in which they stopped the panic. To my mind an emergency currency, such a is proposed in this bill, if the depositors get frightened and scared as they

were last fall and institute a run, never would stop the panic. It might stop the hole in the New York Stock Exchange, but it would never stop the fright on the part of depositors.

The amendment does not levy any additional burden on the banks. It does not require them to pay an additional tax. It proposes to take one-half of the tax they now pay and set it apart as a fund for the benefit of depositors. The Federal Government does not guarantee the depositors. It simply provides a fund out of which they can be paid.

Mr. CLAY. Will the Senator permit me to ask him a question?

Mr. NELSON. Certainly.

Mr. CLAY. Is it not true that the tax we to-day collect from the national banks on account of circulation is money that goes into the Treasury of the United States and belongs to the United States? Is it not true that we collect this tax by reason of the fact that we authorize these banks to issue money guaranteed by the United States; and is not the amendment offered by the Senator from Minnesota really an amendment providing that the United States shall guarantee to the depositors their money in the bank?

Mr. NELSON. No; it is not an absolute guaranty.

Mr. CLAY. Well, it is a guaranty against losses.

Mr. NELSON. It provides a fund out of which the deposits of the depositors are to be paid.

Mr. CLAY. It provides a fund out of the Treasury of the United States.

Mr. NELSON. And that fund comes from the banks.

Mr. CLAY. It comes out of the Treasury. It is true the banks pay the taxes.

Mr. NELSON. Yes.

Mr. CLAY. But those taxes belong to the United States. They have belonged to the United States ever since we organized those banks. Does not the Senator think we would have just as much right to guarantee the payment of the debts of a merchant who failed or of a manufacturer who failed? Is it not a serious business when the United States undertakes to guarantee the payment of the debts of any individual or any corporation? When a depositor places his money in the bank, is it not true that the relation of debtor and creditor exists, and ought the Government to assume any liability in the premises? I have generally found the Senator from Minnesota correct, but I can not possibly agree with him in regard to his amendment. He is usually right, I am frank to confess, but I believe this would be a very serious undertaking.

Mr. NELSON. The Senator from Georgia takes a very narrow view of this question. To my mind the national banks are corporations created by the Federal Government. We have given them two functions. We have first clothed them with the function of issuing money, or what circulates as money. In other words, we have made them banks of issue. The Federal Government might have stopped with that, simply creating them banks of issue. In addition to that we have given them opportunities to carry on a general commercial business, to do what we call a discount and deposit business. Now, those banks are to that extent the agents of the Government. We have given them that power and authority; and independent of the law they could not exercise it. The right to carry on business as a corporation is not a constitutional right. The Federal Government and the State governments could absolutely refuse to create any corporation to carry on business, and no citizen would be in a position to say that he had been deprived of a constitutional right. Whenever a State government or the Federal Government creates a corporation to carry on certain public business, the creator of that corporation, the authority creating it, either State or Federal, has a right to prescribe the conditions and the terms upon which it shall do business. This is not a private business. The mistake the Senator makes is the mistake we heard years ago when we first attempted to regulate railroad transportation. The railroads got up on a lofty pinnacle and said to the American people: "We are private corporations. What right have you to regulate us? What right have you to say how we shall carry on our business? That is a matter between us and our stockholders." And yet when that question came before the courts, the courts decided, because the corporations were engaged in performing public service, created for that purpose, they were amenable and subject to public control.

The courts so decided even before the question about the railroads came up. In the case of Munn *v.* Illinois, the great elevator case, the court held that the men who were conducting the elevator business in the city of Chicago were performing a public function and a public service, and hence were amenable to public control.

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Illinois?

Mr. NELSON. Certainly.

Mr. HOPKINS. As I view the question it is not whether Congress has a constitutional right to require the banks to guarantee their deposits in the manner proposed by the amendment, but the real question is, Why should a man who has accumulated money and put it in a national bank be in a more favorable position than a man who loans money to a farmer or a merchant? If three men have $500 each, why should the man who deposits in the bank have the Government of the United States step in and say that that money shall be returned to him with proper interest, whereas the man who loans it to a merchant or a farmer does not get such a guaranty?

Mr. NELSON. We give such a guaranty. What are the bills of the national banks? They are simply promissory notes of the bank, and we provide that those obligations of the national banks shall be paid and protected. The only difference is that in the one case the debt of the bank is represented by a note—national-bank note. In the other case it is represented either by a certificate of deposit or by a bank book.

Mr. HOPKINS. If the Senator from Minnesota will allow me for a moment, there is a wide difference between guaranteeing the notes that are issued by national banks and guaranteeing a depositor the return of his money. The issuing of the notes by the banks is made a part of the governmental machinery to furnish a currency to the country. It is made a part of the national business. These banks are simply fiscal agents of the Government in giving out this currency; to allow an amount sufficient to carry on the business of the country. Now, the position of the depositor is entirely different.

Mr. NELSON. Mr. President, I am willing to answer questions, but I do not like to have a man interject a speech into my speech.

Mr. HOPKINS. I want to suggest that a depositor is in voluntary position. He can go to the bank or not, as he chooses. I see no reason on principle why he should be protected by a guaranty.

Mr. NELSON. I can not, of course, help it that the Senator from Illinois takes such an obtuse and superficial view of this question. [Laughter.] I am not the keeper of his mind or his conscience. I can only state to the Senate how the question appears to me as a practical matter.

When we allow the national banks to organize and incorporate we hold them out to the public as a species of governmental agencies. They acquire a reputation and standing that other banks in the community scarcely have. It is all very well for the Senator from Illinois and others to say that the depositors ought to take their own risk. But to the ordinary small depositor—the laboring man, the farmer—a bank is a bank, and he is not able to find out and he can not tell whether a bank is a first-class, a sound bank or not. It is sufficient to him to know that it is a Government institution, organized under Federal law, and he deposits his money.

Senators, you may think I am cranky about this subject, but I had a little experience in my younger days, the memory of which has been with me ever since. When I was a law student in the city of Madison, Wis., in 1867, I was very poor, but I finally succeeded in accumulating the great fund of $500. It was practically all of my possessions. There was in the city of Madison a bank known as a "farmers' bank." I did not know the difference. I supposed one bank was as good as another. I deposited my little money in that bank. In a very short time the bank failed.

I did not have at that time the skill and judgment that the Senator from Illinois has. What dwelt in my mind was that the bank was a bank, and if I deposited my money in any bank in the city of Madison I would be perfectly safe. But I unfortunately had deposited in a very poor bank, which within a very short time utterly failed, and I lost everything I had with the exception of an old balky horse and an old cow. [Laughter.] If I had had the Senator from Illinois at my side at that time, perhaps he might have cautioned me. But the trouble is that the rank and file of depositors in this country, the laborers and farmers of this country, have not these wise statesmen at their shoulders to nudge them and say, "This is a good bank and that is a bad bank."

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Indiana?

Mr. NELSON. Certainly.

Mr. BEVERIDGE. I rose to ask the Senator from Minnesota to explain a point in which I am very much interested, as other

Senators I know are, but before I ask him that question, with his permission, I want to say that I do not think any person is going to believe that making the depositors of this country, both small and great, secure in their savings would reduce this to a nation of slaves. I do not think that that is very convincing.

Mr. NELSON. It was a matter of hyperbole.

Mr. BEVERIDGE. Yes. I want to say further, before I ask the question, that I think the Senator from Minnesota has stated an undeniable truth. I was once the attorney for a bank that failed. It had had a great many hundreds of depositors, both large and small. The present occupant of the chair [the Vice-President] knows about that fact. It had a high reputation. The banks that fail not only deceive the depositors, but they deceive even the Government examiners. It is not by the exercise of any vigilance, of which we have heard so much spoken here, that depositors can determine whether a bank is sound or not. Suppose the Knickerbocker Trust Company had been a national bank. It had upward of $70,000,000 of deposits. Not only did it have a great mass of stockholders, but it had some very heavy stockholders and very rich men and some financiers among the number. Yet they were deceived. So the argument that this is going to put a premium on negligence is not tenable. I am with the Senator from Minnesota on that. That is a plainly undeniable fact.

I wish to ask the Senator a question. It is the point made the other day by the Senator from Montana [Mr. CARTER], which, up to this time, has convinced me against the proposition of the Senator from Minnesota, which otherwise I would sympathize with, and that is this: The Senator showed by the annual failures and the amount due from the banks to their depositors that the sum was so great that no provision could be made to accumulate a fund that would at all handle the situation. Does the Senator from Minnesota remember the point made by the Senator from Montana the other day in presenting those figures?

Mr. NELSON. I remember it.

Mr. BEVERIDGE. The question I ask, and I ask it, as the Senator knows, with entire sympathy with his purpose, is, By what means can a sufficient fund be accumulated to meet the immense liabilities that are caused by the failure of these banks? The Senator from Montana, if his figures were correct the other day, by his figures showed that this tax, which was designed to gather in this security fund, was totally inadequate. That is the question I wish to hear the Senator upon when he gets to it. I do not want to interrupt the thread of his argument.

Mr. NELSON. Of course, taking the record as disclosed by the Comptroller of the Currency in his last annual report, and I think in preceding reports, if I recall the figures correctly, for all of the banks that have failed and suspended, become insolvent since the system was organized up to within two years ago, I think, the average amount of losses on the total amount of deposits in those banks was equal to five-hundredths of 1 per cent. Of course if you stop panics there will be little drain on this fund. Taking the circulation that we had about a month ago, which, if I remember aright, was $690,000,000——

Mr. BEVERIDGE. The Senator will excuse me right here. If you stop panics there will be no need for the fund, or not very much, at least.

Mr. NELSON. That is the object of the fund.

Mr. BEVERIDGE. And this fund is designed to afford security to depositors in just exactly the emergency of a panic, is it not?

Mr. NELSON. The object of this fund is to stop panics. The circulation of the national banks about a month ago—I do not know what it is to-day—I think was $690,000,000, and upon that basis the total amount of the taxes that would come in under this bill—and this bill does not change the law in respect to that matter—on a circulation of $690,000,000 would be $3,540,000 a year. There is a tax of a half per cent on circulation issued under the 2 per cent bonds and a tax of 1 per cent on bonds of the higher grade. The total amount that would come in outside of the tax on this emergency currency would be $3,540,000 a year. One-half of this amount would be $1,770,000.

In the first instance, my amendment provided that the fund should not exceed $10,000,000. This makes the fund $20,000,000. In the amendment as I have offered it to-day I have changed the amount from one-third to one-half of the tax. I would apply in this respect the same argument that the Senator from Rhode Island has applied to the emergency currency when, if I remember correctly, he stated that the effect of this emergency currency would be that the mere knowledge of the fact that there was authority to issue such currency would tend to stop a panic. I would say the same about this matter of protecting depositors. The mere fact that there is a fund in the Treasury for their protection will tend to allay distrust and to restore confidence and leave the money in the banks. The banks showed to what extremes they could resort in the recent panic.

The big banks suspended payment pretty much all over the country, leading to the suspension of the smaller banks in some instances. That is one way of stopping a panic, but it is a very lawless way. To my mind the honest way, the legitimate way, is to remove all causes for distrust among the people. If you protect the depositors of banks and they are as confident about their deposits as they are about their bills, there will be no occasion for runs upon our banks. People will take out only what money they need for their current use.

Since I first introduced my amendment and made some remarks, a while ago, I have received a great many letters, not only from farmers and business men throughout the Northwest, but I have received a great many letters from national banks of the smaller class. Of course the great argument of the big banks is that "You put us on a level with the little banks; you make them stand before the depositors with as good credit as we do, and that is not fair. We want the deposits, and we want these little banks to shift for themselves." But it ought not to lie in the mouths of the big banks to take that stand, because the big banks that are now claiming that they are so good that it will be unjust to discriminate against them were in the recent panic the most lawless of all banks. They suspended payment and began to hoard money.

Of the many letters I have received on this subject, I ask the Secretary to read a letter that I received from the president of a national bank in Wisconsin—the McCartney National Bank, of Green Bay, Wis.; capital, $100,000; surplus, $50,000. I think there is a good deal of sense in the letter, and I ask to have it read.

The VICE-PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

THE MCCARTNEY NATIONAL BANK,
Green Bay, Wis., March 9, 1908.

Hon. KNUTE NELSON,
United States Senate, Washington, D. C.

MY DEAR SIR: In the public press I have seen references made to a currency bill submitted by you to the present Congress. This subject-matter seems to be of paramount interest to the whole country at present. There seems to be no other issue that so directly and effectually reaches to the foundation of all the interests of this country, both as regards the present and the future stability and uniformity of our business. As a matter of course, all business men of this country are giving considerable thought to the different measures proposed for correction of the deficiency existing in our present money system, and to my mind I can not see any measure that would give such quick and lasting results as the guaranty to depositors by the United States Government of the payment of all deposits made in national banks. Such a measure, in itself, is a natural remedy for all panics and financial difficulties.

If all deposits in national banks were guaranteed by the Government, enough money would be restored to general circulation that is now hoarded and hid away to make sufficient currency for all legitimate business requirements, and I feel sure this would equal an amount much greater than the limit reached by the Aldrich bill and be far more effectual.

Under our present system the business of the country is very unstable and often finds itself in a precarious condition. As has been proved in the past, it does not take very much cause to alarm the depositors, resulting in runs on the banks. The banks' only relief in such emergencies is to call, at least in part, loans made to manufacturers and other business interests, often resulting in disaster to such men and their business interests, obliging them to curtail their business and raise money to pay loans at a time when money is almost impossible to get, and which they should not be called upon to do if they were perfectly good financially under ordinary conditions. The cause for the calling of such loans would be entirely removed if the Government guaranteed all deposits in the national banks. As then, to begin with, no depositor would feel timid, and they would not want their money if they knew it was perfectly safe and guaranteed by the United States Government. Again, the banks would not be obliged to call on their customers at the very time when they most need financial assistance, so that in many ways it would insure a business stability such as we have never enjoyed under the present banking system.

All the expense connected with any such guaranty and the losses occasioned by any national bank becoming insolvent could be entirely covered by a general assessment on all national banks, creating a sinking fund abundantly ample to take care of all expenses and losses based upon the statistics of all national banks doing business since they were first organized up to the present time, and I know the banks as a rule would be very glad to pay such an assessment, for it would be very insignificant as compared to the advantages gained for the banks.

I am aware that some bankers doing business in the large money centers of this country claim that the guaranty by the Government of deposits in all national banks would lead to reckless banking. I do not think that their position is well taken. I grant that their condition is a little different from those generally termed country banks, in this respect—that in most country banks the officers and directors own most of the stock and therefore have a personal reason for protecting the best interests of the bank, while in the case of a great many large city banks they are operated largely by professional bankers, the operating of these banks having become a profession, and the parties managing these banks very often do not hold any large amount of stock.

The danger to the depositors that has existed in the past and will exist in the future, it seems to me, is all the more reason why there should be protection afforded the helpless depositor who has invested his small savings.

The Federal law is such now that it is mighty poor business for any officer of a bank to do a crooked business. They generally get caught and are severely punished; besides, additional safeguards could be put in effect, giving additional protection to national banks. For instance, under our present system a national bank examiner comes around to examine each national bank twice a year; he takes a careful account of all their assets, including cash and bills receivable, also their deposits and other items; he finds these to be correct, but can not say as to whether all the signatures to the bills receivable are bona fide nor as to the financial standing of the makers of these papers. If the inspection force was doubled, charging the cost of same to the banks, the inspectors would then have time to verify, to a large extent at least, the value of all the bills receivable of any considerable amount. This, it seems to me, would double the safeguards over the system as now applied to national banks, as most of our bank failures are due to this lack of supervision of the bills receivable.

Again, what is known as country banks, which comprise, I believe, a large part of the banking interests of this country and take care of the greater part of the business interests of this country and who are therefore entitled to be heard, are practically never consulted when Congress is looking for information or advice. They simply go to a few of the bankers in the large cities and advise with them.

It seems strange, looking back over the past, that the subject of the expansion of our currency system has not received more attention, as it undoubtedly has had much to do with every panic this country has passed through. It was not until our recent flurry of last fall that we fully realized that our present currency system was largely to blame for our panics. We had good crops, with good prices; we had all our people working and getting good wages, and no large surplus or overstock in any manufacturing line. When we realize that through our present system several billion dollars are locked up in the National Treasury and national banks throughout the country, no part of which is available for business purposes, it is no wonder we are short of money to do the country's business, which business is constantly increasing and expanding every year.

I would like to say more, but do not want to burden you with an already too long letter. Thanking you for your personal and official interest in a bill calculated to give a greater stability to all our business interest, I am,

Very truly, yours, WM. LARSEN.

Mr. McCUMBER. Inasmuch as I am informed that the bankers' association of my State have resolved in favor of a measure having for its purpose the guaranteeing of depositors, but of a different character, and that measure, which is known as the Gronna bill in the House, I have introduced as an amendment to this bill in the Senate. It differs somewhat from the amendment of the Senator from Minnesota, and I should like to have the Senator from Minnesota, if he will do so, explain in detail as to what extent the individual depositors would be protected by the particular fund which he says would be the fund that would stand for their protection.

Mr. NELSON. Mr. President, of course the amendment does not go into details. The method of procedure will have to be prescribed by the Secretary of the Treasury. I presume that when a national bank fails and is put into the hands of a receiver the usual course will be taken; that is, the depositors of the bank will have to present their claims to the receiver, and they will have to be passed upon by him. After the claims have been passed upon and determined, then the Secretary of the Treasury can proceed to pay them. This simply provides the fund, but the machinery, the method of procedure, will be prescribed by the Secretary of the Treasury.

Mr. McCUMBER. Out of the fund as now provided by law?

Mr. NELSON. Out of this depositors' fund.

Mr. McCUMBER. Will the Senator please explain, so as to have it upon the record, what he understands by the depositors' fund?

Mr. NELSON. The Senator perhaps was not in when I explained it.

Mr. McCUMBER. No; I was not.

Mr. NELSON. I shall, therefore, have to repeat it. It proposes to set aside one-half of all the taxes that the national banks are required to pay under existing law on the ordinary currency and also on the emergency currency. It sets aside one-half of it and allows the fund to accumulate up to $20,000,000 to pay them out of that fund.

Mr. McCUMBER. Just to get the information, will the Senator state the purpose for which the tax is now levied?

Mr. NELSON. I presume the justification for the tax upon the national banks is for the privilege of doing business as national banks. We make these banks pay that tax for the privilege of doing that business, just in the same way that we make the brewers and the manufacturers of distilled spirits and wholesale and retail dealers in liquor pay a tax; that is, we charge them that much for the privilege of carrying on the business of a bank of issue and a bank of commerce.

Mr. McCUMBER. And this tax, if I may interrupt the Senator, is covered into the Treasury?

Mr. NELSON. This tax goes into the Treasury.

Mr. McCUMBER. And is not utilized for any specific purpose?

Mr. NELSON. At present not. It goes into the general fund of the Treasury. The amendment proposes to set aside one-half of it as a special fund to be devoted to that purpose.

Mr. McCUMBER. What would be the amount that would be realized from one-half of the fund yearly?

Mr. NELSON. I have figured it out here. When I prepared the data for the remarks that I made some time ago I took the circulation that was then outstanding. I think it is a little less now. Some of it has been withdrawn since that time; I do not remember just how much. At that time the circulation outstanding was $690,000,000, and of that amount $672,000,000 were based on the 2 per cent Panama and other 2 per cent bonds. The tax on the circulation based on those bonds is one-half of 1 per cent a year. The tax on circulation, based on bonds of a higher interest-bearing quality, is 1 per cent a year. Upon that basis the total amount of the tax the banks pay would be $3,540,000 a year.

That does not take into account the emergency currency. In case emergency currency should be issued it would be 6 per cent a year upon the $500,000,000 that would be added. These figures are based upon the present system of circulation that we have. The emergency currency, if issued, will add a great deal to the fund.

One-half of this amount—that is, of the $3,540,000—would be $1,770,000 a year, and the fund is to be allowed to accumulate until it reaches the sum of $20,000,000. Every time a bank goes into insolvency the depositors are paid out of this fund. The Federal Government is subrogated; it steps into the shoes of the depositors who are thus paid and gets whatever it can get out of the assets of the bank, and that goes into this fund.

So, if in any case a national bank fails or suspends and there are depositors to pay, the Government in the first instance pays those depositors. Then the Government steps into the shoes of the depositors, and out of the assets of the bank realizes the dividends or whatever might be coming to the depositors, and the money that is thus realized by the Government goes back into the fund to increase it.

I do not know that there is anything more I have to say. I have gone into this question before and I am unwilling to take up the time of the Senate in needless discussion.

Mr. McCUMBER. Mr. President, I send to the desk the amendment which I have offered to the pending bill, and I ask that it may be read for information.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. It is proposed to add at the end of section 4:

That each and every national bank created, organized, and existing under and by virtue of the banking laws of the United States shall annually pay to the Comptroller of the Currency a charge of one-fiftieth of 1 per cent of the average annual amount of its deposits, for the purpose of creating a special fund to be held by the Treasurer of the United States and to be used and paid out by the Comptroller of the Currency for the purposes and as hereinafter specified and set forth in this act: *Provided*, That whenever, in the judgment of the Comptroller of the Currency, the said fund shall be sufficient to answer the purposes herein provided for he shall, upon reasonable notice to each of said banks, suspend the further payment of said charge.

That immediately upon the passage of this act the Comptroller of the Currency shall notify all national banks existing and doing business under the banking laws of the United States of this act, with notice that they shall within thirty days therefrom pay to the Comptroller of the Currency the amount of one-fiftieth of 1 per cent of their average annual deposits, as determined from the five reports made to the Comptroller of the Currency for the previous year. That if the officers of any national bank willfully neglect or refuse to comply with any or all of the provisions of this act, such failure or refusal shall be deemed a sufficient cause for the forfeiture of the charter of such bank, and it shall be the duty of the Comptroller of the Currency to cause proceedings to be instituted for such forfeiture.

That when any national bank, as mentioned in this act, shall hereafter have become insolvent, and after full liquidation and settlement its depositors shall not have been paid in full, the amount found to be due each and every depositor after such liquidation and settlement shall be paid by the Comptroller out of the fund created under and by virtue of this act.

Mr. McCUMBER. Mr. President, this amendment differs from the amendment offered by the Senator from Minnesota [Mr. NELSON] in effect only in creating a special fund that shall be utilized for this purpose. The fund out of which the Senator from Minnesota desires to pay the depositors is a fund already provided by law, or at least it is a taxation already provided by law and is a part of the income of the Government itself. This provides for a charge. I will not call it a tax, because it is for the purpose of regulation rather than for the purpose of an income. It provides for a charge of one-fiftieth of 1 per cent of the average amount of deposits in all the banks during any one year, or so much thereof as may be necessary to meet the demands for losses by depositors.

Under the provisions of this amendment, if a bank went into insolvency, before the fund would be drawn upon in any way the assets of the bank would be exhausted and payments made as they are made to-day. If there was then any deficiency, the amount necessary to pay that deficiency to cover the losses of the depositors would be paid out of this special fund.

I am willing to support this provision, or I am willing to support the one that has been proposed by the Senator from Min-

nesota. The objections that would be laid against the one would be equally forcible against the other. So I do not know that I care about taking a separate vote upon this proposition as contradistinguished from that of the amendment offered by the Senator from Minnesota.

This matter has already been discussed at considerable length, and I can only add a word or two to what has already been said. The losses annually, as I showed in a previous discussion on this subject, through bank failures from 1865 to 1903, when we, perhaps, had more panics and greater losses than we will ever have again in the history of the country, averaged about $851,000 per year. Taking the amount of annual deposits during those years, an average of one-sixtieth of 1 per cent would have paid all the losses of the depositors.

Mr. President, every Senator understands that to be a mere bagatelle and scarcely to be taken into consideration in the conduct of the banking business of the United States. The slight payment of this sum, which would never be felt by the banks themselves, would insure the country against any possible run, in my candid judgment, upon the banks, and instead of a requirement of one-fiftieth or one-sixtieth of 1 per cent I do not believe that it would require a charge or taxation that would be one-hundredth of 1 per cent. So the very fact of the knowledge of the depositor that he would ultimately be protected in his deposit would be such, in my judgment, as to prevent any run upon the bank.

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Illinois?

Mr. McCUMBER. With pleasure.

Mr. HOPKINS. The Senator was speaking about a depositor placing his money in the bank. The statistics show that the amount of deposits in various national and State banks aggregate twelve billion nine hundred and thirty-three million and some odd hundred thousand dollars.

We have, as a matter of fact, only about three billion of money in this country, taking all of the money that there is. So these figures show that there are more than $900,000,000 of credit represented in bank deposits. Now, does the Senator say that these credits should be guaranteed as well as money that is actually put in the bank?

Mr. McCUMBER. Mr. President, the credits, of course, are equivalent to deposits. They amount to deposits. We can not separate what the Senator calls credits from deposits. The bank books will show a credit or a deposit of about four times the amount of money there is in the United States. We can not separate the credits from the deposits. I intend to guarantee all of them. Any bill that will guarantee deposits must necessarily guarantee the checks or credits or whatever are accepted as deposits which represent money and which are a demand for money. So there can be no question about that.

But what does that argue? Does it mean that we are endangered in any way because of the excessive amount of these deposits over and above the amount of money in the United States to pay them? Mr. President, if every depositor to-day would call for his money in the banks there would not be enough money in the whole United States to pay one-fourth of the amount of the deposits. Every bank would be broken. But we all understand that business is not done on that line. We all understand that in a country with eighty or ninety million inhabitants there is not going to be a run upon every bank in the United States at the same time. In my opinion, as I have stated, and it has been supplemented and strengthened by the opinion of the Senator from Minnesota, whenever the depositors comprehend the facts that their deposits will be ultimately paid, such a law as that would in effect operate to stop all runs upon banks. I do not say that it would be impossible not to have a run, but I believe, as a rule, that we could say, except in very grave cases, there would be no runs upon the banks.

Mr. OVERMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from North Carolina?

Mr. McCUMBER. I yield to the Senator.

Mr. OVERMAN. Let me ask the Senator what would be the effect upon State banks if this bill should become a law? Would not every State bank necessarily become a national bank? It was stated on the floor by the Senator from Oklahoma [Mr. OWEN] that under a separate State law in his State all the national banks practically became State banks.

Mr. McCUMBER. I stated, in discussing this matter before, that it would either force the States to pass a law for the guarantee of deposits in the State banks or else it would force the State banks to nationalize.

Mr. OWEN rose.

Mr. McCUMBER. I think it would be beneficial if it would force every State bank to nationalize, so that we would have but one character of banks in the United States outside of savings banks.

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Oklahoma?

Mr. McCUMBER. With pleasure.

Mr. OWEN. I simply want to correct a misapprehension on the part of the Senator from North Carolina that I had suggested that all the national banks had become State banks. That is only true in certain special cases, where the competition was severe and where the State bank across the street could say that its depositors were guaranteed, while the national bank, which was its rival, could not make that assertion. In some cases it frightened the small national banker and he gave up his charter and it became a State bank.

Mr. McCUMBER. Mr. President, I am aware that the Senate of the United States is an exceedingly conservative body. It moves very slowly. It is very careful about taking any very great advanced steps. All its steps are very short and looking only a short way ahead.

But, Mr. President, since I have been here I have known bills to come before the Senate which could not receive the consideration at all of more than two or three Senators. I have seen them agitated year in and year out for three or four years, when there were not more than two or three Senators voting against them, where they represented a great national step, and in every instance where I have noted these changes I have not noted any very bad results. I can give as an example the pure-food law, which could not for a period of nearly five years get before the Senate even to be heard or to be amended or voted on, and I saw finally, when it was voted upon, there were, as I believe, only three Senators in the entire body who voted against it. I could cite other cases of that kind.

Mr. President, we are drifting toward this great end of protecting the depositors——

Mr. HOPKINS rose.

Mr. McCUMBER. Just one second—of protecting them against losses. We have a recommendation already before the Senate providing for deposits in our post-offices and then compelling the Government to loan the funds in order to protect the depositors and keep the money in circulation. It is said to us that especially the foreign laborers who come here and desire to put their money in the banks are afraid of the banks, that they will carry it around with them, and that if we will pass a law whereby they can deposit their money in post-offices, receive credit for it, and draw interest at the rate of 2 per cent, then we shall keep all the money in circulation.

I confess that I am not converted to that doctrine, though I may be, provided the proposition is carefully guarded and limited. I do not believe that the Government of the United States should make of itself a loaning agency to loan the money of the people out and then to pay them interest, which is the operation practically of this new suggestion. Yet the people are agitating that subject; we are drifting in that direction; and I shall not be surprised if within the next two or three or four years we shall have a bill of that kind before Congress and vote on it favorably, and thus protect the people in their deposits.

I think this is a much more simple and a really better method of keeping the money in circulation, protecting the people in their deposits, and giving them confidence that the banks will protect them and that the Government will protect the banks.

Mr. President, the only objection I have heard against this system that seems to me worthy of serious consideration is the objection that it is placing a premium upon the carelessness of certain banks; that the good banks that will look to their own character of doing business and to the reputation which they have honestly earned to secure for them depositors will fare no better than other banks. I admit that there is something in that proposition; but, Mr. President, if we should have a banking law of this kind, the result would be that every bank in the community would watch carefully every other bank and compel it to do business just as carefully as it does.

It would call the attention of the bank examiner to any laches on the part of the smaller banks or the inferior banks in conducting their business or in their failure to comply with the national banking law. That being the case, and we seeking by every possible effort to keep the money of the country in circulation, if we will take this simple device, we shall have accomplished something that will render absolutely nugatory and unnecessary all the balance of this bill, because it will reach the very subject that this bill is intended to reach, and that is to allay the fear on the part of the depositor that he will not be

able to get his money out of the bank. When you have allayed that fear, then you will not be under the necessity of adopting a system which in its nature every man must admit to be more or less injurious to the credit of the country—an emergency currency that shall expand and dilute and make worthless every dollar in the United States for a given length of time, and which we are compelled to admit will invite the very thing that has brought about, to a great extent at least, the serious difficulties which we were in during the last few months, and that is speculation.

If the people of the United States with speculative tendencies understand that when they carry those tendencies to the extreme limit of the exhaustion of the money of the country they can immediately expand the currency another $500,000,000, what have we got to guarantee us that the same speculative spirit will not lead them to an extent that will exhaust the other extra $500,000,000?

If we could guarantee, I repeat, that every man who places his money in a national bank would receive it again, dollar for dollar, we should never meet, in my candid opinion, the exigency against which the Aldrich bill is directed.

I am in favor of the Aldrich bill because I believe that the country is demanding it and because I believe, if we do not change our system, we shall be liable to reach a condition in which it will be seriously demanded again of the Government that it protect the people. That is the only reason in the world why I could give it support. But I hope, Mr. President, that we shall sooner or later reach the conclusion that we had far better guarantee the depositors directly than to guarantee them indirectly by receiving their money into the post-offices, then loaning it to the banks again, and charging interest to the banks, we collecting that interest and paying it over to the people.

Mr. PILES. Mr. President, I had not intended to make any remarks on this amendment, as I felt that the Senator from Minnesota [Mr. NELSON] had fully covered the case, but that Senator prefers that I make a statement of my position on this proposed amendment, and I shall therefore detain the Senate but a few moments.

There seems to be an impression in the minds of some that this amendment partakes of governmental paternalism, and for that reason they oppose the amendment. If I thought for a moment, Mr. President——

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Washington yield to the Senator from Rhode Island?

Mr. PILES. Certainly.

Mr. ALDRICH. I hope that before the Senator gets through with his discourse, as he is a practical man, he will tell us what the practical effect of this amendment would have been if it had been in operation for the last three months.

Mr. PILES. Well, I may not be able to do that, Mr. President, because we had no fund to operate upon during the last three months; but I was going to say if I felt that this amendment smacked of governmental paternalism I should oppose it, because I do not believe there is any man in this Chamber who believes more thoroughly in individualism than I do. I believe that every man should be made to fight his own way in the world, and if I believed that the Government was going to step behind an individual depositor for the mere purpose of protecting him I should not for a moment support this amendment.

Mr. ALDRICH. Will the Senator from Washington allow me to make a suggestion to him?

The VICE-PRESIDENT. Does the Senator from Washington yield to the Senator from Rhode Island?

Mr. PILES. Certainly.

Mr. ALDRICH. I will state what I understand would have been the practical operation of this amendment if it had been in effect for the past three months, and I shall be glad to have the Senator from Washington state wherein I am in error, if I am in error.

The amendment provides for a fund which, according to the Senator from Minnesota [Mr. NELSON], would amount to $1,700,000. It directs the Secretary of the Treasury to pay the depositors of failed banks the amount of their deposits. If it had been in effect during the last three months, the Secretary of the Treasury would have had a fund of $1,700,000 with which to pay $33,000,000 to depositors of failed banks. It would take twenty years at least for a fund to have even accumulated sufficient to have paid the deposits of those banks, to say nothing about those banks that might fail at a later date. I should be glad to know in what way the deficiency would be provided for.

Mr. PILES. Mr. President, there are two ways of looking at the proposition. I see the Senator from Rhode Island does not agree with my view at all.

In the first place, if we had had this fund, in my judgment, we would not have had the October panic, because there was no sound reason for that panic. One reason why I am supporting the Senators' bill is because I believe if the people of this country who have money in banks understand that when they make a run upon a bank, that that bank may meet that run by an issue of emergency currency, that in itself will have a very strong tendency toward suppressing panics in this country and runs on banks.

Believing that panics should be stopped and that it is the duty of the Government, so far as it can in the exercise of its lawmaking powers to do all it can lawfully do to prevent panics, I believe that if this fund shall be created the people who put their money in banks will not make runs on the banks, except in very rare cases.

We want to keep all the money we have in the country in circulation. Just the moment that a panic is whispered throughout any section of the country, some one immediately commences to draw his money out of the bank, and when one commences another follows, and so in a little while runs are made upon the banks, and in the end the whole country is thrown into a panic.

Mr. President, the amendment proposed by the Senator from Minnesota is not a guaranty upon the part of the Government to pay the money deposited by an individual depositor in a bank. To my mind, this Government made a great mistake when it enacted the national banking law by not then providing that the banks should pay a tax upon their circulating notes, as they now do, and that the money derived therefrom should be set aside as a fund to protect depositors in the national banks. National banks are, in a sense, agencies of the Government. The Government guarantees the payment of every dollar that the banks put in circulation, and it takes security from the banks for the purpose of protecting itself on the guaranty which it makes to the note holder. If the Government had required the banks to pay a tax for the purpose set forth in the Senator's amendment when the banking system was first started, no one would have ever thought about the question of paternalism in connection with the precaution thereby taken by the Government for the protection of bank depositors.

But, Mr. President, it was said that this amendment is solely for the purpose of protecting the bank depositors. I think this a mistaken view. The amendment, as I view it, is for the protection of all the people. There are hundreds of thousands of people in this country who never deposit a dollar in a national bank who are vitally interested in the success of those who have their money deposited in such banks. Numerous industrial establishments have on various occasions been compelled to shut down and throw thousands of men out of employment by reason of bank failures. The loss, for instance, of a great manufacturer of his money in a bank failure does not affect him alone; it affects the thousands in his employ, and through them frequently a whole community, reaching, as it often does, into more than one State in the Union.

But I do not care to take up the time of the Senate at the present in further discussing this amendment. I believe the day is coming when the people of the country will realize that panics may be largely averted by taking such steps as will prevent bank failures, and that the amendment proposed by the Senator from Minnesota is cast upon correct lines.

Mr. OWEN. Mr. President, there are two ways to prevent damage by fire. One is to have an abundant water supply after a building capable of combustion is on fire, and the other way is to have the building itself fireproof. The real cause of a panic is the withdrawal of money by the depositor for hoarding. That is the real cause of a panic. The preliminary which leads to that fear I do not care to debate if the fear itself can be thoroughly removed by an adequate plan.

I call the attention of the Senate to the fact that there is no novelty in the principle of insurance for depositors, even in our own country. The principle has already been written into our laws. There are already in our laws two great bulwarks for the protection of depositors. The first protection is the money of the banker invested, which must stand the first strain of loss before the depositor will suffer. There is a second bulwark to protect the depositor, and that is the double liability of the stockholder, which amounts in this banking system of ours to $800,000,000. It is abundant, with the exception of about $85,000 of average annual loss during the last nine years.

The statistics show, as given in the report of the Comptroller of the Currency sent to the Senate, that the losses to depositors during the last nine years have only been $85,000 a year, and only about $700,000 a year since the foundation of this system. Therefore the fund of $1,750,000 a year proposed by the amendment of the Senator from Minnesota is nearly three times as much as the losses during the life of the system and is thirty-odd times as much as the loss during the last nine years.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Indiana?

Mr. OWEN. Certainly.

Mr. BEVERIDGE. The Senator is answering the question that I put to the Senator from Minnesota. The purpose of this fund, as I understand, is that the depositors shall be immediately paid. The double liability of stockholders which the Senator speaks of and the assets of the bank, which are liable to the depositors, can be realized upon only after a considerable time. So the fund provided for by the amendment and that liability do not dovetail into each other. I understood the purpose of the creation of this fund was to meet the immediate demands of depositors, otherwise the Senator's explanation would be perfect. The fund would be adequate, but in view of the fact that the liability can not be realized on for a long time, and the depositors want their money right now, and the purpose of this fund being to pay it right now, the fund would not, to my mind, seem to be adequate. That is the only objection that I can see to this amendment.

Mr. OWEN. I will endeavor to satisfy the Senator from Indiana, and will call his attention to the fact that if such a provision had been in operation since the last panic we would have had nearly $30,000,000 on hand, or certainly a very large amount—I have not the precise figures before me—but it would be over $20,000,000, I take it. But the important point is that this fund would not be required except in the case of insolvencies brought about by the fear of the depositor, and when you remove the fear of the depositor he does not start runs upon the banks. Since this fund is accumulative and since, even in our country, where we have had no protection against panics, these periodic disturbances have not exceeded one in ten or twelve years, the accumulative effect of this would be that before another panic would take place, under normal conditions, there would be an accumulation sufficient to abundantly meet its demands. The proviso which I suggested proposed to use all of the funds paid in on account of the tax on circulation, which amounts to $3,000,000 a year, because it is better to have an abundant fund than to have one about which there could be the slightest question; and since that matter, if it is open to doubt, can be readily corrected by using a larger part of this fund for circulation, the Senator's amendment could be corrected by using all of that fund. In that way there would be provided a fund sufficient to absolutely protect the depositor against fear. When that shall have been done, we have a fireproof building.

Emergency currency is to remedy the matter after the panic occurs; and inasmuch as the remedy will be availing after the panic occurs, it has also a preventive force, because when men know that they can get currency under certain conditions they will not be afraid of not getting currency. Both the emergency circulation and the insurance of deposits act in the same way, to prevent the fear of the people, which, after all, is the soul of a panic.

The Senator from Rhode Island asks what would have been the effect of such a provision if it had been in force during the last three months. I say that if this provision had been on our statute books, and if the bill which the Senator from Rhode Island has brought in had been on our statute books, there would have been no panic last October. The real cause of the panic was the withdrawal for hoarding. That amounted, not to $200,000,000, not to $400,000,000, but it amounted to a much larger sum, which was not made good even by the $220,000,000 deposited by the Government from the Treasury, but required clearing-house certificates from one end of this country to the other, the total amount of which, as I have shown here, being over a thousand millions of artificial money put into use in this country during the last panic.

I call your attention to another very important thing. When you give security to the depositor he will then take out of hoarding a large volume of currency which now is locked up and is not available to our commerce. There are hundreds and thousands of people who do not propose to trust their little earnings, as the Senator from Minnesota did his $500, to any bank whatever. They keep it at home locked up in their trunks, locked up in strong boxes; but if we were to provide this security for the depositor, we would then have withdrawn from hoarding a vast volume of money. I think it would amount to five or six hundred million dollars, which would be added to the funds of this country available for our commerce, and we would get over the paralysis which has fallen upon our business. Men would again feel the sense of security that it is necessary for a man to feel before he will invest his money in any enterprise whatever. The trouble with men in these enterprises is that they fear the unexpected constriction of credit that will ruin any business man in any enterprise if it comes upon him unexpectedly. Take the great enterprise of Westinghouse, built upon a magnificent foundation, about which no question could arise. And yet the constriction of credit coming suddenly upon that enterprise, which is a great creditor and a great debtor as well, and since in our country every man who is in business is both a debtor and a creditor——

Mr. SMITH of Michigan. I should like to suggest to the Senator from Oklahoma that possibly it might have been the unwise expansion of credit of the concern he has just mentioned instead of the contraction of credit that brought it to the situation which he describes.

Mr. OWEN. They were not in any trouble until the hoarding of money began, and when that hoarding took place and the panic was on, then their expansion of credit, both the credits they extended and the credits they had previously received, caused them to suffer, because they then could not collect from their debtors and their creditors pressed them severely for settlement.

Mr. SMITH of Michigan. Yes; but if the Senator will permit me, the fact is that just such concerns as the Senator from Oklahoma has referred to put their notes upon every banking counter. I doubt not in the Senator's bank in Oklahoma the notes of this concern were offered. They got beyond their capital. They tested their credit to the limit and were caught in the gale with all their sails out. While they will undoubtedly recover, it is possibly the fault of our system that the expansion was so general.

Mr. OWEN. I will agree with the suggestion of the Senator from Michigan that any man who extends his credit beyond a sound basis will necessarily reach his personal liquidation. That will follow as the law of gravity. But it will not do to say that the enterprises in this country, from the Atlantic to the Pacific, were on an unsound basis. They were moving along with perfect serenity and without any disturbance whatever until this sudden hoarding of deposits took place, the employment of lock boxes all over the country began, and the panic was on. Then, of course, they suffered.

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Pennsylvania?

Mr. OWEN. With pleasure.

Mr. KNOX. There having been a reference made by the Senator from Oklahoma to the Westinghouse concern, I should like to say to him, because I think I know what I am speaking about, that those institutions were not upon an unsound basis; that their credits were not improperly expanded. The difficulty simply was that they were doing more business than they had capital to do. There were such enormous demands for their output, even at profitable prices, that they could not expand their operations to meet them without more capital.

My own judgment is—I state it with some hesitation, because you are talking about a very large subject when you talk about the cause of the panic—that the fundamental cause of the last panic was that this country was doing more business than it had either men, means, or machinery to conduct; and some one's particular want of capital, as, for instance, the Westinghouse concern, brought us to a sudden realization of that fact, and an inspection of the situation developed that it was general, and that was the reason of the panic.

Mr. OWEN. Until the lock boxes became popular there was no affliction in this country in the way of lack of capital; but when the hoarding went to the extent of four or five or six hundred millions and the money went out of sight, and what is more important—and I call the attention of the Senator to it—when that fear swept over the country, it resulted in the constriction of an ephemeral currency which we have in this country amounting to about three thousand millions—checks and drafts. If you will examine the reports of the Comptroller of the Currency for 1884 and 1893, you will find that the exchanges diminished one-half. Those checks and drafts in normal times serve the purpose; and with that shrinkage and with this hoarding of money by the frightened depositors they did indeed need the capital and lacked the capital necessary to carry on a safe and stable business.

Now, I want to call attention to one other item with regard to this matter, and that is the statement that this would give a premium on bad banking. By bad banking is meant either wasteful, extravagant, or dishonest banking. Criminal banking is controlled by a criminal code. Extravagant banking is controlled by the interests of the banker who has his fortune invested in the bank and which must suffer loss before the depositor suffers. Therefore that argument is one which goes at right angles to self-interest, which after all is the great control of business men.

It has been suggested that perhaps individualism would be destroyed by insuring these deposits, but I call attention to the fact that the individual banker goes into the banking business and invests his money in the banking business for the purpose of making money, for the purpose of protecting his family and taking care of his fortune. He is not going to be neglectful of his own welfare and of his own interest simply because he is taxed perhaps a little more to secure his depositors. He will be guided by the same rules of enlightened self-interest that guide the banker now. It will make no substantial difference whatever.

I hope the Senate will find upon examination that either the amendment of the Senator from North Dakota or the amendment of the Senator from Minnesota would be a wise addition to this bill.

Mr. McCUMBER. Before the Senator from Oklahoma takes his seat I want to ask a question. It may be answered either by the Senator, who has given the question a great deal of thought and consideration, or by the Senator from Minnesota, who is, I believe, a member of the Finance Committee.

Mr. NELSON. No.

Mr. McCUMBER. I understood that he was. But in either event they possibly can answer the question.

Under the amendment offered by the Senator from Minnesota the tax is levied upon circulation. That is, the fund out of which these payments are to be made is a fund raised by a levy upon the circulation of the banks. Now, one bank may issue a circulation of a hundred thousand dollars and may have deposits of $5,000,000. Another bank may issue a circulation of $100,000 and have deposits of $50,000,000, or ten times the amount. I candidly put the proposition to both of those Senators: Why would it not be more equitable and just, if we are to create a fund for this purpose, to base that fund upon the average annual deposits rather than upon the circulation? The bank then which receives the greater amount of deposits and incurs thereby the greater amount of liability to its depositors would also pay the greater amount into the fund, in accordance with its deposits. It would seem to me that that is the proper way.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Minnesota?

Mr. NELSON. For just a minute.

Mr. OWEN. I do.

Mr. NELSON. There was a time in the early history of national banks when they were required to pay a tax on deposits. I do not recall now how many years ago that law was repealed, but there was such a law. However, the banks were finally relieved of that burden.

Mr. McCUMBER. That does not answer the question. We are creating a burden for a specific purpose. The burden must be borne by the banks under the present law. The fund that arises must be a charge upon the banks. The bank to be benefited will be benefited to the extent of its deposits, and if it is benefited to the extent of its deposits, then why should not the charge be made in accordance with its average annual deposits?

Mr. OWEN. Mr. President, I agree with the Senator from North Dakota that it would be more equitable to place the tax upon the deposits. I am perfectly willing to vote for either amendment, but I think the amendment of the Senator from Minnesota has value in that it provides for the accumulation of this fund out of a tax already in active operation. It would not make any new machinery necessary. The total amount of the tax which would be required according to the statisics of the last nine years, excluding the recent panic, would be a matter so small as to be a negligible quantity, and therefore I think the amendment proposed by the Senator from Minnesota, while not quite as equitable as the suggestion of the Senator from North Dakota, would serve the purpose perfectly well and without any harmful effect.

Mr. ALDRICH. Mr. President, there are so many serious and obvious objections to the amendment suggested by the Senator from Minnesota that it does not seem necessary to present any of them to the Senate. This is a proposition to guarantee by the Government of the United States—because that is the practical effect of it—first four thousand two hundred million dollars of liabilities of national banks and possibly thirteen thousand million dollars of deposits of all the banks of the country. It is substantially a proposition to guarantee the deposits and the loans of the men in New York who have been the objects of most of the speeches which have been made upon the other side of the Chamber in objection to the legislation which we now propose.

The failure of one bank in the city of New York with $160,000,000 of deposits would require the Government of the United States to pay those depositors who are business men, who are speculators, a sum which would wipe out the capital and the surplus of the banks in eighteen States in the Union. This legislation, if adopted at all, will be primarily for the benefit of the great institutions of the country. The people of the States of the Union are not interested in this question. They are not the depositors. I refer to the common people. The people who deposit in banks and the people who borrow the resources of banks are business men, who can take care of themselves, and there is no reason why we should run mad in this idea of paternalism. If the Government of the United States is to guarantee the contracts of one class of people, why not of all? What is there about the people who borrow money of a bank (because in the last analysis a guaranty of deposits is a guaranty of loans) and what is there about their business which requires this Government to guarantee their transactions? It seems to me that the objections to all this class of legislation are so overwhelming and so obvious that it is not necessary to discuss them at length.

Mr. McCUMBER. Mr. President, I can not let go unchallenged this constant assertion which has been made by the Senator from Rhode Island [Mr. ALDRICH] that a single failure in the city of New York would immediately involve this Government in the payment of $160,000,000.

Mr. ALDRICH. It makes it responsible.

Mr. McCUMBER. It makes it responsible for four thousand million dollars over the United States, but in all the history of the banking laws of the United States since 1865 we have not run over an average of $850,000 in a single year from all of the banks, and we can only base our judgment upon the experiences of this country. If during that period there was not an average of over $850,000—less than a million dollars—in a single year, what basis does the Senator have for assuming that we are liable to pay a hundred and sixty million dollars in a year any more than he has for saying we are liable to pay the four thousand millions in a single year because our obligation is to that extent?

We know generally and can estimate fairly well what the average loss due to the failure of banks will be one year with another. We can get an average loss in the year, and if in the past forty-three years there has been a loss of only about that much a year, what basis have we to assume that it will be increased twenty or thirty or forty times in the next few years and that we will be required to pay a sum which would take all the banking capital of all the States of the Union?

Mr. SMITH of Michigan. I should like to ask the Senator from North Dakota if the risk to depositors is so small, if the liability to loss is so inconsequential, why should we enter a field of so much speculation and doubt?

Mr. McCUMBER. It does not make any difference how small the liability is. The whole object of this legislation is to protect the country against just such conditions as we had during the past few months by securing a proper preventive to those conditions. Here is that preventive: To insure the confidence of depositors, so that all of the money in the United States shall be kept in circulation where it belongs, and when we shall have secured that we shall have met the very contingency against which we are attempting to legislate in this bill.

Mr. SMITH of Michigan. I can not assent to the suggestion of the Senator that that is the whole object of this amendment or its effect. The truth is that this proposes to invade the field of individual initiative and individual enterprise and substitute for the voluntary daily transactions of men the official supervision and direction of every-day business affairs by the Government of the United States. I am not ready to subscribe to the idea that the American people are not competent to conduct their daily transactions with one another without having an officer of the United States present to supervise and direct them.

Mr. McCUMBER. And, Mr. President, every year the Senator votes for an appropriation for a vast army of these men to supervise the very banks of which he is speaking. That is not paternalism?

Mr. SMITH of Michigan. No.

Mr. McCUMBER. We send our examiners year in and year out into every national bank in the United States. We supervise those banks. They are a part of the machinery of the United States. We supervise them not only for the protection of the Government, but for the protection of the people of the United States, so that their interests may be safeguarded, and we tell those banks what they shall do and what they shall not do.

What is the difference between a bank the stock of which is owned by a dozen individuals and a partnership of an equal number of individuals? After all, it is the brains of the men who conduct the business affairs, and the Government says,

"Notwithstanding your abilities, notwithstanding your interest in that bank, we will control your conduct, and you must conduct your business according to the laws of the country, and we protect you according to those laws."

Mr. SMITH of Michigan. I am very glad the Senator from North Dakota has called attention to the present system of national-bank examinations. If that is the best function that the Government can exercise, it is not a good one. For my own part I am entirely out of accord with the system of national-bank examination now in practice and the manner of the payment for these visitations to national banks.

The Senator from North Dakota might improve the system very greatly. If the Government were to pay the examiners who go through the affairs of national banks a reasonably fair salary for the work they do, and if they were made to remain in a bank until they understood fully its operations and condition, the system of examinations would be very much more effective than at present, where examiners attempt to cover too much territory for real effectiveness.

Mr. NELSON. Will the Senator from Michigan allow me to make an inquiry? As to the bank examiners who go around and examine the banks, is it the circulation or is it the loans and discounts they examine into?

Mr. SMITH of Michigan. I do not think they pay any attention at all to the circulation.

Mr. NELSON. It is their other business. Is it not paternalism for the examiners to be prying into that business especially?

Mr. SMITH of Michigan. No; it is not. It is a fair and wise supervision of a semipublic corporation. The banks pay these men. If I had my way about it I would put every national-bank examiner upon a good salary, paid directly by the Government, and I would not have the banks whom he is selected to supervise and investigate pay it at all. The truth is that the national-bank examiners do their work as well as they can under the circumstances, but they do not do their work as thoroughly as they ought to do it, and the Government ought to employ more men and, if necessary, pay them better for the service required in looking through every detail of the national banks of our country.

No; I do not regard such service, as the Senator from Minnesota says, as paternalism. I regard it as a very proper sphere of our activity. We have not gone quite far enough in it.

Mr. NELSON. Let me ask the Senator if, in his opinion, it is not paternalism for us to send examiners to look after the national banks when we do not send them to look after other people's business? Why do we select the banks?

Mr. SMITH of Michigan. Because they are especially chartered by Federal law. They are the creatures of the National Government. They issue the notes, in accordance with our authority. Why should not the examiners go there? There is not a State in the Union that does not supervise its banking laws and the conduct of State banks. Why should not the Federal Government do it as to the national banks? I think we would be very lax indeed if we failed to do it, and we ought to do it more thoroughly, and as the Senator from Massachusetts [Mr. LODGE] very properly says to me, we send agents to examine our post-offices and to examine the accounts of postmasters. No; we are in our proper field, but we have not done our work as well as we ought to do it.

Mr. McCUMBER. Mr. President, answering the Senator from Michigan for a moment, I am glad to note that the Senator does agree with me entirely that it is not paternalism for the Government to look after the affairs of corporations which it creates. There is no disagreement between the Senator and myself as to that not being paternalism, nor is there any disagreement between us as to what should be the manner of examining the banks. But that is foreign to the issue.

While the bank may be, as the Senator suggests, a voluntary association, it can not be incorporated unless the Government says it may be incorporated. The Government passes its laws as to the amount of circulating medium it may issue; it passes its enactments as to the methods by which it shall conduct its business; and in addition to that it controls its business, with what end in view?

With the end in view that it may take deposits and that it may protect those depositors. It compels it to do business on a business basis. It compels it to retain 15 per cent, or whatever per cent it may require, in the vaults of the bank, that the depositors may have greater security; and if that is not paternalism, to compel the banks to make provision for securing the depositors, how can you say it immediately trenches on the field of paternalism if you go a step further and say, "You shall make provision to protect them absolutely?"

Mr. SMITH of Michigan. According to the Senator's own statement, the depositors are protected now; there is very slight loss. Why go further and involve the Government in all the vast details of private enterprise? This is not the purpose or spirit of our institutions, and if insisted upon will supersede individual responsibility.

Mr. DOLLIVER. Mr. President, I have been very much attracted by these propositions to guarantee deposits in national banks. A large number of people, many of them bankers, in my own community appear to be drawn favorably toward this proposition, and I have listened with a very great deal of interest to the arguments which have been advanced from time to time during the course of this debate in reference to it.

I regret that I have not been able to bring my mind to an agreement with the opinions which have been so forcibly expressed by the Senator from Minnesota [Mr. NELSON], by the Senator from North Dakota [Mr. McCUMBER], and by the Senator from Oklahoma [Mr. OWEN]. For a minute I desire to call the attention of the Senate to the difficulties which I have found in coming to an agreement with those Senators.

In the first place, I take very little interest in the argument that is based upon the alleged paternalism involved in these amendments. I do not care particularly whether the Government is paternal or not, so it is wise and just and efficient in what it does. But my objection to such propositions is of a more practical character. In the first place, it looks to me as though it would create confusion and a form of injustice to those banks which are not within the legislative jurisdiction of Congress. If we should guarantee the deposits in national banks, we would create an unfair disparagement of those banking institutions, nearly as numerous in every community as the national banks, which are not, in the nature of the case, admitted to share in these benign provisions.

It has been said the States would rapidly bring their banking institutions within the scope and influence of this legislation. I do not know whether that is so or not. I do know that in the State of Kansas an extraordinary session of the legislature was called for the purpose of bringing the State of Kansas within the zone of guaranteed banking which had been established in the neighboring State of Oklahoma, and that the legislators, after weeks of very intelligent discussion, dismissed the proposition, so far as the banks in the State of Kansas were concerned. I have seen no evidence anywhere that it would be practicable to bring the banking institutions of the State within the scope and protection which this amendment proposes to offer to the depositors in national banks.

Mr. ALDRICH. I will state to the Senator from Iowa that the deposits in banks other than national banks are nine thousand million dollars, while the deposits in national banks are about four thousand million dollars.

Mr. DOLLIVER. I thank the Senator. I have no very profound insight into the mysteries of finance, but it seems to me that if we would set up in the country this guaranty in respect to a portion, and a minor portion, of the deposits of our people, instead of being an element of stability and confidence it would be an element of confusion and ultimate misfortune.

Again, it appears to me that a bank, by the nature of its business, ought to stand on its merits. People, at least so far as my observation goes, select their bank for deposit with some consideration, at least, of its standing, of the character of the men who are its officers and directors, and of its financial and commercial record in the community.

I look with extreme doubt upon the wisdom of putting all the banking institutions of the country upon a common level of safety and security, thereby taking away from well-managed institutions the prestige and influence which they command by reason of their business methods and repute. I am afraid that in seeking to prevent a run on all banks by scared depositors we would institute a run on all well-managed banks in the interest of those who offer more alluring temptations to depositors to put their money in speculative and unstable institutions.

The Senator from Oklahoma suggested, seeing, I think, the force of that practical reasoning, that he would apply this guaranty only to the running deposits and not to those deposits put in on time and for a given rate of interest. I should be afraid of that as a practical proposition. I should be afraid that, seeing that their time deposits were not guaranteed by the Government, the banks might be tempted to use the resources of the bank to pay the time depositors and let the Government take care of the responsibility arising on account of current deposits.

So I fear that, as a working proposition, instead of helping our banking situation it would harm it and injure it by taking

away from well-managed banks the influence and prestige in the community which they have earned by a record of honorable dealing with their customers.

Now, another thing. I fear also that the guaranty of deposits would operate swiftly and dangerously to reduce bank capital all over the United States. What is the object of the capitalization of a bank? If I have got hold of the right authorities, the capital of a bank is its redemption equipment, and the security of depositors in our banks now rests in the fact that they have a capital stock which is available for redemption purposes; and in connection with the stock there is a double liability to the creditors upon the shares which each stockholder may hold.

It has been said that there is only a small ultimate loss in the liquidation of failed banks. That is fortunately true, and it is an admirable tribute to the essential integrity of American business. But it arises from the fact that in addition to the deposits the creditors rely, in part, at least, upon the capital stock of the bank and upon the legal liability of the stockholders in double the amount of each man's interest in the stock.

Now, if you create a dead level of safety, if you make it out of the question for a bank to fail to pay its depositors by putting the Government in a position of taking care of that liability when it arises, where is the need of bank capital, and what, for example, would be the practical effect of the temptation which would instantly arise to reduce the capital from $100,000 to $50,000? If the Government is to pay, why should the capital be maintained at $100,000?

I think it becomes those of us who are interested in the practical aspect of the question to consider whether we would not lawfully, in guaranteeing the deposits in a bank, spread an allurement before bankers all over the country to diminish the caution and care with which sound business policy now guards the business community through the capitalization of the banks.

That leads me to say a word in conclusion. We have heard a good deal said about the origin of the panic. I do not intend to discuss that question. I agree, however, with the Senator from Pennsylvania, and I believe it is in line with the authorities that have given a practical study to the question, that undoubtedly our troubles arose from the pressure of our enterprises and our speculations and our business investments upon our available capital in the United States. It is all folly to talk about our panic here having been started by this or by that. Last September I read an article in the Atlantic Monthly by a famous American economist—an article that must have been written at least in August—in which he was speaking of the effect of the gold inflation of the last ten years upon prices and upon the state of business. In that article he pointed out the fact that long before the panic became flagrant in the United States it was pressing with terrible hardship upon every market place in the commercial world, upon England, upon Germany, upon far-off Australia, and upon Canada, and the consensus of opinion then was that the business of the world had outgrown the resources available for its management.

Hence, it has been with a certain sense of weariness that I have heard discussed here a panic attributed first to one thing and then to another, disregarding a world-wide situation, which has been under the discussion of scholars and students for the last two years throughout the world.

I do not know whether the measure which has been presented by the Finance Committee will be as effective as we hope or not. I like it, partly because nobody speaking for the so-called "system" seems to be in favor of it. I have observed affairs about this Capitol for a good many years, and I have noticed wherever there is a dreadful amount of enthusiasm over a measure from any quarter it requires only a very slight effort to uncover the interest that is seeking to promote its welfare through the machinery of the Government of the United States. When I find a bill originating with Congress without frantic friends among the great banks or banking associations, capable upon a minute's notice of attracting an adverse resolution in boards of trade and institutions affiliated with great speculative affairs, I have made up my mind, slowly but deliberately, that the Senate Finance Committee has got hold of a proposition which, without holding out the promise of profit to the banks, is in the interest of the American public, not seeking to give extra returns to special interests, not seeking to promote any questionable enterprises, but seeking in a plain way to give the American business community a supply of circulating money in times of excitement and panic and commercial disaster.

I shall therefore vote with great pleasure for this bill, and I am inclined to cast my vote against all propositions which propose to lift from the banks the old-fashioned responsibility of taking care of their depositors without calling in the aid of the Government.

Mr. HEYBURN. Mr. President, under no circumstances could I vote for any measure that embodied a guaranty by the United States that any kind of business enterprise would be successful through the means of the Government's Treasury. Banking is only one of many business enterprises in the country. I would much sooner vote for that paternal exercise and care and supervision over the agricultural interests, or any other industrial enterprise, by the Government to insure the payment of the wages of the laborer. I would much sooner vote for a provision that would require the Government to come to the aid of the great agricultural interests of the country.

But that you should seriously propose that the Government of the United States should insure the repayment by a bank of the deposits voluntarily placed there by the owner or custodian of the money seems to me like going wild beyond all possible conception of a conservative government. Governments were not founded for such a purpose. There is not a spark of such a spirit in this great Government or in the Constitution upon which it rests as to prompt the understanding mind to carry the machinery of government into the insurance business.

The success and the perpetuity of this Government depends on its keeping out of business of all kinds—keeping out of the banking business, out of industrial enterprise, out of the management of business concerns, only holding the balance even as between those who engage in business. That is all—just holding the balance even, so that every man may have and enjoy the same rights as another man, and that every combination of men shall, combined, have no greater rights than has every individual in the country. That is the true measure of justice, and I am appalled at the seeming strength and enthusiasm behind the measure that shall make the Government of the United States the guardian against the incompetency and bad judgment of every individual in the United States in selecting a custodian for his temporary wealth.

Mr. GORE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Oklahoma?

Mr. HEYBURN. Certainly.

Mr. GORE. I should like to ask the Senator if he thinks the United States Government ought to make the banks guarantee the repayment of the deposits of the United States Government?

Mr. HEYBURN. I would not deposit the money of the Government of the United States in these banks at all, except to the extent of the necessities of the Government, through its disbursing officers, for its own convenience. Then the deposits would be limited to the current pay rolls or the necessary provision for them. I am unalterably opposed to accumulating a fund through taxation or any other governmental source that it may be loaned out to the banks. As long as the banks think that they may obtain this kind of relief, so long will they put themselves in a position where they will appear that they need it.

Mr. GORE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield further to the Senator from Oklahoma?

Mr. HEYBURN. Certainly.

Mr. GORE. I agree with the Senator that Government deposits ought to be very small in these banks, but I should like to ask him if he would guarantee the small deposits?

Mr. HEYBURN. I would not have the Government guarantee any man's contract.

Mr. GORE. But would the Senator require the banks to guarantee the deposits of the Government?

Mr. HEYBURN. Mr. President, if the Government is to manage and control the detailed affairs of the bank, I might take up for consideration how far I should go, but this proposition does not embody that idea. We are not proposing that the Government shall control the affairs of these banks in the ordinary performance of their duty. I certainly would oppose any bill which proposes that the Government should control or be responsible for a banking concern as I would oppose the Government control of an iron foundry or a lead smelter. There is no reason why the Government should become sponsor or a guarantor for one more than the other.

Let us keep this great Government to its proper functions of governing the people and not engaging in the business enterprises of the people, either as a participant, as a guarantor, or a beneficiary, further than to the extent of collecting revenues through well understood and carefully enacted laws to pay the expenses of running the Government. This thing of accumulating two or three hundred million dollars in the Treasury and then, forsooth, because we have it, going into business in partnership with individuals or with corporations is a departure that I can not for a moment countenance.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Minnesota.

Mr. NELSON. I should like to have the yeas and nays on the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FOSTER (when his name was called). I again announce my pair with the senior Senator from Connecticut [Mr. BULKELEY]. If he were present, I should vote "nay."

Mr. ALDRICH. I am sure the Senator from Connecticut would vote "nay" if he were present. I think the Senator from Louisiana would be at liberty to vote. I call the attention of the junior Senator from Connecticut.

Mr. FOSTER. With that assurance on the part of the Senator from Rhode Island, I will feel at liberty to vote.

Mr. ALDRICH. I am sure the senior Senator from Connecticut would vote "nay" on this proposition if he were here.

Mr. BRANDEGEE. I am quite sure he would vote "nay."

Mr. FOSTER. I vote "nay."

Mr. FRAZIER (when his name was called). I again announce my pair with the junior Senator from South Dakota [Mr. KITTREDGE]. He is not present and I do not know how he would vote upon this amendment. I therefore withhold my vote.

Mr. GAMBLE (when his name was called). I again announce that I have a general pair with the senior Senator from Nevada [Mr. NEWLANDS]. Arrangements have been made whereby that pair has been transferred to the senior Senator from Maine [Mr. HALE]. I vote "nay."

Mr. OVERMAN (when Mr. SIMMONS's name was called). I was requested by my colleague [Mr. SIMMONS] to announce that he has a general pair with the junior Senator from Minnesota [Mr. CLAPP]. If my colleague were here he would vote "nay."

Mr. WARREN (when his name was called). On this vote I transfer my regular pair with the Senator from Mississippi [Mr. MONEY] to the senior Senator from Ohio [Mr. FORAKER] and I will vote. I vote "nay."

The roll call was concluded.

Mr. NELSON. I desire to state that if the Senator from South Dakota [Mr KITTREDGE] were present he would vote for this amendment.

The result was announced—yeas 11, nays 49, as follows:

YEAS—11.

Ankeny	Gore	Nelson	Stephenson
Borah	La Follette	Owen	Taylor
Brown	McCumber	Piles	

NAYS—49.

Aldrich	Depew	Guggenheim	Perkins
Allison	Dick	Heyburn	Platt
Bankhead	Dillingham	Hopkins	Richardson
Bourne	Dixon	Johnston	Smith, Mich.
Brandegee	Dolliver	Kean	Smoot
Burkett	du Pont	Knox	Sutherland
Burnham	Elkins	Lodge	Teller
Burrows	Flint	Long	Warner
Clay	Foster	McCreary	Warren
Crane	Frye	McEnery	Wetmore
Culberson	Gallinger	McLaurin	
Cullom	Gamble	Overman	
Curtis	Gary	Paynter	

NOT VOTING—30.

Bacon	Clarke, Ark.	Hemenway	Scott
Bailey	Daniel	Kittredge	Simmons
Beveridge	Davis	Martin	Smith, Md.
Briggs	Foraker	Money	Stone
Bulkeley	Frazier	Newlands	Taliaferro
Carter	Fulton	Nixon	Tillman
Clapp	Hale	Penrose	
Clark, Wyo.	Hansbrough	Rayner	

So Mr. NELSON's amendment was rejected.

Mr. ALLISON. Mr. President, I desire at this time to offer an amendment which, I think, will lead to no debate. It is an amendment that is satisfactory to the Committee on Finance; in fact, agreed to by that committee. It relates to a matter of detail.

On page 8, line 11, after the word "withdrawn," I move to insert what I have sent to the desk.

The VICE-PRESIDENT. The Senator from Iowa proposes an amendment, which will be read by the Secretary.

The SECRETARY. On page 8, line 11, after the word "withdrawn," insert the following proviso:

Provided, That the deposits under this section to retire notes secured by the deposit of bonds other than bonds of the United States shall not be covered into the Treasury, as required by section 6 of an act entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes," approved July 14, 1890, but shall be retained in the Treasury for the purpose of redeeming the notes of the bank making such deposit.

Mr. ALLISON. Mr. President, under section 6 of the law of 1890, when a bank returns to the Treasury lawful money in any form, the money thus deposited is turned over to the Treasury and goes immediately again into general circulation. The notes proposed to be issued under the provisions of this act are to be returned in like manner, but with the idea that they are not to be returned unless they are no longer needed for circulation. If they are not needed for circulation—as they evidently will not be—they should remain in the Treasury as a special fund and not be turned over to the general fund of the Treasury.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Iowa [Mr. ALLISON].

The amendment was agreed to.

Mr. McCUMBER. I move to amend the bill by striking out the word "six," in line 24, page 6, and inserting in lieu thereof the word "four."

The VICE-PRESIDENT. The amendment proposed by the Senator from North Dakota will be stated.

The SECRETARY. In section 4, page 6, line 24, before the word "months," it is proposed to strike out "six," and insert "four," so as to read:

National banking associations having on deposit bonds to secure their circulating notes other than bonds of the United States shall pay for the first four months a monthly tax of one-half of 1 per cent upon the average amount of such of their notes in circulation as are based upon the deposit of such bonds, and afterwards a monthly tax of three-quarters of 1 per cent upon the average amount of said notes.

Mr. McCUMBER. Mr. President, this currency is intended solely as an emergency currency; it is intended to be used only under a special condition, and not intended to add to the volume of the currency of the United States so as to expand it during any great number of months. It being, therefore, for a specific purpose—that of meeting runs upon the banks or great exigencies which may arise—it seems to me that we are running it too long if we admit that six months is a proper time to keep this currency in existence.

Everyone knows that the moment you increase the volume of currency you also increase the value of all commodities just in proportion to the volume of the increase in the currency. I know it is not the intention to do that by this bill. The amount of the tax is so very slight during the first six months, however, that it seems to me that it rather invites this money to be used during that six months, and as the object of the bill is not that it shall be used to do business, except for a specific condition, and that it shall be retired as soon as the exigency has passed, we can scarcely imagine an exigency demanding that kind of currency continuing for six months. I understand that the Senator who has this bill in charge is not averse to this amendment.

Mr. ALDRICH. There is no objection to that amendment, I think.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from North Dakota [Mr. McCUMBER].

The amendment was agreed to.

Mr. OVERMAN. Mr. President, I submit the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from North Carolina will be stated.

The SECRETARY. It is proposed to insert as additional sections the following:

SEC. —. That a commission is hereby created, to be known as a "Monetary Commission," which shall be composed of five members of the Senate, not more than three of whom shall be members of the same political party; five Members of the House of Representatives, not more than three of whom shall be members of the same political party, to be appointed by the presiding officer of each body; and five competent, well-qualified persons, to be appointed by the President, not more than three of whom shall be members of the same political party; and each member of the said commission appointed by the President shall receive a salary of $625 per month, and all other members thereof, including the secretary of the commission, shall receive a per diem allowance, when on duty, to be fixed by the Secretary of the Treasury, not to exceed $10 per day. The commission shall appoint a secretary who shall be paid a salary of $300 per month.

SEC. —. That it shall be the duty of the said commission to immediately investigate the causes of the recent panic and the relation of the banking and currency system thereto, and the relation of loans made by national banks to brokers and others operating on the stock exchange, and give the character of the collateral accepted as security, and all matter necessary to discover any abuses that may exist in or grow out of the existing system of trading on margins, and investigate as to what changes and reforms are necessary in the banking system of the country to prevent, if possible, future panics, considering the various needs of the different parts of the country and the crop season thereof, and recommend and report to the President on or before the 1st day of January, 1909, who shall transmit same to Congress with such recommendation as he may deem proper.

SEC. —. That the commission may employ such experts as it may deem proper to make investigation in the different sections of the country, and shall have power to administer oaths and affirmations, to send for persons and papers, and pay all necessary expenses incident to such investigation, including employment of stenographers, clerks, rents, stationery, and such salary as they may deem proper.

SEC. —. That a sum sufficient to carry out this act is hereby appropriated, out of the money in the Treasury not otherwise appropriated, not to exceed the sum of $150,000.

Mr. ALDRICH. I suppose that is the commission amendment which the Senator from North Carolina offered a few days ago.

Mr. OVERMAN. Yes, sir.

Mr. ALDRICH. I should like to suggest to the Senator from North Carolina that this is a very important matter, it being a provision for a commission or a committee, and should be very carefully considered. I do not mean to say that this has not been carefully considered, but there are many subjects which are not included in the Senator's amendment which ought to be included. I assure the Senator that it is the purpose of the committee to take that matter up and present some measure to the Senate that will cover substantially the proposition he has presented. Under those circumstances, I should be glad if the Senator would not press his amendment now.

Mr. OVERMAN. I inquire of the Senator from Rhode Island whether any bill carrying that idea has been introduced?

Mr. ALDRICH. Not yet; but there will be.

Mr. OVERMAN. There will be such a bill introduced?

Mr. ALDRICH. There will be; yes, sir.

Mr. OVERMAN. Mr. President, with that understanding, I shall not press the amendment; but I introduced the amendment because I am opposed to this bill. I have had nothing to say in regard to the bill so far, but I think it is my duty to give some of the reasons why I think this bill ought not to pass.

Mr. President, it has been the slogan of a great political party in this country for years in many campaigns that the Dingley tariff and sound money brought prosperity and made this country blossom as the rose. It has also been charged that another party brought on a panic. We still have the Dingley tariff, we still have sound money, and yet we are confronted to-day with the greatest money panic that this country has ever seen. Millions of men are out of employment; men walk along the streets begging for bread; and the dinner pail is empty. We may have sound money, Mr. President, but the trouble is that we are cursed with an unsound currency. There is money a plenty, and this bill proposes to issue a new kind of money. What is needed in this country is currency reform. We now have too many kinds of money, Mr. President. We have gold and silver, gold certificates, silver certificates, Treasury notes, and bank-credit money, and now it is proposed to issue another kind of money—credit money, highly taxed money.

Inflation of the currency, as well as contraction of the currency, is always dangerous, and this bill proposes to authorize *certain great* money centers to inflate the currency to the tune of $500,000,000 and contract it at will. We need no more money. We are trying to lock the door when the horse has gone. Does anybody suppose there is going to be a money panic in this country in the near future? The distress is upon us, but the money panic is over, so far as that is concerned; the banks to-day are retiring more than $9,000,000 of money every month, and there is a clamor among the bankers to the Treasury to retire more money.

Why, Mr. President, on the 22d day of August last, before the panic, we had in the national banks of this country more than $700,000,000 in lawful money—more than the national banks ever had before, and in all the banks of the country, national as well as State, we had more money than has ever been known in the history of America. As late as December, after the panic, we had in the national banks over $601,000,000.

The lack of money is not the trouble, Mr. President. We must get at the root of the trouble. Does this bill propose to get at the root of the trouble? It only proposes to administer upon the surface; it has even been said by the Senator from Rhode Island [Mr. ALDRICH] himself that it is a patch—it is a thin patch upon the crazy quilt of our monetary system—a salt solution, to be used in case of imminent death, when death has come and gone.

With all of this plethora of money in the banks, with more money than we ever had before, when the panic came what was the condition of this country? Why, sir, the farmer was happy; labor was in great demand; everybody employed, with splendid wages; the crib of the farmer was groaning with corn; his bins were filled to overflowing with wheat; millions of bales of cotton were under the sheds ready for the market, when suddenly came the news from Wall street that there was a panic in this country; the country bankers became frightened; they could not get their money from the New York banks and other central banks where it was deposited. It was the banks that had hoarded the money and not the people. A few people in New York drew their money out of the banks in order to prey upon the people of the country. I know myself that managers of some of our great manufactories had to take the train, go to New York, and purchase money upon the curb at a great premium in order to meet the weekly pay rolls of their establishments, when the banks with whom they traded had money in New York on deposit and they could not get it back.

What relief would this bill have afforded to the country banks if it had been the law on the 1st day of last October? Tell me that it would have helped the country bankers! Why, sir, on yesterday I noticed the little city in which I live sold some $100,000 worth of bonds at a splendid premium. Where did they go? To New York. The money centers owned the State bonds and county and municipal bonds, as a rule. They are generally held by the great trust companies, the insurance companies, the savings banks, and the great central banks, and our country banks could not have availed themselves of the provisions of this bill.

Therefore I think we ought to get at the root of the evil, and the way to do it is to have a commission, because there are many different theories and ideas about what caused the panic, and what the trouble is. Let us have a commission consisting of five men of each House, or seven men, Members of Congress, and five men outside of Congress, acting in conjunction with the committees of this Congress, to investigate our monetary trouble, ascertain the facts, and report on the 1st day of January next—in six months—and give us such information that we may legislate intelligently. This bill is a mere makeshift. It is admitted to be a makeshift, and it will not bring any relief. Such a panic at such a time, under such conditions, in this the greatest as well as the wealthiest country on earth, makes the pride of the American citizen tinge with sorrow. I think we should provide against a panic—not for a panic. I can not give the measure my support.

Mr. McLAURIN. Mr. President, I have an amendment which I desire to offer to the bill.

The VICE-PRESIDENT. The amendment will be stated.

Mr. ALDRICH. I think the amendment has been heretofore read.

Mr. McLAURIN. It never has been read.

Mr. ALDRICH. I think the Senate understands it.

Mr. McLAURIN. I should like to have it read. It is a good amendment, and I want the Senate to hear it. The Senate could not spend its time better.

The VICE-PRESIDENT. The Secretary will read the proposed amendment.

The SECRETARY. It is proposed to add to the bill, as new sections, the following:

That any person or persons owning a bond or bonds of the United States may deposit the same in the Treasury or subtreasury of the United States, and it shall thereupon be the duty of the Treasurer or assistant treasurer of the United States with whom said bond is or bonds are deposited to issue to such person or persons United States Treasury notes equivalent in amount to the par value of the bond or bonds so deposited. Said Treasury notes shall be in denominations convenient for circulation, as shall be judged by said Treasurer under rules and regulations and direction of the Secretary of the Treasury.

SEC. —. That instead of United States Treasury notes the Secretary of the Treasury, with the approval of the President, may issue to such depositor or depositors national-bank notes, gold certificates, silver certificates, or gold or silver coin whenever these are in the Treasury, or subject to the order of the Secretary of the Treasury, in excess of the current needs of the Government.

SEC. —. That the interest on said bonds so deposited shall be suspended during the time they are deposited as aforesaid.

SEC. —. That the owner or owners of said bond or bonds so deposited may at any time within one year after the time of the making of said deposit pay into the Treasury or any subtreasury of the United States in United States Treasury notes, national-bank notes, gold certificates, silver certificates, gold or silver coin, an amount equivalent to the amount received by such person or persons and 5 per cent per annum interest thereon, and thereupon it shall be the duty of the Treasurer or Assistant Treasurer of the United States to return said bond or bonds to said owner or owners. If said amount is not paid within the said one year, said bond or bonds shall be canceled by order of the Secretary of the Treasury. If an amount equivalent to one or more of said bonds with said interest is paid as aforesaid by said owner or owners within said one year, but not an amount equivalent to all so deposited by the same owner or owners, then these shall be canceled, and those shall be returned to said owner or owners. If an amount equivalent to only a part of one of said bonds with said interest shall be paid as aforesaid within said time, said bond shall be canceled as aforesaid, and the Secretary of the Treasury shall issue to the owner or owners thereof a bond of the same class of the par value less interest so paid, bearing the same interest and due at the same time as the bond so canceled.

SEC. —. That the Secretary of the Treasury may make rules and regulations for the performance of the provisions of the foregoing sections and alter, change, or revoke said rules and regulations.

SEC. —. That if any person shall deposit as aforesaid any bond not his own, unencumbered by lien or otherwise and not authorized by the owner thereof to be so used, and shall obtain money thereon as aforesaid, he shall, upon conviction, be sentenced to imprisonment for a term not exceeding one year or to pay a fine not exceeding $1,000.

SEC. —. That the Secretary of the Treasury shall issue $300,000,000 United States Treasury notes, or as much thereof as shall be necessary, to execute the provisions of this act.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Mississippi [Mr. McLAURIN].

The amendment was rejected.

Mr. HEYBURN. Mr. President, it is apparent that the consideration of this bill is approaching a close, and, inasmuch as it is my intention to vote against the bill, I desire that the RECORD shall show an additional reason for my doing so. My statement of it will be very brief.

There is no limit in the provisions of this bill to the amount of this new currency that may be retired on any given date. The $500,000,000 may be issued on one day, and the $500,000,000 may be retired upon any given day. Five hundred million dollars is nearly half of what will constitute the national-bank circulation if this bill becomes a law, because there is now only a little over $600,000,000 of national-bank circulation. In other words, under the provisions of this bill—and I call the Senator's serious attention to this—it will be possible—and what is possible is probable in times of panic or in times of business stress or of necessity, real or imaginary—it will be possible in a day to cut the volume of national bank-note circulation in two. There have been conditions and times of desperate financial speculation, with great fortunes at stake, that might prompt men, if not entirely to thus diminish the circulation, to do it at least in part. Such a thing ought not to be possible.

Why was it deemed necessary and wise to limit the retirement of the existing six hundred and twenty-odd million dollars of national bank-note circulation to $9,000,000 a month?

Mr. KEAN. I do not think it was wise.

Mr. HEYBURN. Well, the Senate of the United States on the 4th day of last March thought that it was wise and necessary, and it is the law of the land. If it was wise to limit the amount of that circulation that might be retired to $9,000,000 a month, I should like to know why it is not necessary even to consider the subject upon this occasion? It is waived aside in a lordly manner, as though it were something not worth considering, and yet a year ago we filled the pages of the CONGRESSIONAL RECORD with the proceedings for the enactment of a law that closely considered the exact extreme limit of the retirement that would maintain the equilibrium of the circulation of the country.

I am not going to offer any amendment; but I make these remarks in order that it may never be said that the Senate overlooked the fact that in this case, in the consideration of this bill, they made no provision for limiting the amount of circulation that might be withdrawn in any given time, and that, further, they provide that the bonds upon which this emergency circulation is based may be retired upon the deposit of national-bank notes, and they do not allow or provide that the circulation based upon the Government bonds may be retired upon the deposit of national-bank notes. Now, Mr. President, I am ready to vote on this bill.

Mr. ALDRICH. My experience in the last six or eight months has led me to suppose that any kind of a proposition is possible in connection with a currency measure; but I never expected the question which the Senator from Idaho propounded to me to be asked in the Senate. This is distinctly an emergency currency. It will only be taken out when there is a demand for emergency purposes. Some of my friends on the other side think it will never be taken out. Everybody agrees, I suppose, that when the emergency is over the currency should be retired. That is the plain purpose of the bill, as has been said on this floor time after time, and I do not think it necessary to state it again in answer to the Senator from Idaho.

There is one amendment which was passed over. It is a committee amendment, and has not been acted upon——

Mr. HEYBURN. Will the Senator pardon me a moment?

Mr. ALDRICH. Certainly.

Mr. HEYBURN. The Senator's argument is along the line that it would be safe to fill the cupboard of the home with poison, relying upon the presumption that no sane person would take it.

Mr. ALDRICH. Oh, no; it is upon the presumption that it is safe to fill the cupboard with food, and whenever it is required take it out, and when it is not required to let it remain.

On page 10, line 5, I find that the amendment inserting the words "that the" has not been agreed to. I ask that it may now be agreed to and that the prior lines be stricken out.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 9, line 24, after the words "SEC. 8," it is proposed to strike out:

That national banking associations located outside of reserve or central reserve cities, which are now required by law to keep a reserve equal to 15 per cent of their deposit liabilities, shall hereafter hold at all times at least two-thirds of such reserve in lawful money. The.

And insert "That the," so as to read:

SEC. 8. That the provisions of section 5191 of the Revised Statutes, with reference to the reserves of national banking associations, shall not apply to deposits of public moneys by the United States in designated depositaries.

The amendment was agreed to.

Mr. RAYNER. Mr. President, I desire to state that I am paired on this bill with the junior Senator from New Jersey [Mr. BRIGGS], but if there were no pair, I should vote against the bill and vote against all amendments and substitutes for it. I am opposed to the entire legislation upon this subject.

Mr. GORE. Mr. President, I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 3, at the end of section 1, after the word "dollars," in line 23, it is proposed to insert the following proviso:

Provided further, That no national banking association shall be entitled to avail itself of the provisions of this act which has charged or collected a rate of interest in excess of that allowed by law within a period of two years next preceding its application for circulating notes under the terms of this act.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Oklahoma.

The amendment was rejected.

Mr. GORE. Mr. President, I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 3, line 23, after the word "dollars," it is proposed to insert the following proviso:

Provided further, That no national banking association shall be allowed to avail itself of the provisions of this act until it has furnished satisfactory proof to the Comptroller of the Currency that none of its officers or directors are the officers or directors of any corporation which has been adjudged by any court of the United States or of any State to be guilty of entering into an unlawful combination in restraint of trade.

Mr. GORE. Mr. President, as shedding some light on that amendment, I wish to say that I hold in my hand a copy of Collier's Weekly. On page 12 is an article which I have had marked and which I desire to have read to the Senate. I do not know whether the charges contained in the article are true or false. If they are true, the Senate and the country have the right to the benefit of those charges, and if they are false those upon whom they reflect ought to have an opportunity to vindicate themselves. If this were a less respectable publication, I should not ask for the reading of the article, but I am sure it will be equally interesting to the friends and to the opponents of this measure.

The VICE-PRESIDENT. Is there objection to the reading of the article? If not, the Secretary will read as requested.

The Secretary read from Collier's National Weekly of March 14, 1908, as follows:

MANUFACTURING PUBLIC OPINION IN FAVOR OF THE ALDRICH CURRENCY BILL.

The following letters tell their own story, without leaving too much to the imagination of anyone familiar with the most modern methods practiced by the larger interests in achieving their purposes. All were written by a man whose letter heads do not disclose his occupation further than to say "P. S. Ridsdale, Wilkes-Barre, Pa." They were addressed to a newspaper man in a distant State, whose business is the sending of such local news arising in his vicinity as is of sufficient importance to the metropolitan newspapers.

The letter, with some omissions, follows:

"DEAR SIR: I am able to place you in the way of extending your business * * * and think it will result in a considerable increase in your income. It is to obtain certain kinds of news, for which you will be paid extra in addition to the regular newspaper rates. I will be glad 'to put you next' to the work, as a good man is required in your territory.

"Very truly, yours, P. S. RIDSDALE."

The recipient of this letter answered, and in due time came the details:

"DEAR SIR: I wish to have published in as many papers as possible opinions of prominent business men and bankers of your district favorable to the Aldrich currency bill, now before the Senate. * * *

"What I want to get published as widely as you can is the following:

"That there is still such uneasiness over the recent financial crisis, that all business men of your community are anxious for some currency legislation at the earliest possible moment consistent with the importance of the subject."

(Then is advanced a long brief in favor of the Aldrich bill—a digest of the sort of thing which the hired advocate is supposed to put into the mouths of the prominent men whom he interviews.)

"Now, it is likewise the opinion of all the level-headed men of the community that the Aldrich bill, better than any other brought out, meets this urgent necessity, and there is general demand in the community, irrespective of party or politics, that the Aldrich bill be passed and become a law as quickly as possible.

"On broad lines, this is what I want: It is important to get opinions favorable to the bill from men of prominence whose names carry weight regarding the effect on your particular section, and, if they are big men, on the country at large.

"For your special efforts in this direction I am willing to pay you $10 for each story of about half a column that you can place in the big city papers, such as New York, Philadelphia, Washington, Baltimore, Pittsburg, Boston, Buffalo, Cleveland, Cincinnati, Chicago, St. Louis, Detroit, New Orleans, Nashville, Tenn., or cities of that size; and $2 for each article placed in your local papers, or in any city or town papers which are not classed as big papers. You should have no trouble in landing much of this stuff. It is good news. The smaller papers in the district you cover, while they would probably not pay you space rates for the stories, would be glad to use them. You can also duplicate the stories to the big papers.

"I must ask you to send me at the same time you send it out, a carbon copy of each story, with a list of the papers to which it is sent, and then, upon the receipt of each clipping of the story which you send me, with the date of publication and the name of the paper publishing it at the top, I will send you a check for it.

"It is necessary to get this going as soon as possible. I would suggest interviews with your prominent bankers and business men at once on the subject of publication in your local papers; and then a story built up from these interviews in the big papers.

"Will you let me know as soon as you can if you desire to take up this work and what you think you can do with it?

"Wishing you success and hoping that I may have to send you many good-sized checks, I am,

"Yours, very truly, P. S. RIDSDALE.

"I must ask you, of course, to treat this matter as strictly confidential."

That is the scheme. Now, who is paying the bills? From whose pocket comes the "$10 for each story * * * in the big city papers," and "$2 for each article * * * in any * * * papers * * * not classed as big papers?" Not Ridsdale. He is, or was until recent affluence came his way, a worker on the daily papers and the local correspondent of out-of-town papers.

The Aldrich currency bill is fair subject for debate. Many speeches on it will be made in Congress, and hundreds of newspapers will print editorials which reflect their sincere convictions. Out of all this thrashing, pro and con, ought to come sound final judgment. But some one, who has a pecuniary interest in the passage of the bill, fears the result of this process of making public opinion. Who is it? Enough has been said as to those who would most profit by the Aldrich bill to justify the inference that he does not live in Wilkes-Barre. Making that small city the home and center of this "tainted news" campaign suggests a Machiavellian hand.

Mr. GORE. Mr. President, I desire merely to add that in my opinion, in a free country like this, the will of the people ought to be the law of the land. Public sentiment ought to be a powerful influence upon all legislation, and the Senate ought to be responsive, perhaps more responsive than it is or has been, to public opinion in this country. But, sir, it ought to be a legitimate, a wholesome, a rational, and a spontaneous public opinion. It ought not to be a manufactured, an artificial, or a counterfeited public opinion. In my judgment, it is worse to counterfeit public sentiment than it is to counterfeit silver or gold, and the counterfeiter ought, if not punished under the criminal statutes, at least to be exposed to the whip of justice and to the scorn of an enlightened and an indignant public opinion.

Now, sir, Mr. Ridsdale may be an honorable man; he may, indeed, be a substantial and a conservative business man. On the other hand, he may be an undesirable citizen. If he is inspired by pure patriotism, it is rather an expensive article that he is parading in behalf of this measure. But, sir, under our form of law the worst criminal has a right to vindicate himself not only at the bar of justice, but at the bar of public opinion; and Mr. Ridsdale, if he can, ought to vindicate himself in the eyes of the Senate and in the eyes of the country. If he can not, the Committee on Finance ought to have him brought before the committee and tell the committee and tell the Senate and tell the country where he has obtained the money, the source of the money, and the object to be subserved by his expensive solicitude in the passage of the pending measure.

I ask for the yeas and nays on the question of agreeing to the amendment.

Mr. BEVERIDGE. Let it be again reported.

Mr. TELLER. What is the amendment?

The VICE-PRESIDENT. The Secretary will again state the amendment.

The SECRETARY. On page 3 of the bill, line 23, after the word "dollars," insert the following proviso:

Provided further, That no national banking association shall be allowed to avail itself of the provisions of this act until it has furnished satisfactory proof to the Comptroller of the Currency that none of its officers or directors are the officers or directors of any corporation which has been adjudged by any court of the United States or of any State to be guilty of entering into an unlawful combination in restraint of trade.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Oklahoma [Mr. GORE].

Mr. GORE. On that I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. GORE. I ask for a division.

There were on a division—ayes 3, noes 33.

Mr. KEAN. Let us have the yeas and nays.

Mr. BEVERIDGE. It is too late, Mr. President.

The VICE-PRESIDENT. The vote discloses the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich	Brandegee	Curtis	du Pont
Ankeny	Brown	Depew	Elkins
Bankhead	Burkett	Dick	Flint
Beveridge	Burrows	Dillingham	Foster
Borah	Clay	Dixon	Frazier
Bourne	Cullom	Dolliver	Frye
Gallinger	Kean	Nelson	Smoot
Gamble	Knox	Owen	Stephenson
Gary	La Follette	Overman	Sutherland
Gore	Lodge	Paynter	Taylor
Guggenheim	Long	Perkins	Teller
Heyburn	McCreary	Piles	Warner
Hopkins	McCumber	Richardson	Warren
Johnston	McLaurin	Smith, Mich.	Wetmore

The VICE-PRESIDENT. Fifty-six Senators have responded to their names. A quorum of the Senate is present. The question is on agreeing to the amendment proposed by the Senator from Oklahoma [Mr. GORE].

There were on a division—ayes 2, noes 45.

So Mr. GORE's amendment was rejected.

Mr. OWEN. Mr. President, I offer the amendment I send to the desk.

The VICE-PRESIDENT. The Senator from Oklahoma proposes an amendment which will be stated.

The SECRETARY. It is proposed to add as a new section the following:

SEC. —. That no national banking association shall hereafter make loans or extend credit of any kind for the buying of stocks, bonds, or agricultural or food products, for speculative purposes, which in the aggregate exceed its unimpaired capital stock.

Mr. BEVERIDGE. Let the amendment be again reported, Mr. President.

The VICE-PRESIDENT. The Secretary will again read the amendment.

The Secretary again read the amendment.

Mr. OWEN. Mr. President, I do not wish to take the time of the Senate in discussing the amendment. I think it is thoroughly understood. I do not believe anything I could utter would make it plainer than the few simple words in which it is drawn, and since the time of the Senate has been long consumed with this bill I shall content myself by asking for a vote upon the amendment.

Mr. BEVERIDGE. Mr. President, just a word before we take a vote upon the amendment. Will the Senator from Oklahoma please tell us how a banker is to know whether or not money, borrowed upon perfectly good security, is to be used for any particular purpose? That is the fatal defect of the Senator's amendment.

Mr. OWEN. I take pleasure in answering the question. Any cautious banker would inquire of the proposed borrower first what means he will have for paying back the principal of the loan. He owes it to himself to be assured of that. He also owes it to his bank; and this amendment will make it an obligation to his country to know that the money which is being loaned and which, in the matter of this amendment is the money of his depositors, is not to be used for harmful purposes.

When it comes to identifying what is a speculative loan, every banker, I take it, thoroughly understands what is a speculative loan. The buying of stocks on margin for a rise——

Mr. GALLINGER. Would not the wise banker require good collateral and be satisfied with that?

Mr. OWEN. I think the wise banker, who had no other consideration than the return of his principal, would be content with good collateral; but a patriotic banker, who has the concern of his country at heart, should not lend his money for evil purposes.

Mr. GALLINGER. How is he to know that?

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Oklahoma [Mr. OWEN].

Mr. OWEN. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. McCUMBER. Before the roll call begins I should like to have the amendment again read.

The SECRETARY. It is proposed to insert as a new section the following:

SEC. 11. That no national banking association shall hereafter make loans or extend credit of any kind for the buying of stocks, bonds, or agricultural or food products, for speculative purposes, which in the aggregate exceed its unimpaired capital stock.

Mr. BEVERIDGE. Mr. President, I desire to say not much more than one sentence before I vote upon the amendment. I think it is obvious to all of us that by no possibility could the purpose of the amendment be achieved by it. A banker could not know, even if he inquired, as the Senator makes him the inquisitor of the conscience of the borrower, what he would do with the money after he got it. The banker's first duty to his depositors is to make sure that he has obtained first-class security. The Senator proposes to make every banker an inquisitor into the purpose and conscience of the borrower, but that would not accomplish the end, because if a man wanted to borrow money for a bad purpose, and he had good security, he could certainly easily make and would make a false representation to the banker. So the effect of the amendment would be

perfectly nil. It would accomplish nothing, and could do nothing but annoy the banker who is doing business in a perfectly legitimate way.

Furthermore, if this amendment, which is designed, as the Senator says, to make bankers patriotic as well as businesslike, were to pass, and even if it could transform a bank into a modern inquisition, still there is no penalty attached, and no person could be punished if the banker were to violate it. So if the Senator actually proposes—I do not suggest that he does not—to make effective this amendment, which appears to me to be more for campaign purposes, he would add a very heavy penalty of both fine and imprisonment for the banker, first, for not having made inquiry, and second, for having been deceived, if he was deceived. For these reasons I shall vote against the amendment.

Mr. OWEN. I wish to call the attention of the distinguished Senator from Indiana to the fact that the laws already on the statute book require the directors of a national bank to observe the laws which relate to national banks in this country, and that would be sufficient as a direction upon the oath of office taken by the directors in a national bank. I introduced the amendment because the volume of speculative buying has reached a proportion which is so stupendous as to stagger the human imagination.

Mr. BEVERIDGE. Yes; but the Senator's amendment does not reach the evil. I am as heartily against the evil as the Senator or any other Senator dare be, but the point about his amendment is that it does not accomplish what it proposes to. On the other hand, it does put into the law, if I may say so, with all possible respect to the Senator, and no man has greater respect for him than I, an absurdity.

Mr. OWEN. The distinguished Senator from Indiana has assured the Senate it will do no harm.

Mr. BEVERIDGE. No; I said it would do no good.

Mr. OWEN. The RECORD, I think, will show that the Senator said it would do no harm.

I insist upon it it will do substantial good, because the volume of speculative loans has become tremendous, and it is the speculative loans which are the very cause that produces a condition in this country such as led to the panic in October. It was the speculative loans, which went into the hundreds of millions and which used not only the reserves of the country on deposit in the central reserve cities, but went far beyond that, and which invited the country banks to place their money in New York to be loaned without record by their correspondents in New York on a high rate in a bull market and afterwards in a bear market. With all due deference to the opinion of the Senator that a banker can not tell what a speculative loan is, I have no hesitation in saying that a banker can tell a speculative loan as well as any man with two good eyes can tell the color of a black horse.

Mr. BEVERIDGE. I did not say the banker could not tell a speculative loan. I said it would be perfectly impossible for a banker to know what use the man would make of the money after he got it on good collateral; and even if he asked the man whether he was going to use it for speculative purposes, against which we all take as firm a stand as the Senator—the Senator has no monopoly of that position—he could make a false statement to the banker, and the banker would have no assurance that the statement would be carried out.

The point about it is that the amendment accomplishes nothing and does substantial harm. If it would accomplish what the Senator proposes, it would be a different thing. The Senator is a banker, and he knows perfectly well——

Mr. OWEN. That a banker can tell a speculative loan.

Mr. BEVERIDGE. That a banker can not tell what a borrower is going to do with the money after he gets it on good collateral.

Mr. CULBERSON. Mr. President, the Senate, I trust, will excuse me for reading at this time a short paragraph from the report of the Comptroller of the Currency made in 1884, with reference to the bank panic of that year, indicating, as it seems to me, that some such legislation as that proposed by the Senator from Oklahoma [Mr. OWEN] ought to be enacted. At page 35 of the report of the Comptroller of the Currency for 1884 I find this:

> There is little doubt that one of the causes which led to the local disturbances among the banks, national and State, and private bankers of the city of New York, was their intimate relation in many instances to the New York Stock Exchange, and the fact that a large portion of the loans made by the banks and bankers of New York were based upon the security of stocks and bonds, often speculative in their character, which are dealt in and regularly called at the stock board.

The Comptroller of the Currency at that time was Mr. Cannon, and he suggests legislation upon the question. This extract from the report of the Comptroller of 1884 is incorporated in the report of the Comptroller of the Currency for 1907, apparently with approval, and I read it for the purpose of emphasizing what has been said by the Senator from Oklahoma.

Mr. BEVERIDGE. I wish to ask the Senator from Texas——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Indiana?

Mr. CULBERSON. That is all I have to say. I yield the floor.

Mr. BEVERIDGE. I want to ask a question.

Mr. CULBERSON. Very well.

Mr. BEVERIDGE. Everybody concedes that. The Senator from Texas asserts it no more vigorously than anyone else. Has the Senator from Texas thought of a piece of legislation which will effectually stop it? It is obvious, I take it, to the Senator from Texas that this amendment will not. It is offered in perfect faith, but I think the Senator who offered it must see it will not. On the contrary, as I said a moment ago, it will do substantial harm in this, that if there should be a penalty affixed to it—of course it is worth nothing without a penalty—it would lock up the banking business almost entirely, because no banker could tell what anyone was going to do with the money after he had gotten it on perfectly good security. Will the Senator from Texas present legislation on this subject that will be effective? If so, it will have the support of all of us. This will not, because it is not effective. It is injurious.

Mr. CULBERSON. I think the legislation proposed by the Senator from Oklahoma will do some good. In supplement of that I propose, if I have the opportunity, to offer a new section to the bill, which I trust the Senator from Indiana will support, as follows:

> That it shall be unlawful for any national banking association, directly or indirectly, to make demand or other loans, or give credit on its books or otherwise, or furnish money to operators on any stock exchange to be used in dealings thereon—

I trust the Senator from Indiana will give me his attention, because I am now about to read the penalty, the absence of which in the pending amendment he has pointed out:

> Any national banking association violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than $1,000, and in addition thereto 20 per cent of the amount of each transaction, and may also have its charter annulled and forfeited.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Oklahoma [Mr. OWEN], on which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CLAY (when his name was called). I am paired with the senior Senator from Iowa [Mr. ALLISON] for the remainder of the day on all amendments to the bill and on the bill.

Mr. FOSTER (when his name was called). I have been informed that the Senator with whom I am paired would, if present, vote "nay." I will therefore vote. I vote "nay."

Mr. GAMBLE (when his name was called). I again announce my pair with the senior Senator from Nevada [Mr. NEWLANDS]. An arrangement has been made whereby my pair has been transferred to the senior Senator from Maine [Mr. HALE], and I will vote. I vote "nay."

Mr. WARREN (when his name was called). Under the transfer of pairs already announced to-day, I will vote. I vote "nay."

The roll call having been concluded, the result was announced—yeas 12, nays 44, as follows:

YEAS—12.

Brown	Gary	La Follette	Owen
Culberson	Gore	McEnery	Overman
Frazier	Johnston	McLaurin	Taylor

NAYS—44.

Aldrich	Depew	Gamble	Paynter
Ankeny	Dick	Guggenheim	Perkins
Beveridge	Dillingham	Heyburn	Piles
Borah	Dixon	Hopkins	Richardson
Bourne	Dolliver	Kean	Smith, Mich.
Brandegee	du Pont	Knox	Stephenson
Burkett	Elkins	Lodge	Sutherland
Burnham	Flint	Long	Teller
Burrows	Foster	McCreary	Warner
Crane	Frye	McCumber	Warren
Cullom	Gallinger	Nelson	Wetmore

NOT VOTING—34.

Allison	Clarke, Ark.	Hemenway	Scott
Bacon	Clay	Kittredge	Simmons
Bailey	Curtis	Martin	Smith, Md.
Bankhead	Daniel	Money	Smoot
Briggs	Davis	Newlands	Stone
Bulkeley	Foraker	Nixon	Taliaferro
Carter	Fulton	Penrose	Tillman
Clapp	Hale	Platt	
Clark, Wyo.	Hansbrough	Rayner	

So Mr. OWEN's amendment was rejected.

Mr. CULBERSON. I offer the amendment which I read a moment ago.

The VICE-PRESIDENT. The amendment proposed by the Senator from Texas will be read.

The SECRETARY. It is proposed to add at the end of the bill a new section as follows:

SEC. 11. That it shall be unlawful for any national banking association, directly or indirectly, to make demand or other loans, or give credit on its books or otherwise, or furnish money to operators on any stock exchange to be used in dealings thereon. Any national banking association violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $1,000, and in addition thereto 20 per cent of the amount of each transaction, and may also have its charter annulled and forfeited.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Texas.

The amendment was rejected.

Mr. GORE. I desire to submit an amendment.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 8, line 23, insert the word "and" before the words "five hundred dollars," and after the words "five hundred dollars" strike out the words "one thousand dollars and ten thousand dollars."

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Oklahoma.

Mr. GORE. Mr. President, the object of this amendment is to demonetize the one thousand and ten thousand dollar bills. As much as any Senator, I appreciate the humor, and I appreciate the irony involved in the proposition to issue ten thousand dollar bills during a panic, when the people are distressed for money.

But my objection to this clause is largely personal and is largely local. I am unwilling to expose the people of Oklahoma. Ten thousand dollar bills may circulate in other States, they may be money current with the merchants in the older States of the Union, but I am afraid it might possibly prove embarrassing to the farmers, the laborers, and even to the business men, and the politicians in Oklahoma, to be called upon to change a ten thousand dollar bill. [Laughter.] I mean, sir, during a panic.

But this clause has no virtue so far as the State of Oklahoma is concerned. It has a self-acting and automatic safeguard against the evil of hoarding. The people of Oklahoma will not hoard these ten thousand dollar bills, either in panic or in prosperity.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Oklahoma.

The amendment was rejected.

Mr. CULBERSON. I offer the amendment which was accepted by the Senator from Minnesota, in lieu of the one proposed by him.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the words "SEC. 8," where they occur in the bill on page 9, line 24, insert:

That from and after January 1, 1909, every national bank shall have and keep on hand in its vaults the reserve of lawful money provided for by law. All laws and parts of laws which authorize national banks to have and keep part of their reserve in other national banks are hereby repealed.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Texas.

The amendment was rejected.

Mr. LA FOLLETTE. I offer an amendment.

The VICE-PRESIDENT. The amendment will be read by the Secretary.

The SECRETARY. Add at the end of the bill a new section, as follows:

SEC. 11. No national banking association shall invest any part of its funds or deposits in the stocks or other securities of any corporation or association any of the officers or directors of which are officers or directors of such banking association. Any officer or director of any national banking association who knowingly violates or consents to the violation of the foregoing provision shall be deemed guilty of a misdemeanor and shall, upon conviction thereof in any circuit or district court of the United States, be imprisoned not less than one year and not more than five years.

Mr. LA FOLLETTE. Mr. President, the amendment is direct in its terms and requires no extended explanation. It is an admitted fact that the great ntaional banks of New York invest the funds of depositors in other corporations owned and controlled by the officers and directors of those banks. This use of the money of depositors by bank directors in trading and dealing with themselves as the directors of other corporations which they are promoting is a violation of every principle which should control the custodians of trust funds. It is a dishonest and vicious practice. No one on this floor can defend it. It is undermining and destroying commercial banking. It is converting the bank, which should be the agent of trade and commerce, into an agent for underwriting promotion and speculation. The amendment which I have offered strikes a blow at this reprehensible business.

Sir, the public condemnation of this practice has at last made some impression upon those who have engaged in it. They are already beginning to shift their ground. They are seeking to escape criticism by the organization of inside investment companies. This is but a device to cover and deceive. These investment companies will be officered and directed by the same men who are the officers and directors of the banks. One of the great banks of the Morgan group, so often named in this debate, is planning such an organization at the present time. This is plainly set forth and properly characterized in the editorial of the New York Journal of Commerce, which I send to the Clerk's desk and ask to have read.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

NOT LEGITIMATE BANKING.

The plan of the First National Bank for organizing a "security company" to hold its investments in stocks and bonds brings conspicuously to public attention the fact that for many years the principal business of that institution has not been legitimate commercial banking. Nominally it has been a bank of discount and deposit organized under the national law. Actually it has apparently been an investment and promoting institution. It has a capital of $10,000,000 and a surplus of over $19,500,000. According to the latest bank statement its average "loans" last week amounted to $113,291,000; deposits, $100,556,000; cash reserve, $25,221,700. In the weekly bank statement all bond and stock investments are included in "loans," which produces a misleading impression. At the time of the last report of condition to the Comptroller of the Currency, on the 3d of December last, this institution had $55,221,761.77 invested in stocks and bonds "other than United States bonds." As it had last week over $9,000,000 of circulating notes, an amount nearly equal to its capital must have been invested in Government bonds on that account, and it held a considerable additional amount of these. Of its $100,000,000 and more of deposits, over $25,000,000 has to be held as a reserve in cash, and of the remaining $75,000,000 and less, a very large proportion must be in these stock and bond investments, thus greatly restricting the amount of its deposits that are free for the accommodation of its customers in commercial loans, the making of which should be the chief business of a commercial bank. In other words, the bulk of the money of depositors has been used not for the legitimate purpose of supplying them with loans for commercial use, but for trading in securities for the profit of stockholders.

What does this imply in regard to the business of this great bank and of others which may have pursued the same methods? It seems to mean that its chief business has been dealing in stocks and bonds and taking part in syndicate operations, for these securities have not been held merely for the investment of surplus funds and for the income to be derived from interest and dividends upon them. The dividends paid on its own stock, the market value of this, and the accumulation of a surplus nearly twice as great as the share capital forbid any such supposition. It implies that it has been engaged very largely in buying and selling stock exchange securities for profit, taking new issues and marketing them, buying to sell and selling to buy, which comes perilously near to speculating with the funds of depositors, which is none the less objectionable on principle because it may have been successfully and profitably done. The profit is not for the depositors whose money is in large part used, but for stockholders. These may be, in an institution of the kind, largely the same set of men, who are using their own money for their own purposes, but that is not legitimate business for a national bank. The worst of it is the temptation it presents to directors and officers to use a bank for promoting and sustaining schemes of their own for money-making, instead of serving the proper uses of a bank for the commercial community.

As a criticism or a reflection this does not apply especially to the First National Bank, but to the methods of business implied in its having nearly half of its nominal loans and more than half the amount of its deposits in the form of stocks and bonds. Contrast this with one of the greatest of the English joint stock banks, the London City and Midland, which, according to the latest report, with deposits exceeding $266,000,000, had less than 7 per cent of the amount in this kind of investment, which is there regarded as a strengthening of reserves. It is said that the object of organizing a separate company to hold these securities of the First National is to remove all cause of criticism on account of the bank having such a large proportion of its funds in that form. We fail to see how that object is to be accomplished by the plan announced. It is proposed to the stockholders that $10,000,000 of the accumulated surplus be turned over to them as a dividend in the form of stock interest in the new "First Security Company," but that stock interest is to be indissolubly attached to the stock of the bank. The company stock is, in fact, to be issued to and held and voted by six trustees, consisting of the president, vice-presidents, and cashier of the bank, who will be bound to elect directors of the bank as directors of the company and to collect and pay over to the bank all dividends for "immediate distribution to its shareholders who have assented to this plan." The certificates of the bank stock will bear an indorsement to the effect that the holder is entitled to share ratably in what may be called the "beneficial interest" of the Security Company, and that interest can only be transferred with the bank stock.

This has to us very much the appearance of "whipping the devil round the stump" in the matter of investing the bank funds in stock and bond securities and in handling the same. There will be a division of capital between the banking association and the security company, and nominally two separate organizations and separate accounts; but the double institution will be under the control and management of the same men, will have exactly the same shareholders, the same directors, and the same officers, and there will be no possibility left for any independent action. So far as we can see, it may be and necessarily will be managed as two departments of the same organization, and that a national bank, controlling something that is a part of itself, but is called a "security company," organized under the laws of the State of New York. A part of the avowed purpose is the transacting by the bank "for its patrons certain lines of profitable business," including "the acquiring and holding of real estate, securities, stocks, and other

property," which is not the business of legitimate banking and is in part prohibited to national banks. (The Journal of Commerce and Commercial Bulletin, Thursday, February 27, 1908.)

Mr. LA FOLLETTE. Mr. President, I do not know that the amendment will prohibit this practice under some other system, but it will effectually prevent the same men from using the bank funds in dealing with themselves as directors of different corporations. They may devise some plan to evade it, but it will destroy the existing practice at least.

Mr. BEVERIDGE. Mr. President, from the very brief time we have had to consider this amendment it seems to me that certainly its purpose at least is both wise and salutary. I know of one bank catastrophe of a widespread nature was caused by precisely the thing which this is designed to prevent.

If I am not mistaken, and I may be, because we have had only a moment to consider it, this is precisely the situation that existed in the Walsh case in Chicago. If it is, it occurs to me that here is an amendment which in its purpose at least is distinctly advisable. Whether the language of it will accomplish the purpose which it is designed to accomplish without also doing some injury, I am not at this time prepared to say.

For that reason, because we are on the eve of a final vote, I rather regret that this amendment was not presented earlier. But from my own observation and the occurrences which have recently come to the notice of all of us certainly there is merit in the purpose of this amendment.

I merely wish to say that I should want to examine the language of the amendment somewhat further.

Mr. ALDRICH. Mr. President, I am in entire sympathy with the general purpose of the amendment. I think it ought to be more carefully drawn and more carefully guarded. I will not object to the amendment, and it may be considered and amended later on.

Mr. BEVERIDGE. Do I understand that the Senator accepts the amendment?

Mr. ALDRICH. I do not object to it.

Mr. BEVERIDGE. I am glad the Senator does not. That is a fortunate solution of the matter.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Wisconsin.

The amendment was agreed to.

Mr. LA FOLLETTE. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. Add as a new section at the end of the bill:

SEC. 12. That it shall be unlawful for any national banking association to make any loan, directly or indirectly, to, or to discount for, any officer of such association, or loans to and discounts for any corporation in which any officer of such association may be interested, when such officer owns or controls a majority of the stock of such corporation, that shall be considered as a loan to or a discount for such officer. When such officer has an interest in any corporation other than a majority interest and does not control such corporation, loans to and discounts for such corporation shall be made by the national banking association of which he is an officer only after said loans or discounts have been passed upon and approved by a majority vote of the directors of such banking association. Every violation of the provisions of this section shall be a misdemeanor. Every officer who violates this section shall be deemed guilty of a misdemeanor and shall be imprisoned not less than one year and not more than five years.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Wisconsin. [Putting the question.]

Mr. LA FOLLETTE. Some of the Senators sitting about me state that they did not understand the reading of the amendment, and I am inclined to think that very few on the other side of the Chamber understood it. I do not believe that any man who has had experience in banking or has studied banking will oppose the amendment if he understands it. What we need——

Mr. HOPKINS. I ask that the amendment be reread.

Mr. LA FOLLETTE. If the Senator will permit me, the one thing we need at this time is confidence in banks, confidence in the management of banks, rather than more currency. An analysis of bank failures will disclose that a vast number of them have their origin in excessive loans made to the banking officers.

The proposed amendment prohibits loans to bank officials. It does not permit bank officers to loan money to themselves. It does not permit the officers of a bank to loan to a corporation in which such officer is a majority stockholder at all, or, when such officer is a minority stockholder, without the approval of a majority of the board of directors of the bank. It is a wholesome provision and I urge its adoption.

Mr. ALDRICH. I suggest that if the amendment is to be adopted the word "hereafter" should be inserted in it, because it has never been lawful heretofore.

Mr. LA FOLLETTE. It certainly will not be retroactive. The Senator does not apprehend that it will catch anybody who has been in the business heretofore.

Mr. ALDRICH. I do not know.

Mr. LA FOLLETTE. It can not be retroactive.

Mr. ALDRICH. It ought not to affect existing loans; that is my point.

Mr. LA FOLLETTE. It could not affect existing loans. It could only apply to acts committed after it becomes a law.

Mr. ALDRICH. Then there can be no objection to the word "hereafter" being inserted.

Mr. LA FOLLETTE. I do not object to "hereafter" being inserted, though it is unnecessary.

The VICE-PRESIDENT. The Secretary will again read the amendment at the request of the Senator from Illinois [Mr. HOPKINS].

The Secretary again read Mr. LA FOLLETTE's amendment.

Mr. TELLER. Mr. President, it has not been the purpose of the Committee on Finance, who had this bill in charge, to revise the laws concerning banking. If we had supposed that to be our duty, we would have taken more time and presented the matter in a different way. It strikes me that it is somewhat difficult on a bill of this kind to attempt to revise the present banking system. I believe there are now laws in existence—I do not exactly recall what they are—against loaning to bank officers and to bank directors. I do not recall what limitation there is on that subject, but there is something of that kind. I only want now to say that it seems to me this is not the time nor is this the bill upon which we should undertake to revise the present system, although its defects may be great. A bill for that express purpose ought to be presented and considered when we undertake such a revision.

Mr. BEVERIDGE. Will the Senator from Wisconsin explain to the Senate what the existing law on this subject is?

Mr. LA FOLLETTE. There is no specific statute upon the subject of loans to bank officials, I would say to the Senator from Indiana.

Mr. ALDRICH obtained the floor.

Mr. HEYBURN. I wish to call the attention of the Senator from Wisconsin [Mr. LA FOLLETTE] to the fact——

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Idaho?

Mr. ALDRICH. Certainly.

Mr. HEYBURN. Mr. President, I would call the attention of the Senator from Wisconsin to the reading of the amendment. It provides a penalty which would constitute the offense a felony, and yet calls it a misdemeanor. I would suggest that he strike out the words "shall be guilty of a misdemeanor," because, I repeat, it provides a penalty that would make it a felony by reason of the penalty.

Mr. LA FOLLETTE. I accept the amendment.

Mr. ALDRICH. Mr. President, it is almost impossible, on hearing this amendment read for the first time, to say just what its practical effects may be. The Committee on Finance have already been instructed by the Senate, under the resolution offered by the Senator from South Carolina [Mr. TILLMAN], to make an inquiry into this and similar questions. As I have already stated, it is the purpose of the committee to take up in some form all of the questions respecting the national-bank laws, and it seems to me that this question might, without injury to anybody, be relegated to action under that resolution, rather than to be put upon this bill. I think it would be more orderly and the Senate could vote more intelligently.

I must confess that I am not able to state just what the effect of the amendment would be upon any man who is an officer or a director in a bank; and whether it applies to every director or simply to officers I can not tell. I would suggest to the Senator from Wisconsin that this amendment, which is so involved and so far-reaching, ought not to be put into this bill, and that he withhold it, with the understanding, which I am sure we are to have, that the matter will be taken up in the Committee on Finance. They are bound to take it up under the resolution of the Senator from South Carolina, and some remedy will be reported by that committee as to these various abuses, if abuses they are, and covering this very subject.

Mr. LA FOLLETTE. Mr. President, this amendment is very simple. If the Senator from Rhode Island will read it he will have no doubt about its meaning. As to what the Committee on Finance may do in the future no one can tell. Judging from the past, it may be a long time before any revision of the currency is reached. Even if the Senate should take action, and I hope it may, that action must await the consideration of the House. At best it is likely to be another session of Congress—

probably longer—before this amendment could be made to the law. It is important that it should go into the bill now.

Mr. McCUMBER. Mr. President, I really do not quite understand the object of this amendment, or, if I understand its object, I do not understand fully what its effect will be. If I caught the reading aright, it would absolutely prohibit any officer of a bank having any business relations with the bank of which he was an officer; in other words, he would have to do his business entirely with another bank. I understand that a director of a bank is an officer of the bank, and that under this amendment no director could borrow from his own bank, no matter what security he might have. To ascertain that, I ask for the rereading of the first section of the amendment.

Mr. BEVERIDGE (to Mr. McCUMBER). Ask that the whole of it be read. The last part is more involved than the other.

Mr. McCUMBER. I want the first part read. I ask the Secretary to read the first part of it, and I will tell him when to stop.

The VICE-PRESIDENT. The Secretary will read as requested.

The SECRETARY. It is proposed to add at the end of the bill the following:

SEC. 12. That hereafter it shall be unlawful for any national banking association to make any loan directly or indirectly to, or to discount for, any officer of such association——

Mr. McCUMBER. That is all I ask the Secretary to read. That clearly prevents any man who is a director or an officer of a bank from having any business relations with his bank in the shape of borrowing from it, no matter what his security may be.

Mr. LA FOLLETTE. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Wisconsin?

Mr. McCUMBER. Certainly.

Mr. LA FOLLETTE. Mr. President, I am sure that the Senator from North Dakota, upon reflection, will see that he is in error as to that portion of the amendment which has been read applying to directors. The officers of a bank consist of the president, the vice-president, the cashier, and the assistant cashier.

Mr. McCUMBER. Does the Senator mean to say that a director is not an officer of a bank?

Mr. LA FOLLETTE. A director is not an officer. It is true that one of the directors of the board is chosen president of the board.

Mr. McCUMBER. I think the Senator is in error. I think all directors are declared to be officers of the bank. I think the Senator is certainly in error in that, and this amendment absolutely cuts off any director or any officer—that is, any person connected with the bank—from doing any business with the bank. I simply make this suggestion with the idea that possibly we are hurrying in the consideration of this matter and have not all the same understanding of it.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Wisconsin [Mr. LA FOLLETTE]. (Putting the question.) The "noes" seem to have it.

Mr. LA FOLLETTE. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. LA FOLLETTE. I call for a division, Mr. President.

The question being put, there were, on a division—ayes 13, noes 37.

So Mr. LA FOLLETTE's amendment was rejected.

Mr. NELSON. Mr. President, at his request and on behalf of the Senator from South Dakota [Mr. KITTREDGE], I offer the amendment which I send to the desk as an independent section to the bill.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add at the end of the bill a new section, as follows:

SEC. 12. That on or after the passage of this act no officer or employee of any national bank or trust company organized under the laws of the United States shall be a member of any stock exchange or be engaged in buying or selling stocks or bonds on a commission basis. Every officer or employee who violates this section shall be deemed guilty of a misdemeanor and fined not less than $100 or more than $1,000, and shall be imprisoned not less than one year and not more than five years.

The VICE-PRESIDENT. The question is on agreeing to the amendment just read.

The amendment was rejected.

Mr. LA FOLLETTE. Mr. President, I submit the amendment which was before the Senate a moment ago and voted down, having amended it in this wise, by inserting after the word "association" the words "other than a director thereof," so that it will now read:

That hereafter it shall be unlawful for any national banking association to make any loan, directly or indirectly, to, or to discount for, any officer of such association other than a director thereof, etc.

The VICE-PRESIDENT. The amendment will be stated.

Mr. LA FOLLETTE. I do not wish to have it stated again. I think it is understood.

Mr. SMITH of Michigan. Mr. President, it seems to me from the reading of the amendment that it is not very clear. An officer may be a director as well as an officer. Indeed, officers are usually directors, and the amendment will not reach the evil aimed at in its present form.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Wisconsin.

The amendment was rejected.

Mr. LA FOLLETTE. I should like to inquire of the chairman of the Finance Committee with respect to one provision in this bill which is not entirely clear to me. It is that provision of section 4 which relates to the amount of currency in circulation upon which the national banking associations are taxed. I want to inquire of the chairman in what way the Treasurer of the United States is to be informed as to the amount of circulation which any association is to pay the tax upon.

Mr. ALDRICH. Upon the sworn returns of the officers of the association. That is shown in the bill.

Mr. LA FOLLETTE. That is provided on page 7 of the bill. If I may inquire again, is there any check upon that return so made by the officer of the bank?

Mr. ALDRICH. The Comptroller of the Currency, of course, is aware of all the notes that have been issued. The bank is charged with the notes which have been issued, and the return of the bank, I think, is taken as to the amount which they may have, not in circulation, but in their own vaults.

Mr. LA FOLLETTE. Then, if I understand the chairman rightly, the amount in circulation upon which a tax is to be paid will be fixed or ascertained by the statement made at the end of each month by the bank officials?

Mr. ALDRICH. In such form and under such conditions as the Secretary of the Treasury may prescribe.

Mr. LA FOLLETTE. Under such conditions as the bill prescribes?

Mr. ALDRICH. No; that matter is left to the Secretary of the Treasury. The Treasury Department fixes the rules and regulations under which the returns are made.

Mr. LA FOLLETTE. Yes; but the Treasury Department can not impose any penalty for a false report made by a bank official as to how much of this money is in circulation.

Mr. ALDRICH. I think the law provides—I can not put my fingers on the section now—but I am sure the national banking law provides penalties for violations of any of the provisions of the law.

Mr. LA FOLLETTE. I have made very diligent search of the national banking law for any penalty which will apply to this provision or impose upon any bank official any obligation, other than such as his conscience may impose, to restrict the circulation of this currency proposed to be issued to the amount which he reports at the end of the month. In other words, this money may be put in circulation and kept in circulation by the bank, and the bank will pay the 6 per cent tax upon only so much of it as they report to the Treasurer as being out in circulation at the end of the month. Section 4 of the bill amends section 5214 of the Revised Statutes. The only penalty——

Mr. ALDRICH. I will answer the Senator——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Rhode Island?

Mr. LA FOLLETTE. I do, because I want to be enlightened upon it.

Mr. ALDRICH. Section 179 of the national banking act covers the case. It provides that—

Every president, director, or cashier, teller * * * who makes any false entry in any book, report, or statement of the association——

Mr. LA FOLLETTE. I am unable to hear the Senator; and, as I have not the section before me from which he is reading, I will ask him if he will speak so he can be heard on this side of the Chamber?

Mr. ALDRICH. Perhaps I had better let it be read at the desk, and the whole section can be read.

Mr. LA FOLLETTE. Very well.

Mr. ALDRICH. There is another section which makes it the duty of the officer to make these returns. The Senator can also have that read if he desires. I ask that section 179 be read.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

179. PENALTY FOR OFFICIAL MALFEASANCE. (SEC. 5209.) Every president, director, cashier, teller, clerk, or agent of any association who embezzles, abstracts, or willfully misapplies any of the moneys, funds, or credits of the association, or who, without authority from the directors, issues or puts in circulation any of the notes of the association; or who, without such authority, issues or puts forth any certifi-

cate of deposit, draws any order or bill of exchange, makes any acceptance, assigns any note, bond, draft, bill of exchange, mortgage, judgment, or decree; or who makes any false entry in any book, report, or statement of the association, with intent, in either case, to injure or defraud the association or any other company, body politic or corporate, or any individual person, or to deceive any officer of the association or any agent appointed to examine the affairs of any such association; and every person who with like intent aids or abets any officer, clerk, or agent in any violation of this section, shall be deemed guilty of a misdemeanor and shall be imprisoned not less than five years nor more than ten.

Mr. LA FOLLETTE. I am familiar, Mr. President, with that section. I had examined it with reference to this section of the bill.

Mr. ALDRICH. The Senator from Pennsylvania (Mr. KNOX), who is familiar with these laws, tells me that it has been held by the courts to apply to statements of this kind.

Mr. KNOX. Any statement.

Mr. ALDRICH. To apply to any statement.

Mr. LA FOLLETTE. I would be glad—and I think it is important enough in connection with this legislation—to have the authority cited.

It will be observed, Mr. President, that section 4 of the bill amends section 5214 of the Revised Statutes. Section 5214 of the Revised Statutes is the section of the existing law which provides for the tax upon the circulation which national banks are permitted to issue at this time. This section amends that and incorporates this provision with respect to the circulation of this emergency currency as a part of that section.

Following section 5214 is section 5215, which imposes the penalty for failure to observe the provisions of section 5214; that is, for failure to report correctly twice a year the amount of circulation which a national bank has outstanding on Government bonds; but no penalty is provided for any failure to report at the end of each month the circulation which is to be outstanding on the bonds lodged with the Secretary of the Treasury for this emergency issue.

Now, to remove all doubt and prevent permanent inflation of the currency by this untaxed "emergency issue," I submit an amendment. It can surely do no harm and it will impose an additional check and safeguard upon this provision. I move to amend section 4 of the bill, after the word "circulation," in line 9, on page 7, by inserting—I will first read the provision as it now stands:

Every national banking association having outstanding circulating notes secured by a deposit of bonds other than bonds of the United States shall make monthly returns, under oath of its president or cashier, to the Treasurer of the United States, in such form as the Treasurer may prescribe, of the average monthly amount of its notes so secured in circulation.

I move to amend by adding, after the word "circulation," the following:

And it shall be the duty of the Comptroller of the Currency to cause such reports of notes in circulation to be verified by examination of the banks' records, and any officer of any banking association falsely reporting the amount of its notes in circulation shall, upon conviction thereof in any circuit or district court of the United States, be punished by a fine of not less than $1,000 nor more than $5,000, or by imprisonment for not less than one year and not more than five years, or by both such fine and imprisonment.

Mr. ALDRICH. I do not think that is necessary, but I have no objection to it.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Wisconsin. [Putting the question.] By the sound the "noes" seem to have it.

Mr. LA FOLLETTE. Perhaps we had better have the yeas and nays. I ask for the yeas and nays, Mr. President.

Mr. ALDRICH. I ask that the amendment be again stated.

Mr. KNOX. Mr. President, I should like to call the attention of the Senator from Wisconsin to an authority——

The VICE-PRESIDENT. If the Senator from Pennsylvania will wait a moment until the amendment is again stated, the Chair will recognize the Senator.

Mr. KNOX. Very well.

The VICE-PRESIDENT. The amendment will be again stated.

The SECRETARY. On page 7, line 9, after the word "circulation," it is proposed to insert:

And it shall be the duty of the Comptroller of the Currency to cause such reports of notes in circulation to be verified by examination of the banks' records; and any officer of any banking association falsely reporting the amount of its notes in circulation shall, upon conviction thereof in any circuit or district court of the United States, be punished by a fine of not less than $1,000 nor more than $5,000, or by imprisonment for not less than one year and not more than five years, or by both such fine and imprisonment.

Mr. KNOX. Mr. President, I have not the slightest objection to such an amendment, and should vote for it if I did not think it is already covered by the provisions of existing law. The section which was read from the desk, in my judgment, covers it, and the Senator from Rhode Island was correct in stating that I believe that to be the case. That it does cover it was decided in the case of Clement *v.* The United States, reported in 149 Federal Reporter. The syllabus of the case is this:

An indictment of a national bank president, under Revised Statutes, section 5209, alleging a false entry in a report to the Comptroller of the Currency with reference to the bank's lawful money reserve, *Held* not objectionable for failure to allege that the lawful reserve exceeded the amount the bank actually had on hand.

The point in the decision is that the president was indictable under that section for making a false statement in reference to the bank's lawful reserve.

Mr. LA FOLLETTE. I am unable from the reading of the syllabus, or so much of the decision as the Senator from Pennsylvania read, to distinguish its applicability here clearly. But whether that be so or not, the amendment which I offer will provide a greater safeguard, because it imposes upon the Comptroller of the Currency the obligation to verify each one of these reports and not to take the word of any bank official as to the amount of money in circulation.

Without such an amendment as I propose it would be in the power of the banks, when once this money was in circulation, to keep up the inflation and evade paying the tax upon it if the officers chose to make a false statement in respect to it. In Wisconsin we found that railroad presidents and officials would falsify their sworn statements respecting the amount of their gross earnings which they were required to return for taxation, in order to evade paying the full amount of taxes due the State. I am inclined to think they were as honorable a set of men as the average bank official of the country.

Mr. SUTHERLAND. Mr. President, let us have the latter part of section 179, which applies to the report, read again.

The VICE-PRESIDENT. The Secretary will read as requested by the Senator from Utah.

The Secretary read as follows:

Or who makes any false entry in any book, report, or statement of the association with intent, in either case, to injure or defraud the association or any other company, body politic or corporate, or any individual person, or to deceive any officer of the association or any agent appointed to examine the affairs of any such association; and every person who with like intent aids or abets any officer, clerk, or agent in any violation of this section, shall be deemed guilty of a misdemeanor, and shall be imprisoned not less than five years nor more than ten.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Wisconsin.

Mr. LA FOLLETTE. On that I ask for the yeas and nays.

Mr. SUTHERLAND. Mr. President, I doubt very much whether the section which has been read applies to this case. The provision is that any officer who makes false entry in a report, and so on——

Mr. BEVERIDGE. We can not hear the Senator, and I am trying to listen.

Mr. SUTHERLAND. The provision of section 179, which has been referred to, so far as it applies to this question, is that any officer, naming them, "who makes any false entry in any book, report," and so on, "with intent, in either case, to injure or defraud the association"—that means the bank—"or any other company."

Mr. ALDRICH. If there is any doubt about it, I think the smoothest and the easiest way is to let the amendment be adopted.

Mr. BEVERIDGE. I do not see how anybody can vote against it.

Mr. SUTHERLAND. That is what I was about to say. I think there is a great deal of doubt about it, and I can see no possible harm to arise from adopting the amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Wisconsin.

The amendment was agreed to.

Mr. TELLER. Mr. President, when the committee had the bill under consideration the junior Senator from Texas [Mr. BAILEY], who is a member of it, prepared a substitute for it. He was called away, and he left the substitute with me, with the request that I present it at the proper time. After consultation with the chairman of the committee I let the matter rest until now.

The substitute simply presents squarely the issue whether there shall be bank paper or Government paper doled out to the banks. The security is precisely the same, and the bill is practically the same, except to carry out the proposition that the Government shall prepare the notes and issue them instead of having the banks issue them; and that the Government shall issue them to the banks on the same conditions that it issues the bank notes to them, and that they shall be lawful money.

In the absence of the Senator from Texas I desire to submit the substitute, and to have a yea-and-nay vote on it. Then, if it is voted down, I desire to move to strike out the section in

the pending bill which provides for the preparation and issue by the Comptroller of bank notes and turning them over to the banks, and to insert the provision of the substitute for Government paper instead of bank notes. If I can have a yea-and-nay vote on those propositions I will not delay the Senate by any discussion of the matter at all.

The VICE-PRESIDENT. The Senator from Colorado on behalf of the junior Senator from Texas offers an amendment in the nature of a substitute, which will be read.

Mr. BEVERIDGE. It is not necessary to read it.

Mr. ALDRICH. It has been read.

Mr. TELLER. Yes; it has been read.

The substitute proposed by Mr. TELLER on behalf of Mr. BAILEY is as follows:

Strike out all after the enacting clause and insert:

"That whenever, in his judgment, business conditions may require it, the Secretary of the Treasury shall deposit in banks which have already been, or which may be for that purpose, designated as depositaries of public money, $500,000,000, or so much thereof as he may deem necessary and proper. The deposits herein authorized shall be secured as provided in section 2 of this act, and shall be apportioned among the several States in accordance with their population as ascertained by the preceding census of the United States; and the deposits for each State shall be made among the several depositaries in that State as nearly as possible in proportion to their capital and surplus. The term "business conditions" as used in this section of this act shall be understood to mean business conditions in all the United States, or in one or more of the several States; but whether the emergency contemplated in this act shall exist in all of the States or only in one or more of them, the Secretary of the Treasury shall not deposit in the depositaries of any State a greater sum than the depositaries of that State would be entitled to receive if the business conditions of all the United States required the deposit of the total sum of $500,000,000.

SEC. 2. That the Treasurer of the United States, with the approval of the Secretary of the Treasury, may accept as security for the deposits provided for in the preceding section, bonds of the United States, or bonds or other interest-bearing obligations of any State of the United States, or any legally authorized bonds issued by any town, city, county, or other legally constituted municipality or district in the United States which has been in existence for a period of ten years or more, and which for a period of ten years previous to such deposit has not defaulted in the payment of any part of either principal or interest of any funded debt authorized to be contracted by it and whose net funded indebtedness does not exceed 10 per cent of the valuation of the taxable property therein, as ascertained by the last preceding valuation of property for the assessment of taxes. The Treasurer of the United States, with the approval of the Secretary of the Treasury, may accept, for the purposes of this act, securities herein enumerated in such proportion as he may from time to time determine, and he may at any time require the deposit of additional security, or require any association to change the character of the securities already on deposit: *Provided*, That in no case shall the deposits made under this act exceed 90 per cent of the par value of said securities: *And provided further*, That the cash value of said securities shall at all times exceed the amount deposited by 10 per cent.

SEC. 3. That each depositary receiving a deposit under this act shall pay interest monthly on the same at the rate of one-half of 1 per cent per month for the first six months, and at the rate of three-fourths of 1 per cent per month thereafter; and whenever any depositary desiring to withdraw the bonds deposited by it under the provisions of this act shall return to the Treasurer of the United States in lawful money the amount deposited with it under this act or any part thereof, the Secretary of the Treasury shall deliver to such depositary the whole amount of the bonds so deposited, or such part of them as correspond to the amount of the deposits returned to the Treasurer of the United States.

SEC. 4. That all bonds pledged to secure deposits made in accordance with the terms of this act shall be transferred to the Treasurer of the United States in trust for the association pledging them, with a memorandum to that effect attached to or written or printed on each bond, and signed by the cashier or some other officer of the association making the pledge. A receipt shall be given to the association by the Treasurer of the United States, or by any assistant Treasurer of the United States, stating that such bonds are held in trust for the association on whose behalf the transfer is made and as security for the payment of any deposits that have been or may be made with such association under the provisions of this act. No assignment or transfer of any such bond by the Treasurer shall be deemed valid unless countersigned by the Comptroller of the Currency. The provisions of sections 5163, 5164, 5165, 5166, 5167 of the Revised Statutes respecting United States bonds to secure circulating notes shall, except as herein modified, be applicable to all bonds deposited under the terms of this act.

SEC. 5. That in order to comply with the provisions of this act the Secretary of the Treasury shall immediately cause to be prepared United States notes to the extent of $500,000,000; and said notes shall possess all of the legal qualities of and be uniform in all respects with the United States notes now outstanding, and shall be of such denomination as the Secretary of the Treasury may prescribe: *Provided, however*, That no note shall be of a denomination of less than $5 or greater than $10,000. All United States notes deposited and returned under provisions of this act shall be held in the Treasury to meet any subsequent deposit which the Secretary of the Treasury may deem it proper to make; and such of the said notes as are worn, mutilated, or otherwise unfit for circulation shall be replaced by new notes.

SEC. 6. That all national banking associations, except those located in central reserve cities, shall at all times keep in their own vaults at least two-thirds of the reserve which the law now requires them to hold; and in no case shall they keep more than one-third of such reserve with their reserve agent or agents.

The VICE-PRESIDENT. The question is on agreeing to the substitute submitted by the Senator from Colorado on behalf of the Senator from Texas.

Mr. TELLER. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLAY (when Mr. BACON's name was called). My colleague is absent. I have a telegram from him stating that he would vote in favor of the substitute. He is paired with the senior Senator from Montana [Mr. CARTER].

Mr. KEAN (when the name of Mr. BRIGGS was called). My colleague is paired with the senior Senator from Maryland [Mr. RAYNER]. If my colleague were present he would vote "nay."

Mr. CLAY (when his name was called). I am paired with the senior Senator from Iowa [Mr. ALLISON]. If he were present I should vote "yea."

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. MARTIN]. I have specially agreed to pair with him on this vote, he being in favor of the substitute. If I were at liberty to vote I should vote "nay," but I withhold my vote.

Mr. CULBERSON (when Mr. DANIEL'S name was called). The Senator from Virginia [Mr. DANIEL] is necessarily absent, and is paired with the Senator from North Dakota [Mr. HANSBROUGH]. If the Senator from Virginia were present he would vote "yea."

Mr. DILLINGHAM (when his name was called). In order that it may appear in the RECORD that the senior Senator from South Carolina [Mr. TILLMAN] is detained from the Senate by illness, I again announce my general pair with him and transfer the pair to the Senator from Nevada [Mr. NIXON]. I vote "nay."

Mr. GARY. I am authorized to state that if my colleague [Mr. TILLMAN] were present he would vote "yea."

Mr. ELKINS (when his name was called). I am paired with the junior Senator from Texas [Mr. BAILEY]. If he were present, I take it he would vote "yea," and I should vote "nay."

Mr. DICK (when Mr. FORAKER'S name was called). My colleague is unavoidably absent. Were he here he would vote "nay." He is paired with the senior Senator from Mississippi [Mr. MONEY].

Mr. FOSTER (when his name was called). In the absence of my pair, the Senator from Connecticut [Mr. BULKELEY], I withhold my vote. If he were present I should vote "yea."

Mr. FRAZIER (when his name was called). I have been released from my pair with the junior Senator from South Dakota [Mr. KITTREDGE] so far as concerns the votes upon the substitute and the bill itself. I will therefore vote. I vote "yea."

Mr. GAMBLE (when his name was called). I have stated heretofore that I am paired with the senior Senator from Nevada [Mr. NEWLANDS]. An arrangement has been made whereby the pair has been transferred to the senior Senator from Maine [Mr. HALE], and I will vote. I vote "nay."

Mr. CULBERSON. I am authorized to state that the Senator from Nevada [Mr. NEWLANDS] is paired with the Senator from Maine [Mr. HALE]. If the Senator from Nevada were present, he would vote "yea."

Mr. DEPEW (when Mr. PLATT'S name was called). My colleague is unavoidably absent. If he were present, he would vote "nay."

Mr. ELKINS (when Mr. SCOTT'S name was called). My colleague is paired with the Senator from Florida [Mr. TALIAFERRO]. If my colleague were present, he would vote "nay."

Mr. OVERMAN (when the name of Mr. SIMMONS was called). My colleague is paired with the junior Senator from Minnesota [Mr. CLAPP]. If my colleague were present, he would vote "yea."

Mr. WARNER (when Mr. STONE'S name was called). My colleague is necessarily absent, under orders of the Senate, attending the funeral exercises of the late Senator Bryan.

Mr. CULBERSON. I desire to state, on a telegram from the Senator from Missouri [Mr. STONE], that if he were present he would vote "yea."

Mr. CULBERSON (when Mr. TALIAFERRO'S name was called). I am authorized to state that the Senator from Florida [Mr. TALIAFERRO] is paired with the Senator from West Virginia [Mr. SCOTT]. If he were present, he would vote "yea."

Mr. WARREN (when his name was called). I announce the same arrangement of pairs, whereby the Senator from Mississippi [Mr. MONEY] stands paired with the senior Senator from Ohio [Mr. FORAKER], and I will vote "nay."

The roll call was concluded.

Mr. WARREN. I desire to announce that my colleague [Mr. CLARK of Wyoming] is absent under orders of the Senate.

Mr. NELSON. I desire to say on behalf of the Senator from South Dakota [Mr. KITTREDGE] that if he were present he would vote "nay" on this proposition.

Mr. ALDRICH. I have been asked by the Senator from Wyoming [Mr. CLARK] to state that upon this question he would vote "nay" if present.

Mr. WARREN. I understand my colleague is paired with a Senator upon the other side, who is with him on this same duty, and that my colleague if present would vote "nay," and the Senator with whom he is paired would vote "yea."

Mr. McLAURIN. I desire to state that my colleague [Mr. MONEY] is unavoidably absent from the Senate. If present he would vote "yea."

The result was announced—yeas 13, nays 42, as follows:

YEAS—13.

Culberson	Johnston	Owen	Teller
Frazier	McCreary	Overman	
Gary	McEnery	Paynter	
Gore	McLaurin	Taylor	

NAYS—42.

Aldrich	Curtis	Guggenheim	Piles
Ankeny	Depew	Heyburn	Richardson
Beveridge	Dick	Hopkins	Smith, Mich.
Borah	Dillingham	Kean	Smoot
Bourne	Dixon	Knox	Stephenson
Brandegee	Dolliver	La Follette	Sutherland
Brown	du Pont	Lodge	Warner
Burkett	Flint	Long	Warren
Burnham	Frye	McCumber	Wetmore
Burrows	Gallinger	Nelson	
Crane	Gamble	Perkins	

NOT VOTING—35.

Allison	Clarke, Ark.	Hale	Platt
Bacon	Clay	Hansbrough	Rayner
Bailey	Cullom	Hemenway	Scott
Bankhead	Daniel	Kittredge	Simmons
Briggs	Davis	Martin	Smith, Md.
Bulkeley	Elkins	Money	Stone
Carter	Foraker	Newlands	Taliaferro
Clapp	Foster	Nixon	Tillman
Clark, Wyo.	Fulton	Penrose	

So Mr. BAILEY's substitute was rejected.

Mr. TELLER. I now move to strike out section 6 of the pending bill, and to insert in lieu thereof section 5 of the so-called "Bailey amendment." It is simply to carry out the purpose of the amendment to secure Government notes in place of bank notes. I will ask that it be read.

The VICE-PRESIDENT. The Senator from Colorado proposes an amendment, which will be stated.

The SECRETARY. It is proposed to strike out section 6 of the bill and to insert in lieu thereof the matter embraced in section 5 of the printed amendment proposed by the Senator from Texas [Mr. BAILEY], as follows:

SEC. 6. That in order to comply with the provisions of this act the Secretary of the Treasury shall immediately cause to be prepared United States notes to the extent of $500,000,000; and said notes shall possess all of the legal qualities of and be uniform in all respects with the United States notes now outstanding, and shall be of such denomination as the Secretary of the Treasury may prescribe: *Provided, however*, That no note shall be of a denomination of less than $5 or greater than $10,000. All United States notes deposited and returned under provisions of this act shall be held in the Treasury to meet any subsequent deposit which the Secretary of the Treasury may deem it proper to make; and such of the said notes as are worn, mutilated, or otherwise unfit for circulation shall be replaced by new notes.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Colorado, on behalf of the Senator from Texas.

Mr. TELLER. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CLAY (when Mr. BACON's name was called). I again announce that if my colleague [Mr. BACON] were present, he would vote "yea." He is paired with the senior Senator from Montana [Mr. CARTER].

Mr. CLAY (when his name was called). I announce my pair with the senior Senator from Iowa [Mr. ALLISON]. Were he present, I should vote "yea."

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. MARTIN]. If he were present, I should vote "nay."

Mr. DILLINGHAM (when his name was called). I again announce my pair with the Senator from South Carolina [Mr. TILLMAN] and the transfer of my pair to the Senator from Nevada [Mr. NIXON]. I desire that this announcement shall stand for every subsequent vote on the bill. I vote "nay."

Mr. ELKINS (when his name was called). I am paired with the junior Senator from Texas [Mr. BAILEY]. If he were present he would vote "yea" and I should vote "nay."

Mr. DICK (when Mr. FORAKER's name was called). I wish to again announce the unavoidable absence of my colleague [Mr. FORAKER], and his pair with the senior Senator from Mississippi [Mr. MONEY], and his vote in the negative were he present.

Mr. FOSTER (when his name was called). If my pair were present I should vote "yea" on this question. In his absence I withhold my vote.

Mr. GAMBLE (when his name was called). I beg to make the same statement that I made on the last roll call. My pair having been transferred, I vote "nay."

Mr. DEPEW (when Mr. PLATT's name was called). I wish to say on behalf of my colleague [Mr. PLATT] that he is paired with the junior Senator from Maryland [Mr. SMITH]. If my colleague were present he would vote "nay."

Mr. OVERMAN (when Mr. SIMMONS's name was called). I again announce that my colleague [Mr. SIMMONS] is paired with the Senator from Minnesota [Mr. CLAPP]. If my colleague were here he would vote "yea."

Mr. CULBERSON (when Mr. STONE's name was called). The Senator from Missouri [Mr. STONE] is paired with the Senator from Wyoming [Mr. CLARK]. If the Senator from Missouri were present he would vote "yea."

Mr. CULBERSON (when Mr. TALIAFERRO's name was called). The Senator from Florida [Mr. TALIAFERRO] is paired with the Senator from West Virginia [Mr. SCOTT]. If the Senator from Florida were present he would vote "yea."

Mr. GARY (when Mr. TILLMAN's name was called). If my colleague [Mr. TILLMAN] were present he would vote "yea."

The roll call was concluded.

Mr. CULBERSON. It is hardly necessary for me to say that both of these amendments having been prepared by my colleague [Mr. BAILEY], if he were present he would vote "yea."

Mr. KEAN. I desire to state that my colleague [Mr. BRIGGS] is paired with the Senator from Maryland [Mr. RAYNER]. If my colleague were present, he would vote "nay."

Mr. ELKINS. I will state that my colleague [Mr. SCOTT] is necessarily detained under the order of the Senate. If he were present, he would vote "nay." He is paired with the Senator from Florida [Mr. TALIAFERRO].

Mr. NELSON. I am authorized to say that the Senator from South Dakota [Mr. KITTREDGE] if present would vote "nay" on this question.

The result was announced—yeas 14, nays 42, as follows:

YEAS—14.

Bankhead	Gore	McLaurin	Taylor
Culberson	Johnston	Owen	Teller
Frazier	McCreary	Overman	
Gary	McEnery	Paynter	

NAYS—42.

Aldrich	Curtis	Guggenheim	Piles
Ankeny	Depew	Heyburn	Richardson
Beveridge	Dick	Hopkins	Smith, Mich.
Borah	Dillingham	Kean	Smoot
Bourne	Dixon	Knox	Stephenson
Brandegee	Dolliver	La Follette	Sutherland
Brown	du Pont	Lodge	Warner
Burkett	Flint	Long	Warren
Burnham	Frye	McCumber	Wetmore
Burrows	Gallinger	Nelson	
Crane	Gamble	Perkins	

NOT VOTING—34.

Allison	Clay	Hansbrough	Rayner
Bacon	Cullom	Hemenway	Scott
Bailey	Daniel	Kittredge	Simmons
Briggs	Davis	Martin	Smith, Md.
Bulkeley	Elkins	Money	Stone
Carter	Foraker	Newlands	Taliaferro
Clapp	Foster	Nixon	Tillman
Clark, Wyo.	Fulton	Penrose	
Clarke, Ark.	Hale	Platt	

So Mr. BAILEY's amendment was rejected.

Mr. TELLER. Mr. President, I do not intend to make a speech; I only want to say that as a member of the committee I consented to reporting this bill. It has been somewhat amended, but not beneficially, in my judgment. There are some things that ought to have gone into the bill, in my judgment, that are not in it. I have expressed my views on the amendments which I was opposed to, and on those I was in favor of.

I regard it as my duty to vote for the bill, not because it is satisfactory, but because it is the only measure that has been presented and, in my judgment, the only one that will be presented that will in any manner meet the emergency that may possibly come before we get through even with the present disturbed condition.

If I had had my way I would have had an entirely different bill, but I think when we legislate we ought to be practical. I know very well that if we had prepared a bill revising the whole Government banking system it would not have become a law probably at this session. This is the best we can do. I vote for it hoping it will do a good deal more good than even the members of the committee who brought it in expected it to do.

Mr. JOHNSTON. Mr. President, I wish to explain why I shall vote for the bill, and I shall do so very briefly. As I understand it the bill is not intended to revise the general banking laws of the United States. Its main, if not sole, purpose is to provide an emergency currency to prevent the danger

of and disasters occasioned by panics. It offers some defense against distrust. It does not change any principle or policy of existing law. It presents no political question. It meets no constitutional objection. If it presented an issue as to whether banks should supply the currency instead of the Government, that would prevent me from giving it my support; but no such issue is involved by this bill, as it makes no change in existing law as to the method of issue. It enlarges the potential issue, broadens its base, and compels the banks enjoying its privileges, as to this issue, to pay interest to the Government for the use of this temporary currency.

Were we to attempt to revise the whole banking system of the United States and, in doing so, to consider the many meritorious amendments that have been suggested on this floor and elsewhere, it would require months of debate, with little prospect of agreement, and certainly with no hope that the views of the minority would prevail.

The Senator from Arkansas [Mr. CLARKE] thinks we should first ascertain the cause of the panic before treating the disease. That may be true, but I fear that by the time the Senate reached an agreement on this question the patient would be dead.

There are few who do not believe that some bill is necessary. The prostration of our industries, the great decline in value of all classes of property, the distress of the unemployed, the shadow of the empty dinner pail demand some legislation to prevent recurrence of these conditions. The real issue is whether this bill or the Fowler bill shall be enacted. I think there are few on this floor who would favor the latter measure, putting in the power of the banks to issue a currency and to contract or inflate it at their pleasure and profit, and on such security as they themselves should select. It seems that the banks generally prefer the Fowler bill. They claim that the rate of interest in this bill would prevent them from making a profit out of the emergency currency. They seem to forget that in the great financial centers the rate of interest paid by their customers during the recent panic was anywhere from 20 to 100 per cent. The chairman of the Clearing-House Association, Mr. Gilbert, favors the Fowler bill, claiming that the interest in this bill is too high, and yet he says the banks took out clearing-house loan certificates, paid 6 per cent for the privilege, and loaned them to their customers at the same rate. If that be so, if they were willing to pay 6 per cent in the crisis for a substitute for currency having circulation only in its immediate locality, why should they not be willing to pay as much for real currency that would circulate all over the country? But this bill and the issue of currency therein authorized is not intended for the benefit of the banks, but is intended to be issued for the general good, to preserve confidence, and to enable the banks to pay their depositors.

Mr. President, the Republican party has been in control of this Government for over forty years, and, except during a brief period, it has had the Executive and the majority in both Houses of Congress. We have had during that time three disastrous panics, two when that party had complete and unchecked control. It has had the amplest opportunity, if it has the ability, for the past eleven years to reform the currency and to mitigate or prevent panics. It claims ability to produce prosperity and to keep the supply up to the demand, and it also claims, without denial, all the masters of finance in the United States. If these things be true why was no measure enacted that would prevent the panic of 1907? The party must really have been deluded by its oft-repeated declarations into actually believing that such a thing was impossible while it was in power. It advised the people to trust in it, and struck off from our coin any trust in God. It charged that the panic of 1893 was brought on by the election of the Democratic candidate for President. Possibly next year we shall have it explained that the panic of 1907 was caused by the approaching shadow of another Democratic success. No one can deny that, so far as legislation and administration is concerned, the panic of 1907 was the offspring of the Republican party; whether legitimate or illegitimate I shall not now consider, but it can not be denied that it was left on the front steps of the New York clearing house by its inhuman parents.

Now, Mr. President, when the majority come in here with their bill, confessing their sins, confessing their sin of omission, and attempting some atonement, striking out railroad bonds and omitting many things that they would like to add and adding some they do not quite relish, I feel that it would be cruel not to lend them a helping hand. I voted for the substitute offered by the Senator from Texas [Mr. BAILEY], and while I find I can not get exactly such a bill as I would like I am now confronted with a choice between this bill and the Fowler bill, and believing this bill to be far wiser and much less dangerous than the other, I shall vote for its passage.

The VICE-PRESIDENT. If there are no further amendments to be offered as in Committee of the Whole, the bill will be reported to the Senate.

Mr. MCLAURIN. Mr. President, I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. Add at the end of the bill the following as a new section:

SEC. 12. Upon presentation to the Secretary of the Treasury or Assistant Secretary of the Treasury by any person of any of the class and quality of bonds specified in this bill upon which money can be issued to national banks, or upon which bank notes are permitted to be issued by national banks, it shall be the duty of the Secretary of the Treasury to issue to the holder of such bond or bonds Treasury notes to the same amount that bank notes are permitted to be issued thereon to national banks, until the amount limited by this bill shall have been issued.

Mr. MCLAURIN. Mr. President, I am not going to make a speech. I just want to give the Senate an opportunity to review and correct its ill-considered action on an amendment something like this which I offered to the bill when it was in Committee of the Whole.

The VICE-PRESIDENT. The bill is still as in Committee of the Whole.

Mr. MCLAURIN. I thought it had been reported to the Senate.

The VICE-PRESIDENT. The bill is in Committee of the Whole and open to amendment. Does the Senator from Mississippi desire to offer his amendment now or wait until the bill is in the Senate?

Mr. MCLAURIN. I do not think it would be in order before we get the bill in the Senate.

The VICE-PRESIDENT. It would not be in order as in Committee of the Whole if it has been voted down.

Mr. MCLAURIN. Something similar to the amendment, but not exactly the same amendment, has been voted down.

Mr. MCCREARY. Let us vote on it.

Mr. MCLAURIN. Very well, let us have a vote on it if no one raises the point of order.

The VICE-PRESIDENT. The question is on agreeing to the amendment just read.

The amendment was rejected.

The bill was reported to the Senate as amended.

The VICE-PRESIDENT. Sundry amendments have been made as in Committee of the Whole. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. NELSON. I ask that the amendment offered by the Senator from Alabama [Mr. JOHNSTON], referring to bank reserves, may be excepted.

The VICE-PRESIDENT. That amendment will be reserved. The question is on concurring in the other amendments made as in Committee of the Whole.

The amendments were concurred in.

Mr. NELSON. I offer an amendment as an addition to the amendment of the Senator from Alabama. I will say that I have submitted it to the chairman of the Finance Committee and it is satisfactory to him.

Mr. ALDRICH. It applies the same principle to reserves in reserve cities that are applied in the amendment of the Senator from Alabama to country banks.

Mr. NELSON. The amendment comes in at the end of the amendment of the Senator from Alabama.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. At the end of the amendment offered by the Senator from Alabama, and agreed to, insert:

That after the 1st day of January, 1909, all national banking associations located in reserve cities shall at all times have on hand in their own safes or vaults in lawful money of the United States or in the securities enumerated in section 2 of this act not less than two-thirds of the amount of the reserves of lawful money required to be held under existing law: *Provided*, That not more than one-sixth of the reserves required to be kept in the vaults of such associations shall be held in such securities.

The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was concurred in.

The bill was ordered to be engrossed for a third reading and was read the third time.

The VICE-PRESIDENT. The question is, Shall the bill pass?

Mr. LA FOLLETTE. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLAY (when Mr. BACON'S name was called). My colleague [Mr. BACON] is paired with the senior Senator from Montana [Mr. CARTER]. Were my colleague present he would vote "nay."

Mr. ALDRICH. I have been asked by the Senator from Montana [Mr. CARTER] to state that upon the passage of the bill he would vote "yea." He is paired with the Senator from Georgia [Mr. BACON].

Mr. CLAY. That is correct.

Mr. KEAN (when Mr. BRIGGS's name was called). My colleague [Mr. BRIGGS] is paired with the senior Senator from Maryland [Mr. RAYNER]. If my colleague were present, he would vote "yea."

Mr. BRANDEGEE (when Mr. BULKELEY's name was called). My coleague [Mr. BULKELEY] is paired with the Senator from Louisiana [Mr. FOSTER]. If my colleague were present, he would vote "yea."

Mr. WARREN (when the name of Mr. CLARK of Wyoming was called). My colleague [Mr. CLARK] is absent on business of the Senate under detail and has been absent during the consideration of these various amendments. He is paired with the Senator from Missouri [Mr. STONE]. If my colleague were present, he would vote "yea."

Mr. CLAY (when his name was called). I again announce my pair with the senior Senator from Iowa [Mr. ALLISON]. Were he present, I should vote "nay."

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. MARTIN]. He informed me before leaving the Chamber that he would vote for this bill. Therefore I feel at liberty to vote, and I vote "yea."

Mr. CULBERSON (when Mr. DANIEL'S name was called). The Senator from Virginia [Mr. DANIEL] is paired with the Senator from North Dakota [Mr. HANSBROUGH]. If the Senator from Virginia were present, he would vote "yea."

Mr. ELKINS (when his name was called). I am paired with the Senator from Texas [Mr. BAILEY]. I transfer that pair to the Senator from Indiana [Mr. HEMENWAY] and will vote. I vote "yea."

Mr. DICK (when Mr. FORAKER's name was called). I desire to announce the pair of my colleague [Mr. FORAKER] with the senior Senator from Mississippi [Mr. MONEY], and I announce also the unavoidable absence of my colleague, and that if present he would vote in the affirmative.

Mr. FOSTER (when his name was called). I am paired with the senior Senator from Connecticut [Mr. BULKELEY]. If he were present, I should vote "nay."

Mr. GAMBLE (when his name was called). I again make the announcement that I am paired with the senior Senator from Nevada [Mr. NEWLANDS], but an arrangement has been made whereby that pair has been transferred to the senior Senator from Maine [Mr. HALE], and therefore I will vote. I vote "yea."

Mr. CULBERSON (when Mr. NEWLANDS's name was called). The pair of the Senator from Nevada [Mr. NEWLANDS] has already been announced. If he were present, he would vote "nay."

Mr. SUTHERLAND (when Mr. NIXON's name was called). The Senator from Nevada [Mr. NIXON] is paired with the Senator from South Carolina [Mr. TILLMAN]. I am authorized to announce that if the Senator from Nevada were present he would vote "yea."

Mr. DEPEW (when Mr. PLATT's name was called). My colleague [Mr. PLATT] is unavoidably absent, but he is paired with the junior Senator from Maryland [Mr. SMITH]. If my colleague were present, he would vote "yea."

Mr. ELKINS (when Mr. SCOTT's name was called). My colleague [Mr. SCOTT] is detained by order of the Senate. He is paired with the Senator from Florida [Mr. TALIAFERRO]. If he were present, my colleague would vote "yea."

Mr. OVERMAN (when Mr. SIMMONS's name was called). I announce that my colleague [Mr. SIMMONS] is paired with the junior Senator from Minnesota [Mr. CLAPP]. If my colleague were present, he would vote "nay."

Mr. CULBERSON (when Mr. STONE's name was called). The Senator from Missouri [Mr. STONE] is paired with the Senator from Wyoming [Mr. CLARK]. If he were present, he Senator from Missouri would vote "nay."

Mr. GARY (when Mr. TILLMAN's name was called). My colleague [Mr. TILLMAN] is paired with the Senator from Nevada [Mr. NIXON]. If present, my colleague would vote "nay."

Mr. WARREN (when his name was called). As I have stated before, I have a general pair with the Senator from Mississippi [Mr. MONEY]. By an arrangement made to-day that Senator stands paired with the senior Senator from Ohio [Mr. FORAKER]. Therefore I will vote. I vote "yea."

Mr. CULBERSON (when Mr. TALIAFERRO's name was called). The Senator from Florida [Mr. TALIAFERRO] is paired with the Senator from West Virginia [Mr. SCOTT]. If present, the Senator from Florida would vote "nay."

My colleague [Mr. BAILEY] was paired with the Senator from West Virginia [Mr. ELKINS], but I understand that pair has been transferred to the Senator from Indiana [Mr. HEMENWAY]. My colleague, if present, would vote "nay."

The roll call was concluded.

Mr. CLAY. I have been requested to state that the senior Senator from Arkansas [Mr. CLARKE] is paired with the senior Senator from Pennsylvania [Mr. PENROSE]. The Senator from Arkansas would vote "nay" if present and not paired.

Mr. NELSON. I am authorized to state that the Senator from South Dakota [Mr. KITTREDGE], if present, would vote "yea."

Mr. MCLAURIN. Mr. President, my colleague [Mr. MONEY] is unavoidably absent from the Chamber. He stands paired with the senior Senator from Ohio [Mr. FORAKER]. If my colleague were present, he would vote "nay."

The result was announced—yeas 42, nays 16, as follows:

YEAS—42.

Aldrich	Dick	Hopkins	Richardson
Ankeny	Dillingham	Johnston	Smith, Mich.
Beveridge	Dixon	Kean	Smoot
Brandegee	Dolliver	Knox	Stephenson
Burkett	du Pont	Lodge	Sutherland
Burnham	Elkins	Long	Teller
Burrows	Flint	McCumber	Warner
Crane	Frye	Nelson	Warren
Cullom	Gallinger	Owen	Wetmore
Curtis	Gamble	Perkins	
Depew	Guggenheim	Piles	

NAYS—16.

Bankhead	Culberson	Heyburn	McLaurin
Borah	Frazier	La Follette	Overman
Bourne	Gary	McCreary	Paynter
Brown	Gore	McEnery	Taylor

NOT VOTING—32.

Allison	Clarke, Ark.	Hansbrough	Platt
Bacon	Clay	Hemenway	Rayner
Bailey	Daniel	Kittredge	Scott
Briggs	Davis	Martin	Simmons
Bulkeley	Foraker	Money	Smith, Md.
Carter	Foster	Newlands	Stone
Clapp	Fulton	Nixon	Taliaferro
Clark, Wyo.	Hale	Penrose	Tillman

So the bill was passed.

Mr. ALDRICH. I ask that the bill may be printed in the form in which it passed the Senate and that 4,000 extra copies be printed for the use of the Senate.

The VICE-PRESIDENT. The Senator from Rhode Island asks unanimous consent that the bill be printed as it passed the Senate and that 4,000 additional copies be printed for the use of the Senate. In the absence of objection, it is so ordered.

ADJOURNMENT TO MONDAY.

Mr. ALDRICH. I move that when the Senate adjourns to-day it adjourn to meet on Monday next.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 6 o'clock and 30 minutes p. m.) the Senate adjourned until Monday, March 30, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 27, 1908.

COLLECTOR OF CUSTOMS.

Edward R. Stackable, of Hawaii, to be collector of customs for the district of Hawaii, in the Territory of Hawaii. (Reappointment.)

RECEIVER OF PUBLIC MONEYS.

Frank M. Foote, of Wyoming, to be receiver of public moneys at Evanston, Wyo., his term having expired March 3, 1908. (Reappointment.)

PROMOTIONS IN THE ARMY.

Capt. Leslie R. Groves, chaplain Fourteenth Infantry, to be chaplain with the rank of major from March 25, 1908.

Infantry Arm.

Capt. Charles H. Muir, Second Infantry, to be major from March 24, 1908, vice Benham, Twenty-third Infantry, retired from active service.

First Lieut. Walter G. Penfield (now captain, by detail, in the Ordnance Department) to be captain of infantry from March 24, 1908, vice Muir, Second Infantry, promoted.

First Lieut. George D. Freeman, jr., Twenty-first Infantry, to be captain from March 24, 1908, vice Penfield, whose detail is continued in the Ordnance Department.

PROMOTIONS IN THE NAVY.

The following-named ensigns to be lieutenants, junior grade, in the Navy from the 3d day of February, 1908, upon the completion of three years' service in present grade:

Charles C. Moses,
Lindsay H. Lacy,
Macgillivray Milne,
Wilbur R. Van Auken,
Austin S. Kibbee,
Martin K. Metcalf, and
Thomas H. Taylor.

The following-named lieutenants, junior grade, to be lieutenants in the Navy from the 3d day of February, 1908, to fill vacancies existing in that grade on that date:

Lindsay H. Lacy,
Macgillivray Milne,
Wilbur R. Van Auken,
Martin K. Metcalf, and
Thomas H. Taylor.

Asst. Surg. Francis M. Shook to be a passed assistant surgeon in the Navy from the 15th day of March, 1908, upon the completion of three years' service in present grade.

The following-named ensigns to be assistant naval constructors in the Navy from the 24th day of March, 1907, to fill vacancies existing in that grade on that date:

Robert B. Hilliard,
Edwin O. Fitch, jr.,
Lee S. Border,
John C. Sweeney, jr.,
James O. Gawne, and
Alva B. Court.

POSTMASTERS.

CALIFORNIA.

George W. Gates to be postmaster at Burlingame, San Mateo County, Cal. Office became Presidential July 1, 1907.

HAWAII.

Mabel R. Woods to be postmaster at Kohala, Hawaii County, Hawaii, in place of Mabel R. Woods. Incumbent's commission expired November 17, 1907.

ILLINOIS.

John W. Campbell to be postmaster at Morrisonville, Christian County, Ill., in place of John W. Campbell. Incumbent's commission expires April 27, 1908.

Alfred Schuler to be postmaster at Mound City, Pulaski County, Ill., in place of Alfred Schuler. Incumbent's commission expired November 23, 1907.

Benjamin Wendling to be postmaster at Des Plaines, Cook County, Ill., in place of Edward J. Meyer, resigned.

Samuel S. Yolton to be postmaster at Villa Grove, Douglas County, Ill. Office became Presidential January 1, 1908.

MISSOURI.

Henry Puls to be postmaster at Jackson, Cape Girardeau County, Mo., in place of Henry Puls. Incumbent's commission expires April 27, 1908.

NEBRASKA.

Thomas A. Boyd to be postmaster at Beaver City, Furnas County, Nebr., in place of Thomas A. Boyd. Incumbent's commission expires April 27, 1908.

Glenwin J. Crook to be postmaster at Falls City, Richardson County, Nebr., in place of Glenwin J. Crook. Incumbent's commission expires April 27, 1908.

Andrew D. McNeer to be postmaster at Blue Hill, Webster County, Nebr., in place of Andrew D. McNeer. Incumbent's commission expires April 8, 1908.

Simillen L. Perin to be postmaster at Sargent, Custer County, Nebr. Office became Presidential January 1, 1908.

NEW YORK.

William L. Fuller to be postmaster at Ellenville, Ulster County, N. Y., in place of William L. Fuller. Incumbent's commission expires April 27, 1908.

Solomon A. Royce to be postmaster at Liberty, Sullivan County, N. Y., in place of Solomon A. Royce. Incumbent's commission expires April 27, 1908.

SOUTH CAROLINA.

Thomas Hester to be postmaster at Gaffney, Cherokee County, S. C., in place of Alfred R. N. Folger. Incumbent's commission expired December 16, 1907.

SOUTH DAKOTA.

Charles N. Curtiss to be postmaster at Wessington, Beadle County, S. Dak. Office became Presidential October 1, 1907.

Albert H. Ingersoll to be postmaster at Sisseton, Roberts County, S. Dak., in place of Casper Kennedy. Incumbent's commission expired March 12, 1908.

WISCONSIN.

Albert G. Kurz to be postmaster at Green Bay, Brown County, Wis., in place of Frederick A. Hollman. Incumbent's commission expires March 30, 1908.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 27, 1908.

CONSUL.

P. Merrill Griffith, of Ohio, to be consul of the United States of class seven at Tampico, Mexico.

APPOINTMENTS IN THE MARINE-HOSPITAL SERVICE.

Charles M. Fauntleroy, of Virginia, to be assistant surgeon in the Public Health and Marine-Hospital Service of the United States.

George H. McConnon, of Pennsylvania, to be assistant surgeon in the Public Health and Marine-Hospital Service of the United States.

Robert Olesen, of Minnesota, to be assistant surgeon in the Public Health and Marine-Hospital Service of the United States.

INDIAN AGENT.

James Sanders, of Great Falls, Mont., to be agent for the Indians of the Blackfeet Agency in Montana.

REGISTER OF THE LAND OFFICE.

George D. Orner, of Enid, Okla., to be register of the land office at Woodward, Okla., when the Alva and Woodward offices are consolidated under Executive order of February 17, 1908.

PROMOTIONS IN THE NAVY.

Asst. Surg. Robert E. Stoops to be a passed assistant surgeon in the Navy from the 26th day of December, 1906, upon the completion of three years' service in present grade.

Asst. Surg. George L. Wickes to be a passed assistant surgeon in the Navy from the 12th day of April, 1907, upon the completion of three years' service in present grade.

Charles F. Sterne, a citizen of the District of Columbia, and William Chambers, a citizen of Pennsylvania, to be assistant surgeons in the Navy from the 19th day of March, 1908.

Professor of Mathematics Omenzo G. Dodge to be a professor of mathematics in the Navy, with the rank of captain, from the 21st day of February, 1908.

Professor of Mathematics William S. Eichelberger to be a professor of mathematics in the Navy, with the rank of commander, from the 21st day of February, 1908.

Carpenter John A. Lord to be a chief carpenter in the Navy from the 5th day of February, 1908, upon the completion of six years' service in present grade.

POSTMASTERS.

ALABAMA.

Charles R. Barker to be postmaster at Anniston, Calhoun County, Ala.

KANSAS.

Milo M. Lee to be postmaster at St. Marys, Pottawatomie County, Kans.

MINNESOTA.

Ludwig J. Andrews to be postmaster at Lindstrom, Chisago County, Minn.

NEW MEXICO.

G. L. Bradford to be postmaster at Dawson, Colfax County, N. Mex.

NEW YORK.

Charles Voss to be postmaster at Tannersville, Greene County, N. Y.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March 27, 1908.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. TAWNEY, from the Committee on Appropriations, reported the bill (H. R. 19955) making appropriations to supply certain additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908, which was read a first and second time, and, with the accompanying report, ordered to be printed and referred to the Committee of the Whole House on the state of the Union.

Mr. SHERLEY. I desire to reserve all points of order.

The SPEAKER. The gentleman from Kentucky reserves all points of order. The bill will be printed and referred to the Committee of the Whole House on the state of the Union.

Mr. SULZER. I object.

The SPEAKER. The gentleman's objection does not hold. Under the rules of the House the bill will be committed to the Committee of the Whole House on the state of the Union.

Mr. TAWNEY. Now, Mr. Speaker, I ask unanimous consent that the committee be discharged from the further consideration of the bill, and that the same be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the consideration of the bill, and that the same be considered in the House as in Committee of the Whole.

Mr. SULZER. Mr. Speaker, I object.

The SPEAKER. The gentleman from New York objects.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill which I have just reported.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill, with Mr. DALZELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of a bill which will be reported by the Clerk.

The Clerk read as follows:

Be it enacted, etc., That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in the appropriations for the fiscal year 1908, namely:

TREASURY DEPARTMENT.

INDEPENDENT TREASURY.

For paper for interest, transfer, redemption, pension, and other checks and drafts for the use of the Treasurer of the United States, assistant treasurers, pension agents, disbursing officers, and others, $1,500.

NAVAL ESTABLISHMENT.

INCREASE OF THE NAVY.

Toward the armament and armor of domestic manufacture for vessels authorized, $2,000,000.

HOUSE OF REPRESENTATIVES.

For furniture, and materials for repairs of the same, $4,000.

For miscellaneous items and expenses of special and select committees, exclusive of salaries and labor, unless specifically ordered by the House of Representatives, $20,000.

Mr. TAWNEY. Mr. Chairman——

Mr. SULZER. I move to strike out the last word.

The CHAIRMAN. The gentleman from Minnesota [Mr. TAWNEY] is recognized.

Mr. TAWNEY. Mr. Chairman, I will say in explanation of the bill that there are but very few items carried, the principal one being a deficiency item of $2,000,000 for armor and armament of the Navy.

In the first item, for paper for interest, transfer, redemption, pension and other checks and drafts for the use of the Treasurer of the United States, assistant treasurers, and so forth, there will be a small deficiency, on account of the change in the character and quality of the paper which the Departments have directed the Treasurer to use, as they have the right to do.

The deficiency in the item "toward armor and armament of domestic manufacture for vessels authorized, $2,000,000," arises out of the fact that the vessels heretofore authorized and that are now under contract are being completed far more rapidly than heretofore, or than was anticipated; consequently the expenditure of the appropriation has been more rapid than it otherwise would have been, and the Secretary of the Navy informed the committee on yesterday——

Mr. SULZER. Will the gentleman permit a question?

Mr. TAWNEY. In just a minute. The Secretary of the Navy informed the committee on yesterday that there would be a sufficient amount remaining from this appropriation to pay all the contract obligations for armor, but in that event it would be impossible to continue the operation of the gun factory at the Washington Navy-Yard, which is manufacturing the armament for the vessels that are under contract. The Government is obliged to furnish this armament, as well as the armor, under the contract with the builders of the ships, at stipulated times, and in the event of its failure to do so it is penalized under its contract.

Mr. SULZER. Mr. Chairman——

Mr. TAWNEY. I will yield to the gentleman from New York.

Mr. SULZER. I wish to ask the gentleman from Minnesota, chairman of the Appropriations Committee, if this deficiency for paper for the Treasury Department would have occurred if Congress had taken the duty off wood pulp?

Mr. TAWNEY. That is a question, Mr. Chairman, that I know nothing about. All I know is that the paper of the character and quality which is now being used is better and more expensive than the paper heretofore used, and inasmuch as the Secretary of the Treasury is obliged to provide this paper to print the checks for other Departments, and can not control the quality or character of the paper purchased, he simply complied with the law. The Treasurer is obliged to purchase the paper, which can only be purchased at this additional expense.

Mr. SULZER. In my opinion, if the duty was taken off wood pulp the Government would be able to get the paper which is required at a much cheaper rate and it would be a great saving to the taxpayers of the country.

Mr. TAWNEY. Well, Mr. Chairman, I only yielded for a question. I want to say to the gentleman from New York that the paper used in the printing of checks for the Government is not manufactured out of wood pulp, but is manufactured out of rags, linen, and material of that kind.

Mr. SULZER. Is the gentleman positive about that?

Mr. TAWNEY. I am.

Mr. SULZER. My information is the other way; however that may be, this deficiency is a small item. Now, I would like to inquire, if the gentleman can give us the information, why it is necessary now to pass this appropriation for $2,000,000 for the Navy Department? Why can not that go into the regular naval appropriation bill, which is coming up very soon?

Mr. TAWNEY. It can not go into the naval appropriation bill, as the gentleman from New York well knows, or as he ought to know if he knows anything about the rules of the House. It is a deficiency appropriation and can not be carried on the annual appropriation bill. The necessity for appropriating it at this time is the fact that the work in the gun factory in the Washington Navy-Yard must cease and the employees be thrown out of employment unless this appropriation is made, and also because if it is not made now the Government will not be able to meet contract obligations with the builders of ships who furnish the armament and armor for the vessels that are contracted to be built, and therefore the Government would be penalized.

Mr. SULZER. Do I understand that the $2,000,000 will be used to pay the employees in the gun factory at Washington?

Mr. TAWNEY. It will be used to carry on work at the gun factory for the remaining portion of the fiscal year, and also to enable the Government to meet its contract obligations.

Mr. SULZER. I am in favor of the gun factory at Washington, and anything that will keep the men now there employed meets with my hearty approval.

Mr. TAWNEY. Then I hope the gentleman from New York will permit this bill to pass without further obstruction.

Mr. SULZER. I did not hear what the gentleman said.

Mr. TAWNEY. I said I hoped the gentleman's interest for continuing the employees in the gun factory would prompt him to let the bill proceed without further obstruction.

Mr. SULZER. I am not obstructing it, but I want you to pass the bill in accordance with the rules.

Mr. TAWNEY. That is what I am doing.

Mr. SULZER. I will see that you do it.

Mr. TAWNEY. The next item, Mr. Chairman, is furniture and materials for the repairs of the House of Representatives, $4,000. That deficiency was occasioned by the fact that the committees that have moved over to the House Office Building have taken their furniture with them, and the Clerk has been required to refurnish them for the committees that now occupy them.

The $20,000 deficiency for miscellaneous items and expenses of special and select committees ordered by the House of Representatives arises from the fact that during this session of Congress the House has authorized the appointment of employees of the House and authorized compensation to such employees to the extent of $43,000. Then there is $4,000 that has been authorized to be paid out of the contingent fund to the families of deceased employees, making a total authorization on the part of the House during the session of $47,216.07. Now, Mr. Chairman, I will yield ten minutes to my colleague on the committee, the gentleman from Ohio [Mr. KEIFER].

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the gentleman a question before he takes his seat.

Mr. TAWNEY. I yield to the gentleman from Missouri.

Mr. CLARK of Missouri. I see one item here is for paper, checks, and drafts in the Treasury Department, $1,500. This is a deficiency bill.

Mr. TAWNEY. Yes.

Mr. CLARK of Missouri. What has ever become of that celebrated criminal statute we passed here once to provide for punishing heads of Departments who create deficiencies?

Mr. TAWNEY. Well, it is still on the statute books.

Mr. CLARK of Missouri. Why don't they enforce it?

Mr. TAWNEY. Because there is no ground for its enforcement against this item.

Mr. CLARK of Missouri. Why not?

Mr. TAWNEY. Because this is one of the excepted items. The printing of these checks by the Treasury Department for the other Departments is a statutory requirement. Now, as I tried to explain a moment ago to the gentleman from New York [Mr. SULZER], the character and quality of all the paper purchased is not entirely under the control of the Treasury Department. During the current fiscal year the Post-Office Department in particular has entirely changed the character of the paper used in the printing of checks for the use of that Department. By reason of this change in the quality of the paper the expense has been $1,500 more than was estimated for during this year.

Mr. CLARK of Missouri. Has that criminal statute ever been enforced against anybody?

Mr. TAWNEY. It has been enforced by the Committee on Appropriations in every instance where a deficiency estimate has been asked for, when it was not a legal deficiency, by not allowing the items estimated for.

Mr. CLARK of Missouri. The Committee on Appropriations has no criminal jurisdiction.

Mr. TAWNEY. It does not claim to have.

Mr. CLARK of Missouri. Well, that is a criminal statute.

Mr. TAWNEY. Yes.

Mr. CLARK of Missouri. Why does not somebody enforce it once in a while?

Mr. TAWNEY. Why does not the gentleman from Missouri?

Mr. CLARK of Missouri. I am not running the criminal department of the Government. I wish I could for about a week or two.

Mr. TAWNEY. Perhaps if the gentleman from Missouri will give his information to the Department of Justice he may secure prosecution, but I will say for the information of the gentleman that so far as the Committee on Appropriations can enforce this statute it is doing it by refusing to allow deficiencies except those that come within the law.

Mr. CLARK of Missouri. Did not the gentleman promise the House that if we would enact this statute it would put an end to this performance on the part of the heads of Departments of creating deficiencies?

Mr. TAWNEY. I do not know that I promised that we would put an end to it, but I did say that it would greatly reduce the deficiencies. I recognized then, as I do now, that there can be a legal deficiency in an appropriation, and I want to say to the gentleman from Missouri that while the deficiency appropriations in the first session of the last Congress, before this statute was enacted, aggregated $33,000,000 the legal deficiencies in the last session of Congress for the last fiscal year were only a little over $3,000,000.

Mr. CRUMPACKER. Let me ask the gentleman a question. Does the gentleman know of a single instance where a Department officer has violated that statute in such a fashion as to incur the penalty that it carries?

Mr. CLARK of Missouri. Is the gentleman asking the gentleman from Minnesota or me?

Mr. CRUMPACKER. Either one. Let me suggest this: I understand that that statute simply prevents any Department officer from incurring a liability on the part of the Government beyond the current appropriation, but it does not prevent a Department officer from using the entire appropriation within nine months, for instance, and reporting to Congress the situation; and an appropriation to cover out the balance of the fiscal year would be a deficiency appropriation, but the conduct of the Department official would not be criminal in the sense of the law. It does not cover cases like that at all.

Mr. CLARK of Missouri. Then the gentleman's position seems to be this: That if they create a deficiency during the first nine months of the fiscal year they make themselves amenable to this criminal statute, whereas if they do it during the last three months they go scot-free.

Mr. CRUMPACKER. The statute does not prevent the creating of deficiencies. The statute makes it a criminal act for a Department officer to contract a liability beyond an appropriation; that is all. It does not make it a criminal act that a deficiency may arise.

Mr. FITZGERALD. The gentleman is mistaken. They are required to apportion the appropriation so that no more shall be expended——

Mr. CRUMPACKER. In some instances they are required to do it, but that is a matter of judgment.

Mr. FITZGERALD. It is a matter of absolute requirement in the statute.

Mr. CRUMPACKER. The statute simply prohibits the incurring of liabilities on the part of the Government beyond appropriations.

Mr. FITZGERALD. It does more than that.

Mr. CRUMPACKER. I think not.

Mr. FITZGERALD. But I know.

Mr. TAWNEY. Mr. Chairman, I do not like to differ with my friend from Indiana in his interpretation of the statute, but I am forced to do so in this instance. The deficiency statute does require the apportionment of all appropriations made for the public service except those that are made for the fulfillment of contracts and except those where services are required by the statutes, and with those two exceptions the other appropriations must be apportioned so as to prevent a deficiency. Then the law further provides that when this apportionment is once made it can not be waived by the head of a Department except upon the happening of some extraordinary emergency or other unusual circumstance which could not be reasonably anticipated at the time the apportionment was made. Now, no one of the appropriations required to be apportioned by the statute can be waived except upon the happening of an unusual circumstance or extraordinary emergency, and if it is waived in any event the reason for the waiver must be submitted to Congress, and then Congress can itself determine whether or not the grounds upon which the apportionment was waived was an extraordinary one or an unusual circumstance. Except in those instances they are not permitted to expend more than the amount appropriated for the entire year, and if they do it they subject themselves to the penalty of the law.

Mr. CRUMPACKER. Just a suggestion. I think when that statute is analyzed it will be found that its penal provisions simply prevent the incurring of a liability beyond the appropriation. This directory matter——

Mr. TAWNEY. Pardon me, if the gentleman from Indiana will permit, he is referring to a different statute.

Mr. CRUMPACKER. It may be I have the wrong statute in mind——

Mr. TAWNEY. You have the wrong statute in mind.

Mr. CRUMPACKER. But I believe I am right about it.

Mr. TAWNEY. I now yield fifteen minutes to the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. Mr. Chairman, I do not think I will occupy the whole of that time. If I can have the attention of the committee, I will try to be very brief in what I have to say. The first item in this deficiency is one I do not care to speak about. It has been sufficiently explained by the chairman of the Committee on Appropriations, and relates to an additional appropriation for paper for interest, transfer, redemption, pensions, and other checks and drafts, and so forth, and seems to be entirely explained by him. The items under the head of "House of Representatives" are of a class for which we always appropriate. This appropriation is for furniture and materials for repairs of the same, $4,000, and is the first item under that head. That, it is said, is made necessary by the removal from rooms in the Capitol Building to rooms in the Office Building, the committees moving taking their furniture along and leaving the old rooms unfit for occupancy without being refurnished. Then we come to the next and more important item under the head of House of Representatives, which proposes to appropriate $20,000 for miscellaneous items and expenses of special and select committees. It seems that since this session commenced we have authorized new and select committees and we have authorized em-

ployment of clerks, janitors, and so forth, so as to increase the appropriation for such purpose over and above the regular appropriation of former years about $20,000. I wish to say that the Committee on Appropriations do not desire to have it understood that they are responsible in any sense for this additional appropriation. It simply does what it feels it is bound to do because the House of Representatives has directed the incurring of these additional expenses and to pay these newly employed people, and it becomes the duty of the Committee on Appropriations to appropriate the money in pursuance of the action of the House. But now, turning back to the appropriation proposed under the heads of the "Naval establishment" and Increase of the Navy," we find an appropriation, "Toward the armament and armor of domestic manufacture for vessels authorized, $2,000,000." I understand the gentleman from Missouri [Mr. CLARK] regards this $2,000,000 as a deficiency. It comes in here in what we denominate "a special deficiency bill," but it is in no sense a deficiency at all, and I wish to say for the Secretary of the Navy, for the officer having this matter in charge, Admiral Mason, that they, neither of them, regard this as a deficiency.

There is no deficiency, Mr. Chairman, in this item, and if we should fail to appropriate this $2,000,000, or some sum, there would still be no deficiency in this fiscal year. It is a question whether we shall appropriate this $2,000,000 to the end that we may continue to build battle ships authorized by laws of Congress. The contracts have been let and the work has been commenced, and a certain per cent of the work has been done upon various battle ships, cruisers, and so forth. Largely these contracts were let before the appropriation for the naval establishment was made for the present fiscal year. The Secretary of the Navy and the heads of bureaus under him are simply following out what the law authorizes the Department to do. The distinguished gentleman from Missouri [Mr. CLARK] seems to want to arraign the Committee on Appropriations, or perhaps only its chairman, for not having punished somebody under the act of February 27, 1906. It has been stated by the chairman that that act does not apply, and he is right, in my opinion. I will read a part or all of the provision of that act bearing on the subject:

All appropriations made for contingent expenses or other general purposes, except appropriations made in fulfillment of contract obligations expressly authorized by law, or for objects required or authorized without reference to the amount annually appropriated therefor, shall, on or before the beginning of each fiscal year, be so apportioned by monthly or other allotments as to prevent expenditures in one portion of the year which may necessitate deficiencies or additional appropriations to complete the service of the fiscal year for which said appropriations are made.

It will be noted, Mr. Chairman, that this proposed appropriation of $2,000,000 for the naval establishment is expressly excepted, because it is an appropriation made in fulfillment of contract obligations expressly authorized by law, and for an object required or authorized, as the statute states. It is not a question of allotment at all under the provision of the act just read. We have entered upon the matter of building battle ships. Wisely or not, that is immaterial to the present inquiry. We are engaged in this work now. We are building ships, the construction of which has been commenced long ago. We are building the *North Dakota* and the *Delaware*, authorized by the Fifty-ninth Congress. We are appropriating money to the end that we may at some time or other get these battle ships completed and constructed with proper armor and armament, to be useful in case of war, or, what is still better, to be useful in preventing war. It is not a question of deficiency in any sense at all. As the hearings will show, in the statements made by the Secretary of the Navy and by Admiral Mason, it is proposed to have this appropriation in order to avoid a deficiency and in order that we may go on with work at the Washington Gun Factory here and at the Washington Navy-Yard and at other places and other stations over the country, supplying the material that the Government is required to supply under its contracts with the constructors of these ships, first, to prevent claims for damages in cases of delay, and, second, to prevent men from being thrown out of employment where they are now employed, and also to the end, which is the chief end, that we may hasten the completion of these battle ships. This is of the first importance, of course.

Mr. CARLIN. Will the gentleman yield for a question?

Mr. KEIFER. Certainly.

Mr. CARLIN. I would like to ask the gentleman how much of this $2,000,000 will be used at the Washington Navy-Yard?

Mr. KEIFER. If I had the time I would read from the hearings before the subcommittee of the Appropriation Committee. I refer the gentleman to the hearings that were taken yesterday before the subcommittee. They are already printed and will be furnished on application. They do not state, perhaps, the exact amount which will be used at particular places, but the principal amount of the money that will be expended in this preparatory work will be at the Washington Navy-Yard.

Mr. BURLESON. For the information of the gentleman, I will say that if this $2,000,000 is appropriated, it will be sufficient to meet the necessities of the Department until the beginning of the next fiscal year.

Mr. CARLIN. There will be no further discharges made there if this appropriation is passed?

Mr. KEIFER. It is not expected to make any further discharges, but to keep the work going, to the end that we may comply with that part of the Government's obligation in furnishing armament and armor, or whatever is necessary, to have the work go on and construct these vessels and to avoid claims by contractors against the Government for causing them delays in the building of the ships as the contracts provide.

Mr. CARLIN. Will the men who have been recently discharged be reinstated if this appropriation is carried?

Mr. KEIFER. I am not able to answer that question.

Mr. TAWNEY. I will say, Mr. Chairman, that there have been no men discharged. There have been some men furloughed, but if this appropriation is made these men will be put back to work again and will continue to work during the remainder of the fiscal year.

Mr. CARLIN. That is perfectly satisfactory to me.

Mr. KEIFER. I have no further remarks to make, Mr. Chairman.

Mr. TAWNEY. Mr Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Kentucky [Mr. SHERLEY] is recognized.

Mr. SHERLEY. Mr. Chairman, I desire to yield forty minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I rise for two purposes. First, I note in this morning's issue of the Post a news item headed—

President rakes DIEKEMA—Disapproves of House committee's action in Wilfley case—Calls Representative to account, and hot argument fails to alter opinion of either.

I shall not read the balance of the news item. I merely read the headlines and want to say now only this: That it is a part of our fundamental law that no Representative of the people shall be called into question for any vote or utterance or report made in his capacity as a Representative, and to add that our forefathers inserted that clause because it had been the habit of George III and other English kings to call to the king's palace members of Parliament and to berate them on account of their votes in Parliament; or, when members of Parliament called upon other business, to take advantage of the fact to berate them, sometimes in public, as reported in this case, and to class them amongst the crowd of "king's friends" or "no king's friends." I shall later on, the House permitting, examine into the truth of this statement, and if it be true I shall introduce a resolution to ask the Committee on the Judiciary to examine whether or not there has been upon the part of the Executive so grave a breach of the privileges of the House of Representatives. [Applause on the Democratic side.]

Now, Mr. Chairman, I have been for several days ill, and I am not well now. Upon yesterday, with a view of giving certain ideas of the minority in connection with the President's last message to the country, and to save myself the physical work of making a speech, I gave an interview to the press. I find, judging by the report of it in this morning's Post, that this interview has been curtailed, misemphasized, and garbled, and otherwise—oh, well, without words of complaint that are useless, and to make a long story short, it becomes necessary for me this morning to do what I have never done before, to read an utterance of my own, to wit, the real interview, to the House. I am going to read the interview as I gave it out, so that it may go into the CONGRESSIONAL RECORD and speak for itself.

The Washington Post took the liberty to head that interview with this preamble:

It is understood to be an attempt on the part of the minority to gain considerable credit for legislation of the sort that may be decided upon by the Republican leaders before the close of the session, so that the Democratic party may gain considerable advantage in the coming national campaign.

Words of criticism from me as to the evident unfairness and animus of that sort of voluntary and attributed exordium are unnecessary, especially in view of the fact that I am informed that the Associated Press gave an introduction to it which was stricken out by the journal that I hold in my hand, and this introduction substituted for it.

Now, Mr. Chairman, the interview which I really gave out was this:

"Some things in the President's recent message are so immedi-

ately important to the interests of the entire country as to pass the bounds of partisanship, and to make it excusable, at any rate, if not to make it necessary, that I should say something concerning them with the view of assuring the President himself, and reasonably inclined Republican Members of the House, and the country as well of the support and indorsement or opposition of the Democratic minority."

"In so far as the things urged by the President are good things, I would like the country to know that all he has to do is to deliver twenty-nine Republican House votes in favor of them. These conjoined with the solid Democratic vote will put them through." [Applause on the Democratic side.]

"I was sorry to note in the President's message the absence of reference to a campaign contribution publicity bill, giving names, post-office addresses, and amounts of contributions, and providing for their publication before the election. [Applause on the Democratic side.] In past messages, however, he has urged this, and it is therefore well, perhaps, that I should say that the virtually solid Democratic vote will be behind legislation of this sort within constitutional limit."

"The Democratic party has ever been a friend of all legitimate demands of labor, and has therefore stood for constitutional regulation of child labor, not only in the interest of labor generally, but in order that the fathers and mothers of the next generation may be physically and mentally fit progenitors of the generation to succeed them." [Applause.] I shall ask gentlemen not to applaud, because it will take the whole of my time to read this, and, as I have already announced I would object to unanimous consent for others to extend, I could not, of course, expect that courtesy to me. "The following quotation from the President's message, therefore, meets with our hearty approval:"

> Child labor should be prohibited throughout the nation. At least, a model child-labor bill should be passed for the District of Columbia. It is unfortunate that in the one place solely dependent upon Congress for its legislation there should be no law whatever to protect children by forbidding or regulating their labor.

"The first sentence requires more particular notice. Child labor ought to be prohibited throughout the nation, but the States are the sole authorities having constitutional power to prohibit it *within* the States. If those who would protect the children of the land, and through them the generations to come, would waste less of their time and energy in the useless agitation for invalid and unconstitutional Federal legislation and would devote more of their time to that purpose in the several States it would be better for all."

"The holding out the hope of some efficient Federal legislation merely wastes and dissipates energies of those who are devoted to the cause. Nothing more absurd than the Beveridge child-labor law was ever offered to Congress. To say that a given product should not pass through interstate commerce because it was manufactured in a factory where children were employed, and are permitted by the State law to be employed, is a stretch of the interstate-commerce clause of the Constitution no less strenuous and no less ridiculous than a law which should say that a divorced man or woman should not travel upon an interstate-commerce passenger ticket unless the State law under which the divorce had been granted met with the approbation of the Federal Government."

"But the President is right in saying that we can act for the District of Columbia, and I will add for the Territories as well, and that we ought to do it. Those who are always complaining of the ineffectiveness of State legislation and imagining that Federal legislation is a cure-all are singularly rebuked by the spectacle of the condition of legislation not only in the District of Columbia, but in the Territories, where Congress has almost full legislative power. Perhaps the worst corporation laws in the Union, outside of New Jersey, are in Arizona, and perhaps the poorest labor laws anywhere are in the District of Columbia."

"I was glad to see in the President's message the following clause:"

> I renew my recommendation for the immediate reenactment of an employers' liability law, drawn to conform to the recent decision of the Supreme Court. Within the limits indicated by the court, the law should be made thorough and comprehensive.

"There is no excuse for the delay upon the part of the Republican members of the Committee on the Judiciary in the House of Representatives in reporting out an employers' liability law. Their delay at least arouses, if it does not justify, a suspicion that they are having a lot of useless hearings simply for the purpose of using that bill as a buffer to prevent the serious consideration of other bills pending before the committee. For example, the Clayton bill to put an end to temporary restraining orders of Federal courts granted on mere ex parte corporation testimony, invalidating State laws, and the various bills there pending to recognize the police power of the States in dealing with alcoholic stimulants when introduced into prohibition territory and to use the interstate-commerce power of Congress as auxiliary to the enforcement of State policy. I have given notice in the House that no legislation shall be enacted by unanimous consent until an employers' liability bill is at least reported for the consideration of the House. The President can be assured of the absolute support of the unanimous minority in this matter."

"The succeeding clause of his message also meets with unanimous Democratic approval:

> In addition to a liability law protecting the employees of common carriers, the Government should show its good faith by enacting a further law giving compensation to its own employees for injury or death incurred in its service. It is a reproach to us as a nation that in both Federal and State legislation we have afforded less protection to public and private employees than any other industrial country of the world.

"I have had several cases called to my attention where constituents were injured in the service of the Government and where no sort of recourse or remedy exists, not even where the injury occurred through gross negligence upon the part of the governmental authorities.

"There are very few, if any, Democrats in the House who do not indorse the next quotation which I shall make from the President's message, to wit:

> No temporary restraining order should be issued by any court without notice; and the petition for a permanent injunction upon which such temporary restraining order has been issued should be heard by the court issuing the same within a reasonable time—say, not to exceed a week or thereabout from the date when the order was issued.

"This is especially applicable to temporary restraining orders setting aside upon a mere ex parte hearing the solemn law of a sovereign State deliberately enacted. I have given notice in the House that until Congress is given an opportunity to vote upon this proposition no legislation by unanimous consent shall occur. I am sorry that the President could not see his way to go one step further, and to say that where a constructive contempt of court is committed; that is to say, a contempt not in the presence of the court—the party alleged to have committed it shall, before being deprived of liberty or property, be entitled to a trial by jury. Of course, I take it that nobody will understand the President or me to mean that there should be any limit upon temporary restraining orders when issued for the purpose of preventing immediate and otherwise unavoidable destruction of property or of life or limb. When I say property I do not mean judicially construed "property rights," but property."

The President says in another part of his message that "nothing should be done to legalize a blacklist or boycott that would be illegal at common law." So say we all of us, but it is a sad commentary upon this utterance of his that while the Federal courts have held that a "boycott" is a combination in restraint of trade, and therefore illegal, other Federal courts have virtually upheld the employer in his assertion of a right to blacklist, because one Federal court went so far as to say that *because* the employer had a right to discharge without giving any notice at all, that *therefore* he had a right to discharge because the man discharged was a member of a labor union! It is a poor rule that does not work both ways."

"Another decision of a Federal court, the decision by Judge Gould, has gone so far as to say that a labor union newspaper should not publish the name of a firm under the heading, "We do not patronize." There ought to have been no quarrel with the decision that the journal had no right to publish the name of an individual or firm under the heading "Unfair list," because the very use of the word "unfair" might have been in itself slanderous or libelous—was, at any rate, insulting. But that any body of men have not the right to publish a list of the people whom they do not propose to patronize has seemed to me to be going very far. The analogy of the decision in the Federal court in the case that I have previously referred to might have applied. A man has a right to patronize or not to patronize anybody, according to his own sweet will, and he therefore has the right to publish the names of those that he does not patronize. It makes no difference what reason he may give, provided the reason given is not insulting, slanderous, libelous, or injurious in its character."

"The next clause from the President's message, to wit:"

> I am of the opinion, however, that one change in the tariff could with advantage be made forthwith. Our forests need every protection, and one method of protecting them would be to put upon the free list wood pulp, with a corresponding reduction upon paper made from wood pulp, when they come from any country that does not put an export duty upon them—

"meets with Democratic approval, except that it does not go quite far enough. Not only ought wood pulp to be placed upon the free list, but print paper ought to be placed there also.

The publishers and readers will not be very much benefited if wood pulp be placed upon the free list if at the same time there be only a slight reduction of the duty upon print paper. Both should go there, not only in the interest of the preservation of our forests, but in the interests of the cheap dissemination of ideas. The world grows and civilizes and refines itself by the dissemination of ideas, and every tax upon intelligence is a relic of barbarity."

"I am sorry to see that the President did not follow this up by a recommendation for free works of art as well, because these, too, are refining agencies, it being almost as important to cultivate the taste of a people as it is to cultivate the growth of information among them."

"I do not know whether the majority of the Democratic party will indorse the President's utterances in favor of a permanent Waterways Commission or not. I myself have long been of the opinion that we ought to have a "board of public works," which would include not only the waterways, but public buildings. Congress should make a lump-sum appropriation each year and the waterways and public buildings should be provided for out of that sum by the board of public works, thus relieving Congress not only of much unnecessary work but of a great deal of logrolling. [Applause.] Every rivers and harbors bill and every public buildings bill, must necessarily carry upon it a few unworthy projects in order to gain the number of votes in the House and Senate necessary to put it through. This country ought to appropriate $50,000,000 a year for waterway improvements, and not less than $10,000,000 a year for public buildings, and the distribution of this amount ought to be made, not for the purpose of strengthening a bill in the House or Senate by getting votes for it, but in the interest of real economical progress. We can spare the money by curtailing military expenses and waste."

"One more clause in the President's message meets with my unqualified approval. It is this:

> Numerous bills granting water-power rights on navigable streams have been introduced. None of them give the Government the right to make a reasonable charge for the valuable privileges so granted, in spite of the fact that these water-power privileges are equivalent to many thousands of acres of the best coal lands for their production of power. Nor is any definite time limit set, as should always be done in such cases. I shall be obliged hereafter, in accordance with the policy stated in a recent message, to veto any water-power bill which does not provide for a time limit and for the right of the President, or of the Secretary concerned, to fix and collect such a charge as he may find to be just and reasonable in each case.

"Personally, I applaud that. In a bill concerning the disposal of certain water powers in the State of Washington, I voted unavailingly in the negative, although I thought it right not to interpose an objection to unanimous consent, which would have prohibited the fair and full consideration of the measure by the House. In that vote and fight against the bill I was joined by a large majority upon the minority side of the House, and the bill passed by only a small majority. In another case in the last Congress I voted and spoke against a bill which was to turn over to a private corporation the right to canalize certain streams in the State of Pennsylvania. It seemed to me wrong then, as it seems to me now, to set the precedent of turning over the water routes of the country or any part of them for navigation or for power purposes to private corporations, with a right to charge toll thereupon. If a work of canalization be sufficiently important to receive Federal notice at all on the ground that it is productive of benefit to interstate commerce, then it ought to be sufficiently important to secure the doing of the work by the Government and its free use by the people."

"There are objectionable things in the President's message as one might naturally expect, considering his education in the line of Hamiltonianism and his ingrained tendencies toward Federalism—things which can not meet with Democratic approval. One of them is his idea that the Attorney-General, representing the Government, should have the right to nominate receivers when a common carrier is thrown into the hands of a receiver. That right ought to rest in the court and not in the Executive, nor in any representative of the Executive. It is a judicial proceeding, and a separation of the executive and judicial powers ought to be preserved. The court has the right and the power now to avoid the evil which the President deprecates, and any judge who would, to use the President's language, "appoint as receiver the very man or men the failure of whose policy may have necessitated the creation of the receivership" is corrupt or conniving and ought to be impeached. That it is sometimes done is no doubt probably true, but the right way to correct the evident wrong is to bring public opinion to bear upon the judges who allow themselves thus to be dictated to by manipulators of large concerns, who in many cases have so manipulated them as to make the stockholders and the general public both lose money, while they—the manipulators—alone have made it."

"The President's utterances concerning the antitrust law are an indication of his utter and innate inability to see that which will appear plain to a Democratic mind, to wit, that anything approximating a private monopoly is intolerable and unendurable under a free government. His attempt, and that of others, to classify trusts and monopolies as "good trusts" and "bad trusts" is abhorrent. There can be no such thing as a good trust. There have been good emperors, but never a good empire; good kings, but never yet a good monarchy, simply because one-man power, whether exerted benevolently or malevolently, is contrary to Democratic instinct; and that instinct is right, because even the best of men with too much power grow worse than they were before they were tempted by power. So there may sometimes be a good trust magnate who uses his powers benevolently, but the power is too much fraught with danger to be vested in one man or a few men. No wonder his late message has been welcomed on the Wall street curb as 'a truce in his fight on combinations,' and that rumors are afloat that large campaign contributions are resulting."

"I am sorry to see that the President did not cut the Gordian knot presented by the late decision of the Federal court, virtually declaring labor unions to be trusts, in a perfectly frank way. We ought simply to enact a law saying that "farmers' unions or associations, formed for the purpose of improving agricultural methods, increasing the quantity of crops, decreasing the expenses of marketing them, improving the quality of crops, and stabilizing the price of agricultural products shall not be construed to fall within the inhibitions of any existing law." The debates in both Houses at the time the antitrust measure was adopted show that this was the clear intention of Congress, and the court will be exceedingly technical, indeed, if it subjects them, as it has virtually subjected labor unions, to the operation of a law that was never intended to cover them. The same statement is true as to labor unions. Labor unions are legalized in Great Britain and in every other free country, and as the President's own message—this very one—proves, have been legalized here. We ought simply to provide that "organizations of labor and workingmen for the purpose of securing shorter hours of labor or higher pay or more equitable treatment shall not be construed to fall within the inhibition of any existing law so long as the methods pursued by them are peaceable and orderly." There is no danger of monopolistic abuses in connection with farmers' unions or labor unions."

"Agriculture is the basic industry of the world and progress is very largely measured by comparison of the condition of agriculture from time to time in any given country whose history or condition is being considered. From the very nature of the farmer's pursuits he can not form a monopolistic association. Again, the progress and civilization of the world depend very largely upon the world's going on from day to day increasing its output of product per man while shortening its hours of labor; and, in our free Republic especially, the success of our democratic experiment very largely depends, and must depend, upon placing the common people, including the workingmen, upon a plane of intelligence and refinement which shall render them capable of self-government, and this can never occur as long as they are brutalized by hours of labor too long or by rates of pay too low, thus leaving them without means of leisure to improve their minds and to refine their souls. As Sir Matthew Hale said years ago:"

> Time may properly be divided into three equal parts: eight hours for sleep, eight for work, and eight for worship, edification, and amusement.

"Our experiment in democratic government will prove a failure and Macaulay's prophecy be fulfilled when we once reach a condition of very dense settlement all over the country, with millions more than we have now of wageworkers, unless these workingmen shall work under conditions such that their labor shall not brutalize them and shall not prevent them from rendering themselves sufficiently intelligent as citizens to be sound judges of the public good and not mere envious seekers for class domination. Every effort to prevent the American workingman from improving his condition and by peaceful association raising himself to a higher plane leaves in control of labor opinion the foreign element of the workingmen, who do not comprehend our institutions, and that class of our native workingmen, as well, who are ignorant and illiterate; in a word, the enemies of all government who strike out with their blind fists against the limitations of comparative poverty.

"During the consideration of the penal code in the House an effort was made by several Democrats to forestall the very construction which has just been placed upon the law by the Supreme Court. It met with united Republican opposition. No man who loves his country is in favor of permitting labor-

ing men or any other class of men to resort to violence or to take the law into their own hands or to set themselves aside as a ruling class to intimidate legislation or legislators in any way. But, nevertheless, every man who loves the cause of the democratization of the world will solve points of doubt in favor of the weak and the laboring. Those of us who have never had to labor with our hands and who have been able to give our minds up to improvement of intellect or to amusement are the very men of all men who ought to be most careful not to permit a feeling of hopelessness and helplessness and blind envy to sink into the hearts of our workingmen." [Applause.]

"The President's idea of letting the substantive part of the antitrust law remain as it is, but giving to some branch of the Executive Government authority to determine when a trust is a good trust and when it is a bad one—in effect to license one and to restrain another—is so very vicious in its ultimate effects, if adopted, that it would seem that no friend of a well-ordered government *could* stand for it. Already we have a law upon the statute books making it the duty of the Bureau of Corporations to collect certain evidence concerning corporations, and then we have a provision of that law making it discretionary with the President of the United States whether or not the evidence thus collected shall be published for the use of Congress and the people. If you add to that and to the arbitrary power now existing in the Post-Office Department concerning the mailability of newspapers and magazines, the further arbitrary power to be lodged in an executive officer to hold a big stick over all sorts of combinations and trusts; to say to one, "You may operate," and to another, "You shall not operate," we shall have made the very longest single stride ever taken in the history of this country in behalf of the arbitrary government of men as distinguished from the prescribed government of laws. What a campaign-fund begetter it would be!"

"As to the President's proposition for tariff revision by investigation and consideration at the hands of a commission composed of Members of the House and Senate and five so-called "experts," it is both cumbersome and useless. Aye, it is worse than that. It would be fraught with necessary evil. Men who are designated by Republicans to be tariff experts are always men who are engaged in certain industries protected under the tariff, and they are "expert" in knowing just what measure of duties it is necessary to have in order to enable them to exploit the consumers of their product under the shelter of tariff legislation. Nobody is ever recognized as an "expert" upon tariff questions except somebody who is interested in maintaining a tariff tax. Besides that the plan is a reflection upon the intelligence of the House of Representatives. The very best possible tariff commission is a commission consisting of the representatives of the people selected by the people, supposedly in the interest of the people. Even that body has too many men really and concealedly selected by private interests in the interest of private interests. If the Republican party can not furnish a Ways and Means Committee with sufficient intelligence to revise the tariff, then will it surrender the reins of power to us of the minority and let us see whether we can or not? At any rate, we are not willing to confess beforehand that we can not.

The Republican slogan has been a "revision," and here of late, since the Illinois idea has come into play, an "adjustment" of the tariff "by the friends of the tariff." In the name of God, when will the tariff ever have more friends in legislative halls than right now? A good, big, easily controlled majority in the House of Representatives, obedient to every nod of the four or five Republican leaders; a two-thirds majority in the Senate, and a unanimous and impulsive majority in the White House, ought to be sufficient. Why wait on a commission? Why not proceed now? Why wait until *after* the election? Why not prove to the people by a bill formulated *before* the election that the Republican party has the wisdom and patriotism to confront the actual and crying situation? Can it be that Republican leaders here are aware of the fact that any tariff concocted in their Committee on Ways and Means and enacted by their House of Representatives, if promulgated and made known before the election, would be so vicious in its provisions as to lead the people of the United States to thrust the Republican party "by crop and by neck" out of power? I make no such charge as that. I can not believe that we have fallen upon such evil days. But I do submit that this constant halting and backing and filling and suggestion of one device after another to prevent prompt and effective action upon a great subject—some action in connection with which is everywhere admitted to be wise—is rather an argument that Republican leaders, at any rate, entertain that view, which I would scorn, as an American patriot, to express, even concerning them. [Loud and long continued applause on the Democratic side.]

The Clerk read as follows:

TREASURY DEPARTMENT.

INDEPENDENT TREASURY.

For paper for interest, transfer, redemption, pension, and other checks and drafts for the use of the Treasurer of the United States, assistant treasurers, pension agents, disbursing officers, and others, $1,500.

Mr. DIEKEMA. Mr. Chairman, I move to strike out the last word.

I rise for the purpose of explaining to the House at this time the suggestion which was made by the distinguished leader of the minority, the gentleman from Mississippi. In beginning his remarks this morning he said he arose for two purposes, and the first of those purposes to which he referred was an article appearing in the Washington Post this morning headed:

President rakes DIEKEMA—Disapproval of House committee's action in Wilfley case—Calls Representative to account, and hot argument fails to alter opinion of either.

Then there are certain references to King George and his tyranny, and the gentleman closes by saying that he will hereafter introduce a resolution in order that it may be determined whether or not the privileges of the House of Representatives have been infringed upon by the executive branch.

Mr. WILLIAMS. If the gentleman will permit me to interrupt him, I want him to get my statement correctly. I said I would do that if I found that the substance of what was reported occurred was what did occur.

Mr. DIEKEMA. The gentleman is correct.

Mr. WILLIAMS. And I will rely upon the gentleman as a witness as to that.

Mr. DIEKEMA. Exactly; and inasmuch as I do not think it would be just to President Roosevelt to let this statement go out to the people without a denial at the present time and thus do an injustice which a subsequent statement might not fully cover, I rise now to give the gentleman from Mississippi that full explanation which a subsequent resolution and investigation would elicit, this being what I consider my duty; and if I should remain silent at this time, it would be a cowardly neglect of duty and an injustice to the Chief Executive.

Now, let me say, in the first place, that the President did not send for me. That statement is an entire mistake. I went to the Executive office for the purpose of introducing to the President Governor Warner, of my State, and as we were conversing incidentally this subject came up for conversation, the President insisting that he believed that the report of the committee, which has now been made public by the subcommittee, relating to the investigation of Judge Wilfley would do that judge an injustice, and would, in his opinion, interfere with the administration of justice and the prestige of the American nation in China. On the other hand, I endeavored to explain, as best I could, to the Chief Executive the report which the committee had made. I explained to him the grounds upon which our conclusions in that report rested. I endeavored to explain to him why we arrived at these conclusions of law and of fact; and, Mr. Chairman, not only did he not act as George the Third would have acted, in a spirit of intolerance, but he gave to me all the time I desired to present to him fully the position of the subcommittee which had made the Wilfley report. He did not agree with our conclusions. I did not agree with his conclusions. The President of the United States had a perfect right to debate this question with me and to learn upon what grounds we had based our report. As a Member of the House I had a perfect right to defend our position, and in a spirit of the utmost liberality and of the utmost consideration for me as a Member of the House, in a spirit of the utmost tolerance, the great President of the United States recognized the right of a Member of this House to debate with him the right of the matter as we assert it to be; and never in all that discussion did he display the least symptom of intolerance, but, on the contrary, the broadest spirit of American tolerance, such as has made our country great, and such as has exemplified the deeds of the President in the history of his past career. [Applause on the Republican side.]

Mr. WILLIAMS. I should like to ask the gentleman a question. Did or did not this occur at the meeting?

That the President thought when the members of the subcommittee took up the case of Judge Wilfley they should have gone no further than to find that the basis of the charges against him did not constitute an impeachable offense, and let it go at that.

Mr. DIEKEMA. It did not occur.

Mr. WILLIAMS. I will ask the gentleman if this occurred, because I am anxious to get at the facts, and I am perfectly willing to take the gentleman as my own witness:

The President is understood to have thumped on the desk to emphasize his points; so did Mr. DIEKEMA.